

BOARD OF SELECTMEN  
MEETING MINUTES

September 19, 2012

Approved on October 19, 2012

ORLEANS TOWN CLERK



'12 OCT 25 3:11PM

A meeting of the Orleans Board of Selectmen was held on Wednesday, September 19, 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., Selectwoman Susan B. Christie, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Call to Order:

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

Mr. Fuller reminded the audience that public comment should be kept to under five minutes and any comments regarding budget priorities should be held until the public hearing.

Public Comment: (00:00:11)

*Anne Kilguss*, 17 Herring Brook Way, spoke to the Board regarding her property and the Town of Orleans' adverse possession of a certain portion of the property. Ms. Kilguss submitted a letter dated September 19, 2012 from Paul Dart for inclusion in the record.

*Julian Bard*, spoke to the Board regarding the budget spent on Town Counsel and the issue surrounding Ms. Kilguss' property.

*Thomas Finan*, spoke to the Board regarding Mr. Fuller's presentation of the downtown sewer project. Mr. Finan also urged the Board to encourage completion of the final report from Weston & Sampson. Mr. Finan submitted a written record of his comments for inclusion in the record.

*Augusta McKusick*, spoke to the Board regarding the Comprehensive Wastewater Management Plan and the presentation given by Mr. Fuller at the September 5, 2012 Board of Selectmen's meeting. Ms. McKusick submitted a written copy of her comments for inclusion in the record.

*John Miner*, spoke to the Board regarding the Comprehensive Wastewater Management Plan and offered his environmental engineering services to the Town of Orleans free of charge. A copy of Mr. Miner's comments was provided for the record.

*Anne Kenyon*, representing the Orleans Pond Coalition, spoke to the Board regarding the upcoming Celebrate Our Waters Weekend.

*Caroline Kennedy*, Chair of the Water Quality Task Force, spoke to the Board regarding the conclusion of the season's water sampling. Ms. Kennedy thanked the volunteers that made the monitoring possible. A copy of Ms. Kennedy's comments was provided for the record.

6:45 PM Joint Public Hearing with Finance Committee on Budget Priorities for FY2014:  
(00:20:50)

Chairman Fuller read the notice for the public hearing and introduced members of the Finance Committee present Chair Gwen Holden Kelly, Dale Fuller, Rick Siegel, Mark E. Carron, Paul Rooker, William Weil, Joshua Larson and John Laurino. Chairwoman Holden Kelly called the Finance Committee to order at 6:55 PM.

Town of Orleans Finance Director David Withrow presented the joint Boards with information on the budget for the past two years.

Budget Priorities Public Comment:

*Tom Finan*, spoke to the Board and urged them to be more aggressive in funding facility remediation. A copy of Mr. Finan's remarks were provided for the record.

Alan McLennen, spoke to the Board regarding the budget for FY2014 and asked that the Board move forward with the Comprehensive Wastewater Management Plan. A copy of Mr. McLennen's comments was provided for the record.

*Tim Linkilla*, spoke to the Board regarding the Comprehensive Wastewater Management Plan.

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

Approval of Minutes: (00:52:54)

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the minutes of the October 28, 2009 meeting as presented.** The vote was 3-0-2; Mrs. Christie and Mr. Hodgson abstained from the vote.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve the minutes of the July 11, 2012 meeting as written.** The vote was 5-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to approve the minutes of the July 18, 2012 meeting as amended.** The vote was 5-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve the minutes of the August 1, 2012 meeting as written.** The vote was 5-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve the minutes of the August 7, 2012 executive session meeting as written.** The vote was 4-0-1; Mrs. Christie abstained from the vote.

**On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve the minutes of the August 29, 2012 meeting as written.** The vote was 5-0-0.

Meet with Ron Collins for update on the following items: (00:58:32)

The Board met with project manager Ron Collins to discuss the progress of the ongoing

projects in the Town of Orleans.

Mr. Collins addressed the priorities for the implementation of the Town Building Maintenance Projects.

Mr. Kelly reiterated the plan to have one design firm for all of the projects proposed over the next three years. Mr. Hodgson asked for an agenda item to discuss the future needs and use of the Annex Building.

Mr. Collins updated the Board with information on the progress of the NRSD Green Project.

Mr. Collins presented the Board with information on the new management of the Skate Park.

**On a motion by Mr. Carron, and seconded by Mr. Siegel, the Finance Committee voted to adjourn. The vote was 7-0-0.**

Discuss Zero Based Budget for one department next year: (01:40:17)

Mr. Kelly provided the Board with background information on the theories of the zero based budget process. Mr. Hodgson spoke to the Board regarding his desire to try this experiment, with one department, in parallel with the line item budget process.

Mr. Kelly suggested that because of the increase in time he would like to identify one department and investigate the possibility of using the ZBB exercise, but is unsure if it can be done in such a short time frame.

Mr. McGrath asked if taking on an entire department is too vast, can you isolate one line item of a department. Mr. McGrath suggested as an example the Transfer Station, would be a good exercise to undertake with that budget.

Review of Revised BOS Policies and vote to approve: (02:14:45)

The Board reviewed the draft changes to the policies.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve Board of Selectmen's policy D-1 as presented. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to approve Board of Selectmen's policy G-5 as presented. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve Board of Selectmen's policy G-9 as presented. The vote was 5-0-0.**

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve Board of Selectmen's policy G-10 as presented. The vote was 5-0-0.**

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve Board of Selectmen's policy B-2 as presented. The vote was 5-0-0**

**On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to**

**approve Board of Selectmen's policy B-6 as presented.** The vote was 4-1-0; Mr. McGrath voted no.

Mr. Dunford asked if the Board would entertain a discussion to draft a policy regarding the issue of auditor. He would like to meet one additional time with the auditor to complete the discussion and provide dialogue and feedback as necessary.

**On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to direct the Town Administrator to draft a formal Board of Selectmen's policy outlining the number of times (2) the Board will meet with the auditor per year.** The vote was 5-0-0.

Pledge of All Alcoholic Common Victualler's License- True Words Tortilla's Inc, d/b/a Guapos Tortilla Shack: (02:26:22)

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve the request of Kyle Parker, owner of True Words Tortillas, Inc. d/b/a Guapos Tortilla Shack, located at 136 Route 6A, Orleans to pledge the current Annual All Alcoholic Common Victualler Liquor license to Cape Cod Five Cents Savings Bank, subject to approval by the Alcoholic Beverage Control Commission.** The vote was 5-0-0.

Le Due Comari, LLC, d/b/a Rosina's Cafe Temporary Closure Follow-up and Surrender of Liquor License: (02:27:15)

**On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to accept the surrendering of Le Due Comari, LLC d/b/a Rosina's Café's All Alcoholic Common Victualler Liquor License for the location at 15 Cove Road without prejudice.** The vote was 5-0-0.

Salt Water Grille and Binnacle Tavern Temporary Closure Follow-up: (02:32:17)

Mr. Kelly updated the Board on the legal notice for the auction of the property. The Board asked that Mr. Kelly follow-up in order for the Board to consider scheduling a show-cause hearing.

Special One-Day Wine and Malt Beverage Liquor Licenses: (02:35:30)

**On a motion by Mrs. Christie, and seconded by Mr. McGrath, the Board voted to approve Special One-Day Wine and Malt Beverage Liquor Licenses for the Academy of Performing Arts to serve wine and malt beverages on October 6, 2012 from 8:00 PM until 10:00 PM for a fundraising concert and on October 19, 2012 from 5:00 PM until 7:00 PM for their opening night receptions at 120 Main Street, and for the Orleans Chamber of Commerce to serve wine and malt beverages on September 29, 2012 from noon until 5:00 PM for the Clam Barbeque located at 2 Namskaket Road and waive the license fees and reduce the filing fees to \$10.00 The licenses are issued subject to all licenses, bylaws, permits and approvals and in accordance with the MGL Chapter 138 Section 14.** The vote was 5-0-0.

Town Administrator's Report: (02:

Mr. Kelly presented the Board with information from the Cape Cod Water Protection Collaborative and the Cape Cod Commission. The organizations are requesting feedback

from towns regarding priorities for wastewater management planning.

Mr. Dunford asked that the Board consider adding other items to the list for the Commission to consider.

The Board discussed the responses to the RFQ from the Solid Waste Advisory Committee.

Liaison Reports: (03:00:00)

Mr. Dunford reported on meetings of the Massachusetts Municipal Association, the Nauset Regional School Committee and the Shellfish and Waterways Advisory Committee.

Mr. McGrath updated the Board with information on the Agricultural Committee.

Mrs. Christie reported on a meeting of the Orleans Cultural Council.

Mr. Hodgson updated the Board with an announcement from the Orleans Elementary School Playground Committee.

Mr. Fuller presented the Board with updates from the Finance Committee.

Other Items for Future Agendas: (03:35:37)

Mr. Dunford asked that there be a future agenda item to discuss the accrued vacation time process.

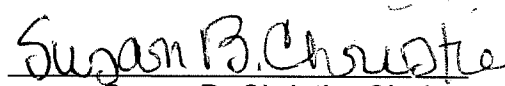
Mr. Hodgson asked for an update on the CVEC project.

Mr. McGrath replied that the Renewable Energy Committee noted that the capped landfill array is proceeding on schedule.

Adjourn: (03:36:02)

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

Respectfully submitted,  
Kristen Holbrook

  
Susan B. Christie, Clerk

**Board of Selectmen**  
**Documents Received During Public Comment**  
September 19, 2012

1. Letter dated September 19, 2012 from Paul Dart
- 2.