

BOARD OF SELECTMEN MEETING MINUTES

June 1, 2011

Approved on June 15, 2011

A meeting of the Orleans Board of Selectmen was held on Wednesday, June 1, 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 asked for a moment of silence to honor all fallen troops and those currently serving in the US and abroad.

Public Comment: (00:00:45)

Ed Maas, a resident of East Orleans, spoke to the Board regarding the Orleans Inn becoming the first Green Certified Inn on Cape Cod and presented the Board with copies of CHA (Cape Healing Arts) magazine. The Board was invited to visit the Orleans Inn at 8:00 AM on June 15, for a breakfast workshop.

Gary Clinton, representative of Decentralized Wastewater Options for Orleans, spoke to the Board inviting them to attend the "Small Pipe" workshop on Saturday June 25, 2011 at the Jailhouse Restaurant from 9:00 am until noon.

Mrs. Fulcher announced that the Town of Orleans Commission on Disabilities is seeking members. All interested parties may fill out a citizen interest form online or in the Office of the Town Administrator. At this time the committee does not have a quorum and is unable to meet.

Approval of Minutes: (00:05:22)

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to adopt the minutes of the May 18, 2011 meeting as amended. The vote was 5-0-0.

Committee Appointments & Re-Appointments: (00:07:30)

Orleans resident Nicholas Bono spoke to the Board regarding his interest in serving on the Board of Assessors.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to appoint Nicholas Bono to the Board of Assessors with a term ending date of June 30, 2013. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to accept the resignation of Mary Lou Cassese from the Board of Assessors effective June 30, 2011 with regret and gratitude. The vote was 5-0-0.

Orleans resident Kevin Galligan spoke to the Board regarding his interest in serving as a member of the Personnel Advisory Board.

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to appoint Kevin Galligan to the Personnel Advisory Board with a term ending date of June 30, 2014. The vote was 5-0-0.

Orleans resident Andrea Shaw Reed, spoke to the Board regarding her interest in serving as a member of the Planning Board.

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to appoint Andrea Shaw Reed to the Planning Board as an Associate Member with a term ending date of June 30, 2014. The vote was 5-0-0.

6:45 pm Transfer of All Alcoholic Beverages Common Victualler License: (00:14:45)

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

Applicants for the license transfer, Melissa Valdez, Santa Soto and their attorney Brian Murray, spoke to the Board regarding their request for a transfer of the All Alcoholic Common Victualler liquor license.

Mr. Dunford asked if the applicants were familiar with the rules and regulations of the Liquor Licensing Authority. Mr. Murray indicated that Mrs. Soto and Ms. Valdez are familiar with their obligations of license. Mr. McGrath noted the applicants will need to address the concerns of the Fire Chief regarding the storage material in the basement of the restaurant.

Chairwoman Fulcher called for public comment. No public comment was offered.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the transfer of an Annual All Alcoholic Common Victualler license from Rose Gerardi d/b/a Rosina's Café to Le Due Comari, LLC d/b/a Rosina's Café, Melissa Valdez, Manager, located at 15 Cove road, 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.

Annual Appointments: (00:22:03)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to re-appoint Dawson Farber as Harbormaster/Shellfish Constable with a term ending date June 30, 2014. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to appoint John Mellin as Assistant Harbormaster/Deputy Shellfish Constable with term ending date of June 30, 2012. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to appoint and Kenneth Daignault as Assistant Harbormaster/Deputy Shellfish Constable with term ending date of June 30, 2012. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to appoint Marco DiCarlo, Paul Guerin, Matthew Regan and Kevin O'Brien as Summer Special Police

Officers for the Town of Orleans and Anthony Kinahan, Connor Seymour, Holly Allen, Thomas Bruemmer and Kayla White as Parks and Beaches Patrol Officers in the Town of Orleans with dates of service beginning on June 19, 2011 and ending on September 10, 2011. The vote was 5-0-0.

Board of Selectmen Liaison Assignments: (00:24:33)

The Board reviewed the liaison assignments for FY 2012.

Mr. Dunford noted that he is the liaison to the Architectural Review Committee which was not listed on the form, and acknowledged the change in liaison for the Marine and Fresh Water Quality Task Force to Mr. McGrath.

Discussion on Ocean Management Plan Policy Recommendation: (00:27:52)

The Board discussed the draft of the Ocean Management Plan Policies. Mr. McGrath indicated that the members of the Ocean Management Plan Committee will be asked to vote on the draft, and asked if any of the Board members had comments or suggestions for changes.

Mr. Dunford stated that section IV of the draft for "visual considerations" is his largest concern.

Mr. McGrath explained that the committee has a sense that there should be a limit for visual impact. Mr. Dunford asked if the Board would be offered a comment period on the actual rules and regulations prior to the implementation. Mr. McGrath replied that he will be sure to mention to the committee that the draft rules and regulations should be circulated for discussion and comments by the individual Boards of Selectmen.

Mrs. Christie stated that she is concerned with the Sand and Gravel Mining section and asked if the committee considers the mining of sand and gravel to be an upcoming industrial venture. Mr. McGrath stated that off shore sand and gravel mining considerations were in place so that, if in the future, the business does become more established then the rules will already be in place.

Mr. Fuller asked if the vote was weighted, and Mr. McGrath replied that it is not.

Mr. Dunford asked how the impact to the Rock Harbor Fleet would be mitigated. Mr. McGrath replied that the draft does not seek to lessen the mitigation or permitting process for the turbines but seeks to better define the most appropriate area for those turbines. Mr. Dunford asked that Mr. McGrath express concern for the Rock Harbor navigable channel. Mr. McGrath stated that he would bring that to the attention of the committee.

On a motion by Mr. Fuller, and seconded by Mrs. Christie, the Board voted to support the draft of the Ocean Management Plan Policy, with the caveat that the items, issues and concerns discussed by the Orleans Board of Selectmen will be brought forth to the Ocean Management Plan Policy Committee for discussion and consideration. The vote was 5-0-0.

Follow up on Agway's Sign Request for Lots Hollow Road on Town Property: (00:54:30)
The Board reviewed a letter sent from Town Administrator John Kelly, to Mr. Wile, owner of Agway, regarding his recent request to place a sign for his business on town property. Mr. Kelly reported that as of June 1, 2011 he had not received a response to his letter. Mr. Kelly further stated that he will report any further communication or information to the Board at their next meeting.

Town Administrator's Report: (01:00:42)

The Board reviewed letters of resignation from Jean Rusch as Registrar of Voters, effective March 31, 2011, Julie Martin from the Marine and Fresh Water Quality Task Force effective immediately, and Robert Osterberg from the Zoning Board of Appeals effective July 31, 2011.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to accept the resignation of Jean Rusch from the Registrar of Voters effective March 31, 2011 with regret and gratitude. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to accept the resignation of Julie Martin from the Marine and Fresh Water Quality Task Force, effective immediately, 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 accept the resignation of John Osterberg from the Zoning Board of Appeals effective July 31, 2011, with regret and gratitude. The vote was 5-0-0.

On a motion by Mrs. Christie, and seconded by Mr. Fuller, the Board voted to designate Assistant Town Administrator Myra Suchenicz to temporarily assume the duties of the Town Administrator as required during the fiscal year 2012. The vote was 5-0-0.

Mr. Kelly presented the Board with information from the Orleans Athletic Association, updating them on the progress of the field maintenance and an update on the placement of signs and banners in Eldredge Park. The Board discussed a draft plan for the Orleans Athletic Association to place fencing around the bull pen area abutting the band shell. Mr. McGrath suggested that consideration be made for appropriate circumnavigation of the band shell.

Mr. Kelly also informed the Board that after speaking with Mr. Ford, the Board and the Town of Orleans will take the position that the amendment to the sign and banners bylaw approved at the Annual Town Meeting, was made with the intention to allow use of the fences at Eldredge Park for hanging signs and banners, up to and including the fence along Route 28.

Liaison Reports: (01:14:05)

Mr. Dunford reported on recent meeting of the Council on Aging and the Architectural Review Committee.

Any other business: (01:14:45)

Mr. Dunford announced that the next meeting of the Cape Cod Selectmen and Councilors Association will be on June 10, 2011.

Executive Session: (01:16:20)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board vote to enter into executive session to discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Town, returning to open session solely for the purpose of adjournment. The vote was 5-0-0, with Mrs. Christie, Mr. McGrath, Mrs. Fulcher, Mr. Fuller and Mr. Dunford all voting aye.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to return to open session solely for the purpose of adjournment. The vote was 5-0-0, with Mr. Dunford, Mr. Fuller, Mrs. Fulcher, Mr. McGrath and Mrs. Christie, all voting aye.

Adjourn:

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

The meeting adjourned at 8:20 pm.

Respectfully submitted,

Kristen Holbrook

Jon R. Fuller, Clerk