

BOARD OF SELECTMEN
MEETING MINUTES

May 16, 2012

Approved on June 20, 2012

A meeting of the Orleans Board of Selectmen was held on Wednesday, May 16, 2012 in the Nauset Room of the Town Hall. Present were Vice-Chairman Sims McGrath Jr., Clerk Jon R. Fuller, Selectman David M. Dunford, Selectwoman Susan B. Christie, Selectman John Hodgson III, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Call to order: (00:00:15)

Vice-Chairman Sims McGrath Jr. called the meeting to order at 6:30 PM and welcomed the Board's newest member John Hodgson III.

On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to direct the Town Administrator to draft a letter for the Board to sign thanking Mrs. Fulcher for her service to the Town over the last thirty years. The vote was 5-0-0

Public Comment: (00:01:01)

Tom Finan, a resident of Orleans, spoke to the Board regarding the solar project article passed at the recent May 2012 Annual Town Meeting. Mr. Finan provided a written copy of his comments to the Board, for entry into the record.

Mary Lyttle, spoke to the Board regarding a Friends of the Council on Aging fund raising event which will be held on May 31, 2012 from 3:00 PM until 5:00 PM. The event will be a tea and classical music presentation and the cost is \$25.00 per person. All funds raised will benefit the Council on Aging.

Ben Buck, a resident of Orleans, spoke to the Board to thank Mrs. Fulcher for her service and to congratulate Mr. Hodgson. Mr. Buck also thanked all the election workers and volunteers for their service.

Annual Board Reorganization: (00:07:48)

The Board held their annual reorganization using simple nominations.

Mr. McGrath called for nominations for position of Chair of the Board of Selectmen.

Mrs. Christie nominated Mr. McGrath, Mr. Dunford nominated Mr. Fuller.

On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to close the nominations for Chairperson of the Board of Selectmen. The vote was 5-0-0.

An all in favor vote resulted in two votes for Mr. McGrath and three votes for Mr. Fuller.

Mr. Fuller called for nominations for Vice-Chairperson of the Board of Selectmen.

Mrs. Christie nominated Mr. McGrath. Mr. McGrath declined the nomination.

Mr. Hodgson nominated Mr. Dunford for Vice-Chairperson of the Board of Selectmen,

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to close the nominations for Vice-Chairperson of the Board of Selectmen. The vote was 5-0-0.

An all in favor vote was unanimous for Mr. Dunford to serve as Vice-Chairman of the Board of Selectmen.

Mr. Fuller called for nominations for Clerk of the Board of Selectman.

Mr. Dunford nominated Mrs. Christie to serve as Clerk of the Board of Selectmen.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to close nominations for Clerk of the Board of Selectmen. The vote was 5-0-0.

All Board members were in favor of Mrs. Christie for Clerk of the Board of Selectmen.

Mr. Fuller called for nominations for Chairperson of the Park Commissioners.

Mrs. Christie nominated Mr. McGrath to serve as Chair of the Park Commissioners.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to close the nominations for Chairperson of the Park Commissioners. The vote was 5-0-0.

An all in favor vote for Mr. McGrath to serve as Chairman of the Park Commissioners was unanimous.

Mr. Fuller called for the Board to designate their representative to the Tri-Town Board of Managers.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to designate Town Administrator John Kelly to continue as the Board's representative to the Tri-Town Treatment Facility Board of Managers. The vote was 5-0-0.

Approval of Minutes: (00:12:01)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the March 14, 2012 meeting as amended. The vote was 4-0-1, Mr. Hodgson abstained from the vote.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the April 11, 2012 meeting as amended. The vote was 4-0-1, Mr. Hodgson abstained from the vote.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to adopt the minutes of the April 18, 2012 meeting as written. The vote was 4-0-1, Mr. Hodgson abstained from the vote.

Town Meeting Follow Up: (00:15:01)

Town Administrator John Kelly asked if there was any discussion or concerns that the Board had regarding the recent Annual Town Meeting.

Mrs. Christie stated that she was pleased with the meeting. Mr. McGrath asked if the Board would be getting more information regarding how best to proceed in lieu of the defeat of the funding for the Police Chief search. Mr. Fuller stated that he is pleased that citizens were amenable to the direction that the Town is moving toward.

Vote to sign the lease agreement for Nauset Beach Concession Stand (Liam's): (00:17:54)

Town Administrator John Kelly presented the Board with the contract agreement for the lease of the Nauset Beach Concession Stand and asked the Board to vote to execute and sign the contract.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to sign and authorize the Nauset Beach Concession Stand lease agreement between the Town of Orleans and John W. Ohman for the period May 16, 2012 through November 15, 2017, with an option for an additional five year term ending November 15, 2022. All services are to be provided in accordance with the specifications and contract and are subject to all permits, licenses and approvals and in accordance with all local and state rules and regulations. The vote was 5-0-0.

Seasonal Common Victullar License for Liam's: (00:24:02)

Mr. Kelly presented the Board with an application for renewal of the 2012 Seasonal Common Victualler's license for Liam's at Nauset Beach.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve the renewal applications for 2012 Seasonal Common Victualler's license for John Ohman d/b/a Liam's at Nauset Beach, John Ohman, Manager to operate the concession stand at Nauset Beach, Orleans, in accordance with his contract with the Town and subject to all permits, licenses and local, state and federal rules, regulations, bylaws and laws. The vote was 5-0-0.

Liaison Reports: (00:26:35)

Mr. Dunford reviewed meetings of the Architectural Review Committee and the Shellfish and Waterways Advisory Committee. The Board discussed new mooring technology, and Mr. Fuller inquired as to whether the Board should invite the Harbor Master in to discuss the issue. On general consensus, the Board requested that a discussion, with the Town of Orleans Harbormaster, of the new technology be placed on a future agenda.

7:00 pm NSTAR Pole Hearing on installation of new utility pole on Old Colony Way: (00:30:08)

Chairman Fuller read the notice for the public hearing as published in the Cape Codder, and called the public hearing to order.

Karen Corriveau, a representative of NSTAR Electric Company, spoke to the Board regarding the application.

No public comment was offered.

Mr. McGrath noted that the Highway Department Manager suspects that the pole may be located in a private easement.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve NSTAR Electric Company's petition to locate 1 new pole labeled 162/1.5 on Old Colony Road and wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used by the petitioner and in accordance with Plan No. 103641 dated April 3, 2012 and subject to the clarification or verification of the conflict based on the comments made by the Orleans Highway Manager that the current plan may locate the pole in an existing private easement owned by Nickerson Lumber Company. The vote was 5-0-0.

Liaison Reports cont'd: (00:37:47)

Mr. McGrath had no reports for the Board.

Mrs. Christie reported on a recent meeting of the Board of Health.

Mr. Fuller reported on meetings of the Finance Committee and the Bike and Pedestrian Committee.

Town Administrator's Report: (00:41:38)

Town Administrator John Kelly presented the Board with a proposal from the Orleans Community Partnership for the rental of a portion of the Community Building. Mr. Kelly recommended that the Board enter into a six-month trial lease with an option for yearly renewal. Mrs. Christie felt that this would be a wonderful opportunity for the Town. Mr. McGrath asked if the Town could develop a plan for the continued "in-kind" services and improvements to the building in order to offset the rent.

Mr. Fuller announced that the Board would return to the Orleans Community Partnership agenda item after the 7:15 pm public hearing.

7:15 pm Public hearing on new Lodging House license for Rivager, Inc. d/b/a Parsonage Inn, located at 202 Main Street: (00:51:10)

Chairman Fuller read the notice for the public Hearing as published in the Cape Codder and called the public hearing to order.

Richard Hoad, owner of the Parsonage Inn, spoke to the Board regarding his application.

No public comment was offered.

On a motion by Mrs. Christie, and seconded by Mr. Hodgson, the Board voted to approve a lodging house license for Rivager Inc. d/b/a Parsonage Inn, located at 202 Main Street, Orleans for a total of 8 rooms and is subject to all licenses permits and approvals and in accordance with all local and state rules, regulations, laws and bylaws. Said license to expire on December 31, 2012. The vote was 5-0-0.

Town Administrator's Report cont'd: (00:54:08)

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to direct the Town Administrator to move forward with discussions with the Orleans Community Partnership, to construct a final draft agreement for the lease of the Community Building, and return to the Board for a final decision. The vote was 5-0-0.

Chairman Fuller read the public notice for the upcoming Town of Orleans mobile document shredding day.

7:30 pm Meet with Mass DOT Representatives on 75% Design Plans of Rt. 6A/28 Roundabout: (00:58:41)

Town of Orleans Director of Community Development and Planning introduced the representatives of MassDOT regarding the 75% Design Plan for the Rte 6A/Rte 28/Canal Road Roundabout. David Shedd, project manager from MassDOT, spoke to the Board regarding the current plans. Mr. Shedd stated that the construction is slated to begin in the spring of 2013. Brian Ackley, TetraTech consultant, presented the Board with information on the project.

Ben Buck, asked if the footprint of the design would be wide enough to accommodate a tractor trailer. The representatives from MassDOT indicated that the roundabout would be wide enough to accommodate such a vehicle.

Jim Davidson, asked for clarification of the crosswalk and accommodations made for the increase in traffic during the summer months.

Judy Wong, asked if utilities would be affected during constructions. Mr. Shedd indicated that any power outages would be coordinated with the local business owners.

Tom Finan, asked for clarification of the lighting level at the roundabout.

Donna Steele, asked for clarification of the on the width of the sidewalk proposed. Mr. Shedd explained that the sidewalk is 8' as a compromise made for cyclists. Ms. Steele also asked about proposed widening of the road and how it would affect her property.

Ron Deschamps, a representative from Nauset Marine, spoke to ask for consideration to disallow construction after May 1 and extend past Memorial Day. He also asked what would happen if the roundabout creates gridlock. Mr. Shedd responded that there are requirements for safety in regards to the lighting. He also replied that the Cape is the only area where construction does not take place in the summer. He stated that he has no knowledge of a roundabout that has resulted in gridlock.

A representative from Cooke's Seafood, asked for information on the utilities shutdowns, lane closures and how business owners could provide input on landscaping and aesthetics.

Patricia Fallender, thanked the representatives for their efforts and expressed concern over the issue of lighting and signage.

Marty Leonard, stated that the amount of green space has decreased.

Donna Steele, asked if there was a way for the Board to help mitigate some of the concerns of the citizens.

Mr. McGrath stated that he views the proposal as an improvement as long as the island itself has some vegetation. Mr. Dunford asked if there is an oversight process for the town to participate in, such as an appeal process. Mr. Shedd replied that there will be a resident engineer and it would be common for the Department of Public Works Superintendent, or a representative of the town to have a weekly meeting with the engineer and contractor.

Mr. Kelly asked for more information on the non-participatory cost for the Board's consideration. Mr. Shedd stated that a letter from the Board would be sufficient in terms of the non-participatory costs.

Mr. Fuller thanked the representatives for their time, and stated that any further questions can be addressed to Mr. Meservey in the Community Development Department. Mr. Kelly stated that he will research the non-participatory cost of lighting fixtures and provide the Board with more information on the catalog cuts.

Public Hearing on Request of Peter Lajoie to Transfer Rock Harbor Dockage Agreement: (02:03:50)

The Board reviewed a letter of appeal for a dock slip transfer from Frank Lajoie to Peter Lajoie, that had previously been denied by the Harbormaster.

Town of Orleans Harbor Master, Dawson Farber, spoke to the Board regarding the appeal of his decision.

Peter Lajoie spoke to the Board and asked them to grant the dockage transfer.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to deny the request of Peter Lajoie for an appeal of the application for the dockage transfer from Francis Lajoie to Peter Lajoie. The vote was 5-0-0.

Proposed Access Agreement with Aspinet Road Abutters: (02:33:50)

The Board reviewed the proposed access agreement with the Aspinet Road abutters. Mr. Kelly reported that a total of ten abutters on Aspinet Road have signed the agreement and Mr. Kelly recommended that the Board go forward with the agreement for this summer.

Mr. McGrath stated that he is in favor of the one year license agreement. Mr. Dunford asked for the exact number of property owners that have not signed the agreement.

Carl Trevison, a resident of Orleans, spoke to the Board regarding the proposed agreement.

Robert Osterberg, a resident of Orleans, spoke to the Board regarding the proposed agreement.

On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to authorize the Chair to sign the proposed limited access license agreement for the use of Aspinet Road for the period of July 1, 2012 through September 3, 2012. The vote was 4-0-1, Mr. Hodgson abstained from the vote.

Chairman Fuller read a letter from Michael Tichnor, a resident of Callanan's Pass regarding the license agreement.

Town Administrator's Report cont'd: (02:55:50)

The Board reviewed information from Habitat for Humanity for their Local Initiative Project request.

On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to authorize the Chair to sign the Department of Housing and Community Development Local Initiative Project application and sign the letter of support for Habitat for Humanity's affordable housing development project for Namskaket Road. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to waive the building and inspection fees under the control of the Board of Selectmen, as is customary, for the Habitat for Humanity affordable housing development project on Namskaket Road at an estimated cost of approximately \$2,000. The vote was 5-0-0.

Leedara Zola, Director of Land Acquisition and Permitting for Habitat for Humanity, spoke to the Board about the process moving forward for the project.

Mr. Kelly presented the Board with staff information updates.

Any other business: (03:07:01)

Mr. Fuller reminded the Board that there will be a special session meeting of the Board of Selectmen on Tuesday, May 22, 2012 at 10:30 AM.

Mr. Fuller updated the Board on upcoming meetings and future agenda items.

Adjourn: (03:09:26)

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

Respectfully submitted,

Kristen Holbrook

Susan B. Christie, Clerk