

ORLEANS BOARD OF SELECTMEN
MEETING MINUTES

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July 1, 2009

Approved on July 15, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, July 1, 2009 in the Nauset Room of the Orleans Town Hall. Present were Chairman Jon R. Fuller, Vice Chairwoman Margie Fulcher, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

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

Chairman Fuller welcomed Mrs. Fulcher back and announced that the Spirit of American Band will be giving four concerts on Thursday nights. Free-will offerings given at the concerts will benefit the Lower Cape Outreach Council. The concerts will be held July 9th, 16th, 23rd and 30th from 6:30 to 7:30 pm at the Eldredge Park Band Shell.

Public Comment: (00:00:50)

Ed Maas, a resident of East Orleans, spoke to the Board regarding the upcoming Fourth of July Parade and celebration in the Town of Orleans.

Gary Clinton, a resident of Nickerson Road in Orleans, spoke to the Board regarding the Nauset Estuaries and Town Cove reports that are past due from the Department of Environmental Protection and SMAST.

Adopt Meeting Minutes: (00:06:41)

On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to adopt the minutes of the June 17, 2009 meeting as written. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the June 17, 2009 executive session as written. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

Committee Interviews in conjunction with annual appointments and reappointments: (00:09:30)

Chairman Fuller announced that the Water and Sewer Commission is a newly formed Commission and the Board of Selectmen would be appointing three full members and two associate members.

The Board met with an interviewed citizens Anne Hodgkinson, Judith Bruce, Jimmy Dishner, Peter Monger, Leonard Short and Hank Schumacher regarding their interest in

serving on the new Water and Sewer Commission. Ms. Hogkinson asked the Board to consider appointing her to a one-year term in order to fulfill her commitment to the current commission. Mr. Schumacher also asked the Board to consider allowing him to finish out the 1.5-2 years left of his term on the current Board.

The individual Board members voted by way of a paper ballot and asked Town Administrator John Kelly to tally the votes.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, Board voted to waive the two term limit policy for the Conservation Commission. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to appoint Ms. Anne Hodgkinson, to the Board of Water and Sewer Commissioners, 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. Carron, the Board voted to appoint Judith Bruce to the Board of Water and Sewer Commissioners, with term ending date of June 30, 2011. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to appoint Mr. Jimmy Dishner to the Board of Water and Sewer Commissioners, with term ending date of June 30, 2012. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to appoint Mr. Leonard Short as an associate member to the Board of Water and Sewer Commissioners, with a term ending date of June 30, 2012. The vote was 5-0-0.

Mr. Monger stated that he wished to withdraw from consideration for the Board of Water and Sewer Commissioners.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to appoint Mr. Hank Schumacher as an associate members to the Board of Water and Sewer Commissioners, with a term ending date of June 30, 2011. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to reappoint Jimmy Dishner and Robert Osterberg, as full members to the Zoning Board of Appeals with term ending dates of June 30, 2012. The vote was 5-0-0.

Comprehensive Wastewater Management Plan Status and Next Steps: (01:06:15)

The Board met with members of the Wastewater Management Validation and Design Committee. Wastewater Management Validation and Design Committee Chairman Paul Ammann presented the Board with a report on the completion of task 1. Mr. Ammann and other members of the committee gave a power point presentation on their findings.

Wastewater Management Validation and Design Committee member Ed Daley gave a power point presentation on the Risk Assessment report that the Committee has prepared through their research.

On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to send the Wastewater Management Validation and Design Committee's questions to Mr. DeLorenzo at the Department of Environmental Protection through the Town Administrator's office. The vote was 5-0-0.

Committee Interviews and Appointments (continued): (02:09:30)

The Board met with and interviewed citizen James O'Brien, regarding his interest in serving on the Conservation Commission. Due to time constraints Chairman Fuller suggested that the Board repost the Conservation Commission appointments as an agenda item for the July 8, 2009 Board of Selectmen's Meeting.

Review and Adopt FY10 List of Important Dates: (02:12:12)

Mr. Dunford asked if the second agenda item under the Wastewater Management Validation and Design Committee was to be postponed. Chairman Fuller replied that he felt it was best to wait until the Town received a response from Mr. DeLorenzo.

Town Administrator John Kelly provided the Board with a list of important dates for fiscal year 2010, and advised the Board to amend the Annual Committee Orientation meeting to September 14, 2009.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to adopt the Fiscal Year 2010 List of Important Dates as amended. The vote was 5-0-0.

Mr. Dunford spoke to the Board to urge them to begin thinking about the budget soon.

Update Designation of Special Municipal Employees: (02:15:10)

Mr. Kelly presented the Board with the amended list of Special Municipal Employees.

On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to classify the positions on the attached list dated July 1, 2009, as special municipal employees pursuant to Massachusetts General Laws Chapter 268A. The vote was 5-0-0.

Town Administrator's Report: (02:16:32)

Town Administrator John Kelly provided the Board with information on Orleans Finance Director David Withrow, as it pertains to Mr. Withrow serving as the Orleans Representative to the Cape Cod Municipal Health Group Board of Directors. Mr. Kelly asked that the Board make a determination that there is no conflict of interest in Mr. Withrow serving this position.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to determine that, pursuant to M.G.L Chapter 268A, Section 19(b), we find David Withrow's financial interest in this matter is not so substantial as to be deemed likely to affect the integrity of the service which is expected of him by the Town of Orleans as our designated representative to the Cape Cod Municipal Health Insurance Group Board of Directors. The vote was 5-0-0.

Mr. Kelly provided the Board with a request to close Main Street from Brewster Cross Road to Route 6A on Wednesday August 19th from 5 to 10 pm for the annual Orleans Police Department Block Party and Antique Car Show.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to approve the request to close Main Street from Brewster Cross Road to Route 6A on Wednesday August 19th 2009 from 5:00 pm to 10:00pm in connection with the Orleans Police Department 13th Annual Block Party and Antique and Classic Car Show. The vote was 5-0-0.

Mr. Kelly provided the Board with information on the vegetation control program being performed by NStar in the Town of Orleans.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to notify the owners of the three private wells of the herbicide spraying by NStar. The vote was 5-0-0.

Mr. Kelly spoke to the Board regarding a recent resignation from the Heath Department. Mr. Kelly assured the Board that he would keep the Board informed of any developments in the near future. Mr. Kelly reminded the Board that they would have an executive session on Tuesday morning with Town Counsel and that the Town Hall would be closed on Friday.

Liaison Reports: (02:43:42)

Mr. Carron reviewed a recent meeting of the Board of Water Commissioners.

Mrs. Fulcher reminded the Board that they must be at the Elementary School at 9:30 am for the Fourth of July Parade.

Mr. Dunford reviewed meetings of the Open Space Committee, The Architectural Review Committee and the Council on Aging, as well as the Pleasant Bay Symposium, and the School Summit.

Mr. McGrath presented the Board with an update of a recent Barnstable County Solid Waste Committee meeting.

Mr. Fuller presented the Board with an update of recent meeting of the Disabilities Commission.

Any other business: (03:03:16)

G. Thomas Ryan, Orleans representative to the Barnstable County Human Rights Commission, spoke to the Board regarding a welcome party that he would like to hold at

the Rock Harbor Beach area for the international students living and working in the Town of Orleans. Mr. Ryan asked the Board for their support in this endeavor.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to sanction the event. The vote was 5-0-0.

Mr. McGrath asked if the Liaison Assignments were final. He then asked to switch the Cape Cod Tech Assignment with Mrs. Fulcher for scheduling convenience. Mrs. Fulcher will liaise for the Affordable Housing Committee and Mr. McGrath will liaise for the Cape Cod Vocational Technical School Committee.

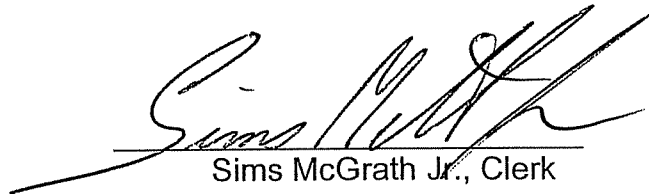
Mr. Fuller announced a request to place a sign for the Spirit of America Band advertising the free concerts for the four dates scheduled at the corner of Route 28 and Eldredge Park Way.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to approve the request to place the sign for the Spirit of America Band Concerts for the four dates of the concerts at the corner of Route 28 and Eldredge Park Way. The vote was 5-0-0.

Adjourn: (03:14:19)

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

Respectfully submitted,
Kristen Holbrook



Sims McGrath Jr., Clerk

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