

BOARD OF SELECTMEN
MEETING MINUTES

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September 9, 2009

Approved on September 29, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, September 9, 2009 in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, Vice-Chairwoman Margie Fulcher, Clerk Sims McGrath Jr., Selectman Mark E. Carron, Selectman David M. Dunford, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

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

Public Comment: (00:00:37)

Jared Collins, a resident of Eastham, spoke to the Board regarding the spraying of herbicides by NStar in Orleans.

Curt Collyer, a resident of Orleans, spoke to the Board regarding the importance of having technically qualified committee members on the Wastewater Management Validation and Design Committee.

Laura Kelley, a resident of North Eastham, spoke to the Board regarding the spraying of herbicide by NStar in the Towns of Orleans, Wellfleet and Eastham.

Kingsley Nelson, a resident of Orleans, spoke to the Board regarding Callanan's Pass and Aspinet Road beach access issues.

Carl Traviston, a resident of East Orleans, spoke to the Board regarding Callanan's Pass and Aspinet Road Beach Access issues.

Bernie Genoio, a resident of Orleans, spoke to the Board regarding the spraying of herbicide by NStar.

Tom Finan, a resident of Orleans, spoke to the Board regarding Callanan's Pass and Aspinet Road, beach access issues.

Kevin Flynn, a resident of Orleans, spoke to the Board regarding Callanan's Pass and Aspinet Road, beach access issues.

Ben Zehnder, representative for some of the owners on Aspinet Road, spoke to the Board regarding the Callanan's Pass and Aspinet Road beach access issues.

Scott Zanke, a resident of Orleans, spoke to the Board, regarding the Callanan's Pass and Aspinet Road beach access issues.

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

Parks Commission Chairman, Mark E. Carron, gave a brief overview of the agenda before the Commission.

Orleans Parks and Beaches Superintendent Paul Fulcher spoke to the Board regarding the issues surrounding the access to Nauset Beach in the area of Callanan's Pass and Aspinet Road. Mr. Fulcher also provided the Board with the vehicle counts performed by patrol staff periodically during the summer on Nauset Spit. Mr. Fulcher recommended that the Board consult with Town Counsel regarding the beach access issues, as he does not believe that there is enough information at this time to make a decision.

Mr. Fuller asked Mr. Fulcher to expand on the idea of creating an entrance to the beach from the parking lot.

On a motion by Mr. Dunford and seconded by Mrs. Fulcher, the Board voted to ask the Town Administrator to meet with the Parks and Beaches Superintendent and Town Counsel to discuss the various options for beach access in and around the North end of the Nauset Beach Parking area, including a cost benefit analysis, and return to the Board with their recommendation by December 1, 2009. The vote was 5-0-0.

Mr. Carron stated that the Board had received a letter from Orleans Fire Chief William Quinn regarding the over growth of vegetation along Callanan's Pass. The Chief has requested that the vegetation be cut back to allow for passage of emergency vehicles. Mr. Kelly replied that the issue would be taken care of.

Mr. Carron also indicated that the Parks Commissioners had received letters and emails from residents Michael Tichner, King Nelson, James and Patricia Tyng, Charles Pizzelle and Barbara Weingren regarding the beach access and traffic issues in the area of Callanan's Pass and Aspinet Road.

Mr. Fulcher spoke to the Board about establishing a protocol for the removal of Mr. Hammatt's camp located in Chatham. Mr. Fulcher explained that the Chatham Conservation Commission has asked that Mr. Hammatt submit a notice of intent with protocol in advance of the removal. Mr. Fulcher outlined the Board's option for the removal of the camp. Mr. Fulcher recommended that the Board have Mr. Hammatt file a notice of intent with the Orleans Conservation Commission and obtain an order of conditions for the removal of the camp.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to require that Mr. Hammatt appear before the Orleans Conservation Commission, with specific plans for removal of the camp and obtain an order of conditions for the removal, that the Board will consider approving between October 15th through

The Board discussed, with Mr. Fulcher, the changes in beach sticker eligibility regulations that occurred in 2009. Mr. Fulcher stated he was not in favor of creating a special property owner category.

Mr. Dunford stated that he was sensitive to the effect that the sudden increase in fees has had on people. He stated that he would like to consider a proposal that would lessen the impact on individuals.

Mr. Kelly replied that there is difficulty because of the individual circumstances surrounding the stickers. Having basic criteria for sticker eligibility is the most equitable way of handling the issue.

Mrs. Fulcher stated that those affected by the changes in regulations are fortunate to have received the stickers in the past, and that the current regulations are more equitable than they had been previous years.

Mr. Fulcher stated that the Town is currently looking for ways to increase revenue, and that creating a category for reduced sticker fees would be counterproductive.

Mr. Fuller concurred with Mrs. Fulcher and the regulations should be left as-is.

Mr. Carron indicated that all of the Board members had received a copy of the letter from Mrs. Lech, a resident of Tar Kiln Road.

On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to support the recommendation of the Parks and Beaches Superintendent and not change the requirements for unbuildable lots. The vote was 4-1-0. Mr. Dunford voted nay.

Mr. Fulcher presented the Board with a survey of current beach sticker pricing for the 14 Cape Cod towns and the National Seashore. Mr. Fulcher recommended that the Board consider instituting a resident beach sticker fee.

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

One-Day Liquor License Applications: (03:11:02)

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to approve the special one-day wine and malt beverage license for Charles Moore Arena, on October 3, 2009 to hold fundraising events between the hours of 12 pm to 5 pm. This license is issued subject to all licenses, permits, bylaws and approvals and in accordance with Massachusetts General Law Chapter 138 § 14. The Town Administrator will speak to the applicant and waive the license fees and reduce the filing fees to \$10 if appropriate. The vote was 5-0-0.

are plenty of safe guards and the plan can be adjusted. Mr. Fuller prefers that the Validation Committee review their reports first, but that may not happen in time.

Mr. Carron stated that he is not sure when the last time the Board was presented with a petition that had over one thousand signatures on it. The public is looking to the Board of Selectmen to start leading, and that although the Annual Town Meeting did vote approval of the draft plan, there is concern that the plan is moving into the final stages and there is concern as to how the plan is getting to its final stage.

Mr. Kelly suggested that the Board might request to use the Nauset Middle School Auditorium for a Saturday or weekday evening meeting. Mr. Carron suggested either the 24th or 31st of October for a possible date. The Board decided to request the use of the Nauset Middle School Auditorium on October 24, 2009 at 10 am, for a presentation on alternatives to sewerage.

Town Administrator's Report: (04:07:26)

Town Administrator John Kelly presented the Board with a letter of resignation from Ron Collins, from the Wastewater Management Validation and Design Committee.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to accept the resignation of Ron Collins from the Wastewater Management Validation and Design Committee with regret and gratitude. The vote was 5-0-0.

Town Administrator John Kelly presented the Board with information on how the Water Quality Data reports are handled in the Town of Orleans. The only data missing is from 2001 and 2002 and has been repeatedly requested from SMAST.

Mr. Kelly reported to the Board on NStar's Right of Way Vegetative Maintenance Program. Mr. Kelly stated that the Town's of Eastham and Wellfleet were able to preclude NStar from spraying until spring, because they looking into alternative treatments.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to direct the Town Administrator to pursue any avenue necessary to forestall the spraying of Herbicide and Pesticide by NStar, to contact State Senator Rob O'Leary and State Representative Sarah Peake for consultation on a postponement similar to Wellfleet and Eastham, and to send a letter to Jeff Luce of NStar indicating the request to postpone the spraying, with copies to Senator O'Leary and Ms. Peake. The vote was 5-0-0.

Adjourn: (04:31:28)

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

Respectfully submitted,