DRAFT BOARD OF SELECTMEN

MEETING MINUTES

July 9, 2014

Approved on \_\_\_\_\_\_\_\_\_\_\_\_\_

A meeting of the Orleans Board of Selectmen was held on Wednesday, July 9, 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 Alan McClennen Jr., Selectman John Hodgson III, Town Administrator John Kelly and Recording Secretary Kristen Holbrook.

Chairman Dunford called the meeting to order at 6:30 PM.

Meet as Park Commissioners:

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to meet as Park Commissioners.** The vote was 5-0-0.

a. Eastham Board of Selectmen letter regarding Nauset Spit and possible joint meeting

Town Administrator John Kelly gave the Board an overview of correspondence from the Eastham Board of Selectmen regarding a joint meeting. Mr. Kelly explained that Eastham has offered to go forward with an Annual Town Meeting warrant article to allow vehicles to drive on the Beach located in Eastham, in exchange for allowing Eastham Residents use of the beach.

Mr. Fuller stated that a joint meeting should be held, but felt that the residents of Callanan’s Pass would be resistant to the additional traffic. He further stated that a discussion is needed.

Mr. Dunford concurred with Mr. Fuller, but felt that the Board needed confirmation on the impact of the Order of Conditions from the Conservation Commission and an opinion regarding rights to use Callanan’s Pass and Aspinet Road.

Mr. McGrath stated that raising the number of vehicles allowed on the Beach has been discussed in the past and is a non-starter. He also noted that it would require an order of conditions from the Eastham Conservations Commission.

Mr. McClennen asked for an update on the status of the appeal to DEP for the use of Inlet Road. He also noted that Eastham Residents can purchase beach stickers. Mr. Dunford suggested that the Board be prepared to request that Eastham be prepared to address the issue surrounding their Conservation Commission.

Mr. Hodgson stated that a meeting should be held and wondered whether Eastham is prepared to support some of the beach management financially. He also stated that he had heard conflicting accounts of deed restrictions for Callanan's Pass and Aspinet Rd.

Mr. Kelly suggested that the Board repost the discussion for the August work session meeting. Mr. Dunford asked that the Town Administrator communicate with Eastham as to the discussion. The Board discussed holding a joint meeting for the second meeting in September.

Mr. Hodgson asked for an update on the status of the enforcement of the no driving in Eastham. Mr. Kelly stated that Eastham has not communicated any enforcement plans to the Town.

Natural Resources Manager Nate Sears, asked the Board to direct him as to what action he and his staff should take when ORVs are found past the town line.

Mr. McGrath stated that the Board had previously voted not to replace the sign after it had been vandalized. Mr. McGrath asked if it would possibility to place a sign during operating hours and removing it at the end of the day. Mr. Sears stated that it is a possible solutions, but he could not guarantee the continued existence of the sign.

Mr. Dunford stated that Eastham needed to take responsibility at some point. He felt that a temp sign would be a viable option but that Orleans should not bear the sole burden.

Mr. Fuller suggested that the Town Administrator to request that Eastham address the sign issue and enforcement.

b. Status of Habitat Conservation Plan (HCP) for Nauset Beach SOuth

Park Commission Chairman John Hodgson stated that the state is ready to approve the submitted plan and are willing to give the town a 5 year implementation permit. He also noted that the Federal Government has stated that they will allow an alternate plan for accessing the beach. Scott Morris updated the Board on the changes to the escort plan portion of the HCP.

Mr. Dunford asked if the final submission would trigger another 6 month review.

Mr. Fuller stated that he is disappointed that there are no minutes on record for the committee. He felt it was unfortunate that there is no record.

Mr. Morris and Mr. Hodgson agreed that they would submit all noted and emails in lieu of minutes. Mr. McClennen asked when the site visit with Mr. Oettingen had taken place. Approximately first week of June.

Mr. Dunford asked what they outstanding issues are. Mr. Morris stated that the biggest risk is in the public comment period.

Town of Chatham Selectman Sean Summers stated that the statewide HCP is going to be very helpful and that the group had recently discovered that HCPs are done quite frequently in the western part of the country.

Mr. McClennen thanked Mr. Summers for his input and noted that the Board had previously decided to apply the HCP only to the south side of the beach. He wondered if the HCP could be amended to be applied to the Spit as well. He suggested that the Park Commissioners have a future discussion about the possibility.

Mr. Hodgson stated that he had discussed the issue with Ms. Oettingen casually and that she had stated it would be possible during the re-write. Mr. Hodgson asked if the HCP would apply to the Eastem portion of the beach as well. Mr. Sears stated that it would.

Mr. Dunford stated that he would hesitate to add in the Spit as it could result in a delay.

Mr. Sears stated that he is reluctant to bring up the issue of the Least Terns as the colony has doubled in size. He stated that he would caution everyone that there might not be a a solutions that works for all of the endangered species. Mr. Morris stated that the working group had been informed that the Least Terns mitigation plan had to be listed in the HCP.

Mr. Summers stated that he concurred with Mr. Morris and noted that the discussions have evolved as a result of the learning process.

Mr. McGrath stated that there will eventually be two separate orders of conditions to delineate the two different areas, he felt that it would be best to go forward with one portion.

c. Possible creation of beach advisory committee (pros and cons)

Robert Long, a resident of Chatham, stated that the original North Beach Advisory Committee was charged with making recommendations for beach management.

Mr. McGrath asked if the North Beach Advisory Committee had a close working relationship with the Chatham Conservation Commission. Mr. Long stated that it was not exactly related to the Conservation Commission, but had worked on crafting the management plan for the Order of Conditions for North Beach.

Mr. Fuller felt that the HCP working group was essentially an advisory committee and stated that the Board should have a future discussion on creating a formal committee after the HCP is in place. Mr. Dunford concurred and asked if the advisory committee would be taking burden off of staff. He asked what the added value would be if the committee were charged. Mr. Hodgson noted that the Beach Advisory Committee would weigh in on more than just the HCP.

Mr. McClennen stated that he felt the Board should look at Beach management through the management plan. He felt a future discussion was warranted.

d. Home Plate Shop Annual License Agreement

Mr. Kelly reviewed the annual license agreement for the Orleans Athletic Association. Mr. McGrath asked if the existence of the shop added any financial burden to the town. Mr. Kelly stated that he did not believe that there was a cost incurred by the town, as the lease states that the organization is responsible

**On a motion by Mr. Fuller, and seconded by Mr. Dunford, the Board voted to authorize the Town Administrator to sign the Home Plate Shop Annual license agreement, as amended to remove reference to the $1500 fee and amend item 4 title to “Utilities”.** The vote was 5-0-0.

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

Wastewater Issues:

a. Vote to appoint remaining Water Quality Advisory Panel representatives

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to designate the Stakeholder Panel Primary and Alternate Representatives as listed in the July 3, 2014 memo and including Chamber of Commerce primary representative Sid Snow.** The vote was 5-0-0.

The Board reviewed a list of possible alternate Chamber of COmmerce Representatives.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to appoint Todd Thayer as Chamber of Commerce alternate Representative to the Stakeholder Panel.** The vote was 5-0-0.

b. Review status of FY15 CWRMP Action Items

Mr. Kelly updated the Board with information on the ongoing CWRMP projects. Wastewater Consultant Mike Domenica updated the Board with his recommended changes for consulting services.

Mr. Domenica discussed the goals of linking the Orleans plan to the 208 Plan. He noted that the Cape Cod Commission has invited CBI consultant Stacie Smith and Mr. Domenica to a preview of the 208 results and aspects of how the planning would fit into the planning process.

Mr. McGrath stated that throughout the 208 process, the representatives had been shown the visuals for a potential plan and had seen shrinking circles of treatment infrastructure footprint.

Mr. Domenica stated that he and Ms. Smith had drafted an agenda for the July 16, 2014 Stakeholder Panel meeting.

Mr. McClennen reminded Mr. Domenica of the importance of the Namskaket Hydrogeology study and Mr. Domenica stated that it would still be done but had moved to later in the season. Mr. McClennen also noted that the landfill plume should be handled as soon as possible.

c. Review Tri-Town timelines for decision making

Town Administrator John Kelly informed the Board that he will update the timelines to reflect the town meeting votes and IMA extensions.

Mr. Domenica noted that integration is one of the discussion items for the first Stakeholder Panel meeting, how to integrate Tri-Town decision, etc.

Discuss Board of Selectmen FY15 Goals:

The Board discussed their proposed FY15 Goals.

Mr. McClennen stated that he felt the reconfiguration was done well but would need some changes. He stated that he would be willing to draft a document for the Board’s consideration.

The Board decided that Mr. McClennen would work to draft a goals document for the Board in consultation with the Assistant Town Administrator, to focus on 4 or 5 key goals for FY15.

Discuss Board of Selectmen Performance Evaluation Policy and Proposed Changes:

Mr. Kelly provided the Board with an updated performance evaluation document.

Mr. Fuller stated that the document is fairly objective but has room for comments if necessary. He felt that the form could work quite well. Mr. McGrath concurred and stated that he felt the key part will be in how it is adapted for the other positions the Board reviews.

Mr. Dunford suggested that the policy be amended to reflect that the goals are draft in consultation with the Chair of Board.

**TBD: TA to research whether the salary of the Chief is tied to satisfactory performance evaluation.**

On a motion by SM, and seconded by JH, the Board voted to amend the Evaluation Policy as discussed. The vote was 5-0-0.

Any Other Future Agenda Items:

Upcoming discussion items included:

* Discussion on Community Center/Old Firehouse
* list of upcoming Committee members original appointments as soon as possible.
* discussion on 16th re: upcoming 25% hearing for projects.

Mr. McGrath noted that the meeting with the DOT representatives, that a long meeting had taken place with the OCP and Chamber members for feedback on the roadway design and landscaping.

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

The meeting adjourned at 9:04 PM .