

**TOWN OF ORLEANS
TOWN MEETING WARRANT**

for use at

**MONDAY, October 22, 2007
SPECIAL TOWN MEETING – 6:30 PM
Nauset Middle School Gymnasium**



**ELECTION
TUESDAY, October 30, 2007
7:00 AM - 8:00 PM
Former American Legion Hall**

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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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ORLEANS TOWN MEETING BY-LAWS

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:

1. Procedural Rules: The Moderator shall enforce procedural rules in accordance with general laws, the Charter, and these By-Laws.
2. 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 Orleans Town Meeting if the Charter had not been adopted shall apply.
3. 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.
4. Quorum: For all Town Meetings, both annual and special, there shall be required a quorum of a least five (5) percent of the registered voters of the Town.
5. 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.
6. Moderator: Participation in Discussions: The Moderator, when acting as such, shall not participate in any discussions.
7. 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.
8. Motions in Writing: All motions shall be submitted in writing.
9. Withdrawal of Motions: A motion moved, seconded and stated may be withdrawn by the mover and the seconder.
10. Precedence of Motions: When a question is under debate, motions shall have precedence in the order of their arrangement shown on the attached chart.

11. Changing Order of Articles: The order of consideration of the articles as printed in the warrant may be changed only by a two-third (2/3) vote of the Town Meeting.
12. Speaking Twice: No person shall speak twice on the same question until all those wishing to speak thereon have done so, nor shall any person speak for more than five (5) minutes at one time, except by permission of the Town Meeting; provided, however, that the restrictions shall apply neither to those persons required to be in attendance under provisions of Clause 2-7-3 of the Charter (town officers, members of boards and commissions, department heads, or their duly designated representatives, when proposals affecting their various office, board or department are being considered), nor to those persons making the original motion under any article.
13. 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.
14. 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.
15. Move the Question: Requires a second. Not debatable. Four-fifths (4/5) Vote. Terminates debate.
16. 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.
17. Amendments to Motions: The first amendment to a motion may be amended (secondary amendment). This secondary amendment may not itself be amended.
18. Article for Capital Improvement: In accordance with Charter clause 8-7-1, an article for capital improvements not in compliance with the Capital Improvement Plan shall require a three-quarter (3/4) majority vote of the Town Meeting.

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

“The town meeting shall act on the capital improvement plan and budget, provided that any article for capital improvements not in compliance with clause 8-5-1 shall require a three-fourth majority vote of the town meeting.”

Clause 8-5-1 of the Charter reads:

“The Town Administrator shall prepare a five-year capital improvement plan, which shall be designed to deal with unmet long-range needs, and to implement the goals and objectives of the official town plan.”

19. 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.”

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-SECOND day of OCTOBER in the year TWO THOUSAND SEVEN 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)

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.

FCR: Recommendation to be made at Town Meeting.

ARTICLE 2. TRANSFER ARTICLE

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2008 as follows:

transfer One Thousand Ninety-Eight and 00/100 Dollars (\$1,098.00), or any other sum, from the Assessing Department Expense Account to the Assessing Department Salary Account.

SUMMARY

This transfer is due to a reorganization of the department.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: 6 – YES 0 – NO 0 – ABSTAIN

ARTICLE 3. FUND BEACH SNACK BARS FEASIBILITY STUDY

To see if the Town will vote to transfer from available funds the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00), or any other sum, for the purpose of funding a feasibility study for the renovation of the existing snack bars at Nauset Beach and Skaket Beach and authorize the Board of Selectmen and/or the 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)

SUMMARY

The existing facilities at Nauset Beach and Skaket Beach are in need of renovation. The Nauset Beach Snack Bar was built in the 1950's, has inadequate space and is not properly laid out for fast food service, and the existing wiring, flooring and ceiling joists do not meet current state building codes. The Skaket Beach Snack Bar also has inadequate space, improperly laid out wiring, the hood system does not meet code, and there are improper coverings on the walls to meet Health codes. Both snack bars are operated by concessionaires under a lease arrangement with the minimum annual payment to the Town of \$73,000 for Nauset and \$8,000 for Skaket Beach.

(Simple Majority Vote Required)

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

ARTICLE 4. FUND ROCK HARBOR BULKHEAD RECONSTRUCTION

To see if the Town will vote to borrow and/or transfer from available funds a sufficient sum for the purpose of replacement of the bulkhead at Rock Harbor, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½) the amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

In May, voters approved the preparation of design plans for this project, which includes the installation of approximately 275 linear feet of steel sheeting outside of the existing concrete bulkhead within the inner portion of the harbor and replacement of the existing concrete sidewalk and guard rails. Loss of sediment from underneath the existing concrete bulkhead has compromised the stability of the sidewalk and the integrity of the adjacent roadway. Funding for this reconstruction project is also subject to a debt exclusion ballot question. At the time the warrant went to press the project was out to bid.

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

ARTICLE 5. AUTHORIZE TRANSFER CABLE FRANCHISE FEES

To see if the Town will vote to transfer from the Cable Fees Reserve for Appropriation Account the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) to the Cable TV Expense Account, or any other sum, to be spent under the direction of the Board of Selectmen for the purpose of contract negotiations, and the sum of Five Thousand and 00/100 Dollars (\$5,000.00) to the Cable TV Salaries Account, or any other sum, for backup operation of the Town's electronic communications media, or to take any other action related thereto.

(Simple Majority Vote Required)

SUMMARY

This Article seeks permission to expend \$15,000 of available Cable Franchise Fee revenues as follows: \$10,000 to fund negotiations with Comcast relative to Lower Cape TV (Channel 17) and extension of our current franchise agreement, and \$5,000 to provide funds for substitute equipment operators for the Orleans Government Access Channel (Channel 18).

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

ARTICLE 6. AMEND BOARD OF SELECTMEN FEES

To see if the Town will vote to authorize the Board of Selectmen to increase the fees for certain Liquor Licenses and fees for certain boat slips and moorings, as published in the Orleans Cape Coder on September 28, 2007 and on file in the offices of the Board of Selectmen and the Town Clerk, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Selectmen propose to increase the license fees for common victualler all-alcoholic licenses and retail package wine & malt licenses. On the recommendation of the Shellfish and Waterways Advisory Committee, the Selectmen also propose to increase fees for slips at Rock Harbor, town moorings and shellfish licenses. Public hearings were scheduled at the Town Hall on October 10, 2007. In accordance with the General Bylaws of the Town Article VII, Local User Fees, License Fees and Permit Fees § 94-8 Restrictions on Certain Fees Set by Board of Selectmen, the Board of Selectmen may not establish new fees, nor increase existing fees more than 5%, without Town Meeting approval.

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

ARTICLE 7. AMEND TOWN CLERK FEES

To see if the Town will vote to increase the fees titled "Town Clerk Fees" as published in the Orleans Cape Codder on September 28, 2007 and on file in the offices of the Board of Selectmen and the Town Clerk, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Town Clerk proposes to increase the fees for filing intention of marriage, fees for certified copies of birth, marriage or death, and fees for business certificates. A public hearing was scheduled at the Town Hall on October 10, 2007. In accordance with the Massachusetts General Law Chapter 262 § 34, the Town Clerk may not increase fees without Town Meeting approval.

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

ARTICLE 8. AMEND PARK COMMISSIONERS FEES

To see if the Town will vote to authorize the Board of Selectmen, acting as Park Commissioners, to increase the fees for resident off-road vehicle stickers, as published in the Orleans Cape Codder on September 28, 2007 and on file in the offices of the Board of Selectmen and the Town Clerk, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Selectmen, acting as Park Commissioners, propose to increase the Resident Off-Road Vehicle sticker fee and to charge a fee for Replacement Stickers. A public hearing was scheduled at the Town Hall on October 10, 2007. In accordance with the General Bylaws of the Town Article VII, Local User Fees, License Fees and Permit Fees § 94-8 Restrictions on Certain Fees Set by Board of Selectmen, the Board of Selectmen may not establish new fees, nor increase existing fees more than 5%, without Town Meeting approval.

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

ARTICLE 9. FUND ORLEANS MANAGERS UNION CONTRACT

To see if the Town will vote to transfer from available funds the sum of One Hundred Twenty-Five Thousand and 00/100 Dollars (\$125,000.00) to be added

to the FY07 and FY08 Salaries Accounts, and the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) to undertake a classification/compensation study of existing positions for various town departments with employees covered under the collective bargaining agreement between the Town and the Orleans Managers Union, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund a new three-year contract between the Town and the Orleans Managers Union for the period July 1, 2006 - June 30, 2009. The classification/compensation study may also include positions outside of those currently in the Managers Union.

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

**ARTICLE 10. FUND UNITED STEELWORKERS OF AMERICA,
AFL-CIO CONTRACT**

To see if the Town will vote to transfer from available funds the sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) to be added to the FY07 Salaries Accounts and raise and appropriate the sum of Forty-Eight Thousand and 00/100 Dollars (\$48,000.00) to be added to the FY08 Salaries Accounts for various town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers of America, AFL-CIO, provided however that the sum of \$48,000 shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Law Chapter 59 §21C (Proposition 2 ½) paragraphs (g) and (m), or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund a new three-year contract between the Town and the United Steelworkers of America, AFL-CIO for the period July 1, 2006 – June 30, 2009 and implement the recommendations of an existing classification/compensation study for union positions, with the funding necessary to implement the study subject to a general override ballot question.

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

ARTICLE 11. AUTHORIZE LEASE FOR SKAKET BEACH CONCESSION STAND

To see if the Town will vote to authorize the Board of Selectmen, acting as the Park Commissioners, to lease on such terms as they deem appropriate, the Skaket Beach Concession Stand for a period not to exceed five (5) years or to take any other action relative thereto. (Board of Selectmen)

SUMMARY

The current contract for leasing the Skaket Beach Concession Stand expires in November, and proposals have been received for leasing the concession for a period not to exceed five years. This article will allow the Board of Selectmen, acting as Park Commissioners, to enter into a new lease with a concession operator.

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

ARTICLE 12. AMEND MAY 2007 ANNUAL TOWN MEETING VOTE (COMMUNITY PRESERVATION ACT PROGRAM BUDGET)

To see if the Town would vote to amend the action taken under Article 4 of the May 2007 Annual Town Meeting as follows:

That the sum of Four Hundred Eighty Thousand and 00/100 Dollars (\$480,000.00) be amended to the sum of Five Hundred Thirty Thousand and 00/100 Dollars (\$530,000.00), to include funding of all nine items set forth in Article 4, and in all other respects the action taken under Article 4 is hereby ratified and confirmed, or to take any other action relative thereto.

(Simple Majority Vote Required)

SUMMARY

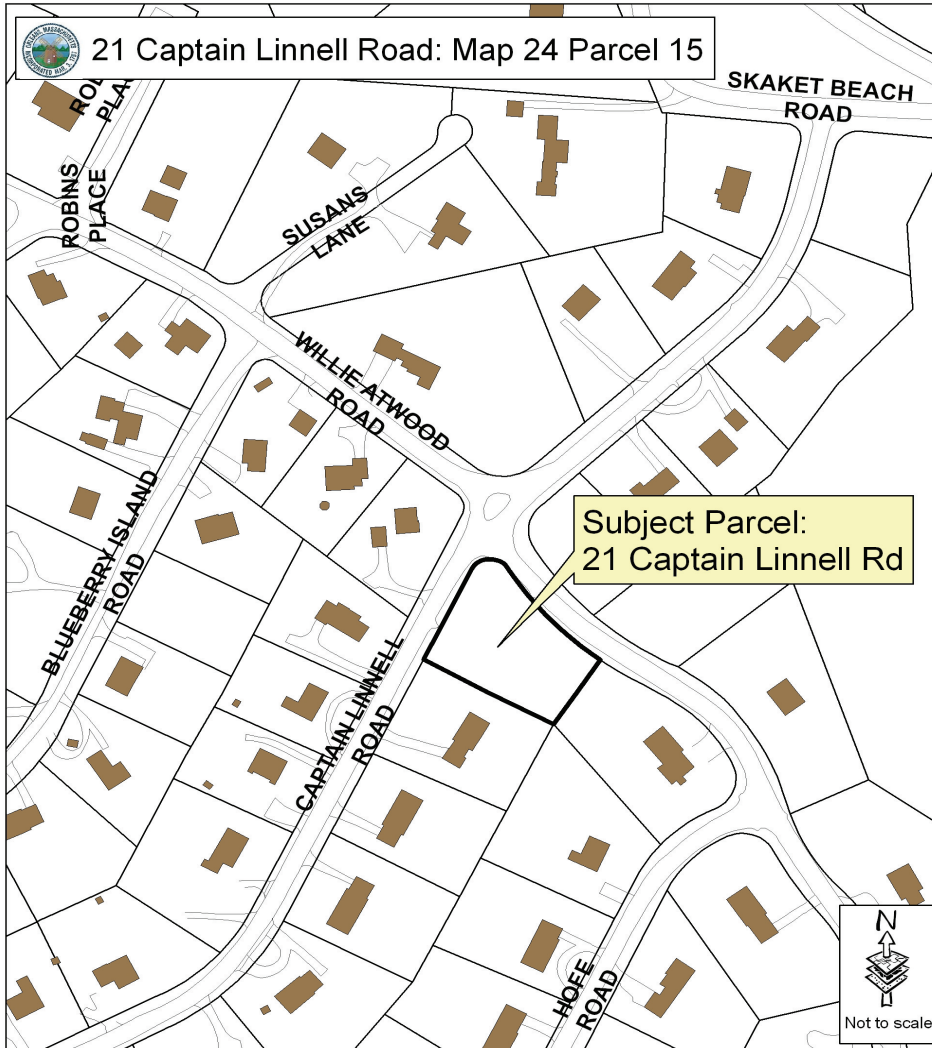
This article seeks to correct an error in the motion adopted under Article 4 of the May 2007 Annual Town Meeting for expenditure of CPA funds. Although \$530,000 of expenditures were included in the body of the article, an appropriation of \$480,000 was included in the motion. This article will correct that error.

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

ARTICLE 13. ACQUIRE LAND AT 21 CAPTAIN LINNELL ROAD

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, by purchase, or otherwise, for the land located at 21 Captain Linnell Road, shown on the Orleans Assessor's Map 24 as Parcel 15 for general municipal purposes and, further, to authorize the Board of Selectmen to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, including the grant of a conservation restriction, or to take any other action relative thereto, provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 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. (Board of Selectmen)

(2/3 Vote Required)



SUMMARY

The vacant land at 21 Captain Linnell Road has been the subject of litigation regarding the buildability of the site for residential purposes. The Board of Selectmen seek authorization to purchase the land for general municipal purposes to resolve the exiting litigation and result in Town ownership of the land.

- BOS:** Recommendation to be made at Town Meeting.
- FC:** Recommendation to be made at Town Meeting.

ARTICLE 14. CLOSING ARTICLE

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

(Simple Majority Vote Required)

Given under our hands this THIRD day of OCTOBER in the year of our Lord TWO THOUSAND SEVEN.

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

John. P. Hinckley, Jr., Chairman
David M. Dunford
Margie Fulcher,
Mark E. Carron
Jon R. Fuller
ORLEANS BOARD OF SELECTMEN

Barnstable SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the said at 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