

BOARD OF SELECTMEN  
MEETING MINUTES

*CD May*

December 7, 2011

Approved on December 21, 2011

A meeting of the Orleans Board of Selectmen was held on Wednesday, December 7, 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 6:35 pm and called for a moment of silence to honor the passing of John Jannell Sr., father of Conservation Agent John Jannell Jr., and Elliot Krach, a former employee of the Parks and Beaches Department.

Public Comment: (00:01:11)

*Fran McClennen*, President of the Orleans Pond Coalition, spoke to the Board to invite them to attend the next annual Celebrating Our Waters weekend to be held September 22<sup>nd</sup> and 23<sup>rd</sup> 2012. The annual event will be hosted by the Orleans Pond Coalition.

*Pat Fallender*, President of the Orleans Improvement Association, spoke to the Board regarding the Christmas Celebration on Orleans and to thank all of the participants who make the events possible.

*Ed Maas*, a resident of Orleans, spoke to the Board regarding the Orleans Citizens Forum.

Approval of Minutes: (00:08:38)

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the minutes of the November 1, 2011 executive session minutes as amended.** The vote was 4-0-1, Mr. Fuller abstained from the vote, as he was not present for the meeting.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the minutes of the November 2, 2011 meeting as amended.** The vote was 5-0-0.

Mr. McGrath moved the Board to approve the minutes of the November 15, 2011 Executive Session. The motion was seconded by Mr. Fuller. After a brief discussion, the motion and second were withdrawn pending clarification of a motion.

Police Chief Quarterly Update: (00:18:32)

The Board met with Orleans Police Chief Jeff Roy. Chief Roy presented the Board with his quarterly report.

7:00 pm. Public Hearing for Liquid Propane Storage License: (00:26:30)

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

License applicant and property owner, John S. Souza, spoke to the Board regarding his application.

Mr. Dunford asked if the propane storage would be the sole purpose of the property, and Mr. Souza replied that the property would be under lease, but the license will be held by Mr. Souza as he is the property owner. Cape Cod Oil will be leasing the property from Mr. Souza.

Orleans Fire Chief William Quinn provided the Board with information on the location, safety and design of the proposed storage tanks.

Mr. Fuller asked if the operation would be primarily retail oriented and Mr. Souza replied that the tanks are not for retail use. They are for refueling propane delivery trucks. He further explained that the large tanks are needed due to the nature of the seasonal demands of the propane industry.

Mrs. Fulcher inquired as to the number of deliveries per day and expressed concerns regarding increased traffic noise in the area. Mr. Souza indicated that propane refueling is a relatively quiet operation and that the site plan had included fencing to mitigate sight and sound issues.

Town of Orleans Director of Community Development and Planning, George Meservey reported to the Board that the area in question is zoned for industrial use. Mr. Souza also indicated that the trucks using the facility are not 18 wheel tractors, therefore the noise created by air brakes should not be a factor.

No public comment was offered.

**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 Mr. Dunford, the Board voted to approve the request of John S. Souza to install two 30,000 gallon above ground liquid propane storage tanks at 50 Lots Hollow Road, provided that there will be no day-time deliveries from May until October subject to all permits, licenses and approvals.** The vote was 4-1-0, Mrs. Fulcher voted no.

Fire Chief Quarterly Update: (00:44:45)

Fire Chief William Quinn met with the Board to provide his Quarterly Report.

Fire Fighter Deering, spoke to the Board to update them with the EMS statistics for the Quarter.

Chief Quinn presented his newly acquired 400 MHz radio system to the Board. The new system is up and running and should help immensely in the events of severe storms and other special events such as the Fourth of July Fireworks.

Mr. Kelly indicated that these purchases are saving money; by purchasing surplus equipment, the town can defer large expenses to later date.

Orleans Waterfront Inn – Change of Manager: (00:66:54)

The Board reviewed a request for a change of manager for the Orleans Waterfront Inn.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the request for a change of manager for Orleans Waterfront Inn, Inc, from Edward J. Maas to Erin E. Santiago, subject to approval from the Alcoholic Beverage Control Commission and receipt of a favorable report from the Criminal History Board. The vote was 5-0-0.**

Meet with County Commissioners: (01:10:15)

The Board met with Barnstable County Commissioners, Sheila Lyons, Mary Pat Flynn and Bill Doherty. Commissioner's Lyons, Flynn and Doherty discussed the achievements of the County and contributions made to various organizations in the Town of Orleans.

Final Report on Conceptual Report of Village Center Streetscape Plan: (01:31:28)

The Board met with Director of Community Development and Planning, George Meservey. Mr. Meservey introduced the special project manager from the Cape Cod Commission, regarding the final report on the Village Center Streetscape Plan. Mr. Meservey reported that the Planning Board is satisfied with the plan and that it takes the personality of Orleans into consideration.

Tabitha Harkin from the Cape Cod Commission gave a brief power point presentation on the project.

Mrs. Christie expressed concern about the property owners along Main Street, who might not be interested in participating in the improvements.

John Fallender of the Planning Board, spoke to the Board regarding the project and stated that the Planning Board and the Orleans Community Partnership support the plan and thanked the project coordinators from the Cape Cod Commission and Mr. Meservey as well.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to support the 2011 Streetscape Plan and move forward with the implementation of the plan. The vote was 5-0-0.**

Conservation Restriction by Orleans Conservation Trust: (02:03:25)

The Board reviewed an application for a conservation restriction to be placed on a parcel of property located at 38-40 Kenneth Lane, Orleans, MA.

Kris Ramsay, Administrator of the Orleans Conservation Trust, spoke to the Board about the proposed restriction and urged the Board to support the restriction.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to support the recommendation of the Open Space Committee to approve, sign and execute the**

conservation restriction for the parcel of property located at 38-40 Kenneth Lane, thereby determining that the property is located in the Pleasant Bay Area of Critical Environmental Concern and partially lies within the Little Pleasant Bay Noteworthy Landscape. The Property is ranked high for both the habitat protection and priority and wildlife habitat value in the Cape Cod Wildlife Conservation Project and is a substantial contributing element to the overall scenic character of the area by adding to and maintaining the plan predominantly in its natural condition therefore the Conservation Restriction is in the public interest. The vote was 5-0-0.

Annual License Renewals: (02:15:18)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the renewal for the 2012 All Alcoholic and Wine and Malt Beverage Common Victualler Liquor Licenses, All Alcoholic Beverage Innholder and All Alcoholic Beverage Club Liquor Licenses for the businesses listed, subject to approval all permits, approvals and licenses and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2012. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve the renewal for the 2012 All Alcoholic and Wine and Malt Beverage Package Goods Stores Liquor Licenses for the businesses listed, subject to approval all permits, approvals and licenses and all applicable federal, state and local regulations, laws and bylaws. Said licenses to expire on December 31, 2012. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the renewal for the 2012 Common Victualler Licenses for the businesses listed, subject to compliance with the Workers Compensation Act and all applicable federal, state and local rules regulations, laws and bylaws. All licenses to expire on December 31, 2012. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the renewal of the 2012 Weekday and Sunday Entertainment Licenses and Mechanical Device and Pool table Licenses for the businesses listed subject to compliance with the Workers Compensation Act and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2012. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the renewal of the 2012 Lodging House and Innholder Licenses for the businesses listed subject to compliance with all applicable federal, state and local rules, regulations, laws and bylaws. All licenses to expire on December 31, 2012. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the renewal of the 2012 Hawkers and Peddlers Licenses for the businesses listed, subject to all applicable federal, state and local rules regulations laws, and bylaws. All licenses to expire on December 31, 2012. The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the renewal of the 2012 Auto Class I and Class II Licenses for the businesses listed subject to compliance with the Worker's Compensation Act and all applicable federal, state and local rules, regulations, laws and bylaws. All licenses to expire on January 1, 2013. The vote was 5-0-0.**

Temporary Closing – Orleans Villa Pizza (Feb. 7 – Feb. 21, 2012): (02:28:12)

The Board reviewed a request for temporary closing for Orleans Villa Pizza.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the request of Todd Goddard and Chris Tomkinson, owners/managers of Orleans Villa Pizza, located at 87 Route 6A, to close their business from February 7, 2012 through February 20, 2012 for vacation in accordance with the rules and regulations of the Local Licensing Authority. The vote was 5-0-0.**

Town Administrator's Report: (02:31:10)

Mr. Kelly presented the Board with the information gathered regarding a document shredding service. The Board asked that the Town Administrator coordinate a mobile document shredding day to be held after April 15, 2012 at the Transfer Station from 10 am until 3 pm.

Mr. Kelly presented the Board with the updated local receipts schedule.

Liaison Reports: (02:45:05)

Mr. Fuller reported on meetings of the Cape Cod Lighthouse Charter School Building Committee and the Planning Board.

Mr. McGrath updated the Board regarding a recent meeting of the Board of Water and Sewer Commissioners and a meeting of the Eastham Board of Selectmen, where the topic of concern was municipal water needs. Mr. Dunford asked what the conclusion was from the Town of Eastham. Mr. McGrath explained that the Town of Eastham seems to think that the cost of purchasing water from Orleans would be more expensive than developing their own supply system.

Mrs. Christie presented the Board with information from recent meetings of the Orleans Cultural Council, the Zoning Bylaw Taskforce, the Board of Health and the Community Preservation Committee. Mrs. Christie asked that a future discussion item be placed on an upcoming agenda for a discussion on the possible creation of a historic district.

Mrs. Fulcher reported on the Fourth of July Committee, Human Services Advisory Committee, Orleans Elementary School Committee, and the Nauset Regional School District Committee.

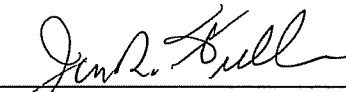
Any other business: (03:05:50)

No other business was discussed.

Adjourn: (03:06:22)

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

Respectfully submitted,  
Kristen Holbrook



---

Jon R. Fuller, Clerk