

BOARD OF SELECTMEN  
MEETING MINUTES

10 JUN -4 PM 2:19

April 21, 2010  
Approved on April 26, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, April 21, 2010 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, Assistant Town Administrator Myra Suchenicz and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 6:30 pm.

Public Comment: (00:00:21)

*David Hubbard*, a member of the Friends of Rock Harbor, announced a clean-up event the Friends will be hosting on Thursday, April 22, 2010 at Rock Harbor at 9:30 AM.

*Elizabeth DeLima*, a member of the Orleans Citizens Forum, announced the Candidate's Forum at the Council on Aging Senior Center on April 29<sup>th</sup> from 6:30 pm to 8:30 pm.

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board regarding the Candidate's Forum.

*Hap Farrell*, a resident of Eldredge Park Way, spoke to the Board regarding the Board's position on the proposed new Massachusetts Department of Public Health Bathing Beach regulations. Mr. Farrell also urged the Board to be more "business" friendly.

Approval of Minutes: (00:11:30)

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the April 27, 2010 executive session meeting as written. The vote was 5-0-0.**

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to adopt the minutes of the April 27, 2010 meeting as amended. The vote was 5-0-0.**

Approve recommendation from Sarah Brown Scholarship Committee: (00:13:00)

Assistant Town Administrator Myra Suchenicz introduced the award requirements and the Committee's recommendation for the Sarah Brown Scholarship award.

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to approve the recommendation of the Sarah Brown Scholarship Committee for the 2010 and 2011 school year scholarship award in the amount of \$3000.00. The vote was 5-0-0.**

Town Administrator's Report: (00:14:32)

Assistant Town Administrator Myra Suchenicz asked the Board to vote to proclaim Wednesday April 28, 2010 as Arbor Day in the Town of Orleans.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to proclaim Wednesday April 28, 2010 as Arbor Day in the Town of Orleans. The vote was 5-0-0.**

Ms. Suchenicz also thanked the Parks and Beaches Department for the sustainable plantings along Eldredge Park Way.

Ms. Suchenicz informed the Board of the Statewide Training and Resources Exposition that five Town of Orleans Department Heads will be attending.

Ms. Suchenicz also informed the Board that Highway Department employee Jacob Marshall has returned to his position after one-year deployed service in Afghanistan with the Army National Guard. Mr. Fuller asked that the Town Administrator's office prepare a formal letter of thanks for Mr. Marshall for the Board to sign.

Liaison Reports: (00:18:25)

Mr. McGrath reported on a recent meeting of the Renewable Energy Committee and the Barnstable County Wastewater Collaborative.

Mr. Dunford reported on a meeting between NStar and the Chatham Board of Health regarding NStar's herbicide spraying.

Mr. Carron updated the Board on a recent meeting of the Regional Police Department Feasibility Committee and recent meetings of the Board of Health and the Board of Water and Sewer Commissioners.

Mr. McGrath asked for more information on the possibility of one-hour water quality testing.

7:00 p.m. Show Cause Hearing: (00:30:00)

Chairman Fuller read the Show-Cause Hearing notice for ADG Inc. d/b/a Lobster Pound for failure to open on April 1, 2010 to the public as required by the terms and conditions of the Seasonal All Alcoholic Common Victualler Liquor License, as published in the Cape Codder and called the public hearing to order.

Chairman Fuller called for all individuals giving testimony to step forward and agree to the testimonial oath. There were no representatives present for the Lobster Pound.

Town of Orleans Liquor Licensing Agent Liana Surdut, accepted the testimonial oath and stated that the Lobster Pound had failed to open on April 1, 2010 as per the requirements of the Seasonal All Alcoholic Common Victualler Liquor License.

Mr. Dunford asked if the memo from Detective Higgins was accurate, in that, the business is in fact open.

Chairman Fuller called for public comment.

No public comment was offered.

Ms. Surdut recommended that the Board vote to continue the Show-Cause hearing to April 28, 2010 at 7:00 pm.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to close the evidentiary portion of the Show-Cause Hearing. The vote was 5-0-0.**

**On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to continue the Show-Cause Hearing for ADG Inc., d/b/a Lobster Pound, for failure to open to the public on April 1, 2010 as required by the terms and conditions of the Seasonal All Alcoholic Common Victualler Liquor License until April 28, 2010 at 7:00 pm. The vote was 5-0-0.**

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to close the Show-Cause Hearing. The vote was 5-0-0.**

Mr. Fuller asked if the Board wished to discuss the memorandum from Town Counsel regarding the wording of the Liquor Licensing Regulations for the Town of Orleans. Mr. Dunford and Mr. McGrath suggested that the matter be taken up at a time when Town Counsel was present for a regular meeting.

Meet with Council on Aging Board and Executive Director, Liz Smith: (00:37:00)

The Board met with Elizabeth Smith, Executive Director of the Council on Aging. Ms. Smith presented the Board with information on the walkway project. Ms. Smith invited the Board to attend the June 6<sup>th</sup> 2:30 pm ribbon cutting ceremony for the walkway and the AOSC exhibit.

Orleans Council on Aging member Dennis GiaQuinto presented the Board with information on the importance of exercise in preventing health issues related to the aging process.

Ron Collins, project manager for the walkway, informed the Board that the overages for the walkway budget were not unreasonable or unexpected. He further stated that the project is on schedule and should be finished prior to the open house.

Mr. McGrath asked if it would be possible for the parking issue to be addressed prior to the annual town election. Ms. Smith replied that she and Chief Roy had met and designed a plan to account for the traffic that day.

Meet with Marine & Fresh Water Quality Task Force: (01:03:12)

Caroline Kennedy Chairwoman and Judith Scanlon Vice-Chairwoman of the Marine and Fresh Water Quality Task Force presented the Board with information on the water quality data for Cedar Pond.

Ms. Kennedy asked that the Marine and Fresh Water Quality Task Force be allowed to review additional data and make a recommendation on the remediation efforts for Cedar Pond.

Judith Bruce, a member of the Conservation Commission, spoke to the Board regarding the Cedar Pond area. Ms. Bruce explained that because Cedar Pond is in an AC/EC area there would be additional permitting required for extensive restoration.

Judith Scanlon stated that it is important for the Town to make an effort to work cooperatively with the regulatory agencies.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to direct the Town of Orleans Director of Community Development and Planning to compose letters to Mass Department of Transportation requesting assistance in storm water and drainage remediation around the Cedar Pond area and a letter to NStar requesting assistance in using Cormorant discouragement technology on the power lines in the area around Cedar Pond. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to send a letter to the Massachusetts Department of Environmental Protection advising them that the Town is researching options for Cedar Pond remediation and may at some time request technical assistance in an attempt to keep the lines of communication open. The vote was 5-0-0.**

Meet with Town Planner, George Meservey: (01:28:52)

The Board met with Orleans Director of Community Development and Planning George Meservey. Mr. Meservey updated the Board with the progress of the John P. Hinckley Jr. Affordable Housing Project. Mr. Meservey stated that the Affordable Committee is struggling to continue this project without going to trial.

The Friends of Affordable Housing have asked that the funds that they had gifted be returned to the account pending resolution of the legal issues.

Mr. Meservey updated the Board on the pending appeal file by the commercial abutter of the property for the 40B filing. Town Counsel is working to meet with the property owner to discuss the issues. McShane Construction is taking steps to speed up the process and is willing to meet with the property owners at any time.

Mr. Meservey also presented the Board with information on the Condo Purchase Program. Town Counsel has delayed implementation due to further research into legal issues.

Wastewater Planning Issues/Updates as Necessary: (01:49:20)  
No wastewater issues were discussed.

Any Other Business: (01:49:27)  
No additional business was offered.

Adjourn: (01:49:32)  
**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to adjourn.** The vote was 5-0-0.

Respectfully submitted,  
Kristen Holbrook



Sims McGrath Jr., Clerk

