

ANNUAL TOWN MEETING
"DOINGS"
May 9, 2011

The Annual and Special Town Meetings were held on Monday, May 9, 2011 in the Nauset Regional Middle School Gym. The Annual Town Meeting was opened at 6:34 p.m. by Moderator, Duane Landreth when a quorum of 200 voters was announced by the Town Clerk, Cynthia May. There were 525 voters in attendance. Tellers sworn in were: Wally Swidrak, Cathy Southworth, Harry Mirick and Kori-Lin Torres. Constables on duty were: John Fitzpatrick and Mary E. Stevens.

PROCEDURAL MOTION

Mrs. Fulcher 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

Mrs. Fulcher made a motion adjourn the Annual Town Meeting until the close of the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously.

Special Town Meeting was opened at 6:38 p.m.

PROCEDURAL MOTION

Jon Fuller 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. Fuller made a motion 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 be accepted and adopted and the sum of Three Hundred Fifty Nine and 95/100 Dollars (\$359.95) be transferred from available funds to pay the following unpaid bills:

<u>Vendor</u>	<u>Amount</u>
Sig Sauer, Inc.	\$120.00
Ronald Meservey Co.	\$239.95

ACTION: Voted, voice vote carries unanimously.

ARTICLE 2. TRANSFER ARTICLE

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2011 as follows:

- 1) Transfer the sum of Twenty Nine Thousand and 00/100 Dollars (\$29,000.00), or any other sum, from Available Funds to the Police Department Overtime Salary Account.
- 2) Transfer the sum of One Hundred Eighty and 00/100 Dollars (\$180.00) from the Police Department Overtime Account to the Police Detail Account.
- 3) Transfer the sum of Fifty Five Thousand Six Hundred Eighty Nine and 00/100 Dollars (\$55,689.00) from Available Funds (insurance recovery) and Forty Thousand Seven Hundred Twenty Eight and 00/100 Dollars (\$40,728.00) from the Ambulance Receipts Reserve For Appropriation Account for a total of Ninety Six Thousand Four Hundred Seventeen and 00/100 Dollars (\$96,417.00), or any other sum, to the Fire Department Salary Account in the amount of Twenty Six Thousand Four Hundred Seventeen and 00/100

Dollars (\$26,417) and to the Fire Department Overtime Account the amount of Seventy Thousand and 00/100 Dollars (\$70,000.00).

- 4) Transfer the sum of Five Thousand and 00/100 Dollars (\$5,000.00), or any other sum, from Available Funds to the Building Department Expense Account.

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

MOTION: To accept and adopt and the following transfers be made from available funds for the purpose(s) set forth in the article.

- 1) Transfer the sum of Twenty Nine Thousand and 00/100 Dollars (\$29,000.00) from available funds to the Police Department Overtime Salary Account.
- 2) Transfer the sum of One Hundred Eighty and 00/100 Dollars (\$180.00) from the Police Department Overtime Account to the Police Detail Account.
- 3) Transfer the sum of Ninety Six Thousand Four Hundred Seventeen and 00/100 Dollars (\$96,417.00), from the Ambulance Receipts Reserve For Appropriation Account to the Fire Department Salary Account.
- 4) Transfer the sum of Five Thousand and 00/100 Dollars (\$5,000.00) from available funds to the Building Department Expense Account.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 3. ROCK HARBOR LAND LEASE AUTHORIZATION

To see if the Town will vote to authorize the Board of Selectmen to enter into a five-year lease of a Town-owned parcel of land consisting of approximately .05 acres, located at Rock Harbor, on such terms as they deem appropriate, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 3 as printed in the warrant.

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 the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously.

Special Town Meeting was adjourned at 6:43 p.m.

PROCEDURAL MOTION

Margie Fulcher made a motion that all Town Officials or department managers or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the charter, and Richard Hoffman, Nauset Regional School District Superintendent, and Hans Baumhauer, Nauset Regional School District Business Manager, and Mary Corr, Orleans Chamber of Commerce Executive Director, who are not residents of the Town of Orleans, be permitted to address the Town Meeting on matters affecting their office, department or organization, or projects for which they have 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)

Chet Crabtree, Planning Board Vice-Chair, presented the report on the Orleans Comprehensive Plan:

This will be a very brief update on the Planning Department's progress implementing The Orleans Comprehensive Plan over the past year. The plan contains more than 180 action items, of which 104 have been fully completed, and progress has been made on another 60.

The three most noteworthy initiatives are:

- 1) Village Center Improvement – The Planning Board is working closely with the business community to improve the appearance and function of the Village Center. We thank the many residents who participated in the village center market survey last summer, which produced dozens of recommended action steps. To prioritize among that many recommendations, we formed six committees, comprised of volunteer residents and business people. Going forward, we will continue to partner with a number of interested parties (including the Chamber of Commerce and the Orleans Improvement Association) to make the Village Center safer, more attractive and more pedestrian friendly.

- 2) Wastewater Management – In the interest of protecting our natural environment, the Town has invested many hours studying the best way to address our wastewater management needs. The result of this effort is the Comprehensive Wastewater Management Plan which has now received approval from the necessary State agencies and is currently under review by the Cape Cod Commission. Tonight voters will have an opportunity to support the Town's continued progress on this front.
- 3) Traffic Safety and Congestion – The dangerous intersection of Routes 6A & 28 and Canal Road is being redesigned by the State Dept. of Transportation, and we expect construction to begin next year.

On behalf of my fellow Planning Board members, we thank you for this opportunity to serve our Town.

MOTION: To accept and adopt the report of the Selectmen, Town Officers and all Town Committees, Commissions and Boards as published in the 2010 Annual Town Report and hear the report(s) of any other Town Committee reporting to the Town Meeting.

ACTION: Voted, voice vote carries by the necessary majority

Alan McLennen, Jr. (Namequoit Road, Orleans)

MOTION: Pursuant to Orleans town Meeting Bylaws, specifically bylaw #11, entitled "Changing the Order of Articles" and as shown as item #7 on the Motion Chart, that Article 4 entitled FUND TECHNICAL REVIEW AND COST ANALYSIS OF CWMP OPTIONS be taken out of order and be considered next before Article #2 TOWN/SCHOOL BUDGET (FY12)

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

ARTICLE 4. FUND TECHNICAL REVIEW & COST ANALYSIS OF CWMP OPTIONS

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 technical review and cost analysis of the Town's Comprehensive Wastewater Management Plan options, 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. (3/4 Vote Required)

MOTION: To accept and adopt Article 4 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 provided that the objective of the technical review and cost analysis shall be to develop the centralized sewage collection, treatment and disposal system as outlined in the current Comprehensive Wastewater Management Plan (CWMP) and an alternative system based on septic tank effluent (STE) collection, treatment and disposal, using clusters if and where appropriate. The preliminary design criteria shall be based on the town's six-phase CWMP and the nitrogen removal requirements necessary to meet the Total Maximum Daily Loads(TMDL's) for each of the major watersheds. The Town Administrator will follow MGL, Chapter 7 Design Services to select a designer qualified in both centralized gravity sewers and septic tank effluent collection sewer systems. Proposals will be evaluated and ranked by a committee designated by the Town Administrator to include Wastewater Project Manager, Community Development Director, Finance Director, Health Agent and Conservation Administrator/Staff Planner. The designer selected to complete the project will be required to retain the services of a professional cost estimator to provide uniform detailed cost estimates for each of the alternatives. Further the selected designer will not be eligible for final system design consideration in order to avoid potential bias. Coordination of the project will be through the Town Administrator's Office with the assistance of the Wastewater Project Manager and the Community Development Director.

Mark Carron, Finance Committee made a motion to amend the main motion.

MOTION: To amend Article 4 by inserting after "...Health Agent and Conservation Administrator/Staff Planner" ; *servicing in the capacity of an Ad Hoc committee member, one Finance Committee member to be appointed by the Chairman of the Finance Committee.*

ACTION: Standing vote YES = 197, NO = 270, motion fails to amend the main motion.

MOTION: To move the question.

ACTION: Voted, voice vote carries unanimously to move the question.

ACTION: Standing vote, YES = 510, NO = 6, main motion passes by the necessary 3/4 majority.

ARTICLE 2. TOWN / SCHOOL BUDGET (FY12)

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, 2011 and ending June 30, 2012 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 are 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 FY12 budget as printed in the warrant and that the sum of twenty six million seven hundred ninety six thousand ninety nine and 00/100 Dollars (\$26,796,099.00) be raised and appropriated, and the sum of five hundred thirty thousand fifty one and 00/100 Dollars (\$530,051.00) be transferred from the Community Preservation Fund, and the sum of five hundred forty eight thousand seven hundred and 00/100 Dollars (\$548,700.00) be transferred from the Ambulance Receipts for Reserve for Appropriation Account, and the sum of one hundred thousand and 00/100 Dollars (\$100,000.00) be transferred from the Cable Fees Reserve for Appropriations Account, and the sum of fourteen thousand eight hundred sixteen and 00/100 Dollars (\$14,816.00) be transferred from the Municipal Insurance Fund, and the sum of one hundred thirty one thousand eight hundred ten and 00/100 Dollars (\$131,810.00) 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 ten thousand and 00/100 Dollars (\$10,000.00) be transferred from the Wetlands Protection Fund, and the sum of ten thousand six hundred eight and 00/100 Dollars (\$10,608.00) be transferred from the Fund Balance Reserve for Premiums on Bond Issue, and the sum of one hundred thousand and 00/100 Dollars (\$100,000.00) be transferred from the Water Surplus Fund, and the sum of sixty five thousand eight hundred forty five and 00/100 Dollars (\$65,845.00) be transferred from the EEA LAND Grant for a total appropriation of twenty eight million three hundred twelve thousand nine hundred twenty nine and 00/100 Dollars (\$28,312,929.00), provided however that the sum of one hundred twenty thousand and 00/100 dollars (\$120,000.00) for a portion of the budget for the Orleans Elementary School, Nauset Regional School District and the Cape Cod Regional High School District for the fiscal year beginning July 1, 2011 shall be considered a contingent appropriation and is being approved contingent upon the passage of a Proposition 2½ general override ballot question under the provisions of Massachusetts General Law Chapter 59, Section 21C, paragraphs (g) and (m).

MOTION: To allow Hannah Montoya, an Orleans resident (non-voter) and student at the Nauset Regional Middle School to address the body.

ACTION: Voted, voice vote carries unanimously to give Hannah Montoya the power of speech before the body.

MOTION: To move the question

ACTION: Voted, voice vote carries unanimously.

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

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)

FY13 PROJECT DESCRIPTIONS

COMMUNITY PRESERVATION ACT – PROGRAM ACTIVITY FUNDING

Annually, under the CPA Orleans will receive matching funds to its current CPA 3% surtax from the Commonwealth's CPA Trust Fund. The amount currently available for appropriation is \$537,836. As required under the CPA, a minimum of 10% of the Town's annual proceeds have to be allocated to each of the three primary purposes: open space, affordable housing and historic preservation. Town Meeting approval is necessary for all Community Preservation Committee recommendations for funding.

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

ELEMENTARY SCHOOL – REPLACE COMMUNITY PLAYGROUND

This project includes the removal and replacement of the current structure focusing on overall child safety and ADA compliance. The Orleans Community Playground was constructed in 1987 by Robert Leathers and Associates. Its location behind the school allows for the children to use it extensively during recess times and the public frequently uses the playground over the summer and on weekends when school is not in session. Makeshift repairs have taken place on site for a temporary fix during most recent years. The current estimate to replace the structure is \$350,000. Of this amount, it is proposed that \$100,000 be offset by fund raising efforts. A Playground Committee has been formed and the School Council has begun compilation of fundraising ideas that would reach out into the community.

Total Estimated Cost:	\$250,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$55,600

HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS

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

Total Estimated Cost:	\$150,000
Method of Financing:	Available Funds (FY12 Gen. Override)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	To be developed during design

HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

This project involves funding for the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways. The Town currently maintains approximately 56 miles of public roadways. Also included under this program is work related to roadway drainage and sidewalk projects. Over the past several years the town has compiled an inventory of the condition of all our roadways in an effort to address, on a priority basis, the long term maintenance needs. As proposed, annual funding requests for roadway and drainage projects would be based on a proposed project schedule. Annual funding for laid out public roads is supplemented by State Chapter 90 aid, which for FY12 is \$293,000.

Total Estimated Cost:	\$300,000
Method of Financing:	Available Funds (FY12 Gen. Override)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

HIGHWAY DEPARTMENT – REPLACE STREET SWEEPER

This item involves the replacement of the street sweeper in the Highway Department that was purchased in 2004. The sweeper is used to clean the 56 miles of public roads and the town owned parking lots.

Total Estimated Cost:	\$170,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for Completion
Estimated Annual Cost O/M:	\$5,000
Estimated Annual P & I	\$37,800

PROPERTY ACQUISITION – OPEN SPACE PURCHASES

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

public drinking water supplies, open space and conservation; and passive recreation during future years to Town Meeting (subject to the 2/3 vote required for land purchases). This provides future planning support for the goals of the Official Town Plan/Local Comprehensive Plan. Funding available as of 1/14/11 is \$455,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$55,000

PROPERTY ACQUISITION – AFFORDABLE HOUSING DEVELOPMENT

This item is included in the capital plan to facilitate the presentation of possible property purchases that may arise during the fiscal year to Town Meeting (subject to the 2/3 vote required for land purchases). This item is intended to cover non-CPA acquisitions specifically for affordable housing. As adopted in the Orleans Comprehensive Plan, the goal is to develop 35 new units of affordable housing for families over the next twenty years. Funding available as of 01/14/11 is \$350,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$42,200

PROPERTY ACQUISITION – WASTEWATER MANAGEMENT PURCHASES

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

Total Estimated Cost:	\$1,500,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$181,000

PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN IMPLEMENTATION DESIGN ENGINEERING SERVICES (PHASE 1)

This project involves the completion of the final design necessary for construction of Phase 1 of the treatment facility and collection system based upon the Town Meeting approval of the Comprehensive Wastewater Management Plan in October 2008. Funds would primarily be used to obtain engineering services to develop construction plans and specifications for public bidding. Associated expenses will include permitting, surveys, obtaining necessary land and easements, legal services, and other activities required to prepare for construction of wastewater treatment, collection, and disposal works. Transition issues at the Tri-town

Septage Treatment Facility may also need to be addressed in order to provide for continued services during construction.

Total Estimated Cost:	\$5,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$355,000

WATER DEPARTMENT – UPDATE AND PAINT STORAGE TANK NO. 2

This item involves the town's water storage tank no.2 that was last painted in 1991 and is currently showing signs of coating failure. The Department of Environmental Protection has adopted new regulations for storage tanks that would also be addressed at the time of painting.

Total Estimated Cost:	\$750,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	3 Months
Estimated Annual Cost O/M:	N/A
Average Annual P&I	\$90,500

FY14 PROJECT DESCRIPTIONS

HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS

This annual project involves the design and construction of improvements to the town's drainage infrastructure systems to address water quality issues resulting from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, along with the town's fresh water bodies.

Total Estimated Cost:	\$150,000
Method of Financing:	Stabilization Fund
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	To be developed during design

HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

This annual project involves funding for the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways. The Town currently maintains approximately 56 miles of public roadways.

Total Estimated Cost:	\$300,000
Method of Financing:	Stabilization Fund
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

HIGHWAY DEPARTMENT – REPLACE DUMP TRUCK EQUIPPED WITH A CATCH BASIN CLEANER

This item would replace a Dump Truck Equipped with a Catch Basin Cleaner in the Highway Department. The vehicle is used to remove sediment from catch basins throughout town in an effort to improve drainage system performance and address environmental concerns of contaminated runoff to our surrounding estuaries. The dump truck is also used to haul materials, equipment and plow

snow for the Highway Department and it is used by other departments to move equipment, materials and various structures at the assorted seasonal facilities in town.

Total Estimated Cost:	\$120,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for completion
Estimated Annual Cost O/M:	\$ 1,800
Average Annual P&I	\$26,700

TRANSFER STATION – REPLACE FRONT END LOADER

This item would replace a Front End Loader at the Transfer Station originally purchased in 2000. The loader is utilized for varied tasks at the Transfer Station as well as several other town departments including the loading and off loading of various equipment, materials and supplies and maintaining the composting area. In the winter it is used for snow removal in the downtown area, plowing the larger town parking lots and plowing some main roads in heavier snow events.

Total Estimated Cost:	\$175,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for completion
Estimated Annual Cost O/M:	\$ 1,500
Average Annual P&I	\$38,900

FY15 PROJECT DESCRIPTIONS

HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS

This annual project involves the design and construction of improvements to the town's drainage infrastructure systems to address water quality issues resulting from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, along with the town's fresh water bodies.

Total Estimated Cost:	\$150,000
Method of Financing:	Stabilization Fund
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	To be developed during design

HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

This annual project involves funding for the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways. The Town currently maintains approximately 56 miles of public roadways.

Total Estimated Cost:	\$300,000
Method of Financing:	Stabilization Fund
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

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

This project involves the construction of the first phase of the wastewater treatment infrastructure identified in the comprehensive wastewater management plan. A sewage treatment facility at the Tri-town site on Bay Ridge Lane, and the

Phase 1 collection system will be installed. In this phase, 560 homes will be connected to public sewer service. Funding will provide core infrastructure in the treatment facilities, collection, and disposal systems that will support subsequent phases of the plan.

Total Estimated Cost:	\$42,000,000
Method of Financing:	Bonding (30 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$2,376,500

FY16 PROJECT DESCRIPTIONS

HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS

This annual project involves the design and construction of improvements to the town's drainage infrastructure systems to address water quality issues resulting from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, along with the town's fresh water bodies.

Total Estimated Cost:	\$150,000
Method of Financing:	Stabilization Fund
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	To be developed during design

HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

This annual project involves funding for the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways. The Town currently maintains approximately 56 miles of public roadways.

Total Estimated Cost:	\$300,000
Method of Financing:	Stabilization Fund
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

FY17 PROJECT DESCRIPTIONS

HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS

This annual project involves the design and construction of improvements to the town's drainage infrastructure systems to address water quality issues resulting from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, along with the town's fresh water bodies.

Total Estimated Cost:	\$150,000
Method of Financing:	Stabilization Fund
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	To be developed during design

HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

This annual project involves funding for the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways. The Town currently maintains approximately 56 miles of public roadways.

Total Estimated Cost:	\$300,000
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Method of Financing:	Stabilization Fund
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

**PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN
IMPLEMENTATION DESIGN ENGINEERING SERVICES (PHASE 2)**

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

Total Estimated Cost:	\$2,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$142,000

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.

Nello Trevisan (Skymeadow Drive, Orleans)

MOTION: To amend the motion under Article 3 as it references the Capital Improvement Plan shown on pages 29 & 30 of the printed warrant as follows:

The \$5 million on page 29 in the column FY13 under **PLANNING DEPARTMENT/Wastewater Management Plan Implementation/Design Engineering Services (Phase 1)** be moved to the column FY14 with the resultant changes in the totals on page 30 as follows: The total for FY13 be changed from \$6,620,000 to \$1,620,000 and the total for FY14 be changed from \$745,000 to \$5,745,000.

And that the \$42,000,000 on page 29 of the printed warrant in column FY15 under **PLANNING DEPARTMENT/Wastewater Management Plan Implementation/Construction (Phase 1)** be moved to column FY16 with the resultant changes in the totals on page 30 as follows: The total for FY15 be changed from \$42,450,000 to \$450,000 and the total for FY16 be changed from \$450,000 to \$42,450,000.

And I move that the FY13 Project description which appears on page 35 of the printed warrant entitled **PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN IMPLEMENTATION - DESIGN ENGINEERING SERVICES (PHASE 1)** be removed from the list FY13 Project Descriptions and be placed in the ensuing list of FY14 Project Descriptions.

And that the FY15 Project Description which appears on page 37 of the printed warrant entitled **PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN IMPLEMENTATION - CONSTRUCTION (PHASE 1)** be removed from the list of FY15 Project Descriptions and be placed in the ensuing list of FY16 Project Descriptions.

MOTION: To move the question.

ACTION: Voted, voice vote carries unanimously to move the question.

ACTION: On the motion to amend, standing vote, YES = 147, NO = 202.
Motion to amend fails.

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

ARTICLE 5. FUND TOWN BUILDINGS AND FACILITIES MASTER PLAN

To see if the Town will vote to transfer the sum of Thirty Four Thousand Eight Hundred Twenty and 00/100 Dollars (\$34,820.00) from the appropriation made under Article 8 of the May 12, 2008 Annual Town Meeting and raise and appropriate and/or transfer from available funds the sum of Fifteen Thousand One Hundred Eighty and 00/100 Dollars (\$15,180.00) for the purpose of funding a town buildings and facilities master plan, including all expenses incidental and related thereto, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: To accept and adopt Article 5 as printed in the warrant and that the sum of Thirty Four Thousand Eight Hundred Twenty and 00/100 Dollars (\$34,820.00) be transferred from the Maintenance Facility Feasibility Study Article #530908, and the sum of Fifteen Thousand One Hundred Eighty and 00/100 Dollars (\$15,180.00) be raised and appropriated for this purpose.

MOTION: To move the question.

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

ACTION: On the main motion, standing vote, YES = 228, NO = 38, motion carries by the necessary 3/4 majority.

ARTICLE 6. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2012 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 FY12, or to take any other action relative thereto. (Simple Majority Vote Required)

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from fiscal year 2012 Community Preservation Fund revenues, unless otherwise specified, for fiscal year 2012 community preservation purposes, with each item considered a separate appropriation:

<u>PURPOSE</u>	<u>RECOMMENDED AMOUNT AND SOURCE</u>			
	<u>FY12 Est. Surtax</u>	<u>FY12 Est. State Share</u>	<u>Fund Balance</u>	<u>Total</u>
<i>Appropriations:</i>				
1) Debt service expenses (Note 1)	530,051			530,051
2) Project #1 Sea Call Farm Pasture Rehabilitation		16,775		16,775
3) Project #2 OHS Document/Photograph Preservation II		29,000		29,000
4) Project #3 OHS Property & Septic System Survey	20,000			20,000
5) Project #4 Snow Library Cape Codder Digitization		17,000		17,000
6) Project #5 Open Space Pre-Acquisition Funds	24,000			24,000
7) Project #6 Putnam Farm Rehab. & Restoration			47,500	47,500
8) Committee Expenses	10,000			10,000
<i>Reserves:</i>				
Open Space				
Historic Resources			2,138	2,138
Community Housing	675	76,225	2,138	79,038
Unallocated				
Grand Total	584,726	139,000	51,776	775,502

Note 1: Debt service previously voted in the operating budget (Article 2).

	<u>Historic Resources</u>	<u>Community Housing</u>
ENDING BALANCE OF RESERVES	124,868	307,644

Project 1: Sea Call Farm Pasture Rehabilitation

Applicant: Sea Call Farm Supporters, Inc.
 Amount: \$ 16,775

Sea Call Farm Supporters, Inc. requests funds for rehabilitation of the pasture, a historic element of Sea Call Farm as listed on the National Register of Historic Places. The pasture is badly degraded, but if rehabilitated would add to the historic and recreational value of the Farm. The buildings and orchard have been considerably restored in recent years. The Committee recommends funding of the pasture rehabilitation.

Project 2: Preservation of Photographs and Documents

Applicant: Orleans Historical Society

Amount: \$29,000

The Orleans Historical Society, the Town's largest repository of cultural artifacts, historic photographs and archival records, seeks funding to continue the preservation, digitization and storage of selected photographs and documents from its collections by a professional archivist. The CPA has already provided funding for the first year of this three-year project. The Committee recommends funding of the remainder of the project.

Project 3: Land and Septic Survey

Applicant: Orleans Historical Society

Amount: \$20,000

The Orleans Historical Society requests funds to conduct a land and septic system survey and legal research for the Meeting House Museum property at 3 River Rd. The OHS needs additional space for storage, functions and office activities, and will review options to better utilize the current site which has two buildings on it – the Meeting House Museum and the Hurd Chapel. The CPC recommends funding for the survey.

Project 4: Digitization of the Cape Codder

Applicant: Snow Library

Amount: \$17,000

The Snow Library has asked for partial funding to create a digital record of the "Cape Codder" from 1946 to the present. The contents of the newspaper would also be indexed and available through the library website. The estimated cost of the entire project is \$64,898. The CPC recommends that \$17,000 be appropriated for this project as a match to the \$17,000 being committed by the Snow Library Trustees.

Project 5: Open Space Pre- Acquisition Funds

Applicant: Open Space Committee

Amount: \$24,000

The Open Space Committee requests funds for pre-acquisition costs for open space purchases including appraisals, flexibility studies, legal fees, engineering surveys, grant applications and all other costs incurred prior to a recommendation for action by Town Meeting. The CPC is recommending \$24,000, an amount sufficient to cover approximately a two-year period for such costs.

Project 6: Putnam Farm Rehabilitation and Restoration

Applicant: Conservation Commission and Open Space Committee

Amount: \$47,500

The Conservation Commission and Open Space Committee are requesting funds for the rehabilitation and restoration of Putnam Farm, which has been determined by the Historical Commission to be "significant to the history of the Town of Orleans". This site is deteriorated and must be rehabilitated and restored to allow the return of agriculture to this significant historical landscape. The CPC is recommending the transfer of \$47,500 from grant funds within the CP Fund Balance which have been reserved for projects undertaken by the Open Space Committee.

Committee Expenses: Maximum Allowable \$38,450; CP Committee Voted \$10,000

The Community Preservation Act permits the CPC to allocate up to 5 percent of annual revenues (surtax and state share) for operating and administrative expenses. For FY 2012, the 5% would be \$38,450. However, due to reductions in state funding, the CPC recommends that only \$10,000 be used for this purpose. The Committee anticipates using the funds for legal consultation, secretarial services, supplies, maintaining records and, if funding permits, potential studies directed toward effectively realizing the Town's possibilities in the areas of open space, community housing, and historic resources. Unused funds at the end of the fiscal year revert to the fund balance for future projects.

Community Housing Reserve: CP Committee Voted a Total of \$79,038

The Community Preservation Act requires that "not less than 10 percent of the annual revenues" (estimated to be approximately \$769,000 for FY 2012) be used for each of the primary community preservation areas - open space, community housing and historic resources. Since there were no community housing applications for FY 2012, the CP Committee recommends that \$76,900, or 10 percent of the estimated revenues, be set aside for future housing purposes in order to adhere to this provision of the Act. Moreover, the Committee recommends that an additional \$2,138 be appropriated for community housing reserves in order to "make-up" the difference between 10% of the FY 2011 estimated revenues (amount appropriated for community housing in FY 2011) and 10% of the FY 2011 actual revenues (a greater amount). The total amount for Community Housing Reserves is, thus, \$79,038 (\$76,900 + \$2,138).

Historic Resources Reserves: CP Committee Voted \$2,138

Since the FY 2011 actual annual revenues were more than the estimated annual revenues and the amount appropriated for historic resources for FY2011 was based on 10% of the estimated revenues, the CP Committee is recommending that the difference in calculations (\$2,138) be placed in Historic Resources Reserves. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 6 as printed in the warrant and that the sum of Seven Hundred Seventy-Five Thousand Five Hundred Two and 00/100

Dollars (\$775,502.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

MOTION: To move the question.

ACTION: Voted, voice vote carries unanimously to move the question.

ACTION: On the main motion, voted, voice vote carries unanimously.

ARTICLE 7. REVISE CONDO PURCHASE PROJECT DESCRIPTION IN CPA FUND BUDGET APPROVED AT 2009 ANNUAL TOWN MEETING

To see if the Town will vote to amend the action taken under Article 4 of the 2009 Annual Town Meeting, the Community Preservation Act Budget, Project 4: Condominium Purchase Program Description, by deleting the phrase "income qualified first time home buyers" and inserting therein, "income qualified home buyers or renters," or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 7 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 8. HIGHWAY DEPT. – 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 One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00), 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 appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Law Chapter 59 Sec. 21C (Proposition 2 ½) paragraphs (g) and (m), which ballot question provides for the establishment of a stabilization fund, and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article 8 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 and for costs incidental and related thereto,

provided however that this vote shall be considered a contingent appropriation and is being approved contingent upon the passage of a Proposition 2 ½ general override ballot question, under the provisions of Massachusetts General Law Chapter 59, Section 21C, paragraphs (g) and (m).

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

ARTICLE 9. HIGHWAY DEPT. – 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 Three Hundred Thousand and 00/100 Dollars (\$300,000.00) 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 appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Law Chapter 59 Sec. 21C (Proposition 2 ½) paragraphs (g) and (m), which ballot question provides for the establishment of a stabilization fund, and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article 9 as printed in the warrant and that the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) be raised and appropriated for this purpose and for costs incidental and related thereto, provided however that this vote shall be considered a contingent appropriation and is being approved contingent upon the passage of a Proposition 2 ½ general override ballot question, under the provisions of Massachusetts General Law Chapter 59, Section 21C, paragraphs (g) and (m).

ACTION: Voted, voice vote carries unanimously.

ARTICLE 10. SHELLFISH/HARBORMASTER DEPARTMENT - REPLACE MUNICIPAL PIERS, DOCKS AND BOAT LAUNCH RAMP

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) for the purpose of funding the replacement of municipal piers at Rock Harbor and boat launch ramp at River Road town landing, 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 ½) 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 10 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, and 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 7 Clause (17), 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.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 11. WATER DEPARTMENT – I&M PLANT FILTER MEMBRANE RACK REPLACEMENT

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Eighty-five Thousand and 00/100 Dollars (\$285,000.00) for the purpose of funding the replacement of Water Treatment Plant membranes, as needed, 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 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article 11 as printed in the warrant and that the sum of Two Hundred Eighty-Five Thousand and 00/100 Dollars (\$285,000.00) be appropriated for this purpose and for costs incidental and related thereto, and to raise such appropriation, the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Two Hundred Eighty-five Thousand and 00/100 Dollars (\$285,000.00), pursuant to Massachusetts General Laws Chapter 44, Section 7 Clause (9) and Section 8 Clause (7C), 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.

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, Water Surplus Fund or Reserve for Appropriation account where applicable and to accept any gift items that may be given to the Town on behalf of the citizens of Orleans, or to take any other action relative thereto. (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;

- 1) The Home Composting Bin/Recycling Containers Account, said account not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00). The Account will be used to purchase additional composting bins and recycling containers. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 2) The Council on Aging Account, said account not to exceed 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.
- 3) The Council on Aging Van Transportation Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to fund driver salaries, vehicle maintenance and other necessary expenses related to the van transportation program. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 4) The Conservation Properties Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to pay utility bills and other necessary expenses associated with the rental of the Town owned properties under the jurisdiction and control of the Conservation Commission. Said funds to be spent under the direction of the Conservation Commission and the Town Administrator.
- 5) The 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.

- 6) The Cultural Council Awards Account, said account not to exceed Two Thousand and 00/100 Dollars (\$2,000.00). The Account will be used for awarding of cash prizes for participants and reception expenses for special art gallery showings. Said funds to be spent under the direction of the Cultural Council and the Town Administrator.

Or to take any other action relative thereto to. (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 Laws 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 accept and adopt Article 16 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 17. TRANSFER WATER SERVICE CONNECTION FUNDS

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

MOTION: To accept and adopt Article 17 as printed in the warrant and the sum of

Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) be transferred from the Water Service Connection Funds Reserved for Appropriations Account to the Water Service Connection Expense Account for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 18. FUND VISITOR MANAGEMENT SERVICES BY ORLEANS CHAMBER OF COMMERCE

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Nineteen Thousand Five Hundred Fifty and 0/100 Dollars (\$19,550.00), 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 18 as printed in the warrant and that the sum of Nineteen Thousand Five Hundred Fifty and 00/100 Dollars (\$19,550.00), be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 19. FUND ELDREDGE PARK IRRIGATION SYSTEM

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), or any other sum, to fund the installation of an irrigation system at Eldredge Park, 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 Ten Thousand and 00/100 Dollars (\$10,000.00), be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 20. FUND HUMAN SERVICES AGENCIES (FY12)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifty Thousand Six Hundred Thirty and 00/100 Dollars (\$50,630.00), or any other sum, to fund the following human services organizations for the period July 1, 2011 to June 30, 2012.

Aids Support Group	2,000
Cape Cod Child Development	2,500
Consumer Assistance Council	250
Elder Services of Cape Cod and the Islands	2,500
Gosnold on Cape Cod	7,500
Homeless Prevention Council	6,030
Independence House, Inc.	4,500
Lower Cape Outreach Council	7,500
Orleans After School Activities Program	15,000
Sight Loss Services	850
South Coast Legal Services	2,000

TOTAL \$50,630

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

The Aids Support Group of Cape Cod provides services to persons living with HIV and AIDS in Cape Cod communities. The Support Group also helps clients to maintain and enhance their quality of life while providing health education/prevention/harm reduction outreach to the residents of Barnstable County via timely and accurate information about HIV/AIDS, STD's and Viral Hepatitis.

- (no FY11 application, FY10 funding \$2,000)
- The projected number of Orleans' residents to be served in FY12 is 6.

Cape Cod Child Development provides childcare, education and developmental intervention, and family support services. The primary mission is to offer child centered, family focused programs that are affordable, accessible, and of the highest quality.

- (FY11 funding \$2,500)
- The projected number of Orleans' residents to be served in FY12 is 30.

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

- (FY11 funding \$250)
- The projected number of Orleans' residents to be served in FY12 is 200.

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

- (FY11 funding \$2,500)

- The projected number of Orleans' residents to be served in FY12 is 70.

Gosnold, Inc. provides inpatient care and offer outpatient services for all aspects of substance abuse and mental health treatment to those affected with addiction, substance abuse and/or mental health illness.

- (FY11 funding \$7,000)
- The projected number of Orleans' residents to be served in FY12 is 100.

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

- (FY11 funding \$5,244)
- The projected number of Orleans' residents to be served in FY12 is 341.

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

- (FY11 funding \$4,500)
- The projected number of Orleans' residents to be served in FY12 is 95.

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

- (FY11 funding \$7,000)
- The projected number of Orleans households to be served in FY12 is 203.

Orleans After School Activities Program provides safe, quality after-school care for Orleans Elementary School students after school, during vacations and in the summer.

- (FY11 funding \$15,000)
- The projected number of Orleans children to be served in FY12 is 85 (70 families).

Sight Loss Services, Inc. provides assistance to Orleans residents who are newly blind, visually impaired or affected with progressive eye disease.

- (FY11 funding \$850)
- The projected number of Orleans' residents to be served in FY12 is 87.

South Coast Legal Services, Inc., formerly Legal Services for Cape Cod and Islands, Inc. provides free legal advice and representation to Orleans residents over the age of sixty, despite income, through the Elder Law Project.

- (FY11 funding \$2,000)
- The projected number of Orleans' residents to be served in FY12 is 25.

MOTION: To accepted and adopted as printed in the warrant, and that the sum of Fifty Thousand Six Hundred Thirty and 00/100 Dollars (\$50,630.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 21. FUND FOURTH OF JULY PARADE

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eight Thousand and 00/100 Dollars (\$8,000.00), or any other sum, for the purpose of funding the July 4th parade within the Town of Orleans. Said funds to be expended under the direction of the Town Administrator, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 21 as printed in the warrant, and that the sum of Eight Thousand and 00/100 Dollars (\$8,000.00) be raised and appropriated for this purpose.

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

ARTICLE 22. FUND ELECTED OFFICIALS COMPENSATION (FY12)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2011 as follows:

- 1) Board of Selectmen (5) \$1,000.00
- 3) Moderator (1) \$ 150.00
- 4) 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: I move this article be accepted and adopted 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 as follows:

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 23. AMEND GENERAL BYLAWS, CH. 40: PERSONNEL

To see if the Town will vote to amend the General Bylaws by amending Chapter 40, Personnel. The amendment will update sections of the bylaw to reflect existing policies and procedures of the town, as set forth in the amendment on file with the Town Clerk; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 23 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 24. ADOPT M.G.L. CH. 53 §9A: DEADLINE TO OBTAIN NOMINATION PAPERS

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 53, § 9A, which would make the final date for obtaining blank nomination papers for nomination to city or town office to be forty-eight weekday hours prior to the hour on which nomination papers are required to be submitted to the registrars of voters for certification, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 24 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 25. AMEND ZONING BYLAW SECTION 164-35, SIGNS

To see if the Town will vote to add a new Section 164-35. M. to read as follows:

M. Eldredge Park Sponsorship Banner Signs

Notwithstanding anything in this Section 164-35 to the contrary, banner signs may be displayed at the Town-owned property shown as Parcel 1 on the Town Assessor's Map 41 and known as Eldredge Park, by non-profit organizations having a license or use agreement with the Town for the use of Eldredge Park, subject to the following conditions: (a) banner signs shall be limited to signs recognizing sponsors of the non-profit organization, (b) issuance of a sign permit from the Building Commissioner, (c) the approval of the Park Commissioners, (d) banner signs may be displayed for up to 90 days and must be removed promptly after the permitted time period, (e) banners may only be placed on approved locations on the dugouts or fence, (f) placement and removal of the banner shall be done by the licensed non-profit organization, (g) all banners must be kept in good repair, (f) subject to any rules and regulations of the Park Commissioners

and the Park Commissioners are authorized to promulgate rules and regulations as they deem necessary to carry out the provisions of this section.

The Town is the owner of Eldredge Park located on the corner of Eldredge Parkway and South Orleans Road (Route 28) in Orleans, MA.

Or to take any other action relative thereto. (2/3 vote required)

MOTION: To accept and adopt Article 25 as printed in the warrant.

PLANNING BOARD REPORT

The Planning Board held a public hearing on this article and several others on February 8, 2011. 15 people were in attendance. The Board heard several comments from the Orleans Athletic Association and one comment from a member of the Chamber of Commerce, all of which were favorable. No one spoke in opposition to the article. The Planning Board voted 4-0-0 to recommend approval of the article.

This article would allow off-premises signs by sponsors of non-profit organizations that use Eldredge Park to hang banner signs around the park. At present, off-premises signs are prohibited throughout the town. The bylaw sets basic limitations and authorizes the Park Commissioners to adopt regulations to carry out the provisions of the section. Basic rules are:

- a) Signs are only for sponsors of the non-profit org.
- b) Sign permit required
- c) Time limit is 90 days, after which the signs must be removed
- d) Approved locations only
- e) Placement by the non-profit organization, not individual sponsors
- f) Banners kept in good repair

Park Commissioners would adopt regulations in the usual manner, after holding a public hearing.

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

ARTICLE 26. AMEND ZONING BYLAW SECTION 164-35, SIGNS

To see if the Town will vote to amend 164-35. K. to read as follows:

K. Notwithstanding anything else contained in Section 164-35 to the contrary banners advertising **Town sponsored events or any other events which the Board of Selectmen determine after due consideration provide significant**

public benefit ~~civic, cultural and/or athletic events conducted by non-profit entity,~~ may be placed at a location across Main Street and or Eldredge Park Way provided that any such banner and its location is approved by the Board of Selectmen or, if designated by the Board of Selectmen, the Town Administrator. In the event multiple requests are made for common time period the Board of Selectmen or the Town Administrator, as the case may be, may give preference in scheduling and location to Town sponsored events. Banner(s) shall be no more than twenty feet in length and two feet in height and shall be strung in such a manner so the bottom of the banner is fifteen feet off the road surface. Any such banner shall be temporary in nature and removed as soon as practicable after the event to which it refers has ended. The Board of Selectmen is hereby authorized to promulgate rules and regulations as they deem necessary to carry out the provisions of this paragraph.

Or to take any other action relative thereto. (2/3 vote required)

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

PLANNING BOARD REPORT

The Planning Board held a public hearing on this article and several others on February 8, 2011. 15 people were in attendance. There were no public comments. The Planning Board voted 5-0-0 to recommend approval of the article.

The Town has two locations where they permit banners to be hung over the road to advertise certain events. Those locations are over Main Street and Eldredge Park Way. Currently, the regulations only allow such banners for events that are "civic or cultural and/or athletic events conducted by a non-profit entity." This language is limiting, and does not allow banners for events unless they are by a non-profit. The proposal would allow Town-sponsored events and other events that the Selectmen determine to provide a public benefit, regardless of whether they are a non-profit entity. Crafts shows and art shows are an example of positive community events that are not by non-profit agencies.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 27. AMEND ZONING BYLAW SECTIONS 164-6, LOCATION OF DISTRICTS, ZONING MAP and 164-17, GROUNDWATER PROTECTION DISTRICTS.

To see if the Town will vote to amend Section 164-6. B. Overlay Districts to read as follows:

B. Overlay Districts

B. Groundwater Protection Districts. The Town of Orleans is hereby divided into ~~four~~three Groundwater Protection Districts which shall be considered to be superimposed over any other districts established by the Town Zoning Bylaws. Land in each Groundwater Protection District shall be subject to the requirements of this Section 164-17 as well as all other requirements of the Town By-laws which apply to the underlying zoning districts. A map entitled "Zoning and Proposed Groundwater Protection Districts Map~~Town of Orleans Proposed groundwater Protection districts~~" dated ~~June 7, 1991~~ December 21, 2011 showing the locations of the ~~three~~four Groundwater Protection Districts is on file for public reference in the offices of the Town Clerk, Town Planner and Water Department. The ~~three~~four Groundwater Protection Districts are defined as follows:

District 1 consists of Town Watershed properties ~~#15 and #91~~ as ~~shown~~delineated on the above referenced map entitled "Zoning and Proposed Groundwater Protection Districts Map~~Town of Orleans Proposed Groundwater Protection Districts~~" dated ~~June 7, 1991~~ December 21, 2011. District 1 includes those properties shown as parcels 54-1, 68-5, 68-7, 75-119, 81-5, 81-9, 81-10, and 87-5 ~~81-05, 81-09, 75-119, 75-87, 68-05 and 68-07~~ on the Town of Orleans Assessor's maps as of December 31, 2010~~January 24, 2001~~.

District 2 consists of all land located in the Zones of Contribution for Town public water supply wells as determined by the Cape Cod Commission in accordance with Massachusetts Department of Environmental Protection regulations, except those portions of the Zones located within District 1, as delineated on the above-referenced map entitled "Zoning and Proposed Groundwater Protection Districts Map~~of Orleans Proposed Groundwater Protection Districts~~" dated December 21, 2011 ~~June 7, 1991~~.

District 3 consists of areas ~~formerly established by the Town as part of the Water Resource District as delineated on the above-referenced map~~ entitled "Town of Orleans Proposed Groundwater Protection Districts" dated ~~June 7, 1991~~.

District 4 ~~consists of all the areas of the Town except those within Districts 1 or 2 or 3, as delineated on the above-referenced map~~ entitled "Zoning and Proposed Groundwater Protection Districts Map~~Town of Orleans Proposed Groundwater Protection Districts~~" dated December 21, 2011 ~~June 7, 1991~~.

And further to see if the Town will vote to amend Section 164-17 as follows:

§164-17 Groundwater Protection Districts

B. Definitions

1. **Aquifer:** A porous water-bearing geologic formation generally restricted to material capable of yielding an appreciable supply of water.
2. **Groundwater Protection District:** One of four such areas which together comprise the entire Town of Orleans and for which there are specified lot requirements and use restrictions.
3. **Zone of Contribution:** That portion of an aquifer which contributes water to a well and through which contaminants are likely to move and reach the well; it is represented on the surface by the area whose land uses can affect the well's water quality. Zones of Contribution for Orleans public water supply wells have been determined by the Cape Cod Commission in accordance with Massachusetts Department of Environmental Protection regulations.

C. Scope of Authority/District Delineation: The Town of Orleans is hereby divided into ~~four~~ three Groundwater Protection Districts which shall be considered to be superimposed over any other districts established by the Town Zoning By-laws. Land in each Groundwater Protection District shall be subject to the requirements to this Section 164-17 as well as all other requirements of Town By-laws which apply to the underlying zoning districts. A map entitled "~~Town of Orleans Proposed Groundwater Protection Districts~~ Zoning and Proposed Groundwater Protection Districts Map" dated ~~June 7, 1994~~ December 21, 2011 showing the locations of the ~~four~~ three Groundwater Protection Districts is on file for public reference in the offices of the Town Clerk, Town Planner and Water Department. The ~~three~~ four Groundwater Protection Districts are defined as follows:

District 1 consists of Town Watershed Properties ~~#15 and #91~~ as delineated on the above-referenced map entitled "Zoning and Proposed Groundwater Protection Districts Map ~~Town of Orleans Proposed Groundwater Protection Districts~~," dated ~~June 7, 1994~~ December 21, 2011. District 1 ~~also~~ includes those properties shown as parcels 54-1, 68-5, 68-7, 75-119, 81-5, 81-9, 81-10, and 87-5 on the Town of Orleans Assessor's maps as of ~~January 24, 2004~~ December 31, 2010.

District 2 consists of all land located in the Zones of Contribution for Town public water supply wells as determined by the Cape Cod Commission in accordance with Massachusetts Department of Environmental Protection regulations, except those portions of the Zones located within District 1, as delineated on the above-referenced map entitled "Zoning and Proposed Groundwater Protection Districts Map ~~Town of Orleans Proposed Groundwater Protection Districts~~" dated ~~June 7, 1994~~ December 21, 2011.

District 3

~~consists of areas formerly established by the Town as part of the Water Resource District as delineated on the above-referenced map entitled "Town of Orleans Proposed Groundwater Protection Districts" dated June 7, 1991.~~

~~**District 4** consists of all the areas of the Town except those within Districts 1 and, 2 and 3, as delineated on the above-referenced map entitled "Zoning and Proposed Groundwater Protection Districts Map Town of Orleans Proposed Groundwater Protection Districts" dated June 7, 1991 December 21, 2011.~~

If a Groundwater Protection District boundary passes through a lot which cannot be subdivided, such entire lot shall be deemed to be within the District providing the higher level of groundwater protection. If a Groundwater Protection District boundary passes through a lot which may be subdivided, such lot shall be comprised of portions of two Groundwater Protection Districts as delineated by the District boundary; and if such a lot is subsequently subdivided, any created lots will be treated in the same way as a lot which cannot be subdivided.

D. District Regulations

3. District 3:

~~a. **Lot Requirements:** All lots are required to meet the following conditions, and a site plan showing compliance with these conditions must be approved by the Building Inspector prior to the commencement of any site clearing or construction.~~

~~1) At least 30% of a lot area shall be retained in its natural state except for minor removal of existing trees and ground vegetation.~~

~~2) No more than 40% of a lot area may be rendered impervious.~~

~~b. The Board of Appeals may grant a Special Permit allowing a lot requirement contained in Section 164-17D-3-a to be reduced, provided the Board of Appeals makes the findings required under sections 164-17E and 164-44.~~

~~a. **Land Uses**~~

~~1) **Allowed:** All uses permitted in the underlying zoning districts except those specifically listed as Special Permit or prohibited uses.~~

~~2) By Special Permit, provided the Board of Appeals makes the findings required under Section 164-17E and 164-44:~~

~~a. Sales, storage or transportation of fuel oil or gasoline as a principal use.~~

- ~~b. Any use which involves on-site disposal of process wastes from operations other than personal hygiene and food for residents, patrons and employees.~~
- ~~c. Any use, other than a single-family dwelling, with a sewage flow, as determined by Title V of the State Environmental Code, exceeding 110 gallons per day per 10,000 square feet of lot area or exceeding 15,000 gallons per day regardless of lot area.~~
- ~~d. Any use involving generation, use or disposal of toxic or hazardous materials in quantities greater than associated with normal household use.~~

3) Prohibited:

- ~~a) Sanitary landfills, open dumps and junkyard.~~
 - ~~b) Municipal sewage treatment facilities with on-site disposal of secondary-treated effluent.~~
 - ~~c) Road salt stockpiles.~~
 - ~~d) Car washes, laundries, dry cleaning and metal plating facilities.~~
 - ~~e) Boat and motor vehicle service and repair.~~
 - ~~f) Chemical and biological laboratories.~~
 - ~~g) Any other use which involves as its principal activity the manufacture, use, storage, transportation or disposal of toxic or hazardous materials.~~
- ~~d. Within District 3 the following design and operations guidelines shall be observed, except for lots containing single family dwellings:~~
- ~~1) **Safeguards:** Provisions shall be made to protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials and indoor storage provision for corrodible or dissolvable materials.~~
 - ~~2) **Location:** Where a lot is partially in both Districts 3 and 4, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located in District 4.~~

~~3) **Disposal:** For any toxic or hazardous wastes to be produced in quantities greater than those associated with normal household use, the availability and feasibility of safe disposal must be demonstrated.~~

~~4) **Drainage:** All runoff from impervious surfaces of a lot shall be recharged on that lot and diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are not feasible and shall be preceded by oil, grease and sediment traps to facilitate removal of contamination.~~

~~e. The cultivation, propagation and harvesting of cranberries will not be subject to the restrictions of this Section 164-17D-3).~~

~~4. **District 4:**~~

- ~~a. No lot requirements in addition to those existing for the underlying zoning districts are applied to District ~~4~~**3**.~~
- ~~b. All land uses permitted in the underlying zoning districts are permitted in District ~~4~~**3**.~~

Or to take any other action relative thereto. (2/3 vote required)

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

PLANNING BOARD REPORT

The Planning Board held a public hearing on this article and several others on February 8, 2011. 15 people were in attendance. There were no public comments. The Planning Board voted 5-0-0 to recommend approval of the article.

The proposed amendment would update the references to the groundwater protection districts in the town. There are presently 4 groundwater protection districts. They include:

District 1 – 400 ft perimeter around public wells

District 2 – the theoretical “zone of contribution” to the public wells, approved by the state DEP.

District 3 – “areas formerly part of a water resource district”

District 4 – all other areas of the town

This article proposes to delete district 3, “areas formerly part of a water resource district”, as it is a district that was created before groundwater movement and impacts were modeled and understood. District 3 does not contribute to the public water supply. It is proposed that District 3 be eliminated because it no longer serves a groundwater protection purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 28. AMEND THE ZONING BYLAWS SECTION 164-13, SCHEDULE OF USE REGULATIONS

To see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-13 to read as follows:

P= Use Permitted O= Use Prohibited A= Use allowed: A, under Special Permit by
 Board of Appeals as provided in §
 164-44

AGRICULTURAL	R	RB	LB	GB	VC ⁵	I	CD ⁶	SC	MB
Display and sale from roadside stands or otherwise of natural products, Roadside stand for display and sale of natural products, 100 s.f. in area or larger	O	P	P	P	P	O	O	O	O

COMMERCIAL	R	RB	LB	GB	VC ⁵	I	CD ⁶	SC	MB
<u>Health club, fitness center</u>	<u>O</u>	<u>P²</u>	<u>P⁴</u>	<u>P⁴</u>	<u>P⁴</u>	<u>P⁴</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Museum</u>	<u>O</u>	<u>P⁴</u>	<u>P⁴</u>	<u>P⁴</u>	<u>P⁴</u>	<u>P⁴</u>	<u>O</u>	<u>O</u>	<u>O</u>

ACCESSORY USE	R	RB	LB	GB	VC ⁵	I	CD ⁶	SC	MB
<u>Roadside stand, for products raised on the premises, less than 100 s.f. in area</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

(2) Total retail business floor area, exclusive of storage and office space, shall be limited to 1,500 sq. ft. per business. No parking within the Front and Side yard setbacks is permitted.

(4) Except “A” if creating more than 2,500 square feet of gross floor area in commercial use whether through new construction, addition, or change of use. Such special permits are subject to §164-38 and §164-39.

Or to take any other action relative thereto. (2/3 vote required)

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

PLANNING BOARD REPORT

The Planning Board held a public hearing on this article and several others on February 8, 2011. 15 people were in attendance. One positive comment was received. The Planning Board voted 5-0-0 to recommend approval of the article.

This article proposes to clarify the allowance of farm stands, and to add health clubs and museums to the use table.

Currently, the “display and sale from roadside stands or otherwise of natural products”, is permitted in the Town’s business districts, RB, LB, GB, and VC. The use is not allowed in the Res District.

There are some small roadside stands which commence in summertime in the Residential District. Under zoning, they are either lawfully commenced nonconforming uses, or are technically not permitted. Farm stands appear to be a positive thing in the community, provided they are not so large that they bring excessive commercial activity into a Residential District. Therefore, the Planning Board has proposed that a roadside stand for products raised on the premises be permitted in all zoning districts. They must be less than 100 s.f. in area. If larger, the stand is regulated by existing limitations and is not allowed in the Res. District.

Health club and fitness center are not currently listed in the use table. They have been regulated as a “place of amusement” in the past, but should be classified in the table so that there is a consistency in the way they are regulated.

Museum is also added to the table, and would be permitted in any business district.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 29. AMEND FEES - BUILDING DEPARTMENT

To see if the Town will vote to authorize the Board of Selectmen to amend the fees for the Building Department, as outlined in the amended fees and implementation schedule on file with the Town Clerk, or take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

MOTION: To accept and adopt Article 29 as printed in the warrant and the Building Department fees be so authorized.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 30. AMEND FEES - TOWN CLERK AND TREASURER/COLLECTOR

To see if the Town will vote to increase the fees entitled "Town Clerk Fees" and "Treasurer/Collector Fees" as outlined in the amended fee schedule on file with the Town Clerk, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 30 as printed in the warrant and the Town Clerk and Treasurer/Collector fees be so authorized.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 31. ADOPT FEES – RECREATION PROGRAMS

To see if the Town will vote to adopt the fee schedule entitled "Recreation Fees" as outlined in the amended fee schedule on file with the Town Clerk, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 31 as printed in the warrant and the Recreation fees be so authorized.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 32. AUTHORIZE BOARD OF SELECTMEN TO LEASE FORMER HUBLER PROPERTY MOTEL

To see if the Town will vote to authorize the Board of Selectmen to lease or enter into an operating agreement for the real property or a portion(s) thereof, together with the buildings thereon, located on Beach Road in East Orleans, Massachusetts, acquired by the Town under the action taken under Article 7 of the Orleans Special Town Meeting held on May 10, 2010 (the so-called Hubler property), for motel purposes on such terms and conditions as the Board of Selectmen deem appropriate. The Hubler property consists of Lots A, 1, 2, 3, and 4, together with a portion of thirty-foot wide way, all as shown on a Plan of Land recorded in the Barnstable County Registry of Deeds in Plan Book 576, Page 5 and title was vested in the Town under a deed recorded in the Barnstable County Registry of Deeds in Book 24886, Page 263. Provided, however, that the terms and conditions of such lease or operating agreement shall be consistent with the terms and conditions of the bond(s) issued by the Town in acquiring the property and provided, further, that, if needed, the Board of Selectmen are further authorized to petition the Great and General Court for special legislation to authorize the Town to enter into any such lease or operating agreement to conduct the said use on the property or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 33. AUTHORIZE CONSERVATION COMMISSION TO LEASE PUTNAM PROPERTY FOR AGRICULTURAL USE

To see if the Town will vote to authorize the Conservation Commission to lease the property, or a portion(s) thereof, located at 50 Bridge Road, Orleans, Massachusetts, acquired by the Town under the vote taken under Article 8 of the Orleans Special Town Meeting held on May 10, 2010, which property is shown on a Plan recorded in the Barnstable County Registry of Deeds in Plan Book 638, Page 27, (the so-called Putnam property) for agricultural purposes, on such terms and conditions as the Conservation Commission deems appropriate. The deed to the Town is recorded in the Barnstable County Registry of Deeds in Book 25134, Page 302. Provided, however, that the terms and conditions of such lease shall be consistent with the terms and conditions of the bond(s) issued by the Town in acquiring the property and provided, further, that any such lease shall be consistent with the terms and conditions of the Project Agreement between the Town and the Executive Office of Energy and Environmental Affairs, Division of Conservation Services, dated Dec. 9, 2010, to which the Putnam property is subject, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 33 as printed in the warrant.

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

ARTICLE 34. RESOLUTION – ALLOW CONGRESS TO REVOKE CONDITIONS OF CORPORATE AND UNION CAMPAIGN FUNDING – BY PETITION

To see if the Town will vote to pass the following resolution:

We, the voters of the Orleans Town Meeting, affirm our belief that the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations.

We believe that the United States Supreme Court’s ruling in Citizens United v. FEC, which allows corporations and unions to pay advocacy groups unlimited funds to influence elections, threatens democracy by allowing corporations to cause the election of candidates who will serve themselves, not ordinary citizens. The people of the United States through their legislators have previously amended the Constitution to regulate elections and federal officeholding nine times.

NOW, THEREFORE, BE IT RESOLVED THAT WE, THE VOTERS OF THE ORLEANS TOWN MEETING, CALL UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO RESTORE THE FIRST AMENDMENT AND FAIR ELECTIONS TO THE PEOPLE, AND FURTHER, WE CALL UPON THE MASSACHUSETTS GENERAL COURT TO PASS ONE OR MORE RESOLUTIONS ASKING THOSE ACTIONS.

We ask Orleans officials to send a copy of this resolution to the state and federal representatives and senators serving Orleans, and to the Governor of the Commonwealth of Massachusetts and the President of the United States. (By Petition) (Simple Majority Vote Required)

MOTION: To accept and adopt Article 34 as printed in the warrant.

MOTION: To move the question.

ACTION: On the motion to move the question, voted, voice vote carries by the necessary 4/5 vote.

ACTION: On the main motion, standing vote, YES = 105, NO = 40, motion passes.

ARTICLE 35. FUND WASTEWATER TREATMENT ALTERNATIVES STUDY – BY PETITION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of \$150,000 for the purpose of conducting a comparison cost study of the Orleans CWMP centralized system and a decentralized alternative (septic tank effluent) wastewater management system. The study shall be conducted as follows:

OBJECTIVE: The objective of the study is to compare preliminary cost estimates for the following two wastewater management scenarios:

Scenario #1: Develop Town-wide preliminary conceptual designs with capital, operating and maintenance cost estimates for two alternatives to address nitrogen issues in Orleans as outlined in the current CWMP core program.

ALTERNATIVE 1: The present CWMP concept, which uses conventional gravity drain sewage collection (big pipe) and centralized treatment and disposal as described in the CWMP core program.

ALTERNATIVE 2: Decentralized treatment and disposal systems employing septic tank effluent (STE) collection (small pipe).

Scenario #2: Develop preliminary conceptual designs for the same two alternatives listed in Scenario #1 with capital, operating and maintenance cost estimates for wastewater collection, treatment and disposal to serve only the Phase 1 (Village Center) area as defined in the current CWMP.

REQUIREMENTS:

1. The Alternative 1 designs (conventional centralized system) developed in response to the Town-wide and Phase 1 (Village Center) scenarios shall be developed by an environmental engineering firm with demonstrated experience in centralized wastewater management.
2. The Alternative 2 designs (decentralized system) developed in response to the Town-wide and Phase 1 (Village Center) scenarios shall be developed by a second environmental engineering firm, unaffiliated with the first firm, which has demonstrated experience with the engineering design of decentralized wastewater systems including septic tank effluent collection systems.
3. After acceptance by the Town, the four preliminary conceptual designs will be provided to an independent Professional Cost Estimator, unaffiliated with the engineering firms, who shall estimate the capital, operating and maintenance costs for each design.

IMPLEMENTATION:

The entirety of the study described in this article shall be managed by a committee of five (5) persons to be selected and appointed by the Board of Selectmen. None of the committee members may be members of current Town or County committees, boards or commissions at the time of Town Meeting approval of this study. Because the study requires the committee to understand and evaluate detailed engineering solutions and major project financial analysis, at least three of the committee members selected by the Board of Selectmen shall hold bachelor level or higher degrees in chemical, civil, environmental or mechanical

engineering. In addition, at least one committee member shall have educational qualification and professional experience in large project financial analysis.

STUDY SCHEDULE AND COST: It is estimated that the study will cost \$150,000. At least three (3) months prior to any Town Meeting during which approval will be sought for design and engineering funds for any wastewater remediation project, the full report of the completed study, including supporting documentation, shall be made public. At least one (1) month prior to such Town Meeting a Public Hearing shall be held to hear public comments on the study, or take any other action thereto. (By Petition) (3/4 Vote Required)

MOTION: To indefinitely postpone Article 35.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 36. 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. (Simple Majority Vote Required)

MOTION: To accept and adopt Article 36 and that the sum of Two Hundred Eighty-six Thousand Five Hundred and 00/100 Dollars (\$286,500.00) be transferred from available funds for this purpose for FY12.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 37. 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.

Town Meeting was adjourned at 11:23 p.m.

A True Copy, Attest:

Cynthia S. May