



# ***TOWN OF ORLEANS***

**Warrant Booklet**

## ***SPECIAL TOWN MEETING***

**Nauset Middle School Gymnasium**

**6:00 PM**

**October 28, 2024**

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

**COPIES OF THIS WARRANT ARE AVAILABLE FOR REVIEW AND DOWNLOAD ON  
THE TOWN WEBSITE**

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**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 TWENTY-EIGHT day of OCTOBER in the year TWO THOUSAND TWENTY-FOUR at 6:00 P.M. to act on the following:

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# Special Town Meeting- October 28, 2024

**ARTICLE 1**

**Amend zoning bylaws section 164-40.4 marijuana establishments and amend zoning bylaws section 164-13 schedule of use regulations**

To see if the Town will vote to amend Section 164-40.4 Section A. Definitions to read as follows:

(**Bold underline** = new language    ~~strikethrough~~ = language removed)

**MARIJUANA COURIER**

**An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).**

**MARIJUANA RETAILER**

~~An entity licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a marijuana establishment.~~

**MARIJUANA RETAILER**

**An entity licensed to purchase, Repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.**

And further to amend the Section 164-13 Schedule of Use Regulations, to add the following new language, as follows:

(**Bold underline** = new language    ~~strikethrough~~ = language removed)

COMMERCIAL	R	RB	LB	GB	VC <sup>5</sup>	I	CD <sup>6</sup>	SC	MB
<b><u>Marijuana Couriers</u></b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>O</u></b>	<b><u>P</u></b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>O</u></b>

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

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

**Explanation:** This article will align Orleans Zoning (Chapter 164) with the current Massachusetts Cannabis Control Commission (the "CCC") regulations. In April, CCC updated their model Host Community Agreement to allow for currently licensed Marijuana Retailers to apply for, obtain, and operate a license as a Marijuana Courier within the Municipality. The number of Marijuana Retailers in Orleans shall remain limited to two (2) establishments.

(2/3 Vote)

	Yes	No	Abstain
SB	5	0	0
FC	8	0	0

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## **ARTICLE 2**

### **Revocation of Opioid Stabilization Fund**

To see if the Town will vote to revoke the opioid stabilization fund and place unexpended opioid settlement funds and future funds received in a special revenue fund, or to take any other action relative thereto. (Select Board)

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

**Explanation:** On December 4, 2023, Governor Healey signed Chapter 77 of the Acts of 2023, Section 9 of which provides, in part, for the following exception to the general rule that all receipts are to be recorded as general fund revenue per G.L. c. 44, § 53. Section 197 of the Act further allows a community to consolidate all monies previously received from opioid settlements into the special revenue fund. This article will revoke the existing stabilization fund and will transfer unexpended funds and future funds received into a special revenue fund, to be expended, with appropriation, for the purposes for which the funds were received.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	7	0	0

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## **ARTICLE 3**

### **Terminate Enterprise Fund- Mooring Operations**

To see if the Town will vote pursuant to the provisions of Chapter 53F 1/2 of the Massachusetts General Laws, to revoke Mooring Operations as an Enterprise Fund effective with Fiscal Year 2026, beginning July 1, 2025, or take any action relative thereto. (Select Board)

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

**Explanation:** This Article will terminate Mooring Operations as an Enterprise Fund. Although the original goal of accounting transparency has been substantially achieved, the Enterprise Fund revenue is virtually swamped by allocated indirect costs.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	8	0	0

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#### **ARTICLE 4**

##### **Terminate Enterprise Fund- Rock Harbor Boat Basin Operations**

To see if the Town will vote pursuant to the provisions of Chapter 53F 1/2 of the Massachusetts General Laws, to revoke Rock Harbor Boat Basin Operations as an Enterprise Fund effective with Fiscal Year 2026, beginning July 1, 2025, or take any action relative thereto. (Select Board)

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

**Explanation:** This Article will terminate Rock Harbor Boat Basin Operations as an Enterprise Fund. Although the original goal of accounting transparency has been substantially achieved, the goal of self-sufficiency, including the payment of debt service and independence from a tax levy subsidy has not been reached.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	8	0	0

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#### **ARTICLE 5**

##### **Approve Boundary Line Agreement with Goose Hummock**

To see if the Town will vote to approve the Select Board's execution of a Boundary Line Agreement dated June 8, 2022 setting the boundary between Town Landing show as Parcel 48 on Orleans Assessors Map 18 and the abutting "Howarth Property" so-called located at 13 Old Colony Road (the Agreement). The Agreement sets the common boundary line between the two properties to be the line shown as "Jeremiah's Gutter Average Direction Taken from a plan recorded in the Barnstable County Registry of Deeds in Plan Book 182 Page 39 and shown in Barnstable Plan Book 603 Page 15. A copy of the above referenced Agreement is on file in the office of the Town Manager or to take any other action relative thereto. (Select Board)

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

**Explanation:** In 2022, the Select Board executed this agreement to establish the boundary line to match the previously recorded plans. Out of an abundance of caution, if this is deemed to be a disposition of real estate, Town Meeting vote is required prior to recording the 2022 agreement.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	8	0	0

**ARTICLE 6**

**Amend Article 16 of May 13, 2024 ATM 31-33 Eli Rogers Road Conservation Restriction**

To see if the Town will vote to amend the action taken under Article 16 of the May 13, 2024 Annual Town Meeting by providing that the Conservation Restriction to be purchased be held by the Orleans Conservation Commission and The Compact of Cape Cod Conservation Trusts, Inc., rather than the Select Board, with the portion of the restricted parcel located in Orleans (3.220 acres, more or less) to be held by the Town under the jurisdiction and control of the Orleans Conservation Commission and the portion of the restricted parcel located in Brewster (.471 acres, more or less) to be held by The Compact of Cape Cod Conservation Trusts, Inc. All other action taken under Article 16 is hereby ratified and confirmed; or take any other action relative thereto. (Select Board)

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

**Explanation:** This article allows the Conservation Restriction to be held now by the Orleans Conservation Commission and The Compact of Cape Cod Conservation Trusts, Inc., rather than the Select Board. In May 2024 it was proposed that the Select Board hold this Conservation Restriction because this parcel is located in both Orleans and Brewster. However, the Secretary of Environmental Affairs has questioned the Select Board’s authority to purchase real estate outside the Town of Orleans. The proposed amendment will allow the purchase to proceed.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	8	0	0

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**ARTICLE 7**

**Bills of a Prior Year**

To see if the Town will vote to transfer from available funds a sum of money for the purpose of paying prior year unpaid bills, or to take any other action relative thereto. (Select Board)

**Motion:** The motion will be made at Town Meeting and will include the total as of October 23, 2024, and a breakdown by Town Department, vendor, and amount

**Explanation:** Invoices received after the close of the fiscal year for services and goods received prior to July 1 are considered to be prior year bills. Per MGL Ch 44 Sec 64, prior year bills to be paid from the Town's general operating fund may only be paid by a vote of Town Meeting.

(9/10<sup>th</sup> Vote)

	Yes	No	Abstain	
SB	0	0	0	Recommendations to be made at Town Meeting.
FC	0	0	0	

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**ARTICLE 8**

**Wastewater Management Program Funds**

To see if the Town will vote to transfer from available funds the sum of \$200,000 for the purpose of funding continued progress of the Town's wastewater management program, or to take any other action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$200,000 be transferred from the Wastewater Stabilization Fund for this purpose.

**Explanation:** This article supports continued progress of the Town's wastewater management program. Funds would be used for annual monitoring of Namskaket Marsh (required by MA DEP under the Town's Groundwater Discharge Permit); engineering support of ACWMP planning and implementation, and public meetings/outreach; and development/ integration of a sewer system database to enable tracking of sewer flows necessary to support administrative functions and plan future infrastructure improvements.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	6	0	0

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**ARTICLE 9**

**Pickleball Development**

To see if the Town will vote to transfer from available funds the sum of \$100,000, or any other sum, for the purpose of developing pickle ball courts at a location to be determined by the Select Board, or to take any other action relative thereto. (Select Board)

**Motion:** I move that this article be accepted and adopted as printed in the warrant and that the sum of \$100,000 be transferred from free cash for this purpose.

**Explanation:** This article seeks to fund the development and enhancement of pickleball courts in the Town of Orleans. Due to the increased popularity of the sport, the current number of courts is not enough to sustain our growing pickleball population, which is increasing in size and age range. By allocating funds, the town will have the ability to identify a site with the least residential impact possible, and construct courts to assist in the growing demand for the sport.

(Simple Majority Vote)

	Yes	No	Abstain	
SB	5	0	0	
FC	0	0	0	FC Recommendation to be made at Town Meeting.

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**ARTICLE 10**

**Recreational Facilities and Infrastructure- Design, Engineering, Repairs and Construction**

To see if the Town will vote to transfer from available funds, the sum of \$850,000, or any other sum, for the purpose of design, engineering, repairs, or construction of recreational facilities and infrastructure as identified in the Town of Orleans/ Nauset Regional Middle School Master Plan in the location identified as Phase 1, and other needs and locations, including private property, as determined by the Recreation Director and the Town Manager, or to take any other action relative thereto. (Select Board)

**Motion:** I move that this article be accepted and adopted as printed in the warrant and that the sum of \$850,000 be transferred from free cash for this purpose.

**Explanation:** This article funds the design, engineering, repairs, and construction of recreational facilities. This includes locations identified as phase 1 in the “Town of Orleans/ Nauset Regional Middle School Master Plan” as well as other locations as determined through collaboration with the Recreation Director and Town Manager.

(Simple Majority Vote)

	Yes	No	Abstain	
SB	5	0	0	
FC	0	0	0	FC Recommendation to be made at Town Meeting.

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**ARTICLE 11**

**Acquire Land Located at 72 Tonset Rd**

To see if the Town will vote to authorize and direct the Select Board to acquire by gift, by purchase, by eminent domain or otherwise, for general municipal purposes the land, together with the improvements thereon, located at 72 Tonset Road, Orleans, MA and shown on the Town of Orleans Assessor’s Map 34 as Parcel 37 and containing an area of 2.21 acres, more or less, and described in a deed recorded with the Barnstable County Registry of Deeds in Book 30646 Page 339; and to raise and appropriate or transfer from available funds the sum of two-million five hundred thousand (\$2,500,000.00) Dollars for such acquisition; provided that such land shall be under the control of the Select Board for general municipal purposes, and, further, to authorize the Select Board to purchase of the land and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$2,500,000 be transferred from free cash for this purpose.

**Explanation:** This article allows the Town to purchase 72 Tonset Road for \$2,500,000 Dollars. The Select Board will control this parcel for general municipal purposes, providing Orleans with waterfront property abutting Town-owned property, located at 82 Tonset Road, commonly referred to as Sea Call Farm. The land has several special features which make it unique and desirable for the Town to acquire, including its location. The property has frontage on the Town

Cove. The property has the ability to provide unique public recreational opportunities. By utilizing free cash there is no tax impact from this purchase.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	6	2	0

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## **ARTICLE 12**

### **Climate, Sustainability, and Environmental Action Funding**

To see if the Town will vote to transfer from available funds, \$100,000, or any other sum for the purpose of funding climate, sustainability, and environmental action in the Town of Orleans, or to take any other action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$100,000 be transferred from free cash for this purpose.

**Explanation:** These funds will be used to contract with a consultant to establish a climate action roadmap that is specific to the Town of Orleans. We understand climate change is a threat to us locally, regionally, and beyond. Having a local climate action roadmap for all community members will play a critical role in our resilience to the impacts of climate change and will ensure we are being a partner in working together towards the climate goals set forth by the Commonwealth. The actions established by this roadmap will be trackable, and we will see the progress we are all making as a community going forward. Additionally, the funds will provide potential grant matches for climate/sustainability/environmental related grant applications and implementation of actions as prescribed by the climate action roadmap.

(Simple Majority Vote)

	Yes	No	Abstain	
SB	5	0	0	
FC	0	0	0	FC Recommendation to be made at Town Meeting.

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## **ARTICLE 13**

### **Fund HVAC Improvements for the Water Treatment Facility**

To see if the Town will vote to transfer from available funds the sum of \$148,000, or any other sum, for the purpose of funding HVAC improvements at the Orleans Water Treatment Facility, or to take any action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$148,000 be transferred from the water special revenue fund for this purpose.

**Explanation:** Existing HVAC equipment installed in 2005 has reached the end of its useful life. There is a proposal to replace the heat pumps with energy-efficient heating and cooling units. This article seeks more funding to supplement a \$250,000 allocation made at the May ATM in 2022 and

a grant received for the HVAC upgrades at the WTP. The bids came in higher than expected and this funding will allow the project to proceed.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	6	0	0

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#### **ARTICLE 14**

##### **OES Stabilization Fund- Special Education**

To see if the Town will vote to transfer the sum of \$86,000 from available funds to the Special Education Stabilization Fund, or to take any other action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$86,000 be transferred from free cash for this purpose.

**Explanation:** This article provides funding to the special education stabilization fund.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	6	0	0

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#### **ARTICLE 15**

##### **Fund Conservation Fund**

To see if the Town will vote to transfer from available funds the sum of \$85,000, or any other sum, to the Conservation Fund, or to take any action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$85,000 be transferred from free cash for this purpose.

**Explanation:** These funds may be used for a variety of purposes on lands under the jurisdiction and control of the Conservation Commission for activities including, but not limited to, capital improvements, maintenance, preparation and distribution of educational materials, etc.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	6	0	0

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**ARTICLE 16**

**Replacement of Cardiac Monitors/ Defibrillators for Fire-Rescue Ambulances**

To see if the Town will vote to transfer from available funds the sum of \$265,000, or any other sum, for the purpose of replacing cardiac monitors and defibrillators on Town ambulances, or to take any action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$265,000 be transferred from free cash for this purpose.

**Explanation:** The current cardiac monitor/defibrillators are 16 years old. The technology is outdated, and the devices will not be supported by the manufacturer soon. New cardiac monitors/defibrillators are an essential tool that is used in nearly every ambulance call.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	6	0	0

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**ARTICLE 17**

**Fund Succession Planning, Recruitment, Retention, and Reorganizational Related Costs**

To see if the Town will vote to transfer from available funds the sum of \$150,000, or any other sum, for the purposes of funding expenses related to succession planning, recruitment, retention, and reorganizational costs including all expenses incidental and related thereto, or to take any other action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$150,000 be transferred from free cash for this purpose.

**Explanation:** This article is similar to an article passed at the October 2023 special town meeting. The funds approved at that STM have been expended, and there are still significant needs around succession planning, recruitment, retention, and reorganization. The funds will be utilized to ensure Orleans continues to build a workforce that provides the best service level to the community.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	6	0	0

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**ARTICLE 18**

**Fund East Orleans Historic District Facilitator**

To see if the Town will vote to appropriate \$10,000 from the Community Preservation Fund for the purposes of funding an East Orleans Main Street Historic District Facilitator, as approved and recommended by the Orleans Community Preservation Committee, or to take any other action relative thereto. (Community Preservation Committee)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$10,000 be transferred from the Community Preservation Fund for this purpose.

**Explanation:** This article would continue support for a Historic Preservation Consultant to prepare a Historic District Study Report and assist with the development of a bylaw addressing Orleans' unique objectives.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	5	2	0

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**ARTICLE 19**

**Fund NW School House Restoration Project**

To see if the Town will vote to appropriate \$11,000 from the Community Preservation Fund for the purposed of funding the NW School House Restoration project as approved and recommended by the Orleans Community Preservation Committee, or to take any other action relative thereto. (Community Preservation Committee)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$11,000 be transferred from the Community Preservation Fund for this purpose.

**Explanation:** These funds are requested to supplement an increased cost of the work for the NW School House restoration project.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	6	0	1

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**ARTICLE 20**

**Fund Affordable Housing Trust**

To see if the Town will vote to transfer from available funds the sum of \$500,000, or any other sum, to be deposited in the Affordable Housing Trust Fund, or to take any other action relative thereto. (Select Board)

**Motion:** I move this article be accepted and adopted as printed in the warrant and that the sum of \$500,000 be transferred from free cash for this purpose.

**Explanation:** This article proposes to fund the Affordable Housing Trust Fund.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	8	0	0

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**ARTICLE 21**

**Orleans Housing Initiatives**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$500,000, or any other sum for the purpose of funding housing initiatives as determined by the Town Manager, or to take any other action relative thereto. (Select Board)

**Motion:** I move that this article be accepted and adopted as printed in the warrant. I move this article be accepted and adopted as printed in this warrant and that the sum of \$500,000 be raised and appropriated for this purpose.

**Explanation:** Funding to support the implementation of the Housing Action Plan is necessary. To jump start these programs and ensure the Town is positioned to take advantage of the opportunities presented in the bond bill, a “bridge” funding allocation is recommended. Opportunities to support Orleans residents and employees may include:

- Funding a “lease to locals” program to encourage year-round rentals
- Funding educational programs, like the CDP Housing Institute, in support of education, advocacy and information-sharing around housing issues
- Funding the purchase of year-round deed restrictions, to support current homeowners and ensure homeownership opportunities for future residents
- Support the Lower Cape ADU Resource Center
- Create community support and outreach opportunities to connect residents to housing opportunities and programs
- Provide additional support for the local rental assistance program
- Provide additional capacity to identify and register short-term rentals in Orleans

In the long-term, the Town must diversify funding sources that support housing initiatives. These opportunities will be identified and evaluated by the joint committees/roundtables and be brought forward accordingly.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	5	2	1

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## **ARTICLE 22**

### **Fund Boland Pond Management Plan**

To see if the Town will vote to transfer from available funds the sum of \$55,000, or any other sum, for the purpose of funding a Boland Pond management plan, or to take any other action relative thereto. (Select Board)

**Motion:** I move that this article be accepted and adopted as printed in the warrant and that the sum of \$55,000 be transferred from free cash for this purpose.

**Explanation:** As part of the Town’s water resource planning efforts, management plans have been completed on the largest freshwater ponds and have led to actions to protect and restore water quality. Boland Pond is a spring-fed pond near downtown. This request would support data collection that informs the development of a management plan.

(Simple Majority Vote)

	Yes	No	Abstain
SB	5	0	0
FC	8	0	0

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## **ARTICLE 23**

### **FY25 Budget Adjustments**

To see if the Town will vote to raise and appropriate and/ or transfer from available funds, such sums of money necessary to supplement the operating budgets of the various Town Departments for fiscal year 2025, as follows:

1. Raise and appropriate the sum of \$100,000, or any other sum to fund the costs of staffing and operational expenses for the Recreation department.
2. Raise and appropriate the sum of \$50,000, or any other sum for the purposes of funding Reserve for Negotiations.
3. Raise and appropriate the sum of \$30,000, or any other sum, to the building department nonunion salary line.
4. Transfer from available funds, the sum of \$8,650 from Building Department nonunion salary line (0124100-511300) to plumbing inspector (01241002-530200).
5. Transfer from available funds, the sum of \$14,298 from Building Department nonunion salary line to wire inspector expense line (01244100-530200).

Or to take any other action relative thereto.

**Motion:** I move that this article be accepted and adopted as printed in the warrant and that the sum of \$130,000 be raised and appropriated and the sum of \$22,948 be transferred from Building Department Nonunion salaries, for the purposes set forth in the article.

**Explanation:**

1. Rec. Department Program Coordinator- Culture and Community Events salary and operational expenses.
2. Raise and appropriate a sum of money for the purposes of funding Reserve for Negotiations.
3. Raise and appropriate a sum of money for the purpose of funding building department non union salaries.
4. Transfer funds from building department salaries line item to contracted expenses line item.
5. Transfer funds from building department salaries line item to contracted expenses line item.

(Simple Majority Vote)

	Yes	No	Abstain	
SB	5	0	0	
FC	0	0	0	FC Recommendation to be made at Town Meeting

**ARTICLE 24**  
**Closing Article**

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

**Motion:** I move this meeting be adjourned.

Given under our hands this 2nd DAY of October in the year of our Lord TWO THOUSAND TWENTY-FOUR.

A true copy.  
Attest:  
Kelly L. Darling  
Town Clerk

Mark W. Mathison, Chair

Kevin F. Galligan, Vice Chair

Andrea Shaw Reed

Mefford R. Runyon

Michael A. Herman

ORLEANS SELECT BOARD

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 October 28, 2024 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.

\_\_\_\_\_  
Constable

## 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
<b>1. Point of Order</b>		X				X	n/a		
<b>2. Previous Question Terminate Debate</b>		X		X	X		2/3		
<b>3. Postpone Indefinitely</b>	X			X	X		MAJ	X	
<b>4. Lay on Table</b>		X		X	X		MAJ	X	
<b>5. Amendment</b>	X		X		X		MAJ	X	
<b>6. Accept and Adopt</b>	X		X		X		MAJ	X	
<b>7. Consider Articles Out of Order</b>	X		X		X		2/3		X
<b>8. Reconsider</b>	X			X	X		2/3		X
<b>9. Adopt a Resolution</b>	X		X		X		MAJ		X
<b>10. Adjourn to Time Uncertain</b>	X		X		X		MAJ	X	
<b>11. Adjourn</b>		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 Bylaws:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clause 8-5-1 of the Charter reads:

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

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

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

Clause 2-7-8 of the Charter reads:

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

## **MUNICIPAL FINANCE TERMS**

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

**Bond** - A written promise to pay (debt) a specified sum of money (called principal or face value) at a specified future date (called the maturity date) along with periodic interest paid at a specified percentage of the principal (interest rate). Bonds are used to fund capital projects and approval requires a two-thirds (2/3) vote of town meeting.

**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 2021 fiscal year is July 1, 2020 to June 30, 2021. 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 2½ Overrides/Underrides** - General Override to permanently increase the amount of property taxes the Town can raise. This requires a majority vote by the Select Board 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 Select Board 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 Select Board 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 Select Board 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 (2/3) vote of town meeting is required to appropriate money from the Stabilization Fund.