

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, DECEMBER 19, 2022 - 5:00 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.

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

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

1. **Chair Taylor called the open session to order at 5:30 p.m. Mr. Patterson moved to convene the executive session M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to potential litigation where an open meeting may have a detrimental effect on the Town’s litigating position 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. Chair Taylor reconvened the open session at 6 p.m.
3. Pledge of Allegiance
4. Recognition

Mr. Brown noted the passing of Brian Howes and expressed his condolences to the family.

Chair Taylor congratulated Ms. Scott Price for being recognized by the Advancing Earth and Space Science Center at an event in Chicago. Ms. Scott Price was presented with the Science and Society Team Award.

5. Announcements

Mr. Brown noted the Department of Environmental Protection (DEP) comment period for Title V regulation changes will be open until January 31, 2023.

6. Public Comment

None.

BUDGET PRESENTATION

1. Presentation of Proposed Fiscal Year 2024 Budget

Mr. Johnson-Staub stated the budget is a collective effort with the Select Board policy directives and a collective work that relies on the Department Heads. The budget was reviewed via PowerPoint presentation. He acknowledged the Finance Department was very helpful in putting the budget together.

Mr. Brown asked about permitting for dredging projects and the inflated costs, he asked if there should be a reserve fund for dredging permitting and what would the process be? Mr. Johnson-Staub can research with the finance team and outline proposals.

TOWN MANAGER’S PRELIMINARY REPORT

Mr. Johnson-Staub summarized the items in his Town Manager's Preliminary Report, refer to "Preliminary Report for December 19, 2022" included in the Select Board packet.

Mr. Johnson-Staub noted the Community Preservation Committee (CPC) will provide a report, and their slide presentation is in the packet.

The Falmouth Affordable Housing Fund application for \$2.5 million is a second request from Falmouth Housing Corp. for this 48-unit age restricted project at Scranton/Main. There has been a spike in construction costs and interest rates since the first subsidy was authorized by the Select Board. The Falmouth Housing Trust originally requested \$100,000 per unit for 33 Pheasant Ln. and are now applying for an additional \$32,500 per unit, which exceeds the Select Board Funding Guidelines. Approval is recommended, as it is the only way for this to be converted to a legal affordable unit. It is due to the rise in interest rates which affects the affordability of the house.

Mayflower Wind access agreements expired, so Mayflower is seeking to extend the agreements and add a new site; the Heights Kite Field. Temporary access does not imply Town or Select Board support for the project in Falmouth. Testing is needed for review by other public entities, and another public forum will be held in the future. A motion drafted by Mr. Johnson-Staub is in the packet.

David Eisenberg will talk about internet service subsidies.

Town Manager Selection to be discussed, and as a candidate for the position, Mr. Johnson-Staub recused himself from this item.

Annual license renewals, all those listed have submitted complete applications.

Consent agenda, Eversource easement approvals for electrical cable to provide Martha's Vineyard with electric supply. Approval of the easements and the two other items is recommended by the Town Manager.

BUSINESS

1. Report – Community Preservation Committee
Maureen Thomas, CPC coordinator, presented the 2022 annual report via PowerPoint presentation. The presentation is in the packet.
2. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on application from Falmouth Housing Corp. for \$2,500,000 additional funding for affordable, age-restricted housing project at 24 Scranton Avenue & 763 Main Street

Ms. Scott Price motion that the Select Board, acting as Trustees of the Falmouth Affordable Housing fund, grant \$2,500,000 to Falmouth Housing Corp for the construction of 48 units of affordable rental housing for seniors age 62 and older at 24 Scranton Ave. and 763 Main Street. This amount is in addition to the \$2,300,000 previously approved bringing the total subsidy for the property to \$4,800,000 in total. And to authorize the Interim Town Manager to execute a commitment letter setting forth the terms of the financial award to the Falmouth Housing Trust. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on application from Falmouth Housing Trust for \$32,000 additional funding for affordable housing project at 33 Pheasant Lane

Mr. Brown asked how in this environment the sale price was lowered? Mr. Johnson-Staub explained there is a formula that is used, the interest rate went from 4% to 7% and it affects the size of the mortgage the person can afford.

Ms. Scott Price motion that the Board, acting as Trustees of the Falmouth Affordable Housing fund, grant \$32,500 to Falmouth Housing Trust to place a permanent deed restriction on the existing house at 33 Pheasant Lane. This amount is in addition to the \$100,000 previously approved bringing the total subsidy for the property to \$132,500 in total. And to authorize the Interim Town Manager to execute a commitment letter setting forth the terms of the financial award to the Falmouth Housing Trust. Second Mr. Patterson. Vote: Yes-4. No-0. Abstain-1. (Mr. Zylinski).

4. Consider approval of access agreement to allow Mayflower Wind (Mayflower) to conduct certain investigations and studies at Worcester Park, Central Park and the “Kite Park” located at 0 Grand Ave.

Mr. Johnson-Staub noted the access agreement has been reviewed by Town Counsel.

Ms. Scott Price asked if there is other information the Town can gain from the work Mayflower is seeking to do. Mr. Johnson-Staub said the process requires soil borings, the plans are then filed, consulting engineers who report to the Town review the plans so that the Town has the benefit of all that information. The Town may be most interested in if there are any environmental resources being disturbed. This agreement allows Mayflower to conduct the testing needed. Whatever plans are submitted as part of this process are accessible to the Town.

Dan Hubbard, Mayflower Wind, said they are willing to share any studies to the extent they can.

Mr. Brown did not have a full understanding of the project initially on the first request but has a somewhat better understanding now. He is OK with Kite Park, but not with Worcester Court or Central Park. He suggested just focusing on the kite park at this time. He does not have a concept of what would really be on the ground at the sites. Mr. Zylinski expressed agreement with Mr. Brown.

Mr. Johnson-Staub said the purpose of the motion is a policy statement of the Select Board.

Mr. Hubbard said phase 1A is the initial testing. The agreement could be modified to only one site for testing since they did not complete what they needed to do during the last time period.

Mr. Hubbard explained the test pits are to examine the sediment layers, look at Kite Park, Worcester Court, and Central Park. Nothing will be done sooner than January, weather permitting.

Mr. Patterson said he supports keeping the scope as it is, as much information for the decision is in the interest of Falmouth. The Energy Facility Siting Board will ultimately make the decision.

Public Comment:

Greg Mazmanian, Precinct 2, is opposed to an industrial application in any residential village of Falmouth. The previous Select Board approved test drillings in the Heights. Mr. Mazmanian opposes Mayflower’s industrial application and if the agreements are signed, they are opening this up to every village in Falmouth.

Dave Moriarty, Precinct 6, asked for answers to the questions they asked on 6/8/22. He has looked at the plans, it appears to be a new project. What is the start date of this project, because the old project is dead as of 6/8/22. Why would we want to pay for a multinational company’s infrastructure for their project?

Carol Ziemian, Falmouth Heights, cited concern about health problems resulting from Mayflower bringing this into a densely populated area. Why open up the other two sites? There will be impacts to the local businesses. She referenced two recent articles in the Boston Globe, one on nuclear fusion citing the success of MIT scientists who say they are close to this being on the scene as an alternative energy, it is a clean energy, and inexpensive. She would not like to offer Mayflower another site alternative. This does not only affect Maravista and the Heights.

Dave Buzanoski, President Maravista Heights association and resident Lucerne Ave., he wrote a letter today. They oppose onboarding of Mayflower cables anywhere in the Heights. These cables belong in a commercial site. The infrastructure needs to be updated, transmission lines are first come first serve basis-there is no coordination. When the test boring was done in Worcester and Central Parks, Mayflower submitted those in their State applications. Mr. Buzanoski feels the Town should encourage Mayflower to find a commercial location elsewhere.

Joe Netto, Precinct 9, noted the Select Board has an obligation to make decisions based on facts. He does not have a plan in front of him to make a decision on, we have to be objective and open minded. He would support allowing this company to do test borings. Worcester Court is not the best place to site something. This company is going to use public property for transmission lines, like the gas and electric companies do at this time. Saying no tonight is not the answer, have to let this get started, then we get the facts. Wind farms are all over Europe, they are in an energy crisis. Where on the south side of Cape Cod is there an area that is not residential? It does not exist. If the Select Board does not even want to investigate it, than they are not being fair to those who

elected you. How can we make an opinion without any facts? Let's be objective and rely on the experts to answer questions the community has.

Marc Finneran, Heights, all indications are the amount of power these turbines will produce is many times the amount of power we consume in total on Cape Cod. The electric would need to be updated, it will show up on the delivery part of everyone's electric bill. Brayton Point is a better location because it has the infrastructure needed to transport the energy.

Edward Jabberwock, 126 Worcester Court, there were plans earlier this year when they wanted to go down Worcester Court. He and others showed what the disruption would be in Worcester Court area. They could go to another area, including Buzzards Bay where there is a power plant, the new owner has expressed an intention to work with wind turbine companies. There has been no dialogue with the power plant owners. It is too big for the area. Please tell them to go elsewhere.

Rob Dugan, Falmouth Heights, asked about page 2 item C. Second Phase Testing, of the "Right of Entry to Conduct Physical Investigations" document included in the Select Board packet. It says if no response within ten business days, the Select Board is granting their consent. Why would the Town want to include that in the agreement? There may be other issues in the agreement as well, he hopes there will be another review of the agreement draft. Mayflower applied for a waiver to bypass local zoning, that was agreed to. Has Mayflower withdrawn that waiver or are they going forward with it? Allowing that is one of the worst mistakes the Town could make.

Mr. Hubbard said answers to questions from the June meeting will be submitted. End of 2024 is the projected start date. The waiver to bypass all local zoning has not been withdrawn.

Mr. Brown had questions and forwarded a study to Mayflower, this should be thought through by higher governments than Falmouth, and commercial sites should be considered. He never received an answer. More information is needed before the Select Board makes commitments. He is not inclined to deny access to Kite Park but does not want to include the other two sites. Communication has not been good, and he does not feel strong about the partnership they are considering.

Mr. Patterson said the decisions are affecting generations into the future. We owe something to the future generations of Falmouth, this accommodation to get more information to assist the Select Board in dealing with issues on how to generate the power we need without further impacting the environment, which could include taking a close look and there is a benefit to raising these issues up to a broader board.

Mr. Zylinski is not willing to relinquish this responsibility to a greater board, we need other alternatives.

Ms. Scott Price said good points have been raised including Article 97 in motion.

Mr. Zylinski motion to deny the applicant's request in its entirety. Second Ms. Scott Price. Vote: Yes-4. No-1. (Mr. Patterson)

5. Broadband update

Alan Steinbach, Family Practice Physician, health starts with housing, good food, and includes broadband access. Affordable access by eligible incomes can be really important for health in general. Dr. Steinbach, Peter Clark, and David Isenberg advocate for this and the Select Board ideas to get affordable broadband access for our community.

David Isenberg made a PowerPoint presentation, he grew up in Falmouth, had a career in internet and broadband services off cape, and brings that knowledge back to the community.

Affordable Connectivity (ACP) and Internet Essentials Plus programs (IEP), have the potential to zero out low income households internet bills each month. ACP provides a \$30 discount to lower the bill, 43% of us qualify. IEP is open to all who qualify for the ACP and provides additional assistance. Falmouth agencies have signed up 22 low income households for the SCP and IEP. It is complicated to apply for it, there is misinformation and part of the problem is that Comcast is reimbursed for the ACP, not the IEP. These federal grants are to help Towns to do outreach to lower income households and the grants would potentially staff and fund Town outreach.

They propose recruiting and training volunteers to coach Falmouth citizens to apply for the ACP and IEP, also ask the community to identify grants when they learn of them. They hope to get a volunteer core to work with applicants in completing applications. They asked that Town Departments assist in this enrollment process. They request a stronger Town response for future opportunities.

Mr. Johnson-Staub said there are several departments putting significant efforts to educate the community, it needs to be a volunteer driven effort. The request of the Select Board is to acknowledge the validity of these programs. Affordable internet is incredibly important, staff from Town departments have done outreach. Mr. Johnson-Staub does not have an employee with free time to take on an initiative outside their core responsibilities. There are ways the Town can support these efforts, but he questions how it fits in the Select Board's Strategic Plan.

Mr. Isenberg said Falmouth Public Schools with a call to Comcast could fast-track this; about 40% of the Falmouth kids are on the school lunch program. If the Town could communicate to those households identifying themselves as receiving school lunch and let them know that they would be on the application for the programs. Attempts have been made to reach out to the Superintendent, who put him in contact with Mr. St. Julien.

Chair Taylor noted the Select Board supports their efforts for affordable broadband.

Mr. Patterson noted the School Committee meetings have public comment and meet regularly.

6. Town Manager selection process
Mr. Johnson-Staub recused himself.

Each Select Board member was asked to put forward a name to participate in the Screening Committee. Consultant Rick White has been consulted. Names: Catherine Bumpus, Frank Duffy, Dave Garrison, Natalie Nevarez, and Keith Schwegel.

Ms. Scott Price motion approval of the screening committee. Second Mr. Zylinski. Vote: Yes-5. No-0.

Mr. Zylinski motion to appoint Keith Schwegel as Chair of the Screening Committee. Second Mr. Patterson. Vote: Yes-5. No-0.

Chair Taylor suggested the Board have a community input forum to listen to community feedback about what people are looking for in a Town Manager. Those who would like to make comments could make them at the meeting and/or submit them via the Select Board web page.

Chair Taylor will go back and review with Mr. White.

The Select Board discussed a salary range, Mr. White provided the Cape and Islands survey. The position is currently funded at \$201,000. The survey suggests \$180,000-200,000. The Select Board noted that benefits and relocation would be part of the negotiations. Chair Taylor was thinking in the range of \$200,000-\$210,000.

Mr. Brown motion approval of the Town Manager salary range of \$180,000-210,000. Second Mr. Patterson. Vote: Yes-5. No-0.

7. Approve Annual License Renewals for 2023

ALL ALCOHOL RESTAURANT LICENSE and
COMMON VICTUALLER LICENSE

The Cape Club, 125 Falmouth Woods Road

ALL ALCOHOL CLUB LICENSE

Portuguese American Association, 55 Ashumet Road

COMMON VICTUALLER LICENSE

Bite on the Go, 424 East Falmouth Highway, Unit
B101

Cape Cod Bagels, 419 Palmer Avenue

Dana's Kitchen, 881 Palmer Avenue

Devour, 352 Main Street

Dilly's Taqueria, 281 Main Street

Dunkin Donuts, 4 Sandwich Road

Dunkin Donuts, 363 East Falmouth Highway

Dunkin Donuts, 1184 Sandwich Road

Dunkin Donuts, 634 Holly Park Road

Dunkin Donuts, 614 Main Street

East Falmouth Subway, 236 Teaticket Highway

Falmouth Hospital, 100 Ter Heun Drive

Holiday Inn Falmouth, 291 Jones Road
Lobos House of Pizza, 338 East Falmouth Highway
Moonakis Café, 460A Waquoit Highway
Peel Pizza, 31 Teaticket Highway
Prime Time House of Pizza, 286 old Main Road
The Buffalo Jump, 277 Hatchville Road
The Stand, 75 County Road

ENTERTAINMENT

Holiday Inn Falmouth, 291 Jones Road
Portuguese American Association, 55 Ashumet Road
Shiverick's Café & Bar, 285 Main Street
The Cape Club, 125 Falmouth Woods Road

SUNDAY ENTERTAINMENT

Holiday Inn Falmouth, 291 Jones Road
Portuguese American Association, 55 Ashumet Road
Shiverick's Café & Bar, 285 Main Street

The Cape Club, 125 Falmouth Woods Road

USED CAR DEALER LICENSE

Cid's Auto Brokers, 91 Carl Landi Circle
Excel Auto Sales & Repair, 94 East Falmouth Highway
Executive Auto, 118 East Falmouth Highway
Falmouth Auto Center, 614 East Falmouth Highway
M&N Auto Mall, Inc., 20A Village Common Drive
Route 28 Auto Center, 550 East Falmouth Highway

VEHICLE FOR HIRE LICENSE

AA Taxi, 90 Boxberry Hill Road
All Seasons Taxi, 45 Simpson Lane
Falmouth Taxi, 424 East Falmouth Highway
White Tie Limousine, 292 Teaticket Highway

Ms. Scott Price motion approval of the annual license renewals for 2023. Second Mr. Zylinski. Vote: Yes-4. No-0. Absent-1. (Mr. Patterson)

CONSENT AGENDA

1. Administrative Orders
 - a. Approve Preservation Restriction - West Falmouth Library, 575 West Falmouth Highway
 - b. Approve Eversource petition to install a new handhole to be labelled 15/H36A and to install approximately 40' (feet) of conduit and cable under town road starting at existing pole 15/36. This work is necessary to provide electric service to 21 Little Island Road.
 - c. Approve Eversource easements for Surf Dr. and Mill Rd.

Mr. Patterson motion approval of the consent agenda. Second Ms. Scott Price. Vote: Yes-5. No-0.

Meeting Minutes

1. Review and Vote to Approve Minutes of Meetings
Public Session – the time should be listed in the minutes.

June 8, 2022

Mr. Patterson motion approval as amended adding the time of the meeting. Second Ms. Scott Price. Vote: Yes-5. No-0.

October 24, 2022-none.

November 7, 2022

Ms. Scott Price motion approval as amended. Second Mr. Patterson. Vote: Yes-5. No-0.

December 5, 2022

Mr. Patterson motion approval and release for public access. Second Mr. Zylinski. Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

- Fire station construction bids came in under budget, they are under review.
- Next meeting will be on 1/7/22.

SELECT BOARD REPORTS

Mr. Brown:

- Waterways committee is anxious about the amount of work that will be needed in the future and more financial requests coming. The new dredge person is doing a good job, but permitting is the most

challenging issue and the reason why they would like to create a fund to draw from for unforeseen circumstances.

Mr. Patterson:

- Attended affordable housing meetings, including Senator Moran's zoom meeting on 40b projects.
- Senior Center lunch
- Cub Scout Den
- presentation on government.
- MA Municipal Leaders Association annual meeting is on 1/20/23.
- AAA had an electric vehicle charging station presentation, it is the wave of the future and they want to find ways to make sure people can get their electric vehicles charged.

Ms. Scott Price

- Habitat for Humanity build on was on 12/6/22.

DISCUSSION OF FUTURE AGENDA ITEMS

Mr. Patterson suggested an update on the lift station issue on Robbins Rd. Mr. Johnson-Staub reported it would be on a February meeting agenda.

Ms. Scott Price motion to adjourn at approximately 8:07 p.m. Second Mr. Patterson. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary