TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JANUARY 11, 2021
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the January 11, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.

2. Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.
   a. Zoom Login instructions:
      i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/BOS.
      ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.

3. Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.

4. Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board’s Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager’s Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.

Select Board Present: Doug Brown, Co-Chair; Doug Jones; Sam Patterson; Nancy Taylor.
Absent: Megan English Braga, Chair.
Also Present: Julian Suso, Town Manager.

1. Call to Order by Chair Brown.
2. Pledge of Allegiance
3. Recognition
   Mr. Jones reported passing of Dick Kendall, former State Representative and Commissioner of Environmental Management. Worked with Falmouth Housing Corporation and cared about Falmouth.
   Moment of silence.

   Mr. Patterson recognized efforts of the Washington Capital Police.

4. Announcements-none.

5. Public Comment-none.
7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
   a. Application for a Change of Manager and Change of Officers – Cape Verdean Club, 126 Sandwich Road, East Falmouth
      Mr. Patterson motion approval. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.
      Larry Balbuena, the new Manager was present. Mr. Jones noted that anything that goes on there regarding liquor sales is the responsibility of the Manager.

2. Administrative Orders
   a. Approve Eversource petition to install one (1) 3” conduit and one (1) handhole on Bell Tower Lane, North of Millfield Street. The proposed locations are a required upgrade.
      Town engineer endorsed.
      Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

   b. Approve Eversource petition to install two (2) 6” conduits and one (1) 4”x6”x6” manhole and one pad mount transformer at Carriage Shop Road, North of Waquoit Highway. The proposed location is required for system reliability.
      Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

   c. Approve request for license for the portion of an existing stone wall located within the public right-of-way of Bell Tower Lane
      Atty. Moynihan explained that this will maintain a portion of existing wall in the public right of way. Extension of the wall into the driveway opening is also proposed and explained while referring to the plan. Approved by the Zoning Board of Appeals (ZBA), driveway entrance of the lane is being moved. David Martin, Project Engineer, is present and available to comment as well.
      Mr. Patterson questions the height of the wall.
      David Martin said the wall is approx. two feet tall. It retains the private property from the public layout. The area being abandoned will be filled in.
      Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

   d. Approve request for license for the existing stone retaining walls located within the public right-of-way of Clapp Road
      Mr. Suso noted the wall is on the right of way, the address of the property is the adjacent street, 20 Brooks Rd., but the encroachment and license is on Clapp Rd.
      Atty. Moynihan provided an overview, this was recently approved by the ZBA to make renovations to the house. Engineering Dept. is asking that any items in the Town road layout be licensed. The plan was described.
      Engineering Department has no objection.
      Atty. Moynihan noted the license is revocable, if the Town decided to do something there and the portions of the wall interfered with it, the Town has the right of way and Clapp Rd. is a public way.
      Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

   e. Vote to approve Certification of Estimated Summer Resident Population as of July 10, 2021
Town Clerk Michael Palmer explained that it is an estimate and he believes the population triples in the summer to 88,788.

This has to do with how many liquor licenses the Town is allowed to have.

**Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.**

**f. Vote to accept donation of fill material and labor from Cape Cod Aggregates to complete repairs to town-owned dirt roadway through the Matt Sousa Conservation Area**

Mark Kaspryzk explained last spring material was donated and George Botelho donated his services. They were short 500 feet and would like to complete it. Donation of material by Cape Cod Aggregate and labor by George Botelho, Inc. DPW will bring the material over.

**Mr. Patterson motion to accept the donations with gratitude. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.**

**g. Vote to recommend an application for Community Preservation funds for Guv Fuller Field improvements to supplement amount previously approved by Town Meeting**

Joe Olenick, Recreation Director, apply for a third and final CPC application for the renovations of the field. All three bids came over the amount of money they had from CPC to do the project. Lowest bid was $10,000 over the estimate and did not include the installation of the bleachers.

Seeking $325,000 to complete the project.

Mr. Olenick reviewed the money spent so far of $120,000 of the first grant of $477,000. Issues in initial bid package because they were trying to bid it separately, in the end contractors who were going to bid but did not were concerned if they were doing one aspect of it, the previous contractor would not complete their work completely and could cause a problem for the contractor doing the next piece of the project. They are now pulling the project together with the help of CDM Smith, which costs $80,000 for planning. It is unknown why the bids came in so high, could be due to COVID-19 or cost of materials increasing. The bleachers are and additional $85,000.

First grant from the CPC was about $450,000, second request was for $298,000 and now a third for $320,000. The Commodores are offering to cover $6,000. Mr. Patterson said that he is liaison to the CPC, he has seen this project come before the committee on numerous occasions. This project should have been more fully vetted by Town staff, there was not good project management built into the cost. Town Committees where builders are brought in and used to the contracting guidance and is helpful in this type of project. The CPC is not in a good position to figure out what is covered and not covered. This cost does not include the new building the Commodores want.

Jennifer Mullen, Finance Director, has been involved since the beginning, the project was originally funded by CPC, Commodores were putting the bid package together, about a year into it the Town took over and recommended CDM Smith. Problems: electrical line in front of the dugout, making dugout handicap accessible, and this started for safety reasons for netting and backstops. Once staff took over the bidding, it moved forward smoothly. The Commodores had an engineer draw design for dugout, because that is separate, so CDM Smith was not involved in that. This was put out to bid, but came in over the estimated cost. CPC is funding the entire cost of the project. Her suggestion was to have a good contingency because there may be problems when they start doing site work, she suggested 10% contingency.

The dugout reconstruction was discussed, initially a lift was going to be put in to allow access for individuals who live with a handicap, the lift would be made flush to the ground. It is unknown at this time what the final decision was because that is not part of this project.

Mark Kaspryzk, Falmouth Commodores, told the Select Board that he thought they could do this with pro bono contributions including the plan for the building. Dugouts are crumbling. It was
 naïve they thought this could be done with minimum funding and pro bono. They reassessed the project when bids were not received. CDM Smith was asked to include validating the plans, drawings, and budget. Commodores went back to the CPC in Fall 2020 for approval based on the budget CDM Smith put forward. This project has been going on for years, this field is the only field in the league that by June will not have safety netting. The dugouts serve as a secure base for the netting.

Mr. Jones asked if this should be a DPW town project, Ms. Mullen feels it is a lot for the DPW to take on. There are site issues, she does not know if this is something the DPW could take on.

Mr. Suso noted DPW is capable, but would affect other projects and would be a matter of priorities.

Mr. Jones explained that this project cannot get started until after the April Town meeting, so there is not enough time to do it for this year’s baseball season. This will not be happening until the fall and Mr. Suso’s understanding as well.

Mr. Patterson motion to authorize the application. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

7:30 p.m. PUBLIC HEARINGS

1. Application for Transfer of a Wine and Malt Package Store License – M. A. Friends, Inc. d/b/a Jack in the Beanstalk, 800 Gifford Street Extension, Falmouth
   Doug Brown read the hearing notice.
   Atty. Christopher Lebherz, 99 Town Hall Square, Falmouth, representing applicant. Robert Burke, current license holder, was also present.

   Atty. Lebherz noted the owner is selling the property, application is to transfer the license, there is a business, real estate transaction, and lease to this applicant. The main inquiry tonight is the character/fitness of transferee, so Mr. Patel joined the hearing, he is a long time Falmouth resident and an established business man. Mr. Patel is TIPS certified, aware of what needs to be done to be a suitable transferee, he will be the manager.

   Mr. Patterson asked about concerns raised by Town Counsel, Mr. Lebherz said that he was not aware of any concerns. Mr. Patterson quoted a document, stating that M&A realty is related to MZ Enterprises and the Select Board could ask for more information about the stockholders to look into the relationship. There is a legal question of whether this organization can have two licenses in the same town.

   Atty. Lebherz offered to get the corporate records and address them with the Select Board at a later time during the meeting. Atty. Lebherz stated that he is not completely aware of the relationship between the enterprises. He requested being on the next meeting agenda.

   Mr. Jones motion to continue to 2/1/20 at 7:30 p.m. Second Mr. Patterson. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

2. Application for Alteration of Licensed Premises of a Wine and Malt Common Victualler License – Seafood Sam’s, 356 Palmer Avenue, Falmouth
   Chair Brown read the hearing notice.

   Mr. Lewis noted it was brought to his attention during Covid-19 outdoor seating application that in 2002 he put the addition on enclosing the deck and picnic tables on the side of the building. When doing the license for temporary Covid-19 seating, it came to his attention that the patio portion never got finalized by the ABC in 2002. He is trying to get it to the legal status, no changes, he has been operating the same since 2002. He wants to bring this into compliance. The fence on front of the patio has been there since 2002.
Public Comment: None.

Mr. Patterson motion to close the hearing. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

Mr. Patterson motion to approve. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

BUSINESS

1. Discussion/update on COVID-19 issues
   Scott McGann, Health Agent, reviewed the Falmouth Weekly Case Trend via shared screen. Past two weeks decreased to about 50 of cases. Congregate care cases and most has been results from the holidays. The Town is in yellow for data 12/20-1/2/21 timeframe, both cases and testing decreased. County positivity is up to over 6%, the vast majority of towns in the State are in the red. Towns in Barnstable County are mostly in the red, may be exceeding where we were earlier in the pandemic. Hospitalizations reviewed, about the same as we were in the April timeframe.

   Vaccine status reviewed, long term care addressed now, first responder clinic held today, congregate care settings are getting scheduled.

   The State has asked local BOH to take care of first responders. Towns are waiting more details regarding Phase 2 and 3, it will be a long duration drive though vaccination clinic. He suggested partnering up with Barnstable County Health for vaccine storage and distribution. Details are being worked out. Drive through is good and they are looking at regional roll out. Over the next couple weeks, he will be able to provide more detail.

   Mr. Patterson noted that the requirement for PCR test as basis for ending your quarantine and going back to work may not be the best strategy and the ladder flow antigen test may be the better option and tells you if you have the active virus.

   Mr. McGann said PCR is not used to end a quarantine, because the viral DNA sheds for a while, so minimum 10 days with symptom resolution is the recommendation and what the State has designated. No one is waiting for a negative PCR to get back to work.

   Private practice doctors and nurses, not a lot of direction front the State on these entities. Once the clinic is up and running, can go back and take care of those. They have had problems getting the vaccine, but he has sent them to various places. He hopes in the next weeks the clinic will be open.

   Ms. Taylor commented that Mr. McGann has done a great job and thanked him.

   The time between the first vaccination and second: Pfizer is 30 days and Moderana 28 days. All methods to Mr. McGann’s disposal will be used when the clinic starts offering the vaccine. The national database just went live Friday. A scheduling/tracking software that has been developed. Barnstable County is working through the database as they work through vaccinating first responders.

2. Interview, vote and appoint committee member: Steamship Authority Board of Governors – Kathryn Wilson
   Atty. Kathryn Wilson was appointed two years ago and her term just ended, she has applied for reappointment. There are many aspects to the SSA, lifeline to the islands, has positive and negative impact on the Town, key reasons she applied at first was the disconnect between the SSA and Woods Hole village; communication between the island and Falmouth needed to be bolstered up. Town Management and Select Board participation, Vineyard representatives are now involved, there is deep discussion and candor in the discussions.

   Ms. Taylor motion to appoint Atty. Wilson to a three year term that expires in 2023. Second Mr. Patterson. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.
3. Vote to adopt FY2022 budget and submit it to the Finance Committee

   Mr. Patterson motion to approve. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

4. Vote to hold remote Annual Town Meeting via Zoom teleconference on January 25, 2021 to act on the Town Meeting Warrant originally posted for November 16, 2020, as requested by Town Moderator

   Mr. Patterson motion to vote to hold remote Annual Town Meeting via Zoom teleconference on January 25, 2021 to act on the Town Meeting Warrant originally posted for November 16, 2020, as requested by the Town Moderator in a letter dated January 8, 2021. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

   Mr. Jones motion to vote to issue a notice to Town Meeting members and other participants pursuant to Section 8 of Chap. 92 of Acts of 2020 that the meeting originally called for November 16, 2020 will be held by remote participation on January 25, 2021. Second Ms. Taylor. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

5. Report – Cape and Vineyard Electric Coop (CVEC) annual presentation on FY20

   Liz Argo, X Dir Cape and Vineyard Electric Cooperative, Inc. dep di Maria Marasco, William Lake President, and CVEC Rep for Falmouth Rosemary Dreger-Carey.

   Ms. Argo explained there are 24 participants for renewable energy and CVEC has engaged in power sales, net metering credit benefits, ISO-NE market benefits to stabilize grid, and Electric Vehicle initiative helping Towns get EV cars and charging stations.

   Reviewed initiatives and described what they do, including contracts in energy sales.

   Mr. Patterson suggested she talk with the School Department; she has reached out to the School Department and has met with Mr. Murphy in the past. Ms. Argo will reach out to them again.

   They have saved participants $16,900,000 through net metering credits and reduction of greenhouse gases.

   Reviewed projects that they have in the region.

   Reviewed legislative and regulatory efforts.

   FY2021 plans reviewed.

   Customers include a number of school districts on Cape Cod.

   The solar panels should not be installed over rooftops older than 10 years. If maintenance needs to be done, the panels may be removed for the work and then reinstalled. However, Ms. Argo noted that the vendor needs to be made whole for the time the project is down, so it is important to be timely.

   Ms. Marasco noted they are installing car port canopies that provide net metering credits.

   Mr. Patterson asked for contact information so that he can connect them with the Falmouth EDIC.

   Old Canal Electric plant being converted to Hydro was discussed, there are communities exploring similar ideas.

6. Approve 2021 annual license renewals:

   COMMON VICTUALLER
   Molly’s Tea Room, 227 Main Street

   INNHOLDER
   Falmouth Inn, 824 Main Street
Mr. Jones motion to approve. Second Mr. Patterson. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

7. Vote to approve minutes of meetings:
      Mr. Patterson motion to approve. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

   b. Executive Session –
      December 7, 2020;
      Mr. Patterson motion to approve and not release Executive Session Meeting Minutes for December 7, 2020 and December 21, 2020. Second Mr. Jones. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

8. Individual Select Board Members’ Reports–none.
   Mr. Brown:
   Planning Board has a couple items for Spring Town Meeting.

   Mr. Patterson:
   The Martin Luther King, Jr. No Place for Hate Breakfast will be via a Zoom meeting at noon 1/18/21.

9. Town Manager’s Report
   Mr. Suso noted annual Town Common Lighting Display will continue to mid January.
   Reminder closure of April Town Meeting Warrant is Friday 1/15/21, anticipate limited number of articles, and it is highly likely the April Town Meeting will be virtual.

   Town Hall and administrative offices closed 1/18/21 for the Martin Luther King, Jr. Holiday.

   The next Select Board meeting is scheduled for 1/25/21 to address any related to items that arise having to do with Town Meeting.

   The Select Board’s next regular meeting will be on 2/1/21.

   Mr. Jones motion to adjourn at approximately 9:16 pm. Second Mr. Patterson. Roll Call Vote: Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye. Absent: Chair English Braga.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary