

BOARD OF SELECTMEN  
MEETING MINUTES

December 15, 2010

Approved on January 19, 2011

A meeting of the Orleans Board of Selectmen was held on Wednesday, December 15, 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: (00:00:35)

Mrs. Fulcher asked for a moment of silence to honor all US troops who have died in service to our country as well as those currently serving.

*Patricia Fallender*, President of the Orleans Improvement Association, announced the winners of the 2010 Christmas Decorating contest. Mrs. Fallender thanked all of the business and judges who participated in this year's celebration.

*Gwen Guzzeau*, a member of the Orleans Elementary School Committee, invited the Board and citizens of Orleans to attend a forum on the future of education in the Town of Orleans. The forum will be held on January 7, 2011 from 5:00 – 8:00 pm at the Orleans Elementary School.

*Ed Daly*, a resident of Orleans and member of the Orleans Citizens Peer Review Panel, spoke to the Board regarding a meeting the panel had with Dr. Brian Howes that had been arranged by Barnstable County Commissioner Sheila Lyons. Mr. Daly informed the Board that as a result of the discussion Dr. Howes indicated that he would support the Town in asking the Department of Environmental Protection to change the maximum TMDLs and possibly reclassify the Rock Harbor Boat Basin.

Mr. Dunford asked if Dr. Howes had mentioned or suggested follow-up method for asking Department of Environmental Protection to adjust the data. Mr. Daly replied that there had been no recommended follow-up method.

6:45 p.m. Meet with Planning Board and Consultant Peg Barringer of Fine Point Associates: (00:12:55)

Dr. Ken McKusick of the Planning Board spoke to the Board regarding the Village Center Market Study and the results of the study.

Town of Orleans Director of Planning and Community Development, George Meservey, spoke to the Board regarding the Village Center study. Mr. Meservey explained the reasoning for the study and the potential impacts on the town.

Village Center Market Study consultant Peg Barringer of Fine Point Associates, presented the findings of the study to the Board.

Chet Crabtree, head of the Planning Board subcommittee on the Village Center, spoke to the Board regarding the community input and feedback that they have received. Mr. Crabtree explained how the Planning Board and the subcommittee are handling the 56 recommendations from the Village Center Study. There are 6 groups discussing the recommendations, each group has one planning board liaison. Mr. Crabtree explained that the Planning Board does not want to waste the information in the report. Mr. Crabtree stated that they would like to meet with the Board again in May.

Mr. Wayne Lopresto, from the Orleans Chamber of Commerce, spoke to the Board regarding the excitement over the Village Center Plan. Three members of the Chamber will be working with the Planning Board in cooperation on this project. The Chamber's goal is to have more information before the Annual Town Meeting in May.

Chairwoman Fulcher called a brief recess before continuing with the agenda.

7:45 p.m. Meet as Park Commissioners with Paul Fulcher, Park Superintendent:  
(01:25:02)

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to meet as Park Commissioners.** The vote was 5-0-0.

Park Commission Chair Sims McGrath Jr. introduced the agenda for the Park Commissioners.

Town Administrator John Kelly presented the Board with a letter from the Orleans Athletic Association regarding proposed phase II of the Eldredge Park improvements. Mr. Kelly explained that the Chairwoman of the Board of Selectmen, the Chairman of the Park Commissioners, the Orleans Park Superintendent and he had met with the Orleans Athletic Association and provided additional details for the items that need to be completed as part of phase II. During the meeting the members present did discuss the changes that have occurred since the Board signed the original approvals.

Mr. Kelly explained the original scope of work called for redesign of the entire field, which would impact the current irrigation system. The Orleans Athletic Association has requested that the revised plan would have minimal impact on the actual irrigation system. The Orleans Athletic Association is asking the Board for permission to move forward with the revised plans for phase II. Mr. Kelly stated that he feels what the Orleans Athletic Association is asking is reasonable, but the Board may need to place some limitations on the efforts in terms of timing, so that the work can be scheduled in accordance with keeping the field in the best condition possible.

Mr. Kelly explained that the Board had originally asked that the improved safety netting be left up year round. The Orleans Athletic Association explained that due to the temperature changes they are concerned that the equipment may be damaged. Mr. Kelly explained that he had spoken to Town Counsel and if the netting is removed, a sign will need to be posted stating that use of the field between the dates of December 1<sup>st</sup> through March 1<sup>st</sup> would be at the risk of the participants.

Mr. Kelly stated that he and the Park Superintendent are comfortable with the changes the Orleans Athletic Association is asking for.

**On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to approve the amended scope of work and approve moving forward with Phase II pending final plans and approval of the Parks and Beaches Superintendent. The vote was 5-0-0.**

The Board reviewed a draft of an amendment to the Zoning Bylaw to allow for Banners and Signs to be hung at Eldredge Park for nonprofit organizations.

**On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to approve the concept and forward the draft of the amendment to the Planning Board for review. The vote was 5-0-0.**

Mr. Kelly presented the Board with information on the Nauset Beach agreement with the Town of Chatham. Mr. Kelly informed the Board that the Town of Chatham has voted to extend the agreement and recommended that the Board vote to extend for one additional year. The only outstanding issue is that the rules and regulations only apply to Orleans; Chatham has not issued their rules and regulations as of yet. Also there is an issue regarding private property owners and the closure of the beach when the birds are nesting. Because there are no longer any buildings out there, there is no reason for the owners to be out there by vehicle when the Beach is closed due to the birds.

**On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to extend the Nauset Beach Agreement with the Town of Chatham through 2011 subject to the understanding that the beach in Chatham is under the control of the Chatham Conservation Commission Rules and Regulations and when the Beach is closed The Town of Orleans will not provide escorts to the Chatham Property owners. The vote was 5-0-0.**

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

Approval of Minutes: (02:39:21)

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the minutes of the November 17, 2010 meeting as written. The vote was 5-0-0.**

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the minutes of the November 17, 2010 Executive Session meeting as written. The vote was 4-0-1; Mr. McGrath abstained from the vote.**

Annual License Renewals: (02:41:49)

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to renew the 2011 All Alcoholic Beverage and Wine and Malt Beverage Common Victualler Liquor Licenses, All Alcoholic Beverage Inn Holder Liquor Licenses, and All Alcoholic Beverage Club Liquor Licenses for the businesses listed in the memo dated December 15, 2010, subject to approval, all permits, approvals and licenses and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2011. The vote was 5-0-0.**

**On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to renew the 2011 All Alcoholic Wine and Malt Beverage Package Goods Store Liquor Licenses for the businesses listed in the memo dated December 15, 2010, subject to approval, all permits, approvals and licenses and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2011. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to renew the 2011 Common Victualler Licenses for the businesses listed in the memo dated December 15, 2010, subject to compliance with the Worker's Compensation Act and all applicable federal, state and local rules, regulations, laws and bylaws. All licenses to expire on December 31, 2011. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to renew 2011 Weekday & Sunday Entertainment, Mechanical Devices and Pool Table Licenses for the businesses listed in the memo dated December 15, 2010, subject to compliance with the Worker's Compensation Act and all applicable federal, state and local rules, regulations, laws and bylaws. All licenses to expire on December 31, 2011. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to renew 2011 Lodging House and Inn Holder Licenses for the businesses listed in the memo dated December 15, 2010, subject to compliance with all federal, state and local rules, regulations laws and bylaws. All licenses to expire on December 31, 2011. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to renew 2011 Auto Class I and Auto Class II licenses for the businesses listed in the memo dated December 15, 2010, subject to compliance with the Worker's Compensation Act and all applicable federal, state and local rules, regulations, laws and bylaws. All licenses to expire on January 1, 2012. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to renew the 2011 Hawkers and Peddlers licenses for the businesses listed in the revised memo dated on December 15, 2010 subject to compliance with all federal, state and local rules, regulations, laws and bylaws. All licenses to expire on December 31, 2011. The vote was 5-0-0.**

Change of Hours – True Blue Atlantic d/b/a Mahoney's Atlantic Bar & Grill: (02:49:08)

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the request of True Blue Atlantic, Inc. d/b/a Mahoney's Atlantic Bar and Grill, located at 28 Main Street, to change the hours of operation on their current liquor license to 11:00 am- 10:00 pm Mondays through Sundays. The vote was 5-0-0.**

Temporary Closing – Orleans Inn: (02:50:03)

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the requests of Ed Maas, owner/manager of the Orleans Inn to temporarily close his business from December 24, 2010 through December 30, 2010 and January 16, 2011 through January 20, 2011 for maintenance purposes and in accordance with the Rules and Regulations of the Liquor Licensing Authority. The vote was 5-0-0.**

Request for Determination – Land Purchase from Putnam: (02:51:45)

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to determine that the property located known as the Putnam Farm located at 50 Bridge Road, Orleans, MA has unique and special qualities, including the fact that the property is a large tract of land with important conservation, agricultural and open space values and is suitable for passive recreational values. As a result, no benefit to the Town will be derived from following the advertising requirements for real property acquisition provided for in G.L. chapter 30B, The Uniform Procurement Act. The vote was 5-0-0.**

Amend Designation of Special Municipal Employees: (02:54:14)

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to classify the positions on the attached list, date December 15, 2010, as Special Municipal Employees pursuant to Massachusetts General Laws Chapter 268A. The vote was 5-0-0.**

Town Administrator's Report: (02:56:00)

Mr. Kelly presented the Board with a revised draft policy statement for banners across Main Street and Eldredge Park Way.

**On a motion by Mrs. Christie, and seconded by Mr. Fuller, the Board voted to approve the draft of the Banner Bylaw Amendment and forward the amendment to the Planning Board for review. The vote was 5-0-0.**

Mr. Kelly presented the Board with information on the sponsorship of the National Academy of Sciences review of the MEP Report. Mr. Kelly informed the Board that there is nothing that would preclude the Town of Orleans from being the sponsor.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to move forward and indicate to the National Academy of Sciences and legislative representatives that Orleans would be the sponsor for the National Academy of Sciences effort and ask town staff to contact the National Academy of Sciences to request a draft of a scope of work that they think is appropriate and indicate to the legislative representatives that while Orleans is willing to be a sponsor, it will do so only if the Town is guaranteed federal funding for the project.** The vote was 3-2-0, Mrs. Christie and Mrs. Fulcher voted no.

Mr. Kelly provided the Board with a draft of the Nauset Regional School District assessment for FY12.

Liaison Reports: (03:36:15)

Mr. Dunford announced that the Water Quality Task Force will be hosting an informational discussion on Cedar Pond in the Skaket Room on December 17, 2010 from 9:00 am until 12:00 noon. Mr. Dunford also updated the Board on a recent meeting of the Cape Cod Selectmen and Councilors Association.

Any Other Business: (03:38:15)

Mr. Fuller asked if the Town Administrator and the Chairwoman could see if it would be possible for the Finance Committee and the Board of Selectmen to meet with Department Heads together during budget review sessions.

Mr. Dunford asked if the Town Administrator could research the issues of reclassification of water bodies by the Department of Environmental Protection.

Adjourn: (03:40:21)

**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

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Jon R. Fuller, Clerk