

BOARD OF SELECTMEN
MEETING MINUTES

October 6, 2010

Approved on November 3, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, October 6, 2010 in the Nauset Room of the Town Hall. Present were Chairwoman Margie Fulcher, Vice-Chairman Sims McGrath Jr., 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: (00:00:16)

Beverly Carney, a resident of Long View Drive, spoke to the Board regarding the Tri-Town Inter-municipal Agreement and the meeting between the Orleans, Eastham and Brewster Boards of Selectmen. Mrs. Carney urged the Board to reconsider their decision to have Town Counsel present at the joint meeting with Brewster and Eastham.

Approval of Minutes: (00:03:27)

On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to adopt the minutes of the September 22, 2010 Board of Selectmen's meeting as amended. The vote was 3-0-1; Mr. McGrath abstained from the vote.

Meet with Mike Domenica, P.E – CWMP Review Report: (00:04:32)

The Board met with Engineer Mike Domenica regarding his engineering review report of the Orleans Comprehensive Wastewater Management Report. Mr. Domenica gave a brief overview of his written report for the Board.

Mrs. Fulcher explained the reasons for Mr. Domenica's review of the CWMP and thanked him for his report. She further stated that she is very comfortable and impressed with Mr. Domenica's impartial review of the plan.

Mrs. Christie stated that the positive note of the review reassures her. She asked Mr. Domenica if he was familiar with the plan that Falmouth had recently introduced and if Mr. Domenica could explain the cost differential between the two plans.

Mr. Domenica explained that he was familiar with Falmouth's plan and that the costs are so significantly different due to the fact that Falmouth already has existing sewer lines and facilities, whereas Orleans does not.

Mr. McGrath asked what Mr. Domenica thought of the rigorous testing periods and permitting that are required for new technology in the wastewater field.

Mr. Domenica stated that there is a risk involved with moving forward with untested technology, as the Massachusetts Department of Environmental Protection does tend to lean toward the conservative side for wastewater. However there are some new systems out there that show significant potential for the future. Mr. Domenica further stated that due to the high cost level that is in play in the Town of Orleans, it would require more attentiveness than normal. A small amount spent in planning will work out if it reduces the construction and operating costs of the Comprehensive Wastewater Management Plan in the long run.

Mr. McGrath asked if there would be a benefit to having a testing center in the Town of Orleans.

Mr. Domenica stated that the advantage would be to put several in a neighborhood and test not only the functionality but the operation and management of the facility as well.

Mr. McGrath asked if inclusion of the small pipe system or STEP system would change Mr. Domenica's assessment of Plan 1.

Mr. Domenica replied that the change would still require a number of sites and the difficulty in obtaining and permitting those sites would not have a cost benefit. The advantage to STEP systems is the small construction cost; STEP systems do not have an effect on the overall management and treatment costs.

Mr. Dunford thanked Mr. Domenica for a superb job and an excellent report. He also stated that he is optimistic that the Town of Orleans is moving in the right direction.

Mr. Domenica explained that Orleans is a centralized heavily traveled area and it would be appropriate to sewer those areas. He does not think the town is misspending money on sewerage the downtown Orleans area.

Mr. Kelly asked if Mr. Domenica would suggest that the plant and its ability to accept septage be considered in the plan.

Mr. Domenica stated that it is correct and appropriate to anticipate that the new facility could accept and treat septage. It is entirely appropriate to continue to expect that the new plant would accept septage as well.

Mrs. Fulcher asked Mr. Domenica to grade the Comprehensive Wastewater Management Plan.

Mr. Domenica replied that he would give the Comprehensive Wastewater Management Plan an A to an A-, the final report could be an A+; it is difficult to integrate all of the information into one plan and remain adaptable.

Mrs. McKusick asked for clarification of the Operation and Management costs in the report.

Mr. Domenica stated that the \$2600 would be the cost of the entire core program. Phase 1 would be about 1/3 of the amount. The rest would be staged in as the plan progresses over a period of time. He advised that the Town aggressively pursue grants and financing.

Mrs. Christie stated that the Falmouth plan had started out similarly and as they pursued grants and other items the costs became more reasonable.

Mr. McGrath asked if the difficulty in acquiring and permitting the 11 separate sites for decentralized systems, would the money budgeted in the CIP in the out years be wisely spent.

Mr. Domenica replied that because the Town of Orleans has the Tri-Town site, moving in a different direction reduces the potential for savings. Mr. Domenica stated that in his experience, facility siting is the most difficult and contentious issue in wastewater planning.

Mr. Dunford asked if the citizens in Orleans could comment on the report and ask questions of Mr. Domenica.

Mr. Kelly stated that he would post the report on the website and would be willing to make himself available for questions and comments.

Discuss Tri-Town District issues in preparation for Joint Meeting with Eastham and Brewster: (01:03:40)

Mr. Kelly presented the Board with information in preparation for the Board's upcoming joint meeting with the Towns of Brewster and Eastham. Mr. Kelly informed the Board that the Brewster Board of Selectmen did not intend to have their Town Counsel present and Eastham was undecided as to whether their Town Counsel would be present. Mr. Kelly suggested that at the time the meeting with Eastham and Brewster is convened it might be best if it is suggested that all three town counsels review the issue of retiree benefits and health benefits for the district employees.

Mr. Kelly presented the Board with the draft answers to the questions that had been submitted by the Town of Eastham.

Mr. Kelly also explained that the Tri-Town Inter-Municipal Agreement does call for an advisory board to assist the Board of Managers and that has never been in place. This is an issue that needs to be brought up and asked that the Board support him in suggesting that the three Town Administrator's and Town Counsels meet to discuss these issues and work together in an effort to make the future of regional efforts feasible.

Mrs. Fulcher stated that it would not be prudent to replace Mr. Kelly on the Tri-Town Board of Managers at this time.

Mrs. Christie asked how many district employees there are.

Mr. Kelly replied that there are 6 full time employees with varying years of service. There are no retirees as of yet. However the future obligation of cost liabilities could be upwards of \$80,000 for retiree health benefits. At a minimum the provision is 50% it could be as high as 75%.

Mr. Dunford asked if the Board was presenting a conclusion to Eastham and Brewster. Mr. Kelly replied that there is no real option to continue to use the existing facility. If the Board decides to terminate the agreement, and if the Board decides to delay phase 1 of the Comprehensive Wastewater Management Plan and continue to run the plant, money will need to be spent to make necessary repairs.

Mr. McGrath stated that the previous vote had been to state that their “preferred” action for the future of the Tri-Town District. He also asked, if the plant gets to a point where a substantial need for cash for improvements and one town refuses to fund their share, if that would that eliminate the two-year waiting period.

Mr. Kelly replied that it would need to be an agreement and understanding between all three towns to end the agreement.

Mr. Dunford asked if the discussion should still focus on what Orleans is going to do in 2015, and it is unclear as to what the direction is. It would be helpful for Mr. Dunford to have a list of the scenarios and the key decisions and timelines for all of the possible uses for the tri-town site and regional solutions for 2015 and beyond.

Mr. Dunford stated that because the Board has not taken a formal vote to terminate the agreement then it would be beneficial to have all of the other options available for discussion.

Mr. Kelly replied the Board that what the Board needs to decide is what role the district might be able to play in the future of Orleans Comprehensive Wastewater Management Plan.

Mr. McGrath stated that the Board needs to get some kind of consent from the other Towns to gain full control over the land, be that through a future agreement with the district or through the termination of the agreement.

Mr. Kelly stated that with all the review that has taken place for the Inter-Municipal Agreement, the easiest thing would be to vote to terminate and demolish the plant. After that a new agreement can be negotiated. The issues need to be completely separate or it may have the potential to create further problems. The control issue is paramount because Orleans needs to protect the site assignment.

Mrs. Christie stated that it is not realistic to assume that the entire town will be sewered. The plant needs to continue to take in septage, and perhaps this would be somewhat reassuring to the other two towns, that they will be able to continue to use the facility.

Lower Cape Public Safety Group – Public Facilitator Funding: (01:55:36)

Town Administrator John Kelly presented the Board with information from the Joint Public Safety Working Group. The Town of Orleans has been asked to fund 1/3 of the remaining costs associated with hiring the Massachusetts Office of Public Collaboration. Orleans share of the cost would be \$725.00. Mr. Kelly also presented the Board with information on available funds for the project. Mr. Kelly stated that his concern is that the Chief of Police positions cannot be isolated and the study originally started out as a collaboration of efforts between the Chiefs of Police for all of the towns. Also it seems that the legal requirements are being glossed over and he would hope that the study would take place after the 9-1-1 study. Mr. Kelly asked if the Board would like to continue to participate in the study for the short term until the conclusion of the 9-1-1 study.

Mr. McGrath stated that this study is bad timing. If the facilitation exercise is going to have any merit in needs to address all of the other issues.

Mr. Dunford stated that there are three towns with three different approaches being discussed and he thinks that if there is no facilitator, the miscommunications will continue to happen between the three towns.

Mrs. Fulcher stated that she believes that the study by Mr. Morse should be completed first and that if the Board feels so strongly that the study should be done then it should be budgeted for in the next fiscal year. It is a matter of budget integrity.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to support and approve the funding of \$725.00 to fund the remaining costs associated with the hiring of the facilitator from the Massachusetts Office of Public Collaboration from the Town of Orleans Committee Expenses Account. The vote was 1-2-1; Mrs. Fulcher and Mr. McGrath voted no and Mrs. Christie abstained from the vote.

Cape Cod Mosquito Control Project: (02:21:25)

Mr. Kelly informed the Board that there is an upcoming budget-planning meeting for FY12 for the Cape Cod Mosquito Control Project's Commissioners on November 16, 2010 at 10:00 am at the Yarmouth Port Fire Station #2.

Release of Executive Session Minutes: (02:23:24)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to release the executive session minutes as listed in the memo dated October 6, 2010. The vote was 3-0-1; Mrs. Christie abstained from the vote.

Orleans Comprehensive Plan – Status Report Approval: (02:27:02)

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to accept and submit for review to the Planning Board, the Orleans Comprehensive Plan status report as presented. The vote was 4-0-0.

Liaison Reports: (02:28:05)

No liaison reports were offered.

Any other business: (02:28:25)

Mrs. Christie asked for an update on the meeting with the Orleans Athletic Association. Mr. Kelly asked for more time to review the information with the Park Superintendent, Board of Selectmen Chair and Park Commission Chair before scheduling a meeting with the Orleans Athletic Association.

Mr. Dunford asked for the Board to consider publishing the information provided by the Orleans citizen peer review panel on the town website and transmitting the information to UMASS. Mrs. Fulcher stated that she could not support placing the information on the website or forwarding the information to UMASS as they panel is not a Town of Orleans Committee. Mr. McGrath and Mrs. Christie concurred.

Mr. McGrath asked for more information on the Cedar Pond remediation efforts.

Adjourn: (02:42:10)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to adjourn. The vote was 4-0-0.

Respectfully submitted,
Kristen Holbrook

Jon R. Fuller, Clerk