**BOARD OF SELECTMEN**

**MEETING MINUTES**

February 4, 2014

Approved on April 16, 2014

A meeting of the Orleans Board of Selectmen was held on Tuesday, February 4, 2014 in the Nauset Room of the Town Hall. Present were Chairman Sims McGrath Jr., Clerk Jon R. Fuller, Selectman John Hodgson III, Vice-Chairman David M. Dunford, Selectman Alan McClennen Jr., Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairman McGrath called the meeting to order at 4:00 PM.

Meet with Town Counsel Michael Ford to review the following items: (00:00:10)

 a. Review legal opinion on proposed waste water treatment plant and Namskaket Marsh questions

Town Counsel Michael Ford presented the Board with information on the legal opinion provided regarding a proposed water treatment plant and Namskaket Marsh.

Mr. Dunford stated that it would appear as though abutters would be able to send grievances to DEP after a groundwater discharge permit is underway. Mr. Ford stated that in his opinion, the Town would have a good chance of prevailing in any such grievance procedure.

Mr. Fuller thanked Mr. Ford for his comprehensive report on the issues. Mr. Hodgson stated that he felt the opinion and examples were a bit generic and further stated that he did not feel that the Town had done enough research into the effects of freshwater on Namskaket Marsh.

Mr. Dunford stated that he felt it would be up to the Board to address any policy and research studies needed to proceed.

Mr. Hodgson stated that he would take several points from the legal opinion; understanding the liability and expense of litigation for the appeals process etc., felt that the discharge into the marsh should be taken off the table.

Mr. Fuller stated that no matter where the Town decides to build a plant, there will be discharge issues, whether it is Namskaket Marsh or another marsh in Orleans. Mr. Ford also noted that additional research would need to be done in order to clarify the Eastham Bylaw regarding ORV prohibitions.

 b. Follow up on joint meeting with Eastham and next steps regarding Nauset Spit

Town Administrator John Kelly noted that nothing further had been received from the Town of Eastham. Mr. Kelly also provided the Board with a copy of the legal opinion from the Town of Eastham.

Mr. McClennen asked if both Mr. Ford and Eastham Town Counsel agreed that while the land is located in Eastham, the land belongs to the Town of Orleans. Mr. Ford suggested that an appropriate action would be to determine the exact boundaries of the land in Orleans.

Mr. Dunford stated that it had been left at the previous meeting that it would be up to Eastham to provide some type of proposal to the Town of Orleans.

Mr. Hodgson asked if it would be appropriate to give Eastham a deadline so that decisions/negotiation can be made prior to the commencement of sticker sales.

Mr. Ford stated that he did not believe that Orleans would need to wait.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to direct the Town Administrator to draft a letter for the Chairman to sign, requesting feedback or a proposal regarding the Spit and ask for a response as soon as possible.** The vote was 5-0-0.

 c. Update on State and Federal Permitting for ORV access on Nauset Beach in 2014

Natural Resource Manager Dawson Farber stated that the estimate for the HCP is $100,000. As long as the BOS keeps in mind that there will be several more revisions before the plan will meet the requirements of Federal and State officials. Staff required will cost additional funds and will require more staff at a minimum of $25,000.

Mr. Kelly asked for clarification on how Least Terns will be addressed in the proposed HCP. Mr. Farber noted that there is some more flexibility with least terns as the chicks do not forage over as large an area as the plovers.

DPW Director Tom Daley, stated that the target is very fluid and difficult from a financial aspects. Mr. Kelly suggested funding the efforts through a Town Meeting article as it would show Town Meeting support for the efforts to keep the beach open.

Budget Work Session: (01:47:10)

 a. FY15 Budget Review by department

No departmental budgets were remaining from the last meeting.

Mr. Kelly provided the Board with the back up documentation requested.

b. FY16-FY20 CIP Review

Mr. Kelly presented the Board with the revised FY16-FY20 CIP.

Adjourn: (02:30:15)

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

The meeting adjourned at 6:32 PM.

Respectfully submitted,

Kristen Holbrook

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 Jon R. Fuller, Clerk