

BOARD OF SELECTMEN  
MEETING MINUTES

09 OCT 23 AM 9:51

June 10, 2009

Approved on June 17, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, June 10, 2009 in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman Mark E. Carron, Selectman David M. Dunford, Assistant Town Administrator Myra Suchenicz and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 5:50 p.m.

Chairman Fuller adjourned the meeting in order to take a photograph with members of the Marine Core League.

6:00 p.m. Executive Session

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

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

Chairman Fuller reconvened the public session at 6:30 pm.

Public Comment: (00:00:10)

No Public Comment was offered.

Chairman Fuller read a public information notice that the Board of Selectmen will be considering committee appointments and reappointments in July of 2009.

Annual Hawker's & Peddler's License: (00:00:52)

Paul Piatelli, president of North Providence Del's spoke to the Board regarding his application for a Hawker and Peddler's license to sell frozen Del's lemonade from the Mid Cape Home Center Property located at 15 Main Street.

Mr. Piatelli explained his product to the Board and expressed his interest in obtaining a Hawker and Peddler's license in the town of Orleans.

Mr. Carron asked what made Mr. Piatelli select Orleans. Mr. Piatelli replied that he had spent time in Orleans as a vacationer and had friends in the area. Mr. Carron stated

that he is surprised at how many vendors had applied for licenses in a relatively small area. Mr. Carron also stated that he is concerned with the pushcarts in such a congested area.

Mr. McGrath stated that his concerns came out of the uniqueness of Mr. Piatelli's product, and felt that the lemonade cart would add to the traffic issues in the area. Mr. McGrath also stated he was reluctant to add to a known problem.

Mr. Dunford expressed similar concerns regarding location and traffic safety.

Mr. Fuller stated that he felt the intersection has become very dangerous, and while Mr. Piatelli has a right to operate a business, that the Board might need a better understanding of the traffic patterns.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to deny the application for North Providence Del's Inc. d/b/a Attleboro Del's and Ice Cream for a Hawker and Peddlers License to sell soft frozen lemonade from the Mid Cape Home Center property located at 15 Main Street due to traffic and safety concerns, and ask for further information from the traffic study committee regarding the concerns posed by excessive bike, pedestrian and automobile traffic in this area. The vote was 4-0-0.**

Request for Determination – Sparrow Land Purchase: (00:23:32)

Ms. Suchenicz asked the Board to make a determination on the property in order to comply with chapter 30B, Uniform Procurement Act, requirements and proceed with the purchase.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to determine that the vacant property located at 353 South Orleans Road, Orleans, MA has unique and special qualities, including the fact that the property is a large tract of open space abutting other town owned conservation land and is suitable for preservation for open space, conservation and passive recreation. As a result no benefit to the Town will be derived from the following advertising requirements for real property acquisition provided for in G.L. c.30B, The Uniform Procurement Act. The vote was 4-0-0.**

Release of Funds from the Wetlands Protection Account: (00:25:17)

Ms Suchenicz asked the Board to authorize the release of \$151.10 from the Wetlands Protection Account to purchase copies of the Revised State Wetlands Protection Act Regulations.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to release the amount of \$151.10 from the Wetland's Protection Fund to purchase the revised State Wetlands Protection Act Regulations (revised 2008). The vote was 4-0-0.**

Discuss SEMASS Non-Binding Agreements: (00:25:57)

Assistant Town Administrator Myra Suchenicz provided the Board with several documents. One was a draft of a non-binding memorandum of understanding between the fourteen Cape Cod towns, the second was a draft scope of services and a memorandum of understanding from SEMASS. Ms. Suchenicz stated that Barnstable County had asked that the Board act on the memorandum of understanding between the fourteen towns be acted on as soon as possible so that the County could move forward with the draft scope of services.

Mr. McGrath stated he would be in favor of signing the memorandum of understanding with the other Cape Cod towns as it makes good business sense. Mr. Dunford concurred. Mr. Carron stated that he was also on favor of signing the memorandum of understanding from the Barnstable County Solid Waste Committee.

**On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to approve and sign the Memorandum Of Understanding Between Interested Cape Cod Communities Regarding Negotiations with Covanta/SEMASS. The vote was 4-0-0.**

Mr. McGrath spoke to the Board regarding the request for proposals draft that had been provided to the Board regarding the Draft Scope of Services from the Cape Cod Solid Waste Contract Committee. The draft is a request for proposals to hire a consultant to explore alternatives to solid waste disposal.

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to support the proposed draft of 5/15/09 for the Scope of Services, MSW Alternative Analysis from the Cape Cod Solid Waste Contract Committee. The vote was 4-0-0.**

Mr. McGrath spoke to the Board regarding the memorandum of understanding provided to them by SEMASS/Covanta. Mr. McGrath stated that due to the fact that the memorandum of understanding does in fact commit the town to expend as much as \$50,000 more in the future, that it might need to be referred to Annual Town Meeting for approval.

7:15 p.m. Shellfish Grant License Renewals: (00:44:10)

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

Jeff Norgeot, a representative for Albert Norgeot, was present to answer the Board's questions and Town of Orleans Harbormaster recommended approval of the Shellfish Grant renewals.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to allow the renewal of Shellfish Grant #67 located in Pleasant Bay to Albert Norgeot of 18 Quonset Road, South Orleans 02662, per the application filed with the Shellfish Department on April 20, 2009, with said license to expire on May 31,**

**2019. 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 4-0-0.

Julie Winslow spoke to the Board regarding his renewal application. Mr. McGrath disclosed an employer/employee relationship with Mr. Winslow and stated that he had no financial interest in Mr. Winslow's enterprise.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to allow the renewal of Shellfish Grant #44 located in Pleasant Bay to Julie Winslow of 10 Gesner Road, Orleans, MA 02653, per the application filed with the Shellfish Department on April 29, 2009, with said license to expire on June 29, 2019. 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 4-0-0.

Town Administrator's Report: (00:50:40)

Assistant Town Administrator Myra Suchenicz provided the Board with a draft letter of support for the Pleasant Bay Alliance application to designate Pleasant Bay as a No Discharge Area. Ms. Suchenicz also provided the Board with a follow-up letter from Ms. Carol Ridley regarding the potential financial impact of additional pump out facility should they become necessary. Mr. Dunford stated that he would like the letter of support to include the information from Ms. Ridley.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to sign the letter of support for the application submitted by the Pleasant Bay Alliance to designate Pleasant Bay a No Discharge Area (NDA) as amended.** The vote was 4-0-0.

Ms. Suchenicz asked the Board to vote to cancel the June 24, 2009 Board of Selectmen's meeting in order to attend the Marine Core League Ceremony.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to cancel the June 24, 2009 meeting of the Board of Selectmen.** The vote was 4-0-0.

Liaison Reports: (00:55:07)

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

Mr. McGrath updated the Board on a Wastewater Management Validation and Design Committee meeting and the presentation of the Woods Hole Group Study to the state agencies.

Mr. Fuller updated the Board on a Town Maintenance Facility Committee and a Planning Board meeting.

Any other business: (01:06:39)

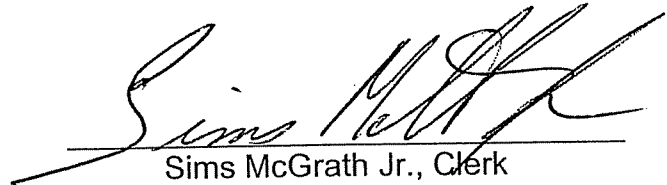
Mr. Carron asked why the Town is carrying a liability of 9 million dollars for the landfill closure, but there is no mention of insurance or retirement liabilities in the CPA,

Mr. Fuller reminded the Board that there is an executive session scheduled for Tuesday at 9 am. Mr. Fuller also stated that he has asked the Town Administrator to invite both State Representative Sarah Peake and State Senator Robert O'Leary to meet with the Board to address questions regarding the State budget and the Quinn Bill funding.

Adjourn: (01:10:16)

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

Respectfully submitted,  
Kristen Holbrook



Sims McGrath Jr., Clerk

