**BOARD OF SELECTMEN**

**MEETING MINUTES**

April 2, 2014

Approved on May 7, 2014

A meeting of the Orleans Board of Selectmen was held on Wednesday, April 2, 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 6:30 PM.

Public Comment: (00:00:15)

John Nichols, a resident of Orleans, spoke to the Board regarding the petition article for the Police Department’s use of taser guns. Mr. Nichols stated that it is imperative for the Board of Selectmen to have oversight over the use of potential deadly force.

Courtney Gavin, a resident of Orleans, spoke to the Board regarding the CWMP.

Committee Reappointment: (00:05:25)

The Board considered the reappointment of Len Short as the Town of Orleans representative for the Cape Cod Commission.

Len Short stated that he feels it is a critical time for the Cape Cod Commission and that he would like to continue to participate.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to reappoint Len Short as Town of Orleans representative to the Cape Cod Commission with a term ending April 24, 2017.**  The vote was 5-0-0.

Meet with Cape Cod Commission Executive Director, Paul Niedzwiecki - update on CCC and Section 208: (00:06:27)

Cape Cod Commission Executive Director Paul Niedzwiecki gave the Board a presentation on the ongoing 208 plan update.

Mr. Dunford stated that he felt the Commission had done an admirable job in managing the 208 process. He also asked for clarification on the permitting for some of the alternative technologies.

Mr. Niedzwiecki stated that the Town of Falmouth had been working through the process.

Mr. Dunford also asked for clarification on the amendments to the approved CWMP. Mr. Niedzwiecki noted that the Commission had worked with the Town of Falmouth to expedite the process. He offered that the Commission would be as helpful as possible for making adjustments to the plan if necessary. Mr. Dunford stated that the stakeholder group discussions for the 208 process have been informative and productive. He asked if the Commission could facilitate the Town of Orleans stakeholder group. Mr. Niedzwiecki stated that the Commission will offer whatever resources needed.

Mr. Hodgson thanked Mr. Niedzwiecki for the Commission’s efforts in the 208 plan and the regional watershed management.

Mr. McClennen stated that the Commission’s 208 process has contributed to the Town of Orleans by answering questions that were needed prior to attempting to pass a plan through ATM.

Mr. Hodgson asked if there was any Commission funding available for the stakeholder group. Mr. Niedzwiecki stated that he would check and get back to the Board.

Mr. McGrath thanked Mr. Niedzwiecki and his staff for their efforts. Mr. Niedzwiecki thanked the Board and the Town of Orleans for their leadership and support through the process.

Seasonal Common Victualler Licenses: (00:52:00)

The Board reviewed applications for seasonal renewals of Common Victualler licenses for Captain Cass and and Mandy’s Cape Creamery.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to approve the renewal applications for 2014 Seasonal Common Victualler, as listed above subject to all permits, licenses and approvals and in accordance with all local, state and federal rules, regulations, bylaws and laws. Said licenses to expire on November 30*,* 2014.** The vote was 5-0-0 .

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to approve the Seasonal Common Victualler License for Rock Harbor Seafoods LLC., d/b/a Orleans Seafoods, Christopher King & John White, managers, located at 18 Old Colony Way. Said license to expire on November 30, 2014 and is issued subject to all permits, bylaws, approvals and licenses in the Town of Orleans.** The vote was 5-0-0.

Meet with Fire Chief: (00:55:28)

Fire Chief William Quinn presented the Board with information on the impact that the proposed new staff members would have on ambulance response times.

Mr. Dunford asked to see the detailed reports on timing and reliability data for the Fire Department. Chief Quinn noted that the data had been presented in the Mark Morse report and that he would return to the Board with the information at the next meeting.

Mr. Fuller stated that he felt the public safety service was more important than the statistics. He felt it would be more important to allow the citizens to make their own determination.

Mr. Dunford asked if there was excess levy capacity. Mr. Kelly replied that it was not enough to preclude the general override.

Review Nomination for Citizen of the Year award: (01:17:46)

Mr. Kelly noted that a second ballot will be necessary as there appears to be a two-way tie for the award.

Vote to Approve FY15 Budget: (01:20:15)

Finance Director David Withrow presented the Board with the update and revised budget information.

Mr. Dunford asked for clarification on the tax rate if the warrant article for the new FireFighter/EMT were to be taken out of the budget. Mr. Hodgson asked what the forecast was for revenues. Mr. Withrow explained that he did not anticipate a large increase in revenues.

Mr. Dunford asked for clarification on the bonding for ambulance replacement as well as the decision to bond the purchase of an ambulance.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller,the Board voted to place and recommend approval of the FY15 budget in the amount of $30,476,464.** The vote was 5-0-0.

Vote to Approve FY16-FY20 CIP Review: (01:45:27)

Mr. Kelly updated the Board with the revised Capital Improvement Plan. Mr. McClennen noted that the Board needs to have the information on Namskaket Marsh before moving forward. He asked that the Board defer their decision on the CIP until the consultant had a chance to update the Board.

Mr. Dunford stated that he did not feel an sense of immediacy as Namskaket Marsh is separate issue from the Tri-Town facility.

Mr. Fuller stated that he did not recall the Board taking a vote to preclude discharge into Namskaket Marsh. Mr. Dunford acknowledged that no vote had been taken. Mr. McGrath stated that there would be information required whether or not there is discharge into Namskaket Marsh.

Mr. Dunford asked that an agenda item be placed on an extreme near term agenda for the Board to discuss discharge into Namskaket Marsh.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to approve the draft CIP FY16-FY20 as presented.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted recommend approval of the CIP for FY16-FY20.** The vote was 5-0-0.

Vote on Remaining ATM and STM Warrant Article Recommendations: (02:10:22)

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to place the Town Meeting Warrant Article for funding of Rock Harbor Maintenance Dredging.** The vote was 5-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to place and recommend approval of the Town Meeting Warrant Article “to adopt MGL Ch 44 Section 53 ½ - Revolving Accounts.”** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to place and recommend approval of the Town Meeting Warrant Article for the establishment of a Motor Vehicle & Equipment Stabilization Fund.** The vote was 5-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to place the Town Meeting Warrant Article “to Fund the Nauset Regional Middle School Roof MSBA,” with a recommendation to be made at Town Meeting.** The vote was 5-0-0.

The Board discussed asking the regional school district to fund the repairs out of the current budget as each town funds a capital repair line item each year as part of the regional assessment, and those funds have not historically been used.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to direct the Town Administrator to approach the Brewster Town Administrator to indicate Orleans’ thoughts and ask Brewster BOS to initiate communications between the 4 region towns regarding the issues.** The vote was 5-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the Town Meeting Warrant Article “to Fund Cultural Council Grants.”** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to place the Town Meeting Warrant Article to Fund 2 additional Firefighters with a recommendation to be made at town meeting.** The vote was 4-0-1; Mr. Dunford abstained from the vote.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to place and recommend approval of the Town Meeting Warrant Article “to Amend General Bylaw Ch. 40, Personnel Bylaw.”** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to place the Town Meeting Warrant Article for the layout of Aspinet Road with a recommendation to be made at Town Meeting.** The vote was 5-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to allow no discharge into Namskaket Marsh in relation to the CWRMP, with the exception of storm drainage.** The vote was 3-0-2; Mr. McGrath and Mr. Fuller abstained.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to place the Town Meeting Warrant Article for CWRMP.** The vote was 5-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to recommend approval of of the CWRMP Warrant Article.** The vote was 5-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to recommend approval of the Citizen’s Petition Warrant Article for withdrawal from the Cape Cod Commission.** The vote was 0-5-0.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to recommend approval of the the Citizen’s Tri-Town Petition warrant article.** The vote was 0-5-0.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to make their recommendation on the Citizen’s Petition Warrant Article for the Police Department’s Use of Tasers at Town Meeting.** The vote was 5-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to recommend approval of the free cash article.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to place and recommend approval of the Transfer Article.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to place and recommend the Town Meeting Article for Water Department Capital Projects.** The vote was 5-0-0.

Vote on Ballot Questions (debt exclusions, capital exclusions or override:): (02:50:14)

The Board reviewed the list of required ballot questions.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to place the require ballot question for debt exclusion and general override dated as presented in the memo dated 4/2/14.** The vote was 5-0-0.

Town Administrator’s Report: (03:04:45)

Mr. Kelly updated the Board with the retirement of the Assistant Town Accountant.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, to authorize the Town Administrator to begin the hiring process for a new Assistant Town Accountant.**  The vote was 5-0-0.

Mr. Kelly provided the Board with a copy of the Assistant Town Administrator’s quarterly update.

Liaison Reports: (03:16:40)

Mr. Dunford updated the Board on a recent meeting of the Conservation Commission.

Mr. Fuller reported on recent meetings of the Planning Board and the Renewable Energy Committee.

Any Other Items for Future Agendas: (03:21:10)

Mr. McClennen asked that the Board direct the TA to request Planning Board report on Planning progress for Orleans Center.

Mr. Dunford asked that a future discussion take place on forming the stakeholder groups and update on Tri-Town safety issues.

**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 10:02 PM.

Respectfully submitted,

Kristen Holbrook

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Jon R. Fuller, Clerk