

BOARD OF SELECTMEN  
MEETING MINUTES

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June 17, 2009

Approved on July 1, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, June 17, 2009 in the Nauset Room of the Orleans Town Hall. Present were Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly, Assistant Town Administrator Myra Suchenicz and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 6:00 pm.

Executive Session – Collective Bargaining

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted by way of roll call, to enter into executive session for the purpose of discussing 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 6:32 pm.

Public Comment: (00:00:51)

*Erica Parra*, a resident of East Orleans, spoke to the Board about the Cape Care Plan before the Massachusetts State Legislature. Ms. Parra asked the Board if they had any questions regarding the plan.

*Judith Bruce*, a representative of the Pleasant Bay Alliance spoke to the Board regarding a public meeting on the 50-year outlook for Pleasant Bay being held at the Chatham Community Center at 7 pm on Thursday June 18, 2009.

*John Hodgkinson*, a resident of east Orleans, spoke to the Board to urge them to take appropriate steps for the Town of Orleans to join the Cape and Vineyard Electric Cooperative.

Chairman Fuller made an announcement that the committee members with expiring terms may continue to serve until such time as the Board reappoints them.

Approval of Minutes: (00:16:30)

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to adopt the minutes of June 3, 2009 as written.** The vote was 4-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to adopt the minutes of the June 10, 2009 meeting as amended. The vote was 4-0-0.**

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the June 10, 2009 executive session as written. The vote was 4-0-0.**

Meet with Fire Chief: (00:19:15)

The Board met with Fire Chief William Quinn. Chief Quinn provided the Board with his monthly report for May 2009.

Fire Chief Quinn stated in response to Mr. Fuller's email regarding the Fire Fighter 1 and 2 classes. The classes are held at the Barnstable County Fire Training Academy.

Chief Quinn informed the Board that has little to report on the financial problems of Barnstable County's CMED operation. Chief Quinn stated that he would continue to update the Board with new information as it becomes available.

Meet with Police Chief: (00:30:30)

The Board met with Orleans Police Chief Jeff Roy. Chief Roy provided the Board with his report for the month of May 2009.

Chief Roy informed the Board that he had completed the interview process for the open Sergeants position in the department. Chief Roy recommended that the Board appoint Officer Matthew Watts for the position of Sergeant.

**On a motion by Mr. Carron and seconded by Mr. McGrath the Board voted to appoint Officer Matthew Watts as Orleans Police Department Sergeant effective August 1, 2009. The vote was 4-0-0.**

Chief Roy updated the Board on the ongoing process for the open Lieutenants position in the Police Department. Mr. Kelly reminded the Board that they will be meeting with Senator O'Leary and Representative Peake on either July 8, 2009 or July 15, 2009, regarding the Commonwealth's budget and specifically the status of the Quinn Bill funding. Mr. Kelly suggested that the Board ask the Chief to wait to make any further appointments until the issue is resolved. Mr. Carron stated that he felt that it was unfair to hold the entire Police force in limbo. Mr. Dunford said Representative Peake and Senator O'Leary did speak to a Selectmen's Association and that they intimated that there is very little hope for full funding of the Quinn Bill through the Commonwealth.

Per their questions to the Traffic Study Committee, Chief Roy advised the Board that as of right now there is no increase in traffic and no problems with respect to the vendors located on Main Street at the Mid Cape and Snow's properties. The Traffic Study Committee will continue to monitor the area through the summer and will apprise the Board of any significant concerns.

Chief Roy also advised the Board that there have been numerous complaints of people parking in no parking zones on Old Colony Way during the weekly farmers market and causing a site distance problem in the area of Cap'n Elmers Restaurant. The Traffic Study Committee recommended that the Highway Department stripe an area in front of the restaurant, so that people exiting Cap'n Elmers parking lot have a clear line of site. The Chief asked the Board for permission for the Highway Department to stripe said area.

**On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to direct the Highway Department to stripe a "No Parking Area" designated by the Traffic Study Committee in front of Cap'n Elmers restaurant to allow a clear line of site for exiting the restaurant's parking lot. The vote was 4-0-0.**

Chief Roy recommended that the Town of Orleans not apply for the Emergency Management signage grant, as the additional signage may cause confusion with the existing evacuation route signage. Chief Roy also informed the Board that the Orleans Police Department has applied for an alternate Emergency Management Grant to assist the updating of the emergency management plan.

Annual Appointments: (00:51:30)

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to appoint the approved list of Police Officers, Agents, Clerks and Dispatchers for a term of 1 year from July 1, 2009 through June 30, 2010. The vote was 4-0-0.**

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to appoint the approved list of Patrolman and Chief of Police for a term of three years from July 1, 2009 through June 30, 2012. The vote was 4-0-0.**

Meet with Renewable Energy Committee: (00:52:33)

The Board met with Alan Kolchinsky, Chairman of the Renewable Energy and Wind Committee. Mr. Kolchinsky presented the Board with the Committee's final report and their recommendations for the Town of Orleans.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to extend the Renewable Energy and Wind Committee's Charge through September 20, 2009 or until such time as the new Energy and Wind Committee is established whichever is soonest. The vote was 4-0-0.**

Mr. Kelly recommended that the Board wait until the new Sewer and Water Committee is seated until they make a determination on the referral to the Water Commissioners for the wind project.

Meet as Park Commissioners: (01:24:05)

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

The Board met with Parks and Beaches Superintendent Paul Fulcher to discuss the Nauset Beach Area.

Mr. Fulcher explained to the Board that much of the grass in the Pochet area has grown in naturally and recommended that the Town not file a notice of intent to plant beach grass in the area.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted, based upon the most recent information, that the Parks and Beaches Superintendent not file a notice of intent to plant beach grass with the conservation committee. The vote was 4-0-0.**

Mr. Fulcher spoke to the Board regarding the accidental striking of an adult piping plover on Nauset Beach. Mr. Fulcher stated he did not anticipate any further action from the state or federal government.

Mr. Fulcher provided the Board with a photo of the remaining beach camps on the Chatham portion of the beach. Mr. Fulcher reviewed the recent move of the remaining camps. Mr. Fulcher stated that he felt that the camp owners have placed Orleans in a difficult position. Mr. Fulcher stated that, in regard to this area, any future requests of this nature would require that the camp owners gain approval from the Orleans Board of Selectmen and the Orleans Conservation Commission, obtain letters of authorization from the Massachusetts Division of Fish and Wild Life, and a letter from the Superintendent of the National Parks Service. Mr. Dunford concurred with Mr. Fulcher's assessment of the situation. Mr. Fulcher also stated that the Town should insist that any contractors performing work on the camps be bonded.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to inform the Town of Chatham, the beach camp property owners and contractor that the Town of Orleans will require votes of approval from the Orleans Park Commissioners and the Orleans Conservation Commission as well as letters of authorization from the Massachusetts Division of Fisheries and Wild Life and the Superintendent of the National Parks Service. Also the Town of Orleans will require that any contractor performing work on the Nauset Beach area to be bonded for liability purposes. The vote was 4-0-0.**

Mr. Fulcher stated that he was in the process of placing barricades on the dirt road adjacent to Aspinet Road. Mr. Fulcher stated that Aspinet Road would only be used in cases of breakdowns and for turning traffic. Mr. Fulcher stated that they are in the process of scheduling a meeting with the property owners on Aspinet Road to discuss any follow-up to this issue.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to continue to allow free parking in Nauset Beach Parking for vehicles with Non Resident Off Road Vehicle stickers. The vote was 4-0-0.**

Mr. Fulcher informed the Board of the closing of the vehicle escorts for the property owners, and asked the Board for some direction in the enforcement of the one vehicle per camp policy. On general consensus the Board stated that the one vehicle per camp property stands.

Mr. Fulcher updated the Board on the Piping Plover nests and timelines for hatchings in the coming weeks. Mr. Fulcher informed that Board that he does not anticipate any significant openings on the beach until late July.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to adjourn from the Parks Commission Session.** The vote was 4-0-0.

Update Designation of Special Municipal Employees: (01:58:04)

Town Administrator John Kelly provided the Board with a list of Special Municipal Employees and asked the Board to vote to designate the updated list of Special Municipal Employees.

On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to classify the positions listed on the attached list dated July 1, 2009 as Special Municipal Employees pursuant to Massachusetts General Laws Chapter 268A.

After a brief discussion the motions and seconds were withdraw so that corrections to the list could be made.

Town Administrator's Report: (02:05:22)

Mr. Kelly provided the Board with an update on the approval and permit process for the proposed bus shelter for the area adjacent to CVS on Main Street.

Mr. Kelly also informed the Board that Mass Highway has agreed to do internal work on the intersection of Route 6A and Route 28. Mass Highway will require the support of the Board before proceeding. Mr. Kelly stated that he will keep the Board informed as to the progress of the project.

Liaison Reports: (02:03:50)

Mr. McGrath provided the Board with an update on the final version for the Request For Proposals for the Barnstable County Solid Waste Alternatives. Mr. McGrath also reviewed a recent MEPA public hearing and a Cape Cod Commission sub committee hearing for Orleans' Comprehensive Wastewater Management Plan.

Mr. Dunford provided the Board with an update of a recent Architectural Review Committee meeting and the monthly meeting of the Massachusetts Selectmen's Association.

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

Mr. Fuller presented the Board with an update on the annual meeting of the Lighthouse Charter School Board of Trustees.

Any other business: (02:29:50)

Mr. Dunford inquired as to the status of the new liaison assignments. Mr. Fuller replied that he had made some preliminary notations and hoped to have the completed assignments for the July 1, 2009 Board of Selectmen's meeting.

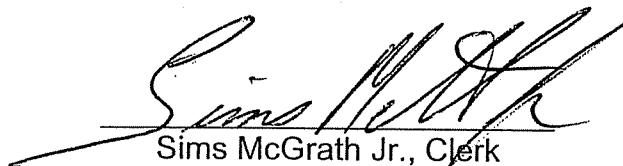
Mr. McGrath asked if it would be possible to update the town's website to include the committee charges.

Mr. Dunford spoke about the further meeting of the school summit by Representative Peake at the Nauset Middle School on June 25, 2009 from 9:00 am until 3:00 pm. Mr. Dunford stated that this will be an open meeting and the public is invited to attend.

Adjourn: (02:32:55)

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

Respectfully submitted,  
Kristen Holbrook



Sims McGrath Jr., Clerk