



ORLEANS ANNUAL / SPECIAL TOWN MEETING
"DOINGS"
May 9, 2022

The Annual and Special Town Meetings were held on Monday, May 9, 2022 at the Nauset Regional Middle School.

Announcement of Citizens of the Year: Alan and Fran McClellan, Joanna Keeely and Judith Bruce

Swearing in of John Kanaga as Temporary Moderator for social distanced room.

The Annual Town Meeting was opened at 6pm after a quorum of 200 was declared by the Town Clerk. A total of 455 voters were in attendance. Tellers were: Patricia Bradley, Daniella O'Brien-Bradley, Louise Brady, Marjorie Sparrow, Elia Marnick, Sandra Rhodes, Bonnie Munro.

PROCEDURAL MOTION

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

ACTION: Voice vote carries unanimously

PROCEDURAL MOTION

To adjourn the Annual Town Meeting until the close of the Special Town Meeting.

ACTION: Voice vote carries unanimously

Special Town Meeting was opened at 6:10 pm.

PROCEDURAL MOTION

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

ACTION: Voice vote carries unanimously

PROCEDURAL MOTION

That all Town officials or department heads or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the Charter all of whom 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 projects for which they have performed services for the Town.

ACTION: Voice vote carries unanimously

ARTICLE 1. PAY BILLS OF PRIOR YEARS

To see if the Town will vote to transfer from Free Cash 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. (Select Board)

(9/10 Vote Required)

MOTION: I move this article be accepted and adopted and the sum of One Hundred Ninety-three and 00/100 (\$193.00) be transferred from Free Cash to Pay the following bills:

Water Department – Cape & Islands Tire \$192.67

Total (rounded up to nearest whole dollar) \$193.00

ACTION: Counted vote 372 in favor, 11 opposed, passes by the necessary 9/10 majority.

ARTICLE 2. FUND UNANTICIPATED EMPLOYEE BUYOUTS

To see if the Town will vote to transfer from Free Cash a sum of money to fund unanticipated employee-related buyouts, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Twenty Thousand and 00/100 Dollars (\$20,000) be transferred from Free Cash for this purpose.

ACTION: Voice voted, passes by the necessary simple majority

ARTICLE 3. FUND POLICE DETAIL

To see if the Town will vote to transfer from Free Cash the sum of Four Hundred Sixty-Four and 00/100 Dollars (\$464.00), or any other sum, to line item #89-25500 (Police Details) to reimburse the town for uncollectible police detail expenses incurred in prior years; or to take any action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Four Hundred Sixty-Four and 00/100 Dollars (\$464.00) be transferred from Free Cash for this purpose.

ACTION: Voice voted, motion carries unanimously

ARTICLE 4. FUND SHORTFALL IN REVOLVING FUND FOR ELECTRIC CHARGE STATIONS

To see if the Town will vote to transfer the sum of Five Hundred and 00/100 Dollars (\$500.00), or any other sum, from Free Cash to the Electric Charge Stations Revolving Fund; or to take any action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of five hundred dollars (\$500.00) be transferred from Free Cash for this purpose.

ACTION: Voice voted, motion carries unanimously

ARTICLE 5. FUND WATER TREATMENT PLANT HVAC ENGINEERING DESIGN

To see if the Town will vote to transfer from available funds the sum of Forty Thousand and 00/100 (\$40,000.00) Dollars, or any other sum, for the purpose of funding for engineering services to prepare plans and specifications to replace/redesign the existing non-functional HVAC system at the Water Treatment Plant, including all expenses incidental and related thereto; and further authorize the Select Board 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. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Forty Thousand and 00/100 (\$40,000.00) Dollars be transferred from the Water Surplus Account for this purpose.

ACTION: Voice voted, motion carries unanimously

ARTICLE 6. GRANT TOWN ADMINISTRATOR AUTHORITY TO EXTEND CONTRACT FOR LONNIE'S POND AQUACULTURE SERVICES TO 5 YEARS

To see if the Town will vote to authorize the Town Administrator to execute a contract extension of the Lonnie's Pond Aquaculture Services contract for an additional two years, thereby extending the initial contract, from a total of three (3) years to five (5) years, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

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

ACTION: Voice voted, motion carries unanimously

ARTICLE 7. FIRE/RESCUE DEPARTMENT TRAFFIC LIGHT SIGNAL – BY PETITION

To see if the Town will vote to:

Alter the newly installed Fire/Rescue Department Traffic Signal on Eldredge Park Way to only activate when needed by an emergency vehicle. The traffic signal at the intersection of the Fire/Rescue Department blinks twenty-hours a day, seven days a week. Originally, and as the project was presented to the town the “project involve[d] the installation of the traffic signal at the entrance to the Fire Station that can be activated in an emergency that would stop traffic and prevent possible accidents.” This article will instruct the Town of Orleans DPW to alter the traffic signal from operating at all times, to operate only when signaled by an emergency vehicle. (By Petition)

(Simple Majority Vote Required)

MOTION: I move that this article be indefinitely postponed

ACTION: Voice voted, motion carries unanimously

ARTICLE 8. CLOSING ARTICLE

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

(Simple Majority Vote Required)

MOTION: I move this meeting be adjourned. 6:18pm

ACTION: Voice voted, motion carries unanimously

Annual Town Meeting was opened at 6:18pm.

PROCEDURAL MOTION

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

ACTION: Voice vote carries unanimously

PROCEDURAL MOTION

That all Town officials or department heads or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the Charter all of whom 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 projects for which they have performed services for the Town.

ACTION: Voice vote carries unanimously

CONSENT CALENDAR ARTICLES

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

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

ARTICLE 2. ACCEPT TRANSPORTATION BOND BILL FUNDS

To see if the Town will vote to authorize the Select Board 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. (Select Board)

ARTICLE 3. HOLD 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 Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth, or to take any other action relative thereto. (Select Board)

ARTICLE 4. 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. (Select Board)

ARTICLE 5. DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

To see if the Town will vote to authorize revolving funds for certain town departments under M.G.L. c. 44, § 53E½ and Chapter 82 of the Code of the Town of Orleans as follows:

- 1) Council on Aging Revolving Fund, said account spending limits not to exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00). 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.
- 2) Council on Aging Transportation Revolving Fund, said account spending limits not to exceed Thirty Thousand and 00/100 Dollars (\$30,000.00). The Account will be used to fund driver salaries, vehicle maintenance and other necessary expenses related to the transportation program. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Home Composting Bin/Recycling Revolving Fund, said account spending limits 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.
- 4) Cultural Council Awards Revolving Fund, said account spending limits not to exceed Two Thousand and 00/100 Dollars (\$2,000.00). The Account will be used for the depositing of entry fees, expense reimbursements, and for awarding of cash prizes to participants in special exhibits and cultural events. Said funds to be spent under the direction of the Cultural Council and the Town Administrator.
- 5) The Beach Store Revolving Fund, said account spending limits not to exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) The Account will be used to purchase items for resale and to pay for other beach store related expenses. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 6) The H.K. Cummings Collection Revolving Fund, said account spending limits not to exceed Five Thousand and 00/100 Dollars (\$5,000.00). The Account will be used for costs associated with reproduction and digitization of prints. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 7) The Solar Credits Revolving Fund, said account spending limits not to exceed Fifty Thousand and 00/100 Dollars (\$50,000.00). The Account will be used to pay the Town's utility bills. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 8) The Recreation Department Revolving Fund, said account spending limits not to exceed Forty Thousand and 00/100 Dollars (\$40,000.00). The Account will be used to fund programs, part time salaries, class instructor fees, equipment and expenses not funded in the operating budget. All funds to be spent under the direction of the department manager and the Town Administrator.

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

ARTICLE 6. CONTINUATION OF MUNICIPAL RENTAL REVOLVING ACCOUNT

To see if the Town will vote to reauthorize the establishment of the following municipal building or property rental revolving accounts under M.G.L. c. 40, §3 and, further, that any balance at the close of the fiscal year shall remain in the account and may be expended for the upkeep and maintenance of the building or property by the board, committee or department head in control of the building or property:

- 1) The Conservation Properties Account, said account spending limits not to exceed Twenty-Five Thousand and 00/100 Dollars (\$25,000.00). 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.

- 2) The Seasonal Housing Properties Account, said account spending limits not to exceed Thirty Thousand and 00/100 Dollars (\$30,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the former Gavigan property located on Wildflower Lane and the former Hubler property located on Beach Road. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Community Building Account, said account spending limits not to exceed Twenty Thousand and 00/100 Dollars (\$20,000.00). The Account will be used to pay utility bills and other necessary expenses associated with the rental of the property at 44 Main Street. Said funds to be spent under the direction of the department manager and the Town Administrator.

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

ARTICLE 7. 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 Laws 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)

MOTION: I move that Articles 1, 2, 3, 4, 5, 6 and 7 be accepted and adopted as printed in the warrant.

ACTION: Voice voted, motion carries unanimously

ARTICLE 8. BEACHES ENTERPRISE FUND BUDGET (FY 23)

To see if the Town will vote to raise and appropriate a sum of money to operate the Beaches enterprise for the fiscal year commencing July 1, 2022 and ending June 30, 2023 and to authorize the Town Administrator to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable in the best interest of the Beach enterprise. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or services as the case may be, and further, pursuant to Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Beaches enterprise as set forth in the following schedule, effective July 1, 2022, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

**Beaches Enterprise Fund
Proposed Operating Budget**

For the Fiscal Year July 1, 2022 – June 30, 2023

Estimated Revenues:

User Fees	\$	2,416,992
Nauset/Skaket Concessions	\$	41,230
Investment Income	\$	-
Subtotal	\$	2,458,222
Retained Earnings	\$	-
Total Revenues:	\$	2,458,222

Operating Expenses:

Direct Expenses

Salaries	\$	800,043
Expenses	\$	378,095
Capital Outlay	\$	91,500
Debt Service	\$	-
Budgeted Surplus	\$	557,238
Subtotal	\$	1,826,876

Indirect Expenses

General Fund Allocated Expenses	\$	276,792
Fringe Benefits	\$	351,060
Property/Liab. Insurance	\$	3,494
Subtotal	\$	631,346

Total Expenses	\$	2,458,222
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Surplus/(Deficit) align="right">**\$** align="right">**(0)**

Budgeted Tax Levy Subsidy align="right">**\$** align="right">**0**

Proposed Fee Changes:

Beach Parking	Current Fee	Proposed Fee	Increase
Daily Parking Fee - Nauset	\$ 30.00	\$ 30.00	\$ -
Daily Parking Fee - Skaket	\$ 30.00	\$ 30.00	\$ -
Resident/Tax Payer (Season)	\$ 25.00	\$ 25.00	\$ -
Non-Resident (Season)	\$ 300.00	\$ 300.00	\$ -
Non-Resident (Weekly)	\$ 125.00	\$ 125.00	\$ -
Replacement Sticker	\$ -	\$ 5.00	\$ 5.00
OSV (Does not include HCP)	\$ -	\$ -	\$ -
Resident/Tax Payer Walk-in	\$ 120.00	\$ 120.00	\$ -
Resident/Tax Payer Mail-in/Online	\$ 120.00	\$ 120.00	\$ -
Resident/Tax Payer Off-Season	\$ 90.00	\$ 90.00	\$ -
Non-Resident	\$ 370.00	\$ 370.00	\$ -
Non-Resident (Off Season)	\$ 280.00	\$ 280.00	\$ -
Non-Resident Self-Contained	\$ 450.00	\$ 450.00	\$ -

NR Self-Contained (Off Season)	\$	250.00	\$	250.00	\$	-
Pochet	\$	35.00	\$	35.00	\$	-
Camp Owner/Licensee	\$	120.00	\$	120.00	\$	-
Camp Owner Non-Resident	\$	300.00	\$	300.00	\$	-
Other	\$	-	\$	-	\$	-
Mailing Fee (Online Sales)	\$	2.00	\$	2.00	\$	-

MOTION:

I move that this article be accepted and adopted and that the Town Meeting adopt the Select Board’s proposed FY 2023 Beaches Enterprise Fund budget and Proposed Fee Schedule as printed in the warrant, and as funding therefore, to:

1. raise and appropriate from Beaches enterprise revenues the sum of Two Million Four Hundred Fifty-Eight Thousand Two Hundred Twenty-Two and 00/100 Dollars (\$2,458,222.00)
2. and recognize that the indirect expenses of Six Hundred Thirty-One Thousand Three Hundred Forty-Six and 00/100 Dollars (\$631,346.00) will be raised and appropriated in the General Fund operating budget, and funding for such will be a transfer from the Beaches enterprise.

ACTION: Voice voted, motion carries unanimously

ARTICLE 9. MOORINGS ENTERPRISE FUND BUDGET (FY 23)

To see if the Town will vote to raise and appropriate a sum of money to operate the Moorings enterprise for the fiscal year commencing July 1, 2022 and ending June 30, 2023 and to authorize the Town Administrator to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable in the best interest of the Moorings enterprise. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or services as the case may be, and further, pursuant to Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Moorings enterprise as set forth in the following schedule, effective July 1, 2022, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

**Moorings Enterprise Fund
Proposed Operating Budget
For the Fiscal Year July 1, 2022 – June 30, 2023**

<u>Estimated Revenues:</u>	
User Fees	\$ 186,130
Other Revenues	\$ -
Investment Income	\$ -
Subtotal	\$ 186,130
Retained Earnings	\$ -
Total Revenues:	\$ 186,130

Operating Expenses:

Direct Expenses

Salaries	\$	-
Expenses	\$	3,090
Capital Outlay	\$	-
Debt Service	\$	-
Budgeted Surplus	\$	24,167
Subtotal	\$	27,257

Indirect Expenses

General Fund Allocated Expenses	\$	114,420
Fringe Benefits	\$	40,750
Property/Liab. Insurance	\$	3,704
Subtotal	\$	158,873

Total Expenses	\$	186,130
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Surplus/(Deficit)	\$	(0)
Budgeted Tax Levy Subsidy	\$	0

Proposed Fee Changes:

<u>TYPE</u>	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Increase</u>
Commercial	\$50.00	\$50.00	\$0.00
Blanket	\$220.00	\$220.00	\$0.00
Recreational	\$120.00	\$155.00	\$35.00
Waitlists	\$10.00	\$10.00	\$0.00

MOTION:

I move this article be accepted and adopted and that the Town Meeting adopt the Select Board's proposed FY 2023 Moorings Enterprise Fund budget and Proposed Fee Schedule as printed in the warrant, and as funding therefore, to:

1. raise and appropriate from Moorings enterprise revenues the sum of One Hundred Eighty-Six Thousand One Hundred Thirty and 00/100 Dollars (\$186,130.00)
2. and recognize that the indirect expenses of One Hundred Fifty-Eight Thousand Eight Hundred Seventy-Three and 00/100 Dollars (\$158,873.00) will be raised and appropriated in the General Fund operating budget, and funding for such will be a transfer from the Moorings enterprise.

ACTION: Voice voted, motion carries unanimously

ARTICLE 10. ROCK HARBOR BOAT BASIN ENTERPRISE FUND BUDGET (FY 23)

To see if the Town will vote to raise and appropriate a sum of money to operate the Rock Harbor Boat Basin enterprise for the fiscal year commencing July 1, 2022 and ending June 30, 2023 and to authorize the Town Administrator to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable in the best interest

of the Rock Harbor Boat Basin enterprise. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or services as the case may be, and further, pursuant to Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Rock Harbor Boat Basin enterprise as set forth in the following schedule, effective July 1, 2022, or to take any other action relative thereto. (Select Board)
 (Simple Majority Vote Required)

**Rock Harbor Boat Basin Enterprise Fund
 Proposed Operating Budget
 For the Fiscal Year July 1, 2022 – June 30, 2023**

Estimated Revenues:

User Fees	\$	117,975
Fuel Revenue	\$	6,144
Investment Income	\$	-
Subtotal	\$	124,119
Retained Earnings	\$	-
Total Revenues:	\$	124,119

Operating Expenses:

Direct Expenses		
Salaries	\$	-
Expenses	\$	46,577
Capital Outlay	\$	-
Debt Service	\$	-
Budgeted Surplus	\$	70,000
Subtotal	\$	116,577
Indirect Expenses		
General Fund Allocated Expenses	\$	61,813
Fringe Benefits	\$	20,660
Property/Liab. Insurance	\$	3,779
Subtotal	\$	86,251
Total Expenses	\$	202,828

<u>Surplus/(Deficit)</u>	\$	(78,709)
<u>Budgeted Tax Levy Subsidy</u>	\$	78,709

Proposed Fee Changes:

<u>TYPE</u>	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Increase</u>
Resident Back In	\$65.00	\$65.00	\$0.00
Non-Resident Back In	\$85.00	\$85.00	\$0.00
Resident Commercial/Private	\$30.00	\$30.00	\$0.00
Non-Resident Commercial/Private	\$45.00	\$45.00	\$0.00

MOTION:

I move that this article be accepted and adopted and that the Town Meeting adopt the Select Board’s proposed FY 2023 Rock Harbor Boat Basin Enterprise Fund budget and Proposed Fee Schedule as printed in the warrant, and as funding therefore, to:

1. raise and appropriate from Rock Harbor Boat Basin enterprise revenues the sum of One Hundred Twenty-Four Thousand One Hundred Nineteen and 00/100 Dollars (\$124,119.00)
2. raise and appropriate from the tax levy the sum of Seventy-Eight Thousand Seven Hundred Nine and 00/100 Dollars (\$78,709.00)
3. and recognize that the indirect expenses of Eighty-Six Thousand Two Hundred Fifty-One and 00/100 Dollars (\$86,251.00) will be raised and appropriated in the General Fund operating budget, and funding for such will be a transfer from the Rock Harbor Boat Basin enterprise.

ACTION: Voice voted, motion passes by the necessary majority

ARTICLE 11. SEWER ENTERPRISE FUND BUDGET (FY 23)

To see if the Town will vote to raise and appropriate a sum of money to operate the Sewer enterprise for the fiscal year commencing July 1, 2022 and ending June 30, 2023 and to authorize the Town Administrator to execute an agreement which provides, at the Town’s option for a term up to twenty (20) years, for the operation, maintenance and management services for the Town’s collection system, pumping stations, wastewater treatment facility and aquifer recharge; and further to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable in the best interest of the Sewer enterprise. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or services as the case may be, and further, pursuant to Orleans Code §94-8 A. and B., to authorize the Select Board to set sewer user fees, license fees and permit fees for the Sewer enterprise as set forth in the following schedule, effective July 1, 2022, or to take any other action relative thereto. (Select Board)

(2/3 Vote Required)

**Sewer Enterprise Fund
Proposed Operating Budget
For the Fiscal Year July 1, 2022 – June 30, 2023**

	<u>Estimated Revenues:</u>	
User Fees	\$	-
Betterments	\$	-
Other Revenues	\$	-
Investment Income	\$	-
Subtotal	\$	-
Retained Earnings	\$	-
Total Revenues:	\$	-

Operating Expenses:

Direct Expenses

Salaries	\$	-
Expenses	\$	1,731,388
Capital Outlay	\$	30,000
Debt Service	\$	-
Budgeted Surplus	\$	-
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Subtotal	\$	1,761,388

Indirect Expenses

General Fund Allocated Expenses	\$	204,314
Fringe Benefits	\$	11,830
Property/Liab. Insurance	\$	2,804
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Subtotal	\$	218,948

Total Expenses	\$	1,980,336
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Surplus/(Deficit) **\$ (1,980,336)**

Transfer from Wastewater Stabilization Fund **\$ 1,980,336**

Proposed Fee Changes:

<u>TYPE</u>	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Increase</u>
Fixed Fee Per Quarter	\$0.00	\$50.00	\$50.00
Retail Rate per thousand gallons (kgal)	\$0.00	\$8.00	\$8.00
Septage Rate per thousand gallons (kgal)	\$0.00	\$100.00	\$100.00

MOTION:

I move that this article be accepted and adopted and that the Town Meeting adopt the Select Board's proposed FY 2023 Sewer Enterprise Fund budget as printed in the warrant, and as funding therefore, to:

1. transfer from the Wastewater Special Purpose Stabilization Fund the sum of One Million Nine Hundred Eighty Thousand Three Hundred Thirty-Six and 00/100 Dollars (\$1,980,336.00)
2. and recognize that the indirect expenses of Two Hundred Eighteen Thousand Nine Hundred Forty-Eight and 00/100 Dollars (\$218,948.00) will be raised and appropriated in the General Fund operating budget, and funding for such will be a transfer from the Sewer enterprise.

ACTION: Voice voted, motion carries unanimously

ARTICLE 12. TRANSFER STATION ENTERPRISE FUND BUDGET (FY 23)

To see if the Town will vote to raise and appropriate a sum of money to operate the Transfer Station enterprise for the fiscal year commencing July 1, 2022 and ending June

30, 2023 and to authorize the Town Administrator to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable in the best interest of the Transfer Station enterprise. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or services as the case may be, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

**Transfer Station Enterprise Fund
Proposed Operating Budget
For the Fiscal Year July 1, 2022 – June 30, 2023**

<u>Estimated Revenues:</u>	
User Fees	\$ 682,125
Other Revenues	\$ 110,194
Investment Income	\$ -
Subtotal	\$ 792,319
Retained Earnings	\$ -
Total Revenues:	\$ 792,319

<u>Operating Expenses:</u>	
Direct Expenses	
Salaries	\$ 241,113
Expenses	\$ 514,003
Capital Outlay	\$ 90,000
Hazardous Waste	\$ 28,000
Debt Service	\$ -
Budgeted Surplus	\$ 111,222
Subtotal	\$ 984,338
Indirect Expenses	
General Fund Allocated Expenses	\$ 152,028
Fringe Benefits	\$ 113,180
Property/Liab. Insurance	\$ 10,577
Subtotal	\$ 275,784
Total Expenses	\$ 1,260,122

Surplus/(Deficit)	\$ (467,803)
<u>Budgeted Tax Levy Subsidy</u>	\$ 467,803

<u>Proposed Fee Changes:</u>			
<u>Sticker Type:</u>	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Increase</u>
T1 RES.	\$ 165.00	\$ 185.00	\$ 20.00
T2 RES.	\$ 25.00	\$ 35.00	\$ 10.00

TC1 COMM	\$	165.00	\$	185.00	\$	20.00
TC2 COMM. SUBSEQUENT	\$	20.00	\$	35.00	\$	15.00
TCR COMM. REPLACE	\$	8.00	\$	10.00	\$	2.00
TR RES. REPLACE	\$	8.00	\$	10.00	\$	2.00
TR1 REC.	\$	25.00	\$	25.00	\$	-
TR2 REC.	\$	5.00	\$	5.00	\$	-
TS (seasonal)	\$	165.00	\$	185.00	\$	20.00

MOTION:

I move that this article be accepted and adopted and that the Town Meeting adopt the Select Board's proposed FY 2023 Transfer Station Enterprise Fund budget as printed in the warrant, and as funding therefore, to:

1. raise and appropriate from Transfer Station enterprise revenues the sum of Seven Hundred Ninety-Two Thousand Three Hundred Nineteen and 00/100 Dollars (\$792,319.00)
2. raise and appropriate from the tax levy the sum of Four Hundred Sixty-Seven Thousand Eight Hundred Three and 00/100 Dollars (\$467,803.00)
3. and recognize that the indirect expenses of Two Hundred Seventy-Five Thousand Seven Hundred Eighty-Four and 00/100 Dollars (\$275,784.00) will be raised and appropriated in the General Fund operating budget, and funding for such will be a transfer from the Transfer Station enterprise.

ACTION: Voice voted, motion carries unanimously

ARTICLE 13. TOWN / SCHOOL BUDGET (FY23)

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, 2022 and ending June 30, 2023 and to authorize the Town Administrator 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. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted and that the Town Meeting adopt the Select Board's proposed FY 2023 budget as printed in the warrant, and as funding therefore, to:

1. raise and appropriate the sum of Thirty-Five Million Four Hundred Twenty-Seven Thousand Eight Hundred Eighty-Four and 00/100 Dollars (\$35,427,884.00),
2. appropriate from Water Fees the sum of Two Million Nine Hundred Fifty-Seven Thousand One Hundred Ninety-Two and 00/100 Dollars (\$2,957,192.00),
3. transfer from the Ambulance Receipts Reserved for Appropriation the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00),
4. transfer from Cable Fees Receipts Reserved for Appropriation the sum of One Hundred Sixty-Three Thousand and 00/100 Dollars (\$163,000.00),

5. transfer from the Municipal Insurance Fund the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00),
6. transfer from the Water Pollution Abatement Trust account the sum of Five Thousand and 00/100 Dollars (\$5,000.00),
7. transfer from the Wetlands Protection Fund the sum of Ten Thousand and 00/100 Dollars (\$10,000.00),
8. transfer from the Bond Premiums Reserved for Debt Exclusion the sum of One Hundred Twenty-Three Thousand Forty-Seven and 00/100 Dollars (\$123,047.00);
9. transfer from Beaches Enterprise Fund the sum of Six Hundred Thirty-One Thousand Three Hundred Forty-Six and 00/100 Dollars (\$631,346.00);
10. transfer from Moorings Enterprise Fund the sum of One Hundred Fifty-Eight Thousand Eight Hundred Seventy-Three and 00/100 Dollars (\$158,873.00);
11. transfer from Transfer Station Enterprise Fund the sum of Two Hundred Seventy-Five Thousand Seven Hundred Eighty-Four and 00/100 Dollars (\$275,784.00);
12. transfer from Rock Harbor Boat Basin Enterprise Fund the sum of Eighty-Six Thousand Two Hundred Fifty-One and 00/100 Dollars (\$86,251.00);
13. and transfer from the Sewer Enterprise Fund the sum of Two Hundred Eighteen Thousand Nine Hundred Forty-Eight and 00/100 Dollars (\$218,948.00).

for a total appropriation of Forty Million Six Hundred Seventy Two Thousand Three Hundred Twenty Five and 00/100 Dollars (\$40,672,325.00) provided however that the sum of Six Hundred Twenty-Seven Thousand Thirty-Two and 00/100 Dollars (\$627,032) be appropriated to pay a portion of the Town's share of the Nauset Regional School District Assessment shall be a contingent appropriation subject to a proposition 2 ½ general override ballot question under the provisions of Massachusetts General Law Chapter 59, Section 21C paragraph (g) and (m).

MOTION: To call the question.

ACTION: Voice voted, motion passes by the 2/3 majority required

ACTION ON THE MAIN MOTION: Voice voted, motion passes by the simple majority required

ARTICLE 14. CAPITAL IMPROVEMENTS PLAN (FY24 – FY28)

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. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted and that pursuant to Chapter 8, Financial Provisions and Procedures, Section 7, Action of Town Meeting, Sub-section 8-7-1 of the

Orleans Home Rule Charter, the Town Meeting accept the Capital Improvement Plan as printed in the warrant.

FY24 PROJECT DESCRIPTIONS

COMMUNITY PRESERVATION ACT – PROGRAM ACTIVITY FUNDING

This is an annual program for CPA activities that are supported through the 3% CPA surtax, state matching funds and available fund reserves. 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

CWRMP IMPLEMENTATION – PLANNING, ENGINEERING & ADAPTIVE MANAGEMENT ACTIVITIES

The Water Quality and Wastewater Planning implementation costs for non-traditional technologies design, demonstration and implementation; wastewater facilities design and construction; technical oversight, project management, and other soft costs have been estimated over the next twenty years (FY22 – FY41). The program components have been identified with estimated costs by fiscal year. The following work is proposed for funding in FY24: Pleasant Bay Watershed – Mayflower, Ridge and Lake. Additional planning work is currently underway for Phase 3 of the traditional sewer collection system and the CIP will be updated for FY24, FY25 and FY26 as the work is completed and the full project scope is developed.

Total Estimated Cost:	\$7,840,000
Method of Financing:	Bonding (30 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$382,863

DPW & NATURAL RESOURCES – 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 freshwater bodies. Addressing these drainage issues will bring the town into compliance with US EPA Storm Water Quality Permits and Mass. DEP Water Quality requirements. Various state and federal agencies 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:	\$201,716
Method of Financing:	Stabilization Funds
Recommended Schedule:	12 Months Estimated
Annual Cost O/M:	N/A

DPW & NATURAL RESOURCES – 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 funds, and the FY23 apportionment is \$279,144. Annual funding for roadway and drainage projects will be based on a proposed project schedule.

Total Estimated Cost:	\$403,456
Method of Financing:	Stabilization Funds
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

DPW & NATURAL RESOURCES - REPLACE FORMER GAVIGAN COTTAGES/ SEASONAL HOUSING

This project would replace the two existing Town-owned duplex cottages adjacent to Skaket Beach that are used for seasonal lifeguard housing.

Total Estimated Cost:	\$1,000,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$111,700

DPW & NATURAL RESOURCES – ROCK HARBOR BULKHEAD AND LOADING RAMP REPLACEMENT

This project provides funds for the construction of the replacement of the timber and commercial bulkhead and loading ramp at Rock Harbor.

Total Estimated Cost:	\$4,975,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$366,284

DPW & NATURAL RESOURCES – TOWN COVE BULKHEAD REPLACEMENT

This project provides funds for the construction of the replacement of the east bulkhead, storm drain outfall pipe, and boat ramp located at the Town Cove town landing adjacent to the Goose Hummock. This landing receives heavy commercial and recreational use from April to December annually.

Total Estimated Cost:	\$1,650,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$121,481

PLEASANT BAY MAINTENANCE DREDGING PROJECT

This project will fund the maintenance dredging of navigational channels in Pleasant Bay at the Narrows, along with Quanset, Pah Wah, Arey's and Lonnie's Ponds.

Total Estimated Cost:	\$750,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	8 Months
Estimated Annual Cost O/M:	N/A

Average Annual P&I: \$163,500

ROCK HARBOR MAINTENANCE DREDGING PROJECT

This project will fund the maintenance dredging of approximately 10,000 cubic yards of material from the Rock Harbor Boat Basin and the navigational channel into and out of the harbor. The project is being completed jointly with the Town of Eastham and the total \$2,000,000 cost will be split between the towns.

Total Estimated Cost: \$1,000,000
Method of Financing: Bonding (5 years)
Recommended Schedule: 8 Months
Estimated Annual Cost O/M: N/A
Average Annual P&I: \$218,000

NAUSET ESTUARY DREDGING PROJECT

This project will fund the Nauset Estuary dredging project to improve navigation and public safety. The original project proposed hydraulically dredging approximately 73,800 cubic yards from the channel in the outer estuary from Hopkins Island to the Nauset Inlet. The permitting work is currently on hold following the Town of Eastham's withdrawal and the overall project is under review by the Select Board.

Total Estimated Cost: \$3,000,000
Method of Financing: Bonding (5 years)
Recommended Schedule: 8 Months
Estimated Annual Cost O/M: N/A
Average Annual P&I: \$654,000

OLD FIRE HOUSE/COMMUNITY BUILDING RENOVATION PROJECT

This project will fund the proposed renovations to the Old Fire House/Community Building located at 44 Main Street.

Total Estimated Cost: \$2,000,000
Method of Financing: Bonding (10 years)
Recommended Schedule: 8 Months
Estimated Annual Cost O/M: TBD
Average Annual P&I: \$238,500

NAUSET REGIONAL SCHOOLS – CAPITAL PLAN PROJECT FUNDING

This item covers Orleans share of the annual capital plan project costs that are undertaken by the Nauset Regional Schools as part of their ongoing responsibilities for the maintenance and repairs of the middle school, high school and administration building facilities. Under the intermunicipal agreement for the regional school district, Orleans FY23 assessment is 21.07% of the total based on the student enrollments on October 1, 2021.

Total Estimated Cost: \$123,889
Method of Financing: Raise & Appropriate
Recommended Schedule: TBD
Estimated Annual Cost O/M: N/A

ORLEANS ELEMENTARY SCHOOL CLASSROOM SINKS & RESTROOM RENOVATIONS – ARCHITECTURAL/ENGINEERING DESIGN SERVICES

This project would fund the design services to replace the plumbing and fixtures in the classrooms in the 1956 wing of the school as recommended in the Capital Asset Assessment report by Habeeb & Associates Architects dated on October 21, 2013.

Total Estimated Cost:	\$70,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	6 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$15,260

SNOW LIBRARY – NEW LIBRARY BUILDING FEASIBILITY STUDY

This project would fund a feasibility study for a new library building to replace the existing building that was originally constructed in 1954, with additions added in 1977 and 1992 and a renovation in 2001.

Total Estimated Cost:	\$150,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	8 Months
Estimated Annual Cost O/M:	N/A
Average Annual P&I:	\$32,700

PROPERTY ACQUISITION – GENERAL MUNICIPAL PURCHASES

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 acquisitions that are for general municipal uses.

Total Estimated Cost:	\$1,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	N/A
Estimated Annual Cost O/M:	N/A
Average Annual P&I:	\$73,625

TOWN BUILDING & FACILITIES MAINTENANCE PROGRAM

This is an annual program that includes the various building and facilities maintenance projects scheduled each year to be funded through stabilization funds, water reserves, cable television franchise fees, enterprise funds, or general tax revenues. The goal of including a summary of these projects in the CIP is to provide a more complete picture of the proposed work each year in all of the town buildings and facilities that is capital rather than routine in nature. A copy of the two schedules that are maintained for this program are attached for further reference.

Total Estimated Cost:	\$448,700
Method of Financing:	Reserve, Stab/Ent Funds, R&A, CATV
Recommended Schedule:	12 Months

TOWN VEHICLE & DURABLE EQUIPMENT REPLACEMENT PROGRAM

This is an annual program that includes the various motor vehicle and durable equipment proposed to be replaced each year with funding provided through the use of stabilization funds, water reserves, ambulance receipts or debt service. The goal of including a replacement program summary in the CIP is to provide a more complete picture of the overall capital spending each year. A copy of the 10-year schedule is attached for further reference.

Total Estimated Cost:	\$635,000
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Method of Financing: Water Reserves, Stab/Ent. Funds
Recommended Schedule: 12 Months

FIRE DEPARTMENT AERIAL LADDER TRUCK REPLACEMENT

This item will fund the replacement of the department's current ladder truck which is a 2007 model that has a reach of seventy feet. It is now half-way through its expected service life. During the past 15 years, the needs of the department and town have changed. Buildings being setback further from roads and risks have changed (i.e., new residential multi-family construction and large single-family homes replacing previous smaller existing homes). A new ladder truck would have a 100-foot reach and provide 30 years of service. The current ladder truck could be sold as it is in good condition. Expected timeline from ordering to delivery is 2 years.

Total Estimated Cost: \$1,600,000
Method of Financing: Bonding (10 years)
Recommended Schedule: 24 months
Estimated Annual Cost O/M: \$22,000
Average Annual P&I: \$190,000

FIRE DEPARTMENT AMBULANCE REPLACEMENT

This item will fund the replacement of a 2015 International 4400 SBA LP Ambulance.

Total Estimated Cost: \$400,000
Method of Financing: Ambulance Receipts
Recommended Schedule: 12 months
Estimated Annual Cost O/M: \$5,000

FY25 PROJECT DESCRIPTIONS

CWRMP IMPLEMENTATION – PLANNING, ENGINEERING & ADAPTIVE MANAGEMENT ACTIVITIES

The Water Quality and Wastewater Planning implementation costs for non-traditional technologies design, demonstration and implementation; wastewater facilities design and construction; technical oversight, project management, and other soft costs have been estimated over the next twenty years (FY22 – FY41). The program components have been identified with estimated costs by fiscal year. The following work is proposed for funding in FY25: Pleasant Bay Watershed – Monument Road. Additional planning work is currently underway for Phase 3 of the traditional sewer collection system and the CIP will be updated for FY25 and FY26 as the work is completed and the full project scope is developed.

Total Estimated Cost: \$5,683,200
Method of Financing: Bonding (30 years)
Recommended Schedule: 12 Months
Estimated Annual Cost O/M: TBD during design
Average Annual P&I: \$189,440

WATER STORAGE TANKS REHABILITATION – ENGINEERING DESIGN SERVICES

This project involves preparation of engineering plans and specifications for the painting and rehabilitation of the Water Department's storage tanks #1 & 2 that were last painted in FY13 and FY14. The painting and rehabilitation are recommended from annual inspection reports from engineering firm Haley and Ward and in Chapter 8 Finished Water Storage of the Department of Environmental Protection Agencies.

Total Estimated Cost: \$215,000

Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 Months
Estimated Annual Cost O/M:	\$5,000
Average Annual P&I:	\$24,016

MODULAR BUILDINGS IN NAUSET BEACH PARKING LOT

This project will fund the construction of modular buildings on the backside of the parking lot at Nauset Beach to replace the administration building and bathrooms that are projected to be removed in FY24 due to rising sea level and beach erosion. The proposed modular buildings will include space for Beach Administration and public restrooms and will be portable so that they can be relocated to the Town property at 223 Beach Road in the future.

Total Estimated Cost:	\$1,600,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	10 Months
Estimated Annual Cost O/M:	\$4,000
Average Annual P&I:	\$117,800

NEW FIRE/RESCUE STATION CONSTRUCTION

This project will fund the construction of the new Fire/Rescue Station based on the final project design.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (20 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	TBD
Average Annual P&I:	TBD

ORLEANS ELEMENTARY – REPLACE CLASSROOM SINKS & RENOVATE RESTROOMS CONSTRUCTION

This project would fund the complete replacement of the plumbing and fixtures in the classrooms in the 1956 wing of the school as recommended in the Capital Asset Assessment report by Habeeb & Associates Architects dated on October 21, 2013.

Total Estimated Cost:	\$340,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$37,978

SNOW LIBRARY – NEW LIBRARY BUILDING DESIGN

This project would fund the design of a new library building based on the results of the feasibility study completed in FY23.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (20 years)
Recommended Schedule:	8 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	TBD

DPW & NATURAL RESOURCES – REPLACE STREET SWEEPER

This item will replace a regenerative air street sweeper that was purchased in 2013 to clean the 56 miles of public roads twice a year, clean the downtown area on a weekly basis, and clean all town-owned parking lots.

Total Estimated Cost:	\$275,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months
Estimated Annual Cost O/M:	\$5,000
Average Annual P&I:	\$59,950

FY26 PROJECT DESCRIPTIONS

CWRMP IMPLEMENTATION – PLANNING, ENGINEERING & ADAPTIVE MANAGEMENT ACTIVITIES

The Water Quality and Wastewater Planning implementation costs for non-traditional technologies design, demonstration and implementation; wastewater facilities design and construction; technical oversight, project management, and other soft costs have been estimated over the next twenty years (FY22 – FY41). The program components have been identified with estimated costs by fiscal year. The following work is proposed for funding in FY26: Pleasant Bay Watershed Permeable Reactive Barrier – Keziah’s Lane. Additional planning work is currently underway for Phase 3 of the traditional sewer collection system and the CIP will be updated for FY26 as the work is completed and the full project scope is developed.

Total Estimated Cost:	\$2,184,200
Method of Financing:	Bonding (30 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$72,807

WATER STORAGE TANKS – PAINTING AND REHABILITATION

This project involves painting and rehabilitation of the Water Department's storage tanks #1 & 2 that were last painted in FY13 and FY14. The painting and rehabilitation are recommended from annual inspection reports from engineering firm Haley and Ward and in Chapter 8 Finished Water Storage of the Department of Environmental Protection Agencies. The partial rehabilitation of the coating systems of both tanks will extend the timeline for full rehabilitation out to 2042.

Total Estimated Cost:	\$850,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 Months
Estimated Annual Cost O/M:	\$5,000
Average Annual P&I:	\$101,363

SNOW LIBRARY – NEW LIBRARY BUILDING CONSTRUCTION

This project would fund the construction of a new library building based on the design to be completed in FY25.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (20 years)
Recommended Schedule:	18 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	TBD

FY27 PROJECT DESCRIPTIONS

CWRMP IMPLEMENTATION – PLANNING, ENGINEERING & ADAPTIVE MANAGEMENT ACTIVITIES

The Water Quality and Wastewater Planning implementation costs for non-traditional technologies design, demonstration and implementation; wastewater facilities design and construction; technical oversight, project management, and other soft costs have been estimated over the next twenty years (FY22 – FY41). The program components have been identified with estimated costs by fiscal year. The following work is proposed for funding in FY26: Pleasant Bay Watershed Permeable Reactive Barrier–Quanset Road 1, 2, & 3.

Total Estimated Cost:	\$3,141,600
Method of Financing:	Bonding (30 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$104,720

WATER TREATMENT PLANT ACCESS ROAD IMPROVEMENTS ENGINEERING

Engineering services for specifications and bid documents for improvements to the gravel road from Route 28 to the Water Treatment Facility. Currently heavy rains and winter conditions create unsafe conditions for vendors bringing supplies to the WTP.

Total Estimated Cost:	\$75,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 months
Estimated Annual Cost O/M:	N/A
Average Annual P&I:	\$8,378

FIRE DEPARTMENT AMBULANCE REPLACEMENT

This project will fund the replacement of a 2019 Ford F550 Ambulance.

Total Estimated Cost:	\$430,000
Method of Financing:	Ambulance Receipts
Recommended Schedule:	12 months
Estimated Annual Cost O/M:	\$5,000

FY28 PROJECT DESCRIPTIONS

CWRMP IMPLEMENTATION – PLANNING, ENGINEERING & ADAPTIVE MANAGEMENT ACTIVITIES

The Water Quality and Wastewater Planning implementation costs for non-traditional technologies design, demonstration and implementation; wastewater facilities design and construction; technical oversight, project management, and other soft costs have been estimated over the next twenty years (FY22 – FY41). The program components have been identified with estimated costs by fiscal year. The following work is proposed for funding in FY27: Nauset Harbor Watershed Permeable Reactive Barrier – Tonset Road.

Total Estimated Cost:	\$13,532,600
Method of Financing:	Bonding (30 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	TBD during design
Average Annual P&I:	\$451,087

ACTION: Voice voted, motion passes by the simple majority required

ARTICLE 15. 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 2023 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, undertaking of Community Preservation projects, the Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for FY23, or take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that Project 3, Cedar Pond Parcels, be more specifically described as #6 and #10 Cedar Pond Road in the warrant and that the sum of One Million Three Hundred and Ninety-Three Thousand One Hundred Eight and 00/100 Dollars (\$1,393,108.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

RECOMMENDED AMOUNT AND SOURCE

<u>PURPOSE</u>	<u>FY23 Surtax</u>	<u>FY23 Est. State Share</u>	<u>Open Space Reserve</u>	<u>Unreserved Funds</u>	<u>Total</u>
Source of Funds	1,027,903	249,491	14,830	519,317	1,811,541

<i>Proposed Appropriations:</i>					
	Existing Debt Service Expenses	416,393			416,393
1	Affordable Housing Trust Fund	500,000			500,000
2	Lower Cape Housing Institute	7,500			7,500
3	Cedar Pond Parcels	10,000			10,000
4	Putnam Farm Restoration	71,250			71,250
5	CHO Historic Collections	22,760	33,240		56,000
6	Historic Comm. Documentation		11,000		11,000
7	Historic Comm. Survey Plan		7,500		7,500
8	Odd Fellows 132 Roof Restoration		3,320		3,320
9	Fed. Church Steeple/Weathervane Restoration		13,475		13,475
10	French Cable Museum Restoration Wiring, Windows, Archiving		35,670		35,670
11	Bike Path to Overland Way		105,000		105,000
12	Eldredge Rec Master Plan/Design		40,286	11,714	52,000
13	Hardwired Safety Crossing			55,000	55,000
14	COA/Sr Cent Walkway Rehabil.			24,000	24,000
	Committee Expenses/Admin.			25,000	25,000

	Grand Total	1,027,903	249,491	0	115,714	1,393,108
	EST END FUND BALANCE	0	0	14,830	403,603	418,433

Project descriptions for CPA budget article:

Project 1: Affordable Housing Trust Board general funding

Type: Community Housing

Applicant: Affordable Housing Trust Board

Amount: \$500,000

This grant will support Orleans Affordable Housing Trust Board for the creation and preservation of affordable and community housing.

Project 2: Cape Housing Institute Municipal Officials Training

Type: Community Housing

Applicant: Community Development Partnership

Amount: \$7,500

This grant will help fund the Lower Cape Housing Institute to equip local officials with the knowledge and skills needed to support the creation of affordable housing.

Project 3: Open Space Cedar Pond Parcels

Type: Open Space

Applicant: Orleans Open Space Committee

Amount: \$10,000

This grant will be used to acquire two unbuildable lots on Cedar Pond Rd to help preserve the resilience, environmental and recreational values of the area.

Project 4: Putnam Farm Restoration

Type: Open Space/Recreation

Applicant: Conservation Committee

Amount: \$71,250

This grant will be used to improve the infrastructure at Putnam Farm to better support passive recreation and optimize this conservation land for outdoor use.

Project 5: CHO Historic Collections Project

Type: Historic Resources

Applicant: CHO

Amount: \$56,000

This grant will be used to preserve and document 6000 historical items in the collection.

Project 6: Historic Commission – Historic District Documentation

Type: Historic Resources

Applicant: Historical Commission

Amount: \$11,000

This grant will fund photography and updated documentation of properties in the proposed Main Street historic district.

Project 7: Historic Survey Plan
Type: Historic Resources
Applicant: Historical Commission
Amount: \$7,500

This grant will allow the Historical Commission to update the 1970 Historic Properties Survey to be filed with the Mass. Historical Commission.

Project 8: Northwest Schoolhouse Roof
Type: Historic Resources
Applicant: Odd Fellows 132
Amount: \$3,320

This grant enables the roof preservation at the historic schoolhouse to be completed after a Covid-related delay resulted in increased costs of building materials.

Project 9: Federated Church Historic Weathervane/Steeple Renovation
Type: Historic Resources
Applicant: Federated Church
Amount: \$13,475

This grant covers the cost of repairs to the steeple and copper weathervane atop the Federated Church in East Orleans, dating to 1829, and listed in the Massachusetts Historical Commission and Orleans Historic Commission.

Project 10: French Cable Museum – Remediate Wiring, Restore Windows, and Archive Historic Material from 1880 to 1959.

Type: Historic Resources
Applicant: French Cable Station Museum
Amount: \$35,670

This grant helps remediate or restore the wiring and twenty-two windows while retaining the historic integrity of the 1891 building. The grant will also help to preserve historic material from the early years of the station.

Project 11: Shared Use Path to Overland Way
Type: Recreation
Applicant: Bike & Pedestrian Committee
Amount: \$105,000

This grant will fund the development of a shared-use accessway for residents of the area of Orleans located near Bakers Pond and Overland Way to safely reach recreational opportunities in Orleans.

Project 12: Recreation Master Plan/Design Services for Eldredge Park Region
Type: Recreation
Applicant: Orleans Recreation Advisory
Amount: \$52,000

This grant will support the creation of a Master Plan/Design Service for three properties on Eldredge Park Way: Orleans Elementary School, Nauset Regional Middle School and Eldredge Park Way to form a public recreational hub for people of all ages and interests.

Project 13: Hardwired Safety Signal

Type: Recreation
Applicant: Bike & Pedestrian Committee/Traffic & Safety Committee
Amount: \$55,000

This grant will help improve safety at the busy intersection of Old Colony Way, Main Street, and the Rail Trail with hardwired crossing signals for pedestrians and cyclists.

Project 14: Senior Center Garden Walkway Rehabilitation

Type: Recreation
Applicant: Council on Aging
Amount: \$24,000

This grant will help fund the restoration of the outdoor walkway at the Senior Center with safer pathways, edging and low maintenance plantings.

Committee Expenses: \$25,000

The Community Preservation Act permits the Committee to allocate up to 5 per cent of annual revenues (surtax and state share) for operating administrative expenses. However, the CPC is recommending that only \$25,000 be used for regular expenses including legal consultation, administrative assistance, maintaining records and, if funding permits, additional studies directed toward realizing the Town's possibilities in the areas of recreation, open space, community housing and historic resources. Any and all unused funds at the end of the fiscal year revert to the fund balance for future projects.

ACTION: Voice voted, motion carries unanimously

ARTICLE 16. FUND HOUSING ASSISTANCE CORPORATION – 107 MAIN STREET

To see if the Town will vote to raise and appropriate, borrow and/or transfer the sum of One Million Dollars and 00/100 Dollars (\$1,000,000.00), or any other sum, under G. L. Chapter 44B (the Community Preservation Fund) or any other enabling authority for the purpose of creating and supporting community housing at 107 Main Street, Orleans, and further to authorize the Select Board and/or the Town Administrator to apply for and accept gifts and/or grants in any way connected with the scope of this undertaking, and to execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquiring, creating, and/or supporting of said community housing for the purposes set forth herein or to take any other action relative thereto. (Community Preservation Committee)

(2/3 Vote Required)

MOTION:

I move that the article be accepted and adopted as printed in the warrant and that the sum of One Million and 00/100 Dollars (\$1,000,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of One Million and 00/100 Dollars (\$1,000,000.00) pursuant to G. L. c. 44B sec. 11, G. L. 44 and/or any other enabling authority for a term of no less than 20 years, and to issue bonds or notes of the town therefore; while any debt issued hereunder is a general obligation of the Town, it is the

Town's intent that the amounts required to pay the principal and interest on the borrowing authorized by this vote shall, in the first instance, be transferred from Community Preservation Act funds.

ACTION: Counted vote, 328 in favor, 102 opposed, motion passes by the necessary 2/3 majority

ARTICLE 17. FUND COMPREHENSIVE WATER RESOURCES MANAGEMENT PLAN - FRESH & SALTWATER PONDS ADAPTIVE MANAGEMENT

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety Six Thousand Seven Hundred and 00/100 Dollars (\$96,700.00), or any other sum, for the purpose of funding on-going studies of non-traditional technologies, adaptive management and remediation activities related to improving water quality in our marine and freshwater ponds, including all expenses incidental and related thereto; and further authorize the Select Board 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. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Ninety-Six Thousand Seven Hundred and 00/100 Dollars (\$96,700.00), be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 18. ADOPT SEWER ASSESSMENT GENERAL BYLAW

To see if the Town will vote to adopt Chapter 6, Sewer Assessment, as follows:

A. General

The Town of Orleans ("Town"), acting through its Board of Water and Sewer Commissioners ("Commission") and as approved by the Select Board shall assess twenty (20) percent of the cost of the wastewater treatment facility, effluent disposal, wastewater collection system and pumping stations upon those properties that benefit from the project. In assessing twenty (20) percent of the costs for the wastewater treatment facility, effluent disposal, wastewater collection system and pumping stations, the Town shall determine what portion of such costs shall be assessed as betterment assessment and what portion shall be assessed as a privilege fee.

Eighty (80) percent of the costs of the wastewater treatment facility, effluent disposal, wastewater collection system and pumping stations, and one hundred (100) percent of the cost of non-traditional technologies shall be paid by property taxes.

Property owners which abut the wastewater system are responsible for one hundred (100) percent of the cost to connect to the Town's wastewater system. Refer to the Sewer Use Rules and Regulations, as may be amended from time to time, for additional information and requirements.

B. Statutory authority

The authority to assess betterments, as well as the permitted methodologies for doing so, are described in MGL c. 80, Betterments, and MGL c. 83 Sewers, Drains and Sidewalks, and any other enabling legislation. See also the Orleans Town Charter Chapter 6, Section 6-8-3.

C. Assessment based on uniform unit method

1. The Commission in assessing betterment assessments shall assess the owners of land abutting a public sewer in each phase on construction for which public sewer is installed by the Town by a rate based upon the uniform unit method. Sewer assessments shall be determined utilizing sewer unit values.
2. A single Sewer Unit shall be equal to the residential water usage for the residential properties abutting the wastewater system in each phase as defined in the Sewer Use Rules and Regulations, as amended.

D. Sewer unit calculation

1. The Commission shall assess sewer betterments based upon water usage. An average daily water usage for each phase of sewer construction for the residential properties shall be calculated based upon the prior three (3) year average ending with the most recent billed water cycle immediately preceding the date of the project's substantial completion.
2. Residential and Non-Residential properties shall be assigned a sewer unit(s) based on their daily water usage relative to the average of residential uses, provided that the number of sewer units for any residential or non-residential property shall not be less than one (1) sewer unit.
3. Properties abutting a sewered street shall be assessed by a rate proportional to the value assigned to the sewer unit(s) at the time of the assessment.
4. Residential undeveloped properties. Sewer units shall be calculated on the basis of the highest and best use permitted as a right of the zoning then in effect. Potential single family, multi-family, and other similar uses shall be converted into sewer units on the basis of residential equivalents. Refer to Paragraph H.4 for volume calculation.
5. Non-residential, undeveloped properties. Sewer units shall be calculated on the basis of the highest and best use permitted as a right of the zoning then in effect. Potential non-residential, commercial, industrial, semipublic and other similar uses shall be converted into sewer units on the basis of residential equivalents. Refer to Paragraph H.4 for volume calculation.
6. If a property abuts a private or unaccepted way within which a public sewer has

been installed, the Board shall assess the betterment assessment against said property.

E. Method of assessing betterments; order of assessment

The Commission shall levy, by preparing an order of assessment, assessments against all properties abutting a sewer street. In the order of assessment, the Town shall designate the owner of each parcel, as of the preceding January 1, as liable to assessment under the provisions of the General Laws.

F. Time of assessment

The time of assessment for lands abutting the sewer street shall be in accordance with the provisions of M.G.L. c. 80, §1.

G. Betterment payment

1. General. Except as herein provided, the provisions of the General Laws relative to the assessments, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefore and to interest thereon, shall apply to assessments made under this article, and the Tax Assessor and Town Treasurer/Collector shall have all the powers conveyed by the General Laws.
2. Betterment Payment Options
 - a. Lump-sum betterment. The lump sum betterment payment for an assessed property shall be equivalent to the product of the total number of sewer units designated upon said property and the appropriated value for one sewer unit at the time of assessment.
 - b. Apportionment of betterment payment. Property owners shall have the option to finance betterment payments through apportionment for up to thirty (30) years. The interest rate charged by the Town shall be two (2) percent greater than the project bond interest rate being paid by the Town for the construction of the wastewater system project.

H. Sewer privilege fees

1. For the purpose of the Sewer Assessment Bylaw, a privilege fee shall be equivalent to one hundred (100) percent, adjusted by the Consumer Price Index (Engineering News Record Index) at the time of the assessment, of the calculated betterment assessment value pertinent to each property as determined under Section D. of this Sewer Assessment Bylaw. Sewer privilege fees shall be levied at the time of connection to the public sewer system. Property owner options for payment of said fees shall be per Section G. of this Sewer Assessment Bylaw.
2. For those properties not abutting the sewer line, but tying into the system at a future date, the time of assessment of privilege fee shall be the date upon which that property owner applies to connect into the sewer system. Payment shall be made prior to the issuance of approval by the Board of Water and Sewer Commissioners of the Town or authorized representative.
3. Private sewer extension. If a developer or a person other than the Town, or duly authorized representative of same, constructs a sewer extension to the Town's

wastewater system, the Town shall assess a sewer privilege fee in lieu of betterment assessment against each property tying into said sewer extension. The time of assessment of privilege fee shall be the date upon which the developer or person applies to connect into the sewer system. Payment shall be made prior to the issuance of approval by the Board of Water and Sewer Commissioners of the Town or authorized representative.

4. Calculation of wastewater flows shall be based on one of the following as approved by the Commission:
 - a. Documented facilities with at least two (2) years of water use data in Orleans;
 - b. Documented similar facilities with at least two (2) years of water use data; or
 - c. Sixty (60) percent of 310 CMR 15 – The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.
5. In addition, the developer and/or property owners connecting to private sewer extensions shall bear the burden of all costs, including engineering, survey and design, construction, land acquisition and legal services, related to the following:
 - a. Preparation of design plans and specifications for the private sewer extensions to be accepted as part of the Town's wastewater system, shall be prepared by a Civil or Environmental professional engineer registered in the Commonwealth of Massachusetts. The design plans and specifications shall be in accordance with the Town's Sewer Use Rules and Regulations, as amended.
 - b. Application fees for a building sewer installation permit shall be in accordance with the Town's Sewer Use Rules and Regulations, as amended.
 - c. Inspection fees related to the installation of the private sewer extension tying into the Town's wastewater system shall be in accordance with the Town's Sewer Use Rules and Regulations, as amended.
6. Costs associated with the design and construction of a private sewer extension shall be considered separate to the sewer privilege fee. Payments or method of payment related to these costs shall not be reflected within the sewer privilege fee.

I. Compensatory Sewer privilege fees

1. Undeveloped Property. In the situation where a betterment has been assessed to an undeveloped property based upon the number of sewer units required by Section D., paragraph 4 and paragraph 5 of this Sewer Assessment Bylaw and said property is ultimately developed to accommodate a number of sewer units in excess of the number used for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee.
2. Developed Property. In the situation where a betterment has been assessed to

a developed property based upon the number of sewer units required by this Sewer Assessment Bylaw, and the usage of said property is changed or increased, which results in a number of sewer units in excess of the number used for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee.

3. The compensatory sewer privilege fee shall be equivalent to that sum of money that would have been charged, as a betterment assessment upon the property at the time of the original assessment and adjusted by the Consumer Price Index (Engineering News Record Index) at the time of the assessment, under the conditions to which they have changed or increased, less than the amount of the original assessment. The time of assessment of the compensatory sewer privilege fee shall be the date upon which the developer or person applies to connect into the sewer system. Payment shall be made prior to the issuance of approval by the Board of Water and Sewer Commissioners of the Town or its authorized representative.
4. All rules and regulations governing the payment and method of payment related to betterment assessments, as designated in this Sewer Assessment Bylaw, and the Town's Sewer Use Rules and Regulations, as amended, shall apply.
5. The Commission is authorized to take any other action necessary or appropriate to accomplish the establishment and recovery of such betterment assessments.

J. Regulations

The Commission is authorized to promulgate regulations to carry out the purpose and intent of this Sewer Assessment Bylaw.

K. Sewer connection costs

All costs of connecting individual properties to the Town's wastewater system shall be at the sole cost and expense of the property owner. See also the provisions of Paragraph A above.

L. Hardship

Hardships shall be applied for and approved in accordance with the applicable statutory real estate property tax exemptions.

M. Appeals

Property owners may appeal to the Commission for exemption from, modification of, or reconsideration of any decision pertaining to this Sewer Assessment Bylaw.

Petition for abatement; filing, etc. shall be made in accordance with MGL Chapter 80, Section 5 and the Town's Sewer Use Rules and Regulations, as amended.

The Commission shall render a decision within seventy (70) days of receipt of the appeal, unless continued by the Commission. If no decision is rendered, then the appeal is approved.

N. Severability

If any provisions of this Sewer Assessment Bylaw or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Sewer Assessment Bylaw which can be given effect without such invalid provisions or applications.

Or take any other action relative thereto. (Board of Water & Sewer Commissioners)

(Simple Majority Vote Required)

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

MOTION: To indefinitely postpone

ACTION: Counted vote, 183 in favor, 235 opposed, motion to indefinitely postpone fails

Motion: To move the question

ACTION: Voice voted, motion passes by the necessary simple majority

ACTION ON MAIN MOTION: Voice voted, motion passes by the necessary simple majority

ARTICLE 19. FUND MEETINGHOUSE POND AREA SEWER COLLECTION SYSTEM CONSTRUCTION

To see if the Town will vote to raise and appropriate or borrow the sum of Thirty-Two Million Nine Hundred Six Thousand and 00/100 Dollars (\$32,906,000.00), or any other sum, for the purpose of funding the construction of the Meetinghouse Pond Area Collection System and Pumping Station Project, including all expenses incidental and related thereto; and further to authorize the Select Board to acquire, by purchasing gift, eminent domain or otherwise, easements or such other interests in land as necessary to undertake the Meetinghouse Pond Area Collection System and Pumping Station Project; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Select Board 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. (Select Board and Board of Water and Sewer Commissioners)

(2/3 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Thirty-Two Million Nine Hundred Six Thousand and 00/100 Dollars (\$32,906,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Thirty-Two Million Nine Hundred Six Thousand and 00/100 Dollars (\$32,906,000.00) pursuant to Massachusetts General Laws, Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore,

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.

MOTION: To call the question

ACTION: VV passes by the necessary majority

ACTION: Counted vote, 281 in favor, 114 opposed, passes by the necessary 2/3 majority

ARTICLE 20. FUND WATER QUALITY IMPROVEMENTS IN THE MEETINGHOUSE SEWER AREA

To see if the Town will vote to raise and appropriate, borrow and/or transfer the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00), or any other sum, for the purpose of funding the design and construction of improvements to the Town's drainage in the Meetinghouse sewer area, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Select Board 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. (Select Board)

(3/4 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with the approval of the Select Board, is authorized to borrow the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) pursuant to Massachusetts General Laws, Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, 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.

ACTION: Counted vote, 293 in favor, 63 opposed, passes by the 3/4 majority

ARTICLE 21. FUND REPLACEMENT OF WATER MAINS IN THE MEETINGHOUSE SEWER AREA

To see if the Town will vote to raise and appropriate or borrow the sum of Five Hundred Seventy-Five Thousand and 00/100 Dollars (\$575,000.00), or any other sum, for the purpose of constructing water main replacement in the Meetinghouse sewer area,

including all expenses incidental and related thereto; and further authorize the Select Board 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. (Select Board)

(3/4 Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Five Hundred Seventy-Five Thousand and 00/100 Dollars (\$575,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Five Hundred Seventy-Five Thousand and 00/100 Dollars (\$575,000.00), pursuant to Massachusetts General Laws, Chapter 44. Sec. 8 (5) and (6), or any other enabling authority, and to issue bonds or notes of the Town therefore.

ACTION: Counted vote, 315 in favor, 49 opposed, passes by the necessary 3/4 majority

ARTICLE 22. FUND REPLACEMENT OF WATER SERVICES IN THE MEETINGHOUSE SEWER AREA

To see if the Town will vote to raise and appropriate or borrow the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00), or any other sum, for the purpose of funding the replacement of all remaining original 1963+/- iron water services within the limits of the Meetinghouse sewer area, including all expenses incidental and related thereto; and further authorize the Select Board 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. (Select Board)

(3/4 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00), pursuant to Massachusetts General Laws, Chapter 44. Sec. 8 (5) and (6), or any other enabling authority, and to issue bonds or notes of the Town therefore.

ACTION: Counted vote, 312 in favor, 42 opposed, passes by the necessary 3/4 majority

ARTICLE 23. FUND INFORMATION TECHNOLOGY MODERNIZATION PROJECT

To see if the Town will vote to raise and appropriate or borrow the sum of One Million and 00/100 Dollars (\$1,000,000.00), or any other sum, for the purpose of funding the Information Technology Modernization Project, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½ so called) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Select Board 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. (Select Board)

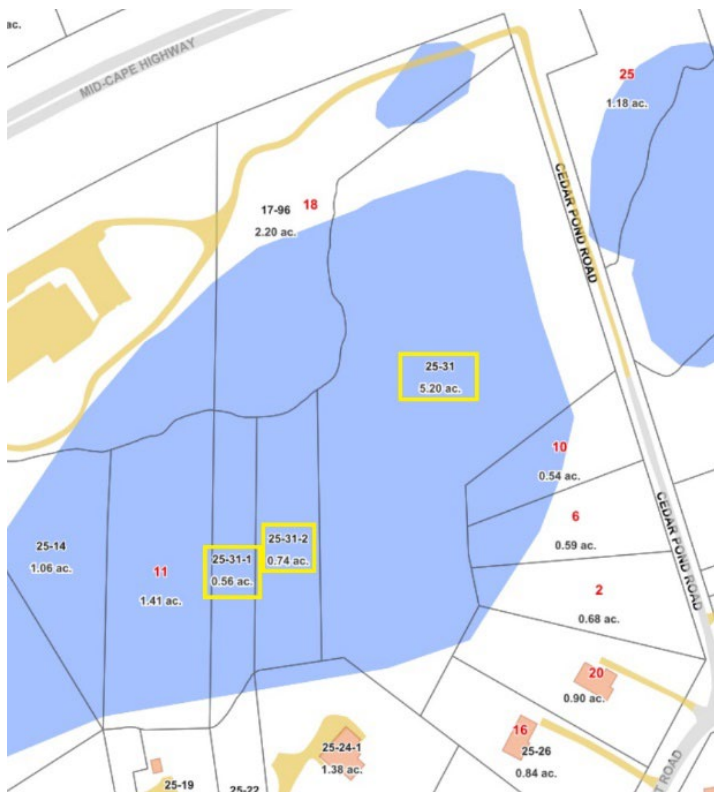
(2/3 Vote Required)

MOTION: I move that this article be accepted and adopted and that the sum of sum of One Million and 00/100 Dollars (\$1,000,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of sum of One Million and 00/100 Dollars (\$1,000,000.00) pursuant to Massachusetts General Laws, Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, 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.

ACTION: Counted vote, 248 in favor, 78 opposed, passes by necessary 2/3 majority

ARTICLE 24. ACQUIRE CEDAR PONDS PARCELS BY EMINENT DOMAIN

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 open space and conservation purposes, all or a portion of the land located at 0 Cedar Pond Road in Orleans, MA and being shown on Orleans Assessor's Map 25 as Parcels 25-31-0, 25-31-1 and 25-31-2; and to raise and appropriate the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum; and, such land shall be under the control and management of the Conservation Commission and, further, to authorize the Select Board 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 Select Board to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (Select Board)



(2/3 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) be appropriated for this purpose.

ACTION: Voice voted, motion passes by the necessary 2/3 majority

ARTICLE 25. FUND WATER TREATMENT PLANT MEMBRANES REPLACEMENT

To see if the Town will vote to transfer from available funds the sum of Sixty-Nine Thousand Nine Hundred and 00/100 Dollars (\$69,900.00), or any other sum, for the purpose of funding the replacement of Water Treatment Plant membranes, as needed, including all expenses incidental and related thereto; and further authorize the Select Board 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. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Sixty-Nine Thousand Nine Hundred and 00/100 Dollars (\$69,900.00) be transferred from the Water Surplus Account for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 26. FUND WATER TREATMENT PLANT HVAC/BLOWER ROOM CONSTRUCTION

To see if the Town will vote to raise and appropriate or borrow the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), or any other sum, for the purpose of funding the replacement/renovation of the existing non-functional HVAC system at the Water Treatment Plant, including all expenses incidental and related thereto; and further authorize the Select Board 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. (Select Board)

(2/3 Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 8 (5), or any other enabling authority, and to issue bonds or notes of the Town therefore.

ACTION: Voice voted, motion passes by the necessary 2/3 majority

ARTICLE 27. FUND REPLACEMENT WATER DEPARTMENT VEHICLES & EQUIPMENT

To see if the Town will vote to transfer from available funds a sum of One Hundred Thousand and 00/100 (\$100,000.00), or any other sum, for the purpose of funding the replacement of a 1-ton dump truck, 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. (Select Board)

(Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of One Hundred Thousand and 00/100 (\$100,000.00) be transferred from the Water Surplus Account for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 28. TRANSFER WATER SERVICE CONNECTION FUNDS

To see if the Town will vote to transfer from available funds the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00), or any other sum, to the Water Special Revenue Fund - Water Service Connection Account for the purpose of maintaining water service connections, or to take any other action relative thereto. (Board of Water and Sewer Commissioners)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00) be transferred from the Water Special Revenue Fund – Fund Balance Reserved for Water Service Connections for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 29. FUND WATER QUALITY DRAINAGE IMPROVEMENTS STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of One Hundred Ninety-Six Thousand Seven Hundred Ninety-Six and 00/100 Dollars (\$196,796.00), or any other sum, into the Stabilization Fund for Water Quality Drainage Improvements, and further to transfer from the Stabilization Fund the sum of One Hundred Ninety-Six Thousand Seven Hundred Ninety-Six and 00/100 Dollars (\$196,796.00) 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 authorize the Select Board 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, or to take any other action relative thereto. (Select Board)

(2/3 Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of One Hundred Ninety-Six Thousand Seven Hundred Ninety-Six and 00/100 Dollars (\$196,796.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 30. FUND TOWN PAVEMENT MANAGEMENT PROGRAM STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of Three Hundred Ninety-Three Thousand Six Hundred Sixteen and 00/100 Dollars (\$393,616.00), or any other sum, into the Stabilization Fund for the Town Pavement Management Program, and further to transfer from the Stabilization Fund the sum of Three Hundred Ninety-Three Thousand Six Hundred Sixteen and 00/100 Dollars (\$393,616.00) 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 authorize the Select Board 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, or to take any other action relative thereto. (Select Board)

(2/3 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Three Hundred Ninety-Three Thousand Six Hundred Sixteen and 00/100 Dollars (\$393,616.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 31. FUND BUILDINGS AND FACILITY MAINTENANCE STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00), or any other sum, into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the Stabilization Fund the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) for the purpose of funding building and facility maintenance projects, including all expenses incidental and related thereto, and further authorize the Select Board 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, or to take any other action relative thereto. (Select Board)

(2/3 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) be raised and appropriated for the purpose of funding Building and facility Maintenance, including all expenses incidental and related thereto.

ACTION: Voice voted, motion passes unanimously

ARTICLE 32. FUND VEHICLE AND EQUIPMENT MAINTENANCE STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00), or any other sum, into the Stabilization Fund for Motor Vehicles and Equipment, and further to transfer from the Stabilization Fund the sum of Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) for the purpose of funding vehicle and equipment purchases, including all expenses incidental and related thereto, and further authorize the Select Board 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, or to take any other action relative thereto. (Select Board)

(2/3 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) be

raised and appropriated for the purpose of funding Motor Vehicles and Equipment, including all expenses incidental and related thereto.

ACTION: Voice voted, motion passes unanimously

ARTICLE 33. FUND THREE MOBILE DATA TERMINALS FOR THE AMBULANCES

To see if the Town will vote to transfer from Ambulance Receipts Reserved for Appropriation the sum of Thirty Thousand and 00/100 Dollars (\$30,000), or any other sum, for the purpose of funding the three mobile data terminals for the ambulances in the Fire/Rescue Department; or to take any other action relative thereto. (Select Board)
(Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of Thirty Thousand and 00/100 Dollars (\$30,000) be transferred from Ambulance Reserves for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 34. APPLICATION OF BOND PREMIUMS

To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds issued on January 27, 2022 to pay costs of capital projects, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of One Hundred Forty-Eight Thousand Two Hundred Sixty-Eight and 09/100 Dollars (\$148,268.09) be appropriated in accordance with M.G.L. Chapter 44, Section 20 from the premium received and reserved from the Town's Bonds issued on January 27, 2022; to pay costs of the following projects:

- (a) Amended Water Quality Management Plan and Associated Adaptive Management Plan project authorized by vote of the Town on May 7, 2018 (Article 14) in the amount of One Hundred Forty-Seven Thousand Two Hundred and 00/100 Dollars (\$147,200.00).
- (b) Nauset Estuary Dredging Project Permitting/Design authorized by vote of the Town on May 22, 2021 (Article 20), in the amount of One Thousand Sixty-Eight and 09/100 Dollars (\$1,068.09), and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount.

ACTION: Voice voted, motion passes unanimously

ARTICLE 35. TRANSFER OF UNEXPENDED BOND PROCEEDS

To see if the Town will vote to appropriate the following unexpended amounts of money that were initially borrowed to finance the following project that is now complete and for which no further liability remains, to pay costs associated with the Nauset Estuary Dredging

Project Permitting/Design authorized under Article 20 of the May 22, 2021 Annual Town Meeting, as permitted by Chapter 44, Section 20 of the General Laws:

<u>Unexpended Amount</u>	<u>Date of Approval</u>	<u>STM Warrant Article</u>	<u>Original Purpose</u>
\$80,807.54	05/07/2018	6	Fund Nauset Beach Retreat Master Plan & Design

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

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant for the purpose set forth in the article.

ACTION: Voice voted, motion passes unanimously

ARTICLE 36. FUND OTHER POST-EMPLOYMENT BENEFITS (OPEB) LIABILITY TRUST FUND

To see if the Town will vote to raise and appropriate the sum of Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) to be deposited in the Other Post-Employment Benefits (OPEB) Liability Trust Fund; or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 37. FUND AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to raise and appropriate the sum of Two Hundred Seventy-Five Thousand and 00/100 Dollars (\$275,000.00), or any other sum, to be deposited in the Affordable Housing Trust Fund, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Two Hundred Seventy-Five Thousand and 00/100 Dollars (\$275,000.00) be appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 38. 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 Thirty-Three Thousand and 00/100 Dollars (\$33,000.00), or any other sum, to be spent under the direction of the Orleans Chamber of Commerce, Inc. and the Select Board for the purposes of managing year-round visitors and making the Town more user-friendly; or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Thirty-Three Thousand and 00/100 Dollars (\$33,000.00), be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 39. FUND HUMAN SERVICES AGENCIES (FY23)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Fifty Thousand Three Hundred Fifty Dollars (\$150,350.00), or any other sum, to fund the following human services organizations for the period July 1, 2022 to June 30, 2023.

Funding for FY 2023

AIDS Support Group of Cape Cod		\$ 5,500.00
Alzheimer's Family Support Center of CC		\$ 11,000.00
CapeAbilities		\$ 6,000.00
Cape Cod Children's Place		\$ 4,250.00
Consumer Assistance Council		\$ 1,000.00
Duffy Health Center		\$ 1,000.00
Elder Services of Cape Cod		\$ 2,500.00
Family Food Pantry		\$ 5,000.00
Food for Kids		\$ 3,500.00
Homeless Prevention Council		\$ 15,000.00
Independence House		\$ 10,600.00
Lower Cape Outreach		\$ 10,000.00
Mass Appeal		\$ 1,000.00
Nauset Together We Can		\$ 12,000.00
Orleans After School Activities Program		\$ 30,000.00
Outer Cape Health Services		\$ 20,000.00
South Coast Legal Services		\$ 2,900.00
Sight Loss Services		\$ 1,600.00
Sustainable CAPE		\$ 7,500.00
	TOTAL	\$ 150,350.00

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

(Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant, and that the sum of One Hundred Fifty Thousand Three Hundred Fifty Dollars (\$ 150,350.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 40. FUND FOURTH OF JULY CELEBRATION

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 celebration 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. (Select Board)
(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant, and that the sum of Eight Thousand and 00/100 Dollars (\$8,000.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 41. FUND CULTURAL COUNCIL GRANTS

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Two Thousand and 00/100 Dollars (\$2,000.00), or any other sum, for the purpose of funding Cultural Council awards to organizations that benefit Orleans residents. Said funds to be expended under the direction of the Town Administrator, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant, and that the sum of Two Thousand and 00/100 Dollars (\$2,000.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 42. AUTHORIZE AND FUND HABITAT CONSERVATION PLAN PERMITS

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Forty-Three Thousand Twenty-Three and 00/100 Dollars (\$43,023.00), or any other sum, for the purpose of funding the implementation costs, including all expenses incidental and related thereto, of the Habitat Conservation Plan (HCP) approved by the Federal and State Fish and Wildlife Services. The HCP provides for limited over sand vehicle use of Nauset Beach south of the bathing beach parking lot during the summer

migratory bird nesting season, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Forty-Three Thousand Twenty-Three and 00/100 Dollars (\$43,023.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 43. FUND ELECTED OFFICIALS' COMPENSATION (FY23)

To see if the Town will vote to fix the salaries of elected officials for the twelve-month period beginning July 1, 2022 as follows:

- | | |
|---------------------|------------|
| 1) Select Board (5) | \$3,000.00 |
| 2) Board Chair | \$ 500.00 |
| 3) Moderator | \$ 300.00 |
| 4) Constables (2) | \$ 150.00 |

and to raise and appropriate the sum of Sixteen Thousand One Hundred and 00/100 Dollars (\$16,100.00), or any other sum, for this purpose, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Sixteen Thousand One Hundred and 00/100 Dollars (\$16,100.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 44. FUND UNANTICIPATED EMPLOYEE BUYOUTS

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00), or any other sum, to fund unanticipated employee-related buyouts, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 45. FUND ELECTRONIC VOTING AT TOWN MEETING

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum,

for the purpose of leasing or purchasing electronic voting equipment, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 46. FUND ORLEANS POLICE FEDERATION CONTRACT (FY23)

To see if the Town will vote to raise and appropriate a sufficient sum to be added to the FY23 Salaries Account for the Police Department budget and the Medicare Taxes budget for employees covered under the collective bargaining agreement between the Town and the Orleans Police Federation, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move this article be indefinitely postponed

ACTION: Voice voted, motion passes unanimously

ARTICLE 47. FUND ORLEANS PERMANENT FIREFIGHTERS' ASSOCIATION CONTRACT (FY23)

To see if the Town will vote to raise and appropriate a sufficient sum to be added to the FY23 Salaries Account for the Fire Department budget and the Medicare Taxes budget for employees covered under the collective bargaining agreement between the Town and the Orleans Permanent Firefighters' Association, Local 2675 I.A.F.F., or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move this article be indefinitely postponed

ACTION: Voice voted, motion passes unanimously

ARTICLE 48. FUND CLASSIFICATION & COMPENSATION STUDY FOR PART-TIME & SEASONAL POSITIONS

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, for the purpose of funding a classification and compensation study for part-time and seasonal positions, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes by the simple majority required

ARTICLE 49. FREE CASH TRANSFER TO GENERAL STABILIZATION FUND

To see if the Town will vote to transfer from Free Cash the sum of Two Hundred Forty-Four Thousand Six Hundred Eighty-Three and 00/100 Dollars (\$244,683.00), or any other sum, to the Town's General Stabilization Fund, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move this article be accepted and adopted as printed in the warrant and transfer from Free Cash the sum of Two Hundred Forty-Four Thousand Six Hundred Eighty-Three and 00/100 Dollars (\$244,683.00) to the Town's General Stabilization Fund for this purpose.

ACTION: Voice voted, motion passes by the simple majority required

ARTICLE 50. FUND BLUE ECONOMY STUDY ON ECONOMIC IMPACT

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, for the purpose of funding a blue economy study on economic impact, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be raised and appropriated for this purpose.

ACTION: Counted vote, 102 in favor, 159 opposed, motion fails to get the simple majority

ARTICLE 51. FUND FINANCIAL SOFTWARE PROGRAM IMPLEMENTATION FOR TOWN WEBSITE

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Thirty-One Thousand and 00/100 Dollars (\$31,000.00), or any other sum, for the purpose of funding the implementation of a financial software program on the Town's website, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Thirty-One Thousand and 00/100 Dollars (\$31,000.00) be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 52. FUND UNIVERSAL PRE-SCHOOL SUPPORT PROGRAM

To see if the Town will vote to raise and appropriate the sum of Four Hundred Ninety-Five Thousand and 00/100 Dollars (\$495,000.00), or any other sum, including all expenses incidental and related thereto, for the purpose of funding universal Pre-school educational opportunities for the 3- and 4-year-old population within the Town of Orleans; or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Four Hundred Ninety-Five Thousand and 00/100 Dollars (\$495,000.00), be raised and appropriated for this purpose.

ACTION: Voice voted, motion passes by the simple majority required

ARTICLE 53. AMEND HOME RULE CHARTER: TOWN MEETING, WARRANTS

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

Bold underline = new language ~~strikethrough~~ = language removed

§ 4. Warrants

2-4-1 The Select Board shall prepare the Warrant for all Town Meetings, and by public notice **posted on the town website and** published in a ~~newspaper~~ **news outlet** of general circulation within the Town, shall advertise the date of the opening and closing of the Warrant for all Town Meetings.

2-4-2 The opening of the Warrant shall be **no less than** ninety days prior to the date of the Annual Town Meeting, and **no less than** sixty days prior to any Special Town Meeting unless otherwise required by General Laws Chapter 39, Section 10 as the same may be amended from time to time.

2-4-3 The Warrant for the Annual Town Meeting shall remain open for **no less than** thirty days and shall be closed **at least** sixty days prior to the date of the meeting.

2-4-4 The Warrant for any Special Town Meeting shall remain open for **no less than** fifteen days and shall be closed **at least** forty-five days prior to the date of the special meeting unless otherwise required by General Law Chapter 39, Section 10 as the same may be amended from time to time.

~~2-4-6 The Warrant for each annual and Special Town Meeting shall be published in a newspaper of general circulation within the Town at least fourteen days prior to each such Town Meeting.~~ **A notice of the availability of the Warrant shall be published in a news outlet of general circulation within the Town and the Warrant shall be posted on the Town Website at least 14 days prior to the Annual or any Special Town Meeting. The notice of availability and the posting on the Town Website shall include where printed copies of the Warrant are available.**

2-4-7 All said Warrants shall also be posted in every post office in the Town ~~on or before the day of their publication in the newspaper~~ **at least fourteen days prior to any such meeting** and shall remain so posted until the date of the meeting.

Or take any other action relative thereto. (Select Board)

(2/3 vote required)

PROPOSED MOTION

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 54. AMEND HOME RULE CHARTER: PREAMBLE

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

Bold underline = new language ~~strikethrough~~ = language removed

Preamble

~~We the people of the Town of Orleans, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the Constitution of the Commonwealth, do hereby adopt the following Home Rule Charter for this Town.~~

We, the people of the Town of Orleans, Massachusetts, reaffirm the right to manage our affairs, participate responsibly in the conduct of local government, and take the fullest advantages inherent in the home rule amendments to the Constitution of the Commonwealth. We acknowledge our common property rights and powers to preserve, protect, conserve, and maintain the natural resources and the environment of our Town in perpetuity.

We also acknowledge, with respect, that we are inhabiting the traditional lands of the Nauset and Wôpanâak (Wampanoag) peoples who have always existed here. We value their roles as past, present, and future guardians of this land. We therefore adopt the following Home Rule Charter for this Town.

Or take any other action relative thereto. (Select Board)

(2/3 Vote required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 55. AMEND HOME RULE CHARTER: APPOINTED MULTI-MEMBER BODIES, GENERAL PROVISION

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

Bold underline = new language ~~strikethrough~~ = language removed

6-1-11 When a multi-member body of the Town has associate members, the Chairperson, at the Chairperson's discretion, may designate any such associate member to sit **and vote** in case of absence; inability to act; **conflict of interest on the part of a member of the body**; or in the event of a vacancy on the multi-member body until said vacancy is filled.

6-4-1 A Conservation Commission of seven members and three associate members shall be appointed by the Select Board for three-year overlapping terms. ~~Regarding associate members, the Chairperson, at the Chairperson's discretion, may designate any such associate member to sit and vote, in case of absence; inability to act; or in the event of a vacancy on the Commission until said vacancy is filled.~~

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

Or take any other action relative thereto. (Select Board)

(2/3 Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 56. AMEND HOME RULE CHARTER: TOWN MEETING, PROCEDURES

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

Bold underline = new language ~~strikethrough~~ = language removed

2-7-6 The Select Board shall, by recorded vote, indicate its recommendations on all articles. In the event of a split vote, the Board shall supply its reasons, pro and con, in the Warrant, **by flier distributed on the floor of Town Meeting, or** during discussion of the article at Town Meeting.

2-7-7 The Finance Committee shall, by recorded vote, indicate its recommendations on all articles having financial implications. In the event of a split vote, the Committee shall supply its reasons, pro and con, in the Warrant, **by flier distributed on the floor of Town Meeting**, or during discussion of the article at Town Meeting.

Or take any other action relative thereto. (Select Board)

(2/3 Vote required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 57. AMEND HOME RULE CHARTER: SELECT BOARD, POWERS IN INTERGOVERNMENTAL RELATIONS

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

Bold underline = new language ~~strikethrough~~ = language removed

~~3-5-3 Any contract or formal agreement establishing such cooperation which requires an appropriation of Town funds in excess of \$500,000 or entails a commitment by the Town in excess of five years, shall require the approval of Town Meeting.~~

3-5-4 **3-5-3** Members of the Board shall normally represent the Town on regional and/or intermunicipal committees. When deemed necessary, the Board shall designate a Town employee or other person to represent the Town.

Or take any other action relative thereto. (Select Board)

(2/3 Vote required)

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

ACTION: Voice voted, motion passes by the necessary 2/3 majority

ARTICLE 58. AMEND HOME RULE CHARTER: SELECT BOARD, OTHER TOWN MULTI-MEMBER BODIES

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

Bold underline = new language ~~strikethrough~~ = language removed

3-10-1 The Board shall also have the power to appoint such other multi- member bodies ~~as may be in existence on the effective date of this Charter and for whom no other method of appointment is herein provided, or as may hereafter established by General Law, Charter, By-law, vote of the Town Meeting, or vote of the Select Board.~~

Or take any other action relative thereto. (Select Board)

(2/3 Vote required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 59. AMEND HOME RULE CHARTER: PLANNING & ENVIRONMENT, OFFICIAL TOWN PLAN

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

Bold underline = new language ~~strikethrough~~= language removed

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

Or take any other action relative thereto. (Select Board)

(2/3 Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 60. AMEND HOME RULE CHARTER: SELECT BOARD, POWERS OF APPOINTMENT

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

Bold underline = new language ~~strikethrough~~= language removed

3-9-1 The Board shall have the power to appoint (a) a Town Administrator as provided in Chapter 4; (b) a Town Counsel; (c) a Town Accountant/Director of Municipal Finance; (d) a Police Chief; (e) a Fire Chief; (f) three members of a Board of Registrars of Voters for overlapping three -year terms; (g) Election Officers; (h) five members and three associate members of a Zoning Board of Appeals for overlapping three-year terms; (i) ~~three~~ **five** members and two associate members of a Board of Water and Sewer Commissioners for overlapping three-year terms; (j) three members of a Community Preservation Committee.

6-8-1 The provisions of Chapter 418 of the Acts of 1953 shall be modified by this Section **to establish a Board of Water and Sewer Commissioners.** ~~concerning all matters~~

~~delineated herein. Effective July 1, 2009 or after passage of a Comprehensive Wastewater Management Plan by Town Meeting, whichever shall occur later, the Board of Water Commissioners will be terminated and a new Board of Water and Sewer Commissioners shall be established. Appointments to the Board of Water and Sewer Commissioners shall be made in accordance with clause 6-8-2.~~

6-8-2 The Select Board shall appoint ~~three~~ **five** members and two associate members of the Board of Water and Sewer Commissioners for three-year overlapping terms. The Board of Health and the Planning Board shall each appoint one member of the Board of Water and Sewer Commissioners for three-year overlapping terms, **bringing the total number to seven (7) members and two associate members.**

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

(2/3 Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 61. AMEND HOME RULE CHARTER: TOWN MEETING, PROCEDURES (2-7-5)

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

Bold underline = new language ~~strikethrough~~ = language removed

2-7-5 No person shall speak twice on the same question until all those wishing to speak thereon have done so, nor shall any person speak for more than ~~five~~ **two** 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 2-7-3, nor to those persons making the original motion or amendments thereto under the article. A motion to terminate debate requires a second, is not debatable and shall require a 2/3 majority to prevail.

Or take any other action relative thereto. (Select Board)

(2/3 Vote required)

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

ACTION: Counted vote, 160 in favor, 89 opposed motion fails to pass by necessary 2/3 majority

ARTICLE 62. AMEND HOME RULE CHARTER: TOWN MEETING, QUORUM

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

Bold underline = new language ~~strikethrough~~ = language removed

2-1-3 The quorum necessary **to begin to** ~~for the~~ conduct of Town Meeting business shall be ~~two hundred (200)~~ **one-hundred (100)** of the current registered voters of the Town, **provided that a number less than a quorum may vote an adjournment. Once the Moderator has declared a quorum is present and called the Town Meeting to order, the quorum necessary to continue Town Meeting business shall be zero.**

Or take any other action relative thereto. (Select Board)

(2/3 Vote Required)

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

MOTION TO CALL QUESTION:

ACTION: Voice voted, motion passes by the necessary majority

ACTION ON MAIN MOTION: Voice voted, motion fails to pass by the required 2/3 majority

ARTICLE 63. AMEND HOME RULE CHARTER: CITIZEN PARTICIPATION, ELECTION AND RECALL

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

Bold underline = new language ~~strikethrough~~ = language removed

7-1-1 To promote a maximum level of active, interested and diverse citizen and voter representation and participation in Town affairs, Town officials shall make every effort to encourage citizen interaction and information on current Town issues through the regular use of **the Town website**, public service announcements and appropriate local media. Provided, however, that nothing stated herein shall relieve the Town from the meeting notification requirements of state law.

7-1-2 The Select Board shall annually, in the month of July, call a public meeting in a public place. **The purpose of the meeting shall be to provide non-resident taxpayers, voters and other interested persons an opportunity to discuss problems, policies, and progress.** The meeting shall be advertised in ~~at least two issues of a newspaper of local circulation.~~ **on the Town website and as provided in 7-1-1.**

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

~~7-1-3~~ **7-1-4**: The Select Board, the Town Administrator and Chairpersons of multi-member bodies shall be available to make appropriate presentations and to answer questions.

7-2-1 Prior to making appointments to multi-member bodies, the Select Board shall advertise all vacancies and impending appointments **on the Town website and in at least three public places.** Said advertising shall enumerate the vacancies that are to be filled, include a description of the duties, and solicit the names of persons willing and able to serve. The advertisement shall also state the location, time and date of the meeting, to be held no sooner than seven days after the publication of the advertisement at which the Board anticipates that the appointments will be made.

7-2-2 Prior to making appointments to the Finance Committee and to the Cape Cod Regional Technical High School Committee, the Moderator shall cause a notice to be published **on the Town website and in at least three public places** enumerating the vacancies that are to be filled and the location, time and date when the Moderator will be available to interview persons able and willing to serve.

8-6-1 The Select Board shall publish **on the Town website,** in one or more newspapers **news outlets** of general circulation in Town, **and in at least three public places** the general summary of the proposed Capital Improvements Plan (CIP) and Capital Budget and a notice stating: (a) the times and places where copies of the complete CIP and Capital Budget are available for inspection; and (b) the date, time and place, not less than seven days following such publication, where the Select Board and the Finance Committee will conduct a public hearing on said plan to be chaired by the Finance Committee. The joint hearing shall be held no later than March 1 of each year in order to allow the Select Board and the Finance Committee to include their respective positions on the CIP and the Capital Budget to be printed in the Warrant for the Town Meeting.

Or take any other action relative thereto. (Select Board)

(2/3 Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 64. AMEND HOME RULE CHARTER: THE TOWN ADMINISTRATOR

and welfare and pursuant to its powers under MGL c. 40, § 21 et seq. and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B. This bylaw also implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under MGL c. § 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36:00.

§ 158-17 Purpose.

The purpose of this bylaw is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation" or "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers, and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this bylaw and/or by the Department of Environmental Protection under its state law authorities.

§ 158-18 Applicability.

All Town residents that are customers of the public water supply system and private well users shall be subject to this bylaw. This bylaw shall be in effect year round.

§ 158-19 Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGRICULTURE

Farming in all its branches as defined at MGL c. 128, § 1A.

AUTOMATIC SPRINKLER SYSTEM

Any system for watering vegetation other than a hand-held hose or a bucket.

NONESSENTIAL OUTDOOR WATER USE

A. Those uses that are not required:

1. For health or safety reasons;

2. By regulation;

3. For the production of food and fiber;

4. For the maintenance of livestock; or

5. To meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings, wash equipment to prevent damage and/or maintain performance, pest management and plant cooling);

B. Nonessential outdoor water uses that are subject to mandatory restrictions include:

1. Irrigation of lawns via sprinklers or automatic irrigation systems;

2. Washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and

3. Washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

C. Exceptions to nonessential outdoor water uses are:

1. Irrigation of public parks and recreation fields outside the hours of 9:00 a.m. to 5:00 p.m.; and
2. Irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose outside the hours of 9:00 a.m. to 5:00 p.m.; and
3. Irrigation outside the hours of 9:00 a.m. to 5:00 p.m. with harvested and stored stormwater runoff.

D. The following outdoor water uses are subject to review and approval by the Town through its Board or their designee:

1. Irrigation to establish replanted or resodded lawn or plantings during the months of May and September;
2. Irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous 12 months;
3. Filling of privately owned outdoor pools.

PERSON

Any individuals, corporation, trust, partnership or association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

STATE OF WATER SUPPLY EMERGENCY

A State of Water Supply Emergency declared by the Department of Environmental Protection under MGL c. 21G, § 15-17.

STATE OF WATER SUPPLY CONSERVATION

A State of Water Supply Conservation declared by the Town pursuant to § 158-20 of this bylaw.

WATER CUSTOMERS

All persons using the public water supply, irrespective of that person's responsibility for billing purposes for use of the water.

WATER USERS

All persons using water within the Town.

§ 158-20 Declaration of a State of Water Supply Conservation.

The Town, through the Board or its designee authorized to act as such, may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands and to ensure compliance with the Water Management Act. Upon notification to the public that a declaration of a State of Water Supply Conservation has been declared, no person shall violate any provision, restriction, requirement or condition of the declaration. The Board may designate the Water Superintendent to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under § 158-21 of this bylaw before it may be enforced.

§ 158-20.1 Declaration of a State of Water Supply Emergency.

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the

Department of Environmental Protection for the purpose of bringing about an end to the State of Water Supply Emergency.

§ 158-20.2 Restricted water uses.

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include but not be limited to one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers (and water users) as necessary to control the volume of water pumped each day, except as provided as acceptable. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 158-21.

a) — Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. During a State of Water Supply Emergency or State of Water Supply Conservation, nonessential outdoor water use is restricted to two days or fewer per week.

b) — Nonessential outdoor water use hours. Nonessential outdoor water use is permitted only during the hourly periods specified in the declaration of a State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9:00 a.m. to 5:00 p.m.

c) — Nonessential outdoor water use method restriction. Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.

d) — Nonessential outdoor water use ban. Nonessential outdoor water use is prohibited at all times.

e) — Automatic sprinkler system ban. The use of automatic sprinkler systems is prohibited.

§ 158-21 Public notification of a State of Water Supply Conservation or State of Water Supply Emergency; notification of DEP (Department of Environmental Protection).

a) — Public notification of a State of Water Supply Conservation — Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town as part of a State of Water Supply Conservation, shall be made as soon as possible, but no later than 48 hours following the declaration of a State of Water Supply Conservation by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. The Town may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). Notification may also include email, websites, public service announcements on local media or other such means reasonably calculated to reach and inform all water users.

b) — Public notification of a State of Water Supply Emergency — Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department of Environmental Protection (DEP), shall be made by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. The Town may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.) This notice shall be provided as soon as possible, but no later than 48 hours after the public water system receives notice of DEP's declaration of a State of Water Supply Emergency. Notification may also include email, websites, public service announcements on local media or other such means reasonably calculated to reach and inform all water users of the State of Water Supply Emergency.

c) — Any restriction imposed under § 158-20 or § 158-20.1 or in DEP's State of Water Supply Emergency or Order shall not be effective until notification to the public is provided. Submittal of MassDEP's form "Notification of Water Use Restriction" shall be

provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per Mass DEP regulations [310 CMR 22.15(8)].

§ 158-22 Termination of a State of Water Supply Conservation; notice.

A State of Water Supply Conservation may be terminated by a majority vote of the Board or its designee, upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by § 158-21 for notice of imposition.

§ 158-22.1 Termination of a State of Water Supply Emergency; notice.

Upon notification to the Town that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required by § 158-21 for notice of imposition.

§ 158-22.2 Penalties.

The Town, through the Board or its designee, including the Water Superintendent, Building inspector and/or local police, may enforce this bylaw. Any person violating this bylaw shall be liable to the Town in the amounts listed below:

- 1) First violation: warning.
- 2) Second violation: \$50.00.
- 3) Third and subsequent violations: \$100.00.

§ 158-22.3 Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

§158-16: Authority

This bylaw is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c. 40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This by-law also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §§ 15-17. This by-law is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36.00.

§158-17: Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation", a "State of Drought" or a "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this by-law and/or by the Department of Environmental Protection under its state law authorities.

§158-18: Applicability

All Town customers of the public water supply system and private well users shall be subject to this by-law. This by-law shall be in effect year-round.

§158-19: Definitions

As used in this article, the following terms shall have the meanings indicated.

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.¹
Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a hand-held hose, a bucket or a drip-irrigation system outside the hours of 9:00 am to 5:00 pm.

Nonessential outdoor water use shall mean those uses that are not required:

- 1. for health or safety reasons;**
- 2. by regulation;**
- 3. for the production of food and fiber;**
- 4. for the maintenance of livestock; or**
- 5. to meet the core functions of a business.**

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns, shrubs or gardens via sprinklers or automatic irrigation systems;**
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and**
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.**

Exceptions to nonessential outdoor water uses are:

- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system outside the hours of 9:00 am to 5:00 pm; and**
- irrigation with harvested and stored storm-water runoff.**

The following outdoor water uses are subject to review and approval by the Town, through its Board of Water and Sewer Commissioners or their designee:

- irrigation of public parks and recreation fields outside the hours of 9 AM to 5 PM;**
- irrigation to establish replanted or re-sodded lawn or plantings during the months of May and September;**

¹ This statutory definition includes cultivation of the soil, dairying and the production, cultivation, growing and harvesting of agricultural, aquacultural, floricultural or horticultural commodities as well as forest harvesting, raising livestock inclusive of bees and fur-bearing animals and forestry, lumbering, preparation for market, delivery to storage or market or to carriers to market incidental to an agricultural operation.

- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months; and
- filling of privately owned outdoor pools.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Drought shall mean a Drought Advisory, Watch, Warning or Emergency declared by the Secretary of Energy and Environmental Affairs in consultation with the Massachusetts Drought Management Task Force.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, §§ 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to §158-20 of this by-law.

Water Customers shall mean all persons using the public water supply regardless of that person's responsibility for payment for use of the water.

Water Users shall mean all persons using the public water supply or using privately-owned wells within the Town boundaries.

§ 158-20: Declaration of a State of Water Supply Conservation

The Town, through its Board of Water and Sewer Commissioners or their designee authorized to act as such:

- may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands; and
- shall declare a State of Water Supply Conservation as necessary to ensure compliance with the Water Management Act.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water customer shall violate any provision, restriction, requirement or condition of the declaration. The Board of Water and Sewer Commissioners may designate the Water Department Superintendent, Town Administrator, or DPW Director to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Supply Conservation shall be given under §158-21 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

§ 158-20.1: State of Drought

Upon notification to the public that a State of Drought has been declared, no water user shall violate any provision, restriction, requirement or condition of the Town's water use restrictions. Public notice of a State of Drought shall be given under

§158-21 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

§ 158-20.2: Declaration of a State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement or condition of any order approved or issued by the Department of Environmental Protection for the purpose of bringing about an end to the State of Water Supply Emergency. Public notice of a State of Water Supply Emergency shall be given under §158-21 of this bylaw before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

§158-20.3: Restricted Water Uses

A declaration of a State of Water Supply Conservation, State of Drought or State of Water Supply Emergency shall include one or more of the following restrictions, conditions or requirements limiting nonessential outdoor water use by water users as necessary to control the volume of water pumped each day, except as provided as an acceptable exemption in §158-18. The applicable restrictions, conditions or requirements shall be included in the public notice required under §158-21.

- a) Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Conservation, State of Drought or State of Water Supply Emergency and public notice thereof. During a State of Water Supply Conservation, nonessential outdoor water use is restricted as necessary to ensure compliance with the Water Management Act, or for a Town or Water District without a Water Management Act permit, to two days or fewer per week.
- b) Nonessential outdoor water use hours: Nonessential outdoor water use is permitted only during the hourly periods specified in the State of Water Supply Conservation, State of Drought or State of Water Supply Emergency and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.
- c) Nonessential outdoor water use method restriction: Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle or a drip-irrigation system outside the hours of 9:00 am to 5:00 pm.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Automatic irrigation systems, including sprinklers: The use of automatic irrigation systems is prohibited.

§158-21: Public Notification and Notification of DEP

- a) Public Notification of a State of Water Supply Conservation or a State of Drought – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town as part of a State of Water

Supply Conservation or a State of Drought shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation or State of Drought by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. Notification may also include email, Web sites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all public and private water users.

- b) Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department of Environmental Protection shall be made as soon as practical after the public water system receives notice of the Department of Environmental Protection’s declaration of a State of Water Supply Emergency, by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. Notification may also include email, Web sites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water users of the State of Water Supply Emergency.
- c) Any restriction imposed pursuant to §158-20 or §158-20.1-20.3 or in the Department’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided.
- d) Notification of DEP: Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

§158-22: Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water and Sewer Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in §158-21a for notice of its imposition.

§158-22.1: Termination of a State of Drought; Notice

Upon notification to the Town, the Board of Water and Sewer Commissioners or their designee that the State of Drought has been terminated by the Secretary of Energy and Environmental Affairs, the public will be notified of the termination in the same manner as is required in §158-21a for notice of its imposition.

§158-22.2: Termination of a State of Water Supply Emergency; Notice

Upon notification to the Town or to the Board of Water and Sewer Commissioners or their designee that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in §158-21b for notice of its imposition.

§158-22.3: Penalties

The Town through its Board of Water and Sewer Commissioners or their designee including the Water Superintendent, Building Inspector and/or local police may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amounts listed below:

- 1) **First violation: Warning**
- 2) **Second violation: \$50.00**
- 3) **Third violation: \$100.00**
- 4) **Fourth and subsequent violations: \$250.00**

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the MA General Laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the town or the Water Superintendent or the Superintendent’s designee. If a State of Water Supply Emergency has been declared the Board of Water and Sewer Commissioners may, in accordance with G.L. c. 40, § 41A, shut off the water at the meter or the curb stop.

§158-22.4: Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

or take any other action relative thereto. (Board of Water & Sewer Commissioners)

(Simple Majority Vote Required)

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

ACTION: Voice voted, motion passes by simple majority required

ARTICLE 67. AUTHORIZE CHANGES IN FEE SCHEDULES

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Shellfish/Harbormaster. Recreation and Water Departments as set forth in the following schedule, effective June 1, 2022, or take any other action relative thereto. (Select Board)

Department	Current	Proposed
295 Shellfish/Harbormaster		
Aquaculture Grant Waiting List	\$0	\$10
630 Recreation		
Adult Programs	\$15	\$30
450 Water Department		
5/8" Meter (annual bid price)	\$270	\$330
3/4" Meter (annual bid price)	\$300	\$373
1" Meter (annual bid price)	\$400	\$486

(Simple Majority Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 68. ACCEPT MGL CH 59, SEC 5 – PROPERTY; EXEMPTIONS (CLAUSE TWENTY-SECOND F)

To see if the Town will vote to accept the provisions of General Laws Chapter 59, §5, Clause Twenty-second F which grants a full exemption from real estate taxes to veterans and their spouses who, according to the records of the Department of Veterans Affairs or of any branch of the armed forces of the United States by reason of injury received while in service and in the line of duty are paraplegics or have a disability rating of 100% for service-connected blindness; or take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 69. ACCEPT MGL CH 59, SEC 5 – PROPERTY; EXEMPTIONS (CLAUSE TWENTY-SECOND H)

To see if the Town will vote to accept the provisions of General Laws Chapter 59, §5, Clause Twenty-second H which grants a full exemption from real estate taxes to the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; or take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 70. GRANT TOWN ADMINISTRATOR AUTHORITY TO ENTER INTO FIVE YEAR CONTRACT FOR REVALUATION SERVICES

To see if the Town will vote to authorize the Town Administrator to solicit bids and/or proposals and enter into a contract or contracts for the purpose of conducting revaluations of real and personal property for a term up to five (5) years, or to take any other action relative thereto. (Board of Assessors)

(Simple Majority Vote Required)

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

ACTION: Voice voted, motion passes by simple majority required

ARTICLE 71. AMEND ZONING BYLAWS SECTION 164-19. FLOODPLAIN DISTRICT F

To see if the Town will vote to amend Section 164-19 Floodplain District, to read as follows:

Bold underline = new language ~~strikethrough~~ = language removed

§164-19 Flood Plain District, F

The following requirements apply in the Flood Plain District:

A. Purpose. The purposes of the Floodplain District are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shutdown the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

B. Floodplain District Boundaries. The Floodplain District includes all special flood hazard areas within the Town of Orleans designated as Zone A, AE, ~~AH, AO~~ or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. ~~The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Orleans are panel numbers 250001C0417I, 250001C0419I, 250001C0429I, 250001C0436I, 250001C0437I, 250001C0438I, 250001C0439I, 250001C0441I, 250001C0443I, 250001C0607I, 250001C0626I, 250001C0627I and 250001C0631I, effective date July 16, 2014.~~ The exact boundaries of the District **shall** may be defined by the **1% chance** ~~100-year-base~~ flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report, effective date July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Department, Conservation Commission and the Building Department.

C. Floodplain District Definitions

The terms below only apply to the Floodplain District:

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

D. Base Flood Elevation Data.

- a. Base flood elevation data are required for subdivision or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones.
- b. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- c. **In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

E. Notification of watercourse alteration. The Town shall notify the following of any alteration or relocation of a watercourse:

- Adjacent communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
FEMA Region I 99 High Street, 6th Floor
Boston, MA 02110

F. Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief

99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator

MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

G. — Unnumbered Zone A. Within the unnumbered Zone A (near Baker's Pond), since the base floor elevation is not provided on the Flood Insurance Rate Map (FIRM) the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floor-proofing requirements, as appropriate, of the State Building Code.

G. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

Variances to building code requirements

Variances to floodplain development regulations shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

A written justification for the variance will be maintained in the Town's building permit files, delineating the technical reason for the variance, and stating that the variance is the minimum necessary (considering the flood hazard) to afford relief. The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

H. Permits are required for all proposed development in the Floodplain Overlay District

The Town of Orleans requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

I. Assure that all necessary permits are obtained

Town's permit review process includes the requirement that the applicant obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

J. Reference to existing regulations. The Floodplain District is established as an overlay to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR)
- Wetlands Protection Regulations, Department of Environmental Protection (DEP)(currently 310 CMR 10.00);
- Inland Wetlands Restrictions, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

K. Other use regulations.

1. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage is prohibited.
2. All subdivision proposals shall be reviewed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards.

L. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

M. Zone VE.

- (1) No building shall be erected within areas designated as coastal high hazard areas (Zone VE), since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash.
- (2) All new construction within the VE Zones shall be located landward of the reach of mean high tide.
- (3) **(Reserved)**
- (4) **(Reserved)**
- (5) The use of fill for structural support of buildings within the V Zone is prohibited.
- ~~(6) Man-made alteration of sand dunes within the V Zones is prohibited.~~

N. AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

O. Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

P. Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

Q. Disclaimer of liability

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

R. Designation of community Floodplain Administrator

The Town of Orleans hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.

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

(2/3 Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 72. AMEND ZONING BYLAW CHAPTER 164-13. SCHEDULE OF USE REGULATIONS

To see if the Town will vote to amend the Zoning Bylaws, Section 164-13 Schedule of Use Regulations, by amending the follow entry in the table:

Bold underline = new language ~~strikethrough~~ = language removed

Town of Orleans Schedule of Use Regulations

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

164-13. Schedule of Use Regulations

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

COMMERCIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Retail	O	<u>A-P</u> ²	A	P4	P4	A2	O	O	O

(Note 2 limits the retail floor area, exclusive of storage and office space, to 1,500 s.f. per business.)

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

(2/3 Vote Required)

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

ACTION: Voice voted, motion passes unanimously

ARTICLE 73. TREE PRESERVATION RESOLUTION – BY PETITION

To see if the Town will vote to adopt the following Tree Preservation resolution:

WHEREAS, trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods, provide natural privacy to neighbors, and reduce ambient carbon in the atmosphere; and

WHEREAS, the preservation and protection of certain trees on private property, the requirement to replant trees to replace those removed, and the collection of financial contributions to support the Town's tree planting and maintenance efforts are public purposes that protect the public health, welfare, environment, and aesthetics;

Now therefore be it RESOLVED, That the Town vote to authorize the Select Board to cause to be prepared for consideration at the next Town Meeting, a Tree Preservation Bylaw supporting the preservation and protection of trees on residential lots during significant demolition and/or construction activity by designating areas of a lot where trees must be protected, and requiring mitigation for trees removed via replanting or collection of fees to support the Town's tree planting and maintenance efforts; and

FURTHER RESOLVED, That in order to effectuate the purposes of the resolution, the Town of Orleans' Select Board appoint a committee of five (5) members (Tree Preservation Bylaw Committee), including at least one member of the Orleans' Conservation Commission, and one member of the Orleans' Site Plan Review Committee, to be charged with the drafting of the bylaw for the Select Board's review and approval prior to submission for the Town's approval at the 2023 Town Meeting; and

FINALLY RESOLVED, That the Tree Preservation Bylaw Committee, consider the following as non-binding recommendations:

1. The Tree Preservation Bylaw only apply to trees that are six (6) inches in diameter or greater and located within a lot's setback area as defined by the Town of Orleans' Zoning Bylaw (Protected Trees);
2. The Tree Preservation Bylaw will prohibit the removal of Protected Trees during construction, or within fifteen (15) months of an application for a demolition or building permit for: (a) demolition of an existing structure of 250 gross square feet or greater, (b) construction of any building or structure on a vacant lot, or (c) construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater, excluding basements, open or screened porches, and decks;
3. The Tree Preservation Bylaw will provide an option, if it is not practical to save a Protected Tree, for the owner or developer to remove it and plant new trees elsewhere, or pay into a tree fund, which the Town will use to buy and plant trees in residential neighborhoods;
4. The Tree Preservation Bylaw will not apply to the subdivision of land under the Town's Subdivision Rules and Regulations, those areas of a property under the jurisdiction of the Wetlands Protection Act, public shade trees pursuant to M.G.L. Chapter 87, emergency projects necessary for public safety, health, and welfare, trees severely damaged as the direct result of a natural disaster, trees that are hazardous, or trees currently infected by a disease or insect infestation of a permanent nature;
5. The Tree Preservation Bylaw will require that mitigation be based upon the DBH (diameter at breast height) of Protected Tree(s) removed. For each inch of DBH of the

Protected Tree(s) removed, no less than one half (½) inch caliper of a new native tree(s) shall be replanted with each new tree having a minimum caliper of two (2) inches. If the Protected Tree to be removed is an overstory tree species, the replacement tree(s) to mitigate the removal shall be a native overstory tree species.

Or to take any other action relative thereto. (By Petition)

(Simple Majority Vote Required)

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

ACTION: Counted vote, 141 in favor, 87 opposed, motion passes by the simple majority required

ARTICLE 74. EVALUATION OF THE MILL POND FOR SEWERING – BY PETITION

To see if the Town will vote to adopt the following resolution:

Be it resolved, that the Town Meeting vote to recommend to the Select Board that they begin the process of evaluation the Mill Pond for sewerage, or to take any other action relative thereto. The Mill Pond has seen its water quality deteriorate over the last 20 years and has now reached a critical point. (By Petition)

(Simple Majority Vote Required)

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

ACTION: Voice voted, motion fails to get the simple majority

ARTICLE 75. CLOSING ARTICLE

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

(Simple Majority Vote Required)

MOTION: I move that this meeting be adjourned.

ACTION: Voice voted, motion passes unanimously

Meeting adjourned at 10:03 pm

A True Record, Attest

Kelly L. Darling
Town Clerk