

ORLEANS BOARD OF SELECTMEN
MEETING MINUTES

August 25, 2010

Approved on September 15, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday August 25, 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: (00:00:11)

Caroline Kennedy, spoke to the Board to announce the Orleans Pond Coalition "Celebrating Our Waters" weekend, which will be held on October 8th and 9th 2010.

Dorris Toohill, a resident of Nickerson Road, began to speak to the Board regarding an email sent from Augusta McKusick to Selectman Susan Christie. Mrs. Fulcher declined to allow the comments, as Mrs. McKusick was not present to defend herself.

Victoria Reis, asked to speak but was not recognized by the Chairwoman.

Peter Monger, a resident of Orleans, spoke to the Board regarding the Cape Cod Commission. As the Town of Orleans' representative to the Cape Cod Commission, Mr. Monger asked the Board to consider asking for a presentation from the Bourne Landfill in their consideration of the expiring SEMASS agreement.

Judith Bruce, a member of the Orleans Pond Coalition, spoke to the Board regarding Meeting House Pond and water quality around the Town of Orleans. Mrs. Bruce urged the Board to continue to move forward with the wastewater plan. Mrs. Bruce submitted two photos for the Public Record.

Gary Clinton, a resident of Orleans, spoke to the Board regarding the comprehensive wastewater management plan. Mr. Clinton expressed frustration over the fact that many of the Towns on Cape Cod are still waiting for information, from SMAST, that was promised years ago.

Approval of Minutes: (00:22:30)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the July 28, 2010 meeting as amended. The vote was 5-0-0.

Change of Hours for Dragon City Restaurant dba Double Dragon: (0:23:50)

On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to approve the request of Dragon City Restaurant, Inc. d/b/a Double Dragon, located at 59 Cranberry Highway Orleans, MA, to change the hours on their current liquor license to 10:00 AM Sundays until 1:00 AM Mondays. The vote was 5-0-0.

6:45 p.m. 3. Public Hearing for Shellfish Grant – Christopher Dudzik: (00:25:50)

Chairwoman Fulcher read the notice for the public hearing as published in the Cape Codder.

Mr. Christopher Dudzik, the applicant, spoke to the Board regarding his interest in using the grant as a learning experience for his children.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to allow for licensing of a new one-half acre shellfish grant #73, to Christopher Dudzick of 190 Route 6A Orleans, MA per the application filed with the Shellfish Department on July 12, 2010, to be located on Cape Cod Bay with said license to expire on August 12, 2015. This license does not grant any property rights. It does not authorize any injury to private property or invasion of private rights. The vote was 5-0-0.

Wastewater Planning Issues and Updates: (00:27:46)

The Board met with Orleans Town Planner George Meservey and Project Manager Ron Collins along with Wright Pierce consultant Mike Giggey. Mr. Meservey updated the Board on the MEPA process and the status of the outstanding issues of the Environmental Impact Report.

Mr. Fuller asked if the Cape Cod Water Protection Collaborative and the Cape Cod Commission had abandoned their review of the MEP sciences in favor of the NAS review.

Mr. Paul Niedzwiecki, Executive Director of the Cape Cod Commission, replied that the organization has not abandoned the symposium of workshops, but will work in congress with the study. The Cape Cod Commission is also interested in other studies that are being performed by the National Academy of Science regarding implementation of waste water system in Chesapeake Bay.

Mr. Meservey provided the Board with a list of outstanding issues associated with the MEPA process. Mr. Meservey and Mr. Collins recommend that the Board authorize the SEIR/CWMP materials to be assembled in final form and submitted for MEPA approval. Mr. Collins stated that starting over would be a significant cost increase to the Town of Orleans, the funds spent to date on the MEPA process is \$50,000. Mr. Collins stated that it would be in the best interest of the Town to complete the process.

Wright-Pierce consultant Mike Giggey stated that he feels the plan is adaptable; finishing the MEPA review does not commit the Town of Orleans. It is consistent with the approach taken to this point.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to complete the MEPA process and submit the Comprehensive Wastewater Management Plan for review. The vote was 5-0-0.

Mr. Dunford stated that the review of science is essential, along with a review of the centralized and decentralized systems and a review of the Pleasant Bay MEP numbers. While he understands the flexibility of the plan, he is skeptical of the ease of use these notice of changes would have.

Mrs. Christie asked if the Conservation Law Foundation lawsuit would have an impact on the work the Town of Orleans has already done.

Mr. Niedzwiecki stated that the history of the Conservation Law Foundation indicates that moving forward is the best way to respond. There is no downside to moving forward.

Mr. Dunford referred Mrs. Christie to some documentation that Mr. Ford has put together for the public regarding the Conservation Law Foundation lawsuits.

Mr. McGrath stated that the objective of the lawsuit is to make the TMDLs more restrictive and to increase the pace at which the compliance is done.

Mr. Fuller asked Mr. Niedzwiecki to ask SMAST for the Nauset report again.

Mr. McGrath asked what the status is for the classification of Cedar Pond. The state has been asked for information on the issue and they have not yet responded.

Mr. Dunford stated that his concern regarding the email that we sent and the statement indicated in the press, is perceived by some as compromising the position of the Town. Would like to stem any further negative comments, and suggested that the Board ask the collaborative for a response regarding the email.

Mr. Dunford moved the Board to vote to send a letter indicating the need to build and maintain consensus for wastewater and to ask the Cape Cod Water Protection Collaborative to respond to the letter and address the citizen concerns. There was no second and the motion failed.

Meet with Cable Television Attorney Solomon: (01:06:56)

The Board met with attorney William Solomon regarding the Access agreement between the town of Orleans and Lower Cape Community Access Television Inc.

Mr. Fuller asked how many other towns have signed the agreement, Wellfleet and Eastham have signed Brewster has not.

Mr. Dunford asked if the note from town counsel had been added to the agreement.

On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to approve the access agreement between the Town of Orleans and Lower Cape Community Access Television Inc., as presented and labeled, agenda item 5 enclosure A, dated August 25, 2010 contingent upon the signed Memorandum of Agreement with the Nauset Regional Schools. The vote was 5-0-0.

Vote to sign the warrant for the State Primary Election on Sept. 14: (01:20:48)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to sign and post the warrant for the State Primary Election to be held on September 14, 2010. The vote was 5-0-0.

Assistant Town Administrator Updates: (01:21:25)

Assistant Town Administrator Myra Suchenicz presented the Board with her outline for the Town of Orleans Employee Recognition Program. The program will include awards for Employee of the Quarter and each recipient of the quarterly award will be eligible for the Employee of the Year Award.

Mr. McGrath asked if commendations from the public could be used for this as well. For example if the Board were to receive a letter from a citizen, then the letter could be referred to the Department Head for consideration.

Mrs. Suchenicz and Mr. Kelly will manage it and would therefore not be eligible for the awards.

Ms. Suchenicz thanked the Police Chief and the Personnel Advisory Board for their help in developing the program.

Town Administrator's Report: (01:29:50)

On a motion by Mrs. Christie, and seconded by Mr. Dunford, the Board voted to appoint Janet Radziewicz as Police Matron for the Town of Orleans. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to waive the annual \$75.00 residential mooring fee for the Nauset Sea Scouts for the 2010 boating season. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to proceed with the USDA Natural Resources Conservation Service Grant to offset 75% of the estimated \$377,000 needed to construct five new storm water drainage remediation projects and authorize the Town Administrator to sign the "Project Agreement" and "Operation and Maintenance Agreement" on behalf of the Town of Orleans. The vote was 5-0-0.

Liaison Reports: (01:44:56)

Mrs. Christie updated the Board on a recent meeting of the Board of Health.

Mr. McGrath presented the Board with information from the Barnstable County Solid Waste Advisory Committee.

Mr. Fuller presented the Board with updates from meetings of the Finance Committee, the Bike and Walkways Committee, the Lighthouse Charter School Committee and the Planning Board.

Mr. Dunford presented the Board with information on a recent meeting of the Water Quality Task Force.

Mrs. Fulcher presented information on a recent meeting of the Affordable Housing Committee.

Any other business: (01:56:10)

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to cancel the Board of Selectmen's Meeting Scheduled for September 1, 2010. The vote was 4-0-1. Mr. Fuller abstained from the vote.

Mrs. Fulcher also informed the Board that there is a sixth grade essay contest for 6th Graders and the MMA has asked for the support of the Town of Orleans.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to have the Chairwoman sign the letter of support for the contest. The vote was 5-0-0.

Mr. Dunford asked if there have been additional discussions regarding Nauset Heights and Callanan's Pass. Mr. Kelly explained that he and Mr. Fulcher along with Mr. McGrath had held a meeting with some residents of Nauset Heights regarding how the area traffic was handled this summer. The group of residents is looking to make some small modifications for traffic.

Mr. Dunford also asked about Eastham's Windmill weekend and if the Board had received a request to join the parade.

Adjourn: (02:12:25)

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

Respectfully submitted.
Kristen Holbrook

Jon R. Fuller, Clerk