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TOWN OF ORLEANS
TOWN CLERKS OFFICE

BOARD OF SELECTMEN
MEETING MINUTES

10 JUN 10 PM 12:06

May 19, 2010

Approved on June 2, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, May 19, 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, Selectwoman Susan Christie, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

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

Reorganization of the Board of Selectmen: (00:00:15)

Chairman Fuller announced the reorganization of the Board of Selectmen and opened the nominations for Chairman of the Board of Selectmen.

Mr. McGrath nominated Mrs. Fulcher to serve as the Chairwoman of the Board of Selectmen.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to close the nominations for Chair of the Board of Selectmen. The vote was 5-0-0.

Mr. Fuller called for an all in favor vote of appointing Mrs. Fulcher as the Chairwoman of the Board of Selectmen. The vote was 4-0-1. Mrs. Fulcher abstained from the vote.

Mr. Fuller called for nominations for Vice-Chairman of the Board of Selectmen.

Mrs. Christie nominated Mr. McGrath to serve as Vice-Chairman of the Board of Selectmen.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to close the nominations for Vice-Chairman of the Board of Selectmen. The vote was 5-0-0.

The Board voted unanimously to appoint Mr. McGrath as Vice-Chairman of the Board of Selectmen.

Mr. Fuller called for nominations for Clerk of the Board of Selectmen.

Mrs. Fulcher nominated Mr. Fuller to serve as Clerk of the Board of Selectmen; Mr. McGrath seconded the nomination.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to close the nominations for Clerk of the Board of Selectmen. The vote was 5-0-0.

The Board voted unanimously to appoint Mr. Fuller as Clerk of the Board of Selectmen.

Mr. Fuller opened the nominations for Chairman of the Park Commission.

Mrs. Fulcher nominated Mr. McGrath to serve as Chairman of the Park Commission; Mr. Dunford seconded the nomination.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to close the nominations for Park Commission Chair. The vote was 5-0-0.

The Board voted unanimously to appoint Mr. McGrath as Chairman of the Park Commissioners.

Chairwoman Margie Fulcher welcomed Mrs. Christie to the Board and congratulated Mr. Fuller on his reelection. Mrs. Fulcher also thanked Mr. Fuller for his outstanding leadership during his term as Chairman of the Board of Selectmen.

Mrs. Fulcher stated for the record that the Board is looking forward to working cooperatively and respectfully with all parties involved.

Public Comment: (00:04:20)

Gwen Holden-Kelly, a member of the Finance Committee read a letter signed by the Chairman of the Finance Committee, into the record. The letter asks the Board to favorably consider a referral of the SMAST MEP linked model to the National Academy of Sciences.

Ben Buck, a resident of Rock Harbor Road, spoke to the Board regarding the outcome of the Annual Town Meeting Article 22 "Second Hand Dealer Bylaw". Mr. Buck also commented on the Town of Orleans future wastewater planning.

Approval of Minutes: (00:12:10)

Mr. McGrath asked that the minutes for April 21, 2010 Board of Selectmen's meeting be tabled until the May 26, 2010 meeting as there are additional corrections to be made.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the April 29, 2010 meeting as written. The vote was 4-0-1. Mrs. Christie abstained from the vote.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the May 10, 2010 meeting as written. The vote was 4-0-1. Mrs. Christie abstained from the vote.

7:00 p.m. Continuation of Show Cause Hearing: (00:13:18)

Mrs. Fulcher reconvened the Show-Cause Hearing for A.D.G Inc., d/b/a Orleans Lobster Pound.

Mr. Kelly presented the Board with a report from Detective Kevin Higgins stating that the restaurant is open and operating at this time.

Mr. Kelly recommended that the Board close the Show-Cause Hearing and take no further action.

Mrs. Christie reported that the Board of Health had conducted inspections and issued the required licenses.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to find that A.D. G Inc., d/b/a Orleans Lobster Pound is open and in compliance with the Liquor Licensing Regulations of the Town of Orleans and close the show cause hearing with no further action taken. The vote was 5-0-0.

Public Hearing – New Shellfish Grant License: (00:16:43)

On a motion by Mr. McGrath and seconded by Mr. Fuller, the Board voted to open the public hearing for the shellfish grant application for Mr. Kyle Farrell. The vote was 5-0-0.

Mr. Farber recommended that the Board approve the application.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to allow for the licensing of a new one-half acre Shellfish Grant #71 to Kyle Farrell of 45 Shorewood Drive, Orleans, MA per the application filed with the Shellfish Department on April 12, 2010 with said license to expire on April 30, 2015. This license does not grant any property rights. It does not authorize any injury to private property or invasion of property rights. The vote was 5-0-0.

Hearing on Harbormaster's Decision – Rock Harbor Slip Regulations: (00:18:25)

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to open the hearing. The vote was 5-0-0.

Mr. Kelly presented the Board with a letter of appeal of the Harbormaster's Decision to deny a transfer of dockage at Rock Harbor.

Mrs. Fulcher asked Ms. Finlay-Emerson to address the Board with her concerns. Ms. Finlay-Emerson, presented the Board with the history of the dock, and the intentions of her family to maintain the dock for recreational and supplemental commercial fishing income. She asked the Board to overturn the decision of the Harbormaster.

Mr. Fuller stated that he felt that the appeal process was designed for this type of circumstances.

Mr. Farber outlined for the Board the process of registration that came about for licensing the piers.

Mrs. Fulcher called for public comment.

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

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to direct the Harbormaster and Town Administrator to research the current dockage transfer policy and make a recommendation back to the Board on what is the best way to handle these piers in the future. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to find that the dock in question has been built and maintained by the Finlay-Emerson family. Further the Board finds that the Finlay-Emerson family has a vested interest in the pier, and the use and continued operations of the dock is customary and usual, and therefore grant the appeal and directs the Harbormaster to transfer the license to the appropriate family member. The vote was 4-0-1; Mr. Fuller abstained from the vote.

Meet with Board of Health: (00:42:53)

The Board met with four members of the Board of Health and Town of Orleans Health Agent Bob Canning to discuss the expiration of the SEMASS Agreement and the possible increase in the transfer station sticker fees.

Mr. McGrath asked if it would be appropriate to increase the transfer station sticker fees incrementally, thus alleviating the impact to the residents.

Mr. Dunford stated that he would like to see the analysis of the financial information.

Mrs. Fulcher stated that she would like to hold a joint public hearing with the Board of Health and ask for public opinion on this matter.

Mr. Kelly stated that one option would be to create a stabilization fund for the transfer station that could be used when needed.

Mrs. Christie asked if the fees that are being subsidized would that continue?

Mr. Kelly replied that if the Board wanted to maintain 75% operating costs covered by the fees, then the amount over that 75% could be set aside for the stabilization fund.

Mrs. Fulcher asked the Board of Health members to speak to the issues.

Mr. Job Taylor, a member of the Board of Health, agreed with Mr. Kelly's recommendation to create a stabilization fund.

Board of Health member, Augusta McKusick, stated that the last thing she wanted to do is to make the transfer station prohibitively expensive.

Mrs. Fulcher asked that the members of the Board of Health report back to the Board with a possible date for a public hearing to be held.

Town Meeting Follow Up: (01:07:12)

The Board discussed the failure of the Capital Improvement Plan to gain approval at the Annual Town Meeting.

Mr. Kelly recommended that the Board present a revised Capital Improvement Plan at the Special Town Meeting in 2011. He asked that the Board allow him 1 week to make some recommendations on how best to revise the Capital Improvement Plan.

Mr. McGrath suggested that the Board might take a facilities tour so that they are aware of the needs for the Town.

Wastewater Planning Issues/Updates as Necessary: (01:20:45)

Mr. Kelly presented the Board with a letter from the Finance Committee Chairman, asking for favorable action by the Board, on referring the MEP reports and the linked models, to the National Academy of Sciences for a peer review.

Mr. Fuller stated that he is a supporter of this and feels it should be directed to the Federal Representatives.

Mr. McGrath asked if the Board could see a copy of the hierarchy of the representatives, and this may end up being a battle that is more expensive than the town is willing to engage in.

Mr. Dunford stated that he agrees with Mr. Fuller and stated that perhaps the representative on the Barnstable County Water Protection Collaborative could inquire on a way to get more than just the Town of Orleans name on the letter.

Ms. Holden-Kelly stated that the more support available from the County and State Representatives, the better.

Town Administrator's Report: (01:35:10)

Mr. Kelly presented the Board with communications from the Orleans Citizen's Forum regarding the presentation of a public service presentation on Lyme's Disease and Tick Borne Illness Prevention. The Board discussed asking the Board of Health to sponsor the event.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to authorize the use of the Town Hall meeting rooms to host an informational public service forum on Lyme's Disease and Tick borne illness prevention. The vote was 5-0-0.

Mr. Kelly presented the Board with information on the Cape Cod Hospital Auxiliary's annual Tag Day event, which will be held on Thursday August 5, 2010.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to grant permission for the Cape Cod Hospital Auxiliary to solicit donations outside of businesses in the Town of Orleans on Thursday August 5, 2010 from 7:00 am until 4:00 pm during their annual Tag Day event. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to appoint Beverly A. Fuller to the Board of Registrars with a term ending date of March 31, 2013. The vote was 4-0-1. Mr. Fuller abstained from the vote.

Mr. Kelly informed the Board that the Spirit of America Band had submitted a request for permission to use the former compost building at the Tri-Town facility to hold rehearsals on Saturday's this spring during inclement weather.

Christy Haig, a representative of the Spirit of America Band, stated that these rehearsals would only take place during inclement weather.

Anne Kanaga stated that she hoped the Board would vote favorably on the requests.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the request of the Spirit of America Band to use the compost building at the Tri-Town Facility on Saturdays during inclement weather, for one- month, contingent upon proof of insurance and the Board asks that the Spirit of America Band replace the cleared materials when the facility is no longer needed. The vote was 5-0-0.

Mr. Kelly presented the Board with information on the follow-up Kescayoganssett Road run-off.

Mr. Kelly also informed the Board that the alternative septic system at the Town Hall is not performing as it should be and the Parks and Beaches Superintendent will be in touch with the company that operates the system and will ask the company to respond to the Board of Health with an action plan.

Augusta McKusick spoke to the Board regarding the issues surrounding the alternative systems.

Mr. Kelly informed the Board that Stop and Shop has withdrawn their application for site plan review for installation if a gas station citing uncertainty of the Cape Cod Commission's review of the plan and the potential mitigation.

Mr. Kelly also presented the Board with a letter of commendation for Rick McKean's assistance with helping Peter Deeks retrieve a lost set of keys at the transfer station.

Mr. Kelly also spoke to the Board regarding the reaccreditation of the Orleans Police Department.

Liaison Reports: (02:03:10)

Mr. Dunford presented the Board with updates on recent meetings of the Water Quality Task Force, the Shellfish and Waterways Advisory Committee and the Architectural Review Committee.

Mr. McGrath thanked the Assistant Town Administrator for the report from the Snow Library Board of Trustees.

Any other business: (02:07:00)

Mrs. Fulcher thanked Mr. Carron for his two terms of service.

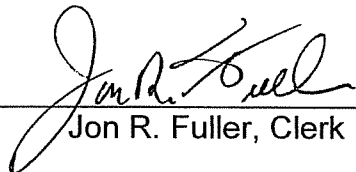
Mr. McGrath shared an article on Public Works and Mutual Aid from the Beacon.

Adjourn: (02:08:10)

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

Respectfully submitted,

Kristen Holbrook



Jon R. Fuller, Clerk

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