

BOARD OF SELECTMEN
MEETING MINUTES

April 1, 2009

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TOWN OF ORLEANS
TOWN CLERKS OFFICE
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Approved on April 15, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, April 1, 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, Selectwoman Margie Fulcher, Selectman Sims McGrath Jr., Town Administrator John Kelly, and Recording Secretary Kristen Holbrook.

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

Public Comment: (00:00:24)

Peter Monger, a resident of Champlain Road, spoke to the Board regarding a donation of surplus campaign funds he is making to the Town in order to defray the cost of the special election.

Chairman Dunford invited Media Program Coordinator Sarah Freeman into the meeting. Mr. Dunford announced that the Town of Orleans has received the 2009 E-Government Award from the Massachusetts Campaign for Open Government. Mr. Kelly announced that this is the first year the Orleans has received this award and such an award would not have been possible without Ms. Freeman's dedication, skills and contributions.

Adopt Meeting Minutes: (00:04:50)

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the March 18, 2009 meeting as amended. 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 adopt the minutes of the February 26, 2009 meeting as written. The vote was 4-0-1. Mr. McGrath abstained from the vote.

Committee Interviews and Appointments: (00:07:00)

The Board met with and interviewed nine perspective candidates for 5 open positions on the Agricultural Task Force. The candidates interviewed were, Darnel Caffoni, Christopher Galazzi, Leo Seletsky, Julie Winslow, David Light, and Alan Chace. Gus Schumacher and Alison Flynn were not able to attend the meeting, and Lucas Dinwiddie sent a synopsis of his qualifications, which the Chair read.

Ms. Darnell Caffoni, Chris Galazzi, Leo Seletsky, Julie Winslow, David Light and Alan Chace all spoke to the Board about their interest in serving on the Agricultural Task Force. Alison Flynn was not present for the meeting, and Mr. Winslow communicated to the Board that Ms. Flynn had decided to withdraw from consideration for the task force due to lack of free time.

The Board voted with a show of hands for each candidate. Mr. Schumacher received zero votes, Ms. Caffoni received three votes, Mr. Galazzi received five votes, Mr.

Seletsky received two votes, Mr. Dinwiddie received zero votes, Mr. Winslow received five votes, Mr. Light received four votes, and Mr. Chace received five votes.

On a motion by Mr. Carron, and seconded by Mr. Fuller, the Board voted to appoint Darnell Caffoni, Christopher Galazzi, Julie Winslow, David Light and Alan Chace, to the Agricultural Task Force. The vote was 5-0-0.

Finalize Capital Improvements Plan and Capital Budget for FY 2010: (00:27:47)

Orleans Finance Director David Withrow joined the Board to discuss the proposed Capital Improvement Plan, and the recommendations for the Capital Budget Funding. Mr. Kelly presented the Board with the information and tasks that have been identified.

On a motion by Mr. Fuller and seconded by Mr. Carron, the Board voted to adopt the Capital Improvement Plan for fiscal year 2011 through fiscal year 2015 as presented, place an article on the Annual Town Meeting Warrant for the Capital Improvement Plan and recommend approval of the Capital Improvement Plan on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Carron, and seconded by Mr. Fuller, the Board voted to approve going forward with an article for the funding of \$150,000 for Water Quality Drainage Improvements, to place a ballot question for debt exclusion purposes on the Annual Town Ballot in the amount of \$150,000, and recommend approval of the Water Quality Drainage article on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to approve going forward with an article for funding of the Town Pavement Management Program in the amount of \$300,000, to place a ballot question regarding the Town Pavement Management Program for debt exclusion purposes in the amount of \$300,000 on the Annual Town Ballot, and recommend approval of the Town Pavement Management Program article 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 support moving forward with the article for funding the Village Center Master Plan in the amount of \$27,000, subject to approval of a project manager's position for the wastewater project. The vote was 5-0-0.

On a motion by Mr. Carron, and seconded by Mr. Fuller, the Board voted to support moving forward with the article for funding the Replacement of Piers, Docks and Ramps in the amount of \$300,000, place a ballot question regarding the Replacement of Piers, Docks and Ramps in the amount of \$300,000 for debt exclusion purposes on the Annual Town Ballot and recommend approval of the Replacement of Piers Docks and Ramps article on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to support moving forward with the article for funding I & M Plant Filter Membrane Rack Replacements in the amount of \$285,000, place a ballot question regarding the I & M Plant Filter Membrane Rack Replacement for debt exclusion purposes in

the amount of \$285,000 on the Annual Town Ballot, and recommend approval of the I & M Plant Filter Membrane Rack Replacements article on the Annual Town Meeting Warrant. The vote was 5-0-0.

Finalize FY 2010 Budget: (01:12:35)

Mr. Kelly spoke to the Board about the updated financial plan, and the proposal to hire a part time project manager. Mr. Kelly recommended that the Board consider creating a sewer account to keep track of the Wastewater Expenses.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to approve the hiring of a part time project manager at a cost of \$40,000 per year. The vote was 5-0-0.

Review Draft Warrant for May 2009 Annual and Special Town Meeting: (01:21:26)

On a motion by Mr. Carron, and seconded by Mr. Fuller, the Board voted to place and recommend approval of Article 1, to Accept Reports of Town Committees, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to place and recommend approval of Article 11, to Accept Transportation Bond Bill Funds, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Carron, and seconded by Mr. Fuller, the Board voted to place and recommend approval of Article 12, to Hold the State Harmless for Work, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to place and recommend approval of Article 13, the Authorization to Sell Surplus Equipment and Accept Gifts, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of Article 14, the Authorization to Lease Town Cove Bulkhead, pending further information from the Town Administrator, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to place and recommend approval of Article 15, to Adopt M.G.L Chapter 44 § 53 1/2 Revolving Accounts, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to place and recommend approval of Article 16, to Adopt M.G.L Chapter 71 § 16B Assessment Formula for Nauset Regional Schools, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to place and recommend approval of Article 17, to Adopt M.G.L Chapter 83: Municipal Sewer Systems, on the Annual Town Meeting Warrant. Due to issues raised by Mr. McGrath, the motion and second were withdrawn and the Board took no action on this Article.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to place and recommend approval of Article 18, Transfer Water Reserve for Appropriations to Water Service Connection Account, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to place and recommend approval of Article 19, to Fund Non-Union Employee COLA, on the Annual Town Meeting Warrant. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to place and recommend approval of Article 20, to Fund Elected Officials Salaries for Fiscal Year 2010 at the indicated amount of \$5350. The vote was 2-3-0, and the motion failed.

On a motion by Mr. Carron, and seconded by Mr. Fuller, the Board voted to establish the salary of the Board of Selectmen at \$2000, and the Chairman \$2500, and to place and recommend approval of Article 20, to Fund Elected Officials Salaries for Fiscal Year 2010, on the Annual Town Meeting Warrant. The vote was 4-1-0. Mrs. Fulcher voted nay.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to place and recommend approval of Article 21, to Fund the Orleans Chamber of Commerce, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of Article 23 to Amend Zoning Bylaw § 164-4 Definitions, 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 place and recommend approval of Article 24, to Amend Zoning Bylaw § 164-4 Definitions, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to place and recommend approval of Article 25, to Amend Zoning Bylaw § 164-21, 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 place and recommend approval of Article 26, to Amend Zoning Bylaw § 164-22, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of Article 27, to Amend Zoning Bylaw § 164-35, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Carron, and seconded by Mr. Fuller, the Board voted to recommend approval of Article 28, to Adopt General Bylaw Chapter 125: Littering, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to recommend approval of Article 29, to Amend General Bylaw Chapter 20: Noise, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to recommend approval of Article 30, to Adopt General Bylaw Chapter 126: Marijuana, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to recommend approval of Article 31, to Amend General Bylaw Chapter 104: Affordable Housing Trust Fund, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to recommend approval of Article 34, to File Special Legislation: Room Occupancy Tax, on the Annual Town Meeting Warrant. The vote was 5-0-0.

Mrs. Fulcher moved the Board to withdraw Article 35, a Non-Binding Resolution for Shared Police Services with Eastham. Mr. Carron seconded the motion, and after a brief discussion Mrs. Fulcher withdrew her motion and Mr. Carron withdrew his second.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to amend Article 35, a Non-Binding Resolution for Shared Police Services with Eastham, by removing the word "Eastham" and insert "neighboring towns" in its place and to recommend approval of Article 35 as amended on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to recommend approval of Article 36, Cape and Vineyard Electric Compact, on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to place Article 1, the Bills of Prior Years, Article 2, the Transfer Article, and Article 4, the Closing Article on the Special Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to recommend approval of Article 2, the Transfer Article, on the Special Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller the Board voted to place Article 37, Free Cash, on the Annual Town Meeting Warrant. The vote was 5-0-0.

Town Administrator's Report: (02:43:40)

Town Administrator John Kelly had no additional items for the Boards consideration.

Liaison Reports: (02:44:16)

Mr. Carron spoke to the Board about the Finance Committee's progress on the budget approval process.

Any other Business: (02:44:55)

Mr. Carron asked if Mrs. Fulcher would be receiving any other info from the school regarding the assessment.

Mr. Dunford stated that he would be emailing the Board evaluation forms for the four direct report positions, to the Board members to fill out and return to him by the end of April.

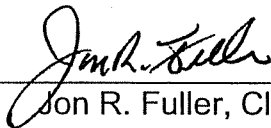
On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted, by way of roll call, to enter into executive session for the purposes of discussing collective bargaining and non-union contract negotiations, returning to open session solely for purpose of adjournment. Mrs. Fulcher recused herself from the meeting. The vote was 5-0-0, with Mr. Fuller, Mr. McGrath, Mr. Dunford, Mrs. Fulcher and Mr. Carron all voting aye.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted by way of roll call, to return to open session solely for the purpose of adjournment. The vote was 4-0-0, with Mr. McGrath, Mr. Fuller, Mr. Dunford and Mr. Carron all voting aye.

Adjourn:

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

Respectfully submitted,
Kristen Holbrook



Jon R. Fuller, Clerk