

Town of Orleans
October 28, 2024
Special Town Meeting "Doings"

The Special Town Meeting was held on Monday, October 28, 2024, at 6:00pm at the Nauset Regional Middle School.

The Special Town Meeting was opened at 6:00 pm after a quorum of 200 was declared by Kelly Darling, Town Clerk. A total of 501 voters were in attendance. Tellers were: Patricia Bradley, Fred Boak, Louise Brady, Brian Carney, Louise Kulig, Judith Weil

Procedural Motion:

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

Action: Voice vote, motion carries unanimously

Procedural Motion:

I move that all Town Officials or Department Managers or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the Charter, be permitted to address the Town Meeting on matters affecting their office, department, or organization, projects for which they have performed services for the Town, or articles in which they have interest.

Action: Voice vote, motion carries unanimously

ARTICLE 1

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

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

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

MARIJUANA COURIER

An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR500.050(1)(b).

MARIJUANA RETAILER

~~An entity licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the~~

~~purposes of on-site social consumption on the premises of a marijuana establishment.~~

MARIJUANA RETAILER

An entity licensed to purchase, Repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers.

Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

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

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

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

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: Counted vote, 190 in favor to 165 opposed motion fails

ARTICLE 2

Revocation of Opioid Stabilization Fund

To see if the Town will vote to revoke the opioid stabilization fund and place unexpended opioid settlement funds and future funds received in a special revenue fund, or to take any other action relative thereto. (Select Board)
(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 3

Terminate Enterprise Fund- Mooring Operations

To see if the Town will vote pursuant to the provisions of Chapter 53F 1/2 of the Massachusetts General Laws, to revoke Mooring Operations as an Enterprise Fund effective with Fiscal Year 2026, beginning July 1, 2025, or take any action relative thereto. (Select Board)
(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 4

Terminate Enterprise Fund- Rock Harbor Boat Basin Operations

To see if the Town will vote pursuant to the provisions of Chapter 53F 1/2 of the Massachusetts General Laws, to revoke Rock Harbor Boat Basin Operations as an Enterprise Fund effective with Fiscal Year 2026, beginning July 1, 2025, or take any action relative thereto. (Select Board)
(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 5

Approve Boundary Line Agreement with Goose Hummock

To see if the Town will vote to approve the Select Board’s execution of a Boundary Line Agreement dated June 8, 2022 setting the boundary between Town Landing show as Parcel 48 on Orleans Assessors Map 18 and the abutting “Howarth Property” so-called located at 13 Old Colony Road (the Agreement). The Agreement sets the common boundary line between the two properties to be the line shown as “Jeremiah’s Gutter Average Direction Taken from a plan recorded in the Barnstable County Registry of Deeds in Plan Book 182 Page 39 and shown in Barnstable Plan Book 603 Page 15. A copy of the above referenced Agreement is on file in the office of the Town Manager or to take any other action relative thereto. (Select Board)
(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 6

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

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

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

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

ARTICLE 7

Bills of a Prior Year

To see if the Town will vote to transfer from available funds a sum of money for the purpose of paying prior year unpaid bills, or to take any other action relative thereto. (Select Board)
(9/10th Vote required)

Motion: I move this article be accepted and adopted and that the sum of \$16,982.60 be transferred from free cash to pay the following undpaid bills:

DEPARTMENT	VENDOR NAME	AMOUNT	YEAR
FIRE	GRAINGER	\$769.41	FY24
FIRE	GRAINGER	\$541.52	FY24
FIRE	CAVOSSA	\$30.87	FY24
FIRE	BC PLUMBING & HEATING	\$98.00	FY23
		\$1,439.80	
HARBORMASTER	AMAZON	\$27.97	FY24
HARBORMASTER	NAUSET DISPOSAL	\$260.88	FY24
HARBORMASTER	NAUSET DISPOSAL	\$260.88	FY24
HARBORMASTER	NAUSET DISPOSAL	\$260.88	FY24
		\$810.61	
ROCK HARBOR	CAVOSSA	\$92.61	FY24
TRANSFER STATION	BARNSTABLE COUNTY LAB	\$4,789.00	FY24
TRANSFER STATION	E.L. HARVEY	\$225.00	FY24
TRANSFER STATION	CLEAN EARTH	\$2,018.53	FY24
TRANSFER STATION	ZERO WASTE	\$716.30	FY24
TRANSFER STATION	NORFOLK POWER EQUIPMENT	\$540.40	FY23
		\$8,289.23	
BEACHES	W.B. MASON	\$207.18	FY24
BEACHES	MARINE RESCUE PRODUCTS	\$167.25	FY24
BEACHES	CAVOSSA	\$134.40	FY24
		\$508.83	
HIGHWAY	TOWN OF WELLFLEET POLICE	\$504.00	FY24

FACILITIES	JON FULLER LOCKSMITH	\$31.06	FY24
FACILITIES	WHITTEMORE ENTERPRISES	\$1,186.00	FY24
FACILITIES	BC PLUMBING & HEATING	\$390.00	FY24
FACILITIES	SOUTH SHORE GENERATOR	\$847.50	FY24
FACILITIES	HARWICHPORT HEATING & COOLING	\$675.00	FY24
FACILITIES	HARWICHPORT HEATING & COOLING	\$250.00	FY24
		\$3,379.56	
TOWN OFFICE BUILDING	WASTEWATER TREATMENT SVCS	\$310.00	FY24
WATER	WESTON AND SAMPSON	\$1,000.00	FY24
WATER	NAPA	\$93.93	FY24
WATER	SCOTT ANDERSON	\$242.93	FY24
WATER	ALL AMERICAN GASKET	\$311.10	FY24
		\$1,647.96	
	TOTAL DUE:	\$16,982.60	

Action: Counted Vote, 424 in favor to 13 opposed, motion passed by the required 9/10 majority

ARTICLE 8

Wastewater Management Program Funds

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

(Simple Majority Vote Required)

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

Action: Voice voted, motion passes by required simple majority

ARTICLE 9

Pickleball Development

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

(Simple Majority Vote Required)

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

Motion: To Move the Question

Action: Counted Vote 434 in favor to 32 opposed, motion passes by the required 2/3 majority

Action on Main Motion: Counted Vote, 299 in favor to 173 opposed, motion passes by the required simple majority

ARTICLE 10

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

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

(Simple Majority Vote Required)

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

Motion: To Move the Question

Action: Counted Vote, 439 in favor to 20 opposed, motion passes by the required 2/3 majority

Action on the main motion: 431 in favor to 54 opposed, motion passes by the required simple majority

ARTICLE 11

Acquire Land Located at 72 Tonset Rd

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

(3/4 Vote Required)

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

Motion: To Move the question.

Action: Counted Vote 454 in favor to 19 opposed, motion passes by the required 2/3 majority
Action on the main motion: Counted vote, 374 in favor to 104 opposed, motion passes by the required ¾ majority

ARTICLE 12

Climate, Sustainability, and Environmental Action Funding

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

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

Motion: To Move the Question

Action: 359 in favor to 30 opposed, motion passes by the required 2/3 majority

Action on the Main Motion: Counted vote 257 in favor to 138 opposed, motion passes by the required simple majority

ARTICLE 13

Fund HVAC Improvements for the Water Treatment Facility

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

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

Action: Voice Voted, passes by the required simple majority

ARTICLE 14

OES Stabilization Fund- Special Education

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

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

Action: Voice voted, motion passes unanimously

ARTICLE 15

Fund Conservation Fund

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

(Simple Majority Vote Required)

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

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

ARTICLE 16

Replacement of Cardiac Monitors/ Defibrillators for Fire-Rescue Ambulances

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

(Simple Majority Vote Required)

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

Action: Voice voted, motion passes unanimously

ARTICLE 17

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

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

(Simple Majority Vote Required)

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

Action: Voice Voted, passes by the simple majority required

ARTICLE 18

Fund East Orleans Historic District Facilitator

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

(Simple Majority Vote Required)

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

Action: Counted vote, 114 in favor to 236 opposed, motion fails

ARTICLE 19

Fund NW School House Restoration Project

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

(Simple Majority Vote Required)

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

Action: Voice Voted, passes unanimously

ARTICLE 20

Fund Affordable Housing Trust

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

(Simple Majority Vote Required)

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

Action: Voice Voted, passes by the required simple majority

ARTICLE 21

Orleans Housing Initiatives

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

(Simple Majority Vote Required)

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

Action: Counted Vote, 215 in favor to 109 opposed, motion passes by the required simple majority

ARTICLE 22

Fund Boland Pond Management Plan

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

(Simple Majority Vote Required)

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

Action: Voice Voted, passes by the required simple majority

ARTICLE 23

FY25 Budget Adjustments

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

1. Raise and appropriate the sum of \$97,000, or any other sum to fund the costs of staffing and operational expenses for the Recreation department.
2. Raise and appropriate the sum of \$42,066, or any other sum for the purposes of funding Reserve for Negotiations.
3. Transfer from available funds, the sum of \$8,650 from Building Department nonunion salary line (0124100-511300) to plumbing inspector (01241002-530200).
4. Transfer from available funds, the sum of \$14,298 from Building Department nonunion salary line to wire inspector expense line (01244100-530200).

Or to take any other action relative thereto.

(Simple Majority Vote Required)

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

Action: Voice Voted, passes unanimously

ARTICLE 24 – Closing Article

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

Motion: I move this meeting be adjourned at 9:00pm.

Action: Voice Voted, passes unanimously

A True Copy, Attest

Kelly L. Darling,
Town Clerk