

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, MARCH 27, 2023 – 6:30 P.M.
HERMANN ROOM
FALMOUTH PUBLIC LIBRARY
300 MAIN STREET, 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; Sam Patterson; Scott Zylinski.

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

1. Chair Taylor called the open session to order at 6:30pm.
2. Pledge of Allegiance
3. Recognition
Mr. Brown recognized the Town Manager screening committee who brought three candidates forward.
Mr. Zylinski acknowledged the public who were involved at the public meeting.
4. Announcements-none.
5. Public Comment

Richard Duby, Blacksmith Shop Road, provided information on the surplus Falmouth Police Department (FPD) rifles, noting the article in the Falmouth Enterprise and lack of tracking the resale of the rifles. After receiving Mr. Johnson-Staub's email to Mr. Duby, Powderhorn provided information that three rifles were sold to law enforcement officers. Mr. Duby has since discovered that Powderhorn is at the top of the list to sell firearms to the FPD and are being considered for another Town contract. Command Officers said they have an excellent relationship with Powderhorn, even though Mr. Johnson-Staub did not get the information from Powderhorn in a timely manner. The Select Board has asked to exclude Powderhorn with cause from any contracts with the Town.

Kerry Miller, Main Street, the fire at Estia restaurant last week should give all a wakeup call on overcrowding and fire risk. When the trucks responded to Estia, primary access to Main Street was precluded. Mr. Miller had a conversation about blocking access in the rear of the building with a FPD Officer who was securing the perimeter. Property rights should be protected by the Select Board, this is an area of mixed use and residential use. Resident abutters do not feel their rights have been protected. If there is a conflict of interest by the Planning Board, the member should be recusing themselves.

Joanne Treistman, 1 Triumph St., acknowledged the three students and teachers killed today. She supports the Diversity, Equity, and Inclusion (DEI) Officer to be responsive to community members. The Affirmative Action (AA) Committee has no way to adjudicate, they are able to notify the Select Board, but the community needs an advocate. The Town Human Resources Director handles situations with employees and the DEI Officer could assist. The Enterprise letters to the editor tell us about acts in the community, but then what happens? A DEI officer who supports our community and those marginalized and expand efforts of volunteers in the community. Where does the Affirmative Action Committee refer someone with a complaint?

Deb Berglin, Hatchville, Co-Chair Diversity Committee, supports the DEI Officer position. Systemic and institutional change is needed and recommends the position be full time and a higher salary. Concern that the community was not consulted about this position. The Town received more than 50 responses, two recommendations were made for active outreach and meaningful engagement, and creation of a mechanism for confidential reporting. Versions were worked into the position, but the most recent position does not include community access to the DEI Officer. She feels this is a lack of respect for the community. The person in the DEI position should get to know the community and be an accessible resource no matter

where the concerns come from. Ms. Berglin urged the Select Board at the 4/3/23 meeting to add the language that includes community engagement and access to the DEI officer. Priorities of the position are misplaced if the Town feels the DEI officer would be overwhelmed with community complaints and needs.

Dr. Sandra Faiman-Silva, Davis Rd., acknowledged the tragedy this morning and urged the Select Board to look at the job description and revise it for the DEI position. She made the motion in 2000 that voted to adopt the DEI position and formalize hiring. She believes the position as currently described is not the job description envisioned when passed at Town Meeting. It addresses Town Hall needs, but not the community needs. She provided an edited job description with features that would make this a robust job description that works out of Town Hall but also advocates for the community.

Maureen Harlow-Hawkes, 9 Old Dock Road, asked the Select Board to support the West Falmouth Fire Station (West). The Falmouth Fire Rescue Department (FFD) is required to staff all five stations, why do they always take from West and shut it down?

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Commission on Substance Use – Rabbi Elias Lieberman
Rabbi Lieberman, Hatchville Rd., substance use has impacted his congregation, his extended family, it speaks to him, and he welcomes the opportunity.

Mr. Zylinski made a motion to appoint Rabbi Lieberman to a term ending 6/30/25. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

- b. Economic Development & Industrial Corporation (EDIC) – Colin Reed

Collin Reed, Rogers Rd., has been a resident for seven years and would like to give back to the community.

Mr. Patterson commented that Mr. Reed brings representation of the Woods Hole Community to the EDIC.

Mr. Patterson made a motion to appoint Mr. Reed to a term ending 6/30/23. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

PUBLIC HEARINGS

1. Fee Hearing – Fee for Recycling at the Waste Management Facility (**10 minutes**)
Ms. Scott Price read the hearing notice.

Peter McConarty, DPW Director, wants a recycling area up at the facility to give residents another option to dispose of their recyclables. A sticker will be required to dispose of recyclables. The fee does not cover the cost of DPW employees and equipment, it only covers the cost for the contractor to transport. The Recycling Coordinator position, is included with the request this year and will be requested this coming year. It is currently a part time position and they are looking to make it full time.

Public Comment: none.

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

Discussion:

The Select Board wants to consider the position going full time and acknowledged the importance of this position.

Mr. McConarty said that the trash and recycling at the beaches becomes contaminated because people throw trash in recycling and recycling in the trash, once recyclables are contaminated, it cannot then be recycled.

Mr. Zylinski made a motion to reopen the hearing. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Mr. McConarty said concern is that when we bring recycling with trash in it to Bourne to the hauler, they randomly check the trash, and if more than 5% is contaminated, the Town of Bourne will check the beach trucks, and then Town of Falmouth receives a letter with a fine of \$5 from Bourne.

Public Comment:

Alan Robinson, Chair Solid Waste Advisory Committee, agrees that separate recycling at the beaches does not work. They would like to do it, but there are always people that will put the wrong thing into the recycling. The Committee supports recycling being restored at the facility; with mandatory recycling, it is an important option. The Committee will host an information session Wednesday at 9am, and the public is welcome to attend.

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

Mr. Brown made a motion to close the hearing. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

2. Application for a New Entertainment License and Sunday Entertainment License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth

Ms. Scott Price read the hearing notice.

The hearing was advertised before the change in the hearing venue. The hearing will be continued to 4/3/23. The Select Board apologized for the error.

Ms. Scott Price made a motion to continue the hearing to 4/3/23. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

BUSINESS

1. Request for variance to Sign Code - §184-32 Off-Premise Signs: Commission on Disabilities – Wellness Fair and Falmouth Community Blood Drive on April 22, 2023 at the Recreation Center (**5 minutes**)

List of places for promotional signs are in the packet, along with the size and what they look like.

Mr. Johnson-Staub said this is a recurring event, it is a variance for lawn signs.

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

2. Discussion of Town Manager candidates. No appointment vote will be taken.

Mr. Johnson-Staub recused himself.

Mr. Patterson provided the Select Board with a document that he created with characteristics he feels are important for the position. Chair Taylor will ask Town Counsel to review the document and provide feedback to the Select Board.

Chair Taylor reported there were 37 cover letters and resumes received by the screening committee. Of the ten candidates interviewed by the screening committee, two were black males and one was a woman, the Select Board may bring any other candidates in front of the steering committee. The consultant, Rick White, reached out to fifty women in the Commonwealth to try to convince them to apply for this position.

The Select Board was in agreement that there are no other candidates they want to bring forward.

Chair Taylor assigned each Select Board member to one of five areas: Mr. Zylinski - public safety, current public safety issue and previous district of the candidates; Mr. Brown - DPW and Department Chairs; Ms. Scott Price – Finance; Mr. Patterson - governing bodies; and Chair Taylor - School related functions,

including interaction with the School Committee. Chair Taylor suggested the members list questions, comments, and information they receive from the various sources. The Select Board feels this was a fair part of the process, Mr. Patterson cautioned the Select Board to be judicious on how they approach this and to stay away from personal issues. This is to be done ASAP. The Select Board will look to appoint the new Town Manager on 4/3/23. The consultant is available to review the questions the Select Board members have developed prior to their making contact with sources.

Ms. Scott Price said that when initial concern came up regarding the lack of applications received from women and people of color, the Select Board asked Rick White to reach out. Ms. Scott Price contacted multiple people and noted that this is not an easy community to live in as a person of color and to ask someone to come in and be the leadership with the Town is a hard sell for anyone, even more difficult for someone who does not feel they have the support of the community. Ms. Scott Price reported that the people she spoke with were more inclined to apply for the Assistant Town Manager position, which would give an opportunity to get to know the community. The affordability is also an issue for people looking to relocate to the Town.

Mr. Patterson asked about relocation expenses and what kind of offer can be made to offset the cost of moving here. Chair Taylor noted that this will be part of the contract negotiations with the chosen candidate.

CONSENT AGENDA

Mr. Johnson-Staub returned to the meeting.

1. Licenses

- a. Application for Special One-Day Wine & Malt Liquor License – Slow No Wake – Earth Day Beach Cleanup – Marina Park – Saturday, 4/22/23 (rain date 4/23/23) – 12:00 p.m. - 2:30 p.m.

The applicant has withdrawn the application.

- b. Approve a change of date of an approved Special One-Day Wine and Malt Liquor License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth – Tuesday, 4/18/23 (previously approved for Wednesday, 3/15/23) – 6:00 p.m. - 7:30 p.m.

2. Administrative Orders

- a. Vote to opt in to Early Voting in Person for the May 16th Annual Town Election Held by Price to read the recommended motion.

Ms. Scott Price made a motion that the Town vote to opt in to early voting in person for the May 16th Annual Town Election, said voting to be held Saturday, May 6th and Monday, May 8th through Friday May 12th from 10am to 2pm at Town Hall. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

- b. Approve request to withdraw up to \$14,000 from the Manduano Gift Account (28-632-5657-5780) to finish funding the construction of 5 parking attendant booths, as discussed on December 5, 2022, using the updated design by Jill Neubauer Architects Inc.
- c. Approve request to spend over \$500 from the Fire Rescue Department donation account for the purchase of CPR mannequins and parts for the free CPR certification program at the Falmouth Fire Rescue Department
- d. Approve Letter of Support for Falmouth Housing Corporation's Response to Falmouth Housing Authority's Section 8 Project Based Voucher Program Bid

Ms. Scott Price made a motion to approve the Consent Agenda. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session

November 21, 2022

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

March 13, 2023

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

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported that he has written confirmation from Powderhorn that they sold and transferred eighteen surplus AR 15 rifles to local law enforcement officers. The three remaining are short-barreled rifles, and Powderhorn is awaiting federal paperwork to complete those transactions.

Current replacement of Police Department shotguns, received funding for 33 new shotguns, and 29 are being replaced. Mr. Johnson-Staub needs to make a decision very soon on purchasing the weapons, due to the Falmouth Police Department before May annual certification. They are awaiting the Inspector General's (IG) investigation results, no idea of the timeline or findings of the IG. Short-barreled shotguns are more highly regulated, they present more danger due to wide spray of pellets. Mr. Johnson-Staub said the plan is to destroy the 3 short-barreled rifles and trade in the shotguns, so not to waste Town resources. He would like to make the decision in a couple of days. The Select Board supports Mr. Johnson-Staub's decision.

Police chief process: narrowing pool to 4 to 5, who will be interviewed by a citizen advisory panel, then a full day assessment on 4/15/23 with police chiefs. After background check, Mr. Johnson-Staub will bring the candidate forward for Select Board approval.

Mr. Johnson-Staub reviewed the schedule of meetings and Town Meeting through 4/24/23.

7:35 p.m. ADJOURN

Ms. Scott Price motion to adjourn. Second by Doug Brown. All aye.

Respectfully submitted,
Jennifer Chaves
Recording Secretary