

BOARD OF SELECTMEN  
MEETING MINUTES

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TOWN OF ORLEANS  
TOWN CLERKS OFFICE  
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August 26, 2009

Approved on September 9, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, August 26, 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.

Public Comment: (00:00:13)

*Doris Toohill*, a resident of Nickerson Road, spoke to the Board regarding the Wastewater Management Validation and Design Committee. (00:00:15)

*Helen Berger*, a resident of South Orleans, spoke to the Board regarding the possibility of dredging in the Town of Orleans. (00:04:50)

*Judith Scanlon*, a member of the Wastewater Management Validation and Design Committee, presented the Board with the submission of a minority report from the Committee. (00:07:10)

*Curt Collyer*, a resident of Orleans, spoke to the Board regarding the importance of preserving the water quality in Pleasant Bay. (00:16:38)

*Paul O'Connor*, a resident of Orleans, spoke to the Board regarding the Wastewater Management Validation and Design Committee. (00:19:20)

*Vicki Reis*, a resident of Orleans, spoke to the Board regarding the wastewater planning for the Town of Orleans. (00:27:45)

*Shelly Hipler-Conway*, of the Captain Linnel House, spoke to the Board regarding the Skaket Beach parking area. (00:34:15)

*Gary Clinton*, a resident of Nickerson Road, spoke to the Board regarding the Citizen's Petition for a public hearing on the Comprehensive Wastewater Management Plan. (00:35:09)

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board regarding the benefits of decentralized sewer systems. (00:42:49)

Meet with BOW&S Commission Chairman and Water Superintendent: (00:49:07)

The Board met with the Chairman of the Board of Water and Sewer Commissioners, Ken McKusick. Mr. McKusick spoke to the Board to ask them to act favorably on the recommendation of the provision of water to the Town of Eastham. Mr. McKusick presented the Board with a letter of interest from the Town of Eastham regarding this proposal. The Board of Water and Sewer Commissioners has voted unanimously in favor of the proposal. Chairman McKusick outlined the options and possible outcomes from the proposal.

Town of Orleans Water Department Superintendent Lou Briganti, presented the Board with a draft letter of response to the Town of Eastham. Mr. Briganti also recommended that the Board sign the letter.

**On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to authorize the Chairman to sign and send the letter dated August 26, 2009 to the Town of Eastham as amended. The vote was 5-0-0.**

Public Comment Continued: (01:05:02)

*Bob Brimmer*, a certified financial planner, spoke to the Board regarding Anti-Fraud Public Informational Meetings. Mr. Brimmer has volunteered to host a number of anti-fraud informational sessions within the Town of Orleans. Mr. Brimmer outlined his proposed ideas for seminars in the Town of Orleans. By consensus the Board supported Mr. Brimmer's offer.

Meet with Fire Chief – Monthly Report: (01:13:02)

The Board met with Orleans Fire Chief William Quinn. Chief Quinn presented the Board with his report for the month of July.

Meet with Police Chief – Monthly Report: (01:15:48)

The Board met with Orleans Police Chief Jeff Roy. Chief Roy presented the Board with his report for the month of July. Chief Roy suggested to the Board that they might ask the planning department to step in and make some suggestions on speed limits for the Town due to the fact that the Police Department has received an over abundance of complaints of speeding.

Chief Roy relayed the Traffic Study Committee recommendations to the Board. Chief Roy reported to the Board that posting no parking signs in the Skaket Beach area temporarily for the height of the season seems to be effective.

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to support the Chief in posting the Skaket Beach Road area as a temporary "No Parking Area" on an as needed basis. The vote was 5-0-0.**

Chief Roy updated the Board on the Kettle Pond Road research completed by the traffic Study Committee, and their conclusion that Kettle Pond Road should remain a two-way street.

Wastewater Planning Issues-Discussion of Next Steps: (01:30:45)

a. WMV&DC Final Report and need for follow up meeting

Mr. Dunford stated that it would be a courtesy for the Board to grant the follow-up meeting for the Wastewater Management Validation and Design Committee.

Mr. Carron concurred with Mr. Dunford.

Vice-Chairman of the Wastewater Management Validation and Design Committee, Ed Daly, stated that the follow-up meeting would be to answer any questions the Board may have with respect to the submission of final report by the committee.

b. WMV&DC Request to expand their current charge to review other three MEP Final Reports

Mr. Dunford stated that he was curious as to the content of the three final reports and the pending Town Cove report. He stated that extending the committee's charge to include those reports might benefit the Town in the wastewater planning.

Mr. Carron stated that the original charge of the committee was well done and the politics seem to be getting in the way. Mr. Carron also stated that he felt that the Board should be cautious about placing too much burden on Town staff.

Mrs. Fulcher stated that she disagrees with Mr. Carron and Mr. Dunford. She believes that the committee has gotten too political and is too far divided to continue at this point. Mrs. Fulcher supported the idea of turning the project over to Town staff.

Mr. McGrath stated that the Board needs to have their questions answered and that the Board needs to step up and take responsibility for what has occurred. Mr. McGrath also stated that he agreed with Mrs. Fulcher and stated that a cooling off period is needed.

Mr. Fuller stated that he has no objection to the Wastewater Management Validation and Design Committee reviewing the other reports but not to extend the charge to negotiating the TMDL recalculation or reviewing the Comprehensive Wastewater Management Plan.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to allow the Wastewater Management Validation and Design Committee to review the three outstanding reports for Namskaket Marsh, Little Namskaket Marsh and Rock Harbor only. All correspondence will pass through the Town Administrator's Office. The vote was 3-2-0. Mrs. Fulcher and Mr. McGrath voted nay.**

c. Fin Com Wastewater Subcommittee Recommendations

Mark Fiegel, a member of the Finance Committee, spoke to the Board to make recommendations from the Finance Committee's Wastewater Management Sub-

Committee. Mr. Fiegel stated that the sub-committee recommends that a group of qualified scientists and engineers review the Massachusetts Estuaries Project reports on Town Cove and Rock Harbor when those reports become available. Second, the sub-committee recommends that a group of qualified technical advisors review and facilitate the implementation of the Comprehensive Wastewater Management Plan.

**On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to reduce the number of members on the Wastewater Management Validation and Design Committee from seven to five and remove the Town Planner as an ex-officio member and not have the Wastewater Management Validation and Design Committee review the Comprehensive Wastewater Management Plan.**

After a brief discussion Mrs. Fulcher stated that she would withdraw her motion pending the written information. She also stated that she agreed with Mr. McGrath's assessment that the number of members on the committee should stay at seven.

Mr. Dunford asked to see the revisions to the committee charge in writing to eliminate confusion.

Mr. McGrath stated that it was difficult for him to agree with changing the number of members on the committee.

Mr. Kelly stated that the MEPA review still has to take place, and having the Project Manager start that process while the Wastewater Management Validation and Design Committee simultaneously reviews the outstanding Mass Estuaries Project reports would be helpful.

Mrs. Fulcher stated that she felt that Mr. Collins would be objective, as a project manager, and that he should not be placed in any difficult positions.

Mr. Carron stated that he feels it is important for the Board to look at taking over the responsibility of filing the Comprehensive Wastewater Management Plan.

- d. Consider dissolving the WMSC and WMV&DC and establishing a new Wastewater Project Committee to move forward with finalizing the CWMP and preliminary system design.

After a brief discussion the Board decided to postpone the discussion on dissolving the Wastewater Management Validation and Design Committee and the Wastewater Management Steering Committee pending the presentation of the Validation Committee's final report.

Mr. Dunford asked if the Board would be taking up the matter of the citizen's petition for a public hearing on the Comprehensive Wastewater Management Plan. Mr. Fuller and

Mrs. Fulcher asked that they be given an opportunity to review the petition prior to discussing the issue.

Discuss FY10 Board of Selectmen Goals and Objectives: (02:14:07)

The Board reviewed the revised draft of the fiscal year 2010 Board of Selectmen's Goals and Objectives.

Town Administrator's Report: (02:30:38)

Mr. Kelly presented the Board with his recommendation that the Board send a letter to the President of Agway that the Town would not at this time consider a conveyance of property for the former road layout.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to send a letter to Mr. Wile of Agway. The vote was 5-0-0.**

Liaison Reports: (02:34:56)

Mr. Dunford presented the Board with information from a recent Architectural Review Committee meeting.

Mrs. Fulcher presented the Board with information from a recent meeting of the Orleans Elementary School Committee.

Mr. Carron presented the Board with updates from a recent Board of Health meeting, the Finance Committee, and a meeting of the Cable Television Advisory Committee.

Mr. Fuller reported on meeting of the Lighthouse Charter School Committee,

Any other business: (02:42:52)

Mrs. Fulcher asked about the status of clean up in the area behind the Highway Department. Mr. Kelly stated that he would have an update for the Board next week.

Mr. Carron asked about the monthly financial update.

Mr. McGrath asked that the Board send a letter of congratulations to Deputy Chief MacDonald for his selection to the FBI academy.

Mr. Fuller asked if Mr. Kelly could locate the FEMA flood insurance map that needs to be posted and reviewed by the end of the month.

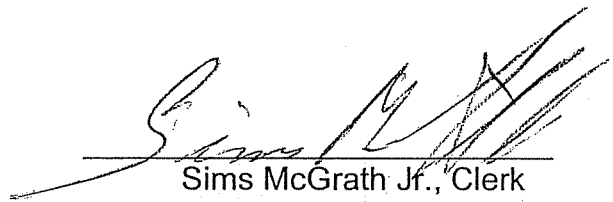
Mr. Dunford announced that the Conservation Law Foundation has cancelled for next week's Board of Selectmen's meeting, and will need to be rescheduled.

Adjourn: (02:49:42)

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

Respectfully submitted,

Kristen Holbrook



Sims McGrath Jr., Clerk