

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, OCTOBER 5, 2020
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the October 5, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. *Zoom Login instructions:*
 - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

Present: Megan English Braga, Chair; Doug Brown, Co-Chair; Sam Patterson; Doug Jones; Nancy Taylor.
Also Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order at 7pm by Chair English Braga.
2. Pledge of Allegiance
3. Proclamations:
 - a. Eagle Scout Proclamation – William Coleby Andrade, Boy Scout Troop 40
Proclamation in the packet read as a motion by Mr. Patterson. Second Mr. Brown. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

Mr. Patterson read a statement provided by Mr. Andrade. Ms. English Braga noted the project was to work with The 300 Committee to create a loop trail with several benches built by Mr. Andrade.
 - b. 100th Birthday Proclamation – Marjorie Atwood Rugen

Proclamation in the packet read as a motion by Mr. Brown. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

4. Recognition

Ms. Taylor noted the School District has done an amazing job and keep doing the great work, keep the Select Board informed.

5. Announcements

Mr. Brown noted a partial opening of the Falmouth High School tomorrow, for more information check in with the School Department.

Harvesting of Mill Pond is beginning tomorrow and expected to be done next week.

6. Public Comment-none.

SUMMARY OF ACTIONS

1. Administrative Orders

- a. Vote to allocate \$350,000 of AFCEE nutrient management funds for preparation of Great Pond Targeted Watershed Management Plan

Amy Lowell, Wastewater Superintendent, explained that she is asking the Select Board to vote to allow them to use AFCEE funds to fund the next step of wastewater planning. Targeted Watershed Management Plan for Great Pond, this would be the focus of the next phase of wastewater expansion. Asking for \$350,000 to take the next step that gets us to the point of being able to design and construct the next phase of sewerage. Schedule outlined, final plan for Great Pond by about the end of 2022. A companion project is the upgrade of the wastewater treatment facility and there is a funding request for the next phase of wastewater improvement and expansion. In April 2021 there will be a funding request for about \$20 million for the design and upgrades to the wastewater treatment facility and handle projected flow from existing service area and the projected flow of the next phase.

Mr. Patterson motion approval. Second Mr. Brown. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

7:30 p.m. PUBLIC HEARINGS

1. Application for a Change of Officers/Directors/LLC Managers and a Change of Ownership Interest of an All Alcoholic Common Victualler License – JZ Restaurant, Inc. dba Josh’s at Davisville – 339 East Falmouth Highway, East Falmouth

Chair English Braga read the hearing notice.

Kimberly Martin present.

Mr. Brown motion to accept the change of officers and ownership interest. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, current case count 278, primarily related to healthcare workers or those being tested prior to treatment. Statewide there has been an uptick, we are in the green, out testing any other municipality on the cape, about 1,000 per week. Falmouth High School closed today, there was a violation of the gathering order, but not in relation to a particular case. School administration decided to close for the day, got list of names, those people have been contacted, they were switched to remote learning out of caution. These types of situations where there is decision making that is not part of the guidance take time. Flu clinic 10/26/20 2pm-5pm at Gus Canty, by appointment only, call the Health Department to schedule. Rain date is 11/2/20. This is only for the single dose. Two police details, cars in on Main Street entrance, shots administered at the 3 nurse stations, have the shot, wait a few minutes in the lower parking lot, and then leave via the Dillingham Ave. egress. Schools are requiring by January 2021 that students receive the flu shot. The VNA feels the single dose is very effective, the double dose is difficult to get it at this time.

- Status/update on municipal beach parking

Mr. Suso has asked the DPW to remove the parking barriers in the beach parking lots over the next couple weeks.

Chair English Braga noted that all things considered, we had successful management of this crisis during the summer season, able to manage the surge of people into the Town.

2. Discussion/vote on Falmouth Affordable Housing Fund – Board of Trustees’ Funding Priorities

Mr. Johnson-Staub read the memo in the packet. The Select Board adopted a set of funding priorities, this is an update, and a memo in the packet highlights the changes described. Falmouth Housing Working Group developed the proposed changes. The highest priority are rental units.

Ms. Taylor asked when you look at the population’s surge, larger families needing 3+ bedrooms, Mr. Johnson-Staub noted there are not a large number of those families, but housing opportunities for them are limited.

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

3. Presentation on new skate park and playground at Fuller Field

Dr. Keith Bleiler started the process in 2007, many hurdles and delays have been overcome and he thanked all of the allies of this project. It required hundreds of steps to complete, it would have not been possible without Sandy Cuny, Together We Can. Teaming up All Cape Recycling, who did this for half the price of what other contractors were asking, the DPW was very helpful, Town people who supported him and put forth the vote for the final funding of the skate park. This was a Town and community effort. The skate park is the single most used piece of recreational space in the Town, aside from the beaches. Sandy Cuny explained the process including the first skate park in the 1990’s. This has been a continuation of many years; she is very proud of it.

Jim McLoughlin made a slide presentation. An aerial view of the park was provided, contractor drawing reviewed. The park is now complete, signage is up.

Sandy Cuny noted Falmouth Together We Can has about \$7,500 that was to be donated to construction, so she would like to know how they could give the Town the money to help finish anything needed to be done.

Mr. Johnson-Staub said the \$7,500 is not enough to expand on the facility but could consider a donation to go towards a maintenance fund. Tony Hawk Foundation was for construction, it has to go for the skate park. Mr. Suso noted they will work that out and work with Finance Director Jennifer Mullen and be in touch with Sandy on how this can be addressed.

Mr. Brown suggested installation of a water station.

Fuller Field Playground

Mr. Olenick said that safety was most important, so they looked into building a 20 foot fence to protect anyone from getting hit from baseballs. Also looked for safety on falling, that was addressed by the poured in place surface. Looking for inclusive equipment, they got a wheelchair accessible merry go round. They also looked for swings, they have a handicap accessible swing, infant swings. Playground Consultant, Nancy White, assisted with choosing equipment. This is an amazing playground.

Jim McLoughlin reviewed an aerial photograph, highlighted the location of the playground.

Mr. Johnson-Staub noted that they will be working on landscaping, including trees to help shade the playground.

4. Presentation and discussion of proposed job description for diversity coordinator position and notice of opening of public comment period

Denise Coleman, Personnel Director, presented the job description. This position will support the school and Town, it will be funded through free cash. Diversity, Equity, and Inclusion Coordinator, she suggested open comment period for 30 days with feedback to the Town Manager and the Select Board. Reviewed the description via PowerPoint presentation. The draft job description will be on the Town Manager and Select Board web pages.

Chair English Braga noted the School Committee needs to do a similar process and have already started this process; this has been a joint effort. Goal is to have as much of a broad outreach as possible and the comments will be consolidated.

Megan Hanawalt, Chair, Affirmative Action and Diversity Committee, they have created a subcommittee, they would like comments as well. The comments in bulk will be forwarded to the Affirmative Action and Diversity Committee.

5. Presentation, discussion and vote – Mayflower Wind access agreement for 565 Blacksmith Shop Road, 0 Surf Drive and 0 Grand Avenue

Mr. Suso confirmed that this was placed on the agenda on an anticipated item to vote, but the information was not all received timely by Town Counsel for review. This will be a presentation only and the Select Board can consider a vote at a future meeting after full weigh in from Town Counsel.

Mr. Pezzoni and Lydia Lohan, Onshore Transition, Chris Hardy, Manager External Outreach and Communication. Made a PowerPoint presentation. Sites include 565 Blacksmith Shop Road, 0 Grande Ave., and 0 Surf Drive parking lots areas at the beaches. These are for preliminary testing.

Chris Hardy described Mayflower Wind background. Made a PowerPoint presentation, including an overall schematic. No final decisions have been made regarding the location of onshore substations will be determined until a full analysis is done.

Chair English Braga noted that this is the first step.

Mr. Jones asked only 1 landfall site, correct? Mr. Pezzoni said that is correct, they will come back later to present what kind of power will be transmitted, safety, etc.

Mr. Brown would like to see the proposal, interested in knowing the possibility of electromagnetic induction of the substation, and more information about electricity running under the beach.

Mr. Pezzoni explained that he cannot provide that information until they determine the site is appropriate, if it is appropriate, all that information would be provided to the Select Board. The physical structure could be different, the design aspect has not been reached. They do some minor engineering work will be done, then information would be provided to the Select Board with what they find during their surveys. Borings

need to be done to find out if they can drill underground to put the cables there. Mr. Brown noted he has questions that have not been answered yet.

Mr. Hardy noted that the site surveys need to be done to answer the Select Board's questions.

Mr. Johnson-Staub commented that Town technical staff looked at the substation site location, they ran through a couple of concepts there looking at 10-20 acres and if there was a location substantially buffered by the residential locations, initially determined it may be feasible.

Mr. Jones asked how far out, down, what would be seen. The cable from the offshore wind area, would be buried deep beneath the beach, horizontal directional drilling, cable under the beach and emerge closer to the surface in the parking lot area where a conduit would be established. The project would bury the underground cable under the shoulder of the road. The cables would not be visible. This project will use the existing right of way that Eversource uses.

Mr. Pezzoni noted that there will only be a manhole in the parking lot.

Debbie (last name unknown): opposed to this access, environmental impact and anti-recreational. What is the benefit of Falmouth citizens? Impact?

Chair English Braga noted that they are asking folks to add to the discussion.

Mr. Patterson asked about electromagnetic fields; will the conduit on the land side be a metal conduit? Ms. Lodstan said it would not be metal. Mr. Patterson suspects this application will not cause a physical effect on humans.

Ms. Lodstan noted that they conduct EMF studies and include in filings, they will have more information to provide in the future.

Mr. Brown asked what the proposal would be and what the financial benefit is to the Town, they must have an idea of what the figure may be. Mr. Pezzoni does not know this information at this time, Mr. Hardy does not have that information either. They view this as a long term relationship with the Town and discuss this in those types of agreements in the future.

Mr. Hardy said the Barnstable project was not their project.

Ms. Taylor asked how the Town benefits from participating in something like this? There is not enough information to move on this, what has been presented does not provide the information to her to explain to the community why this would be a benefit to the Town. Mr. Pezzoni said that in the future they would discuss a host agreement, but not at this time.

Mr. Jones is supportive of trying to get to renewable energy as soon as possible, the kind of energy these turbines will create will be a huge benefit.

Mr. Brown feels they may be entering into a venture that may not succeed and another company may need to take over, he wonders what the end user agreement and bonding would be; he would like a big picture and what is being proposed.

Mr. Hardy said they could pull together more information and come back to the Select Board.

Mr. Johnson-Staub noted that Barnstable, with a different company, entered an agreement that contemplated two different landing sites, one site had a contribution to the Town for \$6 million, the other had a value of \$16 million. Before Mayflower does feasibility and impacts, it may be difficult to get specific to the benefits of the community.

6. Vote November 2020 Town Meeting article recommendations

Article 4

Mr. Jones motion to recommend as printed. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

This is a similar agreement that was in place for Citizens Energy projects and seems to make sense here, too.

Article 5

Peter Clark present to answer any Charter Review questions. Mr. Johnson-Staub said that if the Select Board desire is to put forth different wording as article currently published in the warrant, they would need to have a recommendation that includes the text with the amended language. Peter Clark submitted an explanation with the revised article that says that the change was result of a discussion and committee feeling to have the flexibility to provide policies as you see fit to meet the plan.

Mr. Jones motion to recommend without the last phrase and in explanation include that it was in concurrence with the Charter Review Committee. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

Articles 6, 7, 8, 9

Mr. Jones motion to recommend as printed. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

Mr. Patterson recommended writing out the word County and including the Falmouth High School Field House in the address.

Article 3

Mr. Johnson-Staub read an email from Atty. Duffy that was sent to Bob Ament and summarized that for the Town Meeting to act, there must first be a vote by the School Committee.

Mr. Jones is not in favor of moving the carousel to that location, if there is any confusion this is not the Town Meeting to have an article that may be confusing and require much description and debate because of the health of those involved, given the current pandemic.

Chair English Braga noted the email from Attorney Duffy raised concerns about where they are at in the process.

Mr. Brown is in support of putting the carousel in that location next to the Mullen-Hall playground. Mr. Jones likes the idea of it being on the Library lawn.

Mr. Johnson-Staub noted the warrant is closed, the only question now is the recommendation, options are recommended from the floor, indefinite postponement, and recommend.

Mr. Patterson disagrees with putting it on the library lawn.

Mr. Patterson motion to recommend Article 3 as printed. Second Mr. Brown. Roll Call Vote: Ms. Taylor, no; Mr. Patterson, yes; Mr. Brown, yes; Mr. Jones, no; Chair English Braga, yes.

7. Review/discussion on November Town Meeting

Received feedback about the Town Meeting just completed and how they will conduct the November Town Meeting, David Vieira was going to talk with the Clerk about that.

Mr. Suso received emails about potential for a virtual meeting, it has been done in other jurisdictions. Mr. Suso reviewed quorums present at past meetings. Chair English Braga noted that David Vieira, Moderator, told her a virtual meeting would be difficult. Chair English Braga and Mr. Jones mentioned the

possibility of a hybrid meeting, similar to how the schools operate with some people present in person, some present remotely.

Chair English Braga read a comment from Peter Clark: sound is an issue in the field house, and they used to rent a system for graduation.

Mr. Patterson asked if KN95 masks could be provided to Town Meeting members to enhance the safety of members. Mr. Suso noted that the KN95 is a different mask than the one worn by first responders, so it may be easier to acquire. Mr. Suso recommended consulting with Mr. McGann.

The Select Board expressed concern about the students who volunteered to be microphone carriers at the most recent Town Meeting. Those speaking into the microphones took their masks off when talking and were very close to the students. The suggestions to use going forward included adult volunteers instead, mikes on stands, more PPE for the students, and use of mike booms. People did not use the space in the best manner, there was one corner that was sparse and another that was quite full.

Counters/clickers were not used in order to limit touchable surfaces.

According to Mr. Johnson-Staub, the input of the moderator is a great help; however, the decision is the Select Board's to determine the forum for the meeting. It falls to the Moderator if the original date and time are continued.

Chair English Braga will continue the conversation with Mr. Vieira, including possibility of a hybrid and using microphones differently, along with use of disposable masks and mandating masks are kept on even when making comments.

8. Status/update on proposed Joint Base Cape Cod (JBCC) machine gun range

Chair English Braga, Mr. Brown, and Mr. Suso were invited to a presentation at the Falmouth Police Department that went through all the information about the proposal. Chair English Braga and Mr. Suso also attended a meeting at the base. Some conversation was about where the communication broke down. They indicated they briefed the Select Board on it when they were present, noted emails and packets with the proposal that were provided to the Select Board over the summer, but was not located in Chair English Braga or Mr. Brown's emails. Chair English Braga does not recall receiving hard copies. The proposal itself, there will be a public meeting on 11/8/20 and 100 participants can join in via Zoom and was supposed to be on the base website. The proposal has been in the works since about 2013 with ongoing environmental assessments. There seems to be fairly thorough environmental assessments addressing water, noise, soil, wildlife and the project's affect. There are a few pieces in place for ongoing assessment of impact to water, soil, noise, and wildlife. Firearms proposed only use copper bullets and all will be retried. Instead of the lead bullets used in the past. It is a total of 211 acres for second phase; currently they plan to clear about 130 acres. A mitigation bank has been created around the entire base where they have chosen appropriate environmental sections of the base to preserve.

Mr. Brown explained they will reinvigorate their wildlife, have more controlled burns, and wildlife habitat restoration. Military installation injects a lot of money into the local economy. The meeting on Thursday is a third party review and comment. The Colonel said they will use copper steel ammunition, a new bullet the army is going to use, not just a training bullet. They track each round they fire and use the excavation machine to sort out bullets. 600 Borings are on the existing range, sample, and try to find contaminants. They cannot find any from the firing of lead for the last 70 years.

Chair English Braga would like to scan and give the presentation to the Select Board. All comments that the base military received needs to be addressed before going to the next step to have the final plan reviewed.

9. Vote to Approve Select Board Five-Year Strategic Plan for 2021-2025

Continued to a future meeting.

10. Town Hall process of re-opening to the public

Mr. Suso presented a draft statement graphic to the Select Board for review, Mr. Suso read the statement to the Select Board. Anticipation of planned reopening to the public on 10/13/20.

11. Minutes of Meetings: Public Session – September 21, 2020; September 28, 2020

Minutes are in process.

12. Individual Select Board Member's Reports

Mr. Brown:

Attended Independence House Annual Breakfast, much on race and diversity, effect of domestic violence.

WXTK Patrick Desmarais contacted him about the base information.

Last week the Select Board had a joint meeting with the School Committee.

13. Town Manager's Report

Monday 10/12 Columbus Day holiday, Town offices closed.

Attended the WHOI 90th anniversary celebration Friday evening and suggested the Select Board may want to consider a proclamation regarding this milestone at a future meeting.

Mr. Jones motion to adjourn at 10:01pm. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary