

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Open Meeting Minutes**  
**MONDAY, OCTOBER 16, 2023 – 6:30 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 Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas C. Brown; Onjalé Scott Price; Robert P. Mascali

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

**OPEN SESSION**

Call to Order by Chair Nancy Taylor at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Recognition

Mr. Brown recognized the passing of Richard Plescia, a 20-plus year employee of the Parks Dept. DPW Director Peter McConarty also honored Mr. Plescia with his remarks.

Mr. Brown also recognized that many people in the Falmouth community are hurting right now due to the situation in Israel and Gaza.

Announcements

Ms. Scott Price announced that the Falmouth Pond Coalition would be holding a forum on Tuesday at the United Universalist Church on Sandwich Rd. at 6:30.

Public Comment

Maureen Harlow-Hawkes, West Falmouth – said in 2020 Proposition 2 ½ tax revenue funded \$971K to hire 8 new fire fighters – said in 2023, \$950K was to fund 14 new hires – said the West Falmouth station has been closed again and again – asked how many new hires have there been to date – asked for a sit-down between the town manager or Board and the fire chief to review the situation – asked what has happened with the Prop 2 ½ funding and why we are still closing stations.

Gerard Cogliano, Precinct 7 – said he wanted to address the pickleball situation. Chair Taylor said the issue was on the meeting agenda and would be addressed at that time.

Sarah Merolla, Falmouth Heights – said she is a research assistant at MBL – said she has grown up wanting to work in Woods Hole at MBL – said she has moved three times in the last year due to the low availability of affordable housing – gave an example of a posted room rental being taken within minutes of being posted – said a year-long rental would take 70% of her income – said young scientists cannot afford to live here and said some have to leave their positions – said the problem also applies to other professionals – said it's disheartening to hear how long it takes to complete affordable housing projects – urged the Town to acknowledge the housing crisis and prioritize affordable housing.

**COMMITTEE INTERVIEWS - Interview, vote and appoint committee members**

Human Services Committee

Linda Sattel – reschedule at candidate's request

Michael Bihari, MD – said he has been in Falmouth for 22 years – said he has served on the board of directors for the Community Health Center for 10 years – was the head of the steering committee for the Prevention Partnership – said he has worked with Neighborhood Falmouth for past 5 years – said Falmouth is growing in terms of its elderly

population – said issues of loneliness and depression are present in this population – said the Town has to be aware of the needs of the elderly.

**Motion by Mr. Brown: To appoint Dr. Bihari to the position ending June 30, 2026 Second: Ms. Scott Price  
Vote: Yes – 5 No – 0**

#### Waterways Committee

Paul (Rick) Hill – said he has spent most of his life on the water and has an interest in the issues of the committee – said he thinks he can contribute in a positive way – said he has not attended committee meetings but is an avid boater, sailor, and instructor.

**Motion by Mr. Mascali: To appoint Paul (Rick) Hill to the waterways committee for a term ending June 30, 2025 Second: Mr. Zylinski  
Vote: Yes – 5 No - 0**

### **BUSINESS**

#### Update – Annual Town Meeting Article 6, Sewer Design and Permitting for Northeast Maravista and Teaticket Path Peninsula Service Area

Chair Taylor turned the item over to Mr. Brown, who said that the presentation was to further inform residents about Article 6 and the wastewater discharge issue. He introduced Amy Lowell, Wastewater Superintendent, who gave a summary of the issue, including the following points:

- That letters have been received proposing the design and permitting of the discharge portion of the sewerage plan be removed from Article 6
- Review of why Article 6 be voted as proposed, including the short-term plan for increasing discharge to the existing open sand beds 14 and 15 north of the West Falmouth Harbor watershed, and the long-term plan of the outfall
- That the 2-part plan went through the required public process and received approval from the state in January, 2023
- That monitoring of wells is ongoing and submitted to the state regularly
- That the study of Herring Brook was commissioned to the same UMass Dartmouth team that had done the initial estuary project
- That the Town does not have a permitted outfall, and that Article 6 requested funding to move that forward
- That without a discharge location, Article 6 is not a viable project

Mr. Brown commented that ground-based discharge is not the preferred solution, but it is an interim solution while the outfall plan is worked on as a more permanent solution. He said he hoped the Town could come together on this 2-part plan to avoid further delay in bringing about a solution to wastewater discharge.

Mr. Mascali asked how often reports are provided. Ms. Lowell said some are monthly, some quarterly, and some annually. Crocker Pond data for July through September is reported each year. Mr. Mascali asked if more frequent reporting could be done. Ms. Lowell said that it is possible that Falmouth would propose its own monitoring plan for the discharge, and that the DEP might want to supplement that. She said it was not so much about frequency of reporting as the need to install additional wells based upon concentrations in existing wells. She said she could envision the need for additional wells between Crocker Pond and Herring Brook, which would then require monitoring.

Mr. Zylinski asked if updates on information as it becomes available will be supplied. Ms. Lowell said yes.

#### Public Comment:

Katie Taylor, Exec. Director of Salt Pond Area Bird Sanctuaries - said that Crocker Pond is enjoyed by thousands of people a year including educational programs, and asked the Board to reconsider the discharge – said no study was done on Crocker Pond, only testing – said Crocker Pond is a pristine environment - said phosphorous and nitrogen cause algae outbreaks so why would the Town purposely do this to the area – said wasting money to pollute an area of Town makes no sound financial sense – said the negative impacts would last for generations – said the method has to last for more than 20 years – said there has to be another solution besides putting wastewater into sites 14 and 15.

Jim Gray, president of West Falmouth Village Association – said the WFV residents support the wastewater collection method in Maravista – said it’s necessary to think about such a large project over its entire duration – said he has environmental and economic concerns over the current proposal – said the Town and the Buzzards Bay Coalition each hired an expert to conduct a study and the results vary – said to back away for a minute and consider environmental risks – said until the wastewater superintendent and the WQMC conclude that there will be an outfall, decisions about land based sites should not be made – need to consider the investment in the context of larger investments that need to be made and to avoid a possible wasteful situation – asked Board to consider health risks to the area habitat and residents, to Old Silver Beach, and possibly to Herring Brook.

Matt Handley, Thomas Landers Rd. – said he has spoken multiple times in objection to this article – said he has provided a plan that would satisfy the opposition – said the Town would have to go through a minefield if the article passes – said no work would happen for 4 years while issue goes through courts – said new information unavailable sooner would be able to be submitted to courts – said the likelihood of discharge beds at 14 and 15 is very minimal – said the permit would be held up for 4-6 years – said the article is not going to pass – said the Town would be paying for septic systems in North Falmouth when East Falmouth is paying to hook into the system – provided details of pipe placement that would reduce costs – said to put the nitrogen back in the area we’re taking it out of - said there is a letter from Susan Moran, saying she is not in favor of this – said we need to protect Old Silver Beach and West Falmouth Harbor.

Chair Taylor said no vote would be taken tonight – that Town Meeting would decide this article.

#### Report – Beach Committee

Dr. Barbara Schneider began the report by narrating informative screens covering areas such as Beach Committee membership, 2023 accomplishments such as improved staff huts and beach accessibility, instituting a 3-year management plan, and partnering with Water Stewards for water stations at beaches. Trisha Herlihy spoke about staffing successes, improved pay resulting in full staffing, and the value of swimming lessons. She said the committee was again recommending another 3% pay increase and bonuses for those who stay late and past the close of the season. Parking attendants will be CPR and first-aid certified. Dr. Schneider added details concerning the parking attendant hut project saying she hoped they would be at all the beaches next summer. Nancy Quigg, the committee’s liaison for the beach facilities working group, updated the Board on the search for the location of beach department offices, rest room units, and the capital request to investigate the feasibility of options. Heather Burke outlined successful communication strategies. Mark Twitchell detailed approaches to sustainability and coastal resiliency. Dr. Schneider concluded by highlighting the importance of the 3% pay increase, bonuses, CPR training, adult swim lessons, and coastal resiliency strategies.

#### Report – Edward Marks Building Committee

Barbara Weyand, chair of the committee, after naming other committee members, began the report by explaining the funding sources behind the project - Community Preservation Act, and MA Historical Commission - and the timelines associated with those specific funding cycles. She also explained the details of exterior work connected with Phase 1 and Phase 2, and the difficulties of meshing with interior work. She also included what could be anticipated for a Phase 3 application in 2024. She referred to a need for an extended timeline for the entire project. She passed out materials to the Board at the conclusion of the report.

#### Report – Joint Base Cape Cod (JBCC) Joint Oversight Group (JOG)

Brigadier General (ret.) Christopher Faux began the report by identifying the 5 military organizations represented at the base – MA National Guard, Army National Guard, Air National Guard, U.S. Space Force, and U.S. Coast Guard. He outlined the vision and mission of the base and the value of the joint oversight group. (The Board realized they would need to appoint a new representative to that group due to the recent death of Ray Jack.) Brig. Gen. Faux also clarified that the conceptual plan that emerged from the initial charette would be further developed to address the need to help the housing situation. Colonel Timothy Gordon provided an overview of the Intelligence Wing, Resources, and People. Lieutenant Colonel Stewart Smith summarized the Space Force component of the report.

Mr. Brown asked Lt. Col. Smith who was going to take responsibility for all the space junk. Lt. Col. Smith said Space Force doesn’t take part in answering that question, but he said many different ideas exist and discussions are

happening related to the problem, and about which government agencies are best suited to address it. There was brief comment regarding possible practices to use.

Commander Mike Miller provided an overview of the Coast Guard Air Station organization. An additional Coast Guard presenter provided more information focusing on services for base members. Colonel Matthew Porter summarized the features, operations, and projects of Camp Edwards Training Site.

#### Discuss recommended pickleball noise complaint mitigation best practices

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 5 – Discuss Pickleball Noise Complaint Mitigation Measures* in the Select Board packet. The review included a summary of the sport and how tennis courts have been modified to accommodate play. At the conclusion of his summary, Mr. Renshaw recommended removing the existing pickleball court lines at the Lawrence School and Swift Park to mitigate noise complaints from residents within 400 feet of the pickleball courts. He referred to aerial photographs of both sites in the packet to illustrate the reasoning behind his recommendation. He said the information is for discussion purposes only.

Mr. Brown asked about the timeline for the repainting of lines at Swift Park, wondering if coordinating in some way with the new courts at Trotting Park were possible. Mr. Renshaw said that would be a future decision point when more information was available. Mr. Brown said there were also concerns from tennis players about the distraction that pickleball lines create for them while playing. Ms. Scott Price ascertained from Mr. Renshaw that at Swift Park, the building 76 feet away from the courts is a child care facility, not a residence.

#### Public Comment:

Gerard Cogliano, Precinct 7 – said painting over the pickleball lines is a terrible action to take – said it limits the opportunity to residents and guests to play the sport – said the median age of the Town is 55.8 and this would be neglecting the recreational needs of this population – said the cost of re-painting the lines is a waste of taxpayer dollars – said if Article 11, to construct pickleball courts, is indefinitely postponed, there would be only 4 courts at Nye Park in North Falmouth – said the Town and the recreation department should provide more opportunities to play pickleball and should not be intimidated by the fear of litigation – said other towns provide more courts for their residents – said it is neglectful of an aging population not to provide these courts.

Debbie Carlisle – said we now have 8 courts with 4 at Swift Park – said over 450 people signed a petition in 3 ½ days not to paint the lines at Swift – said a plan to move pickleball to Falmouth high school without engaging the pickleball community was a bad plan – said while sympathetic to the noise complaint at Swift Park, every possible re-location comes with downsides – said the pickleball community wants a good solution – said by next spring, after input from the pickleball community, a viable alternative to Swift Park may be available and funds could be requested at April Town Meeting to re-paint Swift then – asked the Board 1) not to recommend funding for re-painting Swift Park, 2) to direct the town manager and recreation director to work with reps from the pickleball community to find the best overall solution until Trotting Park is built, and 3) to ask the finance committee to change its former recommendation and to approve the \$2.6 million funding request for Trotting Park.

Linda Pogue, West Falmouth – said that the town manager at last week’s rec committee meeting said that he thought there were multiple noise complaints – said that there are 750 members on Team Reach, an app for pickleball players – said “try to stretch 750 players out over 4 courts” - said that she would like that data to be included in any decision-making about pickleball court use – asked not to erase Swift Park until more courts are available.

Mr. Zylinski asked if the 750 Team Reach users are Falmouth residents; Ms. Pogue said yes.

Jim Gray, West Falmouth – regarding noise complaints, said we need to recognize that the parks we use are multi-purpose parks – said trying to mix 3-, 5-, and 7-year olds with enthusiastic pickleball players really doesn’t work – said having a separate facility for pickleball makes sense – said the available parking at Swift is taken up by pickleball players – asked the Select Board to consider the full interests and needs of the community regarding the use of multi-use parks.

John Rest, East Falmouth – said the people in the app are Falmouth residents – said there are restriction on playing pickleball at Swift Park to 4 days a week – said there is a bigger demand now and getting Trotting Park built is very important – said the winter season will lessen the noise complaints – asked to postpone any decisions on Swift for

the winter– said he feels sorry for nearby residents, but it’s been there for 9 years already – said all concerns, the needs of the players and the noise complaints from residents, are legitimate.

Bob Dolan – said to put up sound-proof fencing – said finding an interim policy is needed for the time between erasing Swift and the new courts at Trotting Park – said quieter balls are available also – said these alternative materials are not expensive.

Brit Densmore, Blacksmith Shop Rd. – said his family has owned the house across the street from Swift Park since 1967 with no complaint about noise from tennis – said pickleball is a maddening, noisy sport – said his house is 120 feet away from the courts on a high point and the sound goes directly up to his house – said a decibel level study of the area was in the high 70s – said it is a horrible amount of noise – said he is not against pickleball, only in residential areas – said pickleball players simply want courts and don’t seem to care about the noise – said they are a group of very entitled people who have no sympathy for anyone else.

Request from Mark and Cynthia Albers to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance on Town-owned land at Lot B, 0 Great Bay Street

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 6 – Request from Mark and Cynthia Albers to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance on Town-owned land at Lot B, 0 Great Bay Street* in the Select Board packet.

Michael Borselli, representing the applicant, said they were going before the Conservation Commission on the 25<sup>th</sup> to get permission to do the maintenance work for coastal bank stabilization at the property, and is seeking permission now to proceed with that plan.

Mr. Brown said this is simply a request to do maintenance that was not clearly outlined in the original license.

**Motion by Mr. Brown: To approve the applicant’s request to submit a Notice of Intent to the Conservation Commission to perform sediment nourishment and maintenance Second: Ms. Scott Price  
Vote: Yes – 5 No - 0**

Chair Taylor said she was now going to take an agenda item out of order.

Vote to reclassify the part-time Conservation Agent position to a full-time position

Mr. Renshaw introduced Jen Lincoln, conservation administrator, who outlined the reasons for the request, including an increase in permit applications and high turnover in the part-time position. The funding would come from a reserve fund transfer of \$14,092 to supplement the FY24 budget.

Mr. Brown noted that the request has been in the works for a number of years but never acted upon, as well as the amount of land needing management.

Motion by Mr. Brown: To reclassify the part-time conservation agent position to full-time status  
Second: Mr. Zylinski

Mr. Johnson-Staub then clarified that the motion would have to include the creation of a new full-time position in the conservation department requiring a four-fifths vote of the Board. Mr. Mascali asked if the part-time position would remain. Mr. Johnson-Staub said the intent is to replace the part-time position with full-time; it is not in addition to the part-time position.

**Amended Motion by Mr. Brown: To create a new full-time position in the conservation department to replace the part-time position that we currently have Second: Mr. Zylinski Vote: Yes – 5 No - 0**

Vote to adopt the FY23-FY27 Select Board Strategic Plan as revised based upon discussion during the August 5, 2023 strategic planning workshop

**Edit:** Chair Taylor proposed changing language on p. 9, Health and Public Safety, 5<sup>th</sup> bullet point under “ongoing goals” to the following: **Commit to staffing the West Falmouth fire station. All other language under that bullet point would be omitted.**

Board comment on this change included these points:

- Our policy says we staff 6 stations.
- If we can’t staff 5 stations now, that is a concern.
- There has been no real discussion of a replacement fire station for the N/W quadrant.
- The new police station is now a priority.
- Constituents have concerns regarding staffing at existing stations.
- There is currently no site chosen for the N/W section of town.
- We also have an outfall project to consider.

**Edit:** Chair Taylor suggested an additional edit on p. 9, last bullet point: To commit to a 6-fire station model. Delete the rest of the language. Mr. Brown amended this change: **To commit to a full-time 6-fire station model. Omit remaining language.**

Mr. Renshaw, by way of informing the Board, said it would be a challenge to keep Station 4 until the staffing issues are addressed, such as minimum staffing levels. He said he and Mr. Johnson-Staub continue to work with Chief Small to address these issues. Chair Taylor said the Board would need to see the plan to assure that the station stays open. Mr. Zylinski said that it is a public safety issue to keep that station open, and there must be a way to solve the problems that exist.

**Edit: Ms. Scott Price noted the misspelling of her name on the first page.**

Mr. Mascali commented that under the first section, Housing, there should be focus not just upon affordable or workforce housing, but on the need for housing available to all income levels.

**Edit:** P. 4, paragraph one, second sentence: Prioritizing creation of housing **that is available to and attainable by all different income levels including affordable, workforce, and market rate rentals...**

Mr. Mascali reiterated the importance of focusing not just on the word “affordable” when talking about housing.

Mr. Mascali next called attention to P. 4, under “specific actionable goals,” first bullet. He suggested the following: Add 100 more deed-restricted affordable rental units. Omit remaining language.

Board discussion focused on whether to include a time frame for this goal, and what it should be. They questioned whether “per year” was attainable. They agreed it should be over the life of the strategic plan. They also agreed to add the phrase “a minimum of” at the start of the goal.

**Additional edit:** P. 4, under “specific actionable goals,” first bullet: **Add a minimum of 100 more deed-restricted affordable rental units over the life of the plan. Omit remaining language.**

Mr. Mascali next moved to Water, Wastewater, and Solid Waste Management (p.16) and asked if the Board should mention looking into the feasibility of urine diversion, or nitrogen reducing septic systems. The Board agreed to revisit this issue after Town Meeting to see how the community feels about it.

**Motion by Ms. Scott Price: To accept the Strategic Plan with the addition of edits Second: Mr. Zylinski**  
**Vote: Yes – 5 No – 0**

## CONSENT AGENDA

1. Licenses
  - a. Application for a Special One-Day Wine & Malt Beverages License – WM Cycling, Inc. – Really RAD Festival of Cyclo Cross – Cape Cod Fairgrounds – 1220 Nathan Ellis Highway, East Falmouth – Saturday & Sunday, October 28 and 29, 2023 from 8:00 a.m. to 4:00 p.m.

2. Administrative Orders

- a. Authorize the Town Manager to file and sign State Revolving Fund (SRF) grant and/or loan agreement documents for the construction cost of the Falmouth Wastewater Treatment Facility Improvements Project
- b. Accept award under the FY2023 Bulletproof Vest Partnership Program in the amount of \$10,440

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

**Second: Mr. Zylinski**

**MINUTES**

Review and Vote to Approve Minutes of Meetings

Public Session – January 30, 2023 – Mr. Brown noted on bottom of p. 2, the Vote should be 3 yes and 1 recused. (Mr. Patterson was not present at that meeting.).

**Motion by Mr. Brown: To approve the minutes of the January 30, 2023 minutes**

**Second: Ms. Scott Price**  
**Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)**

Public Session - September 11, 2023 (not taken up by chair)

Executive Session – September 11, 2023 –

Motion by Mr. Zylinski: To accept and release

**Second: Mr. Mascali**                      **Vote: Yes – 4 No – 0 Abstain: 1 (Ms. Scott Price)**

**TOWN MANAGER’S SUPPLEMENTAL REPORT**

Mr. Renshaw orally presented his report to the Board, referring the document entitled *Supplemental Report* in the Select Board packet. Sections included Establishment of Town Core Values, Updates on Recent Projects and Initiatives (Steamship Authority and Entertainment License Review and Approval Policy), and Upcoming Meetings.

**SELECT BOARD REPORTS**

**Chair Taylor reported on the following:**

- The opening of a culturally sensitive care Falmouth recovery support center at Kenyon’s Corner on Dec. 1 on East Falmouth Highway
- Possibility of a workshop on current issues such as short term rentals, sober houses, upcoming rail trail

**Mr. Zylinski reported on the following:**

- Will attend ZBA workshop on Oct. 28

**Mr. Mascali reported on the following:**

- Attended the *Postcards From the Past* exhibit at the Falmouth Historical Society

**Mr. Brown reported on the following:**

- Had a good meeting at Woods Hole Library regarding Steamship Authority issues
- Attended the WQMC meeting, asking the Town Manager’s office to send out the 3 letters from tonight’s meeting packet to Town Meeting members, if appropriate
- Attended the urine diverting subcommittee meeting

**Ms. Scott Price reported on the following:**

- To address precinct meeting assignments at the next meeting

**ADJOURN**

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

Respectfully submitted,  
Carole Sutherland, Recording Secretary