

C. May

TOWN OF ORLEANS
TOWN CLERKS OFFICE

BOARD OF SELECTMEN
MEETING MINUTES

09 APR -7 PM 12: 20

March 4, 2009

Approved on March 19, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, March 4, 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.

Mrs. Fulcher spoke to the Board to wish Mr. Kelly a happy 50th birthday. Mrs. Fulcher also spoke to the Board regarding the public commentary and feedback the Board had received in response to their January 14, 2009 decision to remove the portable toilets, dumpsters and trash receptacles from the Rock Harbor Town Landing.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to rescind their January 14, 2009 decision regarding the Rock Harbor Town Landing Parking Lot and Beach Plan. The vote was 4-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to place two portable toilets at the Rock Harbor Town Landing as in prior years to be cleaned on a schedule determined by the Town Administrator, place one large lot dumpster adjacent to the gas pump facility to be restricted for use by the slip holders, place three trash barrels as in prior years during the busy season for visitor use, to be emptied on a schedule determined by the Town Administrator and not plant beach grass on the beach area above the high water mark, and review the current slip fees to accommodate the costs incurred by the services in conjunction with discussions with the Charter Boat Association. The vote was 4-0-0.

Public Comment: (00:12:38)

Chris Kanaga, a resident of Defiance Lane, spoke to the Board in regard to the Rock Harbor Town Landing.

Ed Maas, a resident of East Orleans, spoke to the Board to announce an upcoming Candidate's Night hosted by the Orleans Citizens Forum.

Shaun DeLude, a resident of Orleans, spoke to the Board in regards to the Rock Harbor Town Landing.

Paul O'Connor, an Orleans resident, spoke to the Board in regards to the Rock Harbor Town Landing and the proposed wastewater treatment plant.

Stephanie Bonnell, spoke to the Board about the group "Friends of Rock Harbor".

Adopt Meeting Minutes: (00:22:30)

On a motion by Mr. Carron, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the February 11, 2009 minutes as amended. The vote was 4-0-0.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to adopt the minutes of the February 25, 2009 meeting as amended. The vote was 4-0-0.

Chief of Police Jeff Roy spoke to the Board about a Liquor Law violation that occurred on February 26, 2009 at the Christy's/Hess Mart.

Mr. Kelly outlined the Boards options for dealing with this issue.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to hold a show cause hearing for Christy's for liquor license law violations that occurred on 2/26/09 to be held on 3/25 at 6:45 pm. The vote was 3-0-1. Mrs. Fulcher abstained from the vote.

6:45 p.m. Public Hearing on Liquor License Transfer: (00:32:45)

Chairman Dunford called the public hearing to order and read the legal notice as published in the Cape Codder.

Mr. Duane Landreth, attorney for Christy's spoke to the Board on behalf of the license holder. Mr. Landreth requested that the Board continue the matter until April 8, 2009.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to continue the application and Public Hearing for the transfer of the all alcoholic beverage liquor license from Christy's to Hess Mart of Massachusetts LLC until April 8, 2009 at 6:45 pm. The vote was 3-0-1. Mrs. Fulcher abstained from the vote.

Meet with Highway Manager Mark Budnick: (00:38:45)

Highway Department and Transfer Station Manager Mark Budnick met with the Board to discuss the Highway Department, Snow removal, Tree Department and Transfer Station budgets for FY2010.

7:30 p.m. Public Hearing on General Bylaw Amendments (01:28:00)

Chairman Dunford called the Public Hearing to order and read the legal notice as published in the Cape Codder.

Chairman Dunford called for any public comment on the proposed Littering Bylaw. No public comment was offered.

Chairman Dunford called for public comment on the proposed amendment to the current Noise Bylaw.

Stanley Gove, a Canal Road resident, spoke to the Board to emphasize the need for a uniformly applied Noise Bylaw.

Mr. Kelly provided the Board with a memo from the Board of Health, regarding the exemption for refuse haulers in the Noise Bylaw.

Police Chief Jeff Roy, spoke to the Board, regarding the proposed Noise Bylaw.

Matt Varnum, a resident of Orleans, spoke to the Board in regards to the proposed noise bylaw.

Jason Weaver, a resident and business owner in Orleans, spoke to the Board regarding the safety issues surrounding the Noise Bylaw.

Shawn Delude, a resident and Business owner in Orleans, spoke to the Board about the safety issues surrounding the proposed noise bylaw.

Chairman Dunford called for public comment on the proposed amendment to the Affordable Housing Committee Bylaw.
No public comment was offered.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to close the public hearing. The vote was 4-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to place the proposed Littering Bylaw on the Annual Town Meeting warrant. 4-0-0.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to place the exemption for refuse haulers back into the bylaw under exemptions, section d to read "Garbage and refuse collection vehicles, or vehicles providing an emergency service." The vote was 4-0-0.

On a motion by Mr. Carron and seconded by Mrs. Fulcher the Board voted to place the proposed Unlawful Noise Bylaw amendment on the Annual Town Meeting Warrant. The vote was 4-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to place the proposed Affordable Housing Bylaw amendment on the Annual Town Meeting Warrant. The vote was 4-0-0.

Follow up discussion on Eastham Police Merger Meeting (02:07:56)

Police Chief Roy spoke to the Board regarding the possible merger with the Eastham Police Department.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to place a non binding question, in proper language, asking the voters whether they are in favor of the pursuit of the Police Station merger with the Town of Eastham on the Annual Town Meeting Warrant. The vote was 4-0-0.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to place an Article on the Annual Town Meeting Warrant to receive permission to pursue a Police Department Merger with the Town of Eastham, from the State Legislature. The vote was 4-0-0.

New Common Victualler License: (02:25:00)

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to approve a Common Victualler's License for Hess Mart of Massachusetts, LLC d/b/a Hess Express 21247, Sheila Campbell, Manager, located at 401 Route 28 in South Orleans to expire on December 31, 2009 and subject to all permits, approval and licenses in the Town of Orleans. The vote was 4-0-0.

Town Administrator's Report: (02:29:00)

Mr. Kelly provided the Board with a letter from the Cultural Council requesting that the Board extend the Walker Track Hanging System to the lower level corridor.

Mr. Kelly provided the Board with an update of the issues surrounding Kent's Point.

Mr. Kelly provided the Board with an updated five-year financial plan.

Continue Weekly Review of FY 2010 Budget: (02:48:15)

The Board met with Orleans Town Finance Director, David Withrow to continue discussions and review of the proposed Fiscal Year 2010 Budget.

Liaison Reports: (03:29:42)

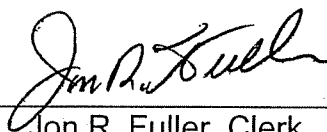
Mr. Carron presented the Board with an update of a recent Finance Committee meeting. Mr. Dunford updated the Board on a recent meeting of the Board of Water Commissioners.

Any other business: (03:30:42)

Adjourn: (03:32:30)

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

Respectfully submitted,
Kristen Holbrook


Jon R. Fuller, Clerk