**BOARD OF SELECTMEN**

**MEETING MINUTES**

March 11, 2014

Approved on May 7, 2014

A meeting of the Orlean Board of Selectmen was held on Tuesday, March 11, 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, Selectman Alan McClennen Jr., Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

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

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to enter into executive session for the purpose of discussing strategy with respect to litigation and to consider the purchase, exchange, lease or value of real property and that the Chair declare that an open meeting may have a detrimental impact on the litigating and/or negotiating position of the body, and to reconvene in open session.** The vote was 5-0-0 with; Mr. Mr. Dunford, Mr. Fuller, Mr. McGrath, Mr. Hodgson and Mr. McClennen all voting aye.

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

Meet with Town Counsel Michael Ford in Open Session: (00:00:15)

Chairman McGrath called the open session back to order at 5:14 PM.

Mr. Kelly stated that the Planning Board would hear the matter on March 25, 2014.

**On a motion by Mr. McClennen, seconded by Mr. Fuller, to refer the layout of Aspinet Road to the Planning Board for consideration.** The vote was 5-0-0.

The Board discussed the proposed five year license agreement for the use of Aspinet Road. Mr. Dunford stated that he felt it would be useful to direct Town Counsel and the Town Administrator to reach out to abutters. Mr. Hodgson concurred.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to direct Town Counsel and the Town Administrator to reach out to counsel for the abutters of Aspinet Road for discussion and possible negotiations of a license agreement for the use of the road, and report back to the Board.** The vote was 5-0-0.

The Board discussed a communication from C. Whiting Rice, a Nauset Beach camp owner regarding a proposed amendment to the Nauset Beach Camp user agreement.

C. Whiting Rice, presented the Board with information on his request for amendments to the Camp owner license agreement.

Mr. Dunford asked what taxes are paid on the camps, if the town is the owner of both the property and the structures. Mr. Ford noted that there is a provision in MGL for users of public property to be assessed as if they were owners of the property.

Mr. Dunford asked if Town Counsel could address the four issues for the Board and offer an opinion on each.

Request #1:

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted, subject to review by Town Counsel, to increase the number of stickers for Camp owners by 1, limited to an immediate family member, this does not set a precedent and will not be considered a prior practice. All future requests of this nature will be reviewed on a case by case basis.** The vote was 5-0-0.

Mr. Rice offered to withdraw his request, as the Natural Resources Director had stated a willingness to allow for such circumstances.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to direct staff to post appropriate signage that the Beach Camps are private property.** The vote was 5-0-0.

The Board discussed the letter received from the Town of Eastham which was received just prior to the meeting.

Mr. Fuller stated that an application to the Eastham Conservation Commission is a significant requirement.

Mr. Ford stated that he agreed that it would need an application. Mr. McClennen stated that having been notified by Eastham that the bylaw is in effect, he felt it would be appropriate to notify the ORV sticker holder that they should not drive past the line. Mr. Hodgson concurred and also recommended the posting of a notice on the beach as well.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to direct Town staff to make appropriate notifications to ORV sticker holders and post a sign indicating that driving on the Beach in the Town of Eastham is prohibited per their town bylaws.** The vote was 5-0-0.

Tom Daley stated that he did not feel it was incumbent upon the Town of Orleans to decide where to place a sign and felt that a professional land surveyor would be needed. Mr. Farber stated that he felt the burden of surveying, posting and enforcing the bylaw would fall to the Town of Eastham.

Mr. Ford stated that the ConsCom order of conditions only authorizes activity within the Town of Orleans. He felt that there is some obligation on the part of Orleans. Mr. Dunford stated that he would be more comfortable see Orleans post the sign and that he did not want to expose the resident to being fined.

Mr. Fuller offered a friendly request to send the two BOS chairs out to decide where the line is. Mr. Daley recommended a professional surveyor to make the decision

The Board reviewed a request for a letter of support for the state Cooperative Endangered Species Fund program.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to authorize the Chair to sign and execute the the letter of support for the Cooperative Endangered Species Fund grant program.** The vote was 5-0-0.

Natural Resources Manager Dawson Farber spoke to the Board regarding the uncertainty of the upcoming beach season and the HCP. Mr. Dunford asked if Mr. Farber was anticipating any additional issues or if any additional resources were needed. Mr. Farber stated that he did not have an answer for the Board at this time.

Adjourn: (01:47:15)

**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 7:02 PM.

Respectfully submitted,

Kristen Holbrook

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 Jon R. Fuller, Clerk