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BOARD OF SELECTMEN  
MEETING MINUTES

May 2, 2012

Approved on June 6, 2012

A meeting of the Orleans Board of Selectmen was held on Wednesday May 2, 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 and Recording Secretary Kristen Holbrook.

Chairwoman Fulcher called the meeting to order at 6:00 PM.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted, by way of roll call, to enter into executive session for the purpose of discussing strategy with respect to collective bargaining with the Police Union and that the Chair declare that an open meeting may have a 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.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted, by way of roll call, 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.

Open session reconvened at 6:30 PM.

Public Comment: (00:00:08)

*Alan Magary*, a resident of Aspinet Road, spoke to the Board regarding the proposed layout of Aspinet Road.

*Nello Trevison*, announced that a Cape Cod Wastewater Governance Workshop will be held on May 10, 2012 from 9:00 AM until 4:30 PM, at the Dennis Pines Golf Course in Dennis.

*Bob Rich*, Chair of the Water and Sewer Commissioner announced that the Water Department has been awarded the Top Water Department award for the ninth time.

*Joe Cardito*, spoke to the Board regarding the Orleans' Citizen's Forum Candidate's Night and the availability of the rebroadcast on the Town of Orleans Website.

*Mark Carron*, a resident of South Orleans, spoke to the Board regarding the upcoming discussion of the annual evaluations of the Town Administrator, Fire Chief and Finance Director.

Mrs. Fulcher spoke to the Board regarding candidates night.

Orleans Parks and Beaches Superintendent Paul Fulcher, spoke to the Board regarding the Town Charter section on departmental budgets.

Approval of Minutes: (00:16:59)

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to adopt the minutes of the April 4, 2012 meeting as written.** The vote was 4-0-1; Mr. Fuller abstained from the vote.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the April 11, 2012 Executive Session meeting as written.** The vote was 4-0-1; Mrs. Christie abstained from the vote.

Designate Orleans Representative on Cape Cod Water Protection Collaborative:  
(00:17:50)

Mrs. Fulcher informed the Board that Mr. McGrath has expressed continued interest in serving as the Town of Orleans representative to the Cape Cod Water Protection Collaborative.

**On a motion by Mrs. Christie, and seconded by Mr. Fuller, the Board voted to reappoint Mr. McGrath, to a one-year term, as the Town of Orleans representative to the Cape Cod Water Protection Collaborative.** The vote was 5-0-0.

Vote to Sign Nauset Beach Agreement with Chatham: (00:19:42)

The Board reviewed the amended draft of the one-year agreement with the Town of Chatham for the management of Nauset Beach.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to sign and execute the Nauset Beach Agreement with the Town of Chatham, as amended, for the period beginning May 1, 2012 through April 30, 2013.** The vote was 5-0-0.

Vote on Town Meeting Article Recommendations: (00:24:10)

**On a motion by Mr. McGrath, and seconded by Mrs. Fulcher, the Board voted to recommend approval of the own Meeting Article 5 "To Fund the Rehabilitation for Water Tank #2" in the amount of \$750,000.** The vote was 5-0-0.

Sarah Brown Scholarships: (00:25:30)

Mrs. Fulcher reviewed the information for the annual award of the Sarah Brown Scholarship.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to award the 2012 - 2013 Sarah Brown Scholarship in the amount of \$3,000 to the applicant recommended by the Scholarship Committee. The vote was 5-0-0.**

The winner of the scholarship will be kept confidential until the Annual Scholarship Night for the Nauset Regional High School.

7:00 PM Public Hearing on Proposed Demand Fee on Water Bills: (00:26:30)

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

Sue Brown and Todd Bunzick of the Water Department gave a brief power point presentation on the proposed \$10 demand fee for delinquent water bills.

Public Comment:

*Mark Carron*, spoke to the Board regarding the proposed fee and asked for clarification on the time line for the late charges. .

*Mary Ellen Bradley*, spoke to the Board regarding the increase in water rates.

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

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to recommend approval of the Annual Town Meeting Warrant Article 31, "Water Department \$10 Demand Fee." The vote was 5-0-0.**

Vote on Town Meeting Article Recommendations cont'd: (00:43:06)

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to reaffirm their vote taken in Executive Session to recommend approval of the Special Town Meeting Transfer Article "To Transfer Funds to Police Department Salary Account for Reinstatement Cost" in the amount of \$110,000. The vote was 5-0-0.**

Mr. Kelly presented the Board with information for the appraisal on the layout of Aspinet Road.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to insert the amount of \$10,000 into the Special Town Meeting Warrant Article "To Authorize Layout of Aspinet Road Funds For Appraisal Report." The vote was 5-0-0.**

Proposed Access Agreement with Aspinet Road Abutters: (00:53:47)

Mr. Kelly presented the Board with an updated agreement with the abutters of Aspinet Road. Mr. McGrath pointed out that the agreement addresses the issues of the abutters that are unhappy with the past process.

Mr. Dunford would prefer having a greater number of abutters sign the agreement.

*Attorney E. James Veara*, representing a number of the abutters on Aspinet Road, stated that he has reached out to most of the abutters, and would be happy to attempt to get more signatures.

Parks Superintendent Paul Fulcher stated that he would like to have everything in place as soon as possible.

*Robert Cunningham*, a resident of Nauset Heights, spoke to the Board regarding the other residents who need reasonable access to the beach.

*Alan Magary*, spoke to the Board regarding the agreement.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to table the discussion of the proposed limited use access agreement with the Aspinet Road abutters for two weeks.** The vote was 5-0-0.

7:30 PM Pre-Town Meeting Warrant Review and Q&A session: (01:15:48)

Chairwoman Fulcher read the notice for the public review of the Annual and Special Town Meeting Warrants.

Town Administrator John Kelly reviewed the Annual Town Meeting Articles for the Board.

The Board entertained questions from the audience.

*Nello Trevison*, requested that in the future a total figure or internal study should be done to identify the total funds needed for water quality improvement projects.

*Ben Buck*, asked for clarification on the process of identifying water quality improvement projects. Mr. Kelly replied that the Highway Department Manager works with the Marine and Fresh Water Quality Task Force to prioritize the projects. Mr. Kelly also explained that there will be forthcoming legislation that will induce municipalities to complete such a study. Mr. Buck further stated that Alden Road needs major repair.

*Mary Ellen Bradley*, asked for clarification on the Human Services Funding for Veteran's Services. Mr. Kelly explained that Veteran's Services funding is part of the Town's operating budget.

*Tom Finan* asked for additional information regarding the solar energy articles.

*Finance Committee member Dale Fuller* asked about the scope of the Aspinet Road article.

*Finance Committee member Mark Carron* asked for clarification on the Annual Town Meeting article for the Tri-Town Intermunicipal Agreement changes to retiree benefits at the Tri-Town facility.

*Orleans Resident Jim Trainor* asked a question about the Annual Town Meeting Article to Amend General Bylaw Ch. 106 - Demolition of Historic Structures. Mr. Kelly explained that the amendment request came from the Orleans Historical Commission as a result of the decay of certain historical properties in Orleans.

*David Slack*, a resident of Orleans, asked if the Board had taken into consideration the effect that the habitat for humanity affordable housing project would have on the neighborhood in which it is proposed.

*Ben Buck*, a resident of Orleans, spoke to the Board regarding the habitat for humanity housing project and the changes to zoning in the Town of Orleans.

Police Chief Search Process: (02:25:46)

Mr. Kelly updated the Board with information on the Police Chief search. Mr. Kelly also asked the Board to consider who will be designated as the acting Police Chief and what will be used as the criteria for advertisement of the position. Mr. Dunford suggested that it would be helpful to have the Town Administrator put together a list of items to focus on. Mrs. Fulcher asked if the idea of sharing a Chief with neighboring towns would be worth discussing. Mr. Fuller asked for a copy of the outline from the last search. Mr. Kelly stated that the Board should plan on a six month transition process.

Town Administrator's Report: (02:36:36)

Town Administrator John Kelly requested that the Board approve his request to continue with the reorganization of the Water Department by formally making Todd Bunzick the Water Department Superintendent, Sue Brown as the Assistant Water Department Superintendent and Jim Darling as the Water Department Foreman.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to authorize the Town Administrator to continue with current organizational structure of the Town of Orleans Water Department and**

**advertise for the vacant full-time Meter Repair Technician.** The vote was 5-0-0.

Mr. Kelly reported that Andrea Worrall, Principal Clerk in the Fire Department, has resigned in order to pursue educational goals.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to advertise to fill the vacant clerical position in the Orleans Fire Department.** The vote was 5-0-0.

Mr. Kelly presented the Board with information from a motor vehicle accident involving a municipal vehicle, and asked the Board to authorize the replacement of the vehicle.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the use of \$16,300 from the Municipal Self Insurance fund to replace the municipal vehicle.** The vote was 5-0-0.

Mr. Kelly reviewed information on the Cape and Vineyard Electric Cooperative solar projects with the Board.

Mr. Kelly presented the Board with staff recognition items for the Water Department and Fire Department.

The Board reviewed the quarterly local receipts update provided by the Finance Director.

Liaison Reports: (03:00:55)

Mrs. Christie reported on the digitization of the Cape Codder newspaper by Snow Library.

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

Mr. Fuller presented the Board with information from recent meetings of the Finance Committee.

Mr. Dunford updated the Board on meetings of the Council on Aging Board of Trustees and the Shellfish and Waterways Advisory Committee.

Mrs. Fulcher reported on the progress of the John P. Hinckley Jr. Affordable Housing Project.

Any Other Business: (03:10:05)

Mr. Kelly asked that the Board sign and execute the Nauset Beach Management Agreement with the Town of Chatham.

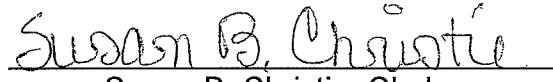
Mr. Fuller asked if the Board had received a letter regarding Article 33 of the Annual Town Meeting Warrant.

Adjourn: (03:12:20)

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

Respectfully submitted,

Kristen Holbrook

  
Susan B. Christie, Clerk

