**DRAFT** BOARD OF SELECTMEN

MEETING MINUTES

September 17, 2014

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

A meeting of the Orleans Board of Selectmen was held on Wednesday, September 17, 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 5:30 PM.

Meet with Town Counsel in Executive Session:

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to enter into Executive Session for the purpose of discussing strategy with respect to litigation and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and reconvene in open session.** The vote was 5-0-0.; with Mr. McGrath, Mr. Fuller, Mr. Hodgson, Mr. McClennen and Mr. Dunford all voting aye.

Chairman Dunford declared that an open meeting may have a detrimental effect on the litigating position of the body.

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

The open session reconvened at 6:33 PM.

Meet with Town Counsel in Open Session:

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to affirm the vote taken in executive session to direct Town Counsel and staff to proceed with the Eastham Conservation Commission Notice of Intent filing for Nauset Spit on 9/23/14.** The vote was 5-0-0.

Town Counsel Michael Ford updated the Board with information on the request for CPC grant funding for the purchase of Cape Cod Village for the creation of affordable housing units. Mr. Ford reviewed the drafts of documents which would allow for the town to ensure that the affordable housing restrictions will be placed on the property, and if the project falls through, the town’s money will be returned.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to authorize the Chairman of the Board of Selectmen to sign the funding agreement between Cape Cod Village and the Town of Orleans for Affordable Community Housing, and any other related documents necessary for the execution of the funding agreement.** The vote was 5-0-0.

Public Comment:

Courtney Gavin, a resident of Orleans spoke to the Board regarding the Nauset Spit land ownership issue.

Committee Interviews and Appointments:

Interviews for the Community Preservation Committee were postponed.

- Conservation Commission

The Board met with and interviewed Charles Ketchuk, Mike Brink and Pamela Herrick regarding their interest in serving as members of the COnservation Commission.

**On a motion by Mr. Dunford, and seconded by Mr. Hodgson, the Board voted to appoint Charles Ketchuk to the Conservation Commission as an associate member with a term ending date of June 30, 2017.** The vote was 2-3-0, and the motion failed.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to appoint Mike Brink to the Conservation Commission as an associate member 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 appoint Pamela Herrick to the Conservation Commission as a term ending date of June 30, 2015.** The vote was 5-0-0.

* Human Services Advisory Committee

**On motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to appoint Mary Lyttle and Tessa English, to the Human Services Advisory Committee with term ending dates of June 30, 2017, noting that while Ms. Lyttle has served more than two consecutive terms, her extensive experience justifies her continued appointment as it is in the best interest of the town.** The vote was 4-0-1; Mr. Hodgson abstained from the vote.

- Marine and Fresh Water Quality Task Force

The Board met with and interviewed Caroline Kennedy, Mike Brink and Diane Caliri regarding their interest in serving on the Marine and Fresh Water Qualty Task Force.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to appoint Mike Brink to the Marine and Fresh Water Quality Task Force with a term ending June 30, 2016.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to reappoint Caroline Kennedy and appoint Diane Caliri to the Marine and Fresh Water Quality Task Force with term ending dates of June 30, 2017, and noting that in the case of Caroline Kennedy, the Board acknowledges that she has served more than two consecutive terms, but due to her extensive experience, her reappointment is in the best interest of the town.** The vote was 4-0-1; Mr. Hodgson abstained from the vote.

Joint Public Hearing with Finance Committee:

Chairman Dunford read the notice for the public hearing as published in the Cape Codder and called the public hearing to order at 7:10 PM.

Members of the Finance Committee present were Joshua Larson, Mark E. Carron, John Laurino, James Jackson, Ralph Cuomo and George Malloy.

Mr. Kelly stated that this hearing was an opportunity for all interested citizens to make their needs and priorities known.

Public Comment:

Courtney Gavin, a resident of Orleans, spoke to the Board and stated that he feels that the way large projects are researched, financed and presented is inadequate.

Paul Cass, a resident of Orleans suggested that the Board consider undergrounding the utilities in the downtown area during the intersection construction.

Kevin Galligan, a resident of Orleans stated that he felt the financial health of the town is excellent, and suggested that the Board could focus on creating new revenue or taking advantage of new revenue sources when possible.

Noelle Pina, Executive Director of the Chamber of Commerce, updated the Board with information on the Chamber’s activities over the last year.

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

**On a motion by Mr. Carron, and seconded by Mr. Laurino the Finance Committee voted to adjourn.** The vote was6-0-0.

The Finance Committee adjourned at 7:28 PM.

Meet with Finance Director David Withrow:

Town of Orleans Director of Finance David Withrow gave the Board a brief powerpoint presentation on the financial plan and revenue information for FY14, FY15 and the projections and financial plan for FY16.

Annual Property Classification Hearing:

Chairman Dunford read the notice of the hearing as published in the Cape Codder and called the public hearing to order at 7:58 PM.

Town of Orleans Assessor Ken Hull presented the Board with information on property tax and the required votes.

**On a motion by Mr. McGrath, and seconded by Mr. Hodgson, the Board voted in the matter of the classification of the tax rate, a residential factor of “1”.** The vote was 5-0-0.

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

Fertilizer Control Bylaw Amendment Public Hearing:

Chairman Dunford read the notice for the hearing as published in the Cape Codder and called the public hearing to order at 8:09 PM.

George Meservey, Director of Planning, presented the amendments for fertilizer and phosphorous limitation within the town of Orleans.

Mr. McGrath asked if the Planning Board had engaged lawn care professionals for comment on the amendment. Mr. Meservey stated that the Planning Board had nto specifically engaged professionals, but that the PLanning Board had declined to include the requirement for certification for professionals.

Ri? Cunningham, a resident of Nauset Heights and member of the Orleans Pond Coalition, spoke in support of the amendment.

Paul Cass, a resident of Orleans, stated that he applauds the amendment, bt that it did not address all of the products containing phosphorous.

**On a motion by Mr. McClennen, and seconded by Mr. Hodgson, 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 recommend approval of the Special Town Meeting Article to amend the fertilizer control bylaw.** The vote was 5-0-0.

Committee Interviews and Appointments cont’d:

* Personnel Advisory Board

The Board met with Kevin Galligan regarding his interest in being reappointed to the Personnel Advisory Board. Rolf Soderstrom and Abby Adams were not present for the meeting.

The Board decided to defer their decision in order to interview Abby Adams and Rolf Soderstrom.

- Renewable Energy Committee

Warren Altenau was not present for the meeting.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to appoint Morgan McCarthy to the Renewable Energy Commission with a term ending date of June 30, 2017.** The vote was 5-0-0.

**On a motion by Mr. McClennen, and seconded by Mr. Fuller, the Board voted to appoint Howard Kucks, as the Veteran Grave Officer, with a term ending date of June 30, 2017.** The vote was 5-0-0.

Vote to Approve revised HCP for submission:

Mr. Hodgson reviewed the final draft of the HCP for submission.

Chatham Selectman Sean Summers spoke to the Board regarding the HCP.

Scott Morris, MBBA, spoke to the Board and stated that the time frame for review is approximately 90 days.

**On a motion by Mr. McClennen, and seconded by Mr. McGrath, the Board voted to submit the current HCP draft with the self-escort provision.** The vote was 5-0-0.

Review and Vote Recommendations on Warrant Articles for Special Town Meeting:

Joy Cummings, of the Orleans Community Partnership presented the Board with information on the recommendations for the non-participatory improvements for the roue 28 intersection.

**On a motion by Mr. McClennen, and seconded by Mr. McGrath, the Board voted to support to Special Town Meeting Warrant Article to Approve an IMA and Fund the Main Street Intersection Project in the amount of $552,000.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to recommend the STM warrant article to fund the new DPW Maintenance Garage A/E Design in the amount of $550,000 with the additional funds to be used to refine a scope and phasing program for the facility.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the STM Warrant Article to Transfer Funds from Notes and Bonds Expenses to Insurance - Worker’s Comp and to place and recommend approval of the Special Town Meeting Warrant article to transfer funds from Harbormaster Salaries to Expenses Account.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McGrath, the Board voted to place and recommend approval of the Special Town Meeting Warrant Article to Fund Ambulance purchase with the understanding that the debt service payments will be made out of the ambulance receipts.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. Fuller, the Board voted to place and recommend approval of the STM Warrant Article to Create OPEB Trust fund and transfer balance of targeted stabilization fund.**  The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to place and recommend approval of the STM Warrant Article for Authorize HCP Permit Surcharge up to $19.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to place and recommend the article for transfer of $35,000 to fund CWRMP Round 2 projects.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. McClennen, the Board voted to place and recommend the article to fund Nauset Spit Legal services and activities for a sufficient sum with a recommendation to be made at Town Meeting.** The vote was 5-0-0.

**On a motion by Mr. McGrath, and seconded by Mr. McClennen, the Board voted to recommend approval of the Special Town Meeting Warrant Article for Bills of Prior Years.** The vote was 5-0-0.

Cape Cod Commission 208 Plan Public Hearing in Chatham:

Town Administrator’s Report:

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to authorize the expenditure of $400 from the Wetland Filing Fee Account for Conservation Commission Training.** The vote was 5-0-0.

**On a motion by Mr. Fuller, and seconded by Mr. Hodgson, the Board voted to authorize the Town Administrator to sign the Community ChalLenge Grant application.** The vote was 5-0-0.

Liaison Reports:

Mr. Fuller reported on a recent meeting of the Renewable Energy Committee.

Any Other Items for Future Agendas:

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 10:22 PM.