

ORLEANS SELECT BOARD
March 23 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, Michael Herman and Town Administrator John Kelly, Mark Mathison joined late.

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

Public Comment

Scott Zenke (18 Doane Rd) spoke to item 5 in that evening's agenda and was in favor of outdoor entertainment in general and particularly the Barley Neck Inn.

John Lipman (67 Arey's Lane) spoke to item 5 in that evening's agenda and was in favor of outdoor entertainment in general and particularly the Barley Neck Inn.

Lawrence Diaz (South Orleans) spoke to the Select Board's review of how to pay for the sewer systems and expressed his concerns.

Phil Ruggieri (106 Beach Road and owner of The Barley Neck Inn) spoke to his participation in the Restaurant Committee and expressed his hope that the Select Board would allow the restaurants to move forward with the plan that they had agreed upon.

Laura Slifka spoke to the town's sewer system and expressed her opinions and concerns on the matter.

Judith Bruce (Towhee Lane) thanked the board for having Eversource re-plant in front of the substation and expressed her concerns. She also spoke to wastewater and expressed her opinions and concerns on the matter.

Mr. Runyon called public comment to a close.

Meet with Finance Committee

- a. FY 23 Budget discussion with Nauset Regional School District and Orleans School Officials

Lynn Bruneau called the Orleans Finance Committee to order (Ed Mahoney- yellow shirt, Elaine Baird-in front of marsh land, Peter O'Meara-in front of pics, Constance Kramer, Lou Chiovera, Tim Counihan, Chris Kanaga)

The School Committee did not have a quorum and so did not call to order.

Brooke Clenchy, Superintendent of schools introduced the members present to represent the schools. She then went through a detailed presentation which explained the schools' various budgets.

Principal Pender spoke to the Orleans elementary school enrollment and budget. Giovanna Venditti then spoke to the Nauset Regional School's enrollment and budget. Chris Easley spoke to how COVID had affected schools and children both emotionally and financially.

Lynn Bruneau questioned why the actual numbers were below the budgeted numbers and it was discussed that part of that was due to the impact of COVID.

Mr. Galligan questioned the School Board on several concerns that he had and various members of the School Board spoke to the ways in which they hoped to mitigate these concerns.

Mr. Runyon asked that the accounting of School Choice be more transparent and members of the board agreed that they would work towards that.

Ms. Doane asked what the most recent certified per pupil cost at the Elementary school and regional schools were. She also questioned if the \$1 million subsidy on the E&D (excess and deficiency) was going to be sustainable. Ms. Venditti stated that the E&D was not sustainable. Ms. Clenchy stated that she would have the per pupil numbers sent to John Kelly ASAP.

The Finance Committee adjourned at 7PM.

Meet with Snow Library Board of Trustees – Future of Snow Library

Steve Gass spoke to address the future of Snow Library. He spoke to the history of the building as well as its physical plant deficiencies. He asked the Select Board for years' worth of funding to be embedded in the town's 5-year Capital Improvement Plan (CIP) beginning with FY25. Mr. Runyon questioned where the town was with the planning for the roof and Mr. Kelly explained that it would not be part of Town Meeting that spring as they did not have bids yet. Mr. Gass spoke to the roofing funding and studies that had been done pertaining to it. Ms. Reed stated that she would like to see the library move forward with their project as this would impact how the town structured other master planning. Ms. Doane spoke to funding sources and asked if there had been any discussion of committing trustee funds towards this project. He stated that there had not but that it would be appropriate to use some of the funds.

Ms. Runyon asked Ms. Doane to organize all of the various capital improvement projects. Ms. Reed argued that the town should not wait until 2025 to get this project on the CIP.

Mr. Mathison spoke to a possibly collaboration of the Nauset Middle School and the Library and asked Mr. Gass if his board would consider this. Ms. Gass stated that his board felt that that collaboration would be too burdensome and halt the library project. Mr. Mathison stated that he was referring to the auditorium space as an option for group meeting space and spoke to the impracticality of keeping the library in its current location as burdensome as well. Mr. Gass stated that he would be willing to speak with the schools.

Mr. Kelly stated that the two library projects currently on the CIP for 2023 would be removed and a feasibility study would be added for 2024.

Andrea Reed moved to authorize a feasibility study for Snow Library for \$100k for FY24, 2nd by Kevin Galligan. The vote was 5-0 with Michael Herman, Kevin Galligan, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye by roll call.

Discussion on seasonal outdoor entertainment license recommendations from Advisory Group

Mr. Kelly gave a background on the regulations and application that his office had written up. He also spoke to the two meetings that he and other town officials had had with various restaurant owners. He then went through in detail how the licenses and regulations would work as well as the details of the application itself.

Mr. Herman stated that he felt that the plan was clear and straightforward and supported the business. Mr. Galligan spoke to being flexible going forward. Ms. Reed asked for the soundcheck and set-up to be included in the 4-hour time constraint. She also asked for the noise ordinance to be referenced on the license and Mr. Kelly stated that the bylaw was not workable but there were other ways in which the police could address the issue of noise. Mr. Runyon asked that it be made clear within the license that the Select Board was the local licensing authority.

It was noted that the board would vote on the final application in the following week's meeting.

Phil Ruggieri (Owner of The Barley Neck Inn) spoke from the audience and stated that his business was in the process of hiring and noted that whether or not their business would be able to play music would change how they would hire for the season. He then asked what the time line would be from submitting an application to receiving a decision from the town. Mr. Kelly explained that the review process would be done quickly and how it would go. He added that a Friday deadline should be used for the following week's meeting.

Matt Gallan (Co-Owner Owner of Hog Island) stated that the restaurants were looking for a blanket license for all of the restaurants within town and expressed his concerns with the board discussing putting conditions on certain establishments. Mr. Runyon stated that he did not feel that that would be possible. Ms. Reed added that this would not be possible until the town of Orleans had a better noise ordinance in place. Mr. Ruggieri noted that his establishment had already gone through the process being discussed and explained how things had panned out for his business. He noted that the town would continue to get the push back from the same two people.

Mr. Mathison noted that when someone built or bought next to an already established business should not enable said individuals to impose constraints on those businesses. He noted that he felt that it would be a large mistake to impose different restrictions on different businesses as that would not be a level playing field.

Mike McNamara (Co-Owner of Hog Island Brewery) spoke to how much time and money the advisory board had put into this process to foster a fun family-friendly environment but noted that the town needed a clear-cut approach with a blanket rule otherwise there would be a lot of confusion. He also clarified that his business had been told that they were allowed to serve liquor outside within the determined areas. Mr. Kelly stated that it was the licensed premises.

Vote on Police Chief's recommendations for promotions

- a. Sargent Andrew McLaughlin to the rank of Lieutenant to commence on April 10, 2022**

- b. Officer Hannah Greene to the rank of Sergeant to commence on April 10, 2022**

Kevin Galligan moved to approve the recommendations for promotion as noted in the packet, 2nd by Michael Herman. The vote was 5-0-0 with Michael Herman, Kevin Galligan, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye by roll call.

Vote to sign new contracts with Police Chief and Deputy Chief

Andrea Reed moved to sign both agreements for Chief Scott McDonald and Deputy Chief Sean Diamond as drafted, 2nd by Mark Mathison. The vote was 5-0-0 with Michael Herman, Kevin Galligan, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye by roll call.

Further review and possible votes on FY23 Budget and FY24 – FY28 Capital Improvement Plan

There was a discussion as to whether or not temporary staffing could be set up for the Recreation Dept. while the Organizational Study was ongoing. Mr. Kelly explained how this could potentially work and noted that it would put the town back into a deficit. He also explained how the rule of the current charter worked. Mr. Mathison asked if something could be in place by Fall Town Meeting and Mr. Kelly said that should be possible. Mr. Galligan asked if there was any money within the Town Administrator's budget that could be used for this position.

Mr. Herman asked if there was anything that could be done to the budget to offset the costs associated with the mechanic. There was a discussion where it was determined that the current budget made sense.

Mr. Runyon questioned if there was enough money in the budget to keep the town clean and Mr. Daley noted that the biggest challenge to this would be staffing.

Mr. Galligan questioned where the town would be if the general override did not pass for the Nauset Regional Assessment. Mr. Kelly stated that the budget would then have to be amended at another town meeting prior to June.

Kevin Galligan moved that the budget changes proposed on 3/18/22 that show an excess levy of \$61,347 was supported by the board, 2nd by Andrea Reed who noted that this decision had been made because the board believe that everything within the budget was essential to public services needed by the town. The vote was 5-0-0 with Michael Herman, Kevin Galligan, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye by roll call.

- a. Enterprise Funding Policy and Sewer Rate Recommendation

Mr. Kelly and Ms. Doane went over the various Enterprise Funds and explained any changes.

Andrea Reed moved to vote to endorse a \$0 subsidy on the Beach Enterprise Fund, 2nd by Kevin Galligan. The vote was 5-0-0 with Michael Herman, Kevin Galligan, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye by roll call.

Mr. Sears noted that Chatham was willing to negotiate on their inter-municipal agreement and spoke to the revision that Chatham was looking for.

Kevin Galligan moved to maintain the same agreement with Chatham with the stipulation that they were agreeable to the 25% share of the non-resident revenue, with a hard cap of \$75k and that this agreement would remain in effect for one year, 2nd by Andrea Reed. The vote was 5-0-0 with Michael Herman, Kevin Galligan, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye by roll call.

Next, there was a discussion of the Rock Harbor Enterprise fund which centered primarily on whether or not to have kiosks.

Moorings were discussed next. There was a discussion as to why certain moorings were increasing while other were not. Mr. Mathison noted that the town was losing a lot of money in not charging launch fees to use the boat ramps. Mr. Kelly stated that the fee would need to be the same for residents and non-residents. Mr. Mathison asked for this to be double checked as he thought that rule was only in effect until the debt had been paid off. Mr. Kelly said he would review the grant and the board agreed to hold off on voting.

Andrea Reed moved approve the Moorings Enterprise Fund with the fee schedule proposed for thr next fiscal year, 2nd by Michael Herman. The vote was 5-0-0 with Michael Herman, Kevin Galligan, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye by roll call.

Alan McClennen spoke to address the proposed sewer rates, and noted the estimated annual bills within that proposal. He also spoke to potential revenues from the system as well as changes in septic carriers. Mr. Daley went on to discuss rates and how the differing rates would affect how much was taken out of the Wastewater Stabilization Fund. Mr. McClennen stated that the Board of Water and Sewer Commissioners had voted on a rate of \$8/gallon 5-0-0 for year 1.

Kevin Galligan moved to vote to approve the user rate of \$8/1000 gallons with a \$50/quarter customer charge to be placed in the enterprise fund for Town Meeting approval, 2nd by Michael Herman. The vote was 5-0-0 with Michael Herman, Kevin Galligan, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye by roll call.

The following discussion was in regards to Transfer Station Fees where the recommended sticker price was \$185.

Andrea Reed moved to maintain the subsidy for the Transfer Station Enterprise Fund at 63% and to accept the proposed fee increases as recommended contingent on the approval from the Board of Health, 2nd by Mefford Runyon. The vote was 4-0-1 with Michael Herman, Andrea Reed, Mark Mathison and Mefford Runyon all voting aye and Kevin Galligan abstaining.

There was a discussion about moving to pay as you throw and the need for that to happen sooner rather than later and it was discussed that a Public Hearing with the Board of Health would be placed on the next agenda to vote on this matter.

There was a discussion among the board members as to whether or not they wanted to have a meeting on Friday to discuss the betterments and it was decided that it would be cancelled and held the following Wednesday.

b. Emergency Medical Services Policy
This item was postponed to the next meeting.

Fee schedule review and recommendations for Town Meeting

This item was postponed to the next meeting.

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

This item was postponed to the next meeting.

Follow up discussion on new sewer system after March 21 work session

This item was postponed to the next meeting.

Town Administrator's Report

These items were postponed to the next meeting.

- a. Update on Barnstable County's plans for ARPA funding distribution
- b. Designate Select Board Liaison to New Fire/Rescue Station Feasibility Study Committee

Liaison Reports

There were none.

Items for future agendas

There were none.

Adjourn

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

Respectfully Submitted,
Ashley Stucenski

Mark Mathison, Clerk

Documents in March 23, 2022 packet: