

BOARD OF SELECTMEN  
MEETING MINUTES

April 7, 2010

Approved on April 21, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday April 7, 2010, in the Nauset Room of the Orleans Town Hall. Present were Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly, Orleans Town Counsel Michael Ford and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 6:00 pm.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted by way of roll call to enter into executive session for the purpose of discussing property negotiations.** 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 6:10 pm.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, 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.

Chairman Fuller spoke to the passing of the Town of Orleans Boston Post Cane holder Dorothy Howerton.

Public Comment: (00:00:20)

*Job Taylor III*, a member of the Board of Health, spoke to the Board regarding the proposed budget for FY11, Mr. Taylor stated that he supports an increase in the charge for the Transfer Station permits.

**On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to invite the Board of Health for a meeting regarding the possible increase in the Transfer Station Permit fees.** The vote was 4-0-1. Mr. Dunford abstained from the vote.

*Fred Perrault*, a resident of Orleans, spoke to the Board regarding the appointment of a Director of Public Works.

Mr. Kelly clarified the appointment of a Director of Public Works, and the recommendations that have been made to the Board.

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board regarding the cost of living increases for Town employees for fiscal year 2011 and the Annual Town Meeting petition article for the layout of Beach Road

Approval of Minutes: (00:25:45)

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

**On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the March 24, 2010 meeting as amended.** The vote was 4-0-1; Mr. Fuller abstained from the vote.

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the March 17, 2010 executive session meeting as amended.** The vote was 5-0-0.

**On a motion by Mrs. Fulcher, and seconded by Mr. Carron, the Board voted to adopt the minutes of the March 24, 2010 executive session meeting as amended.** The vote was 4-0-1; Mr. Fuller abstained from the vote.

Meet with Fire Chief-Quarterly Update: (00:36:33)

The Board met with Orleans Fire Chief William Quinn. Chief Quinn presented the Board with his quarterly report for the first quarter of 2010.

Chief Quinn presented the Board with information on a reimbursement from the Parks Department, which the Chief had not accounted for in his budget.

Mr. Carron asked the Chief to explain the action that would be taken at the Annual Town Meeting.

Chief Quinn explained that an emergency transfer would be needed to replenish the Fire Department's Overtime Account with Reserves for Appropriation from the Ambulance Receipts.

Town Maintenance Facility Study Committee: (00:46:10)

The Board met with Peter Coneen, Chairman of the Town Maintenance Facility Feasibility Committee. Mr. Coneen presented the Board with the Committee's final report.

Mr. Dunford thanked Mr. Coneen and the members of the committee for their hard work.

Mr. Coneen stated that the Committee is at an impasse, and had issued their interim report in hopes of getting some more input on the direction in which they should move. Mr. Coneen further stated that the committee felt the Town was "putting the cart before the horse".

Mrs. Fulcher stated that she feels that this is unfortunate, and she appreciates the questions that the committee, has asked. While she does not entirely agree with the comments made by the committee, she would like to see the town move ahead in a more positive manner, as it does not help to put individuals down and she has never known a feasibility committee to be a building committee.

Mr. Coneen stated that the Town needs to learn from the mistakes made in the past. The strongest recommendation of the Committee is to step back and really fix the Department of Public Works, to apply creative thinking, and take the opportunity to fix these issues.

Town Maintenance Facility Feasibility Committee member Tim Linkkila spoke to the Board regarding the summary report of the committee.

Town Administrator's Report: (01:43:23)

The Board met with Town of Orleans Finance Director David Withrow, for an updated presentation of the financial plan.

**On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to apply the indicated \$10,046.00 increase for retiree health insurance percentages, and a \$2,920.00 increase in the Barnstable County Retirement Assessment to fringe benefit line of the Orleans Elementary School operations budget. The vote was 5-0-0.**

Mr. Withrow recommended that the Board publish a balanced financial plan in the Annual Town Meeting Warrant, and recommended that the Board increase free cash to cover the deficits.

Mr. Carron stated that the Board should present a balanced budget and show the reasoning for and the circumstances surrounding the budget issues.

**On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to approve that the \$44,479.00 projected deficit to be financed through the use of free cash, and acknowledge that doing so will lower the available free cash to an amount below the Board's 5% policy for fiscal year 2011. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to reconsider their previous vote to offer an amendment from the floor of Town Meeting to reduce the Orleans Elementary School budget deficit in the amount of \$19,684.00. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to offer an amendment from the floor of the Annual Town Meeting, to reduce the Orleans Elementary School operating budget in any amount that is in excess of a**

**2.0% increase, per the Board of Selectmen's policy.** The vote was 4-1-0. Mr. Carron voted nay.

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to reconsider their previous decision to adopt the FY11 Operating Budget in the amount of \$27,409,566.00.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to recommend approval of the proposed Town of Orleans FY11 operating budget in the amount of \$27,432,483.00.** The vote was 5-0-0.

Mr. Kelly presented the Board with the updated draft for the articles for the Annual and Special Town Meeting warrants.

**On a motion by Mr. Fuller, and seconded by Mrs. Fulcher, the Board voted to recommend approval of the Special Town Meeting Warrant Article to Accept the Local Option for early On-Premise Service of Alcohol on Sundays.** The vote was 5-0-0.

Mr. Kelly updated the Board on a discussion with the petitioners for the layout of Beach Road. The petitioner has agreed to a friendly amendment for the article.

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to reconsider their previous decision, to not recommend approval of the article to fund the layout of beach road by petitioners.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to recommend approval of the Annual Town Meeting Article for the Layout of Beach Road as amended by petitioners in the amount of \$6,000.00.** The vote was 5-0-0.

Mr. Kelly presented the Board with information on the Energy Efficiency Block Grant for the installation of Solar Panels on the Council on Aging building.

Mr. Kelly also presented the Board with copies of the State Department of Public Health's amended bathing beach regulations.

**On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to send a letter to the State Board of Health and State Representatives stating that the Town of Orleans cannot implement these regulations without a guarantee of State funding. Further the Board asserts that this is an unfunded mandate, and therefore inconsistent with Local Mandate Law, G.L. Chapter 29, Section 27C.** The vote was 5-0-0.

Mr. Kelly informed the Board that the Town of Orleans has received a recognition award for addressing issues of government transparency on the Town Website.

The Board received information on the Chapter 90 apportionment for FY2011 State Aid in the amount of \$237,460.00.

Liaison Reports: (03:01:00)

Mr. Carron updated the Board on recent meetings of the Finance Committee, the Board of Water and Sewer Commissioners, the Board of Health, and the Tri-town Police Consolidation Committee.

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

Mr. Dunford reported on a meeting of the Open Space Committee.

Mr. McGrath reported on a meeting of the Renewable Energy Committee.

Mr. Fuller updated the Board with information from recent meetings of the Community Preservation Committee, the Affordable Housing Committee and the Bike and Walkways Committee.

Any Other Business: (03:19:27)

Mr. Kelly presented the Board with a letter from the owner of the Lobster Pound.

**On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to hold a show cause hearing for ADG, Inc. d/b/a Orleans Lobster Pound, Carolyn DelGizzi, owner/manager, on April 21, 2010 at 7:00 pm, if the license holder is open by that date the hearing will be canceled. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mrs. Fulcher, the Board voted to appoint Elizabeth B. Peters as a Republican Election worker. The vote was 5-0-0.**

Mr. Carron brought several areas of erosion damage around the town to the attention of the Board.

Adjourn: (03:27:29)

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

Respectfully submitted,  
Kristen Holbrook

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Sims McGrath Jr., Clerk