

BOARD OF SELECTMEN
MEETING MINUTES

October 14, 2009

Approved on December 2, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, October 14, 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, 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)

Elizabeth DeLima, a resident of East Orleans, spoke to the Board to invite them to the "Home Energy Efficiency Forum" hosted by the Orleans Citizen Forum on October 20, 2009 from 6 until 8 pm at Snow Library.

Curt Collyer, a resident of Orleans, spoke to the Board regarding alternative wastewater treatment systems.

Paul Amman, a resident of Orleans, read a letter to the Board regarding the peer review of the MEP report. Mr. Amman also provided the Board with a letter of resignation from the Wastewater Management Validation Committee.

Greg Horne, a resident of Orleans, spoke to the Board regarding the Wastewater Management Validation Committee. Dr. Horne also provided the Board with a letter of resignation from the Wastewater Management Validation Committee.

Jeffrey Eagles, a resident of Orleans, spoke to the Board regarding the Wastewater Management Validation Committee. Mr. Eagles also provided the Board with a letter of resignation from the Wastewater Management Validation Committee.

Ed Daly, a resident of Orleans, spoke to the Board regarding the Wastewater Management Validation Committee. Mr. Daley also provided the Board with a letter of resignation from the Wastewater Management Validation Committee.

Len Short, a resident of Orleans, spoke to the Board regarding the Orleans Pond Coalition Forum on wastewater options at 7 pm on October 22, 2009 at the Episcopal Church Parrish Hall.

Jason Weaver, a member of the Christmas in Orleans Steering Committee, spoke to the Board regarding the Holiday Season planning.

Mr. Dunford spoke to address the resignations of the four members of the Wastewater Management Validation Committee.

Approval of Minutes: (00:43:00)

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the July 20, 2009 meeting as written. The vote was 4-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the July 20, 2009 Executive Session meeting as written. The vote was 4-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the October 7, 2009 meeting as amended. The vote was 4-0-0.

Meet with Town Planner George Meservey: (00:45:10)

The Board met with Orleans Town Planner George Meservey regarding the status of the Route 6A John P. Hinckley Jr., Affordable Housing Project. Mr. Meservey explained that the project is having difficulties due to the current economic climate and recent changes in bank lending policies. McShane Construction, contractor for the project, has suggested converting the project to single family subdivision dwellings as opposed to the current condominium plan.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted authorize the Town Administrator to sign the land disposition agreement and authorize the Town Administrator to release the payments to McShane Construction Company in accordance with the schedule for the project. The vote was 4-0-0.

Meet with Highway Manager Mark Budnick: (01:01:53)

The Board met with Orleans Highway Manager Mark Budnick. Mr. Budnick provided the Board with an update on the status of the Road and Drainage Maintenance Project.

Board of Selectmen Draft Final Budget Policy for FY11: (01:19:20)

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the Board of Selectmen Budget Policy for FY2011 as presented in the draft dated October 14, 2009. The vote was 4-0-0.

Orleans Comprehensive Plan Implementation Status: (01:21:17)

Town Administrator John Kelly presented the Board with the status of the Orleans Comprehensive Plan Implementation.

On a motion by Mr. Dunford, and seconded by Mr. McGrath the Board voted to amend the Orleans Comprehensive Plan item T-27 status to read “determined to be inappropriate at this time.” The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to update the status of the Orleans Comprehensive Plan item CF-28 to note “the completion of the Pleasant Bay Review report, Project Manager hired” and to amend the projected completion date to 2010. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to amend the status of the Orleans Comprehensive Plan item AH-5 to reflect the name change from “Joint Committee” to “the Affordable Housing Committee”. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to amend the Orleans Comprehensive Plan item CF-11 to include “study completed by FY10”, and to include “the Harbormaster/Shellfish Department” under the action heading. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to amend the status of Orleans Comprehensive Plan item AH-1 to include “authorized the land disposition agreement that would create 4 unit subdivision for October 2009” and update the completion percentage if necessary. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to amend the Orleans Comprehensive Plan item T-25 status to read “Route 28 & Finlay Road intersection project completed. Relocation of Lots Hollow Road completed. Part of Village Center master plan completed, and new off-street parking adjacent to bike shop completed.” and to update percent complete to 75%. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to amend Orleans Comprehensive Plan item T-8 status to “Route 28 & Finlay road completed, Route 6A/Canal/28 conceptual designs presented, West Road completed, Main and Tonset Completed” and update the percent complete to 75%. The vote was 4-0-0.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to amend the Orleans Comprehensive Plan item CF-27 status to “CWMP approved at 2008 ATM, MEPA review underway, coordination with other towns and indicate meetings with the Brewster and Eastham Boards held in February and September 09, the Economies of Scale Study completed through Barnstable County Water Protection Collaborative funding in 11/09”, and reduce the completion percent to 60%. The vote was 4-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to amend Orleans Comprehensive Plan item T-2 status to “South Orleans Bike Path study to completed in Fall of 2009”. The vote was 4-0-0.

Discuss upcoming primary and general election: (01:49:45)

Town Administrator John Kelly presented the Board with information regarding the costs associated with the December 8th primary and January 19th elections. Mr. Kelly suggested that the Board discuss the possibility of making a permanent change in polling facility location for the Town. He also asked the Board to consider the alternatives if not now, some time in the future. The costs for the move would be \$1346.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to permanently change the polling place in the Town of Orleans to the Council On Aging building and approve the notification mailings to be sent to each voting household. The vote was 4-0-0.

Wastewater Planning Issues - Updates as necessary: (02:00:35)

Town Administrator John Kelly presented the Board with additional information regarding the petition requesting an informational meeting on decentralized wastewater options. Mr. Kelly recommended that the Board postpone the proposed meeting until such time as the Board has more information regarding the alternatives being investigated.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to postpone the meeting on decentralized wastewater option scheduled for October 24, 2009 to an as yet undetermined date. The reasons for this motion are as follows:

- 1. Reschedule the public forum to a time when the Board has more of the detail that is going to be required to provide in order to fully evaluate some of the Decentralized Wastewater options that are being looked at.**
- 2. To allow Town Administrator John Kelly to work with his staff and Project Manager Ron Collins to come back to the Board of Selectmen with recommendations on how the Town may want to approach the CWMP and Decentralized Alternative Options and to move the process forward.**
- 3. The Board of Selectmen to delay the implementation schedule in the CWMP for a year in the CIP so that voters will know that the Town is not planning on an article to design Phase 1 for the next annual town meeting.**

The vote was 4-0-0.

Mr. Kelly presented the Board with information on the proposed decentralized Nitrex systems. Mr. Kelly informed the Board that the proposed cost is \$132,500 and stated that it would be difficult to obtain an RFP without the feasibility study that would normally take place. Mr. Kelly suggested that the Board submit the proposal in hand that outlines the proposal set forth in a document dated 9/29/09 from Mr. Pio Lombardo. The RFP

would need to have the town hire a designer that leads to construction in order to be exempt from Chapter 30b. It is unclear how the specifications for a proprietary system would be worded.

Pledge of License: (02:21:00)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the request of Andrew Murphy, owner of Hurricane Hugo, Inc., d/b/a the Lost Dog Pub, located at 63 Route 6A, Orleans, to pledge the current All Alcoholic Beverage Common Victualler Liquor License to U.S. Small Business Administration (SBA) c/o Cape and Island Community Development, Inc., subject to approval by the Alcoholic Beverage Control Commission. The vote was 3-0-1. Mrs. Fulcher abstained from the vote.

Town Administrator's Report: (02:22:45)

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to adopt the Board of Selectmen Policy A-5 as presented. The vote was 4-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to approve the use of the Wetlands Protection Fund in the amount of \$101.98 to reimburse Leslie Derrick for costs associated with updating her notary seal and stamp. The vote was 4-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to approve the hiring of temporary clerical assistance in the Health Department for up to 16 hours per week for the balance of FY10. The vote was 4-0-0.

Mr. Kelly provided the Board with an update on the CATV/Telecommunications Advisory Committee. The Committee has completed its charge and asked to be disbanded.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to disband the CATV and Telecommunications Advisory Committee and express the thanks and gratitude of the Board of Selectmen for the Committee's service to the Town of Orleans. The vote was 4-0-0.

Mr. Kelly also provided the Board with a memo from Health Agent Bob Canning regarding Mutual Aid to be executed in the event of emergencies.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to execute the Mutual Aid Agreement among Public Health Agencies in Emergency Preparedness Region 5b. The vote was 4-0-0.

Mr. Kelly provided the Board with information on the Daniel's Recycling Facility site modification. The Town has been contacted by the State who believes that the modification of the site requires a modification of the original DRI exemption. Mr. Kelly asked what the Board would like to do in terms of this item.

On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to take no position on the matter. The vote was 4-0-0.

Mr. Kelly presented the Board with a letter from the Christmas in Orleans Committee.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to close Main Street from Brewster Cross Road to Route 6A in order to host a Holiday Block Party on Friday, November 27, 2009 from 4 pm to 8 pm. The vote was 4-0-0.

Mr. Kelly provided the Board with the monthly update for local receipts from Mr. Withrow and a copy of the debt schedule that the Board had previously requested.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to cancel the Board of Selectmen's meeting of October 21, 2009. The vote was 4-0-0.

Liaison Reports: (02:48:43)

Mr. McGrath presented the Board with information on a meeting at Waquoit Bay Research Reserve on October 28th regarding the regulations of wastewater management facilities.

Mr. Fuller reported on a recent meeting of the Planning Board.

Any other business: (02:56:58)

Mr. Dunford reported to the Board that he had attended a Cape Cod Selectmen's Association meeting where it was mentioned that a reorganization of the Wastewater Collaborative has been proposed and Mr. Dunford would like to see what the proposal entails.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to accept the resignations of Paul Amman, Greg Horne, Jeff Eagles, and Ed Daly from the Wastewater Management Validation Committee with regret and gratitude. The vote was 3-1-0. Mr. Dunford voted nay.

Adjourn: (03:02:00)

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

