

SPECIAL TOWN MEETING  
"DOINGS"  
October 16, 2017

The Special Town Meeting was held on Monday, October 16, 2017 in the Nauset Regional Middle School Gym. The meeting was opened at 6:45 p.m. after a quorum of 200 voters was declared by the Town Clerk. Election workers were: Pat Bradley, Louise Brady, Hannah Caliri, Elizabeth Peters, Ken Rowell, Pat Rowell, Cathy Southworth and Mary Walker. Constables on duty were Paul Kelly and Mary Stevens. A total of 546 registered voters were in attendance.

**PROCEDURE MOTION**

To dispense with the reading on the warrant except the Preamble, Conclusion and Attestation thereof.

**ACTION:** Voice vote, motion carries unanimously.

**PROCEDURAL MOTION**

To give all Town Officials or department managers or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the Charter, all of who are not residents of the Town of Orleans, be permitted to address the Special Town Meeting on matters affecting their office, department or organization, or for which projects they have performed services for the Town.

**ACTION:** Voice vote, motion carries unanimously.

**ARTICLE 1. FUND CONSTRUCTION OF DOWNTOWN SEWER COLLECTION SYSTEM BY MASSDOT AS PART OF MAIN STREET INTERSECTION PROJECT**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Million Six Hundred Eighty Thousand and 00/100 Dollars (\$3,680,000.00), or any other sum, for the purpose of constructing and installing the sanitary sewer collection system under Main Street by MassDOT as part of the Main Street Intersection improvement project as amended, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County

or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto.

(2/3 Vote Required)

**MOTION:** To accept and adopt Article #1 and that the sum of Three Million Six Hundred Eighty Thousand and 00/100 Dollars (\$3,680,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Town of Orleans be authorized to construct and install the sanitary sewer collection system, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Three Million Six Hundred Eighty Thousand and 00/100 Dollars (\$3,680,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 7(1), 7(6), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**MOTION:** To call the question.

**ACTION:** Standing Vote YES = 500, NO = 8. Motion to call the question passes by necessary 2/3 majority.

**ACTION THE MAIN MOTION:** Paper ballot, YES = 413, NO = 120 , motion passes by the necessary 2/3 majority.

**ARTICLE 2. AUTHORIZE THE BOARD OF SELECTMEN TO NEGOTIATE A LEASE WITH MASSDOT FOR THE USE OF THE ROUTE 6 CLOVERLEAF AT EXIT 12 AS THE TOWN'S PRIMARY EFFLUENT DISPOSAL SITE**

To see if the Town will vote to authorize the Board of Selectmen to negotiate a lease with MassDOT to use the cloverleaf property located on Route 6 at Exit 12 for a period not to exceed 20 years on such terms and conditions as the Board of Selectmen determines for the use of the property as the Town's primary effluent disposal site for the proposed sewer system, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #2 as printed in the warrant.

**ACTION:** Voice vote, motion carries unanimously.

### **ARTICLE 3. FUND AQUACULTURE DEMONSTRATION PROJECT AT LONNIE'S POND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety Four Thousand and 00/100 Dollars (\$94,000.00), or any other sum, for the purpose of completing the aquaculture demonstration project work required through June 30, 2018 at Lonnie's Pond, including all expenses incidental and related thereto, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #3 as printed in the warrant and that the sum of Ninety Four Thousand and 00/100 Dollars (\$94,000.00) be raised and appropriated for this purpose.

**ACTION:** Voice vote, motion carries by the necessary simple majority.

### **ARTICLE 4. FUND INDEPENDENT REVIEW OF 25% SEWER DESIGN PLANS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), or any other sum, for the purpose of completing an independent review of the recommended 25% sewer design plans for the Downtown and inclusion of septage treatment capacity at the new facility, including all expenses incidental and related thereto, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article#4 as printed in the warrant and that the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) be raised and appropriated for this purpose.

**MOTION:** To move the question.

**ACTION:** Voice vote carries unanimously.

**ACTION ON THE MAIN MOTION:** Voice vote, motion carries by necessary 2/3 majority.

### **ARTICLE 5. FUND IMPROVEMENTS TO ORLEANS ELEMENTARY SCHOOL HEATING AND VENTILATION SYSTEMS**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00), or any other sum, for the purpose of improving heating and ventilation systems 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 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article #5 and that the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**ACTION:** Voice vote, motion carries unanimously.

#### **ARTICLE 6. FUND UNANTICIPATED EMPLOYEE RETIREMENT BUYOUTS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00), or any other sum, to fund unanticipated employee retirement buyouts, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #6 as printed in the warrant and that the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00) be raised and appropriated for this purpose.

**ACTION:** Voice vote, motion carries unanimously.

#### **ARTICLE 7. FUND PURCHASE OF MOTOR VEHICLES AND EQUIPMENT**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Two Hundred Sixty Thousand and 00/100 Dollars (\$260,000.00) into the

Stabilization Fund for Motor Vehicles and Equipment, and further to transfer from this Stabilization Fund the sum of Two Hundred and Sixty Thousand 00/100 Dollars (\$260,000.00) for the purpose of funding vehicle and equipment purchases, 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.  
(2/3 Vote Required)

**MOTION:** To accept and adopt Article #7 as printed in the warrant and that the sum of Two Hundred Sixty Thousand and 00/100 Dollars (\$260,000.00) be raised and appropriated to the Stabilization Fund for Motor Vehicles and Equipment, and further to authorize the sum of Two Hundred Sixty Thousand and 00/100 Dollars (\$260,000.00) to be transferred from the Stabilization Fund for Motor Vehicles and Equipment for the purpose of funding motor vehicle and equipment purchases, including all expenses incidental and related thereto.

**ACTION:** Voice vote, motion carries by necessary 2/3 majority.

#### **ARTICLE 8. TRANSFER CPA PROJECT FUNDS FOR HISTORIC RESTORATION OF THE MEETINGHOUSE NATIONAL REGISTER BUILDING**

To see if the Town will vote to transfer the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) from the funds set aside for Historic Resources to a new project, Historic Restoration of the Meetinghouse National Register building, or take any other action relative thereto. (Simple Majority Vote)

**MOTION:** To accept and adopt Article #8 as read, and that the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) be appropriated from the Community Preservation Fund Balance Reserved for Historic Resources for this purpose.

**ACTION:** Voice vote, motion carries unanimously.

#### **ARTICLE 9. FY 18 BUDGET ADJUSTMENTS**

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 2018 as follows:

1. Transfer the sum of Two Thousand and 00/100 Dollars (\$2,000.00), or any other sum, from the Fire Department Expense Account to the Finance Department Expense Account for the purpose of funding a year-end audit for the Orleans Elementary

School.

2. Transfer the sum of Three Thousand Eight Hundred and 00/100 Dollars (\$3,800.00), or any other sum, from the Fire Department Expense Account to the Finance Department Expense Account for the purpose of funding actuarial services for Other Post-Employment Benefits (OPEB). (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #9 as read, and the transfers in the amount of Five-Thousand Eight Hundred and 00/100 Dollars (\$5,800.00) be made from the Fire Department Expense Account to the Finance Department Expense Account for the purposes set forth in the article.

**ACTION:** Voice vote, motion carries unanimously.

## **ARTICLE 10. 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. (9/10 Vote Required)

**MOTION:** To accept and adopt Article #10 and the sum of One Thousand Eight Hundred Thirty-one and 08/100 Dollars (\$1,831.08) be raised and appropriated to pay the following unpaid bills:

<u>DEPT.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
Treasurer/Collector	Century Bank and Trust Co.	\$37.14
DPW – Facilities	Baskin’s True Value	\$109.07
DPW – Facilities	Stericycle	\$799.44
Town Clerk	Election Systems & Software	\$885.43

And further that the sum of Sixteen Thousand One Hundred Three and 44/100 Dollars (\$16,106.44) be transferred from the Water Surplus account to pay the following unpaid bills:

<u>DEPT.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
Water	Eversource	\$15,354.97
Water	Wright Pierce	\$469.02
Water	Weston & Sampson	\$279.45

**ACTION:** Voice vote, motion carries unanimously.

## **ARTICLE 11. FUND PURCHASE OF BEACH RESCUE EQUIPMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Forty Thousand and 00/100 Dollars (\$40,000.00), or any other sum, to fund the purchase of beach rescue equipment, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #11 as printed in the warrant and that the sum of Forty Thousand and 00/100 Dollars (\$40,000.00) be raised and appropriated for this purpose.

**ACTION:** Voice vote, motion carries unanimously.

## **ARTICLE 12. FUND REPLACEMENT OF WATER DEPT. DUMP TRUCK BED**

To see if the Town will vote to transfer from available funds the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, for the purpose of replacing a dump truck bed for the Water Department, including all expenses incidental and related thereto; 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 dump truck bed, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #12 as printed in the warrant and that the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be transferred from the Water Surplus Account for this purpose and for costs incidental and related thereto.

**ACTION:** Voice vote, motion carries unanimously.

## **ARTICLE 13. APPLICATION OF BOND PREMIUMS**

To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds and notes issued on February 9, 2017 and February 10, 2017, respectively, to pay costs of capital projects and to reduce the amounts appropriated for such projects by the same amount; or to take any other action relative thereto. (Simple Majority Vote)

**MOTION:** To accept and adopt Article #13 as printed in the warrant and that the Town vote to appropriate (i) \$251,000 from the premium paid to the Town upon the sale of bonds dated February 9, 2017 to pay costs, on a pro-rata basis, of the projects financed with the proceeds of such bonds, and to reduce the amounts authorized to be borrowed

for such projects, by the same amounts and (ii) \$27,063.25 from the premium paid to the Town upon the sale of said bonds and \$121,060.94 from the premium paid to the Town upon the sale of notes dated February 10, 2017 to pay costs of projects financed with the proceeds of such notes as follows:

- \$109,405.39 for the \$8,103,801 Police Station Construction project originally approved on 5/9/16, art. 5;
- \$1,775.58 for the \$200,000 Narrows Dredging Study project originally approved on 10/24/16, art. 6;
- \$31,422.65 for the \$3,228,200 Water Resource Management (wastewater) project originally approved on 10/24/16, art. 2; and
- \$5,520.57 for the \$156,000 Beach Road Water Main project originally approved on 5/9/16, art. 28.

and to reduce the amounts authorized to be borrowed for such projects, by the same amounts.

**ACTION:** Voice vote, motion carries unanimously.

#### **ARTICLE 14. AMEND ZONING BYLAW CH. 164-36.1 – MOBILE FOOD ESTABLISHMENTS**

To see if the Town will vote to amend the Orleans Zoning Bylaw by adding a new Section 164-36.1 Mobile Food Establishments, to read as follows:

##### 164-36.1. Mobile Food Establishments

###### A. Purpose

To encourage employment and small business growth by providing a broad range of food choices to the public.

###### B. Definitions

*Mobile Food Establishment.* A motorized vehicle or unmotorized wheeled vehicle from which food or drink (prepared on-site or prepackaged) is sold or served to the general public, whether consumed on-site or elsewhere. The vehicle must be supported by and return to a fixed, licensed food establishment daily.

*Mobile Food Establishment Service Area.* A lot upon which one or more Mobile Food Establishments prepare, portion, or serve food to the public.

###### C. Requirements

Mobile Food Establishments must obtain all required permits, licenses and approvals from the Board of Health, Board of Selectmen, Building Department, Police Department, Fire Department, and any other required approvals.

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

<i>COMMERCIAL</i>	<i>R</i>	<i>RB</i>	<i>LB</i>	<i>GB</i>	<i>VC</i>	<i>I</i>	<i>CD<sup>6</sup></i>	<i>SC</i>	<i>MB</i>
<u>Mobile Food Establishment</u>	<u><i>Q</i></u>	<u><i>P</i></u>	<u><i>P</i></u>	<u><i>P</i></u>	<u><i>P</i></u>	<u><i>Q</i></u>	<u><i>Q</i></u>	<u><i>Q</i></u>	<u><i>P</i></u>

And further to amend the definition of "Trailer" in §164-4 to read as follows (new language in bold):

TRAILER - Any vehicle or object which is, has been or may be portable. For the purpose of this definition, "trailers" shall include, but shall not be limited to, motor freight trailers, dump trailers, utility trailers and the like other than those covered in this section. **A Mobile Food Establishment as defined under §164-36.1.B. shall not be considered a trailer.**

or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article #14 as printed in the warrant.

**ACTION:** Voice vote, motion carries unanimously.

**ARTICLE 15. CLOSING ARTICLE**

And to act on any other business that may legally come before the meeting. (Simple Majority Vote Required)

**MOTION:** To adjourn Special Town Meeting.

**ACTION:** Voice vote, motion carries unanimously.

Special Town Meeting was adjourned at 9:34 pm.

A Copy Copy, Attest:

Cynthia S. May, Town Clerk