

ORLEANS BOARD OF SELECTMEN  
MEETING MINUTES

January 20, 2010

Approved on January 27, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, January 20, 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, 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: (00:00:30)

*Andy Murphy*, owner of the Lost Dog Pub, spoke to the Board regarding the Board's position on the existing sign located on his property.

Mr. Carron reported that the Health Department would be holding an H1N1 flu clinic at the Orleans Senior Center from 1pm – 4pm on January 27, 2010.

Approval of Minutes: (00:04:40)

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the January 6, 2010 meeting as amended.** The vote was 4-0-1. Mr. Carron abstained from the vote.

Meet with New CCRTA Executive Director Tom Cahir: (00:07:31)

Assistant Town Planner John Jannell introduced the new Cape Cod Regional Transit Authority Executive Director Tom Cahir.

The Board met with Mr. Tom Cahir, the new Executive Director for the Cape Cod Regional Transit Authority. Mr. Cahir outlined his past experience and his current projects for the Cape Cod Regional Transit Authority. Mr. Cahir outlined for the Board, the new website and new ideas and changes that have been implemented at the Cape Cod Regional Transit Authority.

Mr. Cahir also addressed the revenue and expenditures for the Cape Cod Regional Transit Authority and the municipal assessments that are billed to the towns.

Public Hearing on Meals and Lodging Tax: (00:28:50)

Chairman Fuller read the notice for the Public Hearing as published in the Cape Codder.

Chairman Fuller called for Public Comment on the Local Option Meals and Lodging Tax.

*Ed Maas*, owner of the Orleans Inn, spoke to the Board regarding the new proposed taxes. Mr. Maas explained that there are businesses in Orleans that are not doing well, and he does not support the increased taxes either for occupancy or lodging.

*Elise Waldren*, owner of Cape Cup, spoke to the Board, to oppose the new taxes.

*Mary Corr*, Director of the Orleans Chamber of Commerce, spoke to the Board to oppose the increased meals and lodging taxes.

*Bob Bay*, owner of Woody's Burgers and Fries, spoke to the Board in regard to the increased taxes. Mr. Bay suggested that the Board might consider using the increased funds to stimulate business.

Mr. Kelly explained that the increased funds would be collected into the general fund.

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board in opposition of the increased meals and lodging taxes.

*John Sully*, owner of the Yardarm, spoke to the Board in opposition to the proposed increases in the meals and lodging taxes.

*Neil Satran*, a business attorney in the Town of Orleans, spoke to the Board in opposition of the proposed increases in meals and lodging taxes.

*Shelly Conway*, owner of the Captain Linnell House, asked what other towns have increased the taxes, and spoke in opposition of the increased meals and lodging taxes.

*Ernest Smiley*, owner/franchisee of Wendy's spoke to the Board in opposition of the increased taxes.

*Cynthia Suonpera*, owner of the Village Farm Market, spoke to the Board to oppose the proposed increase in the meals and lodging taxes.

*John Ohman*, lessee for Liam's, spoke to the Board in favor of the increased meals taxes.

*Jeff Carlson*, a resident of Orleans, spoke to the Board regarding the disproportionate state aid that is received by the towns of the Cape. Mr. Carlson would prefer to see the legislature change the state aid allocations before, increasing the meals and lodging taxes.

*David Ross*, representative of the Governor Prence, spoke to the Board in regard to the increases in meals and lodging taxes.

*Andy Murphy*, owner of the Lost Dog Pub, spoke to the Board in opposition to the increased Meals and Lodging taxes.

*Jim Trainor*, a resident of Orleans, spoke to the Board in opposition to the increased taxes on meals and lodging.

*Ken Tabor*, owner of the Hole in One, spoke to the Board in opposition to the increase in meals and lodging taxes.

*Ed Maas* stated that he feels that the lodging tax estimate provided by the state Department of Revenue is an inaccurate estimate.

Chairman Fuller closed the public comment portion of the hearing.

Mr. Carron stated that he appreciates the comments from the public. He is not in favor of increasing taxes to a specific base of businesses.

Mrs. Fulcher thanked the public for their feedback.

Mr. Dunford stated that he is not in favor of the increased taxes.

Mr. Fuller indicated that the Board had received a letter from the Cove opposing the increased taxes.

Mr. McGrath stated he heard the all of the audiences comments.

Chairman Fuller closed the Public Hearing.

Fire and Police Chief Monthly Reports: (01:25:45)

The Board met with Police Chief Jeff Roy. Chief Roy presented the Board with his report for the months of November and December.

Chairman Fuller asked what the Chief's opinion on appearing for bi-monthly reports. Chief Roy is in favor of moving to a bi-monthly format. Fire Chief Bill Quinn concurred with the Board.

Mr. Dunford asked if it would be possible to move to a quarterly report format. Mr. McGrath asked if Chief Roy, saw a need for his television appearance.

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to change the monthly reports schedule for the Chief of Police and the Fire Chief from monthly to quarterly, in the case of unusual events or budgetary anomalies the Chiefs will appear before the Board immediately, the Chief's are asked to continue to submit monthly written reports, and the same level of communication with the Town Administrator will continue.** The vote was 5-0-0.

Fire Chief William Quinn presented the Board with his report for the months of November and December.

Mr. Carron asked if seniority was used in the filling of shifts. Chief Quinn replied that it was done fair and equitably, on a rotating basis.

Review former BOWC policy/regulations on disaster rates and meter pits: (01:46:47)

The Board met with Water Department Superintendent Lou Briganti, and Dr. Ken McKusick Chairman of the Board of Water and Sewer Commissioners to discuss the former Board of Water Commissioners disaster rate policy.

Town Administrator John Kelly spoke to the Board regarding the circumstances surrounding the sun setting of the disaster rate policy and the steps that customers with meter pits can use to avoid excessively high bills when breaks and leaks occur in their lines.

Mr. Kelly stated that the Board of Selectmen could request that the Board of Water and Sewer Commissioners reconsider the lack of a disaster rate.

**On a motion by Mr. Fuller, and seconded by Mr. Carron the Board voted to request the Board of Water and Sewer Commissioners to work with Water Department Superintendent, Town Counsel and the Town Administrator, to come up with some kind of mechanism or plan to address a disaster plan to help those in true need, so that this situation does not happen again. The vote was 5-0-0.**

Town Administrator's Overview of FY11 Recommended Budget and CIP: (02:27:38)

Mr. Kelly explained that Orleans Finance Director, Mr. David Withrow is ill and would like to reschedule the review of the financial plan for next week.

Mr. Kelly instead presented the Board with his budget message for fiscal year 2011.

Wastewater Planning Issues/Updates as Necessary: (03:01:15)

Mr. Carron stated that the Board of Health had been investigating the innovative alternative wastewater systems. Mr. Kelly explained that the systems might not be located in the best locations.

Town Administrator's Report: (03:05:59)

Mr. Kelly presented the Board with information on the commonwealth wind incentive grant for the Wind Turbine in the Watershed. The town did not receive the grant, and as a result the project will break even after 20 years.

Mr. Kelly also supplied the Board with an email that he received from Nauset Regional Schools Superintendent Richard Hoffmann, regarding the dire budget outlook for FY2011.

Mr. Kelly provided the Board with information on the Bond Anticipation Notes.

Mr. Kelly included a comparison of local receipts for FY09 and FY10.

Mr. Kelly also provided the Board with a Staff Report prepared for the proposed gas station at the Orleans Stop and Shop.

Liaison Reports: (03:17:10)

Mr. Carron updated the Board on a recent meeting of the Board of Water and Sewer Commissioners, a meeting of the Board of Health.

Mrs. Fulcher reported on a meeting of the Affordable Housing Committee, and a meeting of the Nauset Regional School Committee.

Mr. Dunford updated the Board on a recent meeting of the Water Quality Task Force.

Mr. Fuller updated the Board on the Community Preservation Committee meeting,

Any other business: (03:27:40)

Mr. McGrath felt the construction at the senior center was prohibitive to the voting.

Adjourn: (03:31:10)

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

Respectfully submitted,  
Kristen Holbrook

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Sims McGrath Jr., Clerk