

BOARD OF SELECTMEN  
MEETING MINUTES

November 18, 2009

Approved on December 16, 2009

A meeting of the Orleans Board of Selectmen was held on Wednesday, November 18, 2009, in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, 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 5:42 pm.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to enter in to executive session for the purpose of discussing property acquisition.** The vote was 4-0-0, with Mr. Carron, Mr. Dunford, Mr. McGrath and Mr. Fuller all voting aye.

Mrs. Fulcher joined the meeting at 5:43 pm.

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

Mr. Dunford rejoined the meeting at 6:40 pm.

Chairman Fuller reconvened the public session at 6:41 pm.

Public Comment: (00:00:20)  
No public comment was offered.

Approval of Minutes: (00:00:35)  
**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the October 22, 2009 meeting as written.** The vote was 3-0-2 Mr. McGrath and Mr. Fuller abstained from the vote.

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to adopt the minutes of the July 23, 2008 Executive Session as written.** The vote was 4-0-1. Mr. McGrath abstained from the vote.

Committee Interviews and Appointments: (00:01:35)  
The Board met with Orleans Citizen Liz Argo regarding her interest in serving on the Renewable Energy Committee.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to appoint Ms. Liz Argo, as an associate member to the Renewable Energy and Wind Committee with a term ending date of June 30, 2010.** The vote was 2-2-1. Mr. Dunford and Mr. Carron voted nay, Mr. Fuller abstained, and the motion resulted in no action being taken.

The Board met with Len Short and Peter Monger regarding their interest in serving as Orleans Representative to the Cape Cod Commission.

**On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to appoint Mr. Len Short, as Orleans Representative to the Cape Cod Commission with a term ending date of April 24, 2011.** The vote was 2-3-0. Mr. Dunford, Mr. Fuller and Mr. Carron voted nay, and the motion failed.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to appoint Peter Monger as Orleans Representative to the Cape Cod Commission with a term ending date of April 24, 2011.** The vote was 4-1-0, Mr. McGrath voted nay.

Meet with Fire Chief – Monthly Report for October and November: (00:14:40)

The Board met with Deputy Fire Chief Pike. Mr. Pike presented the Board with the monthly reports for October and November.

Meet with Police Chief – Monthly Report for September and October: (00:25:10)

The Board met with Police Chief Jeff Roy. Chief Roy presented the Board with his monthly reports for September and October.

Chairman Fuller presented the Board with a Memorandum of Agreement for employment, between the Town of Orleans and Lieutenant Sean Diamond.

**On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to sign the Memorandum of Agreement between the Town of Orleans and Lieutenant Sean Diamond.** The vote was 5-0-0.

Chief Roy also presented the Board with the Interagency Mutual Aid/Assistance Agreement, The inter-municipal detail agreement and the Inter-jurisdiction Traffic Enforcement Agreement.

**On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to authorize the Chairman to sign the Interagency Mutual Aid Assistance Agreement and the Inter-municipal Traffic Detail Agreement under the Cape Cod Regional Law Enforcement Council.** The vote was 5-0-0.

No action was taken on the Inter-Jurisdictional Traffic Enforcement Agreement.

Mr. McGrath presented the Chief with information from the Cape and Islands Suicide Prevention Coalition. Mr. McGrath asked the Chief if he would be willing to work with the group and be the contact person for the Town of Orleans.

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to appoint the Police Chief as the contact person for the Cape and Islands Suicide Prevention Coalition.** The vote was 5-0-0.

Vote to sign and post the State Primary Election warrant: (00:48:50)

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to sign and post the State Primary Election Warrant.** The vote was 5-0-0.

Change of Manager – Orleans General Store, Inc. d/b/a Friend's Market: (00:49:10)

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to approve the request for a change of manager from Stephen Souza to James Junkins on the current annual Wine and Malt Beverages Package Goods Store Liquor License for the Orleans General Store d/b/a Friend's Market located at 57 Main Street, subject to approval by the Alcoholic Beverage Control Commission and receipt of a favorable from the Criminal History Systems Board.** The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

Wastewater Planning Issues – Updates as necessary: (00:50:20)

Mr. Carron presented the Board with information from the Town of Mashpee regarding SMAST findings on wastewater management solutions.

Mr. Dunford spoke to the Board regarding the Board's previous decision to proceed with the MEPA process.

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to ask the Town Administrator to rework the budget for the Comprehensive Wastewater Management Plan to support an appropriately experienced and educated consultant review on the Nauset MEP draft report.** The vote was 2-3-0. Mr. Fuller, Mrs. Fulcher and Mr. McGrath voted nay and the motion failed.

Town Administrator's Report: (01:33:50)

Town Administrator John Kelly presented the Board with information from the planning Board on recommendations for inclusions on the Capital Improvement Plan for fiscal year 2011.

Mr. Kelly informed the Board that Massachusetts Governor Deval Patrick has signed the Orleans Town Charter amendment regarding residency of the Town Clerk into law.

Mr. Kelly also provided the Board with information that the Board had requested for the Board's Policy regarding the use of Town owned property for political fundraising.

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to draft a letter to the lessee of Liam's requesting that they refrain from political fundraising activities for the remainder of the lease.** The vote was 3-1-1. Mrs. Fulcher voted nay, and Mr. McGrath abstained from the vote.

Mr. Kelly also asked the Board vote to reaffirm their vote taken in executive session to authorize the Town Administrator to instruct Orleans Town Counsel to file an appeal in connection with the Zoning Board of Appeals decision to overturn the determination of the Building Commissioner regarding the Lost Dog Pub exterior sign.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to reaffirm their action taken in executive session to authorize the Town Administrator to instruct Orleans Town Counsel to file an appeal in connection with the Zoning Board of Appeals decision to overturn the determination of the Building Commissioner regarding the Lost Dog Pub exterior sign.** The vote was 3-0-2, with Mr. Dunford and Mr. Fuller abstaining from the vote.

Discuss Liaison to Snow Library Board of Trustees: (01:39:52)

Chairman Fuller read a brief memo from the Snow Library Board of Trustees requesting that the liaison relationship with the Board of Selectmen be reestablished.

The Board discussed the possibility of having the Assistant Town Administrator update the Board periodically through the Town Administrator's report. Should this method prove to be insufficient the Board will reconsider the item at a future date.

Liaison Reports: (01:42:14)

Mr. McGrath presented the Board with information of the Agricultural Task Force.

Mr. Carron reported on recent meetings of the Cultural Council and the Board of Water and Sewer Commissioners.

Mr. Fuller updated the Board on a recent meeting of the Lighthouse Charter School Board of Trustees.

Any other business: (01:58:10)

Mr. Dunford asked about the status of future agenda items that had been removed from the planning report.

Adjourn: (01:59:35)

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

Respectfully submitted,  
Kristen Holbrook

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Sims McGrath Jr., Clerk