

BOARD OF SELECTMEN
MEETING MINUTES

April 6, 2011

Approved on May 18, 2011

A meeting of the Orleans Board of Selectmen was held on Wednesday, April 6, 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.

Call to Order: (00:00:06)

Chairwoman Fulcher called the meeting to order at 6:30 pm.

Chairwoman Fulcher wished Mr. Fuller a happy birthday.

Public Comment: (00:00:36)

John Nichols, a resident of Orleans, spoke to the Board regarding his Annual Town Meeting Article, by petition, to end corporate and union spending in elections.

Elizabeth DeLima, a resident of Orleans, invited the Board to attend the Orleans Citizens Forum meeting for the Orleans Village Center Plan on April 12, 2011 at the Old Jailhouse Tavern from 6:30 pm until 8:30 pm.

Gary Clinton, representative of the citizen group Decentralized Wastewater Options for Orleans, spoke to the Board regarding the petition article for a comparative study on wastewater.

Approval of Minutes: (00:12:00)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the January 19, 2011 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 March 2, 2011 Executive Session meeting as written. The vote was 4-0-1, Mr. McGrath abstained from the vote.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the March 2, 2011 meeting as written. The vote was 4-0-1, Mr. McGrath abstained from the vote.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the March 9, 2011 meeting as written. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the March 9, 2011 meeting as written. The vote was 5-0-0.

Mr. Fuller thanked Ms. Burwell for her interim service to the Board.

Meet with Mary Lyttle, Human Services Advisory Committee Chair: (00:15:35)

The Board met with Mary Lyttle, Chairwoman of the Human Services Advisory Committee. Ms. Lyttle presented the Board with the Committee's recommendation for funding for 2012. Ms. Lyttle asked the Board to support the Annual Town Meeting article "to fund the Human Services Agencies" in the Amount of \$50,630.

Mr. McGrath asked why fewer agencies had applied for funding this year, and Ms. Lyttle replied that some agencies had been affected by changes in management and either misplaced the applications or had missed the deadline.

On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to place and recommend approval of the Annual Town Meeting article "to fund the Human Services Agencies" in the Amount of \$50,630. The vote was 5-0-0.

Meet with Julia Enroth, Community Preservation Committee Chair: (00:22:31)

The Board met with Julia Enroth, Chairwoman of the Community Preservation Committee. Ms. Enroth presented the Board with the Committee's recommendations for funding in FY2012. Ms. Enroth asked the Board to support the Community Preservation Committee's article "to Fund the Community Preservation Act Program Projects" in the amount of \$197,951.

Ms. Enroth explained to the Board that the Community Preservation Committee had voted to approve the funds for the preservation of Putnam Farm property.

Mr. Dunford asked what the fund balance would be at the end of the fiscal year, and Ms. Enroth replied that there would be a surplus and that money would be returned to the fund.

Mr. McGrath thanked Ms. Enroth for her presentation and asked where the balance of the funds for the digitization of the Cape Codder would be coming from, and Mrs. Christie explained that Snow Library Board of Trustees has allocated funds for this and applied for grants as well.

Ms. Enroth also spoke to the Board regarding the Annual Town Meeting article "to amend the condo purchase project description in the budget proposed at 2009 Annual Town Meeting".

On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to place and recommend approval of the Community Preservation Committee's article "to Fund the Community Preservation Act Program Projects" in the amount of \$197,951.

The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to place and recommend approval of the Annual Town Meeting Article "to revise the condo purchase project description in CPA budget proposed at 2009 Annual Town Meeting". The vote was 5-0-0.

Meet with Alan McClennen, Open Space Chairman: (00:39:59)

The Board met with Alan McClennen, Chairman of the Open Space Committee regarding the withdrawal of the Open Space Committee's article "to secure funds for the preservation of Putnam Farm". Mr. McClennen explained that the article was no longer needed as the Community Preservation Committee voted yesterday to fund the project from their budget.

Mr. Fuller asked if the management plan for the Putnam Farm was complete, and Mr. McClennen replied that the plan was complete and would be submitted to the state by the end of the week.

Meet with Planning Board: (00:45:45)

The Board met with Dr. Ken McKusick, Chairman of the Planning Board. Director of Planning and Community Development, George Meserve spoke to the Board regarding the 4 articles to amend the Town of Orleans Zoning Bylaws.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the Annual Town Meeting article "to amend Zoning Bylaw Chapter 164-35M: Eldredge Park Advertising Signs". The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the Annual Town Meeting article "to amend Zoning Bylaw Chapter 164-35K: Banners". The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the Annual Town Meeting article "to amend Zoning Bylaw Chapter 164-6 & 17: Groundwater Protection District". The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the Annual Town Meeting article "to amend Zoning Bylaw Chapter 164-13: Schedule of Use regulations". The vote was 5-0-0.

Affordable Housing Project-Use of Trust Funds: (01:01:51)

Town of Orleans Director of Planning and Community Development, George Meservey, spoke to the Board with a request to use \$15,000 from the Affordable Housing trust to support the construction of the affordable housing project at 257 Route 6A.

Mr. Dunford asked where the contingency funds were coming from, and Mr. Meservey stated that the pro forma had included funds for this purpose.

Mr. Fuller stated that this project has been lingering for too long, and needs to be moved forward as soon as possible.

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to approve the request to expend \$15,000 from the Affordable Housing Trust Fund to support the affordable housing project located at 257 Route 6A, and increase the price of each unit by \$5,000 subject to the Town of Orleans reaching an agreement with HECH. The vote was 5-0-0.

Vote to approve the FY12 Budget: (01:13:33)

Town of Orleans Finance Director, David Withrow, met with the Board regarding the proposed FY2012 operating budget. Mr. Withrow provided the Board with an updated financial plan.

Mr. Kelly recommended that the Board designate the \$107,000 surplus funds as unused levy capacity thus reducing the tax rate.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to designate the \$107,000 surplus in the FY2012 operating proposed operating budget as unused levy capacity, and reduce the FY2012 tax levy by \$107,000 thus reducing the property tax from 8.5% to 7.9% and reducing the overall tax rate from 7.6% to 7.0%. The vote was 5-0-0.

Mrs. Fulcher and Mrs. Christie suggested that the Board increase the unfunded liabilities account by \$70,000.

On a motion by Mrs. Fulcher, and seconded by Mrs. Christie, the Board voted to designate the anticipated \$70,000 increase in local receipts as a result of the increase in Transfer Station and Non-resident Beach sticker fees, as additional free cash, above the Board's 5% policy, and therefore designate the \$70,000 to be used when a future Annual Town Meeting considers a separate fund to be used for future unfunded liabilities in relation to retiree health benefits or similar obligations of the town. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the FY2012 Town of Orleans operating budget as revised, per the memo date March 30, 2011, in the amount of \$28,312,929. The vote was 5-0-0.

8:00 p.m. Public Hearing – Annual Wine & Malt Beverages Common Victualler

Liquor License: (01:40:28)

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

No public comment 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. Fuller, and seconded by Mrs. Christie, the Board voted to approve a new Annual Wine and Malt Beverages Common Victualler Liquor License for Orleans Villa Pizza, Todd D. Goddard and Christopher S. Tompkinson, Managers, located at 87 Route 6A, 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, February 10, 2010 and April 29, 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.

Vote to sign Matthews Land Management Plan: (01:45:11)

The Board received a request for support of a management of the Matthew's plan from the Town of Brewster's Department of Natural Resources.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to sign the Matthew's Property Land Management Plan, finding that the proposed Management Plan for the Reed/Kingsbury Conservation Area is consistent with the protection of the Orleans well field and the conservation restriction that Orleans holds on the property. The vote was 5-0-0.

Vote on Remaining Warrant Article Recommendations: (01:48:25)

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the Annual Town Meeting article "to Accept Reports of Town Committees". The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place and recommend approval of the Annual Town Meeting article 4 "to fund Wastewater Study". The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the Annual Town Meeting article “to fund Town Buildings and Facilities Master Plan” and amend the article to reflect the \$35,000 allocated at a previous Town Meeting. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of the Annual Town Meeting article “to Fund Water Quality Drainage Projects”. The vote was 4-0-1, Mr. Dunford abstained from the vote.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of the Annual Town Meeting article “to Fund Town Pavement Management Program”. The vote was 4-0-1, Mr. Dunford abstained from the vote.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to place and recommend approval of the Annual Town Meeting article “to Replace Town Piers, Docks and Ramps”. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of the Annual Town Meeting article “to Replace I&M Plant Filter Membrane Rack”. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to recommend approval of the Annual Town Meeting article “Authorize BOS to lease Hubler Property”. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to place and recommend approval of the Annual Town Meeting article “Corporate Campaign Financing”. The vote was 4-1-0, Mr. Dunford voted nay.

On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to recommend against approval of the Annual Town Meeting article “Fund Wastewater Study by petition”. The vote was 3-0-2, Mr. Dunford and Mr. Fuller abstained from the vote.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to place the Annual Town Meeting article “Free Cash”. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place the Annual Town Meeting article “Closing Article.” The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to place the Special Town Meeting article “Bills of Prior Years”. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the Special Town Meeting article Transfer Article. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place the Special Town Meeting article “Closing Article”. The vote was 5-0-0.

Mrs. Fulcher asked the Board’s pleasure in regard to placement of the articles for the Annual Town Meeting. Mr. Dunford stated that he felt it would be beneficial to move the two wastewater articles further into the meeting.

Mr. McGrath stated that he was not in favor of moving the non-petition article.

Town Administrator’s Report: (03:04:20)

Mr. Kelly presented the Board with a request from the Orleans Citizen’s Forum to use the Nauset Room for their annual Candidate’s Night.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to grant the request with the understanding that this does not set a precedent and is subject to the room’s availability and all expenses incurred will be the responsibility of the Orleans Citizen’s Forum. The vote was 2-1-2, Mrs. Fulcher voted Nay, and Mr. Dunford and Mr. McGrath abstained from the vote.

One Day Liquor License for Academy of Performing Arts: (03:14:03)

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to approve a Special One-Day Liquor License for the Academy of Performing Arts to serve wine beverages on April 8, 2011 from 6:30 pm until 8:00 pm at 120 Main Street for an opening night reception for “A Broadway Revue” and waive the license fee and reduce the filing fee to \$10. The license is issued subject to all licenses, bylaws, permits and approvals and in accordance with Massachusetts General Law Chapter 138 § 14. The vote was 5-0-0.

Liaison Reports: (03:16:15)

Mr. Fuller reported on four recent Finance Committee meetings.

Mr. Dunford reported on a joint meeting with Brewster and Eastham regarding the sharing of Council on Aging Services.

Mr. McGrath spoke to the Board regarding the Cape Cod Ocean Management Plan Policy Committee meeting and their plans to submit a draft of the policies to the various Boards of Selectmen for a comment period.

Mrs. Fulcher reported that she has received the safety report on the Orleans Elementary School playground and will share the information with the Board at their next meeting.

Any other business: (02:28:50)

No other business was discussed.

Adjourn: (02:29:08)

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

Respectfully submitted,

Kristen Holbrook

Jon R. Fuller, Clerk