

BOARD OF SELECTMEN
MEETING MINUTES

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May 20, 2009

Approved on May 27, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, May 20, 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, Town Administrator John Kelly, 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. McGrath, the Board voted by way of roll call to enter into executive session for the purpose of discussing strategy with respect to collective bargaining and non-union contract negotiations. The vote was 5-0-0, with Mr. McGrath, Mr. Fuller, Mr. Dunford, Mrs. Fulcher and Mr. Carron all voting aye.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted, by way of roll call, to return to open session. The vote was 5-0-0, with Mr. McGrath, Mr. Fuller, Mr. Dunford, Mrs. Fulcher and Mr. Carron all voting aye.

The public session re-convened at 6:30 p.m.

Public Comment: (00:00:23)

Marvin Corlett, a resident of East Orleans, spoke to the Board regarding the meeting of the Wastewater Management Validation and Design Committee with the Woods Hole Group. Mr. Corlett asked when or if there would be an open public forum with the Woods Hole Group so that he and other citizens might have their questions answered.

Len Short, a member of the Orleans Pond Coalition, spoke to the Board regarding a letter he submitted to the Wastewater Management Validation and Design Committee about the meeting with the Wood Hole Group. Mr. Short explained that the Orleans Pond Coalition was concerned because the questions the Coalition had posed to the Woods Hole Group were not addressed.

Cecil Newcomb, Chairman of the Shellfish and Waterways Improvement Advisory Committee, spoke to the Board regarding a fishing line recovery program that the Committee has launched. The Committee would like to place 11-12 recovery tubes at various locations around Orleans. Mr. Newcomb asked for the Boards support in this endeavor.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to approve the Shellfish and Waterways Improvement Advisory Committee's request to place fishing line recovery tubes on Town property. The vote was 5-0-0.

Mr. McGrath asked whether the Board would be taking up the matter of the Woods Hole Group. Mr. Fuller suggested that the Board place the issue on a future agenda so that it might have their full attention. Mrs. Fulcher asked that the Wastewater Management Validation and Design Committee be invited to the future meeting as well to discuss the joint concerns.

6:45 p.m. Public Hearing Cape Cup, LLC Annual Wine and Malt Beverage Common Victualler Liquor License: (00:12:18)

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

Elise Waldron, Manager of Cape Cup, spoke to the Board regarding her desire for an Annual Wine and Malt Beverage Common Victualler Liquor License license.

Mr. Dunford called for public comment. No public comment was offered.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to close the public hearing. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the new Annual Wine and Malt Beverage Common Victualler Liquor License for Cape Cup LLC d/b/a Cape Cup, Elise Waldron, Manager, located at 54 Main Street 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. Hours of operation shall be from 7:00 am to 9:00 pm Mondays through Sundays. Said License to be issued after approval from the Alcoholic Beverage Control Commission is received and expiring on December 31, 2009. The vote was 5-0-0.

Approval of Minutes: (00:21:45)

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the April 8, 2009 meeting as written. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to adopt the minutes of the April 15, 2009 meeting as amended. The vote was 5-0-0.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to adopt the minutes of the April 29, 2009 meeting as amended. The vote was 4-0-1. Mr. Fuller abstained from the vote.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the May 6, 2009 meeting as amended. The vote was 4-0-1. Mr. Fuller abstained from the vote.

On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the May 11, 2009 meeting as written. The vote was 5-0-0.

Board of Selectmen Reorganization: (00:29:38)

Chairman Dunford announced the annual reorganization of the Board of Selectmen following the Annual Town Meeting. Mr. Dunford announced that there would be five simple nominations for the positions of Chairman, Vice-Chairman, Clerk of the Board of Selectmen, Chairman of the Parks Commission, and the Board of Selectmen's Representative to the Community Preservation Committee.

**Mrs. Fulcher moved Mr. Fuller to be the Chairman of the Board.
Mr. Dunford moved Mr. Carron to be the Chairman of the Board.**

**On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to close the nominations for Chairman of the Board of Selectmen.
The vote was 5-0-0.**

Chairman Dunford called for a show of hands vote for Chairman of the Board of Selectmen. The vote was 3-2 in favor of Mr. Fuller, and the nomination of Mr. Fuller as Chairman of the Board of Selectmen passed.

Mr. Dunford moved to nominate Mr. Carron as Vice Chairman of the Board of Selectmen.

Mr. McGrath moved to nominate Mrs. Fulcher as Vice Chairwoman of the Board of Selectmen.

On a motion by Mr. Fuller and seconded by Mrs. Fulcher the Board voted to close the nominations for Vice-Chairman of the Board of Selectmen. The vote was 5-0-0.

Mr. Dunford called for a show of hands vote for the Vice-Chairman of the Board of Selectmen. The vote was 3-2 in favor of Mrs. Fulcher, and the nomination of Mrs. Fulcher as Vice-Chairwoman of the Board of Selectmen passed.

Mrs. Fulcher moved the Board to nominate Mr. Carron as Clerk of the Board of Selectmen. Mr. Carron declined the nomination.

Mr. Dunford moved the Board to nominate Mr. McGrath as Clerk of the Board of Selectmen.

On a motion by Mr. Fuller and seconded by Mr. McGrath, the Board voted to close the nominations for the Clerk of the Board of Selectmen. The vote was 5-0-0.

The Board voted unanimously to appoint Mr. McGrath as the Clerk of the Board of Selectmen.

Mrs. Fulcher moved the Board to nominate Mr. McGrath as the Chairman of the Parks Commission.

Mr. Fuller moved the Board to nominate Mr. Carron as the Chairman of the Parks Commission.

On a motion by Mr. Fuller and Seconded by Mrs. Fulcher, the Board voted to close the nominations for Chairman of the Parks Commission. The vote was 5-0-0.

Mr. Dunford called for a show of hands vote for the position of Chairman of the Parks Commission. The vote was 3-2 in favor of Mr. Carron, and the nomination of Mr. Carron as the Parks Commission Chairman passed.

Mr. Dunford moved Mr. Fuller to be the Board of Selectmen's Community Preservation Committee Representative. The vote was 5-0-0.

New Annual Hawkers & Peddlers License for Third and Ten, LLC: (00:36:40)

Dennis Gordon, the Owner of the Baseball Shop, spoke to the Board regarding his application for the Hawker and Peddlers license, to operate a self-contained hot dog cart on the Mid-Cape Home Center property from 10 a.m. to 2 p.m. five days per week. Mr. McGrath disclosed that he had previously seen this application as a member of the Board of Health and had voted favorably for the application. Mr. Gordon posed no objection to Mr. McGrath's consideration of the license.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the application of Third and Ten, LLC d/b/a The Baseball Shop for a Hawkers and Peddlers License to sell bottled water, soda and hot dogs from Mid Cape Home Center property located at 26 Main Street during the months of May through September, Tuesdays through Sundays from 10:00 a.m. to 2:00 p.m., subject to all approvals, bylaws, permits and licenses. Said license to expire on September 30, 2009. The vote was 5-0-0.

7:15 p.m. Public Hearing Stuart Miller New Shellfish Grant #70: (00:39:03)

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

Mr. Stuart Miller, a resident of 33 West Road in Orleans, spoke to the Board regarding his application for a new shellfish grant of one-half acre #70 in Cape Cod Bay.

Mr. Fuller called for Public Comment on the proposed Shellfish Grant application. No public comment was offered.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to close the Public Hearing. The vote was 5-0-0.

Town of Orleans Harbormaster Dawson Farber spoke to the Board in favor of Mr. Miller's Shellfish Grant Application.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to allow the new one-half acre shellfish grant #70 to be located in Cape Cod Bay to Stuart Miller of 33 West Road, Orleans, MA per the application filed with the Shellfish Department on April 2, 2009 with said license to expire on March 31, 2014. This license does not grant any property rights. It does not authorize any injury to private property or invasion of property rights. The vote was 5-0-0.

Meet with Fire Chief Bill Quinn – Monthly Report: (00:45:44)

The Board met with Orleans Fire Chief William Quinn. Chief Quinn presented the Board with his monthly report for April 2009. Chief Quinn presented the Board with an Order of Notice letter that Mr. Quinn would be re-issuing regarding the fuel delivery restrictions in the Town of Orleans.

Meet with Police Chief Jeff Roy – Monthly Report: (00:49:49)

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

Chief Roy presented the Board with a list of five recommended summer officers. Chief Roy requested the Board approve and appoint Nicholas DiNardo, Mark Gray, Russell Hero, Christopher McCarthy and Kevin Piers, as Summer Police Officers for the Town of Orleans.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to appoint Nicholas DiNardo, Mark Gray, Russell Hero, Christopher McCarthy and Kevin Piers as Summer Officers for the Orleans police Department from June 12, 2009 through September 13, 2009. The vote was 5-0-0.

Chief Roy asked the Board to consider sending Deputy Chief MacDonald to a ten-week course in Quantico VA at the F.B.I academy.

On a motion by Mr. Carron and seconded by Mr. Dunford, the Board voted to approve the request of Police Chief Jeff Roy, to submit an application for Deputy Chief Scott MacDonald to attend a ten-week training course at the F.B.I Training Center located in Quantico, VA. The vote was 5-0-0.

Chief Roy spoke to the Board regarding the update of the Town of Orleans Revised Taxicab Rules and Regulations. Mr. Fuller suggested that the Board postpone the Taxicab Rules and Regulations vote until the May 27, 2009 meeting so that the Board can review the revisions.

Chief Roy spoke to the Board about a recent meeting of the Traffic Study Committee. Mr. Dunford asked the Chief to speak to the Hess Station regarding the delivery trucks and the difficulty the trucks cause in navigating the egress of the parking lot. Mr. Fuller asked if the Chief would be recommending that the speed limit on Beach Road be lowered. The chief stated that he would submit a formal request through the Town Administrator's Office when more information was available.

Committee Interviews and Appointments: (01:11:19)

The Board was scheduled to meet with three prospective candidates for open vacancies on the Town Maintenance Facility Committee Mr. David Clarke, Mr. Bill Weil and Mr. Minot Reynolds. However, Town Administrator John Kelly informed the Board that Mr. David Clarke had withdrawn from consideration as a member of the Committee; Mr. David Clarke was not able to attend the Board of Selectmen's meeting as he had a prior engagement and Mr. Minot Reynolds was also unable to attend the Board of Selectmen's meeting.

The Board met with and interviewed Mr. Chet Crabtree for a vacancy as an alternate on the Planning Board. (01:15:45)

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to appoint Mr. Chet Crabtree to the Planning Board as an Associate Member with a term ending date of June 30, 2010. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to appoint Alfred Pereault, Buddy Young, Peter Coneen, Tim Linkkila, and Minot Reynolds as members to the Town Maintenance Facility Committee. The vote was 5-0-0.

The Board discussed the New Water and Sewer Commission article added to the new Town Charter. The Board will appoint three full members and two associate members. Mrs. Fulcher asked if the Board could use money in the advertising budget to advertise for this Committee, as it is important to the Town.

Town Meeting Follow-up Discussion: (01:23:28)

Mrs. Fulcher gave her congratulations to Mr. Kelly for all of his hard work and help in helping the Board prepare for the Annual Town Meeting.

Mr. McGrath stated that he felt the Board might have been over prepared for the meeting. Mr. McGrath stated that he had received two or three comments that the Power Point presentations were repetitious of the information presented in the Annual Town Meeting Warrant. Mr. Kelly reminded the Board that the General Bylaw amendments that passed at Town Meeting would not go into effect immediately. Mr. Fuller stated that he was heartened that the Board of Selectmen was well supported by the community. Mr. Dunford asked if the Board would be able to send out a questionnaire to the citizens regarding services in the Town.

Town Administrator's Report: (01:33:00)

Town Administrator John Kelly presented the Board with a request from Carole Ridley of the Pleasant Bay Alliance, seeking a letter of support from the Board for an application that would designate Pleasant Bay as a No Discharge Area. Mr. Dunford asked that the Board investigate the financial implication of future needs for pump out facilities.

On a motion by Mrs. Fulcher and seconded by Mr. McGrath, the Board voted to send a letter of support for the application of the Pleasant Bay Alliance to designate Pleasant Bay a No Discharge Area, subject to a report of the financial implications of the application. The vote was 5-0-0.

Mr. Kelly provided the Board with information on the scope of work draft, for the Regional Police Study.

Mr. Kelly provided the Board with information on the progression of the Request For Proposals for the Route 6A John P. Hinckley Jr. Affordable Housing Project.

Liaison Reports: (01:50:06)

Mrs. Fulcher presented the Board with an update on a recent Fourth of July Committee meeting. Mrs. Fulcher also reported on an Orleans Elementary School Committee meeting.

Mr. Dunford reported on an Architectural Review Committee decision and mentioned that the Agricultural Task Force is holding their first meeting on May 21, 2009 and suggested that a Board member might attend.

Mr. McGrath reported on a Wastewater Management Validation and Design Committee meeting presenting the result of the study by the Woods Hole Group, and a Barnstable County Solid Waste Committee meeting.

Mr. Fuller reported on a meeting of the Lighthouse Charter School Committee.

Any other Business: (01:58:17)

Mr. Dunford presented the Board with a letter that the Board had received from State Representative Sarah Peake concerning a further meeting of lower cape school district personnel.

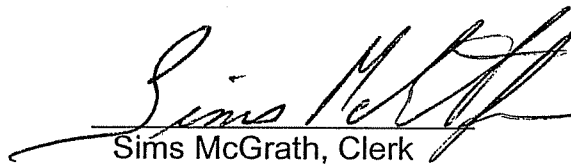
Mr. Fuller asked if the Board was in favor of sending a letter against diluting cable TV power requirements. Mr. Kelly suggested that the Board ask for the Cable Television Advisory Committee to make a recommendation to the Board.

Adjourn: (02:00:54)

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

Respectfully submitted,

Kristen Holbrook



Sims McGrath, Clerk