

TOWN OF FALMOUTH
SELECT BOARD
Open Session
MONDAY, MAY 1, 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.

Present: Nancy Robbins Taylor, Chair; Onjalé Scott Price, Vice Chair; Samuel Patterson; Douglas Brown; Scott Zylinski.

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

1. **Chair Taylor called the open session to order at 6:00 p.m. Mr. Zylinski motioned to convene the executive session under M.G.L. c. 30A s. 21(a)(2) - To discuss strategy with respect to contract negotiations with non-union personnel (Town Manager) because to not go into executive session could prejudice ongoing negotiations. Ms. Scott Price seconded the motion. It was followed by a 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: Ms. Scott Price, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Zylinski, aye; Chair Taylor, aye.**
2. Chair Taylor reconvened the open session.
3. Pledge of Allegiance
4. Proclamations:
 - a. Police Week – May 14 - 20, 2023
Mr. Patterson read the proclamation in the packet as a motion. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.
 - b. Falmouth Community Television (FCTV) Month – June 2023
Ms. Scott Price read the proclamation in the packet as a motion. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.
5. Recognition
Ms. Scott Price recognized Mr. Patterson for many years on the Select Board and the Select Board thanked Mr. Patterson for his commitment to the Town, his work with housing, schools, and renewable energy, and noted it was a pleasure to serve with Mr. Patterson.

Mr. Patterson thanked the citizens for the opportunity to serve them in School Committee and Select Board. Mr. Patterson hopes to have brought constructive change and guidance as part of his tenure in this special place.

Chair Taylor motion recess for ten minutes to celebrate Mr. Patterson. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Chair Taylor reconvened the open session.
6. Announcements

Ms. Scott Price announced that due to a structural issue in the Woods Hole Aquarium, it will be closed for three months while it is repaired.
7. Public Comment

Dr. Barbara Schneider said that 12 years ago they opened the Falmouth Dog Park and the park has seen about 35,000 dog visits per year. She thanked the donors and businesses that support it.

Dave Moriarty, Falmouth resident, said that the Department of Public Energy Facility Siting Board gave an update to public utilities recently, and the Town is still negotiating with the cable company. He feels an update is necessary and would like the Town to form a citizen committee. He is concerned this company is not being accurate, and the Town should stay ahead of this to be proactive.

Paula Madore, Cutty Drive, E. Falmouth, asked for an explanation of election day and the times. The major elections are held the first Tuesday in November. This year the School Board and Select Board elections are 5/16/23; they are held the second Tuesday of May each year. Chair Taylor invited her to call a Select Board member or the Town for more information.

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Affirmative Action Committee

Milene Chioatto

Ms. Chioatto is a Social Worker at the Community Health Center, Falmouth office, and has been a resident since 1998. She is a member of the Falmouth Human Services Committee. She serves the Spanish population at the health center.

Ms. Scott Price motioned to approve Ms. Chioatto for the unexpired term ending 6/30/24. Second Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Amy Bower

Ms. Bower is a scientist at WHOI, resident since 1988, she has had opportunities to learn about diversity, equity, and inclusion issues in her professional experience. She has led in hiring, has been a department Chair, and is interested in sharing her experience with the Town to make it a better place. She raised a child of color in Falmouth and is personally aware of issues facing people of color and identified herself as a blind person.

Ms. Scott Price motioned to approve Ms. Bower for a term ending June 30, 2025. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Chinna Mapp

Ms. Mapp has been a resident since 2021 and would like to do her part.

Ms. Scott Price motioned to approve Ms. Mapp for a term ending June 30, 2025. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

BUSINESS

1. Water rate study (or tax lien sale)

Mr. Johnson-Staub noted there will be treatable and potable water rate changes based on the costs. The slides used in the Select Board Packet were updated from those in the packet. They are seeking feedback from the Select Board for Water Board hearing as soon as May 22, 2023.

Peter McConarty, Director of Public Works, reported a presentation of the capital efficiency plan that outlined the work that needs to be done for efficiency. Mike Schrader; Steve Cadorette, DPW Deputy Director; and Steve Rafferty, former Water Superintendent will discuss water at this time. They are looking to change the structure of billing so it is standardized with other cities and towns. They are not looking to change the sewer rates at this time.

Mike Schrader, Tighe & Bond, made a PowerPoint presentation. The Town has come up with about \$50 million worth of projects/repairs. They developed two funding scenarios, looked at a rate structure, and how to fund it.

Ed Senteio, Finance Director, is seeking Select Board's guidance, on budget funding and what the tolerance of the citizens may be and talk with constituents about what they feel is equitable. He noted that a tiered structure with higher rates for higher users would lighten the load for light users.

Mr. Patterson asked if they go to an enterprise fund, would the Water Department have more discretion to raise rates. Mr. Senteio said they could look at all the rates. Another community looked at the full cost of the Water Department, half related to rate activities, so they covered 50% of the costs. This is an enterprise analysis; the general fund subsidizing the Water Department by millions to make the operation go. There could be an Enterprise Fund, then transfer money from the General Fund to the Enterprise Fund.

Mr. Brown said it looks like the water rates will need to be doubled to catch up with the system and its needs. He would like to fully fund the Water Department but is not sure about the capital part of it because historically that is funded in November through the capital plan. Excluding the cost of the water main replacements of \$3 million, it would be funded in the capital budget in November. Mr. Senteio said that would result in \$3 million budgeted to the Water Department and \$5 million budgeted to the rest of the Town.

Chair Taylor questioned whether they would meet all the Town needs with taking \$3 million out of the capital budget.

Scenario one would result in increase of 42%, scenario 2 would result in an increase of 5%.

Ms. Zylinski noted the information will be available on the website, and the Finance Director will be available for questions.

Mr. Patterson said it will still cost the Town, but do not see it as a transition limited to the Water Department. Enterprise Fund makes it transparent.

Mr. Senteio said in 2016 there was a rate study, but no changes were made. If the study done in 2016 was enacted, there would be minimal rate increases now. Unless the rates go up to 42%, the Town will be funding the Water Department, since 2007 the Water Department has been subsidized by the General Fund.

Special Revenue Fund could have subsidies from the General Fund; so, either the Special Revenue or Enterprise Fund would be appropriate.

Mr. Johnson-Staub said this is not a small issue and wishes there was more optimistic news; the Town really needs to invest in water main replacements, they can fund by reducing other capital expenses or increasing water rates. We have had low water rates and have an old system, need to make investments.

Mr. Zylinski would like to speak with constituency about this and get more information.

Chair Taylor would like a conversation with Mr. Senteio.

Mr. Rafferty explained the 5/8 inch meter pays fixed cost and get so many units of water, beyond that you pay a fixed rate. Still pay the one rate for every unit of water you use over your allowance.

Mr. Johnson-Staub said half the users are not using the water that they pay for, so they subsidize the larger users. The new structure will have better incentives, whatever water you use you pay for; it is a more rational approach that will incentivize conservation.

The Select Board would like more time before a rate hearing is held another time.

Mr. McConarty said the goal is to have a format for rates and be able to appropriate funds in November 2023. This has been kicked down the road, we are at a crossroads having spent so much time and dollars updating the treatment facilities, now we have to put it into the infrastructure that carries water to the community. Residential get biannual billing, two staff do the readings. They are looking at doing it quarterly with automatic reads and reading software.

The Select Board stated they could commit to a June hearing.

Mr. Brown asked if they should consider a larger project than \$3 million and if there should be a debt exclusion. Mr. McConarty said only so many contractors on Cape do this type of work, the \$3 million will bring them to where they want to be and give a good start for phase one. The contractors may not be able to do more work than can be done for \$3 million.

2. Authorize Water Superintendent to amend water usage restrictions as needed based on drought conditions.

Mr. Johnson-Staub explained water use restrictions are in place now, they were voted August 2022 by the Select Board. They are looking to follow MA Department of Environmental Protection (MA DEP) and State guidelines; if there are flow problems, they would like to make those restrictions without having to come back to the Select Board annually.

Ms. Scott Price motioned to amend by lifting the water use restrictions recommended by the Water Department and implemented by the Falmouth Select Board on 8/8/2022 as needed based on drought conditions. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

3. Update – Nobska Light land disposition
Rescheduled.

4. Beach Committee mission statement

The mission statement was brought forward, in the packet is the mission statement and one element of the statement Mr. Johnson-Staub is recommended, that is changing item 5 to make clear when Beach Committee members are serving as volunteers out there doing something, under the Charter operations is under the Town Manager. He suggested the mission statement make clear any volunteer activities they do is authorized by the Beach Superintendent. Change to “Serving as Beach Department volunteers under the Beach Superintendent”.

Barbara Schneider said they do not have in Town full time year round Beach Department staff and there are times the Beach Committee is serving as representatives at job fairs or meetings, always with the knowledge of the Superintendent of Beaches. They are being representatives, they do not have someone here full time who can do some things, but they see this as so important that they take this on. Other Towns have full time Beach Superintendents year round.

Mr. Johnson-Staub noted it would be sufficient so as long as it says under the direction of the Beach Superintendent. Mr. Patterson suggested the language “under the supervision of the Beach Superintendent.”

Ms. Scott Price motioned to amend the item one to include serving as volunteers and representatives for Falmouth beaches under the direction of the Beach Superintendent. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

5. Approve mission statement for disposable plastic regulation committee.

Mr. Johnson-Staub noted the name of the committee is up to the Select Board and the draft is in the packet. The Board of Health (BOH) would adopt and enforce the regulations. The Select Board is appointing the committee, the BOH will communicate with the Select Board, but ultimately the recommendations will be given to the BOH.

Scott McGann, Health Agent, said the regulations make it easy because things may change and he feels the way this is written is good.

Chair Taylor said it will go on the website and then they will appoint 7 members.

Diana Molloy said the BOH is willing to work with the committee.

Alan Robinson, Solid Waste Advisory Committee Chair, said the statement drafted by Mr. Johnson-Staub is consistent with the recommendation they would have made.

Ms. Scott Price motioned approval of the mission statement and change of the name to the Plastic Reduction Advisory Committee and the committee will sunset once the BOH has acted on the Committee’s recommendation. Second Mr. Zylinski. Vote: Yes-5. No-0.

6. Police vehicle replacement policy

The Select Board previously adopted a fuel efficient vehicle and idling policy to qualify as a Green Community, as available and practicable.

The Falmouth Police Department (FPD) has concerns with hybrid patrol vehicles which recently became available, question of reliability, low clearance when operated on unpaved roads. The Select Board packet has cost and mileage for several vehicle options. Does the Select Board want to make an exception to the fuel policy; is it practicable for FPD to continue purchasing hybrid patrol vehicles? Options include to continue with gas version of the Interceptor or go with Chevrolet Tahoe, a worse mileage and more expensive vehicle.

Mr. Johnson-Staub said this is an interpretation, we have been purchasing hybrid vehicles, and this is appropriate to bring to this to the Select Board for transparency.

FPD Captain Brian Loewen reported that the FPD has twelve patrol vehicles, two of which are for supervisor, ten for patrol, of which eight are hybrid models. The FPD is looking to replace the last gas vehicles, which are more reliable. They tried to buy them last fall; however, Ford had difficulty getting them on the lot, canceled this a year ago, but about a week or so ago the FPD was notified that Ford has the hybrids on the lot. The hybrids go to the shop often for repairs.

Chair Taylor feels the way this is written gives them the leverage depending on how it is interpreted.

Mr. Zylinski noted that reliable vehicles are important and supporting this helps in turnover, reliability, and staffing.

Mr. Patterson said this is not the area that is producing the majority of carbon impact, this is not the place to focus our conservation efforts.

Mr. Johnson-Staub noted the language is fine, the amendment makes it clearer that they have some discretion.

Mr. Brown motioned to amend the language in the policy. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Richard Duby, Blacksmith Shop Road, understands the Captain's position, hybrids are considered more dependable than internal combustible engines. Increased brake life, longer maintenance intervals, the problem with the vehicles is real, and questioned whether it is the problem with the Ford model. Is it possible for the FPD to look at hybrid models other than these Fords so they get a reliable vehicle and meet the standards we are trying to meet.

Mr. Zylinski noted there is budgetary restraint to this as well.

Captain Loewen said that other manufacturers are working on making hybrid models available. The Ford Interceptor has had historical issues, until we have something to meet our needs they will investigate it but he does not believe there is anything else out there.

Mr. Johnson-Staub explained patrol vehicles are very different, specifically designed for police standards and equipment.

7. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on application from Falmouth Housing Trust for \$500,000 for affordable housing project at on Mr. Patterson Turner Road
Mr. Brown motioned approval. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.
8. Residential occupancy deed restriction
Mr. Brown motioned approval to send letter of support to enable residential deed restriction. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

CONSENT AGENDA

1. Licenses
 - a. Approve application for a Second-Hand Dealer License – Divine Consignments, located at 419 Palmer Avenue

- b. Approve a change of date of an approved Special One-Day All Alcohol Liquor License – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – Thursday, 5/11/23 (previously approved for Saturday, 4/29/23)
2. Administrative Orders
 - a. Vote to approve request to spend up to \$1,250.00 from the Recreation Department donation account for the upcoming spring dances and to purchase ice cream from Sea Scoops
 - b. Vote to accept donation from Nancy L. Erikson and John S. Erikson in memory of Jack Erikson in the amount of \$500.00 to the Falmouth Fire Rescue Department

Chair Taylor read the consent agenda.

Mr. Zylinski motioned approval. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – April 10, 2023 (meetings 1 and 2)
Meeting 1
Mr. Patterson motion to approve as edited and release for public access. Second Ms. Scott Price. Vote: Yes-5. No-0.

 - Meeting 2
Ms. Scott Price motioned to approve and release for public access. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Abstain-1. (Mr. Patterson Abstained).

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reviewed the report. Three finalists for police chief are FPD Captain Brian Reid, FPD Lt. Sean Doyle, and Westboro Police Chief Jeffrey Lourie. The final round of interviews was this morning, then reference checks, and will be subject to background check.

SELECT BOARD REPORTS

Mr. Brown:

Attended today's Water Quality Management Committee (WQMC) meeting and provided a brief summary. The committee asked Kristen Rathjen to take a look at the sewerage proposal by the proposed 300-unit housing developer. Taking a look at reclassifying of two harbors, Megansett Harbor and Quissett Harbor, degradation because of nitrogen in winds but is now much less because winds are shifting so not coming over us. Pursuit of Town-wide fertilizer band and letter regarding their position on Article 25. Mr. Brown spoke with Southcoast Wind Representative Kelsey Perry and asked her to provide an update regularly. The Fresh Water Ponds Working Group agenda item was on the WQMC agenda; the WQMC is not positioned to take on a new initiative. It may be time to form another committee to look at the Town's fresh water ponds.

Ms. Scott Price:

Attended the Green Center to discuss a pilot project that came up at Town Meeting, they want to bring information to the November Town Meeting.
Spoke to Dave Calhoun and will follow up with him as well.

Chair Taylor:

Requested a presentation by WQMC in combination with Amy Lowell for an update.

Michael Stone spoke at Town meeting about wind and solar power.

Ms. Scott Price motioned to adjourn. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary