

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, SEPTEMBER 13, 2021
ELLEN T. MITCHELL BATHHOUSE
56 SURF DRIVE, FALMOUTH, MA 02540
AND
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Present: Dr. Nancy Taylor, Vice Chair; Megan English Braga; Onjalé Scott Price.

Absent: Doug Brown, Chair; Sam Patterson.

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

1. Vice Chair Taylor convened and called to order the meeting at the Ellen T. Mitchell Bathhouse at 6:15pm.
2. Recognition of Bruce Mogardo, he worked for the Beach Committee for 58 years. Chair Brown is not present, Mr. Mogardo is not present.

State Senator Su Moran spoke in appreciation of Mr. Mogardo and presented a Senate Citation from the State House in Recognition of Mr. Mogardo and offered best wishes for his continued success. The citation was presented to Mr. Mogardo's daughter. Senator Moran will deliver the citation to Mr. Mogardo.

Mr. Suso thanked and appreciated Mr. Mogardo for his continuing commitment to quality and service in relation to the Falmouth Beaches remaining a resource for the community and selfless public service.

Joe Netto thanked the Select Board for honoring Mr. Mogardo for his lifelong dedication to the Falmouth beaches.

Jim Fox noted when the Beach Committee had problems in the past and they would go to Mr. Mogardo, who was a great leader.

Ms. English Braga noted Mr. Mogardo was a resource, studied our shoreline, and it is a passion for him. He brought his qualities of teaching and coaching to his job with the Beach Department.

Andy Dufresne thanked Mr. Mogardo for his service.

Maggie Clayton appreciated Mr. Mogardo and grew into her role because he gave her leadership opportunities.

3. Adjourn to Select Board Meeting Room for 7:00 p.m. continuation by Vice Chair Taylor.
4. Vice Chair Taylor reconvened the Select Board Meeting in Town Hall at 7pm.
5. Pledge of Allegiance
6. Proclamation – Suicide Prevention Month

Vice Chair Taylor read the proclamation in the packet as a motion. Second Ms. English Braga. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

7. Recognition

Ms. English Braga noted Bruce Mogardo's more than 5 decades of service that he has given to the Town.

Ms. Scott Price recognized the DPW for all clean up after Hurricane Ida to clear roads and keep everyone safe.

Vice Chair Taylor noted the memorial service at Falmouth Fire Department remembering 9/11.

8. Announcements

Ms. Scott Price said the Falmouth Police Department is starting the citizens police academy this week, it is full and will be held again in the spring.

9. Public Comment-none.

7:15 p.m. SUMMARY OF ACTIONS (15 minutes)

1. Licenses

- a. Approve application for special one-day wine & malt liquor license – Samaritans on Cape Cod and the Islands – Upper Cape Bocce Festival – Falmouth Academy, 7 Highfield Drive - Saturday, 9/18/21

Ms. English Braga stated she is on the board of trustees for Falmouth Academy.

Ms. English Braga motion approval. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

2. Administrative Orders

- a. Vote to authorize/approve letter of support for Falmouth Housing Corp. Scranton/Main Project Julian Suso provided the draft of the proposed letter, this project that staff members have had meetings and reviews on, will be going to the ZBA. Linda Clark is present.

Mr. Johnson-Staub noted some language may be familiar, it came before Select Board at a previous phase and the letter highlights some aspects of the project. This language is sufficient for the Falmouth Housing Corporation to move forward. There is an application for funding before the Falmouth Affordable Housing Fund and will come to the Select Board soon. Highlights include a development proposed at the location of the former Cape Cod Five, across from Senior Center and FPD, proposed senior housing. 48 units, all affordable, they are targeted at deeply affordable income levels, 9 at 30% of the area median income, 9 at 50% of the area median income, and 30 units at 60% of the area median income. This only possible with a combination of funding from the State and Town. This meets a priority need of elderly rental housing. He will speak to Noreen Stockman, Administrator ZBA, to offer any assistance the Town Manager's Office can provide.

Linda Clark, Falmouth Housing Corporation President, said they had opportunity and counsel reviewed the draft letter and they are satisfied with it as written. They will need a comprehensive permit by December 2021. If the timelines are not met, the project will be delayed one year and the project may be in jeopardy. They will have to carry the property for the year, they must get through the process by the end of December; the first round of funding will be available to them 1/15/22. She appreciates the Town's support.

Ms. Scott Price motion approval. Second Ms. English Braga. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

3. Special Events

Recurring – Recommended:

- a. Blues & Views – William Maurer – Bandshell / Marina Park – Sunday, 10/17/21

Ms. English Braga motion approval. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Raising awareness and support, raising attention for Falmouth homeless prevention.

PUBLIC HEARINGS

1. Flow Neutral Bylaw – Evaluation of Request for Variance – Eel Pond Realty, LLC – 87 Water Street, Woods Hole (parcel 49A 01 003 000)

The applicant requested this be postponed to 9/27/21 at 7:30pm.

BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, reported the last 2.5 weeks have been tougher than from where we were. Reviewed the Falmouth Weekly Case Trends, there were a couple clusters that account for about 35 of those cases. The County incidence rates are at 20 per 100,000 daily cases, about 7 cases per day average. A lot of vaccine breakthrough but it seems to be more mild cases. The delta variant is stronger than other versions of Covid-19. The State is not giving guidance, so Mr. McGann has used the CDC guidance. We are still in the low, incidence rate 20.6, represents a gain of 7, but not near substantial, which would be about 115 cases per week. Need to look at hospitalizations; 3 in hospital, 3 in ICU at Falmouth Hospital. 80% of all eligible residents are fully vaccinated. Falmouth Specific Vaccination Data was reviewed. Pharmacies have the third dose for those who are immune compromised. Falmouth has capability to vaccinate, things will be different this time around and there may be more of a dependence on the Town to offer vaccinations. Whatever involvement the State wants from the Towns, Falmouth will be able to do it.

2. Discussion, vote on proposed Remote Participation Policy for Boards/Committees
Atty. Duffy submitted this for review. He was before the Select Board ten years ago with the same subject, the Select Board declined to do it at that time because they did not see a need for it and had questions about how it would operate. We now have a need for it, the MA AGO has promulgated regulations telling how to do it. This policy is based on AGO regulations, applies to board members who want to participate in a meeting but cannot unless remotely. There must be a physical quorum present at the meeting. Reasons for remote participation include personal illness, geographic distance, etc. Approved technologies that may be used include a telephone, via internet video conferencing provided all participants are audible to one another. The member of a public body shall notify the Chair in advance who will make the arrangements. The Chair must announce the member is participating remotely and the reason. All votes would need to be by roll call vote. This can be done for executive session, person participating remotely must certify to the Chair that no other persons are in the room where they are and cannot hear it, have to be provided with all the documents, including plans and exhibits that will be introduced at the meeting so they have the same information those present have so they can participate and vote. This policy does not apply to the public, it is not a hybrid meeting. If approved by the Select Board, they will send this policy to boards and committees.

Ms. English Braga believes this is long overdue, it is important for members of boards who could participate and their viewpoint, perspective, representation of constituents are important. This is not a reason for chronic absences, it is for select situations. It may help bring more people who want to participate who may have issues with transportation or health. This policy allows for flexibility for normal issues that folks have.

Ms. Scott Price asked that if someone has a medical issue but does not want it to be announced. Vice Chair Taylor noted if stick to reasons for remote participation, it should cover it.

Ms. Scott Price motion approval. Second Ms. English Braga. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Ms. English Braga noted that looking at winter and hybrid meetings; will there be an opportunity to look at those meetings and Mr. Suso responded that they are exploring that with IT.

3. Interview, vote and appoint committee members
 - a. Falmouth Housing Authority Tenant Board Member
 - i. Marianne Keevens
 - ii. Deborah Cotton
 - iii. Stephen MacDonald

Vice Chair Taylor noted at 8:30pm that the applicants listed above have been contacted and notified of their opportunity to be interviewed this evening, however none are present. The Select Board members made the decision to go forward nominating and voting for a person to the tenant board member position that ends 6/30/26.

Ms. English Braga motion to appoint Kathleen Haynes for a term ending 6/30/26. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Vice Chair Taylor asked the Town Manager's office to no longer include the email trails in the packet for people asking to become members.

4. Vote to affirm appointment of Veterans Council Committee member
 - b. Falmouth Lodge No. 2380 B.P.O. Elks representative – Ret. Lt. Col. Elizabeth S. Sweeney
Sweeney is honored, she is a 33year veteran, dedication to the country, joined military in 1976, served in three wars. She has been a guest speaker in the Veteran's parade in the past, this is her home.

Ms. English Braga motion approval to affirm the appointment. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Ms. Scott Price motion to take agenda items out of order. Second Ms. English Braga. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

5. Report – Board of Library Trustees
Judy Fenwick, Chair, reviewed the written report that will be provided with the Library Trustees' Annual Town report. Margaret Finnell retired in 6/2021. This past year there have been challenges with new opportunities, increased partnerships. Many libraries discovered new needs for their communities, and she hopes the new ones Falmouth used will continue. Some items done include strengthened WIFI access, installation of green metal picnic tables on the library lawn, internet increased through hotspots and chrome books, partnered with Village Association offering movies under stars, expanded digital access to programs, online programs via Zoom, and increased use of outdoor spaces. Strengthened partnerships with schools and senior center and offered take out opportunities.

Early summer 2020 trustees thanked the staff with personal notes, gift cards, and she noted that they were the only public library fully staffed on the Cape from March-May 2020. Volunteers at the book sale, community responded by helping the Friends of the Library raise more than \$60,000, support of the Friends to the Library is priceless.

Mr. Suso let Ms. Fenwick know who the Select Board member assigned to be Liaison to the Library Trustees.

Ms. English Braga asked about the North Falmouth branch and how much has happened in the last year or so.

Ms. Fenwick noted it was a collaborative effort with Trustees and the Support Fund and included re-shingling, replacing windows, cutting trees, paving, and new landscaping. This work added another 15 years to the building and now they can turn attention to renovation of East Falmouth Library, which needs to be expanded to include meeting space and other assets of the library.

6. Report – Board of Health
Scott McGann, Health Agent, and Diane Molloy, Board of Health Chair. Ms. Molloy made presentation via PowerPoint and thanked for the approval last year for an additional administrative assistant role, which was filled. A contract RN position was approved, and they appreciate it; that position conducts contact tracing. The Assistant Health Agent, is back and working. Linda Kinchla supported the department throughout the pandemic. Bernie Sullivan continues field inspections. They have a new Recording Secretary, Nicky Walsh. With the additional support it is manageable, the Board of Health (BOH) may be looking for an additional FTE in the near future. Covid-19 has been their priority since March 2020.

Mr. McGann is reporting to the Town, public, and BOH. Vaccine clinics have subsided, when boosters come up. Guidance changes with the mandates and they continue to discuss current case numbers and mitigation measures. They are feeling comfortable with a mask advisory at this time. The President is looking at mandates for vaccines. There have been break through cases of vaccinated individuals contracting the Delta variant.

Update Tobacco Regulations that passed 6/1/2020. Highlights to cap number of tobacco permits to the current number of 35; their goal is to cut that number.

Ms. Molloy noted the 5 members of the BOH present tonight. Reviewed the mission statement and functions of the BOH.

Smithfield Farm case started in December 2020, some concern about the status of the farm, 2 horses got loose on Sandwich Road, one got killed and they are working with the owner; there will be ongoing inspections. There was positive and negative correspondence about the situation from the community. After they work with poultry, they would like to look at the stable permits. Smithfield got their permit back. Reviewing potential regulations for solid waste. The BOH addressed two complex housing issues throughout this Spring, and both are resolved. Board members helped with doing inspections and follow up. They need a larger venue for community input. Roosters and the odor that come with poultry are big issues. Enforcing compliance with innovative septic systems. With sea level rise, the BOH will be working on adding to the local septic regulations to address sea level rise. The timeline is to be determined. Ms. Molloy thanked the Select Board for their ongoing support, publicly acknowledged Mr. McGann, he is very responsive, he believes in public service, and is displaying that.

Vice Chair Taylor asked for a copy of the PowerPoint from tonight's presentation and said that she feels it was amazing the BOH was able to do all the other duties this year with such a focus on the pandemic.

Ben Van Moy, BOH, thanked Ms. Molloy for her service and she has the full confidence with the BOH.

Ms. English Braga would like to continue looking at staffing for the Health Department, even when Covid is managed, it is not the only thing that will happen.

Vice Chair Taylor noted the Health Department is integral and supports looking at staffing.

7. Presentation on Carousel of Light Project

Troy Clarkson, President of Carousel of Light, which is well known to the Select Board and the public. Originated in the mid-1990's. It is an operating carousel, horses hand carved by local artist. They formed a nonprofit about 20 years ago, operated the carousel. The carousel was taken to California by the artist, who then wanted to bring back the carousel, but did not have the money. The Carousel of Light organization then assisted with that about 8 years ago. They have been looking for a permanent location for 7 years so this could stay in Falmouth. The Select Board created a task force a few years ago which worked for some time, went through a host of locations, then unanimously came with the recommended site: an 81 sq. ft. sliver of land on the Mullen Hall property, adjacent to the path. Mr. Clarkson reviewed a plan of the area. Town Meeting supported transferring the land from the School Committee to the Select Board so the Select Board could enter into a lease for the carousel, but it was majority vote, not a 2/3 vote. Hoping that the same article can be placed on the upcoming Town Meeting Warrant. They have continued to do outreach. A permanent location will result in not needing to dismantle it and set it up each year. There are no plans to remove the cupola that exists at the Mullen Hall site, nor the gardens. This is a vote to allow the property to be transferred from the School Department to the Select Board so that they can execute a lease. He provided the motion that Atty. Duffy wrote for the previous article.

Vice Chair Taylor noted the agenda, last time the Select Board placed the article on the warrant, but she is concerned that this was not received until this afternoon and is not comfortable with the three Select Board members voting on this. The text of the article was crafted by Atty. Duffy several months ago.

The carousel will exist if this is pushed to another Town Meeting, however it is difficult to have the funds to put it up and take it down. If Town Meeting says no, then they may go to another community willing to host the carousel.

Ms. English Braga noted the warrant closed on 9/3/21, tonight they will vote articles and transmit to the Finance Committee.

Mr. Suso described the steps in the past to add an article after the warrant is executed. The Select Board can choose to add warrant articles, but they would not be petition articles.

Mr. Clarkson asked Atty. Duffy, and Atty. Duffy validated what Mr. Suso said.

Ms. English Braga noted she understands the concern there are just three Select Board members present tonight but would not mind seeing this go back in front of Town Meeting.

Vice Chair Taylor said whether it goes in front of Town Meeting in November or April; she would have liked to have a meeting that said vote to put it on the warrant because it signals for people to come in to comment.

Ms. Scott Price motion to put article as presented on the November warrant for Town Meeting. Second Ms. English Braga. Vote: Yes-2. No-1. (Vice Chair Taylor) Absent-2 (Chair Brown, Mr. Patterson)

8. Vote Articles and Execute Warrant for November 2021 Town Meeting

Ms. Scott Price inquired about the following:

Article 25 Petitioners article has an asterisk after ferry embarkation fund, but nothing of what the asterisk means.

Article 23-what constitutes commercial vehicles.

Karen Bissonnette, Affordable Housing Committee, had articles the Select Board was asked to support, and noted the language that was used was developed by Town Counsel. The last time there was a question about the legality about what the Town Counsel had recommended. If the Select Board is not going to use the language recommended by Town Counsel, she would like to have a discussion. The Finance Director questioned whether or not the funds could be designated for the Affordable Housing Fund. Will Town Meeting know they hope it is for affordable housing? Mr. Suso said it could be in the recommendation.

Ms. English Braga noted what Atty. Duffy discussed about the language having to be. Only Town Meeting can determine whether the funds could be designated for the Affordable Housing Fund; every year the Select Board would have to vote. For Articles 15 and 16 the Select Board cannot say all money goes to that because Town Meeting has that authority.

Mr. Johnson-Staub explained there have been instances where the Select Board has adopted a policy about recurring designations, it would not be in the article, but if the Select Board supports the Affordable Housing Committee proposal, there is a way for Select Board to pursue those funds.

Mr. Suso noted the staff members write the recommendation and Ms. Scott Price noted she would like to work on those three articles when the time comes.

Ms. English Braga motion to place Articles 1-3 on the warrant. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Ms. Scott Price motion to place Articles 4 and 5 on the warrant. Second Ms. English Braga. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Ms. English Braga motion to place Articles 6-11 on the warrant. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Ms. Scott Price motion to place Articles 12-17 on the warrant. Second Ms. English Braga. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Ms. English Braga motion to place Articles 18-27 on the warrant. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Ms. Scott Price motion to place Articles 28-31 on the warrant. Second Ms. English Braga. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Ms. Scott Price motion to place Article 32 on the warrant. Second Ms. English Braga. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

9. Discussion on Acquisition/Placement of Radar Feedback Signs on Woods Hole Road **(10 minutes)**
Mr. Suso noted this is related to traffic related to SSA, has arisen many times historically. There is a petition warrant article, and the Select Board will consider placing on the warrant that relates to setting aside funds for this purpose. He has met with DPW Director Peter McConarty and FPD Chief Dunne, they are continuing to explore that and looking at potential locations and related issues. Anticipate there will be discussion on it at Town Meeting. MassDOT oversees that and controls that, so proposals go to them, reviewed by them, and approved by them, which may take time.

Peter McConarty, DPW Director, the signage would go through MassDOT, it takes a good amount of time for permits to go through MassDOT. There is a lot of information they will be looking for, but the engineering and permits could be done in house, he would not have to go to a consultant. It is the technology they have today that will be used. These signs have been installed on Route 151, they work well, will need maintenance periodically. This is a similar design, solar power, open to southern horizon, and there are plenty of areas on Woods Hole Rd. that would be sufficient. They are installed at the school locations, where there is a flashing light when school is in session, but these are activated when a vehicle approaches.

Ms. English Braga noted emails almost daily on this issue, much concern from the public.

Ms. Scott Price said they received 1 email from someone who lives there who is not interested in having this on Woods Hole Rd.

10. Review and Vote to Approve Minutes of Meetings:
a. Public Session
June 7, 2021
Ms. English Braga motion approval with correction. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

August 30, 2021-none.

- b. Executive Session – Executive Session –
August 30, 2021 (vote to release/not to release)
Ms. English Braga motion approval with correction. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

11. Individual Select Board Members' Reports
Ms. English Braga sent an email about the possibility of getting a group of folks at a Select Board Meeting, including Senator Moran and a member of the Bikeways and Pedestrian Committee together to talk about next developments for the Shining Sea Bikeway, may be some options with the bridges. There may be some time sensitive opportunities due to the bridge work.

12. Town Manager's Report
Mr. Suso complimented the School Department on a new school year during continuation of this pandemic.

Planned pedestrian and bicycle access improvements to Katharine Lee Bates Road is under way and will improve the safety of all and make it an attractive viewshed; it is a step in the loop around Shiverick's Pond.

Attended the 20th anniversary 911 Memorial Ceremony at FPD, complimented FFD and FPD on their fine work. He is proud that Falmouth continues to recognize that anniversary.

Attended the Finance Committee meeting Tuesday, they have another meeting tomorrow evening, the Finance Committee is awaiting the Select Board's execution of the warrant articles.

Arts Alive festival was successful.

Two American Elms past their useful life, deteriorating rapidly and scheduled a shade tree hearing to bring to the Select Board with the Tree Warden's recommendation that these be removed.

Diversity and Inclusion Officer Jackie Hartmann will join the Select Board the second Monday in October, her office is in the School Administration Building. She is going through preparations for relocating to this area.

The next regular Select Board meeting 9/27/21.

Ms. English Braga asked Mr. Suso and Mr. Johnson-Staub if, down the road, it would be helpful to have a joint meeting after Town Meeting with the Finance Committee, have discussion and if there are things the Select Board can do to supplement their work. Mr. Suso and Mr. Johnson-Staub will coordinate this for a future meeting.

Ms. Scott Price motion to adjourn. Second Ms. English Braga. Ms. English Braga motion approval with correction. Second Ms. Scott Price. Vote: Yes-3. No-0 Absent-2 (Chair Brown, Mr. Patterson)

Respectfully Submitted,

Jennifer Chaves
Recording Secretary