

BOARD OF SELECTMEN
MEETING MINUTES

March 25, 2009

Approved on April 8, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, March 25, 2009 in the Nauset Room of the Orleans Town Hall. Present were Chairman David M. Dunford, Vice-Chairman Mark E. Carron, Clerk Jon R. Fuller, Selectman Sims McGrath Jr., Town Administrator John Kelly, Assistant Town Administrator Myra Suchenicz, and Recording Secretary Kristen Holbrook.

Chairman Dunford called the meeting to order at 6:00 pm.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted, by way of roll call, to enter into executive session for the purpose of discussing collective bargaining and non-union contract negotiations. The vote was 4-0-0 with Mr. McGrath, Mr. Fuller, Mr. Dunford and Mr. Carron all voting aye.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to return to open session. The vote was 4-0-0 with Mr. McGrath, Mr. Fuller, Mr. Dunford and Mr. Carron all voting aye.

Selectwoman Margie Fulcher joined the meeting at 6:30 pm, and Assistant Town Administrator Myra Suchenicz left the meeting at 6:30 pm.

Chairman Dunford presented the Board with a letter of resignation from Sims McGrath from the Planning Board, The Zoning Bylaw Task Force Committee, The Wastewater Management Steering Committee and the Wastewater Management Validation and Design Committee.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to accept the resignation of Mr. Sims McGrath Jr. from the Planning Board, the Zoning Bylaw Task Force Committee, the Wastewater Management Steering Committee, and the Wastewater Management Validation and Design Committee. The vote was 4-0-1. Mr. McGrath abstained from the vote.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to appoint Selectmen Sims McGrath Jr. as the Board of Selectmen's Representative on the Wastewater Management Steering Committee and as the Board of Selectmen's Liaison to the Wastewater Management Validation and Design Committee. The vote was 4-1-0. Mr. Dunford voted nay.

Public Comment: (00:07:55)

Chairman Dunford read a citizen interest bulletin from Police Chief Jeff Roy regarding an upcoming test of the Code Red Emergency Alert System.

Tom Finan, a resident of Orleans, spoke to the Board regarding the Capital Improvement Plan.

Alan McClennan, a resident of Namequoit Road, spoke to the Board regarding the Economic Development Study of the downtown area.

6:45 p.m. Show Cause Hearing: (00:16:00)

The Orleans Board of Selectmen held a Show Cause Hearing for the sale of alcohol to a minor violation that occurred at the Hess Express location at 401 Route 28 South Orleans, MA under the package store license held by Christy's.

Chairman Dunford called the Show Cause Hearing to order, read the legal notice for the hearing as published in the Cape Codder and swore in the witnesses before the Board.

Orleans Police Detective Kevin Higgins, liaison for alcoholic licensing compliance for the Town of Orleans, spoke to the Board regarding the incident that occurred on February 26, 2009. Detective Higgins also provided the Board with a letter that was sent to all alcoholic beverage license holders in the Town of Orleans regarding the Police Department's compliance policy.

Duane Landreth, attorney for Christy's and Hess Express LLP, spoke to the Board regarding the incident that occurred on February 26, 2009, at the Hess Express.

Renee Schroll, Marketing Director for Hess, testified to the procedure for the sale of age-restricted products at all of the Hess locations. Ms. Schroll provided the Board with a copy of the age restricted product sale-training program that is required for employees of Hess.

Chairman Dunford called for comments and questions, from the Board.

Mr. Fuller pointed out that this incident is the 3rd occurrence at this location.

Mr. Landreth disputed that fact given that there was no show cause hearing for the May 2006 incident. Mr. Kelly responded that although a show cause hearing was not held, there was also no denial of the incident.

Chairman Dunford called for any public comment.

Ken Raul, a resident of Beach Road in Orleans, asked if there is a record of the training at Hess Express.

Ms. Schroll stated that there was an "electronic signature" as the training program is completed online.

Attorney Landreth spoke in closing to the Board.

Detective Higgins spoke to the Board in closing and asked them to take into consideration the fact that the clerk did not ask for ID.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to close the evidentiary portion of the Show Cause Hearing. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

On a motion by Mr. Fuller and seconded by Mr. McGrath the Board found that a violation of the liquor laws did occur on February 26, 2009 at the Hess Express at 401 South Orleans Road, Terri M. England, Manager. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to suspend the all alcoholic package goods store license held by Christy's, Terri M. England, Manager, located at 401 Route 28, South Orleans, MA, for 13 days to begin on March 26, 2009. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to close the show cause hearing. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

Adopt Meeting Minutes: (01:26:15)

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to adopt the minutes of the January 8, 2009 Joint Meeting of the Board of Selectmen, Wastewater Management Steering Committee and the Wastewater Management Validation and Design Committee as written. The vote was 4-0-1. Mr. McGrath abstained from the vote.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to adopt the minutes of the March 11, 2009 meeting as amended. The vote was 4-0-1. Mr. McGrath abstained from the vote.

Meet with Renewable Energy Committee: (01:29:00)

The Board met with Alan Kolchinsky, Chairman of the Renewable Energy and Wind Committee. Mr. Kolchinsky presented the Board with the committee's quarterly update. Mr. Kolchinsky presented the Board with an overview of the progress of the installation of a wind turbine in the water shed and the possibility of joining the Cape and Vineyard Electrical Cooperative.

Meet with Community Preservation Committee: (01:47:00)

The Board met with members of the Community Preservation Committee. Julia Enroth Chairwoman of the Community Preservation Committee presented the Board with the Committee's recommendations for the fiscal year 2010 funding.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to place the Community Preservation Committee's article for funding on the Annual Town Meeting warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to recommend approval of the Community Preservation Committee Article for funding on the Annual Town Meeting Warrant. The vote was 5-0-0.

Continue Weekly Review of FY 2010 Budget: (02:09:45)

Mr. Kelly presented the Board with the recommended budget considerations for fiscal year 2010.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to adopt the Town Administrator's recommendations for the fiscal year 2010 operating budget as presented. The vote was 5-0-0.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to accept the recommendations of the Fire Chief for the fiscal year 2010 operating budget to reduce the non-union clerical budget line by \$2800 and the overtime budget by \$2800, for a total reduction to the Fire Department proposed operating budget of \$5600. The vote was 5-0-0.

Mr. Kelly spoke to the Board regarding the issue of the wastewater plan and the economic study moving forward.

Continue Capital Improvement Plan Discussions: (02:54:45)

Mr. Kelly presented the Board with a revised draft of the Capital Improvement Plan.

On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to move the 5 million dollar allocation for wastewater plan design and engineering phase 1 on the Capital Improvement Plan from fiscal year 2011 to fiscal year 2012. The vote was 2-3-0 and the motion failed. Mr. McGrath, Mr. Fuller and Mrs. Fulcher voted nay.

Review Draft Warrant for May 2009 Annual and Special Town Meeting: (03:26:25)

Mr. Kelly provided the Board with the drafts of the Annual and Special Town Meeting Warrants.

Town Administrator's Report: (03:30:00)

Town Administrator John Kelly provided the Board with several Group Health and Insurance informational items.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to make the Rate Saver Health Plans and the EyeMed Vision Plan available to the town employees. The vote was 5-0-0.

Mr. Kelly provided the Board with an update on the progress of the Classification and Compensation Study.

Liaison Reports: (03:36:00)

Mr. Fuller provided the Board with updates on recent meetings of the Community Preservation Committee, the Cultural Council and the Lighthouse Charter School Trustees.

Mrs. Fulcher presented the Board with updates of a meeting of the Joint Nauset Regional School Committees.

Mr. Carron presented the Board with an update on a recent Finance Committee meeting and a Board of Health Meeting.

Any other business: (03:44:41)

John Fallendar, Chairman of the Planning Board, spoke to the Board regarding the need for a new regular member on the Planning Board. Mr. Fallendar asked the Board to consider appointing associate Planning Board member John Ostman, as a regular member to the Planning Board.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to appoint John Ostman to the Planning Board as regular member provided it was not necessary to open the position to the public for application. The vote was 5-0-0.

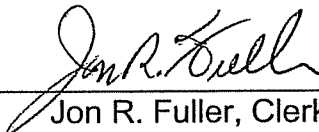
On a motion by Mr. Fuller, and seconded by Mr. McGrath the Board voted to sign the letter to the Governor regarding the SMAST and DEP reports as presented. The vote was 5-0-0.

Adjourn: (03:50:20)

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to adjourn. The vote was 5-0-0.

Respectfully submitted,

Kristen Holbrook



Jon R. Fuller, Clerk

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