

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, DECEMBER 6, 2021
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

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

1. Call to Order by Chair Brown at 7pm.
2. Pledge of Allegiance
3. Recognition
Grace Rogers

Patterson read the proclamation in the packet as a motion. Second English Braga. Vote: Yes-5. No-0.

Ms. Rogers' son, Jim Rogers, thanked the Select Board, the Town is very special to their family.

Scott Price recognized those who made the Christmas Parade a success. Taylor noted that the stroll was the most successful she's experienced in Falmouth. English Braga noted the success of closing down Main Street for the festivities.

4. Announcements
Chair Brown noted the public comment period for Mayflower Wind is ending soon. Send comments to the Select Board or MEPA@mass.gov and indicate it is regarding Mayflower Wind. May also send to the Secretary of Energy, 100 Cambridge St., Suite 900, Boston, MA attention: MEPA office.
5. Public Comment

Mark Finneran, Grand Ave., regarding disposition of the wind turbines. He suggested when the RFP is put out to do it to take down the mast but leave the post, which is about 262 feet high. If we put a flag on top of that we would have the second tallest flag in the U.S.

Rosemary Dreger Carey, Precinct 5, asked the Select Board where they stand on the multipurpose machine gun range and what is next.

SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for a Change of Officers of an All Alcohol Club License – Cape Verdean Club of Falmouth, Inc., located at 126 Sandwich Road, Teaticket
Scott Price motion approval. Second Patterson. Vote: Yes-5. No-0.
 - b. Approve application for a Change of Manager of a Wine & Malt Package Store License – MPG Corp. d/b/a Rapid Refill, located at 435 Palmer Avenue, Falmouth
Taylor motion approval. Second Scott Price. Vote: Yes-5. No-0.
 - c. Approve application for a Change of Manager of a Wine & Malt Package Store License – OSJL Spirits, LLC d/b/a Ocean State Job Lot, located at 50 Teaticket Highway, Falmouth
English Braga motion approval pending CORI check is clear. Second Patterson. Vote: Yes-5. No-0.
2. Administrative Orders
 - a. Vote to authorize Town Manager to execute Participation Agreements related to opioid litigation upon recommendation of national consortium counsel

English Braga reminded public this is a nationwide lawsuit, we are part of it but do not control what happens in it because there are so many individuals. The goal is to see if there can be any

reconciling of funds to communities for expenses towns paid out related to the opioid epidemic. Hope it includes family, school district, and the Town.

Taylor motion the Select Board of the Town of Falmouth, MA hereby appoints Julian M. Suso, Town Manager, to execute, sign, seal, and deliver to the Town's counsel of the national Opioid Litigation Consortium such settlement Participation Agreement and other incidental documents as recommended by said counsel to enable the Town to participate in settlements with defendant manufacturers and distributors of opioids. Second Patterson. Vote: Yes-5. No-0.

- b. Approve Allocation of America Recovery Plan Act (ARPA) funds for design of wastewater treatment plant upgrades and pandemic first responder bonuses

Patterson asked what the remainder of money will be used for and Suso reported that it would be addressed by the Select Board, have several years to expend funds.

Jennifer Mullen, Finance Director, said looking at major projects in waste water and water main projects for use of the remainder of the ARPA funding. \$1.7 million for design of the waste water treatment plant upgrades, mainly upgrade the system to take up the next wastewater project. It is a \$21 million project. The plan is to start the engineering, already in the intended use plan, going to Town Meeting to request \$21 million with a debt exclusion in April/May. Construction to begin in a year or so. The actual construction will not be bid out until approval of the borrowing. The \$1.7 million will cover design and have it ready for permitting.

English Braga motion that the Select Board authorize allocation of \$1.7 million in ARPA grant funds for the design of Wastewater Treatment Upgrades and up to \$325,000 for Pandemic First-Responder Bonus pay for public safety officers subject to collective bargaining. Second Taylor. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARINGS

1. FY2022 Tax Classification Hearing

Chair Brown read the hearing notice.

Tricia Favulli, Director of Assessing reported the growth of 16% of single family homes sales and assessments. Commercial property changed. Board of Assessors met and reviewed all the classifications today. Asked the Select Board to make a choice of: 1. Split Tax Rate. 2. Small Business exemption. 3. Open Space Discount, assessed as unbuildable. 4. Residential Exemption; up to 35% of primary domicile. This year it is hard to determine how many people are residing here, many are calling it their primary home, but it is actually secondary.

Brown asked why \$711,000? Favulli said that is the calculation that goes into the actual value; the Town cannot set their own number.

English Braga noted Falmouth's problem has not been the tax rate, our problem is the lack of affordable housing. They are two separate conversations. Our tax rate has been reasonable compared to other communities on Cape Cod.

Favulli said the tax rate is coming down 45 cents. There is assistance for those who qualify, including senior exemptions, Widow/widower exemption, blind exemption, veteran benefits, deferral program. There are options out there for some folks who are house poor. We do not send that out with tax bills, English Braga suggested sending that information out with the tax bills. Favulli will check to see if they can do that.

Ms. Mullen said there are strict limitations on what can be put in the tax bill now, we may not be able to.

Patterson noted the problem of building affordable housing, has she looked at this problem? He would like to hear her perspective on how to shift the burden to make it more affordable for young people coming along. Favulli said it is hard when you do not have commercial tax rate to shift over to gain the residential exemption. That will stunt commercial growth.

Mullen said they bill commercial taxpayers what they bill the residential taxpayers. When talking about shifting the rate, only shifting the taxes. Residential exemption is \$100,000, look at the amount that would be saved and is it worth it to shift the burden.

Taylor motion to close hearing. Second Patterson. Vote: Yes-5. No-0.

Taylor motion that the Town of Falmouth continues to tax all classes at the same rate by adopting a factor of “1” and to reject the residential, commercial, and open space exemption. Second Scott Price. Vote: Yes-5. No-0.

2. Wetlands/Dock Hearing – Nina’s Marina Realty Trust – Install new vinyl sheet pile bulkhead adjacent to and landward of existing licensed timber bulkheads, and removal of existing tongue and groove timber sheathing, located at 306 Scranton Avenue, in the waters of Falmouth Inner Harbor

English Braga read hearing notice.

Patterson motion to continue to 1/10/22 at the request of applicant. Second English Braga. Vote: Yes-5. No-0.

BUSINESS

1. Sandwich Road Fire Station design update
Building Committee
George Rogers, Co-Chair; Chris Simmler, Co-Chair
Simmler made PowerPoint presentation. They have interviewed the designer, Context, which was selected in October. Great building committee with fire and construction knowledge. The Fire Department met with the architect and reviewed space study, looking at the building lasting 50+ years. Rogers noted they were conservative in their design. They will go in front of the Select Board to give another update in January and they will invite neighbors to come in January at a public forum. Their goal is to bring this to Town Meeting in April 2022.

They want to make sure abutters have an opportunity to comment at an open public forum. They will send invites to immediate people and publicize for others. They are not taking solar into account, but they will bring this up. They will be challenged with material prices.

Mullen said they are going through design phase, they will have their best estimate by February 2022, they want to make sure all gets printed in the warrant to make sure everyone has all the information when warrant booklets are sent out. The Select Board can review it at the end of February.

The Select Board would like to seriously consider three bays, not just two with future option of three bays.

2. Report – Waterways Committee
Jeff Thomas, Chair, yearly report via PowerPoint. Last year found 32 waterways that could/need/future need to dredge. They started tackling that priority list this year. Waquoit Bay Embayment Dredging Project, Eel River West Area Inlet Study; Megansett harbor dredging, and a couple other projects. Costs of dredging are increasing, so they have asked for increase from \$100,000 to \$350,000, and Town Meeting approved. Spring inlet dredging done on the south coast of Town, expect the same in 2022 with addition of Eel River approach. They have a ten-year comprehensive permit, the Town can get the engineering done for a ten-year period. Great Pond embayment has not been dredged in a while. At low tide it is almost not navigable; they put that in this permit, they are targeting it for 2022, between Labor Day and 1/14/23. It is not a big dredge.

Waquoit Bay Embayment Dredging is maintenance dredging.

Working group established, Gregg Fraser, yacht club, member of committee, and they will determine the spoils and how to get rid of it. 11-13k yards. They cannot use the dredge to pump it into a beach. This is the only deep draft exit and entrance into the area. Busiest channel in Town with exception of the harbor.

Planning to be completed by January 2024. They will get about \$1 million, a State grant may be possible but it needs to be shovel ready and that will not be the case until about September 2022. If spoils are not

found, they can work out with Waquoit Bay National Estuarine Research Reserve (WBNERR) on what to do with the material. Bourne is putting similar material into huge bags, but that is very expensive.

Eel River West

Reviewed satellite photo, this area has changed for many years and issue with end of spit on Washburn Island, landowners are losing land. Channel is dredged every couple years and fills in every 3-4 months. What is the right solution? They are doing a feasibility assessment to know if there is anything that can be done to stop the sand from doing what it is doing in that area. This will be done mid- 2022, Applied Coastal is the company contracted for it and managed the Sampson Island, Cotuit project. Reviewed the timeline. They are ahead of schedule. Hoping to take about 150 feet off the island to open up the channel.

Megansett Harbor

Working with Bourne on this, it's near the border, homeowners developed an association and the Megansett and Squeteague Association operating as a nonprofit, raised money for engineering and permitting the two areas. They are ahead of the committee, starting with Woods Hole Group for Engineering piece; the association is doing fieldwork for the wetland surveys.

Boat Ramp Parking Initiative

Complaints received regarding parking. They looked at the boat landings and parking. There are eight in Town. Green Pond Landing is chaotic, there is not a lot that can be done to improve that lot.

Whites Landing

Unpaved, chaotic, only parking lot in Town where someone can leave their vehicle and trailer overnight. Heavily used in the summer.

Waquoit Bay Landing

State attempting to redesign the ramp, project is permitted and would give ability to make changes on the parking.

West Falmouth Harbor Landing

Unpaved lot, next to the bike path, issues include bike path people use it, limited trailer capability, can only mark it by signage. Close to conservation area.

West Falmouth Harbor Boat Ramp redesign, it is shallow, old. Holmes and McGrath did the engineering.

Wild Harbor bulkhead, hard concrete, small harbor, boats have hard time getting to top of bulkhead. They are looking to put in stairs, pilings; similar to the work done at the West Falmouth dock.

3. Report – Solid Waste Advisory Committee

Alan Robinson, Chair, Amy Roth, Vice Chair present. Robinson acknowledged Linda Davis and Mark Finneran, Ruth Brasier; Linda and Mark rolling off the committee July 1, 2022. They have worked a long time and made tremendous difference. Staff have been helpful to them and the facility.

Robinson made a PowerPoint presentation. The committee advises, encouraging/working with the community, and operates the Waste Management Facility's Swap Shop. In April a Recycling and Solid Waste Management Coordinator position: Mary Bunker Ryther. Mandatory recycling bylaw, they took this on December 2020. Regulations for mandatory recycling are expected by the summer 2022. Made short-term improvements to the Waste Management Facility.

English Braga asked about collaboration with the schools in recycling. Robinson said they were making progress and then Covid 19 hit.

Made a proposal to pursue a State grant, met with representatives, but decided to defer indefinitely. They did their own survey of curbside recycling and got the data without needing a grant.

Forging partnership with DPW. Quarterly meeting with DPW staff and the committee. They work with the Beach Committee regarding recyclables at the beaches. This cannot be expected because of the wrong things getting in them.

In 2022, doing pilot program where residents will not need waste management facility stickers or pay a fee to use the Swap Shop.

Challenges include reducing trash tonnage. Solid Waste disposal is increasing. Reduce by standardized carts.

They need to replace two committee members and expand the number Swap Shop volunteers.

Requests: The DPW continue to build on growing outreach to the community; shipping container to be placed that would be safe and accessible. Coordinator position, twenty hours per week is not enough. Would like the DPW and budgeting departments look at short and long term improvements for the facility.

Retaining wall for tipping area needs to be addressed, there are areas that are falling apart.

Working with the Falmouth Service Center, which is going to call a meeting to have second hand shops together and having more things being used/reused instead of going to a landfill.

They question whether they may have a social media presence where they can message the community directly regarding proper recycling and what goes on at the swap shop.

They would like to see the community remove food waste from all trash, new initiative needed to do something, and when the time comes, they are hopeful the Select Board will support Falmouth taking a leadership role.

The Town provides DPW with financial and policy support.

Establish an ad hoc or permanent Town communications committee to improve overall town government messaging to the community.

Recommendations to the Community, visit the Swap Shop and sign up to volunteer.

Suso will have the DPW analyze the issue of going on social media and get back to the Select Board.

4. Report – Water Quality Management Committee

Eric Turkington made a PowerPoint presentation. They develop and experiment with and try out alternatives to sewerage and have been successful.

Innovative Alternative nitrogen reducing septic systems, add ons to septic systems not connected to a sewer. Members have worked with the Barnstable County Responsible Management working group, drafted proposed updated bylaw for installations in Buzzards Bay estuaries-if you live within 300 feet of certain water bodies, the State might want/require you to put an approved IA system in the ground, discussed with MA DEP General Use approval for promising technologies. The more they look at the lack of progress, the more they realize that the DEP has been dragging their feet. Two systems that are out there that get the nitrogen down to a level that will be effective, but neither has general approval.

Ponds are a whole different story compared to estuaries. Maybe you would need to at some point in the future. Chair Brown asked about including ponds in requirement; Steve Rafferty explained that ponds have more phosphorus issues.

They have been putting together advocates on Zoom meetings with DEP people.

Little Pond Sewer Service Area, a system in place that will reduce the nitrogen inputs in Little Pond by 88%. SMAST has gone out there, been working on their baseline from years ago, so they need another baseline. In the Fall they took sampling and will have a 2021 baseline.

Mill Pond Restoration Project

Permitted and constructed detention pond recommended by SMAST; collects water before it gets into Mill Pond and DPW assisted. Put in pilot project in bog channels; modular permeable reactive barrier; the water flows through the bags, nitrogen gets caught up in wood chips, and the pond will improve. East Falmouth Village Association has been their partner.

Permeable Reactive Barriers (PRB)

Monitored the PRB demonstration Project installed near Great Pond. Results show almost complete nitrogen removal.

Ken Foreman said that the issue is adding emulsified vegetable oil that provides the carbon source to fuel the denitrification. One-year and two-year doses were used, they want to see how much to add for minimum amount of effectiveness; two-year is showing quite well, but in process.

Bourne Pond Inlet Widening

Design, State, and Federal permitting for inlet widening are completed, project combined with Menauhant road/beach, and construction initiation projected for 2022.

Eel River Shellfish Demo Project

WQMC and MES partnered with local oyster growers for a second year. They will measure how much nitrogen they take out when they take out their shellfish. Experiment was 3 half-acre sites, all selling their oysters again, estimate about 180 kilograms of nitrogen each year, the equivalent of sewerage 40 homes.

Cape Cod and Islands Water Protection fund awards \$4.75 million towards Falmouth \$20 million; 25% of the improvement plan will be returned to the Town for this project and all future projects.

WQMC and the Wastewater Superintendent recommendation on future treated wastewater discharge options:

Amy Lowell, Wastewater Superintendent, made a PowerPoint presentation and provided background. Most of the Town is not connected to the sewer system. The current wastewater facility is limited to 750,000 gallons of ground water discharge.

Priority estuaries for future sewerage projects were reviewed, all coastal ponds are affected by nutrient loading primarily from septic systems. The five ponds on southern bottom of the chart she showed are all south coast embayments: Little Pond, Great Pond, Green Pond, Bournes Pond, and Waquoit Bay. Next step in planning is Great Pond.

Short-term needs include sewerage the southern watershed to Great Pond; Teaticket area 150,000 gallons per day; Acapesket estimated wastewater flow 210,000 gallons per day, existing sewer redevelopment area estimated flow 140,000 gallons per day.

Mid-term needs include Fisherman's Cove, Seacoast Shores, Seapit, Antler shores, and Oyster pond. Estimated flow 340,000 gallons per day.

Long-term needs contingency for Great Pond and other watersheds as needed; estimated flow 190,000 gallons per day.

Turkington noted this is a 40-year issue. The wastewater discharged into the ground is pretty clean, down to 3 milligrams of nitrogen per liter; less than 1/3 the EPA requirement for drinking water. For the last 3 years he has advised the Town Manager and Select Board. By the end of 2022 have to tell the state where we want to sewer next and where to put the discharge. Potential future treated effluent discharge sites were reviewed, they will look at the Allen Parcel, Augusta Parcel, open sand beds 14 and 15, outfalls in Buzzards Bay or Vineyard Sound. There is no good site for this, pros and cons for each one of them.

Chair Brown asked when we do the upgrade, will another be needed later. Lowell said this will cover the next phase of sewerage.

Lowell said a working group of the WQMC called the Great Pond Targeted Working Group has been meeting over the last year working towards discharge site selection. In October 2020, the Select Board authorized \$350,000 from the Air Force Center for Academic Excellence funds for a targeted watershed management plan.

The Allen parcel was reviewed, North of Carriage Shop Rd. The Town owned site and municipal use is allowed. This site could take 1.6 million gallons of wastewater flow. Phosphorus limited mobility, over 50 years sequestration capacity; it will be 50 years before first contact with water. The land sites would be a short approval process.

English Braga asked how much the phosphorus would decrease to over the 50 years. Lowell said they calculated the absorption. That is the beginning of the detection.

Patterson asked what happens to the phosphorus after it is detected. Lowell said that soil cannot accommodate any more, once you reach saturation there is no more removal.

Scott Price asked if you could add vegetation to remove the phosphorus from the ground? Lowell said there are a variety of ways to remove phosphorus if it had to be done.

Disadvantages are that it is 4 miles from the treatment plant. Upgradient of several freshwater systems, the site is undeveloped woodlands, and near some residences. Estimated cost for first phase of sewerage is \$29.5 million.

Augusta Parcel:

Purchased by the Town for wastewater use, capacity is 1,030,000 gallons per day, not upgradient from freshwater systems, ideal soils, short permitting process, potential recreational fields.

Disadvantage; need lift station and 4 mile force line. Some nitrogen returns to great pond. Cost is about \$27.4 million.

Sand Beds 14 and 15:

Sketch view reviewed, these are on eastern portion of this site, additional area on that site is available. Would not need lift station, less land disturbance, additional capacity of 500,000 gallons per day. This is a short term solution. Capacity determination was based on additional tests there. Upgradient from freshwater bodies. Did phosphorus evaluation, study confirmed more than 100 years of sequestration capacity from discharge to nearest water body. Cost \$1.4 million.

English Braga asked what costs are included in the \$1.4 million. Lowell said they would expand the beds.

Outfalls:

Vineyard Sound or Buzzards Bay

All coastal ponds are nitrogen limited; should we be looking at other options than discharging on land. State owned water bodies. Eliminates nitrogen concern. Cost of an outfall is unknown. One of the biggest factors is the length of the outfall. The longer you go out from shore, the more expensive it is. Outfalls have a lengthy permitting process. Developed a list of permits needed, what would work, and the timeframe. They are 2-7 miles from an existing wastewater plan.

Turkington said they do not know enough about the outfalls, and that is part of their three-part recommendation.

The committee recommends the following:

1. Designate existing open sand beds 14 and 15 as the treated effluent discharge site for the projected ESRA/TASA flows in the short term contingent on the MEP report results for Herring Brook;
2. Consider outfall options in Buzzards Bay and Vineyard Sound, along with land based options at the Allen and Augusta parcels for projected mid-term and long-term wastewater flows;
3. That the Select Board allocate \$98,000 from AFCEE Mitigation Funds for the purposes of hydrodynamic modeling of outfall alternatives.

Benefits of these is they utilize Town infrastructure, gives time to evaluation outfall options, does not commit the Town to a new land site, and short term cost savings.

Lowell said next steps are to go to April 2022 Town Meeting asking for funding for upgrades at the wastewater treatment facility, additional ocean outfall evaluation funds for modeling and putting together sewer easements. December 2022 working towards submitting targeted watershed management plan to the State, April 2023 Town Meeting asking for design and disposal site funding, April 2024 asking for collection and short-term effluent site.

Patterson asked if use outfall, bypassing recharging of our aquifer; what percentage of bypassing that would be. For discharging planning for 4 million gallons, it would be about 5% of the discharge.

Chair Brown said the original recommendation was deep well injection along Route 151, any more consideration of that? Turkington said it was proposed by Ray Jack, the State was concerned unless it was reduced to 1part per millimeter; no one is able to do that.

English Braga recommends putting the request on for the next meeting.

Mark Finneran said if decided to do ocean outfall, would that allow us to recategorize these two properties so they could be used for affordable housing or are they forever restricted for Town use. English Braga noted that they are for municipal use.

5. Wastewater Planning Update - Discharge Site Evaluation
6. Interview, vote and appoint committee members – Beach Committee
 - a. Nancy Quigg
 - b. Edward Schmitt
 - c. Derek Pratt

Taylor motion to appoint Nancy Quigg, Edward Schmitt, and Derek Pratt each to a term ending 6/30/24. Second Patterson. Yes-5. No-0.

Nancy Quigg said they have been very collaborative, working hard.

7. Discussion on Right of First Refusal on 31.7-acre property on Route 151

Johnson-Staub reviewed the parcels via PowerPoint presentation. Zoned Agricultural A, there is a small section of senior citizen retirement district. A section nearby is owned by the Town for open space. The topography has some challenges, elevation challenges. No structures in the utility right of way.

Suso said Town Counsel reaching out to the Seller's representative regarding first right of refusal with suggestion that if the Select Board wants to consider it, there be a discussion at the April 2022 Town Meeting and he learned today there is a willingness to discuss that with the Select Board.

Scott Price asked if we move forward to purchase and to Town meeting in April, if Town Meeting votes no, does the property immediately go back to the market to the person who has an offer now. Johnson-Staub that the current purchase offer would be in play again. Both parties need permission from the other to proceed. The seller would need to extend the 120 day and they need the Town to agree to extend the timeline to close on that sale within one year.

Scott Price asked if that area could be hooked to sewer? There are no plans for sewerage out in that area. If the Town purchases the land, what is the reasonable time for RFP to solicit for development? Suso noted months. Johnson-Staub said that if either private developer or the Town pursued a 40B comprehensive permit, then you do not need to change the zoning and do not need a Town Meeting vote because the combination of the 40B exemptions from zoning and Falmouth Affordable Housing Funds if they are the only funds used. There are a number of challenges staff identified for this parcel for affordable housing; nitrogen sensitive area and not near sewer, traffic and noise, pollution and environmental justice because of the noise and concerns on whether this is a good location for affordable housing, also distance of services.

Patterson noted properties in North Falmouth have the same noise issues. Johnson-Staub is identifying issues and concerns for additional study.

Chair Brown asked if there is an opportunity for train service in North Falmouth and possibility of a train line staying in service. Suso said there is no information on that at this time, but can be part of the overall analysis if the Select Board wants to proceed. Chair Brown thinks rail use is the best use of this property. The Planning Board would want it to be purchased and open space to protect the aquifer. English Braga is not interested in buying it unless it was something that could be used for affordable housing. Chair Brown said rail will be rerouted through Sandwich to the base and best information he has gotten is that likely train service will not take place. Chair Brown is less inclined to purchase it as Town owned and listen to Mr. Galasso's idea.

Scott Price would like the Town to purchase it for affordable housing, give Town Meeting the options and let them decide if we want to purchase the property. Taylor agreed.

Patterson said there is no reason a passenger station could not be located on that site.

Mark Finneran said that part rezoned for elderly housing, how can it not be equally adequate for affordable housing. He asked the Purchase price and was told it is about \$3 million.

Mike Galasso signed P&S and triggered the first right of refusal, this is the first he has heard about extending the P&S. He would do affordable housing, there are a lot of challenges, and he assembled a team that knows how to put this kind of project together. This would be a good learning tool for FHS students. Show students that there are some solutions to climate change. He has letters of interest for finance folks he has worked with before, they are ready to move forward. There is a drastic need for affordable housing, out a year or two if the Town purchases it. Their first step is to meet with the neighbors and community. It will take about a year to be in front of the ZBA with a plan for the site. Little Pond took five years to develop, the need is now. This property has been marketed for 10-15 years.

English Braga asked if the Town does not exercise the option and the property goes back on the market, the next time it has a buyer, it will trigger the Town's right of first refusal. Galasso would ask for an extension to close if the Town does not purchase it.

Scott Price believes this is an excellent opportunity to purchase the property and put out an RFP, that will increase the timeline. English Braga noted \$3 million to purchase property, but maybe they will not have to spend the money but will get a certain number of units.

Galasso will make combo of single family homes for first time homebuyers, new branch for the north Falmouth library; it needs a new home.

Scott Price asked if there is a benefit with Town purchasing it or developer purchasing it. Chair Brown noted they could get more units, the Town can shape what goes there more than a private developer. The Town would have more say in what is developed.

Johnson-Staub noted if the Town buys it, the Town has more control. If Galasso goes forward, could be the percentage of affordable units could be increased.

Scott Price and Chair Brown like Galasso's business plan, noted he may have issues with Planning Board. Scott Price wants to make sure we are not giving up the opportunity to capitalize. 40Bs can just put in the bare minimum, potentially missing opportunity to make most of the property. Galasso noted the Select Board will have additional opportunities to look at this.

Suso said if the Select Board needs more time, they could carry this to another meeting.

Jordan Frye, Precinct 1, asked about the process. Chair Brown explained the Town was offered first refusal on the purchase of the property. If the Select Board chooses to exercise that, it goes to Town meeting. Frye thinks it would be cool if the community could weigh in on this decision, everyone is aligned to have affordable housing and cool for the townspeople to come up with a plan and decide if they want Galasso or the Town to do this.

English Braga does not want to vote on whether to exercise the option tonight, she would like to think about it and may need more information including numbers; how many units with Galasso's plan, what is the total the Town could develop and how far apart those tracks would be.

Johnson-Staub said it makes sense that you would want that information to make this decision, but it has to do with wastewater, how much is too much? Any housing project there will contribute negatively to an area that is already impaired.

Mark Finneran said Falmouth Housing Corp. passed on this, what about purchasing it, dividing it into multiple parcels, and offer those to be developed? Chair Brown doubts there would be interest with the challenges on the property. What percentage is undevelopable? That could be open space left.

Galasso said a 2007 plan was 175 units, took more land than he thinks they want to take up. He would like to keep it more compact. It is a tough site to develop. The number of affordable units depends on the financing. Galasso wants to make a village there, a nice place for people to live.

Suso noted based on planning analysis they have any mixed use commercial would require a zoning change.

Galasso said 40B allows up to 20% of gross square footage to be commercial. The Cape Cod Commission wants the plans, but has no jurisdiction over the project.

The Select Board discussed what information and questions they may have; they will forward questions to Town Manager.

Suso said it is not likely that railroad will be extended there.

8. Vote to set Special Town Meeting related to purchase of 31.7-acre property (as needed)
9. Determination of conditions to license encroachments at Bucatino's Restaurant, Rt. 151, North Falmouth

The license lasts at the discretion of the Select Board.

Suso said Town Engineer had some suggested conditions.

Johnson-Staub noted two conditions: moving 1 handicap parking to the south side and allow the applicant to have parking on their land. Include provision the applicant responsible for architectural board and ADA requirements.

English Braga asked the first two are ADA requirements that the applicant has agreed to and then second is issue of the handicap spot and that is what the applicant could not agree to.

Atty. Christopher Lebherz, representing Bucatino. In improving the property, site plan identified encroachments, suggested they go to the Select Board to license the encroachments. No problems with the ADA requirements and architect believes those requirements have been met. Building more parking is a big job, building a considerable number of spaces could be upwards of \$250,000.

English Braga agreed to the first condition. Second condition regarding moving the handicap parking spot to the south side. The applicant is willing to do that.

Don Devaney said 2 parking spaces on south side on lot the building occupies, one handicap space in the large parking lot across the street. All ADA requirements are taken care of by the Building Commissioner, the Town Engineer is not the Building Commissioner. They could fit all three on the south side.

Pitch of the ramp, Devaney said in the Building Commissioners purview, the architect stamped it and said it meets the ADA requirements.

Patterson motion issue license under condition the third handicap parking space be added on the south side of the road. Second Taylor. Yes-5. No-0.

10. Announce April 2022 Town Meeting schedule
Patterson motion approval. Second English Braga. Vote: Yes-5. No-0.
11. Presentation on proposed Sustainability Director position for Town of Falmouth – Falmouth Climate Action Network (FalCAN), Rosemary Dreger Carey

Dreger Carey asking support for warrant article to create a sustainability director position at the April 2022 meeting and ask it be submitted as a Select Board petition. A dedicated experienced professional will allow Falmouth to fully integrate and drive sustainability agenda through the Town's strategic planning, policies, and implementation.

Reviewed steps taken to address sustainability in Falmouth.

They looked at 7 other Towns in MA that have this position. An effective Director would have responsibilities in energy efficiently and energy resiliency; coastal resiliency; policy and bylaws; grant application and management; and community education and engagement. This is a good investment, central leadership, better collaboration, follow through on Coastal Resiliency recommendations, leverage of federal and state funding, financial returns can be as high as 8-12x the director's salary.

Recommend the director report to the Town Manager, start date fiscal year 2023, salary range of \$80-110,000 full time. Salaries in the private sector for this position are much higher.

Asking for the Select Board to call for the creation of this position, budget up to \$120,000 yearly in 2023 budget, immediately begin a formal process to determine how the position will integrate into the Town's structure. Provided a draft of the petition article.

Suso advised the Select Board that the 2023 budget process began in September and is complete. He will have it to them before Christmas, presented the first meeting of January, to the Finance Committee no later than January 15, 2022. In order to substitute full time staff positions, the Select Board will need to adjust your goals, resources are not limited. If the Select Board's priorities have changed since adopting the strategic plan in August 2021, his budget does not reflect that. There are tens of thousands of dollars for the Coastal Resiliency Committee to engage a consultant for some of the analysis looking now. He advocates the Select Board consider expending the funds on a third party analysis for a future year, but not fiscal year 2023.

Patterson feels this position is right on where they have not placed enough priority on this type of position. We need this kind of leadership. Patterson noted these risks are real risks and he challenges Suso to figure out how to bring someone like this on board and help plan into the future.

Scott Price noted since there are the funds that need to be expended, should do some consulting work and will take some time to look at what they should be focusing on. When the sustainability director presented, in the first year she found enough grant money to sustain her position for over a year.

Chair Brown noted the Coastal Resiliency Action Committee had this idea in their report, professional to help to implement this into their process. He would like to adopt this position. We are not participating in the low lying road study the Cape Cod Commission is doing. The return on the investment is important. Availability of time to participate and do the work. He likes idea of using some of the funding, is urgent, the budget is prepared well in advance.

English Braga said the Finance Committee goes over the budget well, better chance of it being successful with full vetting by the Select Board. This is late for the budget process which begins in the summer.

English Braga motion to allocate funds to engage a consultant to help with the next stage of crafting a sustainability/coastal resiliency director. Second Patterson. Vote: Yes-5. No-0.

12. Discuss and Vote 2022 Select Board meeting calendar

Schedule in the packet.

Chair Brown feels may need extra meetings here and there. Start spreading out planning, may need to put in some Saturdays.

MMA Annual Meeting 1/21/22 and 1/22/22.

Scott Price will miss the 1/31/22 meeting. Taylor may participate remotely.

English Braga motion to adopt the meeting calendar for 2022 as laid out. Second Taylor. Vote: Yes-5. No-0.

13. Annual License Renewals

ALL ALCOHOL RESTAURANT

Bear in Boots Burger Bar, 285 Main Street

Grumpy's Pub, 29 Locust Street

La Cucina sul Mare, 237 Main Street

The Cape Club, 125 Falmouth Woods Road

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

ALL ALCOHOL PACKAGE STORE

John's Liquors, 729 Main Street

ALL ALCOHOL CLUB

Falmouth Elks Lodge, 140 Palmer Avenue
Falmouth Yacht Club, 290 Clinton Avenue
Portuguese American Assn. of Falmouth, Inc., 55 Ashumet Road

English Braga abstained from the Portuguese American Association of Falmouth votes.

ALL ALCOHOL INNHOLDER

Falmouth Holiday Inn, 291 Jones Road

WINE AND MALT RESTAURANT

Bangkok Thai Cuisine, 291 Main Street
Steve's Pizzeria, 374 Main Street

FARMER BREWERY

Bad Martha's, 876 East Falmouth Highway

WINE & MALT PACKAGE STORE

Ocean State Job Lot, 50 Teaticket Highway

COMMON VICTUALLER

Bad Martha's, 876 East Falmouth Highway
Patterson noted complaints about noise. English Braga would like to invite them and Shipwrecked to a meeting to discuss the complaints received.

Bear in Boots Burger Bar, 285 Main Street
Coonamesett Farm, 277 Hatchville Road
Dunkin Donuts, 634 Holly Park Road
Dunkin Donuts, 363 East Falmouth Highway
Dunkin Donuts, 1184 Sandwich Road
Dunkin Donuts, 4 Sandwich Road
Dunkin Donuts, 614 Main Street
East Falmouth Subway, LLC, 236 Teaticket Highway
Eat Your Heart Out Café, 587 Main Street
Falmouth Elks Lodge, 140 Palmer Avenue
Falmouth Holiday Inn, 291 Jones Road
Falmouth Yacht Club, 290 Clinton Avenue
Grumpy's Pub, 29 Locust Street
La Cucina sul Mare, 237 Main Street

Moonakis Café, 460 Waquoit Highway
Prime Time House of Pizza, 743 County Road
Steve's Pizzeria, 374 Main Street
Supreme Pizza, 147 Teaticket Highway
The Cape Club, 125 Falmouth Woods Road

ENTERTAINMENT

Bad Martha's, 876 East Falmouth Highway
Coonamesett Farm, 277 Hatchville Road
Falmouth Yacht Club, 290 Clinton Avenue
Grumpy's Pub, 29 Locust Street
La Cucina sul Mare, 237 Main Street
Portuguese American Assn. of Falmouth, Inc., 55 Ashumet Road
The Cape Club, 125 Falmouth Woods Road

SUNDAY ENTERTAINMENT

Bad Martha's, 876 East Falmouth Highway
Coonamesett Farm, 277 Hatchville Road
Falmouth Yacht Club, 290 Clinton Avenue
Grumpy's Pub, 29 Locust Street
La Cucina sul Mare, 237 Main Street
The Cape Club, 125 Falmouth Woods Road

INNHOLDER

Falmouth Holiday Inn, 291 Jones Road

AUTOMATIC AMUSEMENT DEVICES

Falmouth Elks Lodge, 140 Palmer Avenue
Grumpy's Pub, 29 Locust Street

CLASS II USED CARS

Costa's Auto Body, 222 Carriage Shop Road
Falmouth Auto Works, Inc., 151 Worcester Court
Falmouth Motorcar, Inc., 716 Teaticket Highway
Savon Hatem, 561 Thomas Landers Road

VEHICLE FOR HIRE

AA Taxi, 90 Boxberry Hill Road
Falmouth Taxi, 424 East Falmouth Highway

**English Braga motion approval. Second Patterson.
Vote: Yes-05. No-0.**

14. Review and Vote to Approve Minutes of Meetings:

Public Session

November 22, 2021

Patterson motion approval. Second Scott Price. Vote: Yes-4. No-0. Abstain-1 (English Braga)

15. Individual Select Board Members' Reports

Patterson:

Attended the Falmouth Housing Corporation lottery for second set of 10 work force housing units on Gifford Rd.

Enjoyed the Christmas parade.

Chair Brown:

Assembly of Delegates voted to adopt ordinance process for using ARPA funds of \$41 million, still at odds of County Commissioner and they are grant funds.

Taylor:

She would like to review the Charter Review Recommendations more time.

Affirmative Action Committee is struggling, they may revise their mission statement and asking the Select Board for help on that.

Council on Aging the issue of concession stand came up, that continues to be a rub for them given it was agreed on the siting of the Senior Center and that Su Moran and Doug Jones were part of that and it would be removed. Johnson-Staub said there were several meetings and no consensus at those meetings and it was derailed due to covid 19.

16. Town Manager's Report

The Select Board's next meeting is 12/20/21.

Building Commissioner hiring is in process, still interviewing candidates.

English Braga motion adjourn. Second Taylor. Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary