

MINUTES
SELECT BOARD MEETING
Wednesday, January 11, 2023
Nauset Room, Town Hall

A hybrid meeting of the Town of Orleans Select Board was held in the Nauset Room at Town Hall and via Zoom and Channel 18 at 5pm on January 11, 2023

In attendance were Select Board Chair Reed, Vice Chair Herman, Clerk Runyon, Mr. Galligan, and Mr. Mathison. Interim Town Administrator Sumner also attended via Zoom.

1. Call to Order – The chair called the meeting to order at 5.pm
2. Discussion and vote on Special One Day Beer and Wine License for Mid-Cape Home Centers on January 11, 2022 from 5:30 pm. to 7:00 p.m. at 15 Main Street

Mr. Runyon moved to vote to approve a Special One Day Beer and Wine License for Mid-Cape Home Centers on January 11, 2023 from 5.30pm to 7pm at 15 Main Street, Orleans, MA 02653 to serve malt and wine beverages at their Show Room Grand Reopening Event on January 11, 2023 between 5:30 pm and 7:00 pm. The license is issued for a period of two (2) days to allow for proper disposal of beer and wine beverages and is subject to all licenses, bylaws, permits and approvals and in accordance with the Massachusetts General Law Chapter 138 Sec. 14. Mr. Herman seconded the motion. All voted in favor of the motion. Motion passed: 4-0-0.

3. Public Comment – Ms. Reed spoke of the need for volunteers to serve on the Zoning Board of Appeals. Mr. Herman urged the meeting audience to check the town website for further vacancies on committees.
4. Vote to forward potential zoning amendments to the Planning Board for review and public hearing

Mr. Galligan moved the Select Board forward the zoning amendments to the Planning Board for review and public hearing based upon the January 6, 2023 letter to the Select Board from the Planning Board to initiate the zoning adoption process. Motion seconded by Mr. Runyon. All voted in favor of the motion. Motion passed 4-0-0.

Mr. Mathison joined the meeting at 5.13pm.

5. Town Administrator's Report
 - a. Mr. Sumner updated the board about some new hires.
 - b. The town of Orleans received two grants from the MA Division of Local Services for a pay-to-classification study and the recent recreation department study.
6. Liaison Reports –

Mr. Galligan mentioned the update from the Board of Health for connecting to the new wastewater system is due in March 2023.

Mr. Mathison updated about Shellfish & Waterways Committee and their review of commercial activity at Rock Harbor. There may be changes to regulations in the future. They also discussed the Lonnie's Pond Oyster Project and how it fits with the wastewater management project. An aquaculture project for growing kelp in Pleasant Bay is being considered. More data is needed before Orleans can agree to move forward. Meanwhile, Harwich has given the private project an approval to proceed. Mr. Sumner declared a possible conflict of interest and said he should withdraw from discussions on the matter. There was some discussion of how the four towns that share Pleasant Bay should work together and in a more united way on issues related to Pleasant Bay.

The Regional School Committee will meet tomorrow regarding the recent vote approving the project at Nauset Regional High School.

7. Continuation of Pole Hearing – 163 Pochet Road – Ms. Reed reopened the hearing at 5.21pm. Marissa Jackson from Eversource reported that the builder and the water department have found a mutual solution for the project. Water Superintendent Mr. Bunzick explained the conduit was further east than permitted which caused a conflict with the water line. There were several actions that occurred without permitting which has caused delays. There seems to be no process for consequences to acting without appropriate permits. The Board members will discuss ways to prevent contractors from acting without permits in the future.

Mr. Galligan moved to approve Verizon New England Inc. and NSTAR Electric Company dba Eversource Energy request permission to locate poles, wires, cables, and fixtures, including the necessary anchors, guys, and other sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways: 163 Pochet Road Install 40' +/- of 1-4" conduit from proposed handhole 16A/H1A to customer installed handhole 16A/H1B with the following condition: The Water Superintendent requests the water line be cut and capped prior to the electric lines being pulled through the conduit. Mr. Herman seconded the motion. All voted in favor of the motion. Motion passed: 5-0-0.

8. Public Hearing: Seasonal to Annual Beer & Wine License for The Whole Clam LLC dba The Knack, 5 Route 6A, Van Haidas, Manager – Ms. Reed officially opened the Public Hearing at 5.30pm. Michael Haidas spoke to the board and offered to answer questions regarding switching to a year round license.

The Public Hearing closed at 5.35pm.

9. Discussion and vote on New Annual Common Victualler License for The Whole Clam LLC dba The Knack, 5 Route 6A, Van Haidas, Manager.

Mr. Herman moved to vote to approve the application of Van Haidas, co-owner and manager of The Whole Clam LLC dba The Knack, located at 5 Route 6A, Orleans, requesting to change the current Seasonal Beer & Wine Common Victualler Liquor license to an Annual Beer & Wine Common Victualler Liquor license with hours of

operation from 11:00 am to 8:00 pm daily, subject to all local and state permits, licenses and approvals, laws and bylaws, and in accordance with the Town of Orleans Rules & Regulations of the Liquor Licensing Authority adopted on December 21, 1994, last amended on June 10, 2015 and Massachusetts General Law Chapter 138. Said license to be issued after approval from the Alcoholic Beverage Control Commission is received and will expire on December 31, 2023. Mr. Runyon seconded the motion. All voted in favor of the motion. Motion carried: 5-0-0.

Mr. Runyon moved to vote to approve the application of Van Haidas, for a new Annual Common Victualler license for The Whole Clam LLC dba The Knack, located at 5 Route 6A, subject to all local and state permits, licenses and approvals, laws, and bylaws. The license will expire on December 31, 2023, unless sooner revoked by the Board. Mr. Herman seconded the motion. All voted in favor of the motion. Motion passed: 5-0-0.

10. Meet with Scott Walker

Approval of Bond Anticipation Note Sale – Mr. Walker advised that a one year bond anticipation note had been renewed for planning related costs. Some new short term items were added to the borrowing including a portion of the MIS project and an upgrade to the water treatment lagoon. There will not be any long term bonding this year. Mr. Walker shared that the Town of Orleans has retained its AAA rating by the credit authorities. He noted that rating authorities questioned what Orleans is doing regarding climate change and said appropriate risk-mitigation is being undertaken to enable Orleans to maintain its AAA rating.

Mr. Galligan moved that the votes presented to the Board meeting in the memo dating January 5, 2023 from Scott Walker be adopted in their entirety and the text of such votes be incorporated into the minutes of this meeting (see below). Mr. Herman seconded the motion. All members voted in favor of the motion. Motion carried: 5-0-0.

VOTE OF THE SELECT BOARD I, the Clerk of the Select Board of the Town of Orleans, Massachusetts, certify that at a meeting of the board held January 11, 2023, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of \$17,438,869 4.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated January 27, 2023, and payable January 26, 2024, to Jefferies LLC at par and accrued interest, if any, plus a premium of \$190,432.45. Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated December 21, 2022, and a final Official Statement dated January 5, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax

compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. 2 I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

b. Approval of Ambulance Fee Hardship Waivers – Mr. Walker spoke of two instances he recommended for a hardship waiver for ambulance fees.

Mr. Galligan moved to approve the hardship waivers as recommended by Mr. Walker. Mr. Herman seconded the motion. All voted in favor. Motion carried: 5-0-0.

11. Meet with George Meservey – Quarterly Update on Planning & Community Development Activities – Mr. Meservey reviewed regulatory items for the last quarter. The Planning Board is working on the Comprehensive Plan. The Wastewater Advisory Committee has voted to consider investigation of a Phase III to the sewer project. The final building plan is being developed for 107 Main Street. The project is facing cost increases for construction which may be covered by the bond request through CPC that was approved at the last Annual Town Meeting.
12. Meet with DPW - Quarterly Update - Director Tom Daley provided a quarterly update to the Board on roads, drainage, and various special projects. He also discussed the CPC application for the Town Bandstand renovation design and the placement of the bandstand at Nauset Beach. There was some discussion of naming at the new roundabout at route 28 and 39. He updated about the Rock Harbor bulkhead project and discussed the dredging and cost-sharing with neighboring towns. He briefly reviewed recreational programs.

Mr. Galligan moved that the Orleans Select Board support the FY24 grant application

for the Town of Orleans Historic Bandstand Renovation Design. It was decided to move the vote on support until January 18, 2023 meeting.

Nate Sears updated the board regarding the administration building at Nauset Beach the limited northern access to Nauset Beach. There was some discussion about the need to explore what options might exist for a new management plan or alternative access to the beach. Mr. Sears updated about the working group with Chatham regarding managing the oversand vehicle program and permitting.

Mr. Daley reviewed water restrictions. Some education will be needed next summer about the use of well vs. town water, drip or sprinkler irrigation and water management in general.

11. Meet with Building & Facilities Manager Ron Collins
Quarterly Update- Building & Facilities Manager Mr. Collins updated about the HVAC project at the Elementary School. He also updated about pending renovation of the Town Hall Annex for two meeting rooms, accessible access, and storage. He also reviewed a number of projects among town facilities. Supply chain issues are delaying some green projects at the moment.
12. Meet with Marine & Freshwater Quality Committee – Update on activities with SMAST's Ed Eichner. Mr. Eichner briefly reviewed the CWMP. He spoke about successes managing nitrogen levels at Lonnie's Pond. He reviewed the phosphorus issues at Harvey's Pond and noted the successful short term treatment (alum). The long term management of the watershed needs to be addressed. The Cedar Pond restoration was also reported as a success story although the cormorant presence still poses a problem for Cedar Pond. Alewife have returned in 2022 as the water quality improves. Sediment needs to be addressed/remediated.
13. Town Administrator's report – continued from Item 5
Mr. Sumner updated about work at the DPW garage to mitigation lead presence. There was some discussion about why the Select Board was made aware of the potential issue so late. Several board members stressed that early disclosure is preferable. Mr. Sumner will keep the Board advised of progress.
14. Liaison Reports – continued from Item 6
Putnam Farm expansion is at Phase IV.
There may be a need for additional staffing (constables) during elections.
The Human Services committee has started meeting.
The Planning Committee met and is considering an overarching plan akin to a Strategic Plan.
The Historic Commission met to discuss the Old Firehouse project for a FY24 CPC grant, but a resolution has not been reached yet.
The Pedestrian & Bike Committee has met although the charge may need refinement for the combined group which includes Traffic Safety.
RAC meets on January 19, 2023 and would like to see the draft of the report in order to plan actions.
The Cultural Council has made the grant decisions with notifications going out by the end

of January.

Update from the Town Clerk's office is that 2024 is a busy year for primaries and elections. It would be helpful to avoid a fall Town Meeting ballot question.

The Board Health is hearing requests for variances for wastewater management.

The Cape Cod & Island Water Protection Fund Management Board Meeting looked at the forecasts for Cape-wide revenue (steady) and costs (significantly increasing). There is likely to be pressure on subsidies.

The Town Manager Search Committee will meet tomorrow (January 12, 2023) for the first time.

15. Items for Future Agendas

Mooring and kayak rack capacity discussion.

Shared resources among neighboring towns

Digitizing finances

Revisit policy re: staffing of ambulances.

16. Adjourn

Mr. Mathison moved to adjourn the meeting. Mr. Galligan seconded the motion. All voted in favor. Motion passed: 5-0-0.

The meeting adjourned at 8.43.53

*Respectfully submitted,
Jennifer Fountain*

Note: In accordance with the Town Charter, the Select Board shall act as Park Commissioners, and in this capacity may from time to time consider matters not specifically referenced as such on the regular agenda.

"The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."