

BOARD OF SELECTMEN
MEETING MINUTES

March 18, 2009

Approved on April 1, 2009

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TOWN OF ORLEANS
TOWN CLERKS OFFICE
K. Darling, Asst.

A meeting of the Orleans Board of Selectmen was held on Wednesday, March 18, 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.

Call to Order:

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

Public Comment: (00:00:18)

Ed Maas, a resident of East Orleans, spoke to the Board of a recent candidates night held by the Orleans Citizens Forum.

Sue Horton, General Manager of the Orleans Firebirds, announced the award of the Yawkey grant to the Orleans Firebirds for field improvements at Eldredge Park.

Adopt Meeting Minutes: (00:05:35)

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

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the March 11, 2009 executive session as written. The vote was 4-0-0.

Meet With Human Services Committee: (00:06:15)

The Board met with members of the Human Services Advisory Committee to discuss the funding recommendations for fiscal year 2010. Paul O'Connor, Chairman of the Human Services Advisory Committee spoke to the Board regarding the applications that the committee had received for the year. Mr. O'Connor provided the Board with the Committee's recommendations for funding. \$64,359 is the requested amount for funding by the committee in fiscal year 2010.

Mary Lyttle, a member of the Human Services Advisory Committee, spoke to the Board to urge them to support the Orleans After School Program's request for funding.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to support the article for funding as presented on the Annual Town Meeting warrant. The vote was 4-0-0.

Meet with Chairman-Wastewater Management Validation & Design Committee:
(00:16:30)

Paul Amman, Chairman of the Wastewater Management Validation and Design Committee, presented the Board with a quarterly report from the Committee.

Jeff Eagles, a member of the Wastewater Management Validation and Design Committee, presented the Board with information from the Committee's research.

Mr. Fuller stated that he thinks it would be in the Town's best interest to induce DEP and SMAST to release the reports, by addressing the impasse with the Governor, so that the Committee can continue with the validation of the project.

The Committee asked the Board to consider 3 items; to expand the Wastewater Management Validation and Design Committee's charge to include a review of the Rock Harbor and Nauset Town Cove MEP reports, to amend the Committee's charge to include the tasks for fiscal year 2010 to complete the validation of the project, and to clarify the Committee's charge for their responsibility for the design work on the Wastewater Management Project.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to ask Town Administrator to prepare a strongly worded letter for the Board's signature, asking for Governor Deval Patrick to intervene on the Town's behalf, to have the SMAST information and the DEP reports released. The vote was 4-0-0.

7:30 p.m. Public Hearing on General Bylaw Amendments: (01:28:38)

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

- Vote to adopt: Ch. 126: Marijuana
- Vote to amend: Ch. 158: Water
- Vote to amend: Ch. 159-10 Waterways

Chairman Dunford called for public comment on the adoption of the proposed Marijuana Bylaw. No public comment was offered.

Chairman Dunford called for public comment on the Water Amendment: No public comment was offered.

Chairman Dunford called for public comment on the proposed Waterways Bylaw Amendment. No public comment was offered.

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

Police Chief Jeff Roy spoke to the Board regarding the proposed Marijuana Bylaw, and some small revisions the Chief would like to make to the Bylaw. The Chief would like

the bylaw to include a revision for identification. The chief would also like to include enforcement clarifications in the Bylaw.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to recommend approval to amend Chapter 158 Water Bylaw. The vote was 4-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to recommend approval to amend Chapter 159-10 Waterways Bylaw. The vote was 4-0-0.

Monthly Report from Police Chief Roy: (01:37:17)

Orleans Police Chief Jeff Roy met with the Board to present his report for the Month of February 2009.

Monthly Report from Fire Chief Quinn: (01:41:45)

Orleans Fire Chief Bill Quinn presented the Board with his monthly report for February 2009.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to request that the Fire Chief not proceed with housing the regional Foam Trailer at the Orleans Fire Station, pending further information. The vote was 4-0-0.

The Chief discussed several outstanding budget items with the Board.

The Chief also spoke to the Board about a grant that the department will be applying for, to be used for the replacement of equipment for the firefighters.

Chief Quinn spoke to the Board regarding the information the Board had requested about the Ambupro system.

Firefighter Deering spoke to the Board regarding the Ambupro system.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to increase the Fire Department Annual Operating Budget by \$59,000 increasing the funds reserved for appropriations, to cover the full cost of the Ambupro system to be offset by the Ambulance Receipts. The vote was 4-0-0.

2009 Seasonal License Renewal: (02:39:52)

Town Administrator, John Kelly presented the Board with a list of business applying for seasonal license renewals.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to approve the renewal applications for the 2009 Seasonal Common Victualler Licenses as listed above subject to all permits, licenses and approvals and in

accordance with all local, state and federal rules, regulations bylaws and laws. Said license to expire on November 30, 2009. The vote was 4-0-0.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to approve the renewal applications for the 2009 Weekday Entertainment and Mechanical Device licenses for the businesses listed subject to all permits, licenses and approvals and in accordance with all local state and federal regulations bylaws and laws. Said licenses to expire on November 30, 2009. The vote was 4-0-0.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to approve the renewal applications and affidavits for the 2009 Seasonal All Alcoholic Beverage Common Victualler liquor licenses for the businesses listed subject to all permits, licenses and approvals and in accordance with all local state and federal regulations bylaws and laws. Said licenses to expire on November 30, 2009. The vote was 4-0-0.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to approve the application for the Seasonal Wine and Malt Beverage License for the businesses listed subject to all permits, licenses and approvals and in accordance with all local state and federal regulations bylaws and laws. Said licenses to expire on November 30, 2009. The vote was 4-0-0.

Draft Warrant Review for May 2009 Annual and Special Town Meeting: (02:45:33)

Mr. Kelly reviewed the draft of the Annual and Special Town Meeting Warrants.

On a motion by Mr. Fuller and seconded by Mr. Carron the Board voted to hold a place for an article on the Annual Town Meeting Warrant for the Economic Study of the Downtown Orleans Area. The vote was 3-1-0. Mrs. Fulcher voted nay.

Continue Weekly Review of FY 2010 Budget: (03:30:00)

Mr. Kelly provided the Board with a list of budget items waiting for final determination.

Town Administrator's Report: (03:47:19)

Mr. Kelly provided the Board with several informational items.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adopt the updated harassment policy for the Town of Orleans employees, provided the policy be amended to reference the acceptable use policy for computers.

The vote was 4-0-0.

Liaison Reports: (03:58:42)

Mr. Fuller mentioned that he had attended the Cape Cod Water Protection Collaborative presentation on March 17, 2009.

Mrs. Fulcher presented the Board with an update on a recent Fourth of July Parade Committee meeting. Mrs. Fulcher read a letter from the Committee to the Board outlining their concerns for the parade safety issues.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to reconsider their prior decision of October 18th 2008 to delete the paragraph regarding candy. The vote was 4-0-0.

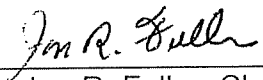
On a motion by Mrs. Fulcher and seconded by Mr. Fuller, the Board voted to add in the one sentence "Participants shall refrain from throwing candy during the parade," to the parade participant agreement for a trial period of one year.
The vote was 4-0-0.

Mr. Carron updated the Board on a recent Finance Committee meeting.

Adjourn: (04:13:15)

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

