TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, JUNE 21, 2021 – 6:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Present: Doug Brown, Chair; Nancy Taylor, Vice Chair; Megan English Braga; Onjalé Scott Price; Sam Patterson.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Chair Brown called to order at 6:00pm.

2. Pledge of Allegiance

3. Announcements-none.

4. Recognitions

   The Cape Verdean museum is at the Emerald House, Mr. Patterson toured the Emerald house, there is a pictorial history of that cultural group in Town, connects to the Emerald family who lived in that house and along with other immigrants.

   Ms. English Braga announced the grand opening of the museum will be on 6/25/21.

   Chair Brown sent condolences to the family of Charlie Alferes, owner Carpet Barn, who passed away recently.

5. Public Comment
   Maureen Harlow Hawkes requested an update on when the spare fire truck will be purchased.

COMMITTEE INTERVIEWS AND APPOINTMENTS

1. Interview, Vote, and Appoint/Re-Appoint Committee Members:

<u>Regulatory Boards</u>

a. Board of Assessors
   Robert Dolan
   Timothy Skelly

   Mr. Patterson motion to appoint Mr. Dolan and Mr. Skelly to terms ending 6/30/24. Second Ms. English Braga. Vote: Yes-5. No-0.

b. Board of Health
   Diana Molloy
   Ms. Molloy said it is her seventh year with the Board of Health and the most challenging was the pandemic. They have a great team. The most recent issue has been the update of

the tobacco regulations in accordance with State regulations that were updated last June. Scott McGann, Health Agent, is a great leader.

Mr. Patterson motion appoint Ms. Molloy to a term ending 6/30/24. Second Dr. Taylor. Vote: Yes-5. N-0.

c. Conservation Commission
Elizabeth Gladfelter
Maureen Harlow-Hawkes

Dr. Taylor motion to appoint Ms. Gladfelter and Ms. Harlow-Hawkes to terms ending 6/30/24. Second Mr. Patterson. Vote: Yes-5. N-0.

d. Historical Commission
Annie Dean
Johanna Reed

Ms. English Braga motion Ms. Dean and Ms. Reed to a term ending 6/30/24. Second Mr. Patterson. Vote: Yes-5. N-0.

Tamsen George
Ms. George has served six weeks, she told the Select Board that she served on the Historic Districts Commission until it merged with the Historical Commission. Her area of interest has been in historic restoration and offers something different to this commission because she has been involved in the renovating of historic homes.

Ms. English Braga motion approval alternate position ending 6/30/24. Second Dr. Taylor. Vote: Yes-5. N-0.

e. Zoning Board of Appeals

James Morse
Mr. Morse resides in Falmouth, he has always been involved with the community, he is a Precinct 6 Town Meeting Member and going into a third term. He has been an active participant during meetings and knows how to read blue prints. He is an attorney in Town, and has interacted well with other members and applicants. He is seeking full board member.

Ms. Scott Price asked if his work as an attorney is a conflict? Mr. Morse said that he will recuse himself if necessary, and that is why they have alternate members.

Mary Patricia Barry
Ms. Barry, Precinct 2, has been an alternate member since 5/2019. She has enjoyed the opportunity to serve the community after 30 years of service at the federal level. The ZBA work is interesting and challenging. She has perfect attendance, comes prepared having reviewed plans and blueprints, conducted site visits, and reviews applicable laws. She has taken classes on MA Zoning laws and regulations, including 40B and the new housing law recently signed by the Governor. She has been a Senior Executive and Manager with nationwide staff involved in public, Indian, and multifamily housing overseeing plans and construction.

Chair Brown noted comments were received from developers regarding decisions without feedback to the developer and felt those decisions were unfair without the feedback. The

ZBA Chair told Chair Brown what the reasons may have been. Chair Brown noted if Ms. Barry is reappointed, she needs to respect the responsibility you have in that position regarding the impact on the applicants, so they do not have comments like that from developers.

Ms. Barry stated that when she goes into the job of being a ZBA associate member, she takes it extremely seriously. She would like to know more detail about Chair Brown's statement. The last time she applied she was told she did not have enough experience looking at blueprints, however she has had thirty years looking at blue prints. She has done new construction across the country. She asked who the applicant was, she would like more information about what the issue is and feels it is inappropriate to provide this feedback in a public forum, she would prefer a direct conversation.

Chair Brown said that he appreciates Ms. Barry's dedication to the job and noted that other Select Board members may have had similar feedback provided.

Gerald Potamis
Mr. Potamis, Precinct 2, this is a quasi-judicial board, and it is important to balance regulatory compliance with common sense, especially when dealing with the inconsistencies and poorly worded zoning bylaw. When it is a regulatory issue you can go to the second best interpretation and the permit can be defensible. He is sensitive to the Town's priorities, applicants desires, and the concerns raised. The permit needs to be defensible. Appealing a decision is expensive for citizens and the Town. He is seeking appointment as a full time member.

Mr. Patterson asked why he was retired by the board for lack of attendance. Mr. Potamis stated he had medical issues, he did not get the excused attendance and is prepared to attend the meetings regularly.

Ms. Scott Price motion to appoint Mr. Potamis to the full time position ending 6/20/26. Second Mr. Patterson. Vote: Yes-2 (Mr. Patterson and Ms. Scott Price). No-3.

Dr. Taylor motion to appoint Mr. Morse to a full voting position. Second Ms. English Braga. Vote: Yes-3 (Ms. English Braga, Mr. Patterson, and Vice Chair Taylor.) No-Chair Brown, Ms. Scott Price.

T.J. Hurrie, ZBA Chair, said he understands it is Mr. Morse's alternate position up for renewal tonight. Ms. Barry still has her position as alternate.

Ms. English Braga asked if appropriate if Mr. Potamis is open to an alternate position given it was advertised and now available because Mr. Morse is now full member.

Mr. Potamis stated that he is glad to accept the alternate position.

Ms. English Braga motion to appoint Mr. Potamis to the alternate position term ending 6/30/26. Second Ms. Taylor. Vote: Yes-5. No-0.

<u>Non-Regulatory Boards</u>

f. Affordable Housing Committee

Jordan Frye
Ms. Frye would like to be appointed. She has attended meetings since September, was part of the working group chaired by Ms. Scott Price, and part of putting together the report being presented tonight. She would like to help by serving on the committee in a more official capacity.

Mr. Patterson motion to appoint Mr. Frye to a term ending 6/30/24. Second Dr. Taylor. Vote: Yes-5. N-0.

Robert Mahan, 65 Peterson Rd., eight year resident stated he lived in subsidized housing which was condemned, and his parents were forced to find new housing.
In his mid 30’s he was able to afford to buy his own home, the first home he ever lived in. Mr. Mahan described his forty-year career in logistics for two Fortune 500 companies. He has not attended meetings but has read the minutes and is familiar with the housing plan. He would like to make funding for affordable housing sustainable.

Mr. Patterson motion to appoint Mr. Mahan to term ending 6/30/22. Second Ms. English Braga. Vote: Yes-5. N-0.

Stephen Craft
Mr. Craft lives in East Falmouth, completed his Urban Planning and Community Development degree with a focus on housing, increasing housing stock, and homeless policy. He works at MA Maritime. He would embrace the opportunity to be an advocate for persons with middle and low income to own homes in Town. He has not attended any of their meetings.

Stephen Craft was not appointed but was encouraged to get involved.

g. Beach Committee
Barbara Schneider

Ms. English Braga motion to appoint Ms. Schneider to a term ending 6/30/23. Second Ms. Taylor. Vote: Yes-5. N-0.

Jeffrey Billard (incumbent)

**Ms. English Braga motion to appoint Mr. Bi
llard to a term ending 6/30/23. Second Ms. Taylor. Vote: Yes-5. N-0.**

h. Community Preservation Committee
Sandy Cuny

Dr. Taylor motion approval of Ms. Cuny to a term ending 6/30/23. Second Mr. Patterson. Vote: Yes-5. N-0.

Michael Stone (incumbent)

Ms. English Braga motion approval of Michael Stone to a term ending 6/30/24. Second Dr. Taylor. Vote: Yes-5. No-0.

i. Cultural Council
Stacey Wiessbock-unable to attend tonight’s meeting.

Ms. English Braga noted there are seven vacant positions on this council and encouraged people to apply.

Dr. Taylor motion appoint Ms. Wiessbock to a term ending 6/30/24. Second Ms. English Braga. Vote: Yes-5. No-0.

j. Water Quality Management Committee
Kenneth Foreman

Dr. Taylor motion appoint Mr. Foreman to a term ending 6/30/24. Second Ms. English Braga. Vote: Yes-5. No-0.

2. Vote committee reappointments (blanket vote, list in packet)
Mr. Patterson motion approval of the committee reappointments. Second Ms. English Braga. Vote: Yes-5. No-0.

Kathleen Haynes noted one member, Ms. Douglas, has been absent consistently throughout her nine years on the commission. Another person, Mr. Grunden, missed five meetings and five meetings for the Transportation Management Committee, which she replaced this week on request of the Chair. Ms. Haynes does not know what Mr. Grunden's priorities are.

Chair Brown noted that the Board has Ms. Hayes' letter. If you miss 4 meetings in a row, you are disqualified.

Ms. English Braga noted she represented Mr. Paul Grunden, so she will not vote on that individual.

Ms. Scott Price motion not to reappoint the two names from blanket vote (Ms. Douglas and Mr. Grunden). Second Mr. Patterson. Vote: Yes-4. No-0. Abstain-1 (Ms. English Braga)

3. Interview, vote, and appoint applicants for the Sandwich Road Fire Station Building Committee
a. Patrick Callahan-not present

b. John J. Elliot
Mr. Elliot has over 18 years Falmouth Fire Rescue Department (FFRD) service as Assistant Master Mechanic, hopes to offer some insight and information on building the station. There will not be mechanic work done at the new station.

c. Karen Dusini
Moved here from Vermont, worked at Champlain College, and during that time oversaw thirteen new buildings and some rehabilitations. She has the time to volunteer.

d. Richard Bowen-not present

e. Peggy Nickerson

Ms. Nickerson, Precinct 3 Town Meeting Member, was on Senior Center Building Committee. She works for local state agency and her job is procurement of construction.

f. George Rogers
Mr. Rogers, Maravista Ave., three year resident, served on the fire station location committee; has 35 years experience as the Fire Chief in Bridgewater. He has a good perspective of the needs, and was the Project Manager in the Bridgewater Fire Department Substation building in 2001.

g. Christian T. Valle

Mr. Valle lives in East Falmouth most of his life, served on the Historic Commission and the Edward Marks Committee, his family owns residential/commercial construction in Town. He understands the components that go into building. He is one of the owners of Valle Group, they employee 28 employees in Town.

h. Boyd DeMello

Mr. DeMello worked for the FFRD for 33+ years, last 10 years as an inspector, and has a working knowledge of buildings and fire code. Worked on the FFRD Headquarters renovation committee. He was a member of Falmouth Youth Hockey during the construction of the new ice rink, which is serving the community well. He is a lifelong member of Falmouth.

The Select Board noted that Marc Finneran, Chris Simmler, and Edward Pride have been interviewed.

Dr. Taylor motion to appoint Ms. Nickerson. Second Ms. Scott Price. Vote: Yes-5. No-0.

Dr. Taylor motion to appoint Mr. DeMello. Second Ms. Scott Price. Vote: Yes-5. No-0.

Mr. Patterson motion to appoint Mr. Callahan. Second Dr. Taylor. Vote: Yes-4. No-1. (Ms. Scott Price)

Mr. Patterson motion to appoint Mr. Valle, Second Dr. Taylor. Vote: Yes- 4. No-1. (Ms. Scott Price)

Ms. Scott Price motion to appoint Mr. Simmler. Second Mr. Patterson. Vote: Yes-5. No-0.

Chair Brown motion to appoint Mr. Rogers. Second Ms. Scott Price. Vote: Yes-5. No-0.

Ms. English Braga motion to appoint Mr. Finneran. Second Mr. Patterson. Yes-4. No-1. (Dr. Taylor)

SUMMARY OF ACTIONS.

1. Licenses- none.
   a. Application for seven special one-day wine & malt beverages license-Barnstable County Agricultural Society-Barnstable County Fair-1220 Nathan Ellis Highway, East Falmouth-from July 19 through 25, 2021, from 4:00 p.m. to 10:00 p.m.

   Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

   b. Application for special one-day wine & malt beverages license-WM Cycling Events, Inc.-Really RAD Festival of Cyclo Cross-Barnstable County Fairgrounds-1220 Nathan Ellis Highway, East Falmouth-from November 13 and 14, from 9:00 a.m. to 5:00 p.m.

   Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.

   c. Application for change of entertainment license for Shipwrecked, LLC located at 263 Grand Ave., Falmouth

   Mr. Patterson motion to approve. Second Ms. English Braga. Amended by Mr. Patterson to include outdoor music that will not extend beyond the property line. Vote: Yes-5. No-0.

Public comment:
Paula Lichter, read an email into the record, Dave Buzanoski 32 Lucerne Ave., President Maravista Falmouth Heights Association. Issue is matter of volume, reoccurring issue with outdoor entertainment. Because of the smaller lot sizes, higher population density, has impact on neighbors. Volume must be reasonable and not offensive to neighbors and the community. Ms. Lichter, supports outdoor dining, she hopes temporary licenses become permanent and read a statement into the record, asking for a policy regarding outside entertainment regarding volume limits. Music is meant to be background music. Ms. Lichter reviewed other licenses approved by the Select Board and wording on the licenses. She had dinner at Shipwrecked, the background recorded music was a good level, she and her friend could talk. She hopes live music will be similar; she would like similar language to the license, limiting the volume so that it benefits the patrons, not the neighbor. She provided the Select Board with a copy of her own written statement that she read.

Dave Buzanoki was present.

Maureen Kelley, Falmouth Heights, she welcomes the Shipwrecked Restaurant into the neighborhood, and she is happy with the music.

d. Application for Special One-Day Wine and Malt Liquor License and Sunday Entertainment License-Shipwrecked, LLC-ASICS Falmouth Road Race Post Party-263 Grand Avenue (Shipwrecked/Heights Hotel property)-Sunday, August 15, 2021-10:00 a.m. to 6:00 p.m.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

e. Application for a Lodging House License for Heights House located at 25 Harbor Avenue, Falmouth

Mr. Patterson motion approval. Second Dr. Taylor. Vote: Yes-4. No-0. Abstain-1. (Ms. English Braga)

Ms. English Braga disclosed she has done work for Ms. Kelly and her husband not related to this and recused herself from the vote.

2. Administrative Orders-none.
   a. Vote to expend $109,000 from AFCEE Mitigation Funds for a Herring Brook Nutrient Threshold Study

   Amy Lowell, Wastewater Superintendent, these funds were originally intended to offset the nutrient impact of the Base's wastewater treatment plant discharge on south coast watersheds. This is applicable because talking about allocation of the money for nutrient threshold study of Herring Brook which is not on the south coast but is related to the Town's existing wastewater discharge permit for the wastewater treatment plant, and the wastewater treatment plant site does serve most recently the Little Pond Watershed and, planning for the Great Pond Watershed which is just east of that which was originally under that umbrella of concern from discharge at the base.

   Dr. Taylor motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

   b. Vote to accept donation from The Falmouth Men's Club in the amount of $500.00 to the Recreation Department Donation Account

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

c. Vote to approve an exemption from the conflict of interest law prohibition on holding more than one position, G.L.c.268A, s.20 for Adam Souweine

This is for a part time receptionist who wants to work as seasonal employee as well.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

d. Vote to approve request from The 300 Committee Land Trust, Inc. for a Conservation Restriction of the Hallman and Ladd property located at 0 Kane Way, Falmouth

Mr. Patterson motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.

3. Special Events
New-Recommended:

a. Community Memorial Service-Falmouth Clergy Association Lawn-Sunday, 6/27/21-6:00 p.m.-6:30 p.m.

Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.

Fee Waiver Request:

a. Request for a waiver/reduction of special event permit fee-Cape Cod Guang Ping Tai Ji Qugn Club-Marina Park

Dr. Taylor motion approval. Second Mr. Patterson with condition that the applicant will clean up any litter debris. Vote: Yes-5. No-0.

PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License-Chapaquoit Grill, Inc. located at 410 West Falmouth Highway, West Falmouth. Continued from April 26, 2021; May 24, 2021; June 7, 2021.

Ms. English Braga motion to continue to 7/12/22 at the applicant's request. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Wetland/Dock Hearing-Ladyfair, LLC for permission to maintain and repair an existing licensed pier landward to regain access to the pier and to replace decking in and over the waters of Eel; Pond located at 44 Jewelers Avenue, East Falmouth. Continued from June 7, 2021.

Ms. English Braga read the hearing notice.

Michael Borselli, Falmouth Engineering, was present representing the applicant. The dock sustained damage over the last several years, reviewed a picture of the area via computer. Currents have eroded the western shoreline and caused portions of this dock to be damaged. Changes since 2011 were reviewed. Proposing to rebuild it in the same configuration it had been when it was constructed and licensed. Reviewed the construction plans, sections being rebuilt, public access is provided under the dock. The Conservation Commission issued an order of conditions.

Public comment: none.

Mr. Patterson motion close the hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Dr. Taylor motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License-Qhog, Inc. d/b/a Quahog Republic Dive Bar, 97 Spring Bars Road, Falmouth. Application has also been made for an Automatic Amusement Device License.

   Ms. English Braga read the hearing notice.

   Tom Hughes, owner, is requesting to amend the liquor license to extend to the adjacent vacant unit next to their location to make into a game room. If there are three lanes of darts, tables will be there to put drinks down, but no seating. Supervision will be performed bystaff in that area periodically and use of cameras.

   Public comment: none.

   Ms. English Braga motion to close the hearing. Second Ms. Scott Price. Vote: Yes-5. No-0.

   Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

BUSINESS

1. Discussion/update on COVID-19 issues
   Vote to affirm ending of temporary masking order for municipal government buildings as of July 6 with masking advisory order to remain in place.

   Dr. Taylor motion to end as of 7/6/22 and implement a mask advisory. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Status Update, Federal ARPA Funding
   Mr. Patterson noted it is important to put out requests for proposals to be able to move forward with broadband services.

   Mr. Johnson-Staub said the recent summary fromMA Department of Local services was confusing regarding broadband. A more detailed definition of how a community qualifies includes asking do you meet the criteria as underserved or unserved; and this threshold was discussed. There are a couple of layers, but the system has the capability for over the minimum threshold. Second threshold is if you use this money to build out broadband, the new system must be at a certain performance level.

   Jennifer Mullen, Finance Director, made a PowerPoint presentation, reviewed eligible uses. These funds are audited, and quarterly reports are made to the Treasury on how we are spending these funds. There does not appear to have been a revenue loss. The most flexibility is in revenue losses, the funds can be used for other uses.

   The Town has been granted $3.2 million, it must be obligated by 12/31/24 and spent by 12/31/26.

   Mr. Patterson said the request from the group creating the broadband is $200,000 for an engineering study that would put us in the shovel ready position for that project. Dr. Taylor agrees that we need to do it but would need to know it is applicable to this federal grant and, if not, find the funds somewhere else.

Ms. Mullen said that to qualify for this federal grant the Town needs to spend the money, head the project themselves and spend the money themselves.

3. Report-Coastal Resiliency Action Committee

Charles McCaffrey, Chair, presented the computer presentation.

Increases in natural forces that shape our coastline, hurricanes, tropical storms, sea level rise, flooding, northeasters, erosion; the character of the shoreline is created by these forces. They are increasing due to climate change. The hazard is when development exists where they are creating dynamic change in the shoreline area.

Hurricanes are expected to increase in frequency and intensity, there has not been a hurricane here in thirty years. Storm surge is the major concern.

Sea level rise can be expected to rise four feet by 2070; extensive Town infrastructure and other assets are at risk. Estimate 849 existing principle structures, primarily residential, will be seaward of high tide by 2070; they may be under water all the time or twice a day if in the tidal zone. Impacted by storms, flooding, groundwater, and erosion.

Flooding resulting from major rain events will become more intense and frequent.

Northeasters are often several days in duration and have effects on the shoreline.

Shorelines are dynamic, forces from wind, waves, storms, and sea level rise naturally moves sediment and creates the beaches, dunes, and wetlands that characterize the Town's shoreline. If there was a beach and dune system here, that would attenuate the storm surge and it may not extend as far inland. The best resilience would be wide beaches with dunes, and then development.

Vulnerability Assessment looked at the public infrastructure, the model was applied to private development to identify that 849 houses would be seaward of high tide by 2070.

Recommended actions: administrative actions, physical projects, regulations, education, policy adoption, planning studies, and further research. You have to engage from a variety of actions. We want to protect the Falmouth of the future, which will not be the Falmouth of today. Create a more resilient Falmouth.

Recommend the Select Board have an advisory committee. The entity responsible for actions now needs to be the Select Board, need staff dedicated to coastal resiliency, hire a Coastal Resiliency Coordinator, begin acting on the options presented in the Surf Drive Study which included four visions. There are options within a more natural approach that can be considered. There will likely be significant state and federal funds available for making infrastructure more resilient.

Physical Projects including protecting Main Street are with a berm; move sewer from the Trunk River area; portable facilities at Town Beaches; relocate or raise the Shining Sea Bikeway; and several other projects that are identified in the Vulnerability Assessment and Surf Drive study.

Regulations; without good regulation there is not anything that some people will not do. We need to adopt the official projection for sea level rise that we are basing our decisions on; restrict new development in the velocity zone; phase out development in areas projected to be below high tide by 2070; amend standards in land use regulations to better reflect risks; provide for transfer of development rights; adopt rules and regulations for the Select Board special use permit for wetlands that fully consider effects on coastal processes; require Town agency actions to be consistent with Town

Coastal Resiliency Policies. Education; increase neighborhood outreach, engage students, and targeted community signage.

Policy adoption by revising the Coastal Resiliency policies of the local comprehensive plan to reflect those of the Commonwealth as found in the Coastal Zone Management Program.

Planning studies should be done by the Planning Board similar to the Davis Straits Study. FEMA Hazard mitigation plan must be updated by 2022. Replicate the Surf Drive Study for other neighborhoods.

Further research is recommended including quantify sediment transport pathways and sediment resources, along with research into legal issues.

The final report will be done in the next week or so. Included are the State policies and existing comprehensive plan policies.

Ms. English Braga noted this process is very valuable, the level of detail that the committee provided is a tool that will benefit the Town. Thanked the committee for taking an enormous topic and made it as solution or action oriented as possible, given we are talking about legal questions.

Mr. Suso noted once the report is presented, it is posted on the website. The PowerPoint presentation can be posted and then the written report when available.

4. Discuss Indoor and Outdoor Options for June 28 Special Town Meeting

Ms. English Braga motion to have the Special Town Meeting indoors. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Suso said that Town Moderator Vieira said the Special Town Meeting would be in the Falmouth High School Field House at 6pm one week from tonight. The meeting will be operated similar to the previous Town Meeting; with masking and social distancing, removing masks when speaking at the microphones.

5. Discussion on Proposed Machine Gun Range-Joint Base Cape Cod (JBCC)
Colonel Porter, Base Commander for Camp Edwards, provided an update where they are; gone through the MEPA process, there was a no significant impact finding. Science Advisory Council made a unanimous decision that the range is in full compliance with applicable law. They are awaiting the Community Advisory Council opinion to make sure the communities have proper representation on the council. The format for a public meeting would need to be dedicated to that one subject, Colonel Porter is willing to coordinate the meeting.

With the (Environmental Management Commission) EMC meeting scheduled for 7/12/21, the Select Board wanted citizens to be able to comment on what they know so far.

Mr. Patterson asked about the impact on the sole source aquifer; how much of the propellants may affect the aquifer. Colonel Porter said that was looked at and they are monitoring wells at the firing line to ensure the soils are tested at the line and berms to make sure there is not migration of the chemicals into the aquifer.

The Cape Cod base is the only one with this much available land, other ranges are hundreds of miles away. It has a been a burden on soldiers, so they need to extend their weekends so that soldiers can get the training needed.

Chair Brown asked for peer review because of a lot of comments that the environmental studies are being done in house by the National Guard and may need more scrutiny.

Colonel Porter suggested a public meeting in July 2021. They have been doing an exceptional job cleaning up the contamination from previous projects. People were not at the meetings, it was mentioned at Select Board meetings as well, but not in detail. There were hundreds of hours on briefings for the public that the public did not attend. He offered the public to reach out and they will give a tour of the project. It is always available. Possibly a weekly tour with the public may be a better way of showing the public.

Mr. Patterson would like access to some of the studies done, particularly environmental pollution.

Ms. English Braga said if reaching out and publicizing, holding large public forums that gets coverage in the paper because it is not a regular meeting, is part of the process. The level of presentation Ms. English Braga, Chair Brown, and Mr. Suso attended was the kind of detail most folks expected with something so significant. She suggested people want to make their comment, the public meeting should be a special meeting, maybe a Saturday meeting with the presentation and then accept feedback.

Ms. Scott Price asked if there are any other sites comparable to what we have here that could act as a model? Colonel Porter said probably, but not that he knows of. Every installation has concerns on different things, here the sole source aquifer is the main concern.

Chair Brown said that the scientific community has questions that they have sent the Select Board. Chair Brown felt it appropriate for another public meeting and with the base environmental team.

Sandy Faiman-Silva, Precinct 2, reported having a citizens committee with hundreds of allies locally, Cape wide, and nationwide, along with organizations. They have questions about what happened to the promises that were made in the past. More than $1.4 billion spent on cleaning up the toxic pollution and it is not cleaned up; it is still being cleaned up. The Select Board invited JBCC but did not invite her organization. She noted the MA DEP report on water quality was received, and she quoted from that regarding the single Sagamore lens that is the water supply. It lays under the 15,000 acres at issue. JBCC has over 30 endangered and rare species, microenvironments of three types of forest, these areas were polluted and not yet cleaned up. In 1998 a memorandum of agreement was entered into with MA Military Reservation to promise not to undertake any activities on that land that would threaten the water supply. The wildlife and the sole source aquifer water supply would be protected, it was designated as a critical environmental concern. In 2002 it was protected land and prohibited activities that would potentially repollute the sole source aquifer. JBCC personnel have offered to use this as an eight-lane machine gun range because it will reduce travel time to the soldiers that train there, and that is not a sufficient reason. The land JBCC sits on is owned by the Commonwealth and under a lease agreement. They are going to cut down 170 acres of trees and replant trees; but if you have a microenvironment, you cannot move and reproduce it a few miles away. The upper 15,000 acres is protected land, and the proposal to build the machine gun range on a sole source aquifer is a poor plan. Mixed pine oak forest is a very rare environment, most have already disappeared in Southeastern MA. Most of the endangered species may be moths. She sent documents to the Select Board. There was a citizens advisory committee in the late 1990's, a book was written regarding the topic, the public stopped attending meetings because they believed the agreements would be honored. Then she found the Science and Citizens advisory committees' meetings were not being held for years, there are no meeting minutes or evidence they were holding meetings. These committees did not have a quorum. In August 2020, a small ad was published in the Cape Cod Times announcing a 30-day open period for public comment on the machine gun range and encouraged comments. She and others she talked to were in shock that this was happening. Now PFAS are being found there, which is also related to base activities. Why can't this range be done somewhere else? Devens could build a larger facility that would have less impact on the environment. They go to Ft. Drum, they go to Vermont. They could purchase energy efficient buses. The Science Advisory Council acknowledged the environmental standards are not sufficiently up to date and do not include carbon sequestration issues and other issues under consideration as they think about polluting and toxic effects.

Ms. English Braga noted we are not going to have discussions at different times, we will bring everyone together. The conversation was let's find out when they can do a presentation so we can have a full public discussion. It does not make sense to bring in one side on one day and the other side on another day. The Select Board will have everyone come together at the same time. Ms. English Braga noted a letter was sent, the Select Board did not know about this project when there was a 30-day public comment period, and the Select Board requested it be extended.

Chair Brown read an email he received from State Senator Susan Moran calling for suspension on any action on a machine gun range on JBCC.

Chair Brown noted many letters and emails have been received with request by the writer to be read into the record. Rosemary Carey's letter was acknowledged, Dr. Taylor read the letter into the record.

Marc Finneran stated they listened to the letters and people speaking for 20 minutes, they keep trying to equate sins of the past with a machine gun range. Most drinking water comes from copper pipes, if they have science behind them, why has no one provided us with the potential damage that will be done by having a machine gun firing range. They are not doing as they did in the past.

Chair Brown noted another meeting with military representatives and the public.

6. Acting as Trustees of the Falmouth Affordable Housing Fund (FAHF), Discussion and Vote update to FAHF Funding Guidelines.

   Mr. Johnson-Staub provided an overview, the FAHF working group looked at applications and policy of escalating costs of housing, it is the recommendation of the group that the Select Board amend current funding guidelines to allow for up to $100,000 per unit.

   Dr. Taylor motion approval to allow for up to $100,000 per unit. Second Mr. Patterson. Vote: Yes-5. No-0.

7. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on amended application from Falmouth Housing Trust for $260,000 to construct three affordable, single family houses on Lewis Neck Road

   The Select Board was asked to defer the action on the Lewis Neck Road amended application, which calls for three units. There are issues being worked out with the ZBA.

   The Select Board deferred action at this time.

8. Acting as Trustees of the Falmouth Affordable Housing Fund, Presentation and Vote on application from Falmouth Housing Trust for $85,000 to secure a deed restriction in perpetuity and thereby preserve the affordability of one single-family house located at 2 Esker Place

   Mr. Johnson-Staub commented that this is a request to rehabilitate an existing deed restricted unit that fell into disrepair; it was vacant for a long time. Cost of $325,000, this would be a portion of that rehabilitation cost; includes septic work. Recommended by the working group.

   Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.

9. Affordable Housing Committee-Proposed Revenue Sources for Falmouth Affordable Housing Fund

Ed Curley, Chair. The undersupply crisis is the result of increasing prices. The median cost of a house in Falmouth has almost doubled in the last five years. The working group produced a report identifying multiple funding options for the FAHF.

Wayne Lingafelter, E. Falmouth resident. He served on the revenue working group. He reviewed the Working Group guiding principles. Emphasis was placed on learning from other Cape communities; the alignment they saw between the identified funding sources, and the populations most in need of a robust housing program. Hotel motel, short term rental, restaurant and meals taxes are aligned with the workers' housing needs. The financial objectives were derived from the Falmouth Housing Production Plan, calls for 74 affordable housing units to be constructed each year. The annual target was $65,000, and that has increased to $100,000. Mr. Lingafelter made a PowerPoint presentation and reviewed nine potential funding sources. Identified three types: new sources, expanded sources, and proposals to redirect existing revenue to fund it in these difficult times. The list comes up short of the objective they set out to achieve, that is $4.4 million. Even with increase of subsidy level, we are well below the target. The Select Board, Town administration, and community will need to make choices that prioritize funding for affordable housing so the community housing crisis can be addressed in a meaningful way.

Reviewed the proposed timeline and action items including:
6/1/22: Affordable Housing Committee Working Group Funding Plan released to the public.
6/21/22: Presentation of the report to Select Board.
June through July: Presentation to Town Committees and Community Boards and solicit input.
August: Draft Town Meeting warrant articles presented to Select Board by Affordable Housing Committee.
September: Final Funding Plan for Falmouth Community Housing published.
October: Select Board issues final warrant articles for funding options to Town Meeting.
November: Town Meeting vote.

Ms. Scott Price led the group until appointed to the Select Board and stated the committee put in at least 30 hours collectively on this, the items in the report are well researched and thought out.

Mr. Patterson noted the residential tax exemption is not reflected in the report. If we are serious about affordable housing, we need to look at all sources and he hopes we take this report seriously.

Ms. English Braga hopes they emphasize the level of crisis we are at for the fundamental change that will occur to this community when we no longer have people who work in the services we all enjoy. When those individuals cannot reside in our community, it changes the fabric of the community and the impact on quality of life here. We already have an employment crisis, this used to be a place college students could get a summer rental and work for the summer; that does not happen anymore. There are no places for employees to reside anymore. Accept that this is going to change who we are as a Town and once that occurs, you really cannot pull that back.

Dr. Taylor noted they have been talking about affordable housing for a long time, we are at a crisis level, and it is incumbent upon the Select Board to do something. This is a great report, the timeline is aggressive, and the time is now. It is time as a Select Board to ask the community to put their money where their mouths are; we do not have the housing, and the fabric of our community will change.

Chair Brown said that young people are looking off Cape and at other states because it is more affordable, and they can work remotely. Losing our families' ability to live here. He is in support of all revenue from Airbnb tax going into this fund, he does not want to increase hotel/motel tax another percentage; they are not directly causing the affordable housing shortage as much as short-term rentals are. Community Impact Fee may be needed, and we would be the first community to do so.

Ms. English Braga stated they could have all the money in the world but need the community to embrace opportunities for redevelopment and open spaces. Affordable housing is not a negative, we need to break down the prejudices and stereotypes, racism, classism, and the Select Board needs to push back much harder when we get the pushback about yes its good, but not here.

Mr. Lingafelter noted this is a draft report, the comments the Select Board made tonight is the kind of energy needed for this crisis.

Karen Bissonnette, Affordable Housing Committee, she would like a commitment from the leadership of this Town to talk about a bond. Builders and developers may do it if the money is there. It is very hard to build affordable housing, and they need the money there. Interest rates are low, another town borrowed $6 million at half a percent. We need to do it soon because rates will go up.

10. Approve Request for Sign Variance-Promotional Signage-Molly's Parking
    Ben Mezzacappa, owns 29 Depot Ave and Molly's Parking, asked if they could have a two-year period. Three signs, on premise, off premise, and hand held sign.

    Mr. Patterson motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.

11. Discussion and Appointment of two Select Board Members to the Davis Straits Joint Working Group
    Mr. Suso noted items 11 and 12, both would be governed by the open meeting law.

    Makeup of the group will be two members from the Planning Board, two members from the Select Board, one community member at large. The Zoning Board of Appeals is not on this because it is creating a district.

    Ms. Scott Price and Ms. English Braga will be on this group.

    Dr. Taylor motion to appoint Ms. Scott Price and Ms. English Braga to the working group. Second Mr. Patterson. Vote: Yes-5. No-0.

12. Discussion and Vote on Appointing a Working Group for FalmouthNet

    Art Gaylord, member of the Board of Directors of FalmouthNet. Since the feasibility study was done, FalmouthNet has been working on seeing what would be needed to advance a project. Potential makeup of that group was offered by Mr. Gaylord, FalmouthNet member, Select Board member, Town administration representative, Finance Department, Finance Committee, and the DPW.

    Chair Brown said if the Town Manager appoints a working group, it will be subject to the open meeting law.

    Mr. Johnson-Staub explained the trigger for open meeting law is if the group advises the Select Board, it is subject to the open meeting law. If the group advises the Town Manager, it is not subject to the open meeting law.

    Mr. Gaylord said there are broader issues, what is the Town's thought of engagement of this, is there a preference for a private or public project? Funding, through bonding, grants, private funds; what is the Town's opinion?

Peter Stark, E Falmouth, worked for 33 years in telecommunications site infrastructure. He is familiar with the requirement for fiber for 5G and the current. It is important to have an open meeting. The recent news announced by some big carriers out there, wireless carriers announced they are getting into the fixed wireless access business. This is using a fiber network, but most expensive part to get it to home is that last few hundred feet. Plan being proposed is for the company to go install their fiber. They likely already have it, Verizon has many cell sites along Bristol Beach and Falmouth Heights Beach, so they must have fiber down there. He read the feasibility from November, recent acquisition of spectrum and announcement about carriers access, how does that play into the feasibility study done in 2020? You have the Covid effect, how accurate are the numbers today? There are other residents that have a concern, something has to be done about it, but there are a lot of questions that need to be answered; financial and competitive. There will be more competitors who will come in here. Dish is building out a 5G network nationwide, wants to build the most robust network out there.

Mr. Gaylord stated the committee is very familiar with all of those technologies, companies have never invested in the Cape. It is a matter of return on investment, the big companies are beholden to their stock holders and will do their business somewhere they can get the most. It is a matter of the Town to take its own initiative. With potential infrastructure money coming from the federal government, the longer we wait the harder it will be to get the people they need. Millimeter wave did not work for the area.

Membership will be one member from the EDIC, one Select Board member, member from the Town administration, Finance Committee member, and DPW member.

Ms. English Braga motion approval of that format. Second Ms. Scott Price. Vote: Yes-5. No-0.

13. Presentation of Transportation Management Committee Report on Steamship Authority

Ed Dewitt, Chair, reported that last July they had the Transportation Management Committee's first meetings, one area is thirty years of dealing with the Steamship Authority (SSA), that is the one area that drives people the most crazy--freight operation, trucks. They reached out to the US Maritime Association, they said they do not do that kind of work but have money that can be used to look at this; one initiative they are trying to push is connecting freight from the interstate highway to the maritime. In January they got word from Mr. Sayers who said they are running out of options and would need to look at 24-hour freight operation Woods Hole to Martha's Vineyard. A report twenty years ago suggested New Bedford operations was needed. They wanted to get a grant to look at that; so they are first asking the Select Board to send a letter that says the SSA should pursue this grant. The SSA already started to do this, Mr. DeWitt was told they were pursuing it. The problem is the island is invested in the status quo, they like what is going on and are not dealing with the impacts on the mainland. The message is the Falmouth Select Board felt so little of this, they never considered it; they never sent anything. They would like the Select Board to add that request to the letter, in support of securing grant funding for determining what a 2021 operation would look like. Maybe they need to figure out what is going on or reach out to Somerset regarding Brayton Point, for bulk freight and pushing bulk freight.

Ms. Scott Price motion approval to send a letter. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Dewitt said he had a conversation with Senator Montigny, who said New Bedford should be the center of all the ferry operations, but recently changed his mind. Dr. Taylor noted the New Bedford waterfront has changed over the last five years. Mr. DeWitt believes it is still there, they are trying to determine how much of the shore will be used for offshore wind. It is important for the Town to say we really think they should put an effort into getting a New Bedford representative.

Ms. Scott Price asked what the process is to add representation to the task force? Mr. DeWitt said because it is the SSA task force, it is up to them.

Ms. English Braga said New Bedford is watching the struggles we have, they may be weighing choices in front of them, and their lack of participation speaks to the fact there is no clear path in terms of that desire.

Mr. DeWitt said if New Bedford is not going to be involved, they should be removed from the authority.

Ms. Scott Price suggested directing the letter to the SSA stating they would like to know if New Bedford will be appointing someone, if not then Falmouth would like that position back.

Mr. DeWitt said that Mr. Sayer has certain biases, and you would likely like someone more neutral to run these meetings; a professional facilitator will be able to be neutral.

Chair Brown said Falmouth asked the SSA to create this task force, now asking them to ask New Bedford if they will cooperate and get their vote back. A second letter should go to the City of New Bedford.

Dr. Taylor motion to direct a letter to the New Bedford Mayor asking for participation in the task force and, if not, ask if there is interest to continue to be a voting member. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. DeWitt said in their review of the minutes, there were opportunities for outcomes to come out of some meetings. In terms of bulk freight and relieving roll on roll off. Half the trucks they are carrying are empty. Bulk freight has been under considered by the islands.

Ms. English Braga said that if it comes to getting trash off the island and there are complaints from Falmouth, Falmouth will lose every time. It will end up being a priority of need and concern; that is what makes the legislation to create the SSA so strong.

Mr. DeWitt said Falmouth needs to be better bargainers, by good planning there are alternatives to trash trucks and these are identified by the island; it requires an initial investment in the technology. The facility would be contracted. The consultant to the SSA is working on the grant.

Ms. English Braga noted it would be beneficial for both sides to have an intermediary and all interests will be weighed the same.

Paragraph #3

Ms. Scott Price motion include in the letter support of a facilitator because of the issues Falmouth raised, and want more objectivity in the facilitator. Second Ms. English Braga. Vote: Yes-4. No-2. (Dr. Taylor and Chair Brown)

According to Mr. Dewitt #4 the 5:30 am boat, used to be a 10 pm boat that was underutilized. Easiest way to schedule is to put to at the beginning of the schedule. In their meetings with the SSA, there is slack in the schedule, by 2:00 pm they could have worked that boat in without having a 5:30 am boat. The group said they can have the 5:30 am boat this year, but not next year. The committee and others gave the SSA an outline of what they should do. He does not believe there will be a 5:30 am boat next March or May. The last 5:30 am boat will be 10/18/21. The 5:30 am boat is not necessary for the SSA to meet their mission statement.

Dr. Taylor motion approval of item #4. Second Ms. Scott Price. Vote: Yes-5. No-0.

Paragraph #5 addresses Optimization--to reduce partially loaded trucks.

Ms. English Braga asked what is in it for the Steamship Authority?

Mr. DeWitt said they can reduce operational costs.

Ms. Scott Price motion approval of the rewording, remove the second sentence in paragraph 5 and reword. Second Ms. English Braga. Vote: Yes-5. No-0.

Ms. English Braga suggested sending an invite to Senator Moran for a presentation of her legislation, along with the other two representatives and give opportunity for the public at large to look at it.

Deferred paragraph 6.

Proposal to make Crane Street and County Road no truck traffic 10pm-6am, that was so targeted at the SSA, they could challenge it in court saying they feel it was directed to them. The committee felt Town staff should put together a quiet hours bylaw based on noise measured by equipment over some period of time, they could petition to have an area posted to whatever the nuisance is that impacts the residential area.

Dr. Taylor asked the Chair if it would be appropriate for the first piece of the action items and communicating with SSA that these are things the committee is asking the Select Board to direct the Town Manager to put it into action. She suggested 1-3 and 1-4 not be moved on at this time. Ms. English Braga agreed.

Mr. DeWitt said paragraph #3 is most important, iron out the terms, use the Barnstable agreement as a guide. What is to provide "adequate transportation"? No one on the SSA could come up with an answer to the question of what is to provide "adequate transportation". Coming up with a memorandum is most important.

Take all other paragraphs under advisement but look at #3 and the Barnstable agreement. Dr. Taylor is not comfortable voting or putting these into action at this time. Mr. Patterson agrees.

Ms. English Braga noted these are helpful things, we can engage in them, however, not vote on them tonight. Mr. Patterson commented that it is more difficult than this suggests.

Mr. DeWitt left a copy of the Barnstable Agreement and will email it to the Select Board members.

14. Review Committee Liaison Assignments
Historical Commission and Energy Committee reassigned for Nancy Taylor. Ms. English Braga reminded the Select Board that the liaison role is not to be another member of the committee, it is to be that point person directly with that committee, go if there is something big coming down: 1. The Select Board Member be able to go to all the meetings and 2. Those committees should drive the agenda, the liaison is not to participate so that we are driving their agenda.

<u>Ms. English Braga</u>:
Agricultural Commission
Bike and Pedestrian Committee
Board of Health
Solid Waste Advisory
Energy Committee

Historical Commission

Ms. Scott Price:
Zoning Board of Appeals
Golf Advisory
Library Board of Trustees
Falmouth Housing Authority
Recreation Committee
Affordable housing

Dr. Taylor:
Affirmative Action Committee
Cable Advisory
Commission on Disabilities
Commission on Substance Use
Council on Aging
Veteran's
Human Services Committee

Chair Brown likes the committees he is on at this time.

Mr. Patterson:
Community Preservation
Conservation Commission
EDIC
Finance
School
CCRTA Advisory Board

Mr. Suso will send the list to the Select Board members.

15. Review and Vote to Approve Minutes of Meetings- none.
    Public Session
    April 5, 2021
    June 7, 2021

16. Individual Select Board Members' Reports-none.

17. Town Manager's Report
    Mr. Suso attended the Annual Day of Portugal on 6/12/21; Ribbon cutting dedication of the New College Opera Company facility 6/13/21; and Ribbon cutting and tour of Martha's Vineyard Savings Bank, Business after hours.
    Precinct 1 and 2, 5, 8, and 9 meetings schedules and locations were announced.
    Special Town Meeting will be held one week from today, in the FHS field house. The Select Board will have a brief meeting at about 5:15 pm, and Town Meeting starts at 6pm.
    The Select Board's Annual Strategic Planning Retreat will be at 5pm on 7/7/22 at the new water filtration facility.
    The Select Board's next regular business meeting will be held on 7/12/21.

Ms. English Braga motion to adjourn at 11:41 pm. Second Dr. Taylor. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary