BOARD OF SELECTMEN
MEETING MINUTES

July 15, 2009

Approved on July 22, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, July 15, 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 and Recording Secretary Kristen Holbrook.

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

Public Comment: (00:00:11)
Donna Steele, owner of Tree's Place located at 60 Cranberry Highway in Orleans, spoke to the Board regarding the proposed changes to the intersection of Route 28 and Route 6A. Ms. Steele asked the Board to consider how the proposed intersection changes will affect the viability of her business.

Vice-Chairwoman Margie Fulcher joined the meeting at 6:33 pm.

Chairman Fuller announced that the Board had received a letter from a constituent expressing opinions of the proposed changes to the intersection of Route 6A and Route 28, but the Board was not accepting public testimony on the intersection at this time. Chairman Fuller further stated that the letter would be preserved and read into the record at a public hearing.

Approval of Minutes: (00:02:45)
On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to adopt the minutes of the July 1, 2009 meeting as amended. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to adopt the minutes of the July 8, 2009 meeting as written. The vote was 5-0-0.

Meet with Fire Chief: (00:05:20)
The Board met with Orleans Fire Chief William Quinn. Chief Quinn presented the Board with his report for the month of June 2009.

Chief Quinn also presented the Board with information regarding the availability of Economic Stimulus funding for the Fire Department to hire additional staff. The funding is in the form of a one-year grant in the amount of up to $296 thousand dollars. Chief Quinn reported that he had recently become aware of this grant and asked the Board to grant permission for him to file a letter of intent to apply for the grant money.

Mr. Dunford stated that he would have a difficult time supporting the grant application due to the fact that the funds are only available for one year. After the first year the Town would become responsible for the increased budget.

Mrs. Fulcher asked if the Chief could provide the Board with a cost analysis of hiring two staff members versus the over time that may be incurred due to the planned absences of two staff members.

Mr. Carron stated that while he applauds Chief Quinn for his forethought he concurred with Mr. Dunford and Mrs. Fulcher regarding the 12-month grant.

Mr. McGrath stated that because the Board had instituted a hiring freeze, it would be awkward for the Board to allow the Fire Department to hire additional staff while asking other Town departments to make do with vacant positions.

Mr. Kelly stated that he would be happy to work with the Chief on this issue and perhaps find a solution that would best suit the needs of the Town.

Mr. Fuller asked that the Board be allowed the opportunity to review the material provided by the Chief and place the grant application on an upcoming agenda for a more thorough discussion.

Meet with Police Chief: (00:22:40)
The Board met with Orleans Police Chief Jeffrey Roy. Chief Roy presented the Board with his report for the month of June 2009.

Chief Roy updated the Board with information from the Traffic Study Committee regarding Kettle Pond Road. Chief Roy reported that he would make a recommendation to the Board in August during his monthly report.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to designate Orleans Fire Chief William Quinn, as the Emergency Management Director for the Town of Orleans, Police Chief Jeffrey Roy will continue as the Assistant Emergency Management Director for the Town of Orleans for the first year to assist with the transition. The vote was 5-0-0.

Mr. Carron asked if the Chief had heard anything in response from the State regarding the Yield sign at the intersection of Route 28 and Route 39. Chief Roy replied that he had not heard back. Mr. Carron further stated that the green State directional sign has been destroyed by weather and needs to be reported to the State. Mr. Carron also asked about the stop line at Finlay Road being moved. Chief Roy stated he would follow up on those issues.

Review Conceptual Plans for the Intersection of Route 28 and Route 6A: (00:35:20)
Chairman Fuller announced to the audience that the Board would not be entertaining any testimony from the gallery, as this was simply a presentation to the Board of

Selectmen, and not a public hearing on the proposed improvements to the Route 28 and Route 6A intersection.

Pamela Hasner, Mass Highway Project Development Engineer for District 5, spoke to the Board regarding the Route 6A and Route 28 intersection. Ms. Hasner presented the Board with the steps that Mass Highway has taken to reach these proposals.

Assistant Project Development Engineer, Brian Ackley, presented the Board with a power point presentation of the four proposed projects to improve the intersection.
Mr. Ackley reported on the findings of the traffic study done in 2007, and explained that the accident rate at this intersection is three times higher than the state average.

The first option for improvements to the intersection is simply pavement markings and cross walks. The second option would be to include traffic signals with the pavement markings and cross walks, making the intersection ADA compliant. The third and fourth options for improvements are variations of roundabouts. Due to the fact that installing roundabouts would require various land takings, the Board asked if the engineers would consider speaking to the Fall River Diocese as they own a vacant lot and building on the corner of Canal Road and Route 28.

The general consensus of the Board was to utilize the roundabout concepts but to try and alter the design to take into consideration an empty lot on the corner of canal road and Route 6A and to take into consideration the need to minimize the impact of the project on the area businesses. The Board asked the project engineers to look into moving the roundabout further east and report back on their findings.

Chief Quinn spoke regarding his concerns over the width of the roundabout and whether or not the Ladder trucks utilized by Orleans and neighboring towns would be able to negotiate the roundabout safely. Ms. Hasner responded that those concerns could be addressed.

Ms. Hasner spoke to the Board about the preliminary nature of the designs. Ms. Hasner also invited the Board to make additional comments as they are needed and outlined the Mass Highway Process for the public hearings throughout the design and implementation of the project.

<u>7:30 pm Meet with State Senator Robert O'Leary and State Representative Sarah Peake:</u> (01:08:25)
The Board met with State Senator Robert O'Leary and State Representative Sarah Peake to discuss the potential municipal impacts of the Massachusetts State budget impacts for fiscal year 2010.

Senator O'Leary spoke to the Board about the difficulties that the state is having with falling revenues, historic low reserve funds and budgetary concerns. Mr. O'Leary stated that he felt that fiscal year 2011 was going to be far worse than 2010.

State Representative Peake spoke to the Board regarding the override vetoes that the State House of Representatives is considering.
Mr. O'Leary, Ms. Peake and the Board discussed the changes in sales tax, regional transportation budget cuts, local option taxes, the Quinn Bill and education initiatives.

Chairman Fuller asked Senator O'Leary and Representative Peake for their help in obtaining the final information and reports from DEP and SMAST. Senator O'Leary stated that he is working on the issue and that he does understand how frustrating this is for Orleans, and that he is frustrated with the minimal progress as well. Representative Peake stated that the reports are in the final stages of release and that there must be a sixty-day comment period for review of the contract. Mr. McGrath asked if Mr. O'Leary could convey a sense of urgency in the release of these reports.
Mr. Fuller informed Mr. O'Leary and Ms. Peake that the Board would be meeting with Mr. Delorenzo from the Massachusetts Department of Environmental Protection to discuss the overdue reports.

Barnstable County Human Rights Commission: (02:29:40)
Mr. Ryan was unable to meet with the Board.

Committee Interviews in Conjunction with Annual Appointments and Reappointments: (02:30:03)
Chairman Fuller announced that he had received a letter of resignation from George Christie, a member of the Conservation Commission, effective immediately.

On a motion by Mrs. Fulcher and seconded by Mr. Dunford, the Board voted to accept George Christie's resignation from the Conservation Commission with regret and gratitude. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to appoint Jim Trainor as a regular member to the Conservation Commission, with a term ending date of June 30, 2011. The vote was 5-0-0.

Architectural Review Committee (02:35:30)
On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to reappoint Patricia Fallender and Cynthia May to the Architectural Review Committee with term ending dates of June 30, 2012. The vote was 5-0-0.

Bike and Walkways Committee (02:36:00)
On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to reappoint Kevin Higgins and Jim Demaree to the Bike and Walkways Committee with term ending dates of June 30, 2012. The vote was 5-0-0.

Board of Assessors (02:37:33)
On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to reappoint Cynthia Eagar to the Board of Assessors, with a term ending date of June 30, 2012. The vote was 5-0-0.

Building Code of Appeals (02:37:54)
On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to reappoint Andrew Miao, to the Building Code of Appeals with a term ending date of June 30, 2012. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to appoint Tim Brady, to the Building Code of Appeals, with a term ending date of June 30, 2012. The vote was 5-0-0.

Commission on Disabilities (02:39:47)
On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to reappoint Teresa Lane, and James Bailiett to the Commission on Disabilities, with a term ending date of June 30, 2012. The vote was 5-0-0.

Community Preservation Committee (02:40:23)
On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to reappoint Catherine Hertz to the Community Preservation Committee, with a term ending date of June 30, 2012. The vote was 5-0-0.

Cultural Council (02:41:33)
On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to reappoint Merri Hartford, to the Cultural Council with a term ending date of June 30, 2012. The vote was 5-0-0.

Marine & Fresh Water Quality Task Force (02:41:50)
On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to reappoint Kenneth Scott and Judith Scanlon, to the Marine and Fresh Water Quality Task Force with term ending dates of June 30, 2012. The vote was 5-0-0.

Open Space Committee (02:42:12)
On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to reappoint Mefford Runyan and Jeff Norgeot, to the Open Space Committee with term ending dates of June 30, 2012. The vote was 5-0-0.

Planning Board (02:42:38)
On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to reappoint John Fallender and Seth Wilkinson, to the Planning Board with term ending dates of June 30, 2012. The vote was 5-0-0.

Pleasant Bay Steering Committee (02:42:57)
On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to reappoint Harry Herrick as an alternate and Judith Bruce as the Town of Orleans Representatives to the Pleasant Bay Steering Committee, with term ending dates of June 30, 2012. The vote was 5-0-0.

Town Administrator's Report: (02:45:32)
Town Administrator John Kelly presented the Board with information on the State House hearing on the Cable Franchising Bill. Mr. Kelly reported that the Chairman of the Cable Television Advisory Committee recommends that the Board of Selectmen send a letter to the Joint Committee on Telecommunications in opposition of the Bill. Mr. Kelly presented the Board with drafts of the letters.

On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to sign and send the letter in opposition to S.1531 to the Joint Committee on Telecommunications as drafted by the Town Administrator, and provide copies to State Representatives. The vote was 4-1-0. Mr. Dunford voted nay.

Mr. Kelly presented the Board with information on the Towns FEMA rating and the positive feedback that the Town has received.

Mr. Kelly also provided the Board with information on the Charter Amendment for the new Board of Water and Sewer Commissioners.

Liaison Reports: (03:09:55)
Mr. Carron provided the Board with updates on a recent Conservation Commission meeting and a Finance Committee meeting.

Mrs. Fulcher presented the Board with an update of a Nauset Regional School Committee meeting.

Mr. Dunford updated the Board on a meeting of the Wastewater Management Validation and Design Committee.

Mr. Fuller updated the Board on a recent Planning Board meeting.

Any Other Business: (03:25:30)
Mr. Dunford would like an update on the Comprehensive Wastewater Management Plan process from Mr. Meservey. Mr. Dunford also asked for an update on the list of tasks for Mr. Giggey.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to meet as Parks Commissioners. The vote was 5-0-0.

Mr. Kelly provided the Board with information on a crane that needs to be moved off of Nauset Beach through the Town of Orleans. The crane was supposed to have been removed from the beach by July 1, 2009. The Chatham Conservation Commission extended the permit without consulting with the Town of Orleans. Mr. Kelly explained that area is extremely sensitive at this time due to the endangered birds nesting in close proximity to the ORV trail. The Massachusetts Department of Fisheries and Wildlife has submitted a list of conditions, which must be met before the crane can be moved through the area.

Mr. Fuller stated that he would not be supportive of the movement of the crane without some type of insurance bond from the crane owner. Mr. Fuller suggested if perhaps the crane should be left where it is until the endangered birds fledge.

Mr. McGrath stated that while he does agree with Mr. Fuller, he feels that it would be in the best interest in the Town of Orleans to remove the crane from the beach.

Mrs. Fulcher asked if the Town of Orleans could request that Mr. Melvin from the Department of Fisheries and Wildlife be present to supervise the removal of the crane from the beach. Mr. Kelly replied that Mr. Melvin would not be able to attend the removal of the crane.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to leave the crane exactly where it is until the beach reopens to the general public. The vote was 4-1-0. Mr. McGrath voted nay.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to advise the Town of Chatham that the Orleans Board of Selectmen will not approve any construction equipment passing through the Town of Orleans to address the remaining beach camp in the Town of Chatham under any circumstances. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to adjourn from Parks Commission Session. The vote was 5-0-0.

Adjourn: (04:08:10)
On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to adjourn. The vote was 5-0-0.

Respectfully submitted,
Kristen Holbrook

Sims McGrath Jr., Clerk