

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes
MONDAY, APRIL 24, 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 Taylor, Chair; Onjalé Scott Price, Vice-Chair; Samuel Patterson; Douglas Brown; Edwin (Scott) Zylinski II

Absent: None

Others present: Peter Johnson-Staub, Interim Town Manager

OPEN SESSION

Call to Order: By Chair Nancy Taylor at 6:00 p.m.

EXECUTIVE SESSION

Chair Taylor called for a **motion to go into Executive Session to discuss strategy with respect to collective bargaining with AFSCME Unit C - M.G.L. c.30A s.21(a)(3)**

Motion by Mr. Brown: So moved. Second: Mr. Zylinski

Roll call vote:

Brown: Aye

Patterson: Aye

Scott Price: Aye

Zylinski: Aye

Taylor: Aye

Chair Taylor said the Board would return to Open Session.

OPEN SESSION

Call to Order: Following Executive Session, Chair Taylor called to order the Open Session of the meeting at 6:30, saying the Select Board had discussed strategy with respect to collective bargaining with AFSCME Unit C, and had voted unanimously to support a Memorandum of Agreement between the Town of Falmouth and AFSCME Local 1636 Unit C.

Pledge of Allegiance: Led by Select Board

Recognition:

Mr. Brown said he had received an email from Ed Valeriani at the DPW who wished to remember Harry Hill, a 41-year employee at the Falmouth Parks Dept., who had recently died. Mr. Brown cited the many accomplishments of Mr. Hill's years of service to the Town of Falmouth and expressed gratitude for them.

Announcements:

Ms. Scott Price reviewed the Select Board's practice regarding emails sent to the Board, assuring that all emails are read and processed appropriately.

Chair Taylor announced that Dr. Betsy Gladfelter had been officially awarded 2 grants: one from USFWS for \$1,052,500, and the second for \$1.6 million from NOAA

Public Comment:

Richard Dube, Precinct 6 – said that since Article 21 had passed at Town Meeting, he recommended that the Board select the police department for independent review by a consultant.

Chair Taylor said that she would take up the **first item under Business** before holding the first public hearing.

Application for a Change of Manager for an All Alcohol Club License – Falmouth Yacht Club, located at 290 Clinton Avenue, Falmouth

Mr. Johnson-Staub orally summarized the item for the Board, referring to a memo in the Select Board packet entitled *Preliminary Report for April 24, 2023*, and dated April 21, 2023. He recommended approval.

The manager of the Falmouth Yacht Club, Arianne Damon, was present. She said the background check was scheduled for May 3 at the police dept.

Mr. Brown asked that approval be contingent upon completion of the background check, and he reminded the manager that she is personally responsible for any alcohol-related issues that may arise at the venue.

Motion by Ms. Scott Price: To approve contingent upon the background check Second: Mr. Patterson
Vote: Yes – 5 No – 0

Chair Taylor said that she would next take up the **Consent Agenda** while awaiting the time to begin the first hearing. She asked Mr. Johnson-Staub for any comment.

Mr. Johnson-Staub confirmed that the Class 1 license sought by the Flying Bridge can be limited to boats only and cannot be transferred to another location. He said the form had been modified to indicate “for boats only.” He said all other licenses are routine in nature, reviewed by staff for completeness, and he recommended approval. Also, regarding **Administrative Orders**, he orally summarized **Item “d”** (WHOI’s request for access to Siders Pond) as described in the memo in the Select Board packet entitled *Preliminary Report for April 24, 2023*, and dated April 21, 2023. He said WHOI would also be required to notify abutters on the southern end of the pond because the pond doesn’t normally have any moorings.

CONSENT AGENDA

1. Licenses

- a. Application for a Class I License to Buy and Sell New and Second Hand Motor Vehicles (boats) – Flying Bridge Marina, LLC d/b/a Flying Bridge Marina to be exercised at 250 Scranton Avenue, Falmouth
- b. Application for a Common Victualler License– ICA Pizza, LLC d/b/a Simply Divine, located at 271 Main Street, Falmouth
- c. Application for a Change of Officers of an All Alcoholic Beverages Common Victualler License - 99 Restaurants of Boston LLC d/b/a 99 Restaurant & Pub- 30 Davis Straits, Falmouth
- d. Application for a Special One-Day Wine & Malt Beverages License – West Falmouth Library Annual Art Show – 575 West Falmouth Highway, West Falmouth – Friday, 7/21/23
- e. Application for a Special One-Day Wine & Malt Beverages License – Sarah Annis for Mayflower Brewing – 5 Coonamessett Farm, 277 Hatchville Road, East Falmouth – Saturday and Sunday, 5/6 and 5/7/23
- f. Application for a Special One-Day Wine & Malt Liquor License – Michael Clark – Livin’ the Dream, Bean Bag Toss Tournament Fundraiser – The Conference Table parking lot, 205 Worcester Ct., Falmouth – Saturday, 5/13/23
- g. Application for a Special One-Day Wine & Malt Liquor License – Luke Vose, Crooked Coast – Coast Fest – Bandshell/Marina Park – Saturday, 8/5/23
- h. Application for a Sunday Entertainment License – Barnstable County Agricultural Society – Barnstable County Fair – Cape Cod Fairgrounds – Sunday, 7/23/23

2. Administrative Orders

- a. Vote to approve warrant for the annual town election on May 16, 2023
- b. Vote to authorize the extension of temporary outdoor seating approvals from April 1, 2023 to April 1, 2024
- c. Vote to designate elected members of the Falmouth Municipal Light Plant Board as Special Municipal Employees for the purposes of the Massachusetts conflict of interest law, M.G.L. c. 268A sec. 1(n).

- d. Approve license agreement authorizing Woods Hole Oceanographic Institution to access Siders Pond
- e. Authorize grant application for Lead Service Line Inventory
- f. Vote to accept donation from Stephen and Nancy Weinstein in the amount of \$500.00 to the Falmouth Fire Rescue Department
- g. Vote to accept donation of two Samsung flat screen TV's valued at \$2,500.00 to the Falmouth Recreation Department
- h. Vote to accept FY23 Wellness Grant in the amount of \$600.00 from Cape Cod Municipal Health Group to the Personnel Department grant account

Mr. Brown commented on “b” asking if the license applied to take-out alcohol as well. Mr. Johnson-Staub said that it is a separate matter available to all entities that have an alcohol pouring license.

3. License Renewals – 2023 Seasonal/Annual

LODGING HOUSE LICENSE

Captain’s Manor Inn, 27 W. Main Street
 Elizabeth Hathon, 165 North Falmouth Highway
 Frederick William House, 594 Palmer Avenue
 Heights House, 25 Harbor Avenue
 Inn on the Sound, 313 Grand Avenue
 Inn on the Square, 40 North Main Street
 Woods Hole Inn, 28 Water Street, Unit D
 Woods Hole Passage Bed & Breakfast Inn, 186 Woods Hole Rd.

SECOND-HAND DEALER LICENSE

Blooming Resale, 557 N. Falmouth Highway
 Cape Cod Gold & Silver, 424 Main Street
 Cape Kids Treasures, 15 Davis Straits
 Cashpoint, 348 East Falmouth Highway
 Falmouth Stamp & Coin, 11 Town Hall Square
 Hand in Hand Thrift Shop, 141 Sandwich Road
 Home Again, 93 East Falmouth Highway
 Hope Restored, 75 County Road
 St. Vincent de Paul Thrift Shop, 18A Davisville Road
 Trendy Tots, 424 Main Street

BOWLING ALLEY/POOL TABLE LICENSE

King Cormac, Inc. d/b/a Grumpy's Pub, 29 Locust Street
 Town Hall Partners, LLC d/b/a Timber, 23 Town Hall Square
 Trade Center Bowl, 95 Spring Bars Road

MOVIE THEATER LICENSE

Falmouth Cinema, LLC d/b/a Falmouth Cinema Pub, 137 Teaticket Hwy.

Chair Taylor asked for a **motion to move the Consent Agenda.**

Ms. Scott Price: So moved Second: Mr. Patterson

Mr. Brown offered a public thank you to the donor of the flat screen TVs to the Falmouth Recreation Dept. (Administrative Orders, “g”).

Vote: Yes – 5 No - 0

PUBLIC HEARINGS

Application for a Transfer of License and Alteration of Premises for an All Alcoholic Beverages Retail Restaurant License – ICA Pizza, LLC d/b/a Simply Divine, located at 271 Main Street, Falmouth

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager’s Preliminary Report for April 24, 2023*, and dated April 21, 2023.

Atty. Nick Ambliotis and new manager Branko Pishev were present. Atty. Ambliotis said there were no changes requested.

Motion by Mr. Zylinski: To close the hearing Second: Ms. Scott Price

Public comment: None

Vote: Yes – 5 No – 0

Mr. Brown commented that everything seemed in order on the application.

Motion by Mr. Brown: To approve Second: Ms. Scott Price Vote: Yes – 5 No - 0

Application for an Entertainment License – ICA Pizza, LLC d/b/a Simply Divine, located at 271 Main Street, Falmouth

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 24, 2023*, and dated April 21, 2023. He clarified that this is a new license request because entertainment licenses cannot be transferred.

Atty. Ambliotis reviewed the request. He said that the restaurant would play recorded music and on occasion, have live acoustic guitar or piano music. The hours would be 4:00 to 9:00.

Public comment: None

Mr. Brown said one email voicing concern had been received. He also commented that the Board has a policy that the music should not transfer beyond the property line, "even though that may not always be practical, but that's the goal."

Public comment: None

Motion by Ms. Scott Price: To close the hearing Second: Mr. Zylinski Vote: Yes – 5 No - 0

**Motion by Mr. Zylinski: To approve the application as written Second: Ms. Scott Price
Vote: Yes – 5 No - 0**

Application for a Transfer of an All Alcoholic Beverages Retail Package Store License and Pledge of Inventory, License, and Stock - Falmouth Kappy's, Inc. d/b/a Kappy's Fine Wine & Spirits - 21 Spring Bars Road, Falmouth

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 24, 2023*, and dated April 21, 2023.

Attorney John Mooradian, manager Sunilkumar Patel, and co-owner Mitesh Patel were all present. The attorney said no changes were being requested. Mr. Brown asked if there were any other liquor interests in Falmouth; Atty. Mooradian said there were not.

Public comment: None

Motion by Ms. Scott Price: To close the hearing Second: Mr. Zylinski Vote: Yes – 5 No - 0

Atty. Mooradian said that they were awaiting the results of the police dept. background check.

**Motion by Mr. Brown: To approve contingent upon the background check Second: Ms. Scott Price
Vote: Yes – 5 No - 0**

BUSINESS

Presentation – Water main replacement plan

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 24, 2023*, and dated April 21, 2023.

Mike Reghitto, Acting Water Superintendent, introduced Ryan Neland from Tata and Howard, Peter McConarty, DPW Director, Steve Cadorette, DPW Deputy Director, and Steve Rafferty, former water superintendent and now consultant for the Town. Mr. Reghitto then began the approximately 20-screen presentation which he said would be an overview of the *Capital Efficiency Plan April 2020-Cost Estimates Revised April 2023*, which was basically a planning document how to prioritize replacing water mains in Town. The goal, he said, is to appropriate \$3M per year for water main maintenance, upgrades, and design. The presentation included photos of water main projects around Town.

Mr. Zylinski asked about costs of disposing of asbestos pipe; Mr. Reghitto said that asbestos would be abandoned in place underground. Mr. Brown asked about the line to Lawrence School; Mr. Reghitto said that the Hamlin Ave. line had been replaced. The Board praised the CEP saying it was great work, informative and thorough. The CEP report itself is posted on the water department website in its entirety. Mr. Brown voiced concern about the water quality issues in some of the pipes; Mr. Reghitto said that they were already looking into those and other issues.

Mr. Johnson-Staub said that the goal of the report at the meeting was to get information to the Board to invite feedback and to prepare for ongoing action.

Presentation – Affordable housing proposal – 375 Sandwich Road – Saxon Partners

Mr. Brown said that due to a possible conflict of interest (his wife still owns property on a road in an impacted area, as well as his existing relationships with people living there), he would recuse himself. He then left the meeting room.

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 24, 2023*, and dated April 21, 2023.

David Calhoun from Saxon Partners began with an oral presentation of the proposed project. He then passed out materials to the Board and moved to a visual presentation, selecting appropriate screens to help explain the information. The development would be situated on 42 acres, part of which would be gravel pits and part for housing. The housing buildings containing 300 rental units would all be 4 stories with elevators. The 40B project would be expedited through the ZBA.

Mr. Johnson-Staub explained the concerns surrounding additional wastewater discharge, and how the Town can meet the requirement to remove 100% of the nitrogen. He said there are ways to address the problem, but the added costs would have to be taken into consideration. There was brief Board discussion of the nitrogen issue and how the package treatment system would work to meet nitrogen reduction goals. Mr. Calhoun said that the developer would work with the Town on how best to achieve the required wastewater goals. He clarified that the first step is to get letters of support for project eligibility before the ZBA. He said the science is there to get to acceptable nitrogen levels if people work together.

Chair Taylor said that the Board would not be voting a letter of support at this meeting due to not having enough information at this time. Mr. Zylinski said he would not want to vote before hearing public comment. Mr. Patterson said the Board would need to be shown that the science is as sophisticated as described and that the environmental impact would be minimal because of the huge factor that degradation of the Cape's water quality is at present.

Chair Taylor then said that the Board would need more specific information regarding the wastewater component before it could support the project. There followed some back-and-forth about the process for getting the project started. Mr. Calhoun said that Saxon Partners had already had meetings with MADEP and other interested parties to assure that wastewater issues are addressed. He suggested getting Saxon's engineers together with the Town's knowledgeable parties to address concerns and hash out ideas. He said the letter would be more a letter of cooperation than of support at this time. Ms. Scott Price asked Mr. Calhoun if he could put the information already done about wastewater options in document form for the Board to review. Mr. Calhoun said he could produce something. Mr. Johnson-Staub said that he would invite the wastewater superintendent to come to the Board meeting when this item would be next discussed. Mr. Zylinski asked if there were minutes from prior various community meetings with Saxon when the project was discussed. Mr. Calhoun said that they do not take minutes of meetings when they are invited guests.

Chair Taylor announced a 5-minute recess.

Mr. Brown returned to the meeting room at the end of the recess.

Nomination to name Overlook on the Coonamessett River for Betsy Gladfelter

Joe Netto and Jessica Whritenour, Executive Director of the 300 Committee Land Trust, were present to ask the Board to consider naming the overlook at the Coonamessett Greenway Gateway Park in honor of Betsy Gladfelter. Mr. Johnson-Staub then orally reviewed the item referring to *The Town Manager's Preliminary Report for April 24, 2023*, and dated April 21, 2023. One year from now would be the second phase of the process. He said consensus on the issue is fine. Ms. Whritenour spoke briefly, saying Mr. Netto had come to T3C with the idea and they were very happy to join with him on the initiative. She highly praised Dr. Gladfelter for her tireless work on the river restoration project, using descriptors such as work ethic, commitment, vision, and public service. Mr. Brown added tenacity. The Board was unanimous in its agreement to begin the year-long process.

Vote to designate a member of the Select Board to review the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katharine Lee Bates Rd. as the Kevin Lynch Connector and to place a sign or plaque in his honor

Mr. Johnson-Staub said the process at this point is for the Board to designate a member to meet with representatives from the bicycle and pedestrian committee and other stakeholders, and then to schedule a hearing to consider final action.

Kathryn Jansen, vice-chair of the bicycle and pedestrian committee, said the initiative has the full support of that committee. She introduced Leonard Johnson from Friends of Falmouth Bikeway, who gave the Board background information on Kevin Lynch, past chair of the bikeways committee, and all he had done to support cycling in Falmouth, including spearheading two extensions of the bike path.

Mr. Johnson went on to speak about Bob Fitzpatrick (next agenda item) and his involvement in getting a connector from the bike path to the Goodwill Park crossing. He said the Friends will pay for the plaque and stones and work with the DPW how best to situate them.

Chair Taylor nominated Mr. Zylinski to be the Board member to solicit input from the Bicycle and Pedestrian Committee and other appropriate parties. Second: Ms. Scott Price Vote: Yes – 5 No - 0

Vote to designate a member of the Select Board to review the request to name the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the Bob Fitzpatrick Connector and to place a sign or plaque in his honor

Ms. Scott Price nominated Mr. Zylinski to be the Board member to solicit input from the Bicycle and Pedestrian Committee and other appropriate parties. Second: Mr. Zylinski Vote: Yes – 5 No - 0

Approve request from Falmouth Farmers Market, Inc. for a waiver/reduction of the special event permit fee for the Falmouth Farmers Market at Marina Park on Thursdays from 5/25/23 – 10/5/23 plus 11/21/23

Peter Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 24, 2023*, and dated April 21, 2023.

The Board thanked Mr. Johnson-Staub for providing the information regarding fees and the dollar value of the waivers granted. Mr. Brown said that this event is certainly of benefit to the community and the request is in order.

Motion by Mr. Brown: To approve Second: Mr. Zylinski

Lindsay Close from the Farmers' Market said that vendors support the SNAP program where community members with food benefits can use their cards. There are also 2 vendors who participate in the Healthy Incentives Program where rebates are offered through the state for fruits and vegetables.

Vote: Yes – 5 No - 0

Presentation and vote to authorize a grant application for a Massachusetts Public Library Construction Grant for the East Falmouth branch library

Linda Collins, Library Director, and Brian Stokes from the public library presented the request. Ms. Collins said that there would be an effort to maintain the look of the village in the design. She also said the people of East Falmouth use the facility as a full-service library and “we need to make it that.”

Motion by Ms. Scott Price: To approve Second: Mr. Zylinski Vote: Yes – 5 No - 0

Chair Taylor handed Ms. Collins a signed letter following the vote.

Request for variance to Sign Code – §184-7 Placement: Falmouth Public Schools – Placement of temporary sign on fence on Town property at 340 Teaticket Highway

Peter Johnson-Staub orally reviewed the item referring to *The Town Manager’s Preliminary Report for April 24, 2023*, and dated April 21, 2023.

Mr. Brown said it seems like a higher-level production and supports the request, even if it’s not a regular thing. The issue is both the size of the sign and that it’s affixed to the fence. Mr. Patterson would support giving the school department a broader use of the property beyond this particular event.

Motion by Ms. Scott Price: To approve Second: Mr. Zylinski Vote: Yes – 5 No - 0

Remote work policy – non-union employees

Peter Johnson-Staub orally reviewed the item referring to *The Town Manager’s Preliminary Report for April 24, 2023*, and dated April 21, 2023.

Mr. Brown raised the issue of the need to coordinate information regarding remote work among department heads, supervisors, and human resources director during the hiring process before a job offer is made.

Motion by Ms. Scott Price: To approve Second: Mr. Patterson Vote: Yes – 5 No - 0

Mr. Johnson-Staub thanked Human Resources Director Susan Lumpkin for her work on the policy.

MINUTES

Review and Vote to Approve Minutes of Meetings

Public Session –
March 6, 2023

**Motion by Mr. Patterson: To approve with correction and release Second: Ms. Scott Price
Vote: Yes – 5 No - 0**

March 27, 2023

Motion by Mr. Patterson: To approve and release Second: Ms. Scott Price. Vote: Yes – 5 No - 0

April 3, 2023

**Motion by Mr. Patterson: To approve with correction and release Second: Ms. Scott Price
Vote: Yes – 5 No - 0**

TOWN MANAGER’S SUPPLEMENTAL REPORT

- Mr. Johnson-Staub updated the Board on the police chief selection process, including numbers of candidates and credentials, the selection of 5 candidates for the citizen panel interviews held on 4/14, and the full-day assessment center run by the consultant on 4/15. He said the Human Resources Director and he would conduct final interviews next week, followed by the announcement of 3 finalists, with the vote on the appointment targeted for a May 22 Select Board meeting.
- Upcoming meetings for the Select Board are 5/1, 5/22, 6/5, 6/26, and 7/10.

Mr. Johnson-Staub said he would send a copy of his supplemental report to Board members.

SELECT BOARD REPORTS

Mr. Brown reported on the following:

- Attended the Cape and Islands municipal leaders' association meeting last month and received legislative updates. He said he updated the group on Falmouth's affordable housing progress. He said the group meets once a month on Friday mornings and welcomes attendees. He also said the facility hosting the meeting was the Sandwich Council on Aging building, saying it was a beautiful facility, and noted there were pickleball courts there.
- Contacted the communication representative from South Coast Wind to assure her that Falmouth is here to listen. He said there would be a phone call tomorrow in an effort to build communication and keep information lines open.
- Attended a Beach Committee meeting and learned about their outreach for hiring and that the beaches might be fully staffed this year. He said that they have been working on their mission statement, and that they are making progress on building the beach huts.

Ms. Scott Price reported on the following:

- Attended the Recreation Committee meeting and listened to the issues surrounding the scheduling of pickleball. She said part of the discussion was the desire to locate pickleball courts at Trotting Park. Mr. Johnson-Staub said that funding has been approved for design of pickleball courts and renovation of the old skatepark at Trotting Park.

Mr. Zylinski reported on the following:

- Attended 2 days of the police chief search, saying that the process was very well done.
- Attended the Bicycle and Pedestrian Committee meeting at the DPW with the entire staff present, which he said was over two hours. He said it was a very constructive and collaborative meeting.
- Attended a Veterans' Council meeting where members were discussing/planning Memorial Day activities/tributes.

DISCUSSION OF FUTURE AGENDA ITEMS

Ms. Scott Price said she would like to have a general discussion reviewing Town Meeting actions, even though she was not sure how that discussion might be organized. Whether articles had been approved or not, what would be the next steps? Chair Taylor said that the WQMC would be coming before the Board soon related to the failure of the sewer article.

In following up on an idea that originated in the 4/1 workshop, Ms. Scott Price would also like an item seeking input for putting potential bylaws or articles on the November Town Meeting warrant.

Chair Taylor would like an update on 5/1 regarding the plastics ban.

At this point, there was brief Board discussion on how best to approach following up on Town Meeting action: to have one large agenda item re-capping Town Meeting, or to select specific articles and actions with each one being its own item. Chair Taylor said that the Board should not dissect Town Meeting; rather, select specific articles that the Select Board has been directed to follow up on and focus on those.

ADJOURN

Motion by Ms. Scott Price: To adjourn Second: Mr. Brown Vote: Yes – 5 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary