

BOARD OF SELECTMEN
EXECUTIVE SESSION MINUTES

ORLEANS TOWN CLERK

February 14, 2012

'17 DEC 14 10:00AM

Approved on March 14, 2012

An executive session of the Orleans Board of Selectmen was held on Tuesday, February 14, 2012 in the Nauset Room of the Town Hall for the purpose of discussing strategy with respect to litigation, and to consider the purchase exchange, lease or value of real property. Present were Chairwoman Margie Fulcher, Vice-Chairman Sims McGrath, Clerk Jon R. Fuller, Selectman David M. Dunford, Selectwoman Susan B. Christie, Town Administrator John Kelly, Town Counsel Michael Ford, Parks and Beaches Superintendent Paul Fulcher.

Chairwoman Fulcher called the meeting to order at 9:05 am.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to enter into Executive Session to discuss strategy with respect to litigation, and to consider the purchase, exchange, lease or value of real property, and that the Chair declare that an open meeting may have a detrimental effect on the litigating and/or negotiating position of the body, and to reconvene in Open Session. The vote was 5-0-0, with Mr. Dunford, Mr. Fuller, Mr. McGrath, Mrs. Christie and Mrs. Fulcher all voting aye.

Town of Orleans Town Counsel Michael Ford informed the Board that he, the Town Administrator and Mr. Fulcher had met with an attorney for some of the abutters from Aspinet Road and the Nauset Heights area. As a result of the conversations, Mr. Ford reported to the Board that an amended agreement for the Town's access and use of Aspinet Road is in process and these abutters are willing to negotiate the Town's limited use of the road. Mr. Ford asked the Board to provide some direction to Town Counsel, Town Administrator and Parks and Beaches Superintendent with how to proceed moving forward. Mr. Ford recommended that the Board proceed with the agreement for this summer and see how everything works out.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to bring an article to the May Annual Town meeting for authorization, if necessary, to take easements, and/or funds for appraisal for value for the taking of easements on Aspinet Road, and to proceed with the modified agreement as outlined in the original letter dated January 12, 2012 and modified to entitle the Town of Orleans to use of the road between the hours of 2:00 PM until 6:00 PM Fridays through Sundays and all legal

holidays, which will increase the Town's ability to use the road when needed. The vote was 5-0-0, with Mr. Dunford, Mr. Fuller, Mrs. Fulcher, Mr. McGrath and Mrs. Christie all voting aye.

The Board reviewed information from Mr. Ford from a litigation case regarding the damages case pending on the Cove Road boat ramp.

Mr. Ford reviewed a trespass case that is pending with Forrester Quinn. Mr. Ford informed the Board that Mr. Quinn is looking for a compromise that would allow him some type of license or easement for continued use of the property. There are complications because the property is also under the jurisdiction of the Conservation Commission.

Mr. Kelly asked the Board for direction as to whether they are willing to authorize the continued use of the property. The Board has asked for additional information from the Conservation Commission and to have Mr. Quinn present his needs to the Board at a future meeting. Mr. Kelly noted that there are procurement issues as well.

The Board should have an informational meeting with the Conservation Commission and ask them what they are looking for on this property.


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

Adjourn:

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

Respectfully submitted,

Kristen Holbrook



Jon R. Fuller, Clerk

Released on 12/6/17