

COMMONWEALTH OF MASSACHUSETTS

ANNUAL TOWN MEETING

May 7, 2007

FRANKLIN, SS.

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

GREETINGS:

In the name of the COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections, and in Town affairs, to meet at RUTH B. SMITH AUDITORIUM, ORANGE TOWN HALL, 6 Prospect Street, Orange, Massachusetts 01364, on **Monday the 7th day of May, 2007 at 7:00 pm.**, then and there to act on the following articles:

**The amount of money in the Stabilization Fund certified by the Director of Accounts is**

**\$000,000.00**

**The amount of money in the Capital Stabilization Fund certified by the Director of Accounts is**  
**\$200,153.40**

The amount of free cash in the Treasury, certified by the Director of Accounts is

**\$000,000.00**

The amount of available funds for the Water Enterprise Fund, certified by the Director of Accounts is  
\$000,000.00

#### **ARTICLE 1: TOWN REPORTS AND REVOLVING FUNDS**

To see if the Town will vote to accept the reports of its officers for the past year, or take any other action relative thereto or thereon.

2006 Orange Town Report

Hazardous Spills Revolving Fund

F.R.T.A. Transportation System Revolving Fund

O.R.A. Revolving Fund

Gas Inspector's Revolving Fund

Plumbing Inspector's Revolving Fund

Airport Fuel Revolving Fund

Sealer of Weights and Measures Revolving Fund

Orange Landfill and Recycling Revolving Fund

Board of Health Revolving Fund

**ARTICLE 1: (STEVE) Revolving Fund Reports maybe found at the end of the warrant.**

**Motion: I move that the Town vote to accept the reports of its officers for the past year.**

**2006 Orange Town Report**

**Hazardous Spills Revolving Fund**

**F.R.T.A. Transportation System Revolving Fund**

**O.R.A. Revolving Fund**

**Gas Inspector's Revolving Fund**

**Plumbing Inspector's Revolving Fund**

**Airport Fuel Revolving Fund**

**Sealer of Weights and Measures Revolving Fund**

**Orange Landfill and Recycling Revolving Fund**

**Board of Health Revolving Fund**

## **ARTICLE 2: 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 or thereon.

## **ARTICLE 2: (BOB)**

**Motion: I move that the Town 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.**

## **ARTICLE 3: AUTHORIZE BORROWING**

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen to borrow in anticipation of the revenue for the fiscal year beginning July 1, 2007 in accordance with the M.G.L. c44, §4, or take any other action relative thereto or thereon.

## ARTICLE 3: (RICHARD)

**Motion:** I move that the Town vote to authorize the Treasurer, with the approval of the Board of Selectmen to borrow in anticipation of the revenue for the fiscal year beginning July 1, 2007 in accordance with the M.G.L. c44, §4.

### ARTICLE 4: BALANCE AGREEMENTS

To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2008 as permitted by M.G.L. c44, s53F, or take any other action relative thereto or thereon.

## ARTICLE 4: (STEVE)

**Motion:** I move that the Town vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2008 as permitted by M.G.L. c44, s53F.

### ARTICLE 5: REVOLVING FUNDS - CHAPTER 44, SECTION 53E1/2

*To see if the Town will vote, upon recommendation of the Board of Selectmen, to authorize the following revolving funds for certain town departments under M.G.L. c 44, s53E½ for FY2008, or take any other action relative thereto or thereon.*

				FY2008
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Revolving Fund	**Authorized to Spend	Revenue Source	Use of Fund	Spending Limit
F.R.T.A.	Council on Aging Director	F.R.T.A. Transportation Revenue	Operational Expenses	\$ 40,000
Hazardous Spills	Fire Chief	Hazardous Material Incidents Receipts	Operational Expenses for supplies, equipment, clothing, vehicle response, labor & training.	\$ 20,000
O.R.A.	Orange Recreation Association	O.R.A. Revenue	Operational Expenses	\$ 30,000
Gas Inspector	Building Inspector	Gas Inspector Services	Gas Inspector's Part-Time Salary and Expenses	\$ 15,000
Plumbing Inspector	Building Inspector	Plumbing Inspector Services	Plumbing Inspector's Part-Time Salary and Expenses	\$ 15,000
Airport Fuel	Airport Commissioners	Amount Equal to Half of the Fees for Aviation Fuel Sales	Purchase of Aviation Fuel to be Sold and Related Expenses	\$ 65,000
Sealer of Weights & Measures	Sealer of Weights & Measures	Sealer of Weights & Measures Services	Sealer of Weights & Measures Part-Time Salary and Expenses	\$ 15,000
Board of Health	Board of Health	Fees and Permits from the Board of Health	Operational Expenses	\$ 20,000
Landfill & Recycling	Landfill & Recycling Supervisor	Fees Charged for Gas Cylinders & Mattresses	Expenses Related to Disposal of Gas Cylinders & Mattresses	\$ 15,000
Dog Officer	Police Chief	Dog License and Enforcement Fees and Fines	Operational Expenses	\$ 15,000
	**Single Dept. Authorization May Not Exceed 1% of Tax Levy		<b>TOTAL OF REVOLVING FUNDS</b>  LIMIT 10% OF FY07 TAX LEVY \$6,529,533.92  1% LIMIT - AUTHORIZED TO SPEND** 	<b>\$ 250,000</b>    \$ 652,953

				\$ 65,295
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(Recommended by Finance Committee)



## ARTICLE 5: (BOB)

**Motion: I move that the Town authorize the revolving funds for certain town departments under M.G.L. c 44, s53E<sup>1/2</sup> for FY2008 be approved in Article 5 as printed.**

### ARTICLE 6: SPECIAL LEGISLATION TO AUTHORIZE FIREARMS LICENSING REVOLVING FUND

To see if the Town will vote to direct the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact legislation precisely as set forth below, that the General court may make clerical or editorial changes of form only to this bill, unless the Board of Selectmen approves amendments to bill before enactment by the General Court, and that the Board of Selectmen be authorized to approve amendments which shall be within the scope of the general public objective of this petition:

SECTION 1: Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the Town of Orange may establish and maintain a separate account known as the Firearms Licensing Fund. The Town Treasurer shall keep the fund separate and apart from all other monies of the Town and shall deposit in the account all monies associated with firearms licensing, firearms licenses, and firearm identification card fees received by the Town. The Treasurer may invest these funds in the manner prescribed in section 54 and 55 of said chapter 44. The Chief of Police or a person authorized to act in the chief's place may expend the principal and income from these funds for fees to the commonwealth for firearm licenses, firearm identification cards, and for all cost associated with firearms processing.

SECTION 2: This act shall take effect upon its passage.

or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 6: (RICHARD)**

**Motion:** I move that the Town approve Article 6 as printed.

### **ARTICLE 7: TOWN OF ORANGE INTER MUNICIPAL AGREEMENT**

To see if the Town of Orange will vote in accordance with M.G.L. c40 s 4A to authorize the Board of Selectmen to enter into an inter municipal agreement with one or more other governmental units to provide public work, and general government administrative services which the Town and other administrative bodies in town are authorized to perform, in accordance with an Inter Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto or thereon.

## **ARTICLE 7: (STEVE)**

**Motion:** I move that the Town vote in accordance with M.G.L. c40 s 4A to authorize the Board of Selectmen to enter into an inter municipal agreement with one or more other governmental units to provide public work, and general government administrative services which the Town and other administrative bodies in town are authorized to perform, in accordance with an Inter Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units.

### **ARTICLE 8: GRANT APPLICATIONS**

To see if the Town will vote to authorize the Board of Selectmen to apply for any state and federal grant programs that become available and expend any monies received, or take any other action relative thereto or thereon.

## **ARTICLE 8: (BOB)**

**Motion:** I move that the Town vote to authorize the Board of Selectmen to apply for any state and federal grant programs that become available and expend any monies received.

### **ARTICLE 9: SALE OF SURPLUS PERSONAL PROPERTY**

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 of the Town (a) after first having advertised in a daily newspaper for sale at least seven (7) days before the date of such sale and by posting a notice thereof in the Town Hall and (b) following the procedures required by M.G.L. c.30B §15, or take any other action relative thereto or thereon.

## **ARTICLE 9: (RICHARD)**

**Motion:** I move that the Town vote to authorize the Board of Selectmen or their designee to sell or otherwise dispose of surplus or obsolete personal property of the Town (a) after first having advertised in a daily newspaper for sale at least seven (7) days before the date of such sale and by posting a notice thereof in the Town Hall and (b) following the procedures required by M.G.L. c.30B §15.

### **ARTICLE 10: LANDFILL MONITORING ACCOUNT**

To see if the Town will vote to transfer and appropriate the sum of \$5,000.00 from the Landfill Monitoring Account and to authorize the Board of Selectmen 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 take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 10: (STEVE)**

**Motion: I move that the Town vote to transfer and appropriate the sum of \$5,000.00 from the Landfill Monitoring Account and to authorize the Board of Selectmen 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.**

### **ARTICLE 11: SUSPEND PROPERTY TAX PAYMENTS**

To see if the Town will vote to accept the new section of M.G.L. c59 to suspend the payments of real property taxes due by a member of the National Guard, or Reserves, or their dependents while the member is on active duty. Once the member is placed on inactive duty status, all penalties, charges and interest shall be waived so long as the taxes due are paid within 6 months, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 11: (BOB)

**Motion:** I move that the Town vote to accept the new section of M.G.L. c59 to suspend the payments of real property taxes due by a member of the National Guard, or Reserves, or their dependents while the member is on active duty. Once the member is placed on inactive duty status, all penalties, charges and interest shall be waived so long as the taxes due are paid within 6 months.

## ARTICLE 12: CHANGING ANNUAL TOWN MEETING DATE

To see if the Town will vote to direct the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact legislation precisely as set forth below, that the General court may make clerical or editorial changes of form only to this bill, unless the Board of Selectmen approves amendments to bill before enactment by the General court, and that the Board of Selectmen be authorized to approve amendments which shall be within the scope of the general public objective of this petition:

By removing Article 30 of STM March 7 1977 and replacing it with: That the Board of Selectmen set the date for the Annual Town Meeting to be conducted on the Third Monday in June, or take any other action relative thereto or thereon.

## ARTICLE 12: (RICHARD)

**Motion:** I move that the Town vote to direct the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact legislation precisely as set forth below, that the General court may make clerical or editorial changes of form only to this bill, unless the Board of Selectmen approves amendments to bill before enactment by the General court, and that the Board of Selectmen be authorized to approve amendments which shall be within the scope of the general public objective of this petition:

By removing Article 30 of STM March 7 1977 and replacing it with: That the Board of Selectmen set the date for the Annual Town Meeting to be conducted on the Third Monday in June.

## **ARTICLE 13: HEALTH INSURANCE TO PAY LESS THAN 50% OF COST**

To see if the Town will vote to accept Chapter 32B Section 9D1/2 Insurance premium payable by surviving spouse of an employee or retired employees to pay less than 50% of the cost; contribution by governmental unit, or take any other action relative thereto or thereon.

## **ARTICLE 13: (STEVE)**

**Motion: I move that the Town vote to accept Chapter 32B Section 9D1/2 Insurance premium payable by surviving spouse of an employee or retired employees to pay less than 50% of the cost; contribution by governmental unit.**

## **ARTICLE 14: HEALTH INSURANCE RETIRED EMPLOYEES PAY LESS THAN 50% OF COST**

To see if the Town will vote to accept Chapter 32B Section 9E Insurance premium payable by retired employees to pay less than 50% of the cost; contribution by governmental unit, or take any other action relative thereto or thereon.

## **ARTICLE 14: (BOB)**

**Motion: I move that the Town vote to accept Chapter 32B Section 9E Insurance premium payable by retired employees to pay less than 50% of the cost; contribution by governmental unit.**

## **ARTICLE 15: HEALTH INSURANCE SURVIVING SPOUSES TO PAY 50% OF COST**

To see if the Town will vote to accept Chapter 32B Section 9D and 9A Insurance premium payable by surviving spouse of an employee and a surviving spouse of a retired employee, along with retired employee to pay 50% instead of 100% of the cost; contribution by governmental unit, or take any other action relative thereto or thereon.

## ARTICLE 15: (RICHARD)

**Motion: I move that the Town vote to accept Chapter 32B Section 9D and 9A Insurance premium payable by surviving spouse of an employee and a surviving spouse of a retired employee, along with retired employee to pay 50% instead of 100% of the cost; contribution by governmental unit.**

**Motion: I move that the Town vote to pass over article 15.**

## ARTICLE 16: PROGRAM INCOME PRIOR TO FY 1992

To see if the Town will vote to allow the Board of Selectmen to spend the program income earned after all MSCP and CDBG Grants prior to FY 1992 have been closed-out, which is considered miscellaneous income to be used at the Board of Selectmen discretion, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 16: (STEVE)

**Motion: I move that the Town vote to allow the Board of Selectmen to spend the program income earned after all MSCP and CDBG Grants prior to FY 1992 have been closed-out, which is considered miscellaneous income.**

## **ARTICLE 17: AGRICULTURAL COMMISSION**

To see if the Town will vote as follows:

To establish an Agricultural Commission to represent the Orange farming and agricultural community, as well as other farming and forestry activities.

The purpose of the Agricultural Commission will be to support commercial agriculture and other farming and forestry activities in the Town of Orange. The Commission's duties shall include but will not be limited to the following: serve as facilitators for encouraging the pursuit of agriculture in Orange; promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming issues; work for the preservation of agricultural and forest lands; advise the Board of Selectman, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors, and the Open Space Committee, or any other appropriate Town Boards, on issues involving agriculture; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of five members appointed by the Board of Selectman. All members shall be substantially engaged in the pursuit of agriculture or forestry, and must either be residents of the town, or owners and farmers of agricultural or forestry property within the town.

There may be one or two alternates appointed to the Commission by the Selectman and will fill any vacancies at a meeting of the Commission.

In making its appointments, the Board of Selectman is asked specifically to consider the intent of the Commission to represent the agricultural interests of the town.

The terms will be as follows: Two members for a term of three years; two members for a term of two years and three years thereafter; and one member for a term of one year and three years thereafter.

The Board of Selectman together with the Agricultural Commission, by majority vote of the combined membership, shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments; and/or to take any action relative thereto or thereon.

## **ARTICLE 17: (BOB)**

**Motion: I move that the Town approve Article 17 as printed.**

### **ARTICLE 18: PERMANENT DRAINAGE EASEMENT**

To see if the Town will vote to authorize the Board of Selectmen to grant an easement for and on behalf of the Town, to The Massachusetts Highway Department, for Parcel described below along Old Hickory Road in the Town of Orange.

KNOW ALL MEN BY THESE PRESENTS that the Inhabitants of the Town of Orange, acting by and through the Orange Board of Selectmen, having an address of Town Hall, Orange, Massachusetts 01364 (hereinafter referred to as the "Grantors"), hereby grant to The Massachusetts Highway Department, having its usual place of business at 10 Park Plaza, Boston, Massachusetts 02116, its successors and assigns, (hereinafter referred to as the "Grantee"), a non-exclusive right, privilege and easement for the sole purpose of locating, relocating, constructing, reconstructing, installing, operating, maintaining, patrolling, inspecting, repairing, replacing, altering, extending, and/or removing a drainage system and any necessary manholes, pipes, appurtenances and attachments incidental thereto for all the above purposes within, along, under and across the hereinafter described portion of Grantor's land.

Said Grantor's land is situated on the northeasterly side of Old Hickory Road, a Public Right of Way, in the Town of Orange.

BEGINNING at an angle point along the southerly sideline of the 1956 State Highway Layout (Layout 4409), and running thence:

1. S 38° - 03' – 45" E a distance of 90.0m (295.3'), along the sideline of Layout 4409, to a point, and running thence:
2. S 51° - 56' – 15" W a distance of 5.0m (16.4') to a point, and running thence:
3. N 38° - 03' – 45" W a distance of 75.0m (246.1') to a point, and running thence:
4. S 72° - 51' – 14" E a distance of 33.8m (110.9') to a point, and running thence:
5. N 64° - 34' – 05" E a distance of 23.0m (75.5') to a point, and running thence:
6. S 43° - 25' – 55" E a distance of 15.0m (49.2'), along the sideline of Layout 4409, to the point of beginning.

**Said parcel containing approximately  
800±sm (8,600± sf).**

## **ARTICLE 18: (RICHARD)**

**Motion: I move that the Town approve Article 18 as printed.**

## **ARTICLE 19A: WATER ENTERPRISE BUDGET RECOMMENDATION**

To see if the Town will vote to recommend that the following sums be appropriated to operate the Water Enterprise Fund, in accordance, with the provisions of M.G.L. c.44, §53F ½ such sums of money as may be necessary, together with revenue from the Water Department operations, to defray the expenses of the Water Department for the fiscal year, beginning July 1, 2007, or to take any action relative thereto or thereon.

### **WATER DEPARTMENT BUDGET**

#### **REVENUES**

User Fees	\$600,000.00
Betterments	\$0.00
Investment income	\$6,500.00
Retained earnings	\$10,043.30
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Total	\$616,543.30

#### **EXPENSES**

##### **Direct**

Commission Salary	\$1,500.00
Salaries	\$220,350.00
Expenses	\$182,700.00
Equipment	\$35,000.00
Tully Water	\$15,500.00
Capital outlay	\$72,000.00
Debt & interest	\$0
Emergency reserve	\$5,000.00
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Subtotal	\$532,050.00

##### **Indirect**

Retirement	\$18,661.15
W/Comp	\$6,020.74
Medicare	\$3,390.77

Health Insurance	\$34,142.34
Dental	\$2,147.05
Life	\$52.66
Insurance	\$5,465.70
Collecting Dept	\$4,969.63
Accountant/Treasurer Dept.	\$9,643.26
<b>Subtotal</b>	<b>\$84,493.30</b>

<b>Total</b>	<b>\$616,543.30</b>
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\$515,506.70 to come from Water Receipts enterprise revenues, \$6,500.00 to come from investment income, \$10,043.30 to come from Water retained earnings and \$84,493.30 to be appropriated in the general fund and funded from Water enterprise revenues, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 19A: (STEVE)

**Motion:** I move that the Town vote to accept the budget recommendation as printed.

### ARTICLE 19B: WATER ENTERPRISE BUDGET APPROPRIATION

To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money to operate the Water Enterprise Fund, or take any other action relative thereto or thereon:

Salaries & Wages	\$221,850.00
Expenses	\$182,700.00
Equipment	\$ 35,000.00
Tully Water	\$ 15,500.00
Capital Outlay	\$ 72,000.00
Debit & Interest	\$ 0.00

Emergency Reserve \$ 5,000.00

Total \$532,050.00

And that \$532,050.00 be raised as follows: Water Dept. Receipts \$515,506.70, Retained Earnings \$10,043.30 and Investment Income \$6,500.00.

(Recommended by Finance Committee)

## ARTICLE 19B: (BOB)

**Motion:** I move that the Town vote to raise and appropriate and transfer from available funds the following sums of money to operate the Water Enterprise Fund.

Salaries & Wages \$221,850.00

Expenses \$182,700.00

Equipment \$ 35,000.00

Tully Water \$ 15,500.00

Capital Outlay \$ 72,000.00

**Debit & Interest \$ 0.00**

Emergency Reserve \$ 5,000.00

Total \$532,050.00

And that \$532,050.00 be raised as follows: Water Dept. Receipts \$515,506.70, Retained Earnings \$10,043.30 and Investment Income \$6,500.00.

## ARTICLE 20: WATER DEPARTMENT

To see if the Town will vote to amend the vote taken at the May 6, 2002 annual town meeting establishing the Water Enterprise Fund by striking the reference to M.G.L. c40, s39k and replacing it with M.G.L. c44, s53F1/2, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 20: (RICHARD)

**Motion:** I move that the Town vote to amend the vote taken at the May 6, 2002 annual town meeting establishing the Water Enterprise Fund by striking the reference to M.G.L. c40, s39k and replacing it with M.G.L. c44, s53F1/2.

### ARTICLE 21A: WWTP/SEWER ENTERPRISE BUDGET RECOMMENDATION

To see if the Town will vote to recommend that the following sums be appropriated to operate the WWTP/Sewer Department Enterprise Fund, in accordance with the provisions of M.G.L. c.44, §53F ½ such sums of money as may be necessary, together with revenue from the WWTP/Sewer Department operations, to defray the expenses of the WWTP/Sewer Department for the fiscal year, beginning July 1, 2007, or to take any action relative thereto or thereon.

#### WWTP & SEWER DEPARTMENT BUDGET

##### REVENUES

User Fees	\$386,370.15
Connection Fees	\$10,000.00
Sewer Liens Revenue	\$20,000.00
Retained earnings	\$0
<hr/> Total	\$416,370.15

##### EXPENSES

###### Direct

Salaries & Wages	\$156,115.42
Expenses	\$168,048.50
Capital outlay	\$2,500.00
Debt & interest	\$23,800.04

Emergency reserve	\$5,000.00
Subtotal	\$355,463.96

<b>Indirect</b>	
Retirement	\$13,480.96
W/Comp	\$3,635.72
Medicare	\$2,352.37
Health Insurance	\$20,139.40
Dental	\$1,265.69
Life	\$91.64
Insurance	\$11,853.28
Collecting Dept	\$2,750.32
Accountant/Treasurer Dept.	\$5,336.81
<b>Subtotal</b>	<b>\$60,906.19</b>
<b>Total</b>	<b>\$416,370.15</b>
<b>Surplus / (Deficit)</b>	

\$355,463.96 to come from WWTP/Sewer Receipts enterprise revenues, and \$60,906.19 to be appropriated in the general fund and funded from WWTP/Sewer enterprise revenues.

(Recommended by Finance Committee)

## **ARTICLE 21A: (STEVE)**

**Motion: I move that the Town vote to accept the budget recommendation as printed.**

### **ARTICLE 21B: WWTP/SEWER DEPARTMENT BUDGET APPROPRIATION**

To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money to operate the WWTP/Sewer Department Enterprise Fund, or take any other action relative thereto or thereon:

Salaries & Wages	\$156,115.42
Expenses	\$168,048.50
Capital Outlay	\$ 2,500.00
Debit & Interest	\$ 23,800.04
<u>Emergency Reserve</u>	<u>\$ 5,000.00</u>
Total	\$355,463.96

And that \$355,463.96 be raised from WWTP/Sewer Department Enterprise Fund revenues.

(Recommended by Finance Committee)

## ARTICLE 21B: (BOB)

**Motion:** I move that the Town vote to raise and appropriate the following sums of money to operate the WWTP/Sewer Department Enterprise Fund.

Salaries & Wages	<b>\$156,115.42</b>
Expenses	<b>\$168,048.50</b>
Capital Outlay	\$ 2,500.00
Debit & Interest	\$ 23,800.04
<u>Emergency Reserve</u>	<u>\$ 5,000.00</u>
Total	\$355,463.96

And that \$355,463.96 be raised from WWTP/Sewer Department Enterprise Fund revenues.

## ARTICLE 22: WWTP/SEWER DEPARTMENT ENTERPRISE FUND BORROWING

To see if the Town will vote to raise and appropriate from the WWTP/Sewer Enterprise Fund and/or borrow in accordance with M.G.L. c.44, s.7 & 9 the sum of \$580,000.00 contingent on funding from the United States Department of Agriculture (USDA), for the purpose of replacing approximately 1,500 linear feet of 18" sewer line running from West River Street down behind the Cereal factory and behind the old Orange foundry building and ending near the bottom of Roche Avenue, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 22: (RICHARD)**

**Motion: I move that the Town vote to borrow in accordance with M.G.L. c.44, s.7 & 9 the sum of \$580,000.00 contingent on funding from the United States Department of Agriculture (USDA), for the purpose of replacing approximately 1,500 linear feet of 18" sewer line running from West River Street down behind the Cereal factory and behind the old Orange foundry building and ending near the bottom of Roche Avenue.**

## **ARTICLE 23: CHAPTER 40: SECTION 22F LICENSE FEES; SERVICE CHARGES**

To see if the Town will vote to accept M.G.L Chapter 40 s22F authorizing any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, to, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing town, and may fix reasonable charges to be paid for any services rendered or work performed by the town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board, or take any action relative thereto or thereon.

## **ARTICLE 23: (STEVE)**

**Motion:** I move that the Town vote to accept M.G.L Chapter 40 s22F authorizing any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, to, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing town, and may fix reasonable charges to be paid for any services rendered or work performed by the town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

#### **ARTICLE 24: SALARIES AND COMPENSATION**

To see if the Town will vote to set the salary compensation of all elected officers of the town as provided by M.G.L. c.41, §108 to be made effective from July 1, 2007, as contained in the budget; or take any other action relative thereto or thereon.

## **ARTICLE 24: (BOB)**

**Motion:** I move that the Town vote to set the salary compensation of all elected officers of the town as provided by M.G.L. c.41, §108 to be made effective from July 1, 2007, as contained in the budget.

#### **ARTICLE 25: TOWN BUDGET FISCAL YEAR 2008**

To see if the Town will vote to raise and appropriate such sums of money as may be necessary to defray the expenses of the fiscal year beginning July 1, 2007, or take any other action relative thereto or thereon. (BUDGET)

## **ARTICLE 25: (JANE)**

**Motion:** I move that the Town vote to raise and appropriate \$16,266,300.43 for the purpose of funding the town budget for fiscal year 2008, with each line in the presented budget to be considered a separate appropriation, with subtotals as follows:

General Government	660,226.91
Public Safety	1,771,142.57
Orange Elementary Schools	5,475,532.00
Ralph C. Mahar Regional School Assessment	3,278,813.00
<b>Franklin Cty. Tech. School Assessment</b>	<b>429,598.00</b>
Public Works & Facilities	1,080,508.39
Human Services	87,684.98
Culture and Recreation	272,484.30
Debt Service	669,556.36
Insurance and Miscellaneous	<u>2,540,753.92</u>
<b>GRAND TOTAL</b>	<b>16,266,300.43</b>

#### ARTICLE 26: TREASURERS SALARY (PETITION)

To see if the Town will vote to increase the line item budget for FY 08 the Treasurers Salary for a pay increase from FY 07 \$41,683.00 to FY 08 \$45,747.00, or to take any other action relative thereto or thereon.

**(Not  
Recommended by Finance Committee)**

#### ARTICLE 26: (PETITION)

**Motion:** I move that the Town vote to increase the line item budget for FY 08 the Treasurers Salary for a pay increase from FY 07 \$41,683.00 to FY 08 \$45,747.00.

#### **ARTICLE 27: AMBULANCE PAYMENT FIRE DEPARTMENT**

To see if the Town will vote to raise and appropriate the sum of \$35,685.76 for the purpose of paying the fourth payment of the 4-year Ambulance lease, or take any action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 27: (RICHARD)**

**Motion:** I move that the Town vote to raise and appropriate the sum of \$35,685.76 for the purpose of paying the fourth payment of the 4-year Ambulance lease.

#### **ARTICLE 28: POLICE CRUISERS PAYMENT POLICE DEPARTMENT**

To see if the Town will vote to raise and appropriate the sum of \$32,060.70 for the purpose of paying the second payment of the 3-year Police Cruisers lease, or take any action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 28: (STEVE)**

**Motion:** I move that the Town vote to raise and appropriate the sum of \$32,060.70 for the purpose of paying the second payment of the 3-year Police Cruisers lease.

#### **ARTICLE 29: RECEIPTS RESERVED FOR APPROPRIATION**

To see if the Town will vote to transfer the following amounts from the respective receipts reserved for appropriation in order to offset the FY2008 budgeted appropriations or take any other action relative thereto or thereon.

\$ 6,414.48 From: Title 5 Septic Betterments Reserved for Appropriation

\$ 6,414.48 To: Appropriation for Community Septic Management Program Debt

(Recommended by Finance Committee)

## **ARTICLE 29: (BOB)**

**Motion: I move that the Town vote to transfer the following amounts from the respective receipts reserved for appropriation in order to offset the FY2008 budgeted appropriations,**

\$ 6,414.48 From: Title 5 Septic Betterments Reserved for Appropriation

To: Appropriation for Community Septic Management Program Debt

## **ARTICLE 30: LIBRARY PROJECT**

To see if the Town will vote to authorize the Trustees of the Wheeler Memorial Library to apply for, accept, and expend any state grants, which may be available for this planning project, or take any other action relative thereto or thereon.

## **ARTICLE 30: (RICHARD)**

**Motion: I move that the Town vote to authorize the Trustees of the Wheeler Memorial Library to apply for, accept, and expend any state grants, which may be available for the project of expanding and renovating its current library building, or building a new facility.**

## **ARTICLE 31: LIBRARY PROJECT**

To see if the Town will vote to authorize the Board of Trustees of the Orange Wheeler Memorial Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility “contingent on the receipt of a state grant and contingent on the passage of following article 46,” or take any other action relative thereto or thereon.

## **ARTICLE 31: (STEVE)**

**Motion: I move that the Town vote to authorize the Board of Trustees of the Orange Wheeler Memorial Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility “contingent on the receipt of a state grant”.**

## **ARTICLE 32: MAHAR PROJECT**

To see if the Town will vote to transfer and appropriate the remaining balance of \$35,904.55 from the Reserve for Ralph C. Mahar Debt Account (DE-3) to pay a portion of the Loan Assessment due for Fiscal Year 2008 on the Ralph C. Mahar School Building Project Loan, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 32: (BOB)**

**Motion: I move that the Town vote to transfer and appropriate the remaining balance of \$35,904.55 from the Reserve for Ralph C. Mahar Debt Account (DE-3) to pay a portion of the Loan Assessment due for Fiscal Year 2008 on the Ralph C. Mahar School Building Project Loan.**

*(Recommended by the Capital Improvement Planning Committee)*

#### **ARTICLE 33: DEXTER PARK SCHOOL VENTILATION**

To see if the Town will vote to raise and appropriate, transfer from Capital Stabilization Fund and/or borrow in accordance with M.G.L. c.44, s.7 & 9 a sum of \$30,000.00 for **air ventilation work at the Dexter Park School**, or take any other action relative thereto or thereon.

#### **ARTICLE 33: (RICHARD)**

**Motion: I move that the Town vote to transfer from the receipts reserved from the Sale of Real Estate fund, the sum of \$30,000.00 for air ventilation work at the Dexter Park School in accordance with the requirements of MGL c44 s63 Sale of Real Estate.**

#### **ARTICLE 34: FIRE DEPARTMENT AIR PACKS AND TURNOUT GEAR**

To see if the Town will vote to raise and appropriate, lease and/or borrow in accordance with M.G.L. c.44, s.7 & 9 a sum of \$300,000.00 for **protective turnout gear and breathing apparatus in the Fire Department**, or take any other action relative thereto or thereon.

## **ARTICLE 34: (STEVE)**

**Motion: I move that the Town vote (a) to authorize the Board of Selectmen, on behalf of the Town, subject to the requirements of M.G.L. c30B, to enter into a 7 year lease-purchase agreement, for protective turnout gear and breathing apparatus in the Fire Department, and payments not to exceed \$50,000.00 of funding the first year of such agreement (FY09), and (b) to authorize the Board of Selectmen, upon such terms as they deem necessary or advisable, to take any and all action necessary to effectuate the purposes of the foregoing vote.**

## **ARTICLE 35: POLICE DEPARTMENT CELLS**

To see if the Town will vote to raise and appropriate, transfer from Capital Stabilization Fund and/or borrow in accordance with M.G.L. c.44, s.7 & 9 a sum of \$7,000.00 for **two toilets to be replaced and repaired** by Franklin Tech. School, or take any other action relative thereto or thereon.

## **ARTICLE 35: (BOB)**

**Motion:** I move that the Town vote to transfer from Capital Stabilization Fund the sum of \$7,000.00 for two toilets in the Police Station to be replaced and repaired by Franklin Tech. School.

#### ARTICLE 36: ASSESSORS DEPARTMENT REVALUATION

To see if the Town will vote to raise and appropriate, transfer from Capital Stabilization Fund and/or borrow in accordance with M.G.L. c.44, s.7 & 9 a sum of \$30,000.00 for FY 08 Triannual Revaluation, or take any other action relative thereto or thereon.

## ARTICLE 36: (RICHARD)

**Motion:** I move that the Town vote to transfer from Capital Stabilization Fund the sum of \$19,500.00 for FY 08 Triannual Revaluation.

#### ARTICLE 37: PURCHASE AMBULANCE FOR FIRE/AMBULANCE

##### DEPARTMENT

To see if the Town will vote (a) to authorize the Board of Selectmen, on behalf of the Town, subject to the requirements of M.G.L. c30B, to **enter into a 4 year lease- purchase agreement, for a Class I ALS Ambulance, and payments not to exceed \$40,000.00 of funding the first year of such agreement**, and (b) to **authorize the**

**Board of Selectmen**, upon such terms as they deem necessary or advisable, **to take any and all action necessary to effectuate the purposes of the foregoing vote**, or take any action relative thereto or thereon.

## ARTICLE 37: (STEVE)

**Motion:** I move that the Town vote to (a) to authorize the Board of Selectmen, on behalf of the Town, subject to the requirements of M.G.L. c30B, to enter into a 4 year lease- purchase agreement, for a Class I ALS Ambulance, and payments not to exceed \$40,000.00 of funding the first year of such agreement (FY09), and (b) to authorize the

Board of Selectmen, upon such terms as they deem necessary or advisable, to take any and all action necessary to effectuate the purposes of the foregoing vote.

#### **ARTICLE 38: TULLY FIRE STATION CONSTRUCTION**

To see if the Town will vote to appropriate \$1,300,000.00 for the construction original equipping and furnishing of a new fire station, including related design and other preliminary costs; and to determine whether this appropriation shall be raised by borrowing or otherwise; in accordance with M.G.L. c.44, s.7 (3), or take any other action relative thereto or thereon.

(Not Recommended by the Capital Improvement Planning Committee)

## **ARTICLE 38: (BOB)**

**Motion:** I move that the Town vote to (a) authorize the Board of Selectmen, to borrow \$1,300,000.00 for the construction original equipping and furnishing of a new fire station on Millary Road in the Tully area, including related design and other preliminary costs; in accordance with M.G.L. c.44, s.7 (3) and (b) to authorize the Board of Selectmen to make payments, the first year of such agreement not to take effect until FY 2010 (c) to authorize the Board of Selectmen, upon such terms as they deem necessary or advisable, to take any and all action necessary to effectuate the purposes of the foregoing vote.

#### **ARTICLE 39: TULLY FIRE STATION CONSTRUCTION**

To see if the Town will vote to appropriate \$135,000.00 for related design and other preliminary costs; and to determine whether this appropriation shall be raised by borrowing or otherwise; in accordance with M.G.L. c.44, s.7 (3), or take any other action relative thereto or thereon.

(Not Recommended by the Capital Improvement Planning Committee)

## **ARTICLE 39: (RICHARD)**

**Motion: I move that the Town vote to authorize the Board of Selectmen, to borrow \$135,000.00 for related design and other preliminary costs of a new fire station on Mill yard Road in the Tully area; in accordance with M.G.L. c.44, s.7 (3).**

### **ARTICLE 40: STARRY STARRY NIGHT**

To see if the Town will vote to raise and appropriate or take from available funds, the sum of \$2,000.00 to help fund the Starry Starry Night Celebration in Orange on December 31, 2007, provided to the community through the sponsorship of the Orange Revitalization Partnership and the support of local businesses, individuals, and cultural councils; or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 40: (STEVE)**

**Motion: I move that the Town vote to transfer from Stabilization Fund, the sum of \$2,000.00 to help fund the Starry Starry Night Celebration in Orange on December 31, 2007, provided to the community through the sponsorship of the Orange Revitalization Partnership and the support of local businesses, individuals, and cultural councils.**

### **ARTICLE 41: RIVER RAT RACE POLICE DETAIL**

To see if the Town will vote to raise and appropriate or take from available funds, the sum of \$1,500.00 to help fund the River Rat Race Celebration in Orange for Police detail, coverage provided to the

community through the sponsorship of the Athol Lions Club and the support of local businesses and individuals, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 41: (BOB)**

**Motion: I move that the Town vote to transfer from Stabilization Fund, the sum of \$1,500.00 to help fund the River Rat Race Celebration in Orange for Police detail, coverage provided to the community through the sponsorship of the Athol Lions Club and the support of local businesses and individuals.**

### **ARTICLE 42: 200<sup>TH</sup> ANNIVERSARY CELEBRATION**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,000.00 to help fund the 200<sup>TH</sup> Anniversary Celebration of the Town of Orange for the calendar year 2010 pursuant to the provisions of M.G.L. c44 §53I, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## **ARTICLE 42: (RICHARD)**

**Motion: I move that the Town vote to transfer from Stabilization Fund, the sum of \$1,000.00 to help fund the 200<sup>TH</sup> Anniversary Celebration of the Town of Orange for the calendar year 2010.**

## ARTICLE 43: RULES AND REGULATIONS CEMETERY DEPARTMENT

To see if the Town will vote to adopt the “Cemetery Rules and Regulations” as approved and promulgated by the Cemetery Commissioners as follows:

For the mutual protection of lot owners and the Cemetery as a whole, the following rules and regulations have been adopted by the Orange Cemetery Commissioners, and approved by Town Meeting vote, pursuant to the Acts of 1890, Chapter 264 and M.G.L. c. 114, section 23 as the rules and regulations for all the Town of Orange cemeteries.

All persons entering the cemetery, including lot owners, and all property of the cemetery, including lots sold, shall be subject to these Rules and Regulations and further to such other Rules and Regulations, amendments and/or alterations adopted, pursuant to state and local law, from time to time. Reference to these Rules and Regulations in the Deed to a lot shall have the same force and effect as if set forth fully therein.

### 1. DEFINITIONS

- a. *Cemetery* – A burial park for earth interments, a community mausoleum for vault or crypt interments, or a columbarium for cremated remains, or a combination of one or more of these herein.
- b. *Deed* – The original conveyance given by the Town of Orange to the original purchaser.
- c. *Grave* – A place for burial that is 12 ft. long by 36 inches wide.
- d. *Interment* – The permanent disposition of the remains of a deceased person by cremation or traditional burial.
- e. *Lot* – Numbered division as shown on the record plot, which consist of one or more graves.
- f. *Lot Marker* – Any means used by the Cemetery Department to locate corners of the lot or grave.

- g. *Management/Superintendent* – The person duly appointed by the Elected Board of Cemetery Commissioners for the purpose of ensuring the proper maintenance of the cemeteries and the enforcement of the Rules and Regulations.
- h. *Marker* – Small, flush, stone items used to identify the interred or the corners of a lot, usually placed at the foot of a grave. Also refers to those items given to US Veterans to identify interred.
- i. *Monument* – A large memorial, placed at the head of a lot centered upon deeded graves. Some regulations may apply to size and location of monument. Written permission from the Superintendent is required prior to installing an oversized monument. Schedule of allowed monument sizes, voted August 21, 2002, is available from the Superintendent.
- j. *Vault* – A reinforced concrete grave liner box. No vault over 34 inches in exterior width will be accepted for a single grave. If a lot owner needs to use a vault larger than 34 inches in exterior width, two graves will be required for the interment.

## **2. GENERAL RULES**

- a. Employees of the Cemetery Department are not permitted to do any work for the lot owners except upon order of the Cemetery Superintendent, and are required to be courteous to all visitors.
- b. All fees or charges for services are payable to the Town of Orange. Cemetery employees are not to be offered tips or gratuities.
- c. Persons within the cemetery may use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The Cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.
- d. Whoever uses as a means of passage from one point to another, not being thereupon at the time for any other purpose, the premises of the Cemetery, in any other parts than the avenues, roads walks and alleys, shall be fined not more than twenty dollars (\$20.00), pursuant to M.G.L. c. 114, sec. 42.
- e. Picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, fence, or other structures within the Cemetery grounds by any person is prohibited. Violation of this rule is also a violation of

state laws (M.G.L. c 272, sects. 73, 74, 75) under which violators may be subject to criminal prosecution resulting in fines and/or imprisonment.

- f. Motor vehicles must be kept under complete control at all times. When meeting a funeral procession, they must stop until the procession passes. They must not pass a funeral procession going in the same direction. Motor vehicles must not be left with the engine running and the emergency brakes must be set when the driver is not in his/her seat. Mufflers must not be opened, nor the horn sounded within the Cemetery.
- g. The following is prohibited:
  - (i) Driving more than 10 mph within the grounds of the cemetery.
  - (ii) Driving any wheeled vehicle, motorized or otherwise, or riding any animal across or upon any grave, lot or lawn, or parking or leaving the same thereon.
  - (iii) Parking or leaving any motor vehicle on any road or driveway within the Cemetery at such location or in such position as to prevent any other vehicle from passing. The management will have any vehicle violating this rule towed at the owner's expense.
- h. Children under sixteen (16) years of age are not permitted within the Cemetery, or its buildings, unless accompanied by a responsible adult or have been given approval from the superintendent.
- i. In order to maintain the solemnity of the Cemetery, the following activities are prohibited.
  - (i) Loud or boisterous talking
  - (ii) Loitering on the grounds, or in any of the buildings.
  - (iii) Peddling or soliciting
  - (iv) Placing of signs, notices or advertisements of any kind.
  - (v) Bringing dogs, other than service dogs, into the Cemetery is strictly prohibited.
  - (vi) Bringing firearms into the Cemetery except by a military escort accompanying a veteran's funeral or attending memorial services.
- j. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Management, therefore, reserves the right to make exceptions, suspensions or modifications of any of these Rules and Regulations, without notice, when in the

judgment of the Management such action appears necessary. Such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.

- k. The Cemetery Commission reserves the right to add to, amend, alter or repeal these Rules and Regulations pursuant to M.G.L. c. 114, sec. 23.

### 3. LOTS AND LOT OWNERS

- a. Persons desiring to purchase a grave, lot or lots should contact the Cemetery Department where the Management will aid them in making a selection, and will issue a memorandum describing the lot purchased.
- b. Before any stone, marker or shrubs are placed or planted on a grave or lot, complete payment for the grave must be made to the Town of Orange Cemetery Department for the lot, unless waived by the Commission. Plots will be sold for cash at the time of signing the purchase agreements. Plots may be purchased under a deferred payment contract on which 30 percent of the purchase price must be paid upon signing the contract and 10 percent of the purchase price is to be paid upon the first business day of each month thereafter until the balance of the purchase price is paid in full. If a plot is purchased under a deferred payment contract, and the purchaser fails to complete payment of the full purchase price within twelve months from the date of the deferred contract, the said contract shall be null and void at the end of the 12 month period and the commissioners will retain all monies paid under said contract as liquidated damages or otherwise. The Cemetery Commissioners will issue, when the lot is paid in full, a deed/certificate of Ownership for burial purposes.
- c. No lot or grave shall be used for any purpose other than for burial of the human dead.
- d. No easement or right of interment is granted to any grave owner in any road, drive, alley or walk within the Cemetery, but such road, drive alley or walk may be used as a means of access to the Cemetery or buildings, as long as the Management devotes it to that purpose.
- e. The Management reserves the right to:
  - (i) enlarge, reduce, re-plot, or change the boundaries or grading of the Cemetery, or a section or sections, from time-to-time, including the right to modify or change the locations or remove or re-grade roads, drives or walks, or any part thereof.

- (ii) lay, maintain, and operate or alter or change pipelines or gutters for sprinkler systems, water systems, drainage, etc.
  - (iii) use Cemetery property not sold to individual grave owners for Cemetery purposes, including interment of the deceased, or for anything necessary, incidental or convenient thereto.
- f. The Cemetery Management and Commission reserves to it and to those lawfully entitled thereto, a perpetual right of ingress and egress over graves for the purpose of passing to and from other graves or lots.
- g. Descriptions of lots will be in accordance with the Cemetery plats, which are kept on file in the Orange Town Hall and at the Cemetery Office.
- h. Management will take all reasonable precautions to protect lot owners, and the property rights of grave owners, within the Cemetery from loss or damage except for loss or damage from causes beyond its reasonable control such as damage caused by the elements, an act of God, thieves, vandals, explosions, unavoidable accidents, riots or order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.
- i. It is the duty of the grave owner to notify the Management of any change in mailing address.
- j. The instrument of conveyance, these Rules and Regulations, and any amendments thereto, constitute the sole agreement between the Cemetery Commission and the grave owner. The statement of any employee or agent, unless confirmed in writing by the Cemetery Commissioners, shall in no way bind the Cemetery Commission, Management or the Town of Orange.

#### 4. CARE OF LOTS

- a. The general care of the Cemetery is assumed by the Management and includes the cutting of the grass at reasonable intervals and the raking and cleaning of the grounds.
- b. This general care shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots, nor the doing of any special or unusual work in the Cemetery except as authorized by the Cemetery Commission. Additionally excluded is the reconstruction of any marble or granite work on any section or grave or any portion or portions thereof in the Cemetery, caused by the elements, an act of

God, thieves, vandals, explosions, unavoidable accidents, or by the order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.

- c. Funds for this general care shall be provided by town appropriations pursuant to M.G.L. c. 114, sec. 16.
- d. Pursuant to M.G. L. c. 114, sec. 25, the Town of Orange may receive gifts or bequests for maintenance of the Cemetery. These funds shall be paid to the Town Treasurer, kept separate from other town funds and accounts, and invested in accordance with any stipulations from the grantor, if any. Proceeds of lot sales or rights of burial shall be paid into the town treasury and appropriated to reimburse the town for Cemetery maintenance and expenditures.
- e. Pursuant to M.G.L. c 114, sec. 19, the Town of Orange may receive, hold and apply any funds, money or securities deposited with the Town Treasurer for the preservation, care, improvement or embellishment of the Cemetery or of lots in the Cemetery. The Town Treasurer shall invest these monies to ensure a maximum income.

## 5. CORRECTION OF ERRORS

- a. The Cemetery Management or Commissioners reserve, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar locations as far as possible, or as may be selected by the Management, or, in the sole discretion of the Management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery Management or Commissioners reserve, and shall have the right to remove or transfer such remains so interred to such other property, consistent with the law, of equal value and similar location as may be substituted and conveyed in lieu thereof.

## 6. DESCENT OF TITLE

- a. The Laws of the Commonwealth of Massachusetts govern descent of title to Cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Management will assist any lot owner who desires information or advice on questions pertaining to his/her lot.

## 7. INTERMENTS

- a. The Cemetery will be open for interments at regular rates between 8 AM and 2 PM, Monday through Friday. Funerals that will enter the Cemetery after 2 PM, Monday through Friday may be subject to extra fees. Saturday funerals are subject to higher fees. No burials to take place on Sundays, Memorial Day, Independence Day, Thanksgiving Day, Christmas Day or New Year's Day. When Memorial Day or Independence Day falls on a Saturday or Monday, and delay will cause unreasonable hardship or inconvenience, interments may be made on such days, but an additional fee will be added to the regular charge.
- b. Where immediate burial is required by state law or under the rules and regulations of the Orange Board of Health, interments may be made on Sundays and holidays, but an additional fee will be added to the regular interment charge and entrance to the Cemetery will be allowed only to the hearse and vehicles in the funeral procession.
- c. All funerals upon entering the Cemetery shall be under the charge of the Management.
- d. Once a casket containing a body is within the confines of the Cemetery, no funeral director, or their staff, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or by court order.
- e. Funeral directors, upon arrival at the Cemetery, must present the burial permit issued by the Board of Health.
- f. Lot owners shall not allow burials in their lots for remuneration of any kind.
- g. One traditional burial and up to three cremation burials or four cremation burials with no traditional burial are the maximum allowed in any single grave. No interment of two or more traditional burials in one grave, except in the case of parent and child or two infants buried in one casket.
- h. When an interment is to be made in a lot, the lot owner shall designate the location of such interment. Should the lot owner fail or neglect to make such designation, the Cemetery

Management or Commissioners reserve the right to make the interment in a location designated by the Management.

- i. The Management and the employees of the Cemetery are the only persons who will be permitted to open graves with the following exceptions.
  - When the Cemetery is directed to make a disinterment by judicial order and a certified copy of such order has been filed with the Management, or
  - When the Medical Examiner directs the disinterment for the purpose of holding an inquest and has filed with the Management a legal, signed authorization to release the body to the Medical Examiner or lawful agent. In such cases, the Medical Examiner or lawful agent does the disinterment. Cemetery employees will not be permitted to assist.
- j. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, it is required that all traditional burials must be made inside a vault. The "outside" width of such vaults shall not exceed 34 inches. In such cases where an oversize vault is needed to accommodate an oversized casket, the lot owner will need to use two deeded graves. Burial vaults may be procured from any source provided they meet the established specifications. When cemetery employees handle or install such containers, a reasonable charge will be made for such service.
- k. All charges for interment or services in connection therewith, shall be paid to the Management before or at the time of the burial.
- l. Arrangements for the payment of indebtedness due the Cemetery must be made before interment is made.
- m. The Cemetery Management or Commissioners reserve the right to insist upon at least thirty-six (36) hours notice prior to any interment and at least one weeks notice prior to any disinterment or removal.
- n. All interments, disinterment, and removals must be made at the time, in the manner, and upon the charges fixed by the Management.
- o. Besides being subject to these Rules and Regulations, all interments, disinterment and removals are made subject to local and state laws, by-laws, ordinances or regulations.

- p. The Cemetery Management or Commissioners will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave and location of a grave where interment is desired.
- q. The Cemetery Management or Commissioners will not be liable for the interment permit nor for the identity of the person sought to be interred.

## 8. PLANTS AND SHRUBS

- a. Monument gardens are permissible as long as they are planted within the following guidelines:
  1. Gardens shall not extend further than twelve (12) inches from the base of the monument.
  2. No plantings or decorations at foot markers with the exception of a veteran's flag. Plantings and decorations may only be placed at the main lot monument.
  3. Vines or creeping perennial flowers (i.e.: phlox), rose bushes are not permissible.
  4. Bark mulch and stones are not permitted in gardens.
  5. Gardens may be edged with natural products only. (i.e.: bricks, rocks, pavers) No plastic edging, plastic fencing or metal wire fencing may be used. The cemetery department will remove them.
  6. No baskets or containers shall be wired down
- b. No shrubs shall be planted without written consent of the management. Shrubs shall not exceed fifteen (15) inches in diameter and shall not grow higher than the monument (maximum height three (3) feet) It is the lot owners' responsibility to maintain their shrubs

within these specifications. Any shrub planted without consent, or overgrown will be removed at the cemetery departments' convenience.

- c. The Management shall not be responsible for any kind of plantings or lot decorations damaged by the elements, vandals, thieves or other causes beyond its control. The Management shall have the further authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, herbage or decorations of any kind from the cemetery as soon as, in the judgment of the Management, they become unsightly, dangerous, detrimental or diseased, or do not conform to the standard maintained.
- d. The Cemetery Department shall not be liable for floral pieces, baskets or frames in which, or to which, such floral pieces are attached, nor for such floral pieces for Memorial services held in the Cemetery.
- e. All decorations must be removed in the Spring by April 15<sup>th</sup> and in the fall by October 1<sup>st</sup> for a period of two weeks for maintenance. Decorations may be replaced after this two week period.
- f. Cemeteries are closed between sunset and sunrise
- g. Artificial Flowers may be used to decorate lots between December 1<sup>st</sup> and July 15<sup>th</sup>.

## **ENFORCEMENT OF RULES**

The Management is hereby empowered to enforce all Rules and Regulation, and to exclude from the Cemetery any person violating the same. The Management shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, grave owners, and visitors, and at all times, shall have supervision and control of the Cemetery and may remove any person violating any of these Rules.

## **ARTICLE 43:**

**Motion:** (STEVE)

**I move that the Town vote to adopt the “Cemetery Rules and Regulations” as approved and promulgated by the Cemetery Commissioners in Article 43 as printed.**

#### **ARTICLE 44: CEMETERY DEPARTMENT (PETITION)**

To see if the Town will vote to keep in place the rules and regulations that would allow family members and caretakers to place artificial floral arrangements on the graves of their loved ones if they are within 12 inches from the base of the monument, weighted down and firmly secured to prevent blowing off the grave by the wind, from May 1<sup>st</sup> thru October 1<sup>st</sup> in the cemeteries in the Town of Orange, or take any other action relative thereto or thereon.

## **ARTICLE 44:**

**Motion:** (PETITION)

#### **ARTICLE 45: MULLIN RULE**

To see if the Town will vote to accept M.G.L. Chapter 39 S23D the so called Mullin Rule which would enable a member of the Planning Board, ZBA, or Conservation Commission when holding an adjudicatory hearing to not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received with additional requirements being: only one session may be missed, the member shall examine audio, video recording of the missed session or a transcript thereof, members shall provide a written certification that they have examined such evidence, and this certification must be included as part of the written record of the hearing, or take any other action relative thereto or thereon.

## **ARTICLE 45: (BOB)**

**Motion:** I move that the Town vote to accept M.G.L. Chapter 39 S23D the so called Mullin Rule which would enable a member of the Planning Board, ZBA, or Conservation Commission when holding an adjudicatory hearing to not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received with additional requirements being: only one session may be missed, the member shall examine audio, video recording of the missed session or a transcript thereof, members shall provide a written certification that they have examined such evidence, and this certification must be included as part of the written record of the hearing.

#### **ARTICLE 46: TOWN PROPERTY, DISPOSITION OF BY-LAW**

To see if the Town will vote to amend the by-law Chapter 76-1 Sale at auction required to read: The disposal by Town boards, officers or departments of personal property belonging to the Town and voted by the Town Meeting **to be sold or traded, will be sold only after first offering the property to other departments and will be sold only at a well advertised public auction to the highest bidder**, or take any other action relative thereto or thereon.

## **ARTICLE 46: (RICHARD)**

**Motion:** I move that the Town vote to amend the by-law Chapter 76-1 Sale at auction required to read: The disposal by Town boards, officers or departments of personal property belonging to the Town and voted by the Town Meeting to be sold or traded, will be sold only after first offering the property to other departments and will be sold only at a well advertised public auction to the highest bidder.