

Mr. Brown sought clarification on legalities regarding the easement, such as ownership questions. Associate Town Counsel Brian Tobin offered information regarding the owners of the private way and the rights the easement provided to the Town.

Mr. Mascali suggested to Atty. Tobin that the letter from Mr. Terry also be signed by the LLC. Atty. Tobin said he appreciated the suggestions, also saying that there are additional documents that are part of the package, especially those certifying the authority of the manager of the LLC to represent it.

Chair Taylor noted the recommendation of the water division to accept the easement.

Motion by Mr. Zylinski: To accept the water main easement for the condominium project at 213 North Falmouth Highway Second: Mr. Mascali Vote: Yes – 5 No – 0

Mr. Reghitto thanked Mr. Solimando for the donation of \$2,000 for the water main pipe that would be taken up later in the meeting under the Consent Agenda.

Discuss the 2023-2027 Strategic Plan Status Report

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Business 2 – Discuss the 2023-2027 Strategic Plan Status Report* in the Select Board packet. He summarized the main points of the plan adopted on October 24, 2022, as well as the recent discussion of the Board which focused on the police station. He said as a result of that discussion, an updated plan would be presented to the Board at an upcoming meeting. No action was required on this item.

Chair Taylor noted the prioritizing of the police department facility at the August 5 discussion.

Vote to approve Select Board support for the Resilient Woods Hole Walking Trail Project

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Business 3 – Vote to approve Select Board support for the Resilient Woods Hole Walking Trail Project* in the Select Board packet. He provided details of the signage, locations, purpose, and funding. He also announced a community workshop to be held on August 29 by Resilient Woods Hole to learn more about it. He recommended approval. In answer to a question from Chair Taylor, he said he has received no negative feedback on this project.

Mr. Brown asked about the materials for the posts. Mr. Johnson-Staub said it would be a wood product that will naturally age, not plastic. Mr. Renshaw confirmed that 3 of the 12 sites are Town owned.

Motion by Mr. Zylinski: To approve the Select Board support for the Resilient Woods Hole Walking Trail Project Second: Ms. Scott Price Vote: Yes – 5 No – 0

Application for Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striper Fest – Bandshell/Marina Park – Saturday, 9/23/23 (rain date Sunday, 9/24/23)

Mr. Renshaw said that this item was tabled from the August 7 meeting, and he was expecting the applicant to be present tonight. Mr. Brown said that it is only the last 4 years out of the past 12 that the tent has been in the parking lot, which covers the time of the complaints. Chair Taylor expressed concern that the applicant or a representative was not present, especially in light of recent issues of noise at the Bandshell. Mr. Zylinski asked to table the item so he could ask questions of the applicant, citing feedback he has received from boat owners and users of the marina of disruption during the weekend of the event. Mr. Brown suggested tabling the item until after 7:00 to give the applicant an opportunity to get to the meeting. Chair Taylor said she would table the item, and if no one showed up, the Board would have to take a vote to take it up again.

Vote to adopt the FY25 Operating Budget Policy

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Business 5 – Vote to adopt the FY25 Operating Budget Policy* in the Select Board packet. He recommended approval of the policy.

Chair Taylor asked if there were changes from the previous policy. Mr. Johnson-Staub said there were updates, including simplified language to reflect current practices reinforcing workshops to inform budget priorities, and the Board's clarification in the fiscal policy of how it was treating rental rooms' excise tax going forward. He said this policy reflects those updates.

Mr. Brown asked about the one-sixth of the total revenue, and how that fits in with the \$4M funding plan for the FAHF. Mr. Johnson-Staub said that the balance in the FAHF was over \$7M at this time, and said there were replenishing appropriations coming up in November should the fund go below \$4M due to projects in the pipeline. He said he would look up the fiscal policy to ascertain if anything was in writing regarding the housing fund and its balance. He said it was not in the operating budget policy.

Motion by Mr. Zylinski: To adopt the FY25 Operating Budget Policy
Vote: Yes – 5 No - 0

Second: Ms. Scott Price

Vote to reverse the All Alcoholic Beverages Restaurant License from Peppercorn Restaurant LLC to Olive Restaurants, Inc. d/b/a Shiverick's Café and Bar at 285 Main Street

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Business 6 – Vote to reverse the All Alcoholic Beverages Restaurant License from Peppercorn Restaurant LLC to Olive Restaurants, Inc. d/b/a Shiverick's Café and Bar at 285 Main Street* in the Select Board packet. The review included the chronology of the situation. His recommendation, based upon the fact that the sale of the establishment did not materialize, was approval of the reversal of the license.

Chair Taylor asked why the Board would have approved a license prior to the sale going through. Mr. Zylinski said he believed he would have asked about that at the time also. Mr. Brown suggested that for a sale of a business, there may have been a contingency regarding license approval. Mr. Renshaw said that he would check the details of that 7/18 action. Mr. Mascali then questioned the use of the word "reverse" in the request for a vote. He sought clarification that the request was to approve the license going back to Olive Restaurants. Mr. Renshaw said that the word reversal may not have been the best word to use, and that the current vote would, basically, undo the action that the Board had taken on July 18 because the expected sale did not materialize. He said this current action would assure that Shiverick's Café and Bar can continue to purchase what they need to operate their establishment.

Motion by Ms. Scott Price: To approve the reversal of the All Alcoholic Beverages Restaurant License from Peppercorn Restaurant LLC to Olive Restaurants, Inc. d/b/a Shiverick's Café and Bar as presented
Second: Mr. Zylinski **Vote: Yes – 5 No - 0**

At this point, Chair Taylor skipped back to the previous item: Application for Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striper Fest – Bandshell/Marina Park – Saturday, 9/23/23 (rain date Sunday, 9/24/23)

Chris Megan, owner of On the Water, LLC, was now present to answer questions. He first passed out printed materials to each Board member, Mr. Renshaw, and Mr. Johnson-Staub. He then said this was his 12th or 13th year at Marina Park with Striper Fest and understood there was a concern about tenting and parking. Using a map in the print materials, he described the weekend event, including when set-up began, when and where the various sections were set up, when the street was open and when closed, and how access to boats was affected. He said the shoulder season was a good time for the event due to less charter boat use and traffic, among other things. He said in the past, there were never issues reported by Gregg Fraser. He said they have used drone cameras to monitor boat spaces at Town docks. He said the road is open until around midnight Friday night.

Mr. Brown said that the primary concern is not about the charter boat area, but that people cannot find a place to park. Mr. Megan showed on the map where parking was available. Mr. Zylinski said that he had received a complaint 22 minutes before the meeting, and the issue involves slip owners rather than charter boats. He said the whole parking lot area is taken over for the whole weekend, which Mr. Megan disagreed with. Mr. Zylinski said he would talk with Mr. Fraser. Mr. Megan then explained the process he has gone through with dates of the working group meetings dealing with this event, saying that there had never been concerns raised at those times, and that across the board, there was agreement that this is a well-run event. Based upon that, he said, he was not expecting this problem. Mr. Brown then explained that for the past few years, he would begin receiving calls at the start of the weekend event due to the lack of parking, and that the event takes over the whole area. He said no matter how well the event is run, it doesn't change the lack of parking that results. Mr. Megan then mentioned 2 buses from the Lawrence School, Island Queen parking, and multi-thousand-dollar donations to Wings over the past three years.

He said for the Road Race you can't park within 2 miles and that is in the middle of the summer. He said that if there have been complaints for the past 3 years, they were not voiced in the working group meeting in February.

Mr. Johnson-Staub clarified the history of the working group action regarding any complaints, which had concerned mostly slip owner access, and that charter boat access had not come before the working group. He said that now the issue was saturation of the parking area generally due to the event's taking over the area. Mr. Megan said that the area in question is down by the Flying Bridge and working with Mr. Fraser's office would be a possible way to manage that.

There followed a discussion regarding options for how to mitigate the loss of parking spaces, which Mr. Megan estimated at 20-24. He said event attendance is mostly through registration, the high point in 2021 with 5,800. He said reconfiguring the tent might work for 2024, but that at this point, partner/vendor contracts were set based upon existing plans. He said he was prepared for a Consent Agenda item. He said his event tries to use the Lawrence School for vendors, although some park in the grassed area on site. He said it might be possible, though difficult, to arrange for slip owners' guests to sign up in advance to get a parking place, although weather would prove to be a factor. Mr. Zylinski said that slip owners often have guests on their boats and asked that consideration be given to that need for parking space moving forward. Mr. Megan again said he was unprepared for these concerns at this late date. Mr. Brown conceded that these concerns should have been addressed in the working group and request for change now is not practical.

**Motion by Mr. Mascali: To approve the application for Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striper Fest – Bandshell/Marina Park – Saturday, 9/23/23 (rain date Sunday, 9/24/23)
Second: Ms. Scott Price Vote: Yes – 5 No - 0**

Mr. Megan said in the future, he would be happy to address concerns during the course of the year. Mr. Brown asked what concerns were addressed when identified in 2020. Mr. Megan said that, knowing many people on the list of five or six he "literally walked across the street," reaching out to as many as he could. He said the main concern was that they had access to their boats. He said he had a detail monitoring the situation, and described how access was kept open all the way.

CONSENT AGENDA

Licenses

- a. Application for a Common Victualler License – The Portuguese – 424 East Falmouth Highway, Unit B101, East Falmouth

Administrative Orders

- b. Request from Recreation Department to spend \$2,000 from the Falmouth Road Race Donation for the Community Center Playground for the Sound Study for the Trotting Park Pickleball Complex (Mr. Mascali asked if the amount was for the entire study. Mr. Johnson-Staub said that it is the entire cost of the work before construction.)
- c. Accept donation of excess water main pipe valued at approximately \$2,000 from Michael Solimando to the Water Department
- d. Approve withdrawal from the Beach Donations Account in the amount of \$500.00 for the Dr. David Garber "Dare to be Great" award to be given to a lifeguard during the annual banquet

**Motion by Ms. Scott Price: To approve the Consent Agenda items Second: Mr. Zylinski.
Vote: Yes – 5 No - 0**

MINUTES

Review and Vote to Approve Minutes of Meetings

- a. Public Session – March 27, 2023

**Motion by Ms. Scott Price: To approve the minutes of March 27, 2023
Vote: Yes – 5 No – 0**

Second: Mr. Zylinski

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Renshaw orally reviewed his report to the Board, referring to the document entitled *Supplemental Report*, dated August 21, 2023, in the Select Board packet. It included information regarding the capital budget, recently attended meetings, and upcoming Select Board meetings through early November.

Mr. Renshaw took care to address an incident brought up earlier in this current Select Board meeting under “Recognition” regarding an August 9 meeting held in Davisville concerning a housing project there. He stressed the importance of treating all people with civility at such meetings, which are designed to gather community input. Further, he noted with dismay the poor, uncivil behavior a small number of residents displayed toward a Town staff member, Housing Coordinator Kim Fish, two days following the 8/9 meeting during her private time away from work, such as at the supermarket or at the beach. He said that staff are required to carry out the Strategic Plan priorities as directed by the Select Board, housing being the most important Strategic Plan priority, he said. He also stressed that he wants community members to contact him directly if they have any issues to air. Mr. Renshaw praised Ms. Fish, saying she is an asset to the Town.

Chair Taylor agreed wholeheartedly.

SELECT BOARD REPORTS

Mr. Zylinski reported on the following:

- Announced that the Blue Star dedication will be on Wednesday at 11:00 a.m. at the Museum on the Green, and he encourages everyone to attend.

Chair Taylor reported on the following:

- She and Mike Renshaw met with the Steamship Authority. It started out as a meet and greet, but they did discuss a couple of issues. Peter Jeffrey, Falmouth Representative on the Steamship Authority Board of Governors, will be helpful with communication between Steamship Authority and the Select Board.
- Today is National Fentanyl Prevention and Awareness Day. It is a day of coordinated response from the fentanyl awareness organization and affected families sharing their lived experiences as part of a whole group in warning and informing our youth and public and the unsuspecting. The national day of observance is on August 21.

DISCUSSION OF FUTURE AGENDA ITEMS

- Mr. Mascali – Requested an update from the Municipal Light Board to hear what they are working on now and plans for the future. Chair Taylor stated that the Municipal Light Board is just getting started, and Mike Renshaw will let the Select Board know when the Municipal Light Board is prepared to give a report.

ADJOURN

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

Respectfully submitted,
Carole Sutherland, Recording Secretary