

K. D. Arly. Assl

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BOARD OF SELECTMEN
MEETING MINUTES

December 5, 2012

Approved on February 6, 2013

A meeting of the Orleans Board of Selectmen was held on Wednesday, December 5, 2012 in the Nauset Room of the Town Hall. Present were Chairman Jon R. Fuller, Vice-Chairman David M. Dunford, Selectman Sims McGrath Jr., Selectman John Hodgson III, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Clerk Susan B. Christie was not present for the meeting.

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

Public Comment: (00:00:15)

Pamela Herrick, spoke to the Board regarding the petition against the Comprehensive Wastewater Management Plan. Ms. Herrick noted that she is in favor of moving forward with the Comprehensive Wastewater Management Plan and that she did not have full knowledge of the petition that she signed.

Bill Weil, a resident of Orleans, spoke to the Board in appreciation of their hard work. He stated that a portion of Skaket Beach is in disrepair and asked that the Board contact the state regarding the area. Mr. Weil also voiced full support for the appointment of Deputy Chief MacDonald to the permanent position of Town of Orleans Chief of Police.

Douglas Pluciennik, spoke to the Board regarding the peer review presented by ASA on Tuesday December 4, 2012 at the special meeting of the Board of Selectmen.

Alan McClennen, a resident of Namequoit Road, spoke to the Board regarding the Comprehensive Wastewater Management Plan and the newly introduced Phase 1A.

Margie Fulcher, a resident of Orleans spoke to the Board to voice her support for Deputy Chief MacDonald's permanent appointment as Chief of Police.

Judith Bruce, a resident of Orleans, spoke to the Board regarding the citizen petition to examine decentralized wastewater options.

Approval of Minutes: (00:12:17)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to Approve the minutes of the September 28, 2012 Executive Session meeting as amended. The vote was 4-0-0.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve the minutes of the October 3, 2012 meeting as amended. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve the minutes of the October 17, 2012 meeting as amended. The vote was 4-0-0.

Committee Interviews and Appointments: (00:18:14)

The Board discussed the advertising process for this position and the fact that due to Mrs. Christie's absence there is still possibility of a tie. The Board, on general consensus, decided to postpone the vote off until Wednesday December 19th and will accept applications until Friday December 14, 2012.

Interview Acting Chief MacDonald: (00:22:36)

The Board met with Deputy Chief Scott MacDonald regarding his interest in a permanent appointment as Town of Orleans Police Chief.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to appoint Acting Chief Scott MacDonald to the position of Town of Orleans Police Chief subject to successful contract negotiations. The vote was 4-0-0.

Follow-up Discussion on Parking at Town Landings: (00:25:19)

The Board met with Harbormaster Dawson Farber regarding the meeting held between the Fire Chief Police Chief and Harbormaster. Mr. Farber presented the Board with the findings and recommendations developed at the meeting.

- Bylaw development
- Use of American Legion lot
- Consider impact of Commercial Operations on Town Landings

Mr. Dunford stated that he agrees with the first two points. Mr. Dunford also supports resident only or no parking along the roads. Mr. Kelly noted that the bylaw can include the authority to restrict the size, time of day etc., regarding the use of River Road or any other town landing.

Mr. Hodgson stated that he was hoping to see a more proactive approach and would like to revisit the satellite parking area.

Mr. Fuller stated that he feels the bylaw is necessary and a set of rules and regulations is necessary immediately. Mr. Fuller also noted that he supports use of former American Legion parking lot, and does not think that the Board would be able to enforce resident only parking in any type of realistic way.

Mr. McGrath asked that the item be rescheduled for further discussion at a future meeting of the Board.

Follow-up Discussion on Conservation Mooring Study: (00:52:18)

The Board met with Harbormaster Dawson Farber regarding the Conservation Mooring Study.

Mr. Hodgson noted that there is a lot of positive impacts of the conservation moorings.

Mr. Dunford agreed and suggested that the Board investigate the Town owning the moorings and leasing them. He would also like to see the Board move ahead with a proposal to implement the conservation moorings with a goal of a no net increase in number of moorings and focus on conversion in the areas of terminal ponds that might benefit from the regeneration of Eel Grass.

Mr. Hodgson asked if the funds in the CIP labeled for wastewater could be used for this project. Mr. Kelly noted that the CIP warrant article are limited to costs associated with phase one of the Comprehensive Wastewater Management Plan, but the Board may be able to use funds from one of the more generally labeled wastewater improvement articles.

On a motion by Mr. Dunford, and seconded by Mr. McGrath the Board voted to direct the Harbormaster to undertake a survey of Town Mooring fields and return to the Board by the first meeting of the Board in February, with consideration and recommendation for the use of conservation moorings that would result in no net increase in moorings, a graded subset list of areas of moorings that would provide the maximum possibility for positive impact on water quality, cost estimate for implementation (town wide as well as area specific) and a recommendation for financing, with a view toward Town ownership of the moorings. The vote was 4-0-0.

Update on Rock Harbor Maintenance Dredging Project with Eastham: (01:27:15)

Mr. Farber noted that upland disposal is no longer an option, therefore the Town will need to investigate the costs associated with using a disposal barge. Mr. Farber noted that he would provide the Board with the anticipated costs at a later time.

Mr. Farber gave the Board a brief update on the County proposal for the possible purchase and operation of the Aquaculture Resource Center.

Vote to Approve draft DHCD Regulatory Agreement and Deed Rider- Habitat for Humanity: (01:40:35)

The Board met with Vicki Goldsmith Executive Director of Habitat for Humanity, spoke to the Board and asked for their support and approval of the DHCD Regulatory Agreement and Deed Rider.

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to approve and sign the Department of Housing and Community Development Regulatory Agreement and Deed Rider for Habitat for Humanity, as presented and subject to final DHCD approval. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to waive the Building Permit and Inspection fees, under the jurisdiction of the Board of Selectmen, or the Habitat for Humanity Project on Namskaket Road. The vote was 4-0-0.

Mr. McGrath asked that the Board affirm their support for the Blitz Build. On general consensus, the Board agreed that they support the Habitat for Humanity Blitz Build.

Abba Restaurant- Temporary Closing: (01:48:16)

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, 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 period of January 1, 2013 through March 31, 2013 due to health issues in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority and M.G.L Chapter 138. With this motion the Board acknowledges that the length of this closing is in excess of the time allowed by the Rules and Regulations of the Liquor Licensing Authority, it will not constitute a practice of the Board of Selectmen and does not set a precedent and is subject to approval of the annual license renewal. The vote was 4-0-0.

Main Street Wine and Gourmet: (01:58:50)

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve the request of Heather M. Tarter, owner of Main Street Wine and Gourmet LLC d/b/a Main Street Wine and Gourmet to temporarily close her business for the period of January 1st through January 11th due to being out of the state. The vote was 4-0-0.

The Board reviewed a letter from Main Street Wine and Gourmet asking the Board to pursue additional full package store liquor licenses for the Town of Orleans.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to hold a public hearing to discuss the possible petition of the state Alcoholic Beverage Control Commission to increase the number of All Alcoholic Package Goods Store Liquor Licenses in the Town of Orleans. The vote was 4-0-0.

Annual License Renewals: (02:09:30)

On a motion by Mr. McGrath and seconded by Mr. Hodgson, the Board voted to approve to renew the 2013 All Alcoholic and Wine and Malt Beverage Common Victualler Liquor Licenses, All Alcoholic Beverage Innholder and All Alcoholic Beverage Club Liquor Licenses for the businesses listed in the memo dated December 5, 2012, subject to approval all permits, approvals and licenses and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2013. The vote was 4-0-0.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to approve to renew the 2013 All Alcoholic and Wine and Malt Beverages Package Goods Stores Liquor Licenses for the business listed in the memo dated December 5, 2012, subject to approval all permits, approvals, licenses and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2013. The vote was 4-0-0.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve to renew the 2013 Common Victualler Licenses for the business listed in the memo dated December 5, 2012, subject to compliance with the Workers' Compensation Act and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2013. The vote was 4-0-0.

On a motion by Mr. Hodgson, and seconded by Mr. Fuller, the Board voted to approve to renew the 2013 Weekday and Sunday Entertainment Licenses and Mechanical Devices and Pool Table Licenses for the business listed in the memo dated December 5, 2012, subject to compliance with the Workers' Compensation Act and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2013. The vote was 4-0-0.

On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve to renew the 2013 Lodging House and Innholder Licenses for the business listed in the memo dated December 5, 2012, subject to compliance with all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2013. The vote was 4-0-0.

On a motion by Mr. Dunford, and Seconded by Mr. McGrath, the Board voted to approve to renew the 2013 Auto Class I and Auto Class II Licenses for the business listed in the memo dated December 5, 2012, subject to compliance with the Worker's Compensation Act and all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on January 1, 2014. The vote was 4-0-0.

On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve to renew the 2013 Hawkers and Peddler's Licenses for the business listed in the memo dated December 5, 2012, subject to all applicable federal, state and local rules, regulations, laws and bylaws. Said licenses to expire on December 31, 2013. The vote was 4-0-0.

Vote to Approve proposed Conservation Restriction Winslow Property: (02:15:10)
The Board met with Kris Ramsey, Orleans Conservation Trust, regarding the proposed Conservation Restriction.

On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to sign the Conservation Restriction for the property located at 176 Quanset Road, Orleans, MA, also known as the Winslow Property, finding that the proposed Conservation Restriction is in the public interest because the restriction will assure that the premises will be retained in perpetuity substantially in its undisturbed, natural, scenic and vegetated condition. Further, the Board finds that preservation of the premises will protect high value wildlife, preserve the wetland habitat and further enhance the existing protected open space in this area. The vote was 4-0-0.

Vote to Approve proposed Conservation Restriction Twinings Pond Property: (02:20:18)

On a motion by Mr. McGrath, and seconded by Mr. Dunford, the Board voted to sign the Conservation Restriction for the property located at 10 & 18 Twinings Lane, Orleans, MA, finding that the proposed Conservation Restriction is in the public interest because the restriction will assure that the premises will be retained in perpetuity substantially in its undisturbed, natural, scenic and vegetated condition. Further, the Board finds that because the property connects to and abuts over 100 acres of conservation

land currently protected by the Town of Orleans, preservation of the premises will protect and preserve this conservation land and will provide the public with passive recreation opportunities. The vote was 4-0-0.

Town Administrator's Report: (02:25:40)

Mr. Kelly presented the Board with information on the Cultural District application and asked that the Board execute the agreement with the Orleans Community Partnership.

On a motion by Mr. Dunford, and seconded by Mr. McGrath, the Board voted to authorize the Chair to sign the Orleans Cultural District Partnership Agreement. The vote was 4-0-0.

Liaison Reports: (02:28:19)

Mr. Dunford reported on a meeting of the Nauset Regional School Budget and Finance Committee. Mr. Dunford also noted that he has not yet seen the enrollment numbers for this year from the Nauset District. The Board discussed inviting the Nauset Regional School District representatives to a future meeting to update the Board on the school budget.

Mr. McGrath reported on the a meeting of the Semass/Covanta negotiating team, a subcommittee of the Solid Waste Advisory Committee.

Mr. Hodgson reported on meetings of the Human Services Advisory Committee and the Affordable Housing Committee.

Mr. Fuller reported on a recent Planning Board meeting.

Any other Items for Future Agendas:

The Board reviewed their upcoming meeting schedule and asked that the following items be scheduled for future meetings of the Board:

- ⤴ Discussion of another shredding day
- ⤴ Update on hiring process for DPW Director
- ⤴ Vacation Accrual discussion
- ⤴ Building repair issues/Building Facility Maintenance Report

Mr. Dunford also asked that the Community Development and Planning Department provide the Board with a list of the 35 business that were unable to expand their businesses due to Title V limitations.

Adjourn: (02:46:19)

On a motion by Mr. Hodgson, and seconded by Mr. McGrath, the Board voted to adjourn. The vote was 4-0-0.

Respectfully submitted,

Kristen Holbrook

Susan B. Christie
Susan B. Christie, Clerk