**BOARD OF SELECTMEN**

**MEETING MINUTES**

May 21, 2014

Approved on June 18, 2014

A meeting of the Orleans Board of Selectmen was held on Wednesday, May 21, 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 announced the passing of Lee Manillo an employee of the Barnstable County Health Department, and extended sympathies to her family and friends.

Public Comment: (00:00:00)

Anne Carron, a resident of Orleans, spoke to the Board regarding a recent meeting of the Board of Health. Ms. Carron stated that she took exception with the behavior of two members of the Board of Health.

Steve Bornemeier, representing the Orleans Community Partnership regarding the support of the It’s All In Orleans event. Mr. Bornemeier thanked the Board for their support and invited them to attend a public meeting to explore the next steps in the Firehouse proposal. He suggested a late afternoon meeting of the Board on Tuesday May 27th at the Orleans Firehouse.

Mr. McClennen urged the Board to post a meeting as soon as possible. Mr. Dunford asked if the content qualifies as a meeting of the Board. Mr. Bornemeier clarified that this would be a presentation to the Board of Selectmen. Mr. Dunford asked if the meeting would be recorded for transparency purposes.

Katherine Hertz, Chair of Art from Orleans Senior Center announced Splash Spring Art Show on Friday June 5th from 3-5 PM and stated that the showing will run through September 25th.

Ingrid Moyer and Jane Pino, members of the Orleans 4th of July Committee, spoke to the Board to request assistance from the residents of Orleans for new committee members and volunteers for the Fireworks and Parade events.

John Sargent, a resident of Crystal Lake Drive, spoke to the Board regarding the closure of the Eastham portion of the beach. Mr. Sargent expressed displeasure with the way the Board and Town Counsel has handled the situation. A brief discussion with the Board took place regarding the actions the Board has taken to resolve the situation.

Annual Reorganization: (00:09:14)

Chairman McGrath called for nominations for Chairman of the Board of Selectmen

Mr. Fuller nominated Mr. Dunford to serve as Chairman. No other nominations were offered.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to close nominations for Chairman of the Board of Selectmen.** The vote was 5-0-0.

**An all in favor vote resulted in unanimous approval of Mr. Dunford for Chairman of the Board of Selectmen.**

Chairman Dunford called for nominations for Vice-Chairman of the Board of Selectmen

Mr. McClennen nominated Mr. Fuller to serve as Vice-Chairman of the Board of Selectmen.

**On a motion by Mr. Hodgson, and seconded by Mr. McGrath, the Board voted to close nominations for Vice-Chairman of the Board of Selectmen.** The vote was 5-0-0.

**An all in favor vote resulted in unanimous approval of Mr. Fuller for Vice-Chairman of the Board of Selectmen.**

Mr. Fuller nominated Mr. McGrath to serve as Clerk of the Board of Selectmen.

**On a motion by Mr. Hodgson, and seconded by Mr. Fuller, the Board voted to close the nominations for Clerk of the Board of Selectmen.** The vote was 5-0-0.

**An all in favor vote resulted in unanimous approval of Mr. McGrath for Clerk of the Board of Selectmen.**

Mr. McClennen nominated Mr. Hodgson to serve as Chairman of the Park Commissioners.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to close nominations for Park Commission Chair.** The vote was 5-0-0.

**An all in favor vote resulted in unanimous approval of Mr. Hodgson for Chairman of the Park Commissioners.**

Mr. McGrath nominated Mr. McClennen to serve as Community Preservation Committee representative.

**On a motion by Mr. Hodgson, and seconded by Mr. Fuller, the Board voted to close nominations for Community Preservation Committee Representative.** The vote was 5-0-0.

**An all in favor vote resulted in unanimous approval of Mr. McClennen for Representative to the Community Preservation Committee.**

**On a motion by Mr. McGrath, and seconded by Mr. McClennen the Board voted to designate Town Administrator John Kelly as the Board’s representative to the Tri-Town Board of Managers.** The vote was 5-0-0.

6:45 PM Public Hearing - Amend Weekday and New Sunday Entertainment License - Orleans Bowling Center In. (live band) located at 191 Route 6A: (00:12:55)

Chairman Dunford read the notice for the public hearing as published in the Cape Codder and called the public hearing to order at 7:00 PM.

David Currier, owner of Orleans Bowling Center, informed the Board that he had withdrawn his Zoning Board of Appeals application and resubmitted for hearing date of June 18, 2014. Mr. Kelly stated that he would recommend continuing the hearing.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to continue the Public Hearing on the application of Orleans Bowling Center Inc., Dave Currier, Manager, located at 191 Route 6A to amend their current Weekday and add a new Sunday Entertainment License for live entertainment Mondays through Sundays, 12 noon to 11:00 PM until June 18, 2014 at 8:00 PM.** The vote was 5-0-0.

6:50 PM Public Hearing - Alteration of premises - Hang Ten Inc., d/b/a Old Jailhouse Tavern: (00:16:32)

Chairman Dunford recused himself from the meeting at 7:10 PM.

Applicant Mark J. Powers spoke to the Board regarding the application and asked that the Board vote favorably on the request for an alteration of premises to allow seating on the 20’ x 40’ patio.

David Currier, spoke to the Board in favor of the application.

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

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to approve the application for an alteration of premises by changing the description of Hang Ten Inc., d/b/a Old Jailhouse Tavern, Mark J. Powers, manager, located at 28 West Road, Orleans, to read “one floor w/kitchen, w/egress, bar entry/exit; full basement w/ an addition to existing restaurant to include 2 function rooms & small bar; patio area; seating not to exceed 258 (143 Courthouse and 115 in restaurant); 20’ x 40’ outdoor patio”. Approval in 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 and will become final after approvals from the Alcoholic Beverage Control Commission is received.** The vote was 4-0-0.

Annual Hawker’s & Peddler’s License - Visioncraft Inc. d/b/a the Local Scoop: (00:21:15)

Chairman Dunford returned at 7:16 PM.

Mary DeBartolo, owner of the business presented the Board with information on her application and noted that she was withdrawing the request for sale at Captain Cass.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the applications of Vision Craft Inc. d/b/a The Local Scoop for two Annual Hawker’s & Peddler’s Licenses to operate two vending carts for the sale of frozen deserts, water, packaged snacks from Orleans General Store Inc. d/b/a Friend’s Marketplace, located at 57 Main Street and Snow’s Home and Garden, located at 22 Main Street, from May 22 - December 31, 2014 Saturdays through Sundays from 12:00 noon until 9:00 PM, subject to all approvals, bylaws, permits and licenses. Said license to expire on December 31, 2014.** The vote was 5-0-0.

Farmer Winery License to sell at Farmer’s Market - Truro Vineyards: (00:25:56)

The Board reviewed the application from Truro Vineyards for the sale of wine at the Orleans Farmer’s Market.

Craig Cesar, manager at Truro Vineyard’s asked that the Board vote favorably on the application.

**On a motion by Mr. McClennen, and seconded by Mr. McGrath, the Board voted to issue a Special License under Section 15F of MGL Chapter 138 to Truro Vineyards of Cape Cod LLC, d/b/a Truro Vineyards of Cape Cod, to sell wine at the Orleans Farmer’s Market on Saturdays only, May 22 - November 22, 2014 from 8:00 AM until 12:00 noon.** The vote was 5-0-0.

Meet with Tom Daley - Consider National Grid Applications to Extend Gas Mains: (00:56:07)

DPW Director Tom Daley, spoke to the Board regarding an application to extend gas mains in Nauset Heights and Fox Ridge Drive

Mr. Fuller asked if the Board could require National Grid to provide the GPS layout of the new extensions. Mr. Daley stated that he feels that the town needs to firm up the street opening permit application process. Mr. McGrath stated that while he understands the need for the GPS layout, he did not feel that this application would be the best venue to apply pressure for information on the already installed portions.

Todd Bunzick, Water Department Superintendent, stated that the town needs to improve the review process. Mr. Daley also noted that Mr. Bunzick had commented on the application and noted several conditions.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to approve the request of National Grid to install a gas main extension at 25 Nauset Heights Road subject to the conditions set forth by the Water Department Superintendent and Highway Department Manager and that a road opening permit be obtained from the Department of Public Works.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to approve the request of National Grid to install a 600’ gas main extension on Fox Ridge Road subject to conditions set forth by the Water Department Superintendent and Highway Department Manager; confirmation by the DPW that the final location of the main is satisfactory; that a street opening permit be obtained from the Department of Public Works and with the acknowledgement that the Water Department Superintendent is comfortable with the gas main being place directly over the water main if necessary.** The vote was 5-0-0.

Snow Library Septic System: (01:05:05)

Buildings Manager Ron Collins updated the Board on the Snow Library Septic System. failure and proposed replacement.

Mr. McGrath asked what the age of the septic system was. Mr. Collins indicated that the system had been installed prior to the 1995 Title v changes.

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Meet with Weston & Sampson - Draft Needs Assessment/Master Plan for new DPW & Natural Resources Maintenance Facilities: (01:20:17)

DPW Director Tom Daley presented the Board with information on the draft needs assessment for facilities.

Michael Hicks, representing Weston & Sampson, gave the Board a financial explanation of the vehicles storage indoors versus outdoors. Mr. Hicks stated that it would cost up to three times more, to store vehicles outdoors.

Mr. McGrath asked if the price comparison, did the other facilities have all of the same elements. Mr. Hicks replied that all of the other facilities have the same elements but in different proportions. Mr. McGrath suggested that a micro treatment system be incorporated into the design for a wash bay at the Giddiah Hill location.

He also asked for an estimate of the lifespan for the fabric salt shelter. Mr. Hicks stated about 15 years for tenting and longer for the structure. Mr. Fuller stated that the phased approach loses some value in lieu of cost increases over time and that it would be better to complete the project all at once. Mr. Hodgson asked if once completed all the staff would be in one place. Mr. Daley stated that all personnel would be in one location. Mr. McClennen stated that he had concerns over the re-use of the compost building for storage. He asked if it would be possible to place all of the facilities at Giddiah Hill. Mr. Daley stated that it can be done but would cost more. Mr. Dunford stated that he is concerned about the use of the compost building as it abuts a residential area and suggested that he would rather see a plan for everything at Giddiah Hill. Mr. McGrath asked how many employees will be housed in the new facility. Mr. Daley stated 40 and no anticipated change in staffing. Mr. Daley asked Mr. Hicks if it would possible to put more on one site. Mr. Hicks replied that it would be possible. Mr. Dunford suggested scheduling a tour of the facilities so that the Board could have a better understanding.

Town Meeting Discussion/Reflection: (02:33:59)

The Board reviewed the town meeting outcomes. Mr. Fuller stated that he felt the Moderator did a very good job, but suggested that the Board look into electronic balloting. Mr. Hodgson stated that the Board needed to look at bundling the housekeeping articles. Mr. McClennen concurred and suggested that the Charter Review Commission could look into changing the Annual Town Meeting format to allow for consent articles, waiving the readings of the motions and changing the order of the articles. He also noted that the Board has had 28 wastewater article over the last 10 years. Mr. McGrath stated that the reason for placing articles of interest later is to hold a quorum. He also noted that the Board had reviewed information on electronic voting and should continue to research if acquiring a system is a reasonable price. Mr. Dunford stated that the consent agenda and electronic balloting should be placed on a future discussion.

Mr. Kelly gave the Board a brief update on the three funding articles that passed the Town Meeting.

Performance Evaluation of the Town Administrator: (02:50:41)

Mr. McClennen stated that he felt the entire goal/evaluation process needs to be re-drafted. Mr. Hodgson stated that he concurs with Mr. McClennen’s suggestion and further stated that the Board should hold an executive session to discuss the matter.

Town Administrator’s Report: (03:02:00)

The Board reviewed a request from the Orleans Historical Society for the waiver of fees for a tent permit and ARC application.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board to waive the tent permit fee and ARC application fees for the Historical Society.** The vote was 5-0-0.

Mr. Kelly asked the Board to act favorably on the Assistant Town Administrator’s recommendation for the 2014 Sarah Brown Scholarship.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to award the 2014 Sarah Brown Scholarship to the recommended recipient in the amount of $2500.** The vote was 5-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to release the bond held from Epoch Modular Homes for extraordinary use of a Town Landing (Skaket Beach Parking Lot) in the amount of $2500.** The vote was 5-0-0.

The Board reviewed the Quarterly update for local receipts and a poster for the Annual Document Shredding Day at the Transfer Station.

Items for Future Agendas: (03:12:05)

The following items were discussed for future meetings/agendas:

* Invitation from the Orleans Community Partnership

The Board asked that the Town Administrator discuss the ability to record the meeting in the best interest of transparency.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to post a special meeting of the Orleans Board of Selectmen at 4:00 PM on May 27, 2014 at the Old Firehouse/Community Center.** The vote was 5-0-0.

* Request for volunteers for 4th of July Activities

Mr. McClennen stated that the Board should work to encourage Orleans residents to help with the 4th of July Activities.

* Future discussion of Board meeting guidelines and agenda policies

Mr. Hodgson suggested that the Board consider drafting guidelines for meeting length, and power point presentation.

* Stakeholder group

Mr. Hodgson asked when the next discussion on the stakeholder group would take place. Mr. Dunford asked that the Town Administrator provided a firm date by the next meeting.

* Beach Advisory Committee

Mr. Hodgson suggested the have a discussion on the creation of a beach advisory committee at a future meeting. Mr. McClennen stated that he felt a Park Commission meeting be scheduled as soon as possible. Mr. Fuller requested that the Board be provided with minutes and or notes from the Ad Hoc Beach committee for review. Mr. McGrath stated that it was time for the Board to review the HCP document in its entirety.

Approval of Minutes: (03:29:33)

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve the minutes of the April 14, 2014 Executive Session as presented.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to approve the minutes for the May 7, 2014 meeting as amended.** The vote was 5-0-0.

Mr. Dunford asked that the Town Administrator provide an update on the Eastham Bylaw and any communication from Eastham, to the Board as soon as possible. He also asked that the Board members provide their liaison assignment input to him prior to the next meeting.

Mr. McClennen suggested that the Board request input from the Shellfish & Waterways Advisory Committee regarding the new Vibrio regulations.

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

The meeting adjourned at 10:05 PM.

Respectfully submitted,

Kristen Holbrook

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Sims McGrath Jr., Clerk