

BOARD OF SELECTMEN
MEETING MINUTES

February 11, 2009

Approved on March 4, 2009

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TOWN OF ORLEANS
TOWN CLERKS OFFICE

A meeting of the Orleans Board of Selectmen was held on February 11, 2009 in the Nauset Room of the Town Hall. Present were Chairman David M. Dunford, Vice-Chairman Mark E. Carron, Clerk Jon R. Fuller, Selectwoman Margie Fulcher, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairman Dunford called the meeting to order at 6:30 pm.

Public Comment: (00:00:35)

Stanley Gove, a resident of Canal Road in Orleans, spoke to the Board to emphasize the need for a noise bylaw for the Town of Orleans.

Julie Winslow, a resident of Orleans, related relevant statistics on farming and agriculture to the Board for their consideration of an Agricultural Commission.

Seth Wilkinson, a resident of Orleans, spoke to the Board in favor of the formation of an Agricultural Commission and spoke to the Board on behalf of the Planning Board regarding the Board's decision not to fund the Business Study of the Orleans Village Center.

Gretel Norgeot, Manager of the Orleans Farmers Market, spoke to the Board in favor of an Agricultural Commission for the Town.

Alan Chace, a resident of Bramblewood Lane, spoke to the Board in favor of an Agricultural Commission for the Town.

Adopt Meeting Minutes: (00:25:15)

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to adopt the minutes of the January 28, 2009 meeting as written. The vote was 4-0-0.

Committee Interview and Appointment: (00:27:05)

The Board met with and interviewed D. Beth McCartney for a vacancy on the Zoning Board of Appeals. For purposes of clarity, Mr. Carron asked that Ms. McCartney would recuse herself from any matters brought before the Planning Board that involve property managed by her real estate company.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to appoint D. Beth McCartney as an associate member to the Zoning Board of Appeals with a term ending date of June 30, 2012. The vote was 4-0-0.

Noise and Littering Bylaw: (00:30:00)

The Board reviewed the revised draft for an Unlawful Noise Bylaw.

Mr. Kelly explained that there had been concerns that there were no allowances in the bylaw for emergency fuel deliveries and emergency vehicles.

Mr. Kelly offered to ask Town Counsel if the State ordinance is applicable in the absence of town bylaws.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to amend the Unlawful Noise Bylaw by removing the five words under section D "Garbage and refuse collection vehicles". The vote was 4-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to move forward with the proposed unlawful noise bylaw as amended, to public hearing. The vote was 4-0-0.

The Board discussed the draft of the Littering Bylaw.

Mrs. Fulcher asked if it would be better to remove the reference to natural resource officers, as there are none currently employed by the Town.

Mr. Kelly suggested that the Board amend the bylaw so that the Board of Selectmen would be able to designate others as enforcement authorities for the littering bylaw.

Mr. Kelly offered to ask Town Counsel what would need to be done to have the Parks Department added as an enforcement authority for the proposed Littering Bylaw.

Mr. Fuller suggested adding "and any other person so designated by the Board of Selectmen." Mr. Fuller also asked that Town Counsel verify this as appropriate wording for presentation at Public Hearing.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to move forward with the proposed littering bylaw with the additional phrase "and any other person so designated by the Board of Selectmen" for Public Hearing, subject to confirmation of Town Counsel. The vote was 4-0-0.

Follow up discussion on Agriculture Task Force: (00:53:40)

Mr. Kelly suggested the Board create an Agricultural Task Force, to gather more information for the Board, in order to better decide whether the Board would like to create a standing committee, or move forward with creating an Agricultural Commission through Town Meeting.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to move forward with the amended draft charge to create an Agricultural Task Force, that will return to the Board with a final report and recommendation by March 1, 2010. The vote was 4-0-0.

Town Administrator's Report: (01:04:30)

Town Administrator John Kelly presented the Board with several informational items for their consideration. Mr. Kelly asked the Board to consider a possible draft amendment to the Affordable Housing Bylaw.

On a motion by Mr. Carron and seconded by Mrs. Fulcher the Board voted to ask the Town Administrator to move forward with the proposed amendment to the Affordable Housing Bylaw by forwarding the draft amendment to the Joint Committee on Affordable Housing, with the intent of returning to the Board of Selectmen with a recommendation for referral to Public Hearing. The vote was 4-0-0.

Mr. Kelly presented the Board with a letter from the Orleans Chamber of Commerce requesting the Board's support and sponsorship of an Annual Town Meeting Warrant Article for Chamber of Commerce funding in the amount of \$26,250. Mr. Kelly recommended that the Board invite the Chamber to a future Board of Selectmen's meeting to discuss their request and possible alternatives. The Board concurred.

Mr. Kelly provided the Board with a memo from the Planning Board outlining five proposed Zoning Bylaw amendments for referral to Public Hearing. Mr. Kelly also informed the Board that the Zoning Board Chair will not be able to attend the scheduled meeting on March 11, 2009 and the Public Hearing will need to be rescheduled or alternative arrangements made.

Mr. Kelly presented the Board with a letter from Liz Smith, regarding the initiative and accomplishments of Joseph Johnston, Custodian for the Council on Aging Senior Center.

On a motion by Mr. Fuller and seconded by Mr. Carron the Board voted to send a congratulatory letter to Mr. Johnston for his work at the center. The vote was 4-0-0.

Continue weekly review of FY 2010 Budget: (01:40:53)

The Board met with Town Finance Director David Withrow for further review of the proposed Fiscal Year 2010 Budget.

Liaison Reports: (03:01:45)

Mr. Fuller presented the Board with a review of a recent Planning Board Meeting.

Mrs. Fulcher reviewed a Nauset Regional School Committee Meeting, a Nauset Regional Schools Income Committee meeting, and an Orleans Elementary School Committee meeting.

Mr. Dunford presented the Board with an update of a recent meeting of the Wastewater Management Validation and Design Committee.

Any other business: (03:21:28)

Mr. Fuller asked for an update on the status of the letter to the State Representatives regarding un-funded mandates.

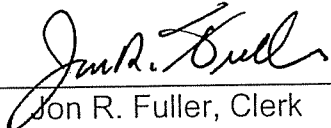
Mr. Carron spoke to the Board regarding the transfer of the Liquor License for Christy's located in South Orleans.

Mr. Dunford reviewed the upcoming agenda items and provided the Board with several informational items.

Adjourn: (03:30:15)

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to adjourn.
The vote was 4-0-0.

Respectfully submitted,
Kristen Holbrook


Jon R. Fuller, Clerk

