

BOARD OF SELECTMEN  
MEETING MINUTES

September 5, 2012

Approved on October 17, 2012

ORLEANS TOWN CLERK



'12 OCT 25 3:11PM

A meeting of the Orleans Board of Selectmen was held on Wednesday, September 5, 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: (00:00:15)

*Pamela Herrick*, a resident of Orleans, spoke to the Board in regards to the Comprehensive Wastewater Management Plan.

*Jane and Marvin Corlette*, spoke to the Board and urged them to move forward with the Comprehensive Wastewater Management Plan and prioritize the systems by durability and cost effectiveness.

*Douglas Plucciennik, Mary Hartley and Brian Embleton*, presented the Board with a citizen's petition to request that the Board of Selectmen abandon the Comprehensive Wastewater Management Plan to discharge treated septage into Namskaket March. A copy of Mr. Plucciennik's comments and the petition were provided for the record.

*Bob Wilkinson*, a resident of Orleans, spoke to the Board regarding the Comprehensive Wastewater Management Plan and urged the Board to act on the Town Meeting vote to move forward with the plan.

*Mark Carron*, on behalf of the Orleans Taxpayers Association, spoke to the Board regarding the wastewater summit recently hosted by the Orleans Taxpayer's Association. A copy of Mr. Carron's comments was provided for the record.

*Alan McClennan*, a resident of South Orleans, spoke to the Board regarding the Comprehensive Wastewater Management Plan and urged the Board to move forward with the Comprehensive Wastewater Management Plan. A copy of Mr. McClennen's comments was provided for the record.

*Bob Shaftoe*, a resident of Orleans, spoke to the Board regarding the Comprehensive Wastewater Management Plan. Mr. Shaftoe recommended that the Board get an objective third party analysis of the subject.

*Gary Furst*, president of the Orleans Water Alliance, spoke to the Board and thanked them for allowing the Orleans Wastewater Alliance to speak to the Board over the past six weeks. Mr. Furst urged the Board to develop a new adaptive management plan for wastewater management.

6:45 p.m. Public Hearing on application to designate Village Center as a MA Cultural District:(00:23:05)

The Board met with Steve Bornemeier, Vice-Chairman of the Planning Board, regarding the Planning Board's recommendation that the Board of Selectmen designate the Orleans Village Center as a MA Cultural District.

Director of Community Development and Planning, George Meservey presented the Board with information on the designation. Mr. Meservey asked that the Board voted to adopt the resolution in order to move forward with the plan.

Mr. Dunford asked how the boundary was defined. Mr. Meservey replied that it can be delineated in any way the Town of Orleans would like to do that. It can be petitioned at any time to redraw the boundary. Mr. Dunford asked if the town would be locked into anything that they might not like and was told it would only require designation of a municipal employee which might need some staff time, but the Comprehensive Plan does state the goal is to make the village center more vibrant.

Public Comment:

*John Fallender*, representing the Academy of Performing Arts, spoke to the Board in favor of the application.

*Mary Corr*, representing the Orleans Chamber of Commerce, spoke in favor of the designation.

*Andrea Reed*, representative from the Orleans Community Partnership, spoke to the Board in favor of the resolution.

*Art Duquette*, an Orleans business owner, spoke to the Board in favor of the resolution.

**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.

The Board discussed the resolution, which must be signed by the Chairman of the Board of Selectmen. Mr. Meservey indicated that he would review the application with the Town Administrator prior to submission.

**On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to accept and endorse the resolution to designate the Orleans Village Center as a MA Cultural District.** The vote was 5-0-0.

Appoint two new officers to Police Department: (00:42:03)

Acting Orleans Police Chief Scott McDonald presented the Board with information regarding the appointment of two new student Police Officers.

Prospective candidates Thomas Carey and Kevin Coffey spoke to the Board regarding their interest in serving as Student Police Officers for the Town of Orleans.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to appoint Thomas Carey and Kevin Coffey as Town of Orleans Student Police Officers effective September 24, 2012.** The vote was 5-0-0.

Approval of Minutes: (00:47:54)

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the minutes of the July 19, 2012 meeting as presented. The vote was 5-0-0.**

Abba Restaurant – Requesting temporary extended closing: (00:48:09)

The Board met with Christina Bratberg regarding her request to close for an extended period of time due to extenuating medical circumstances.

**On a motion by Mr. McGrath, and seconded by Mrs. Christie, the Board voted to approve the request of Christina Bratberg, owner/manager Abba & Ima, Inc. d/b/a ABBA, located at 89 Old Colony Way, to temporarily close the business for the September 10 – December 31, 2012 of due to health issues and in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority. The vote was 5-0-0.**

The Board acknowledged for the record, that this is an extenuating circumstance and falls outside the policy set forth by the Board of Selectmen.

Vote to sign license agreement with OCP for new walkway from Main Street to Cove Road: (00:55:38)

Mr. Kelly presented the Board with information on the agreement with the Orleans Community Partnership for a new walkway from Main Street to Cove Road.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve the license agreement for a new walkway from Main Street to Cove Road as presented. The vote was 5-0-0.**

Update on Rt. 28 and 6A Roundabout Project Timeline and Lighting: (01:06:30)

The Board reviewed information from MASSDOT regarding the roundabout project. Mr. Kelly informed the Board that the agreement cannot be signed because it constitutes an Intermunicipal Agreement which, according to the Orleans Town Charter is in excess of three years and/or \$50,000.

Mrs. Christie asked if the agreement could be presented at a special town meeting. Mr. Kelly replied that it can be presented at any Annual or Special Town Meeting.

Discuss next steps in approach to Wastewater Management for Orleans: (01:20:23)

Chairman Fuller stated that getting a 2/3 majority to do anything having to do with wastewater in Orleans would be nearly impossible at this time.

George Meservey presented the Board with a power point presentation of a sewerage concept for the downtown area.

Mr. Withrow presented the Board with the assumed impact on the tax bills for the properties within the downtown area.

Mr. Meservey asked that the Board suggest to the Planning Board that they do some research on the future growth of the downtown area if sewer were introduced.

Mr. Fuller stated that the Tri-town property can only be used for waste water treatment.

Mr. Dunford stated that Mr. Fuller's proposal is worth discussing in more depth. He would also like to discuss alternate sites for a decentralized wastewater plant, specific plans for alternative

wastewater management, such as better moorings, fertilizer regulations and dredging. Mr. Dunford also stated that he would like to investigate the possibility of creating an inventory of roads and septic systems and developing a water quality monitoring program.

Mr. McGrath concurred with Mr. Dunford on the road and septic system surveys and suggested that the Board review and assess the status of the storm water remediation effort. He also noted that, in order to qualify for federal funding, the plan would have to be growth neutral. Mr. Hodgson stated that the Board needs to investigate taking full advantage of new technology in the field of wastewater management.

Meet as Park Commissioners:(02:08:55)

**On a motion by Mr. Dunford, and seconded by Mr. Hodgson the Board voted to meet as Park Commissioners. The vote was 5-0-0.**

Mr. Kelly presented the Board with information on the Eldredge Park Field improvements.

The Board reviewed a request from the Orleans Athletic Association to waive the fertilizer policy for the infield portion only of Eldredge Park.

**On a motion by Mr. Dunford, and seconded by Mrs. Christie, the Board voted to waive the fertilizer management policy only for the Kentucky Blue Grass sodded area of the baseball diamond of Eldredge Park. The waiver is to be reviewed annually on October 1<sup>st</sup>. The vote was 5-0-0.**

The Board reviewed the design for the sprinkler system at Eldredge Field. Mr. Kelly asked that the Board support his endeavor to rebid the sprinkler system and determine what funds are left over to work with the school to fix the hill at a later date.

Mr. Fuller stated that he is in favor of moving ahead on the original plan, but not in favor of making the changes and paying for improvements to the school property without the Orleans Athletic Association taking the lead. Mr. Kelly suggested applying for Community Preservation funding that may be available for future improvements.

Mr. Dunford noted that the improvement plan is around 8 years old; he would like to see it proceed as quickly as possible and make future plans for the well. Mr. Hodgson asked that going forward, that the infield is treated as well as possible.

**On a motion by Mr. Dunford, seconded by Mr. Hodgson, the Board voted to approve immediate bidding of the irrigation project for Eldredge Field as presently designed, with input and counsel with the Orleans Athletic Association. Further, the motion was to move forward with the application to the CPC to address the other enhancements to the irrigation system that could be integrated onto Town Property, such as the location of a well, and initiate dialogue for partnership with school to repair irrigation to the terraces in early next spring. The vote was 5-0-0.**

The Commissioners discussed the environmental impact report for the project to reconnect Hubler Lane to the Nauset Beach Parking Lot.

Mr. Dunford asked what the interim plan would be for the duties of the Parks Department.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to adjourn from Park Commission session. The vote was 5-0-0.**

Vote to approve Annual Goals for Town Administrator: (02:37:45)

The Board reviewed and discussed the draft of the proposed goals for the Town Administrator.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve the FY2012 Goals for the Town Administrator as amended. The vote was 5-0-0.**

Review draft scope of work for Fire Department Study (Request for Quotations): (02:39:20)

The Board reviewed the information for the RFQ for a Fire Department Study. On general consensus the Board agreed that the final report on the study should be completed within 90 days. The Board also noted that the RFQ should specifically include the Town Administrator as an involved party.

Vote to sign Lease Agreement with Open Cape for Water Tower Equipment: (02:49:35)

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to sign and execute the lease agreement with Open Cape for Water Tower Equipment. The vote was 5-0-0.**

Town Administrator's Report: (02:55:17)

Mr. Kelly reported that the Parks and Beaches Superintendent, Mr. Paul Fulcher has announced his retirement. The Board and the Town thanked him for his 37 years of service and wished him well in his retirement.

Liaison Reports: (02:56:36)

Mr. Dunford reported on meetings of the Nauset Regional School District in which the capital needs were discussed. Mr. Fuller asked if the school district had employed a project manager for any of their recent projects. Mr. Kelly replied that there are state and federal regulations in place which make a project manager mandatory for projects over a certain size.

Mr. McGrath spoke to the Board regarding a recent meeting of the Barnstable County Solid Waste Advisory Committee.

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

Mr. Hodgson updated the Board with information from the Affordable Housing Committee and the Orleans Elementary School playground committee.

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

Mr. Dunford noted that the Cape Cod Selectmen's Association meeting will be held at Ardeo Restaurant on Station Avenue in Yarmouth.

Any Other Items for Future Agendas: (03:08:30)


Chairman Fuller noted the proposed agenda for the next meeting.

Mr. Dunford requested that the calculations for accrued unused vacation time be sent to him via email.

Adjourn: (03:10:40)

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

Respectfully submitted,  
Kristen Holbrook

  
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Susan B. Christie, Clerk