


**MINUTES
SELECT BOARD MEETING
Wednesday, March 29, 2023
Nauset Room, Town Hall
Final**

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ORLEANS TOWN CLERK

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 5.00pm on March 29, 2023.

In attendance in the Nauset Room were Chair Reed, Vice Chair Herman, Clerk Runyon and Mr. Mathison. Acting Town Administrator Sumner and Finance Director Doane also attended. Mr. Galligan was absent.

Call to Order – The Chair called the meeting to order.

Public Comment – No one presented for public comment.

Mr. Zinke addressed the complexity of a pesticide ban.

Mr. Rice spoke about work done by the Natural Resource team (Mr. Burke and Mr. Sears) on Nauset Beach and expressed gratitude and offered a “Bravo Zulu.”

Public Hearing – Transfer of Annual All Alcoholic Beverages Common Victualler Liquor License – The Chair officially opened the Public Hearing.

Mr. Herman moved to approve the request to transfer the Annual All Alcoholic Beverages Common Victualler Liquor License held by Carton’s Yardarm, LLC. dba Yardarm Restaurant, Anthony Barreiro, Manager, located at 48 South Orleans Rd, Orleans. to The Coastal Restaurant Group LLC. dba Yardarm Restaurant, Tsvetomir Hristov, Manager, subject to Massachusetts General Law Chapter 138, Town of Orleans Rules & Regulations of the Liquor Licensing Authority adopted on December 21, 1994, and last amended on June 10, 2015, and all other local and state rules, permits, licenses, approvals, laws, and bylaws. Said license to be issued after approval from the Alcoholic Beverage Control Commission is received and expiring on December 31, 2023, unless sooner revoked by the Board. Motion seconded by Mr. Runyon. All voted Aye. Motion passed: 4-0-0.

Mr. Runyon moved to close the public hearing. Mr. Herman seconded the motion. All voted Aye. Motion passed: 4-0-0.

Discussion and vote on Annual Common Victualler Application by the Coastal Restaurant Group LLC dba the Yardarm Restaurant, 48 South Orleans Rd.

Mr. Herman moved to approve the request of The Coastal Restaurant Group LLC. dba Yardarm Restaurant, Tsvetomir Hristov, Manager, for a new Annual Common Victualler License to be located at 48 South Orleans Rd, subject to all local and state rules, permits, licenses, approvals, laws, and bylaws. Said license is to expire on December 31, 2023, unless sooner revoked by the Board. Mr. Runyon seconded the motion. All voted Aye. Motion passed: 4-0-0.

Discussion and vote on a request for an extended closure for the Annual Beer and Wine Beverages Licenses held by Nauset Pizza Inc dba Whisk Breakfast and Lunch Café, located at 210 Main Street, Heather C. Woodward, Manager.

Mr. Herman moved to approve the request of Heather C. Woodward, owner/manager of Nauset Pizza Inc. dba Whisk Breakfast and Lunch Café, located at 210 Main Street to temporarily close for business until June 1, 2023 due to unexpected and unforeseen damages that require extended repairs. Mr. Runyon seconded the motion. All

voted Aye. Motion passed: 4-0-0.

Discussion and vote on Seasonal Common Victualler Liquor License renewals, Business License renewals and Seasonal Outdoor Entertainment License renewals.

Mr. Herman moved to approve the renewal of the Wine & Malt Beverage Common Victualler Liquor License for Orleans Seafood, Inc. dba Cooke's Seafood Restaurant, 1 South Orleans Rd, Polixeni Mitrokostas, Manager, subject to all permits, licenses, and approvals and in accordance with all local, state, and federal rules, regulations, bylaws and laws. Said licenses to expire on November 30, 2023, unless sooner revoked by the Select Board. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to approve the renewal applications and affidavits for the 2023 seasonal liquor license for Orleans Waterfront Inn, Inc. dba Orleans Inn, 3 Old County Road, Erin Santiago, Manager, subject to all permits, licenses, and approvals and in accordance with all local, state, and federal rules, regulations, bylaws and laws. Said licenses to expire on November 30, 2023, unless sooner revoked by the Select Board. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to renew the Seasonal Common Victualler Licenses for Nauset Fish Market, Inc. dba Young's Fish Market, 17 Rock Harbor Road, Ron Harrison, Manager, Orleans Seafood, Inc. dba Cooke's Seafood Restaurant, 1 South Orleans Rd, Polixeni Mitrokostas, Manager, Orleans Waterfront Inn, Inc. dba Orleans Inn, 3 Old County Road, Erin Santiago, Manager, Rock Harbor Seafoods, LLC dba Orleans Seafoods, 18 Old Colony Way, Christopher King, Manager, Smitty's Homemade Ice Cream – East Orleans, Inc dba Smitty's Homemade Ice Cream, 210 Main Street, Richard Smith, Manager, TY/COL, Inc. dba Ice Cream Café, 5 South Orleans Road, Greg Norgeot, Manager, and Udderly Fantastic, Inc. dba Emack & Bolio, 80 Route 6A, Carol Piemontese, Manager. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to approve the Seasonal Weekday Entertainment License for Orleans Waterfront Inn, Inc. dba Orleans Inn, 3 Old County Road, Erin Santiago, Manager, subject to all permits, licenses, and approvals and in accordance with all local, state, and federal rules, regulations, bylaws, and laws. Said licenses to expire on November 30, 2023, unless sooner revoked by the Select Board. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to approve the Seasonal Outdoor Entertainment License Center for Culture and History Orleans Hang Ten Inc, Oliver Inc., and Orleans Community Partnership Inc., subject to all permits, licenses, and approvals and in accordance with all local, state, and federal rules, regulations, bylaws and laws. Said licenses to expire on November 30, 2023, unless sooner revoked by the Select Board. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to approve the Seasonal Innholders License for the Orleans Waterfront Inn. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Vote to approve Enterprise Fund Budgets for Beaches, Moorings, Rock Harbor Boat Basin, Sewer, and Transfer Station

Ms. Doane explained retained earnings in Enterprise Funds.

Mr. Herman moved to approve the FY24 Beaches Enterprise Fund Budget in the amount of \$2,042,798. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to approve the to approve the FY24 Moorings Enterprise Fund Budget in the amount of \$187,335. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to approve the FY24 Rock Harbor Boat Basin Enterprise Fund Budget in the amount of

\$180,389. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved e to approve the FY24 Sewer Enterprise Fund Budget in the amount of \$2,600,852. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to approve the FY24 Transfer Station Enterprise Fund Budget in the amount of \$1,230,219. Mr. Mathison seconded the motion. All voted Aye. Motion carried: 4-0-0.

Vote to approve fee schedule changes.

Mr. Herman moved to approve the recommendation for the proposed fee schedule changes Department 541 for the Council on Aging. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Vote on remaining Annual and Special Town Meeting Articles.

Mr. Herman moved to recommend articles 8-12 for the Enterprise Funds for the 2023 Town Meeting warrant. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Vote to approve FY24 Total Operating Budget.

Mr. Herman moved to approve the FY24 Total Operating Budget of \$44,521,483. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Vote to approve FY25-29 Capital Improvements Plan.

Mr. Herman moved to approve the FY25-29 Capital Improvements Plan as amended. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Vote regarding Warrant Articles.

Mr. Herman moved to recommend the Town School Budget FY24. Mr. Runyon seconded the motion. All voted AYE. Motion carried: 4-0-0.

Vote to place debt exclusion questions on Annual Town Budget.

Mr. Herman moved to place and recommend Questions 16, 17, 18,19, 20, 21, 22, 23 and 32 on the 2023 Annual Town Election Warrant. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to place the two budget overrides for FY24 Nauset Regional School and Cape Cod Regional Tech. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Discussion regarding funding for the Orleans Cultural District (OCD). – The Chair of the Cultural District discussed what a cultural district is, how it aims to support creative economies, and how initiatives have raised funds or grants for this. The group also presented a summary of their strategy and reviewed some of their deliverables and the roll on of benefits and dollars spent in the community. Additional funding will help to add or expand offerings. There was some discussion about incorporating the OCD under the Planning Department and providing consistent funding.

Mr. Herman moved to recommend the Orleans Cultural District expenses for \$10,000 for FY24. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to recommend the warrant article for the taking of a wastewater easement by eminent domain on Route 6A for a sum of money. Mr. Runyon seconded the motion. Mr. Herman rescinded his motion and Mr. Runyon withdrew his second. This matter will be discussed at a later date.

Mr. Herman moved to recommend the warrant article to amend General Bylaw Ch 40, Personal Bylaw, Classification Comp Plan. Seconded by Mr. Runyon. All voted Aye. Motion carried: 4-0-0.

Mr. Herman moved to recommend the warrant article for changes to the fee schedule for Department 541. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Review and vote to approve and authorize SB Chair Andrea Reed to sign a letter for Town Meeting Communications.
The Chair briefly reviewed the letter.

Mr. Herman moved to approve and authorize the Select Board Chair to sign the letter as contained in the Packet. Mr. Runyon seconded the motion. All voted Aye. Motion passed: 4-0-0.

Review and vote to approve and authorize SB Vice-Chair Michael Herman to sign a letter of support for the Home Rule Petition Act of Prohibiting the Applications of Pesticides in the Town of Orleans.

Mr. Runyon moved to approve and authorize SB Vice-Chair Michael Herman to sign a letter as drafted. Mr. Herman seconded the motion. Motion passed by consensus.

Town Administrator's Report

The interviews have finished for the Town Administrator position and the finalists will be submitted to the Select Board shortly.

There are some finalists for reinterview for the Recreation Director position.

Liaison Reports

Mr. Herman spoke about the Marine & Freshwater Committee and the fish ladder. Herring have arrived and the counts have begun. Discussions regarding alum treatments are ongoing.
Mr. Runyon noted that the Planning Committee held a kickoff for the revised Comprehensive Plan.

Items for Future Agendas

Plan for cultural activities in the economic plan and the role of the Cultural District committee more into the future.

Adjourn

Mr. Runyon moved to adjourn the meeting at 7.15pm. Mr. Herman seconded the motion. All voted AYE. Motion carried: 4-0-0.

*Respectfully submitted,
Jennifer Fountain*



Mefford Runyon, Clerk

Documents in March 29, 2023 Packet:
1. Agenda

2. Liquor License Transfer request – Yardarm Restaurant
3. Special Town Meeting Draft Warrant Articles
4. Common Victualler License Request – Yardarm Restaurant
5. Temporary Closure Request – Whisk
6. Beaches Enterprise Fund Proposed Operating Budget
7. Beaches Enterprise Fund Budget by Line Item
8. Moorings Enterprise Fund Proposed Operating Budget
9. Moorings EF Budget by Line Item
10. Rock Harbor EF Proposed Operating Budget
11. Rock Harbor EF Budget by Line Item
12. Sewer EF Proposed Operating Budget
13. Sewer EF Budget by Line Item
14. Transfer Station EF Proposed Operating Budget
15. Transfer Station EF Budget by Line Item
16. Town Fee Summary
17. Council on Aging Fee Summary
18. Recommended FY24 COA Fees
19. Town Meeting Article Index dated 3/24/23
20. Draft Annual Town Meeting Warrant
21. 2022 Cultural District Annual Report
22. Draft Special Town Meeting Warrant
23. CIP FY25-29
24. Draft Election Warrant
25. Draft Pesticide Support Letter of Request