

BOARD OF SELECTMEN  
MEETING MINUTES

*K. Kelly*  
TOWN OF ORLEANS  
TOWN CLERKS OFFICE

April 15, 2009

09 OCT 23 AM 9:50

Approved on May 20, 2009

A meeting of the Orleans Board of Selectmen was held in the Nauset Meeting Room of the Town Hall. Present were Chairman David Dunford, Vice Chairman Mark Carron, Clerk Jon Fuller, Selectman Sims McGrath, Selectwoman Margie Fulcher, Town Administrator John Kelly, and Recording Secretary Lindsay Stranger.

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

Public Comment (00:00:16)

Judy Wile, from the Orleans Bike and Walkways Committee invited the Board of Selectmen to a meeting on Tuesday 5/5 at 6:30 pm at the Snow Library, where a draft report for a multi use trail from South Orleans to the center of Orleans will be presented. (00:00:25)

Ed Mass announced the incoming president for the Orleans Citizens Forum and stated that there will be a citizens forum on 4/27 at the Orleans Elementary School on the Town Meeting Warrant Articles. He also stated that cable companies are trying to take over the phone service, internet etc., but that people need to keep in mind that when the installers come to homes or businesses, that there are fire alarms attached to the wires. His was accidentally cut when he switched over to Comcast. Mr. Maas also stated that collections in room tax increased for March, and that the Orleans Inn was featured in the latest Cape Cod Life Magazine. (00:01:08)

Mr. Dunford read a notice regarding the 2010 census into the record.

Approval of Meeting Minutes (00:04:30)

**On a motion by Mr. Fuller and seconded by Mr. McGrath, the Board voted to approve the minutes of April 1, 2009, as amended. Vote 5-0-0 (00:04:40)**

**On a motion by Mr. Fuller and seconded by Mr. McGrath, the Board voted to approve the executive session minutes of April 1, 2009, with Mrs. Fulcher abstaining as she was not present during the executive session. Vote 4-0-1 (00:06:22)**

**On a motion by Mr. Carron and seconded by Mr. Fuller, the Board voted to approve the minutes of March 14, 2007, as amended, with Mr. McGrath abstaining as he was not a member of the Board at that time. Vote 4-0-1 (00:07:14)**

**On a motion by Mr. Fuller and seconded by Mrs. Fulcher, the Board voted to approve the executive session minutes of March 14, 2007, as amended,**

**with Mr. McGrath abstaining as he was not a member of the Board at that time. Vote 4-0-1 (00:08:01)**

Fire Chief Report (00:08:30)

Chief Quinn gave an update on the Fire Department for the month of March.

The Board of Selectmen convened a Public Hearing on an Application for a New Annual All Alcoholic Common Victualler Liquor License for Hurricane Hugo d/b/a Lost Dog Pub.

Hurricane Hugo d/b/a Lost Dog Pub – New Annual All Alcoholic Common Victualler Liquor License (00:16:54)

Public Comment – (00:27:00)

Dan Johnson, whose property is diagonally south of the said property, stated that he is concerned that he won't be able to sleep at night due to music late night with the previous owners, and has made several calls to the police department.

**On a motion by Mr. Carron and seconded by Mr. Fuller, the Board voted to approve a new Annual All Alcoholic Common Victualler Liquor License and a Common Victualler License for Hurricane Hugo, Inc. d/b/a Lost Dog Pub, John J. Hilley, Manager, located at 63 Route 6A, Orleans, subject to all local and state permits, licenses and approvals, laws and bylaws and in accordance with the Town of Orleans Rules & Regulations of the Liquor Licensing Authority adopted December 21, 1994 and amended August 9, 1995 and Massachusetts General Law Chapter 138. Hours of operations shall be from 11:30 am to 1:00 am Monday –Saturdays and 12 noon to 1:00 am on Sundays. Said license will be issued after approval from the Alcoholic Beverage Control Commission is received and expiring on December 31, 2009. This license is subject to any other statutes or local permits that need to be obtained, and is not to be released until all requirements have been met. Vote 5-0-0 (00:30:06)**

The Board of Selectmen convened a Public Hearing on an Application for a New Annual Weekday and Sunday Entertainment License and a New Common Victualler License for Hurricane Hugo d/b/a Lost Dog Pub.

Hurricane Hugo d/b/a Lost Dog Pub – New Annual Weekday and Sunday Entertainment License and a New Common Victualler License (00:33:45)

Public Comment – (00:46:25)

Dan Johnson, whose property is diagonally south of the said property, stated that he is concerned that he won't be able to sleep at night due to music late night with the previous owners, and has made several calls to the police department.

**On a motion by Mrs. Fulcher, seconded by Mr. Fuller, the Board voted to approve the application of Hurricane Hugo, Inc. d/b/a Lost Dog Pub, John J. Hilley, Manager, located at 63 Route 6A, for a Weekday & Sunday Entertainment licenses to have amplified acoustic live entertainment, dancing by patrons and one juke box from Monday thru Saturdays from**

2:00 pm to 12:00 midnight and Sundays from 1:00 pm to 12:00 midnight providing the licensed establishment is in compliance with 1) a letter from the Building Commissioner Brian Harrison dated April 3, 2009 regarding the change of use, 2) a letter from the Orleans Fire Department dated April 13, 2009 regarding the sprinkler system, and 3) a letter from Police Chief Roy dated April 9, 2009 regarding noise complaints. Said license to expire on December 31, 2009. Vote 5-0-0 (00:46:50)

The Board of Selectmen convened a Public Hearing on the renewal of Shellfish Grant License # 48 for Beverly Singleton.

Renewal of Shellfish Grant License # 48 – Beverly Singleton (00:48:32)

On a motion by Mr. Fuller and seconded by Mr. McGrath, the Board voted for the renewal of Shellfish Grant License #48 in Little Pleasant Bay issued to Beverly Singleton of 6 Viking Road, South Orleans, MA per the application filed with the Shellfish Department on December 29, 2008 with said license to expire on August 24, 2019. This license does not grant any property rights. It does not authorize any injury to private property or invasion of private rights. Vote 5-0-0 (00:51:12)

Meeting with the Barnstable County Commissioners (00:52:11)

Commissioners Sheila Lyons and Mary Pat Flynn gave a Town Service Update to the Board of Selectmen. Also present were Assistant County Administrator Maggie Downey and Cape Cod Water Protection Collaborative Executive Director Andrew Gottlieb.

Vote to change d/b/a for East Orleans Deli (01:35:50)

On a motion by Mr. Carron and seconded by Mr. McGrath, the Board voted to approve the request of Robert M. Sethares, owner/manager of DRJX Deli, LLC d/b/a East Orleans Deli, located at 211 Main Street, Orleans, to change the d/b/a on the current Annual Wine and Malt Beverage Package Goods Store Liquor License from East Orleans Deli to The Last Stop; with Mr. Fuller abstaining. Vote 4-0-1 (01:36:27)

Review Final Warrant and Presentation Discussion (01:37:02)

On a motion by Mr. Fuller and seconded by Mrs. Fulcher, the Board voted to sign and post the May 11, 2009 Annual Town Meeting Warrant, the May 11, 2009 Special Town Meeting Warrant and the May 19, 2009 Town Election Warrant. Vote 5-0-0 (01:38:52)

On a motion by Mr. Carron and seconded by Mrs. Fulcher, the Board voted to include in the main motion at Town Meeting, that for FY10 that the salaries for BOS remain the same as the FY09 compensation, which is \$1000 for each selectmen, with Mr. Fuller and Mr. Dunford abstaining. Vote 3-0-2 (02:21:02)

Town Administrator's Report (02:54:21)

Town Administrator presented his report dated April 13, 2009.

Sarah Brown Scholarship (02:54:30)

- **On a motion by Mr. Fuller and seconded by Mr. Carron, the Board voted to award the 2009-2010 Sarah Brown Scholarships as recommended by the Scholarship Committee. Vote 5-0-0 (02:55:41)**

State Building Code Safety Inspection Fees (02:55:54)

- **On a motion by Mrs. Fulcher and seconded by Mr. Fuller, the Board voted to incorporate Section 106 fees in to the Building Department's existing fee schedule. Vote 5-0-0 (02:57:57)**

NSTAR Substation Landscaping Plan (02:58:07)

- **On a motion by Mrs. Fulcher and seconded by Mr. McGrath, the Board confirmed that the Town requires a formal plan and additional details concerning the proposed changes around the substation fence to ensure that the integrity of the existing screening is not compromised by the proposed changes, and to ask NSTAR if they would donate the 4 maple trees around the Visitor Center that they will be removing, to the Town for replanting. Vote 5-0-0 (03:04:27)**
- **On a motion by Mr. Fuller and seconded by Mr. McGrath, the Board voted not to have a meeting on Wednesday April 22, 2009. Vote 5-0-0 (03:05:06)**

#### Liaison Reports (03:05:13)

Mr. McGrath stated that at the Cape Cod Solid Waste Contract Committee meeting last week, they decided to keep solid waste and not discuss construction, recycling etc. They will be applying for a technical assistance grant through the County to handle recyclables. He also stated that it looks like they can get the cost of the consultant down to \$35,000 which would be funded by the Cape Cod Commission. Mr. McGrath stated that there will be a Wastewater Management Validation Design Committee meeting on Friday at 9am, and that the draft Woods Hole Group report has been received. (03:05:18)

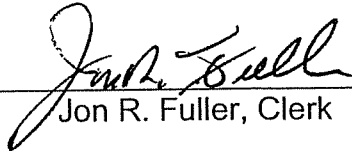
Mr. Fuller stated that the Planning Board met last night and that they accepted the resignation from Sims McGrath from the Board, due to his election to the Board of Selectmen. He stated that they have appointed an associate member to full status, approved the sign setback waiver for the East Back Deli, discussed the strategy for presenting the warrant articles at Town Meeting and voted to recommend a bus shelter at CVS to the Board of Selectmen. (03:07:37)

Mr. Carron stated that the Finance Committee was moving along with preparation for the Town Meeting. (03:09:23)

Mr. Dunford stated that the Water Commissioners met today and talked about a wind turbine project from the Renewable Energy Committee, and that there were questions as to financing and where it was going. (03:09:35)

#### Adjourn

On a motion by Mrs. Fulcher and seconded by Mr. Fuller, the Board voted to adjourn. Vote 5-0-0 (03:13:02)

  
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Jon R. Fuller, Clerk

