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BOARD OF SELECTMEN SPECIAL MEETING MINUTES

February 14, 2012

Approved on April 11, 2012

A special meeting of the Orleans Board of Selectmen was held on Tuesday, February 14, 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, Orleans Town Counsel Michael Ford, Town of Orleans Parks and Beaches Superintendent Paul Fulcher and Recording Secretary Kristen Holbrook.

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

Meet with Town Counsel Michael Ford in Executive Session: (00:00:00)

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.

Chairwoman Fulcher declared that an open meeting may have detrimental impact on the litigating and/or negotiating position of the body.

On a motion by Mrs. Christie, and seconded by Mr. Dunford, 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.

Open session reconvened at 10:38 AM.

Meet with Town Counsel Michael Ford in Open Session: (00:00:15)

Mr. Ford asked that the Board reaffirm the action taken in executive session.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to reaffirm their decision made in executive session to bring an article to the May Annual Town meeting for authorization of a taking of easements, and/or to authorize funds for property appraisal 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, amending the hours of use to 2:00 pm until 6:00

pm Friday through Sunday and all legal holidays, which will increase the Town's ability to utilize the Road when necessary. The vote was 5-0-0.

The Board discussed the Eldredge Park Sign and Banner Bylaw with Town Counsel Michael Ford. Mr. Ford informed the Board that the difficulty in utilizing the fencing is due to the fact that the Board has become aware that the fencing is not actually part of the parcel referenced in the bylaw, but instead is part of the state road layout.

Mr. Kelly stated that a curative amendment would allow the Park Commission to regulate the signage for Eldredge Park; remaining silent on the fence, would nullify the sign regulations and could open the Town to undesired results.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to direct the Building Commissioner to seek an interpretation of the Eldredge Park Sign and Banner bylaw from the Planning Board. The vote was 5-0-0.

Mr. Ford reviewed the recent changes to the open meeting laws that allow for remote participation in certain situations. Mr. Kelly asked for clarification of the regulatory boards and the remote participation during hearings. The Board asked that Town Counsel and the Town Administrator return to the Board with a list of items to be aware of for remote participants.

On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to adopt a policy to implement remote participation on July 1, 2012 for Board and Committee meetings with specific guidelines to follow. The vote was 4-1-0, Mrs. Fulcher voted no.

The Board reviewed the draft article for the 2012 Annual Town Meeting that addresses post employment benefits upon the dissolution of the Orleans, Brewster and Eastham Groundwater Protection District.

Mr. Ford reviewed the changes and requirements of the draft article that seeks authorization to file a special act of legislation. Mr. Kelly explained that the legislation clarifies many of the questions of responsibility of the OPEB liabilities for employees at the Tri-Town facility.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place the draft article for Tri-Town employees Other Post Employment Benefits, subject to change, on the Annual Town Meeting Warrant. The vote was 5-0-0.

Town Counsel Michael Ford review the amended land disposition agreement and the developer contract for the Hinckley Affordable Housing Project on Route 6A, which transfers the agreement from McShane Construction to the Harwich Ecumenical Council for the Homeless. Town of Orleans Director of Community Development and

Planning George Meservey spoke to the Board with information on the funding for the increases and expenditures.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the new land disposition agreement and transfer the developer contract for the John P. Hinckley Jr. Affordable Housing Project on Route 6A from McShane Construction to the Harwich Ecumenical Council for the Homeless. The vote was 5-0-0.

Adjourn: (01:11:35)

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

Respectfully submitted by, Kristen Holbrook

on R. Fuller, Clerk