**BOARD OF SELECTMEN**

**MEETING MINUTES**

March 4, 2014

Approved on April 16, 2014

A meeting of the Orleans Board of Selectmen was held on Tuesday, March 4, 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 John Hodgson III, Selectmen Alan McClennen Jr., Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairman McGrath called the meeting to order at 6:00 PM.

Public Comment: (00:00:12)

John Sargent, a resident of Crystal Lake Drive, spoke to the Board to thank them for the progress made on the HCP for Nauset Beach. Mr. Sargent stated that he noticed that the HCP plan does not start until July 15, 2014 and that it should be made clear that the beach could be closed until that time. He also stated that his main concern is for the North end of the beach and though it is not specifically addressed in this plan, he wants to make sure the Board keeps that as a goal for the future.

Selectmen John Hodgson noted that the working group had attempted to have no dates placed on the HCP, but that the state and federal officials felt that that would trigger a high impact permit.

Committee Interviews and Appointments: (00:04:27)

The Board met with and interviewed Paul Cass regarding his interest in serving as a member of the Lower Cape Community Access TV.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to appoint Paul Cass as a member of the Lower Cape Community Access TV, with a term ending date of February 19, 2017.** The vote was 5-0-0.

George Walsh, President of the LCCATV spoke to the Board and thanked them for making the appointment and to thank outgoing member David Dolbec.

Meet with CPC Chair Julia Enroth for FY15 Budget Presentation: (00:08:17)

CPC Chair Julia Enroth, presented the Board with information on their FY15 budget.

Mr. McClennen noted that all of the recommendations made by the Committee were unanimous.

Mr. Dunford asked for clarification on the excess funds received from the state. Ms. Enroth stated that the increased funding was 251K, and was not included in the projections.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to support the recommendations of the CPC as presented.** The vote was 5-0-0.

Meet with Human Services Committee for FY15 Agency Funding Recommendations: (00:27:19)

Human Services Advisory Committee Chair Mary Lyttle presented the Board with the Committee’s recommendations for funding for FY15.

Ms. Lyttle recommended that the Board support a separate ATM article for funding for the Orleans After School Child Care program as it is the only organization that applied for funding that services only Town of Orleans residents.

Mr. Dunford thanked Ms. Lyttle for her presentation and stated that the recommendation for a separate funding article has merit and warrants further discussion.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to support the recommendation for the Human Services Advisory Committee funding in the amount of $84,600.** The vote was 5-0-0.

OPH, Inc., d/b/a Orleans Public House - Change of Manager: (00:37:30)

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the request of the Orleans Public House for a change of manager from Zachary Couch to Edward W. Lynch, on the current Annual Alcoholic Beverages Common Victualler liquor license for OPH Inc., d/b/a Orleans Public House located at 15 Cove Road, Orleans, MA, subject to approval by the Alcoholic Beverage Control Commission and receipt of a favorable report from the Criminal History Systems Board.** The vote was 5-0-0.

Liaison Reports: (00:40:14)

Mr. Fuller reviewed a recent meeting of the Planning Board at which, the Planning Board completed their proposed Zoning Amendments for the Annual Town Meeting Warrant.

Mr. Dunford reported on a recent meeting of the National Seashore Advisory Committee and asked that an update from the representative be placed on a future agenda.

6:45 PM Public Hearing - Zia Pizzeria - New Seasonal Wine & Malt Beverages Common Victualler License: (00:42:10)

Chairman McGrath read the notice for the public hearing as published in the Cape Codder and called the public hearing to order at 6:45 PM.

Brian Kavanaugh, a resident of Orleans spoke to the Board in favor of the application.

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

Chairman McGrath read a letter into the record in from abutters (Maloney) in favor of the application.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to approve the application for a new Seasonal Wine and Malt Beverages Common Victualler Liquor License for Kalen Inc., d/b/a Zia Pizzeria & Cafe, Caren Chybik Morse, owner/manager, located at 210 Main Street, Orleans, MA, subject to all local and state permits, licenses and approvals, laws and bylaws, and in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority adopted December 21, 1994, amended August 9, 1995, February 10, 2010 and April 29, 2010 and MGL Chapter 138. Said license to be issued after approval from the Alcoholic Beverage Control Commission is received and expiring on November 30, 2014.** The vote was 5-0-0.

6:50 PM Main Street Wine and Gourmet - Annual All Alcoholic Beverages Package Goods Store License: (00:52:10)

Chairman McGrath read the legal notice as published in the Cape Codder and called the hearing to order at 6:52 PM.

The Board reviewed the special act of legislation that allowed this license to be issued.

Heather Tartar, owner/manager of Main Street Wine and Gourmet spoke to the Board and asked that they act favorably on the application.

Mr. Dunford asked when the establishment would hope that approval would be within the next 8 weeks.

No public comment was offered and no correspondence had been received.

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

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to approve the application for a new New Annual All Alcoholic Beverages Package Goods Store Liquor License for Main Street Wine and Gourmet LLC, d/b/a Main Street Wine and Gourmet, Heather Tarter, owner/manager, located at 42 Main Street, Orleans, MA, subject to all local and state permits, licenses and approvals, laws and bylaws, and in accordance with the Town of Orleans Rules and Regulations of the Liquor Licensing Authority adopted December 21, 1994, amended August 9, 1995, February 10, 2010 and April 29, 2010 and MGL Chapter 138. Said license to be issued after approval from the Alcoholic Beverage Control Commission is received and expiring on November 30, 2014.** The vote was 5-0-0.

7:00 PM FY15 Budget Review - Joint Meeting with Finance Committee to review Nauset Regional Schools and Orleans Elementary School budgets: (01:00:15)

The following members of the Finance Committee joined the meeting Chairwoman Gwen Holden Kelly, Vice-Chair Dale Fuller, Paul Rooker, William Weil, Joshua Larson, Mark E. Carron and Ralph Cuomo.

Chairwoman Gwen Holden Kelly called the meeting to order at 7:00 PM.

Nauset Regional School Superintendent Richard Hoffman presented the Board with information on the Orleans Elementary School budget.

Dr. Hoffman stated that it is expected that OES enrollment will rise and that it is difficult for the schools to budget for mandated Special Education costs.

Orleans Elementary School Principal, Diane Carreiro presented the Board with more detailed information on the proposed budget for FY15.

Mr. Hodgson asked if the District Administration was aware of the anticipated increase in electrical costs, Giovanni Venditti, stated that she was not aware. Mr. Hodgson asked for clarification on the status of the heating system. Ms. Carriero stated that the until ventilator’s are unreliable and need to be repaired or replaced.

Mr. Dunford asked for clarification on the increased cost for moving Pre-K to Eastham. Ms. Carrierro stated that this was a district decision and that Eastham had been paying the bill for the past 15 years. Mr. Dunford suggested that the OES use a similar form that the region uses to track the revenues, expenditures and the net impacts.

Finance Committee Chair thanked the Ms. Carreiro for the information. Joshua Larson asked for clarification on the “Reserved for Negotiations” line item. Dr. Hoffman stated that the funds in that line item are for contract negotiations which will take place this year.

Mr. Kelly stated that one the budget is appropriated, it falls under the control of the School Committee and can be spent on whatever they feel appropriate.

Josh Stewart Chair of the OES Committee, spoke to the Board and explained the Committee’s reasoning for the prioritization of the Capital Items.

Eric Ehnstrom, OES School COmmittee, stated that the Committee would prefer their version of the Capital Plan as it was decided to be the best way to proceed.

Josh Larson asked if the security improvements were in the Capital Plan. Mr. Kelly replied that that funding had already been appropriated and the funds are already available.

Ms. Kelly stated that she would like to re-inforce Mr. Dunford’s cautions about using one time funding sources for long term budget items.

Mr. Dunford asked that the Committee have discussion on any potential changes in the budget line items that may occur. Ms. Carriero asked that the Board reconsider their decision to remove the $20,000 in Technology funding from the Capital Plan.

Nauset Regional Schools Superintendent Richard Hoffman presented the Board with information on the Regions budget for FY15.

Mr. Dunford thanked the Regional School Committee for the streamlining of the budget process. He asked if there was anyway that the Region would consider changing the assessment formula to use some kind of 3 or 5 year average in order to avoid the significant surprise shift in enrollment.

Josh Larson stated that the income statement based approach was very helpful and asked if it was reasonable to think that the Provincetown Tuition enrollment number would remain stable.

Mr. D. Fuller asked for clarification on the circuit breaker and choice funds which appear to be reserve amounts. He asked that the reserve fund balances be provided to the Board’s.

Mr. Carron asked how the capital funding will be spread out for the upcoming year. Dr. Hoffman replied that the School Committee is basing their recommendations of the Habeeb study, but has engaged the services of an architect to help prioritize the items.

Review and approve final draft of Nauset Beach HCP for State and Federal ORV permit applications: (02:35:12)

Selectman John Hodgson, the Board’s representative member of the Beach Access Task Force, presented the Board with the draft HCP for the State and Federal Conservation permit which would allow limited ORV access to Nauset Beach during protected species nesting and breeding times.

Mr. Hodgson recommended that the Board vote to support and submit the application and plan and consider funding for the plan.

Mr. Fuller thanked Mr. Hodgson and stated that he supports the principle but feels that the cost of implementation is problematic. Mr. Dunford concurred with Mr. Fuller’s commendation of the document and efforts made by Mr. Hodgson and the Task Force, but also cautioned that the expense will need to be discussed.

Mr. McClennen stated that he appreciates the efforts made and feels that this is a key issue that needs to be placed before the taxpayers. He also urged the Board to forward the document to the Town of Chatham for their support in order to be in compliance with the IMA for the management of the Beach. Mr. McClennen stated that he also felt it would be important to discuss the management of the traffic going on and off the beach in shifts.

Mr. Hodgson clarified that staff will have the ultimate day-to-day decision of whether to go forward or not, and also that the Town can opt out of the plan at anytime.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to move the application and plan to the state and feds on March 5, 2014 as soon as possible.** The vote was 5-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to direct the Town Administrator to send a letter to the Chatham Board of Selectmen requesting a monetary contribution to defray the cost of the implementation of the HCP.** The vote was 5-0-0.

Mr. Fuller felt the Board should consider establishing a mitigation fund should there be a violation and a fee or surcharge on stickers to defray costs.

Mr. Dunford suggested looking toward for grant money or one time revenues.

Mr. McClennen asked if a breakdown of sticker category revenue be provided in their next packet.

Town Meeting warrant Article Review: (03:11:11)

The Board reviewed the warrant articles received to date and discussed the articles needing further information. Mr. Ford is beginning to draft the articles.

Mr. McClennen asked that an additional warrant article be drafted to authorize the Board of Selectmen to engage the County or outside sources to test a PRB at some location in town.

Adjourn:

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

The meeting adjourned at 10:07 PM.

Respectfully submitted,

Kristen Holbrook

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 Jon R. Fuller, Clerk