

**TOWN OF ORLEANS
TOWN MEETING WARRANTS**

for use at

**MONDAY, May 13, 2013
ANNUAL TOWN MEETING - 6:30 PM
&
SPECIAL TOWN MEETING – 6:30 PM
Nauset Middle School Gymnasium**



**ANNUAL ELECTION
TUESDAY, May 21, 2013
7:00 AM - 8:00 PM
Council on Aging Senior Center**

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***Please bring this copy of the warrant
to Town Meeting.***

**COPIES OF THIS WARRANT ARE AVAILABLE
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PLEASE CALL 240-3700 EXTENSION 415**

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MOTION CHART

Application of rules is indicated by the Motion's Numerical Sequence

Motions	Debatable	Non-Debatable	Amendable	Non-Amendable	Second Required	Second Not Required	Vote Required	May Reconsider	May Not Reconsider
1. Point of Order		X				X	n/a		
2. Previous Question Terminate Debate		X		X	X		4/5		
3. Postpone Indefinitely	X			X	X		MAJ	X	
4. Lay on Table		X		X	X		MAJ	X	
5. Amendment	X		X		X		MAJ	X	
6. Accept and Adopt	X		X		X		MAJ	X	
7. Consider Articles Out of Order	X		X		X		2/3		X
8. Reconsider	X			X	X		2/3		X
9. Adopt a Resolution	X		X		X		MAJ		X
10. Adjourn to Time Uncertain	X		X		X		MAJ	X	
11. Adjourn		X		X	X		MAJ		X

While a motion to amend is under discussion, a motion to postpone indefinitely displaces the previous motion, but a motion to adjourn cannot be taken up until the motion to amend is decided.

ORLEANS TOWN MEETING BYLAWS

Pursuant to the provisions of the Town of Orleans Charter duly adopted by voters of the Town of Orleans, the Town Clerk, with the advice of the Moderator, hereby adopts the following Town Meeting By-Laws:

Procedural Rules: The Moderator shall enforce procedural rules in accordance with general laws, the Charter, and these By-Laws.

Other Procedural Rules: If none of the rules set forth herein or in the Charter governs a situation at the Town Meeting, then rules which would be in effect with respect to the Town Meeting if the Charter had not been adopted shall apply.

Attendance: No person other than a legal voter shall be allowed on the floor of the house except by the consent of the Moderator. At the Town Meeting, a non-voter may speak after a favorable majority vote of Town Meeting.

Quorum: For all Town Meetings, both annual and special, there shall be required a quorum of two hundred (200) registered voters of the Town.

Quorum Challenge: Any five (5) voters may challenge the existence of a quorum. If the Moderator determines the number in attendance to be less than the established quorum, he shall adjourn the meeting to a stated date, time and place.

Moderator: Participation in Discussions: The Moderator, when acting as such, shall not participate in any discussions.

Method of Voting: Except as otherwise specified by law, the Moderator shall have full authority to specify a voice vote, a standing vote counted by him or by tellers appointed by him, or a written ballot. The Moderator may conduct all votes requiring a two-thirds (2/3) majority by statute in the same manner in which the Moderator conducts the vote when a majority vote is required.

Motions in Writing: All motions shall be submitted in writing.

Withdrawal of Motions: A motion moved, seconded and stated may be withdrawn by the mover and the seconder.

Precedence of Motions: When a question is under debate, motions shall have precedence in the order of their arrangement shown on the attached chart.

Changing Order of Articles: The order of consideration of the articles as printed in the warrant may be changed only by a two-thirds (2/3) vote of the Town Meeting.

Speaking Twice: 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 (5) 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 Clause 2-7-3 of the Charter (town officers, members of boards and commissions, department heads, or their duly designated representatives, when proposals affecting their various office, board or department are being considered), nor to those persons making the original motion or amendments thereto under any article.

Reconsideration: Any vote may be reconsidered if a voter on the prevailing side moves to do so and if the Moderator moves that there is additional information to bring before the meeting. Only one (1) reconsideration shall be allowed per article.

Recount: When a voice vote as decided by the Moderator is questioned by more than one voter, it shall be made certain by a rising vote counted by the Moderator, or the tellers appointed by him, or by a written ballot. When a standing vote is challenged by more than five (5) voters, the Moderator may rule a written ballot be taken.

Move the Question: Requires a second. Not debatable. Four-fifths (4/5) Vote. Terminates debate.

Move the Question After Presentation: A motion to move the question shall not be allowed if the moving party makes a presentation immediately prior to making the motion to call the question.

Amendments to Motions: The first amendment to a motion may be amended (secondary amendment). This secondary amendment may not itself be amended.

Article for Capital Improvements: In accordance with Charter clause 8-7-1, an article for capital improvements not in compliance with the Capital Improvement Plan shall require a three-fourths (3/4) majority vote of the Town Meeting.

Clause 8-7-1 of the Charter reads as follows:

“The Town Meeting shall act on the Capital Improvements Plan, 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.”

Clause 8-5-1 of the Charter reads:

“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 Orleans Comprehensive Plan.”

Dissolution of Town Meeting: In accordance with Charter clause 2-7-8, the Town Meeting must act on every article placed before it.

Clause 2-7-8 of the Charter reads:

“No motion, the effect of which would be to dissolve the Town Meeting, shall be in order until every article in the Warrant has been duly considered and acted upon. This requirement shall not preclude the postponement of consideration of any article to an adjournment of the meeting to a stated time and place.”

FINANCIAL SUMMARY

TO THE VOTERS:

The Annual Town Meeting warrant includes a number of articles that have an impact on the financial condition of the town, as well as on individual voters in terms of local property taxes. To assist you in your deliberations, on the following pages you will find a number of schedules and charts that have been included in the warrant to provide additional information that may be of help to you at Town Meeting.

The “Financial Plan” for Fiscal Years 2013 and 2014 compares revenues and expenditures adopted in FY 2013 with those proposed in FY 2014. The Plan assumes approval of all funding articles as recommended in the Annual Town Meeting warrant.

As presented, the total expenditures in FY 2014 amount to \$30,461,000, an increase of \$198,000 or 0.7% over FY 2013. The total property tax levy would increase by 3.5% and the tax rate would increase by \$0.17 to \$6.27 per thousand dollars of assessed valuation in FY 2014.

A “Tax Rate Information” table shows the estimated tax rate increase and tax impact on a property valued at \$500,000 for articles that are funded by property taxes. Each funding article in the warrant includes a notation showing the FY 2014 tax rate impact per thousand dollars of assessed valuation.

The warrant also includes two charts that summarize the Town’s “Financing Sources” and “Expenditure Comparison By Organizational Group” for both FY 2013 and Proposed/Recommended for FY 2014.

Finally, the “Proposed Operating Budget” for the Fiscal Year July 1, 2013 – June 30, 2014 includes the 2013 adopted and 2014 proposed budgets and is broken down by department, line item description and amounts. In addition, operating budget purchases of \$10,000 or greater are summarized in the “Capital Outlay Requests” schedules for Town Departments and the Nauset Regional School District.

For FY 2014, the total proposed operating budget is \$28,696,425, inclusive of all non-school and school operating costs. This amount represents an overall increase of \$370,000 or 1.3% over FY 2013. As proposed, total non-school expenditures, including funding union and non-union cost of living increases, are up 0.6% and total school (Orleans Elementary, Nauset Regional and Cape Cod Tech) expenditures are up 5.6%.

John F. Kelly
Town Administrator

FINANCIAL PLAN
FOR THE FISCAL YEARS 2013 & 2014
(\$000)

REVENUES	ADOPTED FY 2013	PROPOSED FY 2014	DOLLAR CHANGE	PERCENT CHANGE
Property Tax				
Property Tax (Base)	18,846	19,478	632	3.4%
Statutory Increase	471	487	16	3.4%
Growth	161	153	(9)	-5.4%
Debt/Capital Exp. Exclusions	2,258	2,242	(16)	-0.7%
Cape Cod Commission Act	150	154	4	2.5%
General/Stabilization Fund Override	461	473	12	2.5%
Unused Levy Capacity	(686)	(577)	109	-15.9%
Community Preserv. Surtax	624	645	22	3.5%
Total Property Tax	22,285	23,054	769	3.5%
Provision for Abatement/Exempt	(196)	(200)	(4)	1.9%
Non-Property Tax				
State Aid	461	468	7	1.6%
Motor Vehicle Excise	850	876	26	3.1%
Local Receipts	4,335	4,578	243	5.6%
Free Cash	1,062	412	(650)	-61.2%
Funds Resv. Appr./Other Avail.	982	777	(206)	-20.9%
Hotel Tax	484	496	12	2.5%
Total Non Property Tax	8,174	7,607	(567)	-6.9%
Total Revenues	30,262	30,461	198	0.7%
<i>Assessed Value (est. as of 1/1/13)</i>	<i>3,551,020</i>	<i>3,576,020</i>	<i>25,000</i>	<i>0.7%</i>
<i>Tax Rate</i>	<i>6.10</i>	<i>6.27</i>	<i>0.17</i>	<i>2.7%</i>
EXPENDITURES				
Non-School				
Salaries and Wages	9,270	9,740	470	5.1%
Fringe Benefits	1,881	1,896	15	0.8%
Pensions	1,349	1,386	37	2.8%
General Expenses	3,502	3,463	(39)	-1.1%
State/County Assessments	519	532	13	2.5%
Sub Total - Non Sch Operating	16,520	17,017	496	3.0%
Capital Expenditures	880	625	(255)	-29.0%
Debt	2,921	2,800	(121)	-4.1%
Sub Total - Non Sch Capital/Debt	3,801	3,424	(376)	-9.9%
Total - Non School	20,321	20,441	120	0.6%
School				
Nauset Regional	3,680	3,770	90	2.5%
Debt (148)	(148)	8	155	-105.1%
NRS Capital Outlay	88	88	-	0.0%
Sub Total - NRS	3,620	3,866	245	6.8%
Orleans Elementary	3,214	3,374	160	5.0%
Fringe Benefits	625	755	129	20.7%
Pensions	86	95	9	10.1%
OES Capital Outlay	13	-	(13)	-100.0%
Sub Total - OES	3,939	4,224	285	7.2%
C.C. Technical High	325	234	(91)	-28.0%
Total - Schools	7,884	8,324	440	5.6%
Other Expenses				
Community Preserv. Expenses	483	497	15	3.1%
Community Preserv. Fund	141	148	7	4.9%
Special Articles	1,433	1,050	(383)	-26.7%
Sub Total - Other Expenses	2,057	1,696	(361)	-17.6%
Total Expenditures	30,262	30,461	198	0.7%

TAX RATE INFORMATION
ESTIMATED FOR FISCAL YEAR 2014

Per tax rate increments:

TAX RATE INCREASE	MUNICIPAL REVENUE RAISED	TAX IMPACT ON \$500,000.00 PROPERTY
\$ 0.01	\$ 35,760.20	\$ 5.00
\$ 0.05	\$ 178,801.00	\$ 25.00
\$ 0.10	\$ 357,602.00	\$ 50.00
\$ 0.20	\$ 715,204.00	\$ 100.00
\$ 0.30	\$ 1,072,806.00	\$ 150.00
\$ 0.40	\$ 1,430,408.00	\$ 200.00
\$ 0.50	\$ 1,788,010.00	\$ 250.00
\$ 0.60	\$ 2,145,612.00	\$ 300.00
\$ 0.70	\$ 2,503,214.00	\$ 350.00
\$ 0.80	\$ 2,860,816.00	\$ 400.00
\$ 0.90	\$ 3,218,418.00	\$ 450.00
\$ 1.00	\$ 3,576,020.00	\$ 500.00

Per revenue raised increments:

\$ 0.0003	\$ 1,000.00	\$ 0.14
\$ 0.0014	\$ 5,000.00	\$ 0.70
\$ 0.0028	\$ 10,000.00	\$ 1.40
\$ 0.0140	\$ 50,000.00	\$ 6.99
\$ 0.0280	\$ 100,000.00	\$ 13.98
\$ 0.1398	\$ 500,000.00	\$ 69.91
\$ 0.2796	\$ 1,000,000.00	\$ 139.82

As you consider each article included in this year's warrant, the above schedule will provide you with the anticipated tax rate and tax impact on a property valued at \$500,000.00. This applies only to articles funded by property tax and not to articles funded by bonding or by a special revenue or receipts account (such as Ambulance Billing or Stabilization Fund).

The above calculations are based on the Town's total estimated valuation for Fiscal Year 2014. These figures should be considered as estimates only, since valuations can change annually.

FINANCING SOURCES

Adopted Fiscal Year 2013 vs. Proposed Fiscal Year 2014

<u>FINANCING SOURCES</u>	<u>FY 2014 PERCENT OF TOTAL</u>	<u>FY 2013 ADOPTED</u>	<u>FY 2014 PROPOSED</u>	<u>PERCENT INCR./DECR</u>	<u>DOLLAR INCR./DECR</u>
Property Tax	75%	22,088,640	22,854,097	3%	765,457
Local Receipts	15%	4,334,822	4,577,749	6%	242,927
Motor Vehicle Excise	3%	850,000	876,000	3%	26,000
Other Available Funds	3%	982,305	776,706	-21%	(205,599)
Hotel Tax	2%	484,000	496,000	2%	12,000
State Aid	2%	460,736	468,108	2%	7,372
Free Cash	1%	1,061,650	411,950	-61%	(649,700)
Total	100%	30,262,153	30,460,610	1%	198,457

EXPENDITURE COMPARISON BY ORGANIZATIONAL GROUP

Adopted Fiscal Year 2013 vs. Recommended Fiscal Year 2014

<u>ORGANIZATIONAL UNIT</u>	<u>FY 2014 PERCENT OF TOTAL</u>	<u>FY 2013 ADOPTED</u>	<u>FY 2014 PROPOSED</u>	<u>PERCENT INCR./DECR.</u>	<u>DOLLAR INCR./DECR.</u>
Education (1)	27%	7,884,149	8,324,000	6%	439,851
Public Safety	18%	5,607,863	5,409,105	-4%	(198,758)
Debt	9%	2,921,193	2,799,980	-4%	(121,213)
Public Works	8%	2,479,971	2,520,275	2%	40,304
General Government	7%	2,127,890	2,214,471	4%	86,581
Fringe Benefits	6%	1,969,344	1,976,137	0%	6,793
Culture & Recreation	6%	1,919,179	1,893,918	-1%	(25,261)
Pensions	5%	1,348,538	1,385,807	3%	37,269
Special Articles	3%	1,433,051	1,050,158	-27%	(382,893)
Human Services	3%	799,735	863,740	8%	64,005
Other (2)	2%	361,650	565,900	56%	204,250
State & County Assess.	2%	518,841	531,742	2%	12,901
Land Bank Expenses	2%	482,522	497,250	3%	14,728
Insurance	1%	267,025	280,000	5%	12,975
<u>OTHER</u>					
Community Preserv. Fund	0%	141,202	148,127	5%	6,925
Total	100%	30,262,153	30,460,611	1%	198,457

(1) Includes Capital Outlay Items per NRSD Agreement.

(2) Estimated Union Settlements and Non Union COLA's

MUNICIPAL FINANCE TERMS

Appropriation - An authorization made by the legislative body of a government, which permits officials to incur obligations against and to make expenditures of governmental resources. Appropriations are usually made for fixed amounts and are typically granted for a one-year period.

Bond - A written promise to pay (debt) a specified sum of money (called principal or face value) at a specified future date (called the maturity date) along with periodic interest paid at a specified percentage of the principal (interest rate). Bonds are typically used for long-term debt.

Budget - A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. Used without any modifier, the term usually indicates a financial plan for a single fiscal year.

Capital Improvement Program - A plan for capital expenditures to be incurred each year over a fixed period of several future years setting forth each capital project, the amount to be expended in each year, and the method of financing those expenditures.

Chapter 90 Highway Funds – The state legislature authorizes and issues transportation capital bonds every few years. In each Transportation Bond, funds are apportioned to communities based upon a formula under the provisions of MGL Ch. 90 § 34, hence the term Chapter 90 funds. The Chapter 90 highway formula is comprised for three variables: local road mileage as certified by the Massachusetts Highway Department (MHD), employment figures from the Department of Employment and Training (DET), and population estimates from the U.S. Census Bureau. Under this formula, those communities with a large number of road miles received proportionately more aid than those with fewer road miles. These funds are reimbursed to communities based upon certified expenditure reports submitted to MHD.

Conservation Fund - This fund may be expended for lawful conservation purposes as described in MGL Ch. 40, § 8C. This fund may also be expended for damages related to the taking of land by eminent domain provided that such taking has first been approved by a two-thirds (2/3) vote of city council or town meeting.

Contingent Appropriation – This is an appropriation that authorizes spending for a particular purpose upon the occurrence of a later event. The grant of spending authority made by an appropriation must be certain at the time of the vote and, therefore, contingent appropriations are not generally permissible. Under MGL Ch. 59 § 21C(m), however, towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2 ½ override or exclusion question for the same purpose.

Debt Exclusion - A vote by a community at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to

cover the annual debt service payment is added to the levy limit for the life of the debt only. A debt exclusion may temporarily increase the levy above the levy ceiling.

Debt Service - Payment of interest and repayment of principal to holders of a government's debt instruments.

Equalized Valuations (EQVs) - Determinations for the full and fair cash value of all property in the Commonwealth which is subject to local taxation. EQVs have historically been used as variables in distributing certain state aid accounts, and for determining county assessments and certain other costs. The Commissioner of Revenue, in accordance with Chapter 58, Section 10C, is charged with the responsibility of biannually determining an equalized valuation for each city and town in the Commonwealth.

Excess Levy Capacity - The difference between the levy limit and the amount of real and personal taxes actually levied in a given year.

Exemptions - Statutory exclusions of specific amounts of property tax owed. Upon approval of an application to the Board of Assessors, exemptions may be granted for qualified veterans, blind individuals, surviving spouses and persons over 70 years of age. In addition, an exemption may, at the discretion of the Assessors, be issued for certain financial hardships.

Fiscal Year – Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. For example, the 2011 fiscal year is July 1, 2010 to June 30, 2011. Since 1876, the federal government has had a fiscal year that begins October 1 and ends September 30.

Free Cash (also Budgetary Fund Balance) - Funds remaining from the operations of the previous fiscal year which are certified by the Massachusetts Department of Revenue Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax rate recapitulation sheet and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount of remaining funds which can be certified as free cash. The calculation of free cash is made based on the balance sheet, which is submitted by the community's Accountant, Auditor, or Comptroller.

Levy – The amount a community raises through the property tax. The levy can be any amount up to the levy limit.

Levy Ceiling – the maximum levy assessed on real and personal property may not exceed 2 ½ percent of the total full and fair cash value of all taxable property (MGL Ch. 59 § 21C). Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion.

Levy Limit – The maximum amount a community can levy in a given year. The limit can grow each year by 2 ½ percent of the prior year's levy limit plus new growth and

any overrides. (MGL Ch. 59 § 21C[f & g]. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, a debt exclusion, or a special exclusion

Local Receipts - Locally generated revenues other than real and personal property taxes and excluding Special Revenue fund revenues. Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals and charges. Annual estimates of local receipts are shown on the tax rate recapitulation sheet.

New Growth - The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying the value associated with new construction by the tax rate of the previous fiscal year.

Proposition 2 ½ Overrides/Underrides - General Override to permanently increase the amount of property taxes the Town can raise. This requires a majority vote by the Selectmen in order to be placed on the ballot.

General Underride to permanently decrease the amount of property taxes the Town can raise. This requires a majority vote by the Selectmen in order to be placed on the ballot.

Capital Override exemption is a one-year increase in the property tax levy for the specific item or project. This requires a two-thirds (2/3) vote by the Selectmen to appear on the ballot.

Debt Exclusion is an increase in the property tax levy for the life of the bond issue. This requires a two-thirds (2/3) vote by the Selectmen to appear on the ballot.

Reserve Fund – An amount set aside annually within the budget of a town (not to exceed 5% of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the Finance Committee can authorize transfers from this fund for “extraordinary or unforeseen” expenditures. Other uses of the fund require budgetary transfers by town meeting.

School Building Assistance Program (SBA) – Established in 1948 and frequently revised by statutory amendments, this state program reimburses cities, towns and regional school districts various percentages of their school construction costs depending on the wealth of the community or district and the category of reimbursement. The Department of Education administers the SBA program.

Stabilization Fund – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. (MGL Ch. 40 § 5B). Communities may appropriate into this fund in any year an amount not to exceed ten percent of the prior year’s tax levy or a larger amount with the approval of the Emergency Finance Board. The aggregate of the stabilization fund shall not exceed ten percent of the community’s equalized value, and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the Stabilization Fund.

Finance Committee 2013 Report

Dear Town Voters,

The Finance Committee is pleased to present its 2013 Annual Report on the Town of Orleans current financial condition and the Town's fiscal outlook for the future. Under the Orleans Town Charter, the Finance Committee is charged with independently examining and analyzing the financial affairs of the Town and informing Orleans citizens of the Committee's findings and recommendations. This report highlights the findings of the Committee's analysis of proposed budgets, the Capital Improvement Plan (CIP), and other proposals having financial implications for the Town, and presents the Committee's recommendations regarding challenges that the Town must prepare to address to sustain its future financial health.

In examining and analyzing the financial affairs of the Town, the Committee is required to base its findings and recommendations on a full and fair examination of each issue in the broader context of Town policies, service objectives, and economic conditions. The Committee continued its focus on analyzing Town financial practices and the roles, responsibilities, and operations of Town Departments and Committees as they impact Town spending. During the last year, the Committee prepared analyses of authorized, but unused, funds turned back to the general fund and of the cost of certain common services, e.g., electricity, that are purchased centrally, but administered separately through departmental budgets. The knowledge gained through these efforts has provided the Committee with insights into opportunities for refining the management of department budgets and spending.

The Finance Committee met jointly with the Board of Selectmen an unprecedented 10 times during FY 2013. In addition to four Charter-mandated public hearings for the Town Budget and the Capital Improvements Plan, the two bodies convened in joint sessions for reviews of six departmental budgets that comprise the majority of Town spending. These collaborative budget review meetings eliminated duplication of the time town and school officials were required to devote to this process, and, most important, provided the members of the Finance Committee and the Board the benefit of each others' knowledge and experience in evaluating departmental budgets.

In addition, the Committee, in November 2012, forwarded to the Board of Selectmen several recommendations for the Board's consideration during budget deliberations. The Finance Committee was gratified by the Board's open and thoughtful review of these recommendations. The Board agreed to go forward with some of those recommendations in the near-term, and committed to further evaluating others for future implementation.

The Finance Committee considers the benefits of these joint budget sessions with the Board of Selectmen and the exchange of information and views on financial issues to be the hallmark of the FY 2014 budget review process. We believe those collaborative initiatives are evidence of commitment on the part of both bodies to create opportunities to work together in carrying out their respective responsibilities under the Charter.

The Budget Numbers

The Proposed Fiscal Year 2014 Budget

The Fiscal Year 2014 budget that will be presented to Orleans voters for their consideration during the May 13, 2013, Town Meeting, reflects a 1% increase over the previous fiscal year, rising from \$30,262,000 for Fiscal Year 2013 to \$30,461,000 for Fiscal Year 2014. Non-school expenses will rise by .6% in FY 2014, primarily related to the impact of new union contracts on salary and wages. At the same time, general expenses will drop by 1.1% and capital costs by 29% from FY 2013. Non-

Finance Committee 2013 Report

property tax revenue is anticipated to be down by 5.4% in FY 2014 from FY 2013. A 2.7% property tax increase is forecast for FY 2014.

A longer-term perspective on the budget is below. Over the past five years, Orleans' budget has been managed aggressively, increasing by a total of 11.6%. In that same period, property tax revenues have increased by 18%.

The major sources of Revenue for Fiscal Year 2014 and Fiscal Year 2009 are listed in the table below.

Source of Revenue	Proposed Fiscal Year 2014		Actual Fiscal Year 2009	
	Dollars	% of Revenue	Dollars	% of Revenue
Property Tax	\$22,854,000	75.0%	\$19,361,000	72.0%
Local Receipts	\$ 4,592,000	15.0%	\$ 4,046,000	15.0%
Motor Vehicle Excise	\$ 876,000	3.0%	\$ 1,180,000	4.0%
State Aid	\$ 468,000	1.5 %	\$ 802,000	3.0%
Hotel/Meals Tax	\$ 496,000	1.5%	\$ 205,000	0.7%
Free Cash	\$ 464,000	1.5%	\$ 599,000	2.5%
Other	\$ 777,000	2.5%	\$ 1,115,000	4.0%

Likewise, we made the same comparison in expenses for Fiscal Year 2014 and Fiscal Year 2009.

Expenses	Proposed Fiscal Year 2014		Actual Fiscal Year 2009	
	Dollars	% of Expense	Dollars	% of Expense
Salaries and Benefits	\$13,022,000	42.7%	\$11,611,000	42.5%
School Expenses	\$ 8,324,000	26.8%	\$ 7,470,000	27.4%
General Expenses	\$ 3,463,000	11.4%	\$ 3,478,000	12.7%
Debt	\$ 2,800,000	9.2%	\$ 2,641,000	9.6%
State and County Assessments	\$ 532,000	1.7%	\$ 461,000	1.7%
Capital Outlay	\$ 625,000	2.0%	\$ 926,000	3.4%
Community Preservation	\$ 645,000	2.1%	\$ 558,000	2.0%
Special Articles	\$ 1,050,000	3.4%	\$ 162,000	0.1%

The Capital Improvement Plan

The Capital Plan for Fiscal Years 2015-2019 provides taxpayers with a plan of the estimated cost and timing for Capital Projects that the town is considering. The approval of the plan is not a commitment to spend money, as each project must be approved subsequently at Town Meeting in the year it is to be funded.

The Capital Improvement Plan to be presented at this year's Town Meeting totals \$63,447,050. The breakdown of the Capital Improvement Plan is:

Fiscal Year 2015	\$ 484,590
Fiscal Year 2016	\$43,096,690
Fiscal Year 2017	\$ 5,684,100
Fiscal Year 2018	\$ 3,146,820
Fiscal Year 2019	\$11,034,850

Finance Committee 2013 Report

Fiscal Health

The Town of Orleans current fiscal condition is very good. The Town maintains its AA+ bond credit rating -- a rate that is "just under a Triple A," as the Board of Selectmen were advised during the March 6, 2013, FY 2012 audit exit conference, and that is the highest rating that a Town with Orleans' demographics is likely to achieve. The Town's FY 2012 audit concluded that Orleans' financial trends are "consistently good" ; that the Town is managing its budget and finances well and has achieved or exceeded Bond Rating Agencies' fund reserve metrics that determine a municipality's credit worthiness and attractiveness to investors, which sustains Orleans' position as among the top 5% of Massachusetts communities.

The Town's fiscal performance is further buoyed by Town voters' approval in May 2012 of the creation of an OPEB (Other Post Employment Benefits) stabilization fund and additional funding for the Town's general stabilization fund, with appropriations of \$150,000 and \$100,000, respectively. This year voters will be asked to approve additional contributions to the OPEB fund. In FY 2012, the Town also expanded efforts to further improve its fiscal and operational performance, launching a practice of conducting one departmental activity review a year in conjunction with the annual audit; implementing an internal departmental audit process; completing the formal documentation of financial policies and procedures; and initiating development of a written fraud policy, which is nearing completion at this writing.

There are, however, both internal and external factors that will impact the Town's future financial health and challenge Town finances.

Fiscal Challenges

Economic Conditions

Orleans' unemployment rate, although high, declined from 10.3% in February 2012 to 9.3% in February 2013, the most recent month for which rates currently are available. Housing prices have begun to stabilize. The average price of a home in Orleans dropped by \$10,000 from 2012 to 2013, from \$664,000 to \$655,000. The median house price dropped from \$505,000 to \$499,000 in that same period. An upturn in tourism last summer generated a 12% increase in Hotel and Meals tax receipts over the previous year along with numerous reports from local businesses indicating sharp increases in seasonal sales.

After slowing sharply over the twelve months of 2012, the rate of inflation rose by .7% in February 2013 -- the largest month-to-month rate increase since June 2009 -- driven largely by fuel and food price increases. Although the February 2013 inflation rate, at 2.1%, still is notably below the 2.9% rate reported a year ago, sustained increases in those costs that most directly and profoundly affect Americans' pocket books continue to influence negatively individuals' perceptions of their own personal financial well-being.

State Aid

State aid to towns continues to be a source of concern. The rate of reductions in State and Federal aid to the Town has slowed, but no significant up-turn in aid is anticipated. At the same time, state and county assessments have continued to rise, increasing by \$13,000, or 2.5%, from Fiscal Year 2013 to Fiscal Year 2014. Moreover, the availability of funding from federal and state grant-in-aid programs continues to decline as programs are terminated and appropriations are cut. Over the years, the Town has tapped successfully an array of grant programs to augment resources for police, fire, highway, and Open Space programs, among others. But, the competition for those scarce resources has increased. Funding for the most recent round of the State's Community Innovation

Finance Committee 2013 Report

Challenge Grant Program, which engendered 119 applications requesting nearly \$20 million, was reduced by almost half. In February, the Program announced the award of \$2.25 million in grant funds to 27 applicants. Last year the same number of applicants shared \$4 million in grant funds. A consortium of nine Towns, including Orleans, sought \$262,500 in this round of funding to expand a shark-tagging program and create warning signs and educational brochures for beachgoers. That joint initiative was awarded \$50,000, which will sharply reduce the scope of that project. The Orleans Water Department also was among applicants for this round of Innovation Challenge Grants, seeking \$68,026 to acquire equipment, software and engineering services to move Department data management, storage, and utilization to one automated data base. In February, the Department was advised that its application would not be funded. Water Department officials currently are working with the Town Administrator on plans to go forward with a modified version of this project using Town funds.

Debt Management

Significant strides have been made by Town Leadership and staff on the management and control of our debt. Debt amortization costs for Fiscal Year 2013 declined by 5% in FY 2013 and are anticipated to drop by an additional 4.1% in FY 2014 largely as the result of the strategic use of BAN's (Bond Anticipation Notes), at a current interest rate of less than .5%, to finance debt for the short term and the refinancing of bonds that, over the life of the bonds, will produce savings of \$600,000 for the CPC's Open Space Program and the Town Water Department. Last year, Town voters approved the pre-payment of principal on an additional Open Space bond, which reduced the number of years to the bond's maturity and the amount of interest paid during that period. The CPC is hopeful that it will be in a position to retire additional Open Space-related debt in FY 2015. Creation two years ago of a stabilization fund to finance the Town's water quality drainage improvements and town pavement management initiatives instead of bonding to pay for these important programs also has reduced debt-financed spending.

Town leadership must sustain its current focus on debt management while moving forward with spending to implement voters' priorities. If the current Capital spending forecasted in the FY 2015-2019 CIP is executed, debt is expected to rise in FY 2015 by 27%. Debt principal and interest payments are the Town's fastest growing expense and the debt burden remains at 10% of the Town's total expenses. A near-term escalation in pressure on the Budget and Capital Plan is on the horizon to accommodate increased spending to support wastewater plans. Decisions regarding the financing of major capital expenditures must be carefully scrutinized for their long-term impact on the ability of the Town to maintain its critical infrastructure and economic health, including Town facilities repairs and maintenance; vital roadway and drainage improvements; and a stepping up of funding to pay down OPEB unfunded liabilities. Voters expect Town Leadership to achieve a reasonable balance between managing debt and spending to meet critical needs to which they have assigned a high priority.

With uncertain economic conditions, declining state aid, and looming increases in debt, Orleans' property taxes -- which have been stable for many years and remain among the lowest on Cape Cod -- can be expected to increase in the future. The challenge of Town leadership is to maintain the financial health of the Town while not increasing the real economic stress felt by its citizens.

But, it is Orleans' changing demographics that holds the most significant implications for the Town's future.

Finance Committee 2013 Report

The Demographics Conundrum

In last year's report to the Town, the Finance Committee called upon Town leadership to take steps to begin a dialogue on the implications of demographic changes on the needs of Orleans citizens for public services in the future. With fewer, but older, full-time residents, a dearth of well paying jobs, and the lack of affordable housing, the Town may be faced with the loss of a viable business community and labor force -- the future workers, trades people, and business owners in Orleans. The issue of Orleans' changing demographics has been in the background of numerous discussions in the community over the past year, but that issue remains the unattended " elephant in the room," and no action has been taken to date to elevate this to the priority status it deserves.

This year the Finance Committee is asserting that the Town's changing demographics is the number one risk to the long-term economic health of Orleans and its viability as a community. This issue deserves center stage in our report. If left unattended, the issue of the implications of our changing demographics portends a crisis that will be irreversible if we do not act aggressively now to reverse current trends.

This is what we know:

The demographics . . .

- From the 2000 to the 2010 Census, Orleans' population declined by 7.1%
- The median age of Orleans' population rose from 56 years in 2000 to 60 in 2010; the average age of Orleans' population today is nearing 50.
- In 2010, 46.8% of Orleans' population was 62 years of age or older.
- In 2000, 34% of Orleans' population was between the ages of 20 and 54; in 2010, that figure dropped to 29%.
- The 2000 Census recorded 3,087 households in Orleans, of which 1,772 were designated family households. Among the total number of family households, 456 included children under 18 years of age. The 2010 Census reported 2,950 households, and 1,664 family households, among which 345 included children under age 18.

The problem . . .

Our demographics are going in the wrong direction. Our population is aging and we are losing younger residents. We are facing the rising cost of supporting an aging population and the challenge of doing so with the majority of that population living on fixed incomes. And, without aggressive intervention, these current trends will continue.

Orleans excellent schools and beautiful beaches, and quality Town services top the list of our Town's attributes. But, for young families, jobs, housing, child care, transportation, and access to health care services are critical considerations in determining whether they can become part of the Orleans community. As it stands today, young people may have to compromise their financial security to live, work, and raise their families in Orleans if they can afford to move here at all.

The high cost of housing and the scarcity of affordable housing for low and middle-income individuals are significant factors in the accessibility of Orleans to young families. Anecdotally there are reports of young parents who have relocated to Orleans to enroll their children in Orleans' excellent schools and who took on mortgages that have left them "house poor" in order to do so. These individuals assumed financial burdens to take advantage of the educational opportunities of Orleans.

Finance Committee 2013 Report

Last year's Finance Committee Report cited steps that the Town's Planning Department and Community Preservation and Affordable Housing Committees, have taken to increase the number of affordable housing units that are available to Orleans Citizens. But, the demand is great and we must do more. The Community Preservation Committee (CPC) Chair on March 27th advised the Board of Selectmen that the CPC-funded Habitat for Humanity affordable housing project drew 50 applicants for five houses. She characterized the level of interest generated in the available housing as "a positive," for the Town's affordable housing program, but, more significantly, a strong indicator of the critical need for such resources and an imperative for the Town to expand its efforts on affordable housing.

Orleans does not have a large business base and the lack of well paying jobs to attract a younger population threatens to undermine the Town's business community and labor force. The majority of our tax revenues are from residential property. The businesses we do have are under constant pressure to remain financially sound with our declining population. In addition to a declining population, many year-round residents leave Orleans for warmer climates for months at a time. This puts further pressure on our businesses as they try to maintain stable services through extreme swings in demand from winter to summer months. Orleans made further progress this year on moving forward with implementation of the Town's Village Center Study which proposes a number of improvements that hold the potential for creating jobs and increasing commerce by making that area more attractive to businesses and visitors.

Many of Orleans Town employees are nearing retirement age. This creates a different labor force pressure for our community. When a Town cannot support a vital labor force, there is no ready pool of qualified potential employees when jobs do become available. And, we may be faced with this situation sooner than we might think. The Massachusetts state legislature currently is deliberating a pension reform bill that could produce savings for municipalities, particularly on health care. But, enactment of that legislative also may have the unintended consequence of hastening the departure of Town employees who are close to retirement. Who will fill those jobs?

The imperative . . .

There is no easy answer for the conundrum of Orleans' changing demographics. These changes do create fundamental risks to the long term economic health of our community. There must be a thorough understanding of the implications of these demographic changes on our community to begin to plan aggressively to address them. Achieving a sustainable equilibrium between the age groups of our year-round residents must be assigned a priority by the Town leadership and reflected in Town departments' planning and budgeting.

The tax base must be broadened. We must "grow our own," and provide incentives to draw young people to Orleans and opportunities for them to thrive and prosper as members of our community. We must act with an eye toward the future and an understanding that what we do -- or don't do -- today may have serious implications for the Orleans of 10, 20, or 30 years from now.

Addressing Long-term Fiscal Needs

The fiscal challenges of the future will be significant. To meet these challenges, the Finance Committee believes that the following must be addressed as priorities in the near-term. Each of the issues addressed below will be a significant factor in our efforts to address the implications of our changing demographics:

Finance Committee 2013 Report

Unfunded OPEB Liabilities

Currently, the Town of Orleans' unfunded pension liability is \$17,000,000 and our retirees' other post employment benefits (OPEB) have an accrued liability of \$28,000,000, for a total obligation of \$45,000,000. The pension liability currently is being funded by the Town at a level and on a schedule to meet the 2038 State deadline for full funding of each pension system. By contrast, at present there is no requirement that municipalities make payments against their OPEB liabilities or any deadline for fully funding that obligation.

At last year's May Town Meeting, voters approved the establishment of an OPEB stabilization Fund so that funds may begin to be set aside as a reserve for payments against the Town's future liability. The Finance Committee fully supported establishment of the OPEB and believes that payments against that funds must be accelerated.

During the 2012 audit exit conference in February of this year, the auditor applauded the Town's creation of the OPEB stabilization funds, characterizing that funding as a good start. The Board of Selectmen was advised that reducing the amount of funds set aside in Free Cash for the specific purposes of increasing deposits into Town stabilization funds would accelerate the growth of these funds and further enhance Orleans' investment appeal. Augmenting funds deposited into stabilization funds has a particular appeal to creditors as the use of these monies is restricted to those purposes for which the funds were created. Funds deposited into the OPEB stabilization fund, for example, only are available to pay down the Town's obligation. Free Cash, by contrast, is available for appropriation for any purpose which Town voters approve. In accordance with the Board of Selectmen's policy, Free Cash is maintained in amount equal to 4.5% of the Town's annual budget each year, with an additional .5% set aside for the stabilization funds. The Massachusetts Department of Revenue states that "under sound financial policies," a community's goal would be to generate Free Cash at a level between 3 and 5% of its annual budget. The Finance Committee would encourage the Board of Selectmen to consider reducing the percentage set aside for Free Cash to 4% and authorizing a corresponding 1% to be set aside each fiscal year for the OPEB and General Stabilization Funds.

School Sustainability

Facilities assessments of the Nauset Regional High School and Middle School have been completed and for the first time, a region-wide capital plan has been developed. The completion of that plan is a major step and one that the Finance Committee supports. This plan will provide Towns in the Region with the information that they need to evaluate and plan for the financial impact of capital improvements spending on their respective budgets. And, the level of spending that will be required by Towns in the Region to support these capital needs is significant. The capital assets assessment forecasted the spending of some \$21 million over a ten-year period to rehabilitate Region school facilities.

In addition, Orleans' 10-year Town buildings and facilities master plan, which was completed in February 2012, is underway, and in FY 2014, replacement of a boiler at the Orleans Elementary School (OES) at a cost of \$200,000, will head the list of projects. This is just the first of a long list of OES capital needs that the Town voters will be asked to support to implement the master plan. This year, additional funds requested by OES for capital projects at the school as well as the hiring of two replacement teachers have driven the OES budget 4.2% above the spending target set by the Board of Selectmen. At the May Town Meeting, voters also will be asked to approve \$300,000 for the OES for implementation of a five-phase physical security improvement project, an initiative that the Finance Committee supports fully, but that will put further stress on the Town budget.

Finance Committee 2013 Report

Over the past year, the Board of Selectmen have devoted increased time to engaging with schools administration officials and schools committee members in an effort to develop a better understanding of the schools' budgeting processes. Joint Board and Finance Committee meetings held with these officials in March of this year to review their FY 2014 budgets were preceded by meetings with school committee members to hear from them on major priorities and concerns. The purpose of this increased interaction between Town Leadership and school officials was to open lines of communications that would carry over into deliberations of schools' financial needs and initiatives.

Orleans has a history of providing generous support for its schools. In a Town where the vast majority of its residents no longer have school age children, this fact reflects the great value that the Town places on providing high quality education for its children. But, the demand on our taxpayers for increased funding to support our schools continues and Town residents may be forced to make difficult future decisions regarding the level of support to schools. It is imperative that communications between the Town Leadership and schools' officials continue.

Wastewater Management

At this year's Town Meeting, voters will be presented with two proposals for the design and implementation of an initial phase of a Town wastewater management plan.

Since the release of the draft Comprehensive Wastewater Management Plan in April 2009, the Town has engaged in a healthy and productive second look at that plan. That second look has centered upon the amount of water quality remediation required in Orleans water bodies; alternative technologies that may provide more efficient and less costly strategies for meeting wastewater management needs; and the potential cost, and financial implications for Town homeowners, of what will prove to be the largest capital investment the Town will ever make.

The Finance Committee believes that Orleans citizens are united in the goal of ensuring the health of our waters. In all of the dialogue and debate that has accompanied deliberations concerning first steps toward implementation of a wastewater management plan, there never has been any challenge to that goal. Furthermore, there appears to be a consensus that phased implementation of a wastewater management plan will allow the Town to learn from its experiences in implementing each phase to inform and perfect successive phases. With regard to other outstanding issues concerning the targets set for water quality improvement for Town water bodies on which the CWMP was based and the array of options available for meeting municipal wastewater management goals, we believe that most voters at this point have formed their own judgments on whether they have sufficient information in these areas to support one or the other of the proposals that will be put before them in May.

But, the Finance Committee is concerned that many Town voters may be unprepared and, therefore, reluctant to act on an initial phase of wastewater management plan implementation because of uncertainties about the near-term and long-term financial impact of wastewater-related spending on taxpayers. It is on this critical aspect of the Town's wastewater management planning that citizens may be the least well-informed and most in need of information. What is lacking is guidance for our residents on the true costs of wastewater management plan implementation and what portion of those costs they may be asked to bear.

Town voters need to be provided with a plan for financing the implementation of a wastewater plan. They need to know to what sources, e.g., grants and low-interest loans, the Board of Selectmen will look to reduce costs to taxpayers and how much of the cost of plan implementation the Board would

Finance Committee 2013 Report

hope to offset through these potential sources. They need to know whether Town Village business owners will be asked to pick up a greater share of the cost of downtown sewerage or whether that cost will be shared among all property owners; if all taxpayers can expect to share in the cost of any sewerage contemplated under the plan even if their properties will not be hooked up to the sewer system; and if the Board plans to reaffirm the interim policy for financing implementation of the CWMP that it adopted in 2008, which called for recovery 20% of the debt service for the wastewater facilities from betterment assessments levied against properties connected to the proposed centralized sewer system and recovery of 80% through increased property taxes.

In addition, Town taxpayers need guidance on what the various scenarios may cost them directly. And at this writing -- a little more than a month from Town Meeting -- we do not have this information to provide them. Obviously, until there is a plan in place, and engineering and design phases are complete, there will not be a definitive cost of the project. But, pending the availability of that information, citizens must be given a fair idea of what the options under consideration might cost using whatever assumptions and available cost data that are available.

At this writing, the Finance Committee has not voted its recommendations on the wastewater Warrant Articles. The absence of a financial plan and guidance on the cost implications for our taxpayers are problems for the Finance Committee, too, in making a recommendation. Whatever voters decide in May, they must have the answers on the issue of cost. If the cost to our taxpayers of going forward with a wastewater management plan remains uncertain, we cannot reasonably expect voter support for wastewater plan implementation.

The Budget as a Planning Tool

The Finance Committee remains convinced of the importance of long-term strategic thinking about spending priorities and the role of the budget. The budget is a dynamic financial tool that, in times when resources are scarce, can be used to manage spending to sustain efforts to meet goals.

There has been a lot of talk about zero-based budgeting over the past decade or so, and debate on the relative merits of that approach as a basis for municipal budgeting. In theory, zero-based budgeting means building a budget from the ground up, starting at zero. But, in practice, where it has been implemented it has been as a hybrid, something less than ground up, but more than the typical building of one year's budget based upon that of the previous year. The Finance Committee believes that what is important about the concept of zero-based budgeting is the idea that each year's needs and priorities become the starting points for budget development and allocations and budgets are shaped by deliberation of what level and quality of service is desired and what financial resources are available to support those services; that budget decisions reflect the true cost of a particular function, service, or purchase and are informed by knowledge and thoughtful consideration of the revenues side of the equation.

We see several areas in which there are opportunities today to improve our use of the budgeting process as a vehicle for improving our management and financing of Town government operations, including centralizing and consolidating services and service delivery systems to increase efficiency; reevaluating Town fees structures to ensure that fees cover the direct costs of services delivered; and reducing the amount of budgeted, but unused, funds that are turned back to the general fund by Town departments at year-end. Likewise, we believe that the budget process should be looked upon by our schools as an opportunity to apply strategic thinking for long-term sustainability to the job of balancing revenues and expenses to meet essential instructional, capital, and general operational needs .

Finance Committee 2013 Report

Conclusion

Building a strong and sustainable economic base is central to ensuring the future fiscal health and well-being of the Town of Orleans and its residents. Over the past year, significant steps have been taken that are consistent with that goal. Their trajectory is positive although there unquestionably is need for refinement and acceleration in some areas. The progress is notable and the opportunities to continue to build upon accomplishments to date are numerous.

But, unless we are willing to address directly the issue of our changing demographics and the implications of these changes for our future, we cannot be certain that we will have the resources in place to meet future needs. Last year the Finance Committee treated the issue of our changing demographics as among the most pressing for Orleans. This year the Finance Committee is asserting that this issue must be elevated in status. The implications of our changing demographics overshadow, and must be in the background of, our thinking on all other issues.

These issues are profoundly interconnected. We cannot attract younger people to our Town if there are no jobs for them, and we cannot grow jobs if an inability to arrive at an effective and affordable solution to our wastewater issues places constraints on the growth of our business community and threatens the viability of our tourist industry. An undermining of the tourist and recreational component of our local economy will impact housing values, which in turn will impact the Town's overall assessed valuation, driving up taxes as budgets rise to accommodate the needs of an aging population. And so on.

FY 2014 should be the year in which we begin a concerted effort to develop a thorough understanding of the implications of these demographic changes on our community and plan aggressively to address them. We look forward to working with Town leadership on this important issue.

Respectfully submitted,

Gwen A. Holden Kelly, Chair
Dale K. Fuller, Vice Chair
Joshua W. Larson, Secretary

Mark E. Carron
Laurence K. Hayward
John A. Laurino

Paul Rooker
Rick Sigel
William Weil

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable SS.

To either of the Constables of the Town of Orleans in the County of Barnstable
GREETINGS:

IN THE NAME OF The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to meet at the NAUSET MIDDLE SCHOOL GYMNASIUM in said ORLEANS on MONDAY, the THIRTEENTH day of MAY in the year TWO THOUSAND THIRTEEN at 6:30 P.M. to act on the following:

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

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

(Simple Majority Vote Required)

SUMMARY

This article provides for the acceptance of the Annual Town Report and any other reports that Town Boards, Committees and Commissions may want to present to the Annual Town Meeting.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 2. TOWN / SCHOOL BUDGET (FY14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund and pay departmental expenses for the fiscal year commencing July 1, 2013 and ending June 30, 2014 and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or service as the case may be, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

TOWN OF ORLEANS
PROPOSED OPERATING BUDGET
FOR THE FISCAL YEAR JULY 1, 2013 - JUNE 30, 2014

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2013 ADOPTED</u>	<u>2014 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
GENERAL GOVERNMENT						
	122	<u>SELECTMEN/TOWN ADMINISTRATOR</u>				
1		SALARY	321,072	328,430	7,358	2.3%
2		EXPENSE	136,920	127,520	(9,400)	-6.9%
	TOTAL	SELECTMEN/TOWN ADMINISTRATOR	457,992	455,950	(2,042)	-0.4%
	123	<u>TELEPHONE/COMMUNICATIONS</u>				
3		EXPENSE	28,465	31,345	2,880	10.1%
	TOTAL	TELEPHONE/COMMUNICATIONS	28,465	31,345	2,880	10.1%
	124	<u>MEDIA OPERATIONS</u>				
4		SALARY	59,251	60,480	1,229	2.1%
5		EXPENSE	20,648	19,848	(800)	-3.9%
6		CAPITAL OUTLAY	17,500	15,000	(2,500)	-14.3%
	TOTAL	MEDIA OPERATIONS	97,399	95,328	(2,071)	-2.1%
	131	<u>FINANCE COMMITTEE</u>				
7		SALARY	960	2,063	1,103	114.9%
8		EXPENSE	850	900	50	5.9%
9		RESERVE FUND	115,000	115,000	-	0.0%
	TOTAL	FINANCE COMMITTEE	116,810	117,963	1,153	1.0%
	135	<u>FINANCE DIRECTOR</u>				
10		SALARY	208,104	211,965	3,861	1.9%
11		EXPENSE	29,050	33,090	4,040	13.9%
	TOTAL	FINANCE DIRECTOR	237,154	245,055	7,901	3.3%
	141	<u>ASSESSING</u>				
12		SALARY	135,349	141,083	5,734	4.2%
13		EXPENSE	77,375	81,760	4,385	5.7%
	TOTAL	ASSESSING	212,724	222,843	10,119	4.8%
	145	<u>TREASURER/COLLECTOR</u>				
14		SALARY	203,013	211,840	8,827	4.3%
15		EXPENSE	36,192	38,442	2,250	6.2%
	TOTAL	TREASURER/COLLECTOR	239,205	250,282	11,077	4.6%
	155	<u>MANAGEMENT INFORMATION SYSTEMS</u>				
16		SALARY	77,709	82,885	5,176	6.7%
17		EXPENSE	70,609	77,809	7,200	10.2%
18		CAPITAL OUTLAY	55,000	100,000	45,000	81.8%
	TOTAL	MANAGEMENT INFORMATION SYSTEMS	203,318	260,694	57,376	28.2%
	161	<u>TOWN CLERK/ELECTIONS/VOTER REG.</u>				
19		SALARY	116,319	116,025	(294)	-0.3%
20		EXPENSE	13,935	11,950	(1,985)	-14.2%
	TOTAL	TOWN CLERK	130,254	127,975	(2,279)	-1.7%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2013 ADOPTED</u>	<u>2014 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	171	CONSERVATION				
21		SALARY	86,269	91,068	4,799	5.6%
22		EXPENSE	3,693	4,063	370	10.0%
	TOTAL	CONSERVATION	89,962	95,131	5,169	5.7%
	175	PLANNING				
23		SALARY	129,425	135,563	6,138	4.7%
24		EXPENSE	6,200	14,000	7,800	125.8%
	TOTAL	PLANNING	135,625	149,563	13,938	10.3%
	176	ZONING BOARD OF APPEALS				
25		SALARY	7,431	7,431	-	0.0%
26		EXPENSE	2,812	2,812	-	0.0%
	TOTAL	ZONING BOARD OF APPEALS	10,243	10,243	-	0.0%
	192	TOWN OFFICE BUILDING				
27		SALARY	47,612	43,750	(3,862)	-8.1%
28		EXPENSE	96,298	89,602	(6,696)	-7.0%
29		CAPITAL OUTLAY	-	-	-	
	TOTAL	TOWN OFFICE BUILDING	143,910	133,352	(10,558)	-7.3%
	195	TOWN REPORTS/TOWN MEETING				
30		EXPENSE	9,659	7,372	(2,287)	-23.7%
	TOTAL	TOWN REPORTS/TOWN MEETING	9,659	7,372	(2,287)	-23.7%
	198	COMMUNITY CENTER				
31		SALARY	7,200	3,000	(4,200)	-58.3%
32		EXPENSE	7,970	8,375	405	5.1%
	TOTAL	COMMUNITY CENTER	15,170	11,375	(3,795)	-25.0%
	TOTAL	GENERAL GOVERNMENT	2,127,890	2,214,471	86,581	4.1%
		PUBLIC SAFETY				
	210	POLICE/COMMUNICATIONS				
33		SALARY	1,904,652	1,859,674	(44,978)	-2.4%
34		EXPENSE	160,415	162,660	2,245	1.4%
35		CAPITAL OUTLAY	58,000	64,000	6,000	10.3%
	TOTAL	POLICE/COMMUNICATIONS	2,123,067	2,086,334	(36,733)	-1.7%
	211	POLICE BUILDING				
36		SALARY	19,570	19,570	-	0.0%
37		EXPENSE	46,628	46,550	(78)	-0.2%
38		CAPITAL OUTLAY	-	-	-	
	TOTAL	POLICE BUILDING	66,198	66,120	(78)	-0.1%
	213	FUEL				
39		EXPENSE	220,322	200,965	(19,357)	-8.8%
	TOTAL	FUEL	220,322	200,965	(19,357)	-8.8%
	220	FIRE/RESCUE				
40		SALARY	1,879,071	1,954,936	75,865	4.0%
41		EXPENSE	310,085	313,326	3,241	1.0%
42		CAPITAL OUTLAY	291,000	45,000	(246,000)	-84.5%
	TOTAL	FIRE/RESCUE (see note 1)	2,480,156	2,313,262	(166,894)	-6.7%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2013 ADOPTED</u>	<u>2014 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	221	<u>FIRE BUILDING</u>				
43		EXPENSE	47,263	47,488	225	0.5%
44		CAPITAL OUTLAY	16,000	-	(16,000)	-100.0%
	TOTAL	FIRE BUILDING	63,263	47,488	(15,775)	-24.9%
	241	<u>BUILDING</u>				
45		SALARY	161,797	167,862	6,065	3.7%
46		EXPENSE	65,711	70,152	4,441	6.8%
	TOTAL	BUILDING	227,508	238,014	10,506	4.6%
	242	<u>BUILDING CODE BOARD OF APPEALS</u>				
47		SALARY	193	193	-	0.0%
48		EXPENSE	50	50	-	0.0%
	TOTAL	BUILDING CODE BOARD OF APPEALS	243	243	-	0.0%
	291	<u>EMERGENCY MANAGEMENT</u>				
49		SALARY	3,000	28,000	25,000	833.3%
50		EXPENSE	22,725	24,875	2,150	9.5%
51		CAPITAL OUTLAY	10,000	-	(10,000)	-100.0%
	TOTAL	CIVIL DEFENSE	35,725	52,875	17,150	48.0%
	294	<u>TREE WARDEN</u>				
52		SALARY	57,480	61,227	3,747	6.5%
53		EXPENSE	24,839	25,187	348	1.4%
	TOTAL	TREE WARDEN	82,319	86,414	4,095	5.0%
	295	<u>SHELLFISH/HARBORMASTER</u>				
54		SALARY	222,498	262,286	39,788	17.9%
55		EXPENSE	51,564	51,604	40	0.1%
56		CAPITAL OUTLAY	35,000	3,500	(31,500)	-90.0%
	TOTAL	SHELLFISH/HARBORMASTER	309,062	317,390	8,328	2.7%
	TOTAL	PUBLIC SAFETY	5,607,863	5,409,105	(198,758)	-3.5%
		EDUCATION				
	300	<u>ORLEANS ELEMENTARY SCHOOL</u>				
57		BENEFITS	711,409	849,531	138,122	19.4%
58		OPERATIONS	3,214,137	3,374,491	160,354	5.0%
59		CAPITAL OUTLAY	13,000	-	(13,000)	-100.0%
	TOTAL	ORLEANS ELEMENTARY SCHOOL	3,938,546	4,224,022	285,476	7.2%
	310	<u>NAUSET REGIONAL ASSESSMENT</u>				
60		EXPENSE	3,532,283	3,777,647	245,364	6.9%
61		CAPITAL OUTLAY - NRSD AGREEMENT	88,134	88,134	-	0.0%
	TOTAL	NAUSET REGIONAL ASSESSMENT	3,620,417	3,865,781	245,364	6.8%
	330	<u>CAPE COD TECHNICAL ASSESSMENT</u>				
62		EXPENSE	325,186	234,197	(90,989)	-28.0%
	TOTAL	CAPE COD TECHNICAL ASSESSMENT	325,186	234,197	(90,989)	-28.0%
	TOTAL	EDUCATION	7,884,149	8,324,000	439,851	5.6%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2013 ADOPTED</u>	<u>2014 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
<i>PUBLIC WORKS AND FACILITIES</i>						
	421	HIGHWAY				
63		SALARY	558,168	526,110	(32,058)	-5.7%
64		EXPENSE	186,124	166,169	(19,955)	-10.7%
65		CAPITAL OUTLAY	130,000	185,000	55,000	42.3%
	TOTAL	HIGHWAY	874,292	877,279	2,987	0.3%
	423	SNOW REMOVAL				
66		SALARY	29,400	29,400	-	0.0%
67		EXPENSE	73,200	73,200	-	0.0%
	TOTAL	SNOW REMOVAL	102,600	102,600	-	0.0%
	424	STREET LIGHTS				
68		EXPENSE	25,700	25,637	(63)	-0.2%
	TOTAL	STREET LIGHTS	25,700	25,637	(63)	-0.2%
	431	TRANSFER STATION				
69		SALARY	181,032	181,482	450	0.2%
70		EXPENSE	276,128	271,300	(4,828)	-1.7%
71		CAPITAL OUTLAY	-	-	-	
	TOTAL	TRANSFER STATION	457,160	452,782	(4,378)	-1.0%
	440	SEWERAGE COLLECTION				
72		SALARY	31,000	-	(31,000)	-100.0%
73		EXPENSE	1,000	1,000	-	0.0%
	TOTAL	SEWERAGE COLLECTION	32,000	1,000	(31,000)	-96.9%
	450	WATER				
74		SALARY	507,166	524,931	17,765	3.5%
75		EXPENSE	403,053	399,046	(4,007)	-1.0%
76		CAPITAL OUTLAY	78,000	137,000	59,000	75.6%
	TOTAL	WATER-SRF (see note 2)	988,219	1,060,977	72,758	7.4%
	TOTAL	PUBLIC WORKS AND FACILITIES	2,479,971	2,520,275	71,304	1.6%
<i>HUMAN SERVICES</i>						
	510	HEALTH				
77		SALARY	209,622	218,051	8,429	4.0%
78		EXPENSE	53,391	53,412	21	0.0%
	TOTAL	HEALTH	263,013	271,463	8,450	3.2%
	541	COUNCIL ON AGING				
79		SALARY	388,704	428,324	39,620	10.2%
80		EXPENSE	82,635	103,384	20,749	25.1%
81		CAPITAL OUTLAY	-	-	-	
	TOTAL	COUNCIL ON AGING	471,339	531,708	60,369	12.8%
	543	VETERANS BENEFITS				
82		EXPENSE	65,383	60,569	(4,814)	-7.4%
	TOTAL	VETERANS BENEFITS	65,383	60,569	(4,814)	-7.4%
	TOTAL	HUMAN SERVICES	799,735	863,740	64,005	8.0%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2013 ADOPTED</u>	<u>2014 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
CULTURE AND RECREATION						
	610	SNOW LIBRARY				
83		SALARY	375,059	376,357	1,298	0.3%
84		EXPENSE	140,270	145,150	4,880	3.5%
85		CAPITAL OUTLAY	12,700	-	(12,700)	-100.0%
	TOTAL	SNOW LIBRARY	528,029	521,507	(6,522)	-1.2%
	630	RECREATION				
86		SALARY	98,947	102,067	3,120	3.2%
87		EXPENSE	11,910	11,910	-	0.0%
	TOTAL	RECREATION	110,857	113,977	3,120	2.8%
	649	WINDMILL				
88		SALARY	3,099	3,099	-	0.0%
89		EXPENSE	3,870	4,300	430	11.1%
	TOTAL	WINDMILL	6,969	7,399	430	6.2%
	650	PARKS & BEACHES				
90		SALARY	876,548	993,140	116,592	13.3%
91		EXPENSE	215,631	178,250	(37,381)	-17.3%
92		CAPITAL OUTLAY	176,500	75,000	(101,500)	-57.5%
	TOTAL	PARKS & BEACHES	1,268,679	1,246,390	(22,289)	-1.8%
	690	OLD KINGS HIGHWAY REG DISTRICT				
93		SALARY	1,505	1,505	-	0.0%
94		EXPENSE	640	640	-	0.0%
	TOTAL	OLD KINGS HIGHWAY REG DISTRICT	2,145	2,145	-	0.0%
	692	MEMORIAL & VETERANS DAY				
95		EXPENSE	2,000	2,000	-	0.0%
	TOTAL	MEMORIAL & VETERANS DAY	2,000	2,000	-	0.0%
	699	SPECIAL EVENTS & INFORMATION				
96		EXPENSE	500	500	-	0.0%
	TOTAL	SPECIAL EVENTS & INFORMATION	500	500	-	0.0%
	TOTAL	CULTURE AND RECREATION	1,919,179	1,893,918	(25,261)	-1.3%
DEBT SERVICE						
	710	PRINCIPAL - NOTES & BONDS				
97		EXPENSE	2,490,000	2,474,457	(15,543)	-0.6%
	TOTAL	PRINCIPAL - NOTES & BONDS	2,490,000	2,474,457	(15,543)	-0.6%
	751	INTEREST - NOTES & BONDS				
98		EXPENSE	913,715	822,773	(90,942)	-10.0%
	TOTAL	INTEREST - NOTES & BONDS	913,715	822,773	(90,942)	-10.0%
	TOTAL	DEBT SERVICE	3,403,715	3,297,230	(106,485)	-3.1%
INTERGOVERNMENTAL/INSURANCE						

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2013 ADOPTED</u>	<u>2014 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	820	STATE ASSESSMENTS				
99		EXPENSE	181,910	186,457	4,547	2.5%
	TOTAL	STATE ASSESSMENTS	181,910	186,457	4,547	2.5%
	830	COUNTY ASSESSMENTS				
100		SALARY	1,348,538	1,385,807	37,269	2.8%
101		EXPENSE	295,657	303,511	7,854	2.7%
	TOTAL	COUNTY ASSESSMENTS	1,644,195	1,689,318	45,123	2.7%
	840	OTHER STATE & COUNTY CHARGES				
102		EXPENSE	41,274	41,774	500	1.2%
	TOTAL	OTHER STATE & COUNTY CHARGES	41,274	41,774	500	1.2%
	912	INSURANCE NOTES AND BONDS				
103		EXPENSE	355,525	360,000	4,475	1.3%
	TOTAL	INSURANCE NOTES AND BONDS	355,525	360,000	4,475	1.3%
	913	UNEMPLOYMENT COMPENSATION				
104		EXPENSE	25,594	26,957	1,363	5.3%
	TOTAL	UNEMPLOYMENT COMPENSATION	25,594	26,957	1,363	5.3%
	914	EMPLOYEE HEALTH & MEDICARE				
105		SALARY	1,855,250	1,869,180	13,930	0.8%
	TOTAL	EMPLOYEE HEALTH & MEDICARE	1,855,250	1,869,180	13,930	0.8%
	TOTAL	INTERGOVERNMENTAL/INSURANCE	4,103,748	4,173,686	69,938	1.7%
	GRAND TOTAL		28,326,250	28,696,425	370,175	1.3%
		TOTAL-OPERATING BUDGETS	28,326,250	28,696,425	370,175	1.3%
		SPECIAL ARTICLES	1,433,051	1,050,158	(382,893)	-26.7%
		COMMUNITY PRESERVATION FUND	141,202	148,127	6,925	4.9%
		EST. UNION & NON-UNION COLA'S	361,650	565,900	204,250	56.5%
		GRAND TOTAL	30,262,153	30,460,611	198,457	0.7%

Note 1 \$ 486,700 of appropriations for the FY 2014 Fire/Rescue budget are offset by revenues from ambulance billings.

Note 2 Appropriations for employee benefits and debt payments associated with Water Department operations are included in the operating budget under employee health/Medicare and debt service totals. A portion of the Water Department revenues will be used to offset these costs.

Note 3 Expense line items for departments include utility payment expenses to the Cape & Vineyard Electric Cooperative, Inc. as applicable.

**OPERATING BUDGET
FISCAL YEAR 2014 CAPITAL OUTLAY REQUESTS
\$10,000 OR GREATER**

<u>DEPARTMENT</u>	<u>LINE ITEM NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Media Operations	6	Broadcast Equipment	\$15,000
Manage. Info. Systems	18	Upgrade Computer Hardware and Software	\$100,000
Police/Communications	35	Replace Two Police Vehicles	\$64,000
Fire/Rescue	42	Replace & Equip. Emergency Vehicle	\$45,000
Highway	65	Replace Dump Truck (\$75k), Replace Tractor w/Flail Mower (\$110k)	\$185,000
Water	76	Repair Masonry Pumping Stations (\$12k), Replace Meters (\$73k), Water Main Replace (\$12k), Replace Pick-Up (\$40k),	\$137,000
Parks & Beaches	92	Replace Club Car (\$13k), Hubler/Nauset Driveway Connection (\$20k), Beach Trail Sand (\$15k), Replace Grasshopper Mower (\$22k)	\$70,000
TOTAL			<u>\$616,000</u>

NAUSET REGIONAL SCHOOLS			
FY14 CAPITAL REPAIR & MAINTENANCE PROGRAM			
APPROVED BY THE NAUSET REGIONAL SCHOOL COMMITTEE 3.7.2013			
SCHOOL	REF #	DESCRIPTION	BUDGET
MIDDLE		Technology - replace computer lab, Smartboards, computers & peripherals	\$ 60,000
		Building Needs Detailed Study - HVAC Systems	\$ 6,000
	1.3	Softball Backstop	\$ 13,500
	3.9 & 3.10	Security Upgrades - door hardware, access control, cameras, communication systems, lighting, etc.	\$ 78,825
	1.6	Security Upgrade - Modify fencing & install gate in courtyard	\$ 56,750
		General repairs: electrical, mechanical, plumbing, HVAC, building envelope, grounds	\$ 25,000
		SUB TOTAL MIDDLE SCHOOL	\$ 240,075
HIGH	5.5	Technology Infrastructure - Phase 1 wireless access, servers, switches, cabling, etc.	\$ 84,000
		Technology - replace computers & peripherals	\$ 51,225
		Building Needs Detailed Study - HVAC Systems	\$ 6,000
	5.12	Security Upgrades - door hardware, access control, cameras, communication systems, lighting, etc.	\$ 32,700
		General repairs: electrical, mechanical, plumbing, HVAC, building envelope, grounds	\$ 25,000
		SUB TOTAL HIGH SCHOOL	\$ 198,925
ADMIN	2.1	Replace Sidewall Shingles (Additional to funds already approved)	\$ 5,000
BUILDING	2.5	Interior & Exterior Painting	\$ 5,000
		Technology Infrastructure - Build wiring closet, new server, etc.	\$ 10,000
		ADMINISTRATION BUILDING	\$ 20,000
		TOTAL FY14 CAPITAL REPAIR & MAINTENANCE BUDGET	\$ 459,000
NOTE:			
		REF # refers to the Habeeb Building Study	

ORLEANS REGIONAL MAXIMUM SHARE \$88,134

SUMMARY

This article would set and fund the operational budgets for the normal operation for all Town functions in the amount of \$28,696,425 for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 9 – YES 0 – NO 0 – ABSTAIN

ARTICLE 3. CAPITAL IMPROVEMENTS PLAN (FY15 – FY19)

To see if the Town will vote pursuant to CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, Section 7, Action of Town Meeting, Subsection 8-7-1 of the Orleans Home Rule Charter, to act on the Capital Improvements Plan as published in the Warrant, by adopting said Plan with or without amendments thereto, which amendments may include an increase or decrease in the amount of money allocated to any particular line item contained therein, the addition of new line items or the deletion of line items contained therein, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**Capital Improvements Plan
FY15 - FY19**

Project Descriptions	Adopted	Budgeted	Proposed				
	FY14	FY14	FY15	FY16	FY17	FY18	FY19
COMMUNITY PRESERVATION ACT							
Program Activity Funding	361,881	361,881	(1)	(1)	(1)	(1)	(1)
DEPARTMENT OF PUBLIC WORKS							
New Central Maintenance Garage and Facilities (CF-11)							
Architectural & Engineering Design				500,000			
Construction					5,000,000		
HIGHWAY DEPARTMENT							
Water Quality Drainage Improvements (NR-6)(NR-12)	153,750	157,590	161,530	165,560	169,700	173,940	178,280
Town Pavement Management Program (T-1)(T-7)	307,500	315,190	323,060	331,130	339,400	347,880	356,570
34 Replace Street Sweeper	225,000	225,000					
PROPERTY ACQUISITION							
Open Space Purchases (OS-2)	455,000	0	(2)	(2)	(2)		
Affordable Housing Development (AH-1)	350,000	0	(3)	(2)	(3)		
Wastewater Management Purchases (CF-27)(CF-28)(CF-33)	1,500,000	0	(4)	(4)	(4)		
PLANNING DEPARTMENT							
Wastewater Management Plan Implementation (CF-27)(CF-28)							
Construction (Phase 1)				42,000,000			
Design Engineering Services (Phase 2)						2,000,000	
Water Quality Maintenance Dredging (CF-28)				100,000			
Stormwater Management Plan, Design, Construct (CF-28)(NR6&12)	0	500,000					

**Capital Improvements Plan
FY15 - FY19**

Project Descriptions	Adopted	Budgeted	Proposed				
	FY14	FY14	FY15	FY16	FY17	FY18	FY19
POLICE DEPARTMENT							
Police Station Renovation/Addition (CF-32)							
Architectural & Engineering Design						625,000	
Construction							10,500,000
SHELLFISH AND HARBORMASTER DEPARTMENT							
Maintenance Dredging Rock Harbor (Orleans 50% share)							
Construction	300,000	300,000					
Conservation Mooring Replacement Program	0	250,000					
TRANSFER STATION							
Replace Front End Loader					175,000		
WATER DEPARTMENT							
Update and Paint Water Storage Tanks							
Tank No. 1 (Construction)	700,000	700,000					
TOTALS	4,353,131	2,809,661	484,590	43,096,690	5,684,100	3,146,820	11,034,850

Notations: References to the Orleans Comprehensive Plan are shown after each project description in parenthesis and described in the addendum.

(1) Community Preservation Act program activities will be supported through state matching funds (\$190,000 est.), fund reserves for Historical Resources (\$141,468) and Community Housing (\$30,413). Existing Community Preservation Fund Balance and the proceeds from the Community Preservation Surtax will be used to pay debt amortization costs for previous open space purchases funded by long term debt.

(2) Open Space Purchases can be made in FY14 up to \$455,000. The balance available for FY15 - FY16 will be determined based on any expenditures made during the previous year.

(3) Affordable Housing Development purchases can be made in FY14 up to \$350,000. The balance available for FY15 - FY16 will be determined based on any expenditures made during the previous year.

(4) Wastewater Management purchases can be made in FY14 up to \$1,500,000. The balance available for FY15 - FY16 will be determined based on any expenditures made during the previous year.

Date: January 15, 2013

Revised: April 1, 2013

Adopted: April 1, 2013

ITEM	ORLEANS COMPREHENSIVE PLAN IMPLEMENTATION PROGRAM DESCRIPTIONS
AH-1	Develop 35 new units of affordable housing for families over the next twenty years, and support this activity by scheduling it in the capital improvement plan.
CF-11	Construct office, storage and maintenance facilities for Highway Department, Parks & Beaches and Water Department.
CF-19	Implement improvements to Town Landings as scheduled.
CF-27	Develop a wastewater management plan for the entire town
CF-28	Implement recommendations of the wastewater management plan
CF-32	Study the future facilities and staffing needs of the Police and Fire/Rescue Departments
CF-33	Initiate consideration of potential sites for wastewater treatment
NR-6	Prevent direct discharge of untreated stormwater into coastal embayments and ponds
NR-12	Prevent direct discharge of untreated stormwater into fresh water bodies
OS-2	Preserve 400 or more acres of high priority parcels for ground and surface water protection, conservation, recreation and other environmental purposes
T-1	Complete and utilize a Pavement Management System to develop a systematic approach to street maintenance and improvement
T-7	Fund the Highway Department at an appropriate level to support the maintenance and replacement of new and existing roads.

**CAPITAL BUDGET
FY 2014**

<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>	<u>FUNDING SOURCE</u>
COMMUNITY PRESERVATION ACT		
Program Activity Funding	\$361,881	Available Funds (CPA)
HIGHWAY DEPARTMENT		
Water Quality Drainage Improvements	\$157,590	Stabilization Funds
Town Pavement Management Program	\$315,190	Stabilization Funds
Replace Street Sweeper	\$225,000	Bonding
PLANNING DEPARTMENT		
Stormwater Management Plan, Design and Construct	\$500,000	Bonding
SHELLFISH/HARBORMASTER DEPARTMENT		
Maintenance Dredging Rock Harbor - Construction	\$300,000	Bonding
Conservation Mooring Replacement Program	\$250,000	Bonding
WATER DEPARTMENT		
Update and Paint Water Storage Tank No.1 - Constr.	\$700,000	Bonding
TOTAL	\$2,809,661	

Note: The following changes are being proposed to the Capital Improvements Plan since its adoption at Town Meeting in May 2012:
Starting Dates: Replace Front End Loader (FY16 to FY17); Water Quality Maintenance Dredging (FY15 to FY16); Wastewater Management Plan Construction of Phase 1 (FY15 to FY16) and Design of Phase 2 (FY17 to FY18).
Projects Added: New DPW Central Maintenance Garage and Facilities Design (FY16) and Construction (FY17); Police Station Renovation/Addition Design (FY18) and Construction (FY19).
Projects Removed: None.

FY15 PROJECT DESCRIPTIONS

COMMUNITY PRESERVATION ACT – PROGRAM ACTIVITY FUNDING

Annually, under the CPA Orleans will receive matching funds to its current CPA 3% surtax from the Commonwealth's CPA Trust Fund annually. The amount currently available for appropriation as of 1/15/13 is \$361,881. As required under the CPA, a minimum of 10% of the Town's annual proceeds have to be allocated to each of the three primary purposes: open space, affordable housing and historic preservation. Town Meeting approval is necessary for all Community Preservation Committee recommendations for funding.

Total Project Funding:	TBD
Method of Financing:	Available Funds (CPA)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon use

HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS

This is an annual appropriation for the design and construction of improvements to the town's drainage infrastructure systems to address water quality issues resulting from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, along with the town's fresh water bodies. Addressing these drainage issues will bring the town into compliance with US EPA Storm Water Quality Permits and Mass. DEP Water Quality requirements. Various state and federal agencies offer limited grant funding to address storm water issues. Annual funding for water quality drainage improvements will be based on a proposed project schedule.

Total Estimated Cost:	\$161,530
Method of Financing:	Stabilization Funds
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

This is an annual appropriation for the local share of the town's pavement management program to repair, resurface, and reconstruct town roadways. The town currently maintains approximately 56 miles of public roadways. Also included under this program is work related to roadway drainage and sidewalk projects. Over the past several years the town has compiled an inventory of the condition of all our roadways in an effort to address, on a priority basis, the long term maintenance needs. Local funding for laid out public roads is also supplemented by State Aid Chapter 90 funds, and the FY14 apportionment was provisionally \$433,778. Annual funding for roadway and drainage projects will be based on a proposed project schedule.

Total Estimated Cost:	\$323,060
Method of Financing:	Stabilization Funds
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

PROPERTY ACQUISITION – OPEN SPACE PURCHASES

This item provides supplementary support for possible future open space purchases only if CPA funds are depleted to the point that they will not fund additional acquisitions. By including this item in the capital plan, it will facilitate the presentation of property purchases or conservation easements for protection of public drinking water supplies,

open space and conservation; and passive recreation during future years to Town Meeting (subject to the 2/3 vote required for land purchases). This provides future planning support for the goals of the Official Town Plan/Local Comprehensive Plan. Funding available as of 1/15/13 is \$455,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (Staggered over 14 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$49,300

PROPERTY ACQUISITION – AFFORDABLE HOUSING DEVELOPMENT

This item is included in the capital plan to facilitate the presentation of possible property purchases that may arise during the fiscal year to Town Meeting (subject to the 2/3 vote required for land purchases). This item is intended to cover non-CPA acquisitions specifically for affordable housing. As adopted in the Orleans Comprehensive Plan, the goal is to develop 35 new units of affordable housing for families over the next twenty years. Funding available as of 01/15/13 is \$350,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$37,900

PROPERTY ACQUISITION – WASTEWATER MANAGEMENT PURCHASES

This item is included in the capital plan to facilitate the acquisition of property upon completion of the Comprehensive Wastewater Management Plan in order to site sewer collection, treatment, and disposal facilities. It is expected that the Town will need to purchase land, but there may also be opportunity to obtain easements as an alternative. This activity identifies potential expenditures of up to \$1.5 million over a three-year period for land acquisition associated with wastewater management. Funding available as of 01/15/13 is \$1,500,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
If Bonded, Average Annual P&I	\$162,400

FY16 PROJECT DESCRIPTIONS

DEPARTMENT OF PUBLIC WORKS – NEW CENTRAL GARAGE AND FACILITIES DESIGN

This project involves the design of a new Central Garage and Facilities that would include the removal of the existing Highway Garage and construction of a 12,000 square foot steel building; renovation/replacement of the existing steel barn structure; removal of existing on-site wooden storage structures; and construction of salt and material storage facilities. New facilities would be located on both Bay Ridge Lane and adjacent to the Transfer Station.

Total Estimated Cost:	\$500,000
Method of Financing:	Bonding (10 years)

Recommended Schedule:	9 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$54,100

**PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN
CONSTRUCTION (PHASE 1)**

This project involves the construction of the first phase of the wastewater treatment infrastructure identified in the comprehensive wastewater management plan. A sewage treatment facility at the Tri-town site on Bay Ridge Lane, and the Phase 1 collection system will be installed. In this phase, 560 homes will be connected to public sewer service. Funding will provide core infrastructure in the treatment facilities, collection, and disposal systems that will support subsequent phases of the plan.

Total Estimated Cost:	\$42,000,000
Method of Financing:	Bonding (30 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
If Bonded, Average Annual P&I	\$2,268,000

PLANNING DEPARTMENT – WATER QUALITY MAINTENANCE DREDGING

The purpose of this project would be to investigate the feasibility of developing a maintenance dredging program that would target specific salt water ponds and sub-embayments in town where water quality might be improved through channel dredging to enhance tidal flushing.

Total Estimated Cost:	\$100,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	TBD
Estimated Annual Cost O/M:	N/A
If Bonded, Average Annual P&I	\$20,600

FY17 PROJECT DESCRIPTIONS

**DEPARTMENT OF PUBLIC WORKS – NEW CENTRAL GARAGE AND FACILITIES
CONSTRUCTION**

This project involves the construction of a new Central Garage and Facilities that would include the removal of the existing Highway Garage and construction of a 12,000 square foot steel building; renovation/replacement of the existing steel barn structure; removal of existing on-site wooden storage structures; and construction of salt and material storage facilities. New facilities would be located on both Bay Ridge Lane and adjacent to the Transfer Station.

Total Estimated Cost:	\$5,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$315,600

TRANSFER STATION – REPLACE FRONT END LOADER

This item would replace a Front End Loader at the Transfer Station originally purchased in 2000. The loader is utilized for varied tasks at the Transfer Station as well as several other town departments including the loading and off loading of various equipment,

materials and supplies and maintaining the composting area. In the winter it is used for snow removal in the downtown area, plowing the larger town parking lots and plowing some main roads in heavier snow events.

Total Estimated Cost:	\$175,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for completion
Estimated Annual Cost O/M:	\$ 1,500
Average Annual P&I	\$36,100

FY18 PROJECT DESCRIPTIONS

PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN DESIGN (PHASE 2)

This project involves the completion of the final design necessary for construction of Phase 2 collection system based upon the Town Meeting approval of the Comprehensive Wastewater Management Plan in October 2008. Funds would primarily be used to obtain engineering services to develop construction plans and specifications for public bidding. Associated expenses will include permitting, surveys, obtaining necessary land and easements, legal services, and other activities required to prepare for construction of wastewater treatment, collection, and disposal works.

Total Estimated Cost:	\$2,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
If Bonded, Average Annual P&I	\$126,300

POLICE DEPARTMENT – DESIGN POLICE STATION RENOVATION/ADDITION/REPLACEMENT

This project involves the design of a renovation/addition/replacement of the existing Police Station on South Orleans Road based on the operational and space needs of the department and the outcome of ongoing discussions regarding regionalization options for police/dispatch services.

Total Estimated Cost:	\$625,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	18 Months for completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$67,700

FY19 PROJECT DESCRIPTIONS

POLICE DEPARTMENT – CONSTRUCTION POLICE STATION RENOVATION/ADDITION/REPLACEMENT

This project involves the construction of a renovation/addition/replacement of the existing Police Station on South Orleans Road based on the operational and space needs of the department and the outcome of ongoing discussions regarding regionalization options for police/dispatch services.

Total Estimated Cost:	\$10,500,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	18 Months for completion

Estimated Annual Cost O/M:
Average Annual P&I

To be determined during design
\$662,800

SUMMARY

In accordance with Chapter 8-5-1 of the Charter, the Town Administrator shall prepare a five year Capital Improvements Plan (CIP), which is designed to deal with the unmet long-range needs, and to implement the goals and objectives of the official town plan.

The purpose of the CIP is to systematically plan, schedule, and finance capital projects over a five year period. The plan is to include, but not necessarily be limited to, major infrastructure projects involving roads, storm drainage, water and sidewalks; public building or facility renovation or replacement; and property acquisitions.

Wherever possible, to emphasize project planning, the CIP will incorporate the progression of a project through the various phases, beginning first with a feasibility study, after which final design plans and specifications are developed, followed by construction to complete the project.

Proposed project financing for CIP projects may include bonding, a proposition 2.5 override or exclusion, or other available funds. Non-CIP projects or expenditures budgeted in excess of \$10,000, including motor vehicle and equipment purchases, facility repairs, or materials and supplies will continue to be presented in the annual operating budget as capital outlay requests summarized by department.

Specific capital outlay requests in excess of \$10,000 for building/facility maintenance and repairs (including Orleans Elementary School) will be considered outside of the annual operating budget as part of the Town's 10-Year Buildings and Facilities Master Plan and funded from the Stabilization Fund established for this purpose.

As presented, the CIP includes all proposed projects to be undertaken for the period beginning July 1, 2014 (FY15) through June 30, 2019 (FY19).

Projects that are being proposed for funding in FY14 make up the Capital Budget and these projects will be presented as individual articles in the town meeting warrant for consideration. The Capital Budget projects were either "Adopted" in the CIP at the May 2012 town meeting or are new and being "Budgeted" for the first time in FY14. In accordance with the Orleans Home Rule Charter, any project that did not appear in the CIP in the prior year or exceeds the estimated cost by ten percent (10%) must receive a favorable three-fourths majority vote of the town meeting to be approved.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 4. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund's Annual Revenues and/or available funds for the payment of debt service, the

undertaking of Community Preservation projects, the Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for FY14, or to take any other action relative thereto. (Community Preservation Committee)

RECOMMENDED AMOUNT AND SOURCE

<u>PURPOSE</u>	<u>FY 14 Est. Surtax</u>	<u>FY 14 Est. State Share</u>	<u>Total</u>
<i>Appropriations:</i>			
1) Debt Service Expenses (Note 1)	497,729		497,729
2) Project #1 Affordable Housing Development Support Funds		5,000	5,000
3) Project #2 Eldredge Park Irrigation Well	112,000		112,000
4) Project #3 OHS Meeting House Storm Window Replacement		9,450	9,450
5) Project #4 Old Firehouse Renovation Feasibility Study		68,000	68,000
6) Committee Expenses	15,000	10,000	25,000
<i>Reserves:</i>			
Community Housing		78,000	78,000
Historic Resources		5,550	5,550
Grand Total	624,729	176,000	800,729

Note1: Debt service previously voted in the operating budget (Article 2)

	<u>Historic Resources</u>	<u>Community Housing</u>
ENDING BALANCE OF RESERVES	108,413	147,018

(Simple Majority Vote Required)

SUMMARY

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from Fiscal Year 2014 Community Preservation Fund revenues, unless otherwise specified, for Fiscal Year 2014 community preservation purposes with each item considered a separate appropriation:

Project 1: Affordable Housing Development Support Funds

Applicant: Affordable Housing Committee

Amount \$ 5,000

Summary: This request is to support the Orleans Affordable Housing Committee in its efforts to increase affordable housing opportunities. The funds will be used for the soft costs associated with creating or retaining community housing units, such as property appraisals, title research, and other legal services.

Project 2: Eldredge Park Irrigation Well

Applicant: Town of Orleans

Amount \$ 112,000

Summary: the Town has requested funds to design and install an irrigation well for the new irrigation system at Eldredge Park ball field and its west terraced seating area. The goal of the project is to eliminate municipal loading at this location by utilizing a non-potable well with benefits being cost avoidance for the water being consumed and water conservation.

Project 3: Meeting House Storm Window Replacement

Applicant: Orleans Historical Society

Amount \$ 9,450

Summary: The Orleans Historical Society seeks funds to replace the eight exterior storm windows at the historic Meeting House Museum, located at 3 River Road. The new storm windows and screens would include appropriate material, hardware and a recessed style to comply with the antique structure and beauty of the building.

Project 4: Old Firehouse Restoration Feasibility Study

Applicant: Orleans Community Partnership

Amount \$ 68,000

The Orleans Community Partnership, a licensee under the Board of Selectmen of the Old Firehouse at 44 Main Street in Orleans, has requested funds to study the restoration potential of this building. The Fire House is the first fire station ever built by the Town, having been constructed in 1925 following a town appropriation of \$7,000. The initial focus of this request is to prepare an historic structures report to fully understand the history of the building, the remaining historic artifacts and its reuse potential under the Secretary of the Interior's guidelines. Following that work, to be done by experts in historic preservation, the Orleans Community Partnership will convene focus groups to develop a building restoration plan including preliminary drawings and a budget so the Board of Selectmen can decide how to proceed to preserve this important part of Orleans history. All procurement is to be consistent with Massachusetts General Laws.

Committee Expenses: Maximum Allowable \$ 41,500; CP Committee Voted \$25,000

The Community Preservation Act permits the Committee to allocate up to 5 per cent of annual revenues (surtax and state share) for operating and administrative expenses. For FY 2014, the 5% would be \$41,500 (total revenue estimated to be \$830,000). However, due to continued reductions in state funding, the CP Committee is recommending that only \$25,000 be used for Committee expenses (including legal consultation, maintaining records and, if funding permits, potential studies directed toward effectively realizing the Town's possibilities in the areas of recreation, open space, community housing, historic resources). Any and all unused funds at the end of the fiscal year revert to the fund balance for future projects.

Community Housing Reserves: CP Committee Voted \$78,000

In order that the Town can meet its CPA obligation to spend 10% of all estimated revenues for FY 2014 on community housing, the CPC is recommending that the difference between the 10% (\$83,000) and the FY 2014 project appropriation for

community housing (Affordable Housing Committee \$5,000) be set aside for future community housing projects.

Historic Resources Reserves: CP Committee Voted \$5,550

In order that the Town can meet its CPA obligation to spend 10% of all estimated revenues for FY 2014 on historic resources, the CPC is recommending that the difference between the 10% (\$83,000) and the FY 2014 project appropriations for historic resources (Orleans Historical Society \$9,450 + Orleans Community Partnership \$68,000 = \$77,450) be set aside in reserves for future historic resource projects.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 1 – NO 0 – ABSTAIN

ARTICLE 5. TRANSFER CPA FUNDS FOR ACADEMY OF PERFORMING ARTS

To see if the Town will vote to modify the action taken under Article 10 (Community Preservation Act Supplemental Budget) of the October 15, 2006 Special Town Meeting by transferring \$89,800 appropriated for the Academy of Performing Arts Playhouse basement/foundation historic preservation work to the Academy of Performing Arts Playhouse historic preservation renovation and expansion project, including design and engineering services, or take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote)

SUMMARY

Plans for the historic preservation of the Academy of Performing Arts Playhouse have been substantially modified since Community Preservation funds were voted in October 2006 for basement/foundation work. Current plans involve a thorough renovation and expansion, including interior reconfiguration, handicapped accessibility, a full height foundation and structural stabilization, with design work and a fundraising campaign being scheduled prior to actual construction. It is unlikely that the CPA funds for the foundation would be used until 2016. A transfer of funds is requested so the monies can be used for more immediate needs such as design and engineering services.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 6. FUND WATER QUALITY DRAINAGE IMPROVEMENTS

To see if the Town will vote to transfer from the Water Quality Drainage Improvements stabilization fund the sum of One Hundred Fifty Seven Thousand Five Hundred Ninety and 00/100 Dollars (\$157,580.00), or any other sum, for the purpose of funding the design and construction of improvements to the town's drainage infrastructure systems, including all expenses incidental and related thereto; and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This project seeks to address storm water quality issues resulting from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, as well as the town’s fresh water bodies. Addressing these drainage issues will bring the town into compliance with US EPA Storm Water Quality Permits and Massachusetts DEP Water Quality requirements. Funding for this article is an annual appropriation from the stabilization fund established for this purpose.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 7. FUND TOWN PAVEMENT MANAGEMENT PROGRAM

To see if the Town will vote to transfer from the Town Pavement Management Program stabilization fund the sum of Three Hundred Fifteen Thousand One Hundred Eighty and 00/100 Dollars (\$315,180.00) for the purpose of funding the local share of the town’s ongoing pavement management program to repair, resurface, and reconstruct town roadways, including all expenses incidental and related thereto; and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article will provide the local share of the funding for the town’s ongoing pavement management program to repair, resurface, and reconstruct town roadways. The program also includes work related to roadway drainage and sidewalk projects. The town maintains approximately 56 miles of public roadways and uses an inventory of roadway conditions to prioritize the long term maintenance needs of the town. Funding from this article will supplement existing appropriations, enabling the town to move forward with the completion of projects already scheduled through FY14 that may otherwise be delayed. Funding for this article is an annual appropriation from the stabilization fund established for this purpose. In addition to local funding of roadway projects, the Town receives State Aid Chapter 90 funds each year; our FY14 apportionment is provisionally \$433,778.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 8. REPLACE HIGHWAY DEPARTMENT STREET SWEEPER

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Twenty-Five Thousand and 00/100 Dollars (\$225,000.00) for the purpose of purchasing a new street sweeper for the Highway Department, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of

total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town, the proceeds from any such disposition to be applied toward the cost of acquiring said street sweeper, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article will fund the replacement of a regenerative air street sweeper in the Highway Department purchased in 2004. The street sweeper cleans 56 miles of public roads twice a year; cleans the downtown area on a weekly basis; and cleans all town owned parking lots.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	7 – YES	0 – NO	0 – ABSTAIN

ARTICLE 9. FUND STORMWATER MANAGEMENT PLAN DESIGN AND CONSTRUCTION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for the purpose of funding a stormwater management plan, design and construction, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

This article will fund a comprehensive town-wide stormwater assessment to accelerate needed water quality drainage improvements to meet federal EPA and state DEP requirements; work will involve verification of outfall drainage basins and mapping of stormwater infrastructure; develop protocol and sampling plan for evaluation of performance of existing stormwater remediation systems; assess Best Management Practices (BMP) for all priority stormwater outfalls; develop preliminary designs, capital costs, operation and maintenance costs to mitigate and maintain priority outfalls; and fund the final design and construction of remedial improvements.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 10. FUND ROCK HARBOR MAINTENANCE DREDGING

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of funding maintenance dredging in Rock Harbor, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This project involves the dredging of a total of 30,000 cubic yards of sediment from Rock Harbor. The work will be undertaken jointly with the Town of Eastham, each town covering 50% of the total cost of \$600,000. It is anticipated that the dredged material will be de-watered at an adjacent upland area and then trucked to an off-site disposal area. Dredging operations would be conducted in either the fall of 2013 or spring of 2014. Once completed, it is anticipated that the harbor would not have to be dredged again for another eight to ten years.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 11. FUND CONSERVATION MOORING REPLACEMENT PILOT PROGRAM

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) for the purpose of funding a conservation mooring replacement pilot program, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

This article will fund a conservation mooring replacement pilot program for two existing mooring fields located in Quanset Pond and Portanimicut in the Pleasant Bay estuary. The town currently issues 1,355 mooring permits annually. The pilot program would involve the conversion of traditional mushroom anchor moorings to helical screw-in moorings and study the environmental benefits for possible application town-wide. The estimated cost for all tackle and installation of the conservation moorings at Quanset Pond (30 moorings) and Portanimicut (62 moorings) is between \$85,000 and \$105,000.

BOS: 4 – YES 1 – NO 0 – ABSTAIN
FC: 4 – YES 3 – NO 0 – ABSTAIN

ARTICLE 12. FUND PAINTING AND REHABILITATION OF WATER TANK #1

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum or Seven Hundred Thousand and 00/100 Dollars (\$700,000.00) for the purpose of painting and rehabilitating Water Storage Tank No. 1, including all expenses incidental and related thereto; and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article will fund the painting and rehabilitation of the 1 million gallon water storage tank #1 located on Lots Hollow Road. The last time this tank was painted was 1994 and MassDEP recommends repainting every 10-15 years. In addition, MassDEP has adopted new regulations for water storage tanks and the required work will be included as part of the rehabilitation project. As bid, the work would start in September of 2013.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 13. ACCEPT TRANSPORTATION BOND BILL FUNDS

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

(Simple Majority Vote Required)

SUMMARY

This article will allow the Town to accept money from the state to perform work under the provisions of Massachusetts General Law Chapter 90, Section 34(2)(a). The Town's apportionment for FY14 is provisionally \$433,778.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 14. HOLDING STATE HARMLESS FOR WORK

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

(Simple Majority Vote Required)

SUMMARY

The Commonwealth requires that the Town annually assume all liability for certain damages that may occur when work is performed by the Massachusetts Department Environmental Management within tidal and non-tidal waterways within the Town.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 15. AUTHORIZATION TO SELL SURPLUS EQUIPMENT & ACCEPT GIFTS

To see if the Town will vote to authorize the Town Administrator to dispose of surplus supplies and equipment under such terms and conditions as the Town Administrator deems advisable, provided all proceeds from any such disposition are returned to the General Fund, Water Surplus Fund or Reserve for Appropriation account where applicable and to accept any gift items that may be given to the Town on behalf of the citizens of Orleans, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article authorizes the Town Administrator to dispose of surplus/outdated supplies and equipment during the fiscal year. All money received for the disposal of such goods is to be placed in the General Fund, Water Surplus Fund or Reserve for Appropriation account, as appropriate. It will also allow the Town Administrator to accept gifts to the Town or any departments of the Town without additional Town Meeting action.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 16. ADOPT M.G.L. CH. 44, SECTION 53E ½ - REVOLVING ACCOUNTS

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

- 1) The Home Composting Bin/Recycling Containers Account, said account not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00). The Account will be used to purchase additional composting bins and recycling containers. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 2) The Council on Aging Account, said account not to exceed Sixty Thousand and 00/100 Dollars (\$60,000.00). Monies on hand in the Account will be used to fund programs, class instructor fees, fees for reservations and tickets related to trips and functions, and an annual volunteer appreciation function. All funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Council on Aging Transportation Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to fund driver salaries, vehicle maintenance and other necessary expenses related to the van transportation program. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 4) The Conservation Properties Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to pay utility bills and other necessary expenses associated with the rental of the Town owned properties under the jurisdiction and control of the Conservation Commission. Said funds to be spent under the direction of the Conservation Commission and the Town Administrator.
- 5) The Hubler Property Account, said account not to exceed Twenty-Five Thousand and 00/100 Dollars (\$25,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the former Hubler property located on Beach Road. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 6) The Cultural Council Awards Account, said account not to exceed Two Thousand and 00/100 Dollars (\$2,000.00). The Account will be used for awarding of cash prizes for participants and reception expenses for special art gallery showings. Said funds to be spent under the direction of the Cultural Council and the Town Administrator.
- 7) The H.K. Cummings Collection Account, said account not to exceed Five Thousand and 00/100 Dollars (\$5,000.00). The account will be used for costs associated with reproduction and digitization of prints. Said funds to be spent under the direction of the department manager and the Town Administrator.

Or to take any other action relative thereto to. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will authorize, establish and continue the authorization of various revolving funds for the following purposes:

- 1) A revolving fund for the purchase of composting bins and recycling containers. These bins and containers are sold to the general public and the funds collected are placed in a special revolving account that allows for the purchase of additional composting bins and recycling containers.

- 2) A revolving fund for the specific receipts, fees and charges for particular programs, services and activities of the Council on Aging.
- 3) A revolving fund for use by the Council on Aging to offset expenses related to the operation and maintenance of the Roadrunner passenger vans with monies collected through donations.
- 4) A revolving fund for the properties managed by the Conservation Commission. Monies collected as rent will be placed in the account for use to pay utility bills and other necessary expenses associated with the rental of the properties.
- 5) A revolving fund for the Hubler property. Monies collected as rent from seasonal employees will be placed in the account and used to pay utility bills and other necessary expenses associated with the rental of the property.
- 6) A revolving fund for use by the Cultural Council to award cash prizes for selected juried shows. The funds for cash prizes would be generated by the entry fee that artists pay to show their work.
- 7) A revolving fund for use by Snow Library to fund the reproduction and digitization of prints in the H.K. Cummings special collection. The funds would be transferred from an existing special revenue account and additional funding would be generated by the sale of the prints.

This article authorizes the establishment of revolving accounts and must be voted on annually. The Town Accountant shall account for all funds separately from all other monies of the Town and credit will include only departmental receipts received in connection with the programs supported by such revolving funds.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 17. FUND STABILIZATION FUND FOR POST EMPLOYMENT BENEFITS

To see if the Town will vote to raise and appropriate, and/or transfer the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) to the Stabilization Fund for Other Post-Employment Benefits to be reserved for appropriation for the purpose of funding future post-employment benefits, other than pensions, or take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article adds to the reserve fund for future post-employment benefit (OPEB) payments, which are the town’s share of future health and life insurance payments to retirees. The Governmental Accounting Standards Board (GASB), a national agency that rules on accounting standards, requires all governmental entities to record as a liability the future costs of these benefits actuarially calculated to be due to employees.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 18. FUND STABILIZATION FUND FOR BUILDING AND FACILITY MAINTENANCE

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of One Hundred Seventy Two Thousand and 00/100 Dollars (\$172,000.00) into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the Stabilization Fund the sum of One Hundred Seventy Two Thousand and 00/100 Dollars (\$172,000.00) for the purpose of funding building and facility maintenance projects, including all expenses incidental and related thereto, and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article adds to the “targeted” Stabilization Fund under Massachusetts General Law Chapter 40, Section 5B which was established for the sole purpose of funding a building and facility maintenance program. The Town has developed a 10-year Buildings and Facilities Master Plan that identifies, prioritizes and schedules remedial work to address the deficiencies, repairs and/or upgrades necessary for all Town buildings and facilities. The Plan is updated for review periodically with the Board of Selectmen who has final approval over annual project funding.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 19. ADOPT M.G.L. CH. 71, § 16B, ASSESSMENT FORMULA – NAUSET REGIONAL SCHOOLS

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

(Simple Majority Vote Required)

SUMMARY

This article will apportion the Nauset Regional School Assessments for FY15 to the four member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four towns establishing the Nauset Regional School District, and has been applied in each of the last ten years by town meeting vote.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 20. FUND VISITOR MANAGEMENT SERVICES BY ORLEANS CHAMBER OF COMMERCE

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty Thousand Three Hundred Twenty Nine and 0/100 Dollars (\$20,329.00), or any other sum, to be spent under the direction of the Orleans Chamber of Commerce, Inc. and the Board of Selectmen for the purposes of managing summer visitors, making the Town more user-friendly and improving the visual image of the Town, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Orleans Chamber of Commerce, Inc. is requesting funds for projects including management of the Town’s Visitor Information Center, staffing, technology upgrades, marketing and advertising; repairs and improvements to the Information Booth, and projects and functions designed to make the Town of Orleans more user-friendly and safe for residents and visitors.

Fiscal Year 2014 tax rate impact of \$0.006 per thousand valuation.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 21. FUND HUMAN SERVICES AGENCIES

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eighty One Thousand Three Hundred Twenty Seven and 00/100 Dollars (\$81,327.00), or any other sum, to fund the following human services organizations for the period July 1, 2013 to June 30, 2014.

Aids Support Group	\$ 2,000.00
CapeAbilities	\$ 5,827.00
Cape Cod Child Development	\$ 2,500.00
Cape Cod Children’s Place	\$ 2,500.00
Consumer Assistance Council	\$ 250.00
Elder Services of Cape Cod & Islands	\$ 2,500.00
Gosnold	\$ 8,000.00
Homeless Prevention Council	\$ 7,500.00
Independence House, Inc.	\$ 4,700.00
Lower Cape Outreach Council	\$ 9,000.00
Nauset Together We Can Prevention Council	\$ 5,000.00
Orleans After School Program	\$20,000.00
Outer Cape Health Services	\$ 8,500.00
Sight Loss Services	\$ 950.00
South Coast Legal Services	<u>\$ 2,200.00</u>
Total	<u>\$81,327.00</u>

Or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

Aids Support Group provides care, support and housing to foster health, independence and dignity for people living with HIV/AIDS and Viral Hepatitis. It also helps reduce the spread of HIV and other sexually transmitted diseases by providing education and testing services.

- FY13 no application submitted.
- The projected number of Orleans residents to be served in FY14 is 6.

CapeAbilities provides vocational rehabilitation services to residents who have disabilities and can benefit from such services but have no other means of support.

- FY13 funded \$5,827.00
- The projected number of Orleans residents to be served in FY13 is 13.

Cape Cod Child Development provides quality childcare, early education, developmental intervention and family support services on Cape Cod and the Islands. A non profit resource for early intervention for children with disabilities and a provider of the Head Start program are a small part of what they provide.

- FY13 funded \$2500.00
- The projected number of Orleans residents to be served in FY 14 is 21.

Cape Cod Children's Place provides advocacy, support and high quality care for families with young children to sustain a healthy community for Cape Cod's future.

- FY 13 no application submitted.
- The projected number of Orleans' residents to be served in FY14 is 65 families.

Consumer Assistance Council, Inc. assists consumers by providing information so they are aware of their legal rights should they have difficulties dealing with a business.

- FY13 funded \$250.00
- The projected number of Orleans' residents to be served in FY14 is 200.

Elder Services of Cape Cod and the Islands provides many programs including Meals-on-Wheels, a Home Care Program, Protective Services, Elder At Risk Program, Family Caregiver Support, Long Term Care Screening, Nursing Home Ombudsman Program, Senior AIDES Program, Retired and Senior Volunteer Program, Money Management Program, Community Grants, Information and Referral Program and Senior Nutrition Program.

- FY13 funded \$2,500.00
- The projected number of Orleans' residents to be served in FY14 is 55.

Gosnold, Inc. is a not for profit Cape based organization helping individuals and families with drug and alcohol addiction and mental health issues.

- FY13 funded \$ 8,000.00
- The projected number of Orleans' residents to be served in FY14 is 145.

Homeless Prevention Council serves Orleans residents who are homeless or at risk of becoming homeless.

- FY13 funded \$6,936.00
- The projected number of Orleans' residents to be served in FY14 is 205.

Independence House is the only comprehensive resource center for victims of domestic violence on Cape Cod, their children and sexual assault survivors on Cape Cod.

- FY13 funded \$4,700.00
- The projected number of Orleans' residents to be served in FY14 is 24.

Lower Cape Outreach Council, Inc. provides emergency assistance of free food, clothing, and financial support to individuals and families, which will lead to healthy, productive and self-sustaining lives as part of the Cape Cod Community.

- FY13 funded \$ 8,500.00
- The projected number of Orleans' residents to be served in FY14 is 500 households.

Nauset Together We Can Prevention Council, Inc. provides activities and a safe environment for middle school and high school aged children during after school time.

- FY 13 no application submitted
- The projected number of Orleans residents to be served in FY14 is 250.

Orleans After School Activities Program provides safe, quality after school care for Orleans children 5-14 years of age after school, during vacations and in the summer.

- FY13 funded \$15,000.00
- The projected number of Orleans' residents to be served in FY14 is 85 families / 95 children.

Outer Cape Health Services, Inc. is a federally qualified 501(3) not for profit community health center that provides high quality primary care to those living in or visiting the Lower and Outer Cape, regardless of their financial circumstances.

- FY2013 funded \$6,000.00
- The projected number of Orleans' residents to be served in FY2013 is 888.

Sight Loss Services is the only nonprofit corporation serving the blind and visually impaired on Cape Cod and the Islands.

- FY12 funded \$850.00
- The projected number of Orleans residents to be served in FY14 is 125-130.

South Coast Legal Services, Inc. formerly Legal Services for Cape Cod and Islands, Inc. provides free legal advice and representation to qualified Orleans residents.

- FY13 funded \$2,100.00
- The projected number of Orleans' residents to be served in FY14 is 29.

Fiscal Year 2014 tax rate impact of \$0.023 per thousand valuation.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 22. FUND FOURTH OF JULY PARADE

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Five Thousand and 00/100 Dollars (\$5,000.00), or any other sum, for the

purpose of funding the July 4th parade within the Town of Orleans. Said funds to be expended under the direction of the Town Administrator, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article would fund expenses related to the annual July 4th parade in the Town of Orleans. The Town funds will be used to supplement private fundraising activities necessary to support the parade and any unexpended funds will be available for the following year.

Fiscal Year 2014 tax rate impact of \$0.001 per thousand valuation.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	7 – YES	0 – NO	0 – ABSTAIN

ARTICLE 23. FUND ELECTED OFFICIALS COMPENSATION

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2013 as follows:

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

and to raise and appropriate and/or transfer from available funds the sum of Eight Thousand Six Hundred and 00/100 Dollars (\$8,600.00) or any other sum, for this purpose, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will provide funding for the Board of Selectmen, Moderator and Constables' compensation for Fiscal Year 2014, and an increase for the Chairman in accordance with the provisions of the Orleans Home Rule Charter.

Fiscal Year 2014 tax rate impact of \$0.002 per thousand valuation.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 24. FUND NON-UNION EMPLOYEE COLA (FY14)

To see if the Town will vote to approve a cost of living wage increase for the period of July 1, 2013 to June 30, 2014 (FY14) for those employees who are covered by the Personnel Bylaw Compensation Plans A, B, D and E and those employees covered by individual contracts and employment agreements; and to raise and appropriate and/or transfer a sufficient sum to fund such increase, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund a 2.5% percent wage increase for non-union employees in FY14.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	9 – YES	0 – NO	0 – ABSTAIN

ARTICLE 25. FUND ORLEANS POLICE FEDERATION CONTRACT (FY14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY14 Salaries Account for the Police Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Police Federation, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund contract obligations with the Orleans Police Federation, for the period July 1, 2013 – June 30, 2014 (FY14). The contract includes general wage increases of 0% for FY12 and FY13, 2.5% for FY14 and 2.5% for FY15.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	9 – YES	0 – NO	0 – ABSTAIN

ARTICLE 26. FUND ORLEANS PERMANENT FIREFIGHTERS ASSOCIATION CONTRACT (FY14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY14 Salaries Accounts for the Fire Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F., or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund contract obligations with the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F, for the period July 1, 2013 – June 30, 2014 (FY14). The contract includes general wage increases of 2.5% for FY14 and 2.5% for FY15.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	9 – YES	0 – NO	0 – ABSTAIN

ARTICLE 27. FUND CLERICAL AND TECHNICAL UNION CONTRACT (FY 14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY14 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 9158 Unit #2, Clerical and Technical Union, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund contract obligations with the United Steelworkers Local Union 9158 Unit #2, Clerical & Technical Union, for the period July 1, 2013 – June 30, 2014 (FY14). The contract includes general wage increases of 2.5% for FY14 and 2.5% for FY15.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 9 – YES 0 – NO 0 – ABSTAIN

ARTICLE 28. FUND UNITED STEELWORKERS UNION CONTRACT (FY 14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY14 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 13507, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund the contract obligations with the United Steelworkers Local Union 13507, for the period July 1, 2013 – June 30, 2014 (FY14). The contract includes general wage increases of 2.5% for FY14 and 2.5% for FY15.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 9 – YES 0 – NO 0 – ABSTAIN

ARTICLE 29. FUND UNANTICIPATED EMPLOYEE RETIREMENT BUYOUTS

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) to fund unanticipated employee retirement buyouts, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will set aside funding for unanticipated employee retirement related buyouts of unused sick leave and vacation leave in accordance with existing collective bargaining agreements. Normally, if an employee provides timely notice of their retirement plans, any buyout amount is included as part of the annual operating budget for that department.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 30. DELEGATE MANAGEMENT OF HISTORIC PRESERVATION RESTRICTIONS

To see if the Town will vote pursuant to the Community Preservation Act, GL. C. 44B. §12(b), to authorize the Board of Selectmen to delegate management of historic

preservation restrictions held by the Town to the Orleans Historical Commission, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

Under the Community Preservation Act, historic preservation restrictions purchased with CPA funds must be managed by the Town, but the Town Meeting may delegate management of such restrictions to other commissions. This article will permit the Board of Selectmen to delegate the management of historic preservation restrictions to the Orleans Historical Commission.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	7 – YES	0 – NO	1 – ABSTAIN

ARTICLE 31. AMEND GENERAL BYLAW, CH. 158 – WATER

Chapter 158, WATER

[HISTORY: Adopted by the Town of Orleans as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Water Department rules and regulations -- See Ch. 196.

ARTICLE I, General Regulations [Adopted 3-11-1963 ATM, Art. 41; amended in its entirety 3-9-1970 ATM, Art. 33]

§ 158-1. Guaranty or bond required for extension of mains. [Amended 5-11-2009 ATM, Art. 32]

Whenever any extension of the water main is requested upon any street or way, ~~the Board of Water Commissioners, or the Board of Water and Sewer Commissioners, as the case may be~~ (hereinafter the "Board"), may require that, before such extension is made, a guaranty or bond shall be given to the Town in such amount and form and with such sureties as they shall approve, conditioned that the obligors shall pay to the Town for not more than ten (10) years, at the time appointed for payment of water rates, such sums as shall amount in the aggregate annually to ten percent (10%) upon the cost of such extension, subject to diminution by the amounts that the Town shall receive annually from rates paid for water by consumers connected with such extension.

§ 158-2. Protection of watershed; fines and penalties. [Added 5-9-1989 ATM, Art. 30; amended 5-11-2009 ATM, Art. 32]

Any person who, without lawful authority, directly or indirectly corrupts or defiles or who causes the corruption or defilement of the watershed system or any water source located within the Town of Orleans supplying the watershed system including but not limiting to dumping of any type of materials within the watershed of said Town as depicted on Assessors Map 54, Parcel 1: 4.90+/- acres, Assessors Map 68, Parcel 5: 3.91 acres, Assessors Map 68, Parcel 7: 6.91 acres, Assessors Map 81, Parcel 10: 13.67 acres, Assessors Map 81, Parcel 9: 3.33 acres, Assessors Map 81, Parcel 5: 11.48 acres, Assessors Map 75, Parcel 119: 4.00 acres, Assessors Map 75, Parcel 87: 6.53 acres filed in the Orleans Tax Assessor's Office, shall be subject to the following fines and penalties. A violation of this bylaw shall be punished by a fine of not more than three hundred and 00/100 (\$300.00) dollars for each day such violation occurs or continues. Any such fine or penalty shall be payable to the Treasury of the Town of Orleans. The fines and penalties imposed under this bylaw are in addition to the fines

and penalties imposed under Massachusetts General Laws, Chapter 21, Section 42, and said statutes shall not be construed as a limitation of the enforcement or the extent of violations covered under this bylaw. The bylaw shall not be deemed the exclusive remedy available to the Town of Orleans for the corruption or defilement of the Town's watershed. The Town specifically reserves the right to maintain an action under theories of tort law or any other appropriate legal theory.

ARTICLE II, Cross-Connection Control [Adopted 5-9-1989 ATM, Art. 31]

§ 158-3. Purpose.

A. To protect the public potable water supply served by the Board from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system. [Amended 5-11-2009 ATM, Art. 32]

B. To promote the elimination or control of existing cross-connection, actual or potential, between its customers in-plant potable water system, and non-potable systems.

C. To provide for the maintenance of a continuing program of cross-connections control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

§ 158-4. Authority.

A. As provided in the Federal safe drinking water act of 1974 (Public Law 93-523), and the Commonwealth of Massachusetts drinking water regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.

B. The Water Department Rules and Regulations, adopted August 23, 1988, and amended 5-2-2007, **and amended 8-15-2012**. [Amended 5-11-2009 ATM, Art. 32]

§ 158-5. Responsibility. [Amended 5-11-2009 ATM, Art. 32]

The Board shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Water Department determines that an approved backflow prevention device is required at the Town's water service connection or as inplant protection on any customer's premises, the Water Department, or its delegated agent, shall issue a cross-connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Water Department, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices **at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices** within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

§ 158-6. Definitions.

~~A. Air Gap Separation: the method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.~~

A.B. Approved: accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

B.C. Approved Backflow Prevention Device or Devices: A **testable or non-testable cross connection control device** ~~method to prevent backflow~~ **that is approved by the**

Department of Environmental Protection for use in Massachusetts. [Amended 5-11-2009 ATM, Art. 32]

~~D. Atmospheric Vacuum Breaker: An approved backflow device used to prevent back siphonage which is not designed for use under static line pressure.~~

~~C.E. Auxiliary Water Supply: Any water supply of unknown or questionable quality on or available to the premises other than the Water Department's approved public potable water supply. [Amended 5-11-2009 ATM, Art. 32]~~

~~D.F. Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.~~

~~E.G. Back Siphonage: A form of backflow due to reduced or subatmospheric pressure within a water system.~~

~~F.H. Backflow: The flow of water or other liquids, mixtures or substances, **under positive or reduced pressure in** into the distributions pipes of a potable water supply from any source other than ~~the~~ **its** intended source.~~

~~G.I. Backflow Preventer with Intermediate Atmospheric Vent: A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.~~ **or means designed to prevent backflow or backsiphonage. Most commonly categorized as air gap, reduced pressure principal device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.**

- 1. Air Gap – The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. The air gap separation shall be at least twice the internal diameter of the supply pipe discharge line but in no case less than one inch.**
- 2. Atmospheric Vacuum Breaker – A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in a water system.**
- 3. Barometric Loop – A fabricated piping arrangement rising at least thirty five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage.**
- 4. Double Check Valve Assembly – An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.**
- 5. Double Check Valve with Intermediate Atmospheric Vent – A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.**
- 6. Hose Bibb Vacuum Breaker – A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.**
- 7. Pressure Vacuum Breaker – A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks.**

Device includes tightly closing shut off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

8. **Reduced Pressure Principle Backflow Preventer** – An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

4-9. **Residential Dual Check** – An assembly of two (2) spring loaded, independently operating check valves without tightly closing shut off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

~~J. Barometric Loop: A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.~~

H. **Commission** – The Town of Orleans Board of Water and Sewer Commissioners (the “Board”) or owner or operator of a public water supply system invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Ordinance.

I. **Containment** – A method of backflow prevention which requires a reduced pressure backflow preventer or an air gap separation at the meter or property line.

~~K. (Reserved)EN~~

~~JL. Contaminant: A substance that will impair the quality of water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease. Any physical, chemical, biological or radiological substance or matter in water.~~

~~K.M. Cross-Connection: Any actual or potential connection between a distribution pipe of potable water from a the public water supply system and a source of contamination or pollution. any waste pipe, soil pipe, sewer, drain, or other unapproved source.~~

~~LN. Cross-Connection Violation Form: A violation form designated by the Department of Environmental Protection, which is sent to the owner by the Water Department with copies sent to the Department of Environmental Protection, plumbing inspectors and Board of Health delineating cross-connection violations found on the owner's premises and a procedure for corrective action. [Amended 5-11-2009 ATM, Art. 32]~~

M. **Department** – The Massachusetts Department of Environmental Protection (MassDEP).

N. **Design Data Sheet** – A report form submitted to the supplier of water along with plans for each installation of a reduced pressure backflow preventer or double check valve assembly, or for each change to any such device already installed, describing and showing the details of the specific installation.

O. ~~(Reserved)EN~~ **Health Hazard** – An actual or potential threat of contamination to the potable water in a public water system, which, in the opinion of the supplier of water would endanger health.

~~P. Double Check Valve Assembly: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.~~

PQ. In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the ~~public water system consumers~~ **of water** and the potable water system within the premises.

Q. **Inspection – An on-site inspection and survey by a qualified individual to determine the existence and location of cross connections and/or the physical examination and testing of an installed backflow prevention device to verify that the backflow prevention device is functioning properly.**

R. **Inspection and Maintenance Report Form – A report form which is to be used by certified testers to record all pertinent testing information.**

S.R. Owner: Any person maintaining a cross-connection installation or owning or occupying premises on which cross-connections can or do exist.

T.S. **Owners Agent – Any person or body designated by the owner to act as his or her representative.**~~Permit: A document issued by the Water Department which allows a cross-connection installation. [Amended 5-11-2009 ATM, Art. 32]~~

U. Person: Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United States, except that nothing herein shall be constructed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian Lands.

~~U.~~ ~~Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.~~

V. **Pollutant – A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such water for domestic use.**

~~V.~~ ~~Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves, (4) necessary appurtenances for testing. [Amended 5-11-2009 ATM, Art. 32]~~

W. **Potable Water – Water from any source that has been approved by MassDEP for human consumption.**

~~W.~~ ~~Residential Dual Check: An assembly of two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.~~

X. Reviewing Authority: The **supplier of public water** ~~Water Department, its Designees, or the local plumbing inspector, authorized by M.G.L. C. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device. [Amended 5-11-2009 ATM, Art. 32]~~

Y. **Supplier of Public Water – Any person who owns or operates a public water supply system.**

Z. **Unapproved Source – The source or distribution system for any water or other liquid or substance which has not been approved by the MassDEP as being safe and sanitary quality for human consumption, including but not limited to any waste pipe, soil pipe, sewer drain, or non-acceptable potable water system material.**

§ 158-7. Administration.

A. The Board will operate an active cross-connection control program, to include the keeping of necessary records which fulfills the requirements of the Department of Environmental Protection Cross Connection Regulations and is approved by the Department. [Amended 5-11-2009 ATM, Art. 32]

B. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the **Board's Commission's** program and the Department regulations.

§ 158-8. Requirements.

A. WATER DEPARTMENT. [Amended 5-11-2009 ATM, Art. 32]

1. On new installations, the Water Department will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.

2. For premises existing prior to the start of this program, the Water Department will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.

3. The Board will not allow any cross-connection to remain unless it is protected by an approved backflow preventer which has been approved and which will be regularly tested to insure satisfactory operations.

4. The Water Department shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. The Water Department will allow an additional fifteen (15) days for the correction. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Water Department will inform the Owner by letter that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Board of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Board, but in no case will exceed an additional thirty (30) days.

~~5.4.~~ If the Board determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

~~65.~~ The Water Department shall have on its staff, or shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.

~~76.~~ The Water Department began initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department of Environmental Protection, during calendar year 1988. Initial focus was on high hazard industries and commercial premises. The Water Department continues with an annual survey program.

B. OWNER.

1. The Owner shall be responsible for the elimination or protection of all cross-connections on his/her premises. [Amended 5-11-2009 ATM, Art. 32]

2. The Owner shall be responsible for applying for and obtaining all necessary approvals for the maintenance of cross-connections and installation of backflow prevention devices. [Amended 5-11-2009 ATM, Art. 32]

3. The Owner shall have any device that fails an inspection or test repaired or replaced by a licensed plumber. [Amended 5-11-2009 ATM, Art. 32]

4. The Owner shall inform the Water Department of any proposed or modified cross-connection and also any existing cross-connections of which the owner is aware but has not been found by the Water Department. [Amended 5-11-2009 ATM, Art. 32]

5. The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

6. The Owner shall install backflow preventers in a manner approved by the Water Department. [Amended 5-11-2009 ATM, Art. 32]

7. The Owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by ~~MassDEP~~the State. [Amended 5-11-2009 ATM, Art. 32]

8. Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the Orleans water system. Permission to cross connect may be denied by the Board. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross connected to the Orleans water system. [Amended 5-11-2009 ATM, Art. 32]

9. ~~The Owner of any residential premises having a~~ **A private well or other private individual water source serving residential dwellings used for potable or non-potable purposes** will not be allowed a physical connection with the public water supply system.

10. The Owner shall be responsible for the payment of all fees for, **annual or semi-annual** device testings, retesting in the case that the device fails to operate correctly, and second re-inspections for noncompliance with Water Department **or** MassDEP requirements. [Amended 5-11-2009 ATM, Art. 32]

§ 158-9. Degree of hazard. [Amended 5-11-2009 ATM, Art. 32]

The Board recognizes the threat to the public water system arising from cross-connections. As such, the Board, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross-connections, could contaminate the public water supply system.

§ 158-10. Enforcement. [Amended 5-11-2009 ATM, Art. 32]

The Board shall not allow a cross-connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and/or permits have been issued.

§ 158-11. Existing in-use backflow-prevention devices. [Amended 5-11-2009 ATM, Art. 32]

Any existing backflow preventer shall be allowed by the Board to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

§ 158-12. Testing. [Amended 5-11-2009 ATM, Art. 32]

A. Reduced pressure backflow preventers shall be tested and inspected at least semi-annually and double check valve assemblies shall be tested and inspected at least annually by the Water Department.

B. Testing shall be performed by the Water Department's certified tester or a Massachusetts Department of Environmental Protection certified tester with the approval of the Water Department.

C. The testing shall be conducted during the Water Department's regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the Water Department.

D. (Reserved)

E. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.

F. Backflow prevention devices may be tested more frequently than specified above in "A" in cases where there is a history of test failures and the Water Department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the Owner.

§ 158-13. Records and reports. [Amended 5-11-2009 ATM, Art. 32]

A. RECORDS:

The Water Department maintains the following:

1. Master files on customer cross-connection tests and/or inspections.
2. Master files on approved cross-connection installations.
3. **Master files on facilities surveyed and violations found.** ~~Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.~~
4. **Master files on correspondences, violation notices and enforcement actions.**

B. REPORTS.

The Water Department will submit the following to the Massachusetts Department of Environmental Protection **upon request**:

1. ~~4.~~ Annual list of all cross-connections protected by an approved dual check valve assembly or reduced pressure backflow preventer device.

~~4.2.~~ **Summary of cross connection inspections and surveys.**

§ 158-14. Residential dual check. [Amended 5-11-2009 ATM, Art. 32]

All new residential buildings are required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the Water Department at a scheduled cost to the homeowner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Water Department.

The Owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, The Owner shall be responsible for provisions for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

§ 158-15. Strainers. [Amended 5-11-2009 ATM, Art. 32]

The Board strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers may preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

ARTICLE III, Water Supply [Adopted 5-8-2000 ATM, Art. 26EN]

§ 158-16. Authority. [Amended 5-11-2009 ATM, Art. 32]

This Bylaw is adopted by the Town under its police powers **pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX**, to protect public health and welfare and **pursuant to** its powers under M.G.L. c. 40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This bylaw also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection **under G.L. c. 21G the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36:00.**

§ 158-17. Purpose.

The purpose of this bylaw is to protect, preserve and maintain the public health, safety, ~~and~~ **welfare and the environment** whenever there is in force a "State of Water Supply Conservation" or "State of Water Supply Emergency" **by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers, and wetlands. This purpose will be accomplished** by providing for **the imposition and enforcement** of any duly **implemented** ~~imposed~~ restrictions, requirements, provisions or conditions **on water use** imposed by the Town **in accordance with this bylaw and/or** by the Department of Environmental Protection **under its state law authorities.**

§158-18. Applicability.

All Town residents that are customers of the public water supply system and private well users shall be subject to this bylaw. This bylaw shall be in effect year round.

§ 158-198. Definitions.

Agriculture - shall mean farming in all its branches as defined at M.G.L. c. 128, §1A.

Automatic Sprinkler System – shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Nonessential outdoor water use - shall mean those uses that are not required:

- 1. for health or safety reasons**
- 2. by regulation;**
- 3. for the production of food and fiber**
- 4. for the maintenance of livestock; or**
- 5. to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings, wash equipment to prevent damage and/or maintain performance, pest management and plant**

cooling).

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of public parks and recreation fields outside the hours of 9AM to 5PM and;
- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose outside the hours of 9AM to 5PM and;
- irrigation outside the hours of 9 am to 5 pm with harvested and stored stormwater runoff.

The following outdoor water uses are subject to review and approval by the Town through its Board or their designee:

- irrigation to establish replanted or resodded lawn or plantings during the months of May and September;
- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months;
- filling of privately owned outdoor pools

Person - shall mean any individuals, corporation, trust, partnership or association, **agency or authority**, or other entity and **any officer, employee, group or agent of such persons**.

State of Water Supply Emergency - shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, § 15-17.

State of Water Supply Conservation – shall mean a **State of Water Supply Conservation** declared by the Town pursuant to §158-20 of this bylaw.

Water Customers - ~~Users or Water Consumers~~ shall mean all ~~public and private users of the Town's~~ **persons using the public water supply system**, irrespective of any that person's responsibility for billing purposes for **use of the water used at any particular facility**.

Water Users – shall mean all persons using water within the Town.

~~Enforcing person shall mean the Board, the Board of Health and Health Agent, Police Officers of the Town and any other persons designated by the Board to enforce this bylaw. [Amended 5-11-2009 ATM, Art. 32]~~

§ 158-2019. Declaration of a State of Water Supply Conservation. [Amended 5-11-2009 ATM, Art. 32]

The Town, through the Board **or its designee authorized to act as such**, may declare a State of Water Supply Conservation upon a determination ~~by a majority vote of the Board that a shortage of water exists and~~ conservation measures are appropriate to

ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands and to ensure compliance with the Water Management Act. Upon notification to the public that a declaration of a State of Water Supply Conservation has been declared, no person shall violate any provision, restriction, requirement or condition of the declaration. The "Board" may designate the Water Superintendent to declare a State of Water Supply Conservation at any time that conditions warrant. to all water consumers. Public notice of a State of Water Conservation shall be given under § 158-21 of this bylaw before it may be enforced.

§ 158-20.1. Declaration of a state of Water Supply Emergency.

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department of Environmental Protection for the purpose of bringing about an end to the State of Water Supply Emergency.

§ 158-20.2 Restricted Water Uses. [Amended 5-11-2009 ATM, Art. 32]

A declaration of a State of Water Supply Conservation **and/or a State of Water Supply Emergency** shall include but not be limited to one or more of the following restrictions, conditions, or requirements limiting **nonessential outdoor water use by water customers (and water users)** ~~the use of water as necessary to control the volume of water pumped each day, except as provided as acceptable.~~ ~~protect the water supply.~~ The applicable restrictions, conditions or requirements shall be included in the public notice required under § 158-21.

a) ~~Odd/Even Day Outdoor Watering~~ **Nonessential Outdoor Water Use Days.** ~~Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.~~ **Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. During a State of Water Supply Emergency or State of Water Supply Conservation, nonessential outdoor water use is restricted to two days or fewer per week.**

b) ~~Outdoor Watering Ban~~ **Nonessential Outdoor Water Use Hours.** ~~Outdoor watering is prohibited.~~ **Nonessential outdoor water use is permitted only during the hourly periods specified in the declaration of a State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.**

c) **Nonessential Outdoor Watering water Use Method Restriction.** ~~Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and/or public notice thereof.~~ **Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.**

d) **Nonessential Outdoor water Use Ban. Filling Swimming Pools.** ~~Filling of swimming pools is prohibited.~~ **Nonessential outdoor water use is prohibited at all times.**

e) Automatic Sprinkler **System Ban Use**. The use of automatic sprinkler systems is prohibited.

§ 158-21. Public Notification of a State of Water Supply Conservation or **State of Water Supply Emergency**; Notification of DEP (Department of Environmental Protection). [Amended 5-11-2009 ATM, Art. 32]

- a) ~~Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under § 158-20 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.~~ **Public Notification of a State of Water Supply Conservation** – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State of Water Supply Conservation by publication in a newspaper of general circulation within the Town and by Signage on major roadways or intersections. The Town may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). Notification may also include email, Web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all water users.
- b) **Public Notification of a State of Water Supply Emergency** – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department of Environmental Protection (DEP) shall be made by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. The Town may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.) This notice shall be provided as soon as possible, but no later than 48 hours after the public water system receives notice of DEP’s declaration of a State of Water Supply Emergency. Notification may also include email, web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all water users of the State of Water Supply Emergency.
- c) Any restriction imposed under §158-20 or §158-20.1 or in DEP’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided. Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per Mass DEP regulations (310 CMR 22.15(8)).

§ 158-22. Termination of a State of Water Supply Conservation; Notice. [Amended 5-11-2009 ATM, Art. 32]

A State of Water Supply Conservation may be terminated by a majority vote of the Board **or** its designee, upon a determination **by either or both of them** that the **conditions requiring the State of Water Supply Conservation** ~~water supply shortage~~ no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by § 158-21 **for notice of imposition.**

§ 158-22.1. **Termination of a State of Water Supply Emergency; Notice.**, ~~Compliance with DEP Orders.~~

Upon notification to the ~~Town public~~ that a ~~the~~ declaration of a State of Water Supply Emergency has been **terminated** issued by the Department of Environmental Protection, **the public will be notified of the termination in the same manner as is required by §158-21 for notice of imposition.** ~~no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.~~

§ 158-22.2. Penalties.

The Town through the Board or its designee including the water superintendent, Building inspector and/or local police may enforce this bylaw. Any person violating this bylaw shall be liable to the Town in the amounts listed below:

- 1) **First violation: Warning**
- 2) **Second violation: \$50.00**
- 3) **Third and subsequent violations: \$100.00**

~~Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation, which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21 D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense. -Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21 D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the Town or water superintendent or the superintendent's designee. If a State of Water Supply Emergency has been declared the Board may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop.~~

§ 158-22.3. Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

ARTICLE IV, Water Meter Tampering [Adopted 1-22-1991 STM, Art. 4]

§ 158-23. Violations and penalties.

Any person who, without lawful authority, causes intentional injury to, or interferes with the proper recording of a water meter shall be fined \$250.00 for each violation. Said fine is in addition to the fines and penalties imposed under Massachusetts General Laws, Chapter 165, Section 11. In addition to such fines, the user of the affected water service shall pay for an estimated water usage based on the national average as determined by American Water Works Association and all labor and materials incurred by the Town in correcting said injury or interference.

ARTICLE V, Interest on Unpaid Water Bills [Adopted 10-7-1991 STM, Art. 12; amended in its entirety 5-11-2009 ATM, Art. 32]

§ 158-24. Interest rate.

Town water bills which remain unpaid after their due date shall accrue interest at the rate of 14% per annum or at the maximum rate of interest which may be charged on tax bills under the provisions of Massachusetts General Laws Chapter 59, Section 57. Effective January 1, 1992 interest shall accrue from the due date, until the date of payment.

ARTICLE VI, Water Supply and Watershed District Protection [Adopted 5-12-1992 ATM, Art. 21]

§ 158-25. Authority.

This bylaw is adopted by the Town of Orleans under the Home Rule Amendment and its police powers to protect public health and welfare and the specific authorization under Massachusetts General Laws Chapter 40, Section 21.

§ 158-26. Purpose. [Amended 5-10-2004 ATM, Art. 29]

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare of the inhabitants of the town and quality of groundwater of the town and to preserve and protect the watershed, as defined in § 158-27, as an area primarily devoted to the production of potable water.

§ 158-27. The watershed. [Amended 5-10-2004 ATM, Art. 29EN]

The watershed shall consist of the following tracts of land within the Town:

A. The Route 28 Tract consisting of the following parcels:

- (1) Assessors Map 54, Parcel 1: 490+/- acres.
- (2) Assessors Map 68, Parcel 5: 3.91 acres.
- (3) Assessors Map 68, Parcel 7: 6.91 acres.

B. The Quanset Road Tract consisting of the following parcels:

- (1) Assessors Map 81, Parcel 10: 13.67 acres.
- (2) Assessors Map 81, Parcel 9: 3.33 acres.
- (3) Assessors Map 81, Parcel 5: 11.48 acres.
- (4) Assessors Map 75, Parcel 119: 4.00 acres.
- (5) Assessors Map 75, Parcel 87: 6.53 acres.
- (6) Total area: 39.01 acres.

C. The Lots Hollow Road Tract consisting of the following parcel:

- (1) Map 47, Parcel 96: 3.88 acres.

§ 158-28. Land use within the watershed. [Added 5-10-2004 ATM, Art. 29]

A. The primary use of the land located in the watershed shall be the production, treatment and protection of potable water and to provide suitable sites for the location of future wells.

B. The watershed may also be used for selected recreational activities, as authorized from time to time by the Board, after notice and a public hearing. [Amended 5-11-2009 ATM, Art. 32]

C. The Board is hereby authorized to promulgate regulations for the purpose of carrying out the provisions of this bylaw, including the regulation of all activities conducted within the watershed other than the production of water, and uses incidental and related thereto. Failure of the Board to promulgate such regulations or a legal declaration of the regulations' invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. [Amended 5-11-2009 ATM, Art. 32]

§ 158-29. Watershed management plan. [Added 5-10-2004 ATM, Art. 29; amended 5-11-2009 ATM, Art. 32]

The Board shall be charged with the responsibility of drafting a Watershed Management Plan, the primary purpose of which shall be to set forth recommendations for management of the watershed in order to protect the Town's supply of potable water. The plan shall include, but not be limited to, an assessment of the natural habitat of the watershed, recommendation(s) for the control of nonpublic water supply activities within the watershed, assessment of the impact(s) of activities within the watershed, recommendation(s) for posting of informative signs and a trail system for passive recreational activities, and an analysis of fiscal impact(s) resulting from the implementation of the Plan. The Board shall conduct a public hearing, after public notice, prior to the adoption of the Plan and any amendments thereto.

§ 158-30. Discharge of firearms and explosives regulated. [Amended 5-11-2009 ATM, Art. 32]

No person shall fire or discharge any firearms or explosives of any kind for target practice purposes within the limits of the Town of Orleans watershed without the permission of the Board.

§ 158-31. Violations and penalties; enforcement.

A. Any person who violates this bylaw, or any regulation promulgated hereunder by the Board, shall be liable to the Town in the amount of two hundred fifty dollars (\$250) for the first violation and five hundred dollars (\$500.) for each subsequent violation. Each day or portion thereof during which the violation continues shall constitute a separate offense. [Amended 5-10-2004 ATM, Art. 29; 5-11-2009 ATM, Art. 32]

B. This bylaw may be enforced pursuant to the noncriminal disposition procedures provided for Massachusetts General Laws Chapter 40 Section 21D.

§ 158-32. Severability.

The invalidity of any portion or provisions of this bylaw shall not invalidate any other portion, provision or section hereof.

Or take any other action relative thereto. (Board of Water and Sewer Commissioners)

(Simple Majority Vote Required)

SUMMARY

This is an update of the existing general bylaw incorporating the rules and regulations of the Water Department and addresses MassDEP requirements for cross connections, back-flow prevention and water conservation measures.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: No significant fiscal impact

ARTICLE 32. ADOPT GENERAL BYLAW, CH. 140 – RIGHT TO FARM

To see if the Town will vote to amend the General Bylaws, by adding the following new General Bylaw:

Chapter 140 – Right to Farm Bylaw

§140-1. Legislative Purpose and Intent

- A. The purpose and intent of this bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not

limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Orleans restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

- B. This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Orleans by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the Town.

§140-2. Definitions

- A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.
- B. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:
 - 1) farming in all its branches and the cultivation and tillage of the soil;
 - 2) dairying;
 - 3) production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
 - 4) growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
 - 5) raising of livestock including horses;
 - 6) keeping of horses as a commercial enterprise; and
 - 7) keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.
- C. "Farming" shall encompass activities including, but not limited to, the following:
 - 1) operation and transportation of slow-moving farm equipment over roads within the Town;
 - 2) control of pests, including, but not limited to, insects , weeds, predators and disease organism of plants and animals;
 - 3) application of manure, fertilizers and pesticides;
 - 4) conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
 - 5) processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
 - 6) maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;

- and
- 7) on-farm relocation of earth and the clearing of ground for farming operations.

§140-3. Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Orleans. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

§140-4. Disclosure Notification

Copies of the Disclosure Notification shall be prepared by the town and included on a one-time basis with the mail out of town real estate tax bills. Following the initial mail out, copies of the Disclosure Notification will be included on a continuing basis with the mail out of Municipal Lien Certificates.

DISCLOSURE NOTIFICATION:

It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural and aquacultural resources for the production of food and other agricultural products and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause attendant incidental noise, dust and odors associated with normally accepted agricultural practices. Buyers or occupants are also informed that any property within the Town may be impacted by commercial agriculture, aquiculture, and other farming activities.

§140-5. Resolution of Disputes

A. Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or the Board of Selectmen may forward a copy of the grievance to the Agricultural Advisory Council or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority

within an agreed upon time frame.

B. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Advisory Council or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

§140-6. Severability Clause

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Orleans hereby declares the provisions of this bylaw to be severable.

§140-7. Relationship to Existing Bylaws, Rules and Regulations.

Notwithstanding anything contained herein to the contrary, nothing in this bylaw shall supersede any existing Town bylaw, zoning bylaw, rule or regulation and all such existing bylaws, rules and regulations shall continue in full force and effect.

or to take any other action relative thereto. (Board of Selectmen and Agricultural Advisory Council)

(Simple Majority Vote Required)

SUMMARY

With the growth of interest in local agriculture, 116 Massachusetts towns, including the towns of Falmouth, Yarmouth, and Harwich, have sought to encourage its pursuit by passing right to farm bylaws. The proposed Orleans bylaw, like most of the 116, closely follows the model bylaw published by the Massachusetts Dept. of Agricultural Resources (MDAR). It restates in brief compass what already exists in the Massachusetts constitution and statutes. Primarily educational in purpose, the bylaw seeks to minimize possible conflicts arising from misunderstandings or faulty assumptions. The bylaw promotes a sustainable agricultural community consistent with the recommendations of the Agricultural Task Force Final Report and Orleans Comprehensive Plan.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: No significant fiscal impact

ARTICLE 33. AMEND GENERAL BYLAW, CH. 85 – ANIMAL CONTROL

To see if the Town will vote to amend the Town Code, Chapter 85, Animal Control, to read as follows:

§ 85-5. Licensing of Dogs.

The registration, numerical listing, description and licensing of dogs shall be conducted in the office of the Town Clerk. Licenses are due March 1st of each year. It shall be unlawful for the owner or keeper of any dog more than six (6) months old to fail to obtain

a dog license and keep it securely affixed to the dog's collar or harness at all times. It shall be unlawful to own or keep more than three (3) dogs on a single premise unless a kennel permit has also been obtained from the Town Clerk, **other than 3 or more dogs kept solely as personal pets of the owner of the dogs.** (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article is concurrent to the proposed amendment to the zoning bylaw, Section 164-4, Definitions, to allow the keeping of more than 3 dogs as pets without the requirement for a kennel permit.

Or take any other action relative thereto.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: No significant fiscal impact

ARTICLE 34. ADOPT GENERAL BYLAW, CH. 88 – PARKING AT TOWN WAYS AND LANDINGS

To see if the Town will vote to amend the General Bylaws by adding the following new General Bylaw:

Chapter 88, Town Ways and Landings Parking

88-1 Purpose

The purpose of this Bylaw is to provide for the protection of the general public by providing safe and adequate access over town ways and landings.

88-2 Selectmen's Authority

The Board of Selectmen shall be authorized to promulgate reasonable regulations during times of emergency, as defined herein, governing parking and the use of Town ways and Town landings, including, without limitation, the adoption of fines for violations of this Bylaw, said fines not to exceed \$300.00.

For the purposes of this Bylaw an emergency shall be deemed to exist upon the joint recommendation of the Fire Chief, the Police Chief and the Harbormaster.

88-3 Severability

If any section or provision of this Bylaw shall be deemed invalid, the validity or enforcement of any other section or provision of this bylaw shall not be affected.

or take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

During July and August for the past several summer seasons, Orleans town landings have experienced heavy congestion at times due to the commercial striped bass fishery and boaters displaced by parking prohibitions in Chatham and Harwich. This bylaw would authorize the Board of Selectmen to regulate parking and the use of town landings during times of emergency upon the joint recommendation of the Fire Chief, Police Chief and Harbormaster.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 35. ADOPT GENERAL BYLAW, CH. 103 – FERTILIZER NITROGEN CONTROL

To see if the Town will vote to adopt Chapter 103, Fertilizer Nitrogen Control as follows.

103-1. Purpose

A Town bylaw to conserve resources and protect the environment by regulating the outdoor application of nitrogen in order to reduce the overall amount of excess nitrogen entering the town's Resource Areas as defined in the Orleans Wetlands Protection Bylaw (CH. 160-2) and Orleans Wetland Protection Regulations CH 196A-2. Reducing excess nitrogen helps protect and improve water quality of Orleans valuable estuaries.

103-2. Applicability

This bylaw shall apply to and regulate any and all applications of nitrogen fertilizer within the Town of Orleans.

103-3. Definitions

"Agriculture" includes farming in all its branches, generally as the cultivation and tillage of soil, dairying, the production cultivation, growing and harvesting of agricultural, floricultural, viticultural, or horticultural commodities, and shellfishing, including preparations and delivery to storage or to market or to carriers for transportation to market.

"Fertilizer" means a substance that enriches the soil with elements essential for plant growth, such as nitrogen, phosphorus, potassium or other substances; fertilizer does not include those nutrients that are normally excluded from fertilizer such as chemicals that are part of dolomite, limestone, or lime.

"Impervious surface" means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

"Nitrogen" means an element essential to plant growth. For the purposes of the Bylaw, nitrogen may be available as slow-release, controlled-release, timed-release, slowly available, or water insoluble nitrogen, which means nitrogen in a form that

delays its availability for plant uptake and use after application and is not rapidly available to turf and other plants; and/or quick-release, water-soluble nitrogen which means nitrogen in a form that does not delay its availability for turf and other plant uptake and is rapidly available for turf and other plant uptake and use after application.

“Turf” means grass-covered soil held together by the roots of the grass, also known as “sod” or “lawn”.

103-4. Performance Standards

All applications of nitrogen shall comply with the following standards:

- A. The application of nitrogen is prohibited between October 16 and April 14.
- B. No person shall cause nitrogen to apply to, or otherwise be deposited to any impervious surface including parking lot, driveway, roadway, sidewalk, or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.
- C. No person shall apply nitrogen directly before or during a heavy rain event.
- D. The application of nitrogen is prohibited within 100 feet of Resource Areas as defined in the Orleans Wetland Protection Bylaw and regulations.

103-5. Exemptions

The following activities shall be exempt from Section 103-4:

- A. Application of nitrogen for agriculture and horticulture uses
- B. Application of nitrogen to gardens, including vegetable and flower, trees, shrubs and indoor applications including greenhouses.
- C. Application of nitrogen for the establishment of new vegetation in the first growing season, or repairing of turf in the first growing season, after substantial damage
- D. Yard waste compost or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

103-6. Recommendations

The Town of Orleans strongly recommends that nitrogen should be applied to turf and other plants at the lowest rate necessary. Any single application of nitrogen should not exceed 0.5 pounds of nitrogen per 1000 square feet, and the annual aggregate total application of nitrogen should not exceed 1.0 pounds per 1000 square feet. The application of any nitrogen should be of an organic, slow-release, water-soluble form.

103-7. Enforcement

The enforcement authority shall be the Zoning Enforcement Officer or his designee.

103-8. Severability

Should any section, part, or provision of this bylaw be deemed invalid or unconstitutional, such decision shall not affect the validity of the remaining terms of this bylaw as a whole or any part thereof, other than the section, part, or provision held invalid or unconstitutional.

or take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

Fertilizer has been identified as a source of nutrient loading that can have a negative effect upon groundwater and surface waters. 7 to 10% of the nitrogen load in Orleans watersheds comes from fertilizer, and reducing the load will help to maintain the health of our estuaries and bays. This article proposes adopting a General Bylaw that would prohibit nitrogen fertilizer applications in the off-season, onto impervious surfaces, or before and during a heavy rain. Applications within 100 feet of a wetland resource are also prohibited. The bylaw exempts agricultural practices and composting. New lawns are also exempted so that the lawn can be properly established. Lastly, the bylaw contains a recommendation for annual nitrogen applications of not more than 1 pound per 1,000 square feet.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 36. ADOPT GENERAL BYLAW, CH. 148 - ILLICIT DISCHARGE

To see if the Town will vote to amend the General Bylaws, by adding the following new General Bylaw:

Chapter 148

ILLICIT DISCHARGE BYLAW

§148-1. PURPOSE

The purpose of this bylaw is to protect the Town of Orleans's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town by regulating illicit connections and discharges to the municipal storm drainage system.

§148-2. DEFINITIONS

For the purposes of this Bylaw, the following definitions shall apply:

CLEAN WATER ACT: The Federal Water Pollution Control Act of 1972 (33 U.S.C. § 1251 et seq.) with subsequent amendments.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage system, including without limitation

sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in Article 7, subsection B, of this Bylaw. The term does not include a discharge regulated and in compliance with its own separate NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

MUNICIPAL STORM DRAINAGE SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Orleans.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drainage system not composed entirely of stormwater.

NON-POINT SOURCE: Diffuse sources of pollutants that affect water quality and are or may be contained in runoff that is discharged into waters of the Commonwealth.

PERSON: Any individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is considered toxic to humans or the environment. Pollutants shall include, but not be limited to:

- 1) paints, varnishes, and solvents;
- 2) automotive oil and other fluids;
- 3) cleaning products and other hazardous and non-hazardous liquids
- 4) solid waste, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- 5) fats and oils and grease;
- 6) yard waste, pesticides, herbicides, and fertilizers;
- 7) poisons, hazardous materials and wastes;

- 8) sewage, fecal coliform and pathogens;
- 9) dissolved and particulate metals;
- 10) animal wastes;
- 11) rock; sand; salt, soils;
- 12) construction wastes and residues; and
- 13) noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

SANITARY SEWER: The system of conveyances designed or used for collecting or conveying domestic and industrial wastewater, owned or operated by the Town of Orleans.

STORMWATER: Runoff from precipitation or snow melt.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows, or a stream of water, including, but not limited to, a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

§148-3. APPLICABILITY

This Bylaw shall apply to all flows and dumping to the municipal storm drainage system, waters of the Commonwealth and adjoining land areas that drain to waters of the Commonwealth in the Town of Orleans.

§148-4. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

§148-5. RESPONSIBILITY FOR ADMINISTRATION

The Department of Public Works and Natural Resources (Department) shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Department may be delegated in writing by the Department to employees or agents of the Department.

§148-6. REGULATIONS

The Department may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

§148-7. PROHIBITED AND EXEMPT ACTIVITIES

A. Prohibited Activities

1. **Illicit Discharges.** No person shall dump, discharge, cause, or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drainage system, into a watercourse, or into the waters of the Commonwealth.
2. **Illicit Connections.** No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
3. **Obstruction of Municipal Storm Drainage System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Department or its agent.

B. Exemptions

1. Discharge or flow resulting from fire fighting activities;
2. The following non-stormwater discharges or flows are exempt from this Bylaw, provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:
 - a) Waterline flushing;
 - b) Flow from potable water sources;
 - c) Springs;
 - d) Natural flow from riparian habitats and wetlands;
 - e) Diverted stream flow;
 - f) Rising groundwater;
 - g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - h) Discharge from landscape irrigation or lawn watering;

- i) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- j) Water from individual residential car washing;
- k) Residential building wash waters without detergents;
- l) Discharge from *dechlorinated* swimming pool water (less than one ppm chlorine) provided test data is submitted to the Town substantiating that the water meets the one ppm standard, and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town Bylaws;
- m) Discharge from street sweeping;
- n) Dye testing, provided verbal notification is given to the Department prior to the time of the test;
- o) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- p) Discharge for which advance written approval is received from the Department as necessary to protect public health, safety, welfare or the environment.

3. Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Orleans Town Administrator, Board of Selectmen or Board of Health.

§148-8. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Department may suspend municipal storm drainage system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Department may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§148-9. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the Department. In the event of a release of non-hazardous material, the reporting person shall notify the Department no later than the next business day. The reporting person shall provide to the Department written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the

facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§148-10. ENFORCEMENT

A. Authorized Agent

The Department or an authorized agent of the Department shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Civil Relief

If a person violates the provisions of this Bylaw, regulations, permit, notice, or order issued thereunder, the Department may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders

The Department or an authorized agent of the Department may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the municipal storm drainage system; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Orleans may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

D. Violations and Penalties; Enforcement

Any person who violates any provision of this Bylaw or regulations thereunder shall be punished by a fine of two hundred dollars (\$200.00) for the first offense and three hundred dollars (\$300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and each

provision of the Bylaw or regulations violated shall constitute a separate offense. This Bylaw may be enforced pursuant to the non-criminal disposition procedures set forth in G.L. Ch. 40, §21D. The Department or an authorized agent of the Department shall be the enforcing person.

E. Entry to Perform Duties Under this Bylaw

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.

F. Appeals

The decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction.

G. Remedies Not Exclusive

The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§148-11. SEVERABILITY

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

§148-12. TRANSITIONAL PROVISIONS

Residential property owners shall have 90 days from the effective date of the Bylaw to comply with its provisions provided good cause is shown for the failure to comply with the Bylaw during that period.

or take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The purpose of this bylaw is to protect the Town of Orleans's water bodies and groundwater resources and to safeguard public health and safety by regulating illicit connections and discharges to the municipal storm drainage system. Illicit discharges often include pathogens, nutrients, surfactants, and various toxic pollutants. The EPA requires the Town to develop a program to detect and eliminate illicit discharges, including an ordinance prohibiting these discharges.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 37. AUTHORIZE HOME RULE PETITION – ADDITIONAL ALL-ALCOHOL PACKAGE STORE LICENSE

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation authorizing the

Town to grant an additional all-alcohol package store license, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

Presently, Orleans is permitted by the state to have four all-alcohol package store licenses and they have all been issued. The Board of Selectmen received a request from a local business interested in obtaining an additional license but without a special act of the legislature, Orleans is limited to a maximum of four licenses.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 6 – YES 1 – NO 1 – ABSTAIN

ARTICLE 38. AMEND ZONING BYLAW CHAPTER 164-4, DEFINITIONS

To see if the Town will vote to amend the Zoning Bylaws, Section 164-4, Definitions, to amend the following definition:

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

or to take any other action relative thereto. (Planning Board)

(2/3 Vote Required)

SUMMARY

The definition of buildable upland excludes many wetland areas and other resource areas, but does not exclude coastal beaches, banks, and dunes. These areas are regulated by the Wetlands Protection Act, so a consistent interpretation of land use regulations should exclude coastal beaches, banks, and dunes from being considered part of the buildable upland of a lot. The terms coastal bank, coastal beach, and coastal dune are proposed to be added to those land features which are NOT part of buildable upland. An updated reference to the wetlands terms themselves is added, which is consistent with Section 164-21 C of the bylaw.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: No significant fiscal impact

ARTICLE 39. AMEND ZONING BYLAW CHAPTER 164-4, DEFINITIONS

To see if the Town will vote to amend the Zoning Bylaws, Section 164-4, Definitions, to amend the following definition:

Dog Kennels – One pack or collection of dogs on a single lot, maintained for breeding, boarding, sale, training, hunting or other commercial purposes and specifically including every pack or collection of more than three dogs three months old or over, owned or kept on a single lot for any purpose, other than 3 or more dogs kept solely as personal pets of the owner of the dogs.

or to take any other action relative thereto. ((Planning Board)

(2/3 Vote Required)

SUMMARY

State law defines the keeping of more than 3 dogs as a “dog kennel”. Dog kennels are permitted under the Orleans Zoning Bylaw, but are allowed only in the Industrial Zoning District. Therefore, any homeowners who have more than 3 dogs are technically in violation of zoning (unless they reside in the Industrial District). Recently, the Town Clerk received applications from a homeowner to license more than 3 dogs. Because the Clerk was aware that this would be in violation of a local bylaw, she was not able to issue the licenses. What is proposed is to add a definition of Dog Kennels to the Zoning Bylaw. It is highly inclusive, except that it expressly states that the keeping of more than 3 dogs as personal pets shall not be considered a dog kennel. A concurrent amendment is proposed to Chapter 85-5 of the Town Code to allow the keeping of more than 3 dogs as pets without the requirement for a kennel permit.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: No significant fiscal impact

ARTICLE 40. AMEND ZONING BYLAW CHAPTER 164-3, NONCONFORMING STRUCTURES

To see if the Town will vote to amend the Zoning Bylaws, Section 164-3, Applicability, by revising subsection C. Nonconforming Structures and Uses. (b) and (c), as follows:

(b) ~~Except as otherwise set forth in (c) below,~~ Alteration to a nonconforming single or two family residential structure that increases the nonconforming nature of the structure, **including those alterations which result in the creation of a new dimensional nonconformity, an intensification of an existing nonconformity by extending further into a required setback area or an increase in the height of the structure greater than the allowed height,** may be allowed on Special Permit from the Board of Appeals provided the Board of Appeals finds that such alteration will not be substantially more detrimental to the neighborhood than existing nonconforming structure.

~~(c) Alteration to a nonconforming single or two family residential structure in such a manner as to: 1) create a new dimensional nonconformity, or 2) intensify an existing nonconformity by extending further into a required setback area, or 3) increase the height of the structure greater than the allowed height, shall require the issuance of a variance by the Board of Appeals and the Special Permit finding required under subsection (b). Provided, however, the extension of an exterior wall or surface of an existing structure at or along the same nonconforming~~

~~distance within a required setback area shall not require the issuance of a variance.~~

or to take any other action relative thereto. (Planning Board)

(2/3 Vote Required)

SUMMARY

Section 164-3 of the Zoning Bylaw addresses alterations to nonconforming structures. Under existing zoning, certain alterations require a zoning Variance. These include alterations that 1) create a new dimensional nonconformity, 2) Intensify an existing nonconformity (by extending further into a setback area), or 3) increase the height above the allowed height. Recent case law (Gale v. Gloucester) has changed the way alterations to nonconforming structures are treated. Instead of obtaining a Variance, the alterations may be allowed by Special Permit if the Board of Appeals finds that the alteration will not be substantially more detrimental to the neighborhood than the existing structure. Section 164-3 is proposed to be amended accordingly so that the Town's regulations concerning alterations to nonconforming structures are consistent with recent case law.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: No significant fiscal impact

ARTICLE 41. AMEND ZONING BYLAW CHAPTER 164-40.3, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 164-40.3 Temporary Moratorium on Medical Marijuana Treatment Centers, that would provide as follows, and further to amend the Table of Contents to add Section 164-40.3:

164-40.3. Temporary Moratorium on Medical Marijuana

A. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law took effect on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a medical marijuana treatment facility is not a permitted use in the Town of Orleans and regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including medical marijuana treatment centers.

The regulation of medical marijuana raises novel and complex legal and planning issues and the Town needs time to study and consider the regulation of medical marijuana treatment centers and address such novel and complex issues and to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical

marijuana treatment centers and other uses related to the regulation of medical marijuana.

The Town hereby adopts a temporary moratorium on the use of land and structures in the Town for medical marijuana treatment centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

B. TEMPORARY MORATORIUM

The Town of Orleans hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. The moratorium will be in effect until July 1, 2014. During the moratorium period the Town will undertake a planning process to address the potential impacts of medical marijuana in Orleans, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and to the extent it is determined to allow them, adopt new zoning regulations to address the impact and operation of medical treatment centers and related uses.

C. SEVERABILITY.

The invalidity of any portion or provisions of this Bylaw shall not invalidate any other portion, provision or section hereof.

or to take any other action relative thereto. (Planning Board and Board of Selectmen)
(Simple Majority Vote Required)

SUMMARY

As described in Section A of the amendment.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: No significant fiscal impact

ARTICLE 42. TRANSFER WATER SERVICE CONNECTION FUNDS

To see if the Town will vote to transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) from the Water Service Connection Funds Reserved for Appropriation Account to the Water Service Connection Account, or to take any other action relative thereto. (Board of Water and Sewer Commissioners)

(Simple Majority Vote Required)

SUMMARY

This article transfers funds from a reserve account to the working account of the Water Department, to fund supplies, materials and equipment needed to install, maintain and improve water service connections and associated capital investments.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 43. AUTHORIZE INTERMUNICIPAL AGREEMENT, NAUSET BEACH MANAGEMENT

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen, acting as the Park Commissioners, to enter into an Intermunicipal Agreement with the Town of Chatham. The Agreement sets forth the terms and conditions for the joint management of Nauset Beach (south of the Nauset Beach parking lot) for the period May 1, 2014 through April 30, 2017, a copy of which Agreement is on file with the Town Clerk, or to take any other action relative thereto. (Park Commissioners)

(Simple Majority Vote Required)

SUMMARY

This article would authorize a three-year intermunicipal agreement with Chatham for the joint management of the area of Nauset Beach south of the parking lot. The Agreement provides that the Town of Orleans shall act by and through its duly elected Park Commissioners in managing Nauset Beach and sets out the revenue disbursement and financial obligations of each town in the joint operation of Nauset Beach.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 44. AUTHORIZE CONTRACT FOR THE DISPOSAL OF SOLID WASTE

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for the disposal of the Town’s solid waste for a period not to exceed twenty (20) years commencing on January 1, 2015, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, which contract may include a provision that the Town shall not be exempt from liability for the payment of contract sums in future fiscal years; or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Town’s current municipal solid waste contract with SEMASS expires on January 1, 2015. As part of a regional initiative and with the assistance of the Cape Cod Commission, Orleans and most Cape Towns are collectively pursuing options for a successor agreement to the SEMASS contract. This article will authorize the Board of Selectmen to enter into a successor agreement in a timely manner.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 9 – YES 0 – NO 0 – ABSTAIN

ARTICLE 45. AUTHORIZE LAYOUT OF ASPINET ROAD

To see if the Town will vote to accept the doings and report of the Selectmen relative to the layout of Aspinet Road and that portion of Inlet Road, a.k.a. Cliff Road, from Aspinet Road to Callanan’s Pass, as a town road, and instruct the Selectmen to accept as a gift or to purchase or take by eminent domain on behalf of the Town of Orleans the land

and/or an interest in the land within the sidelines of said layout for this purpose, and further to transfer a sufficient sum of money necessary to carry out the provisions of this article, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article will authorize the Board of Selectmen to acquire the land/or an interest in the land from Aspinet Road to Callanan's Pass to provide the Town with two means of off road vehicle access to the beach on Nauset Spit. The Board is currently attempting to reach an agreement with the abutters to the road to permit the use of the road by the public for beach access during the 2014 summer season, which agreement may obviate the need to proceed with the layout authorized by this article.

BOS: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting

ARTICLE 46. AUTHORIZE LEASE OF OLD FIREHOUSE COMMUNITY BUILDING

To see if the Town will vote to authorize the Board of Selectmen to lease the Old Firehouse ("Community Building") and the property at 44 Main Street ("Parish Park") on such terms as they deem appropriate to the Orleans Community Partnership for a period not to exceed 30 years, and to authorize the Board of Selectmen to file special legislation to the extent required for this purpose, or to take any such action thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Orleans Community Partnership (OCP) has operated the Old Firehouse under a short-term license arrangement since July 1, 2012, and has brought much activity into the Village Center, including use of the Old Firehouse as a meeting and activity location for community organizations, as a gallery for historical and art exhibitions, and as a facility for presentations and cultural events. The Old Firehouse has become a true "community asset." In addition, the OCP has demonstrated its capability to attract private funding to undertake capital projects associated with the Old Firehouse. Negotiation of a long-term lease with the OCP will permit the organization to continue this exemplary success and to provide for capital improvements and maintenance that would otherwise be the liability of the Town, as outlined in the Facilities Review.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: 6 – YES 1 – NO 1 – ABSTAIN

ARTICLE 47. ADOPT 2013 PLEASANT BAY RESOURCE MANAGEMENT PLAN UPDATE

To see if the Town will vote to adopt the 2013 Pleasant Bay Resource Management Plan Update developed in accordance with the Pleasant Bay Resource Management Plan adopted by the Town in 1998 and updated in 2003 and 2008, and the Intermunicipal Agreement with the Towns of Chatham, Harwich and Brewster, originally authorized by the Town in 1998 and re-authorized in 2003 and 2008; and to authorize

the Board of Selectmen to enter into a successor Intermunicipal Agreement, as amended, to expire on December 31, 2018, with one or more of the aforementioned towns for the purpose of continuing the Pleasant Bay Resource Management Alliance to implement the plan and plan updates, a copy of which Agreement is on file with the Town Clerk, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The purpose of the Pleasant Bay Resource Management Plan is to promote the natural resource health and public enjoyment of Pleasant Bay. This article adopts the updated Plan and provides for a successor agreement with Chatham, Harwich and Brewster. The 2013 Plan Update may be found at www.pleasantbay.org. A new section 8.6.4 of the plan approved by the 2012 Annual Town Meeting provides the conditions under which a member municipality may seek authorization to undertake improvement dredging, and is included in the updated plan.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 48. AUTHORIZE ACCEPTANCE OF LAND ON NAMSKAKET ROAD FOR PARK OR OPEN SPACE PURPOSES

To see if the Town will vote to authorize and direct the Board of Selectmen to accept a gift of land on Namskaket Road from Habitat for Humanity of Cape Cod, Inc. for park or open space purposes pursuant to the conditions of the Comprehensive Permit issued by the Orleans Zoning Board of Appeals to Habitat for Humanity of Cape Cod, Inc., dated October 17, 2012 and recorded in the Barnstable Registry of Deeds in Book 27226 Page 296, said land being shown as Lot 7 containing 2.47 acres \pm , on a plan dated November 19, 2012, and recorded in said Registry in Plan Book 648 Page 66, on such terms and conditions as the Board of Selectmen deem appropriate, and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Comprehensive Permit required Habitat for Humanity of Cape Cod, Inc. to convey the open space Lot 7 to the Town of Orleans, or a non-profit corporation, or a trust or corporation of the lot owners. The conveyance to the Town will ensure that the land will be preserved for open space and park purposes.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 49. AUTHORIZE INTERMUNICIPAL AGREEMENT AND FUND SCHOOL RESOURCE OFFICER

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen enter into an Intermunicipal Agreement with the Towns of Brewster, Eastham and Wellfleet, as member towns of the

Nauset Regional School District, to fund the position of School Resource Officer for the Nauset Middle School, a copy of which Agreement is on file with the Town Clerk; and further to raise and appropriate and/or transfer the sum of Sixty-Five Thousand and 00/100 (\$65,000.00) for this purpose. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Board of Selectmen is working with the Nauset Regional School Committee on a proposed intermunicipal agreement that would provide a full time Orleans Police Officer being assigned to the Nauset Regional Middle School as School Resource Officer (SRO) for ten months out of the year while school is in session, with the remaining two months working as a patrolman. The first year cost of the SRO position is approximately \$65,000, with the school funding approximately \$50,000 of this amount. The length of the agreement would be from 1 to 3 years.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 50. AUTHORIZE INTERMUNICIPAL AGREEMENT, STREET LIGHTS AT ROUNDABOUT

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the Massachusetts Department of Transportation Highway Division, under the provisions of which the Town will furnish through its own contractor, all necessary labor, materials, equipment and other services necessary for the installation of the Highway Lighting System, substantially in accordance with the Agreement on file with the Town Clerk, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Massachusetts Department of Transportation (MassDOT) will soon be constructing a roundabout at the intersection of Routes 6A and 28 and Canal Road. The improvements are intended to improve safety at the dangerous intersection. The project is at 100% design and will be advertised for construction in July 2013. The state has provided an option for the Town to have ornamental street lamps installed instead of the standard “cobra head” design. Ornamental lighting is more attractive, and the fixtures will be similar to the lights approved for the Orleans Streetscape Plan. MassDOT has agreed to pay for the installation cost of the lights, provided the Town agrees to pay for the electricity and maintenance costs.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 51. FUND CONSTRUCTION OF SNACK SHACK AT SKAKET BEACH

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) for the purpose of funding the construction of the snack shack at Skaket Beach, including all

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

(3/4 Vote Required)

SUMMARY

This article will fund the demolition of the existing snack shack at Skaket Beach and construction of a new larger facility in September 2013 with the carpentry portion of the project being completed by students at Cape Cod Regional Technical High School. The town will lease out the new facility beginning with the summer 2014 season. Under the previous lease agreement, the town received an annual payment of \$12,500. It is estimated the new facility annual lease payment should increase by about \$5,000.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	7 – YES	0 – NO	0 – ABSTAIN

ARTICLE 52. FUND ORLEANS ELEMENTARY SCHOOL SAFETY AND SECURITY RESOURCES

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of funding safety and security resources for interior and exterior extremities of Orleans Elementary School, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Elementary School Committee)

(3/4 Vote Required)

SUMMARY

The importance of the establishment of a safe and secure school environment has been made profoundly clear with recent tragic events. As a result, a full assessment of the Orleans Elementary School site has been conducted with safety and security experts and law enforcement officials. Eminent security needs were identified and prioritized in a multi-phased plan. Resources were sought in the amount of \$20,000 for Phase 1 from the Orleans Finance Committee on Feb. 28, 2013 from Urgent Need Funds for the purpose of securing the front door, installing a video identification system, and establishing electronic access for staff and the general public. Within this Article, an

additional \$300,000 is being requested to further increase basic safety and security throughout the remainder of the premises with the purchase and install of all or a portion of the following: Video recorder and LCD monitor, interior and exterior surveillance cameras in designated locations, conversion of interior classroom door locking system to keyless magnetics, conversion of selected exterior classroom doors to pass code activated entry, retrofit of entry location office to a main clearance / security checkpoint location, installation of silent security activation system in designated locations, replacement of selected exterior doors to ready for proper installation of security hardware. Price quotations have been solicited from four different vendors to determine accurate cost projections. Passage of this article will assist to ensure the timely safety and security of the community's students, staff and families.

BOS: 4 – YES 0 – NO 1 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 53. AMEND ZONING BYLAW – BY PETITION

To see if the Town will vote to amend the Orleans Zoning Bylaws and the Orleans Zoning Map by changing the Zoning designation set forth on the existing Zoning Map from Limited Business District (LB) to General Business District (GB) located on Rt. 6A, shown on attached Map entitled "Exhibits A, B & C," also known as 191 Rt. 6A, Map 40, Parcel 37; 193 Rt. 6A, Map 40, Parcel 38; and 195 Rt. 6A, Map 40, Parcel 39. (Submitted by Petition)

(2/3 Vote Required)

SUMMARY

This article proposes these three properties change from Limited Business (LB), to General Business (GB). These properties originally were zoned General Business and in 2003 they were changed to Limited Business. In 2009 the town also adopted more regulations for Limited Business which further inhibited the businesses in the zone. In Limited Business more regulations are in place and make it difficult for smaller family owned businesses to survive. By passing this article the businesses in this area have more flexibility and a greater chance of thriving.

BOS: Recommendation to be made at Town Meeting
FC: Recommendation to be made at Town Meeting

ARTICLE 54. NON-BINDING PUBLIC OPINION ADVISORY QUESTION – BY PETITION

To see if the Town will vote to respectfully request Governor Deval Patrick to call upon the Nuclear Regulatory Commission to uphold their mandate to shut Entergy's Pilgrim Nuclear Power Station in Plymouth because the public safety, particularly Cape and Islands residents and visitors, cannot be assured, or to take any other action relative thereto. (By Petition).

(Simple Majority Vote Required)

SUMMARY

This article and a ballot question will allow the voters of the town of Orleans to ask Governor Deval Patrick to call upon the federal Nuclear Regulatory Commission to shut down the Pilgrim Nuclear Power Station in Plymouth MA. This is because in October 2012 the Massachusetts Emergency Management Agency confirmed that Cape Cod will not be evacuated in the event of an accident at the Pilgrim plant involving the release of radioactivity, despite recognizing that residents and visitors would be “in harm’s way.”

BOS: Recommendation to be made at Town Meeting
FC: No significant fiscal impact

ARTICLE 55. FREE CASH

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

(Simple Majority Vote Required)

SUMMARY

This article would transfer from Free Cash a sum of money to reduce the taxes for Fiscal Year 2014.

BOS: Recommendation to be made at Town Meeting
FC: Recommendation to be made at Town Meeting

ARTICLE 56. CLOSING ARTICLE

And to act on any other business that may legally come before the meeting. (Board of Selectmen)

(Simple Majority Vote Required)

Given under our hands this SEVENTEENTH day of APRIL in the year of our Lord TWO THOUSAND THIRTEEN.

A true copy.

Attest:

Cynthia S. May
Town Clerk

Jon R. Fuller, Chairman

David M. Dunford

Sims McGrath, Jr.

Susan B. Christie

John Hodgson
ORLEANS BOARD OF SELECTMEN

Barnstable SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the Annual and Special Town Meetings to be held on Monday, May 13, 2013 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE fourteen (14) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable SS.

To either of the Constables of the Town of Orleans in the County of Barnstable
GREETINGS:

IN THE NAME OF The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to meet at the MIDDLE SCHOOL GYMNASIUM in said ORLEANS on MONDAY, the THIRTEENTH day of MAY in the year TWO THOUSAND THIRTEEN at 6:30 P.M. to act on the following:

ARTICLES

Article 1.	Pay Bills of Prior Years.....	100
Article 2.	Transfer Article	100
Article 3.	Amend Personnel Bylaw	102
Article 4.	Fund Managers Union Contract.....	102
Article 5.	Fund Steelworkers Union Contract.....	102
Article 6.	Fund Clerical and Technical Union Contract	103
Article 7.	Fund Firefighters Union Contract.....	103
Article 8.	Rescind Authorized Debt (unused).....	104
Article 9.	Fund Water Dept. Asset Management and Implementation Plan.....	104
Article 10.	Fund Boiler Replacement, Orleans Elementary School.....	105
Article 11.	Fund Phase 1A, Wastewater Management Plan Design.....	105
Article 12.	Fund Comprehensive Water Quality Improvement Plan (By Petition)	106
Article 13.	Closing Article	108

ARTICLE 1. PAY BILLS OF PRIOR YEARS

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

(9/10 Vote Required)

SUMMARY

This article requests funding to pay outstanding bills from the previous fiscal year. According to Massachusetts General Law, a town cannot pay a bill of a previous year from the current fiscal year’s appropriations. A 9/10 vote is required to pass this article.

BOS: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting.

ARTICLE 2. TRANSFER ARTICLE

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2013 as follows:

1. Transfer the sum of Nineteen Thousand One Hundred and 00/100 Dollars (\$19,100.00), or any other sum, from the Interest on Notes and Bonds Account to the Principal on Notes and Bonds Account.
2. Transfer the sum of Fifty-Six Thousand and 00/100 Dollars (\$56,000.00), or any other sum, from available funds and Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the Fire Department Capital Outlay Account for Roof Repairs, to the Fire Department Overtime Account.
3. Transfer the sum of Thirty-Six Thousand and 00/100 Dollars (\$36,000.00), or any other sum, from the Parks & Beaches Capital Outlay Account line items for Hubler Seasonal Housing and Replenish Sand Skaket, to the Parks & Beaches Capital Outlay Account line item to Demolish Gavigan and Hubler Cottages.
4. Transfer the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00), or any other sum, from available funds to the Pleasant Bay Alliance Assessment Account.
5. Transfer the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), or any other sum, from the Water Surplus Fund to the Water Department Repair Service Vehicle Account.

Or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

1. These funds will be used to make necessary principal payments on bond anticipation notes.
2. This transfer will fund additional overtime costs in the Fire Department related to Emergency Medical Service calls using MEMA storm response reimbursement funds and encumbered funds for roof repairs at the Fire Station.
3. This transfer will fund the demolition and removal of the former Gavigan cottages near Skaket Beach and the former Hubler cottages near Nauset Beach.
4. This transfer will fund the balance of the Town's FY13 assessment to the Pleasant Bay Alliance.
5. This transfer will replace funds in the Water Department expense account used to make emergency repairs to the transmission of the Water Department backhoe in March.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	7 – YES	0 – NO	0 – ABSTAIN (items 1, 4, 5)
	9 – YES	0 – NO	0 – ABSTAIN (item 2)
	4 – YES	2 – NO	1 – ABSTAIN (item 3)

ARTICLE 3. AMEND GENERAL BYLAW, CH. 40 – PERSONNEL AND FUND NON-UNION EMPLOYEE COLA

To see if the Town will vote to amend the General Bylaws by amending Chapter 40, Personnel, and to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 salaries accounts for various Town departments with employees who are covered by the Personnel Bylaw Compensation Plans A and B and employees covered by individual contracts and employment agreements, and to be added to the FY13 salaries accounts for Town departments with employees working in 2013 who are covered by Compensation Plans D and E, as set forth in the amendment on file with the Town Clerk; or take any action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article funds a general wage increase for regular non-union employees of 2% for the period July 1, 2011 – June 30, 2012 (FY12) and 2% for the period July 1, 2012 – June 30, 2013 (FY13) and a general wage increase for current seasonal employees for FY13. It also adds the positions of Director of Public Works and Natural Resources and Buildings and Facilities Manager, and updates language regarding paid holidays.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	9 – YES	0 – NO	0 – ABSTAIN

ARTICLE 4. FUND ORLEANS MANAGERS UNION CONTRACT (FY12 AND FY13)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 Salary Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the Orleans Managers Union, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article funds contract obligations with the Orleans Managers Union for the period July 1, 2011–June 30, 2012 (FY12) and the period July 1, 2012–June 30, 2013 (FY13). The contract includes general wage increases of 2% for FY12 and 2% for FY13.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	9 – YES	0 – NO	0 – ABSTAIN

ARTICLE 5. FUND STEELWORKERS UNION CONTRACT (FY 12 AND FY13)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 Salary Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 13507, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article funds the contract obligations with the United Steelworkers Local Union 13507 for the period July 1, 2011 – June 30, 2012 (FY12) and the period July 1, 2012 – June 30, 2013 (FY13). The contract includes general wage increases of 2% for FY12 and 2% for FY13.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	9 – YES	0 – NO	0 – ABSTAIN

ARTICLE 6. FUND CLERICAL AND TECHNICAL UNION CONTRACT (FY 12 AND FY13)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 Salary Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 9158 Unit #2, Clerical and Technical Union, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article funds the contract obligations with the United Steelworkers Local Union 9158 Unit #2, Clerical and Technical Union for the period July 1, 2011 – June 30, 2012 (FY12) and the period July 1, 2012 – June 30, 2013 (FY13). The contract includes general wage increases of 2% for FY12 and 2% for FY13.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	9 – YES	0 – NO	0 – ABSTAIN

ARTICLE 7. FUND ORLEANS PERMANENT FIREFIGHTERS ASSOCIATION CONTRACT (FY12 AND FY13)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 Salaries Accounts for the Fire Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F., or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article funds the contract obligations with the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F for the period July 1, 2010 – June 30, 2012 (FY11 and FY12) and the period July 1, 2012 – June 30, 2013 (FY13). The contract includes general wage increases of 0% for FY11, 2% for FY12 and 2% for FY13.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 9 – YES 0 – NO 0 – ABSTAIN

ARTICLE 8. RESCIND AUTHORIZED DEBT, UNISSUED BALANCES

To see if the Town will vote to rescind the following amounts that have been authorized to be borrowed, but which are no longer needed for the purposes for which they were initially approved:

<u>Unissued Amount</u>	<u>Date of Approval</u>	<u>Warrant Article</u>	<u>Original Purpose</u>
\$ 600	5/7/07	7	Ladder Truck Purchase
200,000	10/30/07	4	Rock Harbor Bulkhead
29,000	05/09/11	11	Filter Replacement

(Simply Majority Vote Required)

SUMMARY

This article rescinds past debt authorizations that were in excess of the final amounts needed to complete the stated projects. None of these amounts were actually borrowed. It is only the authorization to borrow that is being rescinded.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 9. FUND WATER DEPARTMENT ASSET MANAGEMENT AND IMPLEMENTATION PLAN

To see if the Town will vote to transfer from the Water Surplus Account the sum of One Hundred and 00/100 Dollars (\$100,000.00), or any other sum, for the purpose of funding design services for a 20-year asset management and implementation plan for the Town of Orleans Water Department including all expenses incidental and related thereto, or take any other action relative thereto. (Board of Water and Sewer Commissioners)

(3/4 Vote Required)

SUMMARY

This article will fund a 20-year asset management and implementation plan that will be used for planning, scheduling and funding the future long range capital needs of the municipal water treatment and distribution system. This new plan will replace the 1999 Master Plan that concluded with the construction of the water treatment plant in 2005.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 10. FUND BOILER REPLACEMENT AT ORLEANS ELEMENTARY SCHOOL

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00) for the purpose of funding the boiler replacement at the Orleans Elementary School, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

This article will fund the replacement of the existing boiler system at the Orleans Elementary School over the summer of 2013. Portions of the heating system are from the original school building and date back to 1956. The existing natural gas boiler was installed in 1989. The existing heating system is inefficient and has required costly maintenance repairs over the past several years. The replacement boilers will be energy efficient and reduce the annual heating costs at the school.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ARTICLE 11. FUND PHASE 1A WASTEWATER MANAGEMENT PLAN DESIGN

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00) for the purpose of funding an engineering design of a Phase 1A Wastewater Management Plan using a centralized gravity collection, treatment and disposal system, and further to fund a preliminary engineering design of a Phase 2 wastewater management plan using a decentralized collection, treatment and disposal system, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

The MassDEP approved Comprehensive Wastewater Management Plan (CWMP) would be constructed in six phases over a period of twenty-years. The Phase 1A plan is a variation of the original Phase 1 plan in an effort to achieve consensus in the community to move forward with implementation. As proposed, the Phase 1A plan would sewer the downtown area only with a centralized gravity collection system that would be sized for this area and have limited capacity to service additional areas of town in the future; sewage treatment and disposal would be at the Tri-Town site; and the new treatment plant would be designed to handle the septage treatment and disposal needs for Orleans only.

To date the Town has considered a number of options for collection systems and treatment technologies. The Phase 1A plan would allow for the further study and consideration of decentralized collection and treatment alternatives beginning in Phase 2, which includes the Meeting House Pond area, while progressing towards a centralized collection, treatment and disposal system for the more densely populated business district area.

BOS: 3 – YES 2 – NO 0 – ABSTAIN
FC: Recommendation to be made at Town Meeting

ARTICLE 12. FUND A COMPREHENSIVE WATER QUALITY IMPROVEMENT PLAN – BY PETITION

To see if the town will vote to borrow and/or transfer from available funds the sum of \$2,805,000 for a Comprehensive Water Quality Improvement Plan that includes the following:

1. Storm Water Remediation

Appropriate **\$2,000,000** to be spent over the next 2 – 3 year period for storm water remediation projects giving first priority to storm water systems in the Meetinghouse Pond watershed. At the current pace of spending, compliance and water quality improvement will not be achieved for 10 to 20 years. This investment provides immediate water quality improvement.

2. Conservation Moorings

Appropriate **\$400,000** to be spent on purchase and installation of conservation moorings giving first priority to moorings in Meetinghouse Pond and then to moorings in nitrogen sensitive bodies and areas where eelgrass habitat is impacted by conventional mooring equipment. Formally request the finance committee to recommend an equitable plan for cost recovery of conservation moorings through user fees or other means. This investment provides immediate water quality improvement.

3. Fertilizer Management

Appropriate **\$5000** to establish a task force which will organize lower Cape towns in establishing new protocols with landscape providers, retail garden centers and golf courses for types of fertilizer use allowable and acceptable for residential, commercial and public properties.

4 **Downtown Improvement Project:**

Appropriate **\$300,000** for engineering design for a downtown wastewater collection and decentralized treatment system to serve the properties included in the Fuller sponsored Plan 1A area. Engineering designs to be developed on a competitive basis by 2 or more independent engineering firms which have demonstrated experience designing a wide range of wastewater solutions including septic tank effluent (STE) sewers and consideration of other environmental and social benefits for small communities. Effluent discharge to be accomplished without risk of negative environmental impact.

5 **Meetinghouse Pond Water Quality Improvement Project:**

Appropriate **\$100,000** for engineering design of a Meetinghouse Pond watershed septic tank effluent (STE) collection system and wastewater treatment facility. Effluent discharge to be conducted outside the Meetinghouse Pond watershed without risk of negative environmental impact. This project shall maximize Meetinghouse Pond water quality improvement by prioritizing allocations from the items above for storm water management, conservation moorings and fertilizer management and initiating engineering design of a wastewater solution for the Meetinghouse Pond watershed.

6 **Septage Treatment:** Request the Cape Cod Commission to include (1) a septage market study of treatment capacity and generated volumes on Cape Cod and within 30 miles of the Cape Cod canal bridges and (2) recommend long term septage waste transport and treatment alternatives considering capital and operating costs, resource recovery and social and environmental risks, costs and benefits.

Or to take any other action relative thereto.

(3/4 Vote Required)

SUMMARY

This article offers an alternative plan which gives priority to adaptive management methods and focuses spending on actions yielding immediate water quality and habitat health improvements. Most of the spending, \$2,405,000, is for federal government mandated stormwater upgrades, conservation moorings and fertilizer controls giving immediate improvements. The remaining funds will be used to move forward with effective and affordable wastewater solutions for properties in the downtown district and the Meetinghouse Pond watershed without risk of negative environmental impact on our Areas of Critical Environmental Concern or any other natural water system.

BOS: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting

ARTICLE 13. CLOSING ARTICLE

And to act on any other business that may legally come before the meeting. (Board of Selectmen)

(Simple Majority Vote Required)

Given under our hands this SEVENTEENTH day of APRIL in the year of our Lord TWO THOUSAND THIRTEEN.

A true copy.

Attest:

Cynthia S. May
Town Clerk

Jon R. Fuller, Chairman

David M. Dunford

Sims McGrath, Jr.

Susan B. Christie

John Hodgson

ORLEANS BOARD OF SELECTMEN

Barnstable SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the Annual and Special Town Meetings to be held on Monday, May 13, 2013 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE fourteen (14) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable

Barnstable SS:

To either of the Constables of the Town of Orleans in the County of Barnstable

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at Precinct #1, in the Council on Aging Senior Center in said Orleans on Tuesday the TWENTY-FIRST day of MAY in the year TWO THOUSAND THIRTEEN from 7:00 am to 8:00 pm to vote on the following.

To Vote for the Election of the following Town Officers and Questions:

- 1 Moderator (1 year term)
- 2 Selectman (3 year terms)
- 1 Constable (3 year term)
- 1 Constable (2 year term)
- 1 Board of Health (3 year term)
- 1 Orleans Housing Authority (5 year term)
- 1 Orleans Housing Authority (unexpired 4 year term)
- 1 Orleans Housing Authority (unexpired 3 year term)
- 1 Nauset Regional School Committee (3 year term)
- 1 Nauset Regional School Committee (unexpired 1 year term)
- 2 Orleans Elementary School Committee (3 year terms)
- 2 Trustees for Snow Library (3 year terms)

QUESTION 1.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the purchase of a new street sweeper for the Highway Department, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 2.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund a stormwater management plan, design and construction, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 3.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund maintenance dredging in Rock Harbor, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 4.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund a conservation mooring replacement pilot program, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 5.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the construction of a snack shack at Skaket Beach, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 6.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund safety and security resources for interior and exterior extremities of Orleans Elementary School, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 7.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the boiler replacement at the Orleans Elementary School, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 8.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund an engineering design of a Phase 1A wastewater management plan, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 9.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund a Comprehensive Water Quality Improvement Plan, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 10.

Shall the Town of Orleans instruct the Town Clerk to send the following nonbinding public opinion advisory to Governor Deval Patrick?

Whereas, Massachusetts Emergency Management Agency (MEMA) Director Kurt Schwartz has acknowledged that Cape Cod residents and visitors are "in harm's way" in the event of a radiological accident at the Pilgrim Nuclear Power Station in Plymouth;

Whereas, MEMA has determined that Cape Cod residents and visitors will not be evacuated but plans to relocate Cape Cod citizens after exposure to dangerous radioactive materials released in an accident;

Whereas, citizens of the Town of Orleans find this State response to Pilgrim's threat to our health and safety unacceptable and in violation of the public trust;

Therefore, be it resolved that we the people of Orleans respectfully request Governor Deval Patrick to call upon the Nuclear Regulatory Commission to uphold their mandate to shut down Entergy's Pilgrim Nuclear Power Station in Plymouth because the public safety, particularly Cape and Islands residents and visitors, cannot be assured.

YES _____ NO _____

And you are directed to serve this Warrant, by posting up attested copies thereof at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE in said Town, seven (7) days at least before the time of holding said Election.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of the Election, as aforesaid.

Given under our hands this SEVENTEENTH day of APRIL in the year of our Lord TWO THOUSAND THIRTEEN.

A true copy.

Attest:

Jon R. Fuller, Chairman

Cynthia S. May
Town Clerk

David M. Dunford

Sims McGrath, Jr.

Susan B. Christie

John Hodgson
ORLEANS BOARD OF SELECTMEN

BARNSTABLE SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the said Warrant for the Annual Town Election to be held on Tuesday, May 21, 2013 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE seven (7) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable