

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JUNE 27, 2022 – 7:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. At the discretion of the Chair, agenda items may be taken out of order.

Select Board Present: Nancy Robbins Taylor, Chair; Onjalé Scott Price, Vice Chair; Sam Patterson; Edwin (Scott) P. Zylinski; Douglas C. Brown.

Staff Present: Peter Johnson-Staub, Acting Town Manager.

1. Call to order by Chair Taylor at 7 p.m.
2. Pledge of Allegiance
3. Recognition

Chair Taylor recognized the passing of Paul Glenn, who served on boards, was the Chair Community Preservation Committee, and gave a lot back to the Town. She sent her condolences to his family on his passing.

4. Announcements

Chair Taylor read a statement in the packet regarding the Disposition of Surplus Firearms.

5. Public Comment

Loretta Garrison, commented on the Town betterment to take private roads. Residents decided they did not want to own the roads, there were 31 private roads on the taking list in 2019, still 31 today. Asked to increase the size of the betterment fund and ensure the DPW has personnel available to handle the betterments. Residents fully finance the improvement of the roads, repaid through taxing process. The Town does not pay for portion of land adjacent to the roads it owns, the Town's share is paid for by residents.

Jack Ridder, Edgewater Drive West, sent an email to the Select Board requesting to review the issue regarding water on his road that was flowing away from the road. It is a private road. Spring 2021 there were changes to neighbors topography, driveways, patio, and now when it rains they have calf high deep water on the road and onto this driveway. Another neighbor's garage floods. Mr. Ridder went to the DPW in November 2021, they looked at the issue and cited 104 and 108 Edgewater Drive West was in violation based on what they have done. In March 2022 a letter issued stating that they no longer in violation. He asked they be cited for all the things he mentioned in the email. He would like to review this with the Select Board.

Steven Cohen, 597 West Falmouth Highway, representing West Falmouth residents and stated they are concerned about that West Falmouth does not have adequate fire and emergency service resources. He read an email he sent to the Town Manager and Select Board Chair. He noted a reduction in daytime weekend coverage of the West Falmouth Fire Station. Death of resident on 6//22 who suffered a fatality when the station was closed and another on the bike trail when the facility was closed. Survivability of cardiac events relies on timely response of EMS. He heard a rumor that there will be limited or no lifeguards at Chappy Beach, limited intervention available for life-threatening events. He requested a review of why the station was not staffed and why the assigned vehicle was not in the back lot. There were four firefighters stationed in the North Falmouth Station, two would have been available in West Falmouth if it had been able to be staffed.

Maureen Harlow Hawkes, 9 Old Dock Rd., continued reading the statement begun by Mr. Cohen.

Erin Perry, Deputy Director of the Cape Cod Commission, reported the One Cape Summit held August 1-2, 2022 will be held in person. Housing, climate impacts, freshwater resources, and other issues. Partnering

with Municipal Leaders Association to host August breakfast meeting. Invited the Select Board to participate and reported sending invites previously.

Maureen Harlow Hawkes noted that this weekend Falmouth PD and others donated vehicles for the Touch a Truck event at Falmouth High School. They did a great job.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub reviewed his report in the packet.

No concerns on the transfer of license.

Shiverick's café no issues raised from staff.

COMMITTEE INTERVIEWS

1. Interview and vote to reappoint committee member
Historical Commission – Lee Drescher
Mr. Patterson made a motion to appoint Lee Drescher to an alternate member position with a term ending 6/30/25. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.
2. Vote committee reappointments
Mr. Patterson made a motion to approve the committee reappointments in the packet. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

7:30 pm PUBLIC HEARINGS

1. Wetlands/Dock – Simon and Irina Streltsov – Application for Special Permit for a permanent license to supersede existing interim License #4487 and to allow redevelopment of existing dock in the same location in the waters of Childs River located at 8 Edgewater Drive East, East Falmouth
Ms. Scott Price read the hearing notice.

Wayne Tavares, Landscape Architect and Wetland Scientist. He has a permit from the Conservation Commission for an interim license for an existing dock. Described the dock.

Public Comment: none.

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

Mr. Patterson made a motion to approve as recommended by the Conservation Commission. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

2. Wetlands/Dock – John P. Graci, Sr. and Diane M. Graci – Application for Special Permit for permission to construct and maintain a private residential 4' x 32' pier, with two (2) 6' x 8' "T" end in and over the waters of Flax Pond located at 23 Southview Way, East Falmouth
Price read the hearing notice.

Attorney Kevin Klauer was present and representing the applicants. Seasonal dock, approved by the Conservation Commission, order of conditions issued in 2021.

There are no special permits for this project.

Public comment: none.

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

Mr. Patterson made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

3. Application for a Transfer of License, and Pledge of License and Inventory of an All-Alcoholic Beverages Package Store License – Kenyon Market & Liquor, LLC d/b/a Kenyon's Market, 769 East Falmouth Highway, East Falmouth

Ms. Scott Price read the hearing notice.

Attorney John Meridian, 56 Central Ave., was present representing the applicant. Transfer of business ownership, no changes to the store, and will remain at the same location. The Manager of record is TIPS certified, use an ID scanner system.

No other alcohol ownership in Falmouth.

Mr. Patterson reminded the applicant is responsible for their employees and running according to MA law.

Public comment-none.

Ms. Scott Price made a motion to close the hearing. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Ms. Scott Price made a motion to approve transfer of the license. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

4. Application for a New All Alcoholic Beverages Common Victualler License – Olive Restaurants, Inc. d/b/a Shiverick's Café & Bar located at 285 Main Street, Falmouth

Ms. Scott Price read the hearing notice.

Attorney Kevin Klauer representing the applicant. The restaurant has 62 seats with no exterior seating. The manager has had a liquor license at Steve's Pizza and is TIPS certified.

Mr. Zylinski said his nephew works as a delivery driver for Steve's Pizza. Attorney Klauer said this was of no issue to him.

Public comment: none.

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

Ms. Scott Price moved to approve. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

BUSINESS

1. Presentation of Draft Great Pond Targeted Watershed Management Plan – Water Quality Management Committee (WQMC)

Amy Lowell, Wastewater Superintendent and Eric Turkington Chair WQMC. Ms. Lowell made a PowerPoint presentation in the packet. Goal is to define a specific nitrogen compliance plan for the Great Pond Watershed. Priority is to identify an effluent discharge site for Great Pond Watershed flow with consideration for future flows.

The Select Board heard a presentation on this subject in December 2021, now at the point where proposing to send the draft to the State.

Great Pond recommended plan to meet TMDL was reviewed.

Can capacity be built in to do the Maravista peninsula? Ms. Lowell said the southernmost end of the peninsula beyond the proposed sewer area. In the last project sewerage was not down to the water, the main driver for the Town sewerage at this point is nitrogen loading, the toe of the peninsula and bottom of Acapesket peninsula areas are outside the watershed to the pond. The flow from those properties flows directly to Vineyard Sound. There is an issue of maintaining infrastructure in the flood zone, most severe at the end of the peninsulas and will be taken into consideration. Issue is the capacity is so expensive, we need to choose what we are spending it on. There are lots of property owners who want to connect to

sewer, the town has been prioritizing watershed areas. Title V compliance, it is a challenge, but the Board of Health has been working with people in Falmouth Heights to have septic systems sited on their properties that will meet the requirements.

The issue is not the money for the pipe, but the treatment capacity and discharge. People offer to pay to get connected to the sewer, it is not just the cost of the pipe, it is developing the treatment and discharge capacity. There is additional capacity in the pipe, they look at reasonable expansion in the area. We have potential expansion in some areas, but just because it is there does not mean people can pay for their pipe and connect to it.

Eric Turkington noted DEP was adamant when doing Little Pond, they would not let them go one house outside the circle.

Using Allen and Augusta parcels are a concern to Mr. Patterson. Outfall has the best interest and best return on investment. Mr. Turkington said there is so much volume of water from the lens, the outfall amount would be insignificant. However, the outfall is entirely about cost; they will have an idea on cost by the end of the year. They will come back to the Select Board on the cost of the outfall.

Mr. Brown asked about an additional sewer main through East Falmouth, maybe Central Ave. If the Select Board were to consider that, does it cause any problems for planning. Mr. Turkington said it would be a problem, this plan is going to Boston, with a new plan it would be a whole separate plan. Mr. Brown came to the WQMC with this idea, the committee took it up at the following meeting and members agreed there was lack of detail and benefits with the plan and did not feel the current plan should be amended. The nitrogen is coming from houses on small lots but running the sewer down Route 28 does not get us closer to reducing the nitrogen in the estuaries.

Chair Taylor said the plan is not being accepted by the WQMC. It is not recommended by WQMC and not a part of the plan we are being asked to approve.

Mr. Patterson noted looking at the Cape Cod Commission study on where it makes sense and has the least impact of the density of affordable housing; can we use this as consideration.

Mr. Brown made a motion to vote to approve the draft great pond targeted Watershed Management Plan and submit to the State to begin the MA Environmental Policy Act review process. Mr. Patterson seconded the motion. Vote: Yes-4. No-0. Abstain-1 (Chair Taylor.)

Marc Finneran commented that running a pipe to Kenyon's, he understood we were opening up the mouth and installing a new bridge to address this. If the ocean outfall pipe is the way to go, would that open up the Allen Parcel for affordable housing, workforce housing, or development? Or is that land off limits?

Mr. Turkington explained the Allen Parcel was acquired for conservation, but one quarter was acquired for municipal services. Augusta parcel, 50% open space and other 50% for wastewater and sewer use. If we are not going to use Augusta parcel, could argue at least half the parcel could be used for other purposes. With a town meeting vote they could be used for something else if not used for what they were originally voted on.

2. Report – Transportation Committee

Allison Lichen, Vice Chair, introduced the committee members. Submitted their written report, which she is presenting but was developed with input of all members. If the Town Manager and Select Board had supported their ideas, they could have done more. They identified high impact projects with little or no money needed from the Town. Wayfinding signage from bike path to downtown businesses, the former Town Manager was supposed to appoint a committee, however no committee was appointed by the former Town Manager and the Select Board did not hold him to that vote.

Embarkation Fee fund has over \$1 million in it, Town funds are being used to carry out crossing projects. The committee was not provided information from the former Town Manager or the Select Board.

Ms. Lechen and Chair DeWitt have resigned.

Ralph Herbst, was disappointed the most in the actions between the Committee, Select Board, and Town Manager when the Town Manager wanted the word Management removed from the committee title. The

Select Board named the committee, it was reinstitution of the former committee who resigned en masse. Taking management out of the title showed him no support at all, the Select Board developed the mission statement and decided not to change that, but changed the title which was punitive. He has served on other committees and has never worked with a more talented, dedicated, educated group of people than the Select Board appointed on this committee. The Select Board did not respect that, he urges reconsidering how the Select Board conducts business with committees they feel are so important and how the Select Board conducts themselves with the Town Manager. There are a lot of committees in Town that need more respect from the Select Board.

Mr. Brown commented that he did not feel good about changing the name of the committee, but they were having difficulty having their recommendations pushed by the administration and were trying to give the Town Manager support getting him back on board working with the committee. The report has a lot of important work that has yet to be done and he hopes the Select Board takes these recommendations and moves them forward. The committee has worked hard, the Select Board tried to get things done, but were not effective.

3. Update on Curbside Trash and Recycling Collection

Mr. Johnson-Staub noted quite a bit of frustration because Republic Service has been unable to get the routes done. The contract transferred from Republic Services to Waste Connections July 1, 2022. The local company acquired is Nauset Disposal and EL Harvey. Waste Connections will have the numbers of trucks to get the pickups done daily. The number to contact at this time is still DPW and Republic Services.

Chair Taylor asked the 6/23/22 media release on the website, be advertised more clearly.

Mr. Johnson-Staub updated the website to make it clear on what date the trash and recycling transition will occur. He does not anticipate relief prior to July 1.

Mr. McConarty said that the last couple weeks pickups have gotten worse through Republic Services. Waste Connection staff meeting to go through what to pick up. Republic has been in Town for 25 years, they are not leaving the Town on good terms. DPW staff is subsidizing and offsetting Republic's work for the call center. There is no charge at this time for the waste management facility and it is closed Sunday and Monday.

Recycling totes will help the new operator to be more efficient with their collection. Mr. McConarty said the totes will be delivered to the Town around July 15, 2022. 21,000 containers, about 2-3 weeks to deliver.

Mr. Zylinski asked if there is any room in the contract to include that if Waste Connections cannot fulfill their contract, could they employ ad hoc companies to use in the meantime to pick up the slack? Mr. McConarty said Waste Connections is buying a lot of subsidiary companies, they have other trucks and resources that Republic did not have. The Town will talk with Waste Connections, EL Harvey, and Nauset about what needs to be done; they will have a route supervisor in Town to look at complaint areas. The trucks and employees will go with Waste Connections, so the same trucks, same employees picking up now, so it will not be all new drivers. Waste Connections is aware that Republic Services has not held to their commitments to the Town and the new company will have to pick up.

Mr. Patterson asked if the new containers will be picked up by a particular truck; will this new service going to be able to handle the new recycling containers?

Mr. McConarty said the trucks on the road now do have the ability to pick up those containers. They are looking at the larger trucks that do trash and recycling.

Mr. Brown asked if automated trash barrels are in the contract? Mr. McConarty will look at this in the next couple years. He would like to have another article go through Town Meeting to see about trash totes; then it will be fully automated. Mr. Brown suggested that be discussed this week. Mr. McConarty said this week's conversation will be about getting the trucks out and picking up the trash.

Mr. Johnson-Staub agreed with Mr. Brown, it is in everyone's interest to automate, there is not specific information in the contract at this time, if we can, than they could approach them to make a contract change.

4. Act on application for approval of Local Initiative Plan to create one affordable rental unit located at 462 Teaticket Highway, East Falmouth

Mr. Johnson-Staub noted this is a by right dwelling unit, site plan approval reviewed by the Planning Board. The zoning provision to add the unit, must be affordable and Local Initiative Approval from the Select Board to count this unit. This is terrific news, it is within the existing structure. There is no subsidy involved.

Mr. Brown made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

CONSENT AGENDA

1. Licenses

- a. Application for a Change of Manager of a Lodging House License – Inn on the Square located at 40 North Main Street, Falmouth
- b. Approve application for a Special One-Day Wine & Malt Beverages License – Gray Matter Marketing – Cape Cod Brew Fest – Cape Cod Fairgrounds, 1221 Nathan Ellis Highway, East Falmouth on Saturday, September 24, 2022 from 2:00 – 5:30 pm.
- c. Approve application for two Special One-Day Wine & Malt Beverages Licenses – Silver Beach Improvement Association - association tennis courts at the corner of West Avenue and Ocean View Avenue, North Falmouth– Saturday, August 6 and Saturday, August 27, 2022

Mr. Patterson made a motion to approve items a-c. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

2. Administrative Orders

- a. Vote to accept a donation in the amount of \$500.00 from David's Old Silver Swim, Inc. c/o Robert Catalano to the Beach Donations Account to fund the Dr. David Garber "Dare to be Great" Award given to a lifeguard during the annual banquet
Mr. Patterson made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.
- b. Vote to accept a donation in the amount of \$732.60 from the Old Stone Dock Association to the Beach Donations Account to fund the 14 window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive, and
- c. Vote to expend those funds for paying the Soares Flower Garden Nursery invoice dated 5/31 for 48 pink New Guinea impatiens, 32 blue scavola, and planting services

Mr. Patterson made a motion to approve items b and c. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

- d. Appoint Onjalé Scott Price as liaison to Affirmative Action/Diversity Committee
Mr. Patterson made a motion to approve. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.
- e. Approve Eversource petition to relocate 1 JO pole labeled 211/3 approximately 30' (feet) southwest towards pole 211/4. Pole to be relocated for customer at #58 Montauk Street.

Mr. Brown made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

- f. Approve request for variance to sign code §184-30C (Special Events) – Falmouth Fireworks Committee – temporary banner – Falmouth Heights – June 28 - July 5, 2022
Mr. Patterson made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

- g. Approve request for variance to sign code §184-20 – Falmouth Rotary Club – off premise sandwich board promotional signs – June 28 – July 9, 2022
Ms. Scott Price made a motion to approve. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

3. Review and Vote to Approve Minutes of Meetings

Public Session
May 12, 2022

Mr. Patterson made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

June 6, 2022
Held.

June 13, 2022
Held.

June 21, 2022
Held.

TOWN MANAGER’S SUPPLEMENTAL REPORT

The next Select Board meeting will be held on 7/11/22.

Topics to be sent to the Select Board soon include the conversation with the FPD about community safety, gun permits, how to get guns taken away, community policing, and Social Workers for the FPD.

Strategic planning schedule and looking at series of policy sessions culminating with a strategic planning session in September.

Preliminary fiscal year 2024 priority budget discussion, in advance of the budgeting process.

Potential lease proposals for the former Water Department Property at 10 Trotting Park Road.

WQMC, presentation on the action grant for sewerage infrastructure.

Coastal resiliency approach.

Fireworks 7/4/22, Barnstable’s were cancelled due to failure to manage plover issues. He asked the public to comply with restrictions regarding the plovers. Chief Dunne was able to get 21 MA State Police Troopers to agree to work a July 4 detail. Rain date is 7/5/22.

SELECT BOARD REPORTS

Mr. Brown:
Sailed on SEA Education sailboat.

Mr. Patterson:
Attended two Eagle Scout Courts of Honor.

Mr. Zylinski:
Visited with Falmouth Veterans Collaborative, 1st and 3rd Tuesday of each month, food bank for veterans. This is a very important service and well run. Register 508-778-1590 for the Veterans Outreach Center.

DISCUSSION OF FUTURE AGENDA ITEMS

Revisit Transportation Committee recommendations and how they should think about how to rebuild that committee.

Affordable housing initiatives and update on how they are being pursued.

Update on #4 Embarkation Fee update, complaint was sent to the MA Inspector General's office, what was the result?

Report on the concerns about West Falmouth Station identified tonight, and the impact of the closure of the station.

Mr. Zylinski made a motion to discuss the concerns about the West Falmouth station and recent events. Mr. Brown seconded the motion. Vote: Yes-5. No-0.

Budget prioritization, Mr. Brown feels they will need to make a larger commitment to fire staffing in the next year.

Ms. Scott Price made a motion to adjourn. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

Respectfully Submitted,
Jennifer Chaves
Recording Secretary