**BOARD OF SELECTMEN**

**MEETING MINUTES**

April 16, 2014

Approved on May 7, 2014

A meeting of the Orleans Board of Selectmen was held on Wednesday, April 15, 2014, in the Nauset Room of the Town Hall. Present were Chairman Sims McGrath Jr., Vice-Chairman David Dunford, Selectmen Alan McClennen Jr. and Town Administrator John Kelly.

Clerk Jon R. Fuller arrived late (5:58 PM) and Selectmen John Hodgson was not present for the meeting.

Chairman McGrath called the meeting to order at 5:55 PM.

Interview Fire Chief Candidates: (00:00:15)

The Board met with and interviewed Captain Robert Felt regarding his interest in becoming the Town of Orleans Fire Chief. Captain Felt gave the Board a brief overview of his management style and his career accomplishments within the Department.

Mr. Dunford asked for clarification on Captain Felt’s management style. Captain Felt stated that he believes in leading from the front by being willing to put in the hours needed to perform the job.

Mr. Fuller asked Captain Felt how he would deal with the change from a member of the rank and file to a department manager. Captain Felt stated that, serving as the Town’s Fire Inspector has given him some of the experience needed as the position requires some distance from the other department members.

Mr. Dunford asked how Captain Felt would evaluate the need for additional firefighters. Captain Felt stated that he would evaluate the overtime and that he would consider whether the department is using its current staff more than what is considered reasonable.

The Board met with Deputy Fire Chief Anthony Pike regarding his interest in becoming the Town of Orleans Fire Chief.

Mr. Dunford asked Deputy Chief Pike to give a description of his management style. Deputy Chief Pike stated that he feels that he uses a value based management style allowing his staff autonomy. Mr. Fuller asked how the Deputy Chief would handle the position, having once been a union member. Deputy Chief Pike stated that his five-years as Deputy would allow for a smooth transition.

The Board decided, on general consensus, that they would defer their decision until the May 7, 2014 meeting when all Board members are present.

Public Hearing on proposed layout of Aspinet Road: (01:02:14)

Chairman McGrath read the legal notice as published in the Cape Codder and called the public hearing to order at 6:59 PM.

Town Administrator John Kelly gave the Board a brief overview of the purpose of the hearing, reviewed the timeline and presented the Board with the report and recommendation from the Planning Board’s public hearing and the road inspection report from the Highway Department Manager.

Chairman McGrath called for public comment on the proposal.

Attorney Michael O’Neill, representing a number of Aspinet Road abutters, spoke to the Board in opposition of the proposal and stated that the required documents necessary for the taking of a road have not been filed as required by law. Attorney O’Neill also asked that the Board consider the financial impact of the road taking.

Judy Trevison, a resident of Doane Road, stated that the voters of Orleans had voted in favor of the taking at the last Annual Town Meeting and asked that the Board follow through with the mandate.

No other public comment was offered.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to close the public hearing.** The vote was 4-0-0.

Mr. Dunford stated that he appreciates Attorney O’Neill’s comments, but that his opinion is that the Board is pursuing an appropriate course of action per Town Counsel. Mr. McClennen stated that the Board is following the outline of the steps required for the taking. Mr. Fuller noted that the Board had tried to postpone the article at the last Annual Town Meeting and the voters had not agreed.

Mr. Kelly recommended that the Board reaffirm their support for the article and recommend approval of the warrant article.

**On a motion by Mr. McClennen, and seconded by Mr. Dunford, the Board voted to reaffirm the presentation of, and recommend approval of the Annual Town Meeting Warrant Article for the layout of Aspinet Road and direct Town Counsel to prepare the necessary order of taking subject to receipt of a satisfactory appraisal report.** The vote was 4-0-0.

Public Comment: (01:18:20)

John Nichols, a resident of Orleans, spoke to the Board regarding the upcoming discussion with the Police Chief regarding the policy governing the Department’s use of tasers.

Sheila Bonnel, representing the Friend of Rock Harbor, announced that the annual Rock Harbor clean-up event will take place on Tuesday, April 22, 2014 at 10:00 AM.

Joseph Cardito, representing the Orleans Citizen’s Forum, announced the upcoming candidate’s night which will be held at the Orleans Council on Aging, April 29, 2014 at 6:30 PM. Mr. Cardito also announced a May 6, 2014 forum on beach access addressing endangered species management at 6:30 PM at Nauset Regional Middle School.

Committee Interviews and Appointments: (01:23:00)

Cape Cod National Seashore Advisory Commission- Alternate Member

The Board met with Raymond Castillo and Bob Summersgill regarding their interest in being the Town of Orleans alternate member to the Cape Cod National Seashore.

The Board discussed if it would be possible to have two alternate representatives. Mr. Kelly stated that he would inquire as to the possibility.

**On a motion by Mr. McClennen, and seconded by Mr. Dunford, the Board voted to seek counsel on the possibility of having two alternates to the Cape Cod National Seashore Advisory Commission.** The vote was 4-0-0.

Meet with Fire Chief- Quarterly Update: (01:34:10)

Fire Chief William Quinn presented the Board with his quarterly report.

Mr. Fuller offered Chief Quinn his condolences on the loss of his father.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to designate Town of Orleans Deputy Fire Chief Anthony Pike as the Emergency Management Director.** The vote was 4-0-0.

Chief Quinn thanked the Board for their cooperation and assistance during his tenure as Fire Chief, and offered his endorsement and support for the appointment of Deputy Chief Anthony Pike.

The Board thanked the Chief for his service and wished him well in his next endeavor.

Meet with Police Chief- Quarterly Update: (01:43:20)

Police Chief Scott MacDonald presented the Board with his quarterly report. Chief MacDonald recognized the personnel who had participated in the food drive.

Chief MacDonald updated the Board with information on the department’s policies and state regulations regarding the use of Electronic Control Weapons. Chief MacDonald noted that he is more than willing to discuss the policy with any interested citizen and that the documents are public record. Mr. Dunford thanked Chief MacDonald for his presentation and noted that while he was not willing to act as a volunteer for the demonstration, he was supportive of the policy. Chief MacDonald asked for the Board’s support in moving forward with the implementation of the use of tasers by the department.

John Nichols, asked the following questions:

* would the Chief support using tasers only in life threatening situations.
* would the Chief support having the policy state avoidance of the chest as a target area - The Chief felt that this issue is addressed within policy as the target area preferred is lower abdomen
* would the chief support gathering more information including the use of body cams. The Chief was supportive of this suggestion and stated that the cams are a useful tool and that it is part of the department’s strategic plan
* would the Chief support barb removal by EMTs. Chief MacDonald noted that this would be in conflict with EMT protocols
* will Chief support yellow tasers. The Chief was not supportive of the use of yellow tasers but did state that protocol dictates a taser announcement by an Officer, when the taser is unholstered.

Public Hearing on New Seasonal Wine and Malt Beverages Common Victualler Liquor License &

Seasonal Common Victualler License- The Whole Clam, LLC dba The Knack, located at 5 Rt. 6A: (02:11:35)

Attorney Singer, representing the applicant, spoke to the Board regarding the application. Mr. Singer asked that the Board act favorably on the application.

Mr. Fuller asked if the license would be pledged, asked why the applicant is applying prior to completing the building and expressed concern over the fact that the alcohol is proposed to be served outside.

Mr. Dunford noted that he felt he might have a conflict with the application and recused himself from the meeting.

Mr. Singer stated that the applicant has a plan to control the outside alcohol service. Mr. Singer also noted that there will be a fence enclosing the dining area and the entrance/exit will be monitored by employees. Mr. Fuller asked that the Board be provided with an architectural rendering of the proposed patio, prior to voting. Mr. Kelly noted that the description of licensed premise is the restriction for the service and offered to have the liquor licensing agent provide a list of establishments that have outside service. Mr. Fuller stated that he was more comfortable after hearing the Town Administrator’s explanation.

On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to close the public hearing. The vote was 3-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to approve the application for a new Seasonal Wine & Malt Beverages Common Victualler Liquor license and a Seasonal Common Victualler license for The Whole Clam, LLC dba The Knack, Van Haidas, Manager, located at 5 Route 6A, Orleans, subject to all local and state permits, licenses and approvals, laws and bylaws and in accordance with the Town of Orleans Rules & Regulations of the Liquor Licensing Authority adopted December 21, 1994, amended August 9, 1995, February 10, 2010 and April 29, 2010 and Massachusetts General Law 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 3-0-0.

Mr. Dunford returned to the meeting at 8:51 PM.

Annual Common Victualler License- 54 Main Orleans, Inc. dba Corner Store: (02:47:15)

Steven Deleonardis, manager of the restaurant spoke to the Board regarding the application and asked them to act favorably on his request.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to approve an Annual Common Victualler license for 54 Main Orleans, Inc. d/b/a Corner Store, Steven P. Deleonardis, Manager, located at 54 Main Street. 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 3-0-1; Mr. Fuller abstained from the vote.

Vote to sign and post Town Meeting and Election Warrants: (02:31:48)

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to sign and post the May 12, 2014 Annual Town Meeting Warrant, the May 12, 2014 Special Town Meeting Warrant and the May 20, 2014 Town Election Warrant.** The vote was 4-0-0.

Town Administrator's Report: 02:33:28)

a. Vote to sign revised Habitat Regulatory Agreement for the 6th affordable Home

The Board reviewed the amendment to the Habitat Regulatory Agreement to allow for a 6th affordable home. Habitat for Humanity permitting coordinator Leedara Zola updated the Board on the progress of the project.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to accept the draft amendment to the Habitat for Humanity Regulatory Agreement as presented.** The vote was 4-0-0.

Discussion on formation of stakeholders group for next steps in CWRMP process: (02:50:00)

Chairman McGrath asked for the Board’s thoughts on holding the discussion without a full complement of members. Mr. Dunford stated that he felt it was important to hold the discussion as it is of a time sensitive nature. Mr. McClennen stated that he felt that the Board should support using the stakeholder groups set up to by the Cape Cod Commission as well as using the facilitators from Consensus Building Institute. Mr. Fuller concurred with Mr. Dunford and Mr. McClennen but asked that a list of the stakeholder names be provided as he is unfamiliar with the county’s list.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to direct Mike Domenica to return to the Board with a specific recommendation on the next steps and necessary timeline, and to allow and authorize Mr. Domenica to communicate with Mr. Niedzwiecki and the principal contact for CBI regarding the creation of the stakeholder group, and have a list of stakeholders from Orleans who have been involved in the 208 process for the May 7, 2014 meeting.** The vote was 4-0-0.

Mr. McGrath asked that the Board consider sending a formal letter to the Cape Cod Commission regarding the Commission’s offer of assistance with the stakeholder group.

Town Administrator’s Report (cont’d): (03:08:44)

b. Arbor Day Proclamation

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to sign the Arbor Day proclamation. 4-0-0.**

c. Update on Tri-Town Septage Treatment Plant priority repairs

The Board reviewed an update on the priority repairs for the Tri-Town facility.

d. Update on RFQ #1 Consultant Selection and Revised RFQ #2 Task and Budget Summary

Approval of Minutes: (03:30:55)

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to accept the minutes of the December 18, 2013 meeting as presented.** The vote was 3-0-1; Mr. Dunford abstained from the vote.

**On a motion by Mr. Dunford, and seconded by Mr. McClennen, the Board voted to accept the minutes of the January 8, 2014 meeting as presented.** The vote was 4-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to accept the minutes of the January 15, 2014 meeting as amended.** The vote was 4-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to accept the minutes of the February 4, 2014 meeting as amended.** The vote was 4-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to accept the minutes of the February 5, 2014 meeting as amended.** The vote was 4-0-0.

**On a motion by and seconded by the Board voted to accept the minutes of the February 19, 2014 meeting as amended .** The vote was 3-0-1; Mr. Dunford abstained from the vote.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to accept the Finance Committee’s minutes of the February 20, 2014 meeting as their own, as presented.** The vote was 4-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to accept the minutes of the Finance Committee’s February 26, 2014 meeting as their own as presented.** The vote was 4-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to accept the minutes of the March 4, 2014 meeting as amended.** The vote was 4-0-0.

**March 11, 2014 minutes were held over for a correction.**

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to accept the minutes of the March 12, 2014 meeting as presented.** The vote was 4-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to accept the minutes of the March 17, 2014 meeting as amended.** The vote was 4-0-0.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to accept the minutes of the March 19, 2014 meeting as presented.** The vote was 3-0-1; Mr. McGrath abstained from the vote.

**On a motion by Mr. Dunford, and seconded by Mr. Fuller, the Board voted to accept the minutes of the March 31, 2014 Executive Session meeting as presented.** The vote was 4-0-0.

Any Other Items for Future Agendas: (03:45:55)

The Board discussed their concerns regarding the revisions to the HCP that had come to light during the joint meeting with the Town of Chatham. The Board decided that they would continue the discussion at the April 21, 2014 meeting.

Mr. Dunford asked if the Board would be completing and discussing the evaluations at the next meeting. Mr. Fuller asked for a discussion on changing the evaluation form. Mr. Kelly suggested that the Board not change the evaluation form in the middle of the process. Mr. McGrath concurred.

Mr. Dunford asked that the Chair assign the articles for the Annual Town Meeting as soon as possible.

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to adjourn.** The vote was 4-0-0.

The meeting adjourned at 9:33 PM.

Respectfully submitted,

Kristen Holbrook

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Jon R. Fuller, Clerk