

BOARD OF SELECTMEN  
MEETING MINUTES

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May 5, 2010

ORLEANS TOWN CLERK

Approved on May 26, 2010

A meeting of the Orleans Board of Selectmen was held on Wednesday, May 5, 2010 in the Nauset Room of the Orleans Town Hall. Present were Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman David M. Dunford, Selectman Mark E. Carron, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 6:00 pm.

**On a motion by Mr. McGrath, 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.** The vote was 4-0-0, with Mr. McGrath, Mr. Dunford, Mr. Fuller, and Mr. Carron all voting aye.

Mrs. Fulcher joined the meeting at 6:03 pm.

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

Public Comment: (00:00:20)

*Ken Mayo*, a resident of Finlay Road, spoke to the Board regarding comments made at the candidate's night.

*Ben Buck*, a resident of Rock Harbor Road, spoke to the Board regarding the Eldredge Park Way Band Shell.

Approval of Minutes: (00:10:35)

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to table the minutes of the April 21, 2010 meeting.** The vote was 5-0-0.

Meet as Park Commissioners: (00:11:10)

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to meet as Park Commissioners.** The vote was 5-0-0.

Park Commission Chairman Mark E. Carron invited Ken Farrar to speak to the issue of the Charles Moore Music Shell and the fundraising options for repair. Mr. Farrar stated that the Orleans Athletic Association wishes to continue to discussions on making the necessary repairs. Mr. Farrar further stated that the Eldredge Park field improvements are progressing and that the Orleans Athletic Association will not be able to fundraise during the renovations.

Mr. Dunford stated that he is very interested in taking steps to do the fundraising and make the most out of the park and the band shell.

Mr. Fuller asked what the discrepancies were between the structural inspection reports.

Don LeSieur, Treasurer for the Orleans Athletic Association, stated that an Engineer in Training conducted the first inspection, and the report was found to be overly cautious.

Mrs. Fulcher thanked Mr. LeSieur and Mr. Farrar for their time and effort in the partnership with the Orleans Athletic Associations.

Mr. Ron Conti, a resident of Orleans, spoke to the Board regarding the improvements to the restroom facilities at Eldredge Park

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

Discuss Options for Community Building: (00:33:04)

Mr. Kelly presented the Board with information on the Community Building. Mr. Ed Maas had communicated a desire to be involved in making the building open to various groups that might wish to use it.

Mr. Kelly asked what approach would the Board like to take.

Mrs. Fulcher stated that she would like to hear from Mr. Maas and would like some type of proposal to consider.

Mr. Dunford stated that the memo dated January 11, 2010, outlined six possible options for the building. Mr. Dunford stated that he would like to retain the community building for the town's use. Mr. Dunford also stated that a library annex may be entirely appropriate for the location.

Mr. McGrath supported the idea of asking all parties involved in the use of the Community Building for their opinions as to the best way to utilize the space.

**On a motion by Mrs. Fulcher, and seconded by Mr. McGrath, the Board voted to retain the community building as a municipal property, with the understanding that if it is proven that selling or demolishing the building is more advantageous than retaining it, the Board will reconsider. The vote was 3-2-0, Mr. Carron and Mr. Dunford voted nay.**

Vote on remaining Special and Annual Town Meeting Articles: (00:47:30)

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to insert the amount for the funds needed to cover the overtime account in the Fire**

Department in the amount of \$86,000 into the Transfer Article for the Special Town Meeting. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to insert the amount of \$33,000 Special Town Meeting Transfer Article in the amount of \$33,000. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. Carron, the Board voted to recommend approval of the Special Town Meeting Warrant Article 2 (transfer article). The vote was 5-0-0.

Mr. Kelly recommended that the Board authorize Town Counsel to petition the State Legislature to protect the Town should special legislation be needed for the conservation restriction on the Matthew's Property in the Town of Brewster.

Mrs. Fulcher asked that Mr. Ford be available to clarify any necessary distinctions on the provisions of the motion at the Annual Town Meeting.

Open Space Committee Chairman Alan McClennan spoke to the Board regarding the Matthews property conservation restriction.

On a motion by Mr. Carron, and seconded by Mrs. Fulcher, the Board voted to recommend approval of Annual Town Meeting Article for purchase of the Putnam Property and sign the P&S Agreement in the amount of \$363,000. The vote was 5-0-0.

Wastewater Planning Issues/Updates as Necessary: (01:15:20)

Mr. Kelly presented the Board with information on the response comments made by the Town on the Pleasant Bay Massachusetts Estuaries Project report.

Also Mr. Kelly provided the Board with information on the properties involved in decentralized wastewater issues.

Mr. Kelly informed the Board that Mr. Canning of the Health Department has investigated the plume under the former dry cleaning business and the former landfill septage lagoons.

On a motion by Mr. Carron, and seconded by Mr. Dunford, the Board voted to send a letter to State Representatives in support of legislation that would require firms who design or consult on wastewater projects, refrain from bidding on those projects. The vote was 2-2-1, and no action was taken. Mrs. Fulcher and Mr. McGrath voted nay, and Mr. Fuller abstained from the vote.

Discuss Options for Community Building: (01:28:42)

Chairman Fuller reopened the discussion for the options for the Community Building.

Ed Maas, a resident of Orleans, stated that there are many human service agencies on Cape Cod. Mr. Maas explained that he had spoken to the United Way and found support in making the Community building available for use by human services agencies. Mr. Maas stated that he is willing to make a commitment to the Town so that the Town would not have to expend money and he wants the building to remain part of the community.

Town Administrator's Report: (01:38:00)

Town Administrator John Kelly presented the Board with updated information on the Big Belly Solar Trash Compactors located in Parish Park, Depot Square, the Route 6A bus shelter and the Village Green.

Mr. Kelly presented the Board with a draft letter to NStar seeking assistance in cormorant management in the area around Cedar Pond, a draft letter to the Massachusetts Department of Transportation requesting assistance with storm water and drainage remediation for the roadways near Cedar Pond, and a letter to the Massachusetts Department of Environmental Protection regarding the Town of Orleans intention to seek support for water quality improvement and composition efforts for Cedar Pond.

**On a motion by Mrs. Fulcher and seconded by Mr. Dunford the Board voted to authorize the Chairman of the Board of Selectmen to sign all three letters. The vote was 5-0-0.**

Mr. Kelly also updated the Board on the progress of the improvements to the intersection at Route 28, Route 6A and Canal Road.

Mr. Kelly presented the Board with information on a recent meeting with the Town of Eastham on water supply investigations.

**On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to cancel the Board of Selectmen's meeting scheduled for May 12, 2010. The vote was 5-0-0.**

Liaison Reports: (01:48:59)

Mr. McGrath presented the Board with updates on a recent meeting of the Renewable Energy Committee and a meeting of the Conservation Commission.

Mr. Dunford updated the Board with information from a meeting of the Planning Board.

Mr. Carron presented Board with information on a recent meeting of the Board of Water and Sewer Commissioners.

Mr. Fuller updated the Board on the Bike and Walkways Committee.

Any other business: (01:54:42)

Mr. McGrath informed the Board that he would attend a meeting of the Board of Health on May 6, 2010 to discuss the work of the Barnstable County Solid Waste Advisory Committee.

Mr. Fuller stated that he was concerned with a statement made at the Candidate's Forum regarding the Town's responsibility for paying an employee 80% of her salary for the rest of her life. Mr. Fuller further clarified that after researching the situation, and based on age and longevity, she will receive approximately 16% of the average of the highest three years she worked, most of which, if not all, she has contributed to her retirement.

Mr. Carron stated that Ms. Nikki Regan Carter is concerned that the Town has not acted on her issue of water run off at her property

Adjourn: (02:02:05)

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

Respectfully submitted,

Kristen Holbrook

  
Jon R. Fuller, Clerk

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