

**ANNUAL TOWN MEETING  
FISCAL YEAR 2024**

**TUESDAY, JUNE 20, 2023 AT 7:00 P.M.**

**FRANKLIN, SS:**

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

**GREETING:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote on Town affairs, to meet at Ruth B. Smith Auditorium, located at 6 Prospect Street, in said Orange on Tuesday, the Twentieth day of June 2023, at seven in the evening, then and there to act on the following articles:

The amount of available "Free Cash" for the General Fund, certified by the Director of Accounts is \$1,259,679.00

The amount of "Retained Earnings" for the Water Enterprise Fund, certified by the Director of Accounts is \$326,283.00

The amount of "Retained Earnings" for the Sewer Enterprise Fund, certified by the Director of Accounts is \$695,234.00

**ARTICLE 1: TOWN REPORT**

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

**ARTICLE 2: SPENDING LIMITS**

To see if the Town will vote to approve annual spending limits for revolving funds established in the Town Bylaws, in accordance with M.G.L. c.44, s.53E1/2, for the fiscal year beginning July 1, 2023:

<b>Revolving Fund</b>	<b>FY24 Spending Limit</b>
Hazardous Spill	\$ 20,000
Gas Inspector	\$ 15,000
Plumbing Inspector	\$ 25,000
Excavation and Trench Permit	\$ 5,000
Airport Fuel	\$250,000
Sealer of Weights and Measures	\$ 15,000
Board of Health	\$ 30,000
Landfill & Recycling	\$ 30,000
Landfill & Recycling	\$ 30,000
Dog Fund	\$ 50,000
Planning Board	\$ 25,000
Council on Aging	\$ 6,000
Conservation Commission	\$ 10,000
Police Details	\$ 20,000

or take any other action relative thereto.

### **ARTICLE 3: BALANCE AGREEMENTS**

To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements with the approval of the Board of Selectmen during Fiscal 2024 as permitted by M.G.L. c44, §53F; or take any other action relative thereto.

### **ARTICLE 4: 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, 2023 in accordance with the M.G.L. c44, §4; or take any other action relative thereto.

### **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 Town appropriation; or take any other action relative thereto.

### **ARTICLE 6: SALE OF SURPLUS PERSONAL PROPERTY AND REAL ESTATE**

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

### **ARTICLE 7: TRANSFER FROM TRANSFER STATION WINDOW STICKER REVENUE**

To see if the Town will vote to transfer and appropriate the sum of \$6,000.00 from the Transfer Station Window Sticker Revenue Account to the Landfill Monitoring/Maintenance account in accordance with M.G.L. c.44 §28C (f) to pay for expenditures of the cost of maintenance of inactive landfill or other solid waste facilities; or take any other action relative thereto.

### **ARTICLE 8: TRANSFER FROM TRANSFER STATION WINDOW STICKER REVENUE**

To see if the Town will vote to transfer and appropriate the sum of \$ 5,500.00 from the transfer Station Window Sticker Revenue Account to Sanitation part time Wages Account in accordance With M.G.L.c.44 s28C [f] to pay for expenditures of the cost of maintenance of existing inactive Landfill or other solid waste facilities; or take any other action relative thereto.

### **ARTICLE 9: WATER ENTERPRISE BUDGET**

To see if the Town will vote to appropriate the sum of \$984,504.00 for the Water Enterprise Fund beginning July 1, 2023 in accordance with the provisions of M.G.L. c.44, §53F ½, amount to be funded from the following sources; or to take any action relative thereto.

User Charges	\$942,173
Water Liens	\$23,503

Other Departmental Revenue	\$2,463
Investment Income	\$4,365
Development Charges	\$12,000
Retained Earnings	\$0
<b>Total Revenues</b>	<b>\$984,504</b>

To be expended as follows:

Direct	
Salaries & Wages	\$363,200
Expenses	\$403,200
Equipment	\$37,500
Capital Outlay	\$30,000
<u>Emergency Reserve</u>	<u>\$15,000</u>
<b>Subtotal</b>	<b>\$848,900</b>
Indirect	
Retirement	\$47,781
Workers Compensation	\$8,800
Medicare	\$3,276
Health Insurance	\$51,915
Dental	\$2,372
Life	\$62
Liability Insurance	\$3,330
Collecting Dept.	\$5,253
Accountant/Treasurer Dept.	\$12,815
<b>Subtotal</b>	<b>\$135,604</b>
<b>Total Expenses</b>	<b>\$984,504</b>

#### **ARTICLE 10: WWTP/SEWER ENTERPRISE BUDGET**

To see if the Town will vote to appropriate the sum of \$1,987,601.00 for the WWTP/Sewer Enterprise Fund for fiscal year beginning July 1, 2023, in accordance with the provisions of M.G.L. c.44, §53F½, amount to be funded from the following sources; or to take any other action relative thereto.

	<b>FY24</b>
User Fees	1,380,621.00
Connection Fees	200.00
Sewer Liens & Fees	40,000.00
Retained Earnings	566,780.00
<b>TOTAL REVENUES</b>	<b>1,987,601.00</b>

**EXPENSES**

	<b>Direct Costs</b>
Salaries & Wages	393,161.00
Expenses	378,605.00
Capital Outlay	337,655.00
Debt & Interest	725,886.00
Emergency Reserve	10,000.00
<b>Subtotal</b>	<b>1,845,307.00</b>
	<b>Indirect Costs</b>
<b>Subtotal</b>	<b>142,294.00</b>
<b>TOTAL BUDGET</b>	<b>1,987,601.00</b>

**ARTICLE 11: ELECTED OFFICERS COMPENSATION**

To see if the Town will vote to fix the compensation of all elected officers of the town as provided by M.G.L. c.41, §108 effective July 1, 2023, as contained in the budget; or take any other action relative thereto.

**ARTICLE 12: TOWN BUDGET FISCAL YEAR 2024**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide such sums of money as may be necessary to defray the expenses of the fiscal year beginning July 1, 2023; or take any other action relative thereto. (OMNIBUS BUDGET)

**ARTICLE 13: TRANSFER FROM AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION**

To see if the Town will vote to transfer and appropriate from the Ambulance Receipts Reserved for Appropriation Account the sum of \$60,495.00 for the 4th payment for the Fire Department Ambulance; or take any other action relative thereto.

**ARTICLE 17: ACCEPTANCE OF THE HOLTSHIRE ROAD LAYOUT**

To see if the Town will vote to accept the layout of Holtshire Road as a town public way as laid out and accepted by the Orange Board of Selectmen, on May 3, 2023, by the following description:

**1896 FRANKLIN COUNTY LAYOUT – HOLTSHIRE ROAD**

BEGINNING at a stone bound at station 0 of the 1896 Franklin County Highway layout, situated on the westerly side of Holtshire Road at the Town Line between New Salem and Orange and running thence:

In a general northerly direction, following various courses, as described in the County Commissioners records in Book 1, Page 141 and including the 1932 alteration shown on a plan on file with said Commissioners in Book of Plans 7, Page 19, the 1946 alteration in Book of

Plans 8, Page 19, and the 1954 alteration in Book of Plans 11, Page 22, for a distance of approximately 20,395 feet or 3.86 miles to northerly terminus at station 45 of the layout, at its intersection with the southerly line of West Orange Road (Route 2A).

Said layout being 50' wide and lying easterly of the described courses, except between stations 12 and 18 of the layout, where the easterly line is the flowage line of Lake Mattawa (formerly known as North Pond), as described in aforesaid 1896 layout.

All trees, if any, upon the roadway and all structures affixed thereon are included in the layout; or take any other vote or action in relation thereto.

**Article Information:** *This article provides for the official acceptance of Holtshire Road as a public way in the Town of Orange. Holtshire Road has been a County Road which means the Franklin Regional Council of Governments Executive Council has legal authority over the layout while the Town of Orange has the maintenance responsibility. The Executive Council has approved a petition to transfer the Road to the Town of Orange with the condition that it must be approved by the voters at Town Meeting. The Board of Selectmen has already voted to approve the public way as proposed in the layout. Approval of this article will allow the Town to formally record this action with the Franklin County Registry of Deeds.*

## **ARTICLE 18: INSPECTOR OF ANIMALS**

To see if the Town will vote to accept MGL Chapter 129, Section 15, Inspector of Animals; Appointment, to allow the Board of Health to nominate such inspectors; or take any other action relative thereto.

## **ARTICLE 19: CEMETERY**

To see if the town will vote to authorize the Orange Cemetery Commission to increase the weekend rates for internments from the present rate of \$250.00 to \$350.00 for full burials and \$125.00 to \$200.00 for cremation burials; or take any other action relative thereto.

## **ARTICLE 20: RC MAHAR CAPITALIZATION FUND**

To see if the Town will vote to approve the establishment of a Capital Stabilization Fund according to Massachusetts General Laws c. 71, §16 G ½ for the Ralph C. Mahar Regional School District. The source for this Fund would only come from Mahar's Certified Excess & Deficiency fund; or take any other action relative thereto.

## **ARTICLE 21: SPECIAL EDUCATION STABALIZATION FUND**

To see if the Town will vote to approve the establishment of a Special Education Stabilization Fund according to the Acts of 2016, c. 218, §24; adding M.G.L. c. 40, Section 13E for the Ralph C. Mahar Regional School District. The source for this Fund would only come from Mahar's Medicaid Reimbursement; or take any other action relative thereto.

**ARTICLE 24: ADULT ENTERTAINMENT USE ESTABLISHMENT BYLAW**

To see if the Town will vote to amend the Town of Orange Zoning Bylaw to add a new section 7800 ADULT ENTERTAINMENT USE ESTABLISHMENTS, with the complete language of the bylaw on file with the Town Clerk and Planning Board, and further to amend the Table of Contents to add Section 7800, Adult Entertainment Uses, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format for the Orange Zoning Bylaw; or to take any action relative thereto.

(Requires a 2/3 super majority vote)

**ARTICLE 25: ADULT ENTERTAINMENT USE OVERLAY DISTRICT**

To see if the Town will vote to amend the Town of Orange Zoning Map, Official Map, dated January 2021, to create a new Adult Entertainment Use Overlay District by adopting the new district boundary lines as shown on the map entitled "Adult Entertainment Use Overlay District," on file with the Town Clerk and Planning board, to include all the following parcels in the Industrial Zone: Map 251-Lots 2-6, Map 251-Lots 9-20, Map 251-Lot 22, and Map 251-Lots 24-29 (total of 24 parcels); and change the date of the Town of Orange Zoning Map referenced herein to (date of Town Meeting); or to take any action relative thereto.

(Requires a 2/3 supermajority vote)

**ARTICLE 26: MILLER'S RIVER GREENWAY TRAILHEAD ACCOUNT**

To see if the town will vote to appropriate and transfer \$15,000 from the 001-183-5701-1000-00000 ATM 06/21/21 ART 18 PARC Program - Butterfield Park & 95 East River Street to 220-180-4750-1000 – Head of the Trail Account for the purpose of constructing the Miller's River Greenway Trail Head project; or take any vote or votes in relation thereto.

**ARTICLE 27: DEED IN LIEU OF FORECLOSURE**

To see if the Town will vote to accept a deed in lieu of foreclosure with regard to property at 28 East River Street described in a deed recorded in Book 5230, Page 177 and as Parcel Identifier 110-0-59. Said parcel was Taken by the Town for unpaid FY 2016 taxes in the amount of \$1,245.10, and the assessed value of the subject property is \$74,300; or take any action relative thereto.

**ARTICLE 28: ROOF MOUNTED SOLAR ARRAY**

To see if the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide the sum of \$860,000.00 for the following capital project: Roof Mounted Solar Array at Fisher Hill School, including an energy storage system (ESS); and to meet such appropriation by using \$200,000 of funds from the owner's contingency fund; accepting a commitment of \$160,000 from National Grid; accepting all federal and state tax credits related to the projects; accepting any grants or other monies that are applied for, and for the remainder by authorizing the Treasurer, with approval of the Selectboard, to borrow such sum under G.L. Chapter 44 Section 7, or any other enabling authority, and to authorize the Selectboard to take all action necessary to carry out this project.

(Required a 2/3 super majority vote if borrowing)

## **ARTICLE 29: TRANSFER FROM AIRPORT REVOLVING FUND FOR THE DESIGN AND PERMITTING OF THE AIRPORT PERIMETER FENCE PROJECT**

To see if the Town will vote to transfer and appropriate the sum of \$400.00 from the airport revolving fund to pay the Town's local share portion of a \$204,800.00 federal and state grant for the Design and Permitting of the Airport Perimeter Fence Project; or take any action relative thereto.

## **ARTICLE 30: CABLE HIRING**

To see if the Town of Orange will vote to authorize the Board of Selectmen, acting in its capacity as the Cable License Issuing Authority, to employ the same municipal cable attorney as employed by the Town of Athol to assist with cable license renewal proceedings subject to each Town reserving its own independent authority to make individual Town licensing decisions on any cable license matter; or take any other action relative thereto.

## **ARTICLE 31: OPIOID STABILIZATION FUND**

To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, to transfer from available funds a sum of money equal to that received or to be received by the Town from opioid litigation settlements resulting from the Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; or take any other action related thereto.

(Requires a 2/3 super majority vote)

## **ARTICLE 32: PUTNAM LOT**

To see if the Town will vote to transfer and appropriate the sum of \$50,000.00 from the Capital Stabilization Account and authorize the, Treasurer with the approval of the Selectboard, to spend said sum for the purpose of improving and renovating the lot currently known as the "Putnam Lot" on West Main St, the land will be dedicated for park and recreation purposes under M.G.L. chapter 45 Section 14, including the costs of grading and creation of an permanent outdoor eating area, beautification area in downtown Orange. That the town Board of Selectman accept any and all donations, gifts, grants, under any federal and/or state programs connected in anyway with this project.

(Requires a 2/3 super majority vote)

## **ARTICLE 33: REVALUATION**

To see if the Town will vote to raise and appropriate, transfer from available funds, transfer from free cash, or otherwise provide the amount of \$54,667.00 for the purpose of funding future Revaluations and interim Year Value Adjustments, as required under M.G.L. Ch 40, Section 56, Ch 58, Sections 1, 1Add & 3 and Ch. 59, Section 2A. Such funding is to cover all aspects of revaluation including, but not limited to, statistical analysis, sales analysis, video imaging, field reviews, hardware, software, and all other tasks deemed necessary for successful completion of these state mandated requirements; or act in relation thereto.

## **ARTICLE 34: COLLECTIVE BARGANINING AGREEMENT-NEPBA, LOCAL 58**

### **(Police Officers)**

To see if the Town will vote to fund the cost of the increases in the bargaining unit members' wages, with wage adjustment for the Fiscal Year 24 of \$79,339.95 , under the collective bargaining agreement between the Town of Orange (represented by the Board of Selectmen) and the Town's full time Police Officers and Detectives bargaining unit employees (represented by the New England Police Benevolent Association, Local 58 in accordance with Chapter 150E of the Massachusetts General Laws. Any appropriations is subject to IAFF, AFL-CIO,CLC, Local 4569 ratifying the Memorandum of agreement between the Town of Orange and the New England Police Benevolent Association, Local 58 (Police Officers Unit) July 1, 2023- June 30, 2026; or take any other action relative thereto.

## **ARTICLE 35: POLICE CRUISER**

To see if the Town will vote to raise, appropriate, transfer from available funds, borrow, or otherwise proved the sum of \$70,000.00 for Police Department Cruiser, and to meet such appropriation by authorizing the Treasurer, with the approval of the Board of Selectman, to borrow such sum under M.G.L. chapter 44, Sec 7 or with any other enabling authority; or take any other action relative thereto.

(Requires a 2/3 super majority vote if borrowing)

## **ARTICLE 36: AMBULANCE**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$400,000.00 for the purpose of purchasing a Fire Department Ambulance, and to meet such appropriation by authorizing the Treasurer, with the approval of the Board of Selectman, to borrow such sum under M.G.L. chapter 44, Sec. 7 or with any other enabling authority: or take any other action relative thereto. The debt is to be paid from the Ambulance 10% receipts account.

(Requires a 2/3 majority vote if borrowing)

## **ARTICLE 37: AERATION BLOWER REPLACEMENT PROJECT**

To see if the Town will vote to raise and appropriate the sum of \$488,000.00 for the purpose of aeration blower replacement at the wastewater treatment facility, with \$188,345.00 being paid through the GAP III Grant for Municipal Drinking Water and Wastewater facilities through the MassDEP Clean Energy Results Program (CERP), and the remaining \$299,655.00 being paid through the sewer enterprise fund; or take any other action relative thereto.

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

Given under our hands this 31<sup>st</sup> day of May in the year of our Lord two thousand and twenty-three.

BOARD OF SELECTMEN

---

Thomas J. Smith

---

Andrew J. Smith

---

Patricia J. Lussier

---

Jane M. Peirce

---

Richard P. Sheridan

Selectmen, Town of Orange

A true copy. ATTEST:

---

Randy Plante, Constable of Orange

**FRANKLIN, SS.**

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

---

Randy Plante, Constable of Orange

---

Date