

**ANNUAL TOWN MEETING  
FISCAL YEAR 2020**

**MONDAY, JUNE 17, 2019 AT 7:00 P.M.**

FRANKLIN, SS:

To either of the Constables of the Town of Orange, in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote on Town affairs, to meet at Ruth B. Smith Auditorium (Orange Town Hall), located at 6 Prospect Street, in said Orange on Monday, the seventeenth day in June 2019, at seven in the evening, then and there to act on the following articles:

The amount of available "Free Cash" for the General Fund, certified by the Director of Accounts is \$393,964.00

The amount of "Retained Earnings" for the Water Enterprise Fund, certified by the Director of Accounts is \$ 177,624.00

The amount of "Retained Earnings" for the Sewer Enterprise Fund, certified by the Director of Accounts is \$44,424.00

**ARTICLE 1: TOWN REPORT**

To see if the Town will accept the reports of the Officers and Committees as printed in the Annual Town Report; or take any other action relative thereto.

**ARTICLE 2: REVOLVING FUNDS**

To see if the Town will vote to establish the following Revolving Account:

<b>Revolving Fund</b>	<b>Authorized to Spend</b>	<b>Revenue Source</b>	<b>Use of Fund</b>
Council on Aging	Town Administrator or Council on Aging Director	Gifts and Fees from Meals, Programs or Other Council on Aging Activities	Provide Lunches, Programming and Other Council on Aging Activities and Related Supplies

or take any other action relative thereto.

**ARTICLE 3: SPENDING LIMITS**

To see if the Town will vote to approve annual spending limits for FY20 for revolving funds established in the Town Bylaws, in accordance with M.G.L. c.44, s.53E1/2, for the fiscal year beginning July 1, 2019:

<b>Revolving Fund</b>	<b>FY20 Spending Limit</b>
Hazardous Spill	\$ 20,000
Gas Inspector	\$ 15,000
Plumbing Inspector	\$ 15,000
Excavation and Trench Permit	\$ 5,000
Airport Fuel	\$113,000
Sealer of Weights and Measures	\$ 15,000

Board of Health	\$ 30,000
Landfill & Recycling	\$ 30,000
Landfill & Recycling	\$ 7,000
Dog Fund	\$ 50,000
Planning Board	\$ 25,000
Council on Aging	\$ 6,000

or take any other action relative thereto.

#### **ARTICLE 4: SALE OF TAX TITLE LAND**

To see if the Town will vote to authorize the transfer from the Treasurer to the Board of Selectmen the care, custody and control of those parcels of land acquired by the Town through foreclosure of tax titles in the land court or commissioner's affidavit of land of low value and to authorize the Board of Selectmen to sell, in accordance with Massachusetts General Laws, those parcels acquired by the Town by foreclosure of tax titles in the land court or commissioner's affidavit of land of low value; or take any other action relative thereto.

#### **ARTICLE 5: BALANCE AGREEMENTS**

To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements with the approval of the Selectboard during Fiscal 2020 as permitted by M.G.L. c44, §53F; or take any other action relative thereto.

#### **ARTICLE 6: GRANT APPLICATIONS**

To see if the Town will vote to authorize the Board of Selectmen to apply for, accept and expend any state and Federal grants that do not require Town appropriation; or take any other action relative thereto.

#### **ARTICLE 7: SALE OF SURPLUS PERSONAL PROPERTY AND REAL ESTATE**

To see if the Town will vote to authorize the Board of Selectmen or their designee to sell or otherwise dispose of surplus or obsolete personal property and surplus real estate of the Town in accordance with Chapter 76 of the *General Bylaws of the Town of Orange* and the procedures required by M.G.L. c.30B §15 and §16; or take any other action relative thereto.

#### **ARTICLE 8: WATER ENTERPRISE BUDGET**

To see if the Town will vote to appropriate the sum of \$743,334.00 for the Water Enterprise Fund beginning July 1, 2019 in accordance with the provisions of M.G.L. c.44, §53F½, amount to be funded from the following sources; or take any action relative thereto.

User Charges	\$732,564
Water Liens	\$1,873
Other Departmental Revenue	\$2,907
Investment Income	\$1,990
Development Charges	\$4,000
Retained Earnings	\$0
<b>Total Revenues</b>	<b>\$743,334</b>

To be expended as follows:

#### **Direct Costs**

Salaries & Wages	\$282,288
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Expenses	\$256,050
Equipment	\$35,000
Capital Outlay	\$21,500
Debt & Interest	\$0
Emergency Reserve	<u>\$15,000</u>
<b>Subtotal</b>	<b>\$609,838</b>

**Indirect Costs**

Retirement	\$47,781
Workers Compensation	\$7,049
Medicare	\$3,276
Health Insurance	\$51,915
Dental	\$2,372
Life	\$62
Liability Insurance	\$3,330
Collecting Dept.	\$5,150
Accountant/Treasurer Dept.	<u>\$12,561</u>
<b>Subtotal</b>	<b>\$133,496</b>

**Total Expenses** **\$743,334**

**ARTICLE 9: WWTP/SEWER ENTERPRISE BUDGET**

To see if the Town will vote to appropriate the sum of \$668,813.00 for the WWTP/Sewer Enterprise Fund for fiscal year beginning July 1, 2019, in accordance with the provisions of M.G.L. c.44, §53F½, amount to be funded from the following sources; or to take any other action relative thereto.

User Fees	\$628,613.00
Connection Fees	\$200.00
<u>Sewer Liens Revenue</u>	<u>\$40,000.00</u>
<b>Total Revenues</b>	<b>\$668,813.00</b>

To be expended as follows:

	<b>Direct</b>
Salaries & Wages	\$219,537.00
Expenses	\$223,089.00
Capital Outlay	\$20,000.00
Debt & Interest	\$93,039.00
<u>Emergency Reserve</u>	<u>\$10,000.00</u>
<b>Subtotal</b>	<b>\$565,665.00</b>

**Indirect Costs** **\$103,148.00**

**Total Expenses** **\$668,148.00**

**ARTICLE 10: WASTERWATER TREATMENT FACILITY**

To see if the Town will vote to appropriate \$15,981,000.00 to pay costs of upgrading the Orange Wastewater Treatment Facility and appurtenances thereto, including, but not limited to, planning, bidding and construction, as well as all other costs incidental and related thereto, and to

meet this appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$15,981,000.00 of said sum under General Laws Chapter 44, or any other enabling authority and issue bonds or notes of the Town upon such terms as the Treasurer and the Board of Selectmen shall determine and that any premium received by the Town upon the sale of any bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44 section 20, thereby reducing the amount authorized to be borrowed to pay such costs by like amount; or take any other action relative thereto.

#### **ARTICLE 11: TRANSFER FROM TRANSFER STATION WINDOW STICKER REVENUE**

To see if the Town will vote to transfer and appropriate the sum of \$24,000.00 from the Transfer Station Window Sticker Revenue Account to the Landfill Monitoring/Maintenance account in accordance with M.G.L. c.44 §28C (f) to pay for expenditures of the cost of monitoring and maintenance of existing inactive landfill or other solid waste facilities; or take any other action relative thereto.

#### **ARTICLE 12: TRANSFER FROM TRANSFER STATION WINDOW STICKER REVENUE**

To see if the Town will vote to transfer and appropriate the sum of \$2,915.20 from Transfer Station Window Sticker Revenue account to Sanitation Wages account in accordance with M.G.L. c.44 §28C (f) to pay for expenditures of the cost of maintenance of existing inactive landfill or other solid waste facilities; or take any other action relative thereto.

#### **ARTICLE 13: ELECTED OFFICERS COMPENSATION**

To see if the Town will vote to fix the compensation of all elected officers of the town as provided by M.G.L. c.41, §108 effective July 1, 2019, as contained in the budget; or take any other action relative thereto.

#### **ARTICLE 14: TOWN BUDGET FISCAL YEAR 2020**

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as may be necessary to defray the expenses of the fiscal year beginning July 1, 2019; or take any other action relative thereto. (OMNIBUS BUDGET)

#### **ARTICLE 15: BETTERMENT TRANSFER**

To see if the Town will vote to transfer the following amount from betterment collections for the purpose of the long term debt payment due in FY2019; or take any other action relative thereto.

<u>AMOUNT</u>	<u>FROM:</u>
\$6,414.48	MWPAT Title 5 Septic Betterments
	<u>TO:</u>
	Long-Term Debt Principal-Community Septic Management Program

#### **ARTICLE 16: CEMETERY SALE OF LOTS**

To see if the Town will vote to authorize payment of \$300.00 from Cemetery Sale of Lots Account to Ron Ferguson, 108 Canal Street, Athol, MA 01331, to buy back his lot, Lot 292, one space, at Tully Cemetery; or take any other action relative thereto.

#### **ARTICLE 17: TRANSFER FROM AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION**

To see if the Town will vote to transfer and appropriate from the Ambulance Receipts Reserved for Appropriation Account the Sum of \$74,061.00 for the 4<sup>th</sup> payment for the Fire Department Ambulance; or take any other action relative thereto.

**ARTICLE 18: POLICE DEPT. RADIO LEASE**

To see if the Town will vote to raise, appropriate, or transfer from available funds the sum of \$11,000.00 for the 4<sup>th</sup> year payment on a 5-year lease for 10 Portable Radios; or take any other action relative thereto.

**ARTICLE 19: CAPITAL PLAN BORROWING FY20**

To see if the Town will vote to raise and appropriate or borrow the sum of \$473,229.00 for the following Capital Projects and to meet such appropriation by authorizing the Treasurer, with approval of the Board of Selectmen, to borrow such sum under M.G.L. Chapter 44, Sec. 7, or any other enabling authority; or take any other action relative thereto.

2020 F350 Highway Truck	\$ 60,000.00
M-2 Multipurpose Highway Truck	\$213,222.00
Fire Brush Truck	\$ 75,000.00
2020 Police Cruiser	\$ 55,000.00
School Technology	<u>\$ 70,007.00</u>
	\$473,229.00

**ARTICLE 20: CONTRACT FOR RECYCLING**

To see if the Town will vote to authorize the Selectboard to enter into a ten (10) year contract with the option for a five (5) year extension, commencing on July 1, 2020 with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services for the Town, subject to the Selectboard's determination that the contract is the best interests of the Town and subject to the Town Meeting approval in the Spring of 2020 for funding for these services; or take any other action relative thereto.

**ARTICLE 21: TRANSFER FROM WEST ORANGE CEMETERY PROJECT TO CEMETERY EXPENDABLE TRUST**

To see if the Town will vote to transfer the sum of \$26,812.50 from Article 27, West Orange Cemetery Fence, of the June 19, 2017 Annual Town Meeting to the Cemetery Perpetual Care Expendable Fund; or take any other action relative thereto.

**ARTICLE 22: INDEMNITY INJURY FUND FOR PUBLIC SAFETY EMPLOYEES**

To see if the Town will vote to accept the fourth paragraph of M.G.L. Chapter 41 Section 111F, pursuant to which the Town shall establish a Special Injury Leave Indemnity Fund for the purpose of appropriating amounts for the payment of injury leave compensation or medical bills incurred under Chapter 41, Sections 111F or 100 of the General Laws, and to allow the deposit in said fund of any amounts received from insurance proceeds or restitution, for injuries to firefighters or police officers, the fund to begin operation on July 1, 2019; or take any other action relative thereto.

*Explanation: Acceptance of this section allows the Town to establish, appropriate money to and expend from a special injury leave indemnity fund for payment of police officer and firefighter injury leave compensation or medical bills, as well as provide for replacement staff for those injured employees. Previously, insurance proceeds were not available to be expended; therefore, if the departmental budget was insufficient to meet the additional costs attributable to injured on duty leave, a transfer from the reserve fund was required.*

**ARTICLE 23: AMBULANCE**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$295,000 to pay the costs of purchasing a new ambulance, and for the payment of all other costs incidental and related thereto including equipment, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be hereby authorized to borrow said amount under and pursuant to M.G.L. c.44, s.7(9), and to issue bonds or notes of the Town; or take any other action relative thereto.

#### **ARTICLE 24: BOOM MOWER 2<sup>ND</sup> LEASE PAYMENT**

To see if the Town will vote to appropriate and transfer from free cash the sum of \$28,570.00 for the second year payment on a 5 year lease for the Highway Boom Mower, or take any other action relative thereto.

#### **ARTICLE 25: FY20 CAPITAL PLAN**

To see if the Town will vote to transfer the sum of \$48,800.00 from Stabilization for the following Capital Projects; or take any other action relative thereto:

Airport Oil Burner	\$ 5,800.00
Fire Ladder Truck Repair	\$25,000.00
Fire Thermal Imaging	<u>\$18,000.00</u>
	\$48,800.00

#### **ARTICLE 26: AIRPORT REVOLVING FUND**

To see if the Town will vote to transfer and appropriate the sum of \$19,650.00 from the Airport Revolving Fund account to pay the Town's portion of a \$393,000.00 federal and state grant for the Runway 14-32 Lighting and Regulator Replacement Project; or take any action relative thereto.

#### **ARTICLE 27: CEMETERY BURIAL RATES**

To see if the Town will vote to authorize an increase in the Orange Cemetery Department burial rates as follows:

ACTIVITY	ORANGE	NOTES
Lot Purchase – Single Grave	\$600.00 – Resident \$800.00 – Non-resident	
Lot Purchase – Cremation Grave	\$600.00 – Resident \$800.00 – Non-resident	
Interment – Full Burial	\$500.00	
Interment – Cremation Burial	\$250.00	
Interment – Child – Age 7 to 18 years old	\$250.00	
Interment – Child – Up to 6 years old	\$250.00*	*Stillborn to 3 months – no charge
Weekend Interment	Additional 50% above regular charge	
Winter Interment December 15 – April 15	Additional 50% above regular charge	
Disinterment	Twice regular charge	
		No Sundays or Holidays
Deed and Filing Fees	\$10.00	

New Winter Interments Total	\$750.00	
New Weekend Interments Total	\$750.00 – Regular \$375.00 - Cremains	

or take any other action relative thereto.

#### **ARTICLE 28: PERSONNEL BYLAW**

To see if the Town will vote to delete the Personnel Bylaw Chapter 52-22 Health Benefits of the code of the Town of Orange; or take any other action relative thereto.

#### **ARTICLE 29: SOLAR TAX AGREEMENT**

To see if the Town will vote to authorize the Board of Selectmen to negotiate and execute a tax agreement for payments-in-lieu of taxes ("PILOT") with Hunt Farm Solar, LLC its successors and assigns pursuant to M.G.L. Chapter 59, Section 38H(b) and Chapter 164, Section 1, or any other enabling authority, upon the terms and conditions as said Board shall deem in the best interest of the Town, for taxes associated with solar photovoltaic facility having a nameplate capacity of 3.352 megawatts DC and land (on a portion thereto) located on 270 Daniel Shays Highway and described as Assessor's Map 253 Block 3 and Map 253 Block 2 upon which such facility is located, and to take all actions necessary to implement and effectuate the terms of such agreement; or take any other action relative thereto.

#### **ARTICLE 30: SOLAR VOLTAIC SYSTEM BYLAWS**

To see if the Town will vote to amend the Town of Orange Zoning Bylaw to revise current section 3340 Solar Access to include a section regulating Large Scale ground mounted solar photovoltaic installations, with the proposed amendments being shown more particularly in text placed on file with the Town Clerk and available at Town Meeting, and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format for the Code of Orange; or take any other action relative thereto.

*Rationale: The Town of Orange has experienced exponential growth in solar arrays that are not placed on buildings and are of large scale. The Town of Orange has had 6 Large Scale Solar Photovoltaic Systems (SPS), which potentially could affect the Town as a whole, receive approval since January of 2018, in addition to several that have already been completed in town. Furthermore, the Town has received information regarding at least 2 additional potential large-scale projects, which would have potentially similar impact as those already approved and completed, that are investigating processes or are actively seeking permitting from the Town.*

*Therefore, there is an immediate need to protect the interest of the Town and its citizens by establishing long term zoning bylaw standards and provisions to ensure that such uses and development will be consistent with the Towns long term planning interests, Master Plan, Open Space Plan and Green Communities Designations, while protecting the interest of our citizens and the Towns resources. It is crucial that the Town act now to establish solar zoning bylaw*

#### **ARTICLE 31: PURCHASE OF EAST RIVER STREET PROPERTY**

To see if the Town will vote to authorize the Selectboard to acquire by purchase, gift, eminent domain or otherwise the property located at \_\_\_\_\_ East River Street for \$67,500.00, said sum to come from the Capital Stabilization account; or take any action relative thereto.

#### **ARTICLE 32: PETITIONED ARTICLE - CONVEYANCE OF 295 HOLTSHIRE ROAD**

To see if the Town will vote to authorize the Board of Selectmen to convey at fair market value and to seek special legislation pursuant to Article 97 of the Massachusetts Constitution for permission for said lot or otherwise the property known as 295 Holtshire Road otherwise known as Assessor's Map 249, Lot 25, the net proceeds from the sale after any expenses related to the sale, care, custody, management or control of the property shall be equally divided between the Town of Orange and the Water Department Enterprise Account; or take any action relative thereto.

#### **ARTICLE 33: PETITIONED ARTICLE - SPECIAL LEGISLATION OF HOLTSHIRE ROAD**

To see if the Town will vote to authorize the Board of Selectmen to seek special legislation notwithstanding the provisions of M.G.L. c.30B to convey by lot or otherwise the property known as 295 Holtshire Road, otherwise known as Assessor's Map 249, Lot 25, for fair market value to the current lease holders; or take any other action relative thereto.

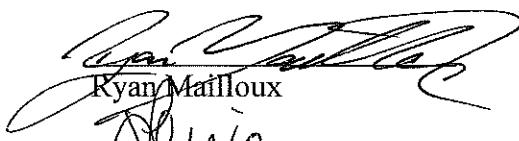
#### **ARTICLE 34: PETITIONED ARTICLE - ONLINE EXPENSE REPORTING**

To see if the Town will vote to put the Town's expense report online. Gabe Voelker, Town Administrator, said on March 13, 2019 at a selectboard meeting, "It's easy enough to do." The Town will be able to use the same brand computer software system already in use, which is Vadair. This has already been implemented in many other towns in the Commonwealth, including the neighboring town of Phillipston. The State of Massachusetts has been doing this since November 2011 and is in favor of the towns being participants in the "open checkbook" concept. This concept of open and transparent government will enable both the citizens and the municipal departments to have easy access to the Town's expenditure information as it is regularly updated. This implementation would adhere to the Town's strict policy of data security and privacy and omit some personally identifiable information; or take any action relative thereto.

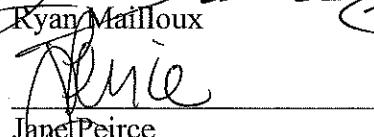
Hereof fail not, and make due return of this Warrant with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 22nd day of May in the year of our Lord two thousand and nineteen.

BOARD OF SELECTMEN



Ryan Mailloux

  
Jane Peirce

  
Thomas Smith



William Wrigley

Selectmen, Town of Orange

A true copy. ATTEST:  
*Randy D. Plante*  
Randy Plante, Constable of Orange

**FRANKLIN, SS.**

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Orange, by posting up attested copies of the same at the Post Office in Orange and the Library in North Orange seven days at least before the time of holding said meeting.

*Randy D. Plante*  
Randy Plante, Constable of Orange

5-23-2019  
Date