

COMMONWEALTH OF MASSACHUSETTS  
ANNUAL TOWN MEETING  
June 15, 2009

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 15th day of June, 2009 at 7:00 pm.**, then and there to act on the following articles:

The amount of money in the Stabilization Fund is

\$ 701.06

The amount of money in the Capital Stabilization Fund is

\$ 35.21

The amount of "Retained Earnings" for the Water Enterprise Fund, certified by the Director of Accounts is \$ 60,556.00

The amount of "Retained Earnings" for the Sewer Enterprise Fund, certified by the Director of Accounts is \$ 0

**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.

2008 Orange Town Report  
Hazardous Spills Revolving Fund  
Franklin Regional Transportation Authority (FRTA) Revolving Fund  
Orange Recreation Association (ORA) Revolving Fund  
Gas Inspector Revolving Fund  
Plumbing Inspector Revolving Fund  
Airport Fuel Revolving Fund  
Sealer of Weights & Measures Revolving Fund  
Landfill/Recycling Revolving Fund  
Board of Health Revolving Fund  
Dog Officer Revolving Fund

**REVOLVING FUND REPORTS (M.G.L. c. 44, s 53E 1/2)**

**HAZARDOUS SPILLS REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	714.86	1,011.63	(255.86)	1,470.63
FY '09 – 6 months	1,470.63	210.00	(181.79)	1,498.84

**FRTA REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	1,597.18	28,632.67	(28,124.40)	2,105.45
FY '09 – 6 months	2,105.45	16,924.13	(14,450.98)	4,578.60

**ORA REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	10,238.56	15,167.22	(17,010.39)	8,395.39
FY '09 – 6 months	8,395.39	10,805.76	(12,373.94)	6,827.21

**GAS INSPECTOR REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	5,239.50	2,929.50	(6,570.00)	1,599.00
FY '09 – 6 months	1,599.00	1,728.00	(1,993.50)	1,333.50

**PLUMBING INSPECTOR REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	5,800.50	7,128.00	(10,503.00)	2,425.50
FY '09 – 6 months	2,425.50	4,099.50	(1,998.00)	4,527.00

**AIRPORT FUEL REVOLVING FUND**

	Beginning Balance	Receipts	Transferred & Expended	Ending Balance
FY '08	51,345.91	54,226.93	(64,581.08)	40,991.76
FY '09 – 6 months	40,991.76	34,062.77	(32,221.85)	42,832.68

**SEALER OF WEIGHTS & MEASURES REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	587.06	1,555.00	(2,094.78)	47.28
FY '09 – 6 months	47.28	1,509.00	(997.60)	558.68

**LANDFILL/RECYCLING REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	1,696.00	1,788.00	(1,023.86)	2,460.14
FY '09 – 6 months	2,460.14	917.00	(1,936.83)	1,440.31

**BOARD OF HEALTH REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	11,137.67	22,988.87	(17,294.56)	16,831.98
FY '09 – 6 months	16,831.98	10,718.00	(13,152.67)	14,397.31

**DOG OFFICER REVOLVING FUND**

	Beginning Balance	Receipts	Expended	Ending Balance
FY '08	0	25,406.00	(1,790.30)	23,615.70
FY '09 – 6 months	23,615.70	4,148.00	(5,780.51)	21,983.19

**ARTICLE 1: (RICHARD)**

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

2008 Orange Town Report

Hazardous Spills Revolving Fund

Franklin Regional Transportation Authority (FRTA) Revolving Fund

Orange Recreation Association (ORA) Revolving Fund

Gas Inspector Revolving Fund

Plumbing Inspector Revolving Fund

Airport Fuel Revolving Fund

Sealer of Weights & Measures Revolving Fund

Landfill/Recycling Revolving Fund

Board of Health Revolving Fund

Dog Officer 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: (STEVE)**

**Motion:** I move that the Town vote to 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, 2009 in accordance with the M.G.L. c44, §4, or take any other action relative thereto or thereon.

**(Recommended by Finance Committee)**

### **ARTICLE 3: (BOB)**

**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, 2009 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 2010 as permitted by M.G.L. c44, s53F, or take any other action relative thereto or thereon.

### **ARTICLE 4: (RICHARD)**

**Motion: I move that the Town vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2010 as permitted by M.G.L. c44, s53F.**

## **ARTICLE 5: 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 a Town appropriation, and those that require Town appropriation are subject to Town approval of the expenditure of those funds, or take any action relative thereto or thereon.

### **ARTICLE 5: (STEVE)**

**Motion: I move that the Town vote to authorize the Board of Selectmen to apply for, accept and expend any State and Federal grants that do not require a Town appropriation, and those that require Town appropriation are subject to Town approval of the expenditure of those funds.**

## **ARTICLE 6: 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 6: (BOB)**

**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 and Chapter 76-1 of the Town of Orange bylaws.**

## ARTICLE 7: 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 FY2010, or take any other action relative thereto or thereon.

Revolving Fund	**Authorized to Spend	Revenue Source	Use of Fund	FY2010 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	90% of Fees for Gas Inspector Services	Gas Inspector's Part-Time Salary and Expenses	\$ 15,000
Plumbing Inspector	Building Inspector	90% of Fees for Plumbing Inspector Services	Plumbing Inspector's Part-Time Salary and Expenses	\$ 15,000
Excavation and Trench Permit	Building Inspector	Trench Permits & Fees	Expenses Related to Excavation and Trench Permits	\$ 5,000
Airport Fuel	Airport Commissioners	50% of Revenue from Aviation Fuel Sales	Purchase of Aviation Fuel to be Sold and Related Expense	\$ 70,000
Sealer of Weights & Measures	Sealer of Weights & Measures	Fees for Sealer of Weights & Measures Services	Sealer of Weights & Measures Part-Time Salary and Expenses	\$ 15,000
Board of Health	Board of Health	Board of Health Application Fees and Permits	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	All Dog Related Fees and Fines	Dog Officer Part-Time Salary & Expenses	\$ 20,000
			<b>TOTAL OF REVOLVING FUNDS</b>	<b>\$ 265,000</b>
	**Single Dept. Authorization May Not Exceed 1% of Tax Levy		LIMIT 10% OF FY09 TAX LEVY \$7,226,971.99	\$ 722,697
			1% LIMIT - AUTHORIZED TO SPEND**	\$ 72,270

**(Recommended by Finance Committee)**

## ARTICLE 7: (RICHARD)

**Motion:** I move that the Town vote to authorize the revolving funds for certain town departments under M.G.L. c 44, s53E½ for FY2010 as printed in Article 7.

## ARTICLE 8A: 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, 2009, or to take any action relative thereto or thereon.

### WATER DEPARTMENT BUDGET

#### REVENUES

User Fees	\$684,452.00
Investment income	\$6,500.00
<b>Total</b>	<b>\$690,952.00</b>

#### EXPENSES

##### Direct

Commission Salary	\$1,500.00
Salaries	\$223,200.00
Expenses	\$285,200.00
Equipment	\$30,000.00
Tully Water	\$15,500.00
Capital outlay	\$28,000.00
Debt & interest	\$0
Emergency reserve	\$5,000.00
<b>Subtotal</b>	<b>\$588,400.00</b>

##### Indirect

Retirement	\$19,635.00
W/Comp	\$7,597.00
Medicare	\$2,827.00
Health Insurance	\$50,819.00
Dental	\$2,368.00
Life	\$72.00
Insurance	\$4,150.00
Collecting Dept	\$5,175.00
Accountant/Treasurer Dept.	\$9,909.00
<b>Subtotal</b>	<b>\$102,552.00</b>

<b>Total</b>	<b>\$690,952.00</b>
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\$581,900.00 to come from Water Receipts enterprise revenues, \$6,500.00 to come from investment income, and \$102,552.00 to be appropriated in the general fund and funded from Water enterprise revenues.

**(Recommended by Finance Committee)**

#### ARTICLE 8A: (STEVE)

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

## WATER DEPARTMENT BUDGET

### REVENUES

User Fees	\$684,452.00
Investment income	\$6,500.00
<b>Total</b>	<b>\$690,952.00</b>

### EXPENSES

#### Direct

Commission Salary	\$1,500.00
Salaries	\$223,200.00
Expenses	\$245,200.00
Equipment	\$70,000.00
Tully Water	\$15,500.00
Capital outlay	\$28,000.00
Debt & interest	\$0
Emergency reserve	\$5,000.00
<b>Subtotal</b>	<b>\$588,400.00</b>

#### Indirect

Retirement	\$19,635.00
W/Comp	\$7,597.00
Medicare	\$2,827.00
Health Insurance	\$50,819.00
Dental	\$2,368.00
Life	\$72.00
Insurance	\$4,150.00
Collecting Dept	\$5,175.00
Accountant/Treasurer Dept.	\$9,909.00
<b>Subtotal</b>	<b>\$102,552.00</b>

<b>Total</b>	<b>\$690,952.00</b>
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\$581,900.00 to come from Water Receipts enterprise revenues, \$6,500.00 to come from investment income, and \$102,552.00 to be appropriated in the general fund and funded from Water enterprise revenues.

## ARTICLE 8B: 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:

Commission Salary	\$ 1,500.00
Salaries & Wages	\$223,200.00
Expenses	\$285,200.00
Equipment	\$ 30,000.00
Tully Water	\$ 15,500.00
Capital Outlay	\$ 28,000.00
Debit & Interest	\$ 0.00
<u>Emergency Reserve</u>	<u>\$ 5,000.00</u>
Total	\$588,400.00

And that \$588,400.00 be raised as follows: Water Dept. Receipts \$581,900.00 and Investment Income \$6,500.00.

(Recommended by Finance Committee)

### ARTICLE 8B: (BOB)

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

Commission Salary	\$ 1,500.00
Salaries & Wages	\$223,200.00
Expenses	\$245,200.00
Equipment	\$ 70,000.00
Tully Water	\$ 15,500.00
Capital Outlay	\$ 28,000.00
Debit & Interest	\$ 0.00
<u>Emergency Reserve</u>	<u>\$ 5,000.00</u>
Total	\$588,400.00

And that \$588,400.00 be raised as follows: Water Dept. Receipts \$581,900.00 and Investment Income \$6,500.00.

## ARTICLE 9A: 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, 2009, or to take any action relative thereto or thereon.

### WWTP & SEWER DEPARTMENT BUDGET

#### REVENUES

User Fees	\$485,831.00
Connection Fees	\$10,000.00
Sewer Liens Revenue	\$20,000.00
<u>Total</u>	<u>\$515,831.00</u>

## EXPENSES

<b>Direct</b>	
Salaries & Wages	\$169,260.00
Expenses	\$205,505.00
Capital outlay	\$2,500.00
Debt & interest	\$48,656.00
Emergency reserve	\$5,000.00
<b>Subtotal</b>	<b>\$430,921.00</b>

<b>Indirect</b>	
Retirement	\$14,901.00
W/Comp	\$3,855.00
Medicare	\$1,048.00
Health Insurance	\$44,255.00
Dental	\$2,082.00
Life	\$128.00
Insurance	\$8,848.00
Collecting Dept	\$3,360.00
Accountant/Treasurer Dept.	\$6,433.00
<b>Subtotal</b>	<b>\$84,910.00</b>

<b>Total</b>	<b>\$515,831.00</b>
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\$430,921.00 to come from WWTP/Sewer Receipts enterprise revenues, and \$84,910.00 to be appropriated in the general fund and funded from WWTP/Sewer enterprise revenues.

**(Recommended by Finance Committee)**

## ARTICLE 9A: (RICHARD)

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

## ARTICLE 9B: 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	\$169,260.00
Expenses	\$205,505.00
Capital Outlay	\$ 2,500.00
Debit & Interest	\$ 48,656.00
<u>Emergency Reserve</u>	<u>\$ 5,000.00</u>
Total	\$430,921.00

And that \$430,921.00 be raised from WWTP/Sewer Department Enterprise Fund revenues.

**(Recommended by Finance Committee)**

## **ARTICLE 9B: (STEVE)**

**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	\$169,260.00
Expenses	\$205,505.00
Capital Outlay	\$ 2,500.00
Debit & Interest	\$ 48,656.00
<b><u>Emergency Reserve</u></b>	<b><u>\$ 5,000.00</u></b>
Total	\$430,921.00

And that \$430,921.00 be raised from WWTP/Sewer Department Enterprise Fund revenues.

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

To see if the Town will vote to transfer and appropriate the sum of \$10,146.00 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: (BOB)**

**Motion:** I move that the Town vote to transfer and appropriate the sum of \$10,146.00 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: 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, 2009, as contained in the budget; or take any other action relative thereto or thereon.

**(Recommended by Finance Committee)**

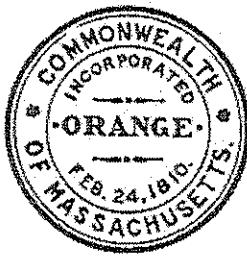
## **ARTICLE 11: (RICHARD)**

**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, 2009, as contained in the budget.

## **ARTICLE 12: TOWN BUDGET FISCAL YEAR 2010**

To see if the Town will vote to transfer \$10,000.00 from the Board of Health Revolving Fund, transfer a sum of money from the Receipts Reserved for Appropriation-Sale of Lots Fund and to raise and appropriate such sums of money as may be necessary to defray the expenses of the fiscal year beginning July 1, 2009, or take any other action relative thereto or thereon. (BUDGET)

**(Recommended by Finance Committee)**



**Town of Orange**  
Finance Committee

6 Prospect Street  
Orange, Ma 01364  
Phone 978-544-1100 – Fax 978-544-1120



June 15, 2009

**Orange Finance Committee Report to Town Meeting**

Tonight we present you with the FY 2010 annual budget, totaling \$16,429,671. This request is approximately \$200,000 less than the FY 2009 budget we presented last year at this time.

The current year has been challenging. Declining revenue at the state level forced Governor Patrick to slash local aid in mid-year, which in turn required us to cut \$196,001 from current operations in order to avoid closing out the year with a deficit. By putting an immediate freeze on departmental expenditures, and through additional local receipts realized in particular from the ambulance operation, we believe we have been able to offset this loss. We expect to close out FY 2009 with little or no deficit to carry forward.

Since last January, the finance committee has met weekly to review departmental budgets and plan for the coming year. The FY 2010 budget we present tonight represents many hours of discussion, negotiation, and strategizing. Our initial request was for level-funded budgets based on FY 2009 figures, but it soon became clear that additional reductions would be necessary. Consequently, most departmental budgets have been reduced by 10%. The Orange Elementary and Mahar budgets have each been reduced by 5%.

This budget is a testament to the dedication and professionalism of town employees at all levels, who have been increasingly called upon to make operational and personal sacrifices in order to arrive at the figures before you. Department heads have foregone raises, and several staff layoffs have occurred. The firefighters' union agreed to a significant reduction in overtime, and other unions have also made large concessions. Two elementary school principals will likely retire from the system, but plan to continue in their current positions for just 20% of their salaries.

Despite this, we expect we will need to make further cuts in order to arrive at a balanced budget for the year. We are required to revisit the budget almost every year to make adjustments that will balance the budget, and this year is no different. We had hoped that by moving the Annual Town meeting date to June, the legislature would have resolved their budget issues by now, and we would have final cherry sheet figures. Unfortunately, this has not yet happened. At present, the state budget has not been finalized, and the cherry sheet figures for FY 10 are unknown.

The current deficit, based on best available information, stands at \$377,559. We anticipate receiving an additional \$110,000 in Chapter 70 aid to help offset this amount. We also dare to hope that the legislature will provide additional local aid. However, the police budget assumes receipt of a \$100,000 grant; if that does not come through; additional cuts will be required from that department.

We present this budget, despite knowing that it may require additional cuts, because of the uncertainty about the size of the deficit. Of the \$16.4 million budget, \$8.7 million is dedicated to schools. A further \$3.7 million is committed to fixed costs such as debt service and insurance. The remaining \$4 million is the only area where we have the ability to make further cuts: \$2.7 million in departmental salaries and wages, and \$1.3 million in departmental operating expenses.

Addressing the current deficit of \$377,559 could require an additional reduction of 10% to town departments. Clearly, additional reductions to departments that have already been severely decreased will have devastating consequences for operations, personnel, and Orange residents. Any such action will require thoughtful decisions and painful choices.

We hope you agree with our decision to defer any further cuts until the exact amounts needed to achieve a balanced budget are known. We further hope that you will support the proposed FY10 budget before you, including the cuts it contains.

Sincerely

Orange Finance Committee

FY10 Revenue Understanding - Reverse of Page 2 of Recap - 6/10/09		
FY09 Levy Limit	7,226,971.99	
Plus 2.5%	180,674.30	
Plus New Growth	75,000.00	Ricks Figure (FY09 amt \$117,690)
Plus Debt Exclusions from DE-1	(130,164.12)	
<b>SUBTOTAL</b>	<b>7,352,482.17</b>	estimated RE & PP Tax Levy - FY10
Plus Cherry Sheet Receipts	7,266,865.00	Senate Final Budget Proposal
Plus SBA Reimbursement	365,455.00	
Plus Enterprise IDC - Reimb GF	187,462.00	
Plus Fed SAFER Fringe - Reimb GF	27,688.46	
Plus Est Loc Rec Ambulance Increase w/SAFER	1,961,798.00	FY09 amt will change based on FY09 Actual Local Receipts
Plus Est Free Cash Approval - Reduce Tx Rt	75,000.00	FY09 Estimated \$420,750 (inside \$1,961,798)
Plus Overlay Surplus - To Reduce Tax Rate	-	
Plus BOH Revolving - To Fund Budget	10,000.00	
Plus Sale of Lots - To Fund Budget	5,000.00	
<b>SUBTOTAL</b>	<b>17,251,750.63</b>	estimated total revenue in
Less Cherry Sheet Charges	(474,183.00)	
Less Cherry Sheet Offsets	(417,511.00)	Senate Final Budget Proposal
Less Snow & Ice Deficit	-	Possibly Will Be a Deficit in FY09 to Raise
Less Sewer Enterprise Fund Deficit	(125,000.00)	Ricks Figure (FY09 amt \$125,618.61)
Less Overlay	(33,351.25)	FY2010 is the last year for this
Less Teacher's Deferral		
<b>SUBTOTAL</b>	<b>16,201,705.38</b>	estimated total available for appropriation thru R & A
Less Art for Police Lease - R&A	-	none in FY2010
Less Art for Fire Gear Lease - R&A	(49,185.00)	
Less Art for Town Share SAFER Grant - R&A	(90,560.00)	
Less Art for Low Vehicle Lease - R&A	(9,849.00)	
Less Art for Starry Starry Night - R&A	-	delete for FY10 per Rick
Less Art for River Rat Detail - R&A	-	delete for FY10 per Rick
Less Art for 200th Anniv Celeb - R&A	-	delete for FY10 per Rick
<b>TOTAL AVAILABLE FOR GF BUDGET/ART</b>	<b>16,052,111.38</b>	estimated balance available for GF Budget Article
	16,429,671.00	Amount Voted for FY10 GF Budget Article at 6/15/09 ATM
	(377,559.62)	Additional Amount to Reduce FY10 GF Budget at 7/30/09 STM
<i>Think About Page 2 Recap - School Debt:</i>		
Mahaar	(213,666.00)	
FH School	(35,107.20)	
<b>TOTAL</b>	<b>FY10 DEBT</b>	(248,773.20)
SBA Receipt	365,455.00	
Debt Exclusion	(130,164.12)	
<b>TOTAL</b> \$\$ NEEDED FOR SCHOOL DEBT	<b>(13,482.32)</b>	equals the amount raised in the tax rate

BUDGETS		July 1,2008-June 30, 2009	Requested by	July 1,2009-June 30, 2010	
		FY09	Departments	FY10	
<b>GENERAL GOVERNMENT:</b>					
Moderator's Salary 114		100.00	100.00	90.00	-10.00
Selectmen's Salary 122		3,000.00	3,000.00	2,700.00	-300.00
Selectmen's Expense 122		3,809.00	3,809.00	3,428.00	-381.00
Town Administrator Salary 129		70,560.00	74,969.71	70,560.00	0.00
Town Administrator Wages 129		36,024.00	37,104.72	36,024.00	0.00
Town Administrator Expense 129		14,741.00	14,741.00	10,925.00	-3,816.00
Finance Committee Expense 131		291.00	291.00	250.00	-41.00
Reserve Fund 132		21,000.00	21,000.00	10,000.00	-11,000.00
Town Accountant's Salary 135		45,681.00	47,051.43	45,681.00	0.00
Town Accountant's Wages 135		10,596.00	12,181.00	11,623.00	1,027.00
Town Accountant Expense 135		4,605.00	4,625.00	4,330.00	-275.00
Audit of Town Accounts 136		23,000.00	23,000.00	23,000.00	0.00
Board of Assessor's 141		3,000.00	3,000.00	2,700.00	-300.00
Assistant Assessor's Wages 141		30,003.00	34,498.00	33,598.00	3,595.00
Assessors Expense 141		7,914.00	11,014.00	7,405.00	-509.00
Treasurer's Salary 145		44,997.00	46,346.91	44,997.00	0.00
Treasurer's Wages 145		21,102.00	23,873.00	23,510.00	2,408.00
Treasurer Expense 145		19,024.00	19,024.00	15,507.00	-3,517.00
Collector's Salary 146		42,314.00	43,583.42	42,314.00	0.00
Collector's Wages 146		16,638.00	18,474.00	17,975.00	1,337.00
Collector's Expense 146		17,811.00	19,772.00	13,358.00	-4,453.00
Town Counsel 151		14,550.00	14,550.00	10,000.00	-4,550.00
Human Resource Board 152		242.00	242.00	0.00	-242.00
General Office Wages 159		12,261.00	12,261.00	9,338.00	-2,923.00
General Office Expense 159		39,770.00	39,770.00	35,600.00	-4,170.00
Town Clerk's Salary 161		42,314.00	43,583.42	42,314.00	0.00
Town Clerk's Wages 161		3,999.00	7,163.00	3,999.00	0.00
Town Clerk's Expense 161		3,958.00	5,131.00	4,274.00	316.00
Election & Registration 163		12,654.00	12,717.00	9,188.00	-3,466.00
Conservation Com. Expense 171		601.00	601.00	500.00	-101.00
Planning Board Expense 175		2,780.00	2,780.00	500.00	-2,280.00
Zoning Board of Appeals 176		228.00	228.00	225.00	-3.00
Town Hall Maintenance 192		46,560.00	47,546.40	47,547.00	987.00
Town Reports 195		1,550.00	1,550.00	1,550.00	0.00
Armory Maintenance 197		52,357.00	52,457.00	42,957.00	-9,400.00
<b>Total General Government</b>		670,034.00	702,038.01	627,967.00	-42,067.00
<b>PUBLIC SAFETY:</b>					
Police Chief Salary 210		84,175.00	86,700.00	84,175.00	0.00
Police Wages 210		763,961.00	819,297.00	724,951.00	-39,010.00
Police Dept Expense 212		83,003.00	86,316.00	83,856.00	853.00
Fire Chief Salary 220		75,240.00	77,485.10	75,240.00	0.00
Fire Wages 220		534,267.00	796,565.90	617,955.00	83,688.00
Fire Dept Expense 221		154,002.00	171,424.00	171,424.00	17,422.00
Emergency Management Director Salary		0.00	1,000.00	1,000.00	1,000.00
Emergency Management Director Expense		0.00	0.00	0.00	0.00
Municipal Hearing Officer		0.00	2,500.00	2,500.00	2,500.00
Building Inspector's Salary 241		60,660.00	62,479.80	60,660.00	0.00
Building Inspector's Wages 241		12,993.00	14,314.00	14,064.00	1,071.00
Building Inspectors Expense 241		3,150.00	9,930.00	4,180.00	1,030.00
Electrical Inspector's Salary 245		24,424.00	25,156.72	24,424.00	0.00
Electrical Inspector's Alt. Wages 245		300.00	600.00	300.00	0.00
Electrical Inspector's Travel Wages 245		1,720.00	1,720.00	1,720.00	0.00
Animal Inspector's Salary 249		650.00	650.00	650.00	0.00
Animal Inspector' Expense 249		25.00	25.00	25.00	0.00
Dog Control Wages 292		0.00	0.00	0.00	0.00
Dog Control Expense 292		0.00	0.00	0.00	0.00
Tree Dept Wages 295		1,080.00	1,112.40	1,080.00	0.00
Tree Dept 295		4,820.00	24,000.00	6,500.00	1,680.00
<b>Total Public Safety</b>		1,804,470.00	2,181,275.92	1,874,704.00	70,234.00

<b>BUDGETS</b>		July 1,2008-June 30, 2009	Requested by	July 1,2009-June 30, 2010	
		FY09	Departments	FY10	
<b>EDUCATION:</b>					
Orange Elementary School 310		5,481,510.00	5,615,430.00	5,334,659.00	-146,851.00
R.C.Mahar Reg. School 391		3,242,016.00	3,203,109.00	3,031,487.00	-210,529.00
Franklin Cty Tech 394		431,768.00	378,205.00	378,205.00	-53,563.00
<b>Total Education</b>		9,155,294.00	9,196,744.00	8,744,351.00	-410,943.00
<b>Public Works &amp; Facilities</b>					
Highway/Sewer/Parks Supt.Salary 420		60,660.00	62,479.80	60,660.00	0.00
Highway Wages 421		173,475.00	242,118.00	222,364.00	48,889.00
Highway Adm.Construction & Maint. 421		183,317.00	185,337.00	146,708.00	-36,609.00
Snow & Ice 423		125,032.00	125,032.00	125,032.00	0.00
Street Lights 424		34,824.00	37,280.00	37,280.00	2,456.00
Fr.Solid Waste 430		14,469.00	14,670.00	14,670.00	201.00
Fr.Solid Haz. Waste Day 430		3,000.00	3,000.00	0.00	-3,000.00
Sanitation Salary 433		42,973.00	44,262.19	42,973.00	0.00
Sanitation Wages 433		81,046.00	84,289.00	75,861.00	-5,185.00
Sanitation Expense 433		134,620.00	137,393.00	120,517.00	-14,103.00
Airport Manager's Salary 485		42,973.00	44,262.19	42,973.00	0.00
Airport Wages 487		21,003.00	30,187.00	23,083.00	2,080.00
Airport Expense 482		28,477.00	27,800.00	21,480.00	-6,997.00
Airport Aviation Gas Sales & Exp.		55,000.00	55,000.00	55,000.00	0.00
Cemetery Commissioners Salaries 490		600.00	600.00	540.00	-60.00
Cemetery Salary 491		38,449.00	39,602.47	38,449.00	0.00
Cemetery Wages 491		74,008.00	77,179.30	64,269.00	-9,739.00
Cemetery Dept. Expense 491		17,225.00	17,458.00	17,458.00	233.00
Care of Cemeteries		8,000.00	5,000.00	5,000.00	-3,000.00
<b>Total Public Works &amp; Facilities</b>		1,139,151.00	1,232,949.95	1,114,317.00	-24,834.00
<b>HUMAN SERVICES:</b>					
Board of Health Commissioners Salaries 510		600.00	600.00	540.00	-60.00
Board of Health Wages 511		50,197.00	54,199.94	52,636.00	2,439.00
Board of Health Expense		0.00	0.00	0.00	0.00
Council of Aging Wages 541		20,737.00	25,516.49	23,137.00	2,400.00
Council of Aging Expense 541		914.00	1,206.00	914.00	0.00
Veterans' Services Adm. 543		8,379.00	8,379.00	8,379.00	0.00
Veterans Benefits 544		20,000.00	50,000.00	50,000.00	30,000.00
<b>Total Human Services</b>		100,827.00	139,901.43	135,606.00	34,779.00
<b>CULTURE AND RECREATION</b>					
Library Director Salary 610		53,195.00	56,905.00	54,427.00	1,232.00
Library Wages 610		132,744.00	148,116.00	144,133.00	11,389.00
Library Expense 610		70,027.00	106,670.00	81,962.00	11,935.00
Parks Wages 650		13,060.00	13,060.00	Highway Budget	
Parks Expense 650		10,230.00	9,597.00	Highway Budget	
Historical Comm. 691		485.00	485.00	436.00	-49.00
					0.00
<b>Total Cultural and Recreation</b>		279,741.00	334,833.00	280,958.00	1,217.00

BUDGETS	July 1,2008-June 30, 2009	Requested by	July 1,2009-June 30, 2010	
	FY09	Departments	FY10	
<b>Debt Service: 710,751.8 752</b>				
Airpark Industrial Park Debt ('11)	11,700.00	11,700.00	11,700.00	0.00
New School Dept ('09,10)	143,160.00	33,120.00	33,120.00	-110,040.00
Landfill Cap & Close ('18)	60,000.00	60,000.00	60,000.00	0.00
Sewer Facilities Study ('19)	ARTICLE	ARTICLE	ARTICLE	
Comm Septic Mgmt. Program ('19)	ARTICLE	ARTICLE	ARTICLE	
Brookside Sewer Project ('08)	ARTICLE	ARTICLE	ARTICLE	
Sewer Replacement Line	ARTICLE	ARTICLE	ARTICLE	
Lake Ave. Betterments	ARTICLE	ARTICLE	ARTICLE	
Highway Garage	52,000.00	49,000.00	49,000.00	-3,000.00
Highway and Landfill Trucks	36,000.00	36,000.00	36,000.00	0.00
Long-Term Interest, New School	8,652.00	1,987.20	1,988.00	-6,664.00
Long Term Interest, All Others	39,558.00	31,964.05	31,965.00	-7,593.00
Mahar Project	221,849.00	213,666.00	213,666.00	-8,183.00
Short Term & Other Interest	26,677.00	32,588.75	32,589.00	5,912.00
<b>Total Debt Service</b>	<b>599,596.00</b>	<b>470,026.00</b>	<b>470,028.00</b>	<b>-129,568.00</b>
<b>INSURANCE AND MISCELLANEOUS:</b>				
Frank Council of Govt Assessment 830	39,198.00	37,698.00	37,698.00	-1,500.00
Franklin Cty. Retirement Assessment 911	687,182.00	714,967.00	714,967.00	27,785.00
Workers Compensation 912	48,804.00	52,000.00	53,244.00	4,440.00
Unemployment Compensation 913	25,000.00	25,000.00	25,000.00	0.00
Group Health & Life Insurance 914	1,837,486.00	2,112,138.00	2,112,138.00	274,652.00
Medicare Insurance Tax Costs 916	100,503.00	100,503.00	108,000.00	7,497.00
Police & Fire Accident 944	54,608.00	54,608.00	40,693.00	-13,915.00
General Town Insurance 945	100,909.00	100,909.00	90,000.00	-10,909.00
<b>Total Ins. &amp; Misc.</b>	<b>2,893,690.00</b>	<b>3,197,823.00</b>	<b>3,181,740.00</b>	<b>288,050.00</b>
<b>GRAND TOTALS:</b>	<b>16,642,803.00</b>	<b>17,455,591.31</b>	<b>16,429,671.00</b>	<b>-213,132.00</b>

## ARTICLE 12: (STEVE)

Motion: I move that the Town vote to transfer \$10,000.00 from the Board of Health Revolving Fund, transfer \$5,000.00 from the Receipts Reserved for Appropriation-Sale of Lots Fund and to raise and appropriate \$16,414,671.00 for the purpose of funding the town budget for fiscal year 2010, with each line in the presented budget to be considered a separate appropriation, with subtotals as follows:

General Government	627,967.00
Public Safety	1,874,704.00
Orange Elementary Schools	5,334,659.00
Ralph C. Mahar Regional School Assessment	3,031,487.00
Franklin Cty. Tech. School Assessment	378,205.00
Public Works & Facilities	1,114,317.00
Human Services	135,606.00
Culture and Recreation	280,958.00
Debt Service	470,028.00
Insurance and Miscellaneous	<u>3,181,740.00</u>
<b>GRAND TOTAL</b>	<b>16,429,671.00</b>

## ARTICLE 13: FIRE DEPARTMENT LEASE PAYMENT

To see if the Town will vote to raise and appropriate \$49,185.00 for the 2nd payment of a 7-year lease-purchase agreement for Fire Department Turnout Gear & Breathing Apparatus previously authorized under Article 34 of the May 2007 Annual Town Meeting, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 13: (BOB)

Motion: I move that the Town vote to raise and appropriate \$49,185.00 for the 2nd payment of a 7-year lease-purchase agreement for Fire Department Turnout Gear & Breathing Apparatus previously authorized under Article 34 of the May 2007 Annual Town Meeting.

## ARTICLE 14: FIRE DEPARTMENT SAFER GRANT

To see if the Town will vote to raise and appropriate \$90,560.00 for the Town's FY10 matching portion of the FY2007 Federal Staffing for Adequate Fire and Emergency Response (SAFER) grant previously authorized under Article 7 of the April 2009 Special Town Meeting, or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 14: (RICHARD)

Motion: I move that the Town vote to raise and appropriate \$90,560.00 for the Town's FY10 matching portion of the FY2007 Federal Staffing for Adequate Fire and Emergency Response (SAFER) grant previously authorized under Article 7 of the April 2009 Special Town Meeting.

## ARTICLE 15: VEHICLE PURCHASE – HIGHWAY

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 5 year lease- purchase agreement, for a 2009 Ford F350, and payments not to exceed \$ 9,849.00 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** and (c) to see if the Town will vote to **raise and appropriate the FY10 payment of \$9,849.00**, or take any action relative thereto or thereon.

### ARTICLE 15: (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 5 year lease- purchase agreement, for a 2009 Ford F350, and payments not to exceed \$ 9,849.00 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** and (c) to see if the Town will vote to **raise and appropriate the FY10 payment of \$9,849.00**.

(Recommended by Finance Committee)

(Recommended Capital Improvement Planning Committee)

## ARTICLE 16: VEHICLE PURCHASE – DOG OFFICER

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 5 year lease- purchase agreement, for a 2009 Ford E250 Van to be used by the Dog Officer, and payments not to exceed \$ 4,310.00 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** and (c) that **Lease payments will be paid from the Dog Officer Revolving Fund**, or take any action relative thereto or thereon.

(Recommended by Finance Committee)

### ARTICLE 16: (BOB)

**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 5 year lease- purchase agreement, for a 2009 Ford E250 Van to be used by the Dog Officer, and payments not to exceed \$ 4,310.00 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** and (c) that **Lease payments will be paid from the Dog Officer Revolving Fund**.

(Recommended Capital Improvement Planning Committee)

## ARTICLE 17: AIRPORT REVOLVING FUND TRANSFERS

To see if the Town will vote to transfer the following sums of money as listed below, or take any other action relative thereto or thereon:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$ 345.54	Airport Local Match Purch Ease/Land Acquisition	Airport Revol. Fund
\$ 14.62	Airport Local Match Layout Plan Update	Airport Revol. Fund

(Recommended by Finance Committee)

## ARTICLE 17: (RICHARD)

Motion: I move that the Town vote to transfer the following sums of money as listed below

<u>Amount</u>	<u>From</u>	<u>To</u>
\$ 345.54	Airport Local Match Purch Ease/Land Acquisition	Airport Revol. Fund
\$ 14.62	Airport Local Match Layout Plan Update	Airport Revol. Fund

## ARTICLE 18: AIRPORT TRANSFER OBSTRUCTION REMOVAL PROJECT

To see if the Town will vote to transfer and appropriate the sum of \$25,400.00 from the Airport Revolving Fund Account to pay the Town's portion of a \$918,000.00 Federal and State grant for the Phase Two Airport Approach Obstruction Removal Project, or take any action relative thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 18: (STEVE)

Motion: I move that the Town vote to transfer and appropriate the sum of \$25,400.00 from the Airport Revolving Fund Account to pay the Town's portion of a \$918,000.00 Federal and State grant for the Phase Two Airport Approach Obstruction Removal Project.

## ARTICLE 19: 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 FY2010, or take any other action relative thereto or thereon:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$6,414.48	MWPAT Title V Septic Betterments	Long-Term Debt Principal-Comm Septic Mgmt Prog.

(Recommended by Finance Committee)

## ARTICLE 19: (BOB)

Motion: I move that the Town vote to transfer the following amounts from betterment collections for the purpose of long term debt payments due in FY2010,

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$6,414.48	MWPAT Title V Septic Betterments	Long-Term Debt Principal-Comm Septic Mgmt Prog.

## ARTICLE 20: ENERGY SAVINGS PERFORMANCE AGREEMENT TOWN BUILDING

To see if the Town will vote to authorize the Selectmen to enter into a financing agreement for a term of more than three years, and a related escrow account agreement, for the purpose of funding energy management services for Orange Elementary Schools and Orange Town Buildings, or take any action in relation thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 20: (RICHARD)

Motion: I move that the Town vote to authorize the Selectmen to enter into a financing agreement for a term of more than three years, and a related escrow account agreement, for the purpose of funding energy management services for Orange Elementary Schools and Orange Town Buildings.

## ARTICLE 21: ENERGY SAVINGS PERFORMANCE CONTRACT

To see if the Town will vote to appropriate up to \$2,000,000.00 for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Orange Elementary Schools and Orange Town Buildings, under which the funds to pay for these items will ultimately come from savings derived from energy conservation measures, for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies and to determine whether this appropriation shall be raised by borrowing or otherwise, in accordance with M.G.L. c.44, s.7 (3B), or take any other action relative thereto or thereon.

(Recommended by Finance Committee)

## ARTICLE 21: (STEVE)

Motion: I move that the Town vote to appropriate up to \$2,000,000.00 for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Orange Elementary Schools and Orange Town Buildings, under which the funds to pay for these items will ultimately come from savings derived from energy conservation measures, for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow in accordance with MGL c44, s.7 (3B) and MGL c25a, s.11 I

(Recommended by Finance Committee)

## ARTICLE 22: ENERGY SAVINGS PERFORMANCE CONTRACT

To see if the Town will vote to authorize the Selectmen to enter into an Energy Savings Performance Contract with Siemens Building Technologies for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Orange Elementary Schools and Orange Town Buildings, under which the funds to pay for these items will ultimately come from savings derived from energy conservation measures for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies, or take any action in relation thereto.

## ARTICLE 22: (BOB)

Motion: I move that the Town vote to authorize the Selectmen to enter into an Energy Savings Performance Contract with Siemens Building Technologies for the purchase of infrastructure improvements including but not limited to heating and ventilation, lighting and controls, energy management systems, insulation, equipment, materials and supplies for the Orange Elementary Schools and Orange Town Buildings, under which the funds to pay for these items will ultimately come from savings derived from energy conservation measures for a period of up to a twenty (20) year Energy Savings Performance Contract between the Town and Siemens Building Technologies.

(Recommended by Finance Committee)

## ARTICLE 23: MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST LOAN

To see if the Town will vote to appropriate a sum of money for the cost of engineering services relating to the development of a Wastewater Management Plan; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, and to take any other action relative thereto.

(Recommended by Finance Committee)

## ARTICLE 23: (RICHARD)

Motion: I move that the Town vote to appropriate \$350,000.00 for the purpose of financing the cost of engineering services relating to the development of a Wastewater Management Plan, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$350,000 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

(Recommended Capital Improvement Planning Committee)

## ARTICLE 24: AIRPORT EASEMENT AUTHORIZATION

To see if the Town will vote to authorize the Board of Selectmen and the Airport Commissioners to grant an easement for and on behalf of the Town, to National Grid to locate a Duct Bank, including necessary sustaining and protecting fixtures starting at Pole 7, approximately 1780 feet South of the centerline of the intersection of East River Street and continuing 155 feet in a Southwesterly direction to Pull Box 8, install 155 feet of duct bank on Shingle Brook Road, or take any other action relative thereto or thereon.

## ARTICLE 24: (STEVE)

Motion: I move that the Town vote to authorize the Board of Selectmen and the Airport Commissioners to grant an easement for and on behalf of the Town, to National Grid to locate a Duct Bank, including necessary sustaining and protecting fixtures starting at Pole 7, approximately 1780 feet South of the centerline of the intersection of East River Street and continuing 155 feet in a Southwesterly direction to Pull Box 8, install 155 feet of duct bank on Shingle Brook Road.

## **ARTICLE 25: AMENDED ORANGE ECONOMIC OPPORTUNITY AREA**

To see if the Town will vote to amend Article 38 ATM May 1, 1995 the designation as an “Economic Opportunity Area”(EOA) the area, known as the Save Orange Economic Opportunity Area, more particularly described in the EOA amended and new application, 50 South Main Street Orange MA 01364 and that the Town authorize the Board of Selectmen to offer, subject to Town Meeting approval, the granting of Special Tax Assessments or Tax Increment Financing for a qualified economic development project under taken within the Economic Opportunity Area, or take any other action relative thereto or thereon.

### **ARTICLE 25: (BOB)**

**Motion:** **I move that the Town vote to amend Article 38 ATM May 1, 1995 the designation as an “Economic Opportunity Area”(EOA) the area, known as the Save Orange Economic Opportunity Area, more particularly described in the EOA amended and new application, 50 South Main Street Orange MA 01364 and that the Town authorize the Board of Selectmen to offer, subject to Town Meeting approval, the granting of Special Tax Assessments or Tax Increment Financing for a qualified economic development project under taken within the Economic Opportunity Area.**

## **ARTICLE 26: TAX INCREMENT FINANCING AGREEMENT MICHAEL HUMPHRIES WOODWORKING INC.,ORANGE BLOSSOM LLC.**

To see if the Town will vote to approve the Project Certification Application and Tax Increment Financing submitted by MICHAEL HUMPHRIES INC., located at 77 White Road, Warwick MA 01378 with property located at 50 South Main Street, Orange, MA 01364 for a wood shop specializing in millwork within the Save Orange Economic Opportunity Area, as negotiated with the Board of Selectmen at their meeting on May 13, 2009, or take any other action relative thereto or thereon.

**(Recommended by Finance Committee)**

### **ARTICLE 26: (RICHARD)**

**Motion:** **I move that the Town vote to approve the Project Certification Application and Tax Increment Financing submitted by MICHAEL HUMPHRIES INC., located at 77 White Road, Warwick MA 01378 with property located at 50 South Main Street, Orange, MA 01364 for a wood shop specializing in millwork within the Save Orange Economic Opportunity Area, as negotiated with the Board of Selectmen at their meeting on May 13, 2009.**

## **ARTICLE 27: ADOPT SECT. 69 OF MGL CH. 152 WORKERS COMPENSATION**

To see if the Town will vote to adopt Section 69 of Chapter 152 workers compensation, to have the Board of Selectmen act to designate the positions of full time elected officials as eligible for workers compensation, or take any other action relative thereto or thereon.

**(Recommended by Finance Committee)**

### **ARTICLE 27: (STEVE)**

**Motion:** **I move that the Town vote to adopt Section 69 of Chapter 152 workers compensation, to have the Board of Selectmen act to designate the positions of full time elected officials as eligible for workers compensation.**

## **ARTICLE 28: MEAL TAX AND HOTEL / MOTEL TAX**

To see if the Town will vote to accept the state law to increase local meal and local hotel/motel tax by 2% on meal tax and 6% on hotel/motel tax, or take any other action relative thereto or thereon.

### **ARTICLE 28: (BOB)**

**Motion:** I move that the Town vote to pass over Article 28

## **ARTICLE 29: PUBLIC CONSUMPTION OF MARIHUANA OR TETRAHYDROCANNABINOL**

To see if the Town will vote to approve Public Consumption of Marihuana or Tetrahydrocannabinol by-law as described below and further that nonsubstantive changes to the numbering of the bylaw be permitted in order that it be in compliance with the numbering format of the Code of Orange, or take any other action relative thereto or thereon.

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

### **ARTICLE 29: (RICHARD)**

**Motion:** I move that the Town vote to accept Article 29 as printed.

## **ARTICLE 30: PROTECTING AND PRESERVING THE NEIGHBORHOODS OF THE TOWN OF ORANGE AGAINST HAZARDOUS BLIGHTING AND DETERIORATING INFLUENCE**

To see if the Town will vote to approve Protecting and Preserving the Neighborhoods of the Town of Orange against Hazardous Blighting and Deteriorating Influence by-law as described below and further that nonsubstantive changes to the numbering of the bylaw be permitted in order that it be in compliance with the numbering format of the Code of Orange, or take any other action relative thereto or thereon.

### **PART I: PROPERTY MAINTENANCE**

#### **1. Purpose and scope.**

A. Purpose. The purpose of this article is to promote the public health, safety, and welfare of the citizens of the Town of Orange by protecting and preserving the neighborhoods of the Town against hazardous, blighting and deteriorating influences or other such substandard conditions by

establishing standards of minimum maintenance for the exterior of all vacant or foreclosing property.

B. Scope. This article shall apply to the exterior maintenance of all vacant and foreclosing property within the Town of Orange, except where such buildings and structures are otherwise specifically provided for by other applicable Town rules and regulations. The provisions of this article shall control all matter of exterior standards for foreclosed building and structures whether vacant or occupied, and all parts thereof.

## **2. Definitions.**

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

**BUILDING** A structure enclosed with exterior walls or fire walls, built, erected and framed of any materials or any combination thereof; whether portable or fixed, and having a roof, to form a structure for the shelter of persons, animals, or property. For the purpose of this definition, "roof" shall include an awning or similar covering, whether or not permanent in nature. The word "building" shall be construed where the context requires as though followed by the words "or part or parts thereof."

**OWNER** Every person, alone or severally with others, who:

- A. Has legal title to any building or parcel of land, vacant or otherwise;
- B. Has care, charge or control of any building or parcel of land, vacant or otherwise, in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- C. Is a mortgagee in possession of any such property; or
- D. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

## **3. Minimum standards established.**

The exterior of all buildings and structures within the Town of Orange shall comply with the following standards of minimum maintenance:

A. Foundations. All foundations shall be free of holes and breaks and shall safely support the structure at all points. All foundation walls shall be kept in good, safe, sound condition and free of holes, and breaks.

B. Exterior walls. All exterior walls and trim shall be free of holes, breaks, loose or rotting boards or timbers, or paint that is deteriorated, as indicated by peeling, flaking, cracking, blistering or mildew, resulting in exposed, bare, unprotected surfaces and other conditions which might admit rain or dampness to interior portions of the walls or to the occupied spaces of the building. The exterior surface siding shall be maintained weatherproof and shall be surface coated to prevent deterioration. All exterior walls and trim shall be kept painted, treated, sided or otherwise maintained as to be substantially weatherproof and neat in appearance.

C. Roofs. The roof shall be structurally sound, weather tight and have no defects which might admit rainwater. Water from roofs shall be conveyed so as to prevent wet floors, walls or ceilings or a nuisance to adjacent buildings or overflowing on abutting properties.

D. Chimneys, flues, cleanout and vents. All chimneys and similar appurtenances or attachments shall be maintained structurally sound, in good repair and safe to use.

E. Porches, stairs and handrails. Every exterior stair, porch, balcony and all appurtenances attached thereto shall be structurally sound and no part thereof shall show excessive wear or be broken, cracked, or loose. Carpeting or other covering on stairs and porches shall be maintained in a safe condition. Guardrails shall be firmly fastened and maintained in good condition, and new or replacement guardrails shall comply with the provisions of the Building Code.

F. Doors and doorways. Every exterior door frame shall have a door and this door shall be weather tight within its frame. Every exterior door, door hinge, doorknob and door latch shall be maintained in good usable condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door. All entrance doors of each dwelling unit shall be equipped with functioning locking devices.

G. Bulkheads. Every bulkhead and exit way shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

H. Windows. Every window sash and skylight shall be structurally sound and fit within its frame and be weather tight, so as to prevent the passage through it of rain, snow, wind or other outside elements. Every window sash shall be fully fitted with glass, plexiglass or polycarbonate panes which are without cracks or holes. Every window other than a fixed window shall be capable of being held in the open position and locked in the closed position by window hardware.

I. Screens and storm windows. Every window with openings to outdoor space required for ventilation in habitable rooms shall be supplied with insect screens and storm windows which shall be maintained in good repair. This subsection shall not apply to owner-occupied dwelling units.

J. Fences. All fences on the premises shall be safe, structurally sound and uniform or compatible in color and structure. Fences shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to, leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of paint or rotting or damaged materials.

#### **4. Violations and penalties.**

Any person/owner who violates any provision of this article shall be subject to a fine of \$100 for each offense and may be penalized by a noncriminal disposition as provided for under MGL c. 40, § 21D. Each day's failure to comply with an order shall constitute a separate violation.

#### **5. Enforcement of other regulations.**

Nothing herein shall prevent the Town of Orange from enforcing other applicable sections of the Code or other applicable sections of Massachusetts General Laws, including but not limited to MGL c. 111 (abatement of a nuisance by the Town) and c. 139 (recovery of abatement costs).

## **PART II: VACANT AND FORECLOSING PROPERTY**

### **1. Purpose.**

A. It is the intent of this article to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by:

(1) Requiring all residential, commercial, and industrial property owners, including lenders, trustees, and service companies, to properly maintain vacant and/or foreclosing properties; and

(2) Regulating the maintenance of vacant and/or foreclosing residential, commercial, and industrial properties to prevent blighted and unsecured properties.

B. The Inspector of Building/ Building Commissioner, pursuant to MGL c. 143, § 3, the State Building Code, is hereby designated as the enforcement authority.

### **2. Definitions.**

When used in this article, unless a contrary intention clearly appears, the following terms shall have the following meanings:

**TOWN**

Town of Orange.

**INSPECTOR**

Inspector of Building/ Building Commissioner.

**DAYS**

Consecutive calendar days.

**FORECLOSING**

The process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

**INITIATION OF THE FORECLOSURE PROCESS**

Taking any of the following actions:

A. Taking possession of a residential, commercial, or industrial property pursuant to MGL c. 244, § 1;

B. Delivering the mortgagee's notice of intention to foreclose to the borrower pursuant to MGL c. 244, § 17B; or

C. Commencing a foreclosure action on a property in either the Land Court or Franklin County Court.

**LOCAL**

Within 20 driving miles of the property in question.

## **MORTGAGEE**

The creditor, including but not limited to service companies, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests, or obligations under the mortgage agreement.

## **OWNER**

Every person, entity, service company, property manager or real estate broker who alone or severally with others has legal or equitable title to any property or has care, charge or control of any property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or is a mortgagee in possession of any such property; or is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he/she were the owner. However, this article shall not apply to a condominium association created pursuant to MGL c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association. "Owner" also means every person who operates a rooming house or is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

## **PROPERTY**

Any real residential, commercial, or industrial property, or portion thereof, located in the Town of Orange, including buildings or structures situated on the property. For purposes of this article, "property" does not include property owned or subject to the control of the Town or any of its governmental bodies.

## **SECURING**

Measures that assist in making the property inaccessible to unauthorized persons or animals.

## **VACANT**

Any property not currently legally occupied.

## **3. Registration of property; notice of foreclosure.**

A. All owners shall register vacant and/or foreclosing residential, commercial, or industrial properties with the Inspector of Building/ Building Commissioner on forms provided by the Inspector. All registrations must state the owner's or agent's phone number and mailing address. This registration must also certify that the property was inspected by the owner or agent and identify whether the property is vacant at the time of filing. If the property is vacant, the owner or agent shall designate and retain a local individual or local property management company responsible for securing and maintaining the property. This designation shall state the individual's or company's name, phone number, and local mailing address. If the property is in the process of foreclosure, then the registration shall be filed within seven days of the initiation of the foreclosure process as defined in § 227-8 above. If the Inspector determines that the property is vacant and that foreclosure proceedings have not been initiated, the registration must be received within 14 days of the Inspector's first citation for improper maintenance.

B. All property registrations are valid for one calendar year. An annual registration fee of \$50 shall accompany the registration form. Subsequent annual registrations and fees are due at least 30 days prior to the expiration of the previous registration and must certify whether the foreclosing and/or foreclosed property remains vacant.

C. Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Inspector of Building/ Building Commissioner.

#### **4. Maintenance requirements.**

A. Properties subject to this article shall be maintained in accordance with the relevant sanitary codes, building codes, and local regulations concerning external and/or visible maintenance. The owner, local individual or local property management company shall inspect and maintain the property on a monthly basis for the duration of the vacancy.

B. The name and twenty-four-hour contact phone number of the local individual or property management company responsible for maintenance shall be affixed to the property. This sign shall be posted on the front of the property so it is clearly visible from the street.

C. Adherence to this article does not relieve the owner of any applicable obligations set forth in Town by-laws or regulations, covenant conditions and restrictions, and/or homeowners' association rules and regulations.

#### **5. Inspections.**

The Inspector or designee shall have the authority and the duty to inspect properties subject to this article for compliance and to issue citations for any violations. The Inspector or designee shall have the discretion to determine when and how such inspections are to be made, provided that such policies are reasonably calculated to ensure that this article is enforced.

#### **6. Violations and penalties.**

A. Failure to register with the Inspector shall be considered a violation of this article and is punishable by a fine of up to \$100. Each week that such violation continues shall be considered a separate offense.

B. Failure to identify the local individual or local property management company shall be considered a violation of this article and is punishable by a fine of up to \$100. Each week that such violation continues shall be considered a separate offense.

C. Failure to maintain the property shall be considered a violation of this article and is punishable by a fine of up to \$100. Each week that such violation continues shall be considered a separate offense. Any expenses incurred by the Town of Orange relative to securing or maintaining property shall be recoverable by placing a lien on the property.

## **7. Appeal.**

Any person aggrieved by the requirements of this article may seek an administrative appeal by making written application to the Town Administrator. The Town Administrator may designate a hearing officer to hear appeals pursuant to this article. Any person aggrieved by a final decision issued under this article by the Town Administrator may seek relief in any court of competent jurisdiction as provided by the laws of the commonwealth.

## **8. Applicability.**

If any provision of this article imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, bylaw, order, or policy then the provisions of this article control.

## **9. Regulatory authority.**

The Inspector of Building/ Building Commissioner has the authority to promulgate rules and regulations necessary to implement and enforce this article.

## **10. Implementation.**

The provisions of this article are effective immediately upon passage and all provisions shall be enforced immediately, but no monetary fine shall be imposed pursuant hereto until 90 days after passage.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof. Nothing in the By-Law shall preclude the Board of Selectmen, or any other Town Commission, Committee, or Board from establishing conditions that are more stringent than the existing By-Law.

## **ARTICLE 30: (STEVE)**

**Motion:** I move that the Town vote to accept Article 30 as printed.

## **ARTICLE 31: QUALITY OF LIFE BY-LAW (PETITION)**

To see if the Town will vote to approve the Quality of Life by-law as described below and further that nonsubstantive changes to the numbering of the bylaw be permitted in order that it be in compliance with the numbering format of the Code of Orange, or take any other action relative thereto or thereon.

### **PURPOSE:**

The purpose of this By-law is to protect the public health, safety and welfare of the citizens of Orange by establishing minimum standards governing maintenance, appearance, condition and occupancy of residential and nonresidential premises, to avoid, prevent and eliminate maintenance or creation, continuation, extension or aggravation of blight, to prevent and eliminate physical conditions in or on property which constitute nuisances and are potentially dangerous or hazardous to the life, health, or safety of persons on or near the premises where such conditions exist; to establish minimum standards governing the maintenance and condition of land, buildings,

structures and premises in the Town; to fix responsibility and duties upon owners, lessees, operators and occupants of property, and to provide enforcement administration and fix penalties.

## **DEFINITIONS:**

The following terms, wherever used herein, shall have the respective meanings assigned them unless a different meaning clearly appears from the context:

**ACCESSORY STRUCTURE:** A building or use that is on the same lot as, subordinate to, under the same ownership or control as and used for the purpose customarily incident to the use of the main structure.

**EXPOSED TO PUBLIC VIEW:** Any premises or any part of any premises, which may be lawfully viewed by the public, or any member thereof.

**EXTERIOR OF THE PREMISES:** Those portions of a building, which are exposed to public view or are visible from adjoining or adjacent lots and the open space of any premises outside of any building erected thereon.

**EXTERMINATION:** The control and elimination of insects, rodents and vermin.

**FRONT YARD:** A space across the full width of the lot and extending from front line of the building located on such lot to the front line of such lot. (In accordance with Section 10, Definitions, Town of Orange, Zoning By-laws)

**GARBAGE:** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; wastes from handling, storage and sale of produce.

**INFESTATION:** The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

## **NUISANCE:**

- a. Any physical condition existing in or on the exterior of any premises, which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of the premises where such condition exists;
- b. Any physical condition, use or occupancy of any premises or its appurtenances considered an attraction to children, including abandoned wells, shafts, basements, excavations and unsafe fences or structures;
- c. Any premises which are capable of being a fire hazard or are unsafe or unsecured as to endanger life, limb or property;
- d. Any premises which are unsanitary or which are littered with rubbish or garbage or which have an uncontrolled growth of weeds, shrubs, trees or other vegetation injurious to the health and safety of persons at, adjacent to, adjoining or passing by the premises; or

e. Any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction, overcrowded, vacant or abandoned, damaged by fire to the extent as to become uninhabitable, in danger of collapse or failure and is dangerous to anyone on or near the premises.

**OCCUPANT:** Any person residing, living or sleeping in or on the premises or having actual possession or use of the premises or any part thereof, whether or not the owner thereof, and regardless of the duration of time of such possession or use.

**OPERATOR:** Any person, persons or entity who is not the owner, who has charge, care or control of a premises or part thereof, with or without the knowledge, consent or authority of the owner.

**OWNER:** Any person who, alone or jointly or severally with others, has legal or equitable title to any premise, with or without accompanying actual possession thereof; or shall have charge, care or control of any dwelling or dwelling unit as owner, or agent of the owner, or as fiduciary, including executors, administrators, trustees, receivers, guardians or mortgagees in possession, regardless of how such possession was obtained.

**PREMISES:** A lot, plot or parcel of land, including the buildings or structures thereon.

**REASONABLE TIME:** The time allotted by applicable Massachusetts General Laws or CMR's, or that time that a reasonable person would expect to need to commence and/or abate a violation.

**REFUSE OR RUBBISH:** Any worthless material, something discarded as refuse, or garbage.

**STRUCTURE:** Anything that is built or constructed and affixed on or under the ground or upon another structure or building.

## **RESPONSIBILITIES OF OWNERS AND OCCUPANTS:**

### **A. Owner's responsibilities:**

1. An owner shall comply with the requirements of this By-law, and to the extent required by state law, including building, housing and sanitary codes, shall take the following specific measures:

- a. Make all repairs to put and keep the premises in a fit and habitable condition;
- b. Keep all common areas of the premises in a clean and safe condition;
- c. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating and other facilities and appliances and elevators, supplied or required to be supplied by him;
- d. The owner of any real estate in the Town, which abuts on any public or private way within the Town where there is a tree belt, shall keep said tree belt mowed and free and clean of all litter, debris, noxious woods and brush, and shall maintain the same in a clean and sanitary manner.

**B. Occupant's responsibilities:**

- a. Comply with all obligations primarily imposed upon occupants by applicable provisions of any state law, building, fire, housing and sanitary code.
- b. Keep such part of the premises that he/she occupies and uses as clean and safe as the condition of the premises permit;
- c. Remove from the dwelling unit all ashes, garbage, rubbish and other waste in a clean and safe manner to the place provided by the owner;
- d. Keep all plumbing fixtures and appliances in the dwelling unit or used by the occupant as clean as the condition of such fixture or appliance permits;
- e. Not to destroy, deface, damage, impair, or remove any part of the premises or permit any other person to do so.

**MAINTENANCE STANDARDS:**

The conditions for maintenance of the exterior property shall be the minimum conditions and no person or entity shall occupy as an owner occupant or let to another for occupancy or use premises, which do not comply with the following:

- A. Exterior of the premises shall be kept structurally sound, in good general repair and sufficiently maintained to an extent so as to prevent and avoid conditions that violate the purpose of this By-Law.
- B. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition, so as not to cause a blighting problem or adversely affect the public health and safety.
- C. All exterior property areas and premises shall be maintained in a clean, safe, and sanitary condition, free from any accumulation of garbage, refuse or rubbish.
- D. Operators and occupants of every commercial and industrial establishment shall provide and at all times cause to be used leak proof containers with close-fitting covers for the storage of garbage, refuse or rubbish.
- E. All privately owned steps, driveways and similar paved areas for use shall be kept in good repair and the owner shall repair.
- F. All areas shall be kept free from weeds or plant growth, which is dangerous or detrimental to the public health and safety.
- G. All accessory structures, including detached garages, fences and walls shall be maintained structurally sound.
- H. The exterior of all premises shall be kept free of the following materials and conditions:
  1. Abandoned, uncovered or structurally unsound wells, shafts, towers, cellar openings, basement hatchways, foundations or excavation.
  2. Animal excrement.

3. Dangerously loose and overhanging objects, including but not limited to dead trees or tree limbs, accumulation of ice or any object which could threaten the health and safety of persons if caused to fall or other similarly dangerous objects which by reason of their location above ground level constitute an actual hazard to persons or vehicles in the vicinity thereof.
4. Garbage or refuse.

#### **ENFORCEMENT:**

The enforcement agents shall be the Building Commissioner/Inspector and/or Zoning Enforcement Officer, Board of Health, Police Officers and/or any other official/officer so designated by the Board of Selectmen.

#### **INVESTIGATION/REPORT/REMEDIAL ACTION:**

Upon written and/or verbal complaint, identified or anonymous, the Board of Selectmen or its designee shall have any condition inspected, which may constitute a nuisance or violation of this By-law. The Board of Selectmen or its designee shall assign the investigation to the Town official/officer who, in their judgment, is the most appropriate investigating authority. If, in the opinion of the investigating official/officer such a condition exists, a report of the condition and remedial action shall be submitted to the Board of Selectmen or its designee. If the condition constitutes a nuisance and/or violation of this By-law, the Board of Selectmen or its designee shall determine what action shall be taken and notify the owner or occupant in writing to the nuisance. This By-Law is not intended to supercede any other By-Laws, Rules or regulations in place. Such action shall not be limited to removal of the nuisance at the owner expense within such time as may be determined by the Board of Selectmen or its designee.

#### **PENALTY:**

Violation of this By-law shall be subject to non-criminal disposition pursuant to the provisions of Massachusetts General Laws chapter 40, section 21D. The enforcing person may give to the offender a written notice to appear before the clerk of the district court pursuant to chapter 40 section 21D. Said notice shall only be written after the offender has had reasonable time to commence and/or complete the abatement of the violation. The penalty shall be set at \$50.00 for violation of this By-law, and each day a violation continues to exist may be cited as a separate violation.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof. Nothing in the By-Law shall preclude the Board of Selectmen, or any other Town Commission, Committee, or Board from establishing conditions that are more stringent than the existing By-Law.

#### **ARTICLE 31:**

##### **Motion:**