

BOARD OF SELECTMEN  
MEETING MINUTES

'16 NOV 17 4:06PM

July 22, 2009

Approved on July 29, 2009

ORLEANS TOWN CLERK

A meeting of the Orleans Board of Selectmen was held on Wednesday, July 22, 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: (00:00:15)

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

*Judith Bruce*, representative of the Orleans Pond Coalition, spoke to the Board regarding the Mutt Mitt program the coalition has been administering in the Town of Orleans. Ms. Bruce acknowledged the Agway Company for providing the Mutt Mitts and asked the Board to allow the Orleans Pond Coalition to place additional dispensers at the Orleans Farmers Market, Arey's Pond and the Peck Conservation Area. Mr. Kelly informed Ms. Bruce that the Orleans Farmers Market is not Town property.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to allow the placement of the Mutt Mitt dispensers at the public access area located at Arey's Pond and the Peck Conservation Area. The vote was 5-0-0.**

*James Bast*, a resident of Monument Road, spoke to the Board regarding the Comprehensive Wastewater Management Plan.

Approval of Minutes: (00:20:03)

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to adopt the minutes of the July 15, 2009 meeting as written. The vote was 5-0-0.**

Meet with Finance Director David Withrow: (00:20:30)

The Board met with Town of Orleans Finance Director David Withrow to review the Town's financial plan for the close of fiscal year 2009 and his projected forecast for future fiscal years. Mr. Withrow provided the Board with an updated financial summary for the Town of Orleans.

Mr. Withrow and the Board discussed the difficulties in replicating the budget turn backs that occurred in fiscal year 2009. Mr. Withrow explained that the area of concern for the Town is additional cuts in State Aid.

Summer Informational Meeting: (00:39:45)

Town Administrator John Kelly provided the Board with the advertisement for the Non Resident Taxpayer meeting for the non-resident taxpayers and visitors in the Town of Orleans.

Town of Orleans Finance Director David Withrow gave a summary financial review of the Town of Orleans.

Orleans Town Assessor Ken Hull spoke to the Board regarding the Assessing Department and the process of property assessing and information pertinent to his Department.

Town of Orleans Parks and Beaches Superintendent Paul Fulcher spoke to the Board regarding the overview of his department and the oversights of the Parks and Beaches in the Town of Orleans.

*Phyllis Meyers*, a non-resident property owner, asked if the federal government gave the town any money for the management of the beaches. She asked if the Town of Orleans had received any stimulus money. Mr. Kelly replied that the town had not received any stimulus funds and receives no money for the management of the beaches.

*Leo Morrissey* spoke to the Board to ask if Little Namskaket creek could be dredged, to make it more viable to marine life. Mr. Fulcher replied that what is happening there is just natural evolution and the area is considered an environmentally sensitive area and heavily regulated by the government.

*Albert Schumann*, spoke to the Board about the motel property located at 222 Beach Road, and whether the Town had any plans to offer purchase the property.

Mr. Dunford stated that this could be a confusing year because although the assessed values have fallen the tax rate has increased.

Mr. Hull spoke about the tax classification hearing and what information he would have available at that time.

Meet With David DeLorenzo of Mass DEP: (01:10:22)

The Board met with David DeLorenzo, Deputy Director of Municipal Services with the Massachusetts Department of Environmental Protection. Mr. DeLorenzo apologized to the Board for the difficulties in obtaining the reports that the Town needs to complete the Comprehensive Wastewater Management Plan. Mr.

DeLorenzo also spoke to the Board regarding the list of questions the Board had submitted to Mr. DeLorenzo for his consideration.

Mr. Dunford thanked Mr. DeLorenzo for attending and stated that the Board had voted to submit the questions to the Department of Environmental Protection and stated that it would be very helpful for Mr. DeLorenzo to go over the list of questions and determine which questions his department can answer and what should be referred to SMAST. Mr. Dunford also stated that the breach cannot be ignored, as it is time specific, and must be taken into consideration for the future of the Town.

Mr. Carron stated that he does not argue with the Woods Hole Group study findings that the direction the town is taking is correct, but the Woods Hole Group did encourage the town to explore the data and that the town should question the MEP findings in certain circumstances. Mr. Carron said it was unfortunate that the Town had so much difficulty getting the reports from SMAST and wished that the Department of Environmental Protection had done more to help.

Mr. McGrath stated that within the questions were questions about why the Department of Environmental Protection and Environmental Protection Agency had so much confidence in the findings of the SMAST reports, and Orleans has had no knowledge of the inner workings of the model, and is being asked to accept the findings on blind faith.

Mr. DeLorenzo stated that he would try to find the report on the models so that the Town of Orleans could feel more comfortable with the findings.

Mr. Fuller stated that he is glad to hear that the ISA is signed, but that the Town has been waiting for the reports since 2005.

Town Administrator's Report: (01:41:45)

Town Administrator John Kelly presented the Board with a letter of resignation from Mr. Robert Wineman from the Marine and Fresh Water Quality Task Force.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to accept the resignation of Robert Wineman from the Marine and Fresh Water Quality Task Force, with regret and gratitude. The vote was 5-0-0.**

Mr. Kelly provided the Board with information that they had requested regarding the water quality testing stations at Arey's Pond. The testing stations at Arey's Pond and other salt ponds had been removed on the advice of SMAST. If the Board would like to resume testing at the Arey's Pond location additional funding is required.

Mr. Kelly also provided the Board with follow-up information for the grant that Fire Chief Bill Quinn had presented to the Board previously. Mr. Kelly reported that

Chief Quinn has filed a letter of intent to apply for the grant stating that, if awarded the grant, the funds will be used to off-set overtime costs. Mr. Kelly suggested that the Board might wish to supply a list of questions to the interested parties in anticipation of the August 5, 2009 meeting with Dr. Howes, Senator O'Leary, Paul Niedzwicki, and Andrew Gottlieb. Mr. Kelly suggested providing the individuals with the questions that the Board would like answered, such as, what protocol the Town will need to follow in order to use the linked model, and how the Town should go about getting copies of all the data from the original studies.

Liaison Reports: (02:03:35)

Mr. Dunford reported on a Wastewater Management Validation and Design Committee meeting, and a meeting of the Marine and Fresh Water Quality Task Force.

Mr. Carron presented the Board with an update on a recent Board of Health meeting.

Mr. Fuller provided the Board with updates of the Maintenance Facility Committee, the Board of Water and Sewer Commissioners

Any Other Business: (02:11:35)

Mrs. Fulcher asked the Town Administrator about the potholes that were filled recently on Finlay Road and asked about the vacancy in the Health Department.

Orleans Police Chief Jeff Roy spoke to the Board regarding the advertising of the open Lieutenants position in the Orleans Police Department. Chief Roy asked for the Board's permission to advertise the position internally so that he may begin the process of filling the vacancy.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to allow the Chief to fill the vacant Lieutenant's position in the Orleans Police Department. The vote was 4-1-0. Mrs. Fulcher voted nay.**

Executive Session: (02:28:22)

Assistant Town Administrator Myra Suchenicz joined the meeting.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted, by way of roll call, to enter into executive session for the purpose of discussing strategy with respect to collective bargaining, returning to open session solely for the purpose of adjournment. The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye.**

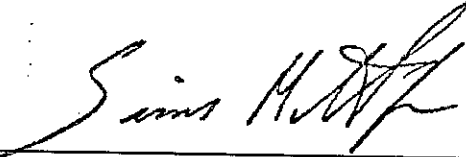
**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted by way of roll call to return to open session for the purpose of**

**adjournment.** The vote was 5-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mr. Carron all voting aye.

Adjourn:

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

Respectfully submitted,  
Kristen Holbrook

A handwritten signature in cursive script, appearing to read "Sims McGrath Jr.", written over a horizontal line.

Sims McGrath Jr., Clerk

