

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JANUARY 23, 2023 – 6:30 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: Onjalé Scott Price, Acting Chair; Sam Patterson; Doug Brown; Scott Mr. Zylinski.

Absent: Nancy Taylor, Chair.

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

1. Call to Order by Acting Chair Scott Price at 6:30 p.m.
2. Pledge of Allegiance
3. Recognition
Mr. Brown recognized Peter McConarty, Director of Public Works; Jim McLoughlin, Town Engineer; and Steven Cadorette, Deputy Director of Public Works for securing a complete streets grant.
4. Announcements – Woodneck Beach Update
Mark Kasprzyk reported erosion due to storms during the first week of January 2023 that exposed rusty metal stakes and old snow fencing wire. He and Mike Souza cleaned up the beach and brought in sand to refortify what was lost. The Select Board asked about pumping sand from offshore back onto the beach, Mr. Kasprzyk responded that will most likely result in the sand ending up in an unintended area.
5. Public Comment-none.

TOWN MANAGER’S PRELIMINARY REPORT

Mr. Johnson-Staub reviewed his Preliminary Report in the packet.

BUSINESS

1. Update on COVID-19 – Scott McGann, Health Agent

Mr. Zylinski moved to take this item out of order. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Mr. McGann provided his report via PowerPoint presentation. CDC guidance on community level transmission was reviewed. January is the worst month for Covid. Hospitalizations in Barnstable County were reviewed. About one third of people in town have their second booster. Biweekly updates are provided via FCTV. Home test kits are being distributed as they become available.

2. Vote Seasonal Wage Rates for FY2024

Mr. Johnson-Staub referred to the schedule in the packet for employment grades 2-11; all of all those amounts are increased 15% over prior amounts. The four elections positions listed are an 11% increase, and the Town Clerk supports this increase. The bonus program used last year will be continued, but the Town may make some adjustments for retention purposes. One position, night watch harbormaster, will be stricken from the schedule.

Mr. Patterson moved to approve the FY2024 Seasonal Wage Rates. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.

3. Discuss override for fire staffing (10 minutes)

Mr. Johnson-Staub made a PowerPoint presentation, which is in the packet. He reviewed the tax rate impact scenarios, the average 2022 and 2023 single-family tax bill, the 2023 Tax Rates in Barnstable County, Tax Deferral and Exemption Options.

Housing remains a big issue for all employers across the State.

The \$1.5M override is only for expenses directly related to hiring the firefighters. The stabilization funds may be used for other one-time costs associated with hiring firefighters. The interest accrued would remain in the Fire Department stabilization fund.

The smaller override of \$950,000 means that as of FY24, Mr. Johnson-Staub is less confident we have sufficient revenues to be assured we can pay for all the costs associated with hiring those 14 firefighters into the future depending on the economy. He is comfortable with the assumptions that are required on the smaller override option because the revenue estimates are conservative at 80%.

Information was provided on the tax impact on each potential override.

Mr. Johnson-Staub provided information to the Select Board related to tax exemptions. The information is available to the public on the Town website. In order to adopt programs that the town doesn't currently have requires a town meeting vote.

According to Mr. Johnson-Staub, the same 14 additional positions are proposed under both override amounts. He feels comfortable with both options. The override amount goes to the Fire Department. Under both scenarios the Town can fund the FFD, and under the \$950,000 scenario we would be relying on local estimated receipts and there would be less money available for other purposes. They would look at other ways to increase revenues, such as the ambulance fee; the finance director looked at ambulance rates across the cape, Falmouth is below average and we can raise another \$150,000, which may be used to make the funding plan more secure with the smaller override.

4. Review of April 2023 Town Meeting Articles
Mr. Johnson Staub reviewed the Articles in the packet.

Article 5: creation of the stabilization fund. This is recommended to be done under either override, if one of the overrides is not approved, then this fund will not be needed.

Article 6: override article to pay for the 14 additional firefighters and appropriate a sum of money into the stabilization fund.

The override needs to be approved at an election ballot unless a special election is held to consider the override.

There is time to pull something off the election ballot if Town Meeting votes it down.

Mr. Zylinski asked if that could be worded to encompass the flexibility at Town Meeting?

Mr. Johnson-Staub does not believe so, but they could potentially vote both overrides knowing one would be taken off the ballot.

Mr. Brown asked if we get to Town Meeting and do not explain why the Safer Grant is not used, we should review that again at the next meeting on 1/30/23. Mr. Johnson-Staub suggested it is within the scope and there is no grant available to apply for at this time. If that changes, Mr. Johnson-Staub would suggest they apply for it. The Safer Grant is temporary, there is a way to incorporate a Safer Grant for some of the positions. The grant funds would have to be spent on actual firefighters hired and would change the funding plan.

More information will be had in about a month regarding Articles 9 and 10. Financial articles are printed in the warrant, the explanation is written in the Town Meeting booklet.

Article 12 the Town borrowed money for a capital project, the money is in a bank account and we have not spent it all. Funds need to be appropriated for a capital project, likely for the Wastewater treatment facility, so the Select Board would need to reauthorize these borrowed funds for this purpose.

Article 14 was submitted by Falmouth Retirement Board, and it proposes increasing the wage base upon which the annual cost of living adjustment is applied for retirees. Municipal pension Cost of Living Adjustments are only applied to maximum of \$18,000. Falmouth applies it to the first \$14,000 of the pension benefit that would be raised to \$16,000 with this article. The Finance Committee will recommend.

Article 15 rescinds acceptance of the Civil Service statute for Police and Fire. It is here because the legislature has not acted on the Town's petition to withdraw the Police Department from Civil Service. Town Counsel conferred with other attorneys and it is her opinion we can exit Civil Service even if the State does not act on that petition, but we would need to have Town Meeting vote this article. There are towns doing that now and they have been successful, they have not faced a legal challenge to this point.

Articles 16-19 petitioner's articles. These must be placed on the Town Meeting Warrant.

Article 20 broadens the purpose of the funds to be used for union and non-union employees.

Article 21 free cash appropriated for three purposes: support opioid use disorder treatment funds received through the lawsuits, fireworks celebration, retain consultant for independent department reviews.

Article 22 funded by appropriating funds from unspent school capital articles.

Article 23 funding design, permitting, construction of East Falmouth, North Falmouth, and Morse Pond Schools roof replacements. OPM and design money not construction.

Article 24 sum of money appropriated for design and construction of improvements to the Wastewater Treatment Facility, these costs will be \$10 million higher than originally anticipated. Looking at options to raise revenues, reuse funds, approved with debt exemption, we need a new plan to cover the additional funding without a tax increase.

Article 25 design and permitting of extension of sewer system to the Teaticket/Acapesket area. If this requires a tax increase, we may need to consider deferring this project.

Article 26 replace section of water main, \$3.1 million estimated cost. We may need to consider deferring this project.

Article 27 study of water mains to detect lead and other hazardous materials funded free cash.

Article 28 there may be a grant to offset the cost of this project.

Article 29 sum of money for evaluating locations for treatment of raw water from the Ashumet and Fresh Pond wells, funded by the US Air Force so the cost will be reimbursed. A written agreement is needed to cover the cost.

Article 30 draft not in the packet. Amend position classification plan, Diversity, Equity, and Inclusion position from a grade 8 to 9. Create the Sustainability Coordinator position at a grade 8.

Article 31 change in fingerprint bylaw. Requiring a finger print for all liquor license applicants every year is an administrative burden on the police department, would like to change to every 5 years for liquor licenses. Any new license or change in manager would require fingerprint check.

Article 32 a bylaw change brings insurance requirements in line with reality for taxi operators

Article 33 amendment for the Flow Neutral Bylaw, wastewater treatment capacity associated with each different area: Little Pond Sewer Service Area, Teaticket/Acapesket Sewer Service Area, and the rest of the Town.

Article 34 the Board of Health needs to modernize the stable bylaw, proposing authorizing the Board of Health to develop and promulgate the regulations.

Article 35 The Town Clerk requested this housekeeping item that specifies how Saturday office hours are treated regarding regulatory deadlines.

Article 36 appropriate a sum of money to fund relocation of a water main connected with the work Eversource is doing to provide power to Martha's Vineyard. Have an inquiry with the MA Department of Revenue to see if that can be treated as a grant and spent without appropriation.

Article 37 Eversource asked for modification of an easement for installation of the power line at the parking lot on Locust Street.

Article 38 Community Preservation articles automatically on the warrant.

CONSENT AGENDA

1. Licenses
 - a. Approve application for three Special One-Day Wine and Malt Liquor Licenses – West Falmouth Library, located at 575 West Falmouth Highway, West Falmouth – January 25, March 15, and June 7, 2023, from 6:00 p.m. to 7:30 p.m.
2. Administrative Orders
 - a. Approve letter for support for Town of Sandwich special legislation regarding state revolving fund eligibility for wastewater treatment and disposal facilities located at Joint Base Cape Cod
 - b. Approve agreement for Payment in Lieu of Taxes for Personal Property between SCS Nathan Ellis 011282 Falmouth West, LLC and the Town of Falmouth
 - a. Approve 2023 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission

Mr. Zylinski moved approval of the Consent Agenda. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

MINUTES

1. Review and Vote to Approve Minutes of Meetings
Public Sessions:

December 19, 2022

Mr. Patterson moved to approve as amended and release for public access. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.

January 7, 2023

Mr. Patterson moved to approve as amended and release for public access. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.

January 9, 2023

Mr. Patterson moved to approve as amended and release for public access. Second Mr. Zylinski. Vote: Yes-4. No-0. Absent-1.

January 11, 2023

Mr. Brown moved to approve as amended and release for public access. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub working on the Town Meeting Warrant.

SELECT BOARD REPORTS

Mr. Brown:

Attended the Massachusetts Municipal Association (MMA) Annual Meeting. The MMA and the Cape and Islands Municipal Leaders Association voted to send a comment letter to the Massachusetts Department of Environmental Protection (DEP) regarding the impact of impractical changes to Title V and requested restoring the funding of \$2 million associated with it noting the DEP is bringing forward a flawed plan.

Attended workshops at the annual meeting, subject matter included the fiscal outlook, Division of Local Services, and Private Roads.

Attended the Beach Committee meeting, the committee is disappointed that cleaning of bathhouses funding provided last year was not included in this year's budget.

Mr. Brown will attend the opening of Megansett Crossing on Thursday, 1/26/23 at 3 p.m.

Mr. Patterson:

Attended the Massachusetts Municipal Association Annual Meeting. One workshop Mr. Patterson attended was on electric vehicle implementation, and there is a lot of money available for it. The Cape Cod Commission can be a resource.

Acting Chair Scott Price:

Attended the Massachusetts Municipal Association Annual Meeting. She attended workshops on subject matter including working from home, retention of employees, and Housing. Acting Chair Scott Price asked for the Select Board members' notes and she will compile them and send them to Mr. Johnson-Staub to provide them to each department head.

Attended the Massachusetts Black Law Makers Round Table: Michael Curry talked about inequalities in healthcare and what we can do.

DISCUSSION OF FUTURE AGENDA ITEMS

Acting Chair Scott Price stated there will be an update on Black Beach at the Select Board's meeting on 1/30/23.

Mr. Zylinski asked for Town Counsel to clarify the Conflict of Interest Law. Mr. Johnson-Staub reported that he talked with Chair and Vice Chair, and the Select Board may take that up at a Saturday Workshop meeting as part of Conflict of Interest training. Tentatively planned for March, but the date is to be determined. This would be a workshop meeting for Select Board training and not open to the public.

Mr. Brown would like a policy discussion regarding consistent dates for the flags to be posted for the Martin Luther King, Jr. holiday. Mr. Brown noted wanting to discuss other policies as well. Mr. Johnson-Staub asked Mr. Brown to provide a list of policies that Mr. Brown would like to have addressed.

ADJOURN

Mr. Brown moved to adjourn the meeting at approximately 8:40 p.m. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary