

BOARD OF SELECTMEN
MEETING MINUTES

November 4, 2009

Approved on December 9, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, November 4, 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 Mark E. Carron, Town Administrator John Kelly, Assistant Town Administrator Myra Suchenicz and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 5:40 pm.

On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted, by way of roll call, to enter into executive session for the purpose of conducting a collective bargaining session. The vote was 4-0-0, with Mr. Carron, Mrs. Fulcher, Mr. McGrath and Mr. Fuller all voting aye.

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

The Board returned to open session at 6:30 pm.

Public Comment: (00:00:12)

Mary Jane Curran, a trustee of the Orleans Pond Coalition, spoke to the Board to invite the Board members to the Orleans Pond Coalition's annual meeting at the Orleans Yacht Club. The meeting will take place on November 7, 2009 from 10:00 am until noon.

Approval of minutes: (00:01:46)

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to table the minutes of the October 14, 2009 meeting to address the language of a motion. The vote was 4-0-0.

Meet with Bikeways Committee: (00:02:00)

The Board met with the Orleans Bike and Walkways Committee member Anne Carron. Mrs. Carron presented the Board with the findings of the South Orleans to Orleans Village Center Trail study.

Mrs. Carron asked the Board for their support in proceeding with the Route 28 plan option for implementation, with the drafting and signing of a letter to MassHighway and a letter seeking funding from the Transportation Improvement Program.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to ask the Bike and Walkways Committee to return to them with a draft letter to MassHighway, for the Board's signature in pursuit of the project. The vote was 4-0-0.

Wastewater Planning Updates - Meet with George Meservey and Ron Collins:
(00:23:00)

The Board met with Wastewater Management Project Manager Ron Collins and Town Planner George Meservey for an update on Wastewater Planning. Mr. Collins presented the Board with the results of his investigation into the cluster system options in the Town of Orleans.

Mr. Kelly spoke to the Board regarding the difficulty of sole source procurement. The Attorney General recommended that the Town put together the Request For Proposals and then continue with the bidding process as usual.

The Board met with Orleans Director of Planning and Community Development, George Meservey. Mr. Meservey updated the Board regarding the MEPA review process and the general timelines for requirements under the review process.

Mrs. Fulcher asked if there was any consideration given to a greater utilization of the Water Quality Task Force.

Mr. McGrath stated that having accurate data has been an issue in the past as it is sure to come up again in the future.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board to voted approve the use of \$60,000 to move forward with the completion of MEPA process for addressing the secretary's comments, amending the cluster system details, and for a Green House Gas Analysis. The vote was 3-1-0 with Mr. Carron voting nay.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to approve the use of \$15,000 for the review of the Massachusetts Estuaries Project Bayside Reports. After a brief discussion, Mrs. Fulcher withdrew her motion and Mr. McGrath withdrew his second, pending further information.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to approve the use of \$20,000 for funding the wastewater management project manager position through 2011. The vote was 4-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to approve the use of \$15,000 for the purpose of funding the Namskaket Marsh Monitoring Report. After a brief discussion regarding possible alternative funding opportunities, Mrs. Fulcher withdrew her motion and Mr. McGrath withdrew his second.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to approve the use of \$45,000 for the purpose of funding a review of the outside Comprehensive Wastewater Management Plan options. After a brief discussion Mrs. Fulcher withdrew her motion and Mr. McGrath withdrew his second.

On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to approve the use of \$9,000 for the purpose of funding the 2010 Summer Season Water Quality monitoring. The vote was 4-0-0.

On a motion by Mr. Fuller, the Board voted to reconsider their previous decision of October 28, 2009 to hire the Woods Hole Group to review the responses from Massachusetts Department of Environmental Protection on the Massachusetts Estuaries Project reports for Pleasant Bay. There was no second and the motion failed.

Mr. McGrath encouraged the Town Administrator to ask Woods Hole Group if there is enough information in the responses from the Department of Environmental Protection for Woods Hole Group to comment on them, and would the commentary be beneficial to the Town.

Mr. Meservy updated the Board on the site plan review meeting that was held with Stop and Shop regarding their proposal to install a gas station in the parking lot.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to support the Site Plan Review Committee in regards to referring the gas station proposal by Stop and Shop to the Cape Cod Commission for review as a discretionary Development of Regional Impact. The vote was 4-0-0.

Discuss enforcement of the Lighting General Bylaw: (02:17:53)

Mr. Meservy reported to the Board regarding the effective date for the Town's general Lighting Bylaw. Mr. Meservy stated that the Town could address the issues as complaints come in or ask the Building Inspector to take an inventory of noncompliance.

On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to request that the Town Administrator meet with the Building Inspector to compose a plan to best address enforcement of the General Lighting Bylaw. The vote was 4-0-0.

Academy of Performing Arts: (02:26:19)

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to approve the Special One-Day Wine and Malt Beverage Liquor License for the Academy of Performing Arts, on November 20, 2009 to hold a reception for fundraising performance and waive the license fee and reduce the filing fee to \$10.00. This license is issued subject to all licenses, bylaws, permits and approvals and in accordance with the M.G.L Chapter 138 § 14. The vote was 4-0-0.

Town Administrator's Report: (02:26:38)

Town Administrator John Kelly presented the Board with a request for a banner from the Orleans Elementary School.

Mr. Kelly also presented the Board with information on the Open Meeting Laws including an opinion from Town Counsel. Mr. Kelly asked the Board for permission to send the packet to all the Committee Chairs for their information.

On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to reconfirm their decision to sign Memorandum of Agreement for the Two-Year Manager's Union Contract Extension which includes a wage freeze for fiscal year 2011. The vote was 3-0-1, with Mrs. Fulcher abstaining from the vote.

Liaison Reports: (02:29:59)

Mr. McGrath reported on a meeting of the Barnstable County Solid Waste Advisory Committee.

Mr. Carron presented the Board with an update from the Board of Water and Sewer Commissioners.

Mr. Fuller presented the Board with information from recent meetings of the Bike and Walkways Committee and the Maintenance Facility Committee.

Any other business: (02:37:22)

Mr. Carron inquired about the ability of the Board of Water and Sewer Commissioners to forgive liens in the event of disaster occurrences. Mr. Kelly explained that there is a legal process that must be followed in these circumstances, and do to the fact that deadlines were not adhered to in this situation, there is nothing that the Town can do.

Mr. Fuller informed the Board that they had received a letter from Frank Hogan.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to accept the resignation of Mr. Frank Hogan as Orleans Representative to the Cape Cod Commission with regret and gratitude. The vote was 4-0-0.

Mr. Fuller also announced that next week's Board of Selectmen's meeting will be held on Thursday, November 12, 2009.

Adjourn: (02:47:10)

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the board voted to adjourn. The vote was 4-0-0.

Respectfully submitted,
Kristen Holbrook

Sims McGrath Jr., Clerk