

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes
MONDAY, APRIL 3, 2023 – 6:00 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 Taylor, Chair; Onjalé Scott Price, Vice-Chair; Samuel Patterson; Douglas Brown; Edwin (Scott) Zylinski II

Absent: None

Others present: Peter Johnson-Staub, Interim Town Manager

OPEN SESSION

Call to Order: By Chair Nancy Taylor at 6:00 p.m.

EXECUTIVE SESSION

Chair Taylor called for a motion to go into Executive Session to discuss strategy with respect to collective bargaining with AFSCME Unit A - M.G.L. c.30A s.21(a)(3), and we will return to Open Session at 6:30 p.m.

Motion by Ms. Scott Price: So moved. Second: Mr. Zylinski

Roll call vote: Brown: Aye; Patterson: Aye; Scott Price: Aye; Zylinski: Aye; and Taylor: Aye

OPEN SESSION

Call to Order: Following Executive Session, Chair Taylor called to order the Open Session of the meeting, saying the Select Board had discussed strategy with respect to collective bargaining with AFSCME Unit A and agreed to the contract presented by Peter Johnson-Staub. Mr. Johnson-Staub said that they were happy to have the negotiations complete, that they went well, and that the contract will be for 3 years - FY23, FY24, and FY25. Chair Taylor thanked Mr. Johnson-Staub for his work on that.

Pledge of Allegiance: Led by Select Board

Proclamation – Arbor Day – Proclamation read out by Ms. Johnson-Price.

Motion by Ms. Scott Price: That we, the Select Board of the Town of Falmouth, do hereby proclaim Friday, April 28, 2023, as Arbor Day, in witness whereof we have hereunto set our hands and caused the Great Seal of the Town of Falmouth to be affixed this day, Monday, April 3, 2023 Second: Sam Patterson

Mr. Brown asked if there would be an Arbor Day celebration this year. Jeremiah Pearson, tree warden, said a celebration was being planned for April 28 at Goodwill Park and provided some details of the plans. Mr. Patterson asked if there were plans to re-plant trees in the clearing by the pump station. Mr. Pearson said some white oak saplings had been planted there by the church last year, but that he would take another look at the area.

Vote: Yes – 5 No - 0

Recognition - None

Announcements – Chair Taylor made customary pre-meeting announcements regarding cell phones and taping.

Public Comment –

Chair Taylor began with a “comment on Public Comment”: A recent state supreme court case has invalidated some of the restrictions on the department that our Town and many others had placed on speakers at the public comment period. We will continue to have our public comment, and I must continue to enforce the 2-minute time limitation on all speakers each time. I trust the good citizens of Falmouth who take advantage of this opportunity will continue to be civil.

Richard Dube, Blacksmith Shop Road – Mr. Dube said there was an article in “this week’s” Falmouth Enterprise containing statements made by Mr. Johnson-Staub about shotguns - focused on the difference between a “regular” shotgun and a short-barreled shotgun – said a regular shotgun can be transformed into a short-barreled gun with a regular hacksaw – said it appears that the Town’s position is that \$5,000 is the price for placing deadly weapons that

are unlikely to be used for nefarious purposes back in circulation – said approx. 2.8 million AR-15s entered circulation in the US last year – said he is certain that the dealer who sold the weapon to the national shooter thought it was highly unlikely that the purchaser would use the weapon to kill three 9-year-old children and three adults – said he is tired of appearing before the Board about the Town’s position on the disposition of firearms – said the Select Board seems more beholden to the police department than to citizens – said Article 13 passed with close to unanimous consent, which gives a strong indication of how the Town feels about purveyors of deadly weapons.

David Moriarty – said he is commenting on the article for Town Meeting – said only the Select Board, has the ability to grant the right to enter related to Town property – said Town Meeting does not have the authority to grant the right or entry to land under Select Board control – said the petition article is advisory only – said please do not allow any amendments to Article 15 as it has no standing and is advisory only.

Alison Leschen, Lantern Lane – said the Saturday discussion of a policy for the embarkation fund was a start but needs a clearer process for accessing the funds – said there is no process in place for who can access the funds or how – said no one seems to know – said there is no clear process for awarding funds or why – said there is over \$1M in the funds with the possibility of more if fees are tripled – said there are ways the monies could be used to mitigate the effect of the ferries – said Tisbury has an embarkation fee advisory committee and advocated something similar for Falmouth – said something like the CPC would work where requirements could be in place for how the finding would be spent based upon merit and priorities – said a transparent process is needed.

Sandra Faiman-Silva, Davis Road – said she was upset to see the clear cutting on Sandwich Road where the fire station is going to be – said not one shred of the mature forest that was there remains – said that it’s a loss and that we should preserve natural forest - said we need to be more attentive to the message of Arbor Day.

Noreen Cavanaugh, - said the Select Board seems more beholden to the FPD than to its citizens – said Article 15 passed with near unanimous consent – said we spend hundreds of thousands of dollars on pickleball courts and resurfacing tennis courts, but say it’s critical to save \$5,000 to place deadly weapons in the hands of unknown purchasers – said the Select Board has the authority to have dangerous shotguns destroyed – said the Select Board refuses to accept the mandate of the Town – said that if \$5,000 means taxes go up by \$1, it will be worth it to be able to sleep with a clear conscience – said that if you can’t protect the health and safety of the Town, step down – said the 2nd Amendment was passed in 1791 when the Founding Fathers were talking about muskets.

PUBLIC HEARINGS

Application for a New Entertainment License and Sunday Entertainment License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth, continued from 3/27/23

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager’s Preliminary Report for April 3, 2023* dated March 31, 2023 in the meeting packet.

Susan Bergmann was present to represent West Falmouth Library.

Public comment –

Debra Segal – said she lives on Friends Way and speaks for herself, husband, and neighbors – said the license is for entertainment but this is a library – said the issue is the unnecessarily amplified music and voices that carry into the house – cited the Town’s noise bylaw Chapter 150-1 and Chapter 156-11 and quotes sections that apply to prohibiting noise – said in addition to all the outdoor area noises, the library will be the latest example of disturbing and illegal noise in Town and respectfully asked the Select Board to deny the license.

Jim Gray – said that libraries have become community centers – said libraries host events and show support for all community activities – said the Town needs community centers and supports the West Falmouth Market and WFL engaging in community support events.

Mr. Brown noted the outdoor events in the application: one on June 16, one on July 27, one on Aug. 5, and partially on Dec. 5. Susan Bergmann gave some brief details about these events. Mr. Brown said that only the garden party event would have entertainment and it would be for two hours from 5 to 7 p.m. Mr. Johnson-Staub, answering a question from Mr. Zylinski about what the license actually allows, said that if the license is granted, the WFL can host all events listed in the application.

Susan Bergmann said that the West Falmouth Library is a private entity and must do fundraising to support its programs.

Public comment:

Sandra Faiman-Silva – said that libraries should have an open concept and host all sorts of activities exposing the people to different things – said that such exposure is a good thing – said she would support this.

Debra Segal – said the neighbors do not object to the library hosting the events, it's the amplification that is the problem – said if there could be a control on that, that would probably solve the problem – said the WFL does receive some funds from the Town.

Mr. Johnson-Staub confirmed there is a Town subsidy to the WFL but that it is a very small part of their total operating costs.

Chair Taylor called for a motion to close the hearing.

Ms. Scott Price: So moved Second: Mr. Zylinski

Mr. Brown commented that regarding the policy for entertainment licenses, the applicant is required to keep the music within the limits of the property.

Vote: Yes – 5 No - 0

Motion by Mr. Zylinski: To approve the application Second: Mr. Patterson Vote: Yes – 5 No - 0

Application to amend an Entertainment License and Sunday Entertainment License – 311 Gifford Street OpCo, LLC d/b/a Coonamessett Inn, located at 311 Gifford Street, Falmouth

Mr. Patterson disclosed that he is an abutter to this facility. He said that upon the advice of Town Counsel that this could affect the value of his property, he would recuse himself. He then left the meeting room.

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

John Norton, general manager, was present.

Mr. Brown asked about the previous incident with noise in 2019 and if the applicant had been unaware of the licensing requirement. Mr. Norton said that was correct. Mr. Brown referred to the previous hearing regarding noise limitations. He said there was a neighbor across the pond who said the music is really loud and headphones have to be used. Mr. Norton agreed that the outdoor music on the deck when they were notified to stop was too much.

Chair Taylor asked Mr. Johnson-Staub to review his recommendation; he said it is to consider setting specific hours for outdoor entertainment if the Board is inclined to approve outdoor entertainment. It was further clarified that the hours requested are on the application, not the existing license, and that there could be different hours for indoors and outdoors.

Mr. Brown said that the anti-noise bylaw becomes effective at 10:00, and that that would be a more appropriate time for the outdoor entertainment to move inside. Mr. Norton said that would be no problem.

Public comment:

Therese Marshall, Grasmere neighborhood - said she lives across the pond from the inn and loves the music – said she thinks the 10:00 time is a great idea – said the inn is a great asset for the neighborhood and complimented the new management – called the atmosphere festive and exciting and is fully in support.

Peter Joyal, Grasmere – lives across the pond and enjoys the music, but supports the 10:00 curfew – said when there is a wedding they open the windows and doors/sliders and that does get loud at night – he said the occasional wedding is fine – said he's not sure what the license will allow them to do and for how many days a week, but reiterated that when the doors are open, it does get loud.

Mr. Brown said that the application is for 7 days a week from 11:00 a.m. to 12:30 a.m. but they were agreeing on 10:00 for outdoors. Further comment was that Sundays are included. Ms. Scott Price asked if the Board could amend to 10:00 for outside and 11:00 for inside. Mr. Norton said that often Sunday holidays tend to be big wedding days, and they can go until 11:00. He said those Sundays are the only ones that he could see entertainment being offered after 8:00 p.m.

Chair Taylor called for a motion to close the hearing.

Ms. Scott Price: So moved Second: Mr. Brown

Mr. Brown clarified that the Board was now considering 10:00 for outside entertainment and 11:00 for inside, even on Sunday. In response, Mr. Norton said he was not requesting to amend the inside entertainment. He said 12:30 a.m. for New Year's and wedding parties is needed, but he would use due diligence to assure that windows and doors are all closed. He said the earlier hours would be a drastic change to his business. He said he would give neighbors his cell number. Mr. Brown said that 12:30 is pretty standard for this type of business. But 10:00 for outside. Mr. Zylinski said that the details can all be monitored for compliance.

Vote: Yes – 5 No - 0

Mr. Brown proposed **amending the outdoor license to conclude at 10:00 p.m. and the indoor can remain at 12:30 a.m. with the understanding that the music is not supposed to travel beyond the property line to the best of the licensee's ability, and with the conditions that windows and doors must be closed after 10:00 p.m. when there is amplified entertainment.**

Motion by Ms. Scott Price: To approve as amended Second: Mr. Zylinski. Vote: Yes – 4 No - 0

Mr. Patterson returned to the meeting room.

Application to Amend an Entertainment License – Qhog, Inc. d/b/a Quahog Republic Dive Bar, located at 97 Spring Bars Road, Falmouth

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Thomas Hughes was present for the applicant. Brief Board discussion included comment that there appeared to be no concerns from abutters, and that the request was to start the music earlier.

Public comment: None

Chair Taylor called for a motion to close the hearing.

Ms. Scott Price: So moved Second: Mr. Zylinski. Vote: Yes – 5 No - 0

Motion by Ms. Scott Price: To approve the application Second: Mr. Zylinski. Vote: Yes – 5 No - 0

CONSENT AGENDA

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet. Regarding the Flying Bridge application to sell new and used boats, Mr. Johnson-Staub said that a question came in today about whether there is a parking compliance issue with that request. He said that the matter was reviewed today by the building commissioner and town planner and that since the retail space remains unchanged, there are no parking issues. He said it was considered a re-allocation of existing retail space, so there is no additional parking required.

Chair Taylor read out the Licenses and Administrative Orders. The 2023 License Renewals are as listed.

Mr. Zylinski held "Licenses, b." He asked Mr. Johnson-Staub if the license is transferable. Mr. Johnson-Staub said he believed so but was not sure. Mr. Zylinski said he was not voting until he got an answer to his question. Mr. Brown commented that he was surprised that it was a by-right use, but it is a marina front. Mr. Patterson said it was part of their business.

1. Licenses

- a. Application for three Special One-Day All Alcohol Liquor Licenses - Falmouth Theatre Guild - Highfield Theater, 58 Highfield Drive, Falmouth – 4/28 – 4/30, 5/5 – 5/7, 5/12 – 5/14/23
- b. Application for a Class I License to Buy and Sell New and Second Hand Motor Vehicles – Flying Bridge Marina, LLC d/b/a Flying Bridge Marina to be exercised at 250 Scranton Avenue, Falmouth
- c. Application for a Special One-Day Wine & Malt Beverages License – Noreen Cavanaugh – Unitarian Universalist Church of Falmouth, 840 Sandwich Road, East Falmouth – Saturday, 4/15/23

2. Administrative Orders
 - a. Approve administrative Change of Address of an All Alcoholic Beverages Common Victualler License – DJ's Holdings, Inc. d/b/a DJ's Family Sports Pub, located at 870 Main Street, Unit A, Falmouth

3. License Renewals – 2023 Seasonal/Annual
SEASONAL ALL ALCOHOL CLUB
Seacoast Shores Assn., 7 Farview Lane

SEASONAL COMMON VICTUALLER
Eulinda's, 634 West Falmouth Highway
Village Café of West Falmouth, 634 West Falmouth Hwy.

SEASONAL ALL ALCOHOL COMMON VICTUALLER
Falmouth Raw Bar, 56 Scranton Avenue
Landfall Restaurant, 2 Luscombe Avenue
Pier 37 Boathouse, 88 Scranton Avenue
Shuckers, 91A Water Street
The Woods Hole Wharf, 71 Water Street

ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Avenue
Landfall Restaurant, 2 Luscombe Avenue
Pier 37 Boathouse, 88 Scranton Avenue
Shuckers, 91A Water Street
The Woods Hole Wharf, 71 Water Street

SUNDAY ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Avenue
Landfall Restaurant, 2 Luscombe Avenue
Pier 37 Boathouse, 88 Scranton Avenue
Shuckers, 91A Water Street
The Woods Hole Wharf, 71 Water Street

Chair Taylor: To ask the Board to move the consent agenda except for “b” which we will vote separately.

Vote: Yes – 5 No – 0

Chair Taylor: We will vote “b” separately for the application for a Class I License to Buy and Sell New and Second Hand Motor Vehicles – Flying Bridge Marina, LLC d/b/a Flying Bridge Marina to be exercised at 250 Scranton Avenue, Falmouth

Ms. Scott Price asked what Mr. Zylinski's concerns were. First, he said, the terminology in the request uses “motor vehicles” and not “marine vehicles.” Second, he wants to know if the license is transferable to another location in common ownership. Mr. Johnson-Staub said that the correct statutory language for the license is “motor vehicles,” but there was general agreement on the Board that there was ambiguity surrounding the issue. Mr. Johnson-Staub said they could seek a commitment that the license is limited to boats and that it is location specific.

Motion by Mr. Brown: To hold “b” until there is further information from the Town Manager

Second: Mr. Zylinski

Vote: Yes – 5 No – 0

Chair Taylor said that the Board would take the “Town Manager's Supplemental Report” and the “Minutes” out of order, followed by BUSINESS.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported that he has appointed all but one of the police chief citizens advisory panel members, whose work will supplement the consultant's work. He said a full-day assessment center would occur on Saturday, April 15. On Friday, April 14, the citizens panels will interview the 4 or 5 finalists for the police chief position.

There are 3 panels, each one having one staff member. Members are as follows:

Panel #1 – Susie Hauptmann, Human Resources Director
Michael Kasparian, Chamber of Commerce Ex Director

Panel #2 - Henry St Germaine – School DEI officer
Nan Logan – gun safety activist
Lynn Rhodes – CC NAACP

Panel #3 - Peter McConarty – DPW Director
Peggy Zuplatt – Town Meeting member, East Falmouth
Amy Lenardi – Town Meeting member, Hatchville

Next, Mr. Johnson-Staub updated the Board on the issue of the Select Board agendas being posted in the Falmouth Enterprise. He said the office sends the agenda to the Enterprise for publication on the Wednesday before the Monday meeting, which is at no cost. The Enterprise editor explained that sometimes the timing is challenging with the Friday publication. Also, news content sometimes requires the space. He said that the open meeting law does not mandate posting in a local news outlet. Mr. Johnson-Staub said that residents can get the agendas on the Town's website and can also sign up for notifications by going to the home page and clicking on Alerts and then Notify Me.

Last, upcoming meetings: Town Meeting April 10 – Select Board will meet at 6:30 and then at 9:00 for a vote to place the override on the ballot consistent with the vote if the dollar amount changes. He said this will be coordinated with the moderator. Future Select Board meetings are 4/24, 5/1, and 5/22.

Mr. Zylinski asked for clarification on the issue of the agenda appearing in the Enterprise. He said there are many people in Town who are not computer savvy and rely on the agenda being in the paper. Mr. Johnson-Staub said the office always sends the agenda to the Enterprise, but that we can't control what the Enterprise does. He said the Town does not pay for this service and never has. Mr. Zylinski asked, if it's a matter of money, if we paid for it, would it get printed? Chair Taylor said that she and Mr. Johnson-Staub have discussed this issue before, acknowledging that some people in Town depend on it. Due to the Enterprise's issue of news space and not committing to the publishing of the agenda, she said she would like to cost it out with the Enterprise. Mr. Brown said that paying for dedicated space in the paper might be the next step. Mr. Johnson-Staub said that the cost per meeting would be approximately \$400-\$700 but said that was based upon the price of legal ads and was not a quote. He said he would price it out and get a formal quote, also considering where it would appear in the paper.

Review and Vote to Approve Minutes of Meetings

a. Public Session – September 12, 2022

Motion by Mr. Patterson: To approve Second: Ms. Scott Price Vote: Yes – 5 No - 0

BUSINESS

Application to Mass Housing for project eligibility - Acapesket Gardens, located at 0 Acapesket Road and 0 Old Bayberry Lane, East Falmouth

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet. The purpose was to seek Board input for the draft letter.

Board comment included a question on whether it could be considered a Local Initiative Project (It could be but that's not how it's applied for.), and the issue of denitrification septic systems for the project, which would increase the subsidy, Mr. Johnson-Staub said. He said FAHF funding has not been used for denitrification. Mr. Patterson said that the issue would have to be considered in terms of these few housing projects being compared with all the septic systems throughout Town.

There was general Board support of the application, Mr. Brown saying he was glad to see that all the units are rentals and affordable.

Application for a Change of Manager of an All Alcohol Common Victualler License – Town Hall Partners, LLC d/b/a Timber, located at 23 Town Hall Square, Falmouth

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Attorney Klauer, representing the applicant, introduced Edmund Reid, the new general manager of Timber. Mr. Reid said he is looking forward to working with the community. He said this would be his only management responsibility at this time.

Motion by Ms. Scott Price: To approve Second: Mr. Patterson Vote: Yes – 5 No - 0

Mr. Brown made a statement underscoring the responsibility that accompanies the manager's position regarding alcohol and who consumes it, which he attributed to Doug Jones, a former selectman.

Sustainability Coordinator job description

Mr. Johnson-Staub said the next two items were on the agenda in response to some concerns from advocates who had brought the job descriptions forward. Next, he orally reviewed the item referring to *The Town Manager's*

Preliminary Report for April 3, 2023, dated March 31, 2023, in the meeting packet, which gives a brief history of the issue. He said he was seeking the Board's input.

Input by the Board included these points:

- A job description is normally written by the town manager, even though this job was started at Town Meeting, so there might be a question of overstepping purview here.
- An idea to include might be to work to assure that the cost of energy to citizens is manageable.
- There are fine points to classifying the job properly: manager vs. coordinator, for example.
- There is a possibility that the job will grow in scope and that might create problems for the person hired for the original position.
- Future changes might require Town Meeting action and salary changes.
- The coordinator title now seems appropriate.

Public comment:

Judy Fenwick – credited the parties who made the sustainability position a reality – suggested expanding the focus to include more than energy conservation – suggested changing the energy committee's name to Sustainability and Energy Committee and expand the members from 5 to 7 – said to consult the organizational chart for the Town's governance structure and move toward creating a community development department where this committee and position would belong.

Lynn Chad on behalf of petitioners for article for sustainability director and member of beach committee – suggested starting at a level higher than coordinator – suggested increasing emphasis on coastal resiliency and plans for addressing it.

Dr. Ling – said she put her ideas in an email earlier – said the position should have broad responsibilities and functions – higher level would reflect the importance of the responsibilities – person should be tasked with expanding the sustainability position into what is appropriate given the complexity of the issue – please consider upgrading the position to attract and retain the right person.

Mr. Brown said the Board understands the huge task inherent in the position, and for this reason, favors folding the sustainability person into the 2024 budget, then working in coastal resiliency in the 2025 budget. He said the designation of coordinator is appropriate at this time, allowing adaptations in the positions to occur as needed. Mr. Patterson raised the issue of the difficulty and density of MA regulations regarding coastal and conservation issues, and said he supports keeping that element out of the description at this time.

The Board confirmed that Mr. Johnson-Staub had consensus support on the existing title and scope of the job description.

Diversity, Equity and Inclusion Officer job description

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet which gives a brief history of the issue. He also explained the rationale behind the ways in which he had narrowed the scope of the position as outlined in the preliminary report.

Mr. Brown asked if it were possible to include a way the public could find resources available to them through this position without adding too big a burden. Ms. Scott Price commented on past concerns regarding the legal authority of the position when dealing with community members and how the focus of the job description has changed.

Ms. Kapp – (reading from a lengthy statement containing the history of the issue for the past several years and current requests) - disagreed that there had been sufficient input or interaction in forming the job description – asked the Select Board to reinstate the DEI officer function as detailed in the original job description – said the position was for the community and schools, not Town employees, boards, and committees – disagreed with the change in focus – said the original detailed resident interactions with the DEI officer functioning as an advocate and serving as a liaison – said the new version removes residents and impacted groups with a new focus on Town personnel – said the community as a whole does not have direct access to DEI officer – said there was no team review or feedback provided – said it seems that the community as a whole has yet to be adequately notified of significant changes - asked the Select Board to reconsider accepting this significant change and restore transparency, community engagement, and communication features to produce a new version before implementing the 3/6 changes – said she seeks direct access and asked the Select Board to restore interaction between residents and the DEI officer.

Sandra Faiman-Silva, Precinct 2 – said the original article gained strong Town support – said she is very disappointed in what is going on this evening – said the Select Board should be working with the Town Manager in producing the job description – said the job has totally lost the vision and content that was described and passed at Town Meeting and now focuses on 350 people at Town Hall instead of the Falmouth community of 30,000 – said she sent an edited version of the job description to the Select Board (then detailed several changes she proposed in content and wording) – asked to put community engagement back into the job description and to pay attention to what Town Meeting passed – said she wished someone, such as the consultant, had contacted her for input – said that militancy against tolerance and acceptance must be addressed.

Mr. Brown asked Mr. Johnson-Staub what he thought about the proposed language changes. Mr. Johnson-Staub acknowledged he could have engaged better with the writers of the original job description. He said he met with Ms. Faiman-Silva and one other in his office to talk about it – (brief inaudible comment from audience member). He said the job description had changed from its original version and that he would return to that version if the Board wished, although he had concerns about potential difficulty in attracting qualified candidates and difficulties related to adjudicating conflict in the broader community.

What followed was a thorough Board discussion with Mr. Johnson-Staub of the job description, including but not limited to comments below:

- One community had a bad experience with the broader job description and had to narrow the description.
- There are two visions of the job: community organizer/activist and doing structural strategic work
- The person in the position can, in time, tell the Board what works and how to strengthen the system and perhaps change the way we do things.
- Combining the two versions into one isn't going to be successful.
- We want language that incorporates flexibility and doesn't mandate what to do next.
- Some of the community engagement can be identified as a goal instead of listed in the job description.
- The person could not be expected to organize and host community events or handle grievances, but could help institute systems where these things could happen.
- We could make a couple of key changes in the language to help incorporate community engagement.
- Why don't we improve the community involvement part of the process and engage portions of the community who are underrepresented?
- I disagree that further public input is needed on the job description.
- We already have a lot of feedback. We have to decide how far the person can be stretched.
- Was there an exit interview with the person who left? Why did the person leave?

Public comment:

Sandra Faiman-Silva – asked about the role Town government plays in raising peoples' consciousness. – said it's appropriate for the Town to host workshops, and that it must deal with problems in our communities.

Continued Board discussion reviewed ideas mentioned. Mr. Johnson-Staub said he could add community education to the job description, but noted there is a difference between that and adjudicating. (inaudible comment from the audience) The Board moved toward agreement that language changes could be added to the description, and then discussed how best to do that given the Town Meeting deadline and what was allowable on Town Meeting floor. They said they could amend a job description after Town Meeting as long as it didn't change the classification and salary of the job. The Board agreed that the language changes and feedback obtained would be incorporated by Mr. Johnson-Staub and the revised description posted on the website.

Approve request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/16, Saturday, 6/17 and Sunday, 6/18/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Mr. Brown raised issue of the number of fee waiver requests that have come in. Ms. Scott Price asked if data could be obtained on how many waiver requests there are compared with total permits, and which are non-profits.

Motion by Ms. Scott Price: To approve Second: Mr. Patterson Vote: Yes – 5 No – 0

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 from 7/2/23 – 9/3/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Motion by Mr. Patterson: To approve Second: Mr. Zylinski Vote: Yes – 5 No - 0

Request for variance to Sign Code – §184-30 (C) Special Events: John Wesley United Methodist Church, 270 Gifford Street

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Motion by Mr. Patterson: To approve Second: Mr. Zylinski Vote: Yes – 5 No - 0

Approve request from Falmouth Art Market and Falmouth Cultural Council for a waiver/reduction of the special event permit fee for the Falmouth Art Market at Marina Park on Tuesdays from 6/27/23 – 8/29/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Motion by Mr. Patterson: To approve Second: Ms. Scott Price Vote: Yes – 5 No - 0

Approve request from Dawna Hammers for a waiver/reduction of the special event permit fee for the Earth Day Concert at the Bandshell/Marina Park on Saturday, 4/22/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Dawna Hammers was present and passed out material to the Board. She explained her need for the waiver and requested the full, not partial, waiver.

Motion by Ms. Scott Price: To approve Second: Mr. Zylinski Vote: Yes – 5 No - 0

Request for variance to Sign Code – §184-32 Off-Premise Signs: Buzzards Bay Coalition – Buzzards Bay Watershed Ride on Saturday, 10/1/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Motion by Mr. Patterson: To approve Second: Ms. Scott Price Vote: Yes – 5 No - 0

Chair Taylor called for a 5-minute break.

Vote to appoint Town Manager

Chair Taylor began by reading remarks, including a summary of the selection process. She noted that the consultant said he contacted 39 women managers, assistants, and municipal professionals, which was down from 50, the number he had originally used. She said written feedback and emails from the community had been received during the process. She also listed the various qualifications the Board was looking for in a candidate. She said the discussion would be among Board members, and that at the conclusion of the discussion, she would ask members to identify their first and runner up candidates.

What followed was an extended discussion lasting approximately 1 hour and 15 minutes. It began with each Board member speaking, individually reviewing what he/she had done to prepare to arrive at a decision. Discussion evolved from general comment on the process into support for one candidate over another.

Below are representative comments from the first portion of the discussion:

Mr. Patterson:

(Passed out a document to members on organizational effectiveness, including his findings.)

- From my work in organizational management, there is a difference between talking the talk and walking the walk.
- The focus should be on what the organization needs and how to achieve goals.
- Should consider the number of times there is a job change because rapid change affects the ability to form relationships, which takes a longer period of time, as well as affects the management of people.

Ms. Scott Price:

- Reviewed emails and communication for general themes in what the Town seeks in a town manager.
- Asked questions in the individual interviews of each candidate, such as how he demonstrated a commitment to DEI in a former role, how he would work with volunteers and committees, how he would envision supporting the Select Board, and how he would build trust and camaraderie.
- Regarding my questions about finance, one person in Colorado said that Mr. Renshaw was not involved due to structural systems but thought that after one and a half years, Mr. Renshaw had not fully grasped the nuances of Colorado law.
- In Georgia, Mr. Renshaw played a huge part in the leadership and development of all staff.
- In Yarmouth, Mr. Johnson-Staub was thought of as the “go-to” person on all matters regarding budget and warrant articles, and that he had a deep knowledge on an array of subjects.

Mr. Zylinski:

- I was very frank with each candidate about the basic function of the Town.
- Tried to lead them into telling me how they interacted with the Town.
- When I followed up on my assignment, everyone had good reports, but there are different levels of good.
- People in the South were very willing to talk to me.
- People in Douglas had glowing reports about Mr. Wojcik.
- Police chief in Yarmouth had very nice things to say about Mr. Johnson-Staub; did not talk to local police chief due to on-going issues with the department, and I didn’t want to complicate that.
- Received very positive comments about one candidate and his performance, but all candidates were very good.

Mr. Brown:

- From interviews with 3 DPW directors, no negativity, all positive remarks.
- In Georgia, one comment was about how the person had changed his methods as a result of working with Mr. Renshaw.
- In Douglas, very enthusiastic about Mr. Wojcik.
- Mr. McConarty was very encouraged about the future and working with Mr. Johnson-Staub.
- I used personal interviews to get to know candidates better on a personal level and see how they would do business here in Falmouth.
- Job change affects the ability to effectively assess the effectiveness of programs.
- Good references are not unusual when dealing with movement in municipal government employment and must be viewed cautiously.

Chair Taylor

- Used individual interviews to dig into leadership/management styles.
- Regarding schools in Yarmouth, Mr. Johnson-Staub was responsible and available, and any differences didn’t affect relationships.
- In Georgia, Mr. Renshaw didn’t work with schools, but a member of a board who worked with Mr. Renshaw as county manager found him helpful, knowledgeable, and pleasant. There had been 4 county managers in 4 years.
- In Douglas, Mr. Wojcik held the purse strings, balanced the needs of all staff, was found to be bright, intelligent, articulate, and understood finance and politics.
- Regarding schools in Douglas, Mr. Wojcik restructured the teachers’ contract for a higher raise.
- Nothing negative emerged from research.

At this point, the issue of rapid job change of one candidate became a discussion point. Mr. Brown suggested that good references in municipal employment are not unusual and should be viewed with caution. Mr. Zylinski asked for evidence behind that comment. Mr. Brown said not particularly in this situation, more that the practice was generally accepted as common courtesy. Ms. Scott Price said she had asked about the job change during her individual interview and said that the most recent change with one candidate was one that she understood and could empathize with. Mr. Brown again said that he was not referring to a specific reason, only that it is a practice to be aware of.

Working backwards from third to first, Ms. Scott Price complimented Mr. Wojcik, but said that scaling up to manage a town the size of Falmouth would be a challenge. She said she was also concerned about the loss of institutional knowledge that has been occurring in Falmouth. She said Mr. Wojcik was her third choice. Mr. Zylinski agreed.

Mr. Brown said Mr. Wojcik was his second choice largely due to his enthusiasm. Mr. Renshaw was his third choice. The job changes are concerning, he said, and although he is likeable and professional, not a good fit for Falmouth. The learning curve would be steep, he said, and questioned Mr. Renshaw's approach to break things down and re-structure. Chair Taylor said that she didn't see Mr. Renshaw as wanting to change everything so much as wanting to see how everything works, how the system is set up, learn how it works, and how things might be made to work better. Mr. Brown then said he sees Mr. Johnson-Staub as his first choice; he is absolutely prepared for the job and has earned it.

Approximately 35 minutes into the general discussion, the Board began to focus on two candidates, Mr. Johnson-Staub and Mr. Renshaw, weighing pros and cons of each. Remarks became, at times, pointed. Salient features from this portion of the discussion appear below:

Mr. Brown began with strengths for Mr. Johnson-Staub and why he is a good person for the job, pointing out his experience in Falmouth for 6 years, budget knowledge, workshops and planning sessions, and fire dept. issue among other things. He said he would be happy to work with him. Mr. Zylinski asked if Mr. Brown didn't sense a disconnect between Mr. Johnson-Staub and the community. When Mr. Brown said no, Mr. Zylinski pressed the point, saying he has talked with a lot of people who are dissatisfied with the way things are. He went on to praise Mr. Renshaw as collaborative, creative, excelling at his leadership program, having history with veterans' rights, experience as a police officer, and community involvement in a Southern state. He said he does not view job change as a negative; rather, he has continuously climbed the ladder. Mr. Zylinski went on to say the same people in Falmouth make decisions for the Town, but what about the rest of the community? He said he doesn't want business as usual, which was Mr. Johnson-Staub's answer to what he would do on Day One.

Chair Taylor, referring to Mr. Patterson's earlier remark about "talking the talk," said she didn't see things that way. She saw Mr. Renshaw engage the community during the meet-and-greet. She said she is looking for someone who can inspire. She said she is not hearing the same positive comments about how Town Hall is functioning that Mr. Brown is hearing. She said she is looking for someone who can manage and lead.

Mr. Patterson said that Falmouth is a unique community regarding issues it faces compared with the experiences of the other two candidates. He said people he respects support Mr. Johnson-Staub. Regarding leadership, he said Mr. Johnson-Staub shows it when he asks questions others wouldn't think of. Mr. Zylinski then said he didn't need a lecture on what leadership looks like. Mr. Patterson took issue with that characterization of his comments.

Next, Ms. Scott Price shared her observations about both remaining candidates, positive and negative. First, she said she thought Mr. Renshaw could do the job but was concerned about the steep learning curve. Next, after highlighting pros and cons, said that in weighing the two candidates, she said it seems to be about what is important now vs. what is important in the next 5 years. Mr. Zylinski focused on committees and Town Counsel, and how valuable they would be in bringing a new person up to speed. He said good leadership is about delegating and not doing everything yourself. Chair Taylor said that Mr. Renshaw was very interested in the 30+ committees in Town and saw them as an opportunity for community engagement.

The final portion of the Board's discussion focused on individual Board member's advocacy for either Mr. Johnson-Staub or Mr. Renshaw. Comment continuously went back and forth and included the following topics:

- How the public was perceiving the performance of Mr. Johnson-Staub
- How to regard job change
- What good leadership is and who could best demonstrate it
- That there is a risk to bringing a new person on board now
- The importance of exit interviews and Mr. Johnson's handling of them, and if he was even asked to conduct them
- What the Town needs and who is best suited to provide it
- Performances of candidates during the various interviews
- Agreement that either candidate can do the job but disagreement over who would make the better choice
- Agreement over the importance of communication skills but disagreement over who possesses them
- That a decision should not be made over whether someone would leave as a result of it

Final comments made by Board members appear below:

Ms. Scott Price said that Mr. Renshaw could come to Falmouth to do the job but that the learning curve concerned her and wondered how long it would take to come up to speed. She said the lack of institutional knowledge “genuinely concerns me.” With Mr. Johnson-Staub, the expressed concerns are manageable.

Mr. Zylinski said that Mr. Johnson-Staub does a lot of things well but not everything. Some of that is instinctive in leadership, he said, and that he recognizes leadership when he sees it. He said if you can motivate and communicate with people, you can do great things.

Mr. Patterson said what he admired is Mr. Johnson-Staub’s communication skills, evidenced by the nuance and understanding contained in the memos he writes. The skill, he said, is also contained in his presentations, which are very direct and informative. He also later said that he was impressed by Mr. Johnson-Staub’s ability to do the job of multiple people.

Chair Taylor said that she thinks Mr. Johnson-Staub is great, that she has enjoyed working with him and he has done a really nice job, but she thinks the Town can go a step higher, and that Mr. Renshaw is the person. She said she has never felt like she needs to make a decision based upon someone else’s potential decision. She said the organization will continue, even allowing for more time to come up to speed. She said she thinks Mr. Renshaw is the one.

Mr. Brown said over the years of knowing Mr. Johnson-Staub, that when someone points out a mistake or an error of judgment, he is always willing to revisit it, think carefully, and change course and correct it. He also said he thinks passing Mr. Johnson-Staub over “hurts us as a Board.” He said Mr. Johnson-Staub has shown he can do the job and has earned the respect and the position, and he thinks it would be detrimental to the Board going forward to overlook this gentleman who has done so well for the Town.

At this point, Mr. Johnson-Staub entered the meeting room. After requesting to address the Board, he said he would like to help them with their situation.

Mr. Johnson-Staub: “I don’t want to accept the position without the support of two of your members. I’ve seen a 3/2 vote tear a community apart and I would like to withdraw my candidacy at this time.” He then left the meeting room.

Chair Taylor commented that this was unfortunate because the Board hadn’t voted. After up to a minute of silence, Chair Taylor asked, “What is the preference of the Board?”

Mr. Zylinski: Madame Chair, I make the motion to appoint Mike Renshaw to the position of Town Manager
Second: Ms. Scott Price

Roll call vote:

Brown: I guess it’s “Brown – Aye” because we just lost our town manager

Patterson: No

Scott Price: Aye

Taylor: Aye

Zylinski: Aye

Motion by Mr. Patterson: To adjourn. Second: Mr. Zylinski. Vote: Yes – 5. No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary