

TOWN OF ORLEANS  
BOARD OF SELECTMEN

September 8, 2010

Approved on September 22, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, September 8, 2010, in the Nauset Room of the Town Hall. Present were Chairwoman Margie Fulcher, Vice-Chairman Sims McGrath, Clerk Jon R. Fuller, Selectman David M. Dunford, Selectwoman Susan B. Christie, Town Administrator John Kelly, and Recording Secretary Kristen Holbrook.

Call to order: Chairwoman Fulcher called the meeting to order at 6:30 pm.

Public Comment: (00:01:12)

*Beverly Carney*, a resident of Longview Road, spoke to the Board regarding the value of the Tri-Town Septage facility.

*Gary Clinton*, representative of the citizen committee Decentralized Wastewater Options for Orleans, spoke to the Board regarding recent media articles surrounding the water quality on Cape Cod.

*Freddie Fitzgerald*, a resident of Tonset Road, invited the Board to attend a public forum titled "Is Disrespect Killing Democracy" sponsored by the league of women voters.

Mr. McGrath asked if a presentation of the forum would be broadcast on any of the public access channels. Ms. Fitzgerald replied that she was unsure of the answer but would ask.

*Louis Reis*, a resident of Orleans, spoke to the Board regarding pollution in Pleasant Bay.

Approval of Minutes: (00:19:20)

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the August 11, 2010 meeting as amended.** The vote was 4-0-1. Mr. McGrath abstained.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the September 3, 2010 meeting as written.** The vote was 5-0-0.

Meet with Highway Manager Mark Budnick: (00:21:00)

Highway and Transfer Station Department Manager Mark Budnick presented the Board with his quarterly update on Road and Drainage Projects for the Town of Orleans fiscal year 2011.

Mr. Fuller stated that the projects for Locust Road, Cedar Pond and Skaket Beach drainage issues are critical and should not be moved out another year.

Mr. Budnick replied that there is a typographical error in the information provided, and the Skaket Beach Parking Lot will be started in 2010 but the Locust Road project has additional issues that need to be taken into consideration.

Mr. Fuller stated that it is imperative that the Town makes every effort to fix the drainage issues for the Cedar Pond area, in order to induce the State to fix their issues on the highway,

Mr. McGrath asked if there was anyway to guarantee completion of Skaket Beach Parking lot before summer 2011.

Mr. Budnick explained that he feels that the permitting for the work may be an issue, he further stated that he is not willing to make a commitment to completing the work without going beyond spring 2011 because he may need to prioritize the work in order to meet the requirements that the state has placed on the project.

Mrs. Christie asked if the Skaket Beach Parking lot was eligible for federal funding. Mr. Kelly replied that the Town needed to be very careful in applying for grants, because any state funded projects the Town would not be allowed to charge a fee for non-residents.

Mrs. Fulcher asked if the Board could be provided with a list of the Chapter 90 expenditures.

#### Annual Review of Board of Selectmen Policies: (00:42:50)

After a brief discussion the Board decided that they would not take formal votes on the policy changes until the September 15, 2010 meeting, when they are presented with the final changes. Also the Board would like to add an article for the Annual Town Meeting to amend the Town Charter to present the Board in a gender-neutral verbiage.

In regard to Board of Selectmen Policy A2, the Board discussed and amended the policy to reflect the Board's intention to meet on the first and third Wednesday of each month with the except during budget deliberations or as needed, in accordance with the Town of Orleans Charter Chapter 3-1-3.

Mr. Fuller suggested that the Board's policy A3 "Agendas" be updated to reflect the recent changes to the Massachusetts Open Meeting Laws and the previous discussion by the Board to change the agenda cut-off to Thursday at noon, with the exception of special meetings.

The Board discussed their policy D1, "Banners". Mrs. Christie informed the Board that the Orleans Improvement Association has proposed that there be two similar flag poles

on either side of the street to raise the banner over the street and the Orleans Improvement Association would pay for the detail. Mr. Fuller also added that he feels that the banners policy should be opened to allow all banners and the Town could charge an appropriate fee for the banner. Mr. McGrath stated that he was not in favor of having banners for private businesses hanging over Main Street.

The Board updated their policy F10 to reflect the opening and closing rules that the Board revised last spring in conjunction with the Liquor Licensing Regulations. The Board also asked that the Town Administrator review the regulation and the policy to determine whether or not they are redundant and provide the Board with a recommendation.

The Board discussed updating the policy G9 to read "Each year the Town Administrator, Police Chief, Fire Chief and Finance Director will provide the Board with a list of goals and objectives for their positions and once per year will provide a written report on the progress of their goals and objectives no later than April 15th."

In terms of Board of Selectmen policy H1 prohibiting alcohol on Town Property section in section 5, Mr. Kelly recommended that the Board leave the policy as written, and takes each event on a case-by-case basis. The Board also asked that the item be placed on the agenda for a meeting of the Park Commissioners scheduled for the month of October.

The Board discussed their policy H7 "Signs" and concurred that no changes to the policy were needed.

The Board's policies I3 and I4 involving public acceptance of private ways were discussed due to the fact that the addendum to the policy, which created a moratorium on acceptance, has expired. Mr. Kelly asked the Board if they would consider extending the moratorium for an additional 3 years.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to extend the moratorium for Public Acceptance of Private Ways for 3 years expiring August 31, 2013.** The vote was 4-1-0, Mr. Dunford voted nay.

The Board asked that the policies J4 and J7 be reviewed and updated to reflect the newly created Lower Cape Cable Access Television Consortium.

A discussion regarding the policy K1 for temporary sign permits was revised to remove sections A, C and D.

After a brief discussion the Board determined that policy number K6 was no longer needed.

**On a motion by Mr. McGrath and seconded by Mr. Fuller the Board voted to eliminate the Board of Selectpersons policy K6 "Unpaid Water Charges".** The vote was 5-0-0.

Mrs. Fulcher submitted a new policy for the Board's consideration, referenced as Board of Selectmen's Policy A4 "Public Comment." The new policy provides for the establishment of a time limit for public comment as well as the Board's position regarding the veracity of statements made during the Public Comment portion of the meeting.

Mrs. Fulcher also presented the Board with a new policy for consideration, referenced as G11 "Complaints Regarding Personnel".

Discuss Annual Board of Selectmen Goals for FY11: (00:22:40)

The Board discussed their current policies to determine if any changes needed to be made. The Board updated page one of the Orleans Board of Selectmen Goals to reflect the new fiscal year 2011. The "Budget" information was amended to reflect the Board will review "all" revenue sources annually to maintain fair pricing, for services provided, and consider means to increase revenues.

In terms of the Board of Selectmen's Goals for FY2011, "Housing", Mr. McGrath suggested updating the goal to reflect the Board's desire to relieve housing cost pressure on all residents.

The Board of Selectmen goal for Renewable Energy was revised to remove the reference to providing wind power within the town watershed.

Under the heading of Wastewater Goals the Board updated the section to reflect the progress made, by removing the section on review of the final Comprehensive Wastewater Management Plan.

The final section of the Board of Selectmen's Goals and Objectives for FY2011, "Work with the Town Administrator to ensure success for major projects and activities", the Board reviewed and updated the section. For FY2011 the Board's goals will be:

- Continue to work with Massachusetts Department of Transportation on improvements for the intersection of Routes 28 and 6A.
- Implement staff organizational changes identified through independent study.
- Complete Union Contract Negotiations.

All other items previously listed were removed.

Update on Joint Public Safety Working Group Discussions: (02:59:50)

Mr. Kelly presented the Board with information on the most recent meeting of the Joint Public Safety Working Group. Also provided in the Board's packets was a sample contract for Proposed Facilitation Services, from the Office of Public Consolidation.

Town Administrator's Report: (03:25:20)

Mr. Kelly presented the Board with a letter from Congressman William Delahunt in response to the Board's recent request for support of a peer review of the SMAST MEP Models and Methodology by the National Academy of Sciences. Congressman Delahunt replied that he would be willing to support the effort should the Town of Orleans meet all of the conditions necessary to proceed with the project.

Mr. Fuller stated that in order to move forward it is critical that the Governor and UMASS Chancellor be involved in the process as well.

Mr. Dunford stated that he feels the Town should start with a sponsor for the project and then proceed to the scope of work.

Mr. Kelly recommended that the Board forward the copy of Mr. Delahunt's letter to the County Commissioners and ask them to reconsider their decision.

**On a motion by Mr. Fuller and seconded by Mr. Dunford the Board voted to forward a letter to the Barnstable County Commissioners and ask them to reconsider their previous decision and become the project sponsor for the review of the MEP by the National Research Council.** The vote was 5-0-0.

Mr. Kelly provided the Board with information on the Orleans Pond Coalition "Celebrate Our Waters" weekend to be held on October 9<sup>th</sup> and 10<sup>th</sup> that is being cosponsored by the Town.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath the Board voted to co-sponsor the event.** 4-0-1, Mrs. Fulcher abstained from the vote.

Mr. Kelly updated the Board with information on the pricing for the annual Town Reports.

Mr. Kelly informed the Board that the Attorney General's Office has approved the bylaw amendments that were adopted at the May 2010 Annual Town Meeting. Mr. Kelly further stated that Town Counsel has reviewed the comments and had no suggested changes.

Mr. Kelly provided the Board with updated information on the local receipts included in the "Other Charges for Services" line item.

Liaison Reports: (04:02:10)

Mr. McGrath presented the Board with information from recent meetings of the Cape Cod Water Protection Collaborative and the Renewable Energy Committee.

Mrs. Christie reported on a Community Preservation Committee.

Mr. Fuller updated the Board on a recent meeting of the Finance Committee.

Mrs. Fulcher reported on a recent meeting of the Orleans Affordable Housing Committee.

Any other business: (04:10:54)

No other business was offered.

Adjourn: (04:10:57)

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

Respectfully submitted,

Kristen Holbrook

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Jon R. Fuller, Clerk