

BOARD OF SELECTMEN  
MEETING MINUTES

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April 8, 2009

Approved on May 20, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, April 8, 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, Selectman Sims McGrath, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

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

Public Comment: (00:00:15)

There was no public comment.

Adopt Meeting Minutes: (00:00:30)

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the March 25, 2009 meeting as amended. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the March 25, 2009 Executive Session as written. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.**

New Annual Common Victualler License: (00:01:51)

Mr. McGrath disclosed that he had previously voted in favor of this application as a member of the Board of Health.

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to approve a Common Victualler License for Dan's Deli, located at 130 Route 6A, James M. Reynolds, Owner/Manager, said license to expire on December 31, 2009 and subject to all permits, bylaws, approvals and licenses in the Town of Orleans. The vote was 5-0-0.**

Meet with Police Chief Jeff Roy: (00:03:45)

The Board met with Orleans Police Chief Jeff Roy. Chief Roy presented the Board with his monthly report for March of 2009.

Liaison Reports (00:10:00)

Mr. Carron presented the Board with an update of a recent Finance Committee meeting.

Mrs. Fulcher announced to the Board that the Gift House would be closed for the Easter weekend holiday. Mrs. Fulcher also presented the Board with an update of a Nauset Regional School Committee meeting and a Fourth of July Committee meeting.

Mr. Fuller presented the Board with an update of a recent Bike and Walkways Committee meeting.

Public Hearing Continuation: (00:16:01)

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

Orleans Police Chief Jeff Roy, spoke to the Board, regarding the license transfers and the incidents that have occurred at the Christy's location. Chief Roy suggested several options for attaining a compliance partnership with the Hess Express.

Duane Landreth, Attorney for Hess Mart LLC, spoke to the Board in regard to the license transfer.

Andy Lautenbacher, Permit Manager for Hess Corporation spoke to the Board regarding the discussions he had with the Chief of Police. Mr. Lautenbacher stated that the Hess Corporation is willing to make necessary changes, and continue discussions with the Town and the Orleans Police Department regarding any issues that may need to be addressed.

Mr. McGrath asked if the TIPS programs would be sufficient training for the associates at the Hess Mart.

Chief Roy replied that the Orleans Police Department would be willing to conduct additional training seminars for the Hess employees.

Chief Roy spoke to the Board regarding the need to build a relationship with the Hess Corp and the responsibilities that come with possession of an alcoholic beverage license.

Chairman Dunford called for public comment on the license transfer. No public comment was offered. Mr. Dunford stated that there was a communication with the Board that there is quite a bit of trash in the Hess parking lot.

**On a motion by Mr. Fuller and seconded by Mr. Carron the Board voted to close the Public Hearing.** The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

**On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to approve the transfer of the Annual All Alcoholic Beverage Package Goods Store License from Christy's of Cape Cod, LLC d/b/a Christy's #615, Teri M. England, Manager, to Hess Mart of Massachusetts, LLC, d/b/a Hess Express 21247, Sheila M. Campbell, Manager, located at 401 Route 28 in South Orleans, subject to all local and state permits, licenses and approvals, laws and bylaws and in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority adopted December 21, 1994 and amended August 9, 1995 and Massachusetts General Law Chapter 138 and upon the condition that all**

managers and clerks must receive documented training sanctioned by the Orleans Police Department, on the sale of alcohol and attempted purchasing by underage patrons. Said license to be issued after approval from the Alcoholic Beverage Control Commission and expiring on December 31, 2009. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

Barnstable County Assembly of Delegates Update: (00:55:25)

Chris Kanaga, Orleans representative on the Barnstable County Assembly of Delegates, spoke to the Board to present them with an update of the recent discussions about the County. Mr. Kanaga presented the Board with an outline of the proposed changes to the county budget.

Review and Finalize Draft Warrant for May 2009 Annual and Special Town Meeting: (01:16:45)

Mr. Kelly provided the Board with the informational items and scope of work products for the wastewater management project that the Board had previously requested.

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to place and recommend approval of Article 7, to Fund Wastewater Management Pre-Design and Engineering, on the Annual Town Meeting Warrant. The vote was 5-0-0.**

Mr. Kelly presented the Board with an updated financial plan and the final number for the operating budget.

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to place and recommend approval of Article 2, Town and School Budget for Fiscal Year 2010, in the amount of \$27,032,310, on the Annual Town Meeting Warrant. The vote was 5-0-0.**

Orleans Finance Director, David Withrow, spoke to the Board regarding an amendment the Community Preservation Committee has made to their request for funding article on the annual town meeting warrant.

**On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to recommend approval of 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. McGrath, 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. The vote was 5-0-0.**

Town Administrator's Report: (01:28:50)

Mr. Kelly presented the Board with some budgetary updates for Fiscal Year 2009.

Mr. Kelly announced that the Town Employees have received a letter regarding a possible wage freeze for fiscal year 2011.

Mr. Withrow spoke to the Board about the recent discussions he has had with the Department of Revenue.

Mr. Kelly provided the Board with an informational item regarding a letter from the Orleans Athletic Association. Mr. Kelly asked if the Board would like to reconsider the minimum bid for the RFP for vendor services at Eldredge Park.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to reissue the Request For Proposals for the Eldredge Park Concession stand, with the fee structure being \$500 for the first year, \$1000, for the second year and \$1500 for the third year of the contract. The vote was 3-1-1. Mrs. Fulcher voted nay and Mr. Fuller abstained from the vote.**

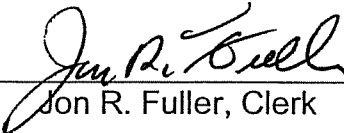
Any other Business: (02:15:00)

Mr. Dunford reviewed the agenda for the April 15, 2009 Board of Selectmen's meeting.

Adjourn: (02:18:20)

**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

  
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Jon R. Fuller, Clerk