

BOARD OF SELECTMEN
MEETING MINUTES

February 24, 2010

Approved on March 17, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, February 24, 2010 in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

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

Vice-Chairwoman Margie Fulcher joined the meeting at 6:32 pm.

Public Comment: (00:00:16)

Victoria Reis, a resident of Chase Lane, spoke to the Board to urge them to hold the decentralized wastewater forum and to discuss the questions surrounding open meeting laws.

Jeffrey Eagles, a representative of the citizens peer review panel, spoke to the Board regarding the release of the final draft of their peer review. Mr. Eagles asked that the Board approve posting the report on the Orleans Town website and allow them to make a 30 minute presentation to the Board.

Judith Bruce, a member of the Orleans Pond Coalition, asked to address the issue of open meeting laws.

Approval of Minutes: (00:05:45)

On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to approve the minutes of the February 3, 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 approve the minutes of the February 3, 2010 meeting as amended. The vote was 5-0-0.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to approve the minutes of the February 10, 2010 Executive Session meeting as written. The vote was 5-0-0.

Town Administrator's Report: (00:07:40)

Orleans Town Administrator John Kelly presented the Board with a request from the Planning Board to acknowledge receipt of the proposed Zoning Bylaw amendments.

On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to acknowledge receipt of the proposed zoning amendment as outlined by the Planning Board in their memo dated February 10, 2010 and forward the proposal to the Planning Board for further review and public hearing. The vote was 5-0-0.

Mr. Kelly also presented the Board with a request from the Cape Cod Hospital Auxiliary for a waiver of the selectmen's banner policy for the Holly Berry Bazaar.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to approve the request for a waiver of the Board of Selectmen's Banner Policy for the Cape Cod Hospital Auxiliary Holly Berry Bazaar on November 13, 2010. The vote was 5-0-0.

Mr. Kelly also provided the Board with information on budget updates for the Council on Aging and the Orleans Elementary School.

Mr. Kelly presented the Board with information on the municipal liability for unfunded Quinn Bill reimbursements and proposed changes to pension and retirement for Police Officers.

Also the Board received copies of the Cable Franchise License Renewal Agreement.

Mr. Kelly presented the Board with information and a letter received from a resident of Cedar Land Road, for inclusion in the parking plan for the 2010 summer season.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to direct the Town Administrator to instruct the Police Chief and Parks and Beaches Superintendent to include Cedar Land Road in the proposed parking plan for the 2010 summer season. The vote was 5-0-0.

Mr. Kelly informed the Board of a grant award for Renewable Energy in the amount of \$122,480. Mr. Dunford requested that the Town Administrator respond with further information on the fiscal conditions.

Mr. Kelly presented the Board with information for the USGS water quality monitoring of Namskaket Creek.

Mr. Kelly also presented the Board with information on the snow removal budget deficit.

7:00 pm Public Hearing on 5% Proposed Water Rate Increase: (00:28:40)

Chairman Fuller read the notice for the Public Hearing on Proposed Water Rate Increase as published in the Cape Codder and called the Public Hearing to order.

Orleans Water Department Superintendent Lou Briganti spoke to the Board regarding the proposed 5% increase in the water rates and commenced a power point presentation regarding the scheduled increase.

Mr. Briganti explained that the Department of Environmental Protection has been enforcing a limit for the water usage based on the Water Management Protection Plan.

Chairman Fuller called for public comment.

Lewis Reis, a resident of Orleans, spoke to the Board regarding the sale of water to Eastham.

Ben Buck, a resident of Orleans, spoke to the Board regarding the restriction placed on the Water Department by the Department of Environmental Protection.

Mark Mathison, a resident of East Orleans, questioned the rate structure that is used by the Town.

Mr. Kelly replied that all of the excess funds raised through water rates are used only for the water department expenses or water related expenses.

Ben Buck, a resident of Orleans, spoke to the Board again to address the possible capital improvements that may be needed at a future time.

Chairman Fuller closed the Public Comment portion of the hearing.

Chairman Fuller closed the Public Hearing.

7:30 pm Joint Public Hearing With Finance Committee: (01:05:35)

Orleans Finance Committee acting Chairman Laurence Hayward called the meeting of the Finance Committee to order.

Laurence Hayward, acting Chairman of the Orleans Finance Committee, read the Public Hearing notice as published in the Cape Codder and called the Public Hearing to order.

Orleans Town Administrator John Kelly gave a brief power point presentation for the Capital Improvement Plan.

Mr. Hayward thanked the public for the robust turnout for the Public Hearing.

Mr. Hayward called for public comment.

Alan McClennen, a resident of Namequoit Road, spoke to the Boards to suggest future planning for the dredging of Pleasant Bay to be included on the Capital Improvement Plan.

Erica Parra, a resident of East Orleans, spoke to the Board regarding the Capital Improvement Plan, and the Comprehensive Wastewater Management Plan.

Ben Buck, a resident of Orleans, spoke to the Board regarding the capital improvement plan.

Peter Deeks, a resident of Orleans, spoke to the Board regarding the proposed renovations of the Fire Station and the Snow Library.

Mr. Kelly explained the reasoning behind placing the items on the Capital Improvement Plan.

Jim Bast, a resident of Orleans, spoke to the Board in support of the Comprehensive Wastewater Management Plan.

Victoria Reis, a resident of Orleans, spoke to the Board regarding the Comprehensive Wastewater Management Plan.

Mr. Kelly explained that the Capital Improvement Plan is not assured items for funding.

Diane Carreiro, Principal of Orleans Elementary School, spoke to the Board regarding the inclusion of the Orleans Elementary School on the Orleans Capital Improvement Plan.

Mary Allen Bradley, a resident of Orleans, spoke to the Board regarding the proposed Wind Turbine installation.

Hap Farrell, a resident of Eldredge Park Way, spoke to the Board regarding the Capital Improvement Plan.

Mary Lyttle, a resident of Orleans, spoke to the Board regarding the inclusion of the Orleans Elementary School on the Capital Improvement Plan.

Bill Weil, a resident of Orleans, spoke to the Board regarding the Capital Improvement Plan. Mr. Weil asked why the Snow Library was placed above the Fire Station renovation.

John Fallender, a resident of Orleans, spoke to the Board regarding the renovations to Snow Library.

Lewis Reis, a resident of Orleans, spoke to the Board regarding the Capital Improvement Plan.

Ben Buck, a resident of Orleans, asked how much debt the Town of Orleans, currently held.

Mr. Hayward read several emails that had been received by the Boards.

The letters were from Orleans citizens Robert and Nancy Burkert, Hank Schumacher, Kathryn and Hamish Wilkinson, Judith Schumacher, and one unsigned letter.

Mrs. Fulcher thanked the finance committee for their hard work in generating interest in the Capital Improvement Plan Hearing.

Mr. Hayward thanked the gallery for their presence and input. Mr. Hayward declared the Finance Committee meeting adjourned.

Meet with Carole Ridley of the Pleasant Bay Alliance: (02:15:30)

The Board met with Carole Ridley coordinator of the Pleasant Bay Alliance Ms. Ridley presented the Board with information from the Alliance on water quality monitoring. Also present for the presentation were Dr. Bob Duncanson from the Town of Chatham, Dr. Graham Geise of the Provincetown Center for Coastal Studies, Judith Bruce of the Wastewater Management Steering Committee and Harry Herrick of the Pleasant Bay Alliance.

Ms. Ridley gave a brief presentation on the changes occurring in Pleasant Bay as a result of the new inlet formed in 2007. Dr. Geise gave a brief presentation on historical and possible future changes to the new inlet and the associated beach system.

Meet with Town Planner/Planning Board on Proposed Shade Tree General Bylaw and Review 2 Proposed Zoning Bylaw Amendments: (03:00:10)

The Board met with Orleans Town Planner George Meservey and Planning Board Chairman John Fallender to discuss the proposed Shade Tree General Bylaw and the review the proposed Zoning Bylaw Amendments.

Mr. Fallender presented the Board with information on the three proposed Zoning Bylaw Amendments. Mr. Fallender also presented the Board with information on the proposed Shade Tree General Bylaw.

Mr. McGrath asked if the building height regulation amendment is for extensions/accessories, and to what extent does it allow such items.

Mr. Fallender stated that the change would only allow the Planning Board to make a better determination on the application.

FY2011 Budget Review: (03:23:30)

The Board met with Orleans Fire Chief William Quinn to review his departmental budget for fiscal year 2011.

Town Administrator's Report Cont'd: (04:24:00)

Mr. Kelly updated the Board with information regarding the Lost Dog Pub sign litigation.

Mr. Kelly also updated the Board on an upcoming Cultural Council Art Show. The Council is asking for permission to hang student artwork in the halls using the existing hardware.

On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to approve a one time request for the hanging of student artwork using the existing hardware only. The vote was 5-0-0.

Liaison Reports:

Any Other Business

Adjourn:

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

Respectfully submitted,

Kristen Holbrook

Sims McGrath Jr., Clerk