

TOWN OF FALMOUTH
SELECT BOARD
Open Session
MONDAY, JANUARY 8, 2024 – 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: Nancy Robbins Taylor, Chair; Edwin (Scott) P. Zylinski II, Vice Chair; Douglas C. Brown; Robert P. Mascali.

Present via telephone: Onjalé Scott Price.

Staff Present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order by Chair Taylor at 6:30 pm.
2. Pledge of Allegiance
3. Proclamation
4. Recognition

Mr. Brown recognized the Fire Department who did a good job at knocking down the Fire and thanks to other communities that assisted.

Mr. Mascali recognized the DPW and what a good job they did clearing the streets of the first snow of the season.

5. Announcements:
 - a. Falmouth Housing Authority Board – Extension of application deadline to January 19, 2024
Joint meeting with the Falmouth Housing Authority will be held on 1/29/24.
 - b. Department of Conservation and Recreation (DCR) Notice of Proposed Land Acquisition
Looking for 120-day waiver of the notice period and asked the Select Board to grant that waiver.

Chair Taylor read the waiver in the packet.

Mr. Zylinski made a motion to approve. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

6. Public Comment
Lynn Rhodes, Deputy Captain for Precinct 8, thanked the Select Board for the FHA application extension deadline for the housing authority Board.

Steven Cohen, 597 West Falmouth Highway, and Todd Taylor, 611 West Falmouth Highway acknowledged the great work of the Falmouth Fire Department (FFD) in knocking down the fire in Downton Falmouth. The FFD is a well-developed team of firefighters with good equipment and backed up by their community fire department support. Incidents like this often result in the building being knocked down and replaced with a parking lot, but because of the good work of the FFD, the building will be able to be restored and continue to benefit the community.

Ben Weis, 175 Lake Shore Drive, is excited about the project with the nursing home on Main Street and he hopes to see other similar projects move forward in the future.

Mr. McConarty, Director of DPW, recapped previous coastal storms over the holidays. Surf Drive and Menauhant Beach, Menauhant Road, and Surf Drive sustained significant damage. The dune was taken away from Menauhant west and eroded a portion of the parking lot. Last week they brought sand in to replenish the sand. With the bridge replacement project, realignment of the groins, and beach replenishment they hope to protect the beach. Hoping to put the bridge project out to bid after Labor Day 2024.

Dave Moriarty, Falmouth resident, passed out a document to the Select Board. The Community Planning Board meeting is tomorrow night at 6pm and has to do with the Wind Systems Bylaw that actually works. Planning Board is planning to change that, if you have property along the proposed cable and electric projects, he suggested attending the meeting.

Close to the Wind Summit in Hyannis is at the end of the month; Mr. Moriarty encouraged local elected officials to attend.

Bobbi Richards, Falmouth Housing Authority, thanked Mr. Renshaw for walking the properties recently, they appreciated it.

Dan Perea, Lawrence School Teacher, commented regarding the budget for fiscal year 2025. Chair Taylor stated he would need to wait until this agenda item to make comment.

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members: Cape Cod Commission – John L. Druley
Mr. Druley, member of Planning Board, said it would be great to have a representative on the Cape Cod Commission that is also on the Planning Board.

Mr. Mascali made a motion to appoint Mr. Druley to a term ending 4/24/24. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

The Select Board will reappoint Mr. Druley at a subsequent meeting and that appointment will carry through to 4/24/27.

6:45 p.m. PUBLIC HEARINGS

1. Request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell “The Lin Whitehead Band Shell”

Mr. Zylinski read the hearing notice.

Jack Whitehead was present; Lin is his wife. The Town awarded a plaque to Oscar Wolf that went up there and he recommends that plaque be put on the side of the structure which was just being completed in the 1970’s.

Chair Taylor noted the Recreation Department recommended this item be approved.

Public comment:

Dr. Rod McClain said that he was the Band Manager when the new bandshell was constructed. Ms. Whitehead worked hard to get that bandshell.

Mr. Zylinski made a motion to close the hearing. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

Chair Taylor made a motion to approve. Mr. Zylinski seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

2. Application for an Alteration of Premises of its Wine and Malt Beverages Restaurant License – Seafood Sam’s Falmouth, Inc. d/b/a Seafood Sam’s located at 356 Palmer Avenue, Falmouth

(Taken out of order.)

Mr. Mascali reported that he shares an office with Attorney Lebherz.

Mr. Zylinski read the hearing notice.

Attorney Christopher Lebherz, 99 Town Hall Sq, requested continuance. This project has been long in the making, a number of plans drawn and revised. They hoped for picnic tables. Mr. Borselli has gone through 3-4 drafts of plans. Last Friday Attorney Lebherz learned the Falmouth Police Department (FPD) has concern, new ABCC guidelines include a direct sightline from the building and where the alcohol will be served. Everyone signed off positively, taking seats out of the restaurant and putting them outside during the season. He would like to review with Mr. Borselli, and requested 60 days in his letter, however 30-45 days may work.

Mr. Brown made a motion to authorize the continuance for 60 days.

Town Counsel advised the matter has to be within a 30-day period.

Attorney Lebherz hopes to revise the plans, meet with the FPD to review, and hopefully that will be acceptable.

Mr. Brown amended motion his to a 30-day continuation to January 29, 2024. Mr. Zylinski seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

3. Wetlands/Dock Hearing – Michael Tanionos – application to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into Childs River, located at 86 Edgewater Drive East, East Falmouth

Mr. Zylinski read the hearing notice.

Michael Borselli, Falmouth Engineering, represents the applicant. The Conservation Commission issued an order of conditions. Showed an aerial photo of the location, pointing out the other existing piers, overall width of the pond is 300 feet. Goal is to make the new pier more environmentally standard; extension is minor but are aware that they cannot extend more than 25% over the water way, the plan proposed does not. Showed the drawn diagram of the property and pier. The existing pier is supported by posts, new one will then be supported by timber pilings and a T at the end for the boat to tie. Extension is 17 feet from the end of the existing pier, allows for deeper water. They reviewed the plan with the Harbor Master, who issued a memo and Mr. Borselli shared via overhead computer. The pier is entirely fixed and elevated. Boat would tie at the end parallel to shore. There are no significant shellfish in the area. This meets all requirements and standards. If they receive a positive vote, they will move forward with the next step in permitting.

According to Mr. Borselli, this is one of the wider sections of the waterway.

Public Comments: none

Mr. Zylinski made a motion to close the hearing. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

Discussion:

Mr. Brown only questioned whether the pier was within the 25% rule.

Mr. Brown made a motion to approve as presented. Mr. Zylinski seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

BUSINESS

1. Update on County grants and programs available to Falmouth homeowners upgrading septic systems in line with state Title 5 regulations

Dan Gessen, Sippewisset Road and Representative to the County Assembly. Here to talk about the Aquifund and some other County resources for homeowners dealing with septic replacement. Reviewed resources for homeowners in need, what is available is not enough and we should continue coming up with programs to help homeowners. Mr. Gessen made a computer presentation.

The Aquifund replaces the Community Septic Management Loan Program. The new Title V regulations that were passed 6 months ago, mandate that homeowners in impacted areas upgrade their septic system or connect to sewers. Hooking up or upgrading can cost from \$10,000 to \$36,000 per home. The Aquifund provides low to 0% interest loans for septic system upgrade or sewer connection, based on household income, prioritizes year-round homeowners, and can be paid back over 20 years. Apply directly at capecod.gov.

When approving new infrastructure at Town Meeting, the community can rest assured that residents have somewhere to turn.

Mr. Brown noted tax rules have changed, you can write off \$18,000 off your taxes.

Capecod.gov is the best place to learn more.

According to Mr. Gessen, the old program was only for failing septic systems, when it got rebranded as the Aquifund, it now includes upgrades to sewer and Title V.

The Select Board members thanked Mr. Gessen for his work.

2. Approve Conservation Commission application to the Community Preservation Committee for Community Preservation Act (CPA) funds

Mr. Brown made a motion to approve the application to the Community Preservation Committee for Community Preservation Act for funding in the amount of \$3 million for the purchase of two conservation restrictions on the proposed North Falmouth Woodland property being acquired by The 300 Committee Land Trust. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye. Abstained: Mr. Zylinski.

Jennifer Lincoln, Conservation Administrator, introduced items 2, 3, 4, and 5.

Jessica Whritenour and Leonard Johnson-Board Member made a computer presentation.

The 56-acre property located abutting the North Falmouth Elementary School and near the bike path was identified as a priority for conservation in the 1970's. Permanent conservation of about 50 acres with 7.5 acres to be set aside for affordable housing and will be sold to Habitat for Humanity. Reviewed a map of the area, it is a sensitive and fragile sight, one endangered species in the area is the Box Turtle. The state would like to see extended outreach letting the community know of this project so folks know there will be a warrant article. Presented a map showing natural resources on the property. Looking to permanently protect about 30% of Falmouth's land area, we have about 23% protected at this time. Seeking public funding of \$3,000,000, and explained how funds are used.

The 7.5-acre parcel was shown, it has access off of Benjamin Nye Lane and there is an existing residential use structure there.

Mr. Brown hopes they can make this a model going forward.

Mr. Johnson, Member of The 300 Committee Board, 49-year resident of North Falmouth. Tonight, they are asking about the open space, 7.5 acres will be used for affordable housing. The State has looked at this project, and he expects the State funding to be in hand.

3. Approve Conservation Commission grant application to Land and Water Conservation Fund (5 minutes)

Chair Taylor read the motion in the packet to approve the Conservation Commission's request to make application to the land and water conservation grant fund in the amount of \$1 million for the purposes of reimbursing the Community Preservation Act.

Mr. Brown made a motion to approve the motion read by Chair Taylor. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

4. Approve Conservation Commission application to Local Acquisitions for Natural Diversity (LAND) Grant Program (5 minutes)

Mr. Brown made a motion to authorize and approve the Conservation Commission to submit two applications to the Local Acquisitions for Natural Diversity (LAND) Grant Program for grant funding in the amount of \$500,000 each in order to reimburse the Community Preservation Act, only to be submitted in the event its application to the Land and Water Grant Fund for the amount of \$1 million is unsuccessful. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

5. Request from The 300 Committee for a Conservation Restriction for a 1.9-acre portion of land on the property owned by Catherine Truman at 78 Benjamin Nyes Lane, North Falmouth (5 minutes)

Mr. Renshaw gave background, the Conservation Commission issued a letter of support, he recommends Select Board approval.

Kelly Grant, Land Protection Specialist, reported this is a separate property.

Mr. Mascali made a motion to approve. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

6. Application for a new Second-Hand Dealer License – Boutique on the Buy Way, located at 47 North Main Street, Falmouth

Mr. Renshaw reported that the owner was not aware of the need for a second-hand dealer license. The Town background check is pending.

Mr. Brown made a motion to approve the license contingent on a satisfactory background check. Second Zylinski. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

The applicant thanked the Select Board.

7. Vote to adopt FY2025 budget and submit it to the Finance Committee

Mr. Renshaw thanked the group for putting together a strong proposed and recommended budget. It is balanced, inflation has created a significant challenge, and he reviewed the increases of costs. This addresses multiple Select Board strategic goals and is representative of the cost of operating. The Solid Waste Coordinator position was removed, he would like to address the plan that will fund from part time to full time status for that position. We have access to grant source, identified a potential funding source, and the grant opportunity will allow them to fully fund the full-time position for a period of five years. This may be extended for five years with a slight change to the job description. They will also look at ways to leverage ways the incumbent can identify reduction in costs associated with waste management.

Purpose of tonight's meeting is to move the FY 2025 budget to forward to the Finance Committee.

Ms. Scott Price reported sending in questions to the Town Manager and Assistant Town Manager, she was pleased with the information they provided.

The Select Board consensus was to move the budget forward.

Dan Perea appreciates what the Town has done, he hopes to see the schools supported and he hopes that we can pull something together before June to make sure we can retain teachers.

Chair Taylor suggested he bring his comments to the School Committee. The Town gave the Falmouth Public Schools \$200 million in the budget; the School Committee determines how those funds are spent.

Mr. Zylinski made a motion to submit the fiscal year 2025 budget to the Finance Committee. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

8. Approve annual license renewals for 2024

MOTOR VEHICLE CLASS II

Excel Auto Sales & Repair, 94 East Falmouth Highway

AUTOMATIC AMUSEMENT DEVICE

Shipwrecked, 263 Grand Avenue

Mr. Renshaw recommended approval.

Mr. Zylinski made a motion to approve the licenses as posted and reviewed. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

CONSENT AGENDA

1. Licenses
 - a. Application for a Special One-Day Wine & Malt Beverages License – West Falmouth Library at 525 West Falmouth Highway, West Falmouth – Wednesday, 1/31/24 – 6:00 – 8:00 p.m.
 - b. Application for Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild at 58 Highfield Drive, Falmouth – Friday-Sunday, February 2-4; Friday-Saturday, February 9-10; and Friday-Sunday, February 16-18, 2024.
2. Administrative Orders
 - a. Vote project eligibility letter for 24-unit housing proposal at 19 North Falmouth Highway
 - b. Accept grant award from Falmouth Road Race, Inc. in the amount of \$2,350.00 to the Harbor Master's Office to purchase a replacement Automated External Defibrillator (AED)
 - c. Accept grant award from Falmouth Road Race, Inc. for the purchase of an All-Terrain Vehicle (ATV) to be used and maintained by the Public Works Water Division
Held by Mr. Brown who thanked Falmouth Road Race for funding these items.
 - d. Accept donation from Hilton Railey in the amount of \$1,050.00 to the Falmouth Cultural Council
Chair Taylor thanked Hilton Railey for the donation.
 - e. Application for Coastal Zone Management Coastal Resilience Grant for FY25 Eel River Inlet widening

Mr. Zylinski made a motion to approve the consent agenda. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

MINUTES

1. Review and vote to approve minutes of meetings: Public Session – December 18, 2023

Mr. Zylinski made a motion to approve. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Chair Taylor, aye. Abstain: Ms. Scott Price.

TOWN MANAGER'S SUPPLEMENTAL REPORT

No place for Hate Rev. Martin Luther King Jr. holiday breakfast 1/15, from 9:00am-11:00am, at the Seacrest, tickets may be purchased at the No Place for Hate Falmouth website.

The second public meeting to gather input regarding the Housing Production Plan will be held at the Falmouth High School Cafeteria A on 1/10/24 from 6:30-8:30 pm. There will be a presentation, then attendees will be encouraged to ask questions.

Community Outreach meeting at the Senior Center on 1/16/24 from 5:00 – 6:30 p.m. to discuss the real estate transfer fee. There will be a presentation followed by public comment and questions.

The Select Board Planning Workshop will be on 3/2/24.

SELECT BOARD REPORTS

Mr. Brown attended a Common Start workshop at the Cape Cod Chamber of Commerce regarding efforts to get a bill passed to support early daycare/education. People reported waiting 1-2 years on a waitlist for their children to attend.

Looking into an electric trolley tour on the North Falmouth tracks, “bud cars” could be used to help connect the Bourne and Shining Sea bike trails.

Chair Taylor asked the Select Board members to provide any items they would like to discuss at the workshop.

Mr. Zylinski reported that he will start attending the Metropolitan Planning Organization meetings this month.

Zylinski made a motion to adjourn. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary