

BOARD OF SELECTMEN
MEETING MINUTES

April 4, 2012

Approved on May 2, 2012

ORLEANS TOWN CLERK
K. Derry Assd.
'12 MAY 22 9:40AM

A meeting of the Orleans Board of Selectmen was held on Wednesday, April 4, 2012 in the Nauset Room of the Town Hall. Present were Chairwoman Margie Fulcher, Vice-Chairman Sims McGrath Jr., Selectman David M. Dunford, Selectwoman Susan B. Christie, Town Administrator John Kelly and Recording Secretary Kristen Holbrook. Clerk Jon R. Fuller was not present for the meeting.

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

Public Comment: (00:00:10)

No public comment was offered.

Approval of Minutes: (00:00:21)

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the minutes of the February 29, 2012 Executive Session as written. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the minutes of the February 29, 2012 meeting as amended. The vote was 4-0-0.

New Annual Common Victualler License – Matthew Barron d/b/s Nauset Grill: (00:01:35)

The Board met with Matthew Barron to discuss the application for a new Annual Common Victualler license for his establishment.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve an Annual Common Victualler License for Matthew P. Barron d/b/a Nauset Grill located at 56 Main Street, Matthew P. Barron Owner/Manager. Said license to expire on December 31, 2012 and is issued subject to all permits, bylaws, approvals and licenses in the Town of Orleans. The vote was 4-0-0.

Vote on Remaining Warrant Articles: (00:04:15)

The Board reviewed the draft article for the dredging of Rock Harbor boat basin. The article is for the design of the plan and the cost of the project would be split with the Town of Eastham. Town Administrator John Kelly explained if Eastham chooses not to fund their portion of the project, it would not be able to go forward.

Mr. Dunford felt it would be useful to have a written opinion from the Harbor Master regarding other options for disposing of the dredge spoils.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place and recommend approval of the Annual Town Meeting article "Fund Rock Harbor Dredging – Permitting and Design" in the amount of \$25,000. The vote was 4-0-0.

Public Hearing for Transfer of All Alcoholic Common Victualler Liquor License – Four Star Bros., Inc. d/b/a Hunan Gourmet: (00:12:33)

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

No public comment was offered.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to close the Public Hearing. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the transfer of an Annual All Alcoholic Common Victualler Liquor license and a new Common Victualler License for Four Star Brothers, Inc. d/b/a Hunan Gourmet, Bi Yan Chen, Manager, located at 225 Cranberry Highway, Orleans, MA, subject to all local and state permits, licenses and approvals, laws and bylaws and in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority adopted December 21, 1994, amended August 9, 1995, February 10, 2010 and April 29, 2010 and MGL Ch 138. Hours of operation shall be from 11:30 AM to 10:00 PM Mondays through Thursdays, 11:30 AM to 11:00 PM Fridays and Saturdays, and Noon to 10:00 PM Sundays. Said license to be issued after approval from the Alcoholic Beverage Control Commission is received and expiring on December 31, 2012. The vote was 4-0-0.

Vote on Remaining Warrant Articles continued: (00:16:15)

The Board reviewed information on the projects under proposal from the Chamber of Commerce.

Mary Corr, representative of the Orleans Chamber of Commerce, spoke to the Board regarding the updates and repairs the Chamber wishes to make to the visitor information booth using the requested funding.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to recommend approval of the Annual Town Meeting article to "Fund Orleans Chamber of Commerce" in the amount of \$20,450. The vote was 4-0-0.

The Board reviewed information on the transfer of funds for the Police Department overtime expenses.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to recommend approval of the Special Town Meeting Transfer Article "Police Department Transfer from Available Funds to Police Overtime Account" in the amount of \$28,500. The vote was 4-0-0.

Public Hearing New Annual Wine and Malt Beverage Package Goods Store Liquor License – DJRX Deli d/b/a Nauset Farms: (00:25:00)

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

Robert Sethares, owner of Nauset Farms, spoke to the Board regarding his application for a new Annual Wine and Malt Beverage Package Goods Store Liquor license.

No public comment was offered.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to close the Public Hearing. The vote was 4-0-0.

On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to approve the application for of a new Annual Wine and Malt Beverage Package Goods Store Liquor license for DJRX Deli, d/b/a Nauset Farms, Robert M. Sethares manager, located at 199 Main Street, Orleans, MA, subject to all local and state permits, licenses and approvals, laws and bylaws and in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority adopted December 21, 1994, amended August 9, 1995, February 10, 2010 and April 29, 2010 and MGL Ch 138. Said license to be issued after approval from the Alcoholic Beverage Control Commission is received and expiring on December 31, 2012. The vote was 4-0-0.

Meet With Article Proponents and Vote on Recommendation: (00:29:09)

The Board met with Diane Carriero and Josh Stewart, proponents for the Annual Town Meeting Article to fund the Orleans Elementary School playground replacement project.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to recommend approval of the Annual Town Meeting Article "Fund OES Playground Replacement" in the amount of \$200,000. The vote was 1-3-0, and the motion failed. Mrs. Fulcher, Mrs. Christie and Mr. McGrath all voted nay.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to recommend approval of the Annual Town Meeting Warrant Article “to Fund OES Playground Replacement Project” in the amount of \$215,000. The vote was 4-0-0.

The Board met with Todd Bunzick and Sue Brown of the Water Department regarding their proposed Annual Town Meeting Warrant Article “to Authorize the Water Department to charge a \$10 demand fee.”

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to place an Article on the Annual Town Meeting Article “to Authorize the Water Department to charge a \$10 demand fee.” The vote was 4-0-0.

The Board met with Julia Enroth, Chair of the Community Preservation Committee to discuss the ongoing projects that the Committee wishes to fund through an Annual Town Meeting Article and the proposed article for an open space acquisition. Ms. Enroth also presented the Board with information on the Special Town Meeting Warrant article “to Authorize Gullquist Bond Prepayment.”

On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to recommend approval of the Annual Town Meeting Warrant Article “to Fund CPA Program Projects.” The vote was 4-0-0.

On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to recommend approval of the Annual Town Meeting Warrant Article “to Acquire a Conservation Restriction on Twining Road” in the amount of \$120,000. The vote was 4-0-0.

On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to place and recommend approval of the Special Town Meeting warrant article “to Authorize Gullquist Bond Prepayment” in the amount of \$230,000. The vote was 4-0-0.

The Board met with Mary Lyttle, Chair of the Human Services Advisory Committee for a review of the Annual Town Meeting Warrant article to fund the recommended agencies.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to recommend approval of the Annual Town Meeting article “to Fund Human Services Agencies” in the amount of \$63,163. The vote was 4-0-0.

The Board met with John Jannell for a discussion on the proposed Annual Town Meeting Warrant article “to Authorize Intergovernmental Agency Agreements for Renewable Energy Projects.” Mark Zelinski, a representative of Cape and Vineyard Electric Cooperative, gave a brief power point presentation on the proposed projects.

Mary Jane Curran, Chair of the Renewable Energy Committee, spoke to the Board in support of the proposed article. David Abel, a member of the Renewable Energy Committee, spoke to the Board regarding the proposed Special Town Meeting article "to Authorize RFP for Solar Energy Projects."

Mr. Kelly informed the Board that because there is a lease of town property involved, the process will need additional town meeting approval. Mr. Kelly also pointed out that the Cape and Vineyard Electric Cooperative time line will not allow for enough time for an RFP to be bid and returned in order to make a comparison of the two projects.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to place and recommend approval of an Annual Town Meeting Article "to Authorize Intergovernmental Agency Agreements Related to Renewable Energy Projects." The vote was 4-0-0.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to place and recommend approval of the Special Town Meeting Warrant article "to Authorize RFP for Solar Energy Projects" in the amount of \$25,000. The vote was 4-0-0.

Mr. Kelly presented the Board with information from the capital projects for the Orleans Elementary School that are not included in the TLCR assessment.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to reduce the \$37,000, listed for Orleans Elementary School Capital Outlay, to \$13,000 in the financial plan. The vote was 4-0-0.

Town Administrator's Report: (03:47:50)

Mr. Kelly informed the Board that Council on Aging outreach worker, Mary Ellen Lavenberg, will be retiring.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to authorize the Town Administrator to advertize and fill the vacant position. The vote was 4-0-0.

Mr. Kelly updated the Board with information on the skateboard park.

Liaison Reports: (03:54:08)

No liaison reports were offered.

Any Other Business: (03:54:15)

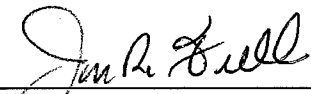
Mrs. Christie asked if a date for the mobile shredding service had been finalized. Mr. Kelly replied that the time frame had been narrowed down to the first two Saturdays in May.

Adjourn: (03:55:30)

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to adjourn. The vote was 4-0-0.

Respectfully submitted,

Kristen Holbrook



Jon R. Fuller, Clerk