

BOARD OF SELECTMEN  
MEETING MINUTES

March 10, 2010

Approved on March 31, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday March 10, 2010 in the Nauset Room of the Orleans Town Hall. Present were Chairman Jon R. Fuller, Vice-Chairwoman Margie Fulcher, 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.

Public Comment: (00:00:29)

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board regarding the comprehensive wastewater management plan.

*Gail Myers-Lavin*, extended an invitation to the Board for a Breakfast Forum being held on March 25, 2010 from 9-10:30 am for a discussion on maintaining a seasonal J-1 work force. For further information interested parties are invited to contact Ms. Myers-Lavin by phone at 508-255-2792, or by email at [hostprogram@verizon.net](mailto:hostprogram@verizon.net).

*David Farquahr*, a resident of Willy Atwood Road, spoke to the Board regarding the citizen committee for peer review of the MEP reports. Mr. Farquahr asked the Board to consider allowing the committee to publish their findings on the virtual town hall website.

Approval of Minutes: (00:12:50)

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to adopt the minutes of the September 25, 2009 meeting as amended.** The vote was 5-0-0.

Liaison Reports: (00:15:02)

Mrs. Fulcher presented the Board with information on a recent meeting of the Orleans Elementary School Committee and a recent meeting of the Nauset Regional School District Committee.

Mr. Fuller updated the Board with information from recent meetings of the Community Preservation Committee and the Planning Board.

7:00 p.m. Joint Public Hearing with the Finance Committee on FY11 Budget:  
(00:30:00)

Chairman Fuller read to notice for the Joint Public Hearing with the Finance Committee on the proposed FY2011 budget as published in the Cape Codder and called the public

hearing to order. Chairman Fuller turned the control of the meeting to Dale Fuller acting Chairman of the Finance Committee.

Town of Orleans Finance Director David Withrow presented the Board with information on Proposition 2 ½, the revised five-year financial plan and the current proposed budget for fiscal year 2011.

Mr. Kelly and Mr. Withrow explained the assessment formulas used by the Nauset Regional School District and the Cape Cod Regional Vocational Technical High School.

Orleans Town Administrator John Kelly presented the Boards with the proposed fiscal year 2011 budget.

Chairman Fuller called for questions from the gallery.

Ben Buck, a resident of Rock Harbor Road, stated that the Water Department should be making money for the Town.

Tom Finan, a resident of East Orleans, spoke to the Board regarding the Building Department fee structure. Mr. Finan suggested that the Board institute a policy to review the Town's fee structure on a yearly basis.

Chairman D. Fuller closed the Public Hearing and adjourned the meeting of the Finance Committee.

Mr. Carron pointed out that the wage freeze only applied to a general wage increase, not the scheduled step or longevity increases.

Wastewater Planning Issues/Updates as Necessary: (01:24:15)

The Board met with Comprehensive Wastewater Management Plan Project Coordinator Ron Collins and Town of Orleans Director of Community Development and Planning George Meservey.

Mr. Collins presented the Board with the implementation schedule for the Comprehensive Wastewater Management Plan.

Mr. Dunford stated that the timetable was a good reflection on reality. Mr. Dunford also asked why the process was continuing while alternatives were being explored.

Mr. Collins replied that the budget for the MEPA process has already been spent and he felt that it was more prudent to continue and file project changes as needed rather than hold off on the process and face a higher expense at a later date.

Mr. Carron asked what the response process would be for Town Cove MEP Report. Mr. Collins replied that the standard response period is 30 days but he has made an unofficial request for an extension to 120 days.

Mr. Fuller asked Mr. Collins to present the Board with his opinion on the implementation schedule that he has presented to the Board. Mr. Collins stated that he is comfortable with the schedule.

Mr. Meservey presented the Board with the financial information for the available wastewater funds. Mr. Meservey stated that there will be additional funding needed for the proposed tasks such as the centralized v. decentralized systems analysis, the USGS Survey for Water Quality Monitoring and a run of the SMAST model with fresh and accurate data. Mr. Meservey updated the Board on the existing funding for the Comprehensive Wastewater Management Plan for fiscal year 2011. Also discussed was the proposed Capital Improvement Plan schedule for the Comprehensive Wastewater Management Plan.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to adopt the Comprehensive Wastewater Management Plan Implementation Schedule dated March 10, 2010 and approve the implied changes in the Capital Improvement Plan that are necessary to the adopted schedule, including the proposed RFP at a cost of \$150,000 as presented. The vote was 5-0-0.**

Mr. Meservey presented the Board with an update from a recent meeting of the initial Brewster Wastewater Committee Meeting.

Mr. Fuller informed the Board that Mr. Clinton had communicated a desire to postpone the wastewater forum discussion until after the Annual Town Meeting.

Mr. Kelly presented the Board with information on a possible appointment as representative to the Cape Cod Water Protection Collaborative Governing Board.

Mr. Dunford and Mr. Carron stated that they felt the recommendation for the appointment was unclear and desired to wait for a notification from the County Commissioners. Mr. Dunford stated that he would appreciate Mr. Gottlieb answering the questions that the Board has regarding this appointment.

**On a motion by Mrs. Fulcher, and seconded by Mr. Fuller, the Board voted to appoint Mr. McGrath as Town of Orleans' Representative to the Cape Cod Water Protection Collaborative Governing Board. The vote was 5-0-0.**

Mr. Carron stated that he appreciated Town Counsel's response to determination of the authority that the DEP and EPA have over the Town of Orleans in the area of wastewater management.

Town Administrator's Report: (02:58:20)

Mr. Kelly presented the Board with an updated summary of possible warrant articles for the annual town meeting.

Mr. Kelly reviewed for the Board an article regarding a ruling by the Supreme Judicial Court challenging the authority of the Massachusetts Department of Environmental Protection to implement limitations on the amount of water municipalities may draw from aquifers, rivers, and lakes.

Mr. Kelly also provided the Board with a copy of the letter sent to NStar by the Board of Health vehemently opposing the use of herbicides in close proximity to private wells, Zone II and other resources.

Any other business: (03:05:07)

Mr. Carron asked if the Board would consider placing the citizen peer review committee report on the Town of Orleans website.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board to voted to allow the citizen peer review panel to publish their final report on the Pleasant Bay MEP reports on the Town Website, the length and depth of what is published will be left to the discretion of the Town Administrator.** The vote was 2-2-1, and no action was taken. Mrs. Fulcher and Mr. Fuller voted no, Mr. McGrath abstained from the vote.

Mr. Dunford asked for an update on the status of the Nauset Beach Area after the recent storm.

Mrs. Fulcher apologized to Mr. Kelly for a recent miscommunication regarding the Community Building.

Mr. Fuller stated that he had received a letter from John Hodgkinson requesting that the Board accept his resignation from the Lower Cape Cable Consortium.

**On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to accept the resignation of Mr. John Hodgkinson from the Lower Cape Cable Television Consortium with regret and gratitude.** The vote was 5-0-0.

Adjourn: (03:19:03)

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

Respectfully submitted,

Kristen Holbrook

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Sims McGrath Jr., Clerk