

C. May

BOARD OF SELECTMEN
MEETING MINUTES

January 18, 2012

Approved on March 14, 2012

A meeting of the Orleans Board of Selectmen was held on Wednesday, January 18, 2012 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.

Public Comment: (00:00:30)

Mrs. Fulcher read a public announcement from the Orleans Conservation Trust, for an event titled, "Keeping Company with Kestrels". The event will be held at the Federated Church of Orleans on January 28, 2012 and 10:30 AM.

Approval of Minutes: (00:02:12)

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to adopt the minutes of the July 19, 2011 meeting as written. 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 November 7, 2011 Executive Session meeting as written. 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 November 22, 2011 Executive Session 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 January 4, 2012 meeting as amended. The vote was 5-0-0.

Vote to Sign Refunded Bond Documents: (00:06:55)

The Board met with Town of Orleans Director of Municipal Finance, David Withrow. Mr. Withrow presented the Board with the final information on the refunding and refinancing of callable bonds. The final savings is \$601,950.27. Mr. Withrow asked that the Board sign and execute the refinancing documents.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund a portion of the Town's (i) General Obligation Bonds dated July 15, 2001, and maturing June 15 of the years 2013 through 2019, inclusive, and a \$15,000 portion of such bonds maturing June 15, 2020,

in the aggregate principal amount of \$710,000, (ii) General Obligation Bonds dated February 1, 2003, and maturing February 1 of the years 2014 through 2023, inclusive, in the aggregate principal amount of \$3,205,000, and (iii) General Obligation Bonds dated September 15, 2003, and maturing September 15 of the years 2014 through 2023, inclusive, in the aggregate principal amount of \$1,255,000 (collectively, the “Refunded Bonds”) and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$5,185,000 General Obligation Refunding Bonds of the Town dated January 26, 2012 (the “Bonds”), to Piper Jaffray & Co. at the price of \$5,585,119.15 is hereby approved and confirmed. The Bonds shall be payable on September 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2012	\$90,000	2.00%	2018	\$580,000	3.00%
2013	435,000	2.00	2019	470,000	3.00
2014	550,000	2.00	2020	485,000	3.00
2015	555,000	3.00	2021	440,000	3.00
2016	570,000	3.00	2022	340,000	3.00
2017	565,000	3.00	2023	105,000	2.00

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 5, 2012, and a final Official Statement dated January 12, 2012 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: to confirm the provisions of the Bond Purchase Agreement dated January 12, 2012.

Further Voted: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated January 26, 2012, between the Town and Cape Cod Five Cents Savings Bank, as Refunding Escrow Agent.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and all other issues of tax-exempt bonds of the Town.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Further Voted: to certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended. The vote was 5-0-0.

Annual Common Victualler – DRJX Deli, LLC d/b/a Nauset Farms: (00:19:20)

The Board reviewed an application for a new Annual Common Victualler license for Nauset Farms.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve an Annual Common Victualler license for DRJX Deli, LLC d/b/a Nauset Farms, Robert Sethares Manager, located at 199 Main Street in East Orleans, with hours of operation being Thursdays through Saturdays from 9:00 AM until 5:00 PM during October through May season and Mondays through Sundays from 6:00 AM until 8:00 PM during May through October season. Said license to expire on December 31, 2012 and is subject to all permits, approvals, bylaws and licenses in the Town of Orleans. The vote was 5-0-0.

Vote to Call Annual Town Meeting and Election: (00:20:54)

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to hold the May 7, 2012 Annual Town Meeting at 6:30 PM in the Nauset Middle School Gymnasium and open the warrant on February 8, 2012 at 8:30 AM and close on March 8, 2012 at 4:30 PM and vote to hold the May 7, 2012 Special Town Meeting at 6:30 PM and open the warrant on March 8, 2012 at 8:30 AM and close the warrant on March 22, 2012 at 4:30 PM. The vote was 5-0-0.

Disclosure of Financial Interest by Municipal Employee and Determination by Appointing Authority as Required by G.L.c. 268A, §19: (00:21:44)

The Board reviewed a financial disclosure statement from Planning Board and Open Space Committee member Steve Bornemeier.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board, acting as Town of Orleans appointing officials, and as required by G.L c268A sec 19 (b)(1), voted that they have reviewed the matter and financial information described above and have determined that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. The vote was 5-0-0.

Town Administrator Overview of FY13 Budget Recommendations: (00:27:09)

Town Administrator John Kelly presented the Board with his 2013 budget recommendations. He also recommended that the Board consider meeting on their off weeks on Tuesday mornings exclusively for budget discussions.

Mr. Dunford stated that creating a stabilization fund makes sense when considering the variability of the Nauset Regional School expenses.

Mr. Kelly informed the Board that the composite savings is 9.8% for the municipal health plan. So if the numbers remain the same, the increase would only be 1.7%.

Mr. Dunford asked if the green project numbers were included in the budget. Mr. Kelly replied that the first payment won't be billed until late 2013 or possibly 2014.

Town Administrator Overview of FY14-FY18 Draft Capital Improvements Plan: (00:42:55)

Mr. Kelly updated the Board with the proposed Capital Improvement Plan for FY14- FY18 and Capital Budget for FY13. Mr. Kelly gave a brief overview of the changes to the Capital Improvement Plan from the previous year.

Town Administrator's Report: (00:57:18)

The Board reviewed letters of resignation from Joseph DiBrigida from the Council on Aging and Arnold Henson from the Conservation Commission.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to accept the resignation of Joseph DiBrigida from the Council on Aging and Arnold Henson from the Conservation Commission with regret and gratitude. The vote was 5-0-0.

Liaison Reports: (01:10:14)

Mrs. Christie presented information from recent meetings of the Community Preservation Committee.

Mr. McGrath reported on meetings of the Conservation Commission, the Renewable Energy and Wind Committee, the Cape Cod Water Protection Collaborative and the Board of Water and Sewer Commissioners.

Mr. Fuller updated the Board with a review of a meeting of the Finance Committee.

Mr. Dunford reported on a meeting of the Architectural Review Committee and the Shellfish and Waterways Advisory Committee.

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

Any other business: (01:22:30)

No other business was discussed.

Executive Session to discuss strategy with respect to collective bargaining:

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to enter into Executive Session to discuss strategy with respect to collective bargaining and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and to reconvene in 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.

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

Respectfully submitted,

Kristen Holbrook



Jon R. Fuller, Clerk

