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**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES**

December 16, 2009

Approved on March 17, 2010

An executive session meeting of the Orleans Board of Selectmen was held on Wednesday, December 16, 2009, in the Nauset Room of the Town Hall, for the purpose of discussing pending litigation and property negotiations. Present were Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly, Orleans Town Counsel Michael Ford, Planning Board Chairman John Fallender and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 5:30 pm.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted by way of role call to enter into executive session for the purpose of discussing pending litigation.** The vote was 4-0-0, with Mr. Carron, Mr. Fuller, Mr. Dunford and Mr. McGrath all voting aye.

Mr. Kelly introduced Town Counsel Michael Ford and Planning Board Chairman John Fallender regarding the pending litigation surrounding the existing sign located on the Lost Dog Pub property.

Mr. Dunford recused himself from the meeting.

Mr. Ford presented the Board with an update on the history of the Town of Orleans newly amended sign bylaw. Mr. Ford explained his findings as to his research into the history of the existing sign. Mr. Ford stated that he felt, under the current bylaw, the town would not prevail in litigation.

Mrs. Fulcher joined at 5:46 pm.

Mr. Ford explained that he had contacted the Attorney General and spoke to Margaret Hurley, and it is her opinion that while the bylaw is not in conflict with state law, any application of the bylaw must be in compliance with prior case law.

Mr. Ford recommended that the Planning Board and the Board of Selectmen vote to instruct Town Counsel to initiate a discussion on a possible compromise if the Lost Dog Pub owner is amenable to reducing the size of the existing sign.

**On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to direct Town Counsel to contact counsel representing the owners of the Lost Dog Pub and inquire as to whether the owners of the Lost Dog Pub are willing to reach a compromise by reducing the size of the existing**

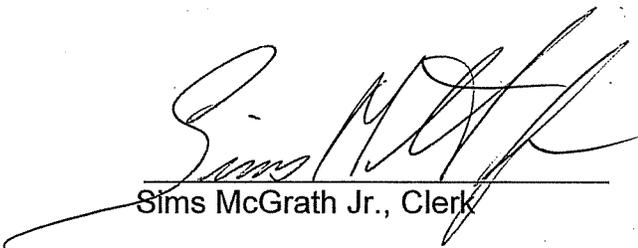
**sign. The Board asks that Mr. Ford report back to the Board for further consideration.** The vote was 4-0-0, with Mr. Carron, Mrs. Fulcher, Mr. Fuller and Mr. McGrath all voting aye.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted, by way of roll call, to return to open session.** The vote was 5-0-0, with Mr. Carron, Mrs. Fulcher, Mr. Fuller, Mr. Dunford and Mr. McGrath all voting aye.

Respectfully submitted,

Kristen Holbrook

Released on: 11/17/10



Sims McGrath Jr., Clerk