

ORLEANS SELECT BOARD

May 11, 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

David Little spoke to the sewer allocation article passed at the May Town Meeting and expressed his concerns with the decisions made. He suggested a vote for an option at Special Town Meeting in the fall.

Mr. Stein spoke as an abutter to the Barley Neck and stated that he felt that it was unfair to allow them to continue with their outdoor music.

Mr. Runyon called the public comment to a close.

Meet with Consultant from Streetsense to review Economic Development Plan

Nur Asri of Streetsense spoke to the work that her firm had done and the general findings of their research. The importance of the Blue Economy, attainable year-round housing and the need for Orleans to create memorable visitor experiences were top concerns. Both the creation of a full-time economic development director and the implementation of a tourism development fund to be able to fund all aspects of economic development were suggested, as were increasing and enhancing public access to already existing tourist areas and infrastructure.

Mr. Meservey stated that his intention was to share the final draft of the planning process with other boards and committees. Mr. Herman expressed his concerns that the Chamber of Commerce and Farmer's Market had not been included in the surveys. Mr. Meservey stated that he felt that the Planning Committee had done their best to get every concerned party's interest. Mr. Herman also questioned if anyone had looked into turning the stretch of 6A in front of Stop and Shop into one lane and that was discussed. Mr. Herman and Mr. Galligan both noted that people had not responded to surveys as they were not relevant and that people needed to be visited in person to get a real sense of their needs. Mr. Galligan also asked that the existence of the study for the Cultural Center as well as the renovation of the Old Fire House should be recognized within the study. Ms. Asri stated that in the larger background details these things as well as other ongoing studies had been included.

Mr. Mathison questioned how parking would be improved and also if moving the location of The Chamber of Commerce had been discussed. Mr. Herman noted that parking along 6A (on the Stop and Shop stretch) might be an option for parking. Ms. Reed noted that the planning board had been

discussing the purchase of public parking by the town. Mr. Runyon noted that the bike path was an under-utilized wat that could drive people into the town of Orleans. He also suggested taking a very close look at how Provincetown ran their tourism as an example.

Alice Thompson Van Oot spoke to state that without economic development, community development would be difficult.

Andrea Reed moved to support the draft of Streetsense findings with the ask for a few minor edits and that they proceed pending the town election the following Tuesday, 2nd by Kevin Galligan. The vote was 5-0-0, with Andrea Reed, Michael Herman, Mefford Runyon, Kevin Galligan and Mark Mathison all voting aye.

Mr. Herman expressed his concerns again that the Chamber of Commerce, Farmer's Market and Conservation Commission had not yet been properly involved. Mr. Galligan agreed.

Mr. Kelly stated that he would add an agenda item for the future Economic Development Committee to work with the Assistant Planner to make recommendations.

Meet with Board of Water and Sewer Commissioners

Mr. Kelly gave a brief background and history of the work of the Board of Water and Sewer Commissioners.

a. Presentation on Wastewater Master Planning

Tom Parse of AECOM gave additional background and history of the project. He then gave an overview of the geographic areas and spoke to estimated wastewater flows. He next showed a slide with a conceptual phasing plan for the remaining areas within the town as well as a proposed timeline for the Eldredge Parkway Area 1. Mr. Galligan suggested including the Nauset Regional Middle School in Area 1 as opposed to 2. The PRB studies were discussed next as well as the CWMP service areas.

Kevin Galligan moved to support the "decisions to be made" slide from the presentation dates May 11, 2022 by AECOM, page 41, 2nd by Michael Herman. The vote was 5-0-0, with Andrea Reed, Michael Herman, Mefford Runyon, Kevin Galligan and Mark Mathison all voting aye.

A construction progress update of the treatment facility, collection system and wick well system was given next. Mr. McClennan noted that with all of the details that had been gone over, the funding could begin to be more ironed out and planned where projects could be phased in to achieve a declining debt.

b. Review of Draft Wastewater Management Advisory Committee Charge

Mr. Kelly went over the charge. Mr. Mathison asked that the committee meet at night so that all citizens could attend. Ms. Reed asked if non-government entities could be involved in the committee. Mr. Galligan noted that community outreach needed to be a part of this committee's charge.

Discussion and vote on Seasonal Outdoor Entertainment License Application for Four Mermaids Enterprises, Inc. dba Barley Neck Inn, 5 Beach Rd.

Mr. Kelly went over the application that had been submitted.

John Kanaga (representing the applicant) spoke to the license application. He clarified that there would be no tent on the lawn. He spoke to how the application attempted to meet the concerns of the immediate abutters. He noted that the removal of the bass drum and bass guitar would significantly decrease the noise issues.

Victoria Dalmus (representing some of the abutters) asked why the board was considering the application before the ZBA appeals timeline had run out. She spoke to the standard of licensing and lack of acoustical data that had been presented. She spoke to the increase in noise, traffic issues and pedestrian increase. She stated that her clients did not wish for amplified music to be allowed.

Steve Schenfeld (8 Beach Road) played sounds from Laura Shield's house to show the level of noise that they had experienced. He stated that a compromise for acoustic music only would be acceptable to him and explained what that meant.

Katie Day (224 Main St.) spoke to the letter that she had previously submitted to the board. She seconded Mr. Schenfeld's request for acoustic only music, or to limit the number of nights/weeks that the music could be played.

Larry Squire (Holly Lane) spoke as a supporter of the ownership and management of the Barley Neck and noted that both had spent a great deal of time and money attempting to mitigate the concerns of the abutters. He spoke to the need to increase outdoor entertainment as one of the ways to increase a desire to come to Orleans. He added that the music at the Barley Neck added jobs for the town and that the complaints of the abutters were opinions, not facts. He stated that an overwhelming majority of citizens felt that the music was a pro for the town.

Laura Shield (2 Beach Road) stated that the Barley Neck Inn was still making promises and did not have any evidence that changes would be made. She spoke to the ZBA meeting from the prior week and the decision of that board. She stated that she had approached Matt Conley to discuss her complaints. She spoke to her concerns with Facebook comments that had been made towards her. She also asked for the music to be acoustic only.

Steve Simon (24 Beach Road) spoke as a supporter to the Barley Neck and stated that he did not have the same issues as other abutters. He stated that he felt that the Barley Neck had done their best to mitigate the issues and that of the 40+ abutters very few had complained. He spoke to how the rural business district of East Orleans was getting smaller and smaller and that was a problem.

Mr. Runyon asked Mr. Kelly what the rules were surrounding the ZBAs ruling. He stated as far as he knew, per the ZBAs ruling, there was nothing under the law that prevented a license to be issued to the Barley Neck. There was a discussion among the board members and Mr. Kelly where it was determined that due to the Zoning Board of Appeals decision, the Barley Neck had the right to this license and that the abutters had the right to appeal again, but that was a separate issue.

Mr. Galligan stated that he was not ready to vote due to the lack of evidence and requested the presence of town counsel to make a decision. Mr. Herman asked Mr. Kanaga if acoustic only was an option for his client (the applicant), he stated that while it was not desired, it was an option. Mr. Mathison spoke to the various options that had been presented that evening and stated that he would like to see a genuine attempt from the Select Board to allow for some kind of music as they had given every other applicant to date a full approval. Ms. Reed questioned whether or not the board was legally

allowed to act. There was a discussion regarding waiting one more week for the official filing by the ZBA. Ms. Reed stated that the select board should get a written decision from town counsel that they were within their right to issue a license. Mr. Herman stated that he would like to see a compromise worked out that night but would be open to waiting one more week. Mr. Mathison suggested the neighbors and Barley Neck Inn coming together to a compromise and if they didn't, then the board would do so for them. Ms. Day stated that she did not feel comfortable being put in the position to work with the Barley Neck and that it was the Select Board's decision.

Phil Ruggieri (owner of The Barley Neck Inn) stated that he would be willing to accept the license as acoustic only and clarified that he was not initially looking for 4 nights/week from April through November, but would like the option to schedule a band on a nice evening in the fall. He spoke to the restrictions of the license due to days and time that customers would actually visit his establishment in addition to the weather. He expressed his frustration that the board had not followed through on their past statements to him.

Michael Herman moved to approve acoustic music only, not to include Spotify, four nights per week for the duration of the season as listed within the general license contingent on the written ruling from the ZBA as well as confirmation in writing from town counsel to proceed, 2nd by Mark Mathison. The vote was 5-0-0, with Andrea Reed, Michael Herman, Mefford Runyon, Kevin Galligan and Mark Mathison all voting aye.

There was a discussion surrounding the fact that many other restaurants that had been issued outdoor dining license within town had been told that they could play background music through speakers and Mr. Mathison questioned why The Barley Neck was different. Mr. Kelly stated that it was separate and apart from the dining area. It was discussed that the Barley Neck could potentially apply for music to be played through speakers on a separate license. Mr. Galligan spoke to the past decisions that voters had made to make the area where the Barley Neck was a more rural district. Mr. Herman noted that this was an existing business and he felt that everyone needed to be a good neighbor. He added that negative Facebook posts were not neighborly or acceptable and a member of the public stated that all of the Barley Neck Inn posts had been very clear that no negative comments should be made about the abutters.

Ms. Dalmus asked for a copy of the formal decision from town counsel and Mr. Kelly stated that he would get it to her.

Discussion and vote on Seasonal Outdoor Entertainment License Application for Orleans Chamber of Commerce, 44 Main St

Kevin Galligan moved to approve the request of Lisa Sidmunson, Mgr. of the Orleans Chamber of Commerce, 4 Main St Orleans for a season weekday outdoor entertainment license for Thursdays July 7-August 11, 2022 from 5PM-8PM for light amplification of live music in Parish Park. Outdoor entertainment not to exceed 4-hour windows including set-up time for soundcheck. Subject to all local and state rules. Regulations, bylaws, permits and approvals. Said license to expire on Nov. 30th, 2022 unless sooner revoked by the Select Board, 2nd by Andrea Reed. The vote was 5-0-0 with Mark Mathison, Michael Herman, Mefford Runyon, Kevin Galligan and Andrea Reed all voting aye.

Discussion and Vote on Change of hours for Annual All Alcoholic Beverages Liquor License held by Nauset Gastronomy Inc. dba The Rail, 222 Main St., Cameron Hadfield, Mgr.

Michael Herman moved to vote to approve the request for change of hours for the annual all Alcoholic Beverages Common Victualler Liquor License held by Nauset Gastronomy Inc. DbA The Rail, 222 Main St. Manager Cameron Hadfield with hours of operation 8am-10pm Monday – Saturday and 10AM-10PM on Sunday, subject to all local and state rules, regulations, permits, approvals, laws and bylaws and in accordance with the town of Orleans’ rules and regulations of the liquor licensing authority, revised on June 10, 2015 and MA Gen. Law Chap. 138. Said amended license to be issued after approval from the ABCC is received and expiring on December 31, 2022, 2nd by Mark Mathison. The vote was 5-0-0 with Mark Mathison, Michael Herman, Mefford Runyon, Kevin Galligan and Andrea Reed all voting aye.

Discussion and vote on Annual Hawkers and Peddler’s License for Dancing Spoons Food Truck

Andrea moved to approve the application of Lisa Whalen, DbA. Dancing Spoons Food Truck for a Hawkers and Peddlers license to sell assorted food items and soft beverages from the CVS Rt. 6A parking lot area located at 116-118 Rt. 6A subject to all laws, regulations, approvals, bylaws, permits and licenses. Said license to expire on December 31, 2022, 2nd by Mark Mathison. The vote was 5-0-0 with Mark Mathison, Michael Herman, Mefford Runyon, Kevin Galligan and Andrea Reed all voting aye.

Town Meeting Postmortem

Mr. Mathison stated that he felt that the clickers made the meeting very efficient. Mr. Galligan asked if the Town Administrator could make a Town Meeting action register for the future to keep everything more organized. Mr. Herman thanked the various town offices for their work on the meeting. Ms. Reed noted that she felt that the town needed to continue their efforts to make it clear to residents on how tax dollars were being spent. Mr. Runyon asked that the finance chair come to the select board soon as he felt that there was a lot of information in the Town Meeting packet that he did not feel was correct and this spiked a conversation between board members. It was discussed that the board should take better care to answer the “Ask the Select Board” questions. Mr. Herman suggested working sessions prior to Town Meeting to educate people. It was noted that several requests for a day-time meeting had come in and Mr. Mathison noted that that would exclude working people even on a Saturday and he suggested shuttle service through the COA bus for elderly people in the dark.

Liaison Reports

Mr. Galligan spoke to a site meeting that had been done with himself, Mr. Runyon and Eversource Reps. and that he had received confirmation that day that the sign board would be removed the following week and relocated and Eversource had agreed to plant 6 significantly tall cedars. It was discussed that a new sign should be built. Mr. Runyon spoke to the need to address the Chamber of Commerce building as a structure as it was in disrepair. Mr. Herman noted that the Chamber was in the process of cleaning up the site.

Mr. Herman noted that Gretel Norgeot (Orleans resident) was Cape Coddier of the month.

Items for future agendas

Mr. Herman asked for a detailed projection of the CIP to be added as an agenda item.

Adjourn

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

Respectfully Submitted,
Ashley Stucenski

Mark Mathison, Clerk

Documents in May 11, 2022 packet:

DRAFT