

BOARD OF SELECTMEN
MEETING MINUTES

March 16, 2011

Approved on April 6, 2011

A meeting of the Orleans Board of Selectmen was held on Wednesday, March 16, 2011 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 and called for a moment of silence to honor all fallen servicemen and women, and all those currently serving in the armed forces.

Public Comment: (00:00:38)

Gary Clinton, a resident of Nickerson Road and representative of Decentralized Wastewater Options for Orleans, spoke to the Board regarding septic tank effluent systems.

Nello Trevison, a resident of Orleans, spoke to the Board regarding the Orleans Comprehensive Wastewater Management Plan and the Orleans Conservation Trust.

Mr. Kelly stated that Dr. Weiskel would be appearing at the April 20, 2011 Board of Selectmen's meeting to provide a progress report.

Employee of the Quarter Announcement: (00:12:10)

Chairwoman Fulcher announced that Corey Lynn Torres of the Media Department has been named Town of Orleans Employee of the Quarter.

Approval of Minutes: (00:14:15)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to adopt the minutes of February 16, 2011 the meeting as amended. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the February 23, 2011 meeting as amended. The vote was 5-0-0

Committee Appointments: (00:16:33)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to accept the resignation of Planning Board member John Ostman with regret and gratitude. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to elevate Associate Planning Board member Chip Bechtold to a Regular member of the Planning Board. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to accept the resignation of Eric Ehnstrom from the Bike and Pedestrian Committee with regret and gratitude. The vote was 5-0-0.

Shellfish Grant Public Hearing: (00:18:50)

Chairwoman Fulcher read the Public Hearing Notice as published in the Cape Codder.

Orleans resident Chester Burge spoke to the Board regarding his application.

Town of Orleans Harbormaster, Dawson Farber spoke to the Board regarding the shellfish grant application and recommended that the Board approve the application.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to close the public hearing for the shellfish grant application for Chester Burge. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to allow for the licensing of a new one-half acre Shellfish Grant #74 to Chester Burge of, Orleans, MA per the application filed with the Shellfish Department on February 7, 2011 with said license to expire on March 31, 2016. This license does not grant any property rights. It does not authorize any injury to private property or invasion of property rights. The vote was 5-0-0.

Select Citizen of the Year: (00:23:05)

Mrs. Fulcher asked that the Board members hand in their citizen of the year ballots as soon as possible.

Seasonal License Renewals: (00:24:55)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the renewal applications for 2011 Seasonal Common Victualler, Weekday Entertainment and Mechanical Device licenses for the businesses listed in the memo dated March 16, 2011 subject to all permits, licenses, and approvals and in accordance with all local, state and federal rules, regulations, bylaws and laws. Said licenses to expire on November 30, 2011. The vote was 5-0-0.

Nstar Pole Hearing: (00:28:05)

Chairwoman Fulcher read the public notice for the NStar Pole Hearing as published in the Cape Codder.

Karen Ray, of NStar Electric Company, spoke to the Board regarding the application.

David Gass, a resident of Tar Kiln Road, asked for, and received, a copy of the plan.

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

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve NStar Electric Company's petition for permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across 60 Tar Kiln Road in Orleans, MA to be installed in accordance with Plan No. 103603 dated February 7, 2011. The vote was 5-0-0.

Seasonal License Renewals: (00:32:00)

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the renewal applications and affidavits for the 2011 Seasonal liquor licenses for the businesses listed in the memo dated 3/16/2011, and the requests of ADG, Inc., d/b/a Orleans Lobster Pound and Good Seas Inc., d/b/a Cap'n Elmer's Restaurant to postpone their openings until May 15th 2011, subject to all permits, licenses, and approvals and in accordance with all local, state and federal rules, regulations, bylaws and laws. Said licenses to expire on November 30, 2011. The vote was 5-0-0.

Follow-up Discussion on Fees and Warrant Articles: (00:37:04)

Mr. Kelly provided the Board with the information that they had requested regarding the fee comparisons for the Town of Orleans.

Mr. Fuller asked for clarification of "Body Art" establishments.

Mr. Dunford stated that his preference would be to stretch the recommended increases in the Building Department fees over two or three years. Mr. Dunford also stated that he would prefer to see one more year of solid economic recovery for the businesses in Orleans before imposing another burden for the businesses listed under the Board of Selectmen Town Administrator fees section.

Mr. McGrath agreed with Mr. Dunford in terms of the fees listed under the Town Administrator/Board of Selectmen and supported spreading the increases in the Building Department fees over a period of two years.

Mrs. Fulcher stated that she was in favor of phasing in the fee increases, but wants to treat all businesses the same.

Town Administrator John Kelly recommended that the Board phase the increases into two years as it could be done relatively easy.

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to approve the Town Administrator's recommendation for fee increases in the

Building Department with an implementation schedule of two years. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the changes to the Treasurer/Collector Department fees as recommended, increasing the demand charge for delinquent bills for all non-marine vehicles to \$10, and increasing the Municipal Lien Certificate fee to \$40. The vote was 4-1-0. Mrs. Fulcher voted nay.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to approve the recommended fee increases listed for the Office of the Town Clerk. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to make no changes to the fees under the Board of Selectmen and Town Administrator's Department, these fees will be reviewed annually. The vote was 5-0-0.

Town Administrator's Report: (01:00:10)

Mr. Kelly asked the Board for a decision on the proposed short-term reorganization for the Water Department.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the Town Administrator's proposed short term reorganization of Water Department personnel as outlined for the period beginning March 16, 2011 through June 30, 2012. The vote was 5-0-0.

Mr. Kelly presented the Board with an action form for the designation of the Lighting Review Committee.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to designate the Architectural Review Committee, after consulting with the Chairman, as the Lighting Review Committee in accordance with the provisions Chapter 122 of the town code. The vote was 5-0-0.

The Town Administrator provided the Board with an update on the Conservation Department Staff and an updated copy of the job description for the Conservation Administrator/Staff Planner.

The Board received information from Erika Woods regarding the Oral Rabies Vaccine Plan for spring and fall 2011.

The Board reviewed a letter from Orleans Citizen Erna Turner in praise of the professional, caring and calming manner of Kevin Delude and the Orleans Fire Rescue Staff.

Liaison Reports: (01:27:30)

Mr. McGrath updated the Board with information from a recent meeting of the Renewable Energy Committee, and the Board of Water and Sewer Commissioners. Mr. McGrath also provided information from a recent meeting of the Cape Cod Water Protection Collaborative.

Mr. Dunford asked for an update on discussions with the Town of Eastham regarding the Town of Orleans providing water to the Eastham.

Mr. Fuller presented the Board with updates from recent meetings of the Finance Committee.

Mr. Dunford reported on a meeting of the Shellfish and Waterways Advisory Committee.

Mrs. Fulcher updated the Board on the Human Services Advisory Committee and a meeting of the Nauset Regional School Committee.

Any Other Business: (01:44:15)

Mr. Dunford stated that he received a letter from a shredding service called "Shred-It", and stated that the Cape Cod Selectmen's Association urged all to attend the legislative breakfast at the Wequasett in May.

Mr. McGrath asked the Town Administrator about the possibility of having an energy audit performed at the Town Hall.

Adjourn: (01:51:00)

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

Respectfully submitted:
Kristen Holbrook

Jon R. Fuller, Clerk