

BOARD OF SELECTMEN  
MEETING MINUTES

January 27, 2010

Approved on February 10, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, January 27, 2010 in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, Vice-Chairwoman Margie Fulcher, Clerk Sims McGrath Jr., Selectman Mark E. Carron, Selectman David M. Dunford, Town Administrator John Kelly, Assistant Town Administrator Myra Suchenicz and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 6:00 pm.

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

Mrs. Fulcher joined the meeting at 6:05 pm.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, 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.

Chairman Fuller reconvened the public session at 6:45 pm.

Public Comment: (00:00:20)

Chairman Fuller, spoke with regret and sympathy for the family of Paul O'Connor, who passed away over the weekend.

*John Hodgkinson*, a resident of Samoset Road, spoke to the Board regarding the proposed wind turbine project in the watershed. Mr. Hodgkinson asked the Board to reconsider their position on the Cape and Vineyard Electric Cooperative for this project.

*David Farquahr*, a resident of Orleans, spoke to the Board regarding a letter he distributed regarding wastewater management. Chairman Fuller invited Mr. Farquahr to speak at public comment at the meeting of February 3<sup>rd</sup> when the Board will be discussing the issues outlined in Mr. Farquahr's letters.

*Gary Clinton*, a representative of Decentralized Wastewater Options in Orleans, spoke to the Board regarding a Cape Cod Times article.

Approval of Minutes: (00:11:10)

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to approve the minutes of the January 13, 2010 meeting as amended. The vote was 4-0-1. Mr. Carron abstained from the vote.**

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to approve the minutes of the January 20, 2010 meeting as amended. The vote was 5-0-0.**

Committee Interview: (00:14:09)

The Board met with and interviewed Judith Hunt for an open position on the Orleans Housing Committee.

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to appoint Ms. Hunt to the Orleans Housing Authority until the General Election with a term expiring May 10, 2010. The vote was 5-0-0.**

Meet with Wastewater Management Steering Committee: (00:16:50)

The Board met with Judith Bruce, a member of the Wastewater Management Steering Committee. Ms. Bruce presented the Board with the findings of the Wastewater Management Steering Committee, and answered questions regarding the final report.

**On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to express gratitude to the Wastewater Management Steering Committee for their efforts, to accept and recognize the Wastewater Management Steering Committee's final report and recommendations, and ask the Town Administrator to bring any further recommendations to the Board in order to further the Comprehensive Wastewater Management Plan process. The vote was 5-0-0.**

Review Proposed Changes to Selectmen's Liquor License Regulations: (00:40:18)

Town Administrator John Kelly presented the Board with a revised version of the Town of Orleans Rules and Regulations of the Liquor Licensing Authority. Mr. Kelly outlined the proposed changes for the Board.

The Board discussed the inquiry by Ed Mass, for local restaurants to sell alcohol before noon on Sundays.

Special One Day Liquor License: (00:59:20)

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to approve the special One-Day Liquor License for the Academy of Performing Arts to serve wine and malt beverages on Thursday, February 11, 2010 from 6:45 pm until 8:00 pm at 120 Main Street for an opening night reception for "The Music Man" and waive the license fees and reduce the filing fees to \$10.00, This license is issued subject to all licenses, permits, bylaws and approvals and in accordance with Massachusetts General Law Chapter 138 § 14. The vote was 5-0-0.**

Vote to call Annual Town Meeting and Election: (01:00:00)

Mr. Kelly presented the Board with the schedule for the Annual and Special Town Meeting warrants.

**On a motion by Mr. Carron, and seconded by Mr. McGrath, the Board voted to hold the May 10, 2010 Annual Town Meeting at 6:30 pm at the Nauset Middle School and open the warrant on February 9, 2010 at 8:30 am and close on March 11, 2010 at 4:30 pm and vote to hold the May 10, 2010 Special Town Meeting at 6:30 pm and open the warrant on March 11, 2010 at 8:30 am and close the warrant on March 26, 2010 at 4:30 pm. This vote is contingent upon the response regarding an opinion on the specificity of location within the Middle School from Town Counsel. The Board asks that the Town Administrator insert the appropriate wording prior to publication. The vote was 5-0-0.**

Meet with Paul Niedzwiecki, CCC Executive Director: (01:04:42)

The Board met with Paul Niedzwiecki Executive Director of the Cape Cod Commission. Mr. Niedzwiecki updated the Board on the projects currently before the Commission.

Mr. Niedzwiecki updated the Board on the discussions that have taken place surrounding cape wind.

Mr. Niedzwiecki spoke to the importance of the Cape Cod Town's participating in the discussion forums and the District of Critical Planning and Concern hearings for cape wind and regarding the zoning of the Atlantic Ocean and Cape Cod Bay, between .3 and 3 nautical miles from the shore line. He urged the Town to stay involved in the discussions and participate in the efforts that may affect the Town of Orleans.

FY11 Budget Review: (01:32:35)

Orleans Town Finance Director David Withrow met with the Board to review the status of the Town of Orleans financial plan. Mr. Withrow presented the Board with the updated financial plan.

Mr. Kelly also updated the Board on the status of an unpaid water bill, and what type of process will be in place moving forward.

Town Administrator's Report: (02:20:25)

Mr. Kelly presented the Board with a copy of the proposed rate increases approved by the Board of Water and Sewer Commissioners. Mr. Kelly recommended that the Board vote to advertise the notice for the Public Hearing as presented.

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to publish the notice for the Public Hearing for the Proposed Water Rate Increases and schedule the Public Hearing for February 24, 2010 at 7:00 PM. The vote was 5-0-0.**

Mr. Kelly presented the Board with information on a proposed Public Tree Protection Bylaw from the Planning Board.

Mr. Kelly also provided the Board with a draft brochure from the Finance Committee advertising the joint meeting with the Board of Selectmen scheduled for February 24, 2010. Mr. Kelly outlined the changes made to the draft to allow for updated and more relevant information.

Mr. Kelly asked the Board to consider signing the Memorandum of Agreement for a two-year contract extension for the Steel Worker's Union.

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to sign the Memorandum of Agreement for a two-year contract extension for the Steel Worker's Union.** The vote was 5-0-0.

**On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to appoint Ken Rowell, as a temporary registrar to count the over-seas ballots, with a term expiring February 12, 2010.** The vote was 5-0-0.

Mr. Kelly also presented the Board with a letter from the Traffic Study Committee, to the Mass Department of Transportation, regarding the Board's desire to have a recommendation on the impacts that the proposed roundabout at the intersection of Route 28, Route 6A and Canal Road would have on other areas of traffic concern in the town.

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to sign the letter to the Mass Department of Transportation, as presented.** The vote was 5-0-0.

Liaison Reports: (02:58:00)

Mr. Carron reported on his recent afternoon at the Transfer Station, recent meetings of the Finance Committee, and the Board of Health. Mr. Carron also reported that the Cape Cod Regional Transit Authority is considering the addition of an east to west service route in the Town of Orleans.

Mr. Dunford reported on the Massachusetts Municipal Association Conference that he attended last week.

Mrs. Fulcher presented the Board with information from a recent meeting of the Orleans Elementary School Committee.

Mr. McGrath updated the Board with information from a meeting of the Cape Cod Regional Technical High School Committee.

Mr. Fuller presented the Board with information from a meeting of the Snow Library Board of Trustees, a meeting of the Community Preservation Committee, and a meeting of the Planning Board.

Any other business: (03:19:45)

Mr. Carron asked for an update on the comparison of wastewater treatment alternatives.

Mr. Fuller stated that the Board would need to vote on the dedication for the Annual Town Report.

**On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to dedicate the Annual Town Report for the Town of Orleans to the memory of George Christie.**

Adjourn: (03:23:35)

**On a motion by Mrs. Fulcher, 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