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BOARD OF SELECTMEN
MEETING MINUTES

July 29, 2009

Approved on August 5, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, July 29, 2009, in the Nauset Meeting Room of the Town Hall. Present were Chairman Jon R. Fuller, Vice-Chairwoman Margie Fulcher, 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 announced the passing of lifelong Orleans resident and former Selectman George Christie. As a show of respect, sorrow and gratitude for the more than 30 years of voluntary service on many town committees, Chairman Fuller asked the Board to consider flying the flag at half-mast for a period of one-week.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to fly the flag at half-mast for one-week in the wake of Mr. George Christie's passing. The vote was 4-0-0.

Public Comment: (00:01:46)

John Hodgkinson, a resident of Samoset Road, spoke to the Board regarding the proposed Wind Turbine project in the Orleans Water shed. Mr. Hodgkinson also urged the Board to join the Cape and Vineyard Electric Compact. (00:01:52)

Helen Berger, a resident of South Orleans, spoke to the Board about the prohibitive cost of the Comprehensive Wastewater Management Plan. Ms. Berger also spoke to the Board about alternative nitrogen remediation efforts. (00:05:53)

Douglas Pluciennik, a resident of Chickadee Lane, spoke to the Board regarding the Comprehensive Wastewater Management Plan. (00:10:58)

Gary Clinton, a resident of Nickerson Road, spoke to the Board regarding the Comprehensive Wastewater Management Plan. (00:19:45)

Clerk of the Board Sims McGrath Jr. joined the meeting at 6:58 pm.

Approval of Minutes: (00:25:53)

On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the July 22, 2009 meeting as amended. The vote was 5-0-0.

Temporary Common Victualler License: (00:28:13)

Town Administrator John Kelly presented the Board with an application submitted by the International Order of Odd Fellows for a temporary common victualler's license.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to grant a one-day temporary Common Victuallers License to sell hot dogs and hamburgers for the International Order of the Odd Fellows located at 2 Namskaket Road, Orleans for an Art Event (She Art) to be held on Saturday August 1, 2009 from 11:00 am to 3:00 pm, reduce the filing fee from \$25 to \$10 dollars and waive the license fee. The vote was 5-0-0.

Meet with George Meservey, Planning Director: (00:29:40)

The Board met with Town of Orleans Planning Director George Meservey to discuss the potential impact that the Cape Cod Commission's new Regional Policy Plan may have on the Orleans Comprehensive Plan. Mr. Meservey reviewed the current status of the plan and outlined the areas in which Orleans is consistent with the Regional Policy Plan and areas where further efforts are required. Mr. Dunford asked whether there would be any substantial cost issues involved in the Regional Policy Plan. Mr. Meservey replied that it is possible to comply with the Regional Policy Plan without incurring major financial costs.

Mr. Meservey reviewed the Comprehensive Wastewater Management Plan status for the Board. Mr. Meservey explained that the Town had been approved for a single environmental impact report, and that the Town is working through the process with consultant Mike Giggey.

Mr. Dunford stated that he felt it would be in the Town's best interest for the Board of Selectmen to review the final Comprehensive Wastewater Management Plan before submitting it to the Department of Environmental Protection.

Mr. Carron stated that it had always been the plan, for the Town to sunset the two wastewater committees and from that point the Board of Selectmen would take over the final stages of the Comprehensive Wastewater Management Plan.

Mr. McGrath stated that while he did not disagree with the points made by Mr. Dunford and Mr. Carron, the Board was getting hung up on the word final, the Comprehensive Wastewater Management Plan is a living document and can be altered and changed.

Mr. Fuller asked if town meeting approval would be needed for the final Comprehensive Wastewater Management Plan and Mr. Kelly replied, although it may not be necessary, that the Board could refer the final Comprehensive Wastewater Management Plan to Town Meeting after gaining the Department of Environmental Protection approval.

Mrs. Fulcher stated that she did not feel the Board needed to take a vote on being the final say on the Comprehensive Wastewater Management Plan. She also said she felt it would be best if when the Board receives the final report from the Wastewater Management Validation and Design Committee, the Board would then sunset both the Comprehensive Wastewater Management Plan and the Wastewater Management

Steering Committee and then turn the project over to Town of Orleans staff members. Mrs. Fulcher also stated that she would like to hear from the citizens of Orleans regarding the Comprehensive Wastewater Management Plan.

On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to affirm that the Board of Selectman will be the deciding authority in regard to the final version of the Comprehensive Wastewater Management Plan. The vote was 5-0-0.

Mr. Meservey reviewed the reasons for the possible sewerage of the Orleans Village Center Area. Mr. Meservey stated that economic development would be enhanced by the sewerage of the village center. Sewerage the Village Center would allow for high volume flow businesses such as restaurants, cinemas, theaters and medical offices. Town Sewer in this area would allow for the potential growth and would also help with workforce housing, allowing more housing to be developed.

Mr. Meservey spoke to address any questions the Board might have in regard to Water Quality Testing. He explained that comprehensive testing of local estuaries began in 2001 with 48 testing stations in place. When comprehensive testing was completed, a simpler process was put into place for monitoring and the number of testing stations was reduced to fifteen. The current 15 sentinel stations located throughout Orleans are set up to be monitored and tested for the best results and the results are processed by SMAST. Mr. Meservey stated that the data sets are not generated for about 8 or 9 months after the samples are taken. Mr. Meservey further stated that he is only aware of 9 years of water quality data, not 22 years as has been mentioned previously.

Mr. Fuller asked Mr. Meservey if he was aware of the Paw Wah Pond sentinel station being in the wrong location, and Mr. Meservey replied that the Paw Wah Pond station was in the wrong location for all of 2007.

Mr. Carron asked why the Town continued to use SMAST for water quality testing, following all of the issues with the Massachusetts Estuaries Project reports. Mr. Meservey stated that SMAST is the only public testing facility available and using a private facility would incur additional costs for the Town.

Mr. Meservey also spoke to the Board regarding the John P. Hinckley Jr. Affordable Housing Project. He explained that the contract for the property had been awarded to McShane Construction and asked the Board to endorse a letter to the Director of the Local Initiative Program for the Massachusetts Department of Community Housing and Development in support of McShane Construction's application for inclusion in the State's Affordable Housing Inventory.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to sign the letter to the Director of the Local Initiative Program of the Department of Housing and Community Development, in support of the Local Initiative Program application filed by McShane Construction regarding the John P. Hinckley Jr.

Affordable Housing Project, to authorize the Chairman sign the Local Initiative Program application and waive the property appraisal requirements attached to the Project. The vote was 5-0-0.

Mr. Meservey also asked the Board to consider waiving the building permit fees for the John P. Hinckley Jr. Affordable Housing Project.

Mr. McGrath moved the Board to waive the building permit fees associated with the John P. Hinckley Affordable Housing Project. Mrs. Fulcher seconded the motion. After a brief discussion the motion and second were withdrawn pending further financial impact information.

Town Administrator John Kelly provided the Board with information on the Inter-Municipal Agreement with the Towns of Brewster and Eastham regarding the future use of the Tri-Town Sewer Treatment facility site. Mr. Kelly presented the Board with a letter addressed to the Boards of Selectmen in Brewster and Eastham and a proposed amendment to the current Inter-Municipal Agreement drafted by Orleans Town Counsel Michael Ford.

On a motion by Mr. Carron and seconded by Mr. McGrath, the Board voted to accept and sign the letter drafted July 2009, accept the Inter-Municipal Agreement amendment dated July 2009, to send the letter to the Brewster and Eastham Boards of Selectmen, and to determine that the Orleans Board of Selectmen's preferred option for development and future use of the Tri-Town Sewage Treatment Facility site, would be to demolish the existing facility in it's entirety and construct a new facility at that location.

The vote was 5-0-0.

Committee Interviews and Appointments: (01:47:30)

The Board met with and interviewed Jack Moran for consideration in being placed on the Marine and Fresh Water Quality Task Force.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to appoint Jack Moran to the Marine and Fresh Water Quality Task Force with a term ending date of June 30, 2010. The vote was 5-0-0.

The Board met with and interviewed Mr. William Pomeroy for consideration in being placed on the Fourth of July Committee.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to appoint William Pomeroy to the Fourth of July Committee with a term ending date of June 30, 2012 the Town Administrator and the Chairman of the Board of Selectmen will determine whether this is an associate position or that of a regular member. The vote was 5-0-0.

Discuss Renewable Energy Projects-Review next steps: (01:54:15)

The Board met with Allen Kolchinsky, Chairman of the Renewable Energy and Wind Committee. Mr. Kolchinsky asked the Board to consider forming a permanent committee in the Town, and that the current committee would continue to serve through September 20, 2009. Mr. Kolchinsky also spoke to the Board regarding an addendum to the Committee's final report. Mr. Kolchinsky also spoke to the Board about the possibility of the Town joining the Cape and Vineyard Electric Cooperative.

Mr. Kolchinsky asked the Board to consider referring the proposed Wind Turbine Project to the Board of Water and Sewer Commissioners for their consideration and possible inclusion on the Orleans Capital Improvement Plan.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to endorse the general concept for the recommended project for construction of a municipally owned wind turbine in the Pleasant Bay Watershed, to refer the project to the Board of Water and Sewer Commissioners, for their review. The Board of Selectmen also asks that the Board of Water and Sewer Commissioners advise the Board of Selectmen of any support they might need in regards this project. The vote was 5-0-0.

Mr. Kolchinsky provided the Board with information on the Cape and Vineyard Electric Cooperative.

Ms. Maggie Downey of the Cape and Vineyard Electric Cooperative spoke to the Board about the benefits of membership in the cooperative.

Mr. McGrath stated that for a \$25 per year membership, that the Town would receive a multitude of benefits.

Mrs. Fulcher stated that she felt comfortable with the answers she had received from Ms. Downey, as well as the recommendations from a number of Orleans citizens and committee members, and would support Orleans membership in the Cape and Vineyard Electric Cooperative.

Mr. Carron stated that he was not able to support this action due to the fact that the letter from Town Counsel had raised issues with liability and finances.

Mr. Dunford stated that he was also uncomfortable with the action for financial exposure reasons and past experiences with the Cape Cod Regional Transit Authority.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to move forward in the process for joining the Cape and Vineyard Electric Cooperative. The vote was 3-2-0. Mr. Dunford and Mr. Carron voted nay.

Town Administrator's Report: (02:52:50)

Town Administrator John Kelly presented the Board with a request from the Orleans Chamber of Commerce. The Chamber is asking the Board's permission for merchants to hold sidewalk sales.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to grant permission for the businesses in the Main Street area to hold sidewalk sales in front or adjacent to their stores on Friday and Saturday August 7th and 8th 2009 from 10:00 am to 6:00 pm, regardless of whether or not they are members of the Chamber of Commerce. The vote was 5-0-0.

Mr. Kelly informed the Board of some issues that have arisen in regards to illegal off-site parking in the area of Skaket Beach.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to authorize the Orleans Police Chief to post notice that the former Gavigan cottage parking area is designated as a "no parking area" (except for employees) and to post the front beach parking lot as resident permit parking only. The vote was 5-0-0.

Mr. Kelly provided the Board with an update from the Board of Health in reference to the Public Hearing scheduled regarding the application for the modification to the Daniels Recycling Company property site assignment.

Liaison Reports: (03:02:31)

Mr. McGrath reported on a recent meeting of the Wastewater Management Steering Committee.

Mr. Carron updated the Board on a recent meeting of the Board of Water and Sewer Commissioners and a meeting of the Finance Committee. Mr. Carron also reported on the time he spent at the transfer station on Saturday.

Any Other Business: (03:18:37)

Mr. McGrath asked if the Town Administrator could provide some information on the agreement between the Town of Chatham and the Town of Orleans pertaining to the management of Nauset Beach and the pursuit of a section 10 conservation permit.

Mr. Fuller spoke to the Board regarding a correspondence from Cynthia Liebman of the Conservation Law Foundation requesting to meet with one Selectman on August 19, 2009. Mr. Fuller stated that he would prefer that the meeting with the Conservation Law Foundation be in a public forum with the full complement of Board members present. Mr. Fuller further stated that a meeting on the 19th of August would not be possible as Mr. McGrath will not be present for that meeting. Mr. Fuller informed the Board that, with their consent, he would ask the Town Administrator to reply to Ms. Liebman, that

the full Board of Selectmen would be willing to meet with her on September 2, 2009 as part of the regular Board of Selectmen's meeting. Mrs. Fulcher asked a question regarding an upcoming Board of Selectmen's meeting agenda.

Executive Session: (03:23:23)

On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted by way of roll call, to enter into executive session for the purpose of discussing strategy with respect to collective bargaining, returning to open session solely for the purpose of adjournment. The vote was 4-0-1, with Mr. McGrath, Mr. Dunford, Mr. Fuller and Mr. Carron all voting aye. Mrs. Fulcher abstained from the vote and recused herself from the meeting.

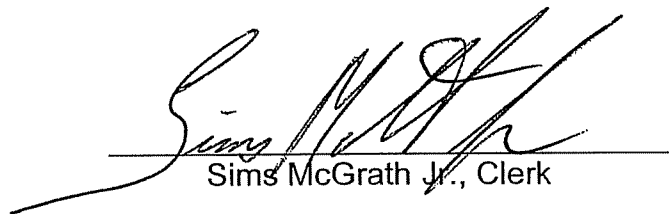
Prior to commencement of the Executive Session Assistant Town Administrator Myra Suchenicz joined the meeting.

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

Adjourn:

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

