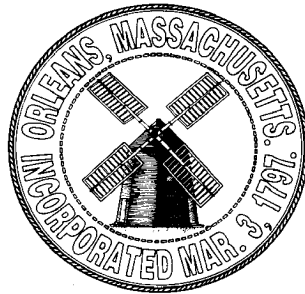


**TOWN OF ORLEANS
TOWN MEETING WARRANT**

for use at

**MONDAY, October 29, 2018
SPECIAL TOWN MEETING – 6:30 PM
Nauset Middle School Gymnasium**



**Published as a supplement of
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***Please bring this copy of the warrant
to Town Meeting.***

**COPIES OF THIS WARRANT ARE AVAILABLE
ON TAPE OR IN LARGER PRINT
PLEASE CALL 240-3700 EXTENSION 415**

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MOTION CHART

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

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

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

ORLEANS TOWN MEETING BYLAWS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clause 8-5-1 of the Charter reads:

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

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

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

Clause 2-7-8 of the Charter reads:

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

MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable SS.

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

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

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ARTICLE 1. PAY BILLS OF PRIOR YEARS

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

(9/10 Vote Required)

PROPOSED MOTION

The motion will be made at Town Meeting and will include the total as of October 29, 2018, and a breakdown by Town department, vendor and amount.

SUMMARY

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

BOS: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting

ARTICLE 2. FUND TRI-TOWN SEPTAGE FACILITY AND COMPOST SHED DEMOLITION ADDITIONAL COSTS

To see if the Town will vote to borrow and/or transfer from available funds the sum of Seven Hundred Thirteen Thousand and 00/100 Dollars (\$713,000.00), or any other sum, for the additional costs relating to the demolition of the Tri-Town Septage Facility and Compost Shed located on Overland Way, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto.

(Board of Selectmen)

(3/4 Vote Required)

PROPOSED MOTION

I move that this article be accepted and adopted and that the sum of Seven Hundred Thirteen Thousand and 00/100 Dollars (\$713,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Seven Hundred Thirteen Thousand and 00/100 Dollars (\$713,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 7 (1), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes

to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

SUMMARY

This article will fund the additional costs related to completing the abatement and disposal of the remaining asbestos containing damproofing materials discovered on the exterior concrete foundations of the septage treatment buildings and compost shelter mixing building, along with the interior walls of the concrete storage tanks in the basement of the main building. Upon completion of the abatement work, the entire site will be regraded, loamed and seeded. Under the terms of the Intermunicipal Agreement between the Towns of Orleans, Brewster and Eastham that extends through June 30, 2019, each town is responsible for 1/3 of the cost of removing the treatment plant facilities and Orleans is responsible for the cost of removing the Compost Shed that was conveyed to Orleans in 2005.

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

ARTICLE 3. FUND INSTALLATION OF WATER METER TECHNOLOGY REPLACEMENT PROGRAM

To see if the Town will vote to borrow and/or transfer from available funds the sum of One Million Nine Hundred Eighty Thousand and 00/100 Dollars (\$1,980,000.00), or any other sum, for the purpose of funding the installation of the Water Meter Technology Replacement Program, including all expenses incidental and related thereto; and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

PROPOSED MOTION

I move this article be accepted and adopted as printed in the warrant and that the sum of One Million Nine Hundred Eighty Thousand and 00/100 Dollars (\$1,980,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Million Nine Hundred Eighty Thousand and 00/100 Dollars (\$1,980,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 8 (6), or any other enabling authority, and to issue bonds or notes of the Town therefore, and that any premium received by the

Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

SUMMARY

This article is for the purchase and installation of cellular water meters for each customer of the Orleans municipal water system. The cellular technology will allow the Orleans Water Department to, within the next three years bill quarterly, to meet the Massachusetts Department of Environmental Protection Agency’s conservation requirements of our Water Management Act permit, to monitor for and inform our consumers of leaks and to provide our customers online tools for water tracking and alerts.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 2 – YES 4 – NO 0 – ABSTAIN

ARTICLE 4. TRANSFER OF UNEXPECTED BOND PROCEEDS

To see if the Town will appropriate the following unexpended amount of money that was initially borrowed to finance the following projects that are now complete and for which no further liability remains, to pay costs associated with the replacement and installation of Water Meter Technology authorized under Article 3, including the payment of all costs incidental and related thereto, as permitted by Chapter 44, Section 20 of the General Laws:

<u>Unexpended Amount</u>	<u>Date of Approval</u>	<u>Warrant Article</u>	<u>Original Purpose</u>
\$116,000.00	05/09/2016	28	Design Beach Rd Water Main
\$229,655.46	05/08/2017	16	Beach Rd Water Main Construction

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

(Simple Majority Vote Required)

PROPOSED MOTION

That the Town appropriates the following unexpended amounts of money that were initially borrowed to finance the following projects that are now complete and for which no further liability remains, to pay costs associated with the replacement and installation of Water Meter Technology authorized under Article 3, as permitted by Chapter 44, Section 20 of the General Laws:

<u>Unexpended Amount</u>	<u>Date of Approval</u>	<u>Warrant Article</u>	<u>Original Purpose</u>
\$116,000.00	05/09/2016	28	Design Beach Rd Water Main
\$229,655.46	05/08/2017	16	Beach Rd Water Main Construction

SUMMARY

The aforementioned projects were completed under budget. The full amount of the authorized appropriation was bonded. Therefore, we would like to move to surplus proceeds to reduce the amount that needs to be bonded for the Water Meter Technology project approved under Article 3.

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

ARTICLE 5. FUND IMPLEMENTATION – NAUSET BEACH RETREAT MASTER PLAN AND FACILITY RELOCATION

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

(2/3 Vote Required)

PROPOSED MOTION

I move that this article be accepted and adopted and that the sum of One Million Two Hundred Thousand and 00/100 Dollars (\$1,200,000.00), be appropriated for this purpose and for costs incidental and related thereto, that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) be transferred from free cash, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the remaining sum of One Million One Hundred Thousand and 00/100 Dollars (\$1,100,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 7 (1), or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

SUMMARY

This project will implement the recommendations developed under the Town’s Master Plan and Facility Relocation project for Nauset Beach due to the accelerated rate of dune erosion that has occurred which now threatens the administration building, restrooms and 900 car parking lot. The Master Plan looked at long term options to re-use the former Hubler property. This article will fund the dune enhancement and provide temporary facilities in the beach parking lot.

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

ARTICLE 6. AMEND GENERAL BYLAW TO PROHIBIT MARIJUANA RETAILERS IN ORLEANS – BY PETITION

To see if the Town will vote to amend the General Bylaws of the Town of Orleans as contained in the Town Code by adding thereto a new Chapter 64 as follows:

Chapter 64 Prohibition of Marijuana Retailer(s)

The operation of a Marijuana Retailer, as defined in M.G.L. c. 94G, §1 and the Cannabis Control Commission Regulations 935 CMR 500.000 et seq. governing the Adult Use of Marijuana, is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Orleans.

Or to take any other action relative thereto.

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

The Town Meeting has previously voted to reject a ban on all Marijuana Establishments within the Town. This article seeks to ban only Marijuana Retailers as they are defined in the Massachusetts General Laws Chapter 94G and the applicable Cannabis Control regulations.

BOS: 0 – YES 5 – NO 0 – ABSTAIN
FC: 2 – YES 4 – NO 0 – ABSTAIN

ARTICLE 7. AMEND ZONING BYLAW CHAPTER 164-40.4, MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 164-40.4 Marijuana Establishments, to read as follows:

164-40.4. Marijuana Establishments

A. Definitions

Any term not specifically defined herein shall have the meaning as defined in the Cannabis Control Commission Regulations 935 CMR 500.000, et. seq. governing Adult Use Marijuana, as such regulations may from time to time be amended.

Craft Marijuana Cooperative means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Independent Testing Laboratory means a laboratory that is licensed by the Cannabis Control Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Cultivator means an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment (ME) means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

Marijuana Microbusiness means a co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Product Manufacturer means an entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Retailer means an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter means an entity, not otherwise licensed by the Cannabis Control Commission, which is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Marijuana Research Facility means an entity licensed to engage in research projects by the Cannabis Control Commission.

B. Purposes

- (1) To provide for the placement of Marijuana Establishments in appropriate places and under strict conditions in accordance with MGL c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, and the Cannabis Control Commission Regulations promulgated thereunder, 935 CMR 500.000.
- (2) To minimize the adverse effects of Marijuana Establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Establishments and Retailers.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Marijuana Establishments.

C. Applicability

- (1) No ME shall be established except in compliance with the provisions of this Section.
- (2) Pursuant to MGL c. 94G, §3(a)(2), the number of Marijuana Retailers shall be limited to three (3) establishments in Orleans, each required to be an unrelated, licensed entity.
- (3) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

D. General Requirements for Marijuana Establishments

- (1) A ME shall be contained within a building or structure, except open-air Marijuana Cultivator which may be allowed in accordance with Section 164-13, Schedule of Use Regulations.

Marijuana plants, products, and paraphernalia shall not be clearly visible to a person from the exterior of a ME.

- (2)** No ME shall be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the ME is or will be located.
- (3)** The hours of operation of a Marijuana Retailer shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to MGL c. 138 §15, but may be limited by conditions of the special permit.
- (4)** No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a ME.
- (5)** A ME shall provide the Zoning Board of Appeals with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment. The applicant shall also provide a statement from the Orleans Police Department verifying completion of background checks by the Cannabis Control Commission.
- (6)** Special Permits shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.
- (7)** Special Permits shall be valid for a period of three (3) years from the date of the decision. A Special Permit shall be renewed for successive three (3) year periods provided that a written request for renewal is made to the Board of Appeals not less than three (3) months prior to the expiration of the then-existing three (3) year period.

Publication of notice of said request shall be made in the same manner as would be required for an original application for a Special Permit. Said notice shall state that the renewal request will be granted unless, prior to the expiration of the then-existing permit, a written objection to the renewal, stating reasons, is received by the Board of Appeals. In the event of such an objection, a hearing on the renewal shall be held and shall proceed in a manner identical to the course of proceedings in connection with an original permit application.

The Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Board of Appeals either granting or denying the Special Permit renewal, including the outcome of any appeal under MGL c. 40A, §17. In granting the renewal, the Board of Appeals may impose additional conditions, including, without limiting the foregoing, time limits to correct violations and hours of operation, upon which a specific lapse of time without correction or compliance shall result in a denial of the renewal.

E. Special Permit Requirements

- (1) A ME shall only be allowed by Special Permit from the Zoning Board of Appeals in accordance with M.G.L. c. 40A, §9, and Section 164-44 of this bylaw, subject to the following statements, regulations, requirements, conditions and limitations.
- (2) A special permit application for a ME shall include the following:
 - a. the name and address of each owner of the ME;
 - b. copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Marijuana Establishment or Retailer;
 - c. evidence of the Applicant's right to use the site of the ME for the ME use, such as a deed, or lease;
 - d. if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of each such entity until the disclosure contains the names and addresses of individuals;
 - e. Proposed security measures for the ME, including lighting, fencing, gates and alarms, surveillance cameras, etc., to ensure safety and security from theft or fire. Such measures shall be sent by the applicant to the Police and Fire Chiefs for review and comment.

F. Mandatory Findings

- (1) The Zoning Board of Appeals shall not issue a special permit for a ME unless it finds that:
 - a. the facility is designed to address any environmental, visual, noise, odor, traffic or economic impacts on abutters and other "Parties in interest", as defined in G.L. c. 40A, §11;
 - b. the facility demonstrates that it has met all the permitting requirements; and
 - c. the applicant has satisfied all of the General and Special Permit Requirements of this section and Section 164-44.

G. Severability

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

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

Section 164 Attachment 1

[Bold underline = new language]

DISTRICTS

[O = Prohibited, A = Board of Appeals approval required (Special Permit)]

COMMERCIAL	R	RB	LB	GB	VC	I	CD#	SC	MB
<u>Marijuana Cultivator, up to 5,000 s.f.¹⁰</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Marijuana Cultivator, more than 5,000 s.f.¹⁰</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Craft Marijuana Cooperative</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Marijuana Product Manufacturer</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Marijuana Retailer</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Marijuana Transporter</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Marijuana Research Facility</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Marijuana Testing Laboratory</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>
<u>Marijuana Microbusiness</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>

¹⁰ Area limitation refers to canopy as defined in 935 CMR 500.02

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

(2/3 Vote Required)

PROPOSED MOTION

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

SUMMARY

This article would adopt regulations on how and where marijuana-related businesses may be opened in Orleans. The article provides definitions of eight types of Marijuana Establishments consistent with state law. Marijuana Establishments would be allowed by Special Permit. All types of Marijuana Establishments would be allowed in the General Business, Limited Business, and Industrial Districts. In the Village Center District, Marijuana Retailers, Research Facilities, and Testing Labs would be allowed. There would be a limit of 3 Marijuana Retailers allowed town-wide. The bylaw includes security

requirements, a buffer from schools, and prohibits on-site consumption of marijuana, as protections in addition to the rigorous licensing requirements of the MA Cannabis Control Commission.

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

ARTICLE 8. AMEND ZONING BYLAW CHAPTER 164-13, SCHEDULE OF USE REGULATIONS

To see if the Town will vote to amend the Town's Zoning Bylaw by altering the entry entitled Marijuana Cultivator, up to 5,000 s.f. in the Schedule of Use Regulations, Section 164-13, as follows:

Section 164 Attachment 1

[Bold underline = new language]

DISTRICTS

COMMERCIAL	R	RB	LB	GB	VC	I	CD#	SC	MB
<u>Marijuana Cultivator, up to 5,000 s.f.</u> ¹⁰	<u>A</u> ¹¹	<u>A</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>

¹⁰ **Area limitation refers to canopy as defined in 935 CMR 500.02**

¹¹ **The cultivation area shall be limited to not more than five percent (5%) of lot area and shall be limited to cultivation by owner on owner-occupied property. All cultivation shall be contained within a building or structure; outdoor open air cultivation is not permitted. In addition to the other special permit requirements in Section 164-40.4 E, the cultivation area shall be setback 25 feet from property lines, shall provide natural screening to abutting properties, and shall not allow any direct lighting to spillover to adjacent properties.**

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

(2/3 Vote Required)

PROPOSED MOTION

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

SUMMARY

This article would allow commercial cultivation of marijuana in virtually all zoning districts, including the Residential District of the Town. Up to five percent (5%) of lot area could be used for cultivation, not to exceed 5,000 s.f. in size. A Special Permit would be required, with abutter notification and a public hearing before the Zoning

Board of Appeals. Because this is commercial use proposed to be allowed in the Residential District, additional protections are proposed for that district:

- Cultivation area must be 25 feet from any property line
- It shall be screened from abutters with natural screening
- Open air cultivation is not permitted. It would have to be in a building or greenhouse.
- No direct spillover of lighting is allowed.
- Cultivation is limited to the resident owner of the property. A property could not be leased out to a marijuana grower.

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

ARTICLE 9. ACQUIRE BEACH AND MEADOW LAND OF THE HANNAH FAMILY

To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for open space and recreation purposes, all right, title and interest, if any, owned by Janice Hannah, Jameson Hannah and Jeffrey Hannah in beach and meadow land located in the Town of Orleans and described in Land Court Certificate of Title No. 4715 and shown on Land Court Plan 10859A and described in a deed recorded in the Barnstable Registry of Deeds in Book 10123 Page 95 and further shown on a plan recorded in Barnstable Plan Book 14 Page 49, together with all accretions thereto; and to transfer from available funds, or transfer from Community Preservation Undesignated Fund Balance; and, further, to authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursement from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and, further, to authorize the Board of Selectmen to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

PROPOSED MOTION

I move that this article be accepted and adopted as printed in the warrant and that the sum of _____ and 00/100 Dollars (\$_____) be transferred from the Community Preservation Undesignated Fund Balance for this purpose.

SUMMARY

This article seeks to clear the Town's title to the land comprising a portion of Nauset Spit located in the Town of Orleans and to acquire title to the so-called Hannah Meadow property located in Nauset Harbor near Nauset Spit. The Board of Selectmen has placed this article in the warrant in the event there is a settlement of a case pending against the Town in the Land Court by the Hannah family, which has been scheduled for mediation on October 25th, 2018.

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

ARTICLE 10. ALLOW ENTERPRISE FUNDS TO BE CONSIDERED OUTSIDE THE OPERATING BUDGET

To see if the Town will adopt the following proposed order of amendment to the Orleans Home Rule Charter:

Chapter 2, Section 5. Articles having fiscal implications Section 2-5-1.

Bold = new language

2-5-1. **Except for operating expenses associated with any Enterprise Fund established pursuant to M.G.L. c. 44, § 53F ½**, all proposed operating expenditures shall be included in a single, omnibus-type article in the Town Meeting Warrant. In addition, all regular proposed capital improvements expenditures shall also be included in an omnibus-type article in the Annual Town Meeting Warrant devoted to capital expenditures; or take any other action relative thereto. (Finance Committee)

(2/3 Vote Required)

PROPOSED MOTION

I move that this article be accepted and adopted as printed in the warrant. The amendment shall take effect on May 22, 2019.

SUMMARY

Chapter 2, Section 5 of the Orleans Home Rule Charter requires that “all proposed operating expenditures shall be included in a single, omnibus-type article in the Town Meeting Warrant”. This article would amend the Charter to enable the Town Meeting Warrant to include, as separate items, operating expenses associated with any Enterprise Fund, should such funds be established pursuant to M.G.L. c. 44, sec. 53F 1/2. This change would also provide for Town Meeting review and approval of such Funds.

This is a procedural change only, it provides the Town with more budgeting information, fiscal flexibility and focused attention on the expenses and income associated with Town activities such as the Beaches, Transfer Station and Rock Harbor.

The Orleans Home Rule Charter currently requires that assets like the Transfer Station, Nauset Beach, Skaket Beach and Rock Harbor must be operated within the general operating budget. This article would take the first step to amend the Orleans Home Rule Charter so that these assets could subsequently be treated as Enterprise Funds.

All expenses associated with the Enterprise Fund as well as the income to cover these expenses are projected for the fiscal year. If fees associated with the Enterprise Fund are insufficient the Town can provide funding from the general operating budget to offset any shortfall.

Following approval at Town Meeting, the Home Rule Charter amendment must be submitted to and approved by the Massachusetts Attorney General and then approved by the voters at the annual Town election in May 2019. Thereafter, the Town of Orleans could, with the approval of specific articles at subsequent Town Meetings, create Enterprise Funds.

BOS: 4 – YES 1 – NO 0 – ABSTAIN
FC: 6 – YES 0 – NO 0 – ABSTAIN

ARTICLE 11. FY 19 BUDGET ADJUSTMENTS

To see if the Town will vote to transfer from available funds, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2019 as follows:

1. Transfer the sum of Five Thousand and 00/100 Dollars (\$5,000.00), or any other sum, to the Veterans Benefits Expense Account for the purpose of funding Veterans Benefits.
2. Transfer the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00), or any other sum, to the Quality Assurance/Quality Improvement Review Expense Account for the purpose of performing an independent review of Ambulance and Emergency services to ensure healthcare compliance and facilitate collection activity.
3. Transfer the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, to the Selectmen/Town Administrator's Expense Account for the purpose of funding a Job Classification/Compensation Study.
4. Transfer the sum of Forty Five Thousand and 00/100 Dollars (\$45,000.00), or any other sum, to the Barnstable County Retirement Assessment Account for the purpose of funding the Town's share of the 2019 pension assessment for retirees of the former Tri-Town Septage Treatment Facility.

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

(Simple Majority Vote Required)

PROPOSED MOTION

I move this article be accepted and adopted as printed, and the transfers be made from Free Cash for the purpose(s) set forth in the article.

SUMMARY

These transfers will provide the additional funds necessary to cover the additional costs for Veterans Benefits, an Independent Review of Ambulance & Emergency Services, a Job Classification/Compensation Study and the Town's share of the Barnstable County Retirement Assessment for retired Tri-Town Septage Treatment Facility employees.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: Recommendation to be made at Town Meeting

ARTICLE 12. VOTE TO AUTHORIZE TAX COLLECTOR TO ACT AS TOWN COLLECTOR

To see if the Town will vote, pursuant to M.G.L. c. 41, §38A, to authorize the Tax Collector to act as the Town Collector, as follows:

Pursuant to M.G.L. c. 41, §38A, the Town of Orleans hereby authorizes the Tax Collector to act as the Town Collector.

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

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article which designates the Tax Collector as the Town Collector will result in centralization & efficiency in collection of Town receivables.

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

ARTICLE 13. ACCEPT GENERAL LAWS – DEFERRAL & RECOVERY AGREEMENTS FOR BETTERMENTS

To see if the Town will vote to accept Massachusetts General Laws Chapter 80 Section 13B which authorizes the Town to enter into deferred and recovery agreements with eligible owners of property when making an order of assessment for any betterment; or to take any other action relative thereto.

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article will authorize the Town to enter into deferred and recovery agreements with eligible owners of property when making an order of assessment for any betterment.

BOS:	4 – YES	0 – NO	1 – ABSTAIN
FC:	6 – YES	0 – NO	0 – ABSTAIN

ARTICLE 14. ACCEPT GENERAL LAWS – APPORTIONMENT OF FUTURE SEWER ASSESSMENTS OR UNPAID BALANCES

To see if the Town will vote to accept Massachusetts General Laws Chapter 83 Section 15D which authorizes the Town to apportion all future sewer assessments; or to take any other action relative thereto.

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article authorizes the Town to apportion all future sewer assessments or unpaid balance of assessments over a period not to exceed 30 years.

BOS: 4 – YES 0 – NO 1 – ABSTAIN
FC: 6 – YES 0 – NO 0 – ABSTAIN

ARTICLE 15. ACCEPT GENERAL LAWS – INTEREST ON UNPAID BALANCE OF SEWER BETTERMENT ASSESSMENT

To see if the Town will vote to accept Massachusetts General Laws Chapter 83 Section 15C which authorizes the Town to assess and collect interest on the unpaid balance of a sewer betterment assessment; or to take any other action relative thereto.

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

The article will authorize the Town to assess and collect interest on the unpaid balance of a sewer betterment assessment at the rate up to two percent (2%) above the net rate of interest chargeable to the Town for the project to which the assessment relates.

BOS: 4 – YES 0 – NO 1 – ABSTAIN
FC: 6 – YES 0 – NO 0 – ABSTAIN

ARTICLE 16. AMEND GENERAL BYLAWS CH. 95 - AMBULANCE AND EMERGENCY SERVICES

To see if the Town will vote to amend the General Bylaws by adding the following new Chapter 95, AMBULANCE AND EMERGENCY SERVICES:

§95-1. The Board of Selectmen, with the advice of the Chief of the Fire Department, shall establish a schedule of fees to be charged for transportation in the Fire

Department ambulance and for emergency medical service provided by the Fire Department. The fee schedule shall reflect current costs to the Town for the operation of the ambulance and the providing of emergency medical services only. Said fee schedule shall be periodically adjusted to reflect changing costs.

§95-2. The Town Collector/Treasurer shall receive all payments from whatever sources for charges issued for the above services.

§95-3. The Town Administrator shall be authorized to enter into contracts to facilitate payment of such charges.

§95-4. The Board of Selectmen, with the advice of the Chief of the Fire Department and the Finance Director, shall have the right to waive charges for any reason deemed adequate.

§95- 5. This Bylaw shall not be subject to the provisions of the Town Code §94-8.A. Or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article proposes a new General Bylaw for the establishment and collection of fees related to Fire Department ambulance and emergency medical service transportation.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	4 – YES	2 – NO	0 – ABSTAIN

ARTICLE 17. AMEND GENERAL BYLAWS CH. 40 – PERSONNEL AND FUND NON-UNION EMPLOYEE COLA

To see if the Town will vote to approve a two percent (2%) cost of living wage increase for the period of July 1, 2018 to June 30, 2019 (FY19) for those employees who are covered by the Personnel Bylaw Compensation Plans and those employees covered by individual contracts and employment agreements; or take any action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article provides for a two percent (2%) cost of living wage increase for those non-union employees covered by the Personnel Bylaw Compensation Plans and employees covered by individual contracts and employment agreements. Funding for the COLAs is included in the FY19 operating budget.

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

ARTICLE 18. FUND ORLEANS MANAGERS UNION CONTRACT (FY19)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY19 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the Orleans Managers Union, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article funds contract obligations with the Orleans Managers Union for the period July 1, 2018 – June 30, 2019 (FY19). The contract has been settled and the two percent (2%) cost of living wage increase for FY19 is included in the operating budget and no additional funds will need to be transferred as part of the motion to accept and adopt the article.

BOS: 4 – YES 0 – NO 1 – ABSTAIN
FC: Recommendations to be made at Town Meeting

ARTICLE 19. FUND ORLEANS PERMANENT FIREFIGHTERS ASSOCIATION CONTRACT (FY19)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY19 Salary Accounts for the Fire Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F., or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article funds the contract obligations with the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F for the period July 1, 2018 – June 30, 2019 (FY19). The FY19 operating budget includes funding for a two percent (2%) cost of living wage increase for those employees covered by the Union contract. At the time the warrant went to press, negotiations were on-going. If the contract is settled within the available appropriation, no additional funds will need to be transferred as part of the motion to accept and adopt the article.

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

ARTICLE 20. FUND ORLEANS POLICE FEDERATION CONTRACT (FY19)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY19 Salaries Account for the Police Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Police Federation, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article will fund contract obligations with the Orleans Police Federation, for the period July 1, 2018 – June 30, 2019 (FY19). The FY19 operating budget includes funding for a two percent (2%) cost of living wage increase for those employees covered by the Union contract. At the time the warrant went to press, negotiations were on-going. If the contract is settled within the available appropriation, no additional funds will need to be transferred as part of the motion to accept and adopt the article.

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

ARTICLE 21. FUND STEELWORKERS UNION CONTRACT (FY 19)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY19 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 13507, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article funds the contract obligations with the United Steelworkers Local Union 13507 for the period July 1, 2018 – June 30, 2019 (FY19). The FY19 operating budget includes funding for a two percent (2%) cost of living wage increase for those employees covered by the Union contract. At the time the warrant went to press, negotiations were on-going. If the contract is settled within the available appropriation, no additional funds will need to be transferred as part of the motion to accept and adopt the article.

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

ARTICLE 22. FUND CLERICAL AND TECHNICAL UNION CONTRACT (FY 19)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY19 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 9158 Unit #2, Clerical and Technical Union, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article funds the contract obligations with the United Steelworkers Local Union 9158 Unit #2, Clerical and Technical Union for the period July 1, 2018 – June 30, 2019 (FY19). The FY19 operating budget includes funding for a two percent (2%) cost of living wage increase for those employees covered by the Union contract. At the time the warrant went to press, negotiations were on-going. If the contract is settled within the available appropriation, no additional funds will need to be transferred as part of the motion to accept and adopt the article.

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

ARTICLE 23. AMEND SHELLFISH REGULATIONS

To see if the Town will vote to approve the action of the Board of Selectmen in amending the Orleans Code §176 Shellfish Regulations, a copy of the amended Regulations as approved by the Board of Selectmen is on file with the Town Clerk, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

PROPOSED MOTION

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

SUMMARY

This article approves the action of the Board of Selectmen in voting to update the Shellfish Regulations including fines for violations thereof.

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

ARTICLE 24. RESCIND CPA PROJECT FUNDING

To see if the Town will vote to act on the report and recommendations of the Community Preservation Committee to amend the action taken under Article 4 of the May 11, 2015 Annual Town Meeting by rescinding the appropriation continued therein in the amount of Fifty Nine Thousand Twenty Five and 00/100 Dollars (\$59,025.00) for Project 1 HECH Housing Emergency Loan Program and to transfer those funds to the Community Preservation Undesignated Fund balance, or take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote Required)

PROPOSED MOTION

I move that this article be accepted and adopted as printed in the warrant and that the sum of Fifty Nine Thousand Twenty Five and 00/100 Dollars (\$59,025.00) be transferred to the Community Preservation Undesignated Fund balance for the purposes of and in the amounts set forth in the article.

SUMMARY

Project 1 HECH Housing Emergency Loan Program is not being implemented and as a result the Community Preservation Committee has voted to recommend the funds be transferred to the Community Preservation Undesignated Fund balance.

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

ARTICLE 25. TRANSFER CPA FUNDS TO AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to act on the report and recommendations of the Community Preservation Committee to transfer the sum of Three Hundred Fifty Nine Thousand Twenty Five and 00/100 Dollars (\$359,025.00) to the Affordable Housing Trust Fund, or take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote Required)

PROPOSED MOTION

I move that this article be accepted and adopted as printed in the warrant and that the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) be transferred from the Community Preservation Historic Resources Reserve, and that the sum of Fifty Nine Thousand Twenty Five and 00/100 Dollars (\$59,025.00) be transferred from the Community Preservation Undesignated Fund Balance for the purposes set forth in the article.

SUMMARY

At the May 2018 Annual Town Meeting, the Town voted the Community Preservation Act Committee’s recommendation to transfer the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) to the Housing Reserve Fund. The Community

Preservation Act Committee is now recommending that the funds be transferred, plus add an additional Fifty Nine Thousand Twenty Five and 00/100 Dollars (\$59,025.00), to the newly created Affordable Housing Trust Fund.

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

ARTICLE 26. CLOSING ARTICLE

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

(Simple Majority Vote Required)

PROPOSED MOTION

I move this meeting be adjourned.

Given under our hands this THIRD of OCTOBER in the year of our Lord TWO THOUSAND EIGHTEEN

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

Alan McClennen, Chairman.
Mark Mathison
Mefford Runyon
David Currier
Kevin Galligan

ORLEANS BOARD OF SELECTMEN

BARNSTABLE SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the Special Town Meeting to be held on Monday, October 29, 2018 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE fourteen (14) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable

**NOVEMBER 6, 2018
BALLOT QUESTIONS**

There are 5 ballot questions on the State Election Warrant with questions 4 and 5 related to Orleans projects as follows:

QUESTION 4.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the costs associated with the implementation of the Nauset Beach Retreat Master Plan and Facility Relocation project, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 5.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund additional costs relating to the demolition of the Tri-Town Septage Facility and compost shed located on Overland Way, including all expenses incidental and related thereto?

YES _____ NO _____

TOWN OF ORLEANS BOARDS AND COMMITTEES

Affordable Housing Committee – Works to create and maintain affordable housing stock which is equal to at least 10% of Orleans’ year-round occupied dwelling units. Seven members.

Affordable Housing Trust Fund Board – Works to provide for the creation and preservation of affordable housing in Orleans, for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of MGL Chapter 44, §55C. Five - Six members.

Agricultural Advisory Council – Represents the town’s agricultural community with regard to sustainable agriculture-based economic activities in Orleans. Five members.

Architectural Review Committee – Promotes the continuation of attractive building and landscaping styles, with a good blending of the old and the new. Five members and two associates.

Bike and Pedestrian Committee – Advocates and supports the use of bicycling as transportation and recreation and makes recommendations to encourage and facilitate safe cycling within the Town. Seven members.

Board of Assessors – Sets policies regarding property valuation; sets tax rates; administers motor vehicle excise and boat excise; hears assessment appeals and abatements; reviews exemption applications; and administers betterments. Three members.

Board of Health - Elected board that through the Massachusetts General Laws and state regulations, is responsible for protecting the public health, safety and environment of the community accomplished through enforcement of state laws, the sanitary and environmental code, adopting reasonable local health regulations and by implementing preventive programs. Five members.

Board of Trustees for Snow Library – Acts as the governing body of Snow Library. Sets policies regarding use of the building; determines the days and hours of operation; approves, promotes and participates in functions, displays, and exhibitions held in the library; and oversees all financial matters pertaining to the library. Seven members.

Board of Selectmen – Serves as the chief executive goal-setting and policy making agency of the Town. Among other responsibilities as outlined in the Orleans Home Rule Charter, the Board enacts rules and regulations establishing town policies, acts as the licensing authority for the Town, and appoints certain personnel, board and committee members. Five members.

Board of Water & Sewer Commissioners – Develops rules and regulations and sets policies governing the operation of the municipal water system. Oversees the watershed properties. 3 members and 2 associates appointed by the Selectmen, 1 member appointment each from the Planning Board and 1 from the Board of Health.

Building Code Board of Appeals – Reviews appeals made by builders and individuals from the requirements of the Massachusetts State Building Code. Five members.

Cape Cod Commission – One person appointed by Board of Selectmen to represent the Town at the Cape Cod Commission, dealing with issues of regional significance.

Cape Cod Regional Tech High School Committee – Formulates and adopts policy for the Regional Tech School system and hires a superintendent. 1 Orleans resident to act as Representative and 1 resident to act as alternate appointed by the Town Moderator.

Commission on Disabilities – Coordinates and carries out programs designed to meet the problems of persons with disabilities; ensures appropriate accessibility and compliance with Americans with Disabilities Act and regulations of the State and Town as related to the needs of persons with disabilities. Five members and two associates.

Community Preservation Committee - The Community Preservation Committee implements the requirements of the Community Preservation Act and makes recommendations to the Town Meeting for the use of monies in the Community Preservation Fund. Eligible projects involve opens space, historic preservation, community housing, and recreation that are consistent with a Community Preservation Plan based upon the Local Comprehensive Plan. Nine members.

Conservation Commission – Administers the Massachusetts Wetlands Protection Act (Mass. General Law Chapter I31, Section 40) and the Orleans Wetlands By-Law (Code of the Town of Orleans, Chapter I60); manages conservation properties. Seven members and three associates.

Council on Aging Board of Directors – Directs the Council on Aging, which is the designated agency to evaluate, promote and encourage new and existing activities and services for the older residents of the community. Seven members.

Cultural Council – Promotes the arts and humanities in the Town of Orleans; reviews Arts Grants Applications and makes grant awards, administers the Town Hall Art Gallery. Five to twenty-two members.

DPW Building Committee – develops a timeline for the completion of work; assists the Town Administrator in the designer selection process; maintains the project scope as outlined in the new January 2016 New Public Works & Natural Resources Facility Schematic Design Report recommending the 37,242 sq. ft. facility; works with the architect to refine the schematic design and develop information materials about the

proposed project and conduct a public information program in advance of public hearings; works with the architect to prepare the Design Development Documents and present the final project design plans and construction budget to the Selectmen for approval; works with the architect to prepare the Construction Documents and present final plans to the Selectmen for approval so that the bid process can begin; if funding is approved, the Committee will continue to review and report on the progress of the project until its completion, serving in an advisory capacity to the Selectmen and Town Administrator.

Finance Committee – Reviews proposed budget, capital plan and warrant articles and provides residents with information and recommendations resulting from their in depth review and investigation. Nine members appointed by Town Moderator.

Fourth of July Committee – Responsible for planning, organizing, and overseeing the annual Fourth of July parade and fireworks. Seven members and three associates.

Historical Commission – Transmits the Historical Property Survey to the Massachusetts Historical Commission. Nominates properties and districts for historical designation by the State Historical Commission. Seven members.

Human Services Advisory Committee – Reviews funding requests from human services agencies in order to determine which requests and what amounts may be presented to the Annual Town meeting for consideration. Five members.

Marine & Fresh Water Quality Committee – Studies water quality issues; devises alternatives to current practices to protect marine water resources; conducts and analyzes Town's water quality monitoring program; operates water quality laboratory. Seven members.

Memorial Day & Veteran's Day Committee – The Committee shall plan, organize and oversee ceremonies and events honoring our veterans on Memorial Day and Veteran's Day.

Old King's Highway Regional Historic District Commission - The purpose of the Old King's Highway Regional Historic District Act is to promote the preservation and protection of buildings, settings and places within the boundaries of the District. Each application shall be judged on the criteria set forth in the Act under Section 10 including therein, but not limited to, historic value and significance, general design, arrangement, texture, material, color, relative size and settings. Five members with at least three members residing in the district.

Ombudsman Task Force – assists the Board of Selectmen in identifying areas where the Town could improve upon its interactions with residents and businesses including providing a link between residents, visitors and employees who have problems or are

seeking information and solutions, along with technical assistance and advocacy for businesses to identify and resolve business or permitting challenges. Five members.

Open Space Committee – Assists the Town in the acquisition and preservation of open space; revises and updates the Conservation, Recreation and Open Space Plan; prepares grant applications, assists property owners in keeping private lands preserved as open space. Five members.

Personnel Advisory Board – Responsible for the administration of the Town Personnel Classification Plan. Also, conducts inter-town studies of wage rates and employee benefits, mediates disputes over the interpretation of grievance procedure; factors new positions for placement in the classification schedule, and re-factors existing positions when the responsibilities have changed. Three members.

Planning Board – Oversees subdivision of land, considers long range planning and initiates changes to zoning by-laws. Five regular members and two associates.

Renewable Energy/Wind Committee – Shall identify and review renewable energy options that meet the goals and objectives established by the Board of Selectmen and that build upon work of prior committees. The Committee shall explore and analyze topics such as energy production facilities and infrastructure, efficiency and conservation measures, regional opportunities, funding sources, business costs and revenues, and public outreach and education. Five regular and two associate members.

Shellfish and Waterways Improvement Advisory Committee – Serves as an advisory committee to the Board of Selectmen on all matters relating to the Town's shellfish beds. 7 regular members and 2 associate members with priority given to those possessing varied and related backgrounds in marine science, boating, shellfishing, fishing, dealers and aquaculture both commercial and recreational. At least 2 commercial fishermen, if possible.

Zoning Board of Appeals – Hears applications and petitions for Special Permits and Variances and makes determinations for granting or denying same under the constraints of the Zoning By-Laws of the Town and Mass. General Laws, Chapter 40A. Hears and decides appeals from decisions of the zoning administrator. Five regular members and three associate members.

Zoning Bylaw Task Force – Reviews the Orleans Zoning Bylaw on an ongoing basis to identify areas for improvement, resolve discrepancies, draft new sections as needed and expand and clarify definitions. Five members and two ex officios.

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

CITIZEN INTEREST FORM

Date	Name	
Street Address		
Mailing Address (including Zip Code)		
Home Phone	Cell Phone	E-Mail

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

Experience which might be helpful to the Town:

Educational Background which might be useful to the Town:

Are you available to serve on a Town committee/commission on a year-round basis?

Yes **No** If not, what is your availability? _____

How did you become interested in serving the Town?

Newspaper **Friend** **Personal Interest** **Other** _____

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

PLEASE RETURN THIS FORM TO:
TOWN ADMINISTRATOR'S OFFICE
19 School Road
Orleans, MA 02653

TOWN OF ORLEANS COMMITTEES, BOARDS AND COUNCILS

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

- | | |
|---|---|
| <ul style="list-style-type: none"> — Affordable Housing Committee — Affordable Housing Trust Fund Board — Agricultural Advisory Council — Architectural Review Committee — Barnstable County Home Consortium (Orleans Rep.) — Barnstable County Human Right Commission (Orleans Rep.) — Bike & Pedestrian Committee — Board of Assessors — Board of Water & Sewer Commissioners — Building Code Board of Appeals — Cape Cod Commission (Orleans Rep.) — Cape Cod Light Compact JPE (Orleans Rep.) — Commission on Disabilities — Community Preservation Committee — Conservation Commission — Council on Aging — Cultural Council — Finance Committee | <ul style="list-style-type: none"> — Fourth of July Committee — Historical Commission — Human Services Advisory Committee — Long Range Capital Planning Committee — Insurance Advisory Committee — Marine & Fresh Water Quality Committee — Memorial & Veterans Day Committee — Open Space Committee — Personnel Advisory Board — Planning Board — Pleasant Bay Alliance Steering Committee — Renewable Energy/Wind Committee — Shellfish & Waterways Improvement Advisory Committee — Zoning Board of Appeals — Zoning Bylaw Task Force — Other (please list) <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/> |
|---|---|

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