

**TOWN OF ORLEANS
TOWN MEETING WARRANTS**

for use at

**MONDAY, May 12, 2008
ANNUAL TOWN MEETING - 6:30 PM
&
SPECIAL TOWN MEETING – 6:30 PM
Nauset Middle School Gymnasium**



**ANNUAL ELECTION
TUESDAY, May 20, 2008
7:00 AM - 8:00 PM
Former American Legion Hall
Published as a supplement of
The Cape Codder – April 25, 2008**

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

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

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MOTION CHART

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

Motions	Debatable	Non-Debatable	Amendable	Non-Amendable	Second Required	Second Not Required	Vote Required	May Reconsider	May Not Reconsider
1. Point of Order		X				X	n/a		
2. Previous Question Terminate Debate		X		X	X		4/5		
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:

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.”

FINANCIAL SUMMARY

TO THE VOTERS:

The Annual Town Meeting warrant includes a number of articles that have an impact on the financial condition of the town, as well as on individual voters in terms of local property taxes. To assist you in your deliberations, each funding article contains a fiscal year 2009 tax rate impact per thousand dollars of assessed valuation. In addition, on the following pages you will find a number of schedules and charts that are included in the warrant to provide additional information that may be of help to you at Town Meeting.

The “Financial Plan” compares revenues and expenditures as adopted in FY 2008 with those proposed in FY 2009. The plan assumes adoption of all funding articles as printed in the Annual Town Meeting warrant. As presented, the total expenditures proposed for FY 2009 amount to \$27,390,000, an increase of \$1,432,000 or 5.5% over FY 2008. The tax rate of \$4.82 per thousand dollars of assessed valuation represents an increase of \$0.30 or 6.7% over fiscal year 2008.

A “Tax Rate” information table provides the anticipated tax rate and tax impact on a property valued at \$700,000 for articles that are funded by property taxes. The total estimated property tax rate increase (\$0.30 or 6.7%) can be attributed to a number of items being proposed in FY 2009 including Debt Exclusions (\$415,000 or \$0.11); Capital Expenditures Exclusion (\$56,000 or \$0.02); Statutory Increase (\$408,000 or \$0.10); and General Overrides (\$291,500 or \$0.08).

The “Proposed Operating Budget” for fiscal year July 1, 2008 – June 30, 2009 compares the 2008 adopted and 2009 proposed budgets, and includes the schedule “Capital Outlay Requests,” which identifies capital expenditures of \$10,000 or greater by individual department, line item, description and amount. For FY 2009, the proposed budget, inclusive of all non-school and school operating costs is \$27,131,254 and includes contingent appropriations of \$203,500 for Town Departmental Expenses, \$44,000 for Orleans Elementary School Expenses and \$44,000 for the Nauset Regional School Assessment, which, as proposed, will each be subject to a general override. The total operating budget as proposed for FY 2009 represents an increase of 6.13% over FY 2008.

Finally, there are two additional charts that summarize the Town’s “Financing Sources” and “Expenditure Comparison By Organizational Group” for both fiscal years 2008 and 2009.

John F. Kelly
Town Administrator

FINANCIAL PLAN
FOR THE FISCAL YEARS 2008 & 2009
(\$000)

<u>REVENUES</u>	<u>ADOPTED FY 2008</u>	<u>PROPOSED FY 2009</u>	<u>DOLLAR CHANGE</u>	<u>PERCENT CHANGE</u>
Property Tax				
Property Tax (Base)	15,019	16,008	990	6.6%
Statutory Increase	376	400	25	6.6%
Growth	245	181	(64)	-26.3%
Debt/Capital Exp. Exclusions	1,622	2,093	471	29.1%
Cape Cod Commission Act	126	130	3	2.5%
General Override	369	292	(78)	-21.0%
Unused Levy Capacity	(5)	0	5	-100.1%
Community Preserv. Surtax	520	562	42	8.0%
Total Property Tax	<u>18,272</u>	<u>19,666</u>	<u>1,394</u>	<u>7.6%</u>
Provision for Abatement/Exempt	(195)	(200)	(5)	2.5%
Non-Property Tax				
State Aid	787	802	15	1.9%
Motor Vehicle Excise	1,039	1,039	-	0.0%
Local Receipts	4,123	4,215	92	2.2%
Free Cash	710	502	(209)	-29.4%
Funds Resv. Appr./Other Avail.	1,029	1,174	145	14.1%
Hotel Tax	192	192	(0)	-0.1%
Total Non Property Tax	<u>7,880</u>	<u>7,924</u>	<u>43</u>	<u>0.5%</u>
TOTAL REVENUES	25,958	27,390	1,432	5.5%
Assessed Value (est. as of 1/1/07)	3,927,447	3,959,447	32,000	0.8%
Tax Rate	4.52	4.82	0.30	6.7%
<u>EXPENDITURES</u>				
Non-School				
Salaries and Wages	8,491	8,815	324	3.8%
Fringe Benefits	1,541	1,736	195	12.7%
Pensions	949	1,020	71	7.4%
General Expenses	3,349	3,508	159	4.7%
State/County Assessments	449	454	5	1.2%
Sub Total - Non Sch Operating	<u>14,778</u>	<u>15,533</u>	<u>754</u>	<u>5.1%</u>
Capital Expenditures	937	926	(12)	-1.2%
Debt	2,272	2,684	412	18.1%
Sub Total - Non Sch Capital/Debt	<u>3,210</u>	<u>3,610</u>	<u>400</u>	<u>12.5%</u>
Total - Non School	<u>17,988</u>	<u>19,142</u>	<u>1,154</u>	<u>6.4%</u>
School				
Nauset Regional	3,237	3,384	148	4.6%
Orleans Elementary	2,912	2,980	68	2.3%
Fringe Benefits	559	659	100	18.0%
Pensions	71	65	(6)	-8.9%
C.C. Technical High	240	221	(18)	-7.7%
Sub Total - School Operating	<u>7,018</u>	<u>7,309</u>	<u>291</u>	<u>4.2%</u>
Capital Expenditures	91	98	8	8.5%
Nauset Regional Debt	77	62	(15)	-19.5%
Sub Total - School Capital/Debt	<u>168</u>	<u>160</u>	<u>(7)</u>	<u>-4.3%</u>
Total - Schools	<u>7,186</u>	<u>7,470</u>	<u>284</u>	<u>4.0%</u>
Other Expenses				
Community Preserv. Expenses	705	704	(2)	-0.2%
Community Preserv. Fund	(185)	(142)	43	-23.3%
Special Articles	264	215	(48)	-18.4%
Sub Total - Other Expenses	<u>784</u>	<u>777</u>	<u>(7)</u>	<u>-0.9%</u>
TOTAL EXPENDITURES	25,958	27,390	1,432	5.5%

TAX RATE INFORMATION
ESTIMATED FOR FISCAL YEAR 2009

Per tax rate increments:

<u>TAX RATE INCREASE</u>	<u>MUNICIPAL REVENUE RAISED</u>	<u>TAX IMPACT ON \$700,000.00 PROPERTY</u>
\$ 0.01	\$ 39,594.00	\$ 7.00
\$ 0.05	\$ 197,970.00	\$ 35.00
\$ 0.10	\$ 395,940.00	\$ 70.00
\$ 0.20	\$ 791,880.00	\$ 140.00
\$ 0.30	\$ 1,187,820.00	\$ 210.00
\$ 0.40	\$ 1,583,760.00	\$ 280.00
\$ 0.50	\$ 1,979,700.00	\$ 350.00
\$ 0.60	\$ 2,375,640.00	\$ 420.00
\$ 0.70	\$ 2,771,580.00	\$ 490.00
\$ 0.80	\$ 3,167,520.00	\$ 560.00
\$ 0.90	\$ 3,563,460.00	\$ 630.00
\$ 1.00	\$ 3,959,400.00	\$ 700.00

Per revenue raised increments:

\$ 0.0003	\$ 1,000.00	\$ 0.18
\$ 0.0013	\$ 5,000.00	\$ 0.88
\$ 0.0025	\$ 10,000.00	\$ 1.77
\$ 0.0126	\$ 50,000.00	\$ 8.84
\$ 0.0253	\$ 100,000.00	\$ 17.68
\$ 0.1263	\$ 500,000.00	\$ 88.40
\$ 0.2526	\$ 1,000,000.00	\$ 176.79

As you consider each article included in this year's warrant, the above schedule will provide you with the anticipated tax rate and tax impact on a property valued at \$700,000.00. This applies only to articles funded by property tax and not to articles funded by bonding or by a special revenue or receipts account (such as Ambulance Billing or Stabilization Fund).

The above calculations are based on the Town's total valuation for Fiscal Year 2008. These figures should be considered as estimates only, since valuations can change annually.

FINANCING SOURCES
Adopted Fiscal Year 2008 vs. Proposed Fiscal Year 2009

FINANCING SOURCES	FY 2009		FY 2009 PROPOSED	FY 2009	
	PERCENT OF TOTAL	FY 2008 ADOPTED		PERCENT INCR/DECR	DOLLAR INCR/DECR
Property Tax	71%	18,077,400	19,466,037	8%	1,388,638
Local Receipts	15%	4,122,828	4,215,098	2%	92,270
Other Available Funds	4%	1,029,024	1,174,291	14%	145,267
Motor Vehicle Excise	4%	1,038,957	1,038,957	0%	-
State Aid	3%	787,222	802,000	2%	14,778
Free Cash	2%	710,385	501,302	-29%	(209,083)
Hotel Tax	1%	192,000	191,826	0%	(174)
Total	100%	25,957,816	27,389,511	6%	1,431,695

EXPENDITURE COMPARISON BY ORGANIZATIONAL GROUP
Adopted Fiscal Year 2008 vs. Recommended Fiscal Year 2009

ORGANIZATIONAL UNIT	FY 2009		FY 2009 PROPOSED	FY 2009	
	PERCENT OF TOTAL	FY 2008 ADOPTED		PERCENT INCR./DECR.	DOLLAR INCR./DECR.
Education (1)	27%	7,185,752	7,469,781	4%	284,029
Public Safety	19%	5,222,890	5,240,246	0%	17,356
Debt	10%	2,272,372	2,684,000	18%	411,628
Public Works	9%	2,273,495	2,474,306	9%	200,811
General Government	8%	2,087,772	2,215,472	6%	127,700
Culture & Recreation	7%	1,734,440	1,942,104	12%	207,664
Fringe Benefits	7%	1,639,839	1,847,261	13%	207,422
Pensions	4%	949,497	1,020,187	7%	70,690
Human Services	3%	769,552	786,814	2%	17,262
Land Bank Expenses	3%	705,496	703,996	0%	(1,500)
State & County Assess.	2%	448,994	454,267	1%	5,273
Insurance	1%	274,227	292,820	7%	18,593
Capital Expenditure	1%	315,000	185,000	-41%	(130,000)
Special Articles	1%	263,590	215,195	-18%	(48,395)
OTHER					
Community Preserv. Fund	-1%	(185,100)	(141,938)	-23%	43,162
Total	100%	25,957,816	27,389,511	6%	1,431,695

(1) Includes Capital Outlay Items per NRSD Agreement.

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 2006 fiscal year is July 1, 2005 to June 30, 2006. 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 of 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.

REPORT OF THE FINANCE COMMITTEE

IMPORTANT ISSUES

Although the FY09 Budget is within the defined growth limits the Finance Committee has seen large expense increases in Health Insurance costs, Contractual Wages and Utility (Energy) costs, it is expected that these costs will continue to grow in future years.

This past fall the Superintendent held a number of public forums on “sustainable budgets” for the Nauset Regional School. A panel of School Committee, Selectmen, Administrators and Finance Committee members, as well as Representatives Cleon Turner and Sara Peake comprised the panel to discuss the large unanticipated increases for Special Need and how the member towns can budget for these in the coming years. The Nauset Regional School Committee continues to wrestle with the maintenance and improvement of a quality program in the face of declining enrollment, reduced State Aid, and increased costs such as health insurance and benefits. Many believe that the Nauset regional School budget can not be sustained into the future without significant overrides, increased revenue from the State, or severe cuts in programs.

Like the Nauset Regional School budget we believe Orleans will face similar issues, with costs for current level of services increasing at a rate higher than the Proposition 2-1/2 will support. Specific examples of items that will exacerbate this problem include:

- Maintenance for Town Buildings
- Highway maintenance program
- Police Department Building
- Fire Department Building size
- Waste Water Management

We urge all citizens to become educated on these issues and to let your Selectmen and other elected public officials know your concerns.

INTRODUCTION

It is the responsibility of the Finance Committee to advise Orleans taxpayers on the financial justification and desirability of Warrant Articles and Capital Improvement Plan items in the Town Budget. Our vote on individual Warrant Articles appears at the end of each Article in the Warrant itself.

A goal of no more than a 3% increase in the total Town and Schools Budget, excluding Debt, was established for FY 08 and, for the most part, adhered to by all Town Departments, with total projected Operating expenditures, including debt, increasing by \$1,567K from FY 08. Continuing increases in health insurance costs and employee salary increases are a major concern for FY09 and beyond. The Committee has suggested the Town take a hard look at where additional reductions in expenses might

be made, such as, shifting to Medicare for qualified personnel, outsourcing various services and/or reorganizing departmental staff.

BUDGET AND CAPITAL PLAN REVIEW PROCESS

In accordance with a Charter specified schedule, we reviewed and held public hearings on the Operating Budget, Capital Budget and Capital Improvement Plan. We organized two-person teams to review and understand department operations and related budgets. Our members monitored key committees, commissions and Board of Selectmen meetings, with the objective of understanding plans and decisions with significant fiscal impact for the Orleans taxpayer.

In preparation for the May 2008 Annual Town Meeting, we reviewed all articles for fiscal significance. In addition, we invited selected department managers and committee chairpersons to meet with the Committee to clarify specific fiscal issues.

As a direct result of a series of Town Department Head briefings, held earlier this year, the Finance Committee developed a "Top Ten" list that should be included in the Town Budget:

- Develop a Maintenance Plan and Centralized Management of Town Buildings.
- Establish a Supplemental Fund for future retirement obligations OR Increase the Fincom Reserve Fund to cover these expenses.
- Eliminate 50% of Compensatory Time in the Police Department by paying more Overtime.
- Establish a Department of Public Works (DPW) with a DPW Director OR Restore the Highway Department Assistant Managers position.
- Conduct a Salary Survey for all Departments to ensure that Orleans stays competitive with other Cape Cod Towns.
- Contract with a Grant writer(s), to ensure that Orleans maximizes available grants, to meet the needs of the town.
- Appropriate funds for needed improvements to the Snack Bars and Bathhouses at Nauset and Skaket Beaches.
- Fill needed open positions at the Council on Aging to continue maximizing benefits for Orleans Seniors.
- Hire a Project Manager (Sanitary Engineer) to oversee the Wastewater Project planning and implementation.

The above are particularly important and should not be overlooked. The Committee will continue to identify new items for review and inclusion in the Budget.

Additionally the Committee continued a Community Outreach Program to introduce ourselves, explain our responsibilities, and listen to feedback on critical Budget issues.

TOWN EXPENDITURES OVERVIEW

The \$27,131,000 FY09 projected operating expense represents a 6% increase from FY08. For the total FY09 budget, if all appropriations are approved, the real estate tax

rate will increase by 7% for a \$4.83 per \$1,000 valuation. Property valued at \$500,000 will experience a tax increase of approximately \$150.00.

NON-SCHOOL BUDGET

The FY09 non-school budget is \$19,661,000 representing a 7% increase over FY07's \$18,379,000. Existing/New debt increased by \$410,000 and the Operating Budget capital expenses decreased by \$12,000. State and County assessments increased 1% to \$454,000.

SCHOOL BUDGET

The FY09 school budget is \$7,470,000 representing a 4% increase over FY08's \$7,186,000. The Nauset Region operating budget assessment increased over FY08 by 4%. Cape Cod Tech decreased by 8% due to enrollment shifts. The Orleans Elementary School (OES) Budget increased by 5%.

CAPITAL IMPROVEMENT PLAN

The purpose of the Capital Improvement Plan (CIP) is to advise both Town Government and taxpayers of how planned projects' costs and timing will affect future spending and future taxes. The CIP provides taxpayers with appropriate cost and timing estimates for capital projects that the Town is considering over the five-year time frame that constitutes the Plan.

The CIP is only a plan, and its approval is NOT a commitment to spend. Financing for projects from the CIP that make it into the Capital Budget must always be approved by Town Meeting. Projects in the CIP may be eliminated or postponed to facilitate keeping tax rates within the desired range. It should be recognized that project cost estimates contained in the CIP are only estimates. All such estimates imply a spending range around the indicated dollar amount. The accuracy of such estimates can be improved, and figures adjusted, in succeeding years' CIPs as the town acquires more knowledge about each project.

The Finance Committee voted 8-0-0 to accept the Capital Improvement Plan as published in the Warrant.

Respectfully submitted,

Alfred R. Turner IV, Chairman
Walter Bennett, Vice Chairman
Rick Sigel, Secretary
Peter Monger
Mark Fiegel
Cynthia Suonpera
Linde MacLeod
Laurence Hayward

Finance Committee Notes on Articles

Article 7: In support – we recognize that the roads are in need of improvement and support the pavement management program; however, the Finance Committee is concerned that there is sufficient management time in the Highway Dept. to effectively manage all the projects.

Article 55: We have many concerns: (1) didn't go through the renewable energy committee, (2) the process was not followed, (3) no time to perform cost/benefit analysis, and (4) no time to integrate request into the budget – the Town already faces an override.

Article 56: This petition will be difficult to enforce and will involve unfunded costs.

Article 58: The Finance Committee believes that any union contract discussions should be held exclusively by union representatives, Town Administration and the Orleans Board of Selectmen.

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 NAUSET MIDDLE SCHOOL GYMNASIUM in said ORLEANS on MONDAY, the TWELFTH day of MAY in the year TWO THOUSAND EIGHT at 6:30 P.M. to act on the following:

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

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

(Simple Majority Vote Required)

SUMMARY

This article provides for the acceptance of the Annual Town Report and any other reports that Town Boards, Committees and Commissions may want to present to the Annual Town Meeting.

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

ARTICLE 2. TOWN / SCHOOL BUDGET (FY09)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund and pay departmental expenses for the fiscal year commencing July 1, 2008 and ending June 30, 2009 and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or service as the case may be, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**TOWN OF ORLEANS
PROPOSED OPERATING BUDGET
FOR THE FISCAL YEAR JULY 1, 2008 - JUNE 30, 2009**

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2008 ADOPTED</u>	<u>2009 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
		GENERAL GOVERNMENT				
	122	<u>SELECTMEN/TOWN ADMINISTRATOR</u>				
1		SALARY	284,932	297,056	12,124	4.26%
2		EXPENSE	133,850	169,750	35,900	26.82%
	TOTAL	SELECTMEN/TOWN ADMINISTRATOR	418,782	466,806	48,024	11.47%
	123	<u>TELEPHONE/COMMUNICATIONS</u>				
3		EXPENSE	32,065	32,065	-	0.00%
	TOTAL	TELEPHONE/COMMUNICATIONS	32,065	32,065	-	0.00%
	124	<u>MEDIA OPERATIONS</u>				
4		SALARY	50,000	58,103	8,103	16.21%
5		EXPENSE	26,000	30,300	4,300	16.54%
6		CAPITAL OUTLAY	17,500	17,500	-	0.00%
	TOTAL	MEDIA OPERATIONS	93,500	105,903	12,403	13.27%
	131	<u>FINANCE COMMITTEE</u>				
7		EXPENSE	950	950	-	0.00%
8		RESERVE FUND	67,826	85,000	17,174	25.32%
	TOTAL	FINANCE COMMITTEE	68,776	85,950	17,174	24.97%
	135	<u>FINANCE DIRECTOR</u>				
9		SALARY	195,038	201,064	6,026	3.09%
10		EXPENSE	23,930	26,530	2,600	10.87%
	TOTAL	FINANCE DIRECTOR	218,968	227,594	8,626	3.94%
	141	<u>ASSESSING</u>				
11		SALARY	152,693	158,919	6,226	4.08%
12		EXPENSE	74,921	69,190	(5,731)	-7.65%
	TOTAL	ASSESSING	227,614	228,109	495	0.22%
	145	<u>TREASURER/COLLECTOR</u>				
13		SALARY	186,710	187,773	1,063	0.57%
14		EXPENSE	35,496	37,996	2,500	7.04%
	TOTAL	TREASURER/COLLECTOR	222,206	225,769	3,563	1.60%
	155	<u>MANAGEMENT INFORMATION SYSTEMS</u>				
15		SALARY	73,000	75,222	2,222	3.04%
16		EXPENSE	70,507	73,591	3,084	4.37%
17		CAPITAL OUTLAY	52,435	66,400	13,965	26.63%
	TOTAL	MANAGEMENT INFORMATION SYSTEMS	195,942	215,213	19,271	9.84%
	161	<u>TOWN CLERK/ELECTIONS/VOTER REG.</u>				
18		SALARY	102,111	105,727	3,616	3.54%
19		EXPENSE	16,175	15,020	(1,155)	-7.14%
20		CAPITAL OUTLAY	-	12,000	12,000	
	TOTAL	TOWN CLERK	118,286	132,747	14,461	12.23%
	171	<u>CONSERVATION</u>				
21		SALARY	100,567	104,409	3,842	3.82%
22		EXPENSE	7,150	7,350	200	2.80%
	TOTAL	CONSERVATION	107,717	111,759	4,042	3.75%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2008 ADOPTED</u>	<u>2009 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	175	<u>PLANNING</u>				
23		SALARY	180,027	186,018	5,991	3.33%
24		EXPENSE	7,500	9,000	1,500	20.00%
	TOTAL	PLANNING	187,527	195,018	7,491	3.99%
	176	<u>ZONING BOARD OF APPEALS</u>				
25		SALARY	7,004	7,219	215	3.07%
26		EXPENSE	2,600	2,770	170	6.54%
	TOTAL	ZONING BOARD OF APPEALS	9,604	9,989	385	4.01%
	192	<u>TOWN OFFICE BUILDING</u>				
27		SALARY	48,376	47,941	(435)	-0.90%
28		EXPENSE	92,605	96,098	3,493	3.77%
29		CAPITAL OUTLAY	12,500	13,000	500	4.00%
	TOTAL	TOWN OFFICE BUILDING	153,481	157,039	3,558	2.32%
	195	<u>TOWN REPORTS/TOWN MEETING</u>				
30		EXPENSE	12,070	11,375	(695)	-5.76%
	TOTAL	TOWN REPORTS/TOWN MEETING	12,070	11,375	(695)	-5.76%
	198	<u>COMMUNITY CENTER</u>				
31		EXPENSE	21,234	10,136	(11,098)	-52.27%
	TOTAL	COMMUNITY CENTER	21,234	10,136	(11,098)	-52.27%
		GENERAL GOVERNMENT	2,087,772	2,215,472	127,700	6.12%
		PUBLIC SAFETY				
	210	<u>POLICE/COMMUNICATIONS</u>				
32		SALARY	1,889,705	1,943,907	54,202	2.87%
33		EXPENSE	153,210	159,205	5,995	3.91%
34		CAPITAL OUTLAY	70,000	58,000	(12,000)	-17.14%
	TOTAL	POLICE/COMMUNICATIONS	2,112,915	2,161,112	48,197	2.28%
	211	<u>POLICE BUILDING</u>				
35		SALARY	17,254	18,762	1,508	8.74%
36		EXPENSE	49,667	51,996	2,329	4.69%
	TOTAL	POLICE BUILDING	66,921	70,758	3,837	5.73%
	213	<u>FUEL</u>				
37		EXPENSE	155,789	175,545	19,756	12.68%
	TOTAL	FUEL	155,789	175,545	19,756	12.68%
	220	<u>FIRE/RESCUE</u>				
38		SALARY	1,769,482	1,815,568	46,086	2.60%
39		EXPENSE	261,087	258,535	(2,552)	-0.98%
40		CAPITAL OUTLAY	185,000	70,000	(115,000)	-62.16%
	TOTAL	FIRE/RESCUE (see note 1)	2,215,569	2,144,103	(71,466)	-3.23%
	221	<u>FIRE BUILDING</u>				
41		EXPENSE	50,354	53,777	3,423	6.80%
42		CAPITAL OUTLAY	12,000	45,000	33,000	275.00%
	TOTAL	FIRE BUILDING	62,354	98,777	36,423	58.41%
	241	<u>BUILDING</u>				
43		SALARY	148,176	153,536	5,360	3.62%
44		EXPENSE	77,591	74,591	(3,000)	-3.87%
	TOTAL	BUILDING	225,767	228,127	2,360	1.05%
	242	<u>BUILDING CODE BOARD OF APPEALS</u>				
45		SALARY	187	187	-	0.00%
46		EXPENSE	75	75	-	0.00%
	TOTAL	BUILDING CODE BOARD OF APPEALS	262	262	-	0.00%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2008 ADOPTED</u>	<u>2009 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	244	<u>SEALER OF WEIGHTS & MEASURES</u>				
47		EXPENSE	500	500	-	0.00%
	TOTAL	SEALER OF WEIGHTS & MEASURES	500	500	-	0.00%
	291	<u>CIVIL DEFENSE</u>				
48		SALARY	2,250	2,250	-	0.00%
49		EXPENSE	5,935	6,325	390	6.57%
50		CAPITAL OUTLAY	-	7,000	7,000	
	TOTAL	CIVIL DEFENSE	8,185	15,575	7,390	90.29%
	294	<u>TREE WARDEN</u>				
51		SALARY	66,296	56,047	(10,249)	-15.46%
52		EXPENSE	24,011	24,964	953	3.97%
	TOTAL	TREE WARDEN	90,307	81,011	(9,296)	-10.29%
	295	<u>SHELLFISH/HARBORMASTER</u>				
53		SALARY	200,678	208,138	7,460	3.72%
54		EXPENSE	53,643	56,338	2,695	5.02%
55		CAPITAL OUTLAY	30,000	-	(30,000)	-100.00%
	TOTAL	SHELLFISH/HARBORMASTER	284,321	264,476	(19,845)	-6.98%
		PUBLIC SAFETY	5,222,890	5,240,246	17,356	0.33%
		EDUCATION				
	300	<u>ORLEANS ELEMENTARY SCHOOL</u>				
56		SALARY	629,706	723,821	94,115	14.95%
57		EXPENSE	2,912,132	2,980,044	67,912	2.33%
	TOTAL	ORLEANS ELEMENTARY SCHOOL	3,541,838	3,703,865	162,027	4.57%
	310	<u>NAUSET REGIONAL ASSESSMENT</u>				
58		EXPENSE	3,313,527	3,446,174	132,647	4.00%
59		CAPITAL OUTLAY - NRS D AGREEMENT	90,713	98,464	7,751	8.54%
	TOTAL	NAUSET REGIONAL ASSESSMENT	3,404,240	3,544,638	140,398	4.12%
	330	<u>CAPE COD TECHNICAL ASSESSMENT</u>				
60		EXPENSE	239,674	221,278	(18,396)	-7.68%
	TOTAL	CAPE COD TECHNICAL ASSESSMENT	239,674	221,278	(18,396)	-7.68%
		EDUCATION	7,185,752	7,469,781	284,029	3.95%
		PUBLIC WORKS AND FACILITIES				
	421	<u>HIGHWAY</u>				
61		SALARY	472,326	510,418	38,092	8.06%
62		EXPENSE	160,523	162,159	1,636	1.02%
63		CAPITAL OUTLAY	75,000	133,000	58,000	77.33%
	TOTAL	HIGHWAY	707,849	805,577	97,728	13.81%
	423	<u>SNOW REMOVAL</u>				
64		SALARY	31,202	31,202	-	0.00%
65		EXPENSE	57,079	57,079	-	0.00%
	TOTAL	SNOW REMOVAL	88,281	88,281	-	0.00%
	424	<u>STREET LIGHTS</u>				
66		EXPENSE	28,700	31,380	2,680	9.34%
	TOTAL	STREET LIGHTS	28,700	31,380	2,680	9.34%
	431	<u>TRANSFER STATION</u>				
67		SALARY	174,717	170,509	(4,208)	-2.41%
68		EXPENSE	318,770	324,758	5,988	1.88%
69		CAPITAL OUTLAY	30,000	45,000	15,000	50.00%
	TOTAL	TRANSFER STATION	523,487	540,267	16,780	3.21%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2008 ADOPTED</u>	<u>2009 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	450	<u>WATER</u>				
70		SALARY	466,099	492,174	26,075	5.59%
71		EXPENSE	367,079	408,627	41,548	11.32%
72		CAPITAL OUTLAY	92,000	108,000	16,000	17.39%
	TOTAL	WATER-SRF (see note 2)	925,178	1,008,801	83,623	9.04%
		PUBLIC WORKS AND FACILITIES	2,273,495	2,474,306	200,811	8.83%
		HUMAN SERVICES				
	510	<u>HEALTH</u>				
73		SALARY	205,143	206,475	1,332	0.65%
74		EXPENSE	57,127	57,372	245	0.43%
	TOTAL	HEALTH	262,270	263,847	1,577	0.60%
	541	<u>COUNCIL ON AGING</u>				
75		SALARY	366,827	377,346	10,519	2.87%
76		EXPENSE	99,031	103,822	4,791	4.84%
77		CAPITAL OUTLAY	6,800	5,000	(1,800)	-26.47%
	TOTAL	COUNCIL ON AGING	472,658	486,168	13,510	2.86%
	543	<u>VETERANS BENEFITS</u>				
78		EXPENSE	34,624	36,799	2,175	6.28%
	TOTAL	VETERANS BENEFITS	34,624	36,799	2,175	6.28%
		HUMAN SERVICES	769,552	786,814	17,262	2.24%
		CULTURE AND RECREATION				
	610	<u>SNOW LIBRARY</u>				
79		SALARY	349,466	365,375	15,909	4.55%
80		EXPENSE	125,008	129,381	4,373	3.50%
81		CAPITAL OUTLAY	-	5,000	5,000	
	TOTAL	SNOW LIBRARY	474,474	499,756	25,282	5.33%
	630	<u>RECREATION</u>				
82		SALARY	112,612	115,558	2,946	2.62%
83		EXPENSE	17,206	17,206	-	0.00%
	TOTAL	RECREATION	129,818	132,764	2,946	2.27%
	649	<u>WINDMILL</u>				
84		SALARY	3,715	3,111	(604)	-16.26%
85		EXPENSE	3,560	4,460	900	25.28%
	TOTAL	WINDMILL	7,275	7,571	296	4.07%
	650	<u>PARKS & BEACHES</u>				
86		SALARY	833,018	913,625	80,607	9.68%
87		EXPENSE	238,578	219,304	(19,274)	-8.08%
88		CAPITAL OUTLAY	39,000	155,800	116,800	299.49%
	TOTAL	PARKS & BEACHES	1,110,596	1,288,729	178,133	16.04%
	690	<u>OLD KINGS HIGHWAY REG DISTRICT</u>				
89		SALARY	1,169	1,169	-	0.00%
90		EXPENSE	615	615	-	0.00%
	TOTAL	OLD KINGS HIGHWAY REG DISTRICT	1,784	1,784	-	0.00%
	692	<u>MEMORIAL & VETERANS DAY</u>				
91		EXPENSE	2,493	2,500	7	0.28%
	TOTAL	MEMORIAL & VETERANS DAY	2,493	2,500	7	0.28%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2008 ADOPTED</u>	<u>2009 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	699	<u>SPECIAL EVENTS & INFORMATION</u>				
92		EXPENSE	8,000	9,000	1,000	12.50%
	TOTAL	SPECIAL EVENTS & INFORMATION	8,000	9,000	1,000	12.50%
		CULTURE AND RECREATION	1,734,440	1,942,104	207,664	11.97%
		DEBT SERVICE				
	710	<u>PRINCIPAL - NOTES & BONDS</u>				
93		EXPENSE	1,834,000	2,287,860	453,860	24.75%
	TOTAL	PRINCIPAL - NOTES & BONDS	1,834,000	2,287,860	453,860	24.75%
	751	<u>INTEREST - NOTES & BONDS</u>				
94		EXPENSE	1,143,868	1,100,136	(43,732)	-3.82%
	TOTAL	INTEREST - NOTES & BONDS	1,143,868	1,100,136	(43,732)	-3.82%
		DEBT SERVICE	2,977,868	3,387,996	410,128	13.77%
		INTERGOVERNMENTAL/INSURANCE				
	820	<u>STATE ASSESSMENTS</u>				
95		EXPENSE	155,936	157,765	1,829	1.17%
	TOTAL	STATE ASSESSMENTS	155,936	157,765	1,829	1.17%
	830	<u>COUNTY ASSESSMENTS</u>				
96		SALARY	949,497	1,020,187	70,690	7.44%
97		EXPENSE	251,908	255,070	3,162	1.26%
	TOTAL	COUNTY ASSESSMENTS	1,201,405	1,275,257	73,852	6.15%
	840	<u>OTHER STATE & COUNTY CHARGES</u>				
98		EXPENSE	41,150	41,432	282	0.69%
	TOTAL	OTHER STATE & COUNTY CHARGES	41,150	41,432	282	0.69%
	912	<u>INSURANCE NOTES AND BONDS</u>				
99		EXPENSE	373,476	404,167	30,691	8.22%
	TOTAL	INSURANCE NOTES AND BONDS	373,476	404,167	30,691	8.22%
	913	<u>UNEMPLOYMENT COMPENSATION</u>				
100		EXPENSE	10,034	10,069	35	0.35%
	TOTAL	UNEMPLOYMENT COMPENSATION	10,034	10,069	35	0.35%
	914	<u>EMPLOYEE HEALTH & MEDICARE</u>				
101		SALARY	1,530,556	1,725,845	195,289	12.76%
	TOTAL	EMPLOYEE HEALTH & MEDICARE	1,530,556	1,725,845	195,289	12.76%
		INTERGOVERNMENTAL/INSURANCE	3,312,557	3,614,535	301,978	9.12%
	TOTAL		25,564,326	27,131,254	1,566,928	6.13%
		TOTAL-OPERATING BUDGETS	25,564,326	27,131,254	1,566,928	6.13%
		SPECIAL ARTICLES	263,590	215,195	(48,395)	-18.36%
		COMMUNITY PRESERVATION FUND	(185,100)	(141,938)	43,162	-23.32%
		CAPITAL PLAN	315,000	185,000	(130,000)	-41.27%
		GRAND TOTAL	25,957,816	27,389,511	1,431,695	5.52%

Note 1 \$ 522,000 of appropriations for the FY 2009 Fire/Rescue budget are offset by revenues from ambulance billings.

Note 2 Appropriations for employee benefits and debt payments associated with Water Department operations are included in the operating budget under employee health/medicare and debt service totals. A portion of the Water Department revenues will be used to offset these costs.

**NON-SCHOOL OPERATING BUDGET
CAPITAL OUTLAY REQUESTS
\$10,000 OR GREATER**

<u>DEPARTMENT</u>	<u>LINE ITEM NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Media Operations	6	Broadcast Equipment	\$17,500
Manage. Info. Systems	17	Upgrade Computer Hardware and Software	\$66,400
Town Clerk	20	Replace Voting Machines	\$12,000
Town Office Building	29	Replace Shared Vehicle	\$13,000
Police/Communications	34	Replace Two Cruisers	\$58,000
Fire/Rescue	40	Brush Truck	\$70,000
Fire/Rescue Building	42	Warning Lights (\$50k), Replace Trim (\$10k)	\$45,000
Highway	63	Replace Pick-Up (\$35k), Replace Pick-Up (\$13k) Replace Dump (\$85k)	\$133,000
Transfer Station	69	Replace Dump	\$45,000
Water	72	Roof Repair (\$12k), Replace Pick-Up (\$22k), Replace Meters (\$54k), Replace Undersized Mains (\$20k)	\$108,000
Parks & Beaches	88	Replenish Sand Skaket (\$16k), Barn Repairs (\$25k), Replace Septic Skaket (\$90k), Replace Pick-Up (\$20k), Replace Gator (\$12.8k), Replace Vehicle (\$20k)	\$155,800
TOTAL			\$723,700

**NAUSET REGIONAL SCHOOL DISTRICT - CAPITAL OUTLAY REQUESTS
PER N.R.S.D. AGREEMENT**

<u>LOCATION</u>	<u>LINE ITEM NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
HIGH SCHOOL		Exterior Door Replacement	\$10,000
		Heating System Pipe Replacement	\$45,000
		Technology Plan	\$90,000
		Carpet Replacement	\$30,000
		Replace Lab Stations	\$65,000
		Replace Music Equipment	\$20,000
		Repair Oil Tank Removal Areas	\$25,000
		Plumbing Fixtures	\$10,000
		Custodial Equipment	\$10,000
		Boiler Repairs	\$60,000
		Locker Replacement	<u>\$20,000</u>
		Sub Total - High School	\$385,000
MIDDLE SCHOOL		Technology Plan	\$25,000
		Replace Carpet with Tile	\$35,000
		Replace Boiler Firebrick	\$11,000
		Replace Windows	\$20,000
		Replace Air Compressor	\$10,000
		Modify Doors for Security	<u>\$12,000</u>
		Sub Total - Middle School	\$113,000
TOTAL			<u><u>\$498,000</u></u>
ORLEANS REGIONAL SHARE	59		<u><u>\$98,464</u></u>

SUMMARY

This article would set and fund the operational budgets for the normal operation for all Town functions in the amount of \$27,131,254 for the fiscal year beginning July 1, 2008 and ending June 30, 2009. Of the total operating amount, \$291,500 is recommended for appropriation contingent upon the passage of general override ballot questions for the Town (\$203,500), the Orleans Elementary School (\$44,000), and the Nauset Regional School District (\$44,000) under the provisions of Massachusetts General Law Chapter 59 §21C (Proposition 2 ½), paragraphs (g) and (m).

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 3. CAPITAL IMPROVEMENTS PLAN

To see if the Town will vote pursuant to CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, Section 7, Action of Town Meeting, Subsection 8-7-1 of the Orleans Home Rule Charter, to act on the Capital Improvements Plan as published in the Warrant, by adopting said Plan with or without amendments thereto, which amendments may include an increase or decrease in the amount of money allocated to any particular line item contained therein, the addition of new line items or the deletion of line items contained therein, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**FIVE-YEAR CAPITAL IMPROVEMENT PLAN
FY 2010 - FY 2014**

ITEM	ADOPTED	NON-CIP	PROPOSED				
	FY09	FY09	FY10	FY11	FY12	FY13	FY14
COMMUNITY PRESERVATION ACT							
Program Activity Funding	664,000		(1)	(1)	(1)	(1)	(1)
TRANSFER STATION							
Replace Front End Loader							150,000
FIRE DEPARTMENT							
Replace Pumper Truck				475,000			
Fire Station Renovation/Addition (CF-32)							
Feasibility Study					35,000		
Architectural & Engineering Design						400,000	
Construction							5,000,000
HIGHWAY DEPARTMENT							
Water Quality Drainage Improvements (NR-6)(NR12)	200,000		150,000	150,000	150,000	150,000	150,000
Town Pavement Management Program (T-1)	400,000		300,000	300,000	300,000	300,000	300,000
New Town Maintenance Facility (CF-11)							
Feasibility Study		35,000					
Architectural & Engineering Design			500,000				
Construction				6,000,000			
Replace Front End Loader				160,000			
Replace Street Sweeper						170,000	
Replace Dump Truck w/Catch Basin Cleaner							120,000

**FIVE-YEAR CAPITAL IMPROVEMENT PLAN
FY 2010 - FY 2014**

ITEM	ADOPTED	NON-CIP	PROPOSED				
	FY09	FY09	FY10	FY11	FY12	FY13	FY14
PROPERTY ACQUISITION							
Open Space Purchases (OS-2)	1,265,000		(2)	(2)	(2)		
Affordable Housing Development (AH-1)	350,000		(3)	(3)			
Wastewater Management Purchases (CF-27)			1,500,000	(4)	(4)		
PARKS AND BEACHES							
Nauset Beach Off-Site Parking Lot (CF-15)					5,000,000		
Beach Snack Bars and Eldredge Park Music Shell (CF-15)							
A/E Design Services to Renovate or Replace		75,000					
Construction of Snack Bars (Nauset & Skaket)			400,000				
Construction of Music Shell				300,000			
Nauset Beach Dune Restoration (CF-15)			200,000				
PLANNING DEPARTMENT							
Town-Wide Wastewater Management (CF-27)							
Pre-Design Engineering Feasibility	150,000		175,000				
Design Engineering Services							
Construction (Phase 1)							
Village Center Master Plan (ED-6)							
Economic Assessment			40,000				
Landscape/Streetscape					45,000		
POLICE DEPARTMENT							
New Police Station (CF-32)		700,000					
Architectural & Engineering Design							
Construction			9,000,000				

**FIVE-YEAR CAPITAL IMPROVEMENT PLAN
FY 2010 - FY 2014**

ITEM	ADOPTED	NON-CIP	PROPOSED				
	FY09	FY09	FY10	FY11	FY12	FY13	FY14
SHELLFISH/HARBORMASTER DEPARTMENT							
Replace Municipal Piers, Docks and Boat Ramps (CF-19)			300,000		290,000		
SNOW LIBRARY							
Library Renovation/Addition							
Feasibility Study				35,000			
Architectural & Engineering Design					400,000		
Construction						5,000,000	
WATER DEPARTMENT							
Development of New Well #8 (CF-21)	250,000						
I & M Plant - Filter Membrane Rack Replacements (3)			285,000	285,000	285,000		
TOTALS	3,279,000	810,000	12,850,000	7,750,000	6,460,000	6,020,000	5,720,000

Special Notation: The Orleans Comprehensive Plan implementation program items are shown in parenthesis and described in the addendum.

- (1) Community Preservation Act program activities will be supported through the existing 3% tax levy surcharge and any state matching funds and may be made to the extent funding is available. The balance available as of 12/15/07 is \$664,000.
- (2) Open Space Purchases under the five year capital plan will be made up to \$1,265,000. The balance available in FY10 - FY12 will be determined based upon the expenditures made during the previous years.
- (3) Affordable Housing Development purchases under the five year capital plan will be made up to \$350,000. The balance available in FY10 - FY11 will be determined based upon the expenditures made during the previous years.
- (4) Wastewater Management purchases under the five year capital plan will be made up to \$1,500,000. The balance available in FY11 - FY13 will be determined based upon the expenditures made during the previous years.

Original Submission Date: December 31, 2007
Revision Date: March 5, 2008
Board of Selectmen Approval: March 5, 2008
Town Meeting Approval:

ITEM	ORLEANS COMPREHENSIVE PLAN IMPLEMENTATION PROGRAM DESCRIPTIONS
AH-1	Develop 35 new units of affordable housing for families over the next twenty years, and support this activity by scheduling it in the capital improvement plan. (FY10)
CF-11	Construct office, storage and maintenance facility (ies) for Highway Department, Parks & Beaches, and Water Department. (FY10)
CF-12	Determine the appropriate level of services, including parking, at parks and beaches.
CF-15	Implement improvements to parks and beaches as scheduled. (FY10)
CF-19	Implement improvements to Town Landings as scheduled. (FY10)
CF-21	Continue development, to the point of licensing, of potential site for Well #8. (FY09)
CF-27	Develop a wastewater management plan for the entire town. (FY10)
CF-32	Study the future facilities and staffing needs of the Police and Fire & Rescue Departments. (FY08 and FY12)
ED-2	Perform a market feasibility study to determine the types of desirable businesses for Orleans. (FY10)
ED-6	Develop a cohesive Village Center Plan to address such issues as traffic, parking, signs, streetscape, pedestrian linkages, and building facades. (FY10-11)
NR-6	Prevent direct discharge of untreated stormwater into coastal embayments and ponds. (FY09-14)
NR-12	Prevent direct discharge of untreated stormwater into fresh water bodies. (FY09-14)
OS-2	Preserve 400 or more acres of high priority parcels for ground and surface water protection, conservation, recreation and other environmental purposes. (FY10)
OS-5	Continue to aggressively pursue State, County and Federal grant funding by devising suitable projects that support open space protection, recreation lands acquisition and natural resources preservation.
T-1	Complete and utilize a Pavement Management System to develop a systematic approach to street maintenance and improvement. (FY09-14)

SUMMARY

In accordance with Chapter 8-5-1 of the Charter, the Town Administrator shall prepare a five year Capital Improvements Plan (CIP), which shall be designed to deal with the unmet long-range needs, and to implement the goals and objectives of the official town plan.

The purpose of the CIP is to systematically plan, schedule, and finance capital projects over a five year period. The plan is to include, but not necessarily be limited to, major infrastructure projects involving roads, storm drainage, water and sidewalks; public building or facility renovation or replacement; and property acquisitions.

Wherever possible, to emphasize project planning, the CIP will incorporate the progression of a project through the various phases, beginning first with a feasibility study, after which final design plans and specifications are developed, followed by construction to complete the project.

Proposed project financing for CIP projects may include bonding, a proposition 2.5 override or exclusion, or other available funds.

Non-capital plan projects or expenditures budgeted in excess of \$10,000, including motor vehicle and equipment purchases, facility repairs, or materials and supplies will continue to be presented in the annual operating budget as capital outlay requests summarized by department.

As presented, the Capital Improvements Plan includes all proposed projects to be undertaken for the period beginning July 1, 2009 (FY10) through June 30, 2014 (FY14), the five fiscal years following the proposed capital budget (FY09).

The Capital Budget authorizes the appropriation of funds necessary to complete projects proposed in the capital improvement plan as adopted by the May 2007 town meeting for the fiscal year beginning July 1, 2008 (FY09). In accordance with the Orleans Home Rule Charter, any capital improvement projects that are not in compliance with the plan must receive a favorable three-fourths majority vote of the town meeting for approval.

**CAPITAL BUDGET
FY 2009**

<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>	<u>FUNDING SOURCE</u>
COMMUNITY PRESERVATION ACT		
Program Activity Funding	\$664,000	Available Funds (CPA)
HIGHWAY DEPARTMENT		
Water Quality Drainage Improvements	\$200,000	Bonding
Town Pavement Management Program	\$400,000	Bonding
New Town Maintenance Facility Feasibility Study	\$35,000	Available Funds
PARKS AND BEACHES		
Renovate/Replace Nauset & Skaket Snack Bars A&E Design	\$75,000	Bonding
PLANNING DEPARTMENT		
Town-Wide Wastewater Mgmt. Pre-Design Engineering	\$150,000	Available Funds
POLICE DEPARTMENT		
New Police Station A&E Design	\$700,000	Bonding
WATER DEPARTMENT		
Development of New Well #8	\$250,000	Bonding (Water Reserves)
TOTAL	\$2,474,000	

Note: The following changes to the Capital Improvements Plan are being proposed since its adoption at Town Meeting in May 2007:

Starting Dates

Fire Station Feasibility Study (FY11) to (FY12); Water Quality Drainage Improvements and Pavement Management Program (FY09) now spread over 5 years; Nauset Beach Off Site Parking Lot (FY11) to (FY12); Village Center Master Plan (FY11) to (FY10) and (FY11); Snow Library Feasibility Study (FY09) to (FY11);

Projects Added

Fire Station Renovation/Addition Design (FY13) and Construction (FY14); Replacement Front End Loader and Dump Truck (FY14); New Town Maintenance Facility Feasibility Study (FY09), Design (FY10) and Construction (FY11); Beach Snack Bars and Eldredge Park Music Shell Design (FY09), Construction (FY10) and (FY11); Nauset Beach Dune Restoration (FY10); New Police Station Design (FY09) and Construction (FY10); Replace Municipal Piers, Docks and Boat Ramps (FY10) and (FY12); Snow Library Renovation Design (FY12) and Construction (FY13); I&M Plant Replace Filter Membrane Racks (FY10), (FY11) and (FY12);

Projects Removed

Town Highway Facilities Renovation/Addition Design (FY09) and Construction (FY10); Eldredge Park Music Shell Feasibility Study (FY09); Police Station Renovation/Addition Design (FY09) and Construction (FY10); and Village Center Parking Municipal Lot (FY12);

FY 2010 PROJECT DESCRIPTIONS

COMMUNITY PRESERVATION ACT – PROGRAM ACTIVITY FUNDING

Annually, under the CPA Orleans will receive matching funds to its current CPA 3% surtax from the Commonwealth's CPA Trust Fund annually. The amount currently available for appropriation as of 12/31/07 is \$664,000. State matching funds are dependent on the level of State receipts from Registry of Deeds fees. As the number of communities that adopt the CPA increases, State receipts may not be adequate to fully match the Town's surtax. Current estimates indicate that full funding will continue for at least the next three years. CPA Trust Fund dollars, plus any remaining balance in the Town's Land Bank account would become the Orleans Community Preservation account to be used for the following purposes: open space, affordable housing, historic preservation and recreation. As required under the CPA, a Town Community Preservation Committee has been formed and a minimum of 10% of the Town's annual Community Preservation proceeds have to be allocated to each of the three primary purposes: open space, affordable housing and historic preservation. Town Meeting approval would be necessary for all Community Preservation Committee recommendations for funding.

Total Project Funding:	TBD
Method of Financing:	Available Funds (CPA)
Recommended Schedule:	Open

HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS

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

Total Estimated Cost:	\$150,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$33,400

HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

This project proposes funding for the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways. The Town currently maintains approximately 56 miles of public roadways. Also included under this program is work related to roadway drainage and sidewalk projects. Over the past several years the town has compiled an inventory of the condition of our roadways in an effort to address, on a priority basis, long term maintenance needs. As proposed, annual

funding requests will be based on scheduled projects. The State also provides Chapter 90 funding each year to maintain public roads and in FY2009 the Town will receive \$228,000.

Total Estimated Cost:	\$300,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	12 Months
Average Annual P & I	\$66,750

HIGHWAY DEPARTMENT – NEW TOWN MAINTENANCE FACILITY DESIGN

This project proposes the design and preparation of plans for a new Town Maintenance Facility to replace the existing Town Highway Facilities on Bay Ridge Lane and Giddiah Hill Road based upon the findings of the feasibility study to be conducted in FY09. The study will focus on evaluating existing and potential sites, as well as the option to include additional town departments in a larger combined facility.

Total Estimated Cost:	\$500,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$60,300

PROPERTY ACQUISITION – OPEN SPACE PURCHASES

This item provides supplementary support for possible future open space purchases only if CPA funds are depleted to the point that they will not fund additional acquisitions. By including this item in the capital plan, it will facilitate the presentation of property purchases or conservation easements for protection of public drinking water supplies, open space and conservation; and passive recreation during future years to Town Meeting (subject to the 2/3 vote required for land purchases). This provides future planning support for the goals of the Official Town Plan/Local Comprehensive Plan. Funding available as of 12/31/07 is \$1,265,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (Staggered over 14 yrs)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$109,000

PROPERTY ACQUISITION – AFFORDABLE HOUSING DEVELOPMENT

By including this item in the capital plan, it will facilitate the presentation of possible property purchases that may arise during the fiscal year to Town Meeting (subject to the 2/3 vote required for land purchases). This item is intended to cover non-CPA acquisitions specifically for affordable housing. As adopted in the Orleans Comprehensive Plan, the goal is to develop 35 new units of affordable housing for families over the next twenty years. Funding available as of 12/31/07 is \$350,000.

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

PROPERTY ACQUISITION – WASTEWATER MANAGEMENT PURCHASES

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

Total Estimated Cost:	\$1,500,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open
Average Annual P&I	\$181,000

PARKS AND BEACHES – NAUSET AND SKAKET BEACH SNACK BARS

This project involves the renovation or replacement of the existing snack bars at Nauset and Skaket Beach. The Nauset facility was built in the 1950’s and has inadequate space, a poor layout for fast food service and the wiring, flooring and ceiling joists do not meet current state building codes. The Skaket facility also has inadequate space, improper wiring, a hood system does not meet code, and improper wall coverings that don’t meet health codes. The snack bars are operated by concessionaires through lease agreements that require minimum annual payments to the Town with Nauset providing \$73,000 and Skaket providing \$8,000. It is projected that the concessionaire payments to the Town will increase by \$10,000 a year as a result of the updated facilities.

Total Estimated Cost:	\$400,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P & I	\$48,300

PARKS AND BEACHES DEPARTMENT – NAUSET BEACH DUNE RESTORATION

This project proposes \$200,000 for the restoration of the dunes at the north end of the Nauset Beach parking lot. Currently, the dunes do not have sufficient height at the North end of parking lot and a major storm could wash over into the parking lot and result in the creation of Piper Plover habitat. If this were to occur and Piping Plovers nest in this new area near the parking lot, under State guidelines the Town would have to close the

bathing beach parking lot until the chicks fledge. The Nauset Beach lot contains 925 parking spaces and in 2007 daily parking revenues amounted to \$469,000.

Total Estimated Cost:	\$200,000
Method of Financing:	Bonding (up to 5 years)
Recommended Schedule:	8 months
Average Annual P&I	\$44,500

PLANNING DEPARTMENT - WASTEWATER MANAGEMENT PRE-DESIGN ENGINEERING

This project will be funded over a three year period to ensure an orderly transition from the planning phase of wastewater management to the design and construction phases. As proposed, funding in the third year would be used for field surveying, preliminary design, and early permitting of selected high priority facilities. Additional funding will support legal services related to management district formation, regulations, and land acquisition as needed. Other funding will be used to coordinate with other utilities.

Total Estimated Cost:	\$175,000
Method of Financing:	Available Funds
Recommended Schedule:	12 Months for completion

PLANNING DEPARTMENT – VILLAGE CENTER ECONOMIC ASSESSMENT

This project involves conducting an economic assessment of the Village Center as a follow up to the preliminary market study which was started in 2001 with state funds but never completed. Prior to taking steps to plan for the infrastructure of the district, we need to complete a thorough review and analysis. The market analysis will document details about the Village Center’s current condition and explore changes that can reasonably be expected in the future. It will verify what consumers want from the Village Center and discover what businesses our Village Center will support.

Total Estimated Cost:	\$40,000
Method of Financing:	Available Funds
Recommended Schedule:	6 Months for completion

POLICE DEPARTMENT – NEW POLICE STATION CONSTRUCTION

This project proposes the construction of a new Police Station on South Orleans Road based upon the project design that is proposed for FY 2009. The estimated cost was developed during the feasibility study completed in FY 2008, and includes the complete demolition of the existing facility and building of a totally new facility on the existing site.

Total Estimated Cost:	\$9,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$639,000

SHELLFISH/HARBORMASTER DEPARTMENT – REPLACE MUNICIPAL PIERS, DOCKS AND BOAT LAUNCH RAMPS

This project proposes \$175,000 for the replacement of the municipal piers located at the Meetinghouse Pond town landing and the River Road town landing and \$125,000 for the replacement of the boat launch ramp at the Cove Road town landing. The piers were built in the late 1970's and have reached the end of their useful lives. Funding includes the cost for engineering and design, removal of the existing piers and support pilings, and installation of new support pilings, decking and handrails. The estimated useful life of both piers is thirty years. The launch ramp was built in the mid 1980's and is one of our most heavily used and, despite annual repairs, is in poor condition. Funding includes the cost for engineering and design, removal of the existing concrete launch ramp, bulkheading and regrading of the work area and installation of a new concrete launch ramp. The estimated useful life of the launch ramp is twenty years.

Total Estimated Cost:	\$300,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 Months for completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$36,200

WATER DEPARTMENT – I&M PLANT FILTER MEMBRANE RACK REPLACEMENT

The Water Treatment Plant Membranes were supplied with a 5 year performance warranty. As the heart of the treatment process their replacement must be planned for. The supplier (Pall Corp.) and other experienced professionals advise planning for the replacement as the warranty expires. Assuming the lifetime will be greater than 5 years, 1 of 3 racks would be replaced for 3 successive years beginning in FY10. The replacement with in-kind, ultra modules would carry a 5 year warranty. However, replacement with micro modules would reduce energy costs, provide the possibility of reducing the number of modules (without reducing production capacity) and carry a ten year warranty. At this point, MA DEP would require a pilot study as a treatment change from ultra to micro and a final decision will be made next year.

Total Estimated Cost:	\$285,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	12 Months for completion
Estimated Annual Cost O/M:	\$9,900 per rack (3)
Average Annual P&I	\$63,400

FY 2011 PROJECT DESCRIPTIONS

FIRE DEPARTMENT – REPLACE PUMPER TRUCK

This project proposes the replacement of a 1994 KME Fire Pumper with a truck of equal capabilities, 1250 to 1500 gpm pump, 750 gallon water tank, foam system, seating for 5 or 6 firefighters inside the cab, and a rear body capable of carrying our compliment of

equipment that would be transferred, along with the radios and associated electronic equipment, from the old truck to the new truck.

Total Estimated Cost:	\$475,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	12 Months for completion
Estimated Annual Cost O/M:	\$ 3,000
Average Annual P&I	\$57,300

HIGHWAY DEPARTMENT – NEW TOWN MAINTENANCE FACILITY CONSTRUCTION

This project proposes the construction of a new Town Maintenance Facility to replace the existing facilities on Bay Ridge Lane and Giddiah Hill Road. A feasibility study is proposed in FY09 that will focus on evaluating existing and potential sites, as well as the option to include additional town departments in a larger combined facility. Upon completion of the study, the final design of the project would be completed in FY10.

Total Estimated Cost:	\$6,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$426,000

HIGHWAY DEPARTMENT – REPLACE FRONT END LOADER

This project proposes the replacement of a Front End Loader in the Highway Department. The purchase will replace the existing loader that was purchased in 1996. The loader is utilized for varied tasks in the Highway as well as several other Town departments, including the loading and off loading of various equipment, materials and supplies, re-grading of public gravel roads and removing windblown sand from coastal roads. In the winter it is used for snow removal in the downtown area, plowing the larger town parking lots, and plowing some main roads in heavier snow storm events. The loader is a valuable piece of equipment used in maintenance and upkeep of the Town.

Total Estimated Cost:	\$160,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for Completion
Estimated Annual Cost O/M:	\$ 1,500
Average Annual P&I	\$35,600

PARKS & BEACHES – MUSIC SHELL REPLACEMENT – ELDREDGE PARK

This project proposes the replacement of the Music Shell at Eldredge Field. The continued use of the existing building is contingent upon the passage of an annual inspection by an engineer to certify that it is structurally sound. As an alternative, the Town might consider not replacing the existing 2,400 square foot building that includes the music shell, office space, locker room and restrooms and instead build a new structure that provides only restroom facilities. A building the size of the existing

restrooms would cost approximately \$125,000 to construct, and if composting restrooms were installed to meet everyday use and Porta Johns were rented for large crowds, the project cost would be approximately \$75,000.

Total Estimated Cost:	\$300,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	6 Months for completion
Estimated Annual Cost O/M:	\$ 2,500
Average Annual P&I	\$66,800

PLANNING DEPARTMENT – VILLAGE CENTER LANDSCAPE/STREETSCAPE

This project will include the development of a streetscape plan as a component of the Village Center Master Plan that lays out the public improvements that would be visible to downtown visitors. This would include sidewalks, crosswalks, traffic bump outs and traffic requirements. Overall it would provide the landscape architecture vision for Village Center. This would be valuable information to have prior to rebuilding Main Street following the installation of sewer pipes and spending money on re-paving projects.

Total Estimated Cost:	\$45,000
Method of Financing:	Available Funds
Recommended Schedule:	6 Months for Completion

SNOW LIBRARY – LIBRARY RENOVATION/ADDITION FEASIBILITY STUDY

This project proposes to fund a feasibility study of the existing library. Since the last expansion of Snow Library in 1991, several factors have come together which warrant an investigation into another expansion and renovation of the existing site. The most notable factors are a) space needs for service to an older population; b) space requirements for meetings, archival/special collections, community activities and art; c) greater space needs for print materials and increase in items in other formats such as audio books, music and films; and d) community expectations for general computer use.

Total Estimated Cost:	\$35,000
Method of Financing:	Available Funds
Recommended Schedule:	12 Months for Completion

FY 2012 PROJECT DESCRIPTIONS

FIRE DEPARTMENT – FIRE STATION RENOVATION/ADDITION FEASIBILITY STUDY

This project proposes to fund a study of the existing fire station to address departmental space needs. The fire station was originally constructed in 1987. Since that time, the full time staff has nearly doubled. In addition, many major pieces of fire apparatus have been added to the department. As a result, the current operations have outgrown the space available in the existing fire station. The purpose of the study will be to identify the various options that may be available to renovate and/or add on to the existing fire station to meet the future needs of the department and the town.

Total Estimated Cost:	\$35,000
Method of Financing:	Available funds
Recommended Schedule:	9 Months for Completion

PARKS & BEACHES – NAUSET BEACH OFF SITE PARKING LOT

This project proposes the purchase of land for the development of future offsite parking for Nauset Beach. The existing 925 space parking lot at Nauset Beach could be lost within the next twenty years due to ongoing beach erosion and would result in a significant financial loss to the Town. In 2007, daily parking revenues generated from Nauset Beach amounted to \$469,000.

Total Estimated Cost:	\$5,000,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$603,100

SHELLFISH/HARBORMASTER DEPARTMENT – REPLACE MUNICIPAL PIERS, DOCKS AND BOAT LAUNCH RAMPS

This project includes \$150,000 for the replacement of the boat launch ramp at the River Road town landing and \$140,000 for the replacement of the floating docks in the outer portion of the harbor. The launch ramp is one of our most heavily used and is presently in poor condition. Funding includes the cost for engineering and design, removal of the existing concrete launch ramp, bulkheading and re-grading of the work area and installation of a new concrete launch ramp. The estimated useful life of the launch ramp is twenty years. The floating docks were constructed and installed in the late 1980's and have reached the end of their useful life. Funding includes the cost for replacement of the existing docks.

Total Estimated Cost:	\$290,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 Months for completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$35,000

SNOW LIBRARY – LIBRARY RENOVATION/ADDITION DESIGN

This project proposes to fund the design of the renovation/addition to the existing library to address space needs based on outcome of the feasibility study to be completed in FY11.

Total Estimated Cost:	\$400,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$48,300

FY 2013 PROJECT DESCRIPTIONS

FIRE DEPARTMENT – FIRE STATION RENOVATION/ADDITION DESIGN

This project proposes to fund the design of a renovation/addition of the existing fire station to address departmental space needs based on the outcome of the feasibility study to be completed in FY12.

Total Estimated Cost:	\$400,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Estimated Annual P & I	\$48,300

HIGHWAY DEPARTMENT – REPLACE STREET SWEEPER

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

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

SNOW LIBRARY – LIBRARY RENOVATION/ADDITION CONSTRUCTION

This project proposes to fund the construction of the renovation/addition to the existing library to address space needs based on final design selected.

Total Estimated Cost:	\$5,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$355,000

FY 2014 PROJECT DESCRIPTIONS

FIRE DEPARTMENT – FIRE STATION RENOVATION/ADDITION CONSTRUCTION

This project proposes to fund the construction of a renovation/addition of the existing fire station to address departmental space needs based on the final design.

Total Estimated Cost:	\$5,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Estimated Annual P & I	\$355,000

TRANSFER STATION – REPLACE FRONT END LOADER

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

Total Estimated Cost:	\$150,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for Completion
Estimated Annual Cost O/M:	\$ 1,500
Average Annual P&I	\$33,400

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

This project proposes the replacement of the existing Dump Truck Equipped with a Catch Basin Cleaner in the Highway Department. The vehicle is used to remove sediment from catch basins throughout town in an effort to improve drainage system performance and address environmental concerns of contaminated runoff to our surrounding estuaries. The truck portion of this purchase is also used to haul materials, plow during snow storm events, and to haul equipment to and from equipment dealers at various times throughout the year. Other departments also used the vehicle to move equipment, materials, and various structures used at the assorted seasonal facilities in Town. This vehicle/equipment is a valuable tool used in the maintenance and upkeep of the Town.

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

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

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

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund's Annual Revenues and/or available funds for the payment of debt service, the undertaking of Community Preservation projects, the Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for FY09, or to take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote Required)

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from fiscal year 2009 Community Preservation Fund revenues, unless otherwise specified, for fiscal year 2009 community preservation purposes with each item considered a separate appropriation:

RECOMMENDED AMOUNT AND SOURCE

<u>PURPOSE</u>	<u>FY09 Est. Surtax</u>	<u>FY 09 Est. State Share</u>	<u>Historic Reserves</u>	<u>Housing Reserves</u>	<u>Fund Balance</u>	<u>Total</u>
Appropriations:						
1) Debt service expenses (Note 1)	551,474				152,522	703,996
2) Project #1 Bike/Walk Path					40,000	40,000
3) Project #2 Sea Call Farm		31,000				31,000
4) Project #3 Cemeteries		27,500				27,500
5) Project #4 Rte 6A Housing				505,000		505,000
6) Project #5 Federated Church Sprinkler					65,000	65,000
7) Project #6 Meeting House Electrical		4,570				4,570
8) Project #7 Valuation Ledgers		2,400				2,400
9) Project #8 Historic Videos		18,400				18,400
10) Project #9 COA Walkway		10,000			10,000	20,000
11) Project #10 Odd Fellows Hall		95,000				95,000
12) Committee Expenses		47,000				47,000
Reserves:						0
Open Space						0
Historic Resources		49,642				49,642
Community Housing		124,488			24	124,512
Unallocated		0				0
Grand Total	551,474	410,000	0	505,000	267,546	1,734,020

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

	<u>Historic Resources</u>	<u>Community Housing</u>
ENDING BALANCE OF RESERVES	124,605	124,606

Project 1: Orleans to South Orleans Path

Applicant: Orleans Bike and Pathways Committee

Amount: \$40,000

Summary: Application is being made to initiate a feasibility study to determine possible routes for a multi-use recreation trail linking South Orleans to Orleans Village Center. The report will list route options with estimated costs and a feasibility analysis, considering links to adjacent towns making the project eligible for a broader source of funding. Such a trail has been listed as a town goal in the Orleans Long-Term Comprehensive Plan.

Project 2: Sea Call Farm Restoration

Applicant: Sea Call Supporters, Inc.

Amount: \$31,000

Summary: The Farm is a historically significant structure in Orleans and is scheduled to be listed on the National Register of Historic Places. During 2006 and 2007 repairs were carried out and completed on the interior and exterior of the farmhouse and garage using CPA funds. To help complete the farmland landscape, the historic small and large greenhouses need to be restored. These CPA funds will be used to purchase materials that will historically restore the greenhouses to their original form.

Project 3: Cemeteries Restoration and Preservation

Applicant: Orleans Historical Commission

Amount: \$27,500

Summary: As the first phase of a major restoration project, CPA funds were used in 2006 and 2007 to conduct research, including a gravestone survey, and obtain engineering boundary surveys of four old cemeteries owned by the Town. In this phase funds would be used to obtain a thorough condition assessment of the cemeteries, including proposed treatment of all identified deficiencies and a cost estimate of all work necessary to restore the four cemeteries.

Project 4: Route 6A Housing

Applicant: Joint Committee on Affordable Housing

Amount: \$505,000

Summary: This project will provide the town with eight new affordable housing units available to renters earning 50% to 100% of area median income. The developer

chosen will be responsible for additional funds from county and state sources. The CPA funds will support the building and management of four one-bedroom units and four two-bedroom units on Town owned land. Disbursement will depend on the Developer raising additional funds and signing a lease with the Town. The Town will retain ownership of the land, and the Developer will be responsible for the design plans, construction, and management of the project. The project will revert back to the Town at the end of the lease.

Project 5: Federated Church Fire Suppression System

Applicant: Federated Church of Orleans

Amount: \$65,000

Summary: The Federated Church is a historically significant building in Orleans. The project involves engineering, designing, and installing a fire suppression system to protect the building and to assure the safety of the congregation in the event of fire. The system covers the entire building. The Town will obtain a Historic Preservation Deed Restriction in return for CPA funding support.

Project 6: OHS Meeting House Electrical System

Applicant: Orleans Historical Society

Amount: \$4,570

Summary: The Meeting House Museum is the center of the historic preservation activities of the Orleans Historical Society and is on the National register of Historic Places. Funds from an October 2006 CPA grant were used to replace a badly damaged roof. The re-roofing was the initial step in a restoration program for the Meeting House that is intended to restore the building to its original appearance and to allow for future uses. These funds will be used to upgrade the electrical system which was installed prior to the middle of the last century and which pose a potential threat to the safety of the building.

Project 7: Meeting House Museum Valuation Ledgers Preservation

Applicant: Orleans Historical Society

Amount: \$2,400

Summary: The OHS Meeting House Museum contains artifacts and books of considerable historic significance to the Town. The OHS requests funding for the preservation, digitization, and storage of 38 Orleans Valuation Ledgers dated 1861-1941. The ledgers show an inventory of real estate, possessions, and taxes for the period. The digital images will be available for viewing and research at the OHS.

Project 8: Preservation of 30 Historic Interviews

Applicant: Orleans Historical Society

Amount: \$18,400

Summary: The OHS requests funding for the preservation, digitization, and editing of 30 video history interviews. The videos will be edited to 15 hours of viewing. The videos contain historic information and are a window on the historic culture of Orleans. The final product will be used for local and regional television broadcasts and will be available for viewing and research at OHS, Snow Library, and local schools.

Project 9: Orleans Senior Center Walkway

Applicant: Town of Orleans Council on Aging

Amount: \$20,000

Summary: Funds have been requested for the Walkway phase of a comprehensive project entitled "Master Plan of Orleans Senior Center: Living Healthy Lives Through the Landscape". The goal of the plan is to increase utilization of the Senior Center outdoor space both for recreation, including gardening and walking, and meditation. Funds will be used for a professional consultant to prepare plans and specifications (which can be used in the procurement process) for the entire Master Plan project and to make recommendations regarding the phasing of the Plan.

Project 10: Odd Fellows Hall Basement Completion & Fire Safety System

Applicant: Independent Order of Odd Fellows, Lodge No. 132

Amount: \$95,000

Summary: The Hall is a historically significant structure in Orleans. Use of the building dates back for 110 years when it served as the Town's schoolhouse. Funds from an October 2006 CPA grant have been used to replace the unstable old fieldstone foundation. This project involves funds to complete the basement work and to install a complete fire safety system, including sprinklers, the town water piping, and the majority of the rough plumbing.

Committee Expenses (Maximum Allowable \$47,000; CP Committee voted \$47,000)

The Community Preservation Act mandates that the CP Committee "study the needs, possibilities, and resources of the town regarding community preservation." The Act also permits the Committee to allocate up to 5% of CPA funds for administrative and operating expenses. In FY09 the Committee anticipates using funds for legal consultation, financial analysis, maintaining records, and various studies directed toward effectively realizing Orleans possibilities concerning open space, community

housing, historic preservation, and recreation. Any and all unused funds revert to the unallocated reserve for funding future projects.

Reserves-Community Housing (CP Committee voted \$124,606)

Funds are allocated to the Reserve to support future project applications that involve adding to the Town’s inventory of Community Housing. Total reserves would be available to aid in financing significant projects, such as possible condominium purchases for income eligible buyers and purchases of other properties in Orleans suitable for community housing.

Reserves-Historic Preservation (CP Committee voted \$124,605)

Funds are allocated to the Reserve to support project applications that involve preserving the historical heritage of Orleans. Reserves would be available to aid in financing significant projects, such as purchasing and maintaining historic buildings and artifacts.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

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

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

(Simple Majority Vote Required)

SUMMARY

This project is being funded over a three-year period to ensure an orderly transition from the planning phase of wastewater management to the design and construction phases. As proposed, funding in the second year would be used to extend subsurface geological testing for sites identified for wastewater disposal facilities. The outcome will be a detailed report of the suitability of each site that will enable the Town to proceed toward facility design.

Fiscal Year 2009 tax rate impact of \$0.038 per thousand.

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

ARTICLE 6. FUND WATER QUALITY DRAINAGE IMPROVEMENTS

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

(2/3 Vote Required)

SUMMARY

This project seeks to address storm water quality issues resulting from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, as well as the town’s fresh water bodies. Addressing these drainage issues will bring the town into compliance with US EPA Storm Water Quality Permits and Massachusetts DEP Water Quality requirements. Annual funding requests are based on a multi-year completion schedule.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 7. FUND TOWN PAVEMENT MANAGEMENT PROGRAM

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00) for the purpose of funding the local share of the town’s ongoing pavement management program to repair, resurface, and reconstruct town roadways, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article will provide the local share of the funding for the town’s ongoing pavement management program to repair, resurface, and reconstruct town roadways. The program also includes work related to roadway drainage and sidewalk projects. The town currently maintains approximately 56 miles of public roadways and uses an inventory of roadway conditions to address, on a priority basis, the long term maintenance needs of the town. Funding from this article will supplement existing appropriations, enabling the town to move forward with the completion of projects already scheduled through FY09 that may otherwise be delayed. In addition to local funding of roadway projects, the Town receives State Aid Chapter 90 funds each year; our apportionment for FY09 is \$227,503.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 8. FUND NEW TOWN MAINTENANCE FACILITY FEASIBILITY STUDY

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00), or any other sum, for the purpose of funding a feasibility study for construction of a new Town Maintenance Facility, and authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

This study would determine the most feasible options for replacing the existing Town facilities on Bay Ridge Lane and Giddiah Hill Road. The study will focus on possible sites within the town that may be available, as well as the potential to include additional town departments as part of a larger combined facility.

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

ARTICLE 9. FUND BEACH SNACK BAR A/E DESIGN

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), or any other sum, for the purpose of preparing design plans for replacement of the existing snack bar facilities at both Nauset Beach and Skaket Beach, including all expenses

incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

The Nauset Beach snack bar was built in the 1950's and has inadequate space, a poor layout for fast food service and wiring, flooring and ceiling joists that do not meet current state building codes. The Skaket Beach snack bar also has inadequate space, improper wiring, a hood system does not meet code, and improper wall coverings that don't meet health codes. The snack bars are operated by concessionaires through lease agreements that require minimum annual payments to the Town, with Nauset providing \$73,000 and Skaket providing \$8,000. It is projected that the concessionaire payments to the Town will increase by \$10,000 a year as a result of the updated facilities.

BOS:	3 – YES	2 – NO	0 – ABSTAIN
FC:	5 – YES	0 – NO	1 – ABSTAIN

ARTICLE 10. FUND NEW POLICE STATION A/E DESIGN

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Seven Hundred Thousand and 00/100 Dollars (\$700,000.00), or any other sum, for the purpose of preparing design plans for the construction of a new Police Station on South Orleans Road, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

In the fall of 2006 a minimal upgrade was undertaken to remedy health and safety issues in order to keep the Police Station operational. In 2007, at the direction of the Board of Selectmen, a Police Station Feasibility Study was conducted to look at the evolution of Law Enforcement over the next few decades, and articulate the demands that will be put on the Police Headquarters building. This was necessary to assure that long range needs were properly addressed as further investments were considered in support of the Orleans Police Department of the future. During the Feasibility Study, the condition of the Police Station was thoroughly examined by Architects and Engineers and significant needs were identified. A complete evaluation of space needs was also conducted. Detailed site and floor plans were presented to the Police Station Renovation Committee by the Architect. Alternatives for an upgraded facility were presented to the Board of Selectmen in late 2007 and early 2008. While the Committee started out with the charge to renovate the current building, the most economical solution (supported by professional cost estimates) was to demolish the existing facility and build a totally new facility, in keeping with the style of the current building, on the existing site. This article requests funding to design the new building. The resultant design will be put out to bid in early 2009 and, with a firm bid in hand, construction funding will be requested via an article at the May 2009 Town Meeting. Construction is planned to commence in the summer of 2009 and is expected to take 12 to 14 months.

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

ARTICLE 11. FUND DEVELOPMENT OF NEW WELL #8

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), or any other sum, for the purpose of developing a new well #8, including all expenses incidental and related thereto, and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This project proposes to develop a new well #8 at the current pumping test site. The well has shown a capacity of 350 gallons per minute or 504,000 gallons per day. The process to bring a new well on line must be completed within five years of DEP approval or the permit expires and the entire approval process must be reinitiated. Once on line, the new well will increase our overall pumping capacity and hopefully would add another source of low iron water to our system.

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

ARTICLE 12. ACCEPT TRANSPORTATION BOND BILL FUNDS

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

(Simple Majority Vote Required)

SUMMARY

This article will allow the Town to accept money from the state to perform work under the provisions of Massachusetts General Law Chapter 90, Section 34(2)(a). At the time the warrant went to press, the State Legislature was still discussing funding and allocations of Chapter 90 funds for FY09.

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

ARTICLE 13. HOLDING STATE HARMLESS FOR WORK

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

(Simple Majority Vote Required)

SUMMARY

The Commonwealth requires that the Town annually assume all liability for certain damages that may occur when work is performed by the Massachusetts Department Environmental Management within tidal and non-tidal waterways within the Town.

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

ARTICLE 14. AUTHORIZATION TO SELL SURPLUS EQUIPMENT & ACCEPT GIFTS

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

(Simple Majority Vote Required)

SUMMARY

This article authorizes the Town Administrator to dispose of surplus and outdated supplies and equipment during the fiscal year. All money received for the disposal of such goods is placed in the General Fund. It will also allow the Town Administrator to accept gifts to the Town or any departments of the Town without additional Town Meeting action.

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

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

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

- 1) The Home Composting Bin/Recycling Containers Account, said account not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00). The Account will be used to purchase additional composting bins and recycling containers. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 2) The Council on Aging Account, said account not to exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00). Monies on hand in the Account will be used to fund programs, class instructor fees, fees for reservations and tickets related to trips and functions, and an annual volunteer appreciation function. All funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Conservation Properties Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to pay utility bills and other necessary expenses associated with the rental of the Town owned properties under the jurisdiction and control of the Conservation Commission. Said funds to be spent under the direction of the Conservation Commission and the Town Administrator.
- 4) The Gavigan Property Account, said account not to exceed Eighteen Thousand and 00/100 Dollars (\$18,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the property located on

Wildflower Lane. Said funds to be spent under the direction of the department manager and the Town Administrator.

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

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

(Simple Majority Vote Required)

SUMMARY

This article will authorize, establish and continue the authorization of various revolving funds for the following purposes:

- 1) A revolving fund for the purchase of composting bins and recycling containers. These bins and containers are sold to the general public and the funds collected are placed in a special revolving account that allows for the purchase of additional composting bins and recycling containers.
- 2) A revolving fund for the specific receipts, fees and charges for particular programs, services and activities of the Council on Aging. The Town Accountant shall account for all funds separately from all other monies of the Town and credit will include only departmental receipts received in connection with the programs supported by such revolving funds.
- 3) A revolving fund for the properties managed by the Conservation Commission. Monies collected as rent will be placed in the account for use to pay utility bills and other necessary expenses associated with the rental of the properties.
- 4) A revolving fund for the Gavigan property. Monies collected as rent from seasonal employees will be placed in the account and used to pay utility bills and other necessary expenses associated with the rental of the property.
- 5) A revolving fund for use by the Cultural Council to award cash prizes for selected juried shows. The funds for cash prizes would be generated by the entry fee that artists pay to show their work.

This article authorizes the establishment of revolving accounts and must be voted on annually.

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

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

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 71, § 16B, which would reallocate the sum of the member towns' contribution to the Nauset Regional School District in accordance with the Regional Agreement rather

than the Education Reform Formula, so-called, or to take any other action relative thereto. (Nauset Regional School Committee)

(Simple Majority Vote Required)

SUMMARY

This article will apportion the Nauset Regional School Assessments for FY10 to the four member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four towns establishing the Nauset Regional School District, and has been applied in each of the last nine years by town meeting vote.

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

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

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

(Simple Majority Vote Required)

SUMMARY

This article will fund a 3% percent cost of living wage increase for those full-time and part-time employees covered by the Personnel Bylaw Compensation Plans A, B, D & E. Funding for this increase has been included in the Town operating budget.

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

ARTICLE 18. FUND ELECTED OFFICIALS COMPENSATION (FY09)

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

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

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

(Simple Majority Vote Required)

SUMMARY

This article will provide funding for the Board of Selectmen, Moderator and Constables compensation for Fiscal Year 2009.

Fiscal Year 2009 tax rate impact of \$0.001 per thousand.

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

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

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty-Six Thousand Two Hundred Fifty and 00/100 Dollars (\$26,250.00), or any other sum, to be spent under the direction of the Orleans Chamber of Commerce, Inc. and the Board of Selectmen for the purposes of managing summer visitors, making the Town more user-friendly and improving the visual image of the Town, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Orleans Chamber of Commerce, Inc. is requesting \$26,250.00, which represents 13% of the 4% room tax collected by Orleans Hotel/Motel/B&B owners in Fiscal Year 2009. The Chamber is requesting these funds for projects including management of the Town's Visitor Information Center staffing, printed materials, displays and fixtures; and projects and functions designed to make the Town of Orleans more user-friendly and safe for residents and visitors.

Further, \$3,000.00 of the requested \$26,250.00 is designated specifically for the Orleans Improvement Association for their use as they continue with their town-wide beautification projects.

Fiscal Year 2009 tax rate impact of \$0.007 per thousand valuation.

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

ARTICLE 20. FUND HUMAN SERVICES AGENCIES AGREEMENTS (FY09)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seventy-two Thousand Five Hundred Ninety-Five Dollars (\$72,595.00), or

any other sum, to fund the following human services organizations for the period July 1, 2008 to June 30, 2009.

GROUP NAME	AMOUNT
AIDS Support Group of Cape Cod	2,000
Big Brothers/Big Sisters of Cape Cod	5,000
Cape Cod Child Development	2,500
Cape Cod Human Services	6,260
capeAbilities	5,800
Community Connections	1,200
Consumer Assistance Council	210
Elder Services of Cape Cod and the Islands	2,500
Gosnold, Inc.	8,280
Independence House, Inc.	4,500
Interfaith Council for the Homeless	4,180
Legal Services	3,000
Lower Cape Outreach Council	6,200
Orleans After School Activities Program	14,200
Outer Cape Health Services	5,965
Sight Loss Services, Inc.	800
TOTAL	\$72,595

Said funds to be expended under the direction of the Board of Selectmen, or to take any other action relative thereto. (Board of Selectmen).

(Simple Majority Vote Required)

SUMMARY

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

- (FY08 funding \$2,000)
- The projected number of Orleans' residents to be served in FY09 is 10.

Big Brothers Big Sisters of the Cape and Islands is a non-profit volunteer mentoring organization whose mission is to match children from disadvantaged home lives, with responsible adult role-model mentors who provide nurturing one to one friendships, which are supported by trained professional staff. Orleans funding is provided for the Big Brother Big Sisters' Outer Cape Program.

- (FY08 funding \$5,000)
- The projected number of Orleans children to be served in FY09 is 16, and is limited by the availability of volunteer mentors.

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

- (FY08 funding \$2,500)
- The projected number of Orleans' residents to be served in FY09 is 30.

Cape Cod Human Services provides a wide range of quality assured human services (outpatient mental health, psychiatric evaluation and medication follow up, and substance abuse and education) and clinical care by professional personnel to promote the health and well being of individuals, couples and families.

- (FY08 funding \$5,000)
- The projected number of Orleans' residents to be served in FY09 is 123.

capeAbilities, Inc. (formerly Nauset Inc.) provides vocational rehabilitation services to residents who have disabilities and can benefit from such services but have no other means of support.

- (FY08 funding \$5,827)
- The projected number of Orleans' residents to be served in FY09 is 9.

Community Connections coordinates and arranges services that allow people with disabilities to live as independently as possible. Services include Day Centers, Employment, Supported Living, Life Skills and Transportation

- (Not funded in FY08)
- The projected number of Orleans' residents to be served in FY09 is 6

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

- (FY08 funding \$120)
- The projected number of Orleans' residents to be served in FY09 is 200.

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

- (FY08 funding \$2,500)
- The projected number of Orleans' residents to be served in FY09 is 70.

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

- (FY08 funding \$7,500)
- The projected number of Orleans' residents to be served in FY09 is 140.

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

- (FY08 funding \$4,500)
- The projected number of Orleans' residents to be served in FY09 is 106.

Interfaith Council for the Homeless of Lower Cape Cod serves Orleans residents who are homeless or at risk of homelessness.

- (FY08 funding \$3,524)
- The projected number of Orleans' residents to be served in FY09 is 221.

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

- (FY08 funding \$6,180)
- The projected number of Orleans' residents to be served in FY09 is 180.

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

- (FY08 funding \$10,500)
- The projected number of Orleans' residents to be served in FY09 is 80.

Outer Cape Health Services, Inc. is a federally qualified 501(3) not for profit, JCAHO-accredited community health center that provides high quality primary care to those living in or visiting the Lower and Outer Cape, regardless of their financial circumstances.)

- (FY08 funding \$5,320)
- The projected number of Orleans' residents to be served in FY09 is 550.

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

- (FY08 funding \$800)
- The projected number of Orleans' residents to be served in FY09 is 70.

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

Fiscal Year 2009 tax rate impact of \$0.018 per thousand.

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

ARTICLE 21. JUICE BAR FUNDING – BY PETITION

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of five thousand and 00/100 (\$5000.00) dollars to finance operational costs relative to the operation of the Juice Bar for Orleans students from the Nauset Regional School District and to authorize the Board of Selectmen to enter into a contract and expend such funds for this purpose, or to take any other action relative thereto. The

Juice Bar, a substance free alternative for teens of the Nauset region located in Orleans, is operated and managed by the Nauset Together We Can Prevention Council, Inc., a non-profit organization. (By Petition)

(Simple Majority Vote Required)

SUMMARY

Nauset Together We Can has successfully operated the Juice Bar Teen Center for ten years. For the past year we have been searching for a new location to continue our programs. Currently, negotiations are in progress for a new location in Orleans. Our high school teens are enthusiastic about resumption of our programs in the near future.

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

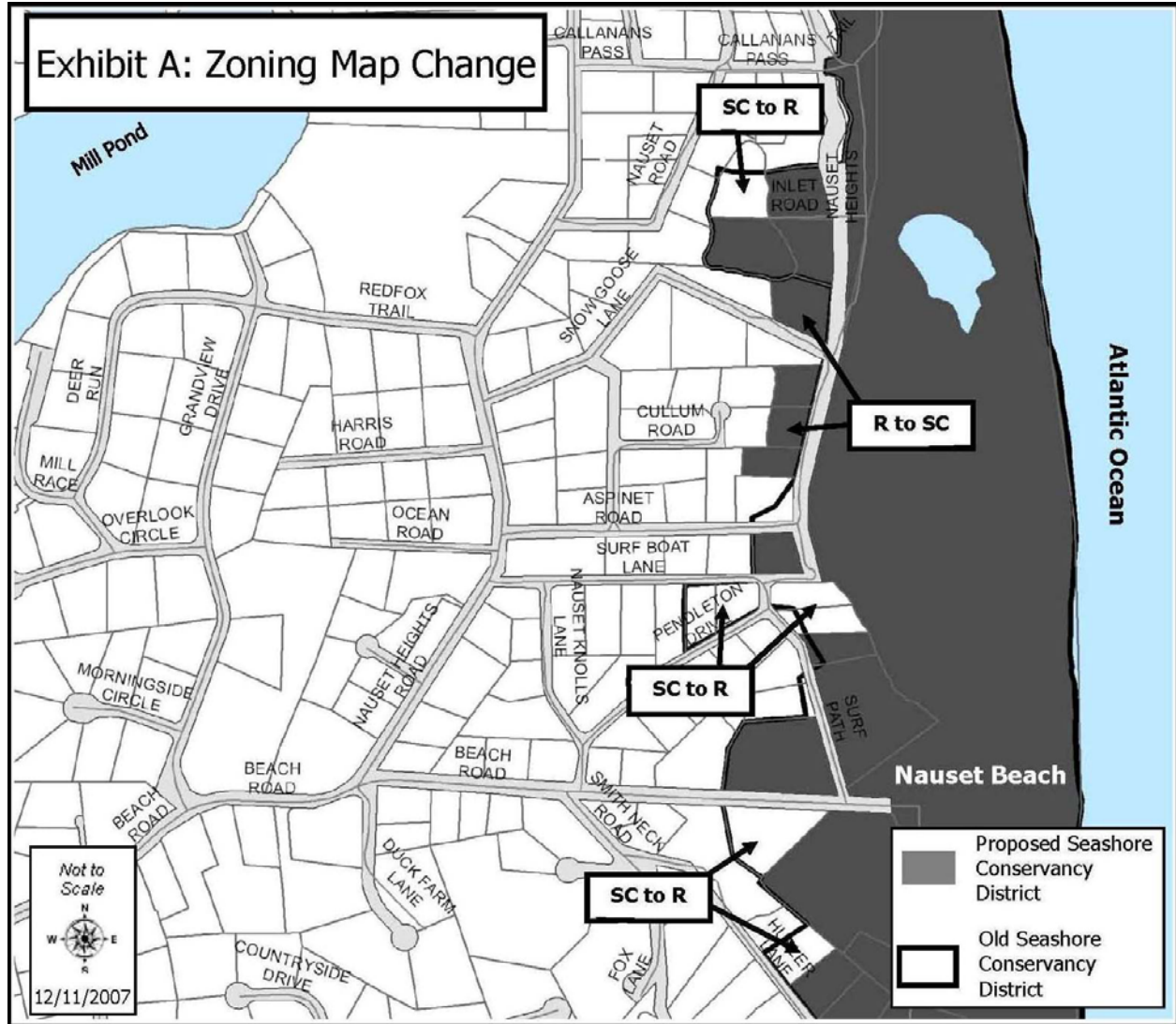
ARTICLE 22. AMEND THE ZONING BYLAWS SECTION 164-6, Zoning Map

To see if the Town will vote to amend the Orleans Zoning Bylaws and the Orleans Zoning Map by changing the zoning designation set forth on the existing Zoning Map from Seashore Conservancy (SC) to Residence District (R), or from Residence District (R) to Seashore Conservancy (SC), in the area of East Orleans and the Atlantic Coast as shown on a map entitled “Exhibit A” dated 12/11/2007. A copy of the map is on file with the Town Clerk. The proposed changes will affect all or portions of each of the following parcels, as shown on said map (all references are to current Orleans Assessor’s map and parcel information):

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

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

(2/3 vote required)



SUMMARY

This article amends the Orleans Zoning Map to be consistent with the boundary of the Cape Cod National Seashore. The Town's Seashore Conservancy (SC) District was created to further the preservation of the Cape Cod National Seashore. The district allows conservation and recreation uses among others, and also allows single family homes with larger setback requirements. Under this article, parcels proposed to be included in the SC District are owned by the federal government; parcels proposed to be removed from the SC District are either already developed or are undevelopable. This article will not make any parcels buildable or restrict building on any lots. The article simply clarifies that the local zoning boundary is consistent with the National Seashore boundary.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

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

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

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

And furthermore to see if the Town will vote to amend the Orleans Zoning Bylaws section 164-33.1 C, Architectural Review, to include the following new language:
The Architectural Review Committee shall also be authorized to issue findings under 164-33.1 E 4 and 164-33.1 E 5 on projects referred by the Orleans Zoning Board of Appeals under 164-21, Note 5.

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

(2/3 vote required)

SUMMARY

Single family homes that exceed 4,000 square feet of building coverage are currently required to obtain a Special Permit from the Zoning Board of Appeals. The article would require applicants to first obtain an advisory opinion from the Architectural Review Committee regarding the scale, massing, and bulk of the proposed dwelling. The article is intended to help protect the integrity of residential neighborhoods by requiring that large new homes have balanced proportions and are consistent in scale with nearby homes. This measure allows the Board of Appeals to secure an opinion from the Architectural Review Committee on matters within their area of expertise when large homes are proposed.

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

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

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

APARTMENT - A structure, regardless of form of tenure, containing three (3) or more dwelling units, or a mixed-use structure containing three (3) or more dwelling units

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

BUILDABLE UPLAND — That land which is **contiguous** and not in the Conservancy District and which is not swamp, pond, bog, dry bog, marsh or an area of exposed groundwater and which is not subject to flooding from storms and mean high tides **or is not located in the FEMA flood zone 100-year base flood elevation**.
(See § 164-23 **and § 164-20**.)

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

(2/3 vote required)

SUMMARY

The proposed amendments to definitions are intended as clarifications to the bylaw. The existing definition of buildable upland currently excludes land subject to flooding, and the reference to the FEMA flood zone eliminates confusion. The definition of apartment is being updated to reflect a change in the Village Center that was approved at the 2007 Annual Town Meeting.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 25. TRANSFER WATER SERVICE CONNECTION

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

(Simple Majority Vote Required)

SUMMARY

This article would transfer funds that have been received, from a reserve account to the working account of the Water Department for the purpose of funding supplies, materials and equipment associated with the installation, maintenance and improvements of water service connections and associated capital investments.

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

ARTICLE 26. ADOPT M.G.L. "JACKIE'S LAW" TRENCH SAFETY PROVISIONS

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

(Simple Majority Vote Required)

SUMMARY

The legislature recently enacted M.G.L. c. 82A, regulating the excavation of trenches on privately owned land and within public ways. This article establishes a bylaw to implement the Town's obligation under the new statute by authorizing the Board of Selectmen to designate a board or officer to issue trench permits as required. (Board of Selectmen)

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

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

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

Drainage and Erosion Control

1. Purpose

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

2. Applicability

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

3. Drainage Requirements

a. Runoff

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

b. Stormwater

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

c. Drains

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

4. Erosion and Sediment Control Requirements

a. Erosion

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

b. Sediment Control

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

5. Fines and Penalties

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

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

(Simple Majority Vote Required)

SUMMARY

The proposed bylaw would require proper management of stormwater for all development on private property, in order to minimize the adverse impacts of erosion and sediment runoff on abutting properties, downstream neighbors and roadways. Stormwater from development would be contained on-site unless tied into an approved drainage system. Measures to control soil erosion and limit the transport of sediment off-site would also be required. Finally, the bylaw contains a provision to require a contractor to clean up sediment that washes into the roadway or drainage system.

BOS: Recommendation to be made at Town Meeting
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 28. ADOPT PLEASANT BAY RESOURCE MANAGEMENT PLAN UPDATE

To see if the Town will vote to adopt the 2008 Pleasant Bay Resource Management Plan Update developed in accordance with the Pleasant Bay Resource Management Plan adopted by the Town in 1998 and updated in 2003, and the Intermunicipal Agreement with the Towns of Chatham, Harwich and Brewster, originally authorized by the Town in 1998 and re-authorized in 2003; and to authorize the Board of Selectmen to enter into a successor Intermunicipal Agreement, as amended by the Board of Selectmen, with one or more of the aforementioned towns for the purpose of continuing the Pleasant Bay Resource Management Alliance to implement the plan and plan updates. A copy of the plan is on file with the Town Clerk. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

In 1998 the Towns of Orleans, Chatham, and Harwich adopted the Pleasant Bay Resource Management Plan and entered into an inter-municipal agreement to form the Pleasant Bay Resource Management Alliance to coordinate plan implementation by cooperation with each town. Last year the Town of Brewster voted to adopt the plan and join the Alliance. The plan calls for an update to be completed every five years. The inter-municipal agreement expires at the end of five years unless the towns take action to extend it. The article will accept the 2008 plan update, and authorize selectmen to continue the agreement forming the Alliance for another five years.

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

ARTICLE 29. AMEND FEE SCHEDULE – WATER RATES

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

Current Rate Schedule

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

New Rate Schedule

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

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

(Simple Majority Vote Required)

SUMMARY

This article authorizes the Board of Selectmen to increase the water rates by more than 5% and thus pursuant to the Orleans Code §94-8A., the increase must be approved by Town Meeting. The increased fees are necessary to fund the Water Department’s 30-year capital plan to maintain the quality and integrity of the water system, including but not limited to new well no. 8, painting water storage tank #1 and #2, and the eventual replacement of the iron & manganese plan membranes.

BOS: Recommendation to be made at Town Meeting
FC: 6 – YES 0 – NO 0 – ABSTAIN

ARTICLE 30. AMEND BOARD OF SELECTMEN FEES – DOCKAGE FEES

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

<u>Dockage</u>	<u>Current</u>	<u>Proposed</u>
Resident back in	\$40/ft	\$52/ft
Non-resident back in	\$54/ft	\$70/ft
Resident Commercial/Private Pier	\$10/ft	\$13/ft
Non-resident Commercial/Private Pier	\$12/ft	\$15/ft

(Simple Majority Vote Required)

SUMMARY

On the recommendation of the Shellfish and Waterways Advisory Committee, the Board of Selectmen proposes to increase fees for slips at Rock Harbor. 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 31. AMEND BOARD OF SELECTMEN FEES - MOORING PERMITS

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

<u>Mooring Permits</u>	<u>Current</u>	<u>Proposed</u>
Non-Commercial - Individual	\$52	\$75
Marina	\$78	\$200

(Simple Majority Vote Required)

SUMMARY

On the recommendation of the Shellfish and Waterways Advisory Committee, the Board of Selectmen proposes to increase fees for non-commercial mooring permits. 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 32. AMEND BOARD OF SELECTMEN FEES - SHELLFISH PERMITS

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

<u>Shellfish Permits</u>	<u>Current</u>	<u>Proposed</u>
Establish single non-resident fee	\$30 Mass. \$50 out of state	\$70

(Simple Majority Vote Required)

SUMMARY

On the recommendation of the Shellfish and Waterways Advisory Committee, the Board of Selectmen proposes to create a single fee for non-resident shellfish permits. 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 33. AMEND HOME RULE CHARTER CHAPTER 2 TOWN MEETING, CLAUSE 2-1-3, QUORUM

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

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

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

Or take any action relative thereto. (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article would reduce the Town Meeting quorum from five percent (currently approximately 260-270) of the registered voters of the town to one hundred and fifty, in an effort to ensure that the Town will be able to conduct its business on the scheduled date.

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

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

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

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

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

Or take any action relative thereto. (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article includes an exemption from speaking limits for those persons proposing an amendment.

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

ARTICLE 35. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-11, TERM LIMITS

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

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

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

Or take any action relative thereto. (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article incorporates a new clause to establish a limit of three successive terms, with one year off, thus creating an open seat for one year to encourage more candidates to seek this office.

BOS:	2 – YES	3 – NO	0 – ABSTAIN
FC:	6 – YES	0 – NO	0 – ABSTAIN

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

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

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

and insert in place thereof the following sentence:

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

Or take any action relative thereto. (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article removes the requirement to meet weekly, provides flexibility to the Board to meet as it determines necessary, and encourages more attention on policy direction, less on operational matters.

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

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

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

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

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article increases the honorarium in recognition of the increased complexity and accountability of the Board's work since the creation of the Home Rule Charter in 1987. The \$500 honorarium to the Chairperson acknowledges the additional work required by the position. The Chair is normally rotated annually.

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

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

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

Add the following new clause 3-3-4:

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article ensures that the Town will keep its Emergency Plan current, and that Town residents annually receive general information and guidance in case of emergency.

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

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

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

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

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article increases the dollar and time limits requiring Town Voter approval. New limits reflect economic growth and improved Town and inter-Town administrative accountability.

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

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

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

Add a new clause 3-8-4:

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

And

Delete clause 6-9-1 which currently reads:

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

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

Section 9 Charter Review Committee

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article replaces clause 6-9-1, a five year review committee, and substitutes, in Chapter 3, under the Board of Selectmen’s responsibility, an ongoing General By-law review as there is a Zoning By-law review, and moves clause 6-9-2, Charter Review Committee.

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

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

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

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

3-9-1 The Board shall have the power to appoint (a) a Town Administrator as provided in Chapter 4; (b) a Town Counsel; (c) a Town **Accountant/Director of Municipal**

Finance: (d) a Police Chief; (e) a Fire Chief; (f) three members of a Board of Registrars of Voters for overlapping three-year terms; (g) Election Officers; (h) five members and three associate members of a Zoning Board of Appeals for overlapping three-year terms; (i) ~~four~~ **three** members **and two associate members** of a Board of Water **and Sewer Commissioners for overlapping terms**; (j) **three members of a Community Preservation Committee.**

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

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article adds and/or corrects titles to reflect current titles and new multi-member bodies.

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

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

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

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

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

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

(2/3 vote required)

SUMMARY

This article expands opportunity for non-Orleans residents to apply for Town Clerk, increasing the pool of candidates; updates a position title; replaces an obsolete sentence. A provision is included authorizing the Board of Selectmen to seek Special Legislation in addition to this article, should the Attorney General so require.

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

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

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

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

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

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

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

Add the following new clauses:

§9. Old Kings Highway Historic District Committee

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

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

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

§10. Town Constables

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

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

§11. Representative to the Barnstable County Assembly of Delegates

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article adds to clause 5-1-1 the Old Kings Highway Historic District Committee, two Constables, and one Barnstable County Assembly of Delegates Orleans Representative and new separate sections 5-9, 5-10, and 5-11 to Chapter 5, to properly recognize these elected positions. Furthermore, clause 5-7-3 is revised to clarify that the Board of Health appoints a member of the new Board of Water and Sewer Commissioners.

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

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

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

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

6-1-11 When a multi-member body of the Town has associate members, the Chairperson, at the Chairperson's discretion, may designate any such associate

member to sit in case of absence; inability to act; or in the event of a vacancy on the multi-member body until said vacancy is filled.

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

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

§10. Historical Commission

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

§11. Community Preservation Committee

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

Clause 6-1-11 defines the general role of associate members and Chairpersons, making the deleted sentence in 6-3-1 unnecessary. Clauses 6-10 and 6-11 define the respective structures of those multi-member bodies.

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

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

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

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

~~“Section 8 Board of Water Commissioners~~

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

~~prior to its disestablishment. Thereafter appointments to the Board of Water Commissioners shall be made in accordance with Clause 6-8-2.~~

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

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

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

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

§8. Board of Water and Sewer Commissioners

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

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

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

Comprehensive Wastewater Management Plan and oversight of that system when operational. **The Board of Selectmen shall establish sewer rates and shall consult with and receive recommendations from the Board of Water and Sewer Commissioners with respect to sewer rates.**

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article establishes the new Board of Water and Sewer Commissioners, 6-8-1; organization, 6-8-2; responsibilities, 6-8-3; Annual Operating and Capital Plans, 6-8-4; effective July 2009, or after passage of a Comprehensive Wastewater Management Plan by Town Meeting, whichever shall occur later. Members of the new Board of Water and Sewer Commissioners will be appointed by the Board of Selectmen, the Board of Health and the Planning Board due to the complexity of waste water management and the effect such a system can have on the future development of the Town. The Board of Selectmen will establish water and sewer rates, and will consult with and receive recommendations from the Board of Water and Sewer Commissioners.

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

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

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

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

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

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

7-1-1 To promote a maximum level of active, interested and diverse citizen and

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

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

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

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

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

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

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

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

Or to take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article reinforces the importance of citizen involvement and encourages the use of all forms of appropriate local media to generate interest, and re-orders the numbering of Section 1. It also clarifies certification language for recall petitioners, and retention of recall records.

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

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

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

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

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

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

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

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

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

8-5-1 The Town Administrator shall prepare a five-year Capital Improvements Plan, which shall be designed to deal with unmet long-range needs, and to implement the

goals and objectives of the ~~official town plan~~ Orleans Comprehensive Plan. **The Capital Improvements Plan shall be developed based on established Board of Selectmen policy regarding the types of projects to be included.**

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

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

Or to take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article adds clause 8-1-6 which explains the role of the Finance Committee and its responsibilities to the citizens. The other changes clarify Finance Committee and Board of Selectmen Joint Hearing responsibilities; the submittal of Budget and Capital Plans to the Board of Selectmen and Finance Committee; and the Capital Improvements Plan based on Board of Selectmen policy.

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

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

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

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

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

agreement establishing such entities.

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

8-5-3 ~~Said plan~~ **The Capital Improvements Plan** shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next five fiscal years ~~following the proposed capital budget~~, together with supporting data; (c) cost estimates, methods of financing, and recommended time schedules; and (d) the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information may be revised and shall be extended each year with regard to capital improvements pending or in the process of construction or acquisition. **Any entry in said Plan previously approved at Town Meeting that is moved out more than one year shall be specifically noted and adjusted to reflect changing economic conditions.**

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

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

Or take any action relative thereto. (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article modifies CIP clauses to 1) reflect current practice to exclude Regional Capital projects from Orleans CIP since Regional entity committees are responsible for their Capital plans; 2) require a note to highlight a capital project moved out more than one year, and that the cost estimate has been adjusted to reflect economic conditions; and 3) a project is considered in compliance, not requiring a $\frac{3}{4}$ vote at Town Meeting, if included in prior CIP and costs do not exceed more than ten percent of the estimated cost.

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

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

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

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

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

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

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

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

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

9-2-1 - delete the phrase "Within the limits of available resources," as follows (deleted text is shown as ~~strike-out~~):

~~9-2-1 Within the limits of available resources, the~~ The Planning Board shall be responsible for the development and periodic updating of the Orleans Comprehensive Plan.

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

~~9-2-5 By the first day of August each year the Planning Board shall issue a status report of Plan actions accomplished in full or in part during the preceding fiscal year. By the fifteenth day of November, the Planning Board shall recommend implementation actions from the Plan as part of the development of the annual Operating and Capital Budgets and a six year schedule of Plan implementations as part of the Capital Improvements Plan updating process. The Planning Board shall present a report to the Annual Town Meeting specifying those Plan actions being fulfilled during the current fiscal year and the scheduled actions approved by the Board of Selectmen for full or partial completion during the ensuing fiscal year.~~

Or take any action relative thereto. (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article adds the Planning Board appointment of one member of the new Board of Water and Sewer Commissioners, reflects the Planning Board’s responsibility for the Orleans Comprehensive Plan review, and that the status report on the Orleans Comprehensive Plan is given at the Annual Town Meeting.

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

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

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

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

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

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

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

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This article updates “Definitions” by replacing “Town Agency” with “Appropriate local media”, and eliminates “he/his” since Charter is now gender neutral. “Appropriate local media” recognizes new technology of Town web site and public access TV and other electronic or paper media. “Town Agency” is no longer used as a title in the Charter.

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

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

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

Part (A) makes various gender changes.

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

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

Consequently, the other clauses changed as above:

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

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

Clause 3-9-3 line 3: delete “his” and add “Town Administrator’s” before the word “office”.

Clause 3-11-1 line 1: delete “of his”

Clause 7-7-1 line 2: delete both instances of “his” and add “said”

Clause 7-8-6 line 2: delete “to succeed himself” and add “for said office”

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

Example: Clause 2-3-2

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

Example: Clause 3-9-3

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

Consequently, the other clauses changed as above:

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

3-12-2; 4-4-2; 5-1-3 lines 2 & 4; 5-2-1; 7-1-3; 7-6-1; 7-7-1; 8-2-7; 8-2-10

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

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

Part (D) changes or adds words for clarification.

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

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

“CHAPTER 10 CHARTER OPERATION AND MAINTENANCE”

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2 Official Town Plan Orleans Comprehensive Plan

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

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

9-2-3 The Planning Board shall present such proposed, updated Plan at a public hearing and may revise it following such hearing. Such portions of the Plan as are

considered ready shall be presented to the Town Meeting for adoption. The revisions may be amended on the floor of Town Meeting.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY

This “omnibus” article specifically addresses areas of language inconsistencies occurring in the Charter without changing any intent or meaning of the sections and clauses. The purpose of this article is to create throughout the whole document: gender neutrality; the consistent use of the term “multi-member body or bodies”; and the capitalization of all proper nouns and titles. Part (D) adds words to clarify which “board” is referenced and replaces “Official Town Plan” with “Orleans Comprehensive Plan.”

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

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

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

(Simple Majority Vote Required)

SUMMARY

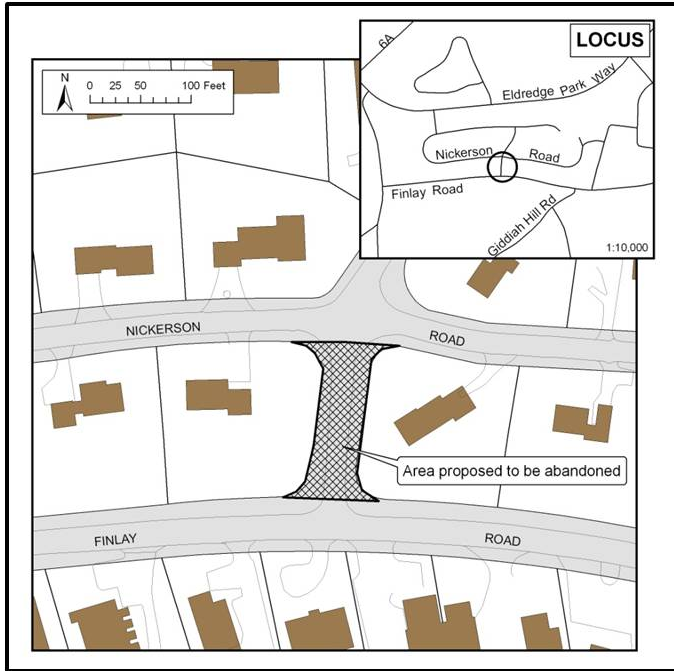
Previous Town Meetings have approved the purchase of this parcel and its development as affordable rental housing. The most cost-effective method of developing the housing would be to lease the land to a private developer who would be required to build and manage the 8 rental units. This article authorizes the Board of Selectmen to enter into a land lease with the chosen developer to facilitate the development of affordable housing.

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

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

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

(2/3 Vote Required)



SUMMARY

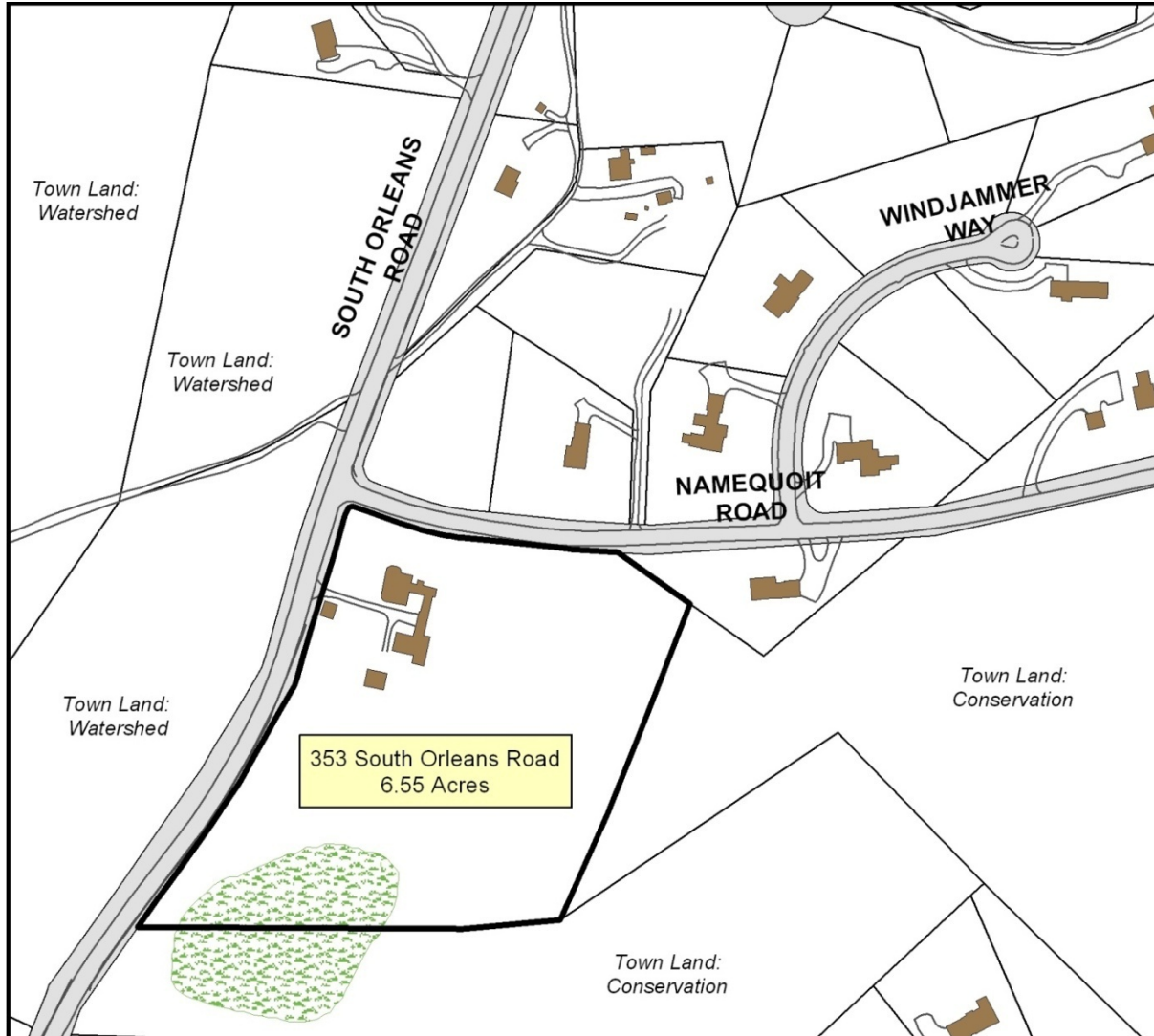
Homeowners in the Nickerson Road, Daley Terrace, Marston’s Way and Kettle Pond Way neighborhood petitioned the Selectmen for mitigation of impacts of nearby industrial activities. The Traffic Study Committee recommended that the Nickerson Road and Kettle Pond connections to Finlay Road be closed for all but emergency access. Pursuant to Ch. 174 §10 of the Town Code, a public hearing was scheduled for April 30, 2008. A Town Meeting vote is required to discontinue and abandon the layout.

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

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

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

(2/3 Vote Required)



SUMMARY

The acquisition of this parcel at 353 South Orleans Road (Route 28) will complete a long-standing objective of the Orleans Open Space Plan by connecting the watershed to the Namequoit River and Arey's Pond and creating a wildlife corridor over a mile in length. A single-family house, c. 1830, on the site of the original Kenrick homestead, is connected to a barn by lower sheds, and these structures have been determined to be suitable for housing or other compatible uses. Acquisition of this parcel ensures the preservation of 3/10 of a mile of South Orleans Road, between this historically significant property and the 1792 property at 388 South Orleans Road. The purchase will be funded with \$500,000 from the state Land and Water program, remaining funds from the Shaw's DRI project mitigation and from the town's capital budget for open space and wastewater property acquisitions.

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

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

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

(Simple Majority Vote Required)

SUMMARY

This article asks if the Town will vote to appropriate \$56,000.00 for a 14.76kW photovoltaic installation on the Orleans Council on Aging building utilizing the Massachusetts Technology Collaborative’s Commonwealth Solar Initiative (CSI) program.

Fiscal Year 2009 tax rate impact of \$0.014 per thousand as petitioned.

BOS:	0 – YES	5 – NO	0 – ABSTAIN
FC:	0 – YES	8 – NO	0 – ABSTAIN

ARTICLE 56. PROHIBIT INTERNAL COMBUSTION ENGINES IN BAKERS POND – BY PETITION

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

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

(Simple Majority Vote Required)

SUMMARY

This petition to amend the town bylaws is brought to the Town of Orleans through a unanimous vote from the annual meeting of the Friends of Bakers Pond held on September 15, 2007. Simply, it seeks to add Bakers Pond to an existing bylaw that prohibits the use of internal combustion engines on both Pilgrim and Crystal Lakes. Additionally, this bylaw amendment effectively eliminates the need for paragraph 4 of the same section which limits the operation of motorboats upon any great pond within the Town of Orleans to not more than 10 horsepower.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	7 – YES	1 – NO	0 – ABSTAIN

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

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

(Simple Majority Vote Required)

SUMMARY

On October 23, 2006, Town employees in the Highway, Water, Tree, Disposal and Park Departments, members of Steelworkers Local 13507, came to Town Meeting to inform that they had been without a successor collective bargaining agreement for almost six years. For six years an Article had been placed on the Warrant asking for funding of a contract from FY2002 through FY2007; a postponement had been sought by the Board of Selectmen; and Town Meeting members had voted that request to postpone. Members of Town Meeting should be made aware of any lapse in time between agreements so that we may act in an informed and effective manner on behalf of our employees.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ARTICLE 58. WITHDRAW UNFAIR LABOR PRACTICE CHARGE – BY PETITION

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

(Simple Majority Vote Required)

SUMMARY

On October 23, 2006, aggrieved employees of our town, members of a union, came to Town Meeting to inform that they had been without a contract for almost six years; their earlier agreement had expired in 2001. The Board of Selectmen responded to their success in less than six weeks, placing an Unfair Labor Practice Charge against them. This Article asks for healing and remembrance of the brother/sisterly covenant, withdrawal of the Unfair Labor Practice Charge, and restoration of labor peace to our Town.

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 TWELFTH day of MAY in the year TWO THOUSAND EIGHT at 6:30 P.M. to act on the following:

ARTICLES

Article 1.	Pay Bills of Prior Years	96
Article 2.	Transfer Article	97
	Available Funds to Fire Department Overtime Salary Account	
Article 3.	Fund Nauset Beach Gazebo Summer Concerts	97
Article 4.	Closing Article	97

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

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

(Simple Majority Vote Required)

SUMMARY

Due to the unanticipated long-term medical leave of department staff and mandatory EMS and firefighting training, overtime costs have increased to cover shifts and multiple emergency calls.

BOS: Recommendation to be made at Town Meeting.
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 3. FUND NAUSET BEACH CONCERTS

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

(Simple Majority Vote Required)

SUMMARY

The FY08 funds for concerts at Eldredge Park were not used, so they are available to pay for the summer concert series at Nauset Beach for the coming season.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 4. 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 TWENTY-THIRD day of APRIL in the year of our Lord TWO THOUSAND EIGHT.

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

John P. Hinckley, Jr., Chairman
David M. Dunford
Mark E. Carron
Margie Fulcher
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

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 elections and in Town affairs, to meet at Precinct #1 and Precinct #2, in the Former American Legion Building in said Orleans on Tuesday the TWENTIETH of MAY in the year TWO THOUSAND and EIGHT from 7:00am to 8:00pm to vote on the following.

To Vote for the Election of the following Town Officers and Questions:

- 1 Moderator (1 year term)
- 2 Selectmen (3 year terms)
- 2 Board of Health (3 year terms)
- 1 Orleans Housing Authority (5 year term)
- 1 Nauset Regional School Committee (3 year term)
- 2 Orleans Elementary School Committee (3 year terms)
- 2 Trustees for Snow Library (3 year terms)

QUESTION 1.

Shall the Town of Orleans be allowed to assess an additional \$203,500.00 in real estate and personal property taxes for the purpose of funding and paying Town departmental expenses for the fiscal year beginning July 1, 2008?

YES _____ NO _____

QUESTION 2.

Shall the Town of Orleans be allowed to assess an additional \$44,000.00 in real estate and personal property taxes for the purpose of funding and paying a portion of the Orleans Elementary School operating expense for the fiscal year beginning July 1, 2008?

YES _____ NO _____

QUESTION 3.

Shall the Town of Orleans be allowed to assess an additional \$44,000.00 in real estate and personal property taxes for the purpose of funding and paying a portion of the Town's share of the Nauset Regional School District budget for the fiscal year beginning July 1, 2008?

YES _____ NO _____

QUESTION 4.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the design and construction of improvements to the town's drainage infrastructure systems, 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 2½, so-called, the amounts required to pay for the bond issued in order to fund the local share of the town's pavement management program to repair, resurface, and reconstruct town roadways, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 6.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the preparation of design plans for replacement of the existing snack bar facilities at Nauset Beach and Skaket beach, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 7.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the preparation of design plans for construction of a new Police Station on South Orleans Road, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 8.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the purchase of all or a portion of the land located at 353 South Orleans Road (Route 28), Orleans, MA consisting of approximately 6.55 acres, shown on the Orleans Assessor's Map 68 as Parcel 8-1, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 9.

Shall the Town of Orleans instruct the Town Clerk to send the following nonbinding resolution to Sen. Edward Kennedy, Sen. John Kerry, Rep. William Delahunt, Sen. Harry Reid, Rep. Nancy Pelosi, and President George W. Bush?

Whereas, Congress has the sole responsibility to allocate funds, and;
Whereas, Congress is the check to the Executive branch of government which is prosecuting the illegal occupation of Iraq, and;
Whereas, a majority of American citizens call for an end to the war in Iraq, and;
Whereas, \$480+ billion of taxpayer money has already been spent on this war without end in sight, depriving us of necessary funds for education, housing, healthcare, support for returning veterans, reparations to the people of Iraq, and for other vital human needs,

We therefore call upon our Congressional representatives to vote only for funding for a safe and rapid withdrawal of all US troops from Iraq.

YES _____ NO _____

And you are directed to serve this Warrant, by posting up attested copies thereof at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE in said Town, seven (7) days at least before the time of holding said Election.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of the Election, as aforesaid.

Given under our hands this TWENTY-THIRD day of APRIL in the year of our Lord TWO THOUSAND EIGHT.

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

John P. Hinckley, Jr., Chairman
David M. Dunford
Mark E. Carron
Margie Fulcher
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 Election Warrant at ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, EAST ORLEANS POST OFFICE seven (7) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable