

**TOWN OF ORLEANS  
TOWN MEETING WARRANT**

**for use at**

**MONDAY, October 16, 2017  
SPECIAL TOWN MEETING – 6:30 PM  
Nauset Middle School Gymnasium**



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

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

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## MOTION CHART

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

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

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

## ORLEANS TOWN MEETING BYLAWS

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

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

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

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

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

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

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

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

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

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

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

**Changing Order of Articles:** The order of consideration of the articles as printed in the warrant may be changed only by a two-thirds (2/3) vote of the Town Meeting. In preparing the Warrant under Clause 2-4-1, the Board of Selectmen may include in it a Consent Calendar listing articles which that Board deems non-controversial. In the event such a Consent Calendar is so included, a written request by five registered voters before the commencement of Town Meeting, or, afterward, an oral request by five registered voters prior to consideration of the Consent Calendar, shall remove a

particular article from it. All remaining articles in the Consent Calendar shall then be voted upon by a single vote without debate. Removed articles shall be considered and acted upon immediately after consideration of the Consent Calendar, and in the order of their listing in the Consent Calendar.

**Speaking Twice:** No person shall speak twice on the same question until all those wishing to speak thereon have done so, nor shall any person speak for more than five (5) minutes at one time, except by permission of the Moderator; provided, however, that the restrictions shall apply neither to those persons required to be in attendance under provisions of Clause 2-7-3 of the Charter (town officers, members of boards and commissions, department heads, or their duly designated representatives, when proposals affecting their various office, board or department are being considered), nor to those persons making the original motion or amendments thereto under any article.

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

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

**Move the Question:** Requires a second. Not debatable. Two-thirds (2/3) Vote. Terminates debate.

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

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

**Article for Capital Improvements:** In accordance with Charter clause 8-7-1, any articles for capital improvements not in compliance with 8-5-1 shall require a three-fourths (3/4) majority vote of the Town Meeting.

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

“The Town Meeting shall act on the five year Capital Improvements Plan (CIP) and the annual Capital Budget, provided all proposed projects included in the Capital Budget have been included in the CIP in the prior fiscal year. The Capital Budget may consist of more than one article in the Warrant for the Town Meeting. Any articles for capital improvements not in compliance with 8-5-1 shall require a three-fourths (3/4) majority vote of the Town Meeting.”

Clause 8-5-1 of the Charter reads:

“The Town Administrator shall prepare a five year Capital Improvements Plan

(CIP) and an annual Capital Budget which shall be designed to deal with unmet long range needs of the Town and to implement the goals and objectives of the Orleans Comprehensive Plan as it may be amended from time to time. The CIP shall include land acquisitions, buildings and improvements, machinery and equipment, vehicles, and infrastructure including roads, water mains, storm drainage and other publicly owned utilities. The Board of Selectmen may establish more detailed policies relating to the refinement and implementation of the CIP.”

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

Clause 2-7-8 of the Charter reads:

“No motion, the effect of which would be to dissolve the Town Meeting, shall be in order until every article in the Warrant has been duly considered and acted upon. This requirement shall not preclude the postponement of consideration of any article to an adjournment of the meeting to a stated time and place. Any reconsideration of a vote shall take place at the session it was voted, the intent being that a final vote taken at a Town Meeting shall not be reconsidered at a subsequent session of the same Town Meeting.”

## MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable SS.

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

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

**ARTICLES**

Article 1. Fund Construction of Sewer Collection System for Downtown by MassDOT as part of Main Street Intersection Project..... 11

Article 2. Authorize the BOS to negotiate a Lease with MassDOT for the use of the Route 6 cloverleaf at Exit 12 as the Town’s primary effluent disposal site..... 12

Article 3. Fund Aquaculture Demonstration Project at Lonnie’s Pond ..... 12

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- End of Year Audit for Orleans Elementary School
- Fund Actuarial Services for Other Post-Employment Benefits (OPEB)

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Article 15. Closing Article ..... 21

**ARTICLE 1. FUND CONSTRUCTION OF DOWNTOWN SEWER COLLECTION SYSTEM BY MASSDOT AS PART OF MAIN STREET INTERSECTION PROJECT**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Million Six Hundred Eighty Thousand and 00/100 Dollars (\$3,680,000.00), or any other sum, for the purpose of constructing and installing the sanitary sewer collection system under Main Street by MassDOT as part of the Main Street Intersection improvement project as amended, 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. (Board of Selectmen).

(2/3 Vote Required)

**PROPOSED MOTION**

I move that this article be accepted and adopted and that the sum of Three Million Six Hundred Eighty Thousand and 00/100 Dollars (\$3,680,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Three Million Six Hundred Eighty Thousand and 00/100 Dollars (\$3,680,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 7(1), 7(6), or any other enabling authority, and to issue bonds or notes of the Town therefor, 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 Laws 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. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**SUMMARY**

This article will authorize the funding necessary to install a portion of the proposed downtown sewer collection system under Main Street by MassDOT as part of the Main Street Intersection improvement project as amended. Under existing MassDOT regulations, once the intersection project is completed at the end of 2018, there is a 5-year moratorium on the state approving any additional construction in this area. The Town is proposing to have MassDOT's general contractor install the sewer collection system on Main Street as part of the MassDOT project and thereby avoiding the 5-year moratorium. Once the Town has completed the final design of the Downtown sewer system and moves ahead with construction, the collection system installed on this section of Main Street will be connected.

BOS: 3 – YES 1 – NO 0 – ABSTAIN  
FC: 4 – YES 1 – NO 2 – ABSTAIN

**ARTICLE 2. AUTHORIZE THE BOARD OF SELECTMEN TO NEGOTIATE A LEASE WITH MASSDOT FOR THE USE OF THE ROUTE 6 CLOVERLEAF AT EXIT 12 AS THE TOWN’S PRIMARY EFFLUENT DISPOSAL SITE**

To see if the Town will vote to authorize the Board of Selectmen to negotiate a lease with MassDOT to use the cloverleaf property located on Route 6 at Exit 12 for a period not to exceed 20 years on such terms and conditions as the Board of Selectmen determines for the use of the property as the Town’s primary effluent disposal site for the proposed sewer system, or to take any other action relative thereto.

(Simple Majority Vote Required)

**PROPOSED MOTION**

I move that this article be accepted and adopted as printed in the warrant.

**SUMMARY**

This article will authorize the Board of Selectmen to continue to work with officials from the Massachusetts Department of Transportation on a long term lease to enable the Town to construct effluent disposal facilities on the cloverleaf property located at Exit 12 on Route 6. At the time the warrant went to press the Board was in discussions with MassDOT.

BOS: 4 – YES 0 – NO 0 – ABSTAIN  
FC: No significant financial impact

**ARTICLE 3. FUND AQUACULTURE DEMONSTRATION PROJECT AT LONNIE’S POND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety Four Thousand and 00/100 Dollars (\$94,000.00), or any other sum, for the purpose of completing the aquaculture demonstration project work required through June 30, 2018 at Lonnie’s Pond, including all expenses incidental and related thereto, or to take any other action relative thereto. (Board of Selectmen).

(Simple Majority Vote Required)

**PROPOSED MOTION**

I move this article be accepted and adopted as printed in the warrant and that the sum of Ninety Four Thousand and 00/100 Dollars (\$94,000.00) be raised and appropriated for this purpose.

**SUMMARY**

This article will provide the funding necessary to continue work on the aquaculture demonstration project currently underway at Lonnie’s Pond through June 30, 2018.

*Fiscal Year 2018 tax rate impact of \$0.024 per thousand valuation.*

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

**ARTICLE 4. FUND INDEPENDENT REVIEW OF 25% SEWER DESIGN PLANS**

To see if the Town will vote to raise and appropriate 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 completing an independent review of the recommended 25% sewer design plans for the Downtown and inclusion of septage treatment capacity at the new facility, including all expenses incidental and related thereto, or to take any other action relative thereto. (Board of Selectmen).

(Simple Majority Vote Required)

**PROPOSED MOTION**

I move this article be accepted and adopted as printed in the warrant and that the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) be raised and appropriated for this purpose.

**SUMMARY**

This article will provide the funding necessary to complete an independent review of the recommended 25% design plans prior to the Town proceeding with final design of a Downtown sewer system. The Town will commission an independent review by a knowledgeable and competent individual or business to ensure the recommended design plans are reasonable and adequate to meet the long term needs of the Town. The selected independent reviewer will have no connection with the project and no vested interest in the results.

*Fiscal Year 2018 estimated tax rate impact of \$0.019 per thousand valuation.*

BOS:            4 – YES            0 – NO            0 – ABSTAIN  
FC:             5 – YES            1 – NO            1 – ABSTAIN

**ARTICLE 5. FUND IMPROVEMENTS TO ORLEANS ELEMENTARY SCHOOL HEATING AND VENTILATION SYSTEMS**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00), or any other sum, for the purpose of improving heating and ventilation systems at the Orleans Elementary School, including all expenses incidental and related thereto; provided

however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 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. (Board of Selectmen).

(2/3 Vote Required)

### **PROPOSED MOTION**

I move that this article be accepted and adopted and that the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor, 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 Laws 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. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

### **SUMMARY**

This project involves improving the heating and ventilation system in the elementary school, primarily by replacing the 1956 classroom unit ventilators, along with roof mounted exhaust fans and hot water piping originating from the central boiler room. The project also includes the replacement of the Kindergarten through Grade 2 wing boiler system. Design costs for this project were approved by the voters in 2016.

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

### **ARTICLE 6. FUND UNANTICIPATED EMPLOYEE RETIREMENT BUYOUTS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00), or any other sum, to fund unanticipated employee retirement buyouts, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**PROPOSED MOTION**

I move this article be accepted and adopted as printed in the warrant and that the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00) be raised and appropriated for this purpose.

**SUMMARY**

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

*Fiscal Year 2018 estimated tax rate impact of \$0.018 per thousand valuation.*

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

**ARTICLE 7. FUND PURCHASE OF MOTOR VEHICLES AND EQUIPMENT**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Two Hundred Sixty Thousand and 00/100 Dollars (\$260,000.00) into the Stabilization Fund for Motor Vehicles and Equipment, and further to transfer from this Stabilization Fund the sum of Two Hundred and 00/100 Dollars (\$260,000.00) for the purpose of funding vehicle and equipment purchases, including all expenses incidental and related thereto, and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

**PROPOSED MOTION**

I move this article be accepted and adopted as printed in the warrant and that the sum of Two Hundred Sixty Thousand and 00/100 Dollars (\$260,000.00) be raised and appropriated to the Stabilization Fund for Motor Vehicles and Equipment, and further to authorize the sum of Two Hundred Sixty Thousand and 00/100 Dollars (\$260,000.00) to be transferred from the Stabilization Fund for Motor Vehicles and Equipment for the purpose of funding motor vehicle and equipment purchases, including all expenses incidental and related thereto.

**SUMMARY**

This article adds to the targeted Stabilization Fund under Massachusetts General Law Chapter 40, Section 5B which was established for the sole purpose of funding vehicle and equipment purchases. The Town’s 10-year Motor Vehicle Inventory and Durable Equipment Replacement Schedule identifies, prioritizes and tracks 125 different vehicles and equipment types for all Town Departments and is updated periodically for review with the Board of Selectmen who has final approval over all purchases and approves all

changes. Over the next 10 years, the total General Fund expenditures from the Stabilization Fund are estimated at \$5.1 million and the goal is to level fund the program at \$510,000 annually. Level funding will avoid spikes in the property tax and provide the ability to prioritize and fund larger purchases incrementally over several years without the need to borrow money. As a result of \$250,000 in year end FY17 budget transfers being approved by the Board of Selectmen and Finance Committee, the proposed \$260,000 in remaining purchases for FY18 by Department are as follows:

DPW & Natural Resources

- Replace 2008 Ford Ranger Pick Up (\$37,000) and 2008 Chevy Pick Up (\$40,000)
- Replace 2008 Club Car ATV (\$19,500) and 2009 Chevy Dump Truck (\$75,000)
- Engine Computer Scanner (\$1,200), Portable Radios (\$1,600), Beach Wheelchairs and Paddleboards (\$2,200), Aera-Vator 60" Model (\$6,000)

Police Department

- Use of Force (\$17,000) and Portable Radios (\$8,500)

Fire & Rescue Department

- Firefighter Protective Equipment (\$26,000), Portable Radios (\$14,000), and hoses, tools and defibrillators (\$12,000).

*Fiscal Year 2018 estimated tax rate impact of \$0.067 per thousand valuation.*

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

**ARTICLE 8. TRANSFER CPA PROJECT FUNDS FOR HISTORIC RESTORATION OF THE MEETINGHOUSE NATIONAL REGISTER BUILDING**

To see if the Town will vote to transfer the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) from the funds set aside for Historic Resources to a new project, Historic Restoration of the Meetinghouse National Register building, or take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote)

**PROPOSED MOTION**

I move this article be accepted and adopted as read, and that the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) be appropriated from the Community Preservation Fund Balance Reserved for Historic Resources for this purpose.

**SUMMARY**

The Orleans Historical Society originally submitted a grant request for the current year's budget, but asked to withdraw since they needed to do more work before being considered for funding. They have now accomplished the necessary work and this article would allow the Community Preservation Committee to fund restoration of the Meetinghouse from available funds.

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

**ARTICLE 9. FY 18 BUDGET ADJUSTMENTS**

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2018 as follows:

1. Transfer the sum of Two Thousand and 00/100 Dollars (\$2,000.00), or any other sum, from the Fire Department Expense Account to the Finance Department Expense Account for the purpose of funding a year-end audit for the Orleans Elementary School.
2. Transfer the sum of Three Thousand Eight Hundred and 00/100 Dollars (\$3,800.00), or any other sum, from the Fire Department Expense Account to the Finance Department Expense Account for the purpose of funding actuarial services for Other Post-Employment Benefits (OPEB).

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

(Simple Majority Vote Required)

**PROPOSED MOTION**

I move this article be accepted and adopted as read, and the transfers in the amount of Five-Thousand Eight Hundred and 00/100 Dollars (\$5,800.00) be made from the Fire Department Expense Account to the Finance Department Expense Account for the purposes set forth in the article.

**SUMMARY**

These transfers will provide the additional funds necessary to complete the year-end audit of the Elementary School and an update on the Town’s Other Post-Employment Benefits (OPEB) liability. The funds are available in the Fire Department’s expense account as a result of a reduction in the annual fee the Town pays to the Barnstable County Sheriff’s Department to provide emergency 911 services.

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

**ARTICLE 10. PAY BILLS OF PRIOR YEARS**

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

(9/10 Vote Required)

**PROPOSED MOTION**

The motion will be made at Town Meeting and will include the total as of October 16, 2017, and a breakdown by Town department, vendor and amount.

**SUMMARY**

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

BOS: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting

**ARTICLE 11. FUND PURCHASE OF BEACH RESCUE EQUIPMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Forty Thousand and 00/100 Dollars (\$40,000.00), or any other sum, to fund the purchase of beach rescue equipment, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**PROPOSED MOTION**

I move this article be accepted and adopted as printed in the warrant and that the sum of Forty Thousand and 00/100 Dollars (\$40,000.00) be raised and appropriated for this purpose.

**SUMMARY**

This article would provide funding for a customized inflatable rescue boat (IRB), trailer, and all-terrain vehicle as recommended by the Orleans Fire Chief and Natural Resources Manager, to allow for more efficient beach rescues while ensuring the safety of the lifeguards. Two vessels which no longer meet the needs of the Town will be sold.

*Fiscal Year 2018 estimated tax rate impact of \$0.010 per thousand valuation.*

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: 7 – YES 0 – NO 0 – ABSTAIN

**ARTICLE 12. FUND REPLACEMENT OF WATER DEPT. DUMP TRUCK BED**

To see if the Town will vote to transfer from available funds the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, for the purpose of replacing a dump truck bed for the Water Department, including all expenses incidental and related thereto; 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 dump truck bed, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

### **PROPOSED MOTION**

I move that this article be accepted and adopted as printed in the warrant and that the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be transferred from the Water Surplus Account for this purpose and for costs incidental and related thereto.

### **SUMMARY**

This article will allow for the replacement of the bed of the Ford 550 dump truck purchased in 2006 under the Town's Vehicle and Equipment Replacement Program. The truck bed will be funded through the Water Surplus Account.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	7 – YES	0 – NO	0 – ABSTAIN

### **ARTICLE 13. APPLICATION OF BOND PREMIUMS**

To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds and notes issued on February 9, 2017 and February 10, 2017, respectively, to pay costs of capital projects and to reduce the amounts appropriated for such projects by the same amount; or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote)

### **PROPOSED MOTION**

I move this article be accepted and adopted as printed in the warrant and that the Town vote to appropriate (i) \$251,000 from the premium paid to the Town upon the sale of bonds dated February 9, 2017 to pay costs, on a pro-rata basis, of the projects financed with the proceeds of such bonds, and to reduce the amounts authorized to be borrowed for such projects, by the same amounts and (ii) \$27,063.25 from the premium paid to the Town upon the sale of said bonds and \$121,060.94 from the premium paid to the Town upon the sale of notes dated February 10, 2017 to pay costs of projects financed with the proceeds of such notes as follows:

- \$109,405.39 for the \$8,103,801 Police Station Construction project originally approved on 5/9/16, art. 5;
- \$1,775.58 for the \$200,000 Narrows Dredging Study project originally approved on 10/24/16, art. 6;
- \$31,422.65 for the \$3,228,200 Water Resource Management (wastewater) project originally approved on 10/24/16, art. 2; and
- \$5,520.57 for the \$156,000 Beach Road Water Main project originally approved on 5/9/16, art. 28.

and to reduce the amounts authorized to be borrowed for such projects, by the same amounts.

**SUMMARY**

This article will permit the application of sale premiums to pay project costs.

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

**ARTICLE 14. AMEND ZONING BYLAW CH. 164-36.1 – MOBILE FOOD ESTABLISHMENTS**

To see if the Town will vote to amend the Orleans Zoning Bylaw by adding a new Section 164-36.1 Mobile Food Establishments, to read as follows:

164-36.1. Mobile Food Establishments

A. Purpose

To encourage employment and small business growth by providing a broad range of food choices to the public.

B. Definitions

*Mobile Food Establishment.* A motorized vehicle or unmotorized wheeled vehicle from which food or drink (prepared on-site or prepackaged) is sold or served to the general public, whether consumed on-site or elsewhere. The vehicle must be supported by and return to a fixed, licensed food establishment daily.

*Mobile Food Establishment Service Area.* A lot upon which one or more Mobile Food Establishments prepare, portion, or serve food to the public.

C. Requirements

Mobile Food Establishments must obtain all required permits, licenses and approvals from the Board of Health, Board of Selectmen, Building Department, Police Department, Fire Department, and any other required approvals.

And further to amend Section 164 Attachment I, as follows:  
 §164-13 Schedule of Use Regulations

DISTRICTS

<i>COMMERCIAL</i>	<i>R</i>	<i>RB</i>	<i>LB</i>	<i>GB</i>	<i>VC</i>	<i>I</i>	<i>CD</i> <sup>6</sup>	<i>SC</i>	<i>MB</i>
<u>Mobile Food Establishment</u>	<u>Q</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Q</u>	<u>Q</u>	<u>Q</u>	<u>P</u>

And further to amend the definition of "Trailer" in §164-4 to read as follows (new language in bold):

TRAILER - Any vehicle or object which is, has been or may be portable. For the purpose of this definition, "trailers" shall include, but shall not be limited to, motor freight trailers,

dump trailers, utility trailers and the like other than those covered in this section. **A Mobile Food Establishment as defined under §164-36.1.B. shall not be considered a trailer.**

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

(2/3 Vote Required)

**PROPOSED MOTION**

I move this article be accepted and adopted as printed in the warrant.

**SUMMARY**

This article proposes regulations for Mobile Food Establishments under the Zoning Bylaw. Presently, Mobile Food Establishments are not listed in zoning, and the Building Commissioner has not regulated them. The proposed amendment would define Mobile Food Establishments, and would allow them within the business districts of the town. Licensing requirements of the Board of Selectmen (Hawkers & Peddlers license), Board of Health (Mobile Food license), and other agencies are unaffected by the bylaw and would still be required in order to operate a Mobile Food Establishment in Orleans.

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

**ARTICLE 15. CLOSING ARTICLE**

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

(Simple Majority Vote Required)

**PROPOSED MOTION**

I move this meeting be adjourned.

Given under our hands this TWENTIETH day of SEPTEMBER in the year of our Lord TWO THOUSAND SEVENTEEN

A true copy.  
Attest:  
Cynthia S. May  
Town Clerk

Jon R. Fuller, Chairman.  
Mark Mathison  
Alan McClennen  
Mefford Runyon  
David Currier

ORLEANS BOARD OF SELECTMEN

BARNSTABLE SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the Special Town Meeting to be held on Monday, October 16, 2017 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE fourteen (14) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable

**OCTOBER 24, 2017  
BALLOT QUESTIONS**

**QUESTION 1.**

Shall the Town of Orleans be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the construction and installation of the sanitary sewer collection system under Main Street by MassDOT as part of the Main Street Intersection improvement project as amended, including all expenses incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 2.**

Shall the Town of Orleans be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund improvements to heating and ventilation systems at the Orleans Elementary School, including all expenses incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_

**TOWN OF ORLEANS**  
*Town Administrator's Office*  
*19 School Road*  
*Orleans, MA 02653*

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**CITIZEN INTEREST FORM**

<b>Date</b>	<b>Name</b>		
<b>Street Address</b>			
Mailing Address (including Zip Code)			
<b>Home Phone</b>	<b>Bus. Phone</b>	<b>Fax</b>	<b>E-Mail</b>

**Thank you for your interest in serving the Town. Please prioritize your interest in the committees that you wish to serve on the back of this form.**

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**EXPERIENCE** which might be helpful to the Town:

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**EDUCATIONAL BACKGROUND** which might be useful to the Town:

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**Are you available to serve on a Town committee/commission on a year-round basis?**  
 yes                       no

**If not, what is your availability?** \_\_\_\_\_

**How did you become interested in serving the Town?**  
 newspaper       friend       personal interest       \_\_\_\_\_

**We suggest that you be aware of the time commitment you will need to make to the committee/board of your choice. For more information, please contact the Selectmen's Office at 508-240-3700, ext. 415.**

<p><b>PLEASE RETURN THIS FORM TO:</b></p> <p><b>TOWN ADMINISTRATOR'S OFFICE</b> <i>19 School Road</i> <i>Orleans, MA 02653</i></p>
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## TOWN OF ORLEANS COMMITTEES, BOARDS AND COUNCILS

I would like to serve Orleans and am interested in the following committees (please indicate your preference(s) as #1, 2, 3)

- |   |  |
|---|--|
| <input type="checkbox"/> Affordable Housing Committee         | <input type="checkbox"/> Human Services Advisory Committee                       |
| <input type="checkbox"/> Agricultural Advisory Council        | <input type="checkbox"/> Insurance Advisory Committee                            |
| <input type="checkbox"/> Architectural Review Committee       | <input type="checkbox"/> Marine & Fresh Water Quality Task Force                 |
| <input type="checkbox"/> Bike & Pedestrian Committee          | <input type="checkbox"/> Memorial & Veterans Day Committee                       |
| <input type="checkbox"/> Board of Assessors                   | <input type="checkbox"/> Open Space Committee                                    |
| <input type="checkbox"/> Board of Water & Sewer Commissioners | <input type="checkbox"/> Personnel Advisory Board                                |
| <input type="checkbox"/> Building Code Board of Appeals       | <input type="checkbox"/> Pleasant Bay Steering Committee                         |
| <input type="checkbox"/> Commission on Disabilities           | <input type="checkbox"/> Renewable Energy Committee                              |
| <input type="checkbox"/> Community Preservation Committee     | <input type="checkbox"/> Shellfish & Waterways Improvement<br>Advisory Committee |
| <input type="checkbox"/> Conservation Commission              | <input type="checkbox"/> Zoning Board of Appeals                                 |
| <input type="checkbox"/> Council on Aging                     | <input type="checkbox"/> Zoning Bylaws Task Force                                |
| <input type="checkbox"/> Cultural Council                     | <input type="checkbox"/> Other (please list)                                     |
| <input type="checkbox"/> Finance Committee                    | _____  |
| <input type="checkbox"/> Fourth of July Committee             | _____  |
| <input type="checkbox"/> Historical Commission                | _____  |

If you would like to learn more about a specific committee, please check the Town website at [www.town.orleans.ma.us](http://www.town.orleans.ma.us) under the "Volunteer" tab, or contact the Town Administrator's Office at 508-240-3700 Ext. 415. In the event there is not an opening on the committee that interests you, the Town does maintain a waiting list and will keep your name on file for one year and we will notify you if an opening becomes available .