

BOARD OF SELECTMEN
MEETING MINUTES

June 6, 2012

Approved on July 11, 2012

C. May

ORLEANS TOWN CLERK

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A meeting of the Orleans Board of Selectmen was held on Wednesday, June 6, 2012 in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, Vice-Chairman David M. Dunford, Clerk Susan B. Christie, Selectman Sims McGrath Jr., Selectman John Hodgson III, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairman Fuller called the meeting to order at 6:30 PM.

Public Comment: (00:00:08)

Thomas Ryan, Town of Orleans, representative to the Barnstable County Human Rights Commission, spoke to the Board regarding the annual sunset party held at Rock Harbor for the J-1 Visa students working in the community.

Mark Carron, a representative of the Orleans Taxpayers Association Executive Board, spoke to the Board regarding the association's plans for sponsoring an upcoming Wastewater Summit. Mr. Carron requested that the Board support the summit and the use of the Nauset Room in order to have the event televised.

Alan McLennen, Chairman of the Open Space Committee, spoke to the Board regarding the upcoming agenda item for the land grant application for the Fleck Property at Twining's Pond. Mr. McLennen also spoke to the Board regarding a 3.2 acre parcel of property that fronts Pleasant Bay.

6:45 NSTAR Pole Hearing for Installation of approx. 50' of underground conduit and cable under 143 Pochet Road: (00:13:52)

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 and asked them to act favorably on the application.

No public comment was offered.

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

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve NSTAR Electric Company's petition to locate undergrounds cable, conduits and manholes, including the necessary sustaining and protecting fixtures to be owned and used by the petitioner at 143 Pochet Road and in accordance with Plan #103647, dated May 7, 2012, with the provision that all concerns, comments and notations of the Water Department Superintendent are adhered to regarding the minimum distance of hand hole 16/H43B which must be 5' from the water service, water main and hydrant. The vote was 5-0-0.

Approval of Minutes: (00:20:26)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the minutes of the May 2, 2012 meeting as amended. The vote was 4-0-1, Mr. Hodgson abstained from the vote.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve the minutes of the May 2, 2012 Executive Session meeting as written. 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 approve the minutes of the May 3, 2011 meeting as amended. The vote was 3-0-2, Mr. Fuller and Mr. Hodgson abstained from the vote.

Review Selectmen Liaison Assignments: (00:24:14)

The Board reviewed the Liaison Assignments for 2013.

Mr. Dunford noted that Mr. McGrath is the liaison for the Agricultural Advisory Committee. Mr. Fuller asked if it would be amenable to make Mr. Dunford the Police Union representative and Mr. Hodgson would act as representative for the clerical union.

Mr. Dunford asked if he could be the representative to the Nauset Regional School Committee. All were in agreement. Mr. Fuller will be taking over Police and Fire Oversight.

Mrs. Christie asked to be returned as liaison to the Fourth of July Committee. There were no objections.

Mr. Hodgson will liaise for the Affordable Housing Committee, Cape Cod Regional Technical High School Committee, Human Services Advisory Committee, the Orleans Elementary School Committee and the Zoning Bylaw Task Force.

Mr. Dunford noted that Mr. McGrath had a heavy liaison load and asked if the Chair would consider making some adjustments. Mr. McGrath noted that the Regional Solid Waste Advisory Board is a temporary committee and should be disbanding in the near term. Mr. Hodgson offered to liaise for the Board of Water and Sewer Commissioners. Mr. Fuller stated that he would prefer to leave the assignments in place and review the assignments in one year.

7:00 PM NSTAR Pole Hearing for installation of approx. 50' of underground conduit and cable under 57 Gibson Road: (00:30:09)

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

Karen Corriveau, representative of NSTAR Electric Company, asked the Board to act favorably on the application.

No public comment was offered.

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

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve NSTAR Electric Company's petition to locate undergrounds cable, conduits and manholes, including the necessary sustaining and protecting fixtures to be owned and used by the petitioner and in accordance with Plan #103645, dated April 18, 2012, with the provision that all concerns, comments and notations of the Water Department Superintendent are adhered to regarding the minimum distance of hand hole 29/H18B which must be 5' from the existing water main. The vote was 5-0-0.

Annual Hawker's and Peddlers License: (00:33:30)

The Board reviewed an application from Paul Piatelli, to operate a vending cart on the Mid-Cape Home Center property. Mr. Piatelli asked the Board to act favorably on the application.

On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to approve the application of Attleboro Del's & Ice Cream for a Hawker's and Peddler's license to serve soft frozen lemonade from Mid-Cape Home Center's property located at 15 Main Street during the months of June – September, Mondays through Sundays from 10:00 AM until 6:00 PM, subject to all approvals, bylaws, permits and licenses. Said licenses to expire on December 31, 2012. The vote was 5-0-0.

New Annual Common Vicutualer: (00:39:44)

The Board reviewed an application from The Local Scoop, for a new Annual Common Victualler license. Mr. Fuller suggested that the operator's speak with the highway department manager for suggestions regarding parking.

On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to approve an Annual Common Victualler license for Visioncraft, Inc. d/b/a The Local Scoop, located at 34 Cranberry Highway, Mary Debartolo, 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 5-0-0.

7:15 PM Public Hearing Request for Shellfish Grant Expansion for Fred Fulcher:
(00:47:08)

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

Town of Orleans Harbormaster Dawson Farber spoke to the Board regarding the application. Mr. Farber recommended that the Board approve the request.

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 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to allow for the expansion of Shellfish Grant License #21, issued to Fred Fulcher, by one-half acre per the application filed with the Shellfish Department on April 12, 2012 with said license to expire on December 21, 2022. This license does not grant any property rights. It does not authorize any injury to private property or invasion of private rights. The vote was 5-0-0.

Annual Police Officer and Shellfish Constable Appointments: (00:51:18)

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to appoint the Police Department Personnel listed in the May 24, 2012 memo page 1, as presented for a period of one year beginning July 1, 2012 through June 30, 2013 and the Police Department personnel on page 2 for a period of three years. The vote was 5-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to appoint John Mellin and Ken Daignault as Assistant Harbormasters/Deputy Shellfish Constables with terms expiring June 30, 2013 and to appoint Stuart Smith, John Rendon, Jim Horne, John Summers

and Mike Ryder as Assistant Harbormasters with terms expiring June 30, 2013. The vote was 5-0-0.

Orleans Water Alliance Presentation "Orleans Affordable Water Quality Improvement Plan": (00:57:13)

Gary Furst, president of the Orleans Water Alliance, presented the Board with information from their research into affordable water quality improvement in the Town of Orleans.

Jeff Eagles, a member of the Orleans Water Alliance, spoke to the Board regarding the Comprehensive Wastewater Management Plan and the Orleans Water Alliance's place to improve water quality. Asked the Board to contact *Kenneth Morath* at the EPA, for assistance. Mr. Eagles asked that the BOS create a multi-stakeholder task force to make recommendations to the Board.

Mr. Dunford asked what the EPA would have to offer the Town of Orleans. Mr. Eagles replied that the EPA has a great depth of knowledge and experience that they could share with the Town.

Mr. McGrath asked if the EPA had been asked for opinions on the seasonal nature of the need for greater nitrogen removal. Mr. Eagles replied that the EPA is aware that this is an issue on the Cape and they believe that this can be achieved at a cost of \$25,000.

Mr. Hodgson stated that he does not see what the Board has to lose by creating the summit. Mrs. Christie stated that she is concerned by the lack of property in Orleans on which to locate the cluster systems.

Mr. Eagles replied that the engineers with whom he had spoken did not believe that it would be that expensive as the cluster systems require a very small area of property.

Mr. Dunford suggested a future agenda item for discussion should be "what is the best thing for Orleans" and "what is the best way to move forward on the Comprehensive Wastewater Management Plan".

Mr. McGrath stated that he has heard concerns regarding the Weston and Sampson report and the summit might be a good disseminating point for the report.

Mr. Fuller stated that he sees no problem with a task force. However he would like to wait for the completion of the Weston and Samson report.

Mr. Fuller indicated that he will place a future agenda item so that the Orleans Water Alliance plan can be discussed in further detail.

Mr. McGrath asked if the Weston and Samson final presentation would be open to a public question and answer. Mr. Kelly replied that he would suggest that the Board open up the final presentation to the public.

Designation of Acting Town Administrator for Temporary Absences During FY13:
(01:47:01)

As is customary, the Board made a designation for the position of acting Town Administrator during Temporary Absences.

On a motion by Mrs. Christie, and seconded by Mr. Hodgson, the Board voted to designate Assistant Town Administrator Myra Suchenicz to temporarily assume the duties of the Town Administrator as required during FY13. The vote was 5-0-0.

Designation of Emergency Personnel under Vehicle Take Home Policy:
(01:48:34)

As per the Board's policy governing the use of Town of Orleans vehicles the Board reviewed the list of positions acting in an emergency capacity and thereby allowed to take a municipal vehicle home.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to designate the following Town of Orleans personnel as having emergency responsibilities: Harbormaster, Highway/Disposal Manager, Fire Chief, Deputy Fire Chief, Park Superintendent, Police Chief, Park Superintendent, Police Chief, Deputy Police Chief and Water Department Superintendent. The vote was 5-0-0.

Review Draft of Revised Charge for Shellfish and Waterways Advisory Committee: (01:50:34)

The Board reviewed the revised charge for the Shellfish and Waterways Advisory Committee. Mr. Kelly explained that Town Counsel had suggested that if the Committee were having trouble gaining a quorum during the winter months, the Board could vote to reduce the number of members thus reducing the quorum.

Mr. Dunford suggested that the Board consider reducing the number of voting members of the committee to 7 and using associate member status for 2 other members, thereby reducing the quorum to 4.

On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to amend the charge of Shellfish and Waterways Advisory Committee, to reflect that the committee shall be comprised of 7 voting

members and 2 alternate members, subject to approval by the Shellfish and Waterways Committee. The vote was 5-0-0.

Town Administrator's Report: (02:00:51)

Town Administrator John Kelly presented the Board with information on the draft six month license agreement with the Orleans Community Partnership for the use of space at the Community Building. Mr. Kelly noted that some of the changes requested by the Orleans Community Partnership will trigger the thresholds for the Town to submit an RFP. Mr. Kelly asked the Board for direction as to the draft lease and the requested changes.

Steve Bornemeier, Andrea Reid and Todd Thayer, members of the Orleans Community Partnership spoke to the Board regarding the license agreement. Mr. Bornemeier requested that the Board allow the Orleans Community Partnership more time for design on the access ramp for the front door of the Community Building. Andrea Reid, explained the background for the sublease portion of the agreement. Mr. Kelly explained that the concern is that if the community building is open and occupied, who is responsible for the building.

Mr. McGrath stated that he does not see a problem, with what the Orleans Community Partnership wants to do, but it should not be called a subtenant.

On a motion by Mrs. Christie, and seconded by Mr. Dunford, the Board voted to authorize the Town Administrator to sign the 6 month trial license agreement with the Orleans Community Partnership for the use of the Community Building as amended. The vote was 5-0-0.

Kris Ramsey, of the Orleans Conservation Trust, spoke to the Board regarding the application for the Fleck Property.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to authorize the Town Administrator and the Conservation Commission to prepare and submit applications to the Commonwealth of Massachusetts Division of Conservation Services reimbursement programs, including the LAND program, for the FY13 grant round, to include 2.7 acre Fleck Property (Window on Twinings Pond) at Twinings Pond off of Quanset Road. The vote was 5-0-0.

Mr. Kelly presented the Board with a request from Open Cape to forward a letter of support to MassDOT for the Open Cape project which requires a waiver of the MassDOT policies prohibiting road work between Memorial Day and Labor Day on the Cape.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to authorize the Town Administrator to draft and sign a letter to MassDOT in support of the Open Cape project. The vote was 5-0-0.

Mr. Kelly updated the Board with information on Rosina's Café and Salt Water Grille closures.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to continue the allowance of the closures for an additional thirty days under the same conditions previously voted. The vote was 5-0-0.

Mr. Kelly updated the Board with information on the Cape Light Compact Street Light Initiative. Mr. Kelly stated that he is waiting for confirmation of the conversion cost.

Mr. Kelly requested that any members of the Board wishing to attend the MMA Leadership Conference on June 9, 2012 in Sutton, MA contact Administrative Assistant Marge Astles in order to register.

Mr. Kelly also reported on the residential shredding day.

Mr. Dunford asked for an update on the Parks Supt.

Liaison Reports: (02:45:15)

Mr. Dunford reported that the Council on Aging was unable to meet as there was not a quorum of members present.

Mr. McGrath reported that the Barnstable County Water Protection Collaborative also suffered from a lack of quorum and the meeting was unable to proceed.

Mr. Fuller reported on a meeting of the Bike and Pedestrian Committee.

Any Other Business: (02:46:28)

Mr. Dunford asked if it would be useful to schedule a meeting of the Park Commissioners for an update on important seasonal items.

Mr. Hodgson asked for a separate future agenda planner for the Park Commissioners. He also asked for information on the management plan for Aspinet Road.

Mr. Dunford asked for Mr. Kelly to engage Mr. Ford to discuss the policy regarding archival of committee business emails.

Mr. Fuller discussed the upcoming meetings and anticipated agenda items.

Adjourn: (03:04:44)

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

Respectfully submitted,

Kristen Holbrook

Susan B. Christie
Susan B. Christie, Clerk

