

ORLEANS SELECT BOARD

March 16 2022

Draft

This meeting was convened via remote participation under the Governor's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth from the COVID-19 virus 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 Chair Andrea Reed, Kevin Galligan, Mark Mathison, Michael Herman and Town Administrator John Kelly

Chair Mefford Runyon called the meeting to order at 5:30 p.m.

Mr. Galligan spoke to a speech given by the Ukrainian President and members of US congress that he felt was touching. He asked for a moment of silence for peace in Ukraine and the board observed one.

Public Comment (in-person or via zoom)

Brian Sosner (member of the Old Fire House Task Force renovation project). He encouraged the board to process with the Old Fire House Project and stated that he was disappointed in the recent CPC vote and felt that it should not be a deterrent to put the project before the town. He added that there were other ways to finance the project and that the project was meaningful and significant and was a major step toward the overall development of downtown. He stated that The Old Fire House was a major factor in bringing together all of the things that were being worked on as future projects for the town of Orleans as a whole.

Lisa (Chamber of Commerce) spoke to advocate for the Old Fire House Project as a debt exclusion project or private donor. She noted that the space had enormous potential as a meetings and event venue which could provide significant revenue for the town. She noted that for the space to appeal to meeting and event planners, a renovation would be necessary.

Mr. Cameron (treasurer of Orleans Can) joined via Zoom to speak in support of his committee. He spoke to the possibility of betterments being used as a way to pay for the sewer system and noted that many of the options currently on the table were not fair and equitable to all. He urged the board to support equitable access to clean water by reducing betterment charges as much as possible.

Mr. Diaz joined via zoom regarding agenda item 8 (the proposed shift in sewerage costs). He stated that he felt that the current path of the board in making this decision was not defensible as it was being conducted in an arbitrary and capricious manner. He noted that the board seemed to be primarily focused on shifting the costs enough to get the vote at Town Meeting and nothing else. He added that when decisions were made in arbitrary and capricious manner, that this had the potential to open the town of Orleans up to litigation and law suits in the future. He went on to explain the measurable ways in which properties that were able to hook up to the sewer system would increase in value. He noted that the phase one betterment charges were based upon a percentage of both treatment, re-charge facilities and phase one collection costs, while phase two betterment charges were based on only phase two collection costs. He added that none of the analysis took into account how future sewerage phases would be affected were any of the scenarios being presented adopted. He gave examples of other

towns in MA that had established betterment charges and noted that there could be caps placed on particular neighborhoods. He noted that while Chatham was not charging a betterment, their entire town would be sewerred, unlike Orleans where only about half of the residents would be sewerred. He also stated that Eastham had put into effect a betterment methodology under the uniform unit method that did not need approval from the state and implored the board to look at what Eastham had done.

Mr. Runyon called the public comment to a close.

Approval of Minutes

a. January 5, 2022

Andrea Reed moved to approve the minutes of January 5, 2022 with one or two edits, 2nd by Kevin Galligan. The vote was 5-0 with Michael Herman, Andrea Reed, Mefford Runyon, Mark Mathison and Kevin Galligan all voting aye by roll call.

b. January 12, 2022

Andrea Reed moved to approve the minutes of January 12, 2022 with one or two edits, 2nd by Kevin Galligan. The vote was 5-0 with Michael Herman, Andrea Reed, Mefford Runyon, Mark Mathison and Kevin Galligan all voting aye by roll call.

c. January 19, 2022

Andrea Reed moved to approve the minutes of January 19, 2022 with one or two edits, 2nd by Kevin Galligan. The vote was 5-0 with Michael Herman, Andrea Reed, Mefford Runyon, Mark Mathison and Kevin Galligan all voting aye by roll call.

Committee interviews and appointments

a. Cultural District Committee – Paul Shorthose

Mr. Shorthose noted that he had been a full-time Orleans resident for 7 years and had been very involved in philanthropic efforts while he had lived in Needham. He stated that he was interested in anything that he could do contribute to community within the town of Orleans.

Mr. Runyon asked if Mr. Shorthose had had a chance to meet with any other board members and he stated he had not, but that he had read through some of the agendas and minutes and felt it was an area of interest for him.

Andrea Reed moved to nominate Paul Shorthose for a term ending 6/30/25 to the Cultural District Committee, 2nd by Mark Mathison. The vote was 5-0 with Michael Herman, Andrea Reed, Mefford Runyon, Mark Mathison and Kevin Galligan all voting aye by roll call.

b. Cultural Council – Louis Yarmosky

Mr. Yarmosky stated that he was a resident of Orleans and was a retired pediatric dentist who had moved full-time to Orleans in 2020. He stated that he had lived in the Berkshires for many years which was also a destination area. He noted that it had some of the same issues as Orleans due to this and that he had become involved with the schools and event planning for his town. He stated that he was interested in getting involved in the community and be of service to the town.

Ms. Reed wanted to make sure that the Cultural Council was the right fit for Mr. Yarmosky and he stated that he would prefer the Cultural District Committee and Mr. Kelly said that that was possible.

Kevin Galligan moved to appoint Louis Yarmosky to the Cultural District Committee for a term ending 6/30/25, 2nd by Andrea Reed. The vote was 5-0 with Michael Herman, Andrea Reed, Mefford Runyon, Mark Mathison and Kevin Galligan all voting aye by roll call.

Meet with Eversource Representative and Chief Deering to discuss proposed vegetation management at the Rt. 6A/Eldredge Parkway substation and storm reliability issues

Chief Deering stated that the partnership, communication and collaboration that Orleans had with Eversource had grown over the last few years.

Roneen Goldstein, a representative from Eversource spoke to the Select Board and thanked the public safety and DPW workers within the town of Orleans for their efforts. She first spoke about some vegetation at the substation which had grown too tall and were a safety and security concern. She stated that for the time being, the trees facing 6A would need to be cut shorter and the trees along Eldredge Parkway would need to be replaced with something apx. 6-8 ft. tall. She stated that the manager of vegetation management was looking at availability before finalizing the vegetation plan and that she would communicate the plan as soon as possible. She stated that the work would be done the next morning and that she had given the OPD language to explain what was happening to the public.

Mr. Galligan noted that the trees in question were out of control and that there was potential contact with live wires. He then stated that he would like Ms. Goldstein to come back to the board with the correct people from Eversource to address the double pole issue. He also asked for the sodium vapor lights to be replaced with LED lights at the substation. Ms. Goldstein stated that there was a neighboring town that had the same concern about double poles. She stated that she would let her manager know that Orleans would like this addressed. She added that in order for a double pole to be removed, every utility on that pole would need to be moved in an orderly fashion and would take time. Mr. Runyon questioned whether or not there was an obligation to address the poles and Ms. Goldstein stated that she was not aware of a timing requirement but that all of the utilities were aware that it needed to be dealt with.

Ms. Reed questioned if non-invasive species could be used in the planning for the new vegetative landscape. Ms. Goldstein stated that she did not know of any specific species that had been discussed but that she would assume that her arborists were aligned with Ms. Reeds train of thought in planning native species. Mr. Herman asked that the re-planting be done ASAP and Ms. Goldstein stated that it was slotted for May/June. Mr. Kelly spoke to the landscape agreement that was in place between Eversource and the town of Orleans. He noted that if all of the trees were to be removed, he would ask for the black fence screening to be installed while the town awaited the trees. Ms. Goldstein stated that she would get confirmation on that by the next day.

Ms. Goldstein spoke to the two significant storms that had knocked out the majority of Orleans' power and asked for feedback on the town's experiences during those storms. She spoke to the two-way portal that the town's emergency services had access to for assistance during storms. Mr. Galligan complimented the improvements that Eversource had made on giving citizens accurate restoration times as well as having embedded Eversource employees within the community during those critical times. He added that the proactive approach Eversource had taken in recent times had been a positive.

Mr. Mathison noted that he lived in a fairly vulnerable area for down limbs and questioned why Eversource was not thinning out the limbs even more. Ms. Goldstein stated that there was a canopy in

which they were allowed a certain distance from the power lines when taking down limbs of trees. She stated that she welcomed private homeowners to reach out to Eversource and that they would work with them to address limbs outside of that canopy. Mr. Mathison noted that the town was the “owner” of many of the trees in question and asked if there was a way that they could work out a plan with Eversource. Ms. Goldstein stated that she would make a note and would like to work with Orleans DPW and Tree Warden.

Ms. Reed stated that Eversource had a tree-trimming schedule with the town and that residents could meet with Eversource to discuss their concerns at any time. She also questioned why more lines weren't buried. Ms. Goldstein noted that Eversource was not the only utility on the poles so that it would take a significant amount of time and money and this cost would ultimately go down to the user.

Mr. Mathison stated that even with the program in place to remove limbs, it did not seem to be 100% effective and he would like that addressed. Ms. Goldstein stated that she understood the concerns and that the winds were the biggest issue for the Cape.

Mr. Kelly noted that half of the roads in Orleans were not laid out public ways and that work could be coordinated with the Orleans Tree Warden. Ms. Goldstein stated that she would welcome the opportunity to work with the town.

Mr. Runyon stated that they were always told how expensive it was to bury power lines, but never got an accounting of what it cost to maintain the lines and poles in the current aging system. Ms. Rodriguez noted that she believed that there was an exercise being done to come up with the numbers that Mr. Runyon was asking for.

Meet with Kevin Higgins for update on Veteran's Memorial Park

Kevin Higgins, Chair of the Veteran's Memorial Day Committee went over a drawing of the proposed plans for the park. He spoke to various changes that would take place beyond the drawing and expressed his hope that the Select Board would bless the drawing.

Mr. Herman noted that the park would be utilizing native plantings that were less of a burden on the town in terms of maintenance. Mr. Galligan questioned if the soldier would remain at Monument Road and Mr. Higgins stated that he would remain but that the soldier needed some work. Mr. Runyon noted that ultimately this project was an application to the CPC for funding and wondered if the soldier on monument road could be included in that application. Mr. Kelly stated that if the Veteran's Memorial Park committee would like to adopt the soldier as part of their project that this could be done.

Ms. Reed asked if it was in Mr. Higgin's plan to educate the public on the plans for the park and Mr. Higgins stated that it would.

Brian Sosner spoke and noted that this park was the heart of Orleans and stated that there had been a great deal of public interest. He thanked the Select Board for their support.

Discussion on 2022 Sewer Rate Study and annual cost projections

Tom Daley went over the basic numbers behind the math for the proposed sewer rates. He urged the public to get in touch with an engineer sooner rather than later to be able to get hooked up to the system.

Mr. Runyon asked if other outreach should be done and Mr. Daley stated that that this point in time, that would be helpful.

Dave Fox, Sr. Mgr. with Raftelis Financial Consultants (a nation-wide consulting firm who specialized in mgmt. consulting for local government, mainly in utility) spoke next. He presented a spreadsheet which outlined basic operating expenses and explained how the Wastewater Stabilization fund would be working to off-set initial costs. He showed a bill comparison to other communities around Orleans and noted that Orleans was currently in the middle. He also forecasted rates per quarter and rates per gallon out as far as 2028 which showed minimal increases. Mr. Herman asked for clarification on the numbers and asked if it was assumed that 100% of customers would be hooked up by 2023 and they stated that everyone had a year to tie into the system. Mr. Herman then questioned the \$50 quarterly rate and asked if citizens would have to pay this rate regardless of water usage. Mr. Fox stated yes, he added that there were significant fixed operational and treatment costs and the fact that someone was hooked up to the system would mean that they had to pay.

Mr. Galligan noted that once the plant was up and running and more citizens were hooked up, the rates could be tweaked to reflect peak and off-peak rates as well as possible residential versus commercial. He stated that the system being proposed met the minimum principles of rates in that it was simple, effective and fair. Mr. Galligan asked Kathy Doane if it was a good assumption that use would stabilize in the first 2 years and debt service would begin in FY 25. Ms. Doane stated that some tweaking needed to be done insofar as how much of the wastewater stabilization fund would be available for subsidizing, but that the overall logic behind the plan made sense. Ms. Doane then questioned what the line "other revenues" was for. Mr. Daley stated that there could be various "other revenues", but to be conservative, he only used one, and that was the \$250/application to connect. Ms. Doane noted that in FY 23 none of the revenue sources could be used as part of the budget as there was no history proving that the numbers were real. She added that those funds would have to come from the Wastewater Stabilization Fund.

Ms. Reed questioned the projected annual customer bill and asked if those numbers might be able to be reduced based on the transparency of the enterprise fund. Mr. Fox stated that the assumptions were conservative and it was his hope that the rates could be reduced. Ms. Reed then questioned 9 Main St. as the largest user and noted that it was a somewhat subsidized housing area and asked if there were programs to help those users with this utility. Mr. Fox stated that there were programs for such situations. Mr. Runyon noted that 9 Main St. was being shown as one complex and asked if this could be broken down for comparative purposes.

Ms. Doane noted that based on the current proposed rate structure, the Sewer Enterprise Fund was still being subsidized for the next 6-7 years out of the Waste Water Stabilization Fund. She asked if the rate for FY 23 could be raised so as to reduce the subsidy needs. Mr. Fox stated that this was possible but that it would significantly increase the rates. He did the quick math and stated that it would require a \$19 charge

Mr. Mathison brought up a discussion from 5 years prior where he had posed the question to Mike DiMenica of what the numbers were based on. He noted that the tri-town plant had been closed and that assumptions were made that all of the septic haulers at that time would continue to exist. He added that Mr. DiMenica had never done the analysis that the town had asked for to figure out how many of the smaller septic haulers would close down when the tri-town plant was closed and/or how many septic companies would purchase larger equipment to be able to haul off Cape and then have no incentive to return to Orleans unless Orleans gave them a very cheap rate. He asked how many haulers Orleans could realistically return to Orleans to haul out waste. He again asked what the numbers in the current spreadsheet being displayed were based on and expressed his concern that they were simply based on the numbers from 5 years prior.

Mr. Daley stated that there had been no deep analysis of what haulers still remained and that these numbers were based largely on older numbers. He added that Yarmouth was at \$0.10/gallon and that Yarmouth was considering closing their plant down soon which would give Orleans a pre-captured market. He stated that he felt the numbers in this presentation were conservative. Mr. Daley went on to say that there was no history for this plant and that those numbers would trickle in but again, that he felt that these numbers were conservative. Mr. Mathison stated that he was looking at \$1 million plus in revenue that might not actually be coming in as there was no real basis for that number.

Mr. Runyon asked if there was a methodology for the septic market to answer this question that Mr. Mathison had posed. Mr. Daley said that his team would do some legwork and reach out to the haulers to get a feel for what their plans were.

Mr. Galligan noted that Mr. Daley had coordinated with Tom Parese and felt that the plant would be limited by how much septage could be blended in with the sequence batch reactor of sewer. Mr. Mathison noted that if nothing came in in the way of septage, there would be no revenue coming in and the rates would need to increase.

Mr. Parese (AECOM) spoke to the numbers and confirmed that they were conservative. He added that they had communicated with 5 local septic haulers who had stated that provided the rates were the same, there would be no reason for them to pass the Orleans plant to dump waste at another. He also noted that there was a bypass in the system where in the early years, it would be able to accept more septage by diluting it with an effluent to maintain the biology.

Mr. Mathison noted that this work had been done 5 years ago and no one knew who was still operating so this data was irrelevant. Mr. Parese stated that regardless of how many haulers there were, the septage was still being pumped out and being hauled somewhere.

Mr. Mathison asked, if there septage had to be treated, would that slow down the offload of the haulers? Mr. Parese stated that there would be no restriction on offloading and he did not anticipate any slow-down.

Mr. Runyon noted that the numbers were based on all users in the downtown (residential and commercial) but noted that the high commercial users were not being illustrated. Mr. Fox suggested that the demand buildout that already existed could be used to determine what the actual user bill would be based on average consumption.

Ms. Doane asked if Mr. Fox had an illustration of what the sewer rates were in other towns and Mr. Fox stated that his numbers were based on actual rates from other towns and that he would share his spreadsheet with her. He cautioned here to look at the bills in total and not to focus on the rates. Mr. Runyon stated that Orleans had the desire to break even and for the system to be self-sufficient and questioned if other communities were operating this way as well. Mr. Fox stated that he did not work with any of the other communities but that Provincetown did have a subsidy from a general fund.

Mr. Galligan noted that in order for Orleans to begin to customize their rates they would first need data and that this was something that could be done down the road.

Mr. Herman asked how these costs related to the water bills in terms of rates. Mr. Daley stated that generally sewer water was apx. 1.5x more than water and that an average water bill in 2021 was \$378. Mr. Runyon noted that comparisons for water bills were provided for other Cape Cod towns and stated that it would be relevant to know if they were comparing themselves to towns that were being subsidized or not.

Mr. Mathison asked if the town ever anticipated having a tiered system that would incentivize people to use more or less water and asked what the town's overall goal was down the road. Mr. Daley stated again that the system needed to have some time behind it before something like this could be discussed. Mr. Fox stated that typically across the industry it was much more common to have tiered rates on water than sewer.

Mr. Galligan questioned when the town would see numbers for asset replacement reserve as things would begin to fail and asked if those costs were factored into the current numbers. Mr. Parese stated that those costs were factored in as "fixed costs". Mr. Kelly stated that there was \$1million budgeted for all of the fixed costs and that those costs were only paid if needed. He went on to say there the Board of Water and Sewer Commissioners needed to provide a recommendation to the Select Board for a rate. Mr. McClennen stated that his board would be voting on that ASAP.

Ms. Doane noted that the rate should not be started too low and then call for a substantial increase. Mr. McClennen stated that his board had considered this and understood the ramifications.

Further discussion and possible vote on proposed sewer system cost allocation between property taxes and betterments

Mr. Galligan and Ms. Reed recused themselves from this agenda item.

Mr. McClennen spoke as Chair of the Board of Water and Sewer Commissioners and stated that that board had met that afternoon and after thorough discussion, they voted 4-1 to recommend that the Select Board proceed with scenario number 4. He stated that the mover of the motion was Bob Rich who had been involved in the project for years and was originally in favor of 80% on the tax rate and 20% as a betterment.

Mr. Runyon asked the board if they would be comfortable coming to a vote that evening. Mr. Mathison stated that he would not as he had more questions and if he had questions, he could only assume the general public had even more questions. He stated that he understood there was a time limit to get items on the warrant but that the questions needed to be answered in order to hope for a favorable outcome at Town Meeting. Mr. Herman and Mr. Runyon agreed and stated that a date should be set to

take a vote. Mr. Kelly stated that the last meeting to vote would be April 6th, but March 30th would be better. Mr. Mathison stated that he was on with that date provided they could obtain the clarification that they were looking for.

Mr. Herman expressed his concerns of the effects on Affordable Housing and wanted to be able to present all of the facts from all of the sides. He noted that if any of the costs were to go on the tax rate, this would obviously result in increasing the taxes which would directly burden low-income families and make paying their rent and living expenses a higher portion of their net income. He stated that renters should not be responsible for betterments, but the property owner as the property owner was the one benefitting from the sewerage. He noted that sewerage had a major positive impact on affordable housing as it allowed for the town to have more density on properties. He noted that Rock Harbor Village residents were very concerned on how much they might have to pay in betterments, but due to the fact that it was a state federal subsidized housing complex, they would only be required to pay 30% of their income on rent and betterments could not affect that, but any increase in taxes would. He noted that there were different restrictions between private and public properties in which landlords could not discriminately increase rent. He next expressed his concerns with the discussions of an “us vs. them” and that everyone who was a property owner/tax payer of Orleans would be affected by this. He stated that Chatham was putting all of their costs on the taxes, but that they were sewerage 100% of the town and Falmouth was 70% on betterment and 30% on the tax rate.

Mr. Runyon questioned if the Affordable Housing issues that Mr. Herman brought up were something that Masha Algeyer or George Meserve could answer. Mr. Kelly stated that since sewers were so new in Orleans that they did not have a lot of knowledge on how the assessor would be changing values of homes. Mr. Runyon stated that finding the best person to ask this question and obtain the information would be helpful. Mr. Kelly stated that Mr. Meserve could go to the state to find out. Mr. Herman noted that it had been vocalized that those betterments would have a detrimental effect on affordable housing, but that it hadn't actually been shown as to how betterments would have a detrimental effect with hard facts and/or figures.

Mr. Herman brought up the Barnstable County Community Septic Management Program which had been in existence for some time and dealt with failed septic systems, hook-up costs and betterment assessments and that people should be made aware that that resource was out there. He added that he felt that the town of Orleans should be doing more in the way of assistance.

Next, Mr. Herman spoke to clean water and noted that people were confused on how this was going to have an impact on water quality and that if the sewers were not installed that it would have a detrimental effect on the drinking waters in their homes but that based on Mr. McClennen's presentations, this was not the case. Mr. Runyon noted that the whole project was about Nitrogen and Phosphorous which impacted water not in a polluting way but in a natural habitat way. Mr. Runyon stated that this misconception could be cleared up.

Mr. Kelly stated that the town would still need to meet the requirement of cleaning up the water set forth by the mandate.

Mr. Mathison recounted how the town had finally voted in favor of the sewer system 4 years prior after having been voted down in the past and noted that some adjustments had been made in order to obtain that vote. He stated that one of those things was the combination was to have the tax rate and betterments paying for percentages of things. He stated that citizens needed to be very well informed

on what was really going on if the town hoped to obtain the vote. He stated that he could not see going to 100% on the tax rate, but he would be in favor of some shift and since the Board of Water and Sewer Commissioners had recommended the 80/20 split, he felt that this was a good place to start. He stated that there were still many questions surrounding the betterments and how they would increase the value of one's home. He also questioned whether or not a citizen would be able to do more with their property being sewerred and noted that this seemed to vary by town and questioned whether the current Orleans regulations would change when a dwelling was no longer on a septic system. Mr. Mathison stated that he would like to have a meeting with a representative from each of the following present: Select Board, Board of Health, Board of Water and Sewer Commissioners, Planning Board, Zoning Appeals Board, Town Admin and DPW to discuss directly what a betterment would actually allow people to do. He stated that there were a lot of questions still out there that needed to be answered before Town Meeting. Two of the more important ones being; how many years would it be before the system became self-sufficient, and when would phases 3, 4, and 5 kick in and produce a huge swing in debt, and is there a way to spread those out to reduce said debt. He stated that he felt that citizens needed to know the long run plan before voting on the current issues at hand. He emphasized that there were only three Select Board members present due to the fact that Mr. Galligan and Ms. Reed had recused based on the fact that they were citizens who were affected by the sewer system and noted that he was not comfortable, given their current set of data and information, to vote on the expenditure of hundreds of millions of dollars in tax payer money.

Mr. Runyon questioned whether he should be recusing based on the fact that he lived on an area that would never be sewerred.

Mr. Kelly stated that phases 3, 4 and 5 had not yet even been framed out and that that information would not be available until after Town Meeting. He then stated that the town had had to adopt a zoning bylaw to comply with growth neutral and he believed that this was for downtown. He added that it would be beneficial to meet with the Zoning Board to understand what people's options would be once sewerred. Mr. Kelly stated that he would be happy to set a meeting up per Mr. Mathison's request. It was decided that it would be done as a meeting and be televised.

Mr. Hartman stated that during the Board of Water and Sewer Commissioner's meeting earlier that day, Herb Kinney was in a similar place to Mr. Mathison with needed to know the answers to a slew of various questions and while he did not disagree with any of this, things needed to get done now. He noted that the Select Board had had the information for over a year. He stated that it was imperative to get all parties together and that it needed to happen immediately. Mr. Mathison stated that he agreed, and his concern was that this sewer system had been voted down twice before it was approved and he did not want to be put in the position again where the town did not vote in approval of this. Mr. Hartmann stated that he agreed and that in order to achieve the vote, the numbers would need to be very favorable.

Mr. Runyon noted that the recommendation from the Board of Water and Sewer Commissioners was a huge help. He added that there had been a lot of discussion on what was promised to the tax payers 4 years ago vs. what the Select Board was considering now and noted that at that time the estimated cost for phases 1 and 2 had been apx. \$80 million and the expectation was that the Orleans tax payer would take on that entire cost. He noted that since then that burden had shifted and it was now a total cost of apx \$100 million and 75% would be paid for out of "pockets" other than the Orleans tax payer. He noted that 4 years ago, it was assumed that a residential tax payer on an unsewerred area would pay apx. \$214/\$500k in assessed value and a person paying a betterment in the downtown would be paying

apx \$4,800 for that betterment. He noted that if you applied the current Select Board policy to today's numbers, the general tax payer would pay nothing and someone with a betterment would pay apx. \$10k. He noted that in this disparity was what was driving the need to adjust the policy that had been voted on 4 years ago. He added that if the 80/20 split ended up being the route the town took it would result in a number on the betterments. He stated that this number should be used as a future cap and that the split might have to change on a go forward basis to maintain that cap.

Mr. Kelly interjected that a betterment could be transferred as part of the P&S on a property and this had been confirmed with town counsel.

Mr. McClennen spoke to the two written documents that the Select Board had received prior to that evening's public hearing; one from Herb Kinney and one from Robert Wren. He noted that Mr. Parese had looked at what Mr. Wren had proposed (what would happen if specific streets were to be added to the Meetinghouse Pond Phase and there were a Phase 2A and Phase 2B) and that this proposed change would actually increase the cost for the Meetinghouse Pond phase.

The point was brought up that all of the municipal buildings, which took up a lot of land area, would not have to pay betterments.

Continue review and possible vote on FY23 Budget

- a. Recommendations on future growth projections to be funded in FY23 budget
- b. Discussions on General Override needed to fund FY23 Nauset Regional School Assessment based on Orleans enrollment increase

Mr. Kelly stated that the School Committee voted to certify their budget at the region in the week prior to that evening's meeting. The final change was a 5.4% budget and the "scorecard" had been updated by Ms. Doane. Mr. Kelly noted that the assistant to the Facilities Manager, assistant for the Central Garage Mechanic and an assistant to the Town Planner were important additions that should be included in the budget. He said that he recognized the need for additional staff for recreation but advised that a study be completed before hiring additional staff. He suggested adding \$15k to the Select Board/Town Admin consulting line and then the town would only have to spend the funds that they needed. He noted that the starting point was at a deficit and a lot would depend on how the board would like to address this deficit. He noted that in October, there was apx. \$220k of unused levy capacity which was additional taxing authority that the town had before they would need to ask the voters to support a general override. He stated that to fund everything on the table for the current budget, a general override of \$566k would be required. He then spoke to the bidding process for fuel and explained the various routes the town could take. He then went through a high-level overview of all other budget items and departments.

Mr. Galligan questioned the funding of the electronic voting machines and whether that cost should be moved to the general budget and Mr. Kelly recommended that it remain as a stand-alone. Mr. Galligan stated that he did not feel that the board should feel any guilt in asking the tax payers for a general override as it was primarily due to the increase in students which was not within the control of the town. Mr. Kelly reminded the board that the \$627k in the school budget would become the baseline for upcoming years and this budget item was a structural change in the underlying cost structure beyond the control of the town.

Kevin Galligan moved that the Select Board propose to place a general override from Prop. 2 ½ on the warrant that would fix the number of \$627,032 that was tied directly to the school driven increase, 2nd by Andrea Reed. The vote was 5-0-0 with Kevin Galligan, Mefford Runyon, Michael Herman, Andrea Reed and Mark Mathison all voting aye by roll call.

Mr. Runyon asked if the 5.7% was all due to the enrollment bump. Mr. Kelly stated that it was the fact that the Nauset Regional budget came in at 2.3% above what the town had budgeted plus there was the addition of 27 more children. Mr. Kelly explained that the town had an omnibus budget which required all of the town appropriations be in one article so a contingency would be added that \$632 to fund the Nauset Regional School Budget would be contingent on the general override. It was explained that if the general override was not approved then no other items that were part of the override would be funded either.

Mr. Herman stated that he was 100% in support of supporting the schools but questioned whether there was any indication that the population would grow again based on elementary school enrollment. Mr. Mathison stated that the reason the town was unaware of the 27 extra kids in Orleans was due to COVID and some parents' choices to home-school. Mr. Herman understood and wanted to make sure that Orleans was vigilant in monitoring these numbers.

Ms. Reed noted that it should be celebrated that more kids were coming into the community and added that once the various housing projects had been completed Orleans would want to recruit and retain the young families and should be happy to pay for the educational component. She stated that while there was an initial shock to the budget that it was imperative to the future of the town.

Mr. Runyon stated that he would like to re-visit the new position with the Recreation Department as they had held back for quite a while on increasing that department and programming for the people in the town of Orleans. Ms. Reed and Mr. Herman agreed and stated that while a study was important, they should be able to act quickly if the study showed that there was a need.

Mr. Kelly noted that \$25k had been added to the budget in the prior year that had never been used and those funds could be used immediately to hire someone part time and have the programs up and running for the summer 2022 season. Mr. Kelly noted that what would be done with the revolving account also needed to be decided.

Ms. Reed noted a vote made by the Recreational Advisory Committee from 12/16/21 where they had voted to support the addition of an assistant recreation director. She stated that she would like to have all involved parties on the table before moving forward with this. Mr. Kelly if the program was going to grow by adding staff, then what was the purpose of the revolving account. He suggested that there could be an agreement where some of these funds would go towards paying for additional staffing.

Mr. Mathison stated that the town needed an unbiased opinion to advise on what needed to be done to achieve the programs that would be the most beneficial to the town. He added that he would like to see clearly written out job descriptions which included duties and salaries. Ms. Reed stated that she would like to broaden the definition of recreation within the town and to have it included within the context of all other areas that the town was exploring.

Mr. Galligan noted that there would be a Fall Town Meeting and all of these concerns could be addressed between now and then.

There was a discussion surrounding the mechanic position and Mr. Herman felt that the numbers could be tightened a little more. Mr. Herman also noted that for the Assistant Planner he would like to have someone hired who had experience with grant writing.

Continue review and possible vote on FY24-FY28 Capital Improvement Plan

Mr. Galligan stated that there would be no bids in for The Old Firehouse project prior to May Town Meeting and suggested to put a \$2million place holder into the FY24 Capital Improvement Plan.

Mr. Runyon noted that the roof project had been crossed off and Mr. Kelly stated that since there was no design yet for the roof, that this was being deferred to fall Town Meeting.

Mr. Kelly stated that he had moved the dredging projects for both the Nauset Estuary and Pleasant Bay out one year. He also noted that he had had discussions with Mr. Finan regarding the Firehouse project and stated that the Select Board did not currently wish to put a number into the budget for design and plans until the feasibility study had been completed.

Ms. Reed spoke to her concerns of not acting on the Old Firehouse in FY23 and the cost of that decision and stated that she would be more comfortable with a higher number in terms of a placeholder as she felt that the \$2million would be short. Mr. Galligan stated that AECOM had provided background detail for the \$2million, and Mr. Kelly stated that he felt it was best to move forward with the numbers they had been advised to use. He added that the town would have bids prior to the project going to a Town Meeting.

Mr. Herman asked if there was anything that had been removed from the CIP. Mr. Kelly stated that he had zeroed out the permeative reactive barrier and stated that the town would apply a year from then with MA DEP. He noted that Meetinghouse Pond was the same and that there were a few minor changes due to grants that the town was trying to obtain. He noted that the number for the Nauset Regional schools had been changed due to the assessment. He stated that General Municipal Purposes had been moved out to FY24 as there were no pending projects. He added that he had made changes to the vehicle and equipment stabilization fund and the town would be asking to use ambulance reserves to purchase the three mobile data terminals for the ambulances – a \$30k item. Mr. Kelly also noted a few changes for the beach maintenance.

Discussion on Old Firehouse Renovation Project and option to proceed as debt exclusion project

Alan McClennen recommended that the Select Board not go to Town Meeting for a debt exclusion for the Old Firehouse Project. He noted that the Historical Commission had suggested that his committee go to the MA Preservations Project Grant cycle and he noted that the project would be at the top of the list except for the fact that the Orleans Historical Commission had not placed this building on the MA Historical state register. He noted that the charge of his committee was now complete and that the committee members would continue to work on the project, but that the charge would need to be modified.

Mr. Galligan thanked Mr. McClennen for his time on the project. He stated that this project had brought to light a new concept that if a historic review was needed for a CPC project, that that town's Historic

Commission should not be the one to do it. It was suggested that the CPC could hire an independent review.

Ms. Reed noted that Mr. McClennen had been working on this project for over 10 years and hoped that the Selct Board would vote to change the charge of that task force on a future agenda item.

Mr. Runyon stated that the Historical Commission felt that they had done their best in making a fair decision and that another hurdle for the CPC approval had been the issue of borrowing. He noted that he would have preferred to let the vote at Town Meeting decide on whether or not to borrow for this project.

Mr. McClennen stated the land bank and the CPC (starting in 2006) had had an average percentage of its total resources annually of 46.8% dedicated to debt. He added that at that time that it was down to apx. 23.5% and in approving this project, they would not have approached their past debt percentages. Mr. McClennen felt that there needed to be some education surrounding this fact.

Mr. Herman stated that he had been watching the CPC all season and followed the process surrounding the Old Firehouse Project as well as other things. He commended Mr. Galligan for his efforts and wanted to be respectful of the CPC and their discussions.

Review draft index and possible vote on warrant articles for Annual and Special Town Meetings

Mr. Kelly went through the updates and spoke to several projects where “free cash” could now be applied due to the fact that they were one-time expenses and/or projects. He noted that the bylaws for short-term rentals as well as animal control had been removed and would be re-visited in the fall. He then spoke about two petitions, one for tree preservation and one for the evaluation of Mill Pond for sewerage. Mr. Mathison asked what the deadline was for petitions and Mr. Kelly stated that the annual deadline was March 10th and special would be the 23rd and for special you would need 100 signatures where as for annual, you only needed 10. He then noted that the charging stations would be added into the budget in the future.

Mr. Herman questioned the HVAC for the Water Treatment Plant and asked if that was for the compressors and Mr. Kelly stated that he needed clarification on those projects. Mr. Herman noted that the \$80k needed to be used ASAP as they could not apply for any more grants until it had been depleted.

Mr. Runyon questioned the item for “fund blue economy study on economic impact \$15k” and wondered if it was to see what the economic value of Rock Harbor and/or Nauset Harbor were. Mr. Kelly stated that he believed that it was part of the current study and to supplement that information.

Town Administrator’s Report

- a. Vote to appoint Mary Alice Machado as Dispatcher/Keeper of the Lockup effective March 7, 2022 until June 30, 2022

Kevin Galligan moved to vote to appoint Mary Alice Machado as Dispatcher/Keeper of the Lockup for the OPD effective March 7, 2022 until June 30, 2022, 2nd by Mark Mathison. The vote was 5-0-0 with Andrea Reed, Kevin Galligan, Mefford Runyon, Michael Herman and Mark Mathison all voting aye by roll call.

b. Vote to support informal student membership on various town boards and committees
Mark Mathison moved to vote to support the informal student membership on various town boards and committees, 2nd by Andrea Reed. The vote was 5-0-0 with Andrea Reed, Kevin Galligan, Mefford Runyon, Michael Herman and Mark Mathison all voting aye by roll call.

Mr. Mathison noted that he had informed the guidance counselors about the program.

c. Update on contracting with Mike Giggey of Wright Pierce as Orleans Sewer Coordinator

Mr. Kelly gave an update on the various projects that Mr. Giggey was working on and noted that Mr. Giggey would be working directly with town staff to formulate the proper phasing for future projects going forward.

Mr. Runyon questioned if the town's contract with Mr. Giggey could be reviewed and Mr. Kelly stated that he would re-send it to the board. The board noted that they would need to lean on Mr. Giggey for his expertise.

Liaison Reports

Mr. Galligan noted that the Finance Committee had brought in the Business Mgr. from Cape Cod Regional Technical High School, Erin Orcut. He noted that she understood every aspect of the school budget and that future trend on enrollment looked steady. She also stated that there had been a positive trend in the after-hours adult education program. He then spoke to the Cape Cod and Islands Water Protection Fund who had an executive meeting scheduled for the next day to discuss trying to understand Brewster's decision to withdraw from the fund. He stated that they would also be discussion enrolling the communities of Martha's Vineyard and Nantucket which could be a positive.

Mr. Herman noted that Old King's Highway had Jim Wilson (Attorney for The Old King's Highway) review their new bulletin which was very informative. He then stated that Marine and Freshwater had done a site visit at Cedar Pond with the Conservation Committee and as it was the most impaired pond, it would be discussed on a go-forward basis. He stated that Energy and Climate Change Committee was looking at all aspects of the town. He noted that the Agricultural Committee had 5 additional plots at Putman Farm. He noted that the 4th of July Committee had come up with the theme (done by Orleans Elementary School) which would be "Super Heroes Past and Present".

Mr. Mathison noted that the first forum for the Governor Prence Feasibility Study committee had gone well and was well-attended. He noted that the survey had been put out through various groups and outlets.

Ms. Reed stated that the Affordable Housing Committee had reached out to the Affordable Housing Trust and had a specific list of ideas that they would be working on together to then bring in front of the Select Board. She stated that the Orleans Cultural Council was finalizing plans for a reception on the lawn in the spring when the portrait of the duke would be restored.

Mr. Kelly noted that Tom Finan was looking for a Select Board liaison for the New Fire and Rescue Station Feasibility Committee. The board noted that they would decide in the next week.

Items for future agendas

Mr. Mathison noted that Mashpee had indicated that they might not have to go through their phase 2 and definitely would not have to go through with phases 3, 4 and 5 due to all of the mitigation that they were doing with shellfish. He questioned where Orleans was with that as a general concept. He then questioned Ms. Doane on two things that other towns were doing. One was a WWIF (Wastewater Investment Fund) which worked like a stabilization fund funded by the town just for wastewater. The other being that some towns had changed their CPA funding from 3-2% and taking the 1% and putting in into the stabilization fund as well. He questioned if Orleans could be better versed on various funding options when looking towards the future.

Mr. Herman noted that Mashpee had also indicated that they would ultimately end up sewerage the entire town as their nitrogen was under control, but their phosphorous was not.

Adjourn

Kevin Galligan moved to adjourn, 2nd by Andrea Reed. 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 March 16, 2022 packet: