

Town of Orleans
October 16, 2023
Special Town Meeting “Doings”

The Special Town Meeting was held on Monday, October 16, 2023, at the Nauset Regional Middle School.

The Annual Town Meeting was opened at 6:06pm after a quorum of 200 was declared by Kelly Darling, Town Clerk. A total of 469 voters were in attendance. Tellers were: Patricia Bradley, Bonnie Munroe, Tom Genereux, Daniella Bradley O'Brien, Judith Weil, Brian Carney.

PROCEDURAL MOTION

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

ACTION: Voice vote, motion passes 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, Tim Harrison, Eduard Eichner, Laura Kelley, Coleman Lincoln, and Edie Spiegel 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, motion passes unanimously

ARTICLE 1. FY24 BUDGET ADJUSTMENTS

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as necessary to supplement the operating budgets of the various Town Departments for Fiscal Year 2024, as follows:

1. Raise and appropriate the sum of Thirty-Four Thousand and 00/100 Dollars (\$34,000.00), or any other sum, to the Department of Public Works Facilities Expense Account for the purpose of funding cleaning costs of the facilities located at Eldredge Field and 44 Main Street.
2. Transfer from the Transfer Station Enterprise Fund Balance the sum of Fifty-Six Thousand and 00/100 Dollars (\$56,000.00), or any other sum, to the Transfer Station Enterprise Fund Recycling & Hauling Expense Account for the purpose of funding disposal cost increases.
3. Transfer from the Sewer Enterprise Fund Balance the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00), or any other sum, to the Sewer Enterprise Fund Capital Outlay Expense Account for the purpose of providing funding for unanticipated

equipment failures.

4. Raise and appropriate the sum of Thirty-Six and 00/100 Dollars (\$36.00), or any other sum, to the Old Kings Highway Historic District Assessment Account.
5. Raise and appropriate the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), or any other sum, to the Select Board/Town Manager Expense Account for reclassification, negotiation, and contractual salary-related expenses.
6. Raise and appropriate the sum of Two Hundred Forty and 00/100 Dollars (\$240.00), or any other sum, to the Barnstable County Retirement Assessment Account.

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 Eighty-Four Thousand Two Hundred Seventy-Six and 00/100 Dollars (\$84,276.00) be raised and appropriated; that the sum of Fifty-Six Thousand and 00/100 Dollars (\$56,000.00) be transferred from the Transfer Station Enterprise Fund Balance; that the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00) be transferred from the Sewer Enterprise Fund Balance; for the purposes set forth in the article.

ACTION: Voice voted, motion passes unanimously

ARTICLE 2. PAY BILLS OF PRIOR YEARS

To see if the Town will vote to transfer from available funds a sum of money to pay bills of prior years under the provisions of Chapter 179, Acts of 1941, as amended, or to take any other action relative thereto. (Select Board)

(9/10 Vote Required)

MOTION:

I move this article to be accepted and adopted and the sum of Six Hundred Ten and 00/100 Dollars (\$610.00) be transferred from Free Cash to pay the following unpaid bills:

Department	Vendor	Amount
Old Kings Highway Committee	Gatehouse Media	\$31.20
Historical Commission	Gatehouse Media	\$114.40
Highway Department	NAPA Auto Supply	\$153.75
Town Administration	TBL II, Inc.	\$310.00
TOTAL		\$609.35

And further that the sum of Five Thousand Two Hundred Thirty-Nine and 00/100 Dollars (\$5239.00) be transferred from the Transfer Station Enterprise Fund to pay the following unpaid bill:

Transfer Station	Barnstable County Health Lab	\$5239.00
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And further that the sum of One Thousand Three Hundred Forty-Five and 00/100 Dollars (\$1345.00) be transferred from the Beaches Enterprise Fund to pay the following unpaid bill:

Beaches	Bonsai Logic	\$1311.00
Beaches	Cavossa Disposal Corp	\$33.60
TOTAL		\$1344.60

And further that the sum of One Thousand Two Hundred Fifty and 00/100 Dollars (\$1250.00) be transferred from Water Surplus Funds to pay the following unpaid bill:

Water Department	Weston & Sampson	\$1250.00
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ACTION: Counted vote, 351 in favor to 17 opposed, motion passes by the required majority.

ARTICLE 3. FUND EIGHT NEW FIREFIGHTER POSITIONS

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the purpose of funding (8) eight additional positions within the Fire Department for full-time firefighters, including all costs incidental and related thereto; provided however that such appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Laws, Chapter 59 Sec 21c, paragraphs (g) and (m) (Proposition 2 ½ so-called); and further to authorize the Fire Chief, Town Manager, and/or the Select Board to apply for and accept any Federal, State, and County grants, or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds for this purpose, or to take any other action related thereto. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted and that the sum of Nine Hundred Twenty-Five Thousand and 00/100 Dollars (\$925,000.00) be raised and appropriated for this purpose provided however that such appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Laws, Chapter 59 Sec 21c, paragraphs (g) and (m) (Proposition 2 ½ so-called),

to assess an additional Nine Hundred Twenty-Five Thousand and 00/100 Dollars (\$925,000.00) in real estate and personal property taxes for the purpose of funding the (8) eight full-time firefighters including all salaries and fringe benefits costs for the fiscal year beginning July 1, 2023; and that the sum of Two Hundred Thirty-One Thousand and 00/100 Dollars (\$231,000) be transferred from Free Cash for funding their equipment and training expenses, for a total appropriation of One Million One Hundred Fifty-Six Thousand and 00/100 Dollars (\$1,156,000.00) for this purpose.

ACTION: Counted vote 423 in favor to 28 opposed, passes by the necessary majority

ARTICLE 4. FUND ASSOCIATED COSTS FOR THE FIRE DEPARTMENT AERIAL LADDER TRUCK REPLACEMENT

To see if the Town will vote to borrow or transfer from available funds the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) or any other sum, for the purpose of providing additional funding for the purchase of an aerial ladder truck for the Fire Department, including all expenses incidental and related thereto. Said funds are in addition to the One Million Six Hundred Thousand and 00/100 Dollars (\$1,600,000.00) authorized to be borrowed under Article 21 of the May 8, 2023 Annual Town Meeting for this purpose; 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, Section 21C (Proposition 2 1/2 so-called) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize that the Select Board and/or the Town Manager to apply for and accept any Federal, State, and County grants or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds 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 and that the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) be appropriated for this purpose and the costs incidental and related thereto, which funds are in addition to the One Million Six Hundred Thousand and 00/100 Dollars (\$1,600,000.00) authorized to be borrowed under Article 21 of the May 8, 2023 Annual Town Meeting for this purpose, 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. 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 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; and provided further the proceeds from any sale or trade of the existing ladder truck received by the Town prior to the issuance of notes or bonds for this purpose will be used to offset a portion of the sum authorized to be borrowed hereunder.

ACTION: 406 in favor to 45 opposed, motion passes by the required majority

ARTICLE 5. FUND REPAIRS TO WELL NO. 4

To see if the Town will vote to transfer from Water Surplus Funds the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) for the purpose of replacing the pump at Well No. 4, including all costs incidental and related thereto, or to 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 and that the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be transferred from the Water Surplus Account for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 6. FUND ECONOMIC AND ENVIRONMENTAL INITIATIVES

To see if the Town will vote to transfer from available funds the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00), or any other sum, for the purpose of funding electric vehicle charging stations, hydration stations, solar waste receptacles, and related initiatives to be placed on Town-owned property, at various locations, as determined by the Select Board, including all costs incidental and related thereto, and further authorize the Select Board and /or Town Manager to apply for and accept any Federal, State, and County grants 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)

(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 Thousand and 00/100 Dollars (\$200,000.00) be transferred from Free Cash for this purpose.

MOTION: To move the question.

ACTION: Counted vote 374 in favor to 67 opposed, motion passes by the required majority

ACTION ON THE MAIN MOTION: 272 in favor to 181 opposed, motion passes by the required majority

ARTICLE 7. FUNDING FOR SUSTAINABILITY & ENERGY MANAGER

To see if the Town will vote to transfer from available funds a sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, for the purpose of hiring and/or contracting for services for a Sustainability & Energy Manager, including all expenses incidental and related thereto, 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 transferred from Free Cash for this purpose.

ACTION: Counted vote 316 in favor to 126 opposed, motion passes by required majority.

ARTICLE 8. FUND DESIGN OF SOLAR PROJECT AT THE WATER TREATMENT PLANT

To see if the Town will vote to 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 conceptual design services for a solar project at the Water Treatment Plant including all costs incidental and related thereto, and further to authorize and direct the Select Board, to the extent required under Article 97 of the Amendments to the Massachusetts Constitution, to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation to allow for the installation of a solar array within the Town Watershed property to provide electric power for Water Department purposes only, and further to authorize the Select Board, the Board of Water & Sewer Commissioners and /or Town Manager to apply for and accept any Federal, State, and County grants 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. (Board of Water & Sewer Commissioners)

(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 transferred from Water Surplus Funds for these purposes.

ACTION: Voice voted, motion passes by the required majority

ARTICLE 9. FUND CONCEPTUAL DESIGN/BID SERVICES FOR REPLACEMENT OF AIR HANDLING SYSTEM AT THE WATER TREATMENT PLANT

To see if the Town will vote to transfer from available funds the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), or any other sum, for the purpose of funding

conceptual design/bid services for the replacement of the air handling system at the Water Treatment Plant including all costs incidental and related thereto, and further authorize the Select Board, the Board of Water & Sewer Commissioners and /or Town Manager to apply for and accept any Federal, State, and County grants 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. (Board of Water & Sewer Commissioners)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) be transferred from Water Surplus Funds for these purposes.

ACTION: Voice voted, motion passes unanimously

ARTICLE 10. APPROPRIATE COMMUNITY PRESERVATION FUNDS FOR PRECONSTRUCTION PLANNING & DESIGN PLANS FOR PICKLEBALL COURTS OR OTHER MUNICIPAL USES AT TOWN'S BAY RIDGE LANE PROPERTY

To see if the Town will vote to appropriate the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from the Community Preservation Fund FY 2024 Estimated State Match for the preconstruction planning and design plans for pickleball courts or other municipal uses on town-owned property located on Bay Ridge Lane, including all expenses incidental and related thereto, or to 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 the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) be appropriated from the Community Preservation Fund FY 2024 Estimated State Match for this purpose.

ACTION: Counted vote 207 in favor to 240 opposed, motion fails

ARTICLE 11. FUND SUCCESSION PLANNING AND REORGANIZATIONAL-RELATED EXPENSES

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00), or any other sum, for the purpose of funding expenses related to succession planning, recruitment, regionalization, and reorganization including all expenses incidental and related thereto, 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 Fifty Thousand and 00/100 Dollars (\$150,000.00), be transferred from Free Cash for this purpose.

ACTION: Voice voted, motion passes by the required majority

ARTICLE 12. FUND HUMAN RESOURCES STAFFING AND RELATED EXPENSES

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00), or any other sum, to fund a Human Resources position, including all expenses incidental and related thereto, 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 Fifty Thousand and 00/100 Dollars (\$150,000.00) be raised and appropriated for these purposes.

ACTION: Voice voted, motion passes by the required majority

ARTICLE 13. FUND RECREATION DEPARTMENT STAFFING & RELATED OPERATIONAL EXPENSES

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Sixty-Eight Thousand and 00/100 Dollars (\$168,000.00), or any other sum, to fund costs for additional staffing, and related operational expenses for the Recreation Department, including all expenses incidental and related thereto, provided however that such appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Laws, Chapter 59, Sec. 21C, paragraphs (g) and (m) (Proposition 2 ½ so-called) 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 Sixty-Eight Thousand and 00/100 Dollars (\$168,000.00), be raised and appropriated for this purpose provided however that such appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Laws, Chapter 59 Sec. 21C, paragraphs (g) and (m) (Proposition 2 ½ so-called) to assess an additional One Hundred Sixty-Eight Thousand and 00/100 Dollars (\$168,000) in real estate and personal property taxes for the purpose of funding additional staffing, including all expenses incidental and related thereto for the fiscal year beginning July 1, 2023.

ACTION: Voice voted, motion passes by the required majority

ARTICLE 14. AMEND PERSONNEL BYLAW TO ADD POSITION TITLES

To see if the Town will vote to amend the Personnel Bylaw by adding the following position titles: Human Resources Director; Human Resources Coordinator, Assistant Public Works and Natural Resources Director, Project and Procurement Director, Assistant Recreation Director, Recreation Program Manager, Sustainability and Energy Manager, and Assistant to the Director/Department Manager, with grade placements to be determined by the Town Manager using the existing classification methodology: 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.

ACTION: Voice voted, motion passes unanimously

ARTICLE 15. COMPREHENSIVE PLAN UPDATE

To see if the Town will vote to transfer from available funds the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00), or any other sum, for the purpose of updating the Town's Comprehensive Plan, including all expenses incidental and related thereto 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 Twenty Thousand and 00/100 Dollars (\$120,000.00) be transferred from Free Cash for this purpose.

ACTION: Voice voted, motion passes by the required majority

ARTICLE 16. FUND AWARENESS AND EDUCATIONAL INITIATIVES TO HONOR INDIGENOUS PEOPLES

To see if the Town will vote to transfer from available funds the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, for the purpose of funding costs associated with awareness and educational initiatives to honor Indigenous Peoples including all expenses incidental and related thereto, 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 Fifteen Thousand and 00/100 Dollars (\$15,000.00) be transferred from Free Cash for this purpose.

ACTION: Voice voted, motion passes by the required majority

ARTICLE 17. SPECIAL EDUCATION STABILIZATION FUND

To see if the Town will vote to create a Special Education Stabilization Fund consistent with Section 24 of Chapter 218 of the Acts of 2016, for unanticipated or unbudgeted costs of special education, out-of-district tuition, and related transportation expenses at the Orleans Elementary School, or to take any other action relative thereto. (School Committee)

(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 18. FUNDING FOR THE SPECIAL EDUCATION STABILIZATION FUND

To see if the Town will vote to transfer the sum of Fifty-Two Thousand and 00/100 Dollars (\$52,000.00) from Free Cash to the Special Education Stabilization Fund, or to take any other action relative thereto. (School Committee)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Fifty-Two Thousand and 00/100 Dollars (\$52,000.00) be transferred from Free Cash for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 19. TRANSFER FY23 OPIOID SETTLEMENT PAYMENTS FROM FREE CASH TO OPIOID SETTLEMENT STABILIZATION FUND

To see if the Town will vote to transfer from Free Cash the sum of Forty-One Thousand Three Hundred Forty-Five Dollars and 67/100 Dollars (\$41,345.67), or any other sum, to the Town's Special Purpose Opioid Settlement Stabilization Fund, or to take any other action relative thereto. (Select Board)

(Simply Majority Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Forty-One Thousand Three Hundred Forty-Five and 67/100 Dollars (\$41,345.67), be transferred from Free Cash for this purpose and for costs incidental and related thereto.

ACTION: Voice voted, motion passes unanimously

ARTICLE 20. FUNDING FOR THE OPIOID SETTLEMENT PROGRAM EXPENSES

To see if the Town will vote to transfer the sum of Forty-One Thousand Three Hundred Forty-Five and 67/100 Dollars (\$41,345.67) from the Opioid Settlement Stabilization Fund to fund costs and expenses for programs and initiatives to combat opioid addiction, or to take any other action relative thereto. (Board of Health)

(2/3 Vote Required)

MOTION:

I move that this article be accepted and adopted as printed in the warrant and that the sum of Forty-One Thousand Three Hundred Forty-Five and 67/100 Dollars (\$41,345.67) be transferred from the Opioid Settlement Stabilization Fund for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 21. 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 projects that are now complete and for which no further liability remains, to pay costs associated with funding the Construction Of The Downtown Sewer Collection System By MASSDOT As Part Of The Main Street Intersection Project authorized under Article 1 of the October 16, 2017 Special Town Meeting, as permitted by Chapter 44, Section 20 of the General Laws:

Item #	Description	Town Meeting Approval Date	Article #	Unexpended Amount
1	Engineering Study by Petition - Narrows Dredging	10/24/2016	6	\$ 88,448.00
2	Improvements to Orleans Elementary School Heating & Ventilation Systems	10/16/2017	5	\$ 278.00
3	Engineering Design & Permitting Services for Nauset Estuary Dredging Project	10/31/2020	16	\$ 43,404.21
4	Engineering For Dredge Disposal Sites in Pleasant Bay & Dredge a Channel to Mill Pond in Nauset Estuary	10/31/2020	18	\$ 22,500.00
5	Implementation Nauset Beach Retreat Master Plan and Facility Relocation	10/29/2018	5	\$ 218,715.53
6	Tri-Town Demolition	10/29/2018	2	\$ 69,871.35
7	Rock Harbor Dredging Project	10/25/2021	8	\$ 395,325.59
8	Rock Harbor Bulkhead Replacement Project	5/9/2016	10	\$ 3,927.84
9	Preliminary Design Plan for Dredging Project in Nauset Estuary	5/9/2016	10	\$ 9,833.01
10	Main Street Reconstruction & Village Center Streetscape	5/13/2019	25	\$ 168,497.51
11	Replace OES Windows & Roofs - Design & OPM Services	5/22/2021	22	\$ 146,185.41
12	Fund New DPW & Natural Resources Central Garage & Facilities Construction	5/8/2017	12	\$ 77,535.56
13	Installation of Landfill Methane Gas Flare Replacement	10/25/2021	6	\$ 52,160.00
14	Rock Harbor Water Main	6/20/2020	15	\$ 3,240.00
15	Orleans Elementary School Window/Doors Replacement Project	10/27/2014	1	\$ 139.28
	TOTAL			\$1,300,061.29

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 22. RESCIND DEBT AUTHORIZATIONS FOR CLOSED PROJECTS

To see if the Town will vote to rescind the outstanding balances of the authorized and unissued borrowing for the following projects:

	TOWN MEETING	ARTICLE	AMOUNT AUTHORIZED	TOTAL ISSUED/ RETIRED/ RESCINDED	TOTAL UNISSUED
NON-EXEMPT DEBT					
Engineering & Design to Connect Well #7 to WTP	05/07/2018	22	\$ 210,000.00	\$ 209,999.05	\$ 0.95
TOTAL NON-EXEMPT DEBT			\$ 210,000.00	\$ 209,999.05	\$ 0.95
EXEMPT DEBT					
Nauset Beach Retreat Master Plan & Design	05/07/2018	6	\$ 175,000.00	\$ 174,999.77	\$ 0.23
Replace Bulkheads at Rock Harbor & Town Cove – Design	05/13/2019	23	\$ 430,000.00	\$ 429,999.93	\$ 0.07

Main St. Reconstruction & Village Center Streetscape	05/13/2019	25	\$ 600,000.00	\$ 599,999.27	\$ 0.73
CWRMP Implementation/Construction (Downtown Area)	05/13/2019	16	\$47,382,800.00	\$32,530,500.00	\$14,852,300.00
CWRMP Implementation – Planning/Engineering & Adaptive Management	05/07/2018	14	\$ 4,223,600.00	\$ 4,044,011.45	\$ 179,588.55
TOTAL EXEMPT DEBT			\$52,811,400.00	\$37,779,510.42	\$15,031,889.58
TOTAL AUTHORIZED & UNISSUED TO BE RESCINDED					\$15,031,890.53

The total to be rescinded is Fifteen Million Thirty-One Thousand Eight Hundred-Ninety and 53/100 Dollars (\$15,031,890.53), 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 passes unanimously

ARTICLE 23. AMEND GENERAL BYLAWS CHAPTER 85 - ANIMAL CONTROL BYLAW FOR SERVICE DOGS

To see if the Town will vote to amend Chapter 85 – Animal Control Bylaw, under Section 85-6 A fees to read as follows:

Bold & Underline = new language

§ 85-6 Fees.

A. License Fees/Late Fees

a. The fees for dog licenses are as follows:

- i. Spayed and neutered dogs Six (\$10) Dollars.
- ii. Non-spayed, Non-neutered dogs **Twelve** (\$15.00) Dollars.
- iii. Kennels

- 1. Not more than four dogs, Ten (\$10.00) Dollars
- 2. More than four but not more than ten dogs, Twenty-five (\$25.00) Dollars.
- 3. More than ten dogs, Fifty (\$50.00) Dollars.

iv. A \$5.00 late fee will be assessed for licenses obtained after March 1st; and, a \$25.00 dollar late fine will be assessed for licenses obtained after June 1st in addition to the license fee

V. No fee shall be charged for a license for service dogs as defined by the Americans with Disabilities Act under section 139 of Chapter 140 of the Massachusetts General Laws, 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.

(Typographical error of existing fees explained by Moderator)

ACTION: Voice voted, motion passes unanimously

ARTICLE 24. HOME RULE PETITION FOR A PESTICIDE REDUCTION BYLAW

To see if the Town will vote to authorize and direct the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, authorizing the Town to adopt a Pesticide Reduction Bylaw (the bylaw), the text of which is set forth below, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage; and vote to adopt the bylaw as follows:

CHAPTER ____ PESTICIDE REDUCTION BYLAW

§1. Purpose.

The purpose of this bylaw is to reduce toxic pesticide use in and on public and private property in the Town of Orleans in order to promote a healthy environment and to protect the public from the hazards of pesticides, and for implementation of sustainable land and building management practices on all public and private property.

§2. Findings.

- A. Scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system.
- B. Infants, children, pregnant women, the elderly, and people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure.

- C. Pesticides are harmful to pets and wildlife, including threatened and endangered species, soil microbiology, plants, and natural ecosystems.
- D. Toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, estuaries, and drinking water sources.
- E. The use of pesticides is not necessary to create and maintain green lawns and landscapes given the availability of viable alternatives practices and products.
- F. People have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.
- G. Sustainable land and building management practices that emphasize non-chemical methods of pest prevention and management, and least-toxic pesticide use as a last resort, will eliminate the use of and exposure to pesticides while controlling pest populations.
- H. Sustainable land and building management practices complement other important goals of Orleans' maintenance and administration, such as energy conservation and security.
- I. Orleans embraces a precautionary approach to the use of pesticides in order to adequately protect people and the environment from the harmful effects of pesticides.
- J. Application of chemicals simply for aesthetic/cosmetic purposes has harmful consequences for our ecosystem, children and pets. Pollinators are directly harmed by applications particularly the indiscriminate (and long-term ineffective) spraying of pesticides.

§3. Authority.

This bylaw is adopted under authority granted by the Home Rule amendment to the Massachusetts Constitution and the provisions of any Special Legislation passed by the Legislature.

§4. Definitions.

For the purposes of this bylaw, the following definitions shall apply:

Allowed Materials List - The list of acceptable pesticides is limited to the following:

- 1) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic materials under 7 CFR 205.602;
- 2) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and
- 3) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Inert ingredient - Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient that is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.], and are not classified by the EPA Administrator as inserts of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Non-synthetic (natural) materials - A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act. For the purposes of this part, 'non-synthetic' is used as a synonym for natural as the term is used in the regulations. [7 CFR 205.2 Terms defined.]

Pesticide — Any substance or mixture of substances intended for: (i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term 'pesticide' includes insecticides, herbicides, fungicides, and rodenticides, but does not include cleaning products other than those that contain pesticidal agents.

Synthetic materials - A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

§5. Prohibitions.

The application of any Pesticide that is not on the Allowed Material List is prohibited, except as permitted in this bylaw.

§6. Exceptions.

A. The application of the following Pesticides is allowed:

1. Indoor pest sprays and insect baits (excluding rodent baits)
2. Insect repellants for personal and household use
3. Pet: Flea and tick sprays, powders, and pet collars
4. Kitchen, laundry, and bath disinfectants and sanitizer
5. Products labeled primarily to kill mold and mildew
6. Usage for commercial farming and nurseries.

B. Pesticides for the treatment of invasive plants for ecological restoration (see Massachusetts Invasive Plant Advisory Group current lists of Invasive, Likely Invasive, and Potentially Invasive <https://www.massnrc.org/mipag/>) may be used upon the grant of a waiver by the Town Manager or authorized designee.

C. If an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Town Manager or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

§7. Enforcement.

The enforcement authority shall be the Town Manager, or any town officials as designated by the Select Board to oversee and enforce the provisions of this bylaw.

§8. Penalties.

Any person who violates any provision of this bylaw shall be punished by a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and a violation of each provision of the bylaw shall constitute a separate offense.

If the offender is a commercial applicator, the right to do business in Orleans may be revoked.

§9. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Provided, that this bylaw is subject to the Town obtaining special legislation from the Great and General Court of the Commonwealth of Massachusetts authorizing the Pesticide Reduction Bylaw as aforesaid; 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 Select Board be authorized to petition the Great and General Court for special legislation as set forth therein and that the Pesticide Reduction Bylaw be adopted subject to the approval of the special legislation.

MOTION: To move the question

ACTION: 324 in favor to 90 opposed, motion to move the question passes

ACTION ON THE MAIN MOTION: Counted vote 288 in favor to 133 opposed, motion passes by the necessary majority

ARTICLE 25. AUTHORIZE SPECIAL ACT TO DEDICATE ISLAND ROUNDABOUT – ROUTE 28 & 39

To see if the Town will vote to authorize and direct the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation to dedicate the roundabout at the intersection of Route 28 and 39 in honor of Dorofei Klimshuk; however, any signage associated with such dedication be located along the frontage of 411 South Orleans Rd immediately adjacent to the roundabout, 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 passes by the necessary majority

ARTICLE 26. EXPAND THE PHASE III PRELIMINARY DESIGN/PROJECT OF THE COMPREHENSIVE WATER RESOURCES MANAGEMENT PLAN

To see if the Town will vote to amend the action taken under Article 16 of the May 8, 2023 Annual Town Meeting warrant to expand the area included in the Survey and Preliminary Design of Phase III–Lakes and Ponds Sewer Study Area including Contract Administration, Engineering, and Owner’s Project Management Services to include the areas shown on a Map on file in the office of the Town Clerk consisting of 54 additional properties, including all expenses incidental and related thereto, or to take any other action relative thereto. (Select Board and 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.

ACTION: Voice voted, motion passes unanimously

ARTICLE 27. EXPAND MEETINGHOUSE POND SEWER COLLECTION SYSTEM AREA

To see if the Town will vote to amend the action taken under Article 19 of the May 9, 2022 Annual Town Meeting warrant to expand the Phase II Meetinghouse Pond Area Collection System and Pumping Station Project to include the additional 41 properties shown on a Map on file in the office of the Town Clerk, 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 expanded Meetinghouse Pond Area Collection System and Pumping Station Project, 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.

ACTION: 354 in favor to 26 opposed, motion passes by necessary majority

ARTICLE 28. AMEND FUNDING FOR ROCK HARBOR FUEL TANK CONSTRUCTION

To see if the Town will amend the action taken under Article 20 of May 8, 2023 by deleting the requirement that any grant funds be used to offset the total appropriation of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00) and substituting therefore a provision that any grant funds received by the Town for the purposes set forth in the article may be expended in addition to the funds appropriated under Article 20, 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 by the necessary majority

ARTICLE 29. AUTHORIZE CHANGES IN FEE SCHEDULE

To see if the Town will vote, pursuant to the Orleans Code S.94-8 A, and B, to authorize the Select Board to increase user fees as set forth in the following schedule, effective January 1, 2024, or to take any other action relative thereto. (Select Board and Board of Water and Sewer Commissioners)

Sewer Department (440)	Current	Proposed
Failure to Connect after Town Order	\$50.00/Day	\$250.00/Day
Sewer Service Area Expansion Application (Single Family Home)	\$1,500.00	\$250.00
Sewer Markout Fee	\$0	\$40

(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 the necessary majority

ARTICLE 30. AMEND GENERAL BYLAWS TO ADOPT SPECIALIZED ENERGY CODE

To see if the Town will vote to replace Chapter 131 of the Town of Orleans General Bylaws entitled “Stretch Energy Code” with “Specialized Energy Code” (language below) for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse emissions, pursuant to 225 CMR 22 and 23

including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of July 1, 2024, a copy of which is on file with the Town Clerk:

CHAPTER 131 SPECIALIZED ENERGY CODE

131-1 TITLE

This bylaw shall be cited and may be referred to as the specialized energy code.

131-2 PURPOSE

The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code is to provide a more energy-efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

131-3 APPLICABILITY

This energy code applies to residential and commercial buildings.

131-4 DEFINITIONS

International Energy Conservation Code (IECC) – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

Specialized Energy Code – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based upon amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the building sector no later than 2050.

Stretch Energy Code- Codified by the combination of 225 CMR 22 and 231, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

131-5 ENFORCEABILITY

The Specialized energy Code is enforceable by the Building Commissioner or local Building Inspector. (Select Board)

Or take any other action relative thereto.

(Simple Majority Vote Required)

MOTION:

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

MOTION: To move the question

ACTION: 329 to 33, motion to move the question passes

ACTION ON THE MAIN MOTION: 179 in favor to 189 opposed, motion fails

ARTICLE 31. FREE CASH TRANSFER TO GENERAL STABILIZATION FUND

To see if the Town will vote to transfer from Free Cash the sum of Three Hundred Forty-Eight Thousand One Hundred Sixty-One and 00/100 Dollars (\$348,161.00), 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 Three Hundred Forty-Eight Thousand One Hundred Sixty-One and 00/100 Dollars (\$348,161.00) to the Town's General Stabilization Fund for this purpose.

ACTION: Voice voted, motion passes unanimously

ARTICLE 32. ALUM TREATMENT AT PILGRIM LAKE

To see if the Town will vote to transfer from Free Cash the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), for the treatment of Pilgrim Lake with Alum, or to take any other action relative thereto. (Select Board)

(Simple Majority Vote Required)

MOTION:

I move that this article be accepted as printed in the warrant and the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from Free Cash for this purpose.

MOTION: To move the question

ACTION: 246 in favor, 28 opposed, motion passes by the required majority

ACTION ON THE MAIN MOTION: 217 in favor to 57 opposed, motion passes by the required majority

ARTICLE 33. 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.

ACTION: Voice voted, motion passes unanimously

Meeting adjourned at 9:24pm

Respectfully submitted,

Kelly L. Darling,
Town Clerk