

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, APRIL 25, 2022
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted.

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

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

1. **Chair Brown called the open session to order at 6:45 p.m. and motioned to convene the executive session under M.G.L. c.30A s.21(a)(3) – Review and discuss proposed workers’ compensation settlement for a town employee because to not go into executive session could prejudice ongoing negotiations. Mr. Patterson seconded the motion. It was followed by a roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Ms. English Braga, aye; Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Dr. Taylor, aye.**

2. Pledge of Allegiance

3. Proclamations:

- a. Eagle Scout Max C. April, Boy Scout Troop 40

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

Mr. April led volunteers on a site improvement along Nobska Light. Work completed included fixing a fence, painting another fence, and fixing some steps that go up from the parking area to the lighthouse.

- b. Falmouth Chamber of Commerce 2022 Citizen of the Year – Jay Zavala

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

4. Recognition-none.

5. Announcements

Update on Housing Coordinator position, appointed Kim Fish.

Ms. Fish thanked the Select Board (Board) for the opportunity, loves the community, and is excited to be able to address important community needs.

Ms. Suso acknowledged Republic Services has had a problem with trash pickup for the last week or so. Peter McConarty has spoken with Republic Services, they were down drivers due to illness. They have caught up with the areas they missed last week. Republic Services reports they will be all caught up by Wednesday.

Chair Brown asked if there could be feedback to Republic so that they are more responsive to customers.

Chair Brown said they hoped to have an open house forum with Mayflower Wind (Mayflower), the live meeting will likely not happen, Mayflower scheduled a Zoom forum that same week. They are not available until after May 12.

6. Public Comment

Chair Brown read the Public Comment Policy.

Dianna Mota, Re: 33 Pheasant Lane, noted a lot in her neighborhood was unbuildable, but was still built on it. She and others have been paying to litigate this for years. Ms. Mota would like to see some change. Ms. Mota got a copy of the budget, expressed concern about the Board member payments along with the unfunded positions in Fire Department (FFD) and the Police Department (FPD).

Dave Moriarty, Falmouth resident, asked if any other bids have been accepted for the wind turbines? The Board stated they could not respond to comments during the public comment section and cited the Open Meeting Law.

Mr. Moriarty said that the community would like to have a meeting and requested it be on the agenda in two weeks.

Mr. Moriarty wants a meeting about the Mayflower Wind project and noted it will likely need several meetings.

7. Affirm appointment of Town Planner

Jed Cornock, he has been Asst. Town Planner, Acting Town Planner, and his resume is in the packet and Mr. Suso recommends appointment of Mr. Cornock. Also request waiver of the residency requirement.

Mr. Cornock is pleased to be the next Town Planner, he is looking forward to working with the Planning Department and the public.

Chair Brown motion to affirm the appointment. Second Ms. Scott Price. Vote: Yes-5. No-0.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Suso provided a preliminary summary. Vehicle licenses are in order and the Comcast license is recommended for ratification. FPD Chief Dunne and Sgt. Guthrie will make presentation on procurement of FPD weapons, George Spivey serving temporarily as the DEI Officer up to 25 hours per week. Recommend a maximum of 10,000 runners in the road race. All items on consent agenda are in order and Board support is recommended. Three fee waivers, Joe Q. Veteran Coffee Break is requesting some changes to the space, and it is recommended. The 5/17/22 warrant is recommended for action. Retired Town Counsel Frank Duffy previously recommended settling the title. Support is recommended for the Peterson Farm.

7:30 p.m. PUBLIC HEARINGS

1. Wetlands/Dock – George Botelho, Jr. – Application for Special Permit to replace existing floating dock with a fixed dock in the same footprint in the waters of Flax Pond located at 22 Flax Pond Road

Ms. English Braga read the hearing notice.

Mike Borselli, Falmouth Engineering, representing the applicant. Water frontage on Flax Pond, a fresh pond. This is a seasonal floating dock at this property for decades and the applicant would like to reconstruct the floating dock and licensing through Waterways. Application is to make it a permanent fixed structure with no floats. The Conservation Commission issued an Order of Conditions. Reviewed the plan via screen.

Public Comment: none.

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

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

2. Wetlands/Dock – Andrew Goldman – Application for Special Permit to construct a fixed pier with a 4' walkway and a 6'x16' float in the waters of Green Pond located at 60 Pheasant Lane **(15 minutes)**

Ms. English Braga read the hearing notice.

Mike Borselli, Falmouth Engineering, representing the applicant. Both abutters have docks. Reviewed the design and plan, survey of the waterfront was conducted. They did a layout of where the dock location made the most sense, so it has no impact on neighboring docks. Shared the design with the Harbor Master, who had no issues with understanding there is an existing mooring that the applicant will no longer have access to moor a boat. The Conservation Commission issued an Order of Conditions. The dock is fixed until the end, shellfish survey revealed no significant density of shellfish. This meets all environmental requirements.

Public Comment: none.

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

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

3. Vote to Adopt Amended Order of Betterment Assessment for the Little Pond Sewer Service Area (Kendall Lane)

Ms. English Braga read the hearing notice.

Mr. Suso noted this was brought forward by Retired Town Counsel Frank Duffy. Mr. Johnson-Staub explained if you look at the amount, lays out \$76,147 total unpaid, that amount is divided by the 28 lots, so each lot is assessed \$2,719.

Dianna Mota asked what this was about. Chair Brown explained that this property had 7 lots, now it is an affordable housing development and has 28 lots. Each homeowner will have to pay a betterment balance of \$2,719.

Marc Finneran feels there is some inequity, this is a 40B, so 75% are market rate, why should the market rate units only pay about \$2,000? The market rate units should be assessed at the full amount due, not the amount also due on the affordable units.

Atty. Laura Moynihan explained that at the time of the comprehensive permit, there was a legal ruling on the betterment, the same question Mr. Finneran asked came up back then. There was a legal opinion that based on the statute there was not any right to do anything other than divide the 7 lots already assessed by the additional lots. It was expected to be approved, the betterment for the affordable lots that will be paid upon sale of each unit.

Mr. Finneran said that it is not equitable, is unfair and unjust. He objects to this and believes it may be in violation of the 14th amendment. There is no reason for the Town to give up this income and they are purchasing market rate units.

Mr. Suso will consult with Town Counsel and follow up with the Board.

Mr. Patterson noted this development in process for 8 years, the betterment was assessed through the property with understanding 7 units could be developed. The cost of the sewer has been paid for, now there will be 28 units, local zoning does not apply anymore, that is why it turned out the way it did.

Jerry Potamis, commented that he recalled that when a betterment is done, each lot should be assessed the same way. The Board should check with the Assessor's Office about the ability to unequally apply betterments to the singular properties there. Simple math is likely in accordance with the assessment law.

Atty. Moynihan, explained it is the balance of what is owed on the betterment. She has an email from Trish Favulli to her client where Ms. Favulli does the breakdown of the apportionment where she says \$79,000 is owing. It is unknown when the ruling was given by the Town Counsel, she understands the issue was looked at. If the Board is inclined to get that opinion, she asks for continuance to a date certain.

Mr. Finneran noted Frank Duffy gave an opinion, he is not a judge and incapable of giving a ruling. Giving the market rate units a break is not equitable.

Mr. Patterson motion, in agreement with the applicant, to continue this item to Monday May 9, 2022. Second Ms. English Braga. Vote: Yes-5. No-0.

Town Counsel understands much work has been put into this question, two weeks should be sufficient to review.

4. Application for a New Wine, Malt and Cordials Common Victualler License – Mike Bullard Concierge Services, Inc. d/b/a Doggz & Hoggz located at 781 Main Street, Falmouth

Hearing notice read by Ms. Scott Price.

Mr. Bullard is looking to renew, they let it go because of the pandemic, now they want to put the product back on.

Public comment: none.

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

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

5. Application for an Amendment to a Bowling Alley License – Town Hall Partners d/b/a Timber located at 23 Town Hall Square, Falmouth

Ms. English Braga read the hearing notice.

The notification was not properly noticed for tonight, it was published with a hearing date of May 9, 2022. The applicant was informed the hearing will be May 9, 2022.

The applicant explained that the amendment is wanted because the bowling alley license originally listed the number of lanes as ten, however there are twelve lanes.

BUSINESS

1. Comcast cable license ratification

Michael Eder, Chair Cable Advisory Committee, reviewed membership. The committee has two primary activities, once every ten years they get involved in granting a new license to the cable provider, reviewed other licenses for other towns, had an ascertainment hearing, reviewed the current license, act as liaison when there are any kind of issues, about 12-14 people contacted him, most service issues were resolved, including provider and pricing. They had some people come to them with internet issues as well. Subscribership is dropping. Revenues are remaining flat, as they are able to sell more services for infrastructure, fees for certain channels are charged. There has been about a ten percent drop in subscribers since 2017. The Town gets about \$1 million a year revenue in Public, Educational, and Governmental (PEG) fees, that is the majority of funding for FCTV. Comcast is in the mobile network business, they cannot just disappear and not have a convenient office for customers to go to.

The main points of Falmouth's contract with Comcast were reviewed, including ten year non-exclusive license, three PEG channels-one with high definition, the local office will remain in Falmouth through at least 2025. It could take up to three years to get high definition. The PEG channels are streaming now, there will be a new playback system to increase capacity of viewers able to watch at the same time. Government meetings are accessible on the FCTV website and can be watched anytime.

Jennifer Mullen, Falmouth Finance Director, explained Comcast is not agreeing to keeping an office in Town, we are fortunate we could get it until 2025. It may be there longer, they wanted some flexibility. The language used on this item in the contract is based on federal language.

Public Comment:

Marc Finneran, he will get an HD antenna and has friends who have them. When he had Comcast, much of the time he watched FCTV. He would like it if the FCTV signal could be put over the air so that antennas can be picked up locally.

Ms. Scott Price read the following as a motion: I hereby move that the Board, as cable television license Issuing Authority, vote as follows:

To grant the subject Cable Television Renewal License, with a License renewal term of April 1, 2022 – March 31, 2032, to Comcast Cable Communications Management, LLC. (“Comcast”). All terms and conditions contained in the Renewal License have been agreed to by Comcast. Comcast, by and through its authorized representative, shall execute this Renewal License (Agreement) as set out on the Signature Page of the Renewal License. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. Scott Price motion to recognize and acknowledge the Senior Citizen Discount letter from Comcast, dated April 11, 2022 and signed by Comcast’s Senior Manager of Government & Regulatory Affairs, Michael Galla. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Status update on procurement of Police Department weapons

FPD Chief Dunne updating the Board on firearms proposals.

Sgt. Guthrie is the manager of the firearms department. According to Sgt. Guthrie, they accepted three bids, reviewed the bids, and chose the best deal for the Town. They got a bid from a manufacturer, but it did not include taking the old weapons in trade, the other two bids included the weapons taken in trade. Powderhorn Outfitters bid was accepted, the new weapons need to be purchased and officers will need to train on the new ones before transitioning to the new weapons. The guns are on order and chose Windham Weaponry, customized to accommodate right and left hand shooters.

Chair Brown asked about the manufacturer not taking them back. Would it be advantageous to not have the trade in, procurement law says if they are over \$10,000 value they cannot be destroyed. How do you come to that value? Procurement law says fair market value.

Fair market value: The dealer offered trade in values of \$500 each for colt rifles and \$750 for short barrel rifles, total trade in value of \$11,175. The new rifles cost \$30,000, trade is \$11,175, total out of pocket cost to purchase is \$19,100, far less than what was anticipated when they originally did the pricing.

Chair Brown said that he reached out to a national representative at Colt, he gave costs of their values. Colts are a higher value, Sgt. Guthrie talked to Colt, the accessories that go with the weapons is separate. He got a Colt quote when they went to Town Meeting, went to [Officestore.com/Interstate tactical](https://www.officestore.com/interstate-tactical). What will Powderhorn do with the trade ins? Sgt. Guthrie said that is up to Powderhorn. Ms. English Braga said that is the crux of the question brought to this Board. The guns will likely be sold to a manufacturer, maybe to individual police officers who want to buy them.

Public Comment:

Richard Duby said the main question is the value of the weapons, but the need to aggregate. MA Inspector General’s Office (IG) is stating the individual items need to be valued, there is no allocation for trade ins. You cannot offer trade-ins unless it is less than \$10,000 in value and the local jurisdiction specifies trade ins are acceptable. What he is suggesting is that these weapons will eventually end up in private hands, many have 10,000 rounds or more on them. Falmouth is selling itself short, not following the IG guidelines or 30B guidelines and selling weapons that could end up in the public’s hands. Any member of law enforcement can legally purchase these weapons. The board needs to establish guidelines to dispose of these. Until that is done, he does not see how they can allow a trade in.

Mr. Suso suggested Town Counsel research the issue and report back to the Board.

Mr. Johnson-Staub said that he has been working with Ch. 30B and trained by the IG, it is bid splitting to take like items and treat them as separate items. Trade ins, if value of trade in is less than \$10,000 then you can include a quote process and sealed bid.

The purchase had already been made with the vendor.

Marc Finneran noted that State law allows for trade in value.

Mr. Duby noted there is no bid splitting involved here. Chair Brown said that there were a number of weapons, Mr. Johnson-Staub noted in this instance buying weapons and that is one procurement on the purchasing side, then a trade is legally allowed.

Ms. English Braga suggested requesting a written opinion from the Inspector General so that everyone knows the answer to the following questions: 1. Aggregate v. separate value and 2. Trade in, fair market, and including it.

Sgt. Guthrie can continue conversation with Powderhorn, he will find out if they can sell the weapons back to retired or current law enforcement. Chief Dunne said that officers are asked if they want to purchase their weapon when transitioned to new weapons.

Barbara Schneider, Precinct 4, Town Meeting Member, her takeaway at Town Meeting was that they were voting to allow this purchase not tying in the trade in, and there was a strong message on the floor that they all hoped the right thing would be done to secure the weapons, so they do not get into the wrong hands.

Tom Stone, Old Campus Drive, these are deadly weapons being traded in, they will get into the general population and there is a chance that they will wind up with an organization like Interstate Arms. This is an unusual case and Falmouth could take leadership in this area.

Mark Horn, Jones Road, said these weapons are nearly identical to what he can and has legally purchased in this State, the second amendment and state law allow citizens to be able to legally purchase.

3. Discussion of Diversity Equity and Inclusion Officer position

Mr. Suso noted in the packet was a notice that Superintendent Deurr and Mr. Suso had signed regarding George Spivey serving as DEI officer, working up to 25 hours, and reporting back to Mr. Suso and Superintendent Deurr. The Board will discuss their desire to proceed with this position. They could explore a part time position on the Town side. What if the Board supported a full time position, but in the interim only have funding for part time position.

Ms. English Braga noted the position does not exist as it is currently being filled, the position was created by Town Meeting, if it changes it will need to be reflected in the budget, it needs to be overhauled if they hire a full time individual for the Town side of things. In the meantime, they have someone working part time on the Town side.

Dr. Taylor's concern is that the position is important, what do we do in the meantime. The Town still has funding for a full time position, need to think about what the Town will do moving forward. The Board can hire as part time. Chair Brown wants to see if there is any interest in the part time position. Mr. Spivey is assisting the School Department and the Town. The Board wants a plan going forward, it could get an opportunity to onboard and work with someone who knows the Town well and has done this job.

Dianna Mota commented it is a vacant, but funded position.

Sandy Faiman-Silva, Precinct 2, original maker of the motion that created this position, she is pleased the Board is willing to potentially continue the half time position until Town Meeting and then support a full time position. There is language to what that position would be doing, and she is willing to assist in helping them and hopes that the salary structure of that position is executive level.

Debo Aruban (phonetic) supports this position being funded, full time, and someone in the position during the transition. She asked what George Spivey's role is and what is he doing for the Town side.

Mr. Suso will have George speak to the Board about his activities in his current position at a future Board meeting.

4. Discuss and vote Falmouth Road Race, Inc. appeal of the decision of the Town Manager regarding the number of participants for the Falmouth Road Race special event

Scott Ghelfi, President of the Board of Directors for the Falmouth Road Race read from a written statement. Set up a grant process, scholarship committee, \$4.3 million and proud of what they have accomplished as community partners. Made commitment of health and safety to the runners. Added medical staff, Cape Cod Healthcare is a sponsor, reviewed the actions taken to ensure accessibility to medical services during the Road Race. Public Safety, they put on a safe race with assistance by the FPD and FFD. Reduction in field size will cost \$300,000 that will not go back to the community, they will not have Falmouth citizens able to run the 50th race. Emergency services are short staffed, they have looked into supplementing FPD with additional resources to help satisfy public safety concerns and so that FPD will be available to answer calls for service not related to the road race. Falmouth residents may run unregistered anyway, could lead to problems. As a team with Falmouth they have properly planned, have a unified command center, along with collaboration between the race and the community.

Chair Brown asked if Mr. Ghelfi has concern getting everyone into Woods Hole on the day of the race? Mr. Ghelfi has been at the start, all are into Woods Hole on time, they are working on transportation plan, working with FPD, understands it needs to be more efficient, but they can transport that amount of people into Woods Hole. 12-15% of registered runners may not show up on race day.

Kira Grant Edwards, Precinct 1, she read the Enterprise Cover Friday and is present on behalf of the 2,500 Falmouth residents who won't be able to run it this year, she has run when she could the last 25 years. This is one thing that keeps them healthy, this race motivates many to stay in shape all year. She is appealing to the Board for the 2,500 Falmouth residents who will be, for the first time, not able to run this road race. Most do not realize they will not have the opportunity this year. She urged the Board to overturn this.

Chair Brown asked to hear from FPD Chiefs responsible for public safety. Captain Reid present as well. Chief Dunne said the FPD has a good working relationship with the road race, it has been around 12,800 runners, is a Thursday-Sunday event for the FPD, gone into hoping nothing bad happens. They are already hosting the largest event of the year-summer in Falmouth. Huge traffic gridlocks have prevented the FPD from responding to calls in Woods Hole, Falmouth Heights, and Main Street. Then Covid in 2020, 2021, the race ran 8,000 runners, it was manageable, and they were able to manage the race and Town to keep everyone safe. The Boston Marathon has 3,000 police officers, 25,000 runners. Falmouth is hosting half of that and not going through other towns. For years there are issues to get everyone there on time, traffic causes buses to drop runners off so they can walk to the start. This year when the Road race submitted application, it was for 15,000 runners, a band, and beer garden on the field. First aware of that when they submitted their application in February 2022. Last year was 8,000 runners, because of the 50th anniversary, they figure they can do 10,000 safely. This year a big summer is expected, the FPD has 44 officers scheduled to work right now, down to 42 in July due to retirements. They reach out to other departments every year. Last year they were able to get the roads open 2.5 hours earlier than in past years. Last year they still did not get everyone out of the bus lanes when they were supposed to, had an incident there. Provided the number of officers from other departments to assist FPD. All police departments and law enforcement are shorthanded. Problem with the Sheriff's Office is that they are not properly certified, they cannot be on the street doing police work. If he did not make it mandatory to show up to work that day, they would not have any officers. He would embrace civilian flaggers where he does not really need a police officer but would not increase the number of runners. This is a limit that will be used hereafter. He cannot control the growth of this Town, since 2011 this Town has grown drastically. 12,800 was probably doable, however with the growth of the Town, that may not be.

Captain Reid said that they are not opposed to increasing the field size in the future, have to figure out how to get 10,000 people down to Woods Hole, once they can do that without a hiccup, they can consider increasing the number.

Ms. Scott Price asked how many officers the Chief would want in Town to make him more comfortable with a larger field of runners. Chief Dunne said 100-150 officers because there are 44 square miles, they have to promote public safety.

Capt. Reid said that the population has grown over the years, the geography has not, the capacity of Woods Hole, does not support 12,800 people fitting in there.

Mr. Finneran, 98 Grand Ave., suggested staggering the start may be an acceptable compromise? Elites run and then stretch the field out a little bit. He recalls they always had a band and gathering at the ball field. This is a well-known road race, to curtail it without a reasonable compromise would be unfortunate.

Juliane Augusta, Road Race Board of Directors, the Road Race benefits the Town. For over a decade, 12,800 runners have participated. She reviewed the incidents FPD responded to over the summer; five weekends the least amount of calls were during road race. They had no idea their number was going to be limited, asked Falmouth to hold the race to benefit the Town, all from Falmouth with exception of 250 people will not be able to run.

Ms. English Braga noted this happened when we first had Covid and needed to make changes to the road race. A proposal for 15,000 people was not accepted, another number was accepted, every event proposed by any organization goes through the same process.

Chief Dunne said he meets with organizations about different events throughout the year, previous conversations with Bob Antonucci and Mr. Ghelfi, they said they start planning the day after the road race. FPD had no idea they wanted 15,000 runners, alcohol on the field, and a band. The call numbers will be provided by the Communication Director, the numbers for public safety as a whole. FPD is a reactive department, they cannot do proactively policing because there are not enough personnel at this time.

Communication Director Chris Campbell, he is also on Special Events Committee, he looked at overall incident numbers over the last five years the weekend of the road race, they looked at what days were most impacted, Thursday through Sunday. When looking at the race itself, that is one incident, there may be multiple layers. He provided the calls for service logged for the FPD and FFD. He does monthly reports and submits to both Chiefs regarding call volumes.

Ms. English Braga asked Mr. Ghelfi, is there a date they have to tell them by for Covid deferments.

Mr. Ghelfi said they are up to 3,000 registered, firm number will be had by Saturday. The bids are assigned to charities. They submitted their application on February 24 to the Special Events Committee as they do yearly, he will have more communication with the staff in the fall. They have not done anything different than they have in previous years.

Ms. Scott Price noted concern Falmouth runners will not be able to run. Take 6,000 deferments who were guaranteed a slot, then 3,500 charity numbers already sold in November, then 500 to sponsors, that is why they are at that limit. 250 of those 6,000 deferments are Falmouth residents. He has considered other times of the year, they are part of a national road race schedule, many volunteers are college students, summer residents. They review internally and include FFD and FPD.

FFD Chief Smith has volunteered for the road race and worked on shift, he has a great working relationship with the road race organization. FFD has a different relationship than the FPD, they have been involved in medical care. They see varying incidents that begin soon after the race begins, but more so to the heights, if the FFD did not have a good relationship with the medical field the FFD would be overwhelmed. They set up a command post and adjacent vehicle as emergency operations center. He has seen how active it is for the FPD, he is fortunate there are a talented group of professionals who try to get together and plan accordingly. The FFD gets together with medical staff and have post incident analysis and talk about what they saw in the tents and work on it, the activity the FPD deals with, their staffing is different than the FFD. He looks for personnel to work, whatever is asked of them they will endeavor to make it work and maintain safety.

Carl Cavossa stated there were 12,800 runners permitted from the committee, they were allowed that many. The race was already moved, with Board before this one, they didn't want to move the race, they need volunteers; it was moved back one week.

Barbara Schneider appreciates the FPD, she has received awards from the road race, if we made it through the years of the casino nights after the road race she is sure they can make it through 12,800 runners. She has been involved with every road race since the 1970's. The process is flawed, we are now where we are hurting Falmouth people, if they end up at 10,000 and only 500 elite runners and lottery system, there will be so many problems from those not legally running the race. She quit smoking and started running after watching her first road race. Everyone has worked together so well, the timing is flawed, have the race this year as it should be and work from day 1 to figure out the right size going forward and how it will work.

Chief Dunne stated if the Board increases over the number they can handle, safety is compromised. It used to be a detail, he cannot pay the detail rate, if he orders staff to work he has to pay overtime. He will be asking all towns from the Cape, State Police, and the Sheriff's Department for assistance. The FPD does not search bags, it is up to the event security to search bags. The ballfield is secure, much goes into keeping people safe in Woods Hole and the Heights.

Jim Pricek, stated moving to another season would be a challenge, already have the October marathon event. Communication timeline, there is a breakdown and with an event with time horizon of planning this one has, apps and discussions may be better in the fall. The lower number of participants the Town was going to require would have been better communicated to the Road race organizers. Local runners are not impacting the overall load of the Town during the weekend. There are other events; the fireworks brings about 75-100,000 people into Town. The runners prerace are not creating a ruckus or doing anything else. The cost this year of dropping back to 10,000 runners will have a huge cost when perhaps there are other alternatives to address the day of the race.

Mike Burton, runner/resident/business owner, has been involved in road race since about 1974. There are over 2,000 volunteers. This needs to be included, it is a great volunteer group doing things behind the scenes and there may be a way to work this out. At the end of the race why did the safety personnel not bring it up then that they will have an issue next year. He would like the number to remain at 12,800.

Greg Parkinson, 12 Old Silver Lane, he is among the running families in Falmouth. They have benefited, volunteered, children benefited, and the schools benefited. The last two years have been difficult, this is a year when people are looking to try to get back something. The road race is good for the medical health of the community and better for the mental health of the community when we are trying to rebound and need something to look forward to; many who plan summers around the road race weekend will deal a significant blow to their mental health. The people of Falmouth will be blindsided by this. Comparison made to the marathon, but Falmouth's road race puts us in an elite Boston type class. Do we want to put the burdens on the police shortage on the back of the event that puts our Town in great light year round. If there needs to be a postmortem the day after this year's race, than that can be done, but to do that on the 50th race with limited locals running seems poor timing.

Debora Rogers, stated that we are balancing public health and safety, commended Town leadership for their work. In the 50 years of the Falmouth Road Race, the impact has been transformational. She has partnered with the race for twenty years, the result of the community partnership maintained safety while growing the road race to the important event.

Troy Clarkson learned of this discussion, and he is a supporter and played many roles in this race over 50 years. This began as a community event, fifty years later it is still that community event, though growing by so many participants. Our public safety agencies have proven they are capable and up to the task of handling a race at a larger number; the challenge in the law enforcement community cannot be denied, but we cannot let those challenges lead to the loss of benefits to the community. He would like to help find a way to make the numbers work for this year's race.

Tracy Crago, Precinct 1, supports restoring the number of runners to 12,800; she Executive Director of the Falmouth VIPS and race volunteer. VIPS has been on the receiving end of financial assistance from the race. Benefited children in mentoring, health and wellness, and new pathways program for students at risk of dropping out. The race organizers think of everything, and the volunteers make it happen. The road race has event and volunteer management down to a science.

If the number is not restored, the only people being excluded are the 2,500 Falmouth residents already here.

Sandra Cuny, Precinct 2, Chair of the Recreation Committee. The Recreation Committee is in total support of keeping the number of runners at 12,800 at least for this year. It is difficult to have this at the last minute. The road race has been beneficial to the Town and organizations.

Mark Horn, has run the road race, every week in the paper the FPD dealing with substance and mental health issues; putting residents at odds with wanting to be law abiding citizens with running for this race.

Marc Finneran, 98 Grande Ave., probably could not find a more law abiding demographic than the people that participate in this road race. Supports keeping the number of runners at 12,800.

Chair Brown would like to not vote this tonight, would more volunteers come, could Mr. Ghelfi tell the Board the results of the deferral registration. Chief Dunne said at 44 officers, he does not feel it is a wise public safety choice.

Mr. Patterson would like more time to see if there is a way to supplement the FPD, staffing shortage and we should see if there is a way to supplement that.

Mr. Ghelfi asked if increasing the field by just Falmouth runners, is that less of a strain than having just a normal 12,800 field. They could open it up to Falmouth resident registration, the remaining 2,500 runners would be for Falmouth to register.

Ms. English Braga does not see how she could go for 12,800 from just hearing from the FPD Chief, she would like to see how many spots there are left and see if there is something that can be done to help cap it to just Falmouth folks. She does not see how they can approve 12,800 this year. She is willing to delay to the next meeting on 5/9/22. About 2,500-3,000 Falmouth residents run the race. Dr. Taylor agrees with this approach. Chief Dunne will not be able to guarantee public safety, however she hates to block out Falmouth runners. She is willing to delay and look at it further. Ms. English Braga asked after Saturday, the Road race organizers, Chief Dunne, and a Board member get together to have some dialogue and feedback.

Mr. Johnson-Staub commented that there may be a lot of folks interested in the road race less familiar with the FPD staffing situation; FPD has budgeted 62 positions year round, but have an acute issue not seen before which relates to a combination of issues. Right now, 44 officers are available to work, it is not a money issue, we have the positions but cannot fill them despite everyone's work. They will seek out folks from other law enforcement agencies to volunteer for the detail.

Chief Dunne said that they could ask for those willing to fill the detail, then at the last minute they do not show up. There is no way to lock officers' from other agencies commitment to work.

Mr. Ghelfi has tried to take as much time as they could, the road is shut down for an hour, stagger the field and traffic backs up from Church St. to Quisset Ave.

Mr. Cavossa said if they provided 60 personnel, retired agents, security, direct traffic, does that help the FPD Officers police the rest of the community.

Marc Finneran noted biggest concern appears to be the traffic to Woods Hole, maybe the Quickwater and folks with private boats transporting into Woods Hole.

Chief Dunne said that since 9/11/01, private boats are not allowed into Woods Hole.

Ms. Schneider said she organized and chaperoned 25 proms with 500-750 each, never a night that they felt they could assure all were going to be okay. Did the best they could to give the kids a great event and felt it was important. No one can guarantee safety, but we can do our best.

5. Request for Variance to Sign Code – The Yoga Collaborative – 580B North Falmouth Highway

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

Ms. English Braga asked if any folks present for consent agenda, under consent agenda usually means the Board will vote it without you present.

6. Town Manager Summary Evaluation

Chair Brown read the summary evaluation in the packet, including maintaining a AAA bond rating, progress made on projects on time and on/under budget. The Board is concerned about personnel management considering the loss of Town employees. No information from employee evaluations and exit interviews. The Board would like regular updates without the Board asking for that information. This is not conducive to getting important work done.

The Board believes this is an accurate summary from the information they provided to Dr. Taylor.

Mr. Suso provided a document to the Board and read the following statement into the record:
"I thank members of the Board for the Annual Performance Evaluation process. I do disagree with the general conclusions and predominate negative tone which appears in the performance summary. I will be responding formally to the items noted in this summary at your next regular business meeting on Monday, May 9. I now offer these significant updates.

There were four formal, specific Goals set by the Select Board and affirmed with the new, unanimously approved three-year Employment Agreement on March 22, 2021. These four goals were:

- 1. Wind Turbine Disposition*
- 2. On-Line Permitting*
- 3. Secure Owner's Project Manager, Design Architect, and Site Plan Approval for new Sandwich Road Fire Station*
- 4. Develop and implement a performance evaluation system for Major Department Heads*

The timing of the Board's evaluation of progress on these four goals was such that the evaluation occurred two months prior to the completion of the normal twelve month annual period. I am pleased to confirm that 3 of the 4 goals (numbers 2, 3, and 4) have been fully accomplished. On-Line Permitting has now been in place and functioning to serve the public in the Building Department for the past few months. The proposed Sandwich Road Fire Station is moving forward well, with the Owner's Project Manager, the Design Architect, and approval of the site all in place. Earlier this month, Town Meeting voted overwhelmingly to appropriate the requested \$10 million in funding to allow bidding and construction to proceed subject to the planned debt exclusion on the May 17 Municipal ballot. The performance evaluation system for Major Department Heads was developed and implemented to full completion in 2021 with multiple meetings being held with all involved personnel. Regarding the Wind Turbines, formal written bids for final disposition have now been received and are being evaluated by the engineering consultant and outside counsel for a pending award to bring this project to implementation and completion. Negotiations have been conducted with the Massachusetts Clean Water Trust to relieve the Town of its remaining financial obligation for the federal ARRA grant which funded Wind 2.

Having successfully achieved each of these agreed-upon goals, it is puzzling that some members rated me as "needing improvement" in that area, but I will provide a comprehensive response to all aspects of the review at your next regular meeting.

I have 2 ½ years remaining on my existing Employment Agreement with the Select Board, having served as Town Manager for eleven years. I fully intend to complete that remaining term. As has been the case over my eleven-year tenure, I will continue to strive to provide the best possible service to the Select Board and the Town. I have and will continue to take very seriously any and all constructive criticism of my performance."

Ms. Scott Price asked when the evaluation is done with the rubric and had what the Town Manager sent beforehand. When the evaluation is done, do Board members only consider the four goals that are brought before the Board or keep that in mind as also going through the other factors listed. Dr. Taylor said all is considered in evaluating the Town Manager.

Ms. English Braga motion to make the summary evaluation part of the record and include Mr. Suso's comments. Second Mr. Patterson. Vote: Yes-5. No-0.

CONSENT AGENDA

1. Licenses
 - a. Approve application for a Change of Manager of a Seasonal All Alcoholic Club License – Seacoast Shores Association, Inc. located at 7 Farview Lane, East Falmouth

Marissa Vizier, Manager, she acknowledged being responsible for alcohol service.
 - b. Approve application for a Special One-Day Liquor License – Barnstable County Agricultural Society – Barnstable County Fair – Cape Cod Fairgrounds – Monday, 7/18/22 – Sunday, 7/24/22

- c. Approve application for Sunday Entertainment License – Barnstable County Agricultural Society – Barnstable County Fair – Cape Cod Fairgrounds – Sunday, 7/24/22
- d. Approve application for a Special One-Day Wine & Malt Beverages License – Mayflower Brewing Company – May Day Festival – Coonamessett Farm – 277 Hatchville Road, East Falmouth – Sunday, 5/1/22
- e. Approve application for two Special One-Day Wine & Malt Beverages Licenses – Fresh Pond Holy Ghost Society – 408 Carriage Shop Road, East Falmouth – Sunday, 6/5/22 and Saturday, 8/20/22
- f. Approve application for a Special One-Day Wine & Malt Liquor License – Crooked Coast – Coast Fest – Bandsell/Marina Park – Saturday, 8/6/22
- g. Approve application for a Sunday Entertainment License – Portuguese American Assoc. of Falmouth, Inc., 55 Ashumet Road, Hatchville

2. Administrative Orders

- a. Approve request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach
- b. Approve request from Falmouth Farmers Market, Inc. for a waiver/reduction of the special event permit fee for the Falmouth Farmers Market at Marina Park
- c. Approve request from Falmouth Rotary Club for a waiver/reduction of the special event permit fee for the Rotary Club Craft Fair at Marina Park
- d. Vote to Approve Request for Exemption under G.L. c. 268A, § 20(d), Disclosure by Special Municipal Employee of Financial Interest, from the Conflict of Interest Law – Gerald Potamis, Zoning Board of Appeals

According to Mr. Potamis under advisory if you are an abutter within 250 feet and notified, you can recuse yourself for potential conflict of interest or file a full disclosure, he filed disclosure, has no financial interest or family interest in those properties.

Mr. Finneran if that is there, it is there for a reason. 250 ft in a Town of 44 square miles, he does not think that restriction is inordinate.

- e. Naming request to consider naming the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katharine Lee Bates Rd. as the Kevin Lynch Connector and to place a sign or plaque in his honor
- f. Naming request to consider naming the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the Bob Fitzpatrick Connector and to place a sign or plaque in his honor
- g. Vote to authorize the Town Manager to grant written consent to Joe Q Veteran Coffee Break to perform renovations to the building at 300 Dillingham Ave. subject to applicable procurement requirements and building permit approval
- h. Approve Grant of License to Earl W. Davis to maintain a stone wall and garden in front of the home and to the east of the gravel driveway at 14 Dillingham Avenue
- i. Vote to Approve Warrant for Annual Town Election on May 17, 2022
- j. Vote and execute Release and Discharge of Lien – 630 Waquoit Highway
- k. Vote and execute amendment to the Peterson Farm Service Agreement, pursuant to the vote of November 2021 Town Meeting.

3. Approve 2022 Seasonal/Annual License Renewals:

LODGING HOUSE LICENSE

Heights House, 25 Harbor Avenue

Inn on the Sound, 313 Grand Avenue

The Captain's Manor Inn, 27 West Main Street

SECOND-HAND DEALER LICENSE

Hand in Hand Thrift Shop, 141 Sandwich Road

Hannoush Jewelers, 352 Main Street

BOWLING ALLEY/POOL TABLE LICENSE

AMVETS, 336 Palmer Avenue

Trade Center Bowl, 89 Spring Bars Road

Ms. English Braga motion approval of the consent agenda license items a through g as printed. Second Dr. Taylor. Vote: Yes-5. No-0.

Ms. English Braga motion approval of administrative order items a through k. Second Dr. Taylor. Vote: Yes-5. No-0.

Ms. English Braga read Item 3 as a motion. Second Mr. Patterson. Vote: Yes-5. No-0.

4. Review and Vote to Approve Minutes of Meetings

a. Public Session: March 14, 2022

Mr. Patterson motion approval as edited and release for public access. Second Ms. Scott Price. Vote: Yes-5. No-0.

b. Executive Session: April 11, 2022 (#1 and #2)

Session 1

Mr. Patterson motion approval and not release for public access. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1. (Dr. Taylor)

Session 2

Mr. Patterson motion approval and release for public access. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1. (Dr. Taylor)

TOWN MANAGER'S SUPPLEMENTAL REPORT

The next regular business meeting will be 5/9/22, annual Town election will be on 5/17/22

SELECT BOARD REPORTS

Ms. Scott Price:

Attended inaugural meeting of the MA Black Law Makers Round Table, it was awesome, about 30 law makers present including Representative Ayanna Pressley. They discussed issues important to towns and wanting open communication among them throughout the state.

Chair Brown was invited to join the nomination committee for the Cape and Islands Municipal Leaders Association.

The Board received a report from Daniel Gessen and noted good report from Daniel Gessen regarding his participation in the County Assembly.

DISCUSSION OF FUTURE AGENDA ITEMS-none.

Ms. English Braga motion to adjourn at approximately 11pm. Second Ms. Scott Price. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary