
2008 Annual & Special Town Meeting

Doings

ANNUAL TOWN MEETING "DOINGS"

May 12, 2008

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

ORLEANS CITIZEN OF THE YEAR

Mr. John P. Hinckley, Jr. made the following presentation:

PROCEDURAL MOTION

John Hinckley, Jr. made a motion to dispense with the reading of the Warrant except the Preamble, Conclusion and Attestation thereof.

ACTION: Voted, voice vote carries unanimously.

PROCEDURAL MOTION

Mr. Hinckley made a motion to adjourn the Annual Town Meeting until the close of the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously.

The Special Town Meeting was opened at 6:45 p.m.

PROCEDURAL MOTION

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

ACTION: Voted, voice vote carries unanimously.

PROCEDURAL MOTION

Mr. Hinckley moved that all Town Officials or department managers or their duly designated representative, required to attend Town Meeting pursuant to Section 2-7-3 of the Charter, all of whom are not residents of the Town of Orleans, be permitted to address the Special Town Meeting on matters affecting their office or department.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 1. PAY BILLS OF PRIOR YEARS

To see if the Town will vote to transfer from available funds a sum of money to pay bills of prior years under the provisions of Chapter 179, Acts of 1941, as amended, or to take any other action relative thereto. (9/10 vote required)

MOTION: To accept and adopt Article #1 and that the sum of Six and 00/100 Dollars (\$6.00) be transferred from available funds to pay the following unpaid bills:

<u>Vendor</u>	<u>Amount</u>
NSTAR	\$6.00

ACTION: Voted, voice vote carries unanimously.

ARTICLE 2. TRANSFER ARTICLE

To see if he 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 2008 as follows:

Transfer Eleven Thousand and 00/100 Dollars (\$11,000.00), or any other sum, from available funds to the Fire Department Overtime Salary Account.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #2 and that the sum of Eleven Thousand and 00/100 Dollars (\$11,000.00) be transferred from available funds to the Fire Department Overtime Salary Account.

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

ARTICLE 3. FUND NAUSET BEACH CONCERTS

To see if the Town will vote to transfer the sum of Three Thousand Seven Hundred Seventy-five and 00/100 Dollars (\$3,775.00) from the FY08 Parks & Beaches Expense Account for Eldredge Park Concerts to fund Nauset Beach Gazebo Concerts during the summer or 2008, or take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #3 as printed in the warrant and that the sum of Three Thousand Seven Hundred Seventy-five and 00/100 Dollars (\$3,775.00) be transferred from the FY08 Parks & Beaches Expense Account for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 4. CLOSING ARTICLE

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

MOTION: To adjourn this meeting.

ACTION: Voted, voice vote carries unanimously.

The Special Town Meeting was closed at 6:55 p.m.

PROCEDURAL MOTION

Mr. Hinckley moved that all Town Officials or department managers or their duly designated representative, required to attend Town Meeting pursuant to Section 2-7-3 of the Charter, and Michael Gradone, Nauset Regional School District Superintendent, Hans Baumhauer, Nauset Regional School District Business Manager, Mary Corr, Orleans Chamber of Commerce Executive Director, and Greg Carell, Architect, The Carell Group, who are not residents of the Town of Orleans, be permitted to address the Special Town Meeting on matters affecting their office or department, or projects for which they performed services for the Town.

ACTION: Voted, voice vote carries unanimously.

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

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

MOTION: To accept and adopt the report of the Selectmen, Town Offices and all Town Committees, Commissions and Boards as published in the 2007 Annual Town Report and hear the report of the Planning Board on the Orleans Comprehensive Plan, and the report(s) of any other Town Committees reporting to the Town Meeting.

Committee reports were submitted by:
Seth Wilkinson, Planning Board
Augusta McKusick, Wastewater Management Steering Committee
Fred Turner, Finance Committee

ACTION: Voted, voice vote carries unanimously.

ARTICLE 2. TOWN / SCHOOL BUDGET (FY09)

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, 2008 and ending June 30, 2009 and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or service as the case may be, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #2 and that the Town Meeting adopt the Selectmen's adopted FY09 budget as printed in the warrant and that the sum of twenty five million three hundred sixty two thousand four hundred sixty-seven and 00/100 Dollars (\$25,362,467.00) be raised and appropriated, and the sum of seven hundred three thousand nine hundred ninety-six and 00/100 Dollars (\$703,996.00) be transferred from the Community Preservation Fund, and the sum of five hundred twenty two thousand and 00/100 Dollars (\$522,000.00) be transferred from the Ambulance Receipts for Reserve for Appropriation Account, and the sum of two hundred sixty thousand five hundred twenty-eight and 00/100 Dollars (\$260,528.00) be transferred from the Water Surplus Fund, and the sum of eighty thousand and 00/100 Dollars (\$80,000.00) be transferred from the Cable Fees Reserve for Appropriations Account, and the sum of fifty two thousand eight hundred sixteen and

00/100 Dollars (\$52,816.00) be transferred from the Municipal Insurance Fund, and the sum of ninety thousand and 00/100 Dollars (\$90,000.00) be transferred from the Water Ways Improvement Account, and the sum of five thousand and 00/100 (\$5,000.00) be transferred from the Water Pollution Abatement Trust, and the sum of twenty one thousand and 00/100 Dollars (\$21,000.00) be transferred from the Wetlands Protection Fund, and the sum of twelve thousand four hundred forty-seven and 00/100 Dollars (\$12,447.00) be transferred from the Fund Balance Reserve for Premiums on Bond Issue, and the sum of twenty one thousand and 00/100 Dollars (\$21,000.00) be transferred from the County Surplus Fund, for a total appropriation of Twenty-Seven Million One Hundred Thirty-One Thousand Two Hundred Fifty-Four and 00/100 Dollars (\$27,131,254.00); provided, however, that the sums of Two Hundred Three Thousand Five Hundred and 00/100 Dollars (\$203,500.00) of the total for departmental expenses for the fiscal year beginning July 1, 2008, Forty-Four Thousand and 00/100 Dollars (\$44,000.00) of the total for Orleans Elementary School operating expense for the fiscal year beginning July 1, 2008, and Forty-Four Thousand and 00/100 Dollars (\$44,000.00) of the total for the Nauset Regional School District budget for the fiscal year beginning July 1, 2008, be considered contingent appropriations and are being approved contingent upon the passage of Proposition 2 ½ general override ballot questions under the provisions of Massachusetts General Law Chapter 59 Section 21C, paragraphs (g) and (m).

ACTION: Voted, voice vote carries unanimously.

FY 2009 Operating Budget as Approved at Annual Town Meeting

ARTICLE 3. CAPITAL IMPROVEMENTS PLAN

To see if the Town will vote pursuant to CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, Section 7, Action of Town Meeting, 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. (Simple Majority Vote Required)

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

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

ARTICLE 4. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET (FY09)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2009 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 FY09, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #4 as printed in the warrant and that the sum of One Million Thirty Thousand Twenty-Four and 00/100 Dollars (\$1,030,024.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

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

ARTICLE 5. FUND WASTEWATER MANAGEMENT PLAN PRE-DESIGN ENGINEERING FEASIBILITY STUDY

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred

Fifty Thousand and 00/100 Dollars (\$150,000.00) for the purpose of funding a feasibility study for pre-design engineering relative to the implementation of the comprehensive wastewater management plan (CWMP), and authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #5 as printed in the warrant and that the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 6. Fund Water Quality Drainage Improvements

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), 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; 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. (2/3 Vote Required)

MOTION: To accept and adopt Article #6 as printed in the warrant and that the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00), pursuant to Massachusetts General Laws Chapter 44, section 7 clauses (1) (6), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 1/2 so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 7. Fund Town Pavement Management Program

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00) 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; 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 § 21 C (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. (2/3 Vote Required)

MOTION: To be accept and adopt Article #7 as printed in the warrant and that the sum of Four

Hundred Thousand and 00/100 Dollars (\$400,000.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00), pursuant to Massachusetts General Laws Chapter 44, section 7 clauses (1), (5) and (6), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote

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

ARTICLE 8. Fund New Town Maintenance Facility Feasibility Study

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00), or any other sum, for the purpose of funding a feasibility study for construction of a new Town Maintenance Facility, and 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. (3/4 Vote Required)

MOTION: To accept and adopt Article #8 as printed in the warrant and that the sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) be raised and appropriated for this purpose.

ACTION: Voted, standing vote YES=437, NO=53, vote carries by the necessary 3/4 majority.

ARTICLE 9. Fund Beach Snack Bar A/E Design

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), or any other sum, for the purpose of preparing design plans for replacement of the existing snack bar facilities at both Nauset Beach and 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 § 21 C (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. (3/4 Vote Required)

MOTION: To accept and adopt Article #9 as printed in the warrant and that the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), pursuant to Massachusetts General Laws Chapter 44, section 7 clause (21), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

MOTION: To lay Article # 9 on the table.

ACTION: Voted, voice vote fails to achieve the necessary majority to lay article on the table.

MOTION: To amend the main motion to exclude any reference to the Nauset Beach Snack Bar Facility and

that sum to be appropriated be reduced from transferred from Free

\$75,000.00 to \$12,000.00 and that these funds be Cash for this purpose.

ACTION: Voted, voice vote fails to achieve the necessary majority.

ACTION: On the main motion, voted, standing vote: YES=121, NO=328, vote fails to achieve the necessary 3/4 majority.

ARTICLE 10. Fund New Police Station A/E Design

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Seven Hundred Thousand and 00/100 Dollars (\$700,000.00), or any other sum, for the purpose of preparing design plans for the construction of a new Police Station on South Orleans Road, 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 § 21 C (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. (3/4 Vote Required)

MOTION: To accept and adopt Article #10 as printed in the warrant and that the sum of Seven Hundred Thousand and 00/100 Dollars (\$700,000.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Seven Hundred Thousand and 00/100 Dollars (\$700,000.00), pursuant to Massachusetts General Laws Chapter 44, section 7 clause (21), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

MOTION: To indefinitely postpone Article #10.

MOTION: To move the question to indefinitely postpone.

ACTION: Voted, voice vote carries by the necessary 4/5 majority to move the question to indefinitely postpone.

ACTION: Voted, voice vote fails to achieve the necessary majority to indefinitely postpone.

MOTION: To move the question relative to the main motion.

ACTION: Voted, voice vote carries by the necessary 4/5 majority.

ACTION: On the main motion, voted, standing vote: YES=357, NO=86, passes by the necessary 3/4 majority.

ARTICLE 11. Fund Development of New Well #8

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), or any other sum, for the purpose of developing a new well #8, 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. (2/3 Vote Required)

MOTION: To accept and adopt Article #11 as printed in the warrant and that the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), pursuant to Massachusetts General Laws Chapter 44, section 8 clause (4), or any other enabling authority, and to issue bonds or notes of the Town therefore.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 12. ACCEPT TRANSPORTATION BOND BILL FUNDS

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

MOTION: To accept and adopt Article #12 and that said funds and their earned interest shall be expended to repair and resurface certain Town roads under the direction of the Board of Selectmen.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 13. HOLDING STATE HARMLESS FOR WORK

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

MOTION: To accept and adopt Article #13 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 14. AUTHORIZATION TO SELL SURPLUS EQUIPMENT & ACCEPT GIFTS

To see if the Town will vote to authorize the Town Administrator to dispose of surplus supplies and equipment under such terms and conditions as the Town Administrator deems advisable, provided all proceeds from any such disposition are returned to the General Fund, and to accept any gift items that may be given to the Town on behalf of the citizens of Orleans, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #14 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 15. ADOPT M.G.L. CHAPTER 44, SECTION 53E ½ - REVOLVING ACCOUNTS

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

- 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.
- The Council on Aging Account, said account not to exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00). 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.
- 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.
- The Gavigan Property Account, said account not to exceed Eighteen Thousand and 00/100 Dollars (\$18,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the property located on Wildflower Lane. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 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.

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

MOTION: To accept and adopt Article #15 as printed in the warrant and that the Revolving Accounts as set forth in the article be established in accordance with Massachusetts General Law Chapter 44, Section 53E ½.

ACTION: Voted, voice vote carries unanimously.

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

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

MOTION: To be accept and adopt Article #16 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 17. APPROVE NON-UNION EMPLOYEE COLA (FY09)
(PERSONNEL BYLAW PLANS A, B, D & E)**

To see if the Town will vote to adopt an amendment to the Personal Bylaw Compensation Plans A, B, D, and E for the period July 1, 2008 to June 30, 2009, which amendment provides for a general cost of living wage increase for those employees who are covered by such Plans, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #17 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 18. FUND ELECTED OFFICIALS COMPENSATION (FY09)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2008 as follows:

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

and to raise and appropriate and/or transfer from available funds the sum of Five Thousand Three Hundred Fifty and 00/100 Dollars (\$5,350.00), or any other sum, for this purpose, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #18 as printed in the warrant and that the sum of Five Thousand Three Hundred Fifty and 00/100 Dollars (\$5,350.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 19. FUND VISITOR MANAGEMENT SERVICES BY ORLEANS CHAMBER OF COMMERCE / ORLEANS IMPROVEMENT ASSOCIATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty-Six Thousand Two Hundred Fifty and 00/100 Dollars (\$26,250.00), 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. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #19 as printed in the warrant and that the sum of Twenty-Six Thousand Two Hundred Fifty and 00/100 Dollars (\$26,250.00), be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 20. FUND HUMAN SERVICES AGENCIES AGREEMENTS (FY09)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seventy-two Thousand Five Hundred Ninety-Five Dollars (\$72,595.00), or any other sum, to fund the following human services organizations for the period July 1, 2008 to June 30, 2009.

GROUP NAME	AMOUNT
AIDS Support Group of Cape Cod	2,000
Big Brothers/Big Sisters of Cape Cod	5,000

Cape Cod Child Development 2,500
Cape Cod Human Services 6,260
capeAbilities 5,800
Community Connections 1,200
Consumer Assistance Council 210
Elder Services of Cape Cod and the Islands 2,500
Gosnold, Inc. 8,280
Independence House, Inc. 4,500
Interfaith Council for the Homeless 4,180
Legal Services 3,000
Lower Cape Outreach Council 6,200
Orleans After School Activities Program 14,200
Outer Cape Health Services 5,965
Sight Loss Services, Inc. 800

TOTAL \$72,595

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #20 as printed in the warrant, and that the sum of Seventy-two Thousand Five Hundred Ninety-Five Dollars (\$72,595.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 21. Juice Bar FUNDING – BY PETITION

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 (\$5000.00) dollars to finance operational costs relative to the operation of the Juice Bar for Orleans students from the Nauset Regional School District and to authorize the Board of Selectmen to enter into a contract and expend such funds for this purpose, or to take any other action relative thereto. The Juice Bar, a substance free alternative for teens of the Nauset region located in Orleans, is operated and managed by the Nauset Together We Can Prevention Council, Inc., a non-profit organization. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #21 as printed in the warrant and the sum of Five Thousand and 00/100 Dollars (\$5,000.00) be raised and appropriated for this purpose.

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

PROCEDURAL MOTION

John p. Hinckley, Jr., Board of Selectmen Chair, made a motion that the Annual Town Meeting be adjourned to tomorrow evening, May 13, 2008 at 6:30 p.m., at the Nauset Regional Middle School Gymnasium.

ACTION: Voted, voice vote carries unanimously.

The Annual Town Meeting was adjourned at 10:12 p.m.

Annual Town Meeting was re-opened on Tuesday, May 13, 2008 at 7:11 a.m. by Moderator Duane Landreth when Town Clerk, Cynthia S. May, declared a quorum of 269 voters was present.

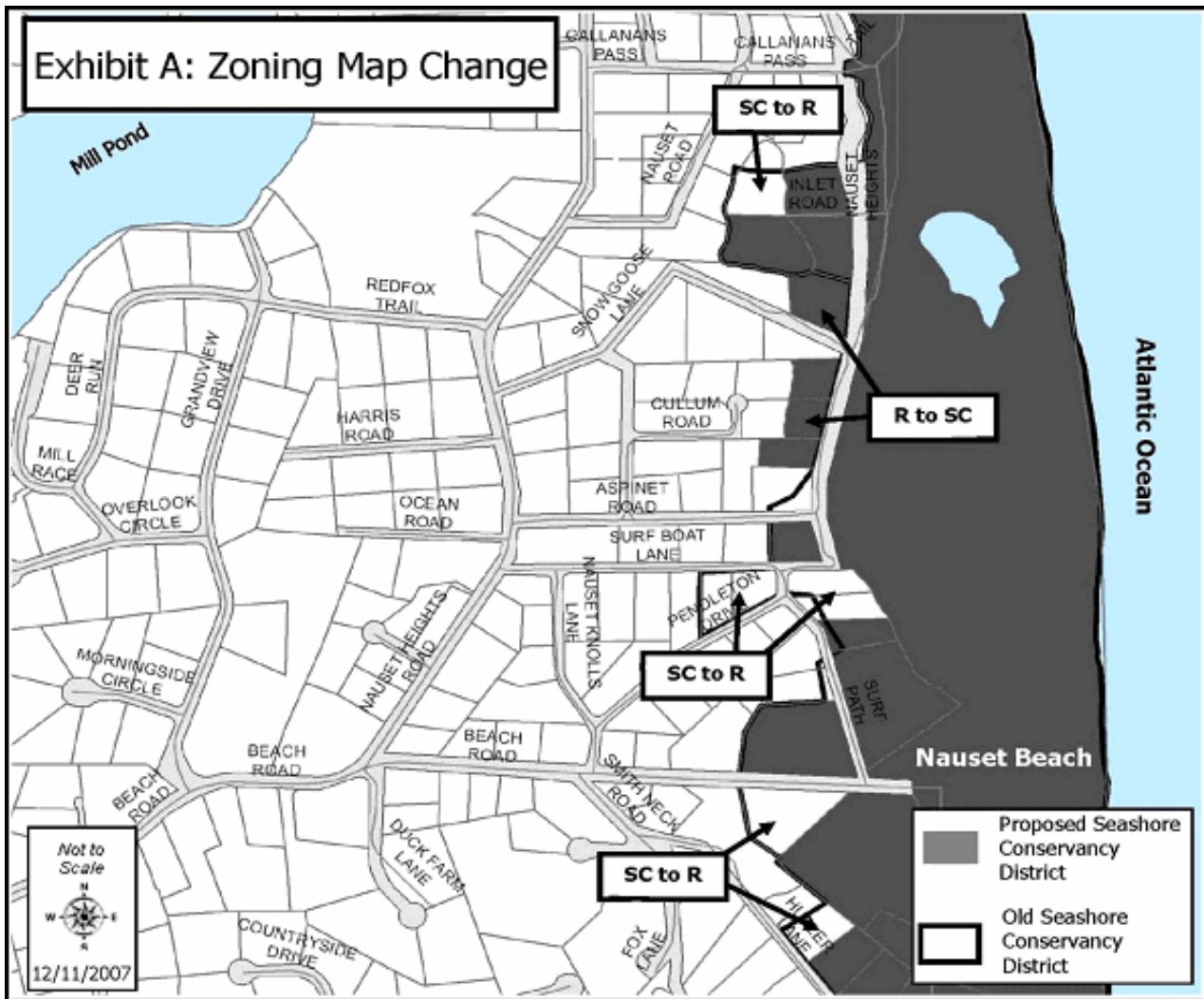
ARTICLE 22. AMEND THE ZONING BYLAWS SECTION 164-6, Zoning Map

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 Seashore Conservancy (SC) to Residence District (R), or from Residence District (R) to Seashore Conservancy (SC), in the area of East Orleans and the Atlantic Coast as shown on a map entitled "Exhibit A" dated 12/11/2007. A copy of the map is on file with the Town Clerk. The proposed changes will affect all or portions of each of the following parcels, as shown on said map (all references are to current Orleans Assessor's map and parcel information):

MAP	PARCEL	ADDRESS	CHANGE
30	23	24 ASPINET ROAD	SC to R
30	55	19 SURF PATH	SC to R
30	33	17 SURF BOAT LANE	SC to R
30	34	16 PENDLETON DRIVE	SC to R
30	56	17 SURF PATH	SC to R
30	59	10 SURF PATH	SC to R
30	65	227 BEACH ROAD	SC to R
38	16-1	26 HUBLER LANE	SC to R
22	84	7 INLET ROAD	SC to R
30	13	0 ASPINET ROAD	R to SC
30	15	40 ASPINET ROAD	R to SC
30	21	ASPINET ROAD	R to SC
30	22	32 ASPINET ROAD	R to SC
30	57	15 SURF PATH	R to SC

And furthermore that the Zoning Bylaws §164-6.A. be amended to make reference to the proposed change of the Zoning Map, or to take any other action relative thereto.
(2/3 vote required)



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

ACTION: Voted, voice vote carries unanimously.

PLANNING BOARD REPORT

Article 22 proposes a change to the Zoning Map. The article amends the Orleans Zoning Map to be consistent with the boundary of the Cape Cod National Seashore.

The Planning Board held a public hearing on January 8, 2008. Notice of the proposal was mailed to affected property owners. 40 residents were in attendance. There were no comments on the proposal. The board voted unanimously to forward this article to the Town Meeting and recommend its approval.

The Town's Seashore Conservancy (SC) District was created in 1963 to further the preservation of the Cape Cod National Seashore.

Recently, the Town was provided a copy of the official boundary of the National Seashore and found that it does not match exactly with the Town's Zoning Map.

The district allows conservation and recreation uses among others, and also allows single family homes with larger setback requirements.

Under this article, the 5 parcels are proposed to be included in the SC District. They are owned by the federal government; 9 parcels are proposed to be removed from the SC District. They are either already developed or are undevelopable.

This article will not make any parcels buildable or restrict building on any lots. The article simply creates a local zoning boundary that is consistent with the National Seashore boundary.

We request your approval of Article 22.

Respectfully Submitted,

John Fallender, Chairman
Orleans Planning Board

ARTICLE 23. AMEND THE ZONING BYLAWS SECTION 164-21, Schedule of Lot Yard and Bulk Requirements.

To see if the Town will vote to amend the Orleans Zoning Bylaws 164-21.A NOTES #5 to insert the following **new language** and delete the language indicated with a ~~striketrough~~:

The building coverage in a Residential District shall not exceed fifteen percent (15%) of the buildable upland. However, building coverage in a Residential District shall not exceed four thousand (4,000) square feet without the issuance of a Special Permit under the provisions of 164-44. **The Zoning Board of Appeals shall also refer said projects to the Architectural Review Committee for an advisory opinion under 164-33.1.E.4 and 164-33.1.E.5.** In no event shall the board of appeals ~~be authorized to~~ grant a Special Permit which would result in building coverage which exceeds fifteen percent (15%) of the buildable upland.

And furthermore to see if the Town will vote to amend the Orleans Zoning Bylaws section 164-33.1 C, Architectural Review, to include the following new language:

The Architectural Review Committee shall also be authorized to issue findings under 164-33.1 E 4 and 164-33.1 E 5 on projects referred by the Orleans Zoning Board of Appeals under 164-21, Note 5.

(2/3 vote required)

MOTION: To indefinitely postpone Article #23.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 24. AMEND THE ZONING BYLAWS SECTION 164-4 Definitions.

To see if the Town will vote to amend the Orleans Zoning Bylaws 164-4 and add the following **new language** and delete the language indicated with a ~~striketrough~~:

APARTMENT - A structure, regardless of form of tenure, containing three (3) or more dwelling units, or a mixed-use structure containing three (3) or more dwelling units having a majority of floor area devoted to non-residential use **[ATM 5/11/98 Article 30]**, except that up to ~~three~~ **four (3 4)** dwelling units may be contained in a commercial structure in the Village Center District without being considered an apartment (See §164-32 **and §164-19.1**). **[ATM 5/7/2001 Article 33]**

BUILDABLE UPLAND — That land which is **contiguous** and not in the Conservancy District and which is not swamp, pond, bog, dry bog, marsh or an area of exposed groundwater and which is not subject to flooding from storms and mean high tides **or is not located in the FEMA flood zone 100-year base flood elevation.**

(See § 164-23 **and § 164-20**.) (2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

PLANNING BOARD REPORT

The Planning Board held a public hearing on January 8, 2008. 40 residents were in attendance. No public comments were made on the proposal. The board voted unanimously to forward this article to the Town Meeting and recommend its approval.

The definition of "apartment" will be amended to reflect an approval by the 2007 Annual Town Meeting. You will recall that the voters approved a change in the Village Center District that allows up to 4 apartments in a commercial building with special conditions. This year's amendment corrects an oversight and proposes to change the definition to be consistent with what is allowed.

The second change is to the definition of "buildable upland".

Currently, the Building Commissioner has interpreted that buildable upland may not include land that is in the flood zone. This interpretation is implied in the existing definition, but is made more clear in the proposed language.

The Planning Board agrees that the interpretation is correct and wishes to affirm the definition in the bylaw, so that land within the 100-year flood zone is not considered buildable upland.

Respectfully Submitted, John Fallender, Chairman

ARTICLE 25. TRANSFER WATER SERVICE CONNECTION

To see if the Town will vote to transfer the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), or any other sum, from the Water Service Connection Funds Reserved for Appropriation Account to the Water Service Connection Account, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #25 as printed in the warrant and the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from the Water Reserve for Appropriations Account to the Water Service Expense Account for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 26. Adopt m.g.l. "Jackie's Law" trench safety provisions

To see if the Town will, pursuant to M.G.L. c. 82A, § 2, vote to authorize and designate the Selectmen to designate the Board or Officer to issue permits for the purpose of creating a "trench" as that term is defined by M.G.L. c. 82A, § 4 and 520 CMR 14.00, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #26 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 27. AMEND GENERAL BYLAW, CH. 88 – DRAINAGE AND EROSION AND SEDIMENT CONTROL

To see if the Town will vote to adopt Chapter 88, Drainage and Erosion Control as follows.

Drainage and Erosion Control

•

Purpose

The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements to control the adverse effects of stormwater runoff and erosion. Through proper management of stormwater, sediment and erosion controls this bylaw safeguards the public health, safety, environment and general welfare of the public. This Bylaw serves to protect water and groundwater resources, promote groundwater recharge and prevent flooding.

- **Applicability**

The requirements of this bylaw shall apply to existing development, new development, and redevelopment projects to minimize adverse impacts of erosion and stormwater runoff offsite and downstream which would be borne by abutters, townspeople and the general public. The Board of Selectmen may delegate from time to time certain duties described in this Bylaw to designees who will act on its behalf for the purposes of enforcement.

- **Drainage Requirements**

- **Runoff**

All runoff from impervious surfaces of a lot shall be recharged on that lot. Runoff shall be diverted towards areas covered with vegetation for surface infiltration.

- **Stormwater**

All stormwater drainage shall be contained on the development site and away from wetland resources. All stormwater shall be treated on-site unless there is a public benefit to connecting to another drainage system or allowing stormwater to flow off-site. Commercial development shall be required to handle calculated flows from a 25-year storm.

- **Drains**

In no instance shall roof drains, subsurface drains, or overflows drains of any kind be directed to the public road layout.

- **Erosion and Sediment Control Requirements**

- **Erosion**

Erosion control provisions shall be designed and executed to prevent erosion or excessive uncontrolled surface water runoff from draining onto any public way, both during and after construction. No grading or clearing of land shall begin until all required erosion control measures are in place and fully constructed. Permanent erosion control measures including but not limited to re-vegetation, retention basins and siltation barriers may be required to ensure stormwater will not discharge onto the public way.

- **Sediment Control**

The Town may require measures to reduce tracking of sediment from construction vehicles onto the public way. The contractor is required to clean up any sediment inadvertently discharged, through tracking or other means, into the public way or drainage systems. In no case shall sediment be allowed to discharge onto a public way or into public drainage infrastructure.

- **Fines and Penalties**

Any person violating this chapter shall be punished by a fine of not more than two-hundred dollars (\$200.) for each offense, and may have his permit revoked. Each day that such offence continues shall constitute a separate offence.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #27 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 28. Adopt Pleasant Bay Resource Management Plan Update

To see if the Town will vote to adopt the 2008 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 the Intermunicipal Agreement with the Towns of Chatham, Harwich and Brewster, originally authorized by the Town in 1998 and re-authorized in 2003; and to authorize the Board of Selectmen to enter into a successor Intermunicipal Agreement, as amended by the Board of Selectmen, 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 the plan is on file with the Town Clerk. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #28 as printed in the warrant

ACTION: Voted, voice vote carries unanimously.

ARTICLE 29. Amend Fee Schedule – Water RATES

To see if the Town will vote, pursuant to the Orleans Code §94-8 A., to authorize the Board of Selectmen to raise the water rates by increasing the flat rate from \$44.10 per six month billing period to \$74.10 per six month billing period. All usage charges would remain unchanged.

Current Rate Schedule

		Flat rate	\$ 44.10
0	to	15,000 gallons	\$ 1.57 per thousand gallons
15,001	to	30,000	\$ 3.88 per thousand gallons
30,001	to	50,000	\$ 4.98 per thousand gallons
Over		50,000	\$ 6.03 per thousand gallons
Per six month billing period			

New Rate Schedule

		Basic Service	\$ 74.10
0	to	15,000 gallons	\$ 1.57 per thousand gallons
15,001	to	30,000	\$ 3.88 per thousand gallons
30,001	to	50,000	\$ 4.98 per thousand gallons
Over		50,000	\$ 6.03 per thousand gallons
Per six month billing period			

(Simple Majority Vote Required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 30. Amend BOARD OF SELECTMEN FEES – DOCKAGE FEES

To see if the Town will vote, pursuant to the Orleans Code §94-8 A., to authorize the Board of Selectmen to increase the fees for boat slips in Rock Harbor as outlined, or to take any other action relative thereto. (Board of Selectmen)

Dockage Current Proposed

Resident back in \$40/ft \$52/ft
Non-resident back in \$54/ft \$70/ft
Resident Commercial/Private Pier \$10/ft \$13/ft
Non-resident Commercial/Private Pier \$12/ft \$15/ft

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #30 and that the proposed Resident back-in fee increase be reduced from Fifty-Two Dollars per foot (\$52/ft) to Forty-Six Dollars per foot (\$46/ft) , and that the proposed Non-resident back-in fee increase be reduced from Seventy Dollars per foot (\$70/ft) to Sixty-Two Dollars per foot (\$62/ft), and further, that there be no increase in the current fees charged for Resident Commercial/Private Pier and Non-resident Commercial Private Pier dockage.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 31. AMEND BOARD OF SELECTMEN FEES - Mooring PERMITS

To see if the Town will vote, pursuant to the Orleans Code §94-8 A., to authorize the Board of Selectmen to increase the fees for mooring permits as outlined, or to take any other action relative thereto. (Board of Selectmen)

Mooring Permits Current Proposed

Non-Commercial - Individual \$52 \$75
Marina \$78 \$200

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant, with the following changes: that the Non-Commercial – Individual fee be increased to Sixty-Four Dollars (\$64) in Fiscal Year 2009, and to Seventy-Five Dollars (\$75) in Fiscal Year 2010; and that the Marina fee be increased to One Hundred Thirty Nine Dollars (\$139) in Fiscal Year 2009, and to Two Hundred Dollars (\$200) in Fiscal Year 2010.

ACTION: Voted, voice vote carries by necessary majority.

ARTICLE 32. AMEND BOARD OF SELECTMEN FEES - SHELLFISH PERMITS

To see if the Town will vote, pursuant to the Orleans Code §94-8 A., to authorize the Board of Selectmen to adopt an amended fee schedule for non-resident shellfish permits as outlined, or to take any other action relative thereto. (Board of Selectmen)

Shellfish Permits Current Proposed

Establish single non-resident fee \$30 Mass. \$70
\$50 out of state

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #32 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 33. AMEND HOME RULE CHARTER CHAPTER 2 TOWN MEETING, CLAUSE 2-1-3, QUORUM

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

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

2-1-3 The quorum necessary for the conduct of Town Meeting business shall be ~~five percent~~ **one-hundred and fifty (150)** of the current registered voters of the Town.

(2/3 vote required)

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

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

2-1-3 The quorum necessary for the conduct of Town Meeting business shall be two-hundred (200) of the current registered voters of the Town.

ACTION: Amendment to the main motion voted, voice vote carries by the necessary majority.

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

ARTICLE 34. AMEND HOME RULE CHARTER CHAPTER 2 TOWN MEETING, CLAUSE 2-7-5, SPEAKING ON AN AMENDMENT

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

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

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

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 35. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-1-1, TERM LIMITS

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

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

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

(2/3 vote required)

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

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

ARTICLE 36. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-1--3, SCHEDULED MEETINGS

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

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

and insert in place thereof the following sentence:

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

(2/3 vote required)

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

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

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

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

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

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

3-1-4 - change "one" to "two" and add sentence for Chairperson's additional honorarium, as follows (deleted text is shown as ~~strike-out~~ and new text is shown as **bold underline**):

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

(2/3 vote required)

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

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

ARTICLE 38. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-3-4, EMERGENCY PLAN

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

Add the following new clause 3-3-4:

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

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 39. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-5--3, INTER-MUNICIPAL AGREEMENTS

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

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

3-5-3 Any contract or formal agreement establishing such cooperation, which requires an appropriation of Town funds in excess of ~~\$10,000~~ **\$50,000** and/or entails a commitment by the Town in excess of ~~two~~ **three** years, shall require the approval of the Town Meeting."

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 40. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, ADD NEW CLAUSE 3-8-4, GENERAL BY-LAW REVIEW, AND DELETE CLAUSE 6-9-1 BY-LAW REVIEW COMMITTEE

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

Add a new clause 3-8-4:

3-8-4 The Board shall review, based on Board policy, the General Bylaws of the Town and propose any revisions to Town Meeting.

And

Delete clause 6-9-1 which currently reads:

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

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

Section 9 Charter Review Committee

6-9-1 Every seven years, commencing with the year 1999, the Board of Selectmen shall appoint a Charter Review Committee of seven members. The Board of Selectmen shall charge the Committee to review the provisions of the Charter and report any amendments deemed advisable.”

(2/3 vote required)

MOTION: To accept and adopt Article #40 as printed in the warrant. The amendment shall take effect on May 20, 2009.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 41. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSES 3-9-1 AND 3-9-2 TITLES AND APPOINTMENTS

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter (deleted text is shown as ~~strike out~~ and new text is shown as **bold underline**):

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

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

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

3-9-2 The Board shall also appoint the following ~~boards~~ **multi-member bodies**, as provided in Chapter Six: (a) a Board of Assessors; (b) a Planning Board; (c) a Conservation Commission; (d) a Council on Aging; (e) a Historical Commission; and (f) ~~an arts~~ **a Cultural** Council."

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 42. AMEND HOME RULE CHARTER CHAPTER 4 TOWN ADMINISTRATOR, CLAUSE 4-4-1 APPOINTMENTS

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

4-4 1 - add the words "who need not be a resident" after "Town Clerk;" add "and Sewer" after "Water"; delete the last sentence and replace it with "The Town Administrator may also appoint other positions, subject to the availability of funds." as follows (deleted text is shown as ~~strike out~~ and new text is shown as **bold underline**):

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

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

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 43. AMEND HOME RULE CHARTER CHAPTER 5 ELECTED TOWN BOARDS AND OFFICERS, CLAUSES 5-1-1 AND 5-7-3 AND NEW SECTIONS 5-9, 5-10 AND 5-11

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

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

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

Delegates.

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

5-7-3 The Board **of Health** shall appoint one member of the Board of Water **and Sewer** Commissioners, as provided in Clause 6-8-2.

Add the following new clauses:

§9. Old Kings Highway Historic District Committee

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

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

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

§10. Town Constables

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

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

§11. Representative to the Barnstable County Assembly of Delegates

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 44. AMEND HOME RULE CHARTER CHAPTER 6 APPOINTED MULTI-MEMBER BODIES, NEW CLAUSE 6-1-11 ASSOCIATE MEMBERS, DELETE PORTION OF 6-3-1, NEW SECTION 6-10 AND RENUMBERED 6-11

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

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

6-1-11 When a multi-member body of the Town has associate members, the Chairperson, at the

Chairperson's discretion, may designate any such associate member to sit in case of absence; inability to act; or in the event of a vacancy on the multi-member body until said vacancy is filled.

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

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

§10. Historical Commission

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

§11. Community Preservation Committee

6-11-1 A Community Preservation Committee of nine members serving three-year overlapping terms shall be appointed as follows: three members by the Board of Selectmen; one member by the Park Commissioners; one member by the Planning Board; one member by the Conservation Commissions one member by the Historical Commission; one member by the Housing Authority; and one member by the Open Space Committee.

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 45. AMEND HOME RULE CHARTER CHAPTER 6 APPOINTED MULTI-MEMBER BODIES, BOARD OF WATER AND SEWER COMMISSIONERS

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

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

~~"Section 8 Board of Water Commissioners~~

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

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

~~6-8-3 The Board of Water Commissioners shall set policy ensuring the adequate production and high quality of potable water. The Board shall be responsible for all functions cited in Chapter 418 of the Acts of 1953, except for the following functions vested in the Board of Selectmen for which they shall consult with the Board of Water Commissioners: establish water rates; contract with a municipality; acquire or take water resources, rights-of-way or easements; issue bonds to defray development and construction costs. In discharging its duties and responsibilities, the Board of Water Commissioners shall coordinate with the Town Administrator and receive technical support from the Water Superintendent.~~

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

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

§8. Board of Water and Sewer Commissioners

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

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

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

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

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 46. AMEND HOME RULE CHARTER CHAPTER 7 CITIZEN PARTICIPATION, ELECTIONS AND RECALL, ADD NEW SECTION 1 TITLE AND CLAUSE 7-1-1 AND RE-NUMBER THE FOLLOWING CLAUSES 7-1-2, 7-1-3, 7-1-4; CLAUSES 7-8-2 AND 7-8-3

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

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

§1. ~~The July Meeting~~ **Citizen Awareness and Participation**

Move the second portion of 7-1-1 to a new 7-1-2, and add a new phrase in 7-1-1 to replace it, and re-number 7-1-1 and 7-1-2 as 7-1-3 and 7-1-4, so that Section 1 will read as follows in its entirety:

7-1-1 To promote a maximum level of active, interested and diverse citizen and voter representation and participation in Town affairs, ~~the Board of Selectmen shall annually, in the month of July, call a public meeting in a public place. The meeting shall be advertised in at least two issues of a newspaper of local circulation.~~ **Town officials shall make every effort to encourage citizen interaction and information on current Town issues through the regular use of public service announcements and appropriate local media.**

7-1-2 The Board of Selectmen shall annually, in the month of July, call a public meeting in a public place. The meeting shall be advertised in at least two issues of a newspaper of local circulation.

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

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

7-8-2 - add the phrase "Once the names that appear on the affidavit are certified by the Board of Registrars of Voters," and delete "printed forms which the Town Clerk shall keep available" so that the clause shall read:
(deleted text is shown as ~~strike-out~~ and new text is shown as **bold underline**):

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

7-8-3 - delete "A copy of the petition shall be entered in the Town Meeting records" and add "A copy of the petition shall be maintained in the recall election records." as follows: (deleted text is shown as ~~strike-out~~ and new text is shown as **bold underline**)

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

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 47. AMEND HOME RULE CHARTER CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, NEW 8-1-6 FINANCE COMMITTEE RESPONSIBILITIES; OTHER PROCEDURAL AMENDMENTS

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter (deleted text is shown as ~~strike-out~~ and new text is shown as **bold underline**).

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

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

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

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

8-2-8 On or before January 15 of each year, the Town Administrator shall submit to the Board of Selectmen **and the Finance Committee** a comprehensive budget for all Town functions for the ensuing fiscal year and an accompanying budget message.

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

8-5-1 The Town Administrator shall prepare a five-year Capital Improvements Plan, which shall be designed to deal with unmet long-range needs, and to implement the goals and objectives of the ~~official town plan~~ Orleans Comprehensive Plan. **The Capital Improvements Plan shall be developed based on established Board of Selectmen policy regarding the types of projects to be included.**

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

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

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 48. AMEND HOME RULE CHARTER CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, CAPITAL IMPROVEMENTS PLAN

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter (deleted text is shown as ~~strike-out~~ and new text is shown as **bold underline**).

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

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

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

8-5-3 ~~Said plan~~ **The Capital Improvements Plan** shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next five fiscal years ~~following the proposed~~

capital budget, together with supporting data; (c) cost estimates, methods of financing, and recommended time schedules; and (d) the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information may be revised and shall be extended each year with regard to capital improvements pending or in the process of construction or acquisition. **Any entry in said Plan previously approved at Town Meeting that is moved out more than one year shall be specifically noted and adjusted to reflect changing economic conditions.**

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

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

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 49. AMEND HOME RULE CHARTER CHAPTER 9 PLANNING AND THE ENVIRONMENT NEW CLAUSE 9-1-5;
MODIFY CLAUSES 9-1-4, 9-2-1 AND 9-2-5**

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

In 9-1-2, 9-1-3 and 9-1-4, insert the word "Planning" before the word "Board" and in 9-1-4 add the words "Board of Water and Sewer Commissioners" as follows (new text is shown as **bold underline**):

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

9-1-3 The **Planning** Board may make recommendations to the Town Meeting, the Board of Selectmen, and the Town Administrator on all matters concerning the physical, economic, and environmental development of the Town.

9-1-4 The Planning Board shall cooperate closely with the Conservation Commission, and the Board of Health, **and the Board of Water and Sewer Commissioners.**

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

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

9-2-1 - delete the phrase "Within the limits of available resources," as follows (deleted text is shown as ~~strike-out~~):
9-2-1 ~~Within the limits of available resources,~~ the The Planning Board shall be responsible for the development and periodic updating of the Orleans Comprehensive Plan.

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

9-2-5 ~~By the first day of August each year the Planning Board shall issue a status report of Plan actions accomplished in full or in part during the preceding fiscal year.~~ By the fifteenth day of November, the Planning

Board shall recommend implementation actions from the Plan as part of the development of the annual Operating and Capital Budgets and a six year schedule of Plan implementations as part of the Capital Improvements Plan updating process. The Planning Board shall present a report to the Annual Town Meeting specifying those Plan actions being fulfilled during the current fiscal year and the scheduled actions approved by the Board of Selectmen for full or partial completion during the ensuing fiscal year.

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 50. AMEND HOME RULE CHARTER CHAPTER 10 CHARTER OPERATION AND MAINTENANCE, DEFINITIONS

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

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

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

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

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

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

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

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

Part (A) makes various gender changes.

Example: clause 1-3-5 line 2, add "or her"

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

Consequently, the other clauses changed as above:

1-3-5 line 5; 4-6-1 line 3; 4-7-1 line 3 and 6; 4-9-2 line 5;

4-9-6 last line; 4-9-7 line 2

Clause 3-9-3 line 3: delete "his" and add "Town Administrator's" before the word "office".

Clause 3-11-1 line 1: delete "of his"

Clause 7-7-1 line 2: delete both instances of "his" and add "said"
Clause 7-8-6 line 2: delete "to succeed himself" and add "for said office"

Part (B) amends various provisions to use the terms "multi-member body" or "multi-member bodies" for consistent reference to boards, committees and commissions.

Example: Clause 2-3-2

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

Example: Clause 3-9-3

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

Consequently, the other clauses changed as above:

Page 3-Table of Contents; 3-6-2; 3-9-2; 3-10 Section title; 3-10-1 lines 2 & 4;
3-12-2; 4-4-2; 5-1-3 lines 2 & 4; 5-2-1; 7-1-3; 7-6-1; 7-7-1; 8-2-7; 8-2-10

Part (C) capitalizes all proper nouns throughout the Charter.

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

Part (D) changes or adds words for clarification.

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

So that the Table of Contents Chapter 10 title shall now read in its entirety:

"CHAPTER 10 CHARTER OPERATION AND MAINTENANCE"

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

So that 4-3-2(c) shall now read in its entirety:

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

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

So that 5-7-2 shall now read in its entirety:

5-7-2 The Board of Health shall cooperate closely with the Conservation Commission and the Planning Board.

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

So that 6-3-1 shall now read in its entirety:

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

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

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

6-4-2 The Conservation Commission shall cooperate closely with the Planning Board and the Board of Health.

Under Chapter 9 PLANNING AND THE ENVIRONMENT, Section 9-2, change title so that the title for Section 9-2 shall now read in its entirety:

Section 2 ~~Official Town Plan~~ Orleans Comprehensive Plan

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

So that 9-2-3 shall now read in its entirety:

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

(2/3 vote required)

MOTION: To accept and adopt Article # 51 as printed in the warrant. The

ACTION: Voted, voice vote carries unanimously.

ARTICLE 52. AUTHORIZE LAND LEASE FOR ROUTE 6A HOUSING PROJECT

To see if the Town will vote to authorize the Board of Selectmen to lease, on such terms and conditions as the Board of Selectmen deem appropriate, the land located at 257 Route 6A and shown on the Town of Orleans Assessor's Map 46 as Parcel 52 for the purpose of developing affordable housing, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #52 as printed in the warrant and the Board of Selectmen be authorized to lease the land located at 257 Route 6A and shown on the Town of Orleans Assessor's Map 46 as Parcel 52 for the purpose of developing affordable housing on such terms as they deem appropriate.

ACTION: Voted, standing vote YES = 62, NO = 141, motion fails.

ARTICLE 53. DISCONTINUE AND ABANDON A PORTION OF NICKERSON ROAD AS A TOWN WAY

To see if the Town will vote to discontinue and abandon a portion of Nickerson Road as a Town way, as more particularly set forth in a report filed with the Town Clerk, and to authorize the Board of Selectmen to execute all documents necessary to effectuate the discontinuance and abandonment or to take any other action relative thereto.

(2/3 Vote Required)

MOTION: To accept and adopt Article #53 as printed in the warrant.

MOTION: To move the question.

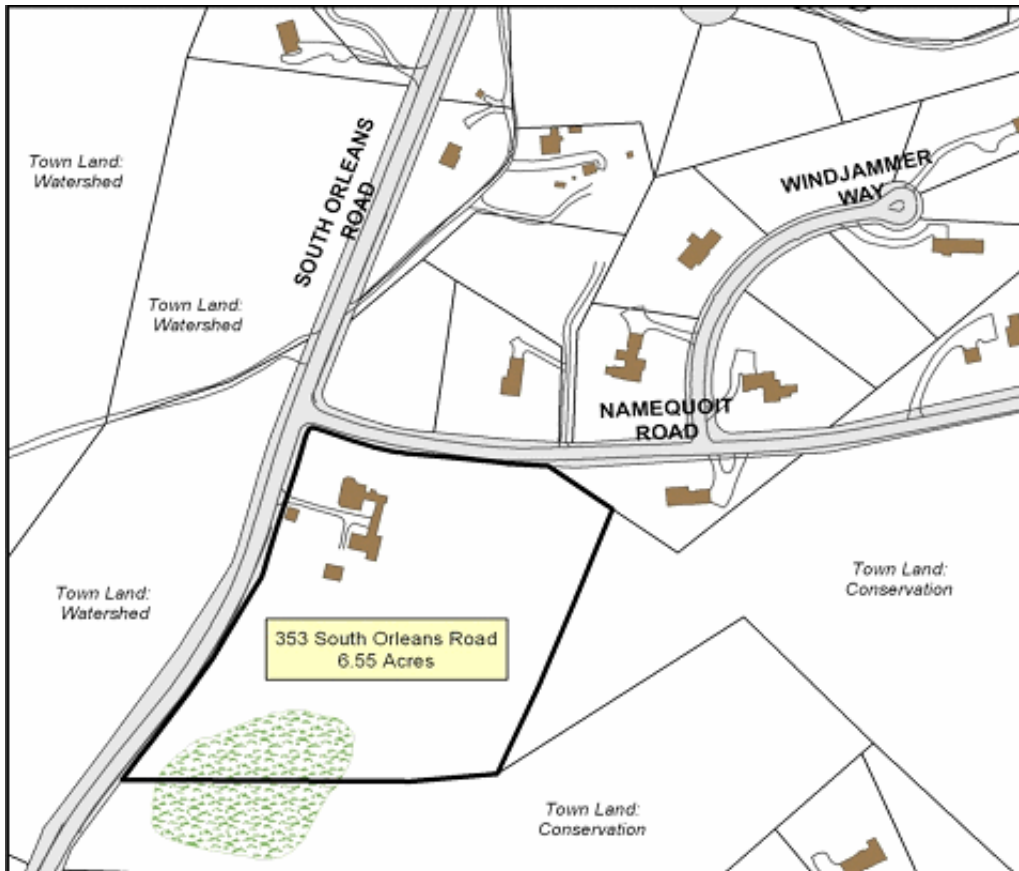
ACTION: Voted, voice vote to move the question carries by the necessary 4/5 majority.

ACTION: Voted, standing vote YES = 99, NO = 114, main motion fails to attain the necessary majority.

ARTICLE 54. ACQUIRE LAND OWNED BY SPARROW FAMILY, 353 SOUTH ORLEANS ROAD (ROUTE 28) ORLEANS, MA

To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for general municipal purposes, conservation, open space and passive recreation purposes, all or a portion of the land located at 353 South Orleans Road (Route 28), Orleans, MA consisting of approximately 6.55 acres, shown on the Orleans Assessor's Map 68 as Parcel 8-1; and to raise and appropriate or transfer from available funds, or transfer from Community Preservation Act funds, or borrow a sum of money for such acquisition, provided, however, that no funds, shall be borrowed hereunder unless the Town shall have voted at an election to exempt the amounts required to pay for the bond from the limitations of Proposition 2 ½ so-called, if required; and, provided that a portion of such land shall be under the control of the Board of Selectmen for general municipal purposes, and a portion of such land shall be under the control and management of the Conservation Commission, and, further, to authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursement from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and, further, to authorize the Board of Selectmen to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, including the grant of a conservation restriction, or to take any other action relative thereto. (Open Space Committee)

(2/3 Vote Required)



MOTION: To indefinitely postpone Article #54.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 55. FUND SOLAR ENERGY SYSTEM ON ROOF OF COUNCIL ON AGING BUILDING – BY PETITION

To see if the Town will vote to appropriate \$56,000.00 for the installation of a Massachusetts technology Collaborative supported solar energy system on the Orleans Senior Center and to fund such article, raise, or transfer from available funds, or authorize the Treasurer with the approval of the Board of Selectmen to borrow \$56,000.00 under Chapter 44 of the Massachusetts General Laws. (By Petition)

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #55 as printed in the warrant and that the sum of Fifty-six Thousand and 00/100 Dollars (\$56,000.00) be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Fifty-six Thousand and 00/100 Dollars (\$56,000.00), pursuant to Massachusetts General Laws Chapter 44, Section 7 Clause 3B or any other enabling authority, and to issue bonds or notes of the Town therefore.

MOTION: To move the question.

ACTION: Voted, voice vote carries by the necessary 4/5 majority.

ACTION: Voted, voice vote on the main motion fails to attain the necessary majority.

ARTICLE 56. Prohibit internal combustion engines in BAKERS POND – BY PETITION

To see if the Town will vote to amend the Orleans Town Bylaws, Chapter 159, section 7, sub-section A, paragraph 3 to read as follows:

“No one shall operate or permit to be operated any internal combustion engine on Pilgrim Lake, Crystal Lake or Bakers Pond in the Town of Orleans except for the express purpose of aiding and rescue or other emergency situations or for scientific purposes.” (By Petition)

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #56 as printed in the warrant.

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

ARTICLE 57. DISCLOSE EXPIRATION DATE OF PRIOR CONTRACT PERIOD – BY PETITION

To see if the Town will vote to amend all articles appearing on the Town Warrant for Town Meeting attention, relating to any open collective bargaining agreement, to clearly include the expiration date of the prior contract period so that citizens will know exactly for how long a period the proposed collective bargaining agreement has remained outstanding, and without resolution. (By Petition)

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #57 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 58. WITHDRAW UNFAIR LABOR PRACTICE CHARGE – BY PETITION

To see if the Town will vote to direct the Board of Selectmen/woman to withdraw an Unfair Labor Practice Charge placed on November 21, 2006, against the United Steel Workers Local 13507 (consisting of all permanent, full-time and part-time employees, in the Highway, Water, Tree, Disposal & Park Departments) for coming to Town Meeting on October 23, 2006 to inform the citizens of Orleans of their hardship regarding an open collective bargaining agreement, expired in 2001, and that, since expiration, had not been renewed. (Although the contract issues have since been resolved, still outstanding is the matter of the Unfair Labor Practice Charge placed against Local 13507 by our Board of Selectmen/woman. This Article seeks to eliminate a protracted and expensive legal process; restore peace to a chilled labor relations climate made unnecessarily hostile and adversarial, and bring closure.)
(By Petition)

(Simple Majority Vote Required)

MOTION: To accept Article #58 as printed in the warrant.

MOTION: To move the question.

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

ACTION: Voted, voice vote on the main motion fails to attain a majority.

ARTICLE 59. 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)

MOTION: To accept and adopt Article #59 and that the sum of Five Hundred Fifty- five Thousand Five Hundred and 00/100 Dollars (\$555,500.00) be transferred from available funds for this purpose for FY09.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 60. CLOSING ARTICLE

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

MOTION: To adjourn Town Meeting.

ACTION: Voted, voice vote carries unanimously.

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