

BOARD OF SELECTMEN  
MEETING MINUTES

'16 NOV 17 4:04PM

December 1, 2010

Approved on December 15, 2010

ORLEANS TOWN CLERK

A meeting of the Orleans Board of Selectmen was held on Wednesday, December 1, 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: (00:00:14)

*Beverly Fuller*, a resident of Orleans, spoke to the Board regarding the use of the Community Center for the Nauset Together We Can Juice Bar. Mrs. Fuller stated that she is not in favor of this use of the community center as it is not an appropriate location for the facility.

Approval of Minutes: (00:03:00)

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the meeting of November 3, 2010 as amended.** The vote was 4-0-1; Mrs. Christie abstained from the vote.

Orleans Yacht Club - requesting change of hours to begin selling liquor on Sundays from 10:00 a.m.: (00:03:49)

The Board reviewed a request for change of hours on the liquor license for the Orleans Yacht Club.

**On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to approve the request of Orleans Yacht Club Inc., d/b/a Orleans Yacht Club, located at 39 Cove Road, Orleans, MA to change the hours on their current liquor license to 10:00 am Sundays – 1:00 am Mondays.** The vote was 5-0-0.

Vote to sign Matthews Property Conservation Restriction: (00:05:10)

Mr. Kelly presented the Board with a request to sign the conservation restriction for the Matthew's property. Mr. Kelly also explained that the Board of Selectmen would hold the easement for the property, which is located in Brewster.

*Alan McClennen*, Chairman of Open Space Committee, spoke to the Board regarding the conservation restriction.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to sign and execute the conservation restriction for the property at Clay Hole Road Woodlands Matthews Property. The vote was 5-0-0.**

6:45 pm Public Hearing: (00:13:40)

**Main Street Wine & Gourmet, LLC d/b/a Main Street Wine & Gourmet transfer of Annual Wine and Malt Beverage Package Goods Store Liquor License.**

Chairwoman Fulcher read the notice for the public hearing as published in the Cape Codder and called the public hearing to order.

License applicant Heather Tarter spoke to the Board regarding her application and plans for her business.

Mr. Dunford asked if Ms. Tarter had operated an on premise liquor establishment previously.

Ms. Tarter explained that she was a registered sommelier and has been in the wine sales and restaurant business for many years.

Mrs. Fulcher called for public comment, none was offered.

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

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the transfer of the Annual Wine and Malt Beverage liquor license from Main Street Gourmet d/b/a Main Street Gourmet, James Canedy, Manager, to Main Street Wine and Gourmet LLC d/b/a Main Street Wine and Gourmet, Heather M. Tarter, Manager, located at 42 Main Street, Orleans, subject to all local and state permits, licenses and approvals, laws and bylaws and in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority adopted December 21, 1994, amended August 9, 1995 and February 10, 2010 and Massachusetts General Law Chapter 138. Said license to be issued after approval from the Alcoholic Beverage Control Commission is received and expiring on December 31, 2011. The vote was 5-0-0.**

Juice Bar – Together We Can request to use Community Building: (00:23:45)

Mrs. Fulcher read a letter that the Board had received from the Board of Directors Chair Don Powers, of Nauset Together We Can. Mr. Powers is requesting that the Board allow the organization to use the Community Building or the Legion Hall as their Juice Bar location as they are currently without a location.

Mrs. Fulcher explained that the Legion Building was not an option, as it would be occupied by the end of the month. She further explained that the Board had voted

previously to close the portion of the Community Building not currently occupied by the chamber of commerce.

Chris King, spoke to the Board regarding the clientele for the Juice Bar and relayed the attendance information for the Board.

Mr. McGrath asked Ms. King what the hours of operation would be for the facility. Ms. King stated that the juice bar would be open Thursday 4pm-8pm and Fridays and Saturdays 6pm-10pm. Ms. King also explained that the organization would be more than willing to pay utilities and to keep the rest rooms clean, as she did not believe that the use of the property would be heavy.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to make an exception to their previous decision regarding use of the Community Building by outside groups and make a one time acceptance of the offer from Nauset Together We Can to use the Community Center for \$500 per month from December 1 through May 2011, and that Nauset Together We Can will be responsible for utilities, Nauset Together We Can will be responsible for cleanliness of the restrooms, and Nauset Together We Can supply sufficient insurance for liability and the Town will reserve the right to rescind the agreement at any time. The vote was 2-2-1, Mrs. Fulcher and Mr. Dunford voted no, Mr. Fuller abstained from the vote, and no action was taken.**

Vote to Sign Putnam Farm LAND Grant Application: (00:51:22)

The Board reviewed a copy of the requirements for the state LAND grant program. Mr. Kelly explained that the state requires a vote of the Board of Selectmen to authorize the Town Administrator to sign the document.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to authorize the Town Administrator to sign the LAND grant application for the Putnam property located at 50 Bridge Road, Orleans, and submit the document for processing. The vote was 5-0-0.**

Town Administrator's Report: (00:58:01)

Mrs. Fulcher recused herself from the meeting.

Mr. Kelly presented the Board with information on the vacant Water Department Superintendent's position. Mr. Kelly asked the Board for permission to begin the recruitment process for the position. He also presented the Board with a revised draft of the Town of Orleans organizational plan.

Mr. Fuller stated that he sees the positions as the same and does not believe that the new draft would result in an increase in funding.

Mr. Kelly explained the hiring process for the Water Department Superintendent's position.

Mr. Dunford asked if Mr. Kelly was stating that the Public Works Manager position would be too difficult to fill.

Mr. Kelly stated that he believes that the best thing would be to look to fill the position as the Water Department Superintendent, and then in the future address the other issues.

Mr. Fuller stated that he believes it would too difficult to combine the Public Works, Water and Maintenance Departments, as it would be too large of a job for one individual.

Mr. McGrath stated that when the organizational plan was approved in February of 2009 there were people in positions that had unique skills and abilities that made that plan feasible, at this time it is not feasible.

**On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to accept the Town of Orleans Organizational Chart, revised December 1, 2010, as a working document for the Town Administrator, not for implementation at this time. The vote was 3-1-0, Mr. Dunford voted no.**

**On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to authorize the Town Administrator to begin the recruitment of a new Water Department Superintendent. The vote was 4-0-0.**

Mrs. Fulcher returned to the meeting at 8:18 pm.

Mr. Kelly presented the Board with an update on the responses received regarding the letter the Board sent seeking support for a regional meeting to discuss the State and Federal Endangered Species Act. Mr. Kelly informed the Board that to date only one response, from the Town of Truro, has been received.

Liaison Reports: (01:49:10)

Mrs. Christie presented the Board with information on recent meetings of the Community Preservation Committee, a meeting of the Board of Health and the Zoning Bylaw Task Force.

Mr. McGrath informed the Board that he had attended a presentation by the Bourne Integrated Solid Waste Management Facility, a meeting with SEMASS/Covanta and the Barnstable County Solid Waste Advisory's Negotiations Subcommittee, and attended a meeting of the Barnstable County Solid Waste Advisory Committee meeting.

Mr. Dunford presented the Board with information from recent meetings of the Open Space Committee, the Council on Aging Board of Directors and the Water Quality Task Force.

Mrs. Fulcher reported on a recent meeting with the Nauset Regional School District Superintendent regarding the upcoming budget process.

Any Other Business: (02:05:52)

Mr. Dunford asked for a follow-up on the National Academy of Sciences sponsorship issue, Mr. Kelly replied that it would be on the agenda for the next Board of Selectmen's meeting, as he has not received any feedback as of yet.

Executive Session – Discuss strategy with respect to Collective Bargaining: (02:09:20)

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted, by way of roll call, to enter into executive session for the purpose of discussing strategy with respect to collective bargaining, returning to open session solely for the purpose of adjournment.** The vote was 5-0-0, with Mr. Dunford, Mr. Fuller, Mrs. Fulcher, Mr. McGrath and Mrs. Christie all voting aye.

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

Adjourn:

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

The meeting adjourned at 9:50 pm.

Respectfully submitted,  
Kristen Holbrook



---

Jon R. Fuller, Clerk

W. H. C. M.