

BOARD OF SELECTMEN  
MEETING MINUTES

March 14, 2012

Approved on May 16, 2012

ORLEANS TOWN CLERK ✓  
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A meeting of the Orleans Board of Selectmen was held on Wednesday, March 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, Assistant Town Administrator Myra Suchenicz and Administrative Assistant Marge Astles.

Chairwoman Fulcher called the meeting to order at 6:30 PM.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to take the agenda item "Meet with TLCR Architects – Town Buildings and Facilities Master Plan Final Report" out of order.** The vote was 4-0-1, Mr. Dunford abstained from the vote.

Meet with TLCR Architects – Town Buildings and Facilities Master Plan Final Report:  
(00:01:40)

The Board met with Santiago Rozas, a principle member of TCR Architecture. Mr. Rozas presented the Board with TCR Architect's final report on the Buildings and Facilities Master Plan.

Ron Collins, spoke to the Board to further clarify the need for repairs to the Police Station building.

Public Comment: (01:22:07)

*Paul Ammann*, a resident of Orleans, spoke to the Board regarding the possibility of requesting that the Department of Environmental Protection recalculate the TMDL levels for Pleasant Bay.

Joint Public Hearing with Orleans Finance Committee on FY13 Budget: (01:34:29)

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

The Board held a Joint Public Hearing with the Finance Committee on the FY13 Budget. Town of Orleans Director of Municipal Finance, David Withrow, gave a brief power point presentation on Proposition 2 ½ and the Town of Orleans five-year financial plan.

*Tom Finan*, a resident of Orleans, spoke to the Board regarding the impact that the Building and Facility Maintenance report would have on the budget in the outlying years.

Finance Committee member Mark Carron, suggested that it would be helpful to see where the property tax increases are originating, whether the increases are due to property values or increased expenses.

Finance Committee member Dale Fuller, asked where the grant repayments for the Open Space acquisitions fit into the financial plan. Mr. Withrow replied that the funds were listed under "funds reserved for appropriations- other."

**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.**

Public Comment Continued: (02:14:28)  
No further public comment was offered.

Approval of Minutes: (02:16:02)

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the minutes of the January 18, 2012 meeting as amended. The vote was 5-0-0.**

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the minutes of the February 2, 2012 meeting as written. The vote was 4-0-1, Mr. Dunford abstained.**

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the minutes of the February 7, 2012 meeting as written. The vote was 5-0-0.**

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the minutes of the February 8, 2012 meeting as written. The vote was 5-0-0.**

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the minutes of the February 14, 2012 Executive Session meeting as written. The vote was 5-0-0.**

Proposed Conservation Restriction – Jackson Property, Brewster, MA: (02:20:41)

The Board met with Alan McClennan, Chair of the Open Space Committee, presented the Board with information on the proposed conservation restriction for the Kingsbury Conservation area.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to sign and execute the Conservation Restriction for the Read Kingsbury Conservation Area located at 0 Ruddy Duck Road, Lot 6, Brewster, MA, finding that the Conservation Restriction on the Property will provide increased protection for the public water supply, well fields and marine recharge area of Pleasant Bay, an area of Critical Environmental concern, the Conservation Restriction will prevent groundwater degradation associated with residential development of the watershed, the acquisition and its accompanying Conservation Restriction will continue Orleans' cooperation with Brewster and other towns to protect the groundwater resources with the Monomoy Lens of the sole source aquifer, this acquisition and Conservation Restriction will help to fulfill an open space objective of the Cape Cod Commission by helping to extend the regional open space greenbelt envisioned in the Regional Policy Plan of 1991 (amended in 1996, 2001 and 2008). Furthermore this Conservation Restriction will help to preserve and manage unspoiled natural areas to protect the Town's special places, maintain a healthy natural environment, provide habitat for wildlife and retain Orleans'**

rural character. The execution of this Conservation Restriction is in keeping with the goal of the Orleans Comprehensive Plan "to protect as open space as much land as possible, in order to preserve a healthy natural environment, safeguard groundwater quality and retain the picturesque quality of the Town." The vote was 5-0-0.

Seasonal Common Victualler License Renewal – Cooke's Seafood: (02:24:13)

The Board reviewed an application for a renewal of the Seasonal Common Victualler license for Cooke's Seafood.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the renewal of the 2012 Seasonal Wine and Malt Beverage Common Victualler Liquor license, and Seasonal Common Victualler license, for Orleans Seafood Inc., d/b/a Cooke's Seafood Restaurant Polixini E. Mitrokostas, Manager, located at 1 South Orleans Road, and subject to all permits, licenses and approvals, and in accordance with all local, state and federal rules regulations, bylaws and laws. Said license to expire on November 30, 2012. The vote was 5-0-0.**

Rock Harbor Classification -Request from Eastham: (02:27:21)

Assistant Town Administrator Myra Suchenicz presented the Board with a letter from the Town of Eastham requesting a meeting to discuss the process for having Rock Harbor reclassified through the Department of Environmental Protection. Mr. Dunford asked that the Town Planner present any additional information on the legal requirements to the Board that might aid in the decision making process. Mrs. Fulcher indicated that the Harbor Master had received information that should be included in the process as well. Mr. McGrath noted that there has been some discussion that the Department of Environmental Protection may be considering adding additional water quality categories that might not require a full reclassification.

Discuss Warrant Articles to Establish Proposed Stabilization/Trust Fund: (02:30:26)

Town of Orleans Director of Municipal Finance, David Withrow, presented the Board with information on the establishment of a stabilization or trust fund account for benefits extended to retired employees.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place an Article on the Annual Town Meeting Warrant for the establishment of a stabilization fund to address other post employment benefits in the amount of \$150,000 with the understanding that future promulgation of regulations or legislation may require changes to the stabilization trust fund. The vote was 5-0-0.**

Mr. Withrow spoke to the Board about appropriating additional funds into the existing general stabilization fund.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place an article on the Annual Town Meeting Warrant to appropriate \$100,000 for the Town of Orleans General Stabilization Fund. The vote was 5-0-0.**

Mr. Withrow recommended that the Board create a stabilization fund for Building and Facilities Maintenance in the amount of \$365,000.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to place an article on the Annual Town Meeting Warrant to create a stabilization fund for building and facilities maintenance in an amount not less than \$365,000. The vote was 5-0-0.**

Review Draft Listing of Annual and Special Town Meeting Warrant Articles: (03:07:30)  
The Board reviewed the draft listing of the Annual and Special Town Meeting Warrant articles.

Town Administrator's Report: (03:40:30)

Assistant Town Administrator Myra Suchenicz, presented the Board with information on the Special Town Meeting Warrant to reauthorize existing Wastewater Planning Funds for Cedar Pond water quality remediation options.

The Board also received an update on the Jean Finch Skateboard Park, which will be scheduled for a future agenda discussion item.

Ms. Suchenicz announced that newly appointed Council on Aging Director, Judy Wilson, will begin working on March 26, 2012.

Liaison Reports: (03:47:35)

Mr. Dunford reported on Shellfish and Waterways Advisory Committee.

Mr. Fuller updated the Board with information on recent meetings of the Finance Committee and the Planning Board.

Mr. McGrath presented the Board with information on the Barnstable County Water Protection Collaborative.

Mrs. Christie reported on meetings of the Board of Health and the Community Preservation Committee.

Mrs. Fulcher updated the Board on a meeting of the Nauset Regional School Committee and distributed a handout on the Nauset Regional School District Budget. Finance Committee Chairwoman Gwen Holden Kelly spoke to the Board regarding the possibility of a joint meeting of the Board of Selectman and Finance Committee and Nauset Regional School Superintendent.

Any Other Business: (03:50:34)

No other business was discussed.

Adjourn: (03:50:35)

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

Transcribed by,  
Kristen Holbrook

  
Jon R. Fuller, Clerk