

MINUTES

SELECT BOARD MEETING
Wednesday, June 14, 2023
Nauset Room, Town Hall

A 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 June 14, 2023.

In attendance in the Nauset Room were Chair Herman, Vice Chair Mr. Mathison, Clerk Ms. Reed, Mr. Galligan, and Mr. Runyon. Interim Town Administrator Sumner also attended.

5:00 pm Call to Order – The Chair called the meeting to order.

Meet in Executive Session to discuss strategy with respect to collective bargaining with a member of the Police Union.

Open session resumed and Mr. Herman advised there was nothing to report from the Executive Session

Public Comment – No one presented for public comment.

5:05 pm Public Hearing – Transfer of Annual All Alcoholic Beverages Innholder Liquor License & New Weekday and Sunday Entertainment Licenses – Nauset Mixology Inc dba The Barley Neck Inn, 5 Beach Road, Cameron Hadfield, Manager.

The Chair officially opened the Public Hearing. The Interim Town Administrator explained the history of licenses at the Barley Neck Inn and plans for the future.

Ms. Victoria Dalmas, an attorney at Seine & Associates representing two abutters, spoke about conditions to the license that should clearly state that entertainment is to only be indoors and ensure there is no ambiguity in licensing regarding the outdoor patio and lawn. Discussion followed to clarify the transfer of the license for alcoholic beverages and the entertainment license that needed conditions added. There was also some explanation of the existing agreement regarding entertainment and how to enforce compliance. Ms. Dalmas explained that the agreement was about land use and enforcement or action through the Building Commissioner. Violation of the license terms, such as open windows, would trigger police follow up. There was also some discussion regarding the requirements of The Barley Neck Inn for being an inn holder and the possible timing of becoming an active inn. There was some discussion that a restaurant license should be issued instead of an innholder's license but Mr. Mathison and Mr. Runyon felt denying the transfer of the existing license would be detrimental to the business. Ms. Reed and Mr. Galligan discussed the requirements for an innholder and how to conform with the requirements, such as including a web information button about the inn. Parking was also discussed.

Mr. James McKenzie spoke as a long-time neighbor to the Barley Neck Inn in support of indoor and outdoor entertainment and the desire to help local businesses continue, including local musicians. Mr. Runyon clarified for the record that there has not been a "long and storied history of outdoor entertainment at the Barley Neck Inn."

Two residents of Mill Lane questioned the 1am duration of the license but stated support of the Barley Neck Inn.

5.50pm

Mr. Mathison moved to close the public hearing. Ms. Reed seconded the motion. All voted Aye. Motion carried: 5-0-0.

Consider the request by Four Mermaids Enterprises to transfer their Annual All Alcoholic Beverages Innholder License for the Barley Neck Inn to Nauset Mixology Inc. and consider the request by Four Mermaids Enterprises to transfer their New Weekday Entertainment and Sunday Entertainment Licenses for the Barley Neck Inn to Nauset Mixology Inc.

Mr. Galligan moved to approve the transfer of the Annual All Alcoholic Beverages Innholder Liquor License from Four Mermaids Enterprises, Inc. dba Barley Neck Inn, Matthey Conley, Manager to Nauset Mixology Inc dba The Barley Neck Inn, Cameron Hadfield, Manager, with the provision that they post on their website a lodging notification of their intent to be open in the future, and to approve a new Weekday Entertainment License and a new Sunday Entertainment License from 1:00 p.m. to 1:00 a.m. for live and recorded amplified music and dancing by patrons at 5 Beach Rd, Orleans, subject to all local and state rules, regulations, permits, licenses and approvals, laws and bylaws and in accordance with the Town of Orleans Rules & Regulations of the Liquor Licensing Authority adopted December 21, 1994, last amended on June 10, 2015, and Massachusetts General Law Chapter 138. Said licenses are to be issued after approvals from the Alcoholic Beverage Control Commission and Division of Professional Licensure are received and are to expire on December 31, 2023 with the addition that the weekday Entertainment License provision comply with the agreement referenced in the Select Board packet and dated December 16, 2022. Mr. Mathison seconded the motion. All voted Aye. Motion carried: 5-0-0.

Discussion and vote on New Annual Common Victualler License for Nauset Mixology Inc, dba The Barley Neck Inn, 5 Beach Road, Cameron Hadfield Manager.

Mr. Mathison moved to approve the application for a new Annual Common Victualler License for Nauset Mixology Inc. dba The Barley Neck Inn, Cameron Hadfield, Manager, to prepare and serve food on the premises with hours of operation from 4:30 p.m. to 11:30 p.m. daily at 5 Beach Rd, Orleans, subject to all local and state rules, regulations, permits, licenses and approvals, laws, and bylaws. Said license is to be issued after approval of Food Service Permit by the Board of Health and is to expire on December 31, 2023. Ms. Reed seconded the motion. All voted Aye. Motion passed: 5-0-0.

Consider the request for two Special One Day Beer and Wine Licenses for Lou Lou, LLC located at 19 Old Colony Road (artists cottages) for June 17th and June 24th . Ms. Otis spoke about the events commemorating 10 years and celebrating artists.

Ms. Reed moved to vote to approve the application of Todd Thayer, Manager of Lou Lou LLC for two Special One Day Beer & Wine Licenses on June 17 and June 24, 2023, from 1:00 p.m. to 5:00 p.m. for outdoor events at 15-19 Old Colony Way. The licenses are issued for three days to allow proper delivery and disposal of wine and malt beverages, subject to all licenses, bylaws, permits, and approvals and in accordance with the Massachusetts General Law Chapter 138 Sec. 14. Mr. Runyon seconded the motion. All voted Aye. Motioned carried: 5-0-0.

Discussion and vote on a seasonal Weekday Outdoor Entertainment License for Lou Lou LLC, 15 Old Colony Way, Todd Thayer, Manager.

Ms. Reed moved to vote to approve the request of Todd Thayer, Manager of Lou Lou LLC and Blue Bubbles LLC, located at 15 Old Colony Way, Orleans for a Seasonal Weekday Outdoor Entertainment license from June 17, 2023 to November 27, 2023, for a four-hour window between 11:30 a.m. and 8:30 p.m. for amplified recorded and live music and dancing by patrons. Events not to exceed 4 hours per day and 4-days per week for amplified recorded and live music, subject to all local and state rules, regulations, bylaws, permits, and approvals. Said license is to expire on

November 30, 2023, unless sooner revoked by the Select Board. Mr. Galligan seconded the motion. All voted Aye. Motion carried: 5-0-0.

Consider the request for 5 Special One Day beer & Wine Licenses for Blue Bubbles, LLC located at 116 Rte 6A for July 15th, August 5th, August 12th, August 19th and November 24th

Ms. Reed moved to vote to approve the request of Todd Thayer, Manager of Lou Lou LLC and Blue Bubbles LLC, located at 15 Old Colony Way, Orleans for five Special Beer and Wine Licenses for July 15, August 5, August 12, August 19 from 5pm to 9pm and on November 24 from 12pm to 6pm for outdoor events at 116 Route 6A. The licenses are issued for three days to allow proper delivery and disposal of wine and malt beverages, subject to all licenses, bylaws, permits, and approvals and in accordance with the Massachusetts General Law Chapter 138 Sec. 14. Mr. Galligan seconded the motion. All voted Aye. Motioned carried: 5-0-0.

Consider the request from the Orleans Farmers Market for a Seasonal Outdoor Weekday Entertainment License located at 19 Old Colony Way. Ms. Norgeot explained the use of local musicians each week and plans to have a "Summer Social" on July 8, 2023 from 4:30 to 8:30pm.

Mr. Galligan moved to vote to approve the request of Gretel Norgeot, Manager of Orleans Farmers Market, located at 19 Old Colony Way, Orleans for a Seasonal Weekday Outdoor Entertainment license on Saturdays, from May to November 30, 2023, from 8:00 a.m. to 12:00 p.m. for amplified recorded and live music including an event of July 8, 2023 from 4.30 to 8.30pm. Events not to exceed 4 hours per day for amplified live music subject to all local and state rules, regulations, bylaws, permits, and approvals. Said license is to expire on November 30, 2023, unless sooner revoked by the Select Board. Mr. Mathison seconded the motion. All voted Aye. Motion carried: 5-0-0.

Meet with COA Director Judi Wilson to discuss 44 Main Street use and regulations. Ms. Wilson noted some changes to the material included in the packet. She explained that the Orleans Community Partnership will bow out of the agreement for 44 Main Street after June 30, 2023.

Capacity for 44 Main Street will be detailed in the User Guidelines, after working with the Building Department to determine the correct figure. The usage fee is proposed to increase to \$25 to help cover the costs of cleaning and other needs. There is not the capacity to rent for private functions.

Mr. Sumner mentioned that the Orleans Chamber of Commerce will be working to renew their agreement to use 44 Main Street. Ms. Lindahl spoke about the use of 44 Main Street by the Orleans Chamber of Commerce and a possible subsite at Depot Square as opposed to the site on Eldredge Parkway.

Ms. Reed moved to approve the revised policy for the Community Center use at 44 Main Street as presented by Ms. Wilson for the coming summer season. Seconded by Mr. Runyon. All voted Aye. Motion carried: 5-0-0.

Discussion about Climate Action Committee and current issues. Mr. Sumner mentioned some key issues or projects the Committee has been looking at. One current project is the solarization of the town's watershed property to meet energy needs of the facilities on the property. A new position for a part time Sustainability & Energy Manager is needed and a draft job description has been drafted. EV charging stations are being worked on by the Facilities Manager for Nauset Beach. The Energy Building Stretch Code needs consideration.

Mr. Galligan reminded the Committee of the capabilities of CVEC. He also suggested there is funding to help with a Sustainability & Energy Manager. He reminded the Board that Eversource was ready to assist with the EV charging stations. He urged support of the Stretch Code. Mr. Mathison mentioned a new initiative by the Governor to support energy efficient initiatives (Green Building Initiative) as part of affordable housing. Mr. Runyon recommended regional collaboration around a role such as the Sustainability & Energy Manager. Ms. Reed suggested discussions across multiple committees sharing information regarding available resources about which not everyone was up-to-date.

Susan Chandler, outgoing chair of the Climate & Energy Action Committee, said that the watershed/solarization issue is not just about installing solar energy. There are some deed issues to resolve and some other things to resolve prior to installation. In response to Mr. Herman's request to advance things, Mr. Galligan suggested: "Find the site, carve it out, put a special act (first approved by voters at an Orleans fall meeting) requesting the legislation under Article 97 to allow for the purpose of protection and production of our water to site a renewable facility." A sketch needs to be submitted.

Mr. Galligan moved to direct the Town Administrator to work with staff to prepare a special act for the Orleans fall Town Meeting to provide for an Article 97 approval to site future photovoltaic arrays that would serve the protection and production of the Orleans water supply. Ms. Reed seconded the motion. All voted Aye. Motion carried: 5-0-0.

Mr. Galligan moved to support the job description and ask the Town Administrator to begin to plan to provide for a Sustainability & Energy Manager and search out available funding for the role. Ms. Reed seconded the motion. All voted Aye. Motion carried: 5-0-0.

There was some discussion of Green Communities grants and other possible sources of funding to help support the need to act quickly. Discussion moved to the EV charging stations and an existing quote received by the Climate & Energy Action Committee for three stations at Nauset Beach with a cost of approximately \$6000 in total. There was discussion about the latest technology and cost-effectiveness of the charging stations.

Mr. Galligan moved to direct town staff to look at proposals for EV charging stations for Nauset Beach and Depot Square and to bring recommendations back to the Select Board for consideration for inclusion in a request to Fall Town Meeting for funding. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 5-0-0.

The Climate & Energy Action Committee is preparing a presentation and community outreach program about the Stretch Code benefits and opportunities. Mr. Mathison mentioned the need to retro-fit older buildings with energy efficient features in addition to the Stretch Code for new buildings.

Mr. Galligan moved the Board support the work of the Climate & Energy Action Committee in the efforts they are making to advance the preparation and training for Town Meeting support for the Fall for the Opt-in Specialized Stretch Code. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 5-0-0.

Meet as Park Commissioners to review proposal for Nauset Beach Musical Festival for Fall 2023.

Mr. Mathison moved to meet as Park Commissioners. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 5-0-0.

Mr. Galligan recused himself from the meeting and designated Ms. Reed as acting chair of the Park Commission. Mr. Runyon disclosed his involvement in the Conservation Trust but felt there was no conflict of interest that would affect his decision-making.

Mr. Sumner reviewed the background of the 2018, 2019 Music Festivals and suggested some meetings needed to move forward with an October 2023 event. Mr. Runyon expressed support for the event but raised concerns about public safety (lifeguards) and parking for non-festival goers. He also suggested a final accounting of the event as a fundraising event for Nauset. Mr. Mathison reflected on the work involved in the first festival and the \$20,000 raised for the dune protection at Nauset. He said the second event was somewhat easier to organize. He said he thought the plan for 2023 seemed simpler and more manageable. It is a good opportunity for the town, said Mr. Mathison. Ms. Reed expressed enthusiasm for the concept but said she was concerned about town resourcing and manpower for the event by the understaffed DPW, Fire Department, Police Department and Department of Natural Resources.

Mr. McNamara summarized feedback that he received from Police, Fire & Rescue and Department of Natural Resources and reflected on the benefit of the new parking area. He also commented on the previous logistically-challenging event and said he thought it would be a smaller, manageable event in 2023. Much discussion followed about whether town staffing would be adequate for the event and the need for the event organizers to start paying for material and equipment.

Mr. Runyon moved to vote to approve the planning of the Outer Cape Music Festival subject to town staff review and planning activities, and to designate the Town Manager the authority to permit the event to proceed. Mr. Herman seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Mathison moved to return to open session of the Select Board. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 4-0-0.

Mr. Galligan rejoined the meeting.

Discussion of Governor Prence reuse study next steps and the RFP process. Mr. Herman opened the discussion about the make up of the review committee for the RFP. Mr. Mathison spoke about the rating system for reviewing the RFP. He suggested 2 members of Affordable Housing Trust Board (AHTB), 2 Select Board members and Mr. Meservey and Ms. Allgeier on the RFP Committee. Ms. Reed pointed out the difference between project ownership versus delegating to a committee members with particular expertise related to affordable housing. Mr. Mathison clarified that as project owners, the Select Board should have two members on the RFP review committee. Mr. Galligan said to look at this as a procurement process in which the Select Board representatives would be rating the RFPs not micromanaging the review committee.

Mr. Mathison moved that the Select Board meet with the AHTB at their meeting on June 20, 2023 and advise that the Select Board would like two members on the RFP review committee. Mr. Galligan seconded the motion. All voted Aye. Motion carried: 5-0-0.

Town Administrator's report

The Orleans Firebirds want to build a larger shed on Eldredge field to store two vehicles. No parking would be eliminated. The shed would be donated to the town of Orleans afterward. Possible electrical work would be included for irrigation needs.

Ms. Reed moved to accept the gift from the Firebirds of the new larger shed. Mr. Runyon seconded the motion. All voted Aye. Motion carried: 5-0-0.

Mr. Sumner advised that some work would continue on the round-about project in South Orleans for three or four weeks. Traffic should not need to be redirected.

Liaison Reports.

Mr. Runyon spoke about the Planning Board and 9 units on Locust Rd. He spoke about the need to readdress the threshold for the number of units, currently 10, that triggers the requirement for Affordable Housing. Mr. Runyon said the Zoning Board of Appeals also reviewed the project and placed conditions that there would be no rentals less than 30days in length.

Mr. Mathison mentioned that the school committees were going through the end-of-year financial processes.

Mr. Mathison stated that the Shellfish & Waterways Committee expressed the desire to see the town put more attention into managing its assets, not just in the commercial assets but also landings and coastal access to support the Blue Economy. He noted that the current impact on the waterway assets cannot be

sustained. There are too many people placing too much impact on waterways and assets which is degrading resources.

Mr. Galligan mentioned a project reviewed by Architectural Review Committee that includes 5 units across 3 buildings on Route 6A by Cape Associates. He also noted that the ARC is facing a challenge in enforcing compliance and is working with the Building Commissioner to address violations.

Mr. Galligan reported that the Cape & Islands Water Protection Fund Management Board met to approve subsidy awards but also took a vote to increase capitalization for more projects than originally projected. 2023 projects received subsidies of 25%. Mr. Galligan said that in future years, subsidies will only be at 12% for planning purposes. An estimated additional \$100 million is needed to meet the next five-seven years.

Ms. Reed said the Cultural Council was considering a project uniting art and environmental care with local sculpture.

Mr. Herman spoke about the draft for the Home Rule petition for the bylaw regarding pesticides. He suggested the need for a working group, a notice in upcoming water bills, and some plans for public hearings during July, August and possibly September.

Mr. Herman mentioned that groundbreaking began on the NRHS project.

Mr. Runyon mentioned an opportunity to work on mental health resources for Orleans and the area.

Items for Future Meetings -

Mr. Herman noted that work needs to begin on Select Board Goals.

Ms. Reed suggested liaisons let committees know that warrant preparation will begin early and to advise the Town Administrator's office if they have items for it.

Adjournment-

Mr. Galligan moved to adjourn the meeting at 8.25 pm. Mr. Runyon seconded the motion. All voted AYE.

Motion carried: 5-0-0.

8.25pm The meeting was adjourned at 8.25pm.

*Respectfully submitted,
Jennifer Fountain*