

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Meeting Minutes**  
**Open Session**  
**SATURDAY, MARCH 5, 2022 – 8:30 A.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.*

Select Board Present: Doug Brown, Chair; Nancy Taylor, Vice Chair; Megan English Braga; Sam Patterson; Onjalé Scott Price.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Chair Brown called the open session to order at 8:30 a.m.
2. **Chair Brown motion to convene the executive session under M.G.L. Ch. 30A, s. 21(a)(3) – Discuss strategy with respect to collective bargaining with Falmouth Firefighters Local 1397 because to not go into executive session could prejudice ongoing negotiations. A second to the motion was made by Ms. English Braga. Vote: Yes-5. No-0.**
3. Pledge of Allegiance

**BUSINESS**

1. Further discussion on Select Board recommendation for Town Meeting Article 25

This item was placed on the agenda because of a misunderstanding on whether it was legally possible for the Town to narrow the purpose of the Municipal Light Plant (MLP). Mr. Johnson-Staub recommended taking no action and Article 25 remains unchanged.

The Select Board (Board) declined to act today and left in place the action the Board took this past Monday to recommend as written.

2. Discussion of Select Board policy for disposition of items valued less than \$10,000.00

Chair Brown read the draft policy in the packet.

Mr. Patterson stated that if there is no way to sell to a controlled organization, then the Town should be able to maintain and store the weapons until there is an option to sell to a controlled organization.

The Board discussed disposal language and noted a preference to local organizations first.

**Mr. Patterson motion approval of the following items listed in the packet and with consultation of Town Counsel: #6 items with a value of less than \$10,000 to include destruction of the items. And #7 items with a value greater than \$10,000, the ability to store the times until another option is identified. Second Ms. English Braga. Vote: Yes-5. No-0.**

Richard Duby, said that what he submitted made no mention of aggregation.

Mr. Johnson-Staub has read the statute and attended trainings that educated him on the applicable statute. He has also read Mr. Duby's letter, it is clear we are not allowed to aggregate the sale of multiple separate items as, it is bid splitting and not allowed.

Mr. Duby said that bid splitting is not aggregation, the MA Inspector General's Office manual states you can compile a group of like items, the cost has to be the sum of a group of items and would need to be priced higher than all of the single items. It would not just be rifles, there are also semi-automatic pistols. When dealing with firearms, must avoid commercial entities, take the firearms for destruction, they dismantle the guns, then use parts to make into working firearms. Mr. Duby would like an explanation about how this qualifies as bid splitting.

### 3. Discussion of other Select Board policies

#### Ambulance Policy

There are separate bills for ambulances because of health insurance requirements.

Chief Smith is present. Mr. Suso explained the Town contracts with a collection company to assist with ambulance bills. It is a very successful process, they collect the delinquencies in exchange for a percentage of the bill. The language should be updated, that it could be a collection agency procured and contracted with would be updating the language.

The Board discussed the editing of this policy.

Ms. Scott Price asked if we know how many people do not call an ambulance because they do not have health insurance. She appreciates that the Town Manager can waive the fee. Chief Smith said that his priority is people getting the care they need. They will transport and extend billing to that individual.

Ms. Scott Price suggested links from the policy page to other information.

#### Conservation Commission Policy:

Mr. Suso will review this with Jen Lincoln and Town Counsel. The Board would like handicap access addressed.

#### Inclement Weather policy:

Mr. Suso reports they are working on that, and they have never needed to utilize this policy. He will get back to the Board with a draft.

#### Memorial Bench Policy

Not utilized as frequently lately; the DPW is concerned about the diminishing number of reasonable locations to place these benches. The challenge has been that long term maintenance becomes an issue as well; they come to the end of their useful life and it is challenging for DPW to keep up with it.

The Board discussed updating the language needed about things coming to the end of their useful life; it is the individual owner's responsibility for maintenance and disposal. Also discussed options for materials that the Board may approve, including granite or PVC. It was noted that the issue of equality may be an issue because some may be able to afford the more expensive and longer lasting granite option, which may also be viewed as an elevated status as opposed to the less expensive, shorter lifespan PVC material.

Ms. Scott Price provided her edits to Mr. Suso.

The Board discussed whether the benches should remain at the discretion of the Board, currently the Parks Superintendent approves the benches. Mr. Johnson-Staub recommended the Board delegate the decision to the Superintendent because the Board has been talking about how to free up their time to focus on big policy issues, and they have identified a policy issue of whether to allow granite to be an option. If someone has a different request outside this they may appeal to the Board.

Chair Brown suggested this be an overall Memorial policy, not specific to memorial benches. Mr. Patterson would like some sort of screening process.

#### Mooring policy:

The Board would like to include the new moorings. Ms. Scott Price provided edits to the language

**Municipal Vehicle Policy and Procedure:**

Public safety and the DPW policies are in process of being updated. The Board reviewed edits and suggestions including adding energy efficient in terms of electric cars and goals for implementation. As part of the Green Communities Act, the Board adopted a policy and that needs to be included as well.

**Permit Issuance:**

The Board discussed policies including initial response for Building Permits, time standard that says to the best ability of the department these are the time standards. Language needs to be written to allow for flexibility. The Board suggested asking department heads about the Board's suggestion of a 14 day preliminary response on permits, the intent would be to apply it to all Town permits.

**Shellfish and Herring Regulations:**

Ms. Scott Price provided Mr. Suso with her edits. According to Mr. Suso, Marine and Environmental Services is working on these. The Board recommended adding aquaculture.

**Whistleblower Policy:**

Mr. Johnson-Staub noted the need to check with Town Counsel, may need to honor statutory language and it has likely been updated since introduced on the State and federal levels. If they are following law, then they do not need policy that goes beyond the law.

This information is included in the Town Employee Handbook which is available through Personnel.

**Rules and Regulations Falmouth resident parking permit program:**

In the Woods Hole Area, there is limited capacity, and residents can apply for permits through the Falmouth Police Department.

**Article 2 Dinner Passes:**

This is not done anymore and will be removed.

Water and Sewer Regulations are being updated.

Wastewater regulations are being updated.

Embarkation fee policy: postponed at this time.

**Fire Department Personnel:**

Chair Brown would like to revisit it, so it is ratified and voted prior to Town Meeting. He provided the Board with a couple documents to see if they can be incorporated into a policy. The Board will address it at their 3/14/22 business meeting and requested something written that the Board will consider and then plan to finalize it on 3/28/22.

Ms. Scott Price suggested a policy on the strategy of a board meeting, example is the meetings go much too long. She would like to consider a potential policy for end time of the Board's business meeting and whatever is not done may be first on the next meeting agenda. The Board cannot give fair attention to issues at the late hour of 11pm, either need a hard cut off or have bigger things to continue to next meeting, they need to be continued. Ms. English Braga suggested 10pm is reasonable cut off. Mr. Suso reported that the Town Manager's Office notifies consent agenda folks that they need not attend the Board meeting. Structuring the end time. When limiting the amount of time for a presentation, the Board needs to stick to it. Ms. English Braga asked if Mr. Johnson-Staub and Mr. Suso could look at how other communities format meetings.

**Public Comment:**

Robert Dugan, Zoning Board, said the Zoning Board has the same issues, could there be a disclosure on the Town website, if they plan to speak at the hearing, this is your time limit but please submit

written comments. Bench policy, may need to look at other things like brick walkway, the Town will not be able to keep up policy on memorial benches. A lot of people cannot spend a lot for a bench and maintain it, many people do not like to sit on them when they know it is a memorial, he suggested the Board look at some other mechanism.

Maureen Harlow-Hawkes, there are many who do not want notoriety and they want that person recognized. One bench could serve as a memorial to many people, maybe the Town contributes the bench, the names could go on an area of the bench. Then people do not own the bench, maybe they pay to have it etched. Late meetings, lots going on, there are a lot of permits being applied for, she suggested announcing at the meetings that people have three minutes to talk, and she likes the idea of submitting documents prior to the meeting, so the Select Board can review the information prior to the meeting.

Scott Zylinski, Precinct 4, if they prewrite their comments, the Board can stipulate to the comments in the documents submitted. Mr. Zylinski watched someone make a public comment at a Board meeting and the person found out halfway through there would be no rebuttal from the Board. He suggested that in similar situations, the Board provide direction to the person commenting on how to get their issue on a future agenda.

Peter Hargraves, Precinct 9, MA law required the meeting be open, then closed for executive session, and then reconvened for business. His interest was item 1, and he assumes it is already done; he asked if he needs to be there when the meeting is open so that he does not miss something of interest.

Ms. English Braga explained that tonight's executive session being held in the middle of the regular business meeting was an absolute anomaly, not the best practice. It occurred because the Board was trying to accommodate her when she was not here for the executive session. This has never happened before tonight.

Chair Brown explained that the Board declined to act today on Article 25 and left in place the action the Board took this past Monday to recommend as written.

Ms. Scott Price thought they would review the policies tonight and vote on them, why did they discuss them when they were not prepared? Mr. Patterson said that he asked for draft revisions so they would not have to go around again.

Mr. Suso suggested having a special open meeting and then an executive session on Town Meeting business, involving the article regarding an easement by Eversource. Meeting on Wednesday 3/9/22, 5pm and could be virtual, open in open session, go into executive session, and then back to open session to conclude.

4. Other business
5. Adjourn

**Mr. Patterson motion to adjourn. Second Ms. English Braga. Vote: Yes-5. No-0.**

Respectfully submitted,  
Jennifer Chaves  
Recording Secretary

TOWN OF FALMOUTH  
SELECT BOARD  
**Meeting Minutes**  
**Executive Session**  
Saturday, March 5, 2022  
Select Board Meeting Room and  
Old Water Room  
Town Hall  
59 Town Hall Square, Falmouth, MA 02540

Present: Douglas C. Brown, Chair; Nancy R. Taylor, Vice-Chair; Samuel H. Patterson; Megan English Braga; Onjalé Scott Price.

Others in Attendance: Julian M. Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Tim Smith, Fire Chief.

MGL Ch. 30A, S 21 (a)(3) – Discuss strategy with respect to collective bargaining with Falmouth Firefighters Local 1397.

*Note: The start of the executive session was delayed because one of the Board members was unexpectedly late in arriving.*

At approximately 8:58AM, the proposed collective bargaining agreement package was presented to members of the Board. It has been ratified by members of the Falmouth Firefighters Local 1397. This includes two agreements, for a total of four (4) years: July 1, 2021 through June 30, 2022 (FY22 Agreement) and July 1, 2022 through June 30, 2025 (FY23-FY25 Agreement). Mr. Johnson-Staub addressed several concerns related to the possibility of seeking to negotiate an increase in minimum staffing at this time. Fire Chief Smith and Town Manager Suso provided several comments. For context, Mr. Suso shared a copy of a Fire staffing policy adopted by the Select Board at its meeting of November 8, 2021.

Mr. Brown presented two exhibits, including a Fire Station staffing exhibit first presented to the Select Board on October 25, 2021 and a second exhibit which consisted of a proposed Addendum to this negotiated Collective Bargaining Agreement with Firefighters Local 1397 which Mr. Brown was offering as an amendment for Select Board consideration. This was discussed. No action was taken on this proposed amendment.

Dr. Taylor made a motion to approve the proposed collective bargaining agreement package with Falmouth Firefighters Local 1397 as presented. This motion was seconded by Mr. Patterson and approved by roll call vote. Vote: Yes (4), No (1 – Mr. Brown).

At approximately 9:26AM, there being no further business, Mr. Patterson moved to adjourn the executive session and return to open session. The motion was seconded by Ms. English Braga and approved by roll call vote. Vote: Yes (5), No (0).

Respectfully Submitted,

Julian M. Suso  
Town Manager and Recording Secretary