

BOARD OF SELECTMEN  
MEETING MINUTES

March 17, 2010

Approved on March 31, 2010

A meeting of the Orleans Board of Selectmen was held in the Nauset Room of the Town Hall on Wednesday, March 17, 2010. 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 5:30 pm.

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted by way of roll call, to enter into executive session for the purpose of discussing collective bargaining.** The vote was 4-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller and Mr. Carron all voting aye.

Mrs. Fulcher joined the meeting at 5:45 pm.

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

Public Comment: (00:00:26)

*Elizabeth DeLima*, President of the Orleans Citizen's Forum announced the candidate's night for Board of Selectmen candidates, will be held on Thursday April 29, 2010 at 6:30 pm at the Orleans Senior Center on Rock Harbor Road.

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board regarding placing the final report on the MEP reports from the citizen peer review committee on Channel 18.

*Barry Kavanaugh*, a resident of Tonset Road, spoke to the Board regarding the possible renovations of the food concessions and restroom facilities at Nauset and Skaket Beaches.

*Douglas Pluciennik*, a resident of Orleans, spoke to the Board regarding the Comprehensive Wastewater Management Plan.

Mr. Carron read a letter dated March 13, 2010 from Doris Toohill regarding the comprehensive wastewater management plan.

Approval of Minutes: (00:19:21)

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the December 16, 2009 executive session as amended. The vote was 5-0-0**

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the February 24, 2010 meeting as amended. The vote was 5-0-0.**

7:00 PM Public Hearing General Bylaws: (00:24:29)

Chairman Fuller read the Public Notice for the general bylaw hearings as published in the Cape Codder.

Town of Orleans Director of Community Development and Planning, George Meservey, presented the Board with information on the proposed general bylaw for shade trees.

Mrs. Fulcher asked if there were many instances of trees being removed or trimmed without permission, and Mr. Meservey replied that there have been a few acute examples of this occurrence.

Town of Orleans Tree Warden, Dan Connolly, stated that he would be comfortable responding within seven days. Mr. Connolly stated that there are approximately 56 miles of tree-lined streets in the Town of Orleans, and the proposed bylaw is designed to protect those assets.

Chairman Fuller called for public comment on the proposed Shade Tree General Bylaw.

*Susan Christie*, President of the Orleans Improvement Association, stated that the Orleans Improvement Association supports the proposed bylaw.

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board and asked for clarification on the Scenic Tree Bylaw.

Mr. Meservey stated that Rock Harbor Road, is not a laid out road and therefore there is no enforcement for this road.

Chairman Fuller closed the public portion of the hearing.

Mr. Dunford stated that the Board should consider extending the response for the appeal to 30 calendar days.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to amend the proposed Shade Tree general bylaw to reflect a 30 calendar day response period for appeals to the Board of Selectmen. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to place an article for the amended Shade Tree General Bylaw on the Annual Town Meeting Warrant.** The vote was 5-0-0.

Orleans Police Chief Jeff Roy presented the Board with a proposed bylaw for Second Hand Dealers.

Mr. Carron asked if this bylaw would affect the non-profit donations and consignment shops as well. The Chief replied that it would affect those businesses as well.

Mrs. Fulcher stated that while she supported the bylaw, she would feel more comfortable if the bylaw indicated an exemption for nonprofit organizations.

Chief Roy replied that he would have no problem amending the bylaw to reflect an exemption for nonprofit organizations.

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board regarding the Second Hand Dealers and Second Hand Collectors Bylaw.

Chairman Fuller closed the public portion of the hearing.

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to place an article on the Annual Town Meeting warrant for the Second Hand Dealers General Bylaw.** The vote was 4-1-0; Mr. Dunford voted nay.

FY11 Budget Review: (01:12:25)

The Board met with Orleans Police Chief Jeff Roy for review of his proposed fiscal year 2011 budget.

Mr. Dunford asked what the Chief would like to see in regards to the reserve officers line item.

Chief Roy explained that it had been helpful in the past, to have reserve officers working Friday and Saturday evening shifts.

2010 Seasonal Liquor, Common Victualler and Weekday Entertainment Licenses: (01:50:10)

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to approve the renewal applications and affidavits for the 2010 seasonal liquor licenses and wine and malt beverage licenses for the businesses listed subject to all permits, licenses and approvals and in accordance with all local, state and federal rules, regulations, bylaws and laws. Said licenses to expire on November 30, 2010.** The vote was 5-0-0.

**On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to approve the renewal applications for 2010 Seasonal Common Victualler, Weekday**

**Entertainment and Mechanical Device Licenses for the businesses listed subject to all permits, licenses and approvals and in accordance with all local, state and federal rules regulations, bylaws and laws. Said licenses to expire on November 30, 2010.** The vote was 5-0-0.

Review draft Capital Improvements Plan FY12-FY16: (01:53:24)

Mr. Kelly presented the Board with the revised draft Capital Improvement Plan for FY12-FY16.

Mrs. Fulcher asked why items such as dredging and the renovations of the beach facilities had been left off the Capital Improvement Plan.

Mr. Kelly replied that the dredging had been left off until next year when a better-defined program has been presented. The beach concessions had been removed based on prior Town Meeting votes. The items could be added back if the Board was so inclined. The drainage remediation has been removed from the Capital Improvement Plan so that the improvements can be done using money from the drainage improvement fund.

Mr. Fuller stated that the Orleans Elementary School Committee had asked for the Boards consideration in including the Elementary School's improvements on the Capital Plan.

Mr. Kelly stated that the Orleans Elementary School administration is still working on a schedule for maintenance and once it has been submitted to Mr. Kelly it can be forwarded to the Board for consideration.

Mr. Carron asked for further information on the Fire Department's Pumper Truck that is included on the Capital Improvement Plan for FY2011, as well as the Wind Turbine. Mr. Carron also asked if the Board should discuss the Snow Library proposed renovation for placement on the Capital Improvement Plan.

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to reschedule the Wind Turbine Project on the Capital Improvement Plan for 2012.** The vote was 5-0-0.

Recommendation from Asst. Town Administrator for Employee of the Quarter Award: (02:40:38)

Assistant Town Administrator Myra Suchenicz presented the Board with information on research she has compiled for an Employee Recognition Program. Ms. Suchenicz recommended that the Board consider implementing a yearly recognition program similar to the Citizen of the Year Award. Further Ms. Suchenicz recommends that the Personnel Advisory Board be charged with amassing and evaluating nominations for the award.

Mrs. Fulcher would like to see something more along the line of a general monthly recognition program.

Mr. McGrath asked Ms. Suchenicz to explain her rationale for a yearly program versus a quarterly program.

Review draft Annual and Special Town Meeting Warrant: (02:49:52)

**On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to place the following Articles on the Annual Town Meeting Warrant: an article to Accept Reports of Town Committees, an article to Fund the FY2011 Town/School Budget, an article to Adopt the Capital Improvement Plan for FY12-FY16 and an article to Fund the FY11 CPA Program Projects. The vote was 5-0-0.**

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to place the following Articles on the Annual Town Meeting Warrant: an article to Fund the Water Quality Drainage Improvements, an article to Fund the Town Pavement Management Program, an article to replace the Highway Department Front End Loader, and an article to Replace the I&M Plant Filter Membrane Rack. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to place the following Articles on the Annual Town Meeting Warrant: an article to Accept Transportation Bond Bill Funds, an article to Hold the State Harmless For Work, an article to Authorize the Town to Sell Surplus Equipment and Accept Gifts, an article to Adopt MGL Chapter 44 Sec 53 ½ Revolving Accounts, and an article to adopt MGL 71 Sec 16 B Assessment Formula for Nauset Regional Schools. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mr. Carron, the Board voted to place the following articles on the Annual Town Meeting Warrant: an article to Transfer Water Reserve funds for Appropriations to Water Service Connection Account, an article to transfer from Water Surplus to Water Department Capital Outlay, an article to fund the Orleans Chamber of Commerce, an article to fund the Human Services Agencies, an article to Fund the Fourth of July Parade and an article to Fund the FY11 Elected Officials Salaries. The vote was 5-0-0.**

**On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to place an article to Amend the General Bylaw Chapter 40: Personnel on the Annual Town Meeting Warrant. The vote was 4-0-1; Mr. Dunford abstained from the vote.**

**On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to place the following articles on the Annual Town Meeting Warrant: an article to Amend Zoning Bylaws Chapter 164-4 Definitions, an article to Amend Zoning Bylaw Chapter 164-13 Schedule of Use, an article to Amend Zoning Bylaw Chapter 164-22 Modifications and an article to Acquire Conservation Restriction for Matthews Property. The vote was 5-0-0.**

**On a motion by Mr. Fuller, and seconded by Mr. Carron, the Board voted to place Articles for Free Cash and the Closing Article on the Annual Town Meeting Warrant. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to place the following articles on the Special Town Meeting Warrant: an article for Bills of Prior Years, a Transfer Article to include an article to transfer Ambulance Receipts to Fire Department Overtime Account, an article to Transfer Funds from Police Station Engineering to Construction for Repairs, an article to Transfer Funds from Free Cash to Eldredge Field for Light Replacement, an article to Transfer Funds from FY10 Special Events Account to Separate Article, and the Closing Article. The vote was 5-0-0.**

Wastewater Planning Issues/Updates as Necessary: (03:17:34)

Mr. Carron presented the Board with information on a funding report for the Wastewater Management Plan study for the Town of Barnstable.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to place the citizen's peer review of the MEP reports on the Town of Orleans Website. The vote was 2-3-0, and the motion failed. Mr. Fuller, Mrs. Fulcher and Mr. McGrath voted nay.**

Vote on Outstanding Citizen of the Year Award: (03:20:35)

Mr. Kelly presented the Board with information on casting their votes for the Outstanding Citizen of the Year Award.

Town Administrator's Report: (03:21:40)

Mr. Kelly presented the Board with information on the USGS proposal for Namskaket Marsh water quality monitoring.

Mr. Kelly informed the Board that a contract had been awarded to repair the existing town landing piers on Barley Neck Road.

Mr. Kelly updated the Board on grant applications that have been submitted for ARRA and DCR funding for construction of storm water improvement projects.

Mr. Kelly presented the Board with an email noise complaint that he had received from a resident of Rock Harbor Road surrounding the Orleans After School Program Donation Wagon.

Mr. Kelly also presented the Board with a draft letter that has been composed to address Mass DEP's 120-day comment period for review of the Nauset Estuary MEP report.

**On a motion by Mr. Carron and seconded by Mrs. Fulcher the Board voted to authorize the Chair to sign the letter to the Massachusetts Department of Environmental Protection as presented.** The vote was 5-0-0.

Mr. Kelly presented a memo from Council On Aging Director Liz Smith, recognizing the outstanding performance of Donna Faivre, during Ms. Smith's absence.

Liaison Reports: (03:50:45)

Mrs. Fulcher updated the Board on a recent meeting of the Fourth of July Committee,

Mr. Carron presented the Board with information from the recent meeting of the Finance Committee and a meeting of the Board of Water and Sewer Commissioners.

Mr. Fuller presented the Board with information from a recent meeting of the Snow Library Board of Trustees.

Any other business: (04:00:00)

Mr. Carron asked Mr. Kelly about a study on the speed limit on Beach Road, a packet from Mass Department of Transportation and a media article on unemployment.

Mrs. Fulcher asked if there was anything set up for a future meeting regarding the regionalization study for shared police forces in with the Towns of Eastham, Wellfleet and Orleans.

Adjourn: (04:06:40)

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

Respectfully submitted,

Kristen Holbrook

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Sims McGrath Jr., Clerk