**BOARD OF SELECTMEN**

**MEETING MINUTES**

January 8, 2014

Approved on April 16, 2014

A meeting of the Orleans Board of Selectmen was held on Wednesday, January 8, 2014 in the Nauset Room of the Town Hall. Present were Chairman Sims McGrath Jr., Vice-Chairman David M. Dunford, Clerk Jon R. Fuller, Selectman Alan McClennen Jr., Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Selectman John Hodgson III participated remotely via Skype due to geographic distance.

Chairman McGrath called the meeting to order at 5:30 PM.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to enter into executive session to discuss strategy with respect to collective bargaining and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and to reconvene in open session.** The vote was 5-0-0, with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, to return to open session and stand in recess until 6:30 PM.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

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

Public Comment: (00:00:15)

No public comment was offered.

Approval of Minutes: (00:00:32)

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the minutes of the November 6, 2013 meeting as amended.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the minutes of the November 20, 2013 meeting as presented.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the minutes of the December 4, 2013 meeting as amended.** The vote was 4-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, and Mr. McGrath all voting aye. Mr. Hodgson abstained from the vote.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the minutes of the November 20, 2013 meeting as amended.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the minutes of the December Executive Session meeting as amended.** The vote was 4-0-1; with Mr. Dunford, Mr. Fuller, Mr. McClennen, and Mr. McGrath all voting aye. Mr. Hodgson abstained from the vote.

Temporary Closing Orleans Public House: (00:07:14)

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to approve the request of George Fortuna, president of OPH Inc., d/b/a Orleans Public House, 15 Cove Road, Orleans, to temporarily close his business from January 16, 2014 through February 14, 2014 for maintenance and minor kitchen renovation project in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority and MGL Chapter 138.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

Public Hearing - Alteration of Premises- Orleans Bowling Center: (00:08:56)

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

David Currier, owner of the property presented the Board with information on the alteration of the premises.

Chairman McGrath read comments into the record from the Town of Orleans liquor licensing agent and the Fire Department as well as Ben Zehnder, an abutter in support of the application.

No public comment was offered.

Mr. Dunford asked for clarification on the location of the cooler and asked if the Architectural Review Committee had approved the alteration. Mr. Currier replied that the Committee had approved the application.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to close the public hearing.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

Mr. Fuller stated that the applicant has complied with all of the requests.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the application for an alteration of premises by changing the description of the Orleans Bowling Center to read, “10,717 square foot building, 14 bowling lanes, dry storage office, commercial kitchen, outside walk-in cooler located at the rear of the kitchen, employee bathroom, three customer bathrooms, main entrance/exit in the front of the building, one exit located at the right and one exit located on the left of the building, number of seats not to exceed 35.” Said license shall not be issued until the licensed establishment is in compliance with a memorandum from Building Commissioner Brian Harrison, dated 12/30/2013 regarding the Certificate of Occupancy. Approval is subject to all local and state licenses, permits and approval, laws and bylaws, and in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority adopted December 21, 1994, and amended August 9, 1995, February 10, 2010 and April 29, 2010 and Massachusetts General Law Chapter 138 and will become final after approval from the Alcoholic Beverage Control Commission is received.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

Wastewater Discussion - Follow-up from December 11, 2013 meeting: (00:17:25)

The Board met with consultant Mike Domenica regarding the proposed scope of work for consulting services with the Town of Orleans. Mr. Domenica highlighted the changes to the proposed scope

Mr. Dunford asked for clarification on the business *pro forma.* Mr. Domenica stated that a detailed study of the downtown businesses is not included in the scope. Mr. Dunford only asked that a notation be made that that information is important. In regard to point number 4, for ease of completion and explanation, he would be interested in knowing what would fall within the four corners of the CWMP. He asked for recognition of the 208 planning and the impact on the CWMP. Mr. Dunford asked if the closed loop system were to be the choice, does task 2 need to be completed.

Mr. Domenica stated that a closed loop system would include a large system that encompasses the existing Tri-Town System.

Mr. McClennen stated that at this time, there is no certainty with the Tri-Town facility. He stated that he feels that the hydrogeology needs to be done to satisfy the requirements of the MEP as the discharge permit for the facility is expiring in 2016.

Mr. Dunford stated that he did not agree that the Tri-Town facility accepting septage is a foregone conclusion and if it is necessary, that a viable approach would be a closed loop system. He stated that it is a different approach than is included in the MEP process. Mr. McGrath noted that there would have to be some back-up plan for infiltration if the closed loop system were to be used.

Mr. Hodgson stated that he believes that at this time, the marsh can handle the nitrogen rich water that is being disposed of at this time, but felt that there could be a large liability to the town if the balance is not right. He felt that the town should be focusing on the solutions of water quality.

Mr. Dunford asked if the 208 solutions that are being proposed, fall within the four corners of the CWMP. Mr. Domenica stated that he has not seen the technologies included in the 208 plan to included updating the Tri-Town facility. He further stated that he 208 plan is more focused on stormwater management and that the Board has an opportunity that is not available in the 208 planning. Further stated that any technology would be well within the four corners of the CWMP.

Mr. Fuller stated that if the town can partner with the downtown businesses for financing, the wastewater options should be kept in mind. Mr. Hodgson stated that he is looking forward to the data on economic vitality and the possibility of public/private partnership. Wants to see directional drilling and STEP/STEG systems in order to reduce the costs to the businesses.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to accept proposed scope of work dated 12/16/13 as amended and recognizing that there will be periodic updates from the consultant.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

Review Chatham’s WPTC Septage Evaluation Report and discuss possible next steps: (01:22:15)

Mr. Kelly provided the Board with an evaluation report which stated that the Chatham system is not able to accept any septage at this time.

Mr. Kelly noted that the Stantec firm would be providing information on the Tri-Town plant prior to the next joint meeting with Eastham and Brewster.

Mr. Hodgson stated that he felt it could be feasible for Chatham to accept septage in the future and that it should be discussed with Eastham and Brewster.

Mr. McClennen stated that he is not opposed to having these discussions but felt it would be beneficial to allow the 208 process to be completed.

Annual Common Victualler’s License - Rock Harbor Grill, Inc. (01:41:56)

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to approve an Annual Common Victualler license for Rock Harbor Grill, Inc. d/b/a Rock Harbor Grill, Charles B. Konner, owner/manager located at 18 Old Colony Way. Said license to expire on December 31, 2014 and is issued subject to all permits, bylaws, approvals and licenses in the Town of Orleans.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

Town Administrator’s Report: (01:44:15)

The Board reviewed a memo from the Planning Board regarding the five proposed Zoning Bylaw amendments for Annual Town Meeting consideration.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to acknowledge receipt of the 5 proposed zoning amendments and forward the proposal to the Planning Board for review and public hearing within 14 days.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

Mr. Kelly presented the Board with a request for support from the Conservation Commission, for a requested easement over County property in order to access the Putnam Conservation property.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to support the Conservation Commission’s request to Barnstable County to grant an easement to construct a driveway to access the Town owned Putnam Conservation property from Rock Harbor Road.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to direct the Town Administrator to prepare citations for outstanding service to Highway Department personnel.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

Liaison Reports: (01:47:15)

Mr. Dunford announced an upcoming NRSD meeting which will discuss the proposed budget.

Mr. McGrath reported on a meeting of the Cape Cod Water Protection Collaborative.

Adjourn: (02:07:10)

**On a motion by and seconded by the Board voted to adjourn.** The vote was 5-0-0; with Mr. Dunford, Mr. Fuller, Mr. McClennen, Mr. Hodgson and Mr. McGrath all voting aye.

The meeting adjourned at 8:27 PM.

Respectfully submitted,

Kristen Holbrook

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Jon R. Fuller, Clerk