

BOARD OF SELECTMEN
MEETING MINUTES

April 20, 2011

Approved on May 18, 2011

A meeting of the Orleans Board of Selectmen was held on Wednesday, April 20, 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 6:40 pm, and asked for a moment of silence to honor all fallen troops and those currently serving in the US and abroad.

Public Comment: (00:00:30)

Beverly Carney, a resident of Orleans, asked several questions about Dr. Weiskel's upcoming presentation on the Namskaket Creek project.

Brian Embleton, a resident of Orleans, spoke to the Board regarding a proposed sewage effluent discharge area in the vicinity of Hurley's Bog salt marsh.

Douglas Pluciennik, a resident of Chickadee Lane, spoke to the Board regarding Annual Town Meeting Articles 4 and 35. Mr. Pluciennik urged the Board combine both articles into one article.

Larry Marsland, Executive Director of the Lower Cape Outreach Council, spoke to the Board regarding the growing need for fuel assistance on the lower Cape. Mr. Marsland asked that the Board consider placing funds aside in the FY12 budget to further assist the Lower Cape Outreach Council.

Gary Clinton, a resident of Orleans and representative of the citizen group, Decentralized Wastewater Options for Orleans, spoke to the Board regarding the Comprehensive Wastewater Management Plan.

Approval of Minutes: (00:18:25)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the January 5, 2011 Executive Session meeting as written. The vote was 4-0-1; Mr. Dunford 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 23, 2011 Regular Session meeting as amended. 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 30, 2011 Regular Session meeting as amended. The vote was 5-0-0.

Meet with Police Chief Jeff Roy: (00:21:22)

The Board met with Orleans Police Chief Jeff Roy. Chief Roy announced that on April 30, 2011 from 10:00 am until 2:00 pm, the Orleans Police Department will be collecting expired and unused prescription medication. Any interested citizen may bring their prescription medication to the station for disposal.

Chief Roy informed the Board that his department had received 146 applications in response to the vacant Police Officer positions in the Town of Orleans. Chief Roy introduced the two candidates that are recommended to fill the positions. Candidates Sean Reid and Patrick Cronin spoke to the Board regarding their interest in serving as Police Officers for the Town of Orleans.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to appoint Sean Reid and Patrick Cronin as Officers in the Orleans Police Department as recommended by Chief Roy. The vote was 5-0-0.

Chief Roy asked for the Board's permission to begin the interview process to fill the vacant Sergeant's position in the Town of Orleans Police Department.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to authorize Chief Roy to begin the interview process for a Sergeant in the Orleans Police Department. The vote was 5-0-0.

Meet with Peter Weiskel of USGS: (00:29:10)

Dr. Peter Weiskel presented the Board with an interim PowerPoint presentation on the Namskaket Marsh Project.

Mr. Dunford asked if the plume could change if the volume of effluent increased. Dr. Weiskel stated that in most cases, when effluent volume increases the plume deepens and radiates outward until it stabilizes, at which point the effect dissipates.

Mr. Fuller asked if the amount of discharge increased, would it be likely that the effluent would move under the marsh and into Cape Cod Bay. Dr. Weiskel stated that the only way to answer that is with modeling and would depend on what flow path the effluent takes.

Mr. McGrath asked if the shallow discharge was mostly precipitation, and Dr. Weiskel replied that the closer the precipitation occurs to the discharge point the more likely it would appear as shallow discharge. Mr. McGrath asked if there was a creek bed near the bike trail location, where would it be in relation to mean sea level, and Dr. Weiskel replied that it would be approximately 2 feet above mean sea level. Mr. McGrath asked

what would drive a plume toward the surface, and Dr. Weiskel replied that the hydro gradient drives the plume.

Mrs. Christie asked Mr. Weiskel if his statement at the March 1, DRI hearing was still accurate, and Dr. Weiskel replied that he does indeed believe that no harm has come to Namskaket Creek from the plume.

Mrs. Fulcher asked if there was a financially reasonable way to determine the extent of the clay layer. Dr. Weiskel replied that drilling test wells would be the best way to determine the clay layer.

Mr. Dunford asked Dr. Weiskel to explain his definition of "calibrated model", Dr. Weiskel replied that the model is based on the water table elevations and outflows from the system.

7:30 pm Public Hearing on Proposed Fee Schedule Increases: (01:29:40)

The Board held a public hearing regarding proposed fee increases in the Building Department, Town Clerk's Office, Office of the Treasurer Collector and Recreation Department.

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

No public comment was offered.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, 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 recommend approval of Annual Town Meeting Warrant article for the implementation of fee increases in the Building Department over the next two years. 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 Warrant Article for the implementation of fee increases in the Office of the Town Clerk. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to recommend approval of the Annual Town Meeting Warrant article for the implementation of fee increases in the Treasurer/Collector's Office. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to recommend approval of the Annual Town Meeting Warrant Article for the

implementation of fee increases in the Recreation Department. The vote was 5-0-0.

Committee Interviews/Appointment: (01:36:50)

The Board met with and interviewed Peter Monger, regarding his interest in continuing to serve as Town of Orleans Representative to the Cape Cod Commission.

The Board met with and interviewed Orleans resident Leonard Short regarding his interest in serving as Town of Orleans Representative to the Cape Cod Commission.

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to appoint Leonard Short, as the Town of Orleans Representative to the Cape Cod Commission, with a term ending date of April 24, 2014. The vote was 3-2-0. Mr. Fuller and Mr. Dunford voted no.

Meet as Park Commissioners: (01:46:30)

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

Park Commission Chairman Sims McGrath Jr. called the meeting of the Park Commissioners to order.

Town Administrator John Kelly updated the Board on the progress of the Orleans Athletic Association, Phase II improvements to Eldredge Park, and provided the Board with a selection of dates for "Orleans Night" at Eldredge Park as the Board has been invited the Board to throw out the first pitch at that game.

On a motion by Mrs. Fulcher, and seconded by Mrs. Christie, the Board voted to hold "Orleans Night" at Eldredge Park on July 14, 2011 at 7:00 pm. The vote was 5-0-0.

Mr. Kelly updated the Board with information on the Eldredge Park Sign Regulations and Policies should the proposed annual town meeting article pass. Mr. Kelly asked the Board to take the matter under advisement and begin drafting their regulations.

Orleans Athletic Association President Don LeSieur, spoke to the Park Commissioners regarding the draft regulations for the hanging of signs and banners at Eldredge Park.

Mr. Kelly provided the Board with a letter from the Town of Chatham regarding the Massachusetts DEP Off-Road Vehicle Regulations and Beach Management.

Mr. Fuller asked if the National Seashore was obligated to follow the MASSDEP rules, and Mr. Fulcher replied that while they try to follow them, they are not under any obligation.

Town of Orleans Parks and Beaches Superintendent Paul Fulcher stated that the Town of Orleans and the Town of Chatham are in a minority position in regard to changing regulations, that he is not hopeful of a positive outcome.

The Board reviewed a memo from Highway and Transfer Station Manager Mark Budnick who will be attending the Department of Defense Bosslift event.

On a motion by Mrs. Fulcher, and seconded by Mr. Dunford, the Board voted to authorize Mr. Budnick to present Town of Orleans daily 2012 Beach Passes to the members of Jacob Marshall's Army Reserve Unit. The vote was 5-0-0.

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

Vote to Sign and Post Town Meeting Election Warrants: (02:30:05)

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to Sign and Post the May 9, 2011 Annual Town Meeting Warrant, the May 9, 2011 Special Town Meeting Warrant and the May 17, 2011 Town Election Warrant. The vote was 5-0-0.

Vote to authorize Town Administrator to sign ARRA Property Acquisition Certification and award construction contract using supplemental Town funding: (02:35:23)

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to authorize the Town Administrator to sign the ARRA Property Acquisition Certification and award the construction contract using supplemental Town funding. The vote was 5-0-0.

Vote to sign single precinct authorization form: (02:42:40)

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to sign the single precinct authorization form. The vote was 5-0-0.

Town Administrator's Report: (02:52:10)

The Board reviewed a request for the use of funds from the Wetlands Protection Fund.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the use of \$982.00 from the Wetlands Protection Fund for fencing repairs and parking lot creation as requested in the memo dated April 15, 2011. The vote was 5-0-0.

Town Administrator John Kelly presented the Board with information on the Outdoor Lighting Bylaw.

Mr. Kelly presented the Board with a request from Agway of Cape Cod to place their business sign on town property. Mr. Kelly asked how the Board wished to proceed. The Board requested that the Town Administrator return to them with a plan and explore alternatives.

The Board reviewed three letters from Orleans citizens commending various Town employees.

Liaison Reports: (03:09:01)

Mrs. Christie reported on recent meetings of the Community Preservation Committee, the Snow Library Board of Trustees and the Board of Health.

Mr. Dunford reported on meetings of the Marine and Fresh Water Quality Improvement Task Force and the Shellfish and Waterways Advisory Committee.

Mrs. Fulcher reported on meetings of the Affordable Housing Committee and the Orleans Elementary School Committee.

Any other business: (02:18:40)

Mr. McGrath asked if the Board would be willing send a letter to Jacob Marshall thanking him for his service. Mr. McGrath also stated that he does have some additional question for Dr. Weiskel.

Mr. Dunford asked for input from Mr. Withrow and Mr. Kelly regarding the \$45,000 that the Board had reduced from the budget that may not be needed. Mr. Dunford also asked for information on the true cost of the teacher's contract for the schools.

Adjourn: (02:25:18)

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