

BOARD OF SELECTMEN
MEETING MINUTES

June 23, 2010

Approved on July 14, 2010

TOWN OF ORLEANS
TOWN CLERKS OFFICE
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A meeting of the Orleans Board of Selectmen was held on Wednesday June 23, 2010 in the Nauset Room of the Town Hall. Present were Chairwoman Margie Fulcher, Vice Chairman Sims McGrath Jr., Clerk Jon R. Fuller, Selectman David M. Dunford, Selectwoman Susan B. Christie, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairwoman Fulcher called the meeting to order at 6:30 pm.

Public Comment: (00:00:17)

Kurt Collier, a resident of Orleans, spoke to the Board regarding the Orleans Comprehensive Wastewater Management Plan. Mr. Collier urged the Board to continue seeking support for an independent peer review of the SMAST MEP linked model.

Gary Clinton, a resident of Nickerson Road and representative of Decentralized Wastewater Options for Orleans, spoke to the Board regarding the Boards request for support from the Barnstable County Commissioners for an independent peer review of the SMAST MEP linked model. Mr. Clinton urged the Board to continue their effort in seeking support for the independent peer review. Mr. Clinton also asked if the water quality results from 2009 at PBA 12 had been received.

Approval of Minutes: (00:09:35)

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the June 9, 2010 meeting as amended. **The vote was 4-0-1. Mr. McGrath abstained from the vote.**

Committee Reappointments: (00:13:10)

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to reappoint Anne Hodgkinson to the Board of Water and Sewer Commissioners, with a term ending date of June 30, 2013. The vote was 4-0-1; Mr. Fuller abstained from the vote.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to reappoint Ann Williams, to the Cultural Council with a term ending date of June 30, 2013. The vote was 5-0-0.

Mrs. Christie moved the Board to elevate Conservation Commission member Jaime Balliett from an associate member to a regular member with a term ending date of June 30, 2011. Mr. McGrath seconded the motion.

Mr. Fuller pointed out that the term ending date would mean four members of the Conservation Commission would have expiring terms in 2011. He suggested that a term ending date of 2013 would make more sense for the appointment.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to amend the motion to a term ending date of June 30, 2013. The vote was 5-0-0.

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to elevate Conservation Commission member Jamie Balliett from associate member to regular member with a term ending date of June 30, 2013, as amended. The vote was 5-0-0.

Committee Interviews and Appointments: (00:15:25)

The Board met with and interviewed citizens Wayne F. Richardson Jr. and Eric Ehnstrom regarding their interest in vacant positions on the Bike and Walkways Committee.

Mr. Richardson explained that he is an avid biker and has had a long-term interest in the committee.

Mr. Ehnstrom spoke to the Board regarding his interest in serving on the Bike and Walkways Committee.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to appoint Wayne F. Richardson and Eric Ehnstrom to the Bike and Walkways Committee with term ending dates of June 30, 2013. The vote was 5-0-0.

The Board was scheduled to meet with Charles Renfro for a vacancy on the Architectural Review Committee and Phillip Peterson for a vacancy on the Shellfish and Waterways Advisory Committee, however neither Mr. Renfro nor Mr. Peterson were in attendance at the meeting.

Hawker's & Peddler's License: (00:25:45)

Mr. Kelly presented the Board with an application from Zeke's Surf Shop for a Hawker's and Peddler's License to rent Surfboards and surf related equipment from the parking lot at the Barley Neck Inn.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the application of Zeke's Surf Inc., for a Hawker's and Peddler's license to rent surfboards and surf related equipment from Joe's Bar and Grille at the Barley Neck Inn property, located at 5 Beach Road during the months of June through September, Mondays through Sundays from 7:00 am until 5:00 pm subject to all approvals, bylaws, permits and licenses. Said license to expire on December 31, 2010. The vote was 5-0-0.

Vote to sign Conservation Restriction for Fleck Property on Twinings Pond: (00:27:52)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to sign the Conservation Restriction for the Fleck Property located on Twinings Pond Road, finding that Town Counsel has reviewed and approved the restriction as this conservation restriction would expand existing Town and Orleans Conservation Trust protected open space on Twinings Pond, will protect the water quality in the Pond and within the Pleasant Bay Marine Water Recharge Area, will extend the walking trail systems around Twinings Pond, maintain and enhance, along with adjacent properties, a significant wildlife corridor between Eelman's Point on Pleasant Bay and Twinings Pond, it will protect land within a State mapped Priority Habitat Area for Rare Species, a BioMap Core Habitat Area and the Statewide Land Conservation Plan, also the restriction will meet a priority of the Town's 2006 Conservation, Recreation and Open Space Plan by acquiring land targeted by the Town as having strategic potential for Open Space Protection. The vote was 5-0-0.

Town Administrator's Report: (00:31:40)

Mr. Kelly presented the Board with follow-up information from the Affordable Housing Committee draft charge. Mr. Meservey provided information on the "tax incremental financing" that was removed from the charge.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the draft charge for the Affordable Housing Committee as proposed. The vote was 5-0-0.

Also included for the Board's information was a copy of the Committee's approved funding allocation plan for the remaining funds in the Housing Trust Fund in the amount of \$50,450.00.

Mr. Kelly updated the Board with information from the Cape Cod Mosquito Control Project.

Mr. Kelly informed the Board of a new staff appointment. He has appointed Erin C. Shupenis to the Principal Clerk position in the Conservation and Health Department. Ms. Shupenis will begin on July 1, 2010. Mr. Kelly also expressed appreciation for the efforts of Christine Hermes who has been serving in the clerk's position since retirement.

Wastewater Planning Issues/Updates as Necessary: (00:45:58)

The Board discussed the response from the Barnstable County Commissioners that was received regarding the Board's request for support in seeking an independent peer review of the SMAST MEP linked model by the National Academy of Sciences. Mr. Kelly announced that the towns of Bourne, Yarmouth, Truro and Wellfleet had indicated support of the proposal, while the Barnstable County Commissioners indicated that they would not support the referral.

Mr. Fuller asked if any other responses have been received, and Mr. Kelly replied that no responses had been received from the Massachusetts Department of Environmental Protection, UMASS Chancellor's Office, Representative Peake, State Senator O'Leary or Congressman Delahunt.

Mr. Dunford stated that he was disappointed by the response from the County Commissioners, and felt it would be useful to wait until next week or the week after to see if the Town of Orleans has enough support to move forward without the County support.

Mr. Kelly replied that the Board of Selectmen's meeting for June 30, 2010 has several wastewater discussion items on the agenda, including Mr. Andrew Gottlieb, from the Barnstable County Wastewater Protection Collaborative, as he will be presenting the information on the independent cost studies being funded through the collaborative. Mr. Kelly will also have an update on the MEPA report.

Mr. Fuller stated for the record that the paragraph in the letter from the County Commissioners citing fears of delays that would be caused by a review of the SMAST linked models was unfair, most delays in the wastewater planning process have been caused by the Massachusetts Department of Environmental Protection and SMAST; for example the Nauset Estuary report that has been promised and not delivered in nearly ten years.

Mr. McGrath asked if it was accurate that the EIR application would not be accepted without the Nauset Report.

Mrs. Fulcher stated that she would like the Town to be in a position to receive funding from the Cape Cod Water Protection Collaborative regarding the financial and planning consultants. She would like to continue to move forward as the Town may be missing out on funding.

Liaison Reports: (01:10:10)

Mrs. Christie presented the Board with an update on a recent meeting of the Board of Health.

Mr. McGrath reported that he had attended a meeting of the Regional Solid Waste Advisory Committee.

Mr. Fuller presented the Board with information on recent meetings of the Lighthouse Charter School and the Planning Board.

Mr. Dunford reported on a meeting of the Marine and Fresh Water Quality Task Force.

Mrs. Fulcher updated the Board on recent meetings of the Fourth of July Committee and the Orleans Elementary School Committee.

Any other business: (01:21:07)

Mr. Dunford asked if the Board had received the emails that had been sent to the Town Administrator regarding banners hanging from the fencing and dugouts. The Orleans Athletic Association has been informed that the commercial banners are not in compliance and they have agreed to abandon the effort. Mr. Kelly informed the Board that the Orleans Athletic Association has been informed that if the banners are not removed by tomorrow morning the Town will remove them.

Mrs. Fulcher thanked Mr. Dunford for bringing the issue up. She further stated that the banners have cheapened the look of the Park and she feels that the arrogance and lack of concern for the rules is unfortunate.

Mr. Dunford stated that he is stunned, and he asked if there was a way to improve the communication.

Mr. Kelly stated that the rules are spelled out, but are being ignored, and it is unfortunate. Mr. Kelly stated that the banners are a blatant violation of protocol.

Mr. Fuller stated that the Board needs to communicate with the Cape Cod Baseball League Commissioner's office and ask if they are pressuring the Firebirds to place the banners.

Mrs. Christie asked about the meals verification forms for the increased meals taxes.

David Schropfer, a member of the Lower Cape Cable Television Committee, spoke to the Board regarding the agreement to continue to run the Channel 17 electronic bulletin Boards.

On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to authorize the Lower Cape Cable Consortium to act as its designee solely for the purpose of continuing the playback and electronic bulletin board services for Channel 17, and to appoint the current Chair of the Lower Cape Cable Consortium, Mr. Thomas D. Cole of Wellfleet, as the responsible party to receive notices, comments and complaints, and to appoint various volunteers to operate the playback system as a temporary access group for no more than sixty days, further this vote imparts no further authority to the Lower Cape Cable Television Access Corporation. The vote was 4-1-0; Mr. Dunford voted nay.

On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to authorize the Town Administrator to sign the agreement with the Lower Cape Cable Television Access Corporation. The vote was 5-0-0.

Executive Session – Collective Bargaining: (01:57:00)

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted, by way of roll call, to enter into executive session for the purpose of discussing collective bargaining returning to open session solely for the purpose of

adjournment. The vote was 5-0-0, with Mr. Dunford, Mr. Fuller, Mrs. Fulcher, Mr. McGrath and Mrs. Christie all voting aye.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted, by way of roll call, to return to open session solely for the purpose of adjournment. The vote was 5-0-0, with Mr. Dunford, Mr. Fuller, Mrs. Fulcher, Mr. McGrath and Mrs. Christie all voting aye.

Adjourn:

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

Respectfully submitted,
Kristen Holbrook



Jon R. Fuller, Clerk