

**TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, SEPTEMBER 12, 2022 – 5:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

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

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.

1. Chair Taylor called the open session to order at approximately 5:00 p.m.

Mr. Zylinski motioned to convene the executive sessions: 1. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to contract negotiation with non-union personnel (Interim Town Manager Peter Johnson-Staub). 2. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining: Police Sergeants. 3. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining COVID premium pay. 4. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining: Firefighters Union because to not go into executive session could prejudice ongoing negotiations. Ms. Scott Price 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: Mr. Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye; Chair Taylor, aye; Mr. Zylinski, aye.

2. Pledge of Allegiance
3. Proclamation – Hispanic Heritage Month

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

Chair Taylor asked that Mr. Johnson-Staub have the dates changed on the proclamation.

4. Recognition

Ms. Scott Price spent day with the Fire Department recently and appreciated the time she spent with the Falmouth Fire Department staff. Falmouth Fire Department Chief Smith thanked for the opportunity to host Price for the day. It was educational for the fire personnel, and they felt like they had someone there that they could express the work they're doing--anyone from the Select Board is welcome to spend the day.

5. Announcements

The Falmouth Police Department will host an open house on Saturday, 9/24/23 from 12-2 p.m. Mr. Brown announced a program Comcast offers to help those eligible to save on internet affordable connectivity program. There will be an open house on 10/4/23 at 5:30 p.m. in the Main Library Hermann Room.

Ms. Scott Price noted the Woods Hole Diversity Advisory Committee is hosting events for Woods Hole Hispanic Heritage month.

The Cape Verdean Club festival is scheduled for 9/17/23 from 11:00 a.m. – 6:00 p.m.

6. Public Comment

Dave Moriarty, resident, reported that electricity has been cut to Wind 1 and 2 and they will be taken down. He also stated that the Mayflower cable project is still in process.

TOWN MANAGER'S PRELIMINARY REPORT

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

COMMITTEE INTERVIEWS:

1. Interview, vote and appoint committee members

a. Commission on Substance Use –

Greg Giardi-not present.

Doris Kraemer, a resident since 2008 and mother of a son in long term recovery. Ms. Kraemer is working with Learn to Cope which supports family members of loved ones with substance use disorder. She is a Registered Nurse with mental health experience, she feels she is able to help communities dealing with this and bring the Cape together. She is able to provide Narcan training to the public, she is sponsored by the MA Department of Public Health. There are gaps in services available and few services for family members. Learn to Cope has been around since 2004, there are 27 chapters across MA.

Chair Taylor thanked Ms. Kraemer for sharing that she is the parent of a child in long term recovery and appreciates that she can offer families and others use in the use of Narcan.

Mr. Brown appreciates looking at this issue regionally.

Ms. Scott Price moved to appoint Ms. Kraemer to a term ending 6/30/2025. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

b. Community Preservation Committee –

Tom Crane has been a summer resident all his life and lived here year round in the 1970's/1980. He is a retired attorney and moved back to Falmouth two years ago. He has some history volunteering in Town government in Weston. It is wonderful that the CPC has funds available for projects and these tax funds should be looked at carefully. He attended one meeting.

Mr. Patterson stated Mr. Crane attended the last CPC meeting.

Mr. Zylinski moved to appoint Mr. Crane to a term ending 6/30/23. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

c. Cultural Council –

Nicole Engstrom, present, self-employed musician.

Mr. Brown moved to appoint Ms. Engstrom to a term ending 6/30/25. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

George Scharr, music teacher and ARTS Chair at Falmouth Academy.

Mr. Brown moved to appoint Mr. Scharr to a term ending 6/30/2024 and then amended his motion to 6/30/2025. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

PUBLIC HEARINGS

1. Wetlands/Dock – Peter and Karen Hargraves – Application for Special Permit to construct an elevated walkway, ramp and float system in the waters of Flax Pond located at 31 Southview Way, East Falmouth (15 minutes)

Mr. Johnson-Staub reported that the Conservation Commission recommends approval.

Ms. Scott Price read the hearing notice.

Michael Borselli, Falmouth Engineering, representing the applicants. Frontage on Flax Pond, a grey fresh water pond, they are seeking to install and permit a light duty walkway and float system to gain access to the waterfront for their use and enjoyment. This is the fourth application he has submitted, the three others were approved by the Select Board. The Conservation Commission issued an order of conditions. If the Select Board approves, then they apply to the MA DEP for a Chapter 90 license. Plans were submitted, and a profile of the structure was shown. There is limited access to the pond because it is a wooded and steep area to the pond, and passive recreational use. Galvanized pipe driven into the bottom, may be sleeved for aesthetics.

Ms. Scott Price visited the property, and noted that many neighbors have similar systems.

Public comment: none.

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

2. Application for a Wine and Malt Common Victualler License – Dilly’s Grill, LLC d/b/a Dilly’s Taqueria, located at 281 Main Street, Falmouth (5 minutes)

Mr. Johnson-Staub explained there was a discrepancy in the notice, so the notice needed to be reissued.

Ms. Scott Price read the hearing notice.

Originally, the notice was given that it was an all alcohol license but should have read wine and malt.

Public comment: none.

Mr. Patterson moved to close the hearing. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0. Mr. Brown moved to approve the license. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

BUSINESS

1. Approve application for an Entertainment License and Sunday Entertainment License – Tony Andrews Farm, 394 Old Meetinghouse Road

Mr. Johnson-Staub noted the application is complete, and Joe Andrews was present for any questions.

Mr. Brown noted that the approval is contingent on the plans submitted and to work out any safety issues with the Falmouth Fire Department and the Falmouth Police Department.

Mr. Zylinski made a motion to approve contingent on the plans being submitted and working out any safety issues with the Falmouth Fire Department and the Falmouth Police Department. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

2. Request Support for Bike path Overpass Mural – David Vieira

The mural is a memorial to Kianna Paige Barrows. David Vieira and Barrows family members were present. They are working on getting a MA Department of Transportation permit. They hope to stop

domestic violence, and provide access 24/7 to the Independence house hotline. The hope is to unveil the mural in October 2022. The letter of support will complete the application packet to the State, and an electronic transfer of the letter was requested.

The Select Board thanked the Barrows family and Representative Vieira.

Mr. Zylinski moved to approve the Select Board letter of support. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

3. Report – Board of Library Trustees

Judy Fenwick, Chair, will submit the annual report later this month. Ms. Fenwick introduced other members who were not present tonight. This is their first report post Covid. Ms. Fenwick reviewed the responsibilities of the Board of Trustees--finances are most important. The Board helps the Library Director develop the budget and manages a trustee fund overseen by their Treasurer. The Trustee fund just topped over \$1 million. There is an annual budget of \$40,000 a year to support the library. They will be funding the East Falmouth Branch, under the MA Public Library Construction Program, which has been simplified at the State level the last few years. The East Falmouth Library serves an underserved community, and they are looking at making sure that library can serve more people. The community was surveyed by the library, and the community wants the library to be open more hours. The Board found a way to use funds towards a pilot program to increase the hours from 26 hours to 30 hours per week. They will perform a building assessment and apply for the construction program. The library had to assess how they conducted their business while people could not be in the building March 2020-2021, they did more outreach, expansion of digital access, increase in the programs--one third of those programs were virtual. Last year they had 38 programs on the Library Lawn versus three the year before. The Friends of Falmouth Public Library and Falmouth Public Library Support Program support the Library. They have an outreach program to bring non-English speakers into the Library for conversational programs with other non-English speakers.

4. Report – Council on Aging

Jill Irving Bishop, Director, and Brenda Swain, Council of Aging Chair, presented the report via PowerPoint.

The report included review of board members, updates of the café, an additional pool/table tennis table, sidewalk bump out installed by the DPW, two additional handicap parking spaces were approved and painted, and a basement leak was repaired. Fiscal year 2022 Program Services statistics were reviewed including outreach, professional services, support services, health/wellness, other services, and non-elder services. The Senior Center has 2,720 newly-enrolled members and 2,362 re-enrolled members who were enrolled at the former Senior Center. The Senior Municipal Support Team has been re-established, and implemented the Volgistics Volunteer Database System, on-line signups for exercise programs, and an increase of programs was offered. The building served as a warming center during the October 2021 storm for residents with power outages. People can get involved volunteering by calling the Senior Center. There are about 15-20 volunteers helping daily, and they are vital to be able to offer the programming. A video was presented. They do senior exercise activities and support groups at the Gus Cauty Recreational Center. The community is invited to the September Open House, for people of all ages, on 9/26/22 from 4:00 p.m-6:00 p.m.

5. Town Manager Hiring Process

Chair Taylor said the Select Board needs to discuss what this process will look like and asked the Select Board if they want to use a search committee?

Ms. Scott Price would like a search committee--a professional firm, which has many resources.

Mr. Patterson asked if MA Municipal Association will supply an attorney. Mr. Johnson-Staub said they do not. There is a State agency, the Collins Center, the Town may contract with them without a competitive procurement process. Mr. Patterson would like to know what a professional firm would offer and educate the Select Board on the process.

Mr. Zylinski supports Ms. Scott Price's suggestion, and he would like public involvement as well.

Mr. Brown suggested advertising the position in some publications, Chair Taylor noted that it is part of the mandated process.

Mr. Johnson-Staub explained cost range would be in the \$10-50,000 range for a firm depending on the scope of work. If the cost is greater than \$10,000 the Town must solicit at least three quotes. A staff member can reach out to some firms for more information and provide sample scopes of what the firms are offering.

Search Committee: Mr. Brown would like to consider a search committee because he believes it is the Select Board's job to figure this out. If there is a committee, Mr. Kasparian has expressed interest, Mr. Brown does not want it to be too big of a process. This should be a small committee. Chair Taylor agreed that it is a major responsibility of the Select Board to do their due diligence.

Ms. Scott Price asked if the consultant may have suggestions.

Mr. Patterson stated that while he was on the School Committee, they used a screening committee.

Mr. Zylinski asked if it may be useful to have a representative from each precinct to offer input or be on the search committee. Mr. Brown is not sure they would know what the Select Board needs from a Town Manager.

Ms. Taylor suggested doing a little more research and bring information back to the Board.

6. Vote Articles and Execute Warrant for November 2022 Annual Town Meeting (20 minutes)

Mr. Johnson-Staub said that a copy of the schedule for the November Annual Town Meeting is in the packet and the Select Board needs to vote tonight so that the warrant can be sent to the newspaper for printing. Select Board and Finance Committee vote their recommendations by 10/3/22, and then the warrant with recommendations is published by 10/28/22 for 11/14/23 town meeting. The summary of articles is in the packet and article numbers are suggested for the Select Board's consideration.

Mr. Johnson-Staub reviewed the list of Articles 1-14 in the packet.

Article 3 is the town bylaw recodification.

The concerns provided by the Attorney General's Office (AGO) pertaining to Article 3 were reviewed by Chair Taylor.

Mr. Brown would like to see a line added that says the purpose is to reorganize but not change the zoning bylaws and code of Falmouth. The intent is to make the zoning bylaw more user friendly.

Mr. Johnson-Staub said the language was crafted by Planning staff and Town Counsel, he will consult with them to see if that amendment is consistent with what the Planning Board is seeking to achieve and the AGO approve. There may be some small changes to address obsolete issues that do not need to be included in the zoning bylaw. The substantive changes will need to be explained to Town Meeting. Mr. Johnson-Staub noted the Select Board is asked to put it on the warrant, but not take a position. The article is on behalf of the Planning Board.

Article 6 is regarding the removal of the Falmouth Fire Department from civil service. Unions have consented to the exit from civil service.

The intent of Articles 11 and 12 is the same, Mr. Johnson-Staub will work with Town Counsel to put in recommendation for the petitioners' desired outcome.

The Select Board had no concerns with the order of articles.

Ms. Scott Price moved to approve the articles and execute warrant for the November Town Meeting. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

7. Approve disclosure by municipal employee of financial interest in a municipal contract as required by M.G.L. c. 268a, § 20(b) filed by Nancy R. Taylor.

Chair Taylor recused herself and left the meeting room, turning the meeting over to Ms. Scott Price.

Mr. Zylinski moved to approve this item. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

CONSENT AGENDA

Mr. Johnson-Staub reported that staff have reviewed all the Consent Agenda items and recommended approval by the Select Board.

1. Licenses
 - a. Approve addition of a rain date for a Special One-Day Wine and Malt Liquor License – Cape Cod Bocce Tournament – Joe Q Veteran Coffee Break – Falmouth Academy – Saturday, October 8, 2022
2. Administrative Orders
 - a. Approve application for grant funds from the Seaport Council in the amount of \$30,000 for design, permitting and engineering for the refurbishment and upgrade of the Great Harbor Woods Hole commercial fishing dock
 - b. Approve Eversource petition to install in Fairmont Avenue one (1) new handhole labelled 53-H3-A at the base of existing pole 53/3 and to install approximately 45' (feet) of conduit and cable under the town road starting at new handhole 53/H3-A. This work is necessary to provide new electric service to 345 Grand Avenue
 - c. Approve Grant of License to Bruce and Hedy Buch to maintain a post and rail fence and landscaping elements located in the town right of way at 172 Grand Avenue
 - d. Approve Grant of License to Joseph and Kathryn Hinderhofer, Trustees of the Joseph J. Hinderhofer Revocable Trust to maintain a post and rail fence located in the town right of way at 97 Bridge Street
 - e. Approve application to Community Preservation Fund – Highfield Hall Improvements
 - f. Approve request from the Tony Andrews Farm located at 394 Old Meetinghouse Road for a waiver of the annual Entertainment and Sunday Entertainment License fees and filing fees.
 - g. Approve release and settlement agreement with Michael Rogers et al.
 - h. Authorize Acting Town Manager to file State Revolving Fund loan application for Wastewater Treatment Facility improvements
3. Committee Appointments
 - a. Veterans Council Committee – Carissa April, Joe Q Veteran Coffee Break Representative
 - b. Veterans Council Committee – Elizabeth S. Sweeney, Falmouth Lodge No. 2380 B.P.O. Elks
 - c. Golf Advisory Committee – Carey Murphy, The 300 Committee Representative

Mr. Patterson moved to approve all the consent agenda items including licenses, administrative orders, and committee appointments. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported that the Wind turbine power has been disconnected, a date has not been scheduled for the towers to come down, but it is in process.

There were bids received for the Falmouth Police Department station renovations but are over budget and Mr. Johnson-Staub will meet with staff and communicate with the architect on what might be their next steps. Construction prices have been escalating; the lowest bid was \$100,000 over the appropriation amount and that means no contingency, so several hundred thousand away from the budgeted amount for the project.

Staffing Updates:

- Jennifer Mullen is leaving on 9/30/22; the position has been posted.
- One Communication Officer submitted a resignation and there was already one vacancy. A Communication Officer position was offered to an applicant, so there remains one vacancy.
- The Conservation Principal Office Assistant position vacancy has been filled.
- Planning Department hired principal office assistant, this was an internal candidate promoted from their position with the Building Department. There is one administrative vacancy in the Building Department.

The Select Board's next regular meeting will be on 9/26/23, a strategic planning process meeting will be held on 10/1/23 and will discuss the fiscal year 2024 budget priorities. 10/3/23 is a regular meeting.

SELECT BOARD REPORTS

Mr. Brown:

- Attended Peecycling event at the library. Put on by Hilde Maingay and Earl Barnhard. Rather than sewerage Earl Barnhart suggested the Town consider a plan to use urine diverting toilets to collect the urine. There is a toilet that diverts urine and has solid flush option.
- Attended the Cape and Island Municipal Leaders Association (CIMLA) meeting last week with Mr. Patterson, both of whom are now CIMLA Board members.
- Attended the country dance at the Weary Travelers Club in Bourne to benefit Joe Q Coffee Break group.

Mr. Patterson:

- Recommended looking at the Charter Review Committee's final report, it contains a number of strategic items they recommended the Select Board take seriously.
- Attended the Affordable Housing Committee and Community Preservation Committee meetings.

Ms. Scott Price:

- She spent day with the Falmouth Fire Department, and highly recommends other Select Board members participate as well.
- Attended an event in Hyannis, the main speaker from Caron, an association similar to Gosnold, is helping people with substance use disorder and addiction. Ms. Scott Price would like to connect them to the Town Human Services Department to help our community.

Chair Taylor:

- Attended the 9/11 remembrance with Ms. Scott Price and Mr. Zylinski. The event was well done and a good time to remember, reflect, and honor people and families impacted by the events of 9/11/01.

Ms. Zylinski:

- Attended a MA Maritime event; Ken Turner President of MA Life Sciences made a presentation.

DISCUSSION OF FUTURE AGENDA ITEMS

None.

ADJOURN

Mr. Brown moved to adjourn at approximately 9 p.m. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

Respectfully Submitted,
Jennifer Chaves
Recording Secretary