

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, FEBRUARY 27, 2023 – 6:00 P.M.**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

*The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. At the discretion of the Chair, agenda items may be taken out of order.*

Select Board Present: Nancy Robbins Taylor, Chair; Onjalé Scott Price, Vice Chair; Doug Brown; Scott Zylinski; Sam Patterson.

Staff Present: Peter Johnson-Staub, Interim Town Manager.

1. The open session was called to Order by Chair Taylor at 6pm.
2. **Ms. Scott Price motioned to convene the executive session under M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining - non-union personnel because to not go into executive session could prejudice ongoing negotiations. Mr. Patterson seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Chair Taylor, aye; Doug Brown, aye; Ms. Scott Price, aye; Mr. Zylinski, aye; Mr. Patterson, aye.**
3. Chair Taylor reconvened the open session at 6:32pm and stated that no vote was taken during the executive session and the conversation with respect to collective bargaining of non-union personnel will continue in the future.
4. Pledge of Allegiance
5. Proclamation in Recognition of Waquoit Congregational Church  
**Chair Taylor read the proclamation in the packet as a motion. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**
6. Recognition  
Mr. Brown recognized that Emma T. Barrow, who had been Principal of the Woods Hole School and then Principal of the Mullen-Hall School, was the first person of color to be a public school teacher on Cape Cod when hired in 1959.
7. Announcements  
Recovery Without Walls bike ride event is looking for ride sponsors to support women in recovery, to learn more go to [www.recoverywithoutwalls.org](http://www.recoverywithoutwalls.org).
8. Public Comment

David Moriarty, Precinct 6, provided what he described as an article to the Select Board members and said he previously emailed the article to the Select Board. Mr. Moriarty stated that recreational beachfront communities in other areas of the country are dealing with wind farms and one of the concerns include dead whales washing up on those community beaches.

Rosemary Carey, Precinct 5, stated the Sustainability position is important to hire and fund in fiscal year 2024. April 2022 Town Meeting voted to hire a position to integrate and drive the sustainability agenda. Grant writing is an important role, there are millions of dollars available at this time. This would improve safety, resiliency, and bring economic benefits to the Town.

Lyn Shad, Precinct 3, stated she is in favor of creating and funding the Sustainability Director position. Spring Town Meeting 2022 members approved the full-time position and is disappointed about the more

recent decision to pull funding for this position. Ms. Shad noted that federal infrastructure bills support cleaner and sustainable communities.

Steven Thom, Precinct 2, believes the Substantiality Director is critical and filling the position is a responsible step to long term cost savings and preparedness.

## **TOWN MANAGER'S PRELIMINARY REPORT**

Mr. Johnson-Staub reviewed the report in the packet.

Seapit Road project was approved by the Conservation Commission and Marine and Environmental Services (MES) did not identify any shellfish concerns.

The 5% cost of living adjustment (COLA) option received by current retirees increased from 3% to 5%, due to higher inflation rates this year allowing municipal COLA's to be increased.

Emerald Housing outline plan will be presented. Concept plan and authorization to proceed with community engagement will be requested.

Change of Manager Cape Verdean Club, Town Staff has no recommendations, this was deferred at the 1/30/23 Select Board meeting because the manager was not present to provide more information the Select Board requested.

Special Town Meeting, Sustainability Director was not included in the current operating budget.

There are 13 Articles with explanations of the articles the Select Board needs to vote tonight.

Authorization of the Safer Grant application, the Town is seeking approval to pay for wages and benefits for six additional firefighters. An override is needed to create a reliable long-term grant.

Staff have no concerns regarding the items on the Consent Agenda.

## **COMMITTEE INTERVIEWS**

### **1. Interview, vote and appoint committee members**

- a. Agricultural Commission – Stanwood Ingram  
Mr. Ingram stated he served on the commission before.

Mr. Patterson noted that Mr. Ingram has done an excellent job on the committee. Mr. Brown supports his appointment.

**Mr. Zylinski motioned to appoint Mr. Ingram to a term ending 6/30/23. Mr. Patterson seconded the motion. Vote: Yes-4. No-0.**

- b. Commission on Substance Use  
Beverly Costa-Ciavola, Chair, noted there are two openings on the committee.

Mr. Johnson-Staub noted advertised one vacancy, for tonight need to limit the appointment to one seat.

Rabbi Elias Lieberman, Precinct 8, is committed to doing this work and has attended meetings.

Mr. Patterson feels that pastors of any faith are dealing with this on a continuing basis. He supports appointment.

Rabbi Lieberman deferred his application to the next open position.

Richard Corey Jr.

Has been in the recovery field for over 25 years, worked at the soup kitchen, Vice President of Babe Ruth baseball, owns a business in Town, and stated too many people in our community are dying. He

is a recovery coach for the Barnstable Sheriff's Office and would like to get involved in his community in a different capacity. He has not attended any meetings.

He is a certified recovery coach in the field of recovery.

Mr. Brown feels he would be appropriate for the job.

**Ms. Scott Price motion to appoint Mr. Corey to a term ending 6/30/24. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

#### **6:45 p.m. PUBLIC HEARINGS**

1. Wetlands/Dock Hearing – Kathleen A. White Trustee, Kathleen A. White Revocable Trust – Modify the existing permitted pier by converting the end portion to a ramp and float in Childs River, located at 209 Seapit Road, East Falmouth

Ms. Scott Price read the hearing notice.

Michael Borselli, Falmouth Engineering, was present representing the applicant, he explained that the existing house and fixed pier are at the property, the applicant is asking to modify the pier. The pier was approved as a fixed pier in the mid 2000's. At low tides it is difficult for the applicant to access her boat. They want to eliminate the fixed pier, ramp to the end of the pier, reinstall pilings in and around a float so that it will rise and lower with the tides. They will stay within the existing footprint and the same number of pilings will be used. The Conservation Commission issued conditions. This is a modification of the existing permit.

Public Comment: none.

**Mr. Patterson made a motion to close hearing. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

Discussion:

Mr. Brown believes this is a simple improvement. Chair Taylor agreed.

**Mr. Brown motion approval. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

#### **BUSINESS**

1. Discuss and vote 5% local retirement COLA option  
Falmouth Retirement Board requested approval, effective this year going from 3% to 5%.

**Mr. Brown motion to grant an increase to the Cost-of-Living Adjustment from 3.0% to 5.0% on a maximum base retirement allowance of \$14,000 for FY2023, pursuant to Chapter 269 of the Acts of 2022. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

2. Emerald Properties Affordable Housing and Community Play Space Plan

Jed Cornock, Town Planner, and Kim Fish, Housing Coordinator, outlined the uses to the Emerald Property Project and made a PowerPoint presentation. They are seeking approval to move into the civic engagement phase of the project.

The idea is to bring affordable housing, accessible recreation, and preserving the house and community gardens currently on the property.

Kim Fish, Housing Coordinator, reviewed the goals, area median income (AMI) including 100% and 120%, the State does not provide funding for it. AMI for Barnstable 115,016 difficult for families to afford "affordable" housing. Reviewed properties available.

Mr. Cornock provided history of the plan since 2020, they have fit all the pieces together on the master plan for the site. Housing will be located on 81 Davisville Road because it does not have Article 97 protection. The process includes planning, outreach, request for proposals, pre-construction, and construction. The timeline was reviewed.

Mr. Patterson asked if package sewer capacity may be an option, maybe an opportunity to put in a localized sewer facility. It is the most complex part, it is on the table but creates higher costs.

Mr. Brown asked about the play space being 1.5 acres versus previous plan for 2 acres. Mr. Cornock said they will do their best to fit it into 1.5 acres.

Kathleen Haynes stated the 1.5 acres is not enough, the play space could be extended into the 200-foot river buffer. They can see if the architect can fit the items into the play space.

Mr. Johnson-Staub noted guidance received through MA Housing Partnership, if they try to design the project it will be subject to prevailing wage and bids, so the path they are seeking is writing a broad Request for Proposal, the idea is not for the Town to be the landlord, it is to sell the land to a developer for development of the land.

The Select Board members stated they are comfortable going to the next step and as they get further down the line they will consider a vote.

3. Application for a Change of Officers/Directors and a Change of Manager – Cape Verdean Club of Falmouth, Inc., located at 126 Sandwich Road, East Falmouth

Ms. Scott Price is a member of the club.

Mr. Brown asked about residency of the Manager, Andrea Diggs, reported that she is a member of the 102<sup>nd</sup> intelligence wing and is there daily, she also has family in the area. Mr. Brown reminded her that she is responsible for the liquor license and Ms. Diggs said she understood.

Andrea Diggs, Lifelong member of Cape Cod, Manager has been a member of the club since 2016, always on one of the committees, she is in the military and brings a lot of experience managing projects, and she is starting her own business.

**Ms. Scott Price motioned to approve. Second Mr. Zylinski. Vote: Yes-5. No-0.**

4. Vote Article Recommendations for April 2023 Annual Town Meeting

Mr. Johnson-Staub noted the reason to call a special town meeting would be to give the Select Board a chance to add the two positions that were recommended, but not included in the Finance Committee budget because of procedural issues. The Sustainability Coordinator position is in Article 29 which comes after the budget. Special Town Meeting would address both positions.

Option 2 is to ask the Town Moderator to take Article 29 out of order.

Option 3 is to wait until November election for both positions.

Chair Taylor stated that these positions came up in the Select Board's Strategic plan and feels the Select Board should support these positions in any way they can going forward.

Mr. Brown prefers the Special Town Meeting so that they may correct both positions. Ms. Scott Price believes it is worth doing.

Mr. Brown made a motion to request to hold a Special Town Meeting for consideration of the two articles.

Mr. Johnson-Staub said the Select Boards needs to vote the following:

1. Call a Special Town Meeting for 4/10/23.
2. Announce the warrant for the Special Town Meeting will close on 3/1/23, then they will have an additional meeting on 3/6/23 to vote the warrant.

**Mr. Brown made a motion to hold a Special Town Meeting on 4/10/23. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.**

**Mr. Brown made a motion to close the Special Town Meeting Warrant on 3/1/23. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.**

Ms. Scott Price will not be available on 3/6/23 to participate in the vote.

5. Vote articles.

**Ms. Scott Price made a motion to recommend Article 14 as printed. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

David Buzanoski, President of the Falmouth Heights Maravista Association reported the membership are opposed to Article 15. There was overwhelmingly not support at the June 8, 2022 public presentation. Petitioners are using the Falmouth Democratic Committee and politicizing this issue. There are five members of the Energy Committee, the Committee minutes are not posted and he questions what the committee told and what message have they sent to Mayflower. The petition was not submitted in the name of the committee. This was effectively a quorum by the Energy Committee. The premise of Article 15 is not in the best interest of the Town.

Rosemary Carey, Precinct 5, the petitioners, members of the Energy Committee, and those who support them have been advocates for renewable energy and stand for that and solutions for climate change. This is not an approval of the entire project, it is to allow for soil testing. Our Town needs to understand the science and benefits of the project. Soil testing for feasibility and safety is necessary to determine whether it may be appropriate for this project. She would like the Select Board to reverse their position.

The Energy Committee had a presentation with Mayflower Wind.

David Moriarty, Precinct 6, is opposed to this article and stated that Mayflower Wind has cancelled or postponed meetings. He feels this is not a good fit for the Town and stated we are not an industrial electric right of way.

Sandra Faiman-Silva, 50 Davis Rd, said that we need to consider we are in an environmental crisis, this project is potentially a legitimate project. We need to learn from the past about what could happen in the future.

Greg Mazmanian, Precinct 2, does not support Article 15, he supports renewable energy and the Select Boards' choice last month. He would like to move forward.

Edward Jalowiec, Worcester Court, Precinct 2, he emailed the Select Board earlier in the week. This article will allow any testing from any wind entity and he does not support it. A power station in proximity to our watershed would be unreasonable.

Mark Finneran, 98 Grande Ave., is against this project. He is a member of the ZBA and noted that this is only to save money, it belongs routed directly to the Canal power plant. We will all pay through our electric bill for the project company to save money.

Steven Thom, Precinct 2, did not expect an emotional discussion. This is a question of whether the Select Board could rescind a decision previously made.

Ms. Scott Price feels there is nothing stopping Mayflower Wind from saying they heard the concerns and are willing to work with the Town and want to resubmit and do the testing. They have not done that. The vote that she made on 12/19/22 was what she felt was in the Town's best interest at the time.

Chair Taylor agreed with Ms. Scott Price.

Mr. Zylinski noted an obligation to show compassion and empathy to the neighbors most directly impacted by this.

Mr. Brown feels that Mayflower is not working in good faith with the Select Board. He does not feel that this company will provide straight answers and is not willing to change his vote. There has been a past practice of Mayflower talking with the Town Manager and not the Select Board. He sent an email to Mayflower with a question and did not receive a response.

Mr. Patterson thinks this is a communication problem, the corporation is trying to figure out what kind of a system they need. Renewable generation sources are less expensive than fossil fuel; we need renewable energy sources. This is a long process to figure out everything. We have higher rates than the rest of New England because we are so far from the energy source.

Ms. Scott Price feels their vote was to hold Mayflower accountable, it was to force their hand to give them something and is not that we do not support renewable energy, it is about this company and the lack of working with the Town.

**Mr. Brown motioned to recommend indefinite postponement of Article 15. Mr. Zylinski seconded the motion. Vote: Yes-3. No-2 (Chair Taylor and Ms. Scott Price.)**

Chair Taylor called the Select Board into recess for five minutes.

Article 18: Chair Taylor stated that Article 18 will affect the business community and there has not been much outreach to the business community.

Mr. Brown not in favor of indefinite postponement, he thinks it is a good idea.

Mr. Patterson talked with Phil Gessen, who wants to call attention to this growing problem, it should be sent to Town Meeting to endorse or not. We will run out of landfill space if all we do is collect plastic and put it in landfills.

**Mr. Brown made a motion to support Article 18 as printed. Mr. Patterson seconded the motion. Vote: Yes-4. No-1 (Chair Taylor).**

Article 19

Sandra Silva, 50 Davis Rd., stated the sword above someone is not a sympathetic image.

Mr. Patterson feels it is important to change these symbols, this flag does not represent Cape Cod.

**Ms. Scott Price made a motion to recommend as printed. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

Article 29 amend the town classification plan.

Ms. Scott Price recommends indefinite postponement. Mr. Johnson-Staub will put an explanation into it. This is deferred to the Special Town Meeting.

**Mr. Brown made a motion to recommend as printed in case it is a fallback position. If the special election is approved, they can change their recommendation. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

Article 30

**Mr. Patterson made a motion to recommend as printed. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.**

Article 31

**Ms. Scott Price made a motion to approve as printed. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

Article 32

**Mr. Brown made a motion to approve as printed. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

Article 33

**Mr. Brown made a motion to approve as printed. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

Article 34

**Mr. Patterson made a motion to approve as printed. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

Article 35

**Ms. Scott Price made a motion to approve as printed. Mr. Brown seconded the motion. Vote: Yes-5. No-0.**

6. Authorize Application for SAFER Grant to Fund Additional Fire Department Personnel (5 minutes)

Safer grant would fund 6 positions.

**Mr. Brown motioned to authorize application for SAFER Grant to fund additional Fire Department Personnel. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.**

7. Confirm name of Hatchville Fire Station

**Mr. Zylinski made a motion to confirm the name of the Hatchville fire station. Mr. Brown seconded the motion. Vote: Yes-5. No-0.**

## CONSENT AGENDA

1. Licenses
  - a. Application for Special One-Day All Alcohol Liquor License – Bands for Badges, Inc. – Cape Cod Fairgrounds – 8/12/23
  - b. Application for Special One-Day Wine & Malt Liquor License – Food Truck Festivals of America LLC – Cape Cod Food Truck & Craft Beer Festival – Cape Cod Fairgrounds – 8/5/23
  - c. Application for Special One-Day All Alcohol Liquor License – Belonging to Each Other, Inc. – 3<sup>rd</sup> Claddagh Bowl – Trade Center Bowl, 89 Spring Bars Rd. – Saturday, 3/18/23
  - d. Application for a Pledge of License of an All Alcohol Innholder License – Seacrest Concessionaire, LLC d/b/a Seacrest Concessionaire located at 350 Quaker Road, North Falmouth
  - e. Application for a Common Victualler License – J2 Bagels, Inc. d/b/a Cape Cod Bagels, located at 419 Palmer Avenue, Falmouth
2. Administrative Orders
  - a. Approve Eversource petition to install approximately 39' (feet) of 1" (inch) conduit and cable under town road Westmoreland Drive starting at existing pole 1102/5. This work is necessary to provide electric service to 30 Westmoreland Drive.
  - b. Approve Eversource petition to install on private property one new pull box to be labeled 10600/010 and to install approximately 130' (feet) of 2-4" (inch) conduit and cable under town road northwesterly starting at new pull box 10600/010. This work is necessary to provide electric service to 267 Clinton Avenue.
  - c. Approve request to spend over \$500 from the Fire Rescue Department donation account for the purchase of Challenge Coins
  - d. Vote to approve request from The 300 Committee for a Conservation Restriction for the Ed Brown-Leger 3.72-acre property at 0 Boxberry Hill Road
  - e. Approve request from Falmouth Housing Trust, Inc. for a Waiver of the Building Permit Fees for the Sam Turner Road (Esker Place Modification) Affordable Housing Project

- f. Authorize application to Division of Local Services for a second referendum due to the increase cost for wastewater improvement.

**Ms. Scott Price made a motion to approve the consent agenda. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

## MINUTES

1. Review and Vote to Approve Minutes of Meetings

- a. Public Session

January 23, 2023

The Select Board requested the article numbers of the minutes be checked for accuracy and then be resubmitted to the Select Board for approval.

February 13, 2023

**Mr. Patterson made a motion to approve with edits and release for public access. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

## TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported the FPD Chief Selection process will include three citizen panels and came up in conversation with the search consultant and HR Director. The panels will be a mix of staff and community members, a set of questions will be prepared by each panel. Citizen interviews will be part of the confidential process, this will support a neutral environment for the interviews and confidentiality of the candidates.

Mr. Johnson-Staub reviewed the position vacancies filled and existing vacant positions.

The Select Board will meet on the following dates: 3/6/23, 3/15/23, 3/27/23, 4/1/23 Saturday workshop, and Annual Town Meeting will be held on 4/10/23.

## SELECT BOARD REPORTS

Mr. Brown:

Attended the Planning Board Meeting, during which there was discussion of the short-term rental. 37% of property sold on Cape Cod last year was sold to second home buyers and now that pandemic is over those homes are becoming short term rentals.

Attended the League of Women Voters meet and greet event.

Mr. Patterson:

His community subdivision gathering was yesterday-they discussed short term rental issues, there are three in their subdivision of 50 homes and the number is growing quickly. This is happening all over the cape, hoes are being operated as business properties. About 50% of people who work on Cape Cod commute onto Cape Cod. Working together as a region may be the only way to address this growing problem.

Ms. Scott Price:

Attended the Affordable Housing Committee meeting.

Mr. Zylinski:

Attended the Finance Committee meeting.

Scheduled to spend the day and evening shift with the FPD Officers and thanked Captain Loewen for coordinating this with Mr. Zylinski.

## DISCUSSION OF FUTURE AGENDA ITEMS

None.

**Mr. Patterson made a motion to adjourn. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.**

Respectfully Submitted,



Jennifer Chaves  
Recording Secretary