

BOARD OF SELECTMEN
MEETING MINUTES

ORLEANS TOWN CLERK

November 17, 2010

Approved on December 15, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, November 17, 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 5:05 pm.

Public Comment: (00:00:22)

Beverly Carney, a resident of Orleans, spoke to the Board regarding the outstanding Nauset and Town Cove MEP report from SMAST.

Approval of Minutes: (00:02:50)

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to adopt the minutes of the October 20, 2010 meeting as amended. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to release the executive session minutes as presented. The vote was 4-0-1. Mrs. Christie abstained from the vote.

Discuss County Commissioners, NAS Peer Review Response of November 10, 2010: (00:05:45)

The Board reviewed the response received from the Barnstable County Commissioners, dated November 10, 2010, regarding the Board's request that the Barnstable County Commissioners reconsider their position on the pursuit of the National Academy of Science Peer Review study of the SMAST MEP methodology and modeling.

Mr. McGrath stated that he thought the response the Board received was a thoughtful and considerate response. He saw the response as a change in the Commissioner's stance. He further stated that after attending the presentation of October 29, 2010, he felt that the results of the study would be a minimum of three years away, and will be more time and money spent than necessary. Mr. McGrath also stated that the study being done by the County Commissioners could be used to answer the questions for the voters.

Mr. Dunford stated that he feels that the National Academy of Sciences Peer Review is an effort that needs to be made. Mr. Dunford also felt that the letter was an

endorsement of the Board's desire to secure the National Academy of Sciences review. He does not see an obstacle that would stop the National Academy of Sciences review from taking place. He also stated that he enjoyed the information session on the 29th and that he feels comfortable with the individuals involved, and feels that there is good solid commitment from all involved parties.

Mrs. Christie stated that the meeting with the National Academy of Sciences representatives left her feeling disappointed, because she feels that the National Academy of Sciences is interested in making a statement.

Mr. Fuller stated that the letter received from the County Commissioners stated clearly that they are not interested in sponsoring the study or in funding the National Academy of Sciences review. The other issue is that using the Cape Cod Water Protection Collaborative for an independent review does not give the impression of being an arms length review. He also stated that the July 1, 2011 deadline is unrealistic for obtaining a sponsor or funding.

Mr. McGrath stated that the NAS study is more information and at a greater expense than Orleans needs at this time. He also agreed that any review does need to be an arms length study.

Mr. Dunford stated that there is an assumption that the Town will be paying an excessive amount of money, but that is not fact at this time. He further stated that the letter the Board had received a letter of support from Congressman Delahunt, which had asked for the Board to do three things, find a sponsor, get access to the model and provide a scope of work. Mr. Dunford believes that if the Board can get those three things, then federal funding would be available. Mr. Dunford would like a clear answer as to what constitutes a sponsor for the National Academy of Sciences review.

Mrs. Fulcher asked Mrs. Christie to update the Board on a forum on wastewater held recently by the league of women voters.

Mrs. Christie updated the Board with information from the meeting.

Mr. Kelly informed the Board that the National Academy of Sciences sponsorship purpose is to give direction to the panel for the study and scope of work. Mr. McGrath stated that the sponsor does not have to be the organization providing the funding. Mrs. Christie stated that if the study was shorter it would be more expensive because it would involve sub-contractors.

Mrs. Fulcher stated that she agrees with some of the comments made, she is comfortable with the National Academy of Sciences representatives. She does not, however, support spending an additional \$400,000 up to \$1,000,000 for the National Academy of Sciences review. She does support moving forward with the County Commissioners review.

Mr. Fuller stated that there are some taxpayers asking for this study, but because of the time frame and funding issues it may not be feasible at this time. He also stated that the County Review would be good but not as good as the National Academy of Sciences study.

Mrs. Fulcher stated that it is not possible for the Board to appease every group of people in the town. The group that is asking for the National Academy of Sciences review is a small group and the Board has spent a significant amount of time trying to appease them.

Mr. Dunford stated that it is too early to make the assumption that the National Academy of Sciences review would cost the Town of Orleans money.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to send the Barnstable County Commissioners a letter thanking them for their thoughtful and considerate response, agreeing with the deadline and express a need for the County Commissioner's to continue their efforts in an arms length review, and ask that the Towns be given the opportunity to provide input and commentary on how appointments to the review panel are made. The vote was 5-0-0.

On a motion by Mr. Dunford and seconded by Mr. Fuller, the Board voted to ask the Town Administrator to obtain more specific information on the eligibility and definition of sponsorship for the National Academy of Sciences review. The vote was 5-0-0.

Hawkers & Peddlers License: (00:48:53)

The Board met with Mr. William Wallace, owner of "Left Turn Lunches". Mr. Wallace spoke to the Board regarding his endeavor and assured the Board that he had received permission and permits from all necessary parties.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the application of William Wallace Jr., d/b/a "Left Turn Lunches" for a Hawkercs & Peddlers license to sell cold and hot foods, soups, hot and cold drinks, pre-packaged snacks and candy from his canteen truck to be located at various businesses that have given their approval throughout Orleans on a year round basis, subject to all approvals, bylaws, permits and licenses, said license to expire on December 31, 2010. The vote was 5-0-0.

Vote to extend dates of operation: (0:59:10)

The Board reviewed a request from Charles Goldberg, owner/manager of the Academy Ocean Grille for an extension of the operating dates for the seasonal liquor license for the property.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the request of Charles S. Goldberg to allow Clam Bar Inc. d/b/a Academy

Ocean Grille, 2 Academy Place, to extend the dates for operating under the 2010 seasonal liquor license from November 30, 2010 to January 15, 2011, subject to all permits, approvals and licenses and in accordance with the Town of Orleans Rules and Regulation of the Liquor Licensing Authority and M.G.L Chapter 138. The vote was 5-0-0.

Police and Fire Chief Updates: (01:00:36)

The Board met with Orleans Police Chief Jeff Roy. Chief Roy presented the Board with his report for August, September and October of 2010.

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

Vice-Chairman Sims McGrath excused himself from the meeting at 6:15 pm.

Town Administrator's Report: (01:13:25)

Mr. Kelly presented the Board with information regarding a recently conducted review of existing fee schedules and recommendations for the Board to consider. Mr. Kelly also provided a composite breakdown of the fees and expenses by department.

Mr. Fuller stated that the Board needs to create a policy in regards to the fees, before instituting any increases at this time. Mr. Kelly stated that some of the Boards do have the statutory authority to adjust the fees, but the Board of Selectmen can ask that they hold the increases to a percentage or to make them within a policy.

Mr. Kelly presented the Board with a request for use of the Community Building for the Chamber of Commerce to hold a chowder contest and to place a Christmas tree at the Nauset Beach gazebo.

On a motion by Mrs. Christie, and seconded by Mr. Dunford, the Board voted to approve the use of the Community Building for a chowder contest and the placement of a Christmas tree and lights in the gazebo at Nauset Beach in conjunction with the upcoming events for Christmas in Orleans. The vote was 3-0-1; Mr. Fuller abstained from the vote.

Mr. Kelly presented the Board with a request from the Conservation Department for the expenditure of Wetland Protection Funds.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the use of up to \$2000.00 from the Wetland Protection Fund for the purpose of providing outside consulting help and training for the Conservation Department on an as needed basis. The vote was 4-0-0.

Mr. Kelly presented the Board with the Planning Board's memos outlining their recommendations for the Operating and Capital Budgets for FY12.

Liaison Reports: (01:34:46)

Mrs. Christie updated the Board with information from recent meetings of the Zoning Bylaw Task Force, the Snow Library Board of Trustees, the Cultural Council, and the Community Preservation Committee.

Mr. Fuller reported on recent meetings of the Planning Board, the State Water Infrastructure Finance Committee Public Hearing, and a meeting of the Lighthouse Charter School Board of Trustees.

Mr. Dunford provided the Board with information on Shellfish and Waterways Advisory Committee, the Marine and Freshwater Quality Task Force, and the Cape Cod Selectmen and Councilors Association.

Mrs. Fulcher read a notice for the Personnel Advisory Board. The Personnel Advisory Board is soliciting applications for one vacancy, and interested citizens may fill out and submit a Citizen Interest Form online, or in the Town Administrator's Office.

Any Other Business: (01:54:52)

Mr. Dunford thanked Mr. Kelly for his informational booklet on the Orleans Athletic Association. He also stated that he is interested in meeting with them sooner rather than later.

Executive Session--Strategy with Respect to Collective Bargaining (Police): (01:58:08)

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 collective bargaining, returning to open session solely for the purpose of adjournment. The vote was 4-0-0, with Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mrs. Christie all voting aye.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted, by way of roll call, to return to open session solely for the purpose of adjournment. The vote was 4-0-0, with Mr. Dunford, Mr. Fuller, Mrs. Fulcher and Mrs. Christie all voting aye.

The meeting adjourned at 8:11 pm.

Respectfully submitted,
Kristen Holbrook



Jon R. Fuller, Clerk

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