



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 ---- Fax (508) 240-3703
<http://www.town.orleans.ma.us>

SELECT BOARD
TOWN
ADMINISTRATOR

SELECT BOARD POLICIES AND PROCEDURES

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Removed or Outdated Policies

		ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19	FY19	FY 19 Mid Year	FY20
GOAL #1: RESPONSIVE GOVERNMENT To ensure that the Board of Selectmen, as the elected chief executives of the Town of Orleans, provides a responsive government to all its constituents.					
1.A.	OBJECTIVE To emphasize customer service by ensuring that board members, other local officials and staff respond in a timely and courteous manner to all calls, electronic communications and written correspondence.				
	1.A.i	ACTION To work with the Town Administrator to implement and support communication policies and procedures that ensure timely and responsive management of correspondence, emails and phone calls, including timely posting of agenda packets & minutes to website and meeting videos to Channel 18.			
1.B.	OBJECTIVE To improve communications with elected and appointed Boards, Committees and Commissions to ensure that the Selectmen’s liaison program provides for effective two-way communication				
	1.B.i	ACTION To review and update, if necessary, Board of Selectmen charges to Boards, Committees and Commissions by the end of FY19.			
	1.B.ii	ACTION To transmit the Board of Selectmen Goals for FY19 to all Boards, Committees and Commissions within 30 days of Board adoption.			
	1.B.iii	ACTION Annually survey elected and appointed committees to evaluate effectiveness of communications and support from the Board of Selectmen.			
1.C.	OBJECTIVE To recognize the work of all volunteers, committees and employees				
	1.C.i	ACTION To develop, review and implement a recognition program for retiring volunteers and committee members			

		ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19	FY19	FY 19 Mid Year	FY20
	1.C.ii	ACTION To publicly recognize the exceptional work of individual town employees			
	1.C.iii	ACTION To develop and implement an annual recognition event for current volunteers and committee members			
1.D	OBJECTIVE To follow Chapter 3, Section 2, subsection 3-2-1 of the Charter and maintain a clear set of Policies covering Town procedures.				
	1.D.i	ACTION To review policies annually during the first quarter of FY19, amend as needed and implement new policies when required ensure timely update of Board of Selectmen policies on Town website.			
1.E	OBJECTIVE To develop procedures for contract negotiations with the five employee unions in the town.				
GOAL #2: EFFICIENT OPERATIONS To strive to maintain efficient operations at all levels of Orleans government by providing services effectively.					
2.A.	OBJECTIVE To work closely with the Town Administrator and key staff on programs to ensure effective services for the public.				
	2.A.i	ACTION To conduct a mid-year budget review during January 2019 to evaluate the Board's progress towards the achievement of annual financial and non-financial goals			
	2.A.ii	ACTION To conduct an end of the year budget review in July 2019 to evaluate achievements, failures and identify opportunities for improvement			

ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19			FY19	FY 19 Mid Year	FY20
2.B.	OBJECTIVE To review the necessity and effectiveness of all local committees and consolidate and reduce the number of committees where appropriate				
	2.B.i	ACTION To monitor all local committees, review committee charges for any needed updates, and consolidate and/or reduce as needed.			
2.C.	OBJECTIVE To maintain a high quality municipal workforce in Orleans to insure efficient operations for the taxpayers including the evaluation and appropriateness of organizational changes				
	2.C.i	ACTION Town Administrator to present to the Board of Selectmen at the start of the budget review cycle an assessment of existing and potential future organizational needs.			
2.D.	OBJECTIVE To monitor town programs to insure that they are cost effective. Propose and implement privatization when it can be determined that such action is appropriate and more cost efficient.				
	2.D.i	ACTION To continue to test zero based budgeting on one or more selected departments with budget submission on January 15, 2019 to evaluate and to test effectiveness of that approach.			
	2.D.ii	ACTION To complete full implementation of the Town's vehicle inventory and replacement program by the end of FY19			
2.E.	OBJECTIVE To ensure that the Town collects adequate local revenue in taxes and/or fees to support the levels of service requested by the voters.				

		ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19	FY19	FY 19 Mid Year	FY20
	2.E.i	ACTION To conduct a review, no later than the end of the third quarter of FY19 to determine whether town services are appropriately priced and, if changes are required, submit the necessary warrant articles to the voters seeking authorization to adjust fees, charges and procedures.			
	2.E.ii	ACTION To conduct a financial analysis, to determine what, if any, fee is appropriate for the use of town beaches prior to the end of the third quarter of FY19 in time for Annual Town Meeting if/as needed.			
	2.E.iii	ACTION Work with the Town Administrator and Finance Director to establish a grant tracking process to be used by all Departments and shared across Departments.			
	2.E.iv	ACTION Monitor the effectiveness of each Department's grant pursuit efforts as part of the annual Budget cycle			
	2.E.v	ACTION Submit to the State (MA DOER) with input from Orleans Renewable Energy Committee and Town Administrator/Staff, application and grant request for Green Community Designation by November, 2018.			
GOAL #3: SUSTAINABLE PROGRAMS To focus municipal resources in such a way as to insure that long-term assets and liabilities are managed in a way to insure maximum sustainability					
3.A.	OBJECTIVE	To manage the future liabilities of other post-employment benefits (OPEB) consistent with existing and prospective guidelines promulgated by the Department of Revenue			
	3.A.i	ACTION To proactively analyze and manage the liabilities of the OPEB Trust Fund to insure continued progress to reduce the liability.			

		ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19	FY19	FY 19 Mid Year	FY20
3.B.	OBJECTIVE To manage the public beach frontage and waterways on the Atlantic Ocean, Cape Cod Bay, and our ponds and estuaries in such a manner so as to preserve and improve these assets for current and future generations of Orleans’ residents and visitors. To preserve and improve the health and utility of the town’s public beaches, town landings, waterways, estuaries and freshwater ponds for the use of and enjoyment of current and future Orleans residents and visitors.				
	3.B.i ACTION To complete a comprehensive beach management and retreat plan consistent with the Habitat Conservation Plan, including recommendations for funding strategies for restoration and improvement of the beach assets by the 4 th quarter of FY19				
	3.B.ii. ACTION To undertake a detailed study of the Nauset Estuary including Town Cove to determine actions necessary and appropriate, and permits required for improvements to navigational safety and clean water.				
	3.B.iii ACTION To restudy the replacement plans for the Skaket Beach administration and bathroom building and bring a recommendation to Town Meeting in May 2019				
	3.B.iv Initiate a comprehensive study to improve access to all our water bodies for the residents of Orleans				
3.C.	OBJECTIVE To continue to implement the recommendations in the Orleans Comprehensive Plan by working closely with the Planning Board under the provisions of Ch. 9, Sec. 2, Subsection 9-2-5 of the Charter				

		ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19	FY19	FY 19 Mid Year	FY20
	3.C.i	ACTION To meet with the Planning Board no later than November 15, 2018, under the provisions of the Charter, to discuss implementation recommendations from the Comprehensive Plan as part of the annual Operating and Capital Budgets and the six year schedule of Plan implementations as part of the Capital Improvement Plan updating process			
3.D.		OBJECTIVE To prepare, adopt and recommend to the voters a revised Comprehensive Wastewater Management Plan for Orleans based on accepted scientific and engineering data in order to meet the Federally mandated TMDL's for Orleans' estuaries, by using adaptive management techniques as set forth in the Cape Cod Commission 208 Plan and such other reports and agreements that may be consistent with that plan, in order to achieve the most cost/effective implementation plan while maintaining the existing state and regional approvals under MEPA and the DRI process			
	3.D.i	ACTION To bring the next phase of the recommended implementation strategy, as outlined in the approved Capital Plan to Town Meeting in May 2019, for approval			
	3.D.ii	ACTION To manage the demolition of the Tri-Town Septage Treatment Plant by the third quarter of FY19			
	3.D.iii	ACTION To promote the town-wide management plan to control the application of lawn fertilizer containing nitrogen and phosphorus, under the provisions of Chapter 103 of the Town Bylaws, to reduce nutrient loading of the fresh water ponds and salt water estuaries in Orleans			
	3.D.iv	ACTION To prepare a comprehensive storm water management plan, consistent with state and federal regulations, to treat nutrients from storm water runoff before they are discharged into freshwater ponds and salt-water estuaries			

		ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19	FY19	FY 19 Mid Year	FY20
	3.D.v	ACTION To continue the comprehensive scientific work program with the appropriation of necessary funds to guide and implement the restoration of Namskaket Marsh			
	3.D.vi.	ACTION To prepare a comprehensive scientific work program with the required appropriation to understand the potential role of shellfish propagation in the water quality improvement programs for the Pleasant Bay and Nauset watersheds			
	3.D.vii	ACTION To fund and install one or two permeable reactive barriers (PRBs) in Orleans, and to test the effectiveness of the system in Orleans by the end of FY19			
	3.D.viii	ACTION To support and fund the efforts of the citizen water quality volunteer testing teams guided by the Marine and Fresh Water Quality Committee as they monitor salt water test sites and fresh water ponds during FY19. Implement management plan actions for Uncle Harvey's, Cedar Pond and other high priority ponds.			
	3.D.ix	ACTION To assist the Orleans Marine and Fresh Water Quality Committee in its negotiations with governmental agencies and utility companies as they seek to implement the approved solution to the degraded water quality of Cedar Pond			
	3.D.x	ACTION To continue to work with the town of Eastham and state agencies to determine the most appropriate method of solving the water quality problems in Rock Harbor			
GOAL #4: ADEQUATE INFRASTRUCTURE To ensure that the public infrastructure of Orleans is managed, maintained and improved in a coordinated and fiscally responsible way					

		ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19	FY19	FY 19 Mid Year	FY20
4.A.	OBJECTIVE	To use the annual Capital Budget and the five-year Capital Improvement Plan to schedule and manage the costs of the town's capital plant in a coordinated and fiscally responsible way			
	4.A.i	ACTION To prepare and present the five-year Capital Plan by January 15, 2019			
	4.A.ii	ACTION To review and update the Building and Facilities Master Plan as part of the annual budget cycle and present an updated plan no later than January 15, 2019			
	4.A.iii	ACTION To monitor the construction of the new DPW facility			
	4.A.iv	ACTION To negotiate a long-term use agreement with private non-profit organizations, develop a financing plan and proceed to prepare plans and specifications, using CPC funding, for the restoration/rehabilitation of the Old Firehouse by the end of the third quarter of FY19			
	4.A.v	ACTION To work with the Board of Library Trustees to develop a plan and state grant for the replacement and/or improvements to the Snow Library.			
	4.A.vi	ACTION To conduct a feasibility study to determine the current deficiencies at the central fire station and submit a proposal to the Capital Plan for needed corrective action.			
	4.A.vii	ACTION To coordinate with the Board of Water and Sewer Commissioners in the implementation of the approved water asset management plan, in accordance with Chapter 6, Section 8 of the Charter			
	4.A.viii	ACTION To begin visionary work for a community center in accordance with the Orleans Comprehensive Plan Action HS-5.			

		ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19	FY19	FY 19 Mid Year	FY20
4.B.	OBJECTIVE To manage the use and condition of town and state roads				
	4.B.i	ACTION To use the Pavement Management Plan to assess the condition and needs of the public town roads in Orleans and present an annual update and implementation plan in the third quarter of the fiscal year, in preparation for the Annual Town Meeting in May.			
4.C.	OBJECTIVE To ensure that Orleans' roads remain safe for multi-modal use by motor vehicles, pedestrians and bicycles and take corrective action as needed.				
	4.C.i	ACTION To monitor the proposed state funded improvements at Main Street and Routes 28 and 6A to insure that the projects are designed and implemented in a way to insure safety of all users and to insure that the designs meet Orleans' requirements and standards.			
	4.C.ii	ACTION Develop and promote a system of signed bicycle routes throughout town to promote the safety of bicycling as an alternative means of travel			
	4.C.iii	ACTION Create a long term plan to work with property owners along important roads to find ways to modestly widen the roads without laying them out. Develop a trust that the roads can be made safer for everyone with out losing the road's existing rural charm.			
	4.C.iv	ACTION Begin preliminary study to advance plans for a bike path through the Town's Watershed from roughly Eldredge Park Way to the intersection of Route 28 and Route 39.			

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	4.C.v	ACTION Continue exploring and installing traffic calming systems such as blinking speed limit signs, speed humps, speed tables, roundabouts, etc.			
	4.C.vi	ACTION To work with the Traffic Study Committee to develop a town-wide plan for parking			
	4.C.vii	ACTION To work with the Town Regulatory Staff to improve the enforcement of Town Regulations dealing with signs, parking, dogs, and noise.			
GOAL #5: LIVABLE COMMUNITY To work with neighboring towns, the county and other regional organizations on areas of mutual interest including, but not limited to, healthcare, housing, wastewater management, beach management, public safety, cost saving initiatives and the protection of drinking water, watersheds and other open space assets					
5.A.	OBJECTIVE To relieve the housing cost pressure on young families by working with the Affordable Housing Committee, the Orleans Housing Trust and the Community Preservation Committee under the guidance of the Comprehensive Plan to produce locally financed affordable housing				
	5.A.i	ACTION To support the concept of development of Cape Cod Village			
	5.A.ii	ACTION To support the implementation of the Town Center Plan, with zoning and necessary infrastructure, with one of the objectives being to qualify the Town of Orleans for “0” interest loans from the State Revolving Loan Fund, and to present specific proposals for town meeting action as appropriate.			
	5.A.iii	ACTION To partner with the Orleans Housing Authority to ensure that the management and maintenance of Tonset Woods benefits from adequate funding and recent housing authority reform legislation.			

ORLEANS BOARD OF SELECTMEN GOALS, OBJECTIVES AND ACTIONS FOR FY19		FY19	FY 19 Mid Year	FY20
5.B.	<p>OBJECTIVE To negotiate a lease with the Orleans Historical Society for the potential transfer of a portion of the Legion property, so called, to allow the creation of a site suitable for the preservation of historic buildings owned and operated by the Society.</p>			
5.C.	<p>OBJECTIVE Continue to work with Eastham and Chatham to achieve common goals related to beach access and management</p>			



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POLICY STATEMENT **BOARD OF SELECTMEN ORGANIZATION**

The annual organizational meeting of the Orleans Board of Selectmen shall be in the first official meeting held after the regular election for all town offices as called for in the Orleans Town Charter. At the organizational meeting the following officers and representatives shall be elected for one-year terms:

Chairperson – Board of Selectmen

Vice Chairperson – Board of Selectmen

Clerk – Board of Selectmen

Chairperson – Park Commissioners

Board Chairperson or Designee – Tri-Town Septage Treatment Facility Board of Managers

The Chairperson of the Board of Selectmen shall be elected annually by the Board members and shall fill this office for no more than one year in a row. Additionally, the Board may, at its discretion, reorganize at any time during the year.

It is the intent of the policy to set a standard for other committees and boards.

The Board shall meet every other week on the first and third Wednesday except during budget deliberations or as needed.

DATE APPROVED: June 21, 1989
DATE REVISED: December 4, 1991
DATE REVISED: November 17, 1993
DATE REVISED: May 31, 2000
DATE REVISED: April 13, 2005
DATE REVISED: September 26, 2007
DATE REVISED: September 8, 2010
DATE APPROVED: September 15, 2010
DATE REVISED: August 8, 2012
DATE APPROVED: August 29, 2012



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POLICY STATEMENT **SELECTMEN MEETING AGENDAS**

Selectmen meeting agendas shall be set by the Town Administrator in consultation with the chairperson of the Board of Selectmen.

All items and information for the meeting agenda, including all presentations by outside groups, must be received by the Selectmen's office no later than 12:00 noon on the Friday before the meeting, except for special meetings. Failure to provide this information by the deadline may result in the item being removed from the agenda. Emergency items will be added only at the discretion of the Town Administrator and the Chairperson of the Board of Selectmen.

The listing of matters on the agenda are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

The agenda shall be posted on the Town Web site and bulletin boards in Town Hall no later than 4:30 p.m. on the previous Friday for the regular Wednesday evening meeting.

Any work meetings or other special meetings shall be posted at least 48 hours in advance in compliance with the Massachusetts Open Meeting Law.

DATE ADOPTED: August 9, 1995
DATE REVIEWED: January 4, 2000
DATE REVISED: May 25, 2005
DATE REVISED: September 26, 2007
DATE REVISED: September 8, 2010
DATE APPROVED: September 15, 2010
DATE REVISED: August 8, 2012
DATE APPROVED: August 29, 2012



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POLICY STATEMENT BOARD OF SELECTMEN MINUTES

It shall be the policy of the Orleans Board of Selectmen that the minutes of Board meetings will be reviewed by the Clerk of the Board and any minor changes in grammar, punctuation, etc. will be made by the Clerk. The Clerk will present any substantive changes to the Board as amendments at the time the minutes are moved for approval.

Meeting minutes shall be available for Board approval in the form of an annotated agenda and a video file as follows:

Minutes

The Recording Secretary will record the clock time for agenda items, motions, and votes. The Media coordinator will provide the Secretary with a DVD of the meeting by the end of the following day. Using the agenda, the Secretary will review the video file and translate clock time to counter time for agenda items, motions, and votes.

The Secretary may include a brief synopsis for each agenda item for which a vote does not provide a complete explanation, and may refer to available backup materials, including materials in Selectmen's packets.

The Secretary will provide the video file and annotated agenda. The annotated agenda will include a signature line and will, with the video file, be considered the minutes of the meeting.

After approval by the Clerk of the Board, the minutes will be placed on the Board's agenda for approval, no later than four weeks after the meeting for which they serve as record.

Public Availability

The video file and annotated agenda will be posted on the Town Web site. Minutes will be posted on the Web site after being approved by the Board of Selectmen. Current minutes will be identified as such, and older files will be available as archives.

DVDs of all public meetings shall also be made available for circulation at Snow Library and for purchase at the cost of production from the Office of the Town Administrator.

Minutes shall be filed with the Town Clerk within thirty (30) days of approval.

DATE PREPARED: May 19, 1995
DATE REVISED: May 24, 1995
DATES REVIEWED: January 4, 2000, April 20, 2005
DATE REVISED September 26, 2007
DATE REVISED: July 9, 2008
DATE REVISED: August 8, 2012
DATE APPROVED: August 29, 2012
DATES REVISED: August 14, 2013, September. 4, 2013
DATE APPROVED: September 4, 2013



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Board of Selectmen Policy Statement

Retention of Selectmen's Meeting Records

It is the policy of the Orleans Board of Selectmen that the written minutes of the Board meetings, after a vote of approval by the Board, shall be the official, permanent record of the meeting. The minutes will be filed with the Town Clerk, who shall maintain them indefinitely.

The Board's open meetings are recorded as digital video files, and are archived and available for viewing on the Town's Web site. Meetings in executive session will be retained in written format only, and are available for public review under the guidelines of Policy B-4, Release of Executive Session Minutes.

Copies of video recordings may be obtained from the Selectmen's office. A charge of \$5.00 per DVD will apply.

DATE PREPARED: March 13, 2000
DATE APPROVED: March 15, 2000
DATE REVIEWED: April 20, 2005, September 30, 2009
DATE APPROVED: 14 October, 2009



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BOARD OF SELECTMEN POLICY STATEMENT

PUBLIC COMMENT

Each Board of Selectmen's regular meeting shall begin with Public Comment. This portion of the meetings should not, in its entirety, exceed thirty minutes. Each recognized speaker at Public Comment shall keep his/her remarks non-personal towards any individuals, and remarks should be kept to no more than three minutes. These time limits will be enforced at the discretion of the Chairperson of the Board of Selectmen.

Generally, remarks made during Public Comment are those that do not encourage debate, but rather are announcements, requests or statements of interest. If a subject, in the opinion of the Chairperson of the Board or a majority of its members, would better be addressed as future agenda item because it warrants public notice and/or debate, then the Chairman shall so indicate at the conclusion of Public Comment.

Speakers at public comment should provide their contact information to the Board Secretary for purposes of follow up on items to be scheduled for future agendas or for further communications in response to specific questions that cannot be answered at the meeting.

Opinions and comments expressed and the accuracy of the information provided by speakers during Public Comment portion of the meeting do not necessarily reflect the opinions or conclusions of the Board.

PROPOSED: September 8, 2010
APPROVED: September 15, 2010
REVISED: August 8, 2012
APPROVED: August 29, 2012
REVISED: August 14, 2013
APPROVED: September 4, 2013
REVISED: June 21, 2017
APPROVED: July 5, 2017



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BOARD OF SELECTMEN POLICY STATEMENT

BOARD OF SELECTMEN LIAISON PROGRAM

The goal of the Board of Selectmen's Liaison Program is to promote a high level of communication and continuing exchange of thoughts and ideas between the Board and the town's committees. To achieve this goal, each member of the Board of Selectmen is assigned by the Chair to serve as a liaison to a number of boards and committees.

The Selectmen's Liaison receives and reviews copies of board and committee meeting agendas, informational packets and minutes, and may attend meetings as his or her schedule permits. The chair of a board or committee may schedule a conversation with the Liaison as an agenda item, in order for the Liaison to communicate information from the Board of Selectmen and bring the questions and concerns of the committee back to the Board for discussion at a regular public meeting.

While each member of the Board of Selectmen is given liaison assignments on an annual basis, the Chair may allow a Selectmen to continue to serve as a committee's liaison for several years, or to request a different assignment.

The presentation of Liaison reports, which may be either written or verbal, is a standing item on the Selectmen's regular meeting agendas.

PREPARED: August 15, 2014
ADOPTED: October 1, 2014



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COMMUNICATIONS POLICY TOWN ADMINISTRATOR/BOARD OF SELECTMEN'S OFFICE

It is the goal of the Board of Selectmen to provide a responsive government to all of its constituents and emphasize customer service by ensuring that Board members, other local officials and staff respond in a timely and courteous manner to all calls, emails and written correspondence.

In support of this goal, it shall be the policy of the Board to handle communications addressed to the Board of Selectmen using the following guidelines:

Staff are authorized to open and examine all mail and other written communications addressed to the Board of Selectmen. Items will be date stamped and recorded in the incoming mail log, and copies will be distributed to each Board member.

All written communications to individual Board members not marked personal and confidential will be opened by staff, date stamped and recorded in the incoming mail log. The original copy will be placed in the Board member's mailbox at Town Hall.

The Town Administrator will respond to any communications referring to administrative business that does not require Board action. Board members will inform the Town Administrator in a timely manner of any such communications they may receive. A log to track written communications will be maintained by staff and available for Board review.

Items requiring Board action will be scheduled for on the next available meeting agenda and an interim response provided to the sender advising when the matter will be considered.

Following Board action a response letter will be prepared by staff for signature by the Chairman of the Board, with copies placed in each member's mailbox.

Items or questions raised during the public comment portion of the regular Board meetings will be addressed in a similar manner to written communications addressed to the Board of Selectmen.

The Board of Selectmen, Town Administrator and staff will at all times adhere to the communications provisions of the Open Meeting, Conflict of Interest and Public Records Laws.

Date Revised: November 5, 2014
Date Adopted: November 19, 2014



TOWN OF ORLEANS

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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

POLICY STATEMENT

TIMING OF BOARD/COMMITTEE APPOINTMENTS

It shall be the policy of the Board of Selectmen that appointments shall be made during the Wednesday evening meetings as vacancies occur. Interviews with committee applicants may be held on the same night as the appointment is made. This shall be at the discretion of the Board of Selectmen.

Upon the expiration of their terms, members of appointed committees who wish to continue will serve until they are reappointed. Committee members who do not wish to be reappointed or who wish to resign prior to the expiration of their terms should submit a letter of resignation to the Town Clerk with copies to the Board of Selectmen's Office and the committee chairperson.

The Town Administrator shall maintain an updated list of committee members. Proper public notice of vacancies, application procedures and materials, and appointment date shall also be the responsibility of the Town Administrator.

DATE PREPARED:	June 16, 1995
DATE ADOPTED:	June 21, 1995
DATE REVIEWED:	January 4, 2000
DATE REVISED:	April 13, 2005
DATE REVISED:	August 8, 2012
DATE APPROVED:	August 29, 2012
DATE REVISED:	August 14, 2013
DATE APPROVED:	September 4, 2013



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BOARD OF
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TOWN
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POLICY STATEMENT

SERVICE ON CERTAIN APPOINTED TOWN COMMITTEES

It shall be the policy of the Board of Selectmen that no individual shall serve concurrently on more than one of the following Board-appointed committees:

- Conservation Commission
- Planning Board
- Open Space Committee
- Architectural Review Committee

In addition, it shall be the policy of the Board of Selectmen that no individual shall serve concurrently on more than any two (2) Board-appointed committees, regardless of whether these include a committee on the above list.

Exceptions may be made by the selectmen under the following circumstances:

1. When multiple committee membership can be shown, to the satisfaction of the Selectmen, to be in the best interests of the town.
2. When the charge, given by the charter, state law, town meeting or the Selectmen, specifically calls for representation by a member of one committee on another.
3. When membership on one committee is as an associate or *ex-officio* member.

DATES REVISED (separate policies):	June 28, 1989; October 2, 1991
DATE REVISED/CONSOLIDATED:	November 2, 2005
DATE REVISED:	June 18, 2008
DATE(S) REVIEWED:	August 8, 2012; August 29, 2012
DATE REVISED/SINGLE POLICY	September 19, 2012



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BOARD OF
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TOWN
ADMINISTRATOR

POLICY STATEMENT

ELECTED TOWN OFFICIALS' ELIGIBILITY FOR INSURANCE BENEFITS

It shall be the policy of the Orleans Board of Selectmen that elected Town Officials must be compensated in the form of a salary in order to be considered to be an employee within the meaning of Chapter 32B and thus eligible for participation in the town's group health and life insurance plan.

Payment which constitutes reimbursement for expenses, or payment in the form of an honorarium shall not be deemed to be salary for the purpose of this policy.

DATE PREPARED: 17 April 1991
DATE REVISED: 17 April 1991
DATE REVIEWED: 4 January 2000
DATE REVISED: 13 April 2005



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BOARD OF
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POLICY STATEMENT RELEASE OF EXECUTIVE SESSION MINUTES

It shall be the policy of the Orleans Board of Selectmen that minutes from Executive Sessions for all Town Committees, Commissions and Boards shall be made public in accordance with the following guidelines.

General Rule

Minutes from an Executive Session must be made public when the reason or basis upon which the executive session was held no longer exists. When this occurs, there is an obligation on the part of the Committee, Commission or Board which commenced the executive session to release the minutes.

Protocol for Releasing Executive Session Minutes

In order to comply with the General Rule, the Board of Selectmen has adopted the following procedure:

1. A master list of all Executive Sessions should be maintained by each Committee, Commission and Board, which should include the date and a short description of the reason(s) for commencing the session (e.g., litigation, contract negotiation, etc.).
2. Each month, the list should be reviewed by the appropriate administrative staff. Those minutes which appear to qualify for release under the General Rule shall be reviewed by Town Counsel and then placed on the next meeting agenda of that Committee, Commission or Board to take action on the issue of releasing same. If the Committee, Commission or Board votes to release, the minutes will be made public following that meeting.
3. Bi-annually, the master list of Executive Sessions should be presented to the Committee, Commission or Board for their review and information.
4. Specific requests for release of Executive Session minutes from third parties should be responded to by the appropriate administrative staff after input from Town Counsel and the members of that Committee, Commission or Board.

Date prepared: 11 August 1999
Date amended: 16 August 1999
Date adopted: 18 August 1999
Date reviewed: 20 April 2005



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BOARD OF
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TOWN
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POLICY STATEMENT

MEETINGS ON TOWN MEETING OR ELECTION DAYS

It shall be the policy of the Orleans Board of Selectmen that a committee, commission or board may not be held concurrently with a special or annual town meeting or after 4:30 p.m. on the day of any annual town, State or Federal election, with the exception of the Board of Selectmen and Finance Committee.

It is the intent of this policy to allow all residents of the Town of Orleans eligible to vote to participate at town meeting and in the election process.

DATE PREPARED: 29 May 1990
DATE REVISED: 30 May 1990
DATE REVIEWED: 4 January 2000
DATE REVISED: 6 July 2005



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BOARD OF
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TOWN
ADMINISTRATOR

REMOTE PARTICIPATION POLICY

It shall be the policy of the Board of Selectmen to allow remote participation in accordance with the requirements of Massachusetts General Laws for all meetings of all Boards, Committees and Commissions in the Town of Orleans.

Minimum Requirements for Remote Participation.

- a. Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;
- b. A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by [M.G.L. c. 30A, sec 20\(d\)](#);
- c. Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of [M.G.L. c. 39, sec. 23D](#).

Permissible Reasons for Remote Participation.

- a. Personal illness;
- b. Personal disability;
- c. Emergency;
- d. Military Service; or
- e. Geographic distance.

Technology.

- a. Remote participation media will be by telephone or internet enabled audio/video conferencing.
- b. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- c. The public body will determine the media used by its members.

- d. The person chairing the meeting may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

Procedures for Remote Participation.

- a. Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.
- b. At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.
- c. All votes taken during any meeting in which a member participates remotely shall be by roll call vote.
- d. A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.
- e. When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with [M.G.L. c. 30A, sec. 22](#).

Approved: February 14, 2012

Reviewed: August 14, 2013

Approved: September 4, 2013



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BOARD OF
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POLICY STATEMENT

LENGTH OF SERVICE ON APPOINTED TOWN COMMITTEES

It shall be the policy of the Board of Selectmen that no individual shall serve longer than two (2) full consecutive three-year terms as a full member of any Board-appointed committee.

Exceptions may be made by the selectmen under the following circumstances:

1. When extended service can be shown, to the satisfaction of the Selectmen, to be in the best interest of the town.
 - a. When the incumbent has specific value added knowledge that cannot be duplicated in an acceptable time frame.
 - b. When there is no volunteer stepping forward for the appointment.
 - c. When there is no associate member (if applicable) to be elevated to fill the incumbent's position as a full member.
2. When an individual has filled an unexpired term for a period not to exceed two years.

DATES REVISED (separate policies):	June 28, 1989; October 2, 1991
DATE REVISED/CONSOLIDATED:	November 2, 2005
DATE REVISED:	June 18, 2008
DATES REVIEWED:	August 8, 2012; August 29, 2012
DATE ADOPTED/(single policy):	September 19, 2012
DATES REVISED:	February 3, 2016
	September 6, 2017
DATE REVISED:	November 7, 2018
DATE APPROVED:	November 7, 2018



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BOARD OF
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POLICY STATEMENT

PETITIONS FOR TOWN MEETING ARTICLES AND PETITIONS FOR SPECIAL TOWN MEETINGS

It shall be the policy of the Board of Selectmen that citizens seeking assistance with the writing of a petition to call a special town meeting or petition articles for submission to an Annual or Special Town Meeting will be provided with a copy of the Town's Petition Procedures to act as a guideline, but that any request for legal assistance by Town Counsel must be directed through the Town Administrator. In those instances, Town Counsel's review of any petition will be limited to a determination as to legal form, but will not include a review of the petitions content or advice on any strategy to be developed by the petitioners.

DATE PREPARED: December 10, 2003
DATE ADOPTED: December 10, 2003
DATE REVISED: July 6, 2005
DATE REVIEWED: August 14, 2013
DATE APPROVED: September 4, 2013



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BOARD OF
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POLICY STATEMENT

SPECIAL TOWN MEETING WARRANTS

It shall be the policy of the Orleans Board of Selectmen that the business of the town shall, whenever possible, be conducted at the annual town meeting. Special town meetings are to deal with emergencies, to address articles postponed at a preceding annual or special town meeting, funding current year capital improvements and articles that the Selectmen deem are necessary to ensure the orderly business of the Town.

Town Boards, committees or other sponsors of non-petitioned articles not included in the warrant for a special town meeting will have the opportunity to meet with the selectmen to present reasons why the article should be included. The decision of the board shall be final.

This policy shall not apply to those articles petitioned for inclusion in a Special Town Meeting Warrant under the procedure outlined in Charter section 2-6-2.

PROPOSED REVISION:	August 15, 2000
DATE ADOPTED:	August 15, 2000
DATE REVIEWED:	April 20, 2005
DATE REVISED:	August 14, 2013
DATE APPROVED:	September 4, 2013



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BOARD OF
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Intermunicipal Agreements Policy

It shall be the policy of the Board of Selectmen, when implementing Chapter 3, Section 5 (Powers of Intergovernmental Relations) of the Orleans Home Rule Charter, to consider any contract or agreement between Orleans and one or more other towns, civil divisions, subdivisions or agencies of the Commonwealth or the United States Government, which contains provisions for providing a public service on an ongoing basis, as a formal contract or agreement requiring Town Meeting approval under Section 3-5-3 of the Charter.

Each intermunicipal agreement in the form of a grant, funding all or a portion of a specific project to be completed within a specific time shall be reviewed with Town Counsel as to whether it requires Town Meeting approval under the provisions of the Charter.

Date prepared: 27 June 1995

Date approved: 12 July 1995

Date reviewed: 20 April 2005

Date reviewed: 2 September 2015

Date revised: 21 October 2015



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BOARD OF
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POLICY STATEMENT

ELECTION HOURS

It shall be the policy of the Orleans Board of Selectmen that polling places shall be open according to the following schedule on election days for all Annual and Special Town, State or Federal Elections.

7:00 a.m. until 8:00 p.m.

Those people unable to vote during the above hours shall be encouraged to use the absentee ballot procedure.

DATE PREPARED: 1 November 1989
DATE REVISED: 7 November 1989
DATES REVIEWED: 4 January 2000, 13 April 2005



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BOARD OF
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POLICY STATEMENT

BANNERS

Permission to hang banners across Main Street and Eldredge Parkway shall be in accordance with the Orleans Code Section 164-35 (H) on Banners:

H. Notwithstanding anything else contained in Section 164-35 to the contrary banners advertising Town sponsored events or any other events which the Board of Selectmen determine after due consideration provide significant public benefit, may be placed at a location across Main Street and or Eldredge Park Way provided that any such banner and its location is approved by the Board of Selectmen or, if designated by the Board of Selectmen, the Town Administrator. In the event multiple requests are made for common time period the Board of Selectmen or the Town Administrator, as the case may be, may give preference in scheduling and location to Town sponsored events. Banner(s) shall be no more than twenty feet in length and two feet in height and shall be strung in such a manner so the bottom of the banner is fifteen feet off the road surface. Any such banner shall be temporary in nature and removed as soon as practicable after the event to which it refers has ended. The Board of Selectmen is hereby authorized to promulgate rules and regulations as they deem necessary to carry out the provisions of this paragraph.

The following Rules and Regulations apply to Non-Town sponsored events:

1. Requests from non-profit entities will be considered if it can be demonstrated that the event will provide a significant public benefit.
2. Requests must be submitted, in writing, not more than sixty (60) days in advance of the event.
3. Requests must include the name of the non-profit sponsor and the purpose of the event; a copy of the non-profit tax identification; a description of the banner and a sketch drawn to scale; and the date of the event and preferred location.
4. Requests from a non-profit entity are limited to a single banner event per sixty (60) days at a time.
5. Banners will be displayed for seven (7) days and installed and taken down once a week and only on Mondays.

6. The Town will attempt to have local volunteer services hang the banners. In the event that such services are not available, then the applicant will be required to pay all costs associated with hanging their respective banner and provide a certificate of insurance naming the Town as an additional insured.

Date Proposed: October 27, 2008

Date Revised: January 4, 2010

Date Revised: May 9, 2011

Date Reviewed: August 29, 2012

Date Revised: Sept. 19, 2012



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BOARD OF
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POLICY STATEMENT

RECYCLING POLICY STATEMENT

It shall be the policy of the Orleans Board of Selectmen to actively support recycling and effective implementation of the Orleans Recycling Bylaw(s) as adopted by the voters of the Town.

In support of this commitment, the Board shall work with town departments to develop and implement recycling programs for the long-term economic and environmental benefit to the town and its citizens. To this end, the Board will consider judicious expenditure of town funds to provide necessary facilities, staff and equipment to maximize recycling and reduce the waste stream.

In addition, it shall be the policy of the Board to promote a preference for the purchase of recycled products in lieu of non-recycled products whenever they are readily available at the same or equivalent quality and price.

This policy also includes a program to inform all municipal departments with procurement responsibility of this initiative.

DATE PREPARED: 22 October 1991
DATE REVISED: 10 September 1997
DATE REVIEWED: 4 January 2000
DATE REVISED: 6 July 2005



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BOARD OF
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POLICY STATEMENT

CONSERVATION RESTRICTIONS

The Orleans Board of Selectmen recognizes that preservation and protection of the Town's scenic and natural resources - including clean air; pure water; open space; natural habitat of fish, wildlife and plants; and its open, rural seaside character - is of paramount importance to the health, welfare and economic wellbeing of its inhabitants. The Board also recognizes that the continuing development of Orleans and increasing property tax burdens on its citizens pose a dual threat to the Town's ability to protect its natural resources through the direct fee purchase of open space.

In addition to outright acquisition of open space, conservation restrictions pursuant to Massachusetts General Laws, Chapter 184, Section 31, et seq. are a proper means to implement appropriate objectives of the Orleans Five Year Conservation, Recreation and Open Space Plan and the Orleans Comprehensive Plan, which seek to preserve the unique character of the Town.

The Board of Selectmen recommends conservation restrictions be in perpetuity. Less than perpetual, or term, restrictions will be considered only where a demonstrated critical public need exists.

The Board of Selectmen, in consultation with the Open Space Committee, the Conservation Commission and the Board of Assessors, must evaluate the extent to which a conservation restriction of a particular property will yield significant public benefit of a nature described by the "Objectives and Selection Criteria of the Open Space and Conservation Restriction Program."

Therefore, it is the policy of the Orleans Board of Selectmen to accept and/or approve conservation restrictions that provide significant public benefit and that conservation restrictions may be held by the Town of Orleans or state or federal agencies or qualified conservation organizations within the meaning of Section 170 of the Internal Revenue Code; and that conservation restrictions held by the Town will be administered and enforced by the Conservation Commission; and that approval of conservation restrictions by the Board of Selectmen as required by Massachusetts General Laws, Chapter 184, Section 31 et seq. shall be conclusive confirmation that the same yields significant public benefit of the type cited herein.

Date revised: May 7, 1997
Date adopted: November 5, 1997
Dates revised: October 30, 2002
April 13, 2005
August 29, 2012



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BOARD OF
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TOWN OF ORLEANS DESIGNER SELECTION PROCEDURES

1. The Town Administrator has the authority to conduct the designer selection process for the Town of Orleans. The Town Administrator may delegate any duties described herein to the extent such delegation is permissible by law.
2. Pursuant to Chapter 193 of the Acts of 2004, the Town must contract for the services of an owner's project manager prior to contracting for design services where the project is estimated to cost \$1.5 million or more.
3. The Town Administrator shall designate the individual or group of individuals hereinafter referred to as "the Committee" who will conduct the designer selection process.
4. No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:
 - A. Has a direct or indirect financial interest in the award of this contract to any applicant;
 - B. Is currently employed by, or is a consultant to or under contract to, any applicant;
 - C. Is negotiating or has an arrangement concerning future employment or contracting with any applicant;
 - D. Or has an ownership interest in, or is an officer or director of, any applicant.
5. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the locality of the building project, in the Central Register published by the Secretary of the Commonwealth, and in any other place required by the Town Administrator, at least two weeks before the deadline for filing applications.
6. The advertisement shall contain the following information:
 - A. A description of the project, including the specific designer services sought, the estimated construction cost, and the time period during which the project is to be completed;
 - B. If there is a program or feasibility study for the building project, a statement of when and where the program will be available for inspection by the applicants;
 - C. When and where a briefing session (of any) will be held;
 - D. The qualifications required of applicants;

- E. The categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
 - F. Whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
 - G. When and where the RFQ can be obtained and the applications must be delivered.
7. The RFQ shall include the Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (2005).
 8. The Committee shall evaluate applicants based on the following criteria:
 - A. Prior similar experience;
 - B. Past performance on public and private projects;
 - C. Financial stability;
 - D. Identity and qualifications of the consultants who will work with the applicant for the project;
 - E. Any other criteria that the Committee considers relevant to the project.
 9. If more than three applications are received, the Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so. If fewer than three designers respond to the RFQ, the Committee may proceed with two or fewer finalists, or the Committee may cancel the procurement and repeat the selection process.
 10. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the Town Administrator. No person or firm, including the applicants' listed consultants, debarred pursuant to M.G.L. c. 149, Section 44C, shall be included as a finalist on the list. The list must be accompanied by a written explanation of the reasons for selection, including the recorded vote, if any. The written explanation and recorded vote, if any, shall be public records and shall be maintained in the contract file.
 11. If the fee was set prior to the selection process, the Town Administrator shall select a designer from the list of finalists. If the Town Administrator selects a designer other than the one ranked first by the Committee, the Town Administrator shall file a written justification with the Committee and maintain a copy in the contract file.
 12. If the fee is to be negotiated, the Town Administrator shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Town Administrator shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Town Administrator is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Town Administrator prior to the selection of finalists.

13. If the Town Administrator is unable to negotiate a satisfactory fee with any of the finalists, the Town Administrator shall recommend that the Committee select additional finalists.
14. Pursuant to Chapter 193 of the Acts of 2004, the Town of Orleans may allow a designer who conducted a feasibility study to continue with the project design. The Town of Orleans may include a statement in the advertisement and/or RFQ that the feasibility study designer is eligible to compete for the subsequent design services contract.
15. Every contact for design services must include the following:
 - A. Certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 - B. Certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with the award to the consultant or subcontractor of a contract by the designer or construction manager;
 - C. Certification that no person, corporation, or other entity, other than a bona fide full time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contact to the designer;
 - D. Certification that the designer has internal auditing controls as required by M.G.L c. 30, Section 39R (c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. c. 30, Section 39R(d).
 - E. All fees shall be stated in design contracts, and in any subsequent amendments thereto, as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in the scope of services.
16. The Town of Orleans shall not enter into a contract for design services unless the Town of Orleans or the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or any other person or business entity for whose performance the designer is legally liable arising out of the performance of the contact. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Town of Orleans may require, for the applicable period of limitations. A designer required by the Town of Orleans to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate or certificates of insurance coverage to the Town of Orleans prior to the award of the contract.
17. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.

18. In the event of an emergency that precludes the normal use of these designer selection procedures, the Town Administrator may elect to authorize expedited procedures to address the emergency with the approval of the Board of Selectmen. The Town Administrator shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information. The Town Administrator may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Town Administrator shall rank the finalists in order of qualification and select the designer for the emergency work.
19. The Town of Orleans shall publish the name of any designer awarded a contract in the Central Register.
20. The following records shall be kept by the Town of Orleans:
 - A. All information supplied by or obtained about each applicant;
 - B. All actions taken relating to the project;
 - C. Any other records related to designer selection.
 - D. All records shall be available for inspection by the State Designer Selection Board and other authorized agencies.
21. The Town of Orleans shall evaluate designers' performance on contracts in accordance with M.G.L. c. 7 Section 38E(g).

Date adopted: December 31, 2002

Date revised: June 18, 2008



TOWN OF ORLEANS

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POLICY STATEMENT

FAIR HOUSING

The Congress of the United States of America has declared a national fair housing policy through Title VIII of the Civil Rights Act of 1968. The Commonwealth of Massachusetts has also declared a state equal housing opportunity policy through the Massachusetts Fair Housing Law; MGL Chapter 151B. Towns within the Commonwealth of Massachusetts are part of a long-standing tradition of equal justice for all persons.

It is hereby resolved that the Town of Orleans affirms its commitment to ensure equal opportunity in housing for all persons. The effects of overt or covert discrimination based on race, color, religious creed, national origin, sex, age, children, ancestry, marital status, veteran status, source of income, blindness or deafness in the sale, rental or financing of housing have insidious implications for the moral base of any community. In the conduct of all Town programs and activities affecting the housing of Town residents, the policy of the Town shall be to promote equal choice and access to housing for all persons. The Town shall take all the action necessary and appropriate to prevent discrimination in housing and housing services against individuals residing or wishing to reside within its boundaries.

The Town recognizes that discriminatory practices are detrimental to its citizens and to its future, and will take all necessary action to remedy the effects of discrimination and prevent the continuation of such practices. The Town will aggressively move to counteract any activities, which restrict the potential for equal opportunity in housing.

The Town encourages all real estate agents, homebuilders, land developers, mortgage lenders and landlords to review their operating practices and join the Town in making equal opportunity in housing a reality.

Reviewed: 4 January 2000
20 April 2005



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POLICY STATEMENT

LICENSED PREMISES ACCESSIBLE TO THE PUBLIC

No application for any new alcoholic common victualler license or for the transfer of such a license shall be approved by the Board of Selectmen acting as the local licensing authority unless the Board determines that the licensed premises are accessible to the public.

Factors to be considered by the License Board shall include, without limitation, whether such premises have handicapped accessible ramps, toilets and parking spaces that comply, at a minimum, with applicable requirements, and have appropriate signs, which designate such parking spaces.

Exceptions may be granted by the Licensing Board if it finds that such access is architecturally impossible or economically unfeasible.

Date Drafted: February 2, 1990
Date Approved: February 7, 1990
Dates Reviewed: January 4, 2000; April 20, 2005
Date Reviewed: August 14, 2013
Date Approved: September 4, 2013



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BUDGET POLICY FISCAL YEAR 2018

It is the policy of the Orleans Board of Selectmen that the budget for the period beginning July 1, 2017 and ending June 30, 2018 (FY18) shall be developed in accordance with the following guidelines.

GOAL

The goal is to develop a budget for FY18 that focuses on managing the Town's growth and development including addressing the Town's unfunded liabilities in a fiscally responsible way while considering input and advice from the citizenry, Finance Committee and Department Heads.

REVENUES

Real Property Tax

As reflected in the October 6, 2016 Financial Plan, the FY18 property tax levy increase is 4.5% and the tax rate increase is 2.5%.

Non-Property Tax

In accordance with the Board's Policy, free cash reserves will be maintained at a minimum of 4.5% of the proposed operating budget. An additional amount up to 0.5% in free cash reserves will be considered for appropriation to the OPEB Trust Fund, with the remaining balance applied to reduce property taxes in FY18 and FY19.

Review all local revenue sources to maintain fair pricing for services provided and consider means to increase revenue.

EXPENDITURES

Non-Schools

Non-school operating expenditures necessary to maintain the core level of Town services shall increase by not more than 2.5%.

Operating expenditures shall include salaries and wages, fringe benefits, pensions, general expenses and state/county assessments, but not debt.

Expenditures adopted in the Capital Improvements Plan for FY18 are reflected in the Financial Plan Special Articles, including proposed Buildings & Facilities Master Plan projects (\$250,000) and Vehicle & Equipment Replacement (\$837,000) funding.

Schools

School operating expenditures (Orleans Elementary, Nauset Regional and Cape Cod Tech) shall not increase by more than 2.5%.

Operating expenditures shall include salaries and wages, fringe benefits, pensions, general expenses, but not debt. Capital outlay expenditures are funded at \$91,000 for Nauset Regional Schools.

Debt

Any new borrowing proposed for an item in the FY18 capital budget shall be offered to the voters as a Proposition 2½ debt exclusion question on the ballot.

PROCESS

The Town Administrator shall develop a balanced non-school operating budget in accordance with these policy guidelines. The Capital Improvements Plan shall list and prioritize the Town's infrastructure requirements for the next five years from FY19 – FY23 and the Capital Budget shall include items proposed for funding in FY18.

Department Managers will be required to review their respective operations with the Town Administrator with a focus on the sustainability of the core services currently provided to the community. Level of service decisions should be considered during the budget development process and reflect the potential to outsource services wherever appropriate, reduction in the number of town positions and/or a reduction in the full-time (40-hour) workweek. The Town understands and recognizes its obligations under the law to meet and negotiate certain aspects of reduction in services with labor unions who represent the town employees and it will meet those obligations as required.

Included as part of the budget message, the Town Administrator shall highlight specific recommendations to meet the Board's budget policy guidelines for FY18.

Date Submitted: October 5, 2016

Date Approved: October 5, 2016



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BOARD OF
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POLICY STATEMENT

Municipal Self Insurance Fund

It shall be the policy of the Board of Selectmen that expenditures from the Municipal Self Insurance Fund, created under Chapter 41, Section 13 of the Massachusetts General Laws and modified by Chapter 56 of the Acts of 2000, shall be approved for uninsured damage costs. The fund shall pay for an amount up to \$50,000 per occurrence.

Under no circumstances shall the costs of normal maintenance and/or repair be paid from this fund.

If cases paid under this fund or the Contingency/Self Insurance Account result from the negligence or deliberate acts by "third parties", restitution or recover shall be obtained from the responsible party through any legal means available.

Annual contributions to this fund shall be considered by the Board of Selectmen during budget review process prior to the annual Town Meeting.

Date approved: 13 September 1989

Date revised: 15 December 1993

Date revised: 6 July 2005



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Town of Orleans

General Operating Reserve Policy

Overview:

Formal written policies that establish guidelines for funding and maintaining reserves can help a community sustain operations during difficult economic periods and provides protection from unforeseeable risks. Reserves can be used to finance unforeseen or emergency needs or can be used to support vital public services during temporary revenue declines. Healthy reserve balances can also positively impact a community's credit rating and, in turn, reduce the overall long-term cost to finance major projects. A reserve policy is important to outline the Town's reserve targets and acceptable uses of reserves.

The discussion of reserves, and the attention placed on them by credit rating agencies, is generally focused on stabilization funds and free cash.

The overall level of financial reserves is critical to maintaining the Town of Orleans AAA credit rating and ensuring sufficient funds to manage unanticipated needs and maintain overall fiscal stability.

The US Government Finance Officers Association, as well as the credit rating agencies and the Town's external financial advisors, recommend maintaining reserves of no less two months of regular general fund operating expenditures (generally a minimum of 16% – 17% of the annual general operating budget).

Reference:

US Government Finance Officers Association Best Practice - Fund Balance Guidelines for the General Fund (September 2020)

US Government Finance Officers Association Reserve Policy Template (September 2020)

Email from Cinder McNerney, Regional Managing Director, Hilltop Securities Inc., Boston, MA (dated April 27, 2020)

General Policy:

The Town of Orleans General Operating Reserves Policy target is a minimum of 13% - 17% of the General Fund Annual Operating Budget. To meet this target, the General Stabilization Fund and Free Cash balances will be combined annually in accordance with the below policies.

1. **General Stabilization Fund**

Background:

The General Stabilization Fund is the Town's main reserve fund designed to provide financial stability for the Town, while improving the Town's credit worthiness, liquidity, and flexibility. The provisions of this fund are dictated by Massachusetts General Law (MGL), Chapter 40, Section 5B and further directions are provided in MA DOR Division of Local Services Information Guideline Release No. 17-20.

The Stabilization Fund may be appropriated for any lawful purpose upon recommendation of the Select Board and two-thirds (2/3) vote by Town Meeting. Appropriations into the fund require a majority vote by Town Meeting.

Policy:

The Town will endeavor to maintain a target minimum balance in the General Stabilization Fund of 12% – 14% of the annual general fund operating budget for the purpose of providing financial stability and protecting the Town's credit worthiness.

The Town will endeavor to leave this balance unspent, except in the event of an emergency or extraordinary/unforeseen event or to provide short-term relief in temporary economic downturns.

If it is necessary to draw down from the General Stabilization Fund, the Town will ensure that it is restored through the appropriation of revenues such as free cash and/or one-time revenues as soon as practicable.

References:

MGL Chapter 40, Section 5B

MA DOR Division of Local Services Information Guideline Release No. 17-20

MA DOR Division of Local Services Best Practices - Reserve Policies (January 2020)

US Government Finance Officers Association Best Practice - Fund Balance Guidelines for the General Fund (September 2020)

US Government Finance Officers Association Reserve Policy Template (September 2020)

2. Free Cash Policy

Background:

The MA DOR Division of Local Service's *Municipal Finance Glossary* (January 2020) defines Free Cash as follows:

Free Cash – Remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year, actual receipts in excess of revenue estimated on the tax recapitulation sheet, and unspent amounts in budget line items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the June 30 balance sheet, which is submitted by the community's auditor, accountant, or comptroller. Free cash is not available for appropriation until certified by the Director of Accounts.

MA DOR Division of Local Services recommends that a municipality strive to generate free cash in an amount equal to 3% - 5% of its annual budget.

Policy:

The Town of Orleans will not use free cash to fund the operating budget. Free Cash is considered a non-recurring source of funds, and should only be used for non-recurring purposes, including replenishing reserves.

The Town will endeavor to reserve a target minimum balance of Free Cash equal to 3% - 5% of the annual general fund operating budget for the purpose of providing financial stability and protecting the Town's credit worthiness. Conservative revenue projections and departmental appropriations shall be managed to produce excess income and departmental budget turn backs in order to maintain the targeted minimum balance.

Amounts exceeding this reserve target will be available for capital or other one-time expenses, or can be used to reduce the tax rate, while the reserve target amount will be left unspent from year to year.

References:

MA DOR Division of Local Services Best Practices – Free Cash (January 2020)

US Government Finance Officers Association Best Practice - Fund Balance Guidelines for the General Fund (September 2020)

US Government Finance Officers Association Reserve Policy Template (September 2020)

MA DOR Division of Local Services Municipal Glossary (January 2020)

DATE PREPARED: September 17, 2020

DATE APPROVED: September 23, 2020



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POLICY STATEMENT

ACCEPTANCE OF EQUIPMENT VALUED AT \$10,000 OR MORE

The purpose of the Town's Ten-Year Motor Vehicle and Equipment Replacement Schedule maintained by the Town Administrator is to identify and prioritize the planned replacement of existing vehicles and equipment through the annual budget process.

It shall be the policy of the Board of Selectmen that before the Town accepts any motor vehicles or equipment valued at \$10,000 or more, through gift, grant, surplus or otherwise outside of the annual budget process, that the prior approval of the Town Administrator and Board of Selectmen is required.

In order to receive consideration, departmental requests must include the following information: a description and age of the vehicle or equipment; a summary of its intended use and benefits to the Town; the projected annual cost of operation and maintenance; any required repairs or training necessary to place it in service; and source of funding to meet the additional expenses in the first year.

PREPARED: June 15, 2012
ADOPTED: August 29, 2012



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POLICY STATEMENT USE OF AMBULANCE RESERVES

It shall be the policy of the Board of Selectmen that proposed appropriations from the Ambulance Reserve for Appropriations Account ("the Account") established under M.G.L. Chapter 40, Section 5F shall be used solely for the purchase of new ambulances and to offset other direct costs of the Fire/Rescue Department necessary to provide ambulance services to the residents of the Town of Orleans.

The Town maintains a fleet of three (3) ambulances and a replacement ambulance should be purchased every three (3) years at an estimated cost of \$345,000. In addition, the FY19 operating budget of the Fire/Rescue Department is \$2.75 million dollars and 75% of their calls are emergency medical services related.

From FY16-FY18, the Town averaged \$819,000 a year in ambulance service charges for deposit into the Account. For budgeting and capital planning purposes, the Account shall maintain a cumulative reserve of at least \$125,000 per year to be used to purchase new ambulances. Up to \$600,000 of the remaining balance shall be appropriated at the Annual Town Meeting to help offset the direct expenses in the Fire/Rescue Department including Ambulance Billing Service, E911 Dispatch Service, EMT and Paramedic Salaries and Overtime.

The Board will review the Account balance with the Town Administrator, Director of Municipal Finance, and Fire Chief at least twice each year to determine the adequacy of the amount being reserved for the purchase of new ambulances and to ensure that the available balance within the Account is appropriated annually to help offset direct expenses related to ambulance services.

Date Prepared:	December 11, 2014
Date Revised:	December 17, 2014
Date Approved:	December 17, 2014
Date Revised:	September 5, 2018
Date Approved:	September 5, 2018



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BOARD OF
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POLICY STATEMENT INVESTMENT POLICY – Long Term Funds

I. Purpose:

It is the policy of the Town of Orleans to prudently follow the investment guidelines in compliance with Massachusetts General Laws, Chapter 44, Sections 54, 55, & 55B. State law requires the municipal Treasurer to invest all public funds except those required to be kept uninvested for purposes of immediate distribution. All Long Term Funds accounts will be maintained separately, receiving their proportionate interest and any realized/unrealized gains or losses. The accounts may be established as a pooled investment portfolio unless otherwise stated.

II. Statutory Authority:

Massachusetts General Laws, Chapter 44, Section 55B requires that the Treasurer invest all public funds except those required to be kept liquid for the purpose of immediate distribution.

Massachusetts General Laws, Chapter 44, Section 54 relates to the investment of Trust Funds of all nature, including those not specifically mentioned by statute such as Cemetery Perpetual Care, Library, Council on Aging, Scholarships, Marine, Indigent, Municipal Insurance Trust, Affordable Housing Trust, Conservation, Streetlight, and others. Chapter 40, Section 5B pertains to Stabilization Funds; Chapter 44B, Section 7 for Community Preservation Act Funds. All are deemed to be Long Term Funds.

If the trust fund results from a gift, grant or bequest from a private donor, and the private donor specifies how the trust shall be invested; the trust fund shall be invested in accordance with the terms of the gift, grant or bequest. If there is a conflict between such donor terms and this Section II, the donor terms shall govern, subject to the general principles of prudence set forth in the Policy.

III. Objectives:

Invested Long Term Funds are to be placed through a professional Municipal Investment Advisor at the highest possible rate of return reasonably available over a long term horizon, considering the acceptable levels of safety, liquidity and yield. Therefore, these guidelines are intended to further the objective of securing the highest reasonable return available over an extended period that is consistent with prudent safety of principal while meeting the daily cash requirements for the operation of the trust business.

- Safety of principal is the foremost objective of the investment program. Investments shall be undertaken through a professional Advisor in a manner that seeks to preserve capital through the mitigation of credit risk and interest rate risk. These risks shall be further mitigated by the diversification and prudent selection of investment instruments, and choice of depositories and Investment Advisor. Diversification should occur in terms of maturity as well as instrument type

and issuer. The diversification concept promotes guarding against over concentration of maturities, as well as concentration in a specific institution, except for U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies.

- Liquidity is the next most important objective. The overall investment portfolio shall remain sufficiently liquid over time to meet all operating requirements that may be reasonably anticipated within any trust account. Since all possible cash demands cannot be anticipated within each trust, the Treasurer shall attempt to carry out and convey investment activity needs and requirements to the professional Advisor in a manner that provides for meeting unusual or unexpected cash demands without requiring the liquidation of investments that could result in forfeiture of accrued interest earnings, and loss of principal in some cases.
- Yield is the third, and last, objective. Investments shall be undertaken by the professional Advisor to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

IV. Risk Factors:

- **Credit Risk:** “Credit Risk”, also known as “Investment Risk”, is the risk that an issuer, backer, or other counterparty to an investment will not fulfill its obligations, or loss occurs due to the failure of the security issuer or backer. The Town will manage credit risk several ways. In addition to “safe haven” investment in United States Treasury and United States Government Agency obligations, the Town will only purchase investment grade securities with a high concentration in securities rated ‘A’ or better. The Town may invest in the Massachusetts Municipal Depository Trust (MMDT) with no limit to the amount of funds placed in the fund, and the Town may place funds in banking institutions as stated in Section III of this Investment Policy Statement.
- **Custodial Risk:** The “Custodial Credit Risk” for deposits is the risk that, in the event of the failure of a depository financial institution or counterparty to a transaction, a municipality will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The Town will review the financial institution’s financial statements and the background of the Investment Advisor. The intent of this qualification is to limit the Town’s exposure to only those institutions with a proven financial strength, Capital adequacy of the firm, and overall affirmative reputation in the municipal industry. Further, all securities not held directly by the Town, will be held in the Town’s name and tax identification number by a third-party custodian approved by the Treasurer and evidenced by safekeeping receipts showing individual CUSIP numbers for each security.
- **Concentration of Credit Risk:** “Concentration of Credit Risk” is the risk of loss attributed to the magnitude of a government’s investment in a single issuer. The Town will minimize concentration of credit risk by diversifying the investment portfolio so that the impact of any potential losses from investment in any one type of security or issuer due to market fluctuation will be minimized.
- **Interest Rate Risk:** “Interest Rate Risk” is the risk that changes in interest rates will adversely affect the fair value of an investment. The Town will manage interest rate risk by managing and varying duration (maturity dates) in the accounts, particularly with fixed income investments.
- **Foreign Currency Risk:** “Foreign Currency Risk” is the risk that changes in foreign monetary exchange rates will adversely affect the fair value of an investment or a deposit. The Town will limit investment in any instrument exposed to foreign currency risk.

V. Investment Instruments:

M.G.L. Chapter 44 Section 54 states that money should be deposited into Savings Banks, Trust Companies incorporated under the laws of the Commonwealth, Banking Companies incorporated under the laws of the Commonwealth which are members of the Federal Deposit Insurance Corporation, or National Banks; or invested in participation units in a combined investment fund under Section thirty-eight A of Chapter twenty-nine, or in a paid-up shares and accounts of and in Co-operative Banks, or in shares of Savings and Loan associations or in share or savings deposits of Federal Savings and Loan Associations doing business in the Commonwealth.

Additionally, Chapter 44 Section 54 sets forth that the Town may invest such funds in securities (other than mortgages or collateral loans) which are legal for the investment of funds of savings banks under the laws of the Commonwealth, provided, that not more than fifteen percent (15%) of any such trust funds shall be invested in bank stocks and insurance company stocks, and that not more than one and one-half percent (1 ½%) of such funds be invested in the stock of any one bank or insurance company.

Long Term Funds may also be invested by the Treasurer per M.G.L. Chapter 44 Section 54 more specifically as follows:

- U. S. Treasuries that maybe sold prior to maturity: Unlimited amounts (With no limit to the length of maturity from date of purchase)
- U.S. Agency obligations that maybe sold prior to maturity. Unlimited amounts (With no limit to the length of maturity from date of purchase)
- Bank accounts or Certificates of Deposit (“CDs”) Unlimited amounts (With no limit to the length of maturity from date of purchase), fully insured by FDIC. Deposits beyond FDIC limits must be additionally insured by a third-party Collateralized Arrangement, DIF (Depository Insurance Fund), SIF (Share Insurance Fund), or Letters of Credit.
- Unsecured bank deposits of any kind such as other checking, savings, money market, or Certificates of Deposit accounts at Banks that do not fit the above categories. These investments are subject to the following limitations: These investments will be limited to no more than 5% of an institution's assets and no more than 25% of a municipality's cash. This percentage may be increased for not more than 30 days during times of heavy collection or in anticipation of large payments that will be made by the Town in the near future. These payments may be for such items as debt service payments or regional school assessments. Their credit worthiness will be tracked by Veribanc, or other bank credit worthiness reporting systems. They will be diversified as much as possible. CDs will be purchased with no limit to the length of maturity from the date of purchase and will be reviewed frequently.
- Common Stocks, Preferred Stocks, and Bonds that are listed in the List of Legal Investments.
- Investment Funds that are listed in the List of Legal Investments.
- All other items not separately identified here that are listed in the List of Legal Investments.

Trust Funds may be co-mingled and invested in any instruments allowed by the Commonwealth of Massachusetts List of Legal Investments issued and updated by the Banking Commissioner each July, as found in M.G.L. Chapter 167 Section 15A. Each trust fund must be accounted for separately.

VI. Standards of Care:

The standard of prudence to be used by the Treasurer shall be the “Prudent Person” standard pursuant to MA GL Chapter 203C and shall be applied in the context of managing an overall portfolio. The Treasurer acting in accordance with this Investment Policy Statement, and exercising reasonable due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided the purchases and sale of securities is carried out in accordance with the terms of this Investment Policy Statement and the associated Massachusetts General Laws.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived.

In addition, this Section would also apply to M.G.L. Chapter 44 Section 55A which refers to the liability of the Treasurer for losses due to bankruptcy.

With regard to bank deposit portions of Trust Accounts, Veribanc is a bank rating service used to assess the credit worthiness of banking institutions, and it shall be utilized and checked regularly. By utilizing this report, the Town limits its exposure to only those banking institutions with a proven financial strength, capital adequacy, and overall affirmative reputation in the banking industry. Banking institutions are rated with a 3-tier color coding system of ‘green’, ‘yellow’, and ‘red’; with a ‘green’ rating assigned to the most sound institutions. When using the Veribanc rating service the Treasurer may invest in such banks that show a ‘green’ rating in a particular quarter. If a rating falls to ‘yellow’ the Treasurer shall contact the appropriate banking institution and request in writing an explanation of the change in rating and the expected time table for it to be changed back to ‘green’. No Town investment of funds shall be made in an institution bearing the lowest ‘red’ rating by Veribanc, and the Treasurer shall remove any current Town deposits from an institution that has been downgraded to a ‘red’ rating, the lowest on the Veribanc scale.

Diversification should be interpreted in two ways: in terms of maturity as well as instrument type and issuer. The diversification concept should include prohibition against over concentration of maturities, as well as concentration in a specific institution, except for U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies.

Financial institutions and Advisors should be selected first and foremost due to their financial soundness and stability. Brokers and Financial Advisors should be recognized, reputable dealers and members of the Financial Industry Regulatory Authority (FINRA). The Treasurer shall require any brokerage houses and broker/dealers wishing to do business with the municipality to supply the following information to the Treasurer upon request:

- Annual Financial statements
- If acting as a Registered Investment Advisor, copy of their most recent Form ADV Part II report
- Errors & Omissions insurance amounting to, at a minimum, the total fair market value of the Trust Fund Portfolio
- A statement that the Advisor has read the municipality's IPS and will comply with it on an annual basis
- Review of Advisors through www.finra.org: Broker Check Program

VII. Reporting and Evaluation:

The Municipal Investment Advisor shall prepare, on a quarterly basis, an accounting of the Long Term funds currently invested. Such a report will indicate a breakdown of the institutions, investment instruments, and dollar amounts held/invested for the period within each trust account. The report will indicate earnings received and asset growth attained over the period within the trust accounts, and the Treasurer shall monitor these statements and reports to determine that they are in line with the Town's Investment Policy and benchmark returns generally attainable with investment portfolios comprised of similar holdings. The Treasurer shall provide a summary of the quarterly results and copies of these reports to the Finance Director and the Town Administrator.

VIII. Ethics:

All officers of the Town conducting any financial transactions on behalf of the Town shall follow the Commonwealth of Massachusetts State Ethics Commission rules and regulations. These officers shall refrain from any transactions which would afford them personal gain or nepotism, and refrain from any personal activity that may conflict with the proper execution of the investment program or which could impair or appear to impair ability to make impartial investment decisions. They shall remain impartial when choosing investments for the Town with safety and liquidity being the first and foremost concern.

IX. Authority to Act:

The Town Treasurer and his or her designee are responsible for the Town's Long Term Funds investments and shall follow procedures as set forth within. The Treasurer shall establish limits and controls for the designee as needed. Authorization for this designee must be established with each banking facility that the designee has permission to access. The Treasurer has the authority to invest the funds subject to the statutes of the Commonwealth as cited within.

X. Legal References:

Massachusetts General Law Chapter 40, Section 5B
Massachusetts General Law Chapter 44, Section 54
Massachusetts General Law Chapter 44, Section 55A
Massachusetts General Law Chapter 44, Section 55B
Massachusetts General Law Chapter 44B, Section 7
Massachusetts General Law Chapter 203C

XI: Approval:

The investment policy for the Town of Orleans shall be submitted to the Board of Selectmen for approval and adoption.

Policy Endorsement:

Town Treasurer

Chairman, Board of Selectmen

Dated: _____



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POLICY STATEMENT

INVESTMENT POLICY – Short Term Operating Funds

I. Purpose:

It is the policy of the Town of Orleans to prudently follow the investment guidelines in compliance with Massachusetts General Laws, Chapter 44, Sections 54, 55, & 55B. State law requires the municipal Treasurer to invest all public funds except those required to be kept uninvested for purposes of immediate distribution. The intention is to safeguard all funds as securely as possible and receive competitive rates of return.

II. Statutory Authority:

Massachusetts General Laws, Chapter 44, Section 55B requires that the Treasurer invest all public funds except those required to be kept liquid for the purpose of immediate distribution.

Massachusetts General Laws, Chapter 44, Section 55 sets forth the types of instruments which are legal for municipal Treasurers to invest in for short term operating funds, defined as General Funds, Special Revenue Funds, Enterprise Funds, and Capital Projects Funds

III. Objectives:

The primary objective is to safeguard the Town short term operating funds and invest as prudently as possible taking into consideration safety, liquidity and yield. The Town's short term investment portfolio shall be designed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, taking into account the Town's deposit risk constraints and the cash flow requirements of the portfolio.

1. Safety:

Preservation of principal is the foremost objective of the short term investment program. Investment and deposit risk shall be mitigated by the diversification and prudent selection of deposit instruments, and choice of depositories. Diversification should occur in terms of maturity as well as instrument type and depository. The diversification concept promotes guarding against over concentration of maturities and deposit types, as well as concentration in a specific institution. Unsecured deposits shall be limited, the exception being US Treasury and Agency obligations as spelled out in M.G.L. Chapter 44, Section 55 as detailed in paragraph IV below.

Veribanc is a bank rating service used to assess the credit worthiness of banking institutions and it shall be utilized and checked regularly. By utilizing this report, the Town limits its

exposure to only those banking institutions with a proven financial strength, capital adequacy, and overall affirmative reputation in the banking industry. Banking institutions are rated with a 3-tier color coding system of 'green', 'yellow, and 'red'; with a 'green' rating assigned to the most sound institutions. When using the Veribanc rating service the Treasurer may invest in such banks that show a 'green' rating in a particular quarter. If a rating falls to 'yellow' the Treasurer shall contact the appropriate banking institution and request in writing an explanation of the change in rating and the expected time table for it to be changed back to 'green'. No Town investment of funds shall be made in an institution bearing the lowest 'red' rating by Veribanc, and the Treasurer shall remove any current Town deposits from an institution that has been downgraded to a 'red' rating, the lowest on the Veribanc scale.

2. Liquidity:

The overall short term deposit portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the Treasurer shall carry out investment activities in a manner that provides for meeting unusual cash demands without the liquidation of deposits/investments that could result in forfeiture of accrued interest earnings.

3. Yield:

This objective shall be secondary to both safety and liquidity due to the onus on the Town to maintain the value of public funds. All funds are to be invested in an interest yield protected by FDIC and/or other additional coverage/insurance, earning as high a return as possible for the assurances of safety and liquidity.

The Town shall ensure the safety and liquidity of its short term funds through several means:

1. It will avoid over concentration of deposit in any provider or institution. This limits the risk of loss attributed to the magnitude of the Town own's investment in an entity should the entity fail (thereby preventing Concentration of Credit Risk).
2. It will prohibit investment in any high risk securities or deposits to ensure safety of principal, and shall do so by strict adherence to the requirements of Massachusetts General Laws, Chapter 44, Section 55 (thereby preventing Investment Risk/Credit Risk)
3. If investments are made in several Certificates of Deposits, varying maturity dates should be used among them in order to avoid penalties for early withdrawals and to ensure the liquidity of funds (thereby preventing Liquidity Risk).
4. It will limit investment in any long maturity securities or deposits in order to prevent erosion of principal due to interest rate changes, and shall do so by strict adherence to the requirements of Massachusetts General Laws, Chapter 44, Section 55 (thereby preventing Interest Rate Risk).
5. The Treasurer shall be required to utilize the Veribanc reporting system to continually monitor the performance of banking institutions it holds deposits with and act accordingly by making changes where necessary as previously described (thereby preventing Custodial Credit Risk).
6. Diversification. This shall be interpreted in two ways: in terms of maturity as well as instrument type and issuer. The diversification concept should include prohibition against over concentration of maturities, as well as concentration in a specific institution. Except for U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies, and State pools (MMDT), no more than 25% of the Town's investments shall be invested in a single financial institution.

The Town will only entrust its investments in institutions, depositories, and brokers which have proven their credit worthiness and ability to handle such funds in compliance with the investment policies of the Town.

IV. Investment Instruments:

Short Term Operating Funds may be invested by the Treasurer as follows, as per M.G.L. c44 s55:

- US Treasury securities in unlimited amount with a maturity of one year or less
- Agencies of the US government in unlimited amount with a maturity of one year or less
- Savings Accounts/Money Market accounts of banks insured by FDIC up to the coverage limit. Deposits beyond FDIC limits must be additionally insured by third-party Collateralized Arrangement, DIF (Depository Insurance Fund), SIF (Share Insurance Fund), or Letters of Credit. Unlimited amounts.
- Certificates of deposits with a maturity of up to three year or less with banks insured by FDIC up to the coverage limit. Deposits beyond FDIC limits must be additionally insured by third-party Collateralization arrangement, DIF, SIF, or Letters of Credit. Unlimited amounts.
- Investments in a pooled fund operated under the authority of the State Treasurer. The Massachusetts Municipal Depository Trust (MMDT) an investment pool for state, local, county and other independent government authorities is under the auspices of the State Treasurer and is professionally managed. It invests in Bankers Acceptances, Commercial Paper of high quality, Bank Certificates of Deposit, Repurchase agreements (Repos) and US Treasury obligations. Under Government Accounting Standards Board Regulation (GASB III), it is not considered an uncollateralized product. Unlimited amount.
- Money Market Mutual Funds that are registered with the Securities and Exchange Commission that have received the highest possible rating from at least one nationally recognized statistical rating organization and as otherwise referenced in the Massachusetts General Law Chapter 44 Section 55.

V. Restrictions:

M.G.L. Chapter 44, Section 55 sets forth several restrictions that the Treasurer must be aware of when making investment selections:

- The Treasurer shall not at any one time have on deposit in a bank or trust company an amount exceeding 60% of the capital and surplus of such bank or trust company, or banking company, unless satisfactory security is given to it by such bank or trust company, or banking company for such excess.
- The Treasurer shall not make a deposit in any bank, trust company or banking company with which he or she is, or for any time during the three years immediately preceding the date of any such deposit was, associated as an officer or employee.

- All securities shall have a maturity from date of purchase of one year or less, with the exception of bank certificates of deposits that have a three-year limit from the date of purchase.

VI. Reporting and Evaluation:

The Treasurer shall prepare, on a monthly basis, an accounting of the short term funds currently invested. Such a report will indicate a breakdown of the institutions, investment instruments, and dollar amounts held/invested for the period. The Treasurer shall also prepare a monthly statement indicating earnings received monthly from each of the individual deposits and investments, and shall monitor these earnings to determine that they are in line with budgeted earnings revenues.

VII. Ethics:

All officers of the Town conducting any financial transactions on behalf of the Town shall follow the Commonwealth of Massachusetts State Ethics Commission rules and regulations. These officers shall refrain from any transactions which would afford them personal gain or nepotism, and refrain from any personal activity that may conflict with the proper execution of the investment program or which could impair or appear to impair ability to make impartial investment decisions. They shall remain impartial when choosing investments for the Town with safety and liquidity being the first and foremost concern.

VIII. Authority to Act:

The Town Treasurer and his or her designee are responsible for the Town’s investments and deposits and shall follow procedures as set forth within. The Treasurer shall establish limits and controls for the designee as needed. Authorization for this designee must be established with each banking facility that the designee has permission to access. The Treasurer has the authority to invest the Town’s funds subject to the statutes of the Commonwealth as cited within.

IX: Approval:

The investment policy for the Town of Orleans shall be submitted to the Board of Selectmen for approval and adoption.

Policy Endorsement:

Town Treasurer

Chairman, Board of Selectmen

Dated: _____



TOWN OF ORLEANS

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TOWN
ADMINISTRATOR

POLICY STATEMENT

AMBULANCE BILLING PROCEDURES

I. PURPOSE:

It is the policy of the Town of Orleans to outline procedures to ensure timely monitoring of ambulance billing from generation to collection in an effort to improve efficiency and maximize revenue collection.

II. SCOPE:

This policy applies to all situations where fees are charged for providing Emergency Medical Services.

III. PROCEDURES:

The Town of Orleans shall contract with a billing agent to provide ambulance billing and collection for emergency medical services provided by the Town of Orleans Fire and Rescue Department. The Town of Orleans shall contract with a quality assessment/quality improvement (QA/QI) agent to review all run data, practices and procedures to ensure compliance with Massachusetts Office of Emergency Services requirements, as well as with hospital and insurance requirements. In accordance with the General Bylaws Chapter 95, Ambulance and Emergency Services (as proposed), the Board of Selectmen establishes ambulance billing rates as allowed under applicable Federal and State medical reimbursement regulations. Upon approval, the rates as modified shall be forwarded to the billing agent for implementation.

1. SERVICE DATA:

- a. Under the direction of the Fire Chief, all run data shall be provided to the Town's QA/QI agent on a bi-weekly basis.
- b. The QA/QI agent shall perform an independent and unbiased review of run data to ensure compliance with State, hospital and insurance requirements. Upon audit completion, the QA/QI agent shall report the results to Fire Chief. Any audit concerns and/or recommendations shall be addressed by the Fire Chief in a timely manner. A summary of these results shall be provided to the Board of Selectmen on a quarterly basis.
- c. Under the direction of the Fire Chief, run data shall be submitted preferably on a daily (at a minimum weekly) basis to the billing agent. On a monthly basis, the billing agent shall send the Call Summary Report to the Orleans Fire and Rescue Department for reconciliation to the original run data submitted. Any discrepancies shall be researched and resolved by the Orleans Fire and Rescue Department within one week of receipt of the report.

2. BILLING/COLLECTION

- a. Upon receipt of the run data, the billing agent shall generate and mail the bills.
- b. Payments of bills shall either be remitted electronically to the Town, or directly to the billing agent who shall deposit these receipts into a Town dedicated bank account. The Town Collector/Treasurer's office shall receive records of these receipts directly from the bank(s) and shall record them in MUNIS via a receipt batch. All receipt batches are captured in the MUNIS Revenue Subsidiary Ledger.
- c. The Town Collector/Treasurer shall email advices of credit received during the month to the billing agent.

3. RECORDING/RECONCILIATION

- a. On a monthly basis, the billing agent shall submit to the Finance Department the following reports:
 - i. Call Summary – details of runs for the month
 - ii. Credit Summary – details of payments received during the month
 - iii. Adjustments Summary – details of adjustments made against the bills (primarily for insurance related allowances but could also be to re-instate a bill for bounced payments.)
 - iv. Write-Off Summary – details of bills to be written off for various reasons such as bad debt, late bill filings, etc.; and must be pre-approved by the Board of Selectmen.
 - v. Aging Summary – monthly detailed aging report of all receivable balances broken down among aging categories from “Current” on up to “Over 180 days”.
 - vi. Activity Summary – summary of the total receivables for the Town.
- b. From these reports, the Finance Director/Town Accountant shall record the new commitments (run activity), collection activity (receipts), and bill adjustments (allowances, write-offs, refunds, etc.) against the receivable balance in MUNIS.
- c. The Finance Director/Town Accountant shall reconcile the MUNIS receivable balance to the billing agent's Activity Summary and Aging Summary, and research any discrepancies with the billing agent.
- d. The Finance Director/Town Accountant shall also reconcile the MUNIS Revenue Subsidiary Ledger to the billing agent's Credit Summary to ensure all receipts reported by the billing agent agree to receipts recorded by the Town Collector/Treasurer's office. Any discrepancies shall be researched and resolved with the billing agent.

4. FINANCIAL HARDSHIP/FEE MODIFICATION:

- a. The Board of Selectmen may modify ambulance transport fees based upon financial hardship as quantified via the current year Department of Health and Human Services Poverty Guidelines. This will ensure a just and fair evaluation of a “Hardship Waiver Request Application”, as well as establish an audit trail in the event of future review. (NOTE: Transported patients must NOT have been injured while involved in the commission of a felony criminal activity.)

- b. It is understood that the Orleans Fire and Rescue Department will not deny necessary medical services due to either the patient's inability to pay or lack of insurance coverage.
- c. The Board of Selectmen shall review "Hardship Waiver Request Application" on an individual basis. If approved, the signed waiver form shall be provided to the Finance Director/Town Accountant and/or Town Collector/Treasurer for transmission to the billing agent for processing. Notification to the patient of the approved Hardship Waiver shall be provided by the billing agent.

5. DELINQUENT ACCOUNTS

- a. The Finance Director/Town Accountant and/or the Town Collector/Treasurer shall meet quarterly with the billing agent to discuss the aging receivable that have no activity within the prior 180 days.
- b. The reason for the inactivity and process utilized by the billing agent to pursue the uncollected amounts shall be reviewed, and the billing company shall provide the Town with a recommendation for resolution.
- c. If the billing agent has concluded that they have exhausted all collection efforts, the Town reserves the right to further pursue collection using other methods including, but not limited to, the following:
 - i. Establishment of Payment Plans
 - ii. Deny, revoke or suspend any license or permit in accordance with General Bylaws Chapter 94, Section 6.
 - iii. File a report with Experian Credit Bureau
 - iv. Engage a Collection agency
 - v. File with Small Claims Court
- d. If all collection efforts have been exhausted, the Finance Director/Town Accountant and/or Town Collector/Treasurer shall make a determination whether an account is to be written off as "uncollectable". The recommendation shall be provided to the Board of Selectmen for review and authorization. Notification of the authorization shall be provided by the Board of Selectmen to the Finance Director/Town Accountant and/or Town Collector/Treasurer; who shall forward it to the billing agent for processing. (NOTE: the determination does not constitute forgiveness of the debt if at a future date the payment is received by the Town through any and all agents.)

Date Reviewed: September 5, 2018

Date Approved: September 5, 2018



TOWN OF ORLEANS

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SELECT BOARD

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ADMINISTRATOR

Town of Orleans **Enterprise Fund Policy – FY 2022**

Overview:

In accordance with guidance from the Massachusetts Department of Revenue in compliance with provisions set forth in Massachusetts General Law, Chapter 44, Section 53F1/2, as accepted by the Town of Orleans Special Town Meeting held October 31, 2020, the Town of Orleans Select Board adopts an enterprise fund policy via the below sections to provide explanation of the following: 1) what funds are to be considered as Enterprise Funds, 2) establish a funding methodology (self-sufficient, meaning primarily funded by user fees, or require a general fund subsidy), 3) address retained earnings (desired levels and allowable uses), 4) define indirect costs and allocation methods to reimburse the general fund, and 5) define policy for funding future capital project.

The intent of Town's enterprise funds is to: 1) provide full transparency of these business-type operations; 2) to operate them in an innovative and efficient manner that is consistent with each of their mission/purpose; and 3) to strive to fund the operations primarily through fees paid by the users of the service. Funds raised through user fees are dedicated to the ongoing operations of each enterprise fund.

Policy Sections:

Section 1: Current Enterprise Funds

- a. Beaches Operation
- b. Transfer Station Operation
- c. Moorings Operation
- d. Rock Harbor Boat Basin Operation
- e. Sewer Operation

Section 2: Funding Methodology

A. Beaches Operation:

- a. 100% of direct expenses and indirect expense are to be covered by user fees, with no additional general fund tax levy subsidy.
- b. Annual debt service due on debt borrowed to fund previously approved capital projects originally voted as debt exclusion overrides will continue to be paid by taxation.
- c. Future capital projects to be funded by cash or debt service should be paid for from enterprise fund revenues.

B. Transfer Station Operation:

- a. At least 63% of direct expenses and indirect expense are to be covered by user fees with the remaining, approximately 37%, to be provided from a general fund tax levy subsidy.
 - b. Annual debt service due on debt borrowed to fund previously approved capital projects originally voted as debt exclusion overrides will continue to be paid by taxation.
 - c. Future capital projects to be funded by cash or debt service should be paid for from enterprise fund revenues.
- C. Moorings Operation:
- a. 100% of direct expenses and indirect expense are to be covered by user fees, with no additional general fund tax levy subsidy.
 - b. Future capital projects to be funded by cash or debt service should be paid for from enterprise fund revenues.
- D. Rock Harbor Boat Basin Operation
- a. At least 61% of direct expenses and indirect expense are to be covered by user fees with the remaining, approximately 39% to be provided from a general fund tax levy subsidy.
 - b. Annual debt service due on debt borrowed to fund previously approved capital projects originally voted as debt exclusion overrides will continue to be paid by taxation.
 - c. Future capital projects to be funded by cash or debt service should be paid for from enterprise fund revenues.
- E. Sewer Operation:
- a. 100% of direct expenses and indirect expense are to be covered by a transfer from the Special Purpose Wastewater Stabilization Fund. User fees are not available until the Sewer System is operational.
 - b. Construction costs borrowed through the State Revolving Fund (SRF) Clean Water Program do not have any debt service payments due during this fiscal year. Debt issued to fund pre-construction costs not borrowed through the SRF and originally voted as debt exclusion overrides will continue to be paid by taxation during FY 2022.
 - c. Future capital projects to be funded by cash or debt service should be paid for from enterprise fund revenues (primarily from user fees, grants, subsidies, and betterments).

Section 3: Retained Earnings

Overview: At year-end, the Enterprise Fund's performance is measured in terms of positive (surplus) or negative (deficit) operations. The surplus/deficit closes out to retained earnings, which are retained in the fund. The Massachusetts Division of Local Services (DLS) Director of Accounts certifies enterprise fund retained earnings based on the community's submission of a June balance sheet to DLS. Once certified, retained earnings (if positive) may be appropriated only for expenditures relating to the enterprise fund. If retained earnings are negative, the enterprise fund needs to make provisions to fund the deficit either by raising it through fees in the subsequent year or through a subsidy from the general fund and/or other available funding source.

Policy: The Town will reserve a target minimum balance of retained earnings equal to 10% of the Enterprise Fund Annual Operating Budget for the purpose of providing financial stability and establishing a reserve to offset unforeseen revenue deficits. Amounts exceeding this reserve target will be available to appropriate toward capital or other one-time expenses, or can be used to reduce the user fees, while

the reserve target amount will be left unspent from year to year.

To avoid a retained earnings deficit, the town will use conservative revenue projections and departmental appropriations will be managed to mitigate exposure to revenue deficits.

Section 4: Indirect Costs

Indirect costs include salary and expenses appropriated as part of the General Fund operating budget allocated to the enterprise fund that cannot be directly or exclusively assigned to one service. Indirect costs are allocated based the enterprise fund budget as a percentage of the total Town budgets (General Operating Budget plus all Enterprise fund budgets). For example, if the Beaches operations operating budget is \$1M and the total General Operating Budget PLUS all Enterprise fund operating budgets is \$10M, then the percentage used to allocate costs to the Beaches operations would be 10%.

Indirect costs are broken down into three categories:

- a. *General Fund Allocated Expenses* – support services provided for and paid from the general fund:
 - i. The amount allocated to each enterprise fund for Department of Public Works (DPW) salaries are based on an annual work allocation spreadsheet prepared by the DPW Superintendent.
 - ii. The amount allocated to each enterprise fund for Other Allocated Town Expenses is based on a ratio of each enterprise fund budget to the total general operating budget plus all enterprise fund budgets. This ratio is applied to the total of the following department budgets to calculate the amount to be reimbursed to the general fund for these Other Allocated Town Expenses.
 - a. Town Administrator, Finance, Assessor, Collector/Treasurer, MIS, Town Clerk, and Town Report. The Health Department is also included in costs to be allocated to the Transfer Station.
 - b. Fringe Benefits - based on town-wide fringe benefit rate calculation that is assigned to labor costs to cover such items as health insurance, pensions, unemployment insurance, Medicare, and workers compensation.
 - c. Property/Liability Insurance – insurance paid by general fund, a portion of which covers the enterprise fund activities. The amount assigned to each enterprise fund is provided by our insurance provider(s).

Section 5: Capital Expenditures

A plan for capital expenditures to be incurred each year over a fixed period of several future years setting forth each capital project, the amount to be expended in each year, and the method of financing for those expenditures should be submitted to the Town Administrator annually for inclusion in the Town's overall Capital Improvement Plan. Specific guidance on certain expenditure types are as follows:

1. Building and Facilities Maintenance – expenditures should be included in the annual operating budgets or through special articles placed in the town meeting warrant with funding (either cash or debt service) from enterprise fund revenues.
2. Motor Vehicle & Equipment expenditures – expenditures should be defined and should be included in the annual operating budgets or through special articles placed in the

town meeting warrant with funding (either cash or debt service) from enterprise fund revenues.

3. Capital Projects - expenditures should be submitted through special articles placed in the town meeting warrant with funding (either cash or debt service) from enterprise fund revenues.

DATE PREPARED: April 6, 2021

DATE APPROVED: April 7, 2021



TOWN OF ORLEANS

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BOARD OF
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TOWN
ADMINISTRATOR

POLICY STATEMENT

AUTHORIZATION TO ISSUE LICENSES

The Board of Selectmen, acting as the Local Licensing Authority, authorizes the Town Administrator to issue the following licenses: Temporary Common Victualler, Temporary Weekday Entertainment, Temporary Sunday Entertainment, Annual and One Day Transient Vendor, One Day Auctioneer License, General Licenses for Christmas Tree Sales, and One day Hawkers & Peddlers License. The Town Administrator will notify the Board of all licenses issued.

DATE PREPARED: 20 October 1992
DATE REVISED: 21 October 1992
DATES REVIEWED: 4 January 2000
20 April 2005



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BOARD OF
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POLICY STATEMENT

LICENSE RENEWALS

It shall be the policy of the Orleans Board of Selectmen to deny liquor, common victualler, innholder, lodging, or entertainment license renewals to any person, corporation, or business enterprise that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period.

Persons, corporations, or business enterprises holding licenses shall be notified not less than thirty (30) days prior to the date for license renewal and any party affected by this Policy shall be given a hearing according to Section 94-6 of the General ByLaws of the Town of Orleans and applicable state laws

Date Approved: 18 October 1989

Dates Reviewed: 4 January 2000

20 April 2005



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BOARD OF
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POLICY STATEMENT

LICENSING AGENT

It shall be the policy of the Selectmen to appoint a member of the Orleans Police Department as Licensing Agent.

The primary duties of the position are as follows:

- (1) To act as enforcement officer and agent for the Board of Selectmen in dealing with license holders of licenses issued by the Orleans Board of Selectmen and/or the Chief of Police.
- (2) To investigate and report on complaints received by the Board of Selectmen, Chief of Police, Town Administrator or their designee in regards to licenses issued under item #1 above.
- (3) To investigate and report on request made by the Board of Selectmen, Chief of Police, Town Administrator or their designee in regards to licenses issued under item #1 above.

The Licensing Agent shall be appointed for a period of one-year beginning July 1st.

DATE PREPARED: 11 January 1993
DATE REVISED: 20 January 1993
DATES REVIEWED: 4 January 2000
20 April 2005



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BOARD OF
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POLICY STATEMENT

NON PROFIT ORGANIZATION LICENSE POLICY

It shall be the policy of the Board of Selectmen/Licensing Authority that non-profit organizations follow all application procedures for licenses issued by the Board of Selectmen.

An applicant must provide a tax-exempt number to qualify for non-profit status.

All applicants must pay the filing fee as outlined in the *Town of Orleans License Fee* schedule. This filing fee may be reduced by the Board to \$10.00 if the Board feels that a service is being provided to the Town or it is in the best interest of the Town.

Waiving of license fees will be considered on an individual basis by written request.

Date Adopted: 6 November 1991

Date Revised: 20 November 1991

Dates Reviewed: 4 January 2000

20 April 2005



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BOARD OF
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POLICY STATEMENT

LIQUOR LICENSE FEES

It shall be the policy of the Orleans Board of Selectmen that annual and seasonal license fees for all alcoholic or wine and malt licenses shall be for the benefit of the licensee and that no portion of said fee shall be refunded or transferred as a credit upon sale of the establishment for which the license was granted.

DATE PREPARED: 21 June 1989
DATE REVISED: 28 October 1992
DATES REVIEWED: 4 January 2000
20 April 2005



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BOARD OF
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TOWN OF ORLEANS RULES AND REGULATIONS FOR SALE OF CHRISTMAS TREES

It shall be the policy of the Board of Selectmen that any person(s) and/or businesses selling Christmas Trees within the Town of Orleans that is not a licensed nursery and/or farm in Orleans will be required to obtain a license from the Board of Selectmen/Licensing Authority or their designee.

GENERAL CONDITIONS APPLY TO ALL LICENSE APPLICANTS

A completed application must be filed with the Town Administrator's office four (4) weeks prior to the first day of sale.

A filing fee must accompany each application with the license fee being payable upon issuance of the licenses. All fees are payable to the Town of Orleans.

An applicant not owning the property where trees will be sold must submit a letter from the property owner granting permission for the use of the property.

All licenses must be clearly displayed and those in possession of a license must comply with all local and state rules, regulations, laws and bylaws.

Any person operating a business without obtaining a proper license will be closed down immediately.

LOCAL BUSINESS & NON-PROFIT ORGANIZATIONS

Local business and non-profit organizations are required to obtain a General License.

A local business shall be defined as a business that operates within the Town of Orleans for six months or more during a calendar year.

Only local business and non-profit organizations serving the citizens of Orleans will be granted a license.

The license fee may be waived and the filing fee reduced by the Town Administrator for non-profit organizations who supply a tax exempt identification number and who comply with these regulations.

ALL OTHER APPLICANTS

Applicants not fitting the definition of local business or non-profit organization shall be considered transient vendors and are required to obtain both state and local transient vendor's licenses in accordance with M.G.L. Ch. 101, sections 3 & 5.

Applicants for a transient vendor's license must submit with the application a true statement, under oath, of the average quantity and value of stock of goods, wares, and merchandise kept or intended to be kept or exposed for sale. The Board of Selectmen then will submit the statement to the Orleans Assessor's Office, who, after examination and inquiry shall determine average quantity and value, and shall notify the Board of such value. The Board will then authorize the Town Clerk, upon the payment by the applicant of a fee equal to the taxes assessed in Orleans under the last preceding tax levy therein upon an amount of property of the same valuation, to issue to him a license authorizing the sale of such goods, wares and merchandise within the Town.

A copy of a current state license must be submitted with the application.

Adopted: 6 November 1991

Revised: 21 October 1922
11 October 1995
13 April 2005



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BOARD OF
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POLICY STATEMENT

APPOINTMENT OF NEW POLICE OFFICERS

It shall be the policy of the Orleans Board of Selectmen that appointments for new police officers will run as follows:

All original appointments of full time regular police officers will run to the second June 30, following the officers' initial appointment.

All subsequent appointments of full time regular police officers will be for a period of three years, running from July 1 following expiration of the prior appointment through June 30 of the third year thereafter.

DATE PREPARED: 16 June 1995
DATE ADOPTED: 21 June 1995
DATES REVIEWED: 1 January 2000
20 April 2005



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BOARD OF
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EQUAL OPPORTUNITY POLICY STATEMENT

The Town of Orleans, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to race, sex, color, handicap, religion, national origin, national ancestry, or age, resolves to take necessary measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment.

Non-discrimination and equal opportunity are the policies of the Town of Orleans in all of its programs and activities. To that end, all employees shall take steps to ensure equality of opportunity in the internal affairs of all departments, as well as in their relations with the public, including those persons and organizations doing business with any agent of the Town. Each department, in discharging its statutory responsibilities, shall consider the likely effects which its decision, programs and activities shall have in meeting the goal of equality of opportunity. The Town will undertake every possible effort to effectuate the mandates of Executive Order #227 and the Commonwealth's civil rights laws and regulations.

The policy requires the elimination of discriminatory barriers regarding race, color, handicap, creed, national origin, national ancestry, age and sex. It must also include positive and aggressive measures to ensure equal opportunity in internal personnel practices and in those programs which can affect persons inside as well as outside of town government. This policy includes efforts necessary to address the effects of present or past discriminatory patterns and action necessary to guarantee equal opportunity for all people.

DATE ADOPTED: January 24, 1989

DATE REVISED: 6 July, 2005

DELEGATION OF RESPONSIBILITY

As the elected governing body in the Town of Orleans, the Board of Selectmen shall be responsible for the implementation of the Equal Employment Opportunity Plan contained herein. To ensure that the Town's personnel policies and practices incorporate the plan's objectives to the fullest extent, the Board of Selectmen hereby delegate the administrative responsibilities for all aspects of the Town's Equal Employment Opportunity Plan for employment to the Assistant Town Administrator. In his/her capacity as Assistant Town Administrator, all statutory and administrative authority shall be delegated to him/her to ensure that the plan's intent, goals and objectives are complied with. These functions of the Assistant Town Administrator shall designate him/her as "Equal Employment Opportunity Officer."

The Equal Employment Opportunity functions of the Assistant Town Administrator include the responsibility and authority for the development, implementation and monitoring of policies, procedures, guidelines and regulations for the Town to ensure that the Town employment process operates in compliance with Title VI of the 1964 Civil Rights Act, the Massachusetts Fair Employment Practice Act, and other relevant statutes and their subsequent amendments. With direct accountability to the Town Administrator, the Equal Employment Opportunity Officer's duties shall include the following:

1. Oversee the implementation of the Equal Employment Opportunity Act as outlined and mandated by Federal and State law;
2. Develop goals and timetables to ensure the systematic, orderly and efficient inclusion of female, minority and handicapped representatives in the municipal work force;
3. Develop and implement efficient, effective recording and reporting systems to measure compliance with duties 1 and 2 above, as well as Town needs;
4. Review existing employment policies and procedures to cite possible revision for equal opportunity reasons;
5. Maintain necessary files and records for affirmative action needs;
6. Coordinate Town and affirmative action needs and requirements concerning job vacancies, job announcements, new hires, applicant flow, employment procedure and turnover rates;
7. Develop and maintain recruitment resource listings;
8. Function as a consultant and information resource in all matters pertaining to Equal Employment Opportunity/Affirmative Action information internally and externally;

9. Keep informed of relevant laws, regulations and court decisions affecting Equal Employment Opportunity/Affirmative Action and pass on such information to elected officials and/or employees;
10. Prepare periodic reports to be submitted to appropriate government agencies;
11. Serve as the grievance officer for non-union municipal employees and other aggrieved parties and assist in the resolution of formal complaints;
12. Revise and update the Town's Affirmative Action Plan annually (if applicable) or whenever legal changes necessitate;
13. Assist all Town personnel in working toward compliance with the law and the Affirmative Action Plan (if applicable);
14. Respond to the request and requirements of the Board of Selectmen for specific and general assignments affecting Equal Employment Opportunity/Affirmative Action and total employment in the Town.

These specific duties of the designated Equal Employment Opportunity Officer do not assign the commitment to nor the responsibilities for the Town of Orleans' affirmative action compliance to one individual. It is the responsibility of all elected officials, department heads, supervisory personnel, and individuals working as representatives of the Town of Orleans to demonstrate adherence to the principles of equal employment opportunity and good faith efforts toward the achievement of the stipulated goals and objectives stated herein.

DATE ADOPTED: 25 July, 1990

DATE REVISED: 6 July, 2005



TOWN OF ORLEANS

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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

DRUG FREE WORKPLACE POLICY

The Town of Orleans recognizes and acknowledges that substance abuse, including the abuse of alcohol and controlled substances, is a serious and complex disease/condition which has a detrimental effect on the professional and personal lives of its employees, the Town and the community.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all Town workplaces. The Town shall distribute to all employees drug awareness and education materials which you must read and acknowledge. These materials will describe the dangers of substance abuse, the state-wide policy of a drug-free workplace, available substance abuse counseling, and rehabilitation and assistance programs. The Town shall distribute to all supervisors similar materials which shall include education specifically addressing the supervisor's role in maintaining a drug-free workplace. As a condition of employment the terms of this policy must be adhered to, and the violation of this prohibition shall result in the following personnel actions against you:

- a. Mandatory participation and successful completion of an approved drug rehabilitation or assistance program;
- b. Unpaid leave of absence pending successful completion of a program described under (a) above;
- c. Termination.

The severity of any personnel action shall be decided by the supervisor of such employee, with the approval of the Town Administrator, in accordance with established personnel policies. Any employee who violates these prohibitions will also risk legal prosecution.

The Town will, from time to time, update, amplify, and reinforce its policy set out above through the dissemination of drug education and awareness material and programs which may necessitate your attendance at lectures, seminars or films.

By my signature I acknowledge receipt of the Town of Orleans Drug Free Workplace Policy.

Signed: _____ Date: _____

Print Name _____

DATE ADOPTED: 20 November 1991
DATE REVIEWED: 13 April 2005

Town of Orleans



Controlled Substance and Alcohol Testing Policy for CDL Drivers

This policy is based on the Model Drug and Alcohol Policy provided as a service by the
Massachusetts Interlocal Insurance Association

February 1, 2011

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At the end of this Policy you will find pages that are titled “Appendix” as follows:

APPENDIX A DRUG TESTED CUTOFF CONCENTRATIONS FOR VALIDITY TESTING	
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PURPOSE STATEMENT

WHEREAS the Town of Orleans

- Is required by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; and
- Values its employees and recognizes each employee's need for a safe and healthy work environment and is committed to maintaining a safe workplace for its drivers and other users of the roadways that is free from illegal controlled substance use and the misuse of alcohol; and
- Recognizes employees who use illegal controlled substances and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to absenteeism, all of which potentially will result in increased accidents, costs, and risk to the Employer, its employees, and the general public.

Accordingly, **the Town of Orleans** has amended its **Controlled Substance and Alcohol Testing Policy** in compliance with the following laws and regulations.

REGULATORY REFERENCES:

U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration Regulations (FMCSA), 49 CFR Parts 382 et al as originally published February 15, 1994, **Revised August 1, 2002**, and including any subsequent amendments (including Parts 383, 392 and 395 as applicable).

U.S. Department of Health and Human Services (DHHS) and the Substance Abuse and Mental Health Services Administration (SAMHSA) Regulations, 49 CFR Part 40, as originally published December 1, 1989, **Revised August 1, 2001**, and including any subsequent amendments.

PREEMPTION of State and Local Laws.

- (a) Except as provided in (b) below, Federal regulations preempt any State or local law, rule, regulation, or order to the extent that:

Compliance with both the State or local requirement and Federal regulations is not possible; or
Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any regulatory requirement.

- (b) The Federal Regulations shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the general public.

Except as expressly provided above, nothing in these regulations shall be construed to affect the authority of employers, or the rights of drivers, with respect to the use of alcohol or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

I. APPLICABILITY

The drivers subject to drug and alcohol testing under this Policy are those drivers required to have a Commercial Driver's License (CDL), and operate a Commercial Motor Vehicle (CMV) which is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the CMV:

- has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- has a gross vehicle weight rating of 26,001 or more pounds; or
- is designed to transport 16 or more passengers including the driver; or
- is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded, 49 CFR part 172, Subpart F.

(Includes the Licencia Federal de Conductor (Mexico) requirements; and the commercial driver license requirements of the Canadian National Safety Code)

Exceptions: 49 CFR part 382 shall not apply to employers and their drivers: (1) Required to comply with the alcohol and/or controlled substances testing requirements of 49 CFR part 655 (Federal Transit Administration alcohol and controlled substances testing regulations); or (2) Who a State must waive from the requirements of 49 CFR part 383. These individuals include active military personnel; members of the Reserves; and members of the National Guard on active duty, including personnel on full-time National Guard training and National Guard military technicians (civilians who are required to wear military uniforms), and active duty U.S. Coast Guard personnel; or (3) Who a State has, at its discretion, exempted from the requirements of 49 CFR part 383.

II. EFFECTIVE & REVISION DATES:

Originally Adopted: Feb. 1, 2011 | Revised: (Date)

III. DEFINITIONS

The following terms and abbreviations used in this Program are further defined below:

BAT	Breath Alcohol Technician	EBT	Evidential Breath Testing Device
CDL	Commercial Driver's License	FMCSA	Federal Motor Carriers Safety Administration
CFR	Code of Federal Regulations	MRO	Medical Review Officer
CMV	Commercial Motor Vehicle	SAP	Substance Abuse Professional
DER	Designated Employer Representative	STT	Screening Test Technician
DHHS	Dept. of Health & Human Services		
DOT	Dept. of Transportation		

For purposes of this Program, the following definitions are adopted.

ACCIDENT means an occurrence involving a commercial motor vehicle:

1. resulting in the death of a human being (surviving driver(s) must be tested);
2. when the operator receives a citation under state, or local law for a moving traffic violation arising from the accident, AND the accident involved:

- a. bodily injury to a person, who, as a result of the injury immediately receives medical treatment away from the scene of the accident; or
- b. one or more vehicles incur disabling damage as a result of the occurrence and are transported away from the scene by a tow truck or other motor vehicle.

ADULTERATED SPECIMEN means a specimen contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine. If a specimen is reported by the laboratory to the Medical Review Officer to have been adulterated or substituted, the Medical Review Officer will offer the employee/applicant the right to have his or her split specimen tested. If the Medical Review Officer reports that the employee/applicant has a verified adulterated or substituted test result, it is considered a refusal to take a drug test. A refusal to take a drug test results in consequences specified under DOT Federal Motor Carrier Safety Administration (FMCSA) regulations.

ALCOHOL means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test in part 40.

BREATH ALCOHOL TECHNICIAN (BAT) means a trained and certified individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath-testing device (EBT).

CANCELED OR INVALID TEST means a test that is determined to be invalid by the Medical Review Officer in the instance of a drug test or by a BAT in the instance of an EBT alcohol test.

CHAIN OF CUSTODY/ PROCEDURES account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

CFR means the Code of Federal Regulations.

COLLECTION SITE means a place where individuals present themselves for the purpose of providing a specimen of urine to be analyzed for the presence of drugs or a breath or saliva specimen *to* determine alcohol concentration.

COMMERCE means:

1. Any trade, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States: and
2. Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in #1 above.

COMMERCIAL MOTOR VEHICLE means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
2. Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or

3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, Subpart

CONFIRMATION (or confirmatory) DRUG TESTING means a second analytical procedure performed by the laboratory on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite which is independent of the initial (screening) test, and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. Currently, a confirmation drug test is conducted by gas chromatography/mass spectrometry (GC/MS).

CONFIRMATION (OR CONFIRMATORY) VALIDITY TEST means a second test performed on a urine specimen to further support a validity test result.

COUNSELING, TREATMENT, OR REHABILITATION PROGRAM is determined by a substance abuse professional (SAP) knowledgeable in substance abuse disorders based upon, but not limited to, an evaluation of the nature and extent of an individual's substance abuse, use, or problem, and includes a recommended treatment program, if applicable.

DER-DESIGNATED EMPLOYER REPRESENTATIVE is an employer or an individual(s) identified by the employer: (1) as able to receive communications and test results directly from medical review officers, BATs, screening test technicians, collectors, and substance abuse professionals; (2) who is authorized to take immediate action to remove employees from safety-sensitive functions; and (3) to make required decisions in the testing and evaluation process. Service agents cannot serve as DERs.

DHHS means the U.S. Department of Health and Human Services Regulations, 49 CFR Part 40 entitled, "Mandatory Guidelines for Federal Workplace Drug and Alcohol Testing Programs." These regulations provide a system of checks and balances to eliminate errors and the possibility of false positive results, etc., during collection and analysis of specimens, and review of results by a Medical Review Officer.

DILUTE SPECIMEN means a urine specimen whose creatinine and specific gravity values are diminished by the employee (donor) through the introduction of fluid (usually water) into the specimen either directly or through excessive consumption of fluids.

DIRECT OBSERVATION means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing as defined herein.

DISABLING DAMAGE means damage that precludes departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs.

1. Includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
2. Excludes:
 - a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - b. Tire disablement without other damage even if no spare tire is available.
 - c. Headlight or taillight damage.
 - d. Damage to turn signals, horn, or windshield wipers, which make them inoperative.

DRIVER/EMPLOYEE means any person who operates a CMV and is designated in FMCSA regulations as subject to drug and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in FMCSA regulations and applicants for employment subject to pre-employment testing. This definition includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased/contract drivers and independent, owner operator contractors who are either directly employed by, or under lease to a company, or who operate a commercial motor vehicle at the direction of or with the consent of a company.

EMPLOYER means the Town of Orleans who employs one or more employees subject to DOT/FMCSA agency regulations requiring compliance with 49 CFR Part 382 and 49 CFR Part 40. As used in this Policy the term means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the Town of Orleans who take personnel actions resulting from violations of this Program. “Employer” is used interchangeably with “Company” in this policy. Service agents are not employers for the purposes of DOT/FMCSA regulations.

EVIDENTIAL BREATH TESTING DEVICE (EBT) means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List” (CPL) as conforming with the model specifications available from NHTSA, Office of Alcohol and State Programs, and approved by DOT. This definition includes any subsequent amendments to the CPL of evidential and non-evidential screening or breath measurement devices approved by DOT.

LABORATORY means a testing laboratory which is certified by the Dept. of Health and Human Services under the National Laboratory Certification Program, Substance Abuse and Mental Health Services Administration.

MEDICAL REVIEW OFFICER (MRO) means a licensed physician (doctor of medicine or osteopathy), responsible for receiving laboratory results generated by this program; who has knowledge of substance abuse disorders, and has appropriate training to interpret and evaluate a donor’s confirmed laboratory positive or “unsuitable” drug test result together with the donor’s medical history and any other relevant biomedical information. The MRO is also required to have a working knowledge of the DOT FMCSA regulations applicable to the employer for whom he/she evaluates drug test results.

ON DUTY means any period during which a driver is actually performing, ready to perform, or is immediately available to perform, including four (4) hours prior to reporting to perform a safety sensitive function. On duty time also means any of those on duty functions set forth in Part 395.2 “On Duty” paragraphs (1) through (7) of 49 CFR, and also listed under the definition “safety-sensitive functions” in this Policy.

PERFORMING A SAFETY SENSITIVE FUNCTION means any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

POLICY means the initiative related to the Controlled Substance and Alcohol Testing Policy of the Town of Orleans for drivers in compliance with U.S. Department of Transportation and Federal Motor Carrier Safety Administration regulations for drug and alcohol testing.

PRIMARY SPECIMEN (in drug testing Bottle A) is the urine specimen that is opened and tested by the original laboratory to determine whether the employee has drug(s) or drug metabolite(s) in his/her system. The primary specimen is distinguished from the split specimen, defined in this section.

RANDOM means that drug and alcohol tests are unannounced and every person subject to testing will have an equal chance with all other persons of being selected for testing. There is never a “safe period” for any driver in the scheduling of random tests. The odds of being selected to provide a specimen are equal for all drivers on each collection/testing day, regardless of whether or not the driver was previously selected for testing.

REASONABLE SUSPICION means the employer believes the actions, appearance, or conduct of a driver are indicative of the use of a chemical substance(s), including alcohol. Such beliefs are based on the actions, appearance, odor or conduct of a driver while performing, immediately available to perform, or immediately after performing a safety sensitive function.

REFUSAL TO TEST (DRUG OR ALCOHOL) means that a donor refuses to submit to testing when directed; fails to provide an adequate specimen for testing without a valid medical explanation after receiving notice of the requirement to be tested; or, engages in conduct that clearly obstructs the testing process.

SAFETY SENSITIVE FUNCTION means any of the on-duty functions listed below:

1. All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at anytime.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded.
6. All time spent performing the covered person’s requirements associated with an accident.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

SAMHSA means the U.S. Substance Abuse and Mental Health Services Administration, formerly the National Institute on Drug Abuse (NIDA). SAMHSA was established by the U.S. Department of Health and Human Services (DHHS), to regulate laboratories performing analytical drug tests on human body fluids.

SCREENING TEST (OR INITIAL TEST) (1) in drug testing, a laboratory test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs; (2) in alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

SERVICE AGENTS are all parties who provide services to employers in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collection site personnel, BATs and STTs, laboratories, MRO's, substance abuse professionals (SAP's), consortia, and third party administrators.

SHY BLADDER means a donor is unable to provide a sufficient quantity of urine for a drug test. When this occurs, the donor is offered up to 40 ounces of fluid over a three (3) hours period to try to obtain an adequate urine specimen for testing in one void. If the donor is still unable to provide a sufficient quantity of urine, the donor must be evaluated by a physician, acceptable to the MRO, to determine if there is a medical explanation for the inability to provide the specimen.

SHY LUNG means an individual is unable to provide a sufficient amount of breath to perform an evidential breath test for alcohol. When this occurs, the donor must be evaluated by a physician, approved by the Employer, to determine if there is a medical explanation for the inability to provide sufficient breath.

SPECIMEN means a body fluid that is analyzed to detect the presence of a drug or determine the alcohol concentration level. This Program may be amended to include specimens other than urine, breath, or saliva that are approved by the U.S. Department of Health and Human Services for federal workplace drug testing programs and the U.S. Department of Transportation.

SPLIT SPECIMEN (Bottle B) is a part of the urine specimen that is sent to the first laboratory and retained unopened, and which will be transported to a second laboratory in the event that the employee requests it be tested following a verified positive, adulterated, or substituted test of the primary specimen.

STAND DOWN means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results. Employers are prohibited from standing down employees unless a waiver has been requested and granted by FMCSA, in accordance with 49 CFR Part 40.21. An employer does not need a 40.21 waiver to take other actions involving the performance of safety sensitive functions.

SUBSTANCE ABUSE PROFESSIONAL (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social workers, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders. The SAP is also required to have a working knowledge of DOT/FMCSA applicable to the employer for whom he/she evaluates employees who have engaged in a DOT drug or alcohol regulation violation.

SUBSTITUTED SPECIMEN is a specimen not consistent with human urine that has been submitted by the employee in place of his or her own urine.

SUBSTITUTED TEST means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine. If a specimen is reported to the Medical Review Officer to have been substituted, the Medical Review Officer will offer the employee/applicant the right to have his/her split specimen tested. If the specimen is determined to have been substituted, the Medical Review Officer will advise the employee/applicant of specific additional procedural steps that may be taken to challenge the result. If the Medical Review Officer reports that the employee/applicant has a verified substituted test result, it is considered a refusal to take a drug test. A refusal to take a drug test has the same consequences as a verified positive test under FMCSA regulations.

SUPERVISOR means all operational supervisors employed by **the Town of Orleans** to supervise driver employment activities, and who have received 60 minutes of training on the specific and contemporaneous physical, behavioral, and performance indicators of probable drug use, and an

additional 60 minutes of similar training of probable alcohol use/misuse. A supervisor does not have to be a supervisor by job description title.

VALIDITY TESTING is performed to determine whether a urine specimen is adulterated or substituted. An adulterated specimen means that a specimen contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration level so high that it is not consistent with human urine. Substituted specimen means that the creatinine and specific gravity values of the specimen are so diminished that they are not consistent with human urine.

VERIFIED NEGATIVE DRUG TEST means the result of a confirmed laboratory positive test has established the presence of a drug (s) or drug metabolite(s) in a specimen at or above the threshold level, and has been determined negative by the MRO after an evaluation of the donor's medical history and any other relevant biomedical information.

VERIFIED POSITIVE DRUG TEST means the result of a confirmed laboratory positive test has established the presence of a drug(s) or drug metabolite(s) in a specimen at or above the threshold level, and has been determined positive by the MRO after an evaluation of the donor's medical history and any other relevant biomedical information.

WORKPLACE means a building, property or premise owned or utilized for official business, jobsites, and any type of vehicles owned and/or operated by an employee on behalf of the **Town of Orleans**.

IV. PROHIBITED CONDUCT

In accordance with 49 CFR Part 382, subpart B, "Prohibitions" and the **Town of Orleans** own authority, conduct listed in this Section is prohibited. *A driver in violation of the provisions in this Section is subject to disciplinary action up to and including termination for gross and willful misconduct.*

- A. A driver is prohibited from performing, and the Employer is prohibited from using a driver to perform safety sensitive functions upon notification of a verified positive, substituted or adulterated drug test result or an EBT alcohol test result indicating a measured alcohol concentration of 0.02 or greater, regardless of when the drug or alcohol was ingested and regardless of whether or not the driver is under the influence of alcohol or using drugs, as defined in federal, state or local law.
- B. Refusal to Test (alcohol or controlled substance test). Refusal to test means that the driver:
 - 1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Employer, consistent with DOT/FMCSA regulations, after being directed to do so by the Employer;
 - 2. Fails to remain at the testing site until the testing process is complete. If the reason for the test is pre-employment, then a driver who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
 - 3. Fails to provide a urine specimen for any drug test required by Part 40 or FMCSA regulations. If the reason for the test is pre-employment, then a driver who does not provide a urine specimen because he/she has left the testing site before the testing process commences is not deemed to have refused to test;
 - 4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;

5. Fails to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the employer or collector has directed the driver to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Employer under 49 CFR part 40.193. In the case of a pre-employment drug test, the driver is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process); or is reported by the MRO as having a verified adulterated or substituted test result.

C. Controlled Substances

The following conduct is prohibited when a driver is performing safety sensitive functions on the Employer's property, in the workplace, on duty, or off duty when the conduct affects the driver's fitness for duty.

1. Use of illicit drugs.
2. Having a verified positive, adulterated or substituted drug test result. If a properly conducted urinalysis shows that the donor has in his/her urine any amount of a drug(s) or drug metabolite(s) whose possession or use is unlawful or in violation of this Program; and, that amount is not the result of medical treatment, prescribed by a licensed medical practitioner for that individual, it will constitute a verified positive drug test. Legally prescribed medications must be written ONLY for the driver. Any driver taking a medication prescribed for another person (including a spouse) will be considered to be taking an illegal substance
3. Misuse or impairment by authorized drug use which may affect work performance or pose a danger to the safety of the driver or others. Drivers are required to inform the Employer's designated representative of any therapeutic drug use.
4. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the driver uses any controlled substance unless the controlled substance is prescribed for the driver and is used pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
5. If the Employer has actual knowledge that a driver has used a controlled substance the driver shall not be permitted to perform or continue to perform a safety sensitive function.
6. When a driver fails to provide an adequate urine sample, the Employer, after consulting with Medical Review Officer (MRO) shall direct the driver to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO. The referral physician must have expertise in the medical issues raised by the driver's failure to provide a sufficient specimen, to determine if a medical condition precluded the driver from providing a sufficient amount of urine. The referral, if other than the MRO, must provide a written report to the MRO. The MRO will seriously consider and assess the referral physician's recommendation in making a determination of the reason for the inability to provide an adequate specimen.

7. If the MRO determines the failure to provide an adequate specimen was due to a medical condition, the test will be reported as cancelled to the Employer. A cancelled test will not constitute a “refusal to test” and no disciplinary action will be taken.
8. If the MRO determines the failure to provide an adequate specimen was not due to a medical condition, the MRO will report a “refusal to test” to the Employer.
9. Leaving the scene of an accident without a valid reason, except to submit to a drug test or to receive or to obtain medical treatment, will create a rebuttable presumption of a refusal to test.
10. Consuming any chemical substance within 32 hours after an accident unless a post accident drug test has been performed.

D. Alcohol

The following conduct is prohibited when a driver is performing safety sensitive functions on the Employer’s property, in the workplace, on duty, or when the conduct affects the driver’s fitness for duty.

1. Use of alcohol, an alcohol concentration of 0.02 or greater, or under the influence of alcohol while performing safety-sensitive functions, operating or having physical control of a vehicle, or within four (4) hours before going on duty operating or having physical control of a vehicle.
2. Leaving the scene of an accident, except to submit to an alcohol test or to receive or obtain medical treatment, or consuming any alcohol within eight (8) hours after an accident unless a post accident alcohol test has been performed.
3. Having ANY measured alcohol concentration or detected presence of alcohol while on duty, operating or in physical control of a vehicle (Ref: 49 CFR Part 392.5).
4. Be on duty or operate a vehicle if, by the driver’s general appearance or conduct or by other substantiating evidence, the driver appears to have used alcohol within the preceding four (4) hours regardless of whether an EBT alcohol test has been performed.
5. Report for duty, perform or continue to perform safety sensitive functions including driving a vehicle with an alcohol concentration level of 0.02 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
6. When a driver has a confirmed alcohol concentration level of 0.02 but less than 0.04 the driver will be immediately removed from performing any safety sensitive function until the start of the driver’s next regularly scheduled duty period, but not less than 24 hours following administration of the test. No action, under DOT/FMCSA, may be taken against a driver based solely on test results showing an alcohol concentration level less than 0.04. The Employer is not prohibited from taking action, under its own authority, or as otherwise consistent with law.
7. When a driver has a confirmed alcohol concentration level of 0.04 or greater the driver will be immediately removed from performing any safety sensitive function.
8. Any driver whose appearance, conduct, or other substantiating evidence gives reasonable suspicion of alcohol use and a test cannot be administered will be immediately removed from performing any safety sensitive function. Removal from duty for reasonable suspicion when

unable to administer a test for alcohol does not require evaluation by a substance abuse professional.

9. When a driver fails to provide an adequate breath sample, the driver will be referred to a licensed physician, approved by the Employer, for a medical evaluation to determine the reason for the inability to provide an adequate sample.
10. If the physician determines the failure to provide an adequate specimen was due to a medical condition, it will not constitute a “refusal to test” and no disciplinary action will be taken.
11. If the physician determines the failure to provide an adequate specimen was not due to a medical condition, it will constitute a “refusal to test.”

V. REQUIRED TESTING

This Program provides for testing of applicants for employment and employee drivers for the use of controlled substances, including alcohol, for the following purposes:

Pre-employment (Drug Test Only)
Random
Return to Duty and Follow Up, if applicable
Reasonable Suspicion
Post Accident

Employees will be compensated for time expended to provide test samples only if testing is directed by the Employer. Applicants are not compensated for time expended to provide test samples.

A. PRE-EMPLOYMENT

1. As a condition of employment, all driver applicants are required to comply with the provisions of the Town of Orleans Controlled Substances and Alcohol Testing Policy and the requirements of 49 CFR part 40, and 49 CFR part 382.
2. All driver applicants are subject to pre-employment drug testing unless otherwise exempted by regulation. Testing must be completed, and the Employer must receive a verified negative test result for the driver prior to the first time a driver performs a safety-sensitive function. The Employer is not required to administer a pre-employment controlled substances test if the driver meets the exceptions of 49 CFR part 382.301(b) as follows.
 - a. Has participated in a controlled substances testing program that meets the requirements of 49 CFR part 382 within the previous thirty (30) days; and
 - b. Was tested for controlled substances within the past six (6) months (from the date of application with the Employer), or participated in the random controlled substances testing program for the previous 12 months (from the date of application with the Employer); and
 - c. The Employer ensures that no prior employer of the driver has records of a violation of the MCSA regulations or the controlled substances use rule of another DOT agency within the previous six (6) months.

3. If the Employer exercises the exception to perform a pre-employment controlled substances test, the Employer must contact the controlled substances testing program(s) in which the driver participated and shall obtain and retain the following information:
 - a. Name(s) and address(es) of the program(s).
 - b. Verification that the driver participates or participated in the program(s) and the program conforms to Part 40.
 - c. Verification that the driver is qualified under FMCSA regulations, including that the driver has not refused to be tested for controlled substances.
 - d. The date the driver was last tested for controlled substances and the results of any tests taken within the previous six (6) months and any other violations of FMCSA regulations.
4. If the Employer uses, but does not employ a driver more than once a year to operate a CMV, the information enumerated above in #2 must be obtained at least once every six (6) months.
5. Upon an offer of employment and as a condition of employment:

An applicant will be asked to disclose, under affidavit, whether he/she has had a positive drug or alcohol test result, or refusals to test on any pre-employment test administered by an employer to which the applicant applied for, but did not obtain safety-sensitive transportation work covered by DOT during the past three (3) years. If the applicant admits that he/she had a positive or a refusal to test on a pre-employment test, the applicant must satisfy the requirements of V. A. 5.d (1)-(6) below to be considered for employment.

The applicant will also be required to sign a release authorizing the Town of Orleans to obtain information on the applicant's alcohol tests with a concentration result of 0.04 or greater, verified positive controlled substances test results, refusals to be tested, and other violations of DOT/FMCSA drug and alcohol testing regulations from DOT employers for whom the individual worked during the three (3) years prior to the date of application or transfer.

- a. If feasible, the information required in V.A.5 above must be obtained from previous employers prior to the first time the applicant performs safety sensitive functions for the Town of Orleans.
- b. If not feasible, the information must be obtained and reviewed as soon as possible, but no later than 30 calendar days after the first time the applicant performs safety sensitive functions unless the Employer obtained or made and documented a good faith effort to obtain this information.
- c. The Employer must retain this information (including documentation of a good faith effort to obtain) for three years from the date of the driver applicant's first performance of safety sensitive duties.
- d. Upon receipt of the information described in V.A.5., above, if the information states or if the driver applicant admits that he/she has had a verified positive drug or alcohol test, or refusal to be tested, the Employer is prohibited from using the driver applicant to perform safety-sensitive functions until and unless the applicant documents successful completion of the return-to-duty process by submitting evidence of:

- (1) Evaluation by a substance abuse professional;
 - (2) Completion of any treatment, counseling, rehabilitation, etc., recommended by the substance abuse professional;
 - (3) Reevaluation by a substance abuse professional to determine the applicant has successfully and properly complied with the treatment, counseling, rehabilitation, etc.
 - (4) Passed a return to duty test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substances test with a verified negative result;
 - (5) Completion of at least six follow up tests with negative results within 12 months after a return to duty; and
 - (6) The applicant has been medically certified as qualified to drive. If the driver applicant refuses to provide written consent to authorize release of the drug and/or alcohol testing history he/she will not be permitted to perform safety sensitive functions as a driver.
- e. If **the Town of Orleans** is the employer from whom information is requested, after reviewing a driver applicant's specific, written consent, the information must immediately be released to the employer making the inquiry. All information provided must be in writing, and a written, confidential record of the information, including the date, the party to whom it was released, and a summary of the information provided documented and maintained on file.

B. REASONABLE SUSPICION

This Policy provides for the testing of drivers for controlled substances, including alcohol, when a **Town of Orleans** supervisor, who is trained in accordance with 49 CFR part 382.603, has reasonable suspicion the driver is unfit to perform his/her duties or has used or is using controlled substances and/or alcohol prohibited under this Program.

1. Reasonable suspicion arises from direct observation of use (as defined in this policy), or based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or Company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.
2. Drivers may be directed by **the Town of Orleans** to undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
3. Determinations to test will be made immediately before, during or immediately after a driver is performing a safety sensitive function.
4. The supervisor who makes a determination to test a driver for reasonable suspicion of drugs or alcohol shall not perform the specimen collection for the drug test or perform the EBT test for alcohol.
5. Reasonable suspicion alcohol tests will be performed within eight (8) hours of the determination that such testing is required.

6. A driver will be removed from performing safety sensitive functions until a test can be performed confirming an alcohol concentration less than 0.02; for a minimum of 24 hours if an alcohol test is not performed.
7. Procedure - A driver directed to submit to a reasonable suspicion controlled substances and/or alcohol test will be transported to a collection/testing site by the Employer's designated representative for the collection of urine and/or a breath specimen.

C. RANDOM

1. All covered employees are subject to random testing for drugs and alcohol. The selection of drivers for random alcohol and controlled substances testing is made by a scientifically valid method, using a computer based random number generator that is matched with the drivers' social security numbers, and is fully documented. Selections are spread reasonably throughout the calendar year, and each driver selected for testing must be tested during the selection period.
2. Drivers selected for random testing will be notified and shall immediately report to the collection/testing site upon notification to be tested. If the driver is performing a safety sensitive function, other than driving a commercial motor vehicle, at the time of notification, the Employer will ensure the driver ceases to perform the safety sensitive function and proceed to the testing site as soon as possible. Failure to immediately proceed to the collection/testing site may be deemed a refusal to test.
3. Random alcohol tests will be performed while the driver is performing or just before performing safety sensitive functions or just after the driver has ceased performing safety sensitive functions.
4. Random controlled substances testing will be conducted at any time the driver is working for the Employer
5. When a driver is off work due to long term layoffs, illnesses, injuries or vacation more than 30 days, the pre-employment controlled substances provisions apply prior to the driver performing safety sensitive functions.

D. POST ACCIDENT

1. Drivers are subject to post accident testing for drugs and alcohol as defined in Section III. "Definitions" of this Program. Drivers will be provided with necessary post accident information, procedures, and instructions so that testing can be performed.
2. Post accident drug and alcohol tests will be performed as soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce. Drivers must remain readily available for testing, in the absence of receiving or obtaining medical treatment, and are prohibited from using any drugs or alcohol until testing has been completed. The administration of legal drugs determined to be medically necessary for treatment of injuries of the driver when prescribed by a licensed medical practitioner will not be delayed pending a drug test.
3. Post accident controlled substance tests must be performed as soon as possible but within 32 hours after an accident. If the test is not administered within 32 hours following the accident, the supervisor shall cease any attempt to administer the test, under DOT authority, and document why it was not possible to perform it and maintain on file. Records must be submitted to the FMCSA upon request.

4. Post accident EBT alcohol tests must be performed as soon as possible but within eight (8) hours after the accident.
 - a. If an EBT test is not administered within two (2) hours following the accident, the supervisor is required to document why it was not performed and maintain on file. Records must be submitted to the FMCSA upon request.
 - b. If an EBT test is not administered within eight (8) hours following the accident, the supervisor shall cease any attempt to administer the test and document why it was not performed, and if it would have been possible to perform a blood alcohol test.
5. Any “missed” tests, e.g., tests could not be performed, shall be reported to FMCSA, upon request.
6. A breath or blood test for the use of alcohol and/or a urine test for the use of controlled substances conducted by Federal, State, or local officials having independent authority for the test, shall be considered to satisfy the post accident testing requirements, provided such tests conform to the applicable Federal, State, or local testing requirements and that the results of the tests are obtained by the Employer.

The following table notes when post-accident drug and alcohol tests are required to be performed in accordance with DOT/FMCSA regulations.

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must Be Performed By Employer
Human Fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene.	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away.	YES	YES
	NO	NO

The driver must receive a citation within 32 hours of the occurrence under State or local law for a moving traffic violation arising from the accident.

E. RETURN TO DUTY

When a driver is in violation of the controlled substances or alcohol prohibitions in this Policy, before a driver returns to duty requiring the performance of safety, he/she must:

1. Be evaluated by a Substance Abuse Professional (SAP);
2. Complete the recommended treatment, counseling plan, etc.
3. Be re-evaluated by the SAP to determine successful completion of treatment; and
4. Submit to a return to duty test for drugs and/or alcohol
 - a. The result for a controlled substances test result must be negative and/or;

- b. The alcohol test result must confirm an alcohol concentration level less than 0.02.

F. FOLLOW UP

1. After passing a return to duty test, the driver is required to submit to at least six (6) follow up tests during the first 12 months following return to duty.
2. Follow up testing may be required for up to 60 months unless the substance abuse professional makes a determination testing is no longer warranted.
3. Follow up tests are unannounced and may include testing for drugs and/or alcohol.
4. Follow-up alcohol testing will be conducted only when the driver is performing or just before performing safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.

VI. SUBSTANCES TO BE TESTED

Under this Program applicants and drivers will be routinely tested for the substances listed below:

- Cocaine
- Opiates
- Phencyclidine (PCP)
- Cannabinoids (Marijuana)
- Amphetamines, and
- Alcohol

The threshold levels (screening and confirmation) for the substances specifically listed above have been established by DHHS/SAMHSA Regulations, 49 CFR Part 40, and this Program adopts, by reference, these threshold levels for testing purposes as published and including any subsequent amendments

The name of the Town of Orleans designated employee to contact to answer any questions, third party administrator, testing laboratory, and Medical Review Officer are listed in Appendix B.

VII. INDIVIDUAL RIGHTS

- A. The individual being tested will receive a copy of the Chain of Custody form upon completion of the specimen collection process for a urine drug test.
- B. A copy of the Chain of Custody form, which includes the test result, will be given to the individual tested for alcohol when performed using an EBT.

VIII. GENERAL PROVISIONS

- A. If a driver is using a legally obtained prescription or over the counter drug which has actual mind or performance altering effects, he/she must show the medication and/or prescription to the DER at the beginning of the work period. Depending upon the nature of the drug and the driver's job duties, the DER may refuse to allow the driver to perform safety sensitive functions unless he/she refrains from taking the medicine/drug:
 1. Until such time as the effects will not be experienced during the driver's on duty time; or

2. Upon presenting a note from the prescribing licensed medical practitioner stating there are no adverse side effects from taking the prescription which would impair the driver's ability to safely perform safety sensitive functions.
- B. Witnessed urine specimen collection (specimens collected under direct observation) shall or may be required when:
1. A donor alters or attempts to alter, substitute, or contaminate a urine specimen.
 2. A donor attempts to obstruct the testing process.
 3. The temperature of the urine specimen is outside of the established temperature range 90-100 degrees F.
 4. A previous drug test report indicated an adulterated or substituted specimen.
 5. A donor has previously had a verified positive test result.
- C. Drivers shall notify the Designated Employer Representative (DER) of any conviction of a violation, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation) but including a criminal drug or alcohol statute conviction. Drivers are also required to notify the DER if his/her driver's license is suspended, revoked, or canceled by a State or jurisdiction; who loses the right to operate a CMV for any period; or, who is disqualified from operating a CMV. The notification must be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.
- D. Legally prescribed medications must be written ONLY for the driver. Any driver taking a medication prescribed for another person (including a spouse) will be considered to be taking an illegal substance. Medications and any food substance containing alcohol are prohibited for drivers on duty and while performing safety sensitive functions. Ingestion of hemp foods or products is not a legal medical explanation as a defense to a positive drug test under DOT.
- E. The Employer reserves the right to implement a policy, in accordance with 49 CFR Parts 40.155(c) and 40.197, that requires an employee to immediately take another drug test upon the receipt of a "negative dilute" test result from the MRO. When an employee is directed to take another test (but not under direct observation), the result of the second test becomes the test of record. The employer is not permitted to make the employee take a third test because the second test was also "negative dilute." If an employee does not take a second test, it becomes a refusal to test and the employee will be subject to the same disciplinary action as provided herein on a refusal to test.

VIII. CONSEQUENCES OF PROGRAM VIOLATION(S)

- A. Except as otherwise provided in this Policy, no driver shall perform safety sensitive functions, including driving a CMV, if the driver has engaged in conduct prohibited by this Policy or an alcohol or controlled substances rule of another U.S. Department of Transportation agency. For purposes of this section, "CMV" means a commercial motor vehicle in commerce as defined herein and a CMV in interstate commerce as defined in 49 CFR part 390.

- B. No driver who has engaged in conduct prohibited by this Policy shall perform safety sensitive functions, including driving a CMV, unless the driver has successfully completed the referral, evaluation, and treatment listed in this Policy.
- C. No driver tested under the alcohol testing requirements of the DOT/FMCSA listed in this Policy who is found to have an alcohol concentration of 0.02 but less than 0.04 shall perform or continue to perform safety sensitive functions for **the Town of Orleans** including driving a CMV, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following the administration of the test.
- D. Drivers who have engaged in conduct prohibited by this Policy will be advised by **the Town of Orleans** of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. (**Appendix C**)
- E. Drivers who have engaged in conduct prohibited by this Policy will be evaluated by a SAP who will determine what assistance the employee needs in resolving problems associated with alcohol misuse and controlled substances use.
- F. In the event a driver is returned to duty requiring the performance of safety sensitive functions after engaging in conduct prohibited by this Policy, and after successfully completing the return-to-duty requirements, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, and/or a controlled substances test with a verified negative result, and be subject to the follow-up testing requirements.
- G. The requirements of this Policy with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a pre-employment controlled substances test or who have a pre-employment controlled substances test with a verified positive, substituted, or adulterated test result.
- H. An employee cannot voluntarily self-identify that he/she needs assistance to avoid testing or disciplinary action related to a violation of this Policy.

IX. AVAILABLE ASSISTANCE

- A. A list of names, addresses, and telephone numbers of counseling, treatment and rehabilitation providers is available in (**Appendix C**). The Employer does not imply any endorsement of these services in furnishing such a list.
- B. An employee may contact the Employer's Designated Representative listed in (**Appendix B**) to identify additional resources for treatment.
- C. Periodically the Employer will disseminate drug abuse and alcohol misuse information to drivers.
- D. A driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use must:
 - 1. Be evaluated by a Substance Abuse Professional (SAP);
 - 2. Complete the recommended treatment, counseling plan, etc.
 - 3. Be re-evaluated by the SAP to determine successful completion of treatment; and

4. Submit to a return to duty test for drugs and/or alcohol
 - a. The result for a controlled substances test result must be negative and/or;
 - b. The alcohol test result must confirm an alcohol concentration level less than 0.02.
5. After passing a return to duty test, the driver is required to submit to at least six (6) follow up tests during the first 12 months following return to duty.
6. Follow up testing may be required for up to 60 months unless the substance abuse professional makes a determination testing is no longer warranted.
7. Follow up tests are unannounced and may include testing for drugs and/or alcohol.
8. Follow-up alcohol testing will be conducted only when the driver is performing or just before safety sensitive functions, or just after the driver has ceased performing safety sensitive functions.

X. NOTIFICATION OF PROGRAM

- A. Applicants for driver positions may be notified of this Policy by letter, by posting the Policy or a notice there of prominently in the applicant processing area or by including such notice on the application for employment.
- B. All incumbent employee drivers were notified of the Policy prior to implementation and will receive notice of any amendments to this Policy. Copies of the Policy are available for inspection during regular business hours in the Employer's business office.
- C. Questions regarding this Program may be directed to the Employer's Designated Representative listed in (**Appendix B**).

XI. CONSENT TO TESTING

Applicants and employee drivers are required to complete and sign a form that includes, but is not limited to, the information listed below. The form will be executed and maintained as part of the pre-placement/employment procedures. As such, the requirements for confidentiality are the same as any other record.

- A. Acknowledges that notice of this Policy, 49 CFR part 382, U.S. Department of Transportation/Federal Motor Carrier Safety Administration regulations and testing procedures required in 49 CFR part 40 has been provided.
- B. Acknowledges consent by the applicant or employee to be tested for chemical substances, as defined herein, and comply with the provisions of the Policy.
- C. Authorizes the Employer's Medical Review Officer and a breath alcohol technician, when an EBT test is performed or STT when a saliva/breath screening alcohol test is performed, to release results to the DER.
- D. Acknowledges that no applicant or employee can be forced to submit to a chemical substance screening test, but that failure to submit constitutes a refusal to test and shall create a rebuttable presumption that a chemical substance was present.

XIII. DISCLAIMER - SEPARABILITY AND SAVINGS

- A. Federal regulations shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the general public.
- B. This Policy does not imply any contractual employment relationship and the Employer explicitly reserves the right to “employment at will.”
- C. If any portion of this Policy or any amendments hereto should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any portions should be restrained by such tribunal pending a final determination as to its validity, the remainder of this program and amendments, or the application of such portion to persons or circumstances other than those to which it has been held invalid or as to which compliance with or enforcement of has been restrained shall not be affected.
- D. This Policy is not intended to and shall not constitute any waiver of any rights possessed by the Employer from any source whatsoever. Nothing in this Policy shall be construed as limiting the Employer’s right to take disciplinary action up to and including termination for willful misconduct due to involvement with drugs or alcohol not specifically addressed herein.
- E. This Policy may be amended as required by federal, state, or local laws and regulations affecting drug and alcohol testing programs in the workplace.

XIV. DISCIPLINE

Consequences of Violating the Alcohol or Drug Prohibitions

Random, Return to Duty & Follow Up

- First positive random: 5 day suspension. Return to duty after successful completion of program as identified by the Substance Abuse Professional (SAP). Probationary employees will be discharged.
- Second positive within 24 months: 20 day suspension. Employee assumes the cost of test. Return to duty after successful completion of program as identified by SAP.
- Third positive within 24 months of second positive: subject to discharge

Post Accident, as defined in the DOT regulations

First positive: Subject to discharge

Reasonable Suspicion

- First positive: 5 day suspension. Return to duty after successful completion of program as identified by SAP & MRO. Probationary employees will be discharged.
- Second positive within a 24 month period: Subject to discharge.

Pre- Employment (Includes promotion to a safety sensitive position)

First positive: action canceled, no appointment to position.

Payment of recommended programs will be covered by the employee’s health insurance according to the terms set forth in the medical insurance health agreement.

Appendix A

DHHS/SAMHSA Certified Drug Testing Laboratories

Drugs Tested/Cutoff Concentrations/Validity Testing/Retention of Specimens

A laboratory must only test a specimen for the following five drugs or classes of drugs in a DOT drug test. The laboratory is prohibited from testing specimens for any other drugs including DNA testing.

Type of Drug/Metabolite	Initial Test	Confirmation Test
<u>Marijuana</u> Metabolite Delta-9- tetrahydrocannabinol-9-carboxylic acid (THC)	50	15
<u>Cocaine Metabolites</u> (Benzoylecgonine)	300	150
<u>Phencyclidine(PCP)</u>	25	25
<u>Amphetamines</u> Amphetamine Methamphetamine	1000	500 500 (specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/ml).
<u>Opiates</u> Morphine Codeine 6-MAM	2000	2000 2000 10 *
*A 6-MAM test is only performed when a specimen contains morphine at a concentration equal to or greater than 2000 ng/ml.		

- 1. On an initial test:** (1) If the result is below the cutoff concentration level it is reported as negative. (2) If the result is at or above the cutoff level, a confirmation test must be performed.
- 2. On a confirmation test:** (1) If the result is below the cutoff level it is reported as negative. (2) If the result is at or above the cutoff level, it is reported as a confirmed positive result.
- 3. Quantitative values for morphine or codeine must be reported at 15,000 ng/ml or above.**

Alcohol testing performed by a Certified Breath Alcohol Technician (BAT) using an Evidential Breath Testing (EBT) Device, which appears on the CPL of the National Highway Traffic Safety Administration and approved by DOT. Prohibited alcohol concentration levels are:

Screening

0.02> requires confirmation

Confirmation

0.02<0.04 requires 24 hours removal

0.04> requires removal and referral to SAP

Appendix B

Contacts/Providers

As part of **the Town of Orleans** Policy to ensure fair and equal treatment of drivers, **the Town of Orleans** understands that there may be questions and concerns involving the Controlled Substances and Alcohol Testing Policy.

To assist drivers in understanding the requirements placed on drivers and **the Town of Orleans, Myra Suchenic** has been designated to answer any questions that may arise concerning the Controlled Substances and Alcohol Testing Policy, and may be contacted at:

Phone: 508-240-3700 X312

Fax: 508-240-3703

Address: 19 School Road, Orleans, MA 02653

TESTING COMPANY

Custom Drug Testing, Inc., 3 Perry Place, Auburn, MA 01501

49 CFR part 40 and 49 CFR part 382 must be available upon request to covered employees and representatives of employee organizations. 49 CFR part 40 is accessible on line at <http://www.dot.gov/ost/dapc>, by fax on demand at 1-800-225-3784 requesting document 151, by phone at 1-866-512-1800, or by writing to U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance, 400 Seventh Street SW, Room 10403, Washington, D.C. 20590.

Sources of Assistance and Help

Employee Assistance Program

AllOne Health (MIIA EAP)
7 days a week, 24 hours a day
1-800-451-1834

SAMHSA Facility Locator <http://findtreatment.samhsa.gov>. This searchable directory of drug and alcohol treatment programs shows the locations around the country that treat alcoholism, alcohol abuse and drug abuse problems. The Locator includes more than 11,000 addiction treatment programs, including resource centers, outpatient treatment programs, and hospital inpatient programs for drug addiction and alcoholism. Listings include treatment programs for marijuana, cocaine, and heroin as drug and alcohol treatment programs for adolescents, and adults.

National Clearinghouse for Drug and Alcohol Information

Monday-Friday
1-800-729-6686

National Council on Alcoholism

7 days a week, 24 hours a day
1-800-622-2255



DOT Drug Testing: On and After October 1, 2010 – Still a 5-Panel

The DOT testing at HHS-certified laboratories will continue to be a 5-panel drug test regimen, on and after October 1, 2010. The 5-panel regimen will remain:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

Under Opiates, DOT testing has always included confirmatory testing, when appropriate, for Codeine, Morphine, and 6-AM (heroin). Under Amphetamines, DOT testing has always included confirmatory testing, when appropriate, for Amphetamine and Methamphetamine. To this Amphetamines group, we are adding initial testing for MDMA and confirmatory testing for MDMA, MDA, & MDEA.

Broken out, here's what drug testing will look like effective October 1st, with the confirmatory testing in red being new. [NOTE: Laboratories have always conducted confirmatory testing for 6-AM, when appropriate.]

- Marijuana (THC)
- Cocaine
- Amphetamines
 1. Amphetamine
 2. Methamphetamine
 3. MDMA
 4. MDA
 5. MDEA
- Opiates
 1. Codeine
 2. Morphine
 3. 6-AM (heroin)
- Phencyclidine (PCP)

What does this mean for collectors, laboratories, MROs, and employers on and after October 1st for DOT testing?

- Collectors will continue to check the 5-panel box in Step 1 of the CCF: That is, the box specified for "THC, COC, PCP, OPI, AMP."
- Laboratories will continue to report to MROs the specific drugs / drug metabolites they confirm as positive; and laboratories will be adding MDMA, MDA, and MDEA confirmed positives, as appropriate.
- Laboratories will add – on their semi-annual reports to DOT and their semi-annual reports to employers – MDMA, MDA, and MDEA confirmed positive totals, as appropriate, under Amphetamines.
- MROs will continue to report to employers the specific drugs / drug metabolite they verify as positive; and MROs will be adding MDMA, MDA, and MDEA verified positives, as appropriate.
- Employers will continue to provide – on their annual MIS reports – the number of verified positive drug test results in each testing category (i.e., Marijuana, Cocaine, Amphetamines, Opiates, and PCP).

For additional clarification, please contact Mark Snider at 202 366 3784 or mark.snider@dot.gov.



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 ---- Fax (508) 240-3703
<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

Health and Safety Policy Statement

It is the policy of the Town of Orleans that every employee is entitled to work under the safest possible health and safety conditions. To this end, every reasonable effort will be made to provide and maintain a safe and healthy work place, safe equipment and proper materials, and to establish and require safe work practices at all times.

In order to support this, the Town shall maintain a Health and Safety Committee comprised of representative from all public works departments as well as from Town Hall and the Police and Fire Departments. The Committee will meet at least quarterly. The primary responsibilities of the Committee will be as follows:

1. Sponsor training for employees on various topics using training videos and training programs.
2. Review Worker's Compensation incidents using the Supervisor's Report to identify the causes of the incidents and to identify safety measures.
3. Establish driver safety programs and safety recognition programs.
4. Conduct safety self-inspection of Town facilities on a regular basis.
5. Review the Orleans Employee Safety Handbook on a regular basis and recommend modifications as needed.

A Health and Safety Coordinator will be appointed to coordinate the activities of the Committee and to serve as liaison between the Committee and the Town Administrator and the Board of Selectmen. The department managers will be responsible for the health and safety of their employees, and for contributing to the achievement of the Town's Health and Safety Goals.

All accidents/claims will be thoroughly investigated using the "Supervisor's Report of Accident" forms, and will be reviewed by the Committee to identify safety issues and preventative measures. The investigation should be conducted by the most immediate available supervisor of the injured worker. The responsibility of department managers will be to make sure that accident investigations are complete and that efforts are made to prevent future incidents from occurring. As part of the Town's Health and Safety Program, data on workplace safety will be maintained, and safety goals and measures will be established and utilized by department managers in monitoring safety programs in their department.

It is up to each employee to make workplace health and safety part of his/her daily concern, to follow health and safety guideline, and to report incidents in a timely manner consistent with town and department policy.

Employees are our most important asset, and their health and safety is our greatest concern and responsibility. We appreciate the assistance of all employees in making this policy effective.

Adopted: July 13, 1994
Revised: July 6, 2005
Reviewed: August 29, 2012
Revised: Sept. 19, 2012



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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

HARASSMENT POLICY

It is the policy of the Town of Orleans that sexual harassment of employees in the workplace or other settings related to their employment is unlawful, and will not be tolerated. Further, all Town employees are expected to avoid any behavior or conduct toward an individual because of his/her race, color, religion, gender, national origin, ancestry, age, genetic information, military status, sexual orientation or disability, that has the purpose or effect of (1) creating a hostile, intimidating, or offensive working environment, (2) interfering with an employee's work performance, or (3) interfering with an employee's employment opportunities.

Any retaliation against an individual who has complained about sexual harassment or has filed a discrimination charge, testified, or participated in any way in an investigation, proceeding, or lawsuit under these laws; or who has opposed employment practices that they reasonably believe discriminate against individuals, is similarly unlawful and will not be tolerated

In Massachusetts, "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. Other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

The following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

Any employee who believes that he or she has been the subject of harassment, sexual or otherwise, should report the alleged act to his or her supervisor immediately. In the event that such conduct has been either performed or tolerated by the supervisor, the conduct should be

reported to the Town Administrator, who may be reached at Town Hall during normal business hours at (508) 240-3700, ext. 415.

Investigation into such complaints will be undertaken immediately. The privacy of the employee under investigation, and of the complaining employee/alleged victim shall be respected at all times. To the extent permissible under applicable public records statutes, we will keep the records and information concerning any complaint or investigation confidential; all parties involved in a complaint/investigation are expected to respect this confidentially.

Where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action, up to and including termination. All parties involved will be notified of the resolution of the complaint following the outcome of the investigation.

A pleasant working environment free of discrimination is the goal of the Town of Orleans, and it is the result of continued responsible action on the part of all Town employees. This policy is not designed or intended to limit the authority of the Town to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of discrimination or sexual harassment.

All employees are asked to be sensitive to the individual feelings and rights of their co-workers. Employees are encouraged to raise any questions that they may have regarding this policy or regarding harassment or discrimination with the Town Administrator.

For further information regarding the issue of harassment you may contact:

EAP

MIIA Employee Assistance Program
(800) 451-1834

STATE

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108
617-994-6000

FEDERAL

Equal Employment Opportunity Commission (EEOC)
JFK Federal Building, Room 475, Boston, MA 02203
800-669-4000

DATE PREPARED: 27 April 1994

DATES REVISED: 30 October 1996, 4 January 2000, 20 April 2005, 18 March 2009

Employee's Signature

Employee's Name, printed

Date



TOWN OF ORLEANS

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BOARD OF
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TOWN
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POLICY STATEMENT

PERSONAL USE OF TOWN VEHICLES

It shall be the policy of the Board of Selectmen that town vehicles may be taken home each evening by those department heads or their designees who have emergency responsibilities.

The Board of Selectmen shall make the designation of emergency responsibilities on an annual basis.

The vehicle taken home shall be used for town purposes only to respond to town emergencies. The vehicle shall not be used for personal reasons after the end of the workday. All Town vehicles, with exception of certain public safety vehicles, will display the Town seal.

DATE PREPARED: September 6, 1989
DATE APPROVED: September 13, 1989
DATE REVIEWED: January 4, 2000
DATE REVISED: December 14, 2005
DATE REVIEWED: August 14, 2013
DATE APPROVED: September 4, 2013



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BOARD OF
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POLICY STATEMENT

PERFORMANCE EVALUATIONS

TOWN ADMINISTRATOR, POLICE AND FIRE CHIEFS, AND DIRECTOR OF MUNICIPAL FINANCE

It shall be the policy of the Board of Selectmen that, in accordance with the Orleans Home Rule Charter, Section 4 Evaluation 4-8-1, "The Board of Selectmen shall annually evaluate the performance of the Town Administrator. The Board shall adopt a written set of procedures and criteria which shall form the basis for the evaluation".

The following procedures and criteria will be used: The "Town of Orleans Annual Performance Evaluation" form will be used by the Board to evaluate the Town Administrator, Police Chief, Fire Chief and Director of Municipal Finance. The goals and objectives of the Police Chief, Fire Chief and Director of Municipal Finance shall be established with the Chairman and the Town Administrator and the Board will complete the annual evaluations. The Board's completion of the managers' evaluation should occur prior to the annual elections.

Each member of the Board will complete an individual evaluation of each named manager. The overall tabulation, along with each board members evaluation will be distributed to the full board.

The results of the Town Administrator's evaluation should be discussed with the Town Administrator to establish performance goals for the coming year in open session. The evaluations for the Police and Fire Chiefs and Director of Municipal Finance will be tabulated as outlined for the Town Administrator. The Chairman and the Town Administrator will review the results with the appropriate manager to establish their performance goals.

Each year, the Town Administrator, Police Chief, Fire Chief and Director of Municipal Finance will provide the Board with a list of goals and objectives for their positions within thirty days after the Board approves its own objectives, and provide a mid-year oral report and a year-end written report on the progress of their goals and objectives by April 15th.

The Town Administrator, Police Chief, Fire Chief, and Director of Municipal Finance contracts stipulate that salary increases are tied to a satisfactory performance evaluation.

DATE APPROVED: February 7, 1996
DATES REVISED: July 6, 2005, June 14, 2006, Sept. 15, 2010, Sept. 19, 2012
DATE REVISED: July 9, 2014



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BOARD OF
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POLICY STATEMENT

DEPARTMENTAL BACKUP PLAN

In order to maintain the proper function and operation of each Town department and to ensure that adequate measures are taken to address potential emergency situations or other unforeseen circumstances which could result in a department manager being unavailable for duty due to injury, illness or extended leave of absence, it shall be the policy of the board of Selectmen that each department will have a designated backup plan that will address the needs of the department and the organization and authorizes a person to act in the absence of the department manager on a temporary basis should this need arise.

The Town Administrator will coordinate the development of each departmental plan and identify issues that will need to be addressed including legal, contractual, and regulatory matters. Upon its completion, the plan will be maintained on file in the Town Administrator's office.

Adopted: December 19, 1996

Reviewed: August 29, 2012

Revised: Sept. 19, 2012



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BOARD OF
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POLICY STATEMENT **COMPLAINTS REGARDING PERSONNEL**

Occasionally, a citizen may become dissatisfied with the action of an Administrator, Dept. head or other town employee. It is the intent of the Board of Selectmen that all parties to a complaint be treated fairly and impartially and that the complaint be settled according to the merits of the case.

Upon receiving a complaint, a Selectperson will urge the person making the complaint to follow the steps outlined below.

The steps a citizen will take in seeking to resolve a complaint will differ according to the position of the employee. However, the following procedure for resolving conflict between citizen and an employee will serve as a guide for how other disputes will be settled.

- Step 1 The Citizen is encouraged, first of all, to attempt to resolve the complaint directly with the employee on an informal basis.

- Step 2 If the citizen is not satisfied with the decision or action of the employee, the citizen may appeal to the Dept. Head or in the case it is a Dept. Head, to the Town Administrator.

- Step 3 If the citizen is not satisfied with the Dept. Head's decision or action, the citizen may appeal to the Town Administrator. At this point, the citizen will be encouraged to put the complaint in writing, specifying the circumstances of the complaint, including such details as the date, time, location of the incident, and the names of all persons involved.

- Step 4 Should the Town Administrator's review and subsequent decision not be satisfactory, the citizen may bring the complaint to the attention of the Board of Selectmen by requesting that the Town Administrator place the item on the agenda for its next meeting.

DATE PROPOSED: September 8, 2010
DATE APPROVED: September 15, 2010
DATE REVIEWED: August 29, 2012



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BOARD OF
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Employee Reward for Innovation Program

Purpose

This policy establishes the process by which employee initiatives which result in cost savings, improved efficiencies, or outstanding customer service are rewarded in a meaningful way.

Applicability

This policy applies to full time and regular part-time positions, excluding the Town Administrator, Finance Director, Police Chief, Fire Chief, DPW Director, Asst. Town Administrator, Deputy Chiefs and school employees.

Definitions

1. Cost avoidance: Action taken to reduce future costs, such as replacing parts before they fail and cause damage to other parts. Cost avoidance may incur higher or additional costs in the short run, but the final or life cycle cost would be lower.
2. Cost saving: Decision or action that will result in fulfillment of the objective(s) of a purchase at a cost lower than the historical or projected cost.
3. Significant Achievement: For the purposes of this policy, means one or more of the following.
 - a) Short-term financial savings that makes a major impact within the current fiscal year.
 - b) A permanent process change or improvement which benefits the Town through a reduction in time, allowing employees to be more efficient or productive and/or simplifies the user/customer experience in a major way.
 - c) Long-term financial savings or cost avoidance providing a major financial benefit during multiple fiscal years.

Policy

1. The goal of this program is to recognize eligible employees with a monetary award for providing the Town with significant achievements while in the performance of their jobs.
2. Individuals or groups of individuals may be nominated and rewarded for their significant achievement(s). Separate nominations may be considered as a group if the achievement(s) are identical or very similar to one another.
3. Achievements which are identical or very similar to those recognized in prior years may not be eligible for an additional award.
4. This policy shall be administered by the Town Administrator; however, approval of an award through this policy is by the Board of Selectmen.
5. Implementation of this policy is dependent on budgeted available funds for the fiscal year in which the award is approved.

Procedures

1. On or before June 1 each fiscal year, recommendations for award may be made by any employee and forwarded to the department manager of the employee(s) being recommended.
2. The department manager will review the recommendation and forward it to the Town Administrator, indicating his/her support and adding any additional information necessary to establish that the criteria of a significant achievement, as outlined above, has been met. If the department manager or appointing authority does not support the recommendation of award, he/she will forward the recommendation to the Town Administrator, adding his/her reasons for believing that the criteria of a significant achievement has not been met.
3. In July, the Town Administrator and Finance Director will meet to review all submissions received from the previous fiscal year and will make a recommendation to the Board of Selectmen as to the recipient(s) and amount of the award.
4. The award will be voted upon at a regular public meeting of the Board of Selectmen in August. The Board will either a) approve the recommendation as presented; b) ask that the award be reconsidered; or c) deny the recommendation.
5. A letter will be sent to the employee(s) receiving the award from the Town Administrator, copied to the employee who made the recommendation. Thank you letters will be sent to all employees who made a recommendation during the year.

Awards

1. Monetary awards will be granted as follows for significant achievements as defined above:
 - a) Short-term financial savings: an award in the amount of \$100 per individual.
 - b) Permanent process change or improvement: an award in the amount of \$300 per individual.
 - c) Long-term financial savings or cost avoidance: an award in the amount of \$500 per individual.
2. No individual will be granted an award greater than \$500 and no group of individuals will be granted an award greater than \$1,500. A maximum of three awards, will be approved by the Board each fiscal year.
3. Employees are limited to one award in any three (3) consecutive fiscal years.
4. All monetary awards will be paid to employees through the Town payroll system. The award letter from the Town Administrator will be considered sufficient documentation for an additional entry on the recipient's department payroll form.
5. The granting of an award is a one-time benefit and does not affect an employee's classification grade/step or retirement contributions, but may be subject to IRS withholding requirements, as a monetary award is considered income.

Review

The Board of Selectmen shall review this policy annually, and may vote to revise or revoke it at any time.

Approved: March 23, 2016

Note: The FY17 budget line item for employee recognition would increase from \$1,500 to \$5,000.



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BOARD OF
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DOMESTIC VIOLENCE ACT LEAVE POLICY

Pursuant to M.G.L. Chapter 260 of the Acts of 2014, this policy applies to all full and part-time compensated positions, excluding elected officials. Employees whose positions are covered under a collective bargaining agreement and the terms of the collective bargaining agreement conflict with the above statute or this policy, the statute and this policy shall prevail. To the extent permitted by law, employment agreements entered into after the effective date of this policy with employees whose positions are subject to this policy must follow all of the provisions of this policy.

This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.

Nothing in this policy limits or prevents the Town from providing time-off to employees to address situations of violence not specifically defined in this policy.

Definitions

Employee (under this policy): Individuals who perform services for and under the control and direction of the Town of Orleans for wages or other remuneration.

Year: any 12 month period.

Family Member (under this policy) includes:

- Persons who are married to one another;
- Persons in a substantive dating or engagement relationship and who reside together;
- Persons having a child together regardless whether they have ever married or resided together;
- Parents, step-parents, children, step-children, siblings, grandparents, grandchildren, and persons in guardian relationships.

Domestic Violence is broadly defined as abuse against an employee or an employee's family member by:

- A current or former spouse of the employee or employee's family member;
- A person with whom the employee or employee's family member shares a child in common;
- A person who is cohabitating with or has cohabitated with the employee or employee's family member;
- A person who is related by blood or marriage to the employee;

- A person with whom the employee or employee's member has or had a dating or engagement relationship.

Abuse is defined as attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent child; engaging in mental abuse, including threats, intimidation or acts designed to induce fear, depriving another of medical care, housing, food or other necessities of life; or restraining the liberty of another.

Abusive Behavior includes domestic violence (as defined by G. L. c. 149, section 52E), stalking, sexual assault and kidnapping.

Eligibility

All employees of the Town of Orleans including all full-time, permanent part-time, part-time, seasonal and temporary employees are eligible for Domestic Violence Leave benefits, as indicated in this policy.

Policy

Full-time and permanent part-time employees must utilize any and all accumulated personal leave, vacation leave and sick leave available to them prior to utilizing unpaid leave approved as domestic violence leave.

An eligible employee may take up to 15 days of leave from work in any 12-month period, if the employee or family member of the employee is a victim of abusive behavior and the employee is using leave from work to:

- Obtain medical attention, counseling, victim services or legal services;
- Secure housing;
- Obtain a protective order from a court;
- Appear in court or before a grand jury;
- Meet with a district attorney or other law enforcement official;
- Attend child custody proceedings;
- Address other issues directly related to the abusive behavior against the employee or family

The employee requesting leave may not be the perpetrator of the abusive behavior.

Notice to Employer

Employees are generally required to provide appropriate advance notice, except in cases of imminent danger. In cases of imminent danger, the employee is required to notify the employer of his/her absence within three (3) work days that the leave was taken or is being taken.

The Town will not take any negative action against an employee for taking an unscheduled absence if the employee, within thirty (30) days from the unauthorized absence, or within thirty (30) days from the last unauthorized absence in the instance of consecutive days of unauthorized absences, provides qualifying documentation.

Required Documentation

The Town of Orleans requires documentation showing that an employee or employee's family member is a victim of domestic violence.

An employee may satisfy the documentation requirement by producing any of the following documents within a reasonable period of time from the request:

- Protective order, order of equitable relief or other documentation issued by a court;
- A document under the letterhead of the court, provider, or public agency, which the employee attended for the purposes of acquiring assistance as it relates to the abusive behavior against the employee or employee's family member;
- A police report or statement of a victim or witness provided to the police documenting the abusive behavior complained of by the employee or the employee's family member;
- Documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to be found guilty, or been convicted, or adjudicated a juvenile delinquent;
- Medical documentation of treatment as a result of the abusive behavior complained of by the employee or the employee's family member;
- A sworn statement, signed under the pains and penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or other similar professional;
- A sworn statement, signed under the pains and penalties of perjury, by the employee.

The Town shall maintain any received documentation within the employee's personnel file, but only as long as required to make a determination as to whether the employee is eligible for domestic violence leave.

All information related to the employee's leave shall be kept confidential by the employer and shall not be disclosed, except to the extent that disclosure is:

- Requested or consented to, in writing, by the employee;
- Ordered to be released by a court of competent jurisdiction;
- Otherwise required by applicable federal or state law;
- Required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the attorney general or,
- Necessary to protect the safety of the employee or others employed at the workplace.

Other Provisions

Domestic violence leave is granted subject to the approval of the Town Administrator.

Employees do not lose any benefits accrued prior to or during a domestic violence leave.

Upon return, an employee shall be restored to the same position held prior to his/her domestic violence leave.

Notice to Employees

Each employee will be provided with a copy of this policy and a copy of the policy shall be posted on conspicuous bulletin boards in the break areas within the Town's workplaces.

Date Adopted: January 21, 2015



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BOARD OF
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POLICY STATEMENT

USE OF CHARLES F. MOORE BANDSHELL OR NAUSET BEACH GAZEBO

1. Any person/organization requesting the use of the Charles F. Moore Bandshell and Nauset Beach Gazebo and surrounding park area must complete and application for the use. Applications can be obtained from the Parks Department, Bay Ridge Lane, Orleans, MA 02653.
2. Applications will be considered on a “first come – first served” basis after scheduling other Town sponsored activities including, but not limited to the Firebirds, recreational activities and programs, etc. Unusual or major events will be brought to the advance attention of the Park Commissioners, i.e., Pops in the Park, Marine Corps Band, etc.
3. Any person organization requesting use and receiving permission to use the facilities takes the responsibility for cleaning the area prior to and after the activity/event. The Parks Departments will approve the clean-up work. If the cleanup is not satisfactory, the person/organization will be sent a bill by the Parks Department for their services in cleaning the area. Under these circumstances, the person/organization will be restricted from using the facility in the future.
4. Use of the Bandshell and Gazebo and surrounding area will be restricted to the hours between 8:00 a.m. and 10:00 p.m. Monday through Saturday, and 12:00 p.m. and 10:00 p.m. on Sunday, excluding clean up time and sunrise services at Nauset Beach.
5. The person/organization agrees that no alcoholic beverages shall be consumed in the Bandshell and/or the Gazebo and surrounding areas.
6. The person/organization understands that they may need to obtain personnel for crowd control and traffic during their activity. The Park Superintendent and/or chief of Police will determine the need for officers on a case-by-case basis.
7. The person/organization agrees that any decorations and/or signs used will be flameproof in accordance with the State Fire Code and meet all local bylaws.
8. The person/organization agrees to assume responsibility for any damage incurred to the Bandshell, Gazebo, surrounding area and associated Town equipment during their use of the facility for their activity.

9. Those activities not sponsored by the Town of Orleans will be required to obtain “Broad Form Liability” insurance in the amount of \$1 million dollars and applicable Worker’s Compensation insurance, naming the Town as a certificate holder to absolve the Town of Orleans of any liability in reference to its members, employees, volunteers, and/or agents for injury, accident, illness, expense, or claim of damage of any kind whether to persons or to property which may occur as a result of the use of the Town’s facility by the person/organization. The “Certificate of Insurance” must be delivered to the Parks Department prior to use of the facility.
10. The person/organization must obtain all appropriate licenses from the Board of Health and the Board of Selectmen pertaining to the events and activities, (i.e., entertainment, food, peddlers, etc.)
11. A fee schedule for the use of the Charles F. Moore Bandshell and/or the Nauset Beach Gazebo will be established annually by the Board of Selectmen.
12. The person/organization using either of the facilities will not discriminate with regard to race, color, religious creed, national origin, ancestry, sex, or age.
13. The Town reserves the right to reject any application in the event that the Town, in its sole discretion, determines that a proposed use may present a public health or public safety risk.

Date Adopted: 5 June 1991
Date Revised: 6 July 2005
Date Revised: 6 August 2014



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BOARD OF
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POLICY STATEMENT

USE OF TOWN HALL

The Town Hall is to be used for municipal purposes only, except by express permission of the Town Administrator, who may grant exceptions on a case by case basis.

An exception may be granted based on a determination that a municipal purpose or benefit would be served by the proposed use.

All meetings held in the Town Hall must be open to the public. Insurance, security and/or safety precautions may be required, or limitations placed on the use to whatever extent they deem to be in the interest of the Town.

A determination of one case shall not set a precedent for future use by that applicant or any other.

DATE PREPARED:	August 22, 1995
DATE ADOPTED:	August 23, 1995
DATE REVIEWED:	January 4, 2000
DATE REVISED:	July 6, 2005
DATE REVISED:	September 26, 2007
DATE REVISED:	February 12, 2012
DATE REVIEWED:	August 29, 2012
DATE REVIEWED:	September 4, 2013
DATE APPROVED:	August 6, 2014



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BOARD OF
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POLICY STATEMENT

USE OF TOWN LANDING POLICY

It shall be the policy of the Orleans Board of Selectmen that any individual property owner requesting use of a town landing/water access for any purpose other than bathing, fishing or other recreational use must comply with this policy:

Wherever possible private property should be used instead of a town landing. No application will be approved if sufficient alternative access is available from the property(s) upon which improvements are to be performed and evidence has been submitted with the application that other alternative access areas are not available to the applicant. If permission of private property owner other than the applicant is not granted, such denial is to be submitted with the application. The following conditions will apply.

1. No more than one property owner or applicant will have permission to use a specific town landing at any one time.
2. Applications shall be considered on a first come basis by the date of a completed application. The Board of Selectmen reserves the right to change work dates.
3. The property owner filing the application will be responsible for any damage to town property.
4. The Public Works Manager will determine if the size of the heavy equipment to be used is within acceptable weight limits for the given access road and town landing. The findings will be reported in writing to the Town Administrator.
5. All approvals for use of a town landing must contain conditions of Approval and signed by the Town Administrator. Such conditions can include but not be limited to the following:
 - a. No material will be stored on any portion of the town landing.
 - b. No more than one loader and/or one crane may be stored at the landing.
 - c. No equipment should be placed on the landing so as to block vehicle/pedestrian access to the landing and/or boat launching ramp.
 - d. No storage of equipment will be permitted on weekends without prior approval of the Chief of Police

6. The Public Works Manager, Natural Resources Manager and Conservation Agent will inspect the parking area and town landing prior to use and after completion to determine if any damage was done to the parking lot or town landing.
7. The Town Administrator shall report the findings to the Board of Selectmen. Upon the determination by the Board of Selectmen that no damage to Town property has occurred the Board shall release the security posted by the applicant.
8. Contractors, Engineers, Property Owners, all Representatives, Agents and the Conservation Commission must be given a copy of the Conditions of Approval.
9. The Board of Selectmen may grant any extension in the time period requested and further may vary any condition of this policy when specific conditions or circumstances would warrant such a waiver.

The property owner is required to submit the following information to the Town Administrator.

1. A completed application for "Extraordinary Use of Town Landings" and include a copy of the Order of Conditions issued by the Conservation Commission.
2. Deliver with the application a bond of indemnity, cash, bank or certified check in the amount of \$2,500 payable to the Town of Orleans. Said \$2,500 will be kept by the town in a non-interest bearing account and returned upon satisfactory inspection and release by the Board of Selectmen.

This policy takes effect immediately upon approval.

Date Prepared: March 25, 1992

Date Approved: April 1, 1992

Date Revised: January 4, 2000

Date Reviewed: September 4, 2013

Date Approved: August 6, 2014



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BOARD OF
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POLICY STATEMENT

EMERGENCY CLOSURE OF TOWN BUILDINGS

In the event of a weather emergency or other condition that may affect the public safety or pose an extremely hazardous condition to employees, the Town Administrator may declare the closure of specific town buildings or work sites.

Prior to making a decision to close town facilities, the Town Administrator will consult with the appropriate town officials, including but not limited to the Police Chief, Fire Chief, Highway Manager, and Chairperson of the Board of Selectmen.

If Town offices are closed, the administrative procedure for the closure will include providing notification to the public on radio station WCOD (106.6 FM), WQRC (99.9 FM) and WXTK (95.1 FM) after 7:00 a.m. To additionally inform employees and the general public, the telephone system automated attendant greeting will be changed to inform callers of the closure, and the Town Web site will be updated.

In the interest of maintaining the public safety and communications, the police and fire buildings will remain open at all times.

DATE PREPARED: 7 December 1993
DATE REVISED: 27 January 2004
DATE REVIEWED: 4 January 2000
DATE REVISED: 13 April 2005
DATE REVISED: 26 September 2007



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BOARD OF
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POLICY STATEMENT

LOWERING OF TOWN FLAGS

It shall be the policy of the Orleans Board of Selectmen that when a past or current elected or appointed official or employee of the town dies, the flag will be lowered to half staff on the day of the memorial service unless otherwise directed by the Board of Selectmen or their designee.

The flag shall also be flown at half staff for national or state disasters, upon the recommendation of the President of the United States, the Governor of Massachusetts or as voted by the Orleans Board of Selectmen.

DATE PREPARED: 20 December 1989
DATE REVISED: 20 December 1989
REVIEWED: 4 January 2000
REVISED: 6 December 2006

December 2, 2009

Mr. Kelly presented the Board with a proclamation from Governor Patrick regarding a change to the half-staff flag policy. Mr. Kelly asked how the Board wished to address the change in policy.

On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to designate the Veterans Monument Flag be lowered to half- staff on the day of interment of any soldier from Massachusetts who is killed in action in a war zone while on active duty, when practical. The vote was 5-0-0.



TOWN OF ORLEANS

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BOARD OF
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POLICY STATEMENT

SIGNS ON TOWN PROPERTY

The placement of any type of private advertisement signs either upon Town of Orleans owned property or within the road layout abutting such property is strictly prohibited without the express approval of the Board of Selectmen.

Any person or group that wishes to submit such a request shall follow the same procedure as outlined in the Board of Selectmen policy entitled Use of Road Layout.

This policy shall take effect immediately upon approval of the Board of Selectmen.

DATE PREPARED: October 10, 2006

DATE APPROVED: October 11, 2006



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BOARD OF SELECTMEN / PARK COMMISSIONERS POLICY STATEMENT FERTILIZER, PESTICIDES AND HERBICIDES PROGRAM

Town of Orleans Board of Selectmen/Park Commission Policy regarding the use of fertilizer, pesticides and herbicides on grounds and in or around Town owned buildings that are under the jurisdiction of the Board of Selectmen and Park Commission.

1. Purpose: The purpose of the policy is to codify practices that the Town of Orleans will use to accomplish the following:
 - a. Reduce or eliminate nutrient loading from application of fertilizers on Town owned properties by Town employees or private contractors.
 - b. Reduce or eliminate the use of pesticides or herbicides on town grounds or in or around Town owned facilities.
2. Goals:
 - a. Set a positive example for other fertilizer pesticide and herbicide user groups.
 - b. Demonstrate that properties can be maintained without excessive use of fertilizer, phosphorous, pesticides, or herbicides.
 - c. Reduce long term costs.
 - d. To have other Orleans Committee Trustees or Commissions (School Committee, Conservation Commission, and Library Board of Trustees) who have jurisdiction of Town properties or Building adopt the same policy.
 - e. To form a committee that will help educate the citizens of Orleans why we need to significantly reduce the use of nitrogen, phosphorous, pesticides and herbicides in the care and maintenance of properties.
Significant reduction of these products will reduce nutrient loading in our estuaries, eutrophication in our fresh water ponds, protection of our soul source aquifer and health and safety of our children and adults in Orleans.
 - f. In the near future adopt the Northeast Organic Farming Association (N.O.F.A.) Standards for Organic Land Care: Practices for Design and Maintenance of Ecological Landscapes. (N.O.F.A. can be googled at nofa.organiclandcare.net)

This policy if adopted by the Orleans Board of Selectmen/Park Commissioners, School Committee, Orleans Conservation Commission and Library Board of Trustees shall apply to the following spaces owned and managed by the Town:

- Athletic Fields
- Playgrounds
- Grounds of Town Buildings
- Memorial Square
- Traffic Islands
- Parks
- Town Greens
- Cemeteries
- Conservation Areas
- Roadsides

On the date the Board of Selectmen/Park Commissioners adopt this policy the following practices will take effect immediately.

I. Practices for Turf Management

The Board of Selectmen/Park Commissioners hereby adopts the following best practices and require adherence to the practices by any Town Employees or private contractor working on behalf of the Town.

A. Soil Testing

For any property that is managed with water and/or fertilizer, the Town will conduct soil testing and analysis on a biennial or regular basis. Results of the soil analysis shall be used to enhance soil biology in order to reduce the need for fertilizers or herb/pest control products.

B. Soil Biology

The spreading of composted soil or of microbial products such as compost tea or beneficial nematodes is strongly encouraged as a means of enhancing soil biology.

C. Top Soil and Site Preparation

Any new turf areas developed by the Town should be developed with a minimum of 6 inches of high quality top soil, or in accordance with other profession standards appropriate to the type and planned use of the facility.

D. Grass Type

Whenever possible, hardy and drought resistant grass types such as fine lea fescues (i.e., Hard, chewing, Creeping, Red and Sheep fescues) or minimal mow mixes should be selected so as to minimize the need for watering, mowing or fertilizing. These grass types also should be used when over-seeding established turf areas. Areas intended for special purposes such as athletic fields should use such a grass type appropriate for the intended type and intensity of use.

E. Maintenance Practices

For any property that is managed with water and/or fertilizer the following maintenance practices should be followed:

- Turf areas should be mechanically aerated annually, preferably in the spring;
- Heavily used Athletic Fields such as Eldredge Park, Volunteer Field and Leo P. Miller may require mechanical aeration two or three times annually due to compaction;
- Over-seeding of turf areas should be undertaken every spring or fall. Hardy and drought resistant grass types such as fine leaf fescues (i.e., Hard, Chewing, Creeping, Red and Sheep fescues) and minimal mow mixes should be used for over seeding unless an alternate grass type is required for an athletic field;
- Turf should be mowed to a height of 2.5" inches on the first mowing of the season and 2.25" for the last mowing of the season. At all other times the turf shall be mowed at 3" with the exception of the following: Eldredge Field 2.5" first mow to May 15th, 2" May 15- August 15th, 2.5" August 16 to last mow which will be 2.25". Volunteer field, Leo P. Miller Field, Whitey Dunham L.L. Field 2.5" during the mowing season 2.25 last mow of season.
- Mowed clippings should not be bagged and should be left to mulch.

F. Irrigation

Watering should only be undertaken as necessary. If possible, sprinkler systems should be designed to use on site wells instead of potable water supply. Irrigation systems should be equipped with rain, moisture, or evapotranspiration sensors, as appropriate.

G. Fertilizer Application

For any property that is managed with water and/or fertilizer the following fertilizer application practices should be followed:

- Only fertilizers with slow release/slowly soluble organic forms of nitrogen should be used. Fertilizer should be applied in the minimum amount needed for healthy plant growth appropriate to the type and intensity of use of the field of turf area;
- Use of compost and compost teas to replace some fertilizer application;
- Fertilizer products should have a minimum of 35% water insoluble nitrogen;
- Fertilizer products containing phosphorous should only be used if required in accordance with the results of a recent soil analysis;
- Fertilizers should be applied to benefit the spring and fall heavy growth periods; Fertilizers should not be applied after October 31st or before April 15th unless required in accordance with the requirements of athletic fields or the results of a soil analysis.

H. Provide a list of areas that will include areas with no fertilizer or areas with one application, two applications or three applications of fertilizer per season.

I. Record Keeping

Record will be kept of turf management practices and applications (i.e. amount and frequency of application, nutrient content) for all fields and turf areas that are managed with irrigation and/or fertilizer.

J. Training

Municipal personnel and contractors involved in turf management will be trained and attend regular training on techniques and best practices associated with organic turf management.

II. Practices for use of pesticides & herbicides

The Board of Selectman/Park Commissioners hereby adopts the following best practices and require adherence to the practices by any Town employee and private contractors working on behalf of the Town.

- A. To develop and follow integrated pest management practices for all land management and building maintenance.
- B. Seek alternative methods to reduce infestation that cause damage to turf, trees and other plant material.
- C. Use an organic pesticide or herbicide if it will effectively reduce the problem to acceptable levels.
- D. If there is no other alternative method or organic product that will eliminate the problems or reduce the problem to acceptable levels then a pesticide or herbicide can be used if approval is voted by the Board, Commission, Trustees or Committee who have the jurisdiction over the Town owned properties.
- E. A plan will be written and submitted to the Board commission or committee who has the jurisdiction so they will place it on their agenda for public awareness. At the public meeting time will be set aside so the public may have input and to hear the reasons any type of pesticides or herbicides needs to be applied, before such board, committee, trustees or commission vote to approve the use of any type of pesticides or herbicides on town properties or around Town Buildings.
- F. In unusual circumstances it may be necessary for the Tree Warden to use pesticides without following the usual process. The explanation for this action and a plan would follow after the fact.

Approved: April 11, 2012



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POLICY STATEMENT

USE OF ROAD LAYOUT

The use of any land within the town road layout for any purpose shall have the express approval of the Board of Selectmen. No town official shall issue a permit or license for use of any or all of the layout without the written approval of a majority of the Board of Selectmen.

The procedure for approval shall be the following:

1. A formal request for use of the road layout shall be made through the Town Administrator to the Board of Selectmen.
2. The Board of Selectmen may require a public hearing. If a public hearing is required, public notice of the hearing shall be published at least seven (7) days prior to the scheduled date of the hearing.
3. The applicant shall be responsible for notification of all abutters, by registered mail, and shall present return receipts of notification at the time of the hearing.
4. The Board of Selectmen shall make a decision on the application within twenty-one (21) days of the public hearing.

This policy shall take effect immediately upon approval of the Board of Selectmen.

DATE PREPARED: May 31, 1999
DATE APPROVED: May 31, 1989
DATE REVIEWED: 4 January 2000
DATE REVISED: 6 August 2014



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BOARD OF
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POLICY STATEMENT

DEFINITION OF ROAD LAYOUT

The definition of the term "road layout" as used by the Board of Selectmen shall be defined as follows:

The boundaries of a public way, shown on the plan on file with the Town Clerk, approved and accepted by the selectmen at a public hearing and subsequently ratified by Town Meeting. In cases where there is an insufficient record, the boundaries of a public way as shown on applicable plans on file at the Barnstable County Registry of Deeds shall control.

DATE PREPARED: 31 May 1989
DATE APPROVED: 31 May 1989
DATE REVIEWED: 4 January 2000



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BOARD OF
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POLICY STATEMENT

ROAD LAYOUT AND BETTERMENT REQUESTS PROPERTY OWNER INITIATIVES

It shall be the policy of the Orleans Board of Selectmen that:

1. Applications for betterment and/or layout of a private way as a town way will be considered only at the Annual Town Meeting.
2. A maximum of two applications for betterment and/or layout will be accepted for consideration each year. Any road layout pursued by the Town on its own motion will not count toward the maximum.
3. Applications will be considered in order of the date of filing of the completed application package in the Planning Department office. No application will be accepted until it is complete, and all required documents shall be submitted together.
4. The deadline for filing applications is November 30 each year.
5. To be considered for layout or betterment, the road must intersect or connect with a town way.
6. Executed waivers signed by all abutting property owners releasing the town from any liability for damages claims must be submitted with the application. In the event at least 75% of the waivers are obtained, but less than 100%, the Board of Selectmen will review the application and make a determination whether or not to proceed.
7. The applicant will adhere to the current "administrative Procedure for Layout/Betterment of Private Ways", which will be available in the Planning Department Office by September 1 each year.

DATE PREPARED: 18 June 1997
DATE APPROVED: 9 July 1997
DATE REVIEWED: 4 January 2000
DATE REVISED: 6 December 2006
DATE REVISED: 8 September 2010
DATE REVISED: 20 August 2014



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POLICY STATEMENT

ROAD LAYOUT AND BETTERMENT REQUESTS

Addendum 1: Standards for Public Acceptance of Private Ways

Purpose

The Town of Orleans from time to time receives petitions for acceptance of private ways. To help guide the process, the Board of Selectmen has adopted a set of procedures for applicants to follow. The Planning Board, Board of Selectmen, Highway Manager, and Town Planner each play a role in the review process. This policy is intended to augment existing policies by providing guidance to Town officials and the general public on the condition of streets that are petitioned for acceptance.

When the Town accepts the layout for a way, it accepts maintenance responsibilities and liability. Annual maintenance of all public ways includes cleaning storm drains, trimming brush, street sweeping and snow removal. Non-routine maintenance may include crack sealing, drainage reconstruction, and other applications to extend pavement life. Municipal funding available for street maintenance is limited and any additional ways that are accepted by the Town will place further burden on existing staff and equipment. For these reasons, the Town must be careful not to take on added responsibilities for ways that may require substantial improvement in the future.

Policy

The existing procedures provide procedural guidance but fail to articulate standards for the physical condition of roadways for which acceptance is petitioned. In establishing standards for acceptability, private ways can be put into two categories: new ways and older ways that have run a significant portion of their useful life.

NEW WAYS

A new way shall mean a street for which construction and inspection have been completed and approved by the Planning Board within 4 years of the date of petition for acceptance. Such streets shall be presumed to be in acceptable physical condition, provided the following:

- Brush and trees must be trimmed or cleared to maintain adequate sight distances for driveways and street intersections.
- Waivers from the literal requirements of the Orleans Planning Board, Subdivision Rules & Regulations for street construction shall be brought up to meet the standards. This shall not apply to dimensional waivers for road width.

- The street does not show any visible physical defects such as slumping, cracking or other signs of inadequate construction.

New ways shall be deemed to be in a condition acceptable to the Town, and may be accepted upon satisfactory completion of the procedural requirements for laying out of public ways.

OLDER WAYS

An older way is any way that is more than 4 years old. Such a way shall require a complete inspection to determine its remaining usable life in order to determine if improvements are required prior to public acceptance. The extent of the inspection shall be at the discretion of the Highway Manager, and may include core sampling, compaction testing, evaluation of drain systems, and other methods to determine the condition of the way.

For an older way to be accepted by the Town, it must be in good physical condition, free of defect. The Town should have a reasonable expectation of performing only routine maintenance (sweeping, catch basin cleaning, mowing) for at least 10 years after the way is accepted. The way must meet all applicable street construction standards of Town, although deviations from the dimensional requirements may be acceptable if the Planning Board had approved the deviation at the time the way was laid out. Costs for improvements required by the Town prior to consideration by Town Meeting shall be borne by the applicant.

For the purposes of this policy, a way that is in good condition shall mean:

1. The roadway surface shall be new within the past 5 years and shall have no cracks, openings, areas of distress, and shall show no signs of base failure. All vegetation, debris, and other deleterious materials shall be removed from the edge of pavement.
2. All trees and shrubs shall be removed from a 4-foot strip along both sides of the edge of the roadway.
3. Drainage structures shall be unobstructed along the roadway. All leaching basins and catch basins shall be cleaned of sand and other foreign matter.
4. Sight distances at all intersections shall be 200 feet. Shrubbery at intersections within the sight triangle shall be trimmed to less than 3.5 feet.
5. Driveways shall be at least 50 feet from all intersections.
6. Stop signs and road signs shall be in place and in good condition.
7. The roadway must connect directly to an existing public way.

DATE PREPARED: 25 January 1999
 DATE APPROVED: 26 January 1999
 DATE REVIEWED: 4 January 2000
 DATE REVISED: 6 December 2006
 DATE REVISED: 8 September 2010



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POLICY STATEMENT

WAIVER AND RELEASE OF LAND DAMAGE CLAIMS

In consideration of the Board of Selectmen of the Town of Orleans laying out and making public as town roads the following private ways:

I/We hereby waive and release the Board of Selectmen and the Town of Orleans from any and all claims, actions, suits, causes of action, and rights to damages pursuant to the provisions of Massachusetts General Laws C79 1-45 inclusive as a result of the laying out and making public as a town road(s) the above-described private way(s).

For my title, see Land Court Certificate of Title No. _____ or the deed recorded with Barnstable Registry of Deeds in Book _____ Page _____.

Dated this _____ day of _____, 20____.

Owner(s) of record – All must sign

DATE REVIEWED: 4 January 2000

5. When snow accumulation has reached 2 to 3 inches plowing will begin, with the primary objective to keep all Town roads open during the storm event.
6. When the storm event ends, cleanup begins with the widening of all Town roads and intersections to improve sight distance, provide adequate room for safe travel and to prepare for more snow from future events. Crews continue to monitor roads for icy spots and drifting snow. Generally, an application of salt and/or salted sand is applied in an effort to reduce frozen conditions and snow/ice pack.
7. Town buildings and facilities will be plowed and sanded/salted during sanding and/or plowing operations in order to keep them open during normal working hours and evening events.
8. The Orleans Elementary and Nauset Middle Schools will be sanded/salted and plowed based upon the school's opening schedule. If school is not cancelled due to a storm event the parking lots will be plowed and sanded/salted prior to school opening. If a storm event ends during a weekend or if school is cancelled, the schools will be sanded/salted and plowed at the earliest opportunity.
9. School and Town building closings will be reviewed by the Department Director and/or Operations Manager with the School Superintendent and Town Administrator by 6:00 a.m. on a potential closure day. Potential early dismissal days will be reviewed with the School Superintendent and Town Administrator as necessary during an event.
10. After a storm event the Department will make every reasonable effort to clear the Town's sidewalks within 24-hours.
11. Currently the Department primarily uses straight salt for roadway treatment. The Department will also use a sand/salt mix depending upon temperatures and road conditions to supply some grit onto the roadway. The Department is also pursuing pre-treated salt products on a trial basis in order to determine if the added properties of the pre-treated salt are worth the additional cost.
12. If your street has not been plowed or if you have an emergency situation that requires access, even if on a private road, please contact our office at (508) 240 – 3790. If your concern is after regular working hours, please contact the Orleans Police Department for assistance.
13. As time allows, catch basins will be uncovered and opened to improve drainage when the snow begins to melt.

Reviewed: March 8, 2005
Reaffirmed: May 27, 2009
Revised: December 31, 2015
Approved: January 6, 2016



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POLICY STATEMENT

DEPARTMENT OF PUBLIC WORKS & NATURAL RESOURCES SNOW REMOVAL PROCEDURES

Snow and ice operations are managed by the Department of Public Works & Natural Resources based upon the amount of snow, freezing rain, length of storm, time of day, temperatures before, during and after, traffic conditions and school schedule.

The mobility of Police, Fire and other public safety entities is mission critical to the safety and well-being of the Town of Orleans' residents, businesses and the members of those agencies.

The mobility of employees, residents and consumers is essential to the overall economic health of Orleans. The inability to maneuver impassable roads and unshoveled sidewalks affects the overall economic health.

Mobility is key to independence, particularly for those with disabilities, seniors and school children who are adversely impacted when roads and sidewalks are not passable or are not adequately cleared of snow and ice.

The following procedures will be used as guidelines by the Department during snow removal operations.

1. Plowing and sanding routes will be reviewed, revised or established and assigned each year by the end of October.
2. Plowing and sanding equipment will be prepared for the upcoming winter season beginning in September and at least one sander will be mounted on a truck and ready for use by October 15.
3. Road conditions after hours will be monitored by the Orleans Police Department. They will contact the Department's on-call person if they feel conditions appear to warrant attention and it will be the Department's Operations Manager or designee's responsibility to begin and end snow/ice removal operations.
4. As the snow begins, crews will be called into the operations facility. Sanding/salting will generally begin immediately upon arrival. Arterial and collector roadways, Police and Fire Stations, and school bus routes will be sanded/salted as a first priority, with secondary roads being done thereafter as needed.

5. When snow accumulation has reached 2 to 3 inches plowing will begin, with the primary objective to keep all Town roads open during the storm event.
6. When the storm event ends, cleanup begins with the widening of all Town roads and intersections to improve sight distance, provide adequate room for safe travel and to prepare for more snow from future events. Crews continue to monitor roads for icy spots and drifting snow. Generally, an application of salt and/or salted sand is applied in an effort to reduce frozen conditions and snow/ice pack.
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9. School and Town building closings will be reviewed by the Department Director and/or Operations Manager with the School Superintendent and Town Administrator by 6:00 a.m. on a potential closure day. Potential early dismissal days will be reviewed with the School Superintendent and Town Administrator as necessary during an event.
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11. Currently the Department primarily uses straight salt for roadway treatment. The Department will also use a sand/salt mix depending upon temperatures and road conditions to supply some grit onto the roadway. The Department is also pursuing pre-treated salt products on a trial basis in order to determine if the added properties of the pre-treated salt are worth the additional cost.
12. If your street has not been plowed or if you have an emergency situation that requires access, even if on a private road, please contact our office at (508) 240 – 3790. If your concern is after regular working hours, please contact the Orleans Police Department for assistance.
13. As time allows, catch basins will be uncovered and opened to improve drainage when the snow begins to melt.

Reviewed: March 8, 2005
Reaffirmed: May 27, 2009
Revised: December 31, 2015
Approved: January 6, 2016



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BOARD OF
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POLICY STATEMENT

CITIZEN RECOGNITION PROGRAM

It shall be the policy of the Board of Selectmen to select annually an unspecified number of Orleans citizens to receive a Certification of Appreciation or Recognition Award according to the following procedure:

1. Selection will be based on the aspects of good citizenship and may include town volunteers (length of service, significant accomplishments or others); citizens responsible for some significant other-than-government accomplishment, contribution to or positive impact on the town, or any other recognition the Board of Selectmen might wish to make, based on recommendations made (see below). The award will state specific reasons for selection.
2. The Good Citizenship Award will be presented at the Annual Town Meeting in May each year.
3. Any citizen of the town may make recommendations on a recommendation form, with the reasons for the recommendation stated. Deadline for submitting the recommendation form is March 15 each year. Forms will be available from the Board of Selectmen's Office.
4. The Board will receive copies of each nomination and supporting documentation.
5. The Board will select any or no award recipients by annotation on a voting list. There will be no public discussion of those recommended.
6. A three out of five vote of the Board of Selectmen will be necessary to issue a Recognition Award.
7. The recommendation forms will be confidential, and will be retained in the Board of Selectmen's Office for a period of three years.

DATE PREPARED: 18 November 1992

DATE REVISED: 22 January 1997

REVIEWED: 4 January 2000



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BOARD OF
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POLICY STATEMENT

SUMMER RECREATION PROGRAMS

It shall be the policy of the Orleans Board of Selectmen to promote summer recreation programs for the benefit of our year round residents and non-resident taxpayers.

Enrollments in the Orleans summer tennis, swimming and playground programs will be capped so as not to exceed the student-teacher ratios recommended by the American Red Cross.

Enrollments shall be limited to year round Orleans residents and non-resident taxpayers. Priorities for enrollment will be in the following order:

- 1st Immediate family¹ of permanent residents and non-resident taxpayers.
- 2nd Other members of the extended family² of year round residents and non-resident taxpayers.

DATE PREPARED: 15 April 1999
DATE ADOPTED: 21 April 1999
DATE REVIEWED: 4 January 2000
DATE REVISED: 6 July 2005

¹For the purpose of this policy, "immediate family" shall include children, parents and grandparents

²For the purpose of this policy, "extended family" shall include "immediate family" plus grandchildren, aunts, uncles, nieces and nephews



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BOARD OF
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POLICY STATEMENT

TELEPHONE FUNDRAISING POLICY

With the proliferation of today's telemarketing efforts and the apparently numerous solicitations being made of our residents that serve to benefit many organizations outside of the Town of Orleans, there are concerns that some of these organizations may be misrepresenting that they are affiliated with a public safety service that directly benefits our residents.

In an effort to discourage such practices, it shall be the policy of the Board of Selectmen not to endorse any fundraising campaigns that utilize telemarketing and to further stipulate that no Town of Orleans municipally affiliated organizations should engage in telemarketing efforts to solicit funding from our residents.

Furthermore, a copy of this policy statement is to be reissued annually or upon compliant, by the Town Administrator, Chief of Police and Fire Chief reaffirming the telemarketing fundraising position of the Board of Selectmen of the Town of Orleans.

DATE PREPARED: 16 December 1997

DATE APPROVED: 17 December 1997

DATE REVIEWED: 1 February 2000



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POLICY STATEMENT

CLEMENT GOULD AND WIFE, MARY CELIA CROSBY AND CLAYTON MAYO TRUST FUNDS

It shall be the policy of the Board of Selectmen that the Clement Gould and Wife, Mary Celia Crosby and Clayton Mayo trust funds will be dedicated to the use of those in financial need. Unless otherwise directed by the Board of Selectmen, the aforementioned fund will expend no more than ten thousand dollars (\$10,000.00) per fiscal year. This policy will be reviewed annually.

Financial assistance from these said funds is subject to the guidelines set forth by the Selectmen and administered by the Lower Cape Outreach Council under terms of the annual agreement.

Prepared: July 10, 1995
Adopted: July 19, 1995
Revised: November 19, 2008
Revised: January 4, 2012
Reviewed: November 28, 2012



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BOARD OF
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Policy Statement

Public Vistas

The ability for the eye to move its gaze from the foreground to the middle ground, and on to the background and even to the horizon and sky is a restful and refreshing part of our visual experience. It lifts the spirit and provides something we all need.

Second growth on trees and vegetation has closed in most of the open land and pastures, and will continue to unless active steps are taken to keep them open.

Preservation of vistas and uncluttered visual connections are important to both individual and economic welfare in Orleans. Therefore it shall be the policy of the Selectmen to encourage the developments of open lines of sight running from public lands and across public lands to scenic vistas, wherever such development would not be contrary to purposes for which the town owns the land and does not conflict with laws and regulations.

Further, wherever feasible, lands for which the town is acquiring a conservation easement involving open prospects and vistas should be protected in the agreement against loss of these features by second growth. Owners of lands already so protected should be encouraged to preserve these features by mowing, cleaning, clearing, trimming and applying generally good maintenance procedures.

Adopted: June 7, 2000



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BOARD OF
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POLICY STATEMENT

TOWN GOVERNMENT ACCESS CHANNEL

The Orleans Government Access Cable Television Channel (Channel 18) is intended solely to provide information to Orleans citizens about issues, services, programs, activities, and events involving or affecting local government and the community.

All public meetings of Town policy-making and regulatory boards and commissions, including Town Meeting, are authorized for live and delayed cablecast and webcast. Public meetings of other Town committees may be cablecast and/or webcast if time and resources permit. All public meetings of Town boards and committees shall be cablecast and/or webcast in their entirety, without editing and without commentary.

Bulletin Board items may be submitted by any Orleans government agency or Orleans-based public service organization. Items must be consistent with the intentions of this policy and shall be cablecast at the discretion of the Town Administrator or his designee.

Programming produced by Channel 18 or other entities related to government facilities, services and/or operations, or to issues and events in the public interest, may be cablecast and/or webcast as deemed appropriate by the Town Administrator or his designee. Written permission for the use of copyrighted materials must be received in advance. Programming may be modified or edited as deemed appropriate by the Town Administrator or his designee.

The Orleans Government Access Channel shall not be used to promote a candidate for elective office or advocate any position of a political nature; however, programming in the format of a debate or forum shall be presented subject to the provisions of this policy.

DATE PREPARED: 23 May, 2007
DATE REVISED: 30 May, 2007
DATE APPROVED: 13 June, 2007
DATE REVISED: 8 August 2007
DATE REVISED: 22 September 2010

PRIORITIES FOR TELEVISED MEETINGS

1. Board of Selectmen/Park Commissioners
2. Board of Health
3. Conservation Commission
4. Planning Board
5. Board of Water Commissioners
6. Finance Committee
7. Zoning Board of Appeals
8. Community Preservation Committee

DATE APPROVED: 13 June, 2007

DATE REVISED: 22 September 2010



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

POLICY STATEMENT

Orleans Cultural Council

Policy for Art Exhibits and Events in the Skaket Room Gallery

The Orleans Cultural Council established the following policy regarding the use of the art gallery for the Skaket Room in Town Hall. The Chair of the Council has the supervisory responsibility delegated by the Committee.

An application for art submission must be signed, submitted, and reviewed for approval by the Council.

- The Council reserves the right to refuse artwork
- Exhibits and receptions will be open and free of charge to the general public
- There will be a suggested contribution of 10% from the sale of works towards future monetary awards
- Artwork entry fees shall be set by the Council
- All artwork is submitted at the owner's risk and shall not hold the Town or Council liable for theft or damage
- The owner of the artwork shall be responsible for:
 - ❖ Insurance on artwork submitted
 - ❖ Appropriate framing or suitable display for art
 - ❖ Pick-up and delivery of art
- All exhibits shall be prepared, hung, and dismantled by a Cultural Council member
- The use of all food and beverage must be approved by the Council or the Orleans Health Department. Cleanup must be performed by exhibitors.
- All labeling must be attached to the frame or artwork - **not to the wall**
- Materials exhibited in the Skaket Room do not necessarily represent the views of the Town of Orleans or the Council

- Exceptions to any of the policies listed above must be approved by the Council and the Town Administrator.
- The Town Administrator's office will review the room after each setup as to appropriateness of the way it is displayed and ensure the room is returned to its original condition following each show.

Date revised (Selectmen): May 16, 2007



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BOARD OF
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POLICY STATEMENT **TEMPORARY SIGN PERMITS**

It shall be the policy of the Board of Selectmen that temporary sign permits may be granted by the Building Commissioner with the approval of the Town Administrator, at the approved sites listed below, providing the signs comply with the following guidelines:

1. No temporary sign may be erected without a valid temporary sign permit. Any sign without a valid temporary sign permit will be considered an unauthorized sign and removed.
2. Signs shall be two feet by three feet and must fit the sign display fences as designed.
3. Signs may be placed at one of the approved sites only (locations listed below), and the number of temporary signs at any one location shall not exceed a maximum of four (4) on any given day.
4. Signs may be approved for a maximum of ten (10) days, and must be removed immediately following the event, or the signs will be deemed to be un-authorized and removed.
5. Temporary signs must conform with all sign regulations in the Zoning Bylaw.
6. No banners and sandwich signs will be allowed except as provided under Town bylaws.

Any deviations from the above guidelines must be approved by the Board of Selectmen or their designee before a permit will be issued. The Board of Selectmen may permit deviations from the above guidelines within the limits of their authority under the Town's bylaws.

Any un-authorized sign will be removed by the Building Commissioner or his agent and retained at the Town Office Building for a maximum of ten (10) days and if not claimed within the ten day period, the sign will be disposed of.

Approved sites for temporary signs:

- Site 1. Route 6A and Eldredge Parkway in front of substation
- Site 2. South Orleans – School House Lot

The Building Commissioner may re-allocate the use of either location by any application based upon site demand.

DATE APPROVED: 19 July 1995

DATES REVISED: 6 July 2005; 24 May 2006; 30 August 2006; 15 September 2010



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POLICY STATEMENT

POLE HEARINGS

It shall be the policy of the Board of Selectmen that the office of the Town Administrator shall conduct pole hearings at a time and place designated by the Town Administrator.

The hearing shall be held after appropriate legal notice is given. Testimony shall be taken at the hearing and summary of the hearing shall be prepared for the Board of Selectmen.

The Board of Selectmen shall act on the pole request no later than fourteen (14) days after the pole hearing is closed to further testimony.

DATE PREPARED: 6 September 1989
DATE REVISED: 13 September 1989
DATE REVIEWED: 4 January 2000



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POLICY STATEMENT

DISPOSAL OF MUNICIPAL SEPTAGE

It shall be the policy of the Town of Orleans that all septage pumped from municipal facilities shall be disposed of at the Tri-Town Septage Treatment Plant.

DATE ADOPTED: 28 February 1996
DATE REVIEWED: 4 January 2000



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BOARD OF
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POLICY STATEMENT

Rock Harbor Slip Regulations

It shall be the policy of the Town to maintain and administer separate waiting lists for the forty-three (43) recreational vessel back-in slips, twelve (12) commercial vessel tie-up slips, and sixteen (16) recreational/commercial vessels using the public piers that are privately maintained at the Rock Harbor Marina in a fair and equitable manner so as to ensure public access and use of the Marina and the slips contained therein.

The Town recognizes the importance of both the Charter boat fleet and the Commercial fleet of vessels currently operating out of the Rock Harbor Marina, to the overall economic health of the Marina and the Town, and as a result seeks to maintain, to the extent practicable, the current percentage of slips currently devoted to these uses.

To that end slips may not generally be transferred by sale, gift, devise, or bequest. However, the Harbormaster, Town Administrator and the Board of Selectmen, in carrying out the provisions of these regulations, may consider hardship, financial or otherwise. In determining whether a hardship exists, the following criteria may be taken into consideration:

- a. Financial hardship
- b. Physical characteristics of the vessel (i.e., size and type)
- c. Potential for impact on any natural resource
- d. Purpose of vessel use (i.e., commercial or recreational)
- e. Physical characteristics of the dock (i.e., private vs. publicly maintained)
- f. Potential for impact on navigation

1. Vessel Assignment and Transfer

A slip may not be re-assigned by the owner to any other vessel other than the vessel originally assigned the slip, including any vessel purchased by the owner. The Town's Harbormaster however, using his/her discretion and after receipt of a recommendation from the Town Administrator, may permit such assignment as in the case of a vessel change request.

If a boat owner desires a change in slip assignment he/she must secure approval of the Town's Harbormaster after receipt of a recommendation from the Town's Town Administrator. Violations of these rules and regulations can be cause for removal of a vessel from the Marina at the owner's expense.

A slip may be leased by any individual, partnership or corporation, which owns a boat and meets all other criteria necessary for the leasing of the slip. The lessee and the owner of the vessel shall be one and the same. The full name(s) of the owner or owners of the vessel and the percent of ownership each owner claims to said vessel must be accurately stated upon the application. Proof of the vessel's DOCUMENTATION or STATE REGISTRATION and the ownership or corporate status must be verified by the ship's papers and the current ownership or corporate papers. Said papers must show the ownership or corporate principals and percent of ownership and they will remain on file. Any change in percent of ownership of the vessel must be approved by the Town's Harbormaster after receipt if a recommendation from the Town Administrator. Any unapproved change in percent of ownership of the vessel shall be grounds for termination of the slip and the contract shall be deemed null and void with all fees forfeited. It shall remain the prerogative of the Harbormaster to review these papers at any time to insure compliance.

2. Appeal

Any boat owner, aggrieved by a decision of the Harbormaster, shall have the right of appeal to the Board of Selectmen. Upon receipt of any such appeal, the Board of Selectmen shall hold a public hearing at which the boat owner shall be afforded an opportunity to present evidence, prior to deciding the merits of the appeal.

ADOPTED: 7 March 2000
CORRECTED: 26 September 2007
ADOPTED: 28 July 2010



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POLICY STATEMENT

STREET LIGHTING PUBLIC SAFETY POLICY

The Traffic Study Committee is hereby designated as the official review-body for street lighting requests and will make its recommendation to the Board of Selectmen for action on each request.

The Traffic Study Committee will follow guidelines, rules and regulations for street lighting request as promulgated below. It will forward its recommendation to the Board of Selectmen not later than the sixty-first (61st) day after receipt of the application for a new light. The Traffic Study Committee may also independently recommend the removal of streetlights when the original need no longer exists and such lights no longer meet the street lighting guidelines.

The Police Department, under guidance of its Chief will accept reports from citizens and will conduct, as work load allows, checks of all street lights and will report a listing of broken or burned out lights to the electric company. The Police Department will also record frequently vandalized lights and report this to the Committee through the Chief of Police.

This Committee may place streetlights on private property and/or private roads at owner's expense and without review.

The application for streetlights will be made in writing on a numbered form provided by the Traffic Study Committee. The form may be amended and changed by the Committee from time to time as the need arises.

The Traffic Study Committee may hold a public hearing on an application for a street light.

The Traffic Study Committee, in formulating its advice and recommendation, shall consider the following criteria:

1. Street lighting, for major intersections where well traveled access roads meet main thoroughfares (Routes 6 and 6A, 6A and 28, 28 and Main Street, etc).
2. Street lighting where private and public roads intersect and where there is a history or obvious danger of pedestrian or vehicle mishaps, which can be directly attributed to a lack of adequate street lighting.
3. Street lighting for public roads where blind or dangerous curves or intersections jeopardize public safety.

4. Street lighting for sidewalks and crosswalks on main thoroughfares (Routes 6A, 28 and Main Street) and other streets where such lights may serve any present future municipal buildings.

For purposes of these standards, a municipal building is defined as any building owned, leased and/or maintained by the Town of Orleans for conducting Town business, and for the use of the public in general. These municipal buildings are presently listed as Town Offices, Town Office Annex, former American Legion Building, Police Station, Fire Station, Water Department buildings, Highway Department, Park Department, Transfer Station, Shellfish Department buildings, Library, Elementary School, Council on Aging and Information Booth.

5. Street lighting for sidewalks and crosswalks on main thoroughfares and these streets where such lights may serve any present or future regional, county, or state buildings (Regional Schools, County Courthouse, State D.P.W.).
6. Street lighting at pedestrian crosswalks and bus stops where it is deemed necessary for public safety (i.e., Housing Areas such as Rock Harbor Villages and Tonset Woods, Plymouth and Brockton Street Railway, Bus Stop and group school bus stops).
7. Street light for municipal building parking areas and/or driveways or to be installed by the roadside in front of a municipal building where the vehicles and pedestrian safety of employees and/or the public will be served by the street lighting.
8. Street lighting for any Orleans public schools, its driveways, parking areas, and entrances/exits to public roads (Town, County or State) used as access to the schools.
9. Street lighting for public buildings such as churches, libraries, stores, post offices where it has been shown that there are general traffic and pedestrian problems because of the building's usage.
10. Street lighting for any industrial or commercial area where it is proved that such lighting is needed for public safety and an aid in the reduction of vandalism to high value property (i.e. center of town).
11. Street lighting where it may aid in the protection of municipal building and municipal property from vandalism, theft or other damage.
12. Street lighting any Town Landings for safety, reduction of vandalism and an aid to the public.

DATE ADOPTED: 20 December 1988

DATE REVIEWED: 4 January 2000

DATE REVISED: 6 July 2005



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POLICY STATEMENT AFFORDABLE HOUSING REFINANCING AND RESALE

General provisions – Mortgage Consents for Refinancing.

- A. The homes on Opa's Way were built on land purchased and donated by the Town, and utilizing State and County grant sources. Down payment assistance was provided to make it very easy for lottery winners to initiate the mortgages. The dwellings are privately owned, but there are certain limitations in the deeds that are intended to protect the long-term affordability of the homes. The homes were sold at approximately 50% of market value and one of the conditions was to require Town approval of any future mortgaging of the properties.
- B. The Town is concerned about the potential for a homeowner to incur excessive debt that could lead to a higher likelihood of foreclosure. It shall be the policy of the Board of Selectmen that the Town will only consent to mortgage applications for the following purposes: 1) refinancing up to the amount of the principal paid by the homeowner; or 2) a reduction in loan maturity or monthly payments. All applications for refinancing are to be submitted to the Town Administrator for his review and approval in accordance with this policy.

General provisions – Resale of Units.

- A. The Town has participated directly in the development of several housing projects designed to increase the supply of affordable housing in the community. Units that were sold to qualified buyers will from time to time be resold. Under the terms of each project, the Town has retained the option to locate qualified buyers of affordable units.
- B. It is in the interests of the Town to assure that affordable housing in Orleans remains affordable in the event of the sale of a housing unit. The Housing Assistance Corporation, a non-profit agency, provides a wide array of housing support services to Cape Cod communities and residents, and has a strong track record in buyer selection and qualification.
- C. It shall be the policy of the Board of Selectmen to utilize the services of the Housing Assistance Corporation to conduct outreach, qualify applicants, and conduct the buyer selection process when affordable housing units are resold, and to the extent permitted by law, provide a local preference for Orleans residents and workers. Any cost associated with resale of units may be paid from the Housing Trust Fund upon recommendation of the Joint Committee on Affordable Housing.

Date Adopted: October 27, 2004

Appendix

REMOVED OR OUTDATED POLICIES

SELECT BOARD

A-1 Select Board Goals – prior years

TOWN BYLAWS, STATE AND FEDERAL LAWS

D-3 Enforcement of Groundwater Protection Bylaw *(removed 9/26/07)*

FISCAL PLANNING

E-1 Budget Policies – prior fiscal years

E-4 Human Service Funding *(removed 12/5/05, provisions incorporated into Human Services Advisory Committee Charge)*

E-5 Free Cash *(replaced with Reserve Fund Policy)*

LICENSES AND FEES

F-5 License Fees *(removed 9/26/07)*

F-7 Electric Fees *(removed 9/26/07)*

F-8 Building Permit Fees *(removed 9/26/07)*

F-9 Plumbing and Gas Fees *(removed 9/26/07)*

F-10 Temporary Closing of Businesses *(removed 9/22/10)*

PERSONNEL

G-7 Smoke Free Workplace *(removed 9/26/07)*

G-12 Employee Recognition Program *(removed 8/6/14 pending revision)*

TOWN PROPERTY

H-2 Rules for Use of Town Owned Buildings *(was referred to in H-2)*

H-4 Park Commissioners – Eldredge Field Fee Schedule *(removed 8/29/12)*

PUBLIC ROADS

I-5 Regulation for Layout of Public Ways *(removed 8/29/12)*

COMMUNITY

J-4 Website on the Internet *(removed 9/22/10)*

GENERAL

K-6 Unpaid Water Charges *(removed 9/8/10)*