**DRAFT** BOARD OF SELECTMEN

MEETING MINUTES

August 6, 2014

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

A meeting of the Orleans Board of Selectmen was held on Wednesday, August 6, 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. and Town Administrator John Kelly.

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

Public Comment: (00:00:18)

Ben Buck, a resident of Rock Harbor Road, spoke to the Board to share a concern regarding bicycle safety in the wake of a recent traffic fatality. Mr. Buck stated that he is concerned that the international students are not well versed in bicyle safety.

Mr. Fuller noted that a bicycle safety awareness event, hosted by the Police Department and Bike and Pedestrian Committee, had taken place in June and that 50-100 safety lights had been distributed. He further stated that he felt Orleans had made a concerted effort at education.

Approval of Minutes: (00:03:17)

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to approve the minutes of the June 4, 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 of the June 4, 2014 Regular Session as presented.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to approve the minutes of the May 27, 2014 meeting as amended.** The vote was 4-0-1; Mr. Fuller abstained from the vote.

Committee Appointments and Re-Appointments: (00:06:39)

Chairman Dunford announced vacancies for the Nauset Regional School Committee and Orleans Elementary School Committee due to member resignations and encouraged interested parties to apply with a Citizen Interest form available in the Town Administrator’s Office or on the Town of Orleans website.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to schedule interviews with Tom Johnson and Kathy Kaletski for the Affordable Housing Committee as soon as possible.** The vote was 5-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to reappoint David Light and Steven Ellis to the Agricultural Advisory Committee with terms ending June 30, 2017.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to appoint Marge Mead-McEnaney to the Bike and Pedestrian Committee with a term ending date of June 30, 2017.** The vote was 5-0-0.

Mr. Fuller asked that Marlissa Parker be invited to interview with the Board for the vacant position on the committee.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to reappoint Patricia Ares to the Cultural Council with a term ending June 30, 2017.** The vote was 5-0-0.

The Board asked that the Town Administrator invite Mark Filteau to a future meeting for an interview regarding his interest in serving on the Cultural Council.

The Board discussed their policy regarding service on multiple committees.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to reappoint Ingrid Moyer and Susan Christie as Regular Members, to the Fourth of July Committee with term ending June 30, 2017, in the best interest of the Town.** The vote was 4-0-1; Mr. Hodgson abstained from the vote.

Mr. Hodgson suggested that the Board interview Kyle Wiitie prior to making reappointments to the Human Services Advisory Committee. The Board also decided to hold interviews with the individuals interested in serving on the Marine and Fresh Water Quality Task Force as well as the Personnel Advisory Board.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to reappoint David Abel to the Renewable Energy and Wind Committee with a term ending date of June 30, 2017.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to elevate Paul Cass from an alternate to a regular member of the Renewable Energy and Wind Committee.** The vote was 5-0-0.

**Mr. Hodgson moved the Board to reappoint Howard Steilen and Suzanne Phillips to the Shellfish and Waterways Advisory Committee with term ending dates of June 30, 2017, noting that both members have served on one complete term.** There was no second and the motion failed.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to reappoint Howard Steilen, Suzanne Phillips, Judith Scanlon and Jack Moran to the Shellfish and Waterways Advisory Committee with term ending dates of June 30, 2017, noting that the reappointments of Judith Scanlon and Jack Moran are in the best interest of the Town of Orleans.** The vote was 4-0-1; Mr. Hodgson abstained from the vote.

Mr. Fuller, AM to amend J. Scanlons term ending date to June 30, 2016. The vote was 4-0-1; Mr. Hodgson abstained from the vote.

The Board discussed the reappointment to the Zoning Board of Appeals.

**On a motion by SM, and seconded by AM, the Board voted to reappoint Julia Enroth to the CPC with a term ending 6/30/17. 4-0-1.**

**SM, JH to appoint S. Christie with a term ending June 30, 2016.** The vote was 5-0-0.

Public Hearing - Amend Weekday and Sunday Entertainment licenses: (00:25:05)

Chairman Dunford read the legal notice for the public hearing and called the public hearing to order at 6:55 PM.

Town Administrator John Kelly gave the Board a brief update on the requested amendment.

Orleans Bowling Center owner/manager David Currier spoke to the Board regarding his application. Mr. McGrath asked if the hours listed were on the Zoning Board of Appeals application. Mr. Currier clarified that the Zoning Board of Appeals was informed that the request was for operating hours until 1 AM.

No public comment was offered on the application.

Police Chief Scott MacDonald stated that there have been no issues thus far with the location and that he did not have any concerns over the amendment.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to close the public hearing.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to approve the request of Orleans Bowling Center Inc., David R. Currier, manager, locate at 191 Route 6A to amend their current Weekday and Sunday Entertainment licenses to extend the hours of operation from 12 noon - 11:00 PM Mondays through Sundays, to 12 noon - 1:00 AM Mondays through Sundays and subject to all permits, bylaws, approvals and licenses. Said license to expire on December 31, 2014.** The vote was 5-0-0.

Public Hearing - NStar Pole Hearing:

Chairman Dunford read the notice for the public hearing and called the public hearing to order at 7:00 PM.

Jessica Elder, representing NStar Electric asked that the Board vote favorably on the application.

No public comment was offered on the application.

Mr. Kelly noted that no comments were submitted by staff other than the standard comments.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to close the public hearing.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve the request of NStar for the placement of two (2) utility poles on town property off of Giddiah Hill Road in support of the landfill solar arrays project.** The vote was 5-0-0.

Police Chief Quarterly Report: (00:35:30)

Police Chief Scott MacDonald presented the Board with his quarterly report.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, to approve the Chief’s request to attend conference.** The vote was 5-0-0.

Chief MacDonald informed the Board that the School Resource Officer program has been and continues to be a great success and noted that he had awarded a letter of merit to Officer Kevin Coffey for his role in the success of the program.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to send a letter of congratulations to Officer Kevin Coffey.** The vote was 5-0-0.

Chief MacDonald updated the Board on the installation of a drug drop box at the Police Station. Chief MacDonald also noted that the American Legion had donated funds for the less lethal weapon program and that Donna and John Newman had donated 50 bicycle helmets for the bicycle safety program.

Chief MacDonald presented the Board with his goals for FY15.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Bard voted to approve the Police CHief’s Goals as presented. The vote was 5-0-0.**

Chief MacDonald spoke to the Board regarding the request for a road closure for the Orleans Police Department Block Party. Mr. Fuller suggested that the department consider using Orleans Marketplace in the future as it may alleviate some of the traffic concerns. Mr. McGrath also suggested that the Police Department consult with the Chamber of Commerce regarding the annual event. Mr. Hodgson stated that he felt the Orleans Police Department’s social media was a positive addition to the town and asked how the issue of enforcement on the beach are being handled. Chief MacDonald stated that there are workable solutions for assisting the Natural Resources Department and that the departments are working together to assure cooperation.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to approve the request to close Main Street from Route 6A to Route 28 from 5:00 PM until 10:00 for the Annual Police Department Block Party and Antique Car Show on Wednesday August 20, 2014.** The vote was 5-0-0.

Mr. Hodgson asked for an update on the recent fundraiser held by the Fire Department and Police Department. Chief MacDonald stated that more than $3100 had been raised and the Fire Department had claimed victory in the softball game.

Fire Chief Quarterly Report: (00:52:45)

Fire Chief Anthony Pike presented the Board with his quarterly report for the months of April, May and June. Fire Chief Pike presented the Board with his proposed goals for FY15.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to accept the Fire Chief’s proposed goals for FY15**. The vote was 5-0-0.

Gas Main Extension: (01:07:15)

The Board reviewed a request for a gas main extension for Pilgrim Lake Terrace East.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted to approve the request for a gas main extension on Pilgrim Lake Terrace East subject to comments made by the Highway Department Manager and Water Department Manager and subject to a valid trench opening permit from the Department of Public Works and all inspections required by the Building Department.** The vote was 5-0-0.

Use of Main Street Road Layout - OHS: (01:11:25)

The Board reviewed a request from the Orleans Historical Society for the use of the Main Street road layout for a reenactment of the Battle of Rock Harbor. Beverly Fuller

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to approve the request of the Orleans Historical Society for use of the Main Street road layout and limited street parking between the hours of 9:00 AM and 1:00 PM on August 16, 2014 and offer the services of Orleans Police Department for the event.** The vote was 4-0-1; Mr. Fuller abstained from the vote.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to approve the request of the Orleans Historical Society for additional signage (directional) for the Battle of Rock Harbor event, with the condition that the signs will be removed within 24 hours.** The vote was 4-0-1; Mr. Fuller abstained from the vote.

OPC - Fertilizer Control Bylaw: (01:19:15)

Sandy Bain, representing the Orleans Pond Coalition spoke to the Board regarding the impact phosphorous and Nitrogen pollution from septic systems has on water quality. Ms. Bain noted that an amendment to the town’s bylaw in order to adress the issues.

Mr. Fuller stated that he had concerns over using the Special Town Meeting for issues that are normally taken up under the Annual Town Meeting. Mr. Kelly stated that because the deadline for changes to the DCPC is December 18, 2014.

OPC - Boland Pond Project: (01:33:46)

Ms. Bain gave the Board a brief overview of the OPC and Marine and Fresh Water Quality Task Force efforts for remediation of Boland Pond.

Mr. McClennen stated that the town should be focusing efforts on areas where projects are pending, such as Route 6A and Main Street, in order to make sure that issues are fixed and addressed correctly.

On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place a holder for an article on the STM Warrant for a phosphorous bylaw. The vote was 5-0-0.

Appoint Election Officials: (01:44:16)

**On a motion by Mr. Fuller, and seconded by Mr. McGrath the Board voted to appoint the slate of Election Workers as listed in the revised agenda item 12 memo from Town Clerk, Cynthia May, dated July 31, 2014, as amended.** The vote was 5-0-0.

Review/Approve FY15 Goals: (01:45:55)

Mr. McClennen gave the Board an overview of the work he had done to revised the list of items for a more functional format. He also noted that he had included action items related to wastewater that were approved at the Annual Town Meeting.

Mr. Dunford stated that he felt that the action for goal #1 should include all communications, as well as the emphasis on electronic communications. On general consensus the Board felt that a zero based budget for the Public Works Department was a feasible suggestion.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to approve the Board of Selectmen Goals, Objectives and Action Items as amended.** The vote was 5-0-0.

Review/Approve BOS Polices: (02:08:37)

The Board continued review their revised policies.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to accept policy H-2; Use of Town Hall, as presented.** The vote was 3-2-0; Mr. Dunford and Mr. Hodgson voted no.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to accept policy H-3, Use of Town Landings, as presented.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to retain policy G-12; Employee Recognition Program, and strike the body of the policy pending a recommendation by the Town Administrator.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to accept policy H-1; Useo of Charles F. Moore Bandshell or Nauset Beach Gazebo, subject to minor corrections.** The vote was 5-0-0.

The Board reviewed policy H-8 and noted that no changes were necessary.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to direct the Town Administrator to correct the title error in Policy I-1; Use of Road Layout.** The vote was 5-0-0.

The Board deferred decisions on policies i-3 and I-4 pending a recommendation from the Director of Public Works.

The Board discussed the proposed new policies. Mr. Dunford suggested that the members who proposed the policies prepare draft policies for the Board’s review at the next meeting.

Town Counsel and Labor Counsel: (02:28:40)

The Board reviewed information on the Town Counsel and Labor Counsel options.

Mr. McGrath stated that after reviewing the list, he did not feel it would be necessary to make a change at this time. Mr. Hodgson stated that he felt that a change in Town Counsel and/or Labor Counsel would allow for a wider breadth of knowledge and expertise. Mr. McClennen asked what expertise Mr. Hodgson felt was lacking.

Town Administrator John Kelly stated that he felt Mr. Ford was an expert in almost every area of municipal law and had served the Town of Orleans well for many years.

Mr. Hodgson asked if it would be possible to invite other firms in to discuss their areas of expertise in order to compare needs. Mr. McClennen stated that while it is considered a common business practice to change auditors every three years, he felt that familiarity and length of service is important with Town Counsel. He stated that it would be helpful to see the weekly schedule of what services Mr. Ford provides. He also asked that the Town Administrator provide the Board with a list of the circumstances when it was necessary for the town to hire special counsel.

Mr. McClennen asked how often the Board would meet with Labor Counsel. Mr. Kelly stated that the Board would be meeting with Labor Counsel just prior to contract negotiations.

Federated Church rebuild stone wall: (02:46:35)

The Board reviewed a request from th Federated Church to rebuild the stonewall in front of the Church.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to grant the request of the Federated Church of Orleans, in accordance with the presented plan and subject to confirmation from the Planning Board if necessary.** The vote was 5-0-0.

Town Administrator’s Report: (02:48:55)

Town Administrator John Kelly reviewed information on the loss of retirement and retiree health insurance for Anne Reynolds.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to remove Anne Reynolds from th Town of Orleans Retiree Health Benefits, effective September 1, 2014.** The vote was 5-0-0.

The Board reviewed a memo from Police Chief Scott MacDonald regarding a violation of an alcohol sales compliance check at the Hess Gas Station in South Orleans.

Mr. Fuller noted that this is at least the second failed compliance check at this location. He further stated that he felt it might be appropriate to hold a hearing and suspend the license for the location for a period of time.

Mr. Dunford noted that while the location is prime for failure, the previous violation had occured under a prior owner. Mr. Dunford felt a letter would be more appropriate at this time.

Police Chief Scott MacDonald stated that a warning with follow-up spot checks would be appropriate at this time.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to hold a Show Cause Hearing for the Hess Gas Station.** The vote was 5-0-0.

Town Administrator John Kelly requested that the Board vote to allow him to fill the vacant Assistant Health Agent’s position.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to authorize the Town Administrator to advertise the Assistant Health Agent’s position.** The vote was 5-0-0.

The Board felt that a letter of thanks for Ms. Woods service to the Town would be appropriate as she has been a lauded and valued employee.

The Board reviewed a reuest from Chamber of Commerce Director Noelle Pina for the group’s annual sidewalk sale.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to approve the use of the sidewalk for the Annual Sidewalk Sale on August 8, 2014.** The vote was 5-0-0.

The Board reviewed information on the OES School Building Committee appointments.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to appoint the slate of members listed in the memo dated August 6, 2014, to the Orleans Elementary School Building Committee.** The vote was 5-0-0.

Mr. Kelly updated the Board with information on the MassDOT roundabout project. Mr. Kelly stated that it would be his recommendation to not allow Verizon to place the poles in advance of the project as it would cause significant traffic problems.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to inform Verizon that the Board requests a plan for pole placement that begins after September 2, 2014.** The vote was 5-0-0.

The Board reviewed a letter of commendation for COA Outreach worker Mary Ann Ryan.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to send a letter of merit to Ms. Ryan for her outstanding service.** The vote was 5-0-0.

Other Items for Future Agendas:

Mr. Dunford requested a future meeting with the new elementary school principal. Mr. Hodgson requested a discussion on the Nauset Beach highway sign.

Mr. Dunford reviewed the upcoming agenda items for the Board.

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 9:43 PM.