

BOARD OF SELECTMEN  
MEETING MINUTES

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September 16, 2009

Approved on October 7, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, September 16, 2009 in the Nauset Room of the 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: (00:00:16)

*Victoria Reis*, a resident of Orleans, spoke to the Board regarding the Comprehensive Wastewater Management Plan.

*Bernie Genoie*, a resident of Orleans, spoke to the Board regarding the spraying of herbicide by Nstar in the Town of Orleans. Mr. Kelly replied that he has met with NStar, requested a postponement, and NStar will take the request under advisement and reply by Friday.

*Gary Clinton*, a resident of Orleans, spoke to the Board regarding the Comprehensive Wastewater Management Plan and the citizen Committee for Decentralized Wastewater Options in Orleans. Mr. Clinton invited the Board to a committee meeting at the Hot Chocolate Sparrow on Saturday September 19<sup>th</sup> at 9 am.

Approval of Minutes: (00:09:30)

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the September 2, 2009 meeting as amended.** The vote was 5-0-0.

Mrs. Fulcher moved the Board to adopt the minutes of the August 27, 2009 Executive Session. Mr. Carron seconded the motion. Mr. Dunford questioned the use of parenthesis on the bottom of page 2 of the minutes. Mr. McGrath suggested the Board table the minutes until the correction could be made. The Board concurred and Mrs. Fulcher withdrew her motion and Mr. Carron withdrew his second.

Committee Interviews and Appointments: (00:11:54)

The Board met with Orleans resident Carolyn Kennedy for consideration for a vacancy on the Wastewater Management Validation Committee.

7:00 p.m. Joint Public Hearing with Finance Committee on Budget Priorities:  
(00:34:49)

Chairman Fuller announced the commencement of the joint public hearing and read the notice for the public hearing as published in the Cape Codder. Present from the Finance Committee were Finance Committee Chairman Walter Bennett, Committee members Lawrence Hayward, Mark Fiegel, Rick Sigel, Paul Rooker, John Hodgson, Dale Fuller, Ed Barr and Gwen Holden Kelly.

Chairman of the Finance Committee, Walter Bennett, called the Finance Committee to order.

Mr. Fuller called for Public Comment.

*Jeffrey Eagles*, a resident of Orleans, spoke to the joint boards and suggested that the water quality sampling might be done cooperatively with other towns, due to the fact that such a huge expense and will need to be continued for remediation purposes.

*Harry Mirick*, a resident of Orleans, spoke to the Board and presented four suggestions to the joint Boards, volunteers, reducing the hours of Town Operation, raise user fees, encourage volunteer fundraising events. Mr. Mirick also expressed the fact that he does not support any increase in the Real Estate Tax.

Mr. Fuller read an email from Orleans resident Margaret Karker. Ms. Karker's email suggested the town place a hold on hiring for new positions, pay raise freezes for current employees and a citizen contribution fee for ambulance services similar to a program that is currently used in Wake County North Carolina.

Mr. Fuller also read an email from Ad Vos, asking for a survey for taxpayers.

Mr. Fuller also read an email from David and Lee Quincy stating their priorities are public safety, public works, and education. The email further stated that the Quincy's do not support an override, and that instituting user fees, local option taxes and a resident beach sticker fee under twenty dollars would be appropriate.

An email from Linda Sable stated that she did not agree with the local option tax for rental income.

An email from Claire Tazzini stated that non-resident fees and increased taxes on tourism could prove to be useful.

An email from Bobby and Steven Paradise stated that their priorities were public safety, human services and education, and they would like to see increases in user fees, beach parking fees, and local option taxes.

Mr. Fuller called for any additional comments.

Mr. McGrath stated that when the Board had accepted the committee's final report, they had stated that they might be back with a modified recommendation if there was a change in the status of the project.

Mr. Jannell explained the difference between the municipally owned wind turbine and the Cape and Vineyard Electric Cooperative model. The Cape and Vineyard Electric Cooperative model would pay the town for the lease of the property and also for the purchase of excess electricity generated by the turbine.

Mr. Kelly explained to the Board that the new proposal was not the same project that the Board had previously approved and he wanted to make the Board aware of the change in recommendation from the Renewable Energy and Wind Committee. Also Mr. Kelly informed the Board that there are some issues regarding the letter of intent for the project and the bulk purchase of the electricity. Mr. Kelly presented the Board with an opinion from Town Counsel Mike Ford, indicating that the letter of intent would be considered an Inter-Municipal Agreement under Orleans' Town Charter because the agreement exceeds the time and financial limits defined by the charter. Mr. Kelly recommended that the Board give him direction as to what they wanted to do in terms of the modified project. Mr. Kelly also informed the Board that there are some issues that have come forward with the Cape and Vineyard Electric Cooperative project. Mr. Kelly stated that he is concerned that the Town may be unnecessarily incurring costs, if the Board is not satisfied with the modified project.

Mr. Carron stated that the Board of Water and Sewer Commissioners has discussed the project and there are still outstanding questions. The Board of Water and Sewer Commissioners sees benefits for both proposals. The Board of Water and Sewer Commissioners has put together a list of key issues that need to be addressed before this project can move forward. Mr. Carron stated that, personally, the Cape and Vineyard Electric Cooperative looks like the MTC project only 18 months later, and that there are way too many questions that can bog down the whole project. Mr. Carron thinks that the Town should move forward with the town owned project. Mr. Jannell stated that moving forward with the Town project, should not affect the Town's membership on the Cape and Vineyard Electric Cooperative.

Mr. Kelly asked the Board if this modified project is acceptable or if the Board of Water and Sewer Commissioners should continue work on the municipally owned turbine.

Mr. Dunford stated that his opinion is that the Town should continue with the municipally owned project and not get bogged down in the Cape and Vineyard Electric Cooperative and the questions that would arise in pursuing that avenue.

Mr. McGrath stated that the municipal project is only attractive if the Town receives the 600,000-dollar grant it is pursuing. The Board should consider what may happen if the grant is not approved. The turbine will be operating for 5 years before generating a

Woods Hole Oceanographic Institute have been testing a new concept that involves alternative wastewater management called the Nitrex Barrier. This alternative is not suited for all locations but in the areas where it can be used it is an excellent alternative. The concept has merit, but it is not funded or recognized by the Department of Environmental Protection. The Department of Environmental Protection is in the process of gaining approval to proceed with testing of the Nitrex Barrier. The Department of Environmental Protection has granted the test process, in Falmouth it has been used for three years, but the Department of Environmental Protection wants to start with a fresh site. Woods Hole is willing to travel to Orleans and a proposal is in the works, for the Town. The issues with the process, however lies in conservation issues because the process of installing the barrier involves digging up the sand and beach grass and placing woodchips around the water.

Mr. McGrath explained that these type of barriers can go as much as five feet deep, in Falmouth the site is three feet deep, and captures about 90 % of the ground water flow that runs into the estuary. They would like to test an area where there is a known nitrogen problem, and a large enough project that it will have an effect on the water quality. At this time it is unknown whether Orleans has a body of water that fits the criteria.

Mr. Lombardo has offered to put together a proposal for testing the alternative treatment in the Town of Orleans. There are a number of issues, such as the Conservation Commission and the Department of Environmental Protection.

Mr. Carron stated that the proposal is for Mr. Lombardo and his group to come into the town and look for a suitable site at an approximate cost of 1-2 million dollars. Mr. Carron stated that he would have no problem taking that alternative to the voters at Town Meeting and this solution would keep the town moving forward as well as

Mr. Fuller stated that he encouraged the Board to visit Massachusetts Military Reservation where they are exploring other alternatives as well.

Mr. Kelly informed the Board that Mr. Heufelder would be available to meet with the Board any evening of their choosing.

**On a motion by Mrs. Fulcher and seconded by Mr. Dunford, the Board voted to direct Wastewater Management Project Manager Ron Collins and the Town Administrator to work with Ken Foreman, Mr. Lombardo and the Wood Hole Marine Biology Lab and return to the Board with a proposal for Nitrex Barrier alternative wastewater remediation testing in the Town of Orleans. The vote was 5-0-0.**

Town Administrator John Kelly informed the Board that he has had communication with the Wastewater Management Steering Committee chairwoman to have Mr. Lombardo meet with them to provide an overview of the cluster systems and other solutions available for wastewater management. The Wastewater Management Steering