

ORLEANS SELECT BOARD
January 12, 2022
Final

Principal
ORLEANS TOWN CLERK
Julie Higgins
'22 JUN 9 12:23PM

A meeting of the Orleans Board of Select Board was held on Wednesday, January 12, 2022 in the Nauset Room of the Orleans Town Hall. This meeting was also available via remote participation and with real-time public access provided by Channel 18 on the Town website and cable television.

Present from the Town of Orleans were Select Board Chair Mefford Runyon, Vice Chairwoman Andrea Reed, Kevin Galligan (late), Mark Mathison, Michael Herman and Town Administrator John Kelly

Chair Mefford Runyon called the meeting to order at 5:30 p.m. – Work Session Meeting

Public Comment (in-person or via zoom)

Bill Brotherton (17 Blue Rock Rd) Appointed rep. of the Mill Pond Preservation Association looking for information on the dredging project. Expressed his disappointment in the presentation of Leslie Fields and listed his reasons. He expressed his concerns that removing the rocks at Mill Race was not even considered and noted that that was one of the main issues with that area.

Brian Sosner commented on agenda item 4c and asked the board to consider not demolishing the building prior to engaging a contractor and to have the contractor who was awarded the job be responsible for demolition so as not to be an expense to the town. He next noted that he was a candidate for the Fire Station Feasibility Study and stated that he felt he had some insight prior to the board discussing the skillset needed for that committee. He stated that he had researched the parcel of property that the property that the fire station and elementary school were on and both were owned by the town of Orleans. He noted that if there were some sort of a rights and/or controlling agreement that this should be disclosed. He stated that he felt that whoever was on the feasibility team should have a strong background in negotiations. Lastly, he noted that attention needed to be given as to what to do with the existing fire station.

Mefford Runyon called the public comment to a close.

Meet with George Meservey – Quarterly Update on Planning and Community Development Activities

Mr. Meservey noted that the town had successfully submitted an annual grant for the Cultural District Commission for \$7,500. He stated that the Uncle Harvey’s Pond Treatment had been completed and the reports had been received and that the response in water treatment was as expected. He stated that the town would be seeking a release from the private properties. Mr. Runyon questioned if there would be a continued improvement, and Mr. Meservey stated that the treatment should last between 10 and 20 years.

Mr. Meservey went on to state that the oyster grower in Lonnie’s Pond had a 3-year contract, so an RFP was sent out and there was only one bidder who was the same as the current one – Ward Aquafarms. He stated that this bidder had requested that the contract move to 5 years and he noted that this seemed like a reasonable request.

Next, he spoke to the 3 zoning amendments that had been proposed by the planning board. Mr. Herman questioned the amendment to "retail within rural districts" and requested more information on that. Mr. Meservey spoke to the "use table" and stated that retail was not permitted in that district, but some retail-like businesses were permitted, so his team thought it would make sense to clean up the zoning restriction.

He spoke to the economic plan and noted that they were working with Street Sense (out of NYC) who had held 5 stakeholder workshops to date which had all had good participation. He noted that the firm was working on their objective diagnostic of the economy and that that report would be delivered in apx. 2 weeks. Mr. Runyon asked about the element of studying the economic value of the waterways and noted that Street Sense seemed like they would be looking into this, but not in the depth the town might want. Mr. Meservey stated that the "Blue Economy" would be a separate sector of the study but not the main core. He asked the board to let the study progress further before looking to conduct further study. Mr. Runyon spoke to a newspaper clipping that he had had sent to him regarding the Welfleet dredging and the numbers that that town had on the blue economy. He asked if the Street Sense study would give Orleans that information, and Mr. Meservey stated it would not. Mr. Mathison stated that he felt that Orleans needed to look the segment of their blue economy that was a commercial entity and question whether the current landings had the capacity to entertain those in addition to the residential demand. Mr. Meservey stated that he agreed, and that this was something that the town would need to look at as a community and make a decision on what route the town should take. Ms. Reed asked Mr. Meservey to look at where Orleans had potential to grow due to the blue economy that already existed and stated that she saw this as a sub-set to the current study. Mr. Runyon noted that the term investment was key as the town would need to have a handle on the ROI for any projects in order to be able to better explain things to the citizens.

Mr. Meservey next spoke to the Governor Prence project and all related projects and gave a brief update. He stated that he had supported the work of the Community Center Feasibility Task Force and that they had \$35k set aside by Town Meeting as well as an RFQ out for a consultant. Mr. Runyon questioned if anyone would be reaching out to Brewster and Eastham to see if they would be interested in a regional/mutual benefit and Mr. Meservey stated that there had been nothing solid yet.

He stated that there may be some grant money coming for the low-lying roads project. He next spoke to the Way Finding plan and stated that it was completed. He stated that the Planning Board would like to mock up signs to present to the Select Board. He gave an update on the Pleasant Bay Watershed Work Group who were working on a build-out analysis of Pleasant Bay in order to determine the long-term remediation needs.

He made the board aware of the dedication of the Habitat for Humanity home on Quanset Road and noted that the land disposition agreement for 107 Main St. would be up for the board's approval at the next meeting. He also stated that the gazebo had been moved in the prior week to the Nauset Beach parking lot which would allow the summer concerts to commence.

He stated that he had met with Chris DeSito (owner of the former Underground Mall) who had given a presentation on his plans. He stated that it appeared that this project would be beneficial to the town and that the applicant might look to the town to have the property added to the sewer system. Mr. Galligan stated that he felt like they might want to defer to the Board of Water and Sewer Commissions on a project like this as this project was not in a nitrogen sensitive area. Mr. Herman noted that Mr. DeSisto had also gone to the Old Kings Highway to present. Ms. Reed spoke to Mr. Galligan's concern

and noted that there was a committee that may approach the board in the future to change the current sewer plans. Mr. Runyon noted that the private sewage treatment systems that would need to be installed for this project would be the same as sewers. Mr. Meservey stated that they would be similar, but not the same, and gave the specifications.

Mr. Meservey next updated the board on several site plan review projects.

Mr. Galligan questioned if there was a combination of two parcels that had been proposed on Portinamicut. Mr. Meservey stated that he was not aware but would follow up.

Mr. Herman questioned where the planning board was with their survey on seasonal housing and Mr. Meservey stated that it had been extended by two weeks. He added that there may be places within town to add dormitory like housing.

Discussion and possible vote on following regarding former Governor Prence Properties

a. Request to initiate work to prepare a property survey and topographic plan

Mr. Kelly noted that the only company that would insure this property was Lloyd's of London. He added that he had no funding left from what had been approved at Town Meeting to do the property survey and or topographic plan, pay the insurance policy, and do basic maintenance. He next informed the board that Lloyd's of London had informed him in the prior week of several things that would need to be done to the property within 45 days or the town could risk notice of cancellation; he then listed them for the board. He noted that the projects would be costly and stated that he had written to the insurance company to explain that the buildings were not intended to be used and asked if there were a way to renegotiate the insurance. He added that there was also no funding appropriation to do the work. He asked the board for permission to have the property survey and topographic plans completed. He told the board that he wanted them to understand the severity were the insurance to be cancelled. Mr. Mathison stated that he thought the board had asked some time ago for the survey and topographic plan. He also questioned whether it made sense for the town to pay for demolition when a contractor could do it for much less. He asked why the town had been able to carry insurance on so many other properties for years and years yet it was a problem for this property. He asked who owned the telephone poles and Mr. Kelly stated that town counsel had stated that they were owned by the town but that any upgrades to the service would be the responsibility of Tree's Place. Mr. Kelly added that he was waiting for a copy from the Registry of Deeds. Mr. Mathison questioned if the small building on the property might be used if and when the tenants in the Old Fire House were displaced and Mr. Kelly stated this was something the town needed to look into. Mr. Kelly stated that he did not mean to digress, but that the lower level of the library might be an option for the "Nauset We Can" kids after school. Mr. Runyon noted that committing to space for them was very important regardless of where it was. Mr. Runyon asked for clarification on why it might make more sense for the town to demolish the site vs. the future contractor. Mr. Kelly stated that the original intention was for the town to demolish the site to have a clean, asbestos-free, site. He stated that a developer would have to pay for all of this work and that the town would most likely be asked to supplement the project. Ms. Reed spoke to the possibility of alternative ways to fund the site and asked the board to consider having the town demolish the structure. She noted that having a sewer, clean site would be part of the town's partnership to any future contractor. Mr. Mathison noted that it was not known how much contamination was actually within the property and that he would like to see the survey done so as to be able to make an intelligent decision. It was discussed that the biggest question was the possible existence asbestos mastic. Mr. Herman seconded Mr. Mathison's concern.

Mr. Kelly stated that a lead and asbestos check had been done in the interior of the building and that both were present but in small amounts. Nothing has been researched on the exterior.

Kevin Galligan moved to initiate the work to prepare the property and topographic surveys with the caveat of getting an estimate on the cost, 2nd by Mark Mathison. The vote was 5-0-0, with Andrea Reed, Kevin Galligan, Michael Herman, Mefford Runyon and Mark Mathison all voting aye.

b. Notice of property insurance building maintenance requirements and notice of termination

Mr. Galligan questioned if a vote from the board committing that this would not be occupied space influence Lloyd's of London in their decision making and Mr. Kelly stated he did not believe so.

Kevin Galligan moved that the Select Board vote, for insurance purposes, to make a commitment that this property would not be habitable property, 2nd by Marl Mathison. The vote was 5-0-0, with Andrea Reed, Kevin Galligan, Michael Herman, Mefford Runyon and Mark Mathison all voting aye.

Mr. Kelly stated that the insurance company was already aware that the buildings were not inhabited, but that he would relay that vote.

c. Request to engage design services for building demolition and site restoration plans

Mr. Mathison noted that this property was owned jointly with the Affordable Housing Trust and that this should be a joint decision.

Mr. Runyon questioned when the decision to demolish or not would need to be made in order to go to Town meeting with a warrant, and Mr. Kelly stated that the board would go to town meeting with bids in hand with real quotes.

Mr. Kelly noted that the property boundary was the key concern in a site survey and Mr. Mathison questioned whether that information might be obtained from any previous septic system installs on or surrounding the property. Mr. Kelly stated that the only thing the town had was the tax map.

Meet with Chief Deering and Ron Collins – Discussion on the composition and skill sets needed for the New Fire Station Feasibility Study Committee

Chief Deering began with expressing the ever-growing need for a new fire station and thanking the number of citizens who had come forward to participate in the committee. He stated that this would be a very time-consuming committee and that it was important to represent all demographics of the community. He stated that he felt that the committee members should be comprised of the following: construction and/or building experience, public service and/or safety experience, public outreach and education and engagement with the community as well as the fire department. He stated the need to focus on materials used and the green initiative as well as the needs and function of the building vs. the value and the cost.

Mr. Collins agreed with everything that Chief Deering had said and added there were clear deficiencies that, in combination drove a "new build" solution. The first being the issue of the differing elevations, which added time, next being the distance between the office and the response area, lastly that the

building was too small (sleeping quarters, bathrooms, meeting rooms, kitchens). He spoke to new codes and stated that any renovations that could/would be done to the current structure would entail bringing it to full accessibility code. He spoke to the fact that there was no way to do a major renovation to the structure and not disturb the first responders. Mr. Collins stated that a peer review of the work done to date seemed unproductive and that the decision that had been made by the select board should be acted on and the project should be moved forward.

Mr. Galligan said that he would like to look at the committee like an RFP and assess the group chosen as a whole that would meet the needs. He asked Chief Deering and Mr. Collins if there were any aspects that should be weighted more heavily than another. Mr. Collins stated equally, but that having a basic understanding of being able to do a project under Chapter 149 (MA building laws) would be very helpful. Mr. Mathison noted that it should not be forgotten that the impact on the first responders as well as the neighborhood would need to be taken into account by the committee members. Mr. Collins stated that in the RFQ, he spoke to this as the "socio economic fabric of the community" and noted that everyone's job was important and to a business out of business would adversely affect the community. He stated that he would hope that the town looked long and hard before displacing people's livelihoods to build a fire station.

Ms. Reed questioned Mr. Runyon how he would like to proceed in moving forward with selection based on the skill sets in front of them. Mr. Runyon stated that he was confident that they had applicants to choose from that fulfilled all of Chief Deering's needs except for the outreach and/or education factor. He noted how important it would be to engage the town and to include them in the entire process. He added that if this were not a member of the committee, then the town should possibly look to have an existing employee or new employee who could fill this role.

Mr. Herman suggested a list format from each select board member. Mr. Runyon agreed that this was a good route to take and asked each member of the select board to submit a list of their 7 choices to Mr. Kelly and have Mr. Kelly submit those compiled results to the select board. Once the list had been compiled, the board could deliberate and vote at the next meeting. Mr. Mathison clarified that a name on the list didn't necessarily mean that said person would be elected to the committee and that all names would still be up for debate at the following meeting. Mr. Galligan asked Mr. Kelly if he saw any other criteria that might be helpful and Mr. Kelly stated that he felt that this was one of the most qualified candidate pools that he had seen.

Mr. Reed noted that they needed to change the verbiage to "Fire and Rescue" rather than a fire station, especially for marketing purposes. Mr. Kelly noted that the public information and education campaign would be critical. He added that this would be a multi-step process that would go through several town meeting votes and that someone with vast experience in social media would be key. He stated that the town did have a consulting line item under the budget of the Select Board and that they should look into engaging a professional.

Chief Deering spoke to the outreach and education and noted that the committee itself was great in that it involved members of the community directly in the planning process. He spoke to the social media aspects and noted that videos seemed to be very beneficial and that having committee members involved in the development of this communication would be key.

Mr. Kelly said that he would need the list by noon that Friday for it to be in their packet for the next week. He asked each select board member to email him directly and not copy anyone else.

Mr. Herman noted that he did not see it on the agenda to discuss the charge and asked that it be on next week's agenda. All board members agreed.

Follow up discussion on Orleans Elementary School Committee meeting on preliminary concept for a New Fire Station on OES property as one of the sites to be included in the feasibility study

Mr. Mathison stated that he had been present at the OES committee meeting as a liaison from the select board to discuss the possibility of adding land from the elementary school in the feasibility study for a potential site for the fire station. He noted that the point of the meeting was to sit down with the school committee to see if they would be interested in sitting down with the town of Orleans to discuss this possibility. He spoke to the presentation that Mr. Collins had given, citing specific examples of how the OES property could be used. The school committee had decided to meet on 1/24/22 and would have a discussion and vote on whether or not they would be willing to engage with the town of Orleans. Mr. Mathison stated that the tone of the meeting was good and that the OES committee was appreciative that the town of Orleans had come to them to ask for permission.

Mr. Runyon noted that the school committee had listened to Mr. Collins list of benefits that they would/could receive were they to participate with the town and he added that the school committee should be encouraged to come up with their own list of wants and needs. Mr. Mathison stated that he felt that that was why they were going to meet again on 1/24 to discuss those needs. Mr. Mathison added a comment brought up by Sassy Richardson which was the fact that the school committee was aware of the fact that their primary responsibility was to the school and the children within it. Ms. Richardson has questioned what would happen in the future if something needed to be done to the school if they were to give away their current assets in land. Mr. Mathison noted that he and Mr. Collins had pointed out that the land that Orleans was thinking of using for the fire station would not be land that the school would likely use for any additions and/or renovations and that that had seemed to assuage the school committee somewhat.

Mr. Runyon asked Mr. Kelly to clarify who owned the land. Mr. Kelly stated that town counsel Mike Ford had looked back to when the property was conveyed to the Nauset Regional School in the 1950's. Mr. Ford went to the registry of deeds and the Orleans School Committee voted to convey a portion of the property as well as the old high school to Eastham, Wellfleet and Orleans as part of the meeting and that that had gone to town meeting and passed. He stated that this meant that the parcel was owned by the town of Orleans, but was under the control of the Orleans Elementary School Committee. Mr. Kelly stated that they could not find the record where the property where the current fire station was located was conveyed to the town (which had happened at a town meeting in the 1980's). Mr. Ford explained the process to Mr. Kelly which was to approach the school committee and ask for approval to authorize the town to study that property as a possibility. He stated that if everything were to go according to plan, that the school committee would need to take a formal vote that the property being conveyed was not necessary for school purposes. He added that this vote would need to be sent to the select board in a formal letter and that after that it would go into a warrant article and would need a 2/3 vote at town meeting. Mr. Kelly stated that if the project were to go in that direction that they would most likely draw up a municipal agreement.

Discussion and vote to approve seasonal closure request for the Annual All Alcoholic Beverages License held by Ten Yen LLC, 56 Main Street, Michael Jacek, Manager

Michael Herman moved to approve the request of Michael Jacek, Owner/Manager of Ten Yen LLC, 56 Main Street to temporarily close for business from 1/11/22 -3/25/22 in accordance with the town of Orleans' rules and regulations of the liquor licensing authority under MGL Chapter 138, 2nd by Andrea Reed. The vote was 5-0-0 with Mefford Runyon, Andrea Reed, Kevin Galligan, Mark Mathison and Michael Herman all voting aye.

Vote to support Board of Health mask mandate for all municipal buildings due to COVID-19 infections

Mr. Kelly gave a background on the mandate and explained that all employees would be required to wear their masks. He noted that they would not go so far as to get into altercations with the public if they chose not to comply. He explained that he had also encouraged all boards and committees to begin to meet remotely again and that many had done so.

Michael Herman moved to support the mask mandate voted by the Board of Health for all of Orleans' municipal buildings until further notice, 2nd by Andrea Reed. The vote was 5-0-0 with Mefford Runyon, Andrea Reed, Kevin Galligan, Mark Mathison and Michael Herman all voting aye.

Mr. Herman thanked Mr. Kelly and the Board of Health and asked if Mr. Kelly had experienced any issues in the past week and he stated that overall, the response had been positive.

Mr. Runyon questioned the select board how they felt about going remote for a few weeks and the board agreed to do so and to resume in-person meetings on Feb. 2nd.

Andrea Reed moved to strongly encourage all board and committees to meet remotely for the next few weeks and backup their right to do so under the emergency order, 2nd by 2nd by Kevin Galligan. The vote was 5-0-0 with Mefford Runyon, Andrea Reed, Kevin Galligan, Mark Mathison and Michael Herman all voting aye.

Vote to send letter regarding potential release of radioactive water into Cape Cod Bay

Kevin Galligan moved to vote to send a letter regarding the potential release of radioactive water into Cape Cod Bay, 2nd by Andrea Reed. The vote was 5-0-0 with Mefford Runyon, Andrea Reed, Kevin Galligan, Mark Mathison and Michael Herman all voting aye.

Liaison Reports

Mr. Herman had met with Human Services who had their applications in for the year and would be meeting weekly to get all requests finalized. He mentioned that the developer for the underground mall had presented, informally. Mr. Runyon asked when OKH would add the ground mount solar panels at the wastewater treatment plant to their agenda. Mr. Kelly stated that his office had had communications with CVEC and would make sure that the developer was made aware of the Old King's Highway requirement and once those plans had been drawn up, they would take this to the committee. He spoke to the great work that the AAG commission was doing.

Mr. Mathison noted that Shellfish and Waterways had met the evening before and were continuing their work on parking issues and such at the town landings. He stated that they voted on requesting that in the currently regulated four landings, that the town look at having resident and non-resident permits for those areas. He stated that the committee was hesitant to go with a resident only approach, as this might increase traffic at a different location. Mr. Mathison stated that the Shellfish and Waterways committee would like the select board to be aware of the commercial use of the town landings and the issues that this was causing. Mr. Runyon asked if the committee was going to look at other towns to see what they were doing and Mr. Mathison stated that the committee had looked at other towns but not the commercial issue and he would ask the committee to look at that as well. Mr. Runyon noted that Orleans did not want to be more lenient than any other town. Mr. Kelly stated that he had Chatham's entire program (which Orleans had decided not to adopt several years ago) and would send it to the board. Mr. Mathison noted that Chatham seemed to be the harshest in its restrictions. Mr. Mathison noted that the Shellfish and Waterways committee also wanted to look at the fertilizer issues in regards to rules and restrictions that were not being enforced.

Mr. Mathison next noted that the Nauset Regional School Committee was in their annual budget process and had also narrowed the superintendent search to 4 candidates. He added that they were beginning the search for a new principal for Nauset Regional High School.

He also noted that the Governor Prence Committee had met earlier in the week and had been given a brief overview in housing project currently going on around the cape. He added that the consultant was on board and that the parameters were being set for the consultant. Mr. Herman asked if the Governor Prence feasibility task force had weighed in on the 2nd property and Mr. Mathison said they had not yet.

Mr. Galligan stated that CPC would be spending the next 4-5 weeks meeting with applicants. He added that he had attended a seminar on "Bonding 101" which had been very informative. He noted that the finance committee had met and were going through department needs which gave the finance committee greater insight to the shared resources between the departments.

Ms. Reed stated that the OCC was working on grants and while the OCD did not have quorum, they were working on social media and rebranding. Mr. Runyon asked if either of those committees had asked Ms. Reed on how to ask for money within the budget and Ms. Reed said not formally, but that she had had conversations with the chair regarding strategies.

Mr. Runyon noted that the planning board had met and that Mr. Meservey had already covered that earlier in the meeting. He stated that Ron Petersen (chair of the Historic Commission) would like to get on the Select Board agenda for February to present their Historic District bylaw.

Mr. Runyon asked if someone could reach out to Mr. Brotherton regarding his questions regarding Mill Race. Mr. Kelly stated that he would reach out. Mr. Kelly stated that the state would be the authority to make the decision on the historic significance of the race. Mr. Mathison noted that he had had a discussion with Mr. Sears and he suggested having Mr. Sears sit down with Mr. Galligan and himself and determine what they had received from Woods Hole Group in terms of deliverables. Mr. Mathison noted that Ms. Fields (Woods Hole Group) had alluded to some red tide cyst issues that had never been presented to the board and he stated that they needed more information from Ms. Fields. Mr. Mathison also suggested looking at the minutes from the old dredge advisory committee with the work that they had been doing on pleasant bay as this could potentially shed some light on the Mill Pond/Mill

Race issue. There was a discussion on looking for clarification as to whether the Mill Pond residents were looking for the rocks to be removed or not.

Items for Future Agendas

Mr. Galligan noted that Kathy Doane had released an excellent rating report from the S&P for the town of Orleans' strong financial position except for the "weakness" that was noted in the unfunded liabilities. He asked that the board discuss having unfunded liabilities be a stand-alone item in the town's financials. Mr. Kelly noted that he would address this. Mr. Galligan noted that they had discussed a work group between Orleans and Chatham to discuss how their summer seasons had gone RE: OSV as he wanted time before having to sign a contract. Mr. Kelly stated that he had already been in contact with Nate regarding this and would follow up again.

Ms. Reed asked to do a post mortem after the 2/1 multi-board meeting on the effectiveness of it.

Adjourn

Andrea moved to adjourn, 2nd by Kevin Galligan. The vote was 5-0-0, with Andrea Reed, Kevin Galligan, Michael Herman, Mefford Runyon and Mark Mathison all voting aye.

Respectfully Submitted,
Ashley Stucenski



Mark Mathison, Clerk

Documents in January 12, 2022 packet:

1. Agenda
2. Planning Director Quarterly Report dated 1/6/22
3. May 13th ATM Article 23: Acquire Governor Prencz Properties
4. Email from John Kelly re: Inspection Recommendations for 66 Rte 6A
5. 66 Rte 6A Recommendations XS Brokers Loss Control Service
6. Charge to the New Fire Station Feasibility Study Committee
7. Letter from APCC re: Opposition to Pilgrim Discharge of Radioactive Water
8. Draft Letter from Town of Orleans to Gov. Baker re: Pilgrim Discharge of Radioactive Water