

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes
MONDAY, NOVEMBER 20, 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 Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas C. Brown; Onjalé Scott Price; Robert P. Mascali

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O’Keefe, Town Counsel

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: Firefighters Union** - M.G.L. c. 30A s. 21(a)(3).

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

Roll call vote:

Mascali: Aye

Brown: Aye

Scott Price: Aye

Zylinski: Aye

Taylor: Aye

Chair Taylor said the Board would return to Public Session at 6:30.

OPEN SESSION

Call to Order: Chair Taylor called to order the Open Session of the meeting at 6:30 p.m., saying the Board had come to an agreement with the Firefighters Union.

Pledge of Allegiance: Led by Select Board

Proclamation: Falmouth Peer Recovery Support Center Grand Opening Day – December 1, 2023

Chair Taylor read out the proclamation contained in the Select Board meeting packet. A.J. Wilce, the new director at the Falmouth Recovery Center, spoke briefly about the center’s main goal of providing a safe place for people in recovery to go, as well as providing support in finding housing and jobs. He spoke very positively about the role the center would play in the recovery community and the Town. Chair Taylor said the center is located at Kenyon’s Corner.

Recognition:

Mr. Brown recognized Town staff for the good work at Town Meeting. He commended Mike Renshaw, Peter Johnson-Staub, Amy Lowell, and Peter McConarty by name.

Mr. Mascali recognized FCTV for 30 years of wonderful service, saying he had attended the block party anniversary celebration the previous Saturday.

Ms. Scott Price also recognized staff for a good Town Meeting, commending Mr. Renshaw for his presentation at Town Meeting and the “great job” he has done since coming to Falmouth. She also recognized the date of November 20th as Transgender Day of Remembrance, a day to honor and remember those whose lives were cut short through anti-transgender violence and suicide.

Announcements:

Chair Taylor announced that there would be a change to the agenda: the Veterans' Council Committee would not be presenting its report and has been rescheduled for Dec. 18th.

Mr. Renshaw requested that Item 2d under the Consent Agenda be pulled to allow more time for him to work with Town Counsel to address some issues.

Mr. Brown announced that the East Falmouth Village Assn. is sponsoring a Santa display and Christmas tree lighting at Smitty's Ice Cream on Saturday, Dec. 9, from 1:00 – 4:00.

Public Comment:

Richard Dube, Blacksmith Shop Rd. – Read aloud an article from the Falmouth Enterprise dated 5/27/2022 regarding a policy for getting rid of firearms – said new shotguns were purchased and used ones traded in – asked if the Board had approved the trade-in – asked what happened to the policy and was it enforced – asked if the town manager was made aware of the unanimously voted policy.

Miranda Vote - said she works at MBL in Woods Hole – thanked the Board for making the housing crisis an urgent priority – said she has lived in Pocasset with 4 roommates and will now be back in Falmouth in Dec. with one roommate, a situation that took months to make happen – said she and others can live in Falmouth only because landlords rent to them at less than market rate – said she will still be paying a significant portion of her income for rent and cannot afford to save for a house or used car – said she cannot envision affording to live in Falmouth past 2 to 3 years – said year-round rentals support the community in numerous ways - again thanked the Board for its continuous work on this issue.

Todd Taylor, West Falmouth – said on Oct. 16, 2023, the Board voted unanimously to support Chair Taylor's language change to the strategic plan to commit to staffing the West Falmouth Fire Station – said the station has been closed several times since then – asked when the shuttering of the station is going to stop – said there seems to be a lack of communication between the Board, the town manager, and the fire chief - said there have been 4 years of discussions and commitments that are not being resolved – said the Board is an elected body whose policy is not being listened to – asked again when it will stop.

Marc Finneran, 98 Grand Ave. – said he doesn't share Mr. Brown's zeal for Town Meeting – said one article lacked robust debate – said there is no doubt that Malcolm Donald was denied his chance to speak and through that, he was denied his – said he had planned to bring some things forward and ask questions – said he has recently learned of problems in the sewer areas - said he visited a home in Falmouth Heights where, since the sewer was installed, the cellar floods all the time and the owner has had to pay \$40,000 to dig around the inside of her foundation and install 5 sump pumps – said along Maravista there are numerous examples of homes where he has seen hoses coming from houses pumping out water– said he spoke to a woman who said the installation of sewers has caused flooding in her cellar that had never flooded before – explained how the sewer causes the problem in people's homes - (Chair Taylor said Mr. Finneran would need to wrap things up.) – said wherever sewers have been installed there are problems, such as on Walker St. – said he wanted to ask at Town Meeting what have you done about this and the answer to that is nothing – said he wanted to ask at Town Meeting what are you going to do about it before you install sewers further – said it's definitely happening and getting worse, there's no doubt about that – (Chair Taylor said she could not give him any more time) – said this is contributing to the problem at the police station, that it is definitely happening and should be looked at.

PUBLIC HEARINGS

Shade Tree Hearing – on application of James Clarke for the removal of one (1) Norway maple tree at 78 Silver Beach Avenue, North Falmouth

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Public Hearings 1 - Shade Tree Hearing – on application of James Clarke for the removal of one (1) Norway maple tree at 78 Silver Beach Avenue, North Falmouth* in the Select Board packet.

Jeremiah Pearson, Falmouth Tree Warden, spoke to the unbalanced nature of the tree due to trimming by Eversource and its proximity to the house and utility poles.

Mr. Mascali asked about the way Eversource has cleared the lines and if this is an ongoing problem. Mr. Pearson said the way the tree is trimmed is customary, but because of its size and where it is – if it were to fall it would take

down utility poles, cause power outages, and damage the home – it is more of a problem. Mr. Zylinski sought and received clarification from Mr. Pearson that this tree presents a public safety issue.

Public comment: None

Motion by Ms. Scott Price: To close the hearing Second: Mr. Zylinski Vote: Yes – 5 No – 0

Mr. Brown said the report seems clear that the tree needs to go.

Motion by Mr. Brown: To grant permission to remove the tree with the condition that the cost of removal be borne by the owner or by Eversource Second: Ms. Scott Price Vote: Yes – 5 No – 0

BUSINESS

Discuss interaction between the Select Board and the Falmouth Housing Authority

Chair Taylor presented the question as follows: What level of oversight or authority over the Falmouth Housing Authority does the Select Board have? Town Counsel Maura O’Keefe provided an overview of the issue as detailed in a memo to Mike Renshaw, Town Manager, and members of the Select Board, with the subject *Relationship between the Town and the Housing Authority*, dated Nov. 17, 2023, in the Select Board packet. The overview included areas of the statutory framework of the Authority, supervision and oversight by the state, the limited role of the Town in the operation of the Authority, and the role of the Select Board.

Chair Taylor clarified that the FHA can come to the Select Board for money and the Select Board has given them money, even though it an independent entity. Atty. O’Keefe further explained this statutory feature of housing authorities across the commonwealth.

Mr. Zylinski asked, because the Board has the responsibility for making appointments, how the FHA is protected regarding legal liability. Atty. O’Keefe said that appointments are made strictly by statute and once made, those offices are mostly elected by voters. The legal aspect of a housing authority is completely independent from the municipality; they can sue and be sued, can enter into contracts on their own, and are able to, and should, retain their own attorneys. They are also responsible for having their own insurance.

Mr. Brown asked how the Board could interact more successfully with the FHA, more along the lines of partnering with them. Atty. O’Keefe acknowledged the unique financial relationship but said that it is absolutely appropriate for the municipality to look for accountability regarding grants or other financial awards to know how the money is being spent, and to have open lines of communication regarding such things.

Mr. Mascali, a former member of the FHA, said that the relationship and interaction with the state sometimes causes practical problems, such as delays – that it is not necessarily the FHA “dropping the ball.” Mr. Brown said this would be an opportunity to intervene and send letters to our delegates advocating for a faster turnaround service. If there is some kind of systemic problem that we can advocate fixing, he’d like to do it, he said.

Report – Veterans Council Committee – Re-scheduled

Report – Agricultural Commission

Stan Ingram, chair of the commission, orally reviewed its work of the past year, including communications between stable owners and the board of health, and several projects, such as nurturing interest in the right-to-farm status of Falmouth, a draft of a tri-fold information sheet promoting the activities of the commission, and working on the cranberry bog on West Thompson and Flax Pond, with the goal of having residents be able to pick their own cranberries. The commission also has an initiative to identify farmland of local importance.

Mr. Mascali asked what the right-to-farm entails or allows. Mr. Ingraham said that to him, it means that if he owned, say, 5 acres, he would have the right to start a farm if it was all right with the board of health. It would also include raising chickens if it was not a health risk. When asked if it included commercial ventures, Mr. Ingraham said he could not answer the question.

Mr. Brown asked if community gardens on town-owned land was a concept being pursued by the commission. Mr. Ingraham said that the commission’s eyes are always open to expanding community gardens and thanked the Board for supporting the one at Peterson Farm.

Mr. Zylinski asked if it were difficult to find properties due to contractors acquiring agricultural parcels for commercial real estate. He said he was a proponent of saving agricultural resources and asked if those actions affect farmers by driving up land prices. Mr. Ingraham agreed that they do.

Report – Waterways Committee

Joe Voci, chair, presented a summary of the work of the committee for the past year. He praised the harbor master, Gregg Fraser, for his professionalism, knowledge, experience, and expertise. He went on to orally present updates, detailed in his submitted written report, to work in selected estuaries beginning along the northwest corner and continuing south, from Megansett Harbor to Great Harbor in Woods Hole, then along the southern coast from Trunk River to Eel River. He explained the challenging nature of two estuaries in particular, Megansett Harbor and Eel River. Waquoit Bay was the last estuary in the report.

Mr. Brown asked about progress on the 10-year permit for Megansett Harbor dredging. Mr. Voci said it cleared the Army Corps., NOAA has approved it, and it is now waiting for a signature, perhaps by Dec. 1. The Board thanked Mr. Voci for the thorough report in the packet.

Application for a Change of Manager of an All-Alcoholic Beverages Restaurant License – Rose M Corp. d/b/a Soprano's Casino by the Sea, located at 286 Grand Avenue, Falmouth

Attorney Anthony Tsakalos, representing the applicant, outlined the item referring to details contained on the application. John Richardi was also present. Atty. Tsakalos said that Rodney Collins, who submitted a letter of support contained in the Select Board packet, was also a former police chief for the Town of Mashpee.

Mr. Brown said he thought it was a very complete application.

Motion by Ms. Scott Price: To approve the application for a change of manager of an all-alcoholic beverages restaurant license for Rose M Corp. d/b/a Soprano's Casino by the Sea, located at 286 Grand Ave., Falmouth as presented Second: Mr. Brown Vote: Yes – 5 No - 0

Designate member of the Select Board to seek input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo

Chair Taylor asked if any Board member would like to volunteer. Mr. Mascali said he would.

Motion by Ms. Scott Price: To designate Mr. Mascali to seek input from the Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo Second: Mr. Zylinski Vote: Yes – 5 No - 0

Approve annual license renewals for 2024

ALL ALCOHOL RESTAURANT and COMMON VICTUALLER LICENSE

99 Restaurant & Pub, 30 Davis Straits
Captain Kidd, 77 Water Street
Ristorante Avellino, 339 East Falmouth Highway

ALL ALCOHOL PACKAGE STORE LICENSE

Falmouth Wine & Spirits, 322 Palmer Avenue
John's Liquor Store, 729 Main Street
Kappy's Fine Wine & Spirits, 21 Spring Bars Road
North Falmouth Liquors, 362 North Falmouth Highway
Teaticket Market, Inc., 125 Teaticket Highway

WINE & MALT PACKAGE STORE LICENSE

Garrett's Family Market, 435 Palmer Avenue
Holly Park Variety, Inc., 580A Route 28A
Intergas, 607 Main Street
Wild Harbor General Store, 200 Old Main Road

COMMON VICTUALLER LICENSE

Betsy's Diner, 457 Main Street
Coonamessett Farm, 277 Hatchville Road
Talk of the Town Diner, 362 North Falmouth Highway

INNHOLDER LICENSE

Admiralty Inn, 51 Teaticket Highway
Falmouth Inn, 824 Main Street

ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamessett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

SUNDAY ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamessett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

USED CAR DEALER LICENSE

(MOTOR VEHICLE CLASS I, II & III)

Costa's Auto Body, 222 Carriage Shop Road

Falmouth Auto Works, 151 Worcester Court
Falmouth Motorcar, Inc., 716 Teaticket Highway
Falmouth Pier 37, 64 Scranton Avenue
Falmouth Salvage, 9 Hayway Road
Flying Bridge Marina, 250 Scranton Avenue
Intergas, Inc., 10 North Main Street

O'Hara's Motors, 50 Spring Bars Road
Reine Trucking, 9 Hayway Road
Route 28 Auto Center, 550 East Falmouth Highway
Sandi's Auto Sales, 45 Simpson Lane
Savon Hatem, LLC, 561 Thomas B Landers Road

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Business 7 – Approve annual license renewals for 2024* in the Select Board packet. He read out each separate category and the listed establishments for approval.

**ALL ALCOHOL RESTAURANT and
COMMON VICTUALLER LICENSE**

99 Restaurant & Pub, 30 Davis Straits
Captain Kidd, 77 Water Street
Ristorante Avellino, 339 East Falmouth Highway

Motion by Ms. Scott Price: To approve

Second: Mr. Zylinski

Vote: Yes – 5 No – 0

ALL ALCOHOL PACKAGE STORE LICENSE

Falmouth Wine & Spirits, 322 Palmer Avenue
John's Liquor Store, 729 Main Street
Kappy's Fine Wine & Spirits, 21 Spring Bars Road
North Falmouth Liquors, 362 North Falmouth Highway
Teaticket Market, Inc., 125 Teaticket Highway

Motion by Ms. Scott Price: To approve

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

WINE & MALT PACKAGE STORE LICENSE

Garrett's Family Market, 435 Palmer Avenue
Holly Park Variety, Inc., 580A Route 28A
Intergas, 607 Main Street
Wild Harbor General Store, 200 Old Main Road

Motion by Ms. Scott Price: To approve

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

COMMON VICTUALLER LICENSE

Betsy's Diner, 457 Main Street
Coonamesett Farm, 277 Hatchville Road
Talk of the Town Diner, 362 North Falmouth Highway

Motion by Ms. Scott Price: To approve

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

INNHOLDER LICENSE

Admiralty Inn, 51 Teaticket Highway
Falmouth Inn, 824 Main Street

Motion by Ms. Scott Price: To approve

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamesett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

Motion by Ms. Scott Price: To approve

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

SUNDAY ENTERTAINMENT LICENSE

Captain Kidd, 77 Water Street
Coonamesett Farm, 277 Hatchville Road
West Falmouth Library, 575 West Falmouth Highway

After Mr. Renshaw read the listed establishments for the Sunday entertainment license, Ms. Scott Price asked if there had been complaints or concerns about the entertainment licenses for these 3 businesses. Mr. Renshaw said he had not been advised of any complaints.

Motion by Ms. Scott Price: To approve

Second: Mr. Zylinski

Vote: Yes – 5 No – 0

USED CAR DEALER LICENSE
(MOTOR VEHICLE CLASS I, II & III)

Costa's Auto Body, 222 Carriage Shop Road
Falmouth Auto Works, 151 Worcester Court
Falmouth Motorcar, Inc., 716 Teaticket Highway
Falmouth Pier 37, 64 Scranton Avenue
Falmouth Salvage, 9 Hayway Road
Flying Bridge Marina, 250 Scranton Avenue
Intergas, Inc., 10 North Main Street
O'Hara's Motors, 50 Spring Bars Road
Reine Trucking, 9 Hayway Road
Route 28 Auto Center, 550 East Falmouth Highway
Sandi's Auto Sales, 45 Simpson Lane
Savon Hatem, LLC, 561 Thomas B Landers Road

After Mr. Renshaw read the listed establishments for the used car dealer licenses, Mr. Zylinski asked if the license would grant blanket approval for all Class I, II, and III sales. For example, a boat dealer could also sell cars. Mr. Johnson-Staub clarified that the approval is specific to the application submitted. Mr. Brown then asked if each motor vehicles sales license is limited to a certain number of vehicles. Mr. Zylinski said that the number of vehicles is limited according to what the ZBA feels is appropriate for that site and is indicated in the permit. He said all permits are not the same across the board. He said each establishment must know what their limit is. Mr. Johnson-Staub agreed, saying that the Select Board is not duplicating the work of the ZBA; the Select Board is saying you have a license.

Motion by Ms. Scott Price: To approve

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

Discuss and vote 2024 Select Board meeting calendar

Ms. Scott Price noted that there is only one scheduled meeting before the approved budget is sent to the Finance Committee on Jan. 12. Mr. Brown suggested taking it up in December, and Mr. Johnson-Staub said if the process is that far along, that would be possible. Ms. Scott Price said that if necessary, an extra meeting could be called and posted 48 hours in advance.

Chair Taylor said she may not be present for the May 6 meeting.

Motion by Ms. Scott Price: To approve the draft calendar for 2024

Second: Mr. Zylinski

Vote: Yes – 5 No - 0

CONSENT AGENDA

1. Licenses

- a. Application for three Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild – Highfield Theater – 58 Highfield Drive, Falmouth – Friday, Saturday, and Sunday, December 1–3, December 8–10, and December 15–17, 2023. Friday hours 6:30 p.m. to 10:00 p.m. Saturday and Sunday hours are 3:30 p.m. to 7:00 p.m.
- b. Application for a Special One-Day All Alcoholic Beverages License – West Falmouth Library Christmas Tree Lighting – 575 West Falmouth Highway – Friday, December 1, 2023, from 6:00 p.m. to 8:00 p.m.
- c. Approve Request to Extend Seasonal All Alcoholic Common Victualler License until January 2, 2024 – Landfall Restaurant, 9 Luscombe Avenue, Woods Hole
- d. Vote to approve the administrative Change of Address of an All-Alcoholic Beverages Club License – Falmouth Rod & Gun Club, Inc., located at 25 Sportsman Lane **(Mr. Zylinski declared that he is a member of this club.)**

2. Administrative Orders

- a. Authorize Friends of Cedar Lake to file Notice of Intent (NOI) with Conservation Commission to conduct invasive species removal at Cedar Lake
- b. Approve request from The 300 Committee for a Conservation Restriction for the Gerald W. Sylvia 1.023-acre parcel at Lot 4, Millstone Street, North Falmouth
- c. Approve appointment of Carissa April as the Joe Q Veteran Coffee Break representative to the Veteran's Council Committee.
- d. Approve fourth amendment and extension of existing parking lot lease agreement with the Steamship Authority (**pulled from agenda per Mr. Renshaw's earlier announcement**)
- e. Accept award under the FY2024 Municipal Road Safety Grant Program (MRS) in the amount of \$39,950.00 to use for traffic enforcement

Chair Taylor said she would not be reading Item #2d (under Administrative Orders) per Mr. Renshaw's earlier announcement to pull it from the agenda.

When Chair Taylor read out Item #1d (under Licenses), Mr. Zylinski declared that he is a member of the Falmouth Rod and Gun Club.

Motion by Ms. Scott Price: To approve the Consent Agenda with one abstention on Item #1d

Second: Mr. Zylinski, but abstaining on Item #1d

Second on Item #1d: Mr. Brown

Vote: Yes – 5 (With one abstention on Item #1d only, Mr. Zylinski) No - 0

MINUTES - Review and Vote to Approve Minutes of Meetings

Public Session – August 28, 2023; November 6, 2023; November 13, 2023

Motion by Ms. Scott Price: To approve the 3 sets of Public Session minutes of Aug. 28, Nov. 6, and Nov. 13

Second: Mr. Zylinski Vote: Yes – 5 No – 0

Executive Session – October 30, 2023

Motion by Ms. Scott Price: To approve and not release for public access Second: Mr. Zylinski

Vote: Yes – 5 No - 0

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Renshaw orally presented his report referring to the memo entitled *Supplemental Report* and dated November 20, 2023, in the Select Board packet. The report included 1) an update regarding EV charging station implementation, 2) an update on fencing on the Town Green and trim/facia repair and repainting at Town Hall, and 3) upcoming December meetings.

SELECT BOARD REPORTS

Mr. Brown reported on the following:

- Attended the municipal light plant board meeting this week
- Attended the Beach Committee meeting
- Attended the Marks Building meeting
- Attended the event at the Old Falmouth Nursing Home regarding housing

Ms. Scott Price reported on the following:

- Attended the housing production plan meeting at the high school
- Was on a citizens' panel for hiring the new DEI officer

Mr. Zylinski reported on the following:

- His granddaughter will be marching with him in the Christmas parade this year

Chair Taylor reported on the following:

- The need to do another workshop, perhaps a Saturday in February
- A request to let her know if anyone is abstaining or voting no to assure that the record is correct
- A clarification that the bylaw concerns sale of single-use water bottles only

ADJOURN

Motion by Ms. Scott Price: To adjourn Second: Mr. Zylinski

Mr. Brown complimented the Thanksgiving dinner event at the Senior Center.

Vote: Yes – 5 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary