

BOARD OF SELETMEN
MEETING MINUTES

ORLEANS TOWN CLERK
K. Darby Assl
'12 MAY 3 9:55AM

March 28, 2012

Approved on April 18, 2012

A meeting of the Orleans Board of Selectmen was held on Wednesday, March 28, 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, Director of Municipal Finance David Withrow, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairwoman Fulcher called the meeting to order at 6:35 PM.

Public Comment: (00:00:12)

Finance Committee Chairwoman Gwen Holden Kelly, spoke to the Board and read a follow-up letter sent to the Board from the Finance Committee regarding the Capital Improvement Plan.

Mark Carron, a resident of South Orleans, spoke to the Board regarding the role of the Board of Selectmen in day-to-day operations of the Town of Orleans.

6:45 PM Public Hearings on Proposed General Bylaw Amendments: (00:08:45)

Chairwoman Fulcher read the public notice for the hearing on proposed General Bylaw Amendments and called the Public Hearing to order.

Mr. James Hadley, a representative of the Historical Commission, spoke to the Board regarding the proposed amendment to the General Bylaw Chapter 106 that would address issues surrounding the duration of a permit to demolish a building. Mr. Hadley presented the Board with the revisions that have been reviewed by Town Counsel. Mr. Hadley also presented the Board with a second amendment that addresses the issue of willful neglect of a property.

No public comment was offered.

Town of Orleans Director of Community Development and Planning George Meservey spoke to the Board regarding a proposed amendment to the General Bylaw Chapter 122 to address outdoor lighting. Mr. Meservey explained that the amendment would allow for enforcement of the current bylaw.

No public comment was offered.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place and recommend approval of an article on the Annual Town Meeting Warrant "to Amend General Bylaw Ch. 106 Demolition of Historic Structure" as amended. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to place and recommend approval of an article on the Annual Town Meeting Warrant “to Amend General Bylaw Ch 122 Outdoor Lighting- enforcement”. The vote was 5-0-0.

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

Meet with Roselli, Clark and Associates on FY2011 Audit Management Letter: (00:28:09)

The Board met with representative of Roselli Clark and Associates, Tony Roselli. Mr. Roselli gave a brief power point presentation on the audit performed by his firm. The Board commented on the excellent audit report and the fact it was easy to read and understand. It was noted that the Finance Director had already begun to implement some of the recommendations.

Meet with Town Planner, George Meservey: (01:18:50)

The Board met with Town of Orleans Director of Community Development and Planning George Meservey. Mr. Meservey spoke to the Board regarding the three proposed Zoning Amendment Articles.

Mr. Meservey gave the Board a brief review of the status of efforts undertaken to remediate Cedar Pond.

Mr. Meservey and Andrea Reed of the Planning Board, presented the Board with the design standards selected by the Orleans Community Partnership to further the Village Center Streetscape Plan and asked for their endorsement to continue the efforts on the project.

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to endorse the design recommendations forwarded by the Planning Board for the Village Center Streetscape Plan. The vote was 5-0-0.

Request of Lisa & Scott Moss, owners of JD Moss, Inc. d/b/a Saltwater Grille& Binnacle Tavern to extend the time to remain closed: (01:43:05)

The Board reviewed a letter from the owners of the Saltwater Grille to extend their closing time.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the request of Lisa and Scott Moss, owners of JD Moss, Inc. d/b/a Saltwater Grille and Binnacle Tavern, located at 20-22 South Orleans Road, to extend the time to remain closed and allow the owners time to sell the business. The matter will be revisited in 60 days, with an interim report to be presented in 30 days, further a letter shall be sent to the owners stipulating that the business is not to be open during this time, and subject to confirmation of the efforts to market the business. The vote was 5-0-0.

Request of Melisa Valdez, owner/manager of Le Due Comari, LLC d/b/a Rosina's Café, to extend the time to remain closed: (02:07:35)

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the request of Melissa Valdez, owner/manager of Le Due Comari, LLC d/b/a Rosina's Café, located at 15 Cove Road, to extend the time to remain closed and allow the owners time to lease the business. The matter will be revisited in 60 days, with an interim report to be presented in 30 days, further a letter shall be sent to the owners stipulating that the business is not to be open during this time. The vote was 5-0-0.

Vote to Sign Agreement with PEC regarding the CCMHG plan design changes and mitigation plan effective July 1, 2012: (02:10:05)

Mr. Kelly presented the Board with the agreement with the Public Employee Committee regarding the changes to the Cape Cod Municipal Healthcare Group plan design changes and the mitigation plan effective July 1, 2012.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to sign the agreement with the Public Employee Committee for the mitigation fund for Cape Cod Municipal Healthcare Group plan design changes. The vote was 4-0-1, Mrs. Fulcher abstained from the vote.

Continue Review and Approval of Annual and Special Town Meeting Warrant Articles: (02:18:55)

The Board continued their review of the Annual and Special Town Meeting Warrant articles.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to place and recommend approval of an article on the Annual Town Meeting Warrant "to Fund Elected Officials Salaries" in the amount of \$8,100. The Selectmen will receive \$1,500 each, the Moderator will receive \$300 each and the Constables shall receive \$150 each. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place and recommend approval of the articles on the Annual Town Meeting Warrant "to Amend Zoning Bylaw Ch 164 – Formula Based Restaurants", "to Amend Zoning Bylaw Ch 164-4 Customary Home Occupation" and "to Amend Zoning Bylaw Ch 164-4 Contractor's Yard." The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of an article on the Annual Town Meeting Warrant "to Transfer Water Reserve for Appropriations to Water Service Connection Account." The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of an article on the Annual Town Meeting Warrant "to Fund Fire Department Organizational Study" in the amount of \$20,000. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of an article on the Annual Town Meeting Warrant “to Authorize lease of Nauset Beach Concession Stand.” The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to place and recommend approval of an article on the Annual Town Meeting Warrant “to amend IMA re: OPEB for Tri-Town Employees.” The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place an article on the Annual Town Meeting Warrant for “Free Cash.” The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place the “Closing Article” on the Annual Town Meeting Warrant. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place an article on the Special Town Meeting Warrant for “Bills of Prior Years.” The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to place an article on the Special Town Meeting Warrant “to Transfer Available Funds to Police Overtime Account” in the amount of \$20,000. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant “to Transfer Available Funds to Police Detail Account” in the amount of \$12,000. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to place an article on the Special Town Meeting Warrant “to Transfer Available Funds to Police Salary Account.” The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant “to Transfer from the Parks and Beaches Salary Account, in the amount of \$25,000, and from Available Funds, in the amount of \$11,000, to the Parks and Beaches Expense Account” for a total of \$36,000. The vote was 5-0-0

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant “to Transfer from the Highway Department Salary Account Highway to the Highway Department Capital Outlay Account” in the amount of \$11,000. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant "to Transfer Funds from the Water Surplus Fund to the Water Department Expense Account" in the amount of \$13,200. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant "to Transfer from Available funds to the Finance Department Unemployment Account" in the amount of \$15,000. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant "to Transfer from the Snow Library Capital Outlay Account for Replacement of Heating System to the Snow Library Capital Outlay Account for Front Entry Door/Transom Replacement" in the amount of \$15,000. The vote was 5-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant "to Transfer from Available Funds to the TA/BOS Legal Fund" in the amount of \$25,000. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant "to Reauthorize funds from Article 7 of the 2009 Annual Town Meeting, Comprehensive Wastewater Management Plan Pre-design Engineering Feasibility to be used for Wastewater Management Planning Activities" in the amount \$69,827. The vote was 5-0-0.

On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to place an article on the Special Town Meeting Warrant "to authorize the layout of Aspinet Road." The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of an article on the Special Town Meeting Warrant "to Fund a Consultant for Police Chief Search" in the amount of \$10,000. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place the closing article on the Special Town Meeting Warrant. The vote was 5-0-0.

Town Administrator's Report: (03:27:05)
No additional information was discussed.

Liaison Reports: (03:27:58)

Mrs. Christie updated the Board with information from meetings of the Board of Health and the Community Preservation Committee.

Mr. Fuller reported on meetings of the Finance Committee and the Planning Board.

Mr. Dunford reported on the Architectural Review Committee.

Any other business: (03:25:06)

The Board discussed who would be attending the perambulation of the boundaries with the Town of Eastham.

Mr. Dunford asked that a discussion of the Orleans Elementary School per pupil costs take place at a future meeting.

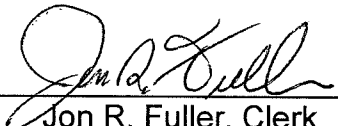
Mr. McGrath asked when the Weston and Samson presentation would take place. Mr. Kelly informed the Board that there will be a presentation in June and a second presentation six weeks later.

Adjourn: (03:30:02)

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

Respectfully submitted,

Kristen Holbrook



Jon R. Fuller, Clerk