

BOARD OF SELECTMEN  
MEETING MINUTES

January 6, 2010

Approved on January 20, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, January 6, 2010 in the Nauset Room of the Orleans 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 5:30 pm.

Executive Session: (00:00:00)

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to enter into executive session for the purpose of discussing strategy with respect to collective bargaining.** The vote was 4-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, and Mrs. Fulcher all voting aye.

**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. McGrath, Mr. Dunford, Mr. Fuller, and Mrs. Fulcher all voting aye.

Public Comment: (00:00:20)

*Cynthia Suonpera*, owner of the Village Farm Market, spoke to the Board to inform them that she would be withdrawing her request for an extended closure.

*Greg Horne*, a resident of Arey's Lane, spoke to the Board regarding the Orleans Citizens Peer Review panel.

*Peter Previdi*, A resident of Nauset Heights Road, spoke to the Board regarding the Aspinet Road access to the Nauset Beach.

*Patricia Bradley*, a resident of South Orleans, spoke to the Board regarding snow removal from Sherman Road.

*Carl Trevison*, a resident of Doane Road, spoke to the Board regarding the Aspinet Road access to Nauset Beach.

Mr. Dunford spoke to congratulate the Orleans Police Department for their swift resolution to a recent robbery in the Town of Orleans.

Approval of minutes: (00:10:42)

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of December 2, 2009, as amended.** 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 December 9, 2009, as amended. 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 December 16, 2009, as amended. The vote was 4-0-0.**

Meet as Park Commissioners with Park Superintendent Paul Fulcher: (00:14:35)

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to meet as Park Commissioners. The vote was 4-0-0.**

Orleans Town Counsel, Michael Ford, met with the Board to answer questions regarding his rendered opinion on access to Nauset Beach through Callanan's Pass. Mr. Ford recommended that the Board hold a public hearing before moving forward with improvements in road conditions on Callanan's Pass.

Parks and Beaches Superintendent Paul Fulcher recommended that the Board return to previous practices by removing barriers and signs that were placed in 2009 on Aspinet Road. Mr. Fulcher also recommended that the Town investigate the possibilities of improvements to Callanan's Pass once the land survey has been completed.

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to not block access to the Nauset Beach trail access on Aspinet Road and rescind their previous decision to authorize the placement of barricades on Aspinet Road, to review the options for improvements to Callanan's Pass, and revisit the issue when the survey of Callanan's Pass and plans for improvement are completed, to hold a public hearing and meet with the residents of Callanan's Pass before approving the plans and moving forward prior to the 2010 beach season.**

The vote was 4-0-0.

The Board met with Orleans Parks and Beaches Superintendent Paul Fulcher to discuss the Orleans Athletic Association's progress on the improvements to Eldredge Park. Mr. Fulcher stated that he has concerns with the delayed commencement of the project, and he is not sure that he can guarantee the field will be ready for the 2010 season.

Ken Farrar, President of the Orleans Athletic Association, spoke to the Board regarding the delays in the plans for the improvements to the field. Mr. Farrar assured the Board that as soon as the schematic plans for the field are completed the plans would be forwarded to the Parks Superintendent.

Mr. Fulcher presented the Board with information on the Off Road Vehicle Rules and Regulations.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to adopt the Nauset Beach Off Road Vehicle Rules and Regulations as presented,**

**omitting the reference to the Chatham Parks and Recreation adoption on February 27, 2006, and replacing it with the footnote “adopted by Orleans Park Commissioners on January 6, 2010”. The vote was 4-0-0.**

Mr. Fulcher presented the Board with information on the Nauset Beach Off Road Vehicle fees and beach parking receipts for 2009.

Mr. Fulcher also informed the Board of a scheduled meeting with the State and Federal Wildlife management agencies that had been cancelled.

**On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to authorize the Town Administrator to initiate contact with the State Representatives, in order to set up a meeting with the Cape Cod Beach Manager’s in a forum setting to discuss the beach management issues, and discuss the possibility of a meeting with the environmental regulatory agencies. The vote was 4-0-0.**

Mr. Fulcher spoke to the Board regarding the promotion of the Beach with a web cam installed at Nauset Beach. The installation of the camera has an estimated project cost of \$3,450.

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to adjourn from Parks Commission session. The vote was 4-0-0.**

Meet with Town Counsel Michael Ford: (01:30:55)

The Board met with Orleans Town Counsel Michael Ford, to discuss an opinion Mr. Ford rendered on the Open Meeting Law, sub-committee compliance and protocol for minority reports. Mr. Ford stated that the opinion was drafted at the request of the Mr. Dunford, in response to questions regarding working groups and subcommittees. While the law has not changed over time, the examination does not take place until an issue arises. Mr. Ford also reviewed the upcoming changes to the Open Meeting Laws, which will take effect on July 1, 2010.

Common Victualler License: (02:00:00)

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve the Common Victualler license for the Church of the Holy Spirit located at 204 Monument Road and waive the license fee and reduce the filing fee to \$10. Said license to expire on December 31, 2010 and is issued subject to permits, bylaws, approvals and licenses in the Town of Orleans. The vote was 4-0-0.**

Sign and post State Election Warrant for January 19<sup>th</sup>, 2010: (02:01:10)

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to sign and post the State Election Warrant for January 19, 2010. The vote was 4-0-0.**

Wastewater Planning Issues/Updates as Necessary: (02:02:34)

Mrs. Fulcher asked if the Board would be scheduling a time to discuss the final report of the Wastewater Management Steering Committee. Mr. Fuller stated that the discussion would be scheduled for a future date when all members of the Board are present.

Town Administrator's Report: (02:03:50)

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to acknowledge the receipt of the two proposed zoning amendments included in the memo from the Planning Board to the Board of Selectmen dated December 29, 2009 and forward the proposals to the Planning Board for review and public hearing.** The vote was 4-0-0.

Mr. Kelly presented the Board with information on the Cable Franchise Draft License agreement with Comcast.

Mr. Kelly presented the Board with information on the plowing of private roads in the Town of Orleans. The Board discussed the issues surrounding the unauthorized plowing of Sherman Road, that has taken place in the past. The Board asked that the Town Administrator follow-up with the Highway Department Manager in regards to this issue.

Chairman Fuller recognized Mr. Robert Wright a resident of Sherman Road from the gallery. Mr. Wright spoke to the Board regarding the history of snow plowing on the private road.

Town Administrator John Kelly presented the Board with an update on the future build out estimates for the Rock Harbor area. Mr. Kelly also presented the Board with an update on a recent meeting of the Cape Cod Regional Transit Authority from Assistant Town Planner John Jannell.

Mr. Kelly also presented the Board with a revision of the Board of Selectmen's policy on banners.

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to accept the amendment to the Board's policy on banners as presented.** The vote was 4-0-0.

Liaison Reports: (02:36:00)

Mr. Dunford updated the Board on recent meetings of the Open Space Committee, the Water Quality Task Force, and the Council on Aging.

Mr. McGrath updated the Board on a meeting of the Renewable Energy Committee.

Mr. Fuller presented the Board with information on meetings of the Cape Cod Commission's Sub-Committee for the Developments of Regional Impact, the Bike and Walkways Committee, and the Maintenance Facility Committee.

Any other business: (02:40:40)

Mr. Dunford presented the Board with an informational on the restoration of the Coast Guard boat.

Mrs. Fulcher asked if Mr. Kelly had called with Mrs. Filene.

Adjourn: (02:41:28)

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

Respectfully submitted,  
Kristen Holbrook

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Sims McGrath Jr., Clerk