**BOARD OF SELECTMEN**

**MEETING MINUTES**

June 4, 2014

Approved on August 6, 2014

A meeting of the Orleans Board of Selectmen was held on June 4, 2014 in the Nauset Room of the Town Hall. Present were Chairman David M. Dunford, Vice-Chairman Jon R. Fuller, Clerk Sims McGrath Jr., Selectman John Hodgson III, Selectman Alan McClennen Jr., Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairman Dunford called the meeting to order at 6:30 PM and reminded the Board and audience members of the Board’s Public Comment policy.

Public Comment: (00:02:11)

Bev Carney a resident of West Orleans, spoke to the Board regarding the interviews for contracting firms for Tri-Town.

John Sargent, spoke to the Board regarding the closing of the portion of Nauset Spit that is owned by Orleans, but located in the Town of Eastham. Mr. Sargent stated that there is no reason that citizens cannot continue to drive on that portion of the beach until such time as Orleans and Eastham can meet jointly regarding a resolution of the issue.

Town Administrator John Kelly clarified that the portion of the beach that Mr. Sargent was referring to is closed at this time due to nesting birds.

Chairman Dunford stated that all those interested in speaking to the Board of Health issue, should try to avoid repetition and be succinct. He also reminded the audience to keep the comments non-personal.

Dorris Toohill, read a letter into the record, expressing displeasure over the May 21, 2014 Board of Health meeting and the behavior of the Board of Health Chair and Vice-Chair.

Anne Carron, Arey’s Lane, spoke to the Board regarding the Board of Health meeting that took place on May 21, 2014.

Jim Dewitt, a resident of Chase Lane, spoke to the Board regarding the comments made by the Chair and Vice-Chair of the Board of Health at the Board of Health meeting held on May 21, 2014.

Paul Blakely a resident of Beach Plum Lane, spoke regarding the Board of Health. Mr. Blakely stated that he felt the Board of Health was a powerful regulatory Board and that their impartiality is now unclear.

Steve Simon, a resident of Beach Road, asked for a poll of the Board regarding their feelings over the issue.

Mr. Dunford stated that Mr. Simon would hear the individual Board members opinions under the agenda discussion item.

Paula Dadman, a resident of Orleans, spoke to the Board regarding the recall process for elected Board members.

Mark Carron, a resident of Arey’s Lane, read the transcript of the Board of Health meeting to ensure that Section 8 of the Charter for recall of elected officials was fulfilled.

Ken Radcliffe, a resident of Orleans, spoke to the Board regarding the May 21, 2014 Board of Health meeting. Mr. Radcliffe stated that he felt that the apologies offered to Mr. Currier were not sufficient and that he felt that resignations would be more appropriate.

Bob Sinclair a resident of Tonset Road, spoke to the Board regarding the Board of Health, Mr. Sinclair stated that he felt the Board of Health members motivations were based on an feeling of superiority over the junior member.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to take agenda item 12, “Discussion of Board of Health Meeting on May 21, 2014” out of order.** The vote was 5-0-0.

Discussion of Board of Health meeting on May 21, 2014: (00:10:51)

Mr. Dunford stated for the record, that the Board of Health is a separately elected Board and not under the direct management of the Board of Selectmen. Mr. Dunford read an opinion into the record from Town Counsel.

Mr. Fuller asked if it was appropriate for one member of a committee to call for another member to recuse himself. Mr. Kelly stated that no, it is not.

Mr. Kelly stated that the Board could condemn their actions and request their resignations, but could not require.

Mr. McGrath stated that he found the behavior deplorable and felt that the members should resign as it would be in the best interest of the Town. Mr. Hodgson stated that there has been an outcry over the behavior of the Board of Health members. He also called for the resignation of the members. Mr. McClennen stated that this is the first time in his public service career that he has experienced such a thing. He felt that the members should resign. Mr. Dunford also called for resignations.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen the Board voted to, in the strongest possible legal way, enjoin upon Vice Chair McKusick and Chairman Job Taylor submit their resignations.** The vote was 5-0-0.

Minutes: (00:57:49)

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to accept the minutes of the May 12, 2014 meeting as presented.** The vote was 5-0-0.

Committee Interviews, Appointments and Resignations: (00:58:55)

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, the Board voted to appoint Bob Summersgill, as the Town of Orleans Alternate Representative to the Cape Cod National Seashore Advisory Commission with a term ending date of June 30, 2015.**  The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to accept the resignation of Jon Holt from the Affordable Housing Committee with regret and gratitude.** The vote was 5-0-0.

The Board met with and interviewed resident Gil Merritt regarding his interest in serving on the Affordable Housing Committee.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to appoint Gil Merritt to the Affordable Housing Committee with a term ending date of June 30, 2016.** The vote was 5-0-0.

Annual Appointments and Designations: (01:05:37)

**On a motion by Mr. Hodgson, and seconded by Mr. Fuller, the Board voted to appoint the Orleans Police Personnel as listed on page 1 in the memo dated May 28, 2014 effective from July 1, 2014 through June 30, 2017.** The vote was 5-0-0.

**On a motion by Mr. Hodgson, and seconded by Mr. Fuller, the Board voted to appoint the Orleans Police Personnel as listed on page 2 of the memo dated May 28, 2014 through June 30, 2015.** The vote was 5-0-0.

**On a motion by Mr. Hodgson, and seconded by Mr. McClennen, the Board voted to appoint Paul Gerrin and Andi Williams as Town of Orleans Summer Special Police Officers effective June 23, 2014 through September 2, 2014.** The vote was 5-0-0.

**On a motion by Mr. Hodgson, and seconded by Mr. Fuller, the Board voted to appoint Gardner Jamieson and Gregory Normandy as Assistant Harbormaster/Deputy Shellfish Constables with term ending dates of June 30, 2017 and to appoint Carter Daignault and Kenneth Daignault at Assistant Harbormaster/Shellfish Constables with term ending dates of June 30, 2015.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to appoint Nate Sears as Orleans Shellfish Constable with a term ending date of June 30, 2015.** The vote was 5-0-0.

**On a motion by Mr. Hodgson, and seconded by Mr. McGrath, the Board voted to designate Building Commissioner Brian Harrison and Assistant Building Inspector Thomas Evers as Fence Viewers, pursuant to M.G.L Chapter 49 Section 1, with term ending dates of June 30, 2015.** The vote was 5-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to send a letter of thanks to long time Fence Viewer Dory Klimchuk, for his service to the Town.**  The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to designate Assistant Town Administrator Myra Suchenicz to temporarily assume the duties of the Town Administrator as required during FY15.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to designate the list of employees in the memo dated May 29, 2014 as having emergency responsibilities.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to designate Special Municipal Employees on the attached list dated June 4, 2014, and amended to include “Keeper of the Town Pump” as Special Municipal Employees pursuant to MGL Chapter 268A.** The vote was 5-0-0.

Review Liaison Assignments: (01:20:10)

The Board reviewed the update liaison assignments for the upcoming year.

Special One Day Liquor License - Nauset Farms Fundraising Event for Alzheimers: (01:31:14)

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve a Special One Day Liquor License for Nauset Farms LLC, d/b/a Nauset Farms to serve beer and wine beverages on June 21, 2014 from 4:00 PM - 9:00 PM at 235 Main Street. The licenses are issued subject to all licenses, bylaws, permits and approvals and in accordance with the MGL Chapter 138 Section 14.** The vote was 5-0-0.

Annual Hawker’s and Peddler’s License: (01:32:45)

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the application of Hernica D. Williams for a Hawker’s and Peddler’s license to sell packaged snacks, canned soda and bottled water from Stop & Shop property located at 10 Cranberry Cove Plaza on June 14th, July 26th & August 30th from 10:00 Am until 4:00 PM, subject to all approvals, bylaws, permits and licenses. Said license to expire on August 31, 2014.** The vote was 5-0-0.

Annual Common Victualler License Renewal - Sunbird Kitchen: (01:33:25)

Applicants Christian and J’aime Sparrow asked that the Board voted favorably on their application.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve an Annual Common Victualler license for Polyester Slacks Inc., d/b/a Sunbird Kitchen, J’aime Sparrow owner/manager located at 85 Route 6A. 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 5-0-0.

Seasonal Common Victualler License Renewals - Ardath’s at Skaket: (01:27:00)

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to approve a renewal application for the 2014 Common Victualler license for Minot S. Reynolds, to operate the concession stand at Skaket Beach Orleans, in accordance with the Contract with the Town and subject to all permits, licenses and local, state and federal rules, regulations, bylaws and laws.** The vote was5-0-0.

Update on CWRMP Projects, Timelines and Stakeholder’s Group: (01:28:18)

The Board discussed the progressing CWRMP tasks.

Mr. McGrath stated that he was a bit surprised by the cost of the services for CBI for the stakeholders group.

Mr. McClennen stated that he felt it would be important to include the list of conditions from the CWMP DRI into the objectives item B. Mr. Hodgson suggested that the name should be changed to incorporate the downtown revitalization into the name. Mr. Dunford felt that it would be important to mention the downtown revitalization as an objective. Mr. Hodgson also stated that he felt it would be important to list the documents not generated by the Town as well. Mr. Hodgson stated that he did not feel that the stakeholder group should include only Orleans stakeholders.

Mr. McClennen stated that the Board must develop a new website for the process and suggested a designated media liaison would be appropriate.

Town Administrator’s Report: (02:17:33)

The Board reviewed a notice of retirement from Water Department employee Richard Knowles.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to authorize the Town Administrator to fill the open position in the Water Department.** The vote was 5-0-0.

**On a motion by Mr. Hodgson, and seconded by Mr. McClennen, the Board voted to send a letter of thanks to Richard Knowles for his 35 years of service in the Town of Orleans Water Department.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to grant permission to National Grid for a 320’ gas main extension on Wippoorwill Lane, subject to comments attached by the Water Department Superintendent and receipt of the digital coordinates for the final location of the main.** The vote was 5-0-0.

The Board reviewed information on the recent upgrade of the Town of Orleans Bond rating.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to send a letter to Finance Director David Withrow and his staff to commend their efforts and achievement of the AAA bond rating**. The vote was 5-0-0.

Mr. Kelly announced that Greta Avery had been appointed as the Assistant Town Accountant.

Any Other Items for Future Agendas: (02:23:55)

Chairman Dunford reviewed the upcoming agenda items.

Meet in Executive Session to discuss strategy with respect to collective bargaining and to conduct strategy session in preparation for negotiations with non-union personnel: (02:36:20)

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to enter into executive session to discuss strategy with respect to collective bargaining and to conduct strategy session in preparation for negotiations with non-union personnel and that the Chair declare that an open meeting may have a detrimental effect on the bargaining positions of the body and to reconvene in open session solely for the purpose of adjournment.** The vote was 5-0-0; with Mr. McGrath, Mr. Fuller, Mr. Dunford, Mr. Hodgson and Mr. McClennen all voting aye.

Chairman Dunford declared that an open meeting would have a detrimental impact on the bargaining position of the body.

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

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 9:41 PM.

Respectfully submitted,

Kristen Holbrook

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Sims McGrath Jr., Clerk