

**TOWN OF ORLEANS
TOWN MEETING WARRANTS**

for use at

**MONDAY, May 7, 2012
ANNUAL TOWN MEETING - 6:30 PM
&
SPECIAL TOWN MEETING – 6:30 PM
Nauset Middle School Gymnasium**



**ANNUAL ELECTION
TUESDAY, May 15, 2012
7:00 AM - 8:00 PM
Council on Aging Senior Center
Published as a supplement of
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***Please bring this copy of the warrant
to Town Meeting.***

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

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MOTION CHART

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

Motions	Debatable	Non-Debatable	Amendable	Non-Amendable	Second Required	Second Not Required	Vote Required	May Reconsider	May Not Reconsider
1. Point of Order		X				X	n/a		
2. Previous Question Terminate Debate		X		X	X		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 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 two hundred (200) 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-thirds (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 or amendments thereto 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 Improvements: 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-fourths (3/4) majority vote of the Town Meeting.

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

“The Town Meeting shall act on the Capital Improvements Plan, 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.”

Clause 8-5-1 of the Charter reads:

“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 Orleans Comprehensive 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, on the following pages you will find a number of schedules and charts that have been included in the warrant to provide additional information that may be of help to you at Town Meeting.

The “Financial Plan” for Fiscal Years 2012 and 2013 compares revenues and expenditures adopted in FY 2012 with those proposed in FY 2013. The Plan assumes approval of all funding articles as recommended in the Annual Town Meeting warrant.

As presented, the total expenditures in FY 2013 amount to \$29,912,000, an increase of \$683,000 or 2.3% over FY 2012. The total property tax levy would increase by 1.9% and the tax rate would increase by \$0.08 to \$5.99 per thousand dollars of assessed valuation in FY 2013.

A “Tax Rate Information” table shows the estimated tax rate increase and tax impact on a property valued at \$500,000 for articles that are funded by property taxes. Each funding article in the warrant includes a notation showing the FY 2013 tax rate impact per thousand dollars of assessed valuation.

The warrant also includes two charts that summarize the Town’s “Financing Sources” and “Expenditure Comparison By Organizational Group” for both FY 2012 and Proposed/Recommended for FY 2013.

Finally, the “Proposed Operating Budget” for the Fiscal Year July 1, 2012 – June 30, 2013 includes the 2012 adopted and 2013 proposed budgets and is broken down by department, line item description and amounts. In addition, operating budget purchases of \$10,000 or greater are summarized in the “Capital Outlay Requests” schedule by Town Department, Orleans Elementary School and Nauset Regional School District.

For FY 2013, the total proposed operating budget is \$28,323,928, inclusive of all non-school and school operating costs. This amount represents an overall increase of \$9,240 over FY 2012. As proposed, total non-school expenditures are up 0.8% and total school (Orleans Elementary, Nauset Regional and Cape Cod Tech) expenditures are down 1.2%.

John F. Kelly
Town Administrator

FINANCIAL PLAN
FOR THE FISCAL YEARS 2012 & 2013
(\$000)

<u>REVENUES</u>	<u>ADOPTED FY 2012</u>	<u>PROPOSED FY 2013</u>	<u>DOLLAR CHANGE</u>	<u>PERCENT CHANGE</u>
Property Tax				
Property Tax (Base)	18,107	19,296	1,189	6.6%
Statutory Increase	453	482	30	6.6%
Growth	166	119	(47)	-28.6%
Debt/Capital Exp. Exclusions	2,364	2,268	(96)	-4.1%
Cape Cod Commission Act	147	150	4	2.5%
General Override	570	-	(570)	-100.0%
Unused Levy Capacity	(528)	(631)	(103)	19.5%
Community Preserv. Surtax	626	638	12	1.9%
Total Property Tax	21,904	22,322	418	1.9%
Provision for Abatement/Exempt	(192)	(200)	(8)	4.4%
Non-Property Tax				
State Aid	445	452	7	1.5%
Motor Vehicle Excise	850	876	26	3.1%
Local Receipts	4,224	4,383	159	3.8%
Free Cash	587	700	114	19.4%
Funds Resv. Appr./Other Avail.	981	925	(56)	-5.7%
Hotel Tax	431	455	24	5.7%
Total Non Property Tax	7,517	7,790	274	3.6%
Total Revenues	29,229	29,912	683	2.3%
<i>Assessed Value (est. as of 1/1/11)</i>	<i>3,600,381</i>	<i>3,620,481</i>	<i>20,100</i>	<i>0.6%</i>
<i>Tax Rate</i>	<i>5.91</i>	<i>5.99</i>	<i>0.08</i>	<i>1.3%</i>
EXPENDITURES				
Non-School				
Salaries and Wages	8,901	8,908	7	0.1%
Fringe Benefits	2,084	1,881	(203)	-9.7%
Pensions	1,302	1,349	46	3.6%
General Expenses	3,409	3,502	93	2.7%
State/County Assessments	506	517	11	2.1%
Sub Total - Non Sch Operating	16,202	16,156	(45)	-0.3%
Capital Expenditures	539	880	341	63.4%
Debt	3,068	2,921	(147)	-4.8%
Sub Total - Non Sch Capital/Debt	3,606	3,801	195	5.4%
Total - Non School	19,808	19,957	149	0.8%
School				
Nauset Regional	3,703	3,680	(23)	-0.6%
Debt	(153)	(148)	5	-3.5%
NRS Capital Outlay	91	88	(3)	-3.0%
Sub Total - NRS	3,641	3,620	(21)	-0.6%
Orleans Elementary	3,135	3,214	79	2.5%
Fringe Benefits	765	625	(140)	-18.3%
Pensions	94	86	(7)	-7.9%
OES Capital Outlay	37	13	(24)	-64.9%
Sub Total - OES	4,031	3,939	(92)	-2.3%
C.C. Technical High	305	325	21	6.8%
Total - Schools	7,977	7,884	(92)	-1.2%
Other Expenses				
Community Preserv. Expenses	530	483	(48)	-9.0%
Community Preserv. Fund	96	155	59	62.0%
Special Articles	819	1,433	615	75.1%
Sub Total - Other Expenses	1,445	2,071	626	43.4%
Total Expenditures	29,229	29,912	683	2.3%

TAX RATE INFORMATION
ESTIMATED FOR FISCAL YEAR 2013

Per tax rate increments:

TAX RATE INCREASE	MUNICIPAL REVENUE RAISED	TAX IMPACT ON \$500,000.00 PROPERTY
\$ 0.01	\$ 36,204.81	\$ 5.00
\$ 0.05	\$ 181,024.05	\$ 25.00
\$ 0.10	\$ 362,048.10	\$ 50.00
\$ 0.20	\$ 724,096.20	\$ 100.00
\$ 0.30	\$ 1,086,144.30	\$ 150.00
\$ 0.40	\$ 1,448,192.40	\$ 200.00
\$ 0.50	\$ 1,810,240.50	\$ 250.00
\$ 0.60	\$ 2,172,288.60	\$ 300.00
\$ 0.70	\$ 2,534,336.70	\$ 350.00
\$ 0.80	\$ 2,896,384.80	\$ 400.00
\$ 0.90	\$ 3,258,432.90	\$ 450.00
\$ 1.00	\$ 3,620,481.00	\$ 500.00

Per revenue raised increments:

\$ 0.0003	\$ 1,000.00	\$ 0.14
\$ 0.0014	\$ 5,000.00	\$ 0.69
\$ 0.0028	\$ 10,000.00	\$ 1.38
\$ 0.0138	\$ 50,000.00	\$ 6.91
\$ 0.0276	\$ 100,000.00	\$ 13.81
\$ 0.1381	\$ 500,000.00	\$ 69.05
\$ 0.2762	\$ 1,000,000.00	\$ 138.10

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 \$500,000.00. 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 estimated valuation for Fiscal Year 2013. These figures should be considered as estimates only, since valuations can change annually.

FINANCING SOURCES
Adopted Fiscal Year 2012 vs. Proposed Fiscal Year 2013

<u>FINANCING SOURCES</u>	<u>FY 2013 PERCENT OF TOTAL</u>	<u>FY 2012 ADOPTED</u>	<u>FY 2013 PROPOSED</u>	<u>PERCENT INCR/DECR</u>	<u>DOLLAR INCR/DECR</u>
Property Tax	74%	21,712,657	22,121,939	2%	409,281
Local Receipts	15%	4,224,100	4,383,308	4%	159,208
Other Available Funds	3%	980,592	924,661	-6%	(55,931)
Motor Vehicle Excise	3%	850,000	876,000	3%	26,000
State Aid	2%	444,841	451,514	1%	6,673
Free Cash	2%	586,500	700,000	19%	113,500
Hotel Tax	2%	430,505	455,000	6%	24,495
Total	100%	29,229,195	29,912,421	2%	683,226

EXPENDITURE COMPARISON BY ORGANIZATIONAL GROUP
Adopted Fiscal Year 2012 vs. Recommended Fiscal Year 2013

<u>ORGANIZATIONAL UNIT</u>	<u>FY 2013 PERCENT OF TOTAL</u>	<u>FY 2012 ADOPTED</u>	<u>FY 2013 PROPOSED</u>	<u>PERCENT INCR./DECR.</u>	<u>DOLLAR INCR./DECR.</u>
Education (1)	26%	7,976,640	7,884,149	-1%	(92,491)
Public Safety	19%	5,384,815	5,607,863	4%	223,048
Debt	10%	3,067,772	2,921,193	-5%	(146,579)
Public Works	8%	2,380,131	2,479,971	4%	99,840
Fringe Benefits	7%	2,172,162	1,969,344	-9%	(202,818)
General Government	7%	2,113,769	2,127,890	1%	14,121
Culture & Recreation	6%	1,805,119	1,919,179	6%	114,060
Pensions	5%	1,302,132	1,348,538	4%	46,406
Human Services	3%	814,369	799,735	-2%	(14,634)
Special Articles	5%	818,530	1,433,051	75%	614,521
Land Bank Expenses	2%	530,051	482,522	-9%	(47,529)
State & County Assess.	2%	505,704	516,519	2%	10,815
Insurance	1%	262,025	267,025	2%	5,000
<u>OTHER</u>					
Community Preserv. Fund	1%	95,977	155,442	62%	59,466
Total	100%	29,229,195	29,912,421	2%	683,226

(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 2011 fiscal year is July 1, 2010 to June 30, 2011. Since 1876, the federal government has had a fiscal year that begins October 1 and ends September 30.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finance Committee 2012 Report

Dear Town Voters,

The Finance Committee is pleased to present to the citizens of Orleans the Committee's 2012 Annual Report on the current financial condition of Orleans and the future fiscal outlook for the Town. Under the Orleans Town Charter, the Finance Committee is charged with independently examining and analyzing the financial affairs of the Town and informing Orleans citizens of the Committee's findings and recommendations. This report highlights the findings of the Committee's analysis of proposed budgets, the Capital Improvement Plan, and other proposals having financial implications for the Town, and presents the Committee's recommendations regarding challenges that we believe the Town must be prepared to address to sustain the future financial health of our community.

The members of the Finance Committee take their responsibilities as set out under the Charter very seriously and are committed to making informed judgments concerning the fiscal condition of the Town on behalf of all of our constituents. Accordingly, the Committee this year focused on improving its understanding of municipal finance practices and the roles, responsibilities, and operations of Town Departments and key committees as they impact Town spending. The knowledge gained through this effort has provided the Committee with a fuller appreciation for both the near-term and future fiscal challenges that we face and reinforced the Committee's dedication to pressing for long-term planning to position the Town to effectively meet those challenges.

Fiscal Conditions

The Town of Orleans current fiscal condition is very good. The Town maintains its AA+ bond credit rating -- a rating which puts Orleans in the top 5% of Massachusetts communities. The Town's Fiscal Year 2011 audit concluded that the Town is "financially stable," noting that the Town has consistently budgeted to meet annual operating needs and has achieved or exceeded Bond Rating Agencies' fund reserve metrics that determine a municipality's credit worthiness and attractiveness to investors. In Fiscal Year 2013, the Town will continue and expand initiatives to further improve its fiscal and operational performance, by expanding the formal documentation of financial policies and procedures; initiating the development of a written fraud policy and an internal audit process; and, subject to action by Town voters in May, increasing funding of its General Stabilization Fund, an action which will further increase the Town's investment appeal.

Nevertheless, while we fully expect some continued improvements in the fiscal condition of the Town over the next year, there are some continuing impediments to achieving this objective. On the revenue side, while the rate of reductions in State and Federal aid to the Town has slowed, no significant up-turn in aid is anticipated. However, at the same time, state and county assessments have continued to rise, increasing by \$37,000, or 8%, from Fiscal Year 2011 to Fiscal Year 2012, and by \$11,000, or 2.1%, for Fiscal Year 2013. Moreover, federal and state grant-in-aid programs, which over the years the Town has tapped successfully for additional funding for police, fire, highway, and Open Space programs, among others, have been cut back sharply and, in some cases, terminated.

On the bright side, the meals tax was budgeted to bring in \$230,000 in Fiscal Year 2012, and, through the third quarter of the fiscal year, has produced actual receipts of more than \$238,000. State reimbursements to the Orleans Elementary School and the Town's share of the Nauset Regional School District budget increased significantly during Fiscal Year 2012 and should exceed the budgeted amount by more than \$500,000.

As regards expenditures, Town leadership and staff have served us well in their efforts to control spending through such actions as inter-departmental sharing of staff and the use of contractual employees where such actions could be taken without compromising the quality of services

Finance Committee 2012 Report

delivered; adopting health insurance redesign plans that will achieve a net reduction \$260,000 for the first year and greater savings in the ensuing years; authorizing refinancing of bonds that over the life of the bonds will produce savings of \$600,000 for the Community Preservation Committee's Open Space Program and the Town Water Department.

But, there are other macro and demographic factors that also impact the health of the Town that need to be considered explicitly. While economic data indicates that the country continues to emerge from the fiscal crisis that began in 2008, individuals' perceptions of their own personal financial well-being remains poor. The rate of inflation is 2.87 percent, up by .76 percent from the rate at this time last year. Incomes from wages, pensions, social security, and interest income are frozen in place. Fueled further by escalating worries about the jobs market, housing prices, health care costs, and rising gasoline prices, individuals remain skeptical about their economic future.

This skepticism is reflected in Orleans where citizens across the economic spectrum are coping with rising real costs of necessities such as food, heating fuel, and gasoline. Moreover, many of our citizens are caught in the squeeze between rising costs and fixed or reduced income. Interest rates remain at low levels, and negatively impact not only the Town's revenue picture, but the disposable income available to residents who are dependent upon investment income as their primary source of support for their living expenses.

With a steadily declining share of state and federal tax dollars being returned to us, taxes and fees paid by Orleans citizens directly to the Town comprise an increasing percentage of revenues available to support Town government and its operations. In addition, while Orleans' tax rate has been stable for many years, and remains one of the lowest on Cape Cod, increased spending for capital projects that are on the horizon can be expected to begin to drive costs upward. The challenge of Town leadership is to maintain the financial health of the Town while not increasing the real economic stress felt by its citizens.

The Numbers

The Proposed Fiscal Year 2013 Budget

The Fiscal Year 2013 budget that will be presented to Orleans voters for their consideration during the May 7, 2012, Town Meeting, reflects a 2.8% increase over the previous fiscal year, rising from \$29,229,000 for Fiscal Year 2012 to \$29,937,000 for Fiscal Year 2013. The Budget for Fiscal Year 2008 was \$26,029,000. Over the previous six years, Orleans' budget has increased by 15.0%. In that same period, property tax revenues have increased by 22 %.

The major sources of Revenue for Fiscal Year 2013 and Fiscal Year 2008 are listed in the table below.

Source of Revenue	Proposed Fiscal Year 2013		Actual Fiscal Year 2008	
	Dollars	% of Revenue	Dollars	% of Revenue
Property Tax	\$22,332,000	75.0%	\$18,358,000	70.5%
Local Receipts	\$ 4,383,000	14.6%	\$ 4,087,000	16.0%
Motor Vehicle Excise	\$ 876,000	2.9%	\$ 1,145,000	4.4%
State Aid	\$ 452,000	1.5 %	\$ 773,000	3.0%
Hotel/Meals Tax	\$ 455,000	1.5%	\$ 193,000	0.7%
Free Cash	\$ 700,000	2.3%	\$ 659,000	2.5%
Other	\$ 925,000	3.0%	\$ 1,014,000	3.9%

Likewise, we made the same comparison in expenses for Fiscal Year 2012 and Fiscal Year 2008.

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Expenses	Proposed Fiscal Year 2013		Actual Fiscal Year 2008	
	Dollars	% of Expense	Dollars	% of Expense
Salaries and Benefits	\$12,138,000	40.5%	\$11,008,000	42.0%
School Expenses	\$ 7,884,000	26.4%	\$ 7,186,000	27.6%
General Expenses	\$ 3,502,000	11.7%	\$ 3,320,000	12.8%
Debt	\$ 2,921,000	9.8%	\$ 2,272,000	8.7%
State and County Assessments	\$ 517,000	1.7%	\$ 466,000	1.8%
Capital Outlay	\$ 880,000	2.9%	\$ 622,000	2.4%
Community Preservation	\$ 637,000	2.1%	\$ 524,000	2.0%
Special Articles	\$ 1,433,000	4.8%	\$ 295,000	1.1%

The Capital Improvement Plan

The Capital Plan for Fiscal Year 2014– 2018 provides the taxpayers with a plan of the estimated cost and timing for Capital Projects that the town is considering. The approval of the plan is not a commitment to spend money as each project must be approved subsequently at Town Meeting in the year it is to be funded.

The Capital Improvement Plan to be presented at this year’s Town Meeting totals \$47,750,000. The breakdown of the Capital Improvement Plan is:

Fiscal Year 2014	\$ 1,675,000
Fiscal Year 2015	\$42,550,000
Fiscal Year 2016	\$ 625,000
Fiscal Year 2017	\$ 2,450,000
Fiscal Year 2018	\$ 450,000

Meeting Future Challenges

Orleans is rich in history, charm, and natural resources; it is unique in its composition and character. Our Town has much to offer its residents and visitors. We have access to bay, ocean, and fresh water ponds. We have many conservation areas for walking and enjoying open space. Our parks are plentiful and well maintained. Our Cape Cod Baseball League team draws fans from across the country.

Town services are of the highest quality, maintained by a cadre of dedicated employees who work hard to provide for the needs of our citizens and visitors. With a median age of 60, services for our senior residents especially are in great demand. The Orleans Council of Aging serves that community well with an extensive and diverse array of programs, including senior day care, care giver support, exercise classes, social gatherings, lunches, and access to assistance for health-related issues; tax preparation; Medicare; and legal issues. At the other end of the age spectrum, our educational offerings are excellent. In 2011, Nauset High School, with 99% percent of its seniors graduating, ranked number 5 among the top 20 high schools in Massachusetts that have the highest graduation rates. To date, 87% of students in the class of 2012 already have met the Competency Determination requirement for graduation. In 2011, the most recent year for which this information is available, more than 90% of Nauset High School graduates went on to pursue some form of higher education. The Orleans Elementary School's outstanding programs are one of this community's most significant assets in drawing young families to our Town.

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But, the challenges facing Orleans are significant as well. Like most of the towns on the Cape, Orleans' population is declining, down by 7.1% from the 2000 to the 2010 Census. Moreover, the average age of that population continues to rise as the Town experiences a decline in the number of young people in Orleans. Orleans does not have a large business base and the lack of well paying jobs to attract a younger population and the relative high cost of housing on the Lower Cape, which younger people cannot afford, threatens to undermine the Town's business community and labor force. The majority of our tax revenues are from residential property. The businesses we do have are under constant pressure to remain financially sound with our declining population. In addition to a declining population, many year-round residents leave Orleans for warmer climates for months at a time. This puts further pressure on our businesses as they try to maintain stable services through extreme swings in demand from a low in the winter months to a high in the summer with seasonal residents in full force. Local realtors report that most individuals currently purchasing homes in Cape towns do not plan to establish permanent residency on the Cape.

Critical Issues: Planning for the Long-term

Economic stressors and constraints create the risk that the annual budget cycle will become focused on a yearly exercise in balancing revenues and expenditure. The need to contain costs when resources are scarce should not outweigh the importance of long-term strategic thinking about spending priorities. The fiscal challenges of the future will be significant. To meet these challenges, the Finance Committee believes that the following must be undertaken as priorities:

- Town leadership must sustain a focus on improving its capacity for managing the debt burden. Debt principal and interest payments remain the Town's fastest growing expense. The debt for Fiscal Year 2012 rose by 30% over Fiscal Year 2011, and the debt burden is 10.5% of the total expense. Debt will decline by 4.8% in Fiscal year 2013 due mainly to strategic refinancing of debt. Looking out 2 years, our debt burden in Fiscal Year 2015 is projected to be 14.0% of our expenses. As noted above, recent refinancing of Water Department and Community Preservation Committee bonds will reduce the Town's debt obligations for those projects by more than \$600,000 over the next 10 years. Last year Town voters approved the creation of stabilization funds to finance the Town's water quality drainage improvements and town pavement management initiatives instead of bonding to pay for these important programs. This year, Town voters will be asked to approve the pre-payment of principal on an additional Open Space bond, which will reduce the number of years to the bond's maturity and the amount of interest paid during that period. The Finance Committee has supported each of these actions and believes that they are tangible evidence of the Town leadership's commitment to reducing the Town's debt burden overall and the amount of that debt that is financed through bonding. However, as we concluded in our Report last year, we foresee a near-term escalation in pressure on the Budget and Capital Plan to accommodate increased spending to support wastewater management plan design; Town facilities repairs and maintenance; vital roadway and other infrastructure improvements; and a stepping up of funding set aside to pay down unfunded Town Post-Employment Plan liabilities. Decisions regarding the financing of major capital expenditures, must be carefully scrutinized for their long-term impact on the ability of the Town to maintain its critical infrastructure and economic health.
- Payments against the Town's unfunded liabilities for employee pensions and other retiree benefits must be accelerated. Currently, the unfunded pension liability is \$16,000,000 and our retirees' other post employment benefits (OPEB) have an accrued liability of \$28,200,889, for a total obligation of \$44,200,889. The pension liability is currently being

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funded by the Town on a basis determined by the state. At this year's May Town Meeting, voters will be asked to approve the establishment of a stabilization fund for the OPEB so that funds may begin to be set aside as a reserve for payments against the Town's future liability. The Finance Committee fully supports this action and is hopeful that Town voters will concur. The recent actions of Town leaders to shift retirees to Medicare; redesign the Town's Group Health program; and pursue the possible reduction of the Town's contribution to employee health care may result in reductions in the amount of this liability, but, that amount will remain significant, and the Town cannot afford to delay in its efforts to begin to fund the obligation.

- Declining enrollment and increasing expenses are threatening the long-term sustainability of our schools. Over the past 10 years, the under-18 population in Orleans has declined by 25.5%. Our partners in the Nauset Regional School District have not fared any better. Brewster's decline is 24%; Eastham's decline is 35%; and the Wellfleet decline is 24.7%. Orleans has a history of providing generous support for its schools, most recently with the approval of an override for schools in Fiscal Year 2011 and the authorization of funding to support the Nauset Regional High School's Green Repair project later that year. In a Town where the vast majority of its residents no longer have school age children, this fact reflects the great value that the Town places on providing high quality education for its children. But, if school enrollment continues to decline while the schools simultaneously seek greater funding for their operations, that commitment may be tested and Town residents may be forced to make difficult decisions regarding the level of support they are willing to provide for their schools. At the same time, citizens also must be willing to entertain proposals by school officials to achieve reductions in programs without compromising the services provided. A proposal advanced earlier this year by the NRSD superintendent to drop one undersubscribed classroom in the District's program for preschool children with special needs was abandoned when that proposal was challenged by parents and school committee officials in the NRSD. While the concerns of parents certainly must be considered in any plans to significantly alter the services that are being provided for their children, the Finance Committee believes that the superintendent's proposal, which would have produced savings of \$123,650 in funding for salaries, merited greater consideration than it was given. The Nauset Regional School Committee this year established a sustainability committee to begin to explore a broad range of issues with implications for the long-term sustainability of its schools, including improving NRSD schools' communications with Towns' leadership and citizens and increasing transparency in its decision making. The Finance Committee is pleased to be represented on that committee and looks forward to the opportunity to work with school officials on these important issues.
- The Finance Committee believes that Town leadership has taken important steps this year that hold the potential for better preparing this Town to shape a long term strategy for meeting two of its most critical infrastructure goals -- the repair and maintenance of town facilities and the implementation of an affordable, effective wastewater management plan.
 - *Town Facilities Repair and Maintenance*. Last fall, the Town leadership contracted for the development of a Town buildings and facilities master plan which was completed in February of this year. The scope of that work was to carry out a review of the conditions of seven Town facilities and develop a 10-year plan and budget for completing repair and maintenance projects identified by consultants for that study. Town leadership also will ask voters this May to approve the creation of a

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stabilization fund for the purposes of financing building and facility maintenance and authorize an initial transfer of \$365,000 into that fund. While the Finance Committee would have liked to have seen the scope of the study encompass all facilities owned by the Town, that work nevertheless has provided the Town with invaluable information for its consideration in moving forward to address the infrastructure improvement issues in the buildings that were examined. But, in the Finance Committee's view, the most important work is yet to be done. The Committee believes that the Board of Selectmen should turn their attention first to prioritizing repairs and maintenance needs identified in the study and targeting the most critical of those needs, in particular, those affecting the health and safety of Town citizens and employees. The Finance Committee believes further that in setting its priorities, the Board should consider the long term outlook for those buildings which were found to be in the worst condition and identified as requiring the most extensive, involved and costly repairs. The Finance Committee believes that no further substantial investments should be made in repairing any building that the Town may abandon in the near term. Finally, the Finance Committee supports the creation of a building and maintenance stabilization fund and is hopeful that that Town voters see fit to approve this proposal in May. At the same time, the Finance Committee would object strongly to the use of any monies deposited in the stabilization fund this year to supplant funds that have been designated for facilities repairs and maintenance in the Fiscal Year 2013 Town budget. Every effort should be made in this critical transition year for this important infrastructure initiative to direct as many dollars to improving the condition of Town facilities as available resources permit.

- *Wastewater Management Planning.* For Orleans citizens, few issues rank higher on their list of priorities for attention by its Town government than actions aimed at preserving the health of the Town's natural resources. For nearly a decade and a half, Orleans has been engaged in the development of a comprehensive wastewater management plan (CWMP) and follow-up activities to move that plan toward implementation. The release of the draft CWMP in the spring of 2009 initiated community-wide discussions concerning the potential cost of that project and its financial implications for Town homeowners as well as several citizen-initiated reviews of the conditions of Orleans water bodies and alternative strategies for meeting water quality improvement targets. Most recently, the Board of Selectmen contracted this past fall for a technical review and cost analysis of comprehensive wastewater management plan options, which report is scheduled for completion in July of this year. Next fall, the Town is planning to hold a Special Town Meeting specifically to address matters related to wastewater plan implementation.

While some may view activities directed at reassessing the Town's wastewater management strategy, as unnecessary or counterproductive, the Finance Committee believes that collectively these activities have promoted a healthy and productive second look at what will prove to be the largest capital investment the Town will ever make. Time has passed since the CWMP was completed, conditions have changed, and the advent of new technologies has broadened the array of options available for meeting municipal wastewater management goals. Evidence is growing that the targets set for water quality improvement for Town water bodies on which the CWMP was based should be revisited and that there may be more efficient and

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less costly strategies for meeting the Town's wastewater management needs. "Measure twice, cut once," an old adage advises. A cut in error in this context could mean millions expended and the failure to achieve the lasting improvements in the health of our water bodies that we all want. The Finance Committee believes that the technical review and cost analysis study together with a reassessment of water quality improvement targets will produce the information needed to enable the Town to perfect its wastewater management plan and move forward on this important initiative.

- Finally, we believe that the Town leadership must take steps in the near future to begin a dialogue on the implications of demographic changes on the services needs of Orleans citizens as a foundation for evaluating services availability, adequacy, and accessibility for the future. With fewer, but older, full-time residents, a dearth of well paying jobs, and the lack of affordable housing, the Town may be faced with the loss of a viable business community and labor force -- the future workers, trades people, and business owners in Orleans. As a result of the diligent efforts and creative thinking of the Town's Planning Department and its Community Preservation and Affordable Housing Committees, the Town now is in a position to move forward with two projects that will significantly increase the number of affordable housing units that are available to Orleans Citizens. And the Town's Village Center Study proposes a number of improvements that hold the potential for creating jobs and increasing commerce by making that area more attractive to businesses and visitors. But, these actions will only scratch the surface of what may be needed to begin to draw young families to our Town in any significant number. Jobs, child care, schools, transportation, and access to health care services all will be critical considerations for young families in determining whether they can become part of the Orleans community. We must have a thorough understanding of the implications of these demographic changes on our community and begin to plan aggressively to address them.

Conclusion

Orleans is a beautiful Town that takes pride in its natural resources; cares about its citizens, visitors and employees, and is dedicated to preserving and enhancing the quality of life that we all enjoy. But, it is not immune to the economic, environmental, infrastructure, demographic, and regulatory stressors that municipalities across the country are dealing with today. In order to maintain all that is unique and treasured about our Town, we must work intelligently and with foresight over the next few years to find sustainable and affordable ways to meet our needs. We are confident that, through leadership, planning, and careful management of our resources, this can and will be done.

Respectfully submitted,
Gwen A. Holden Kelly, Chair
Dale K. Fuller, Vice Chair
William Weil, Secretary

Edwin W. Barr
Mark E. Carron
Laurence K. Hayward

John G. Hodgson III
Paul Rooker
Rick Sigel

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

Article 1. Report of the Selectmen, Town Officers and Special Committees	22
Article 2. Town/School Budget (FY13)	22
Article 3. Capital Improvements Plan (FY14 – FY18)	31
Article 4. Fund Engineering for Water Tank #1	40
Article 5. Fund Painting and Rehabilitation of Water Tank #2	41
Article 6. Fund Orleans Elementary School Playground Replacement	41
Article 7. Fund Community Preservation Act Program Budget	42
Article 8. Acquire Conservation Restriction on Twining Road Property	45
Article 9. Water Quality Drainage Improvements	47
Article 10. Town Pavement Management Program.....	47
Article 11. Rock Harbor Dredging – Permitting and Engineering Design.....	48
Article 12. Accept Transportation Bond Bill Funds	48
Article 13. Holding State Harmless for Work.....	49
Article 14. Authorization to Sell Surplus Equipment and Accept Gifts	49
Article 15. Adopt MGL Ch. 44, Section 53E ½ - Revolving Accounts.....	50
Article 16. Create and Fund Stabilization Fund for Post-Employment Benefits	51
Article 17. Create and Fund General Stabilization Fund	52
Article 18. Create and Fund Stabilization Fund for Building and Facility Maintenance	53
Article 19. Fund Group Health Insurance Mitigation Plan.....	53
Article 20. Adopt MGL Ch. 71 §16B, Assessment Formula – Nauset Regional Schools	54
Article 21. Fund Visitor Management Services by Orleans Chamber of Commerce.....	54
Article 22. Fund Human Services Agencies (FY13)	55
Article 23. Fund Fourth of July Parade	57
Article 24. Fund Elected Officials Compensation (FY13)	58
Article 25. Amend Zoning Bylaw Ch. 164 – Formula Based Restaurants	58
Article 26. Amend Zoning Bylaw Ch. 164 – Customary Home Occupation	60
Article 27. Amend Zoning Bylaw Ch. 164 – Contractor Yard.....	60
Article 28. Amend General Bylaw Ch. 106 – Demolition of Historic Structure	61
Article 29. Amend General Bylaw Ch. 122 – Outdoor Lighting.....	66
Article 30. Transfer Water Service Connection Funds	66
Article 31. Demand Fees for Unpaid Water Bills.....	67
Article 32. Fund Fire Department Staffing and Organizational Study	67
Article 33. Fund Motors and Equipment for New Rescue Boat	68
Article 34. Authorize Lease of Nauset Beach Concession Stand	68
Article 35. Amend IMA to Provide for Post-Retirement Benefits for Employees of the Orleans, Brewster and Eastham Groundwater Protection District.	69
Article 36. Authorize Intergovernmental Agreements, Renewable Energy Projects	69
Article 37. Amend Pleasant Bay Resource Management Plan.....	71
Article 38. Free Cash.....	71
Article 39. Closing Article.....	72

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:	6– YES	0 – NO	0 – ABSTAIN

ARTICLE 2. TOWN / SCHOOL BUDGET (FY13)

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, 2012 and ending June 30, 2013 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, 2011 - JUNE 30, 2012**

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2011 ADOPTED</u>	<u>2012 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
GENERAL GOVERNMENT						
	122	<u>SELECTMEN/TOWN ADMINISTRATOR</u>				
1		SALARY	317,151	321,072	3,921	1.2%
2		EXPENSE	128,566	136,920	8,354	6.5%
	TOTAL	SELECTMEN/TOWN ADMINISTRATOR	445,717	457,992	12,275	2.8%
	123	<u>TELEPHONE/COMMUNICATIONS</u>				
3		EXPENSE	29,265	28,465	(800)	-2.7%
	TOTAL	TELEPHONE/COMMUNICATIONS	29,265	28,465	(800)	-2.7%
	124	<u>MEDIA OPERATIONS</u>				
4		SALARY	57,883	59,251	1,368	2.4%
5		EXPENSE	19,713	20,648	935	4.7%
6		CAPITAL OUTLAY	17,500	17,500	-	0.0%
	TOTAL	MEDIA OPERATIONS	95,096	97,399	2,303	2.4%
	131	<u>FINANCE COMMITTEE</u>				
7		SALARY	-	960	960	
8		EXPENSE	850	850	-	0.0%
9		RESERVE FUND	115,000	115,000	-	0.0%
	TOTAL	FINANCE COMMITTEE	115,850	116,810	960	0.8%
	135	<u>FINANCE DIRECTOR</u>				
10		SALARY	207,915	208,104	189	0.1%
11		EXPENSE	33,050	29,050	(4,000)	-12.1%
	TOTAL	FINANCE DIRECTOR	240,965	237,154	(3,811)	-1.6%
	141	<u>ASSESSING</u>				
12		SALARY	144,798	135,349	(9,449)	-6.5%
13		EXPENSE	82,760	77,375	(5,385)	-6.5%
	TOTAL	ASSESSING	227,558	212,724	(14,834)	-6.5%
	145	<u>TREASURER/COLLECTOR</u>				
14		SALARY	192,457	203,013	10,556	5.5%
15		EXPENSE	36,992	36,192	(800)	-2.2%
	TOTAL	TREASURER/COLLECTOR	229,449	239,205	9,756	4.3%
	155	<u>MANAGEMENT INFORMATION SYSTEMS</u>				
16		SALARY	77,634	77,709	75	0.1%
17		EXPENSE	66,663	70,609	3,946	5.9%
18		CAPITAL OUTLAY	55,000	55,000	-	0.0%
	TOTAL	MANAGEMENT INFORMATION SYSTEMS	199,297	203,318	4,021	2.0%
	161	<u>TOWN CLERK/ELECTIONS/VOTER REG.</u>				
19		SALARY	113,381	116,319	2,938	2.6%
20		EXPENSE	14,226	13,935	(291)	-2.0%
	TOTAL	TOWN CLERK	127,607	130,254	2,647	2.1%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2011 ADOPTED</u>	<u>2012 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	171	CONSERVATION				
21		SALARY	85,831	86,269	438	0.5%
22		EXPENSE	3,603	3,693	90	2.5%
	TOTAL	CONSERVATION	89,434	89,962	528	0.6%
	175	PLANNING				
23		SALARY	129,357	129,425	68	0.1%
24		EXPENSE	4,590	6,200	1,610	35.1%
	TOTAL	PLANNING	133,947	135,625	1,678	1.3%
	176	ZONING BOARD OF APPEALS				
25		SALARY	7,431	7,431	-	0.0%
26		EXPENSE	2,812	2,812	-	0.0%
	TOTAL	ZONING BOARD OF APPEALS	10,243	10,243	-	0.0%
	192	TOWN OFFICE BUILDING				
27		SALARY	47,727	47,612	(115)	-0.2%
28		EXPENSE	88,511	96,298	7,787	8.8%
29		CAPITAL OUTLAY	14,000	-	(14,000)	-100.0%
	TOTAL	TOWN OFFICE BUILDING	150,238	143,910	(6,328)	-4.2%
	195	TOWN REPORTS/TOWN MEETING				
30		EXPENSE	7,637	9,659	2,022	26.5%
	TOTAL	TOWN REPORTS/TOWN MEETING	7,637	9,659	2,022	26.5%
	198	COMMUNITY CENTER				
31		SALARY	3,647	7,200	3,553	97.4%
32		EXPENSE	7,819	7,970	151	1.9%
	TOTAL	COMMUNITY CENTER	11,466	15,170	3,704	32.3%
	TOTAL	GENERAL GOVERNMENT	2,113,769	2,127,890	14,121	0.7%
		PUBLIC SAFETY				
	210	POLICE/COMMUNICATIONS				
33		SALARY	1,928,726	1,904,652	(24,074)	-1.2%
34		EXPENSE	154,915	160,415	5,500	3.6%
35		CAPITAL OUTLAY	58,000	58,000	-	0.0%
	TOTAL	POLICE/COMMUNICATIONS	2,141,641	2,123,067	(18,574)	-0.9%
	211	POLICE BUILDING				
36		SALARY	19,570	19,570	-	0.0%
37		EXPENSE	46,358	46,628	270	0.6%
38		CAPITAL OUTLAY	34,500	-	(34,500)	-100.0%
	TOTAL	POLICE BUILDING	100,428	66,198	(34,230)	-34.1%
	213	FUEL				
39		EXPENSE	220,322	220,322	-	0.0%
	TOTAL	FUEL	220,322	220,322	-	0.0%
	220	FIRE/RESCUE				
40		SALARY	1,843,779	1,879,071	35,292	1.9%
41		EXPENSE	303,347	310,085	6,738	2.2%
42		CAPITAL OUTLAY	27,500	291,000	263,500	958.2%
	TOTAL	FIRE/RESCUE (see note 1)	2,174,626	2,480,156	305,530	14.0%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2011 ADOPTED</u>	<u>2012 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	221	<u>FIRE BUILDING</u>				
43		EXPENSE	48,363	47,263	(1,100)	-2.3%
44		CAPITAL OUTLAY	86,000	16,000	(70,000)	-81.4%
	TOTAL	FIRE BUILDING	134,363	63,263	(71,100)	-52.9%
	241	<u>BUILDING</u>				
45		SALARY	160,781	161,797	1,016	0.6%
46		EXPENSE	65,711	65,711	-	0.0%
	TOTAL	BUILDING	226,492	227,508	1,016	0.4%
	242	<u>BUILDING CODE BOARD OF APPEALS</u>				
47		SALARY	193	193	-	0.0%
48		EXPENSE	50	50	-	0.0%
	TOTAL	BUILDING CODE BOARD OF APPEALS	243	243	-	0.0%
	291	<u>EMERGENCY MANAGEMENT</u>				
49		SALARY	2,250	3,000	750	33.3%
50		EXPENSE	13,125	22,725	9,600	73.1%
51		CAPITAL OUTLAY	-	10,000	10,000	
	TOTAL	CIVIL DEFENSE	15,375	35,725	20,350	132.4%
	294	<u>TREE WARDEN</u>				
52		SALARY	57,480	57,480	-	0.0%
53		EXPENSE	24,115	24,839	724	3.0%
	TOTAL	TREE WARDEN	81,595	82,319	724	0.9%
	295	<u>SHELLFISH/HARBORMASTER</u>				
54		SALARY	220,693	222,498	1,805	0.8%
55		EXPENSE	54,037	51,564	(2,473)	-4.6%
56		CAPITAL OUTLAY	15,000	35,000	20,000	133.3%
	TOTAL	SHELLFISH/HARBORMASTER	289,730	309,062	19,332	6.7%
	TOTAL	PUBLIC SAFETY	5,384,815	5,607,863	223,048	4.1%
		EDUCATION				
	300	<u>ORLEANS ELEMENTARY SCHOOL</u>				
57		SALARY	858,829	711,409	(147,420)	-17.2%
58		EXPENSE	3,135,192	3,214,137	78,945	2.5%
59		CAPITAL OUTLAY	37,000	13,000	(24,000)	-64.9%
	TOTAL	ORLEANS ELEMENTARY SCHOOL	4,031,021	3,938,546	(92,475)	-2.3%
	310	<u>NAUSET REGIONAL ASSESSMENT</u>				
60		EXPENSE	3,550,201	3,532,283	(17,918)	-0.5%
61		CAPITAL OUTLAY - NRSD AGREEMENT	90,844	88,134	(2,710)	-3.0%
	TOTAL	NAUSET REGIONAL ASSESSMENT	3,641,045	3,620,417	(20,628)	-0.6%
	330	<u>CAPE COD TECHNICAL ASSESSMENT</u>				
62		EXPENSE	304,574	325,186	20,612	6.8%
	TOTAL	CAPE COD TECHNICAL ASSESSMENT	304,574	325,186	20,612	6.8%
	TOTAL	EDUCATION	7,976,640	7,884,149	(92,491)	-1.2%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2011 ADOPTED</u>	<u>2012 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
PUBLIC WORKS AND FACILITIES						
	421	HIGHWAY				
63		SALARY	558,706	558,168	(538)	-0.1%
64		EXPENSE	183,571	186,124	2,553	1.4%
65		CAPITAL OUTLAY	28,000	130,000	102,000	364.3%
	TOTAL	HIGHWAY	770,277	874,292	104,015	13.5%
	423	SNOW REMOVAL				
66		SALARY	31,202	29,400	(1,802)	-5.8%
67		EXPENSE	57,079	73,200	16,121	28.2%
	TOTAL	SNOW REMOVAL	88,281	102,600	14,319	16.2%
	424	STREET LIGHTS				
68		EXPENSE	25,700	25,700	-	0.0%
	TOTAL	STREET LIGHTS	25,700	25,700	-	0.0%
	431	TRANSFER STATION				
69		SALARY	176,871	181,032	4,161	2.4%
70		EXPENSE	268,087	276,128	8,041	3.0%
71		CAPITAL OUTLAY	-	-	-	
	TOTAL	TRANSFER STATION	444,958	457,160	12,202	2.7%
	440	SEWERAGE COLLECTION				
72		SALARY	31,000	31,000	-	0.0%
73		EXPENSE	1,000	1,000	-	0.0%
	TOTAL	SEWERAGE COLLECTION	32,000	32,000	-	0.0%
	450	WATER				
74		SALARY	515,037	507,166	(7,871)	-1.5%
75		EXPENSE	387,878	403,053	15,175	3.9%
76		CAPITAL OUTLAY	116,000	78,000	(38,000)	-32.8%
	TOTAL	WATER-SRF (see note 2)	1,018,915	988,219	(30,696)	-3.0%
	TOTAL	PUBLIC WORKS AND FACILITIES	2,380,131	2,479,971	99,840	4.2%
HUMAN SERVICES						
	510	HEALTH				
77		SALARY	205,406	209,622	4,216	2.1%
78		EXPENSE	55,281	53,391	(1,890)	-3.4%
	TOTAL	HEALTH	260,687	263,013	2,326	0.9%
	541	COUNCIL ON AGING				
79		SALARY	401,464	388,704	(12,760)	-3.2%
80		EXPENSE	82,726	82,635	(91)	-0.1%
81		CAPITAL OUTLAY	5,000	-	(5,000)	-100.0%
	TOTAL	COUNCIL ON AGING	489,190	471,339	(17,851)	-3.6%
	543	VETERANS BENEFITS				
82		EXPENSE	64,492	65,383	891	1.4%
	TOTAL	VETERANS BENEFITS	64,492	65,383	891	1.4%
	TOTAL	HUMAN SERVICES	814,369	799,735	(14,634)	-1.8%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2011 ADOPTED</u>	<u>2012 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
CULTURE AND RECREATION						
	610	SNOW LIBRARY				
83		SALARY	373,407	375,059	1,652	0.4%
84		EXPENSE	136,674	140,270	3,596	2.6%
85		CAPITAL OUTLAY	32,000	12,700	(19,300)	-60.3%
	TOTAL	SNOW LIBRARY	542,081	528,029	(14,052)	-2.6%
	630	RECREATION				
86		SALARY	98,819	98,947	128	0.1%
87		EXPENSE	11,910	11,910	-	0.0%
	TOTAL	RECREATION	110,729	110,857	128	0.1%
	649	WINDMILL				
88		SALARY	3,099	3,099	-	0.0%
89		EXPENSE	3,750	3,870	120	3.2%
	TOTAL	WINDMILL	6,849	6,969	120	1.8%
	650	PARKS & BEACHES				
90		SALARY	886,085	876,548	(9,537)	-1.1%
91		EXPENSE	204,730	215,631	10,901	5.3%
92		CAPITAL OUTLAY	50,000	176,500	126,500	253.0%
	TOTAL	PARKS & BEACHES	1,140,815	1,268,679	127,864	11.2%
	690	OLD KINGS HIGHWAY REG DISTRICT				
93		SALARY	1,505	1,505	-	0.0%
94		EXPENSE	640	640	-	0.0%
	TOTAL	OLD KINGS HIGHWAY REG DISTRICT	2,145	2,145	-	0.0%
	692	MEMORIAL & VETERANS DAY				
95		EXPENSE	2,000	2,000	-	0.0%
	TOTAL	MEMORIAL & VETERANS DAY	2,000	2,000	-	0.0%
	699	SPECIAL EVENTS & INFORMATION				
96		EXPENSE	500	500	-	0.0%
	TOTAL	SPECIAL EVENTS & INFORMATION	500	500	-	0.0%
	TOTAL	CULTURE AND RECREATION	1,805,119	1,919,179	114,060	6.3%
DEBT SERVICE						
	710	PRINCIPAL - NOTES & BONDS				
97		EXPENSE	2,519,212	2,490,000	(29,212)	-1.2%
	TOTAL	PRINCIPAL - NOTES & BONDS	2,519,212	2,490,000	(29,212)	-1.2%
	751	INTEREST - NOTES & BONDS				
98		EXPENSE	1,078,611	913,715	(164,896)	-15.3%
	TOTAL	INTEREST - NOTES & BONDS	1,078,611	913,715	(164,896)	-15.3%
	TOTAL	DEBT SERVICE	3,597,823	3,403,715	(194,108)	-5.4%
INTERGOVERNMENTAL/INSURANCE						

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2011 ADOPTED</u>	<u>2012 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	820	STATE ASSESSMENTS				
99		EXPENSE	176,198	179,588	3,390	1.9%
	TOTAL	STATE ASSESSMENTS	176,198	179,588	3,390	1.9%
	830	COUNTY ASSESSMENTS				
100		SALARY	1,302,132	1,348,538	46,406	3.6%
101		EXPENSE	288,482	295,657	7,175	2.5%
	TOTAL	COUNTY ASSESSMENTS	1,590,614	1,644,195	53,581	3.4%
	840	OTHER STATE & COUNTY CHARGES				
102		EXPENSE	41,024	41,274	250	0.6%
	TOTAL	OTHER STATE & COUNTY CHARGES	41,024	41,274	250	0.6%
	912	INSURANCE NOTES AND BONDS				
103		EXPENSE	350,525	355,525	5,000	1.4%
	TOTAL	INSURANCE NOTES AND BONDS	350,525	355,525	5,000	1.4%
	913	UNEMPLOYMENT COMPENSATION				
104		EXPENSE	25,594	25,594	-	0.0%
	TOTAL	UNEMPLOYMENT COMPENSATION	25,594	25,594	-	0.0%
	914	EMPLOYEE HEALTH & MEDICARE				
105		SALARY	2,058,068	1,855,250	(202,818)	-9.9%
	TOTAL	EMPLOYEE HEALTH & MEDICARE	2,058,068	1,855,250	(202,818)	-9.9%
	TOTAL	INTERGOVERNMENTAL/INSURANCE	4,242,023	4,101,426	(140,597)	-3.3%
	GRAND TOTAL		28,314,689	28,323,928	9,240	0.0%
		TOTAL-OPERATING BUDGETS	28,314,689	28,323,928	9,240	0.0%
		SPECIAL ARTICLES	818,530	1,433,051	614,521	75.1%
		COMMUNITY PRESERVATION FUND	95,977	155,442	59,466	62.0%
		CAPITAL PLAN SPECIAL ARTICLES	-	-	-	
		GRAND TOTAL	29,229,195	29,912,421	683,226	2.3%

Note 1 \$ 691,200 of appropriations for the FY 2013 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.

**OPERATING BUDGET
FISCAL YEAR 2013 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	18	Upgrade Computer Hardware and Software	\$55,000
Police/Communications	35	Replace Two Police Vehicles	\$58,000
Fire/Rescue	42	Replace & Equip. Ambulance	\$291,000
Emergency Management	51	Portable Sign and Trailer	\$10,000
Shellfish/Harbormaster	56	Replace Pick-Up	\$35,000
Highway	65	Replace Dump Truck	\$130,000
Water	76	Window/Door Replace (\$12k), Replace Meters (\$54k), Water Main Replace (\$12k)	\$78,000
Parks & Beaches	92	Replenish Sand Skaket (\$19k), Replace Pick-Up (\$23k), Beach Trail Sand (\$15k), Hubler Seasonal Housing (\$35k) Repair Snack Bar Floor Joists (\$10k), Skaket Septic System (\$65k)	\$167,000
SUB TOTAL - NON SCHOOL			<u>\$841,500</u>
Orleans Elementary School	59	Building Security Systems	\$13,000
SUB TOTAL - SCHOOL			<u>\$13,000</u>
GRAND TOTAL			<u><u>\$854,500</u></u>

**NAUSET REGIONAL SCHOOL DISTRICT - 5 YEAR CAPITAL OUTLAY REQUESTS
PER N.R.S.D AGREEMENT**

	<u>FY</u> <u>2012</u>	<u>FY</u> <u>2013</u>	<u>FY</u> <u>2014</u>	<u>FY</u> <u>2015</u>	<u>FY</u> <u>2016</u>	<u>Totals</u>
<u>HIGH SCHOOL</u>						
1						-
2					20,000	20,000
3	50,000	40,000	77,000	50,000	50,000	267,000
4		20,000				20,000
5						-
6	30,000		20,000		30,000	80,000
7			30,000			30,000
8			85,000	87,000	95,000	267,000
9		75,000	50,000			125,000
10						-
11	35,000		35,000	35,000		105,000
12						-
13	10,000				20,000	30,000
14	50,000	50,000	50,000			150,000
15			12,000	12,000		24,000
16		35,000				35,000
17	20,000				35,000	55,000
18		10,000				10,000
19						-
20	74,000	62,000				136,000
TOTAL HIGH SCHOOL	269,000	292,000	359,000	184,000	250,000	1,354,000
<u>MIDDLE SCHOOL</u>						
1	10,000	20,000		200,400	94,400	324,800
2	25,000	42,000	50,000	49,600	49,600	216,200
3	22,500		25,000			47,500
4	8,500					8,500
5	11,000					11,000
6						-
7						-
8	20,000	15,000				35,000
9						-
10	10,000				20,000	30,000
11	10,000					10,000
12						-
13						-
14	25,000					25,000
15		25,000			35,000	60,000
16		25,000	25,000	25,000		75,000
17	26,000	40,000				66,000
18						-
19						-
TOTAL MIDDLE SCHOOL	168,000	167,000	100,000	275,000	199,000	909,000
<u>CENTRAL OFFICE</u>						
1						-
2						-
3					10,000	
4	22,000					
TOTAL CENTRAL OFFICE	22,000	0	0	0	10,000	-
TOTAL CAPITAL PLAN	459,000	459,000	459,000	459,000	459,000	1,836,000
ORLEANS REGIONAL MAXIMUM SHARE	90,844	88,134				

SUMMARY

This article would set and fund the operational budgets for the normal operation for all Town functions in the amount of \$28,323,928 for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

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

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)

**CAPITAL IMPROVEMENTS PLAN
FY14 - FY18**

Project Descriptions	Adopted	Budgeted	Proposed				
	FY13	FY13	FY14	FY15	FY16	FY17	FY18
COMMUNITY PRESERVATION ACT							
Program Activity Funding	607,512	607,512	(1)	(1)	(1)	(1)	(1)
ELEMENTARY SCHOOL							
Replace Community Playground	250,000	250,000					
HIGHWAY DEPARTMENT							
Water Quality Drainage Improvements (NR-6)(NR12)	150,000	153,750	153,750	153,750	153,750	153,750	153,750
Town Pavement Management Program (T-1)	300,000	307,500	307,500	307,500	307,500	307,500	307,500
Replace Street Sweeper	170,000	0	225,000				
PROPERTY ACQUISITION							
Open Space Purchases (OS-2)	455,000	(2)	(2)	(2)			
Affordable Housing Development (AH-1)	350,000	(3)	(3)	(2)			
Wastewater Management Purchases (CF-27)(CF-28)(CF-33)	1,500,000	(4)	(4)	(4)	(4)		
PLANNING DEPARTMENT							
Wastewater Management Plan Implementation (CF-27)(CF-28)							
Design Engineering Services (Phase 1)	5,000,000	0					
Construction (Phase 1)				42,000,000			
Design Engineering Services (Phase 2)						2,000,000	
Water Quality Maintenance Dredging				100,000			

**CAPITAL IMPROVEMENTS PLAN
FY14 - FY18**

Project Descriptions	Adopted	Budgeted	Proposed				
	FY13	FY13	FY14	FY15	FY16	FY17	FY18
SHELLFISH AND HARBORMASTER DEPARTMENT							
Maintenance Dredging Rock Harbor (Orleans 50% share)							
Design Engineering Services/Permitting	0	25,000					
Construction			300,000				
TRANSFER STATION							
Replace Front End Loader					175,000		
WATER DEPARTMENT							
Update and Paint Water Storage Tanks							
Tank No. 2 (Construction)	750,000	750,000					
Tank No. 1 (Design Engineering Services)	0	50,000					
Tank No. 1 (Construction)			700,000				
TOTALS	9,532,512	2,143,762	1,686,250	42,561,250	636,250	2,461,250	461,250

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Notations: References to the Orleans Comprehensive Plan are shown after each project description in parenthesis and described in the addendum.

(1) Community Preservation Act program activities will be supported through state matching funds (estimated at \$175,000), fund reserves for Historical Resources (\$124,868) and Community Housing (\$307,644). Existing Community Preservation Fund Balance and the proceeds from the Community Preservation Surtax will be used to pay debt amortization costs for previous open space purchases funded by long term debt.

(2) Open Space Purchases can be made in FY13 up to \$455,000. The balance available for FY14 - FY15 will be determined based on any expenditures made during the previous year.

(3) Affordable Housing Development purchases can be made in FY13 up to \$350,000. The balance available for FY14 - FY15 will be determined based on any expenditures made during the previous year.

(4) Wastewater Management purchases can be made in FY13 up to \$1,500,000. The balance available for FY14 - FY16 will be determined based on any expenditures made during the previous year.

Date: January 13, 2012
 Revised: March 27, 2012
 Approved: March 27, 2012

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.
CF-27	Develop a wastewater management plan for the entire town
CF-28	Implement recommendations of the wastewater management plan
CF-33	Initiate consideration of potential sites for wastewater treatment
NR-6	Prevent direct discharge of untreated stormwater into coastal embayments and ponds
NR-12	Prevent direct discharge of untreated stormwater into fresh water bodies
OS-2	Preserve 400 or more acres of high priority parcels for ground and surface water protection, conservation, recreation and other environmental purposes
T-1	Complete and utilize a Pavement Management System to develop a systematic approach to street maintenance and improvement

**CAPITAL BUDGET
FY 2013**

<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>	<u>FUNDING SOURCE</u>
COMMUNITY PRESERVATION ACT		
Program Activity Funding	\$607,512	Available Funds (CPA)
ELEMENTARY SCHOOL		
Replace Community Playground	\$215,000	Bonding
HIGHWAY DEPARTMENT		
Water Quality Drainage Improvements	\$153,750	Stabilization Funds
Town Pavement Management Program	\$307,500	Stabilization Funds
SHELLFISH/HARBORMASTER DEPARTMENT		
Maintenance Dredging Rock Harbor - Design	\$25,000	Available Funds
WATER DEPARTMENT		
Update and Paint Water Storage Tank No.1 - Constr.	\$750,000	Bonding
Update and Paint Water Storage Tank No.2 - Design	\$50,000	Water Surplus Funds
TOTAL	\$2,108,762	

Note: The following changes to the Capital Improvements Plan are being proposed since its adoption at Town Meeting in May 2011:

Starting Dates: Replace Street Sweeper (FY13 to FY4) and Replace Front End Loader (FY14 to FY16).

Projects Added: Maintenance Dredging Rock Harbor (FY14); Update and Paint Water Storage Tank No. 1 (FY14); and Water Quality Maintenance Dredging (FY15).

Projects Removed: Replace Dump Truck w/Catch Basin Cleaner (FY14).

FY14 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 1/13/12 is \$607,512. As required under the CPA, a minimum of 10% of the Town's annual proceeds have to be allocated to each of the three primary purposes: open space, affordable housing and historic preservation. Town Meeting approval is necessary for all Community Preservation Committee recommendations for funding.

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

HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS

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

Total Estimated Cost:	\$150,000
Method of Financing:	Stabilization Funds
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

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

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

HIGHWAY DEPARTMENT – REPLACE STREET SWEEPER

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

Total Estimated Cost:	\$225,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for Completion
Estimated Annual Cost O/M:	\$5,000
Estimated Annual P & I	\$50,050

PROPERTY ACQUISITION – OPEN SPACE PURCHASES

This item provides supplementary support for possible future open space purchases only if CPA funds are depleted to the point that they will not fund additional acquisitions. By including this item in the capital plan, it will facilitate the presentation of property purchases or conservation easements for protection of public drinking water supplies, open space and conservation; and passive recreation during future years to Town Meeting (subject to the 2/3 vote required for land purchases). This provides future planning support for the goals of the Official Town Plan/Local Comprehensive Plan. Funding available as of 1/13/12 is \$455,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (Staggered over 14 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$114,200

PROPERTY ACQUISITION – AFFORDABLE HOUSING DEVELOPMENT

This item is included in the capital plan to facilitate the presentation of possible property purchases that may arise during the fiscal year to Town Meeting (subject to the 2/3 vote required for land purchases). This item is intended to cover non-CPA acquisitions specifically for affordable housing. As adopted in the Orleans Comprehensive Plan, the goal is to develop 35 new units of affordable housing for families over the next twenty years. Funding available as of 01/13/12 is \$350,000.

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

PROPERTY ACQUISITION – WASTEWATER MANAGEMENT PURCHASES

This item is included in the capital plan to facilitate the acquisition of property upon completion of the Comprehensive Wastewater Management Plan in order to site sewer collection, treatment, and disposal facilities. It is expected that the Town will need to purchase land, but there may also be opportunity to obtain easements as an alternative. This activity identifies potential expenditures of up to \$1.5 million over a three-year period for land acquisition associated with wastewater management. Funding available as of 01/13/12 is \$1,500,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (10 years)

Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
If Bonded, Average Annual P&I	\$181,000

SHELLFISH/HARBORMASTER DEPARTMENT – ROCK HARBOR DREDGING

This project includes the dredging of a total of 30,000 cubic yards of sediment from Rock Harbor. This project is to be undertaken jointly with the Town of Eastham with each town covering 50% of the total project cost of \$600,000. Dredged material would be de-watered at an adjacent upland area and then transported to an off-site disposal area. Dredging operations would be conducted in either the fall of 2013 or spring of 2014. Once completed, it is anticipated that the harbor would not have to be dredged again for another eight to ten years.

Total Estimated Cost:	\$300,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months
Estimated Annual Cost O/M:	N/A
Average Annual P&I	\$66,750

WATER DEPARTMENT – REHABILITATION AND PAINTING WATER STORAGE TANK NO. 1

This item involves the rehabilitation and painting of the town’s water storage tank no. 1 that was last painted in 1994. An October 2011 report from our tank engineering consultants recommends that the work be completed as soon as possible. Funding for the design of the project will be requested at the annual town meeting in May 2012 in order to have bids in hand for consideration at the annual town meeting in May 2013.

Total Estimated Cost:	\$700,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	3 Months
Estimated Annual Cost O/M:	\$2,500
Average Annual P&I	\$85,000

FY15 PROJECT DESCRIPTIONS

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

This project involves the construction of the first phase of the wastewater treatment infrastructure identified in the comprehensive wastewater management plan. A sewage treatment facility at the Tri-town site on Bay Ridge Lane, and the Phase 1 collection system will be installed. In this phase, 560 homes will be connected to public sewer service. Funding will provide core infrastructure in the treatment facilities, collection, and disposal systems that will support subsequent phases of the plan.

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

WATER QUALITY MAINTENANCE DREDGING

The purpose of this project would be to investigate the feasibility of developing a maintenance dredging program that would target specific salt water ponds and sub-embayments in town where water quality might be improved through channel dredging to enhance tidal flushing.

Total Estimated Cost:	\$100,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	TBD
Estimated Annual Cost O/M:	N/A
Average Annual P&I:	\$22,250

FY16 PROJECT DESCRIPTIONS

TRANSFER STATION – REPLACE FRONT END LOADER

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

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

FY17 PROJECT DESCRIPTIONS

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

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

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

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-CIP 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 CIP includes all proposed projects to be undertaken for the period beginning July 1, 2013 (FY14) through June 30, 2018 (FY18).

Projects that are being proposed for funding in FY13 make up the Capital Budget and these projects will be presented as individual articles in the town meeting warrant for consideration. The Capital Budget projects were either "Adopted" in the CIP at the May 2011 town meeting or are new and being "Budgeted" for the first time in FY13. In accordance with the Orleans Home Rule Charter, any project that did not appear in the CIP in the prior year or exceeds the estimated cost by ten percent (10%) must receive a favorable three-fourths majority vote of the town meeting to be approved.

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

ARTICLE 4. FUND ENGINEERING FOR WATER TANK #1

To see if the Town will vote to transfer the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) from the Water Surplus Fund Funds to the Engineering Expense Account for engineering services for the bidding phase of the painting and rehabilitation of Water Storage Tank No. 1. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

This is an article to transfer from available funds a sum of money necessary for the engineering for bid preparation for the painting and rehabilitation of the Water Department's water storage tank #1, which was last painted in November 1994. The painting and rehabilitation are as recommended in the October 2011 report from the engineering firm Haley and Ward after completing our annual tank inspections and as recommended in Chapter 8 Finished Water Storage of the Department of Environmental Protection Agencies policies.

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

ARTICLE 5. FUND PAINTING AND REHABILITATION OF WATER TANK #2

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum for the purpose of painting and rehabilitating Water Storage Tank No. 2, 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 article will fund the painting and rehabilitation of the 2 million gallon water storage tank #2 located at 292 Route 28. This tank was last painted in 1991 and MassDEP recommends repainting every 10-15 years. In addition, MassDEP has adopted new regulations for water storage tanks that will also be addressed as part of the rehabilitation project. As bid, the work would start in early September.

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

ARTICLE 6. FUND ORLEANS ELEMENTARY SCHOOL PLAYGROUND REPLACEMENT

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Fifteen Thousand and 00/100 Dollars (\$215,000.00) for the purpose of funding the removal and replacement of the current playground structure at the Orleans Elementary School, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Orleans School Committee)

(2/3 Vote Required)

SUMMARY

This project includes the removal and replacement of the current structure focusing on overall child safety and improved accessibility while maintaining a rich play experience for all users. As of February, 2012, the committee has worked to raise nearly \$40,000 and has received over \$10,000 worth of in-kind donations of services from local businesses. The former play structure, built in 1987, has been removed and the site has begun to be cleared and prepared for the new playground. Plans for the new structure are being finalized, and work is being done to develop the surrounding property to offer a variety of play and exercise opportunities for all ages. The build is currently planned for late September, and will rely on a large number of community volunteers. This “Community Build” model will save over \$100,000 compared to having the construction contracted out entirely, and should be a great event for the town. Passage of this article will ensure that the children of Orleans, and the many visitors to our town, will have a safe, exciting, fun place to play for many, many years to come.

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

ARTICLE 7. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2013 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 FY13, and to modify the actions taken under prior Community Preservation budgets as they pertain to Project #2, Namskaket Road Housing to the extent necessary, or to take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote Required)

SUMMARY

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from Fiscal Year 2013 Community Preservation Fund revenues, unless otherwise specified, for Fiscal Year 2013 community preservation purposes with each item considered a separate appropriation:

<u>PURPOSE</u>	<u>RECOMMENDED AMOUNT AND SOURCE</u>				
	<u>FY13 Est. Surtax</u>	<u>FY 13 Est. State Share</u>	<u>Housing Transfer</u>	<u>Housing Reserves</u>	<u>Total</u>
<i>Appropriations:</i>					
1) Debt service expenses (Note 1)	482,522				482,522
2) Project #1 Affordable Housing Trust Fund		40,000			40,000
3) Project #2 Namskaket Road Housing		52,356	285,413	277,231	615,000
4) Project #3 OHS Archival Preservation III		7,000			7,000
5) Project #4 Odd Fellows Hall Restoration-Phase V		56,900			56,900

6) Project #5 Fleck Property Acquisition II	117,856	2144			120,000
8) Committee Expenses	10,000				10,000
<i>Reserves:</i>					
Open Space					
Historic Resources		16,600			16,600
Community Housing					
Unallocated					
Grand Total	610,378	175,000	285,413	277,231	1,348,022

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

	<u>Historic Resources</u>	<u>Community Housing</u>
ENDING BALANCE OF RESERVES	141,468	30,413

Project 1: Orleans Affordable Housing Trust Fund

Applicant: Affordable Housing Committee

Amount : \$40,000

Summary: This request is to replenish the Trust Fund which has been used in the past to support project feasibility activities and to preserve affordable housing deed restrictions when units have been sold. The Fund is controlled by the Board of Selectmen and allows the Town to have ready access to funding for activities that preserve and expand affordable housing. The Fund was created in 2001 with \$100,000, supplemented with \$14,000 in CPA funds in FY 2010, and has a current balance of approximately \$10,000. These monies would bring the Trust balance to approximately \$50,000.

Project 2: Namskaket Rd. Community Housing/Possibly Historic Preservation/ Open Space

Applicant: Habitat for Humanity of Cape Cod, Inc.

Amount : \$615,000

Summary: Habitat for Humanity, in consultation with the Orleans Affordable Housing Committee, has applied for funds to purchase property and help defray some of the soft costs (engineering, legal, insurance, fees, 40B process) for the construction of five affordable single family homes at 31 Namskaket Road. The property also has, on the site, a c.1850 home (described as a Wellfleet-style farmhouse). Habitat is willing to submit an application under the state 40B process (which allows greater density to foster affordable housing) in order to construct the five homes and allow for the possible preservation, by another entity, of the farmhouse on a sixth lot. To accomplish this, it is anticipated that a Request for Proposals would be issued to sell the house and lot for a nominal fee with a Preservation Deed Restriction being placed on the house to protect it as a historic resource. If no responsible party responds to the RFP within a set time period, then the house would probably be demolished and Habitat would build a sixth affordable house on the lot. The remainder of the parcel, not used for homes, would be deeded to the Town by Habitat for Humanity as Open Space. The primary funding sources for this project are 1) transfers from other community housing projects for which funds are currently not needed—specifically, the Condominium Purchase Program

(voted May 2009 ATM) and Route 6A Housing Design (voted May 2006 ATM); and 2) transfer from housing reserves in which funds have accumulated during the past few years when there have been no new community housing applications.

Project 3: Archival Preservation III – Glass Plates and Lantern Slides

Applicant: Orleans Historical Society

Amount : \$7,000

Summary: The Orleans Historical Society (OHS) has applied for continued funding for the archival preservation, digitization and storage of items in its collections. Specifically these funds would be used for preservation of glass plate negatives and lantern slides which were discovered during the re-organization of archival boxes as part of the current Archival Preservation project funded with CPA monies.

Project 4: Odd Fellows Hall Restoration – Phase V

Applicant: Independent Order of Odd Fellows, Lodge # 132

Amount : \$56,900

Summary: The Odd Fellows Lodge has requested \$121,662 for continued funding of the restoration and preservation of this historic building located at 2 Namskaket Rd. Use of the structure dates back for over 110 years when it served as a Town of Orleans schoolhouse, and it is anticipated that, when fully restored, this building could serve as a community center. The funds were requested for the Construction Documents Phase (architectural and related services) of the project (\$56,900) and for the development of a commercial kitchen (\$64,762). The CPC is recommending funding most of the Construction Documents Phase (\$51,900) and the National Register of Historic Places application (\$5,000), both of which the CPC considers to be important “next steps” in the restoration process. The CPC does not consider the installation of a commercial kitchen as an appropriate use of CPA funds for the preservation and restoration of an historic resource.

Project 5: Fleck Property on Twinings Pond – Acquisition II

Applicant: Orleans Conservation Trust

Amount : \$120,000

Summary: The Orleans Conservation Trust is seeking funds to assist in the purchase of 2.7 acres (2 lots) of developable land on Twinings Pond. This purchase would expand and enhance an existing conservation area owned by the Orleans Conservation Trust and the Town, and would expand the public walking trail system in that area. OCT has the opportunity to purchase the property for \$550,000, which is much less than the appraised fair market value. The Conservation Trust has requested \$240,000 from the Community Preservation Fund, with the remaining \$310,000 being obtained through the private fundraising efforts of the Trust. The Orleans Conservation Commission would hold a conservation restriction on the property. Since there are limited funds currently available within the Community Preservation Fund, the CP Committee voted to use \$120,000 of these available funds for the property and to submit, along with the Open Space Committee, a separate warrant article requesting the borrowing of the additional \$120,000 through the Community Preservation Fund.

Committee Expenses: Maximum Allowable \$ 40,250; CP Committee voted \$10,000

The Community Preservation Act permits the Committee to allocate up to 5 per cent of annual revenues (surtax and state share) for operating and administrative expenses. For FY 2013, the 5% would be \$40,250. However, due to continued reductions in state funding, the CP Committee is again recommending that only \$10,000 be used for Committee expenses (including legal consultation, maintaining records and, if funding permits, potential studies directed toward effectively realizing the Town's possibilities in the areas of open space, community housing, historic resources). Any and all unused funds at the end of the fiscal year revert to the fund balance for future projects.

Historic Resources Reserves: CP Committee Voted \$16,600

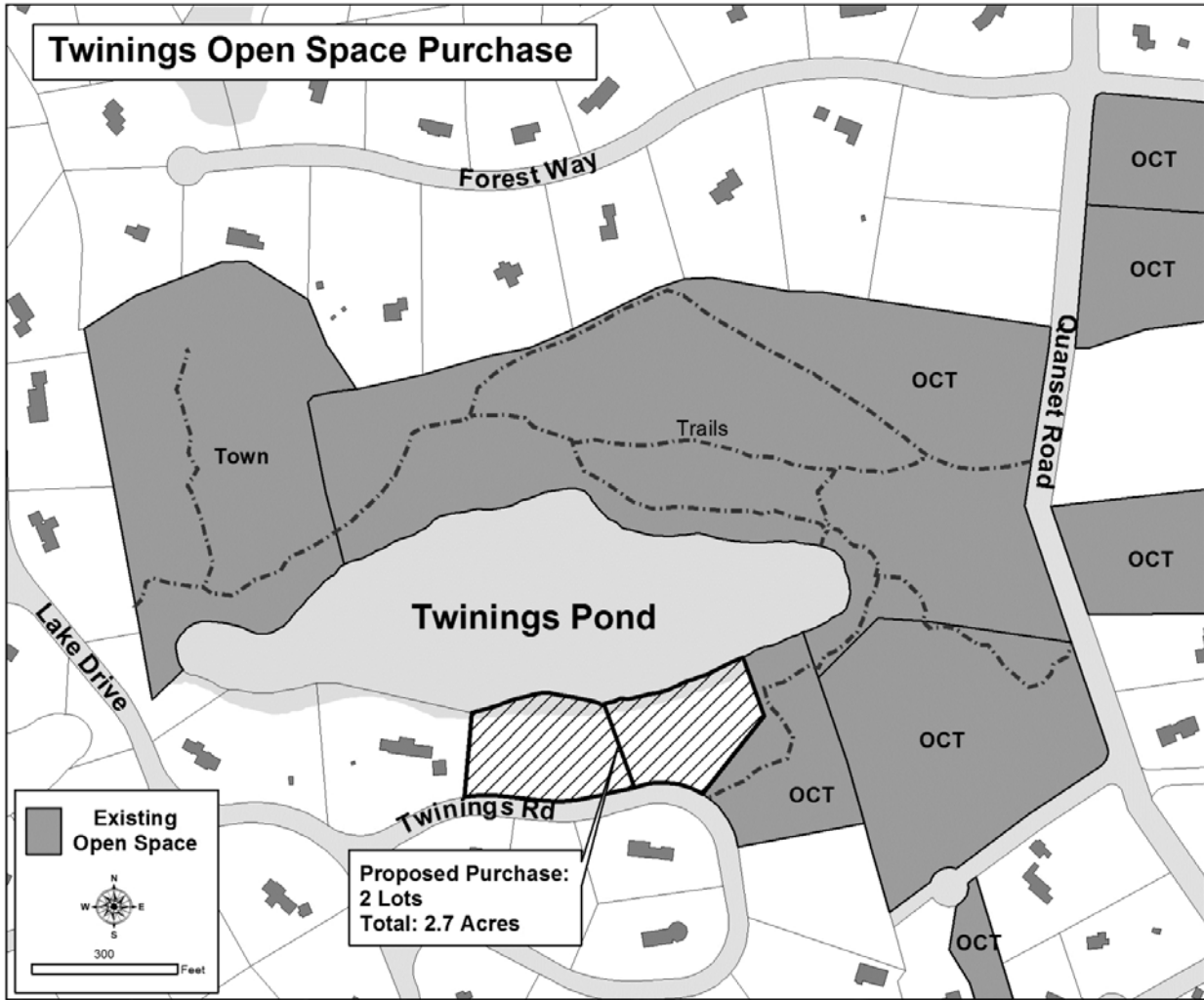
In order for the Town to meet its Community Preservation Act obligation to spend 10% of all estimated revenues for FY 2013 (surtax \$630,000 + state funds \$175,000 = \$805,000) on historic resources, the CPC voted that the \$16,600 difference between the ten percent (\$80,500) and the FY 2013 project appropriations for historic resources (Orleans Historical Society \$7,000 + Odd Fellows \$56,900 = \$63,900) be set aside in reserves for future historic resource projects.

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

ARTICLE 8. ACQUIRE CONSERVATION RESTRICTION ON TWINING ROAD PROPERTY

To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for open space, conservation and passive recreation purposes, a Conservation Restriction (the "Restriction") pursuant to the provisions of G.L.c. 184, §§31-33, on two adjoining lots of land located at 10 and 18 Twinings Lane, Orleans, and shown on the Orleans Assessors' Map 88 as Parcels 9 and 10, consisting of a total of 2.7 acres, more or less, and more particularly shown as Lot 176 on Land Court Plan 7347-11 and described in Certificate of Title No.189324 and Lot 22 on Land Court Plan 7347-J and described in Certificate of Title No. 194657; and to transfer from Community Preservation Act funds, and borrow a sum of money for such acquisition; provided that the Restriction 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 Restriction and to make the decision to enter into any agreement to purchase the Restriction and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (Open Space Committee and Community Preservation Committee)

(2/3 Vote Required)



SUMMARY

This warrant article is a companion to Project #5 in the Community Preservation Act Program Budget described in Article 7. Orleans CPC, at the request of the Open Space Committee, has voted to support this project with \$240,000 of CPA funds. Half of the money will come from cash in the proposed Fiscal Year 2013 CPC budget. The second half, \$120,000, will come from the CPA budget, but it will be bonded. By using this approach the actual cash expenditure in the first year will be \$15,000 instead of \$120,000. It is possible that the town will have enough money in the CPA budget next year to pay off the remaining debt. The town also plans to apply for state grants which, if successful, will reduce the total town expenditure. In any event, under this proposal, the town will pay less than 25% of the total acquisition cost. The owners are making a charitable donation of over \$450,000 and the Orleans Conservation Trust has committed to raise the remainder.

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

ARTICLE 9. WATER QUALITY DRAINAGE IMPROVEMENTS

To see if the Town will vote to transfer from the Water Quality Drainage Improvements stabilization fund the sum of One Hundred Fifty-Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$153,750.00), 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; and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (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. Funding for this article is an annual appropriation from the stabilization fund established for this purpose.

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

ARTICLE 10. TOWN PAVEMENT MANAGEMENT PROGRAM

To see if the Town will vote to transfer from the Town Pavement Management Program stabilization fund the sum of Three Hundred Seven Thousand Five Hundred and 00/100 Dollars (\$307,500.00) 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; and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (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 maintains approximately 56 miles of public roadways and uses an inventory of roadway conditions to prioritize 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 FY13 that may

otherwise be delayed. Funding for this article is an annual appropriation from the stabilization fund established for this purpose. In addition to local funding of roadway projects, the Town receives State Aid Chapter 90 funds each year; our FY13 apportionment is \$291,984.

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

ARTICLE 11. ROCK HARBOR DREDGING - PERMITTING AND ENGINEERING DESIGN

To see if the Town will vote to raise and appropriate, and/or transfer from available funds Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) for the purpose of funding the Rock Harbor Dredging Permitting and Engineering Design, including all expenses incidental and related thereto, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

This project involves the permitting and engineering design required to dredge a total of 30,000 cubic yards of sediment from Rock Harbor. The work will be undertaken jointly with the Town of Eastham, each town covering 50% of the total design cost of \$50,000. It is anticipated that the dredged material will be de-watered at an adjacent upland area and then trucked to an off-site disposal area. Dredging operations would be conducted in either the fall of 2013 or spring of 2014. Once completed, it is anticipated that the harbor would not have to be dredged again for another eight to ten years.

BOS: 4 – 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). The Town's apportionment for FY13 is \$291,984.

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

(Simple Majority Vote Required)

SUMMARY

This article authorizes the Town Administrator to dispose of surplus/outdated supplies and equipment during the fiscal year. All money received for the disposal of such goods is to be placed in the General Fund, Water Surplus Fund or Reserve for Appropriation account, as appropriate. 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 Sixty Thousand and 00/100 Dollars (\$60,000.00). Monies on hand in the Account will be used to fund programs, class instructor fees, fees for reservations and tickets related to trips and functions, and an annual volunteer appreciation function. All funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Council on Aging Van Transportation Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to fund driver salaries, vehicle maintenance and other necessary expenses related to the van transportation program. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 4) The Conservation Properties Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to pay utility bills and other necessary expenses associated with the rental of the Town owned properties under the jurisdiction and control of the Conservation Commission. Said funds to be spent under the direction of the Conservation Commission and the Town Administrator.
- 5) The Hubler Property Account, said account not to exceed Twenty-Five Thousand and 00/100 Dollars (\$25,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the former Hubler property located on Beach Road. Said funds to be spent under the direction of the department manager and the Town Administrator, and further to transfer the sum of Seven Thousand and 00/100 (\$7,000.00) from the balance remaining in the Gavigan Property Account at the end of the fiscal year to the Hubler Property Account and any remaining balance in the Gavigan Property Account shall revert to surplus revenue.
- 6) The Cultural Council Awards Account, said account not to exceed Two Thousand and 00/100 Dollars (\$2,000.00). The Account will be used for awarding of cash prizes for participants and reception expenses for special art gallery showings. Said funds to be spent under the direction of the Cultural Council and the Town Administrator.

Or to take any other action relative thereto to. (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.
- 3) A revolving fund for use by the Council on Aging to offset expenses related to the operation and maintenance of the Roadrunner passenger vans with monies collected through a new van sponsorship program.
- 4) 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.
- 5) A revolving fund for the Hubler 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. 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. 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.

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

ARTICLE 16. CREATE AND FUND STABILIZATION FUND FOR POST EMPLOYMENT BENEFITS

To see if the Town will vote to create a Stabilization Fund for Other Post-Employment Benefits as provided under Chapter 40, Section 5B of the General Laws and to raise and appropriate, and/or transfer the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) to be reserved for appropriation for the purpose of funding future post-employment benefits, other than pensions, or take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article seeks to establish and begin appropriating funds for a reserve for future post-employment benefit costs (OPEB's). This liability results from the "promised" benefits to qualifying retirees for the town's share of future health and life insurance payments during retirement.

The Governmental Accounting Standards Board (GASB), a national agency that rules on accounting standards nationwide, issued their Statement #45 that requires all governmental entities to record as a liability the future costs of these benefits actuarially calculated to be due to employees. One way to look at this issue is to consider that OPEB's are part of compensation, or IOU's, that are handed out to employees each year but are not cashed in until retirement. According to the GASB, the cost of the IOU's should be recognized while the employee is working and earning these benefits, not when the employee is retired. This liability is substantial, calculated at just over \$28 million for Orleans, and the GASB feels that potential lenders should be aware of its magnitude.

Currently, the Town of Orleans funds these costs on a pay-as-you-go method. There is no mandate to fund this liability. However, an important question for all of us to consider is "what will be the impact on our future bond ratings as this liability continues to grow and what will be the impact on future generations if funding these costs as they are earned is ignored?" Several communities have begun addressing this issue with modest contributions to a fund for this purpose and that is what this article intends to do for Orleans. It is expected that as additional communities address this issue, they will separate themselves from those who don't in the opinion of the rating agencies.

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

ARTICLE 17. CREATE AND FUND GENERAL STABILIZATION FUND

To see if the Town will vote to create a General Stabilization Fund as provided under Chapter 40, Section 5B of the General Laws and to raise and appropriate, and/or transfer from available funds the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) to be reserved for appropriation for any lawful purpose as provided in Chapter 40, Section 5B of the General Laws, or take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

The Town's current General Stabilization Fund balance is \$32,700.00. This fund was established many years ago as a depository for funds to be available for future years when appropriation increases result in a significant property tax increase and the town desires to use existing funds to help "stabilize" the tax burden. This article would transfer existing "free cash" reserves to the Stabilization Fund for future needs. The difference between these funds being held as free cash vs. the Stabilization fund is that transfers from the Stabilization Fund require a 2/3 vote at town meeting to be appropriated and are therefore seen by taxpayers and rating agencies as more secure.

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

ARTICLE 18. CREATE AND FUND STABILIZATION FUND FOR BUILDING AND FACILITY MAINTENANCE

To see if the Town will vote to create a Stabilization Fund for Building and Facility Maintenance as provided in Chapter 40, Section 5B of the General Laws and to raise and appropriate, and/or transfer from available funds the sum of Three Hundred Thousand Sixty-Five and 00/100 Dollars (\$365,000.00) into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the Stabilization Fund the sum of Three Hundred Thousand Sixty-Five and 00/100 Dollars (\$365,000.00) for the purpose of funding building and facility maintenance projects, 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 article would create and fund a new “targeted” Stabilization Fund under Massachusetts General Law Chapter 40, Section 5B for the sole purpose of funding a building and facility maintenance program. The Town recently completed a Buildings and Facilities Master Plan to assess the existing conditions and identify deficiencies at a number of locations including Highway & Parks Maintenance, Elementary School, Fire Station, Police Station, Community Building, Snow Library, and Town Hall Annex. The goal of the study was to extend the useful life of these facilities by addressing the deficiencies, repairs and/or upgrades necessary on a priority basis over the next ten years. Approximately \$250,000 of the \$365,000 that is proposed for funding in the first year will come from the town’s savings for municipal health insurance payments. As with all stabilization funds, the creation, funding, use or change in use requires a 2/3 vote from town meeting.

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

ARTICLE 19. FUND GROUP HEALTH INSURANCE MITIGATION PLAN

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred One Thousand Eighty-Eight Dollars (\$101,088.00) for the purpose of funding a mitigation plan for Town employees and retirees enrolled in active health insurance plans through the Cape Cod Municipal Health Insurance Group that represents 25% of the Town’s estimated first year savings resulting from the adoption of the plan design changes authorized under Chapter 32B, §§ 21-22 of the General Laws, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

In accordance with the provisions of the 2011 Municipal Health Insurance Reform law, the Town of Orleans has adopted health insurance plan design changes that will go into effect on July 1, 2012. These changes will result in an overall reduction in the premiums by shifting more of the cost to the employees through increased deductibles and co-pays. The estimated first year gross savings will be \$404,352. In order to help mitigate the impact of the changes, the Town is required to return up to 25% of the gross savings to plan participants in the first year of implementation. The manner in which these funds are to be distributed was negotiated with the Town's employee groups and a formal agreement was signed on March 23. This article will set aside \$101,088 to fund the mitigation plan.

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

ARTICLE 20. 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 FY14 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 ten years by town meeting vote.

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

ARTICLE 21. FUND VISITOR MANAGEMENT SERVICES BY ORLEANS CHAMBER OF COMMERCE

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty Thousand Four Hundred Fifty and 0/100 Dollars (\$20,450.00), 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 funds for projects including management of the Town’s Visitor Information Center, staffing, printed materials, displays and fixtures; repairs and improvements to the Information Booth, and projects and functions designed to make the Town of Orleans more user-friendly and safe for residents and visitors.

Fiscal Year 2013 tax rate impact of \$0.006 per thousand valuation.

BOS: 4 – YES 0 – NO 0 – ABSTAIN

FC: 6 – YES 0 – NO 0 – ABSTAIN

ARTICLE 22. FUND HUMAN SERVICES AGENCIES (FY13)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Sixty Three Thousand One Hundred Sixty Three and 00/100 Dollars (\$63,163.00), or any other sum, to fund the following human services organizations for the period July 1,2012 to June 30, 2013.

CapeAbilities	\$ 5,827.00
Cape Cod Child Development	\$ 2,500.00
Consumer Assistance Council	\$ 250.00
Elder Services of Cape Cod & Islands	\$ 2,500.00
Gosnold	\$ 8,000.00
Homeless Prevention Council	\$ 6,936.00
Independence House, Inc.	\$ 4,700.00
Lower Cape Outreach Council	\$ 8,500.00
Orleans After School Program	\$15,000.00
Outer Cape Health Services	\$ 6,000.00
Sight Loss Services	\$ 850.00
South Coast Legal Services	<u>\$ 2,100.00</u>
Total	\$63,163.00

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

(Simple Majority Vote Required)

SUMMARY

CapeAbilities provides vocational rehabilitation services to residents who have disabilities and can benefit from such services but have no other means of support.

- FY12 & FY 11 no application submitted, FY 2010 funded \$5,827.00
- The projected number of Orleans residents to be served in FY13 is 9.

Cape Cod Child Development provides quality childcare, early education, developmental intervention and family support services on Cape Cod and the Islands. A non profit resource for early intervention for children with disabilities and a provider of the Head Start program are a small part of what they provide.

- FY12 funded \$2500.00
- The projected number of Orleans residents to be served in FY 13 is 26.

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.

- FY12 funded \$250.00
- The projected number of Orleans' residents to be served in FY13 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.

- FY12 funded \$2,500.00
- The projected number of Orleans' residents to be served in FY13 is 68.

Gosnold, Inc. is a not for profit Cape based organization helping individuals and families with drug and alcohol addiction and mental health issues.

- FY12 funded \$7,500.00
- The projected number of Orleans' residents to be served in FY13 is 125.

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

- FY12 funded \$6,033.00
- The projected number of Orleans' residents to be served in FY13 is 240.

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

- FY12 funded \$4,500.00
- The projected number of Orleans' residents to be served in FY13 is 59.

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

- FY12 funded \$7,500.00
- The projected number of Orleans' residents to be served in FY13 is 500 households.

Orleans After School Activities Program provides safe, quality after school care for Orleans children 5-14 years of age after school, during vacations and in the summer.

- FY12 funded \$15,000.00

- The projected number of Orleans' residents to be served in FY13 is 70 families/85 children.

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.

- FY2012 no application submitted, FY2011 funded \$7,000.00
- The projected number of Orleans' residents to be served in FY2013 is 1000

Sight Loss Services is the only nonprofit corporation serving the blind and visually impaired on Cape Cod and the Islands.

- FY12 funded \$850.00
- The projected number of Orleans residents served in FY13 is 100.

South Coast Legal Services, Inc. formerly Legal Services for Cape Cod and Islands, Inc. provides free legal advice and representation to qualified Orleans residents.

- FY12 funded \$2,000.00
- The projected number of Orleans' residents to be served in FY13 is 28.

Fiscal Year 2013 tax rate impact of \$0.017 per thousand.

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

ARTICLE 23. FUND FOURTH OF JULY PARADE

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

(Simple Majority Vote Required)

SUMMARY

This article would fund expenses related to the annual July 4th parade in the Town of Orleans. The Town funds will be used to supplement private fundraising activities necessary to support the parade and any unexpended funds will be available for the following year.

Fiscal Year 2013 tax rate impact of \$0.002 per thousand.

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

ARTICLE 24. FUND ELECTED OFFICIALS COMPENSATION (FY13)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2012 as follows:

- | | |
|---------------------------|------------|
| 1) Board of Selectmen (5) | \$1,500.00 |
| 3) Moderator (1) | \$ 300.00 |
| 4) Constables (2) | \$ 150.00 |

and to raise and appropriate and/or transfer from available funds the sum of Eight Thousand One Hundred and 00/100 Dollars (\$8,100.00) 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 2013, and reflects a \$500 increase for each member of the Board of Selectmen, a \$150 increase for the Moderator, and a \$50 increase for each Constable.

Fiscal Year 2013 tax rate impact of \$0.002 per thousand.

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

ARTICLE 25. AMEND ZONING BYLAW CHAPTER 164, FORMULA BASED RESTAURANTS

To see if the Town will vote to amend the Definitions section 164-4 to **add** a new definition:

Restaurant, formula-based – A restaurant business that is required by contractual or other arrangement or as a franchise to maintain two (2) or more of the following items: standardized (formula) array of services and/or merchandise including menu, trademark, logo, service mark, symbol, décor, architecture, façade, layout, uniforms, color scheme, and which are utilized by ten (10) or more other businesses worldwide regardless of ownership or location.

And further, to amend the Table of Use Regulation section 164-13 to **add** a new category as follows:

§164-13. Schedule of Use Regulations

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

COMMERCIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
<u>Restaurant, formula-based</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>

And further, to **add** a new section 164-38 E. to regulate formula-based restaurants:

E. Special requirements for formula-based restaurants.

The purpose and intent of regulating formula-based restaurants is to address the negative impact on the town’s historical and cultural relevance, unique Cape Cod rural character, and overall attractiveness as a small town, locally-oriented tourist destination. These uses are therefore regulated in order to maintain Orleans’ distinct community and natural experiences.

The proposed use of any building, structure, or premises for a formula-based restaurant shall require a Special Permit from the Zoning Board of Appeals. In addition to the Special Permit Criteria in Section 164-44, the following additional criteria shall be required:

1. **Approval of the formula-based restaurant will not alter the character of the zoning district in a way that detracts from its uniqueness;**
2. **Approval of the formula-based restaurant will contribute to a diverse blend of businesses in the zoning district;**
3. **Approval of the formula-based restaurant will complement those businesses already in the zoning district and help promote and foster the local economic base as a whole.**
4. **The formula-based restaurant will be compatible with existing surrounding uses and has been designed and will be operated in a non-obtrusive manner to preserve the community's character, and the proposed intensity of use on the site is appropriate given the uses permitted on the site and on adjoining sites.**
5. **No drive thru windows shall be permitted.**
6. **Approval of the formula-based restaurant will minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.**

(Planning Board)

(2/3 Vote Required)

SUMMARY

There is a concern that formula-type restaurants could detract from the unique character of the Orleans business districts. Food establishments currently in Orleans are predominantly proprietor-owned, which results in more money being returned to the

local economy. Under this article, any new formula restaurant would need to demonstrate that it will not be detrimental to the unique blend of businesses in Orleans and is compatible with existing businesses. Formula restaurants would be prohibited from locating in the Village Center District.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: No significant fiscal impact

ARTICLE 26. AMEND ZONING BYLAW CHAPTER 164, CUSTOMARY HOME OCCUPATION

To see if the Town will vote to amend the Zoning Bylaws, Section 164-4, Definitions, to **add** the following language:

Customary or Self-Employed Home Occupation: This term shall include carpenters, electricians, painters, plumbers, paper-hangers, shellfish opening, and the storage of fishing equipment as customarily carried on in the Town, masons, radio and TV repairs, dressmaking, hand laundering, home handicrafts, home cooking, lawn mower and bicycle repairs, the practice of any recognized profession and any others of similar nature, which may be approved on Special Permit by the Board of Appeals, provided it is not injurious, noxious and offensive to the neighborhood, and provided there is no outside display of goods. **This definition does not include a home office which has no non-occupant employees, on-site sales, or any other external evidence of the occupation.** (Planning Board)

(2/3 Vote Required)

SUMMARY

Customary Home Occupations currently require a Special Permit from the Zoning Board of Appeals. The amendment would exempt home occupations which have no employees, on-site sales or other observable impacts from the Special Permit requirement.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: No significant fiscal impact

ARTICLE 27. AMEND ZONING BYLAW CHAPTER 164, CONTRACTOR YARD

To see if the Town will vote to amend the Zoning Bylaws, Section 164-4, Definitions to **add** the following definition:

CONTRACTOR YARD – A premises which is used by a building contractor or other tradesman or landscaper for the fabrication of subassemblies or the storage of supplies or equipment. For the purpose of this bylaw a single vehicle used by the owner for the storage of small items of material and equipment that are used on a day by day basis in carrying out his trade, and/or used by the owner for transportation purposes, shall not be classified as a contractor’s yard.

And further, to amend Section 164-13 to add a new category as follows:

§164-13 Schedule of Use Regulations

DISTRICTS

COMMERCIAL	R	RB	LB	GB	VC	I	CD	SC	MB
<u>Contractor Yard</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>P</u> ⁴	<u>O</u>	<u>O</u>	<u>O</u>

(Planning Board)

(2/3 Vote Required)

SUMMARY

The Schedule of Use Regulations table in the Zoning Bylaw currently lacks an entry for a Contractor Yard. The Zoning Enforcement Officer has regulated the use as either light industry or storage. This article would allow Contractor Yards by right in the Industrial District, and by Special Permit in the Limited and General Business Districts. The Special Permit requirement will ensure that a contractor's yard is appropriate and does not adversely impact other adjacent and nearby uses.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: No significant fiscal impact

ARTICLE 28. AMEND GENERAL BYLAW CHAPTER 106, DEMOLITION OF HISTORIC STRUCTURE

To see if the Town will vote to amend the General Bylaws, Chapter 106, by adding the following language and **renumbering** sections as necessary:

§ 106-1. INTENT AND PURPOSE.

This Bylaw is enacted for the purpose of preserving and protecting significant buildings within the Town of Orleans which reflect distinctive features of the architectural, historical, and cultural heritage of the Town and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them. To achieve these purposes the Orleans Historical Commission (the "Commission") is empowered to advise the Building Commissioner with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided for in this Bylaw.

§ 106-2. DEFINITIONS.

1. Building--A structure forming a shelter for persons, animals, property or an activity and having a roof.
2. Building Commissioner--The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.
3. Commission--Orleans Historical Commission.

4. Demolition--The act or process of pulling down, destroying, removing or razing a building, or any portion that results in a change in the footprint, or however, that the term "demolition" shall not include the ordinary maintenance or repair to any building or structure.
5. Preferably-preserved Significant Building--Any significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than demolished.
6. Significant Building--Any building or portion thereof, which is not within a regional or local historic district subject to regulation under the provisions of Massachusetts General Law 40C or special act of Legislature, but which is included in the historical property survey of the Town of Orleans and on file with the Massachusetts Historical Commission, or
 - A) The building was built in or prior to 1920, and
 - B) Is listed in, or is within an area listed, in the National Register of Historic Places, or the State Register of Historic Places, or is the subject of a pending application for listing in said Registers, or has previously been determined to be eligible for listing in the National Register of Historic Places, or
 - C) Has been previously determined by vote of the Commission to be:
 1. Historically or architecturally significant in, terms of period, style, method of building construction, or association with a famous architect or builder, or
 2. Is importantly associated with one or more historic persons or events, or the broad architectural, political, economic or social history of the Town or Commonwealth, provided that the owner of such a building and the Building Commissioner have been notified, in hand or by certified mail within ten (10) days of such Commission vote.

7. Demolition By Neglect — A process of ongoing damage to the fabric, viability and/or functionality of an unoccupied structure leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the structure from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

§ 106-3. PROCEDURES.

- A) No permit for the demolition of a "significant" building as defined in Section 2.3 herein shall be issued other than in conformity with the provisions of this Bylaw and the provisions of all other laws applicable to the demolition of buildings and the issuance of permits generally.
 - 1) Any person who intends to file an application for a permit to demolish a "significant" building shall first file a "Notice of Intent to Demolish a Significant Building" with the Building Commissioner. In addition, the applicant shall complete the review process set forth in this Section. **In order to have standing to file a notice of intent an applicant must have a present intent to demolish a Significant Building within twelve months of the date of the notice of intent.**
 - 2) The Notice of Intent shall include the following:
 - a) Name of applicant with address, telephone number and stated interest in the property.

- b) Owner name, address and telephone number if different.
 - c) A map showing the location of the building or structure to be demolished on the property and with reference to neighboring properties.
 - d) A description of the building or structure, or part thereof, to be demolished including photographs.
 - e) A statement of the reason for the proposed demolition and data supporting said reason, including where applicable, data sufficient to establishing any economic justification for demolition. **Application shall include a copy of the demolition plan and a proposed re-use of the property.**
- B) The Commission shall hold a public hearing on each such Notice of Intent within 45 days after the date it is filed with the Building Commissioner. The Commission shall give public notice thereof by publishing twice a notice of the time, place and purpose of the hearing in a local newspaper with the first notice being published at least fourteen (14) days before said hearing. A copy of said notice shall be mailed to the applicant, to the owners of all abutting property as they appear on the most recent tax list, to the Building Commissioner, Planning Board and Conservation Commission. Commission meetings shall be posted and held in accordance with applicable state law, known as the "open meeting law".
- C) If, after such hearing, the Commission determines that the demolition of the "significant" building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the applicant and the Building Commissioner within ten (10) days of such determination. Upon receipt of such notification, or upon failure by the Commission to hold a public hearing within forty-five (45) days of the day the "Notice of Intent" was filed with the Building Commissioner or to make a decision within ten (10) days following said hearing, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, rules and regulations, issue the demolition permit.
- D) If, after such a hearing, the Commission determines that the demolition of the "significant" building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a "preferably-preserved significant building".
- E) Upon determination by the Commission that the "significant" building which is the subject of the Notice of Intent to Demolish is a "preferably-preserved significant building", the Commission shall so advise the applicant and the Building Commissioner, and no demolition permit may be issued until 365 days after the date of the Commission's determination. Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition permit for a "preferably-preserved significant building" at any time after receipt of written advice from the Commission to the effect that the Commission is satisfied that bona fide and reasonable efforts have been made to locate a purchaser willing to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful. [Amended 11-7-2005 STM, Art. 13]
- F) No building permit for erection of a new structure on the site of an existing "significant" building footprint as defined in Section 2.3 may be issued prior to issuance of a permit for demolition of such existing significant building.
- G) No permit for demolition of a building determined to be a "preferably-preserved significant building" under Section 3.4 shall be granted until plans for use or development of the site after demolition have been filed with the Building

Commissioner and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals necessary for the issuance of such a building permit or certificate of occupancy including without limitation any necessary zoning variances or special permit, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this subsection.

106-4. MINIMUM MAINTENANCE REQUIREMENTS

A) A Significant Building shall be maintained in a weather tight condition so as to prevent water intrusion into any portion of the building and to prevent demolition by neglect, including but not limited to maintenance of the roofing, siding, windows, doors, trim and other architectural features. Maintenance shall also include the replacement or repair of any structural element or exterior architectural feature that if left unattended would result in further damage or degradation to any building element.

B) This section shall apply to the following Significant Buildings:

1. A building or portion thereof in commercial use, or an income producing residential use.

2. Any unoccupied single family residential structure.

This section shall not apply to an owner-occupied single family residential structure:

C) If the Commission has reason to believe, through visual inspection or other means, that a Significant Building may be undergoing Demolition by Neglect then the Commission shall notify the Building Inspector and the owner. The Commission shall hold a public hearing to determine whether or not the Significant Building is undergoing demolition by neglect. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the structure by the Building Inspector. If the Commission determines that the Significant Structure is undergoing demolition by neglect, the Commission shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the Significant Structure and/or prevent further deterioration. In the event that the Commission determines that it is not able to negotiate such an agreement with the owner, for any reason, or that the owner has agreed to undertake but has failed satisfactorily to complete such repairs in a timely manner, then the Commission may take such action as is permitted under this bylaw, including seeking a court order that specific repairs be undertaken to secure the Significant Building against the elements, vandals or vermin, to halt further deterioration, and/or to stabilize it structurally. The Commission may forbear from commencing an action in court for any reason. Upon completion of all repairs that have been agreed upon between the owner and the Commission that have been ordered by the Commission that have been ordered by the court, and upon certification by the Building Inspector that said repairs have been completed, the Commission shall certify that the structure is no longer undergoing demolition by neglect.

D. The Commission may grant a waiver from the requirements of this section upon a showing of impossibility, or financial hardship, or the occurrence of

events beyond the owner's control, or such other circumstances as the Commission may determine.

§ 106-5. EMERGENCY DEMOLITION.

- A) Nothing in this Bylaw shall restrict the Building Commissioner from ordering the demolition of any "significant" building in the event it is determined that the condition of the building or structure poses a serious and imminent threat to public health and safety and there is no reasonable alternative to immediate demolition.
- B) Whenever the Building Commissioner issues an emergency demolition permit under this Section, he shall prepare a written report with attached photographic evidence describing the condition of said building or structure and the basis of the decision to issue an emergency demolition permit and provide a copy thereof to the Commission.

§ 106-6. ENFORCEMENT AND REMEDIES.

- A) Any person(s) who demolishes a building or structure identified in Section 2.3 without first obtaining, and complying fully with, the provisions of a demolition permit shall be subject to a fine of three hundred dollars (\$300.00). Each day of non-compliance shall be considered a separate offense.
- B) The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this Bylaw, or to prevent violation thereof.
- C) No building permit shall be issued with respect to any premises upon which a "significant" building has been voluntarily demolished in violation of this Bylaw for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" includes the parcel of land upon which the demolished "significant" building was located.
- D) Upon a determination by the Commission that a building is a "preferably-preserved significant building", the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner.

§ 106-7. EXPIRATION OF FINDINGS.

All determinations by written finding made by the Historical Commission pursuant to 106-3 (C), (D) and (E) shall expire two years from the date of the written finding if the work authorized has not commenced.

§ 106-8. APPEALS TO BOARD OF SELECTMEN.

Any person aggrieved by a decision of the Orleans Historical Commission acting under this bylaw, shall have a right to appeal to the Board of Selectmen filed within seven (7) days of the date any such decision. The Board of Selectmen shall hold a hearing within ten (10) days of receipt of any such appeal and shall have a right to issue any decision which the Orleans Historical Commission could have issued in the first instance.

§ 106-9. SEVERABILITY.

If any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

§ 106-10. HISTORIC DISTRICT ACT.

If any provision of this Bylaw conflicts with Massachusetts General Laws, Chapter 40C, the Historic District Act, that Act shall prevail. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article would establish a time limit for the duration of a permit to demolish an historical structure; and add a “demolition by neglect” provision and establish minimum maintenance requirements for significant structures. Minimum maintenance requirements would not apply to an owner-occupied single family residential structure.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: No significant fiscal impact

ARTICLE 29. AMEND GENERAL BYLAW CHAPTER 122, OUTDOOR LIGHTING

To see if the Town will vote to amend the General Bylaw, Section 122-8, Enforcement , by **adding** the following language:

§ 122-8. Enforcement and Violations.

This bylaw shall be enforced by the Building Commissioner, or his designee. **Any person, firm or corporation violating any section or provision of this By-law shall be fined not more than one hundred (100) dollars for each offense. Each day that such offense continues shall constitute a separate offense.** (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article sets fines for violations of the existing bylaw.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: No significant fiscal impact

ARTICLE 30. TRANSFER WATER SERVICE CONNECTION FUNDS

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

(Simple Majority Vote Required)

SUMMARY

This article transfers funds from a reserve account to the working account of the Water Department, to fund supplies, materials and equipment needed to install, maintain and improve water service connections and associated capital investments.

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

ARTICLE 31. DEMAND FEE FOR UNPAID WATER BILLS

To see if the Town will vote to amend the General By-Laws of the Town, Chapter 158, Water, by **adding** the following new sections:

Sec. 158-24.1 Demand Fee

Town Water bills that remain unpaid after the due date shall be subject to a \$10.00 demand fee in addition to any interest accrued and owing pursuant to the provisions of sec. 158-24.

Sec. 158-24.2 Deposit of Interest and Fees

Any interest payments or demand fees collected pursuant to sections 158-24 and 158-24.1 shall be deposited into the Water Surplus Fund of the Town.

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

(Simple Majority Vote Required)

SUMMARY

The Treasurer/Collector has recommended the institution of a demand fee to be assessed for unpaid water bills. Presently interest payments collected on unpaid bills is generally so insignificant that it fails to provide an incentive for timely payment. It is anticipated that the institution of a demand fee, which is currently charged by the Town for all late payment of municipal taxes, may provide an incentive for timely payment and offset the cost of collection. The requirement set out in proposed Sec. 158-24.2, that interest and demand fees be paid into the Water Surplus Fund, is consistent with the current practice of paying collected interest into the Water Surplus Fund.

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

ARTICLE 32. FUND FIRE DEPARTMENT STAFFING AND ORGANIZATIONAL STUDY

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty Thousand and 00/100 (\$20,000.00) for the purpose of funding a Fire Department staffing and organizational study, including all expenses incidental and related thereto, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund an independent study of the staffing and organizational structure of the Fire Department. The consultant will be asked to review the existing operations and the cost of providing services to the community, with the primary focus being on emergency medical response, and will report his/her findings and recommendations to the Board of Selectmen.

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

ARTICLE 33. FUND MOTORS AND EQUIPMENT FOR NEW RESCUE BOAT

To see if the Town will vote to raise and appropriate the sum of Thirty-Six Thousand and 00/100 (\$36,000.00) for the purpose of funding the purchase and installation of two (2) outboard motors and firefighting equipment on the new rescue boat, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

Boats available to the Fire, Police and Harbormaster departments cannot respond to emergencies in extremely cold weather. The Fire Department has secured a 2008 Port Security-style boat free from the Division of Conservation and Recreation. The purchase of 2 new Mercury 225 horsepower Optimax outboards and a drop-in style firefighting pump and foam tank will enable the Town to deploy a rescue boat year round, and be able to attack a boat fire from the water.

Fiscal Year 2013 tax rate impact of \$0.010 per thousand valuation

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

ARTICLE 34. AUTHORIZE LEASE OF NAUSET BEACH CONCESSION STAND

To see if the Town will vote to authorize the Board of Selectmen to lease on such terms as they deem appropriate, the Nauset Beach Concession stand for a period not to exceed ten (10) years or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The current agreement to operate the concession stand at Nauset Beach expired in November 2011. This Article would allow the Board of Selectmen to enter into a new contract to operate the concession stand for up to ten (10) years. The annual payment to the town under the old lease agreement was for an amount no less than \$73,000. The new agreement requires a minimum annual payment to the town of no less than \$90,000 for each of the first 5 years and no less than \$95,000 for years 6-10.

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

ARTICLE 35. AMEND INTERMUNICIPAL AGREEMENT TO PROVIDE FOR POST-RETIRMENT BENEFITS FOR EMPLOYEES OF THE ORLEANS, BREWSTER AND EASTHAM GROUNDWATER PROTECTION DISTRICT

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, upon such terms and conditions as the Board deems to be in the best interests of the Town, to provide for the equally shared responsibility of the Towns of Orleans, Brewster and Eastham for the post-retirement benefits of employees of the Orleans, Brewster and Eastham Groundwater Protection District in the event of dissolution of the District; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The intermunicipal agreement between the towns of Orleans, Brewster and Eastham for the management and operation of the Tri-Town Septage Treatment Facility does not presently address the potential liability for future retiree health and pension benefit costs in the event the District is dissolved. This article would authorize the filing of a special act to provide that the costs associated with the retirement benefits of vested District employees would be paid by the towns in the event the District is dissolved.

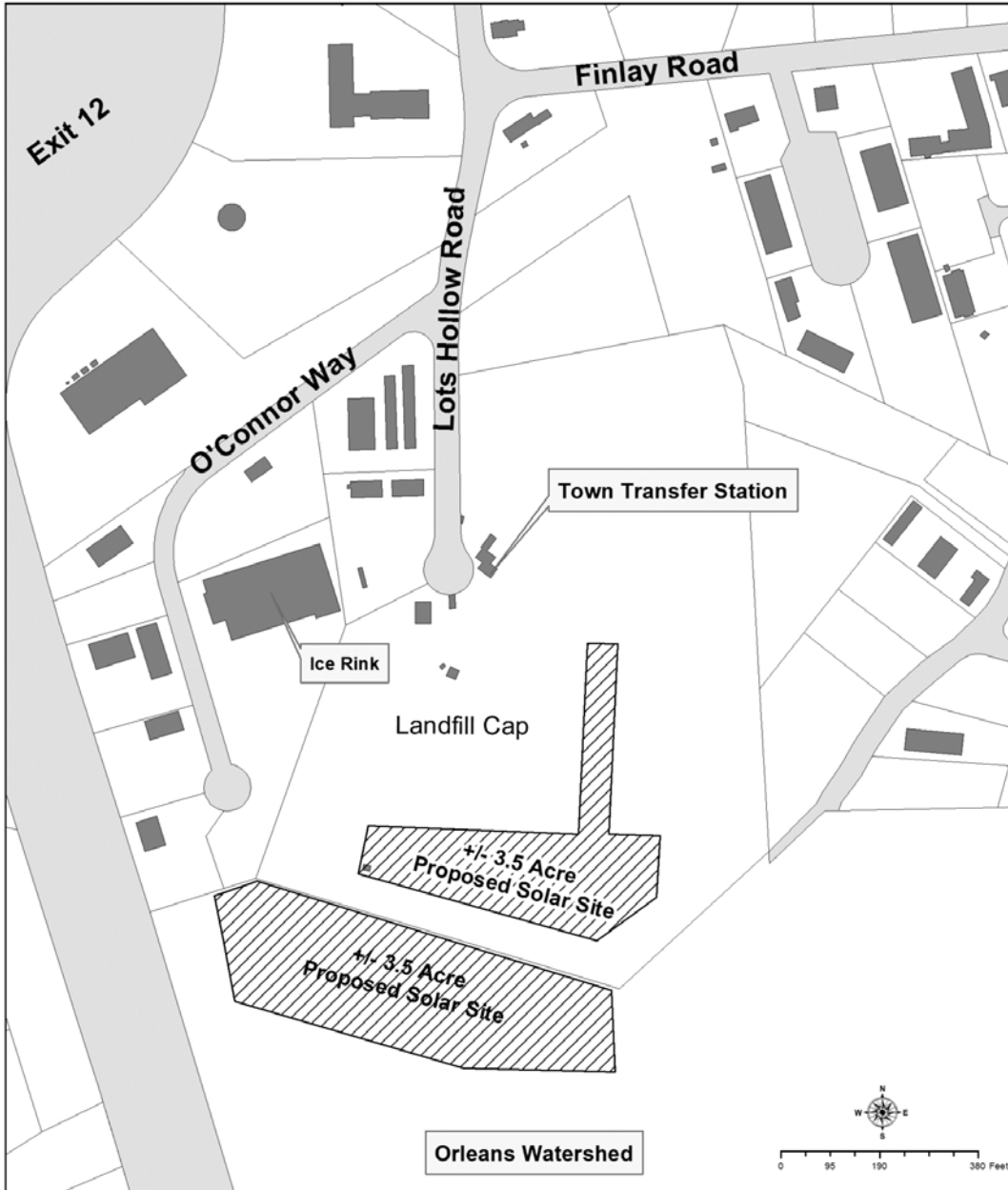
BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 6 – YES 0 – NO 0 – ABSTAIN

ARTICLE 36. AUTHORIZE INTERGOVERNMENTAL AGREEMENTS RELATED TO RENEWABLE ENERGY PROJECTS

To see if the Town will authorize the Board of Selectmen to enter into intergovernmental agreements not to exceed a term of twenty-five years on behalf of the Town with the Cape & Vineyard Electric Cooperative, Inc. and its other governmental members related to renewable energy projects developed, sponsored or administered by the Cape & Vineyard Electric Cooperative, Inc., which agreements may include, but not be limited to: power purchase agreements, renewable energy certificate contracts, renewable energy project development agreements, in substantially the form of the draft “Intergovernmental Net Metered Power Sales Agreement” and “Intergovernmental Project Development Agreement” on file with the Town Clerk, and leases of land or buildings related to the development of renewable energy; including without limitation petitioning the state legislature for special legislation exempting the leases so authorized from the provisions of M.G.L. Ch. 30B and Article 97 of the Amendments to

the Massachusetts Constitution if required, or to take any other action relative thereto.
(Board of Selectmen)

(Simple Majority Vote Required)



SUMMARY

This article will allow the Board of Selectmen to enter into agreements with the Cape and Vineyard Electric Cooperative (CVEC) for the purposes of installing solar photovoltaic arrays on Town property. The sites are the Orleans capped landfill and a portion of the Orleans Watershed parcel. CVEC will develop the sites for power generation and the Town will benefit by purchasing power from the installations at a discounted rate. The Town is a member of the Cooperative. The purpose of the

Cooperative is to develop electric generation facilities and to procure and/or sell long term electric supply or other energy related goods or services to its members.

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

ARTICLE 37. AMEND PLEASANT BAY RESOURCE MANAGEMENT PLAN

To see if the Town will vote to amend 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, by inserting after section 8.6.3 a new section, 8.6.4, which provides the conditions under which a member municipality may seek authorization to undertake improvement dredging. The text of the new section, as well as a report providing detailed background to this recommendation, is on file with the Town Clerk. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Town of Chatham may need to dredge a designated area of the Pleasant Bay ACEC in the future in order to maintain traditional access, a process which would continue to be subject to extensive local, state and federal permitting reviews. All four Pleasant Bay Alliance towns must vote to amend the plan. The amendment has been endorsed by the Orleans Shellfish and Waterways Improvement Advisory Committee and the Orleans Conservation Commission.

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

ARTICLE 38. FREE CASH

To see if the Town will vote to transfer from Free Cash in the Town's Treasury a sum of money to be used for the reduction of taxes, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article would transfer from Free Cash a sum of money to reduce the taxes for Fiscal Year 2013.

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

ARTICLE 39. 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 ELEVENTH of APRIL in the year of our Lord TWO THOUSAND TWELVE.

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

Margie Fulcher, Chairwoman
Sims McGrath, Jr.
David M. Dunford
Jon R. Fuller
Susan B. Christie

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 Warrants for the Annual and Special Town Meetings to be held on Monday, May 7, 2012 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE fourteen (14) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable

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

ARTICLES

Article 1.	Pay Bills of Prior Years.....	73
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Article 3.	Authorize RFP for Solar Energy Projects	75
Article 4.	Fund Wastewater Planning Activities	76
Article 5.	Authorize Gullquist Bond Prepayment (CPA).....	76
Article 6.	Authorize Layout of Aspinet Road.....	77
Article 7.	Fund consultant services for Police Chief search.....	77
Article 8.	Closing Article	78

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

FC: 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 2012 as follows:

1. Transfer the sum of Twenty Eight Thousand Five Hundred and 00/100 Dollars (\$28,500.00), or any other sum, from Available Funds to the Police Department Overtime Salary Account.
2. Transfer the sum of Twelve Thousand and 00/100 Dollars (\$12,000.00), or any other sum, from Available Funds to the Police Detail Account.
3. Transfer a sufficient sum from Available Funds to the Police Department Salary Account.
4. Transfer the sum of Sixty Nine Thousand and 00/100 Dollars (\$69,000.00), or any other sum, from Available Funds to the Fire Department Overtime Account.
5. Transfer the sum of Thirty-Four Thousand and 00/100 Dollars (\$34,000.00), or any other sum, from Available Funds to the Fire Department Salary Account.
6. Transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from the Parks and Beaches Department Salary Account and Eleven Thousand Dollars (\$11,000.00), or any other sum, from Available Funds to the Parks and Beaches Department Expense Account.
7. Transfer the sum of Eleven Thousand and 00/100 Dollars (\$11,000.00), or any other sum, from the Highway Department Salary Account to the Highway Department Capital Outlay Account.
8. Transfer the sum of Thirteen Thousand Two Hundred and 00/100 Dollars (\$13,200.00) from the Water Surplus Fund to the Water Department Expense Account.
9. Transfer the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, from the Group Health Account to the Unemployment Account.
10. Transfer the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, from the Snow Library Capital Outlay Account for Replacement of Heating System to the Snow Library Capital Outlay Account for Front Entry Door/Transom Replacement.
11. Transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from Available Funds to the Legal Account.

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

(Simple Majority Vote Required)

SUMMARY

1. These funds will be used to provide required overtime coverage related to both injured-on-duty and off-duty leave of absences and the resulting shift vacancies that have to be filled.
2. These funds will be used to reconcile the Outside Police Work Detail account due to uncollectable bills over the last fifteen years.
3. These funds will be used to fund the salary related costs associated with the reinstatement of a police officer.
4. These funds will be used to provide required overtime coverage related to both injured-on-duty and off-duty leave of absences and the resulting shift vacancies that have to be filled.
5. These funds will be used to fund the salary related costs associated with the retirement of a firefighter.
6. These funds will be used to replenish expense account funds used to repair or replace a number of unanticipated items and conversion costs to reuse a portion of the former Hubler Motel for housing for seasonal employees.
7. These funds will be used to make up the additional amount necessary to complete the purchase of a new asphalt hot box.
8. These funds will be used to make the necessary repairs to the emergency generator at the water treatment plant.
9. These funds will be used to pay the cost of current claims for unemployment benefits through the end of the fiscal year.
10. These funds will be used to make up the additional amount necessary to complete the replacement of the front door at the library prior to summer.
11. These funds will be used to provide legal services through the balance of the fiscal year. The additional funds are necessary due to unanticipated litigation expenses.

BOS: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting

ARTICLE 3. AUTHORIZE REQUEST FOR PROPOSALS FOR SOLAR ENERGY PROJECTS

To see if the Town of Orleans will authorize the Board of Selectmen to proceed with the preparation of a request for proposals for solar energy projects, and further to transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) from available funds for this purpose, and to the extent a project is proposed for the Orleans watershed, to authorize petitioning the state legislature for special legislation exempting any proposed lease from the provisions of M.G.L. Ch. 30B and Article 97 of the Amendments to the Massachusetts Constitution if required, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article seeks to authorize a Request for Proposals to enable the Board of Selectmen to pursue additional solar array projects that may benefit the Town should the proposed projects with CVEC not move forward.

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

ARTICLE 4. FUND WASTEWATER MANAGEMENT PLANNING ACTIVITIES

To see if the Town will vote to transfer the sum of Sixty Nine Thousand Eight Hundred Twenty-Seven and 00/100 Dollars (\$69,827.00), representing the balance of the funds appropriated under Article 7 of the May 2009 Annual Town Meeting, which funded a feasibility study for pre-design engineering relating to implementation of the comprehensive wastewater management plan (CWMP), to be used for wastewater management planning activities, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article seeks to reauthorize the remaining balance of the FY10 pre-design engineering funds to enable the Board of Selectmen to complete a number of recommended and potential tasks related to wastewater including the evaluation of Cedar Pond management, 2012 summer season water quality monitoring at Nauset and Cape Cod Bay stations, and MEP Model runs for Pleasant Bay and Namskaket Creek.

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

ARTICLE 5. AUTHORIZE GULLQUIST BOND PREPAYMENT (CPA)

To see if the Town will vote to transfer the sum of Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000.00) from the Community Preservation Account to the General Fund Debt Service Account to pre-pay a portion of the General Obligation Bond issued for the purchase of the Gullquist Property, or to take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote Required)

SUMMARY

This article will transfer \$230,000 from the Community Preservation Fund for the purpose of pre-paying principal on bonded debt for the Gullquist property approved at the Annual Town Meeting of May 8, 2000. The result of this pre-payment will be over \$95,000 in interest savings over the remaining life of the bond issued for this purpose.

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

ARTICLE 6. AUTHORIZE LAYOUT OF ASPINET ROAD

To see if the Town will vote to accept the doings and report of the Selectmen relative to the layout of Aspinet Road and that portion of Inlet Road, a.k.a. Cliff Road, from Aspinet Road to Callanan’s Pass, as a town road, and instruct the Selectmen to accept as a gift or to purchase or take by eminent domain on behalf of the Town of Orleans the land and/or an interest in the land within the sidelines of said layout for this purpose, and further to transfer a sufficient sum of money necessary to carry out the provisions of this article, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

SUMMARY

This article will authorize the Board of Selectmen to acquire the land/or an interest in the land from Aspinet Road to Callanan’s Pass to provide the Town with two means of off road vehicle access to the beach on Nauset Spit. The Board is currently attempting to reach an agreement with the abutters to the road to permit the use of the road by the public for beach access, which agreement may obviate the need to proceed with the layout authorized by this article.

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

ARTICLE 7. FUND CONSULTANT SERVICES FOR POLICE CHIEF SEARCH

To see if the Town of Orleans will authorize the Board of Selectmen to proceed with the preparation of a request for proposals for consultant services for a Police Chief search, and further to transfer the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) from available funds for this purpose, or to take any other action relative thereto.

(Simple Majority Vote Required)

SUMMARY

This article will fund the costs associated with engaging an outside consultant to assist the Board of Selectmen’s search for a new Police Chief due to the planned retirement of the current chief in October.

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

ARTICLE 8. 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 ELEVENTH day of APRIL in the year of our Lord TWO THOUSAND TWELVE.

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

Margie Fulcher, Chairwoman
Sims McGrath, Jr.
David M. Dunford
Jon R. Fuller
Susan B. Christie

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 Annual and Special Town Meetings to be held on Monday, May 7, 2012 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE fourteen (14) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable

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 in the Council on Aging Senior Center in said Orleans on Tuesday the FIFTEENTH day of MAY in the year TWO THOUSAND TWELVE from 7:00 am to 8:00 pm to vote on the following.

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

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

QUESTION 1.

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 removal and replacement of the current playground structure at the Orleans Elementary School, including all costs incidental and related thereto?

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 ELEVENTH day of APRIL in the year of our Lord TWO THOUSAND TWLEVE.

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

Margie Fulcher, Chairwoman
Sims McGrath, Jr.
David M. Dunford
Jon R. Fuller
Susan B. Christie

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 Warrant for the Annual Town Election to be held on Tuesday, May 15, 2012 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE seven (7) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable