

BOARD OF SELECTMEN  
MEETING MINUTES  
March 21, 2012

Approved on April 11, 2012

A meeting of the Orleans Board of Selectmen was held on Wednesday, March 21, 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, Assistant Town Administrator Myra Suchenicz, Orleans Police Chief Jeffrey Roy and Recording Secretary Kristen Holbrook.

Call to order: (00:00:00)

Chairwoman Fulcher called the meeting to order at 5:05 PM.

Executive Session: (00:00:00)

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to enter into executive session for the purpose of discussing strategy with respect to collective bargaining and that the Chair declare that an open meeting may have detrimental effect on the bargaining position of the body, and to reconvene in open session.** The vote was 5-0-0, with Mr. Dunford, Mr. Fuller, Mrs. Fulcher, Mr. McGrath and Mrs. Christie all voting aye.

Chairwoman Fulcher declared that an open meeting may have detrimental effect on the bargaining position of the body.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to close the executive session and 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.

Executive Session adjourned at 6:20 PM.

Regular session reconvened at 6:30 PM.

Public Comment: (00:00:41)

No public comment was offered.

Police Chief Quarterly Report: (00:01:01)

The Board met with Police Chief Jeffrey Roy. Chief Roy announced his recommendation for a new Sergeant in the department.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath the Board voted to support the recommendation of Chief Roy to appointment of Detective Kevin Higgins to the position of Sergeant assigned to the Detective's**

**Division in the Orleans Police Department effective April 5, 2012.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to reaffirm the decision made in executive session to reinstate Orleans Police Sergeant William Norton.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to release the relevant portions of the executive session minutes of December 20, 2010 and April 5, 2011 regarding the disciplinary matter of Sergeant William Norton with all other material to be redacted.** The vote was 5-0-0.

Chief Roy presented the Board with his quarterly report for December 1, 2011 through February 29, 2012.

Fire Chief Quarterly Report: (00:11:26)

The Board met with Town of Orleans Fire Chief William Quinn. Chief Quinn presented the Board with his quarterly report for December 2011 through February 2012. Chief Quinn informed the Board that Captain Renard will be retiring in the near future.

Follow up Discussion on Rock Harbor Classification Request from Eastham: (00:21:39)

The Board reviewed a request from the Town of Eastham along with a memo from Town of Orleans Director of Community Development and Planning George Meservey, regarding the application process for reclassification of Rock Harbor. Mr. Kelly provided the Board with information they had requested regarding this issue.

Mr. McGrath asked if it was a different process to pursue a new category, or is it the same as the reclassification process. Mr. Dunford stated that it would be useful to know what the benefit would be if the application were to be successful. The original letter is requesting a joint meeting, which makes sense for the Town to get some additional information. Mr. Fuller would like to support Eastham if they are willing to increase the speed that they are moving on water improvement programs. Mrs. Fulcher stated that it would be helpful to meet with Eastham, but would not be possible prior to the May Annual Town Meeting. Mr. Kelly replied that a meeting with Eastham is also necessary to discuss the dredging of Rock Harbor and perhaps an agreement to fund the dredging to ensure that the project moves forward on schedule.

**On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to agree to a meeting with the Town of Eastham regarding the possible application for a change of classification in Rock Harbor to be**

**scheduled after the Annual Town Meeting and to include the upcoming Rock Harbor dredging project as a discussion item. The vote was 5-0-0.**

Seasonal License Renewals: (00:37:45)

The Board reviewed the list of seasonal 2012 licenses as presented in the memo dated March 21, 2012.

**On a motion by Mrs. Christie, and seconded by Mr. Fuller, the Board voted to approve the renewal applications and affidavits for the 2012 seasonal liquor licenses as listed in the memo dated March 21, 2012 and the requests of ADG, Inc. d/b/a Orleans Lobster Pound and Good Seas Inc., d/b/a Cap'n Elmer's Restaurant to delay opening from April 1<sup>st</sup> up to May 15<sup>th</sup>, subject to all permits, licenses and approvals and in accordance with all local, state and federal rules, regulations, laws and bylaws. Said licenses to expire on November 30, 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 applications for the 2012 Seasonal Common Victualler, Weekday Entertainment and Mechanical Devices licenses as listed in the memo dated March 21, 2012 subject to all permits, licenses and approvals and in accordance with all local state and federal rules, regulations, bylaws and laws. Said licenses to expire on November 30, 2012. The vote was 5-0-0.**

Selection of Citizen of the Year: (00:40:48)

Mrs. Fulcher reminded the Board members to hand in their selections for citizen of the year to the Town Administrator's Office.

Review Draft List of Annual and Special Town Meeting Warrant Articles: (00:41:35)

Mr. Kelly informed the Board that he hopes to have a draft warrant ready for the Board by Friday, March 23, 2012 in order to give them ample time for review.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to place and recommend approval of Annual Town Meeting Warrant Articles "To Accept Reports of Town Committees", "Accept Transportation Bond Bill Funds", "To Hold the State Harmless for Work", "To Sell Surplus Equipment and Accept Gifts" and "To Adopt MGL Ch. 71 sec. 16B-Assessment Formula for Nauset Regional Schools." The vote was 5-0-0.**

Town Administrator's Report: (01:08:41)

Mr. Kelly announced that the \$500,000 grant for improved communications, in which the Town of Orleans is participating, has received its funding. Mr. Kelly will present more information to the Board as it becomes available.

Liaison Reports: (01:10:54)

Mrs. Christie spoke to the Board regarding the Snow Library digitization project.

Mr. McGrath reported on a meeting of the Board of Water and Sewer Commissioners.

Mr. Fuller updated the Board with information from a recent meeting of the Finance Committee.

Mrs. Fulcher reported on a meeting of the Orleans Elementary School Committee. Mrs. Fulcher also presented the Board with information from the Orleans Elementary School Playground Committee. The Board discussed the lack of definitive pricing information surrounding the project.

Any Other Business: (01:30:58)

Mr. McGrath spoke to the Board regarding that the 75% design plans for the roundabout at the intersection of Route 6A, Route 28 and Canal Road have been received. Mr. Kelly replied that Massachusetts Department of Transportation will be reviewing the design plans with the Board at a future meeting.

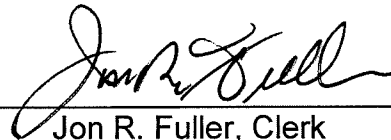
Mr. McGrath also asked the Town Administrator to clarify the role of the Board in the authority of the Board in terms of hiring and termination of Town Personnel.

John Kelly replied that in instances regarding the Police Department, the Board is the appointing authority. The Police Chief can only impose a suspension of up to 5 days. Any discipline of more than 5 days must be ordered by the Board of Selectmen. The Fire Chief is the appointing authority of all fire fighters. According to the Town Charter, the Town Administrator is the appointing authority for all non-school, non-police and non-fire personnel with the exception of the Finance Director. Mr. Kelly further explained that, while he has the appointing and discipline authority, any disciplinary action is reviewable through a grievance, arbitration or appeal process.

Adjourn: (01:38:22)

**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