**TOWN OF FALMOUTH**
**SELECT BOARD**

# Open Meeting Minutes

**MONDAY, FEBRUARY 26, 2024 – 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
Absent: None
Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel

**6:00 p.m. OPEN SESSION (Select Board Meeting Room)**
Call to Order: By Chair Nancy Taylor
Chair Taylor called for a **motion to go into Executive Session.**

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

**Roll call vote:**
**Mascali: Aye**
**Brown: Aye**
**Scott Price: Aye**
**Zalinski: Aye**
**Taylor: Aye**

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

**6:00 p.m. EXECUTIVE SESSION (CPC Conference Room)**

1. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to litigation - Lawrence School Pickleball courts
2. M.G.L. c. 30A s. 21(a)(1) – To discuss an Open Meeting Law Complaint filed by Adam Smith against the Select Board
3. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to collective bargaining – Falmouth Library Association contract renewal

**6:30 p.m. OPEN SESSION (Select Board Meeting Room)**

Call to Order: Chair Taylor called to order the open session of the meeting saying that in Executive Session the Board had come to an agreement on an MOA with collective bargaining for the Falmouth Library Association contract renewal.

Pledge of Allegiance: Led by Select Board

Recognition:
Ms. Scott Price recognized the great work of the DPW during the last snowstorm.

Announcements: None

Public Comment
Richard Duby, Blacksmith Shop Rd. – said he watched the previous Board meeting and it made him sad that in a budget of approximately $150 million, there was a debate over $2,375.91, the difference between the $30,736 to

cover the warrant article and the $33,111.91 invoice for the shotgun procurement package – said he was sad that Town Counsel said it would be best for citizens to create a 501(c)(3) to cover this amount when there are already department donation funds – said the police dept. has over $12,000 in theirs as of November – said it was sad that an overwhelming voice of the people at Town Meeting voting to destroy these weapons was not enough – said the sides in this issue as defined by a Board member were those who want things and those who have to pay for them – said that statement has divided the Town – said the Board didn't question over $46,000 of an overage that a police department article created – asked where the Board's fiduciary responsibility was – quoted Mr. Patterson's saying that many people who get into Town leadership are only interested in exercising their own egos and having power - said that was sad. (Mr. Duby submitted papers to the Board for reference.)

Tammy Gilbert, 26 Hawks Way – said she spoke for 1,445 residents who signed a petition to protect access to Black's Beach – said they had received a response from the Town Manager who said confidentiality was required while the appeal process took place, but that the Town's goal would always be to take any action possible to preserve the public's right of access to Black Beach – asked if Town action shouldn't be independent of MassDEP and CONCOM – said any conditions of gate approval are secondary to its legality – said even if the gate is rejected the problem is not solved – said she has researched the situation and said history is repeating itself - said 20 years ago costly lawsuits resulted in a 30-year covenant where no barrier to access could be built in that spot – said the ultimate responsibility resides with the Town to assure that the situation does not occur again by formally establishing a right-of-way or to formally establish and own prescriptive rights for the public to pass through by foot or bicycle – said she recognized all the work the Board does but asked if it has a plan for protecting public access to Black Beach – asked for an update on any steps it may be considering.

**COMMITTEE INTERVIEWS -** Interview, vote and appoint committee members
<u>Board of Health</u>
Jed Goldstone – said he is seeking an open position – said he has served on the BOH for 9 years, 3 as chair and 2 as vice-chair – said he has a PhD in chemical oceanography, and master's and bachelor's degrees in chemistry – said he has been a toxicologist at WHOI for over 20 years – said he is a Town Meeting member from Precinct 2.

**Motion by Mr. Brown: To appoint Jed Goldstone Second: Mr. Mascali**
Mr. Brown sought clarification that the position was for a term ending 6/30/2024. Mr. Goldstone said that vacancy was created when a board member moved out of town.
**Vote: Yes – 5 No – 0**

Chair Taylor said that if there were no objection from the Board, she would take up the Consent Agenda at this time because it was too early to hold the hearing.

**CONSENT AGENDA**

1. Licenses

    a. Application for Special One-Day Wine & Malt Liquor License – Food Truck Festivals of America LLC – Cape Cod Food Truck & Craft Beer Festival – Cape Cod Fairgrounds – Saturday, 8/10/24

2. Administrative Orders

    a. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install one (1) new JO Pole to be labeled 69/77-5 approximately 50' (feet) east of existing pole #69/77 on Menauhant Rd. This work is necessary for new Eversource equipment.

    **b.** Request for variance to Sign Code – §184-32 Off-Premise Signs: Rotary Club of Falmouth – Day of Play on Saturday, 7/6/24. **Hold – Mr. Mascali**

    **c.** Request for variance to Sign Code – §184-32 Off-Premise Signs: Rotary Club of Falmouth Craft Fair on Saturday, 8/31/24 and Sunday, 9/1/24. **Hold – Mr. Mascali**

    d. Request for variance to Sign Code – §184-32 Off-Premise Signs: Buzzards Bay Coalition – Buzzards Bay Watershed Ride on Sunday, 10/6/24

e. Request for variance to Sign Code – §184-7 Placement and §184-32 Off-Premise Signs: Falmouth Commodores – flags on Main Street light poles and Guv Fuller Field light poles – June 7-August 14, 2024 **Hold – Mr. Mascali**

f. Request for variance to Sign Code – §184-32 Off-Premise Signs: Falmouth Commodores Baseball Clinics – late-April through August 14, 2024

g. Request for variance to Sign Code – §184-32 Off-Premise Signs: Falmouth Commodores Game Day Signs – mid-June to August 14, 2024

h. Approve Freshwater Ponds Advisory Committee mission statement

Holds on Administrative Orders b, c, e by Mr. Mascali.

Chair Tayor asked for a motion **to move the Consent Agenda excluding Administrative Orders b, c, and e**

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

**Motion by Ms. Scott Price: To approve Administrative Orders "2 b" Second: Mr. Brown**
**Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)**

**Motion by Ms. Scott Price: To approve Administrative Orders "2 c" Second: Mr. Brown**
**Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)**

Regarding Administrative Orders 2 e, Mr. Mascali questioned the dates the flags would be on the light poles because the event would occur sooner than the end date of August 14. Mr. Renshaw said he had used the dates provided on the application for this item. Mr. Mascali said he assumed the flags would be taken down after the event on July 27. Mr. Renshaw said he would contact the Commodores to make the necessary adjustments.

Chair Taylor asked for a **motion to approve Administrative Order "2 e" with authorization to the Town Manager to amend as necessary.**

**Motion by Mr. Brown: So moved Second: Mr. Mascali Vote: Yes – 5 No - 0**

Chair Taylor said she would now take up the Minutes out of order.

**MINUTES -** Review and vote to approve minutes of meetings
Public Session – February 12, 2024

Ms. Scott Price noted the Board vote recorded on p. 7 and the discussion that follows it. She asked if that is the correct order of those elements. Mr. Mascali said he believed there was discussion following the vote. Chair Taylor said she would like to hold the minutes to clarify the correct order of those two things in the minutes.

**PUBLIC HEARINGS**

Updates to Chapter 275 Shellfish and Herring regulations
Mr. Zylinski read out the hearing notice.
Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Public Hearings 1 – Update to Chapter 275 Shellfish and Herring Regulations* in the Select Board packet. He said the item dealt primarily with updating obsolete and contradictory language contained in the regulations. He recommended approval of the updates.

Chuck Martinsen, Shellfish Constable and Deputy Director of Marine Environment, said he was joined by members of the shellfish advisory committee and some commercial fishermen in preparing the drafted updates. He also thanked Town Counsel Maura O'Keefe for her assistance. He also said there had been community dialogs before the shellfish advisory committee during the process of preparing the updates. Instead of going through the edits line by line, Mr. Martinsen asked if the Board had any questions about the draft or process.

Mr. Brown said there had been ample outreach and his questions had been answered already. Ms. Scott Price said she, too, had no questions. Mr. Mascali asked about the process of having the regulations adopted by the constable. Town Counsel Maura O'Keefe answered by explaining the difference between *rules* and *regulations*, and how those differences would apply to this action. She said no public notice was required in this situation. She said this document provided a way for Mr. Martinsen to react on a daily basis to what the state was regulating. She said the rules he implements must fit within the state regulations.

Mr. Brown asked how the local fishermen would know what the rules are when they change. Mr. Martinsen said the advisory committee does a good job of publicizing information, and that the changes would be posted on the website. He said the committee could advertise if the Board wished it. Mr. Brown said that posting the changes in a regular public place for fishermen to find before they go out is the important thing. Mr. Martinsen listed the locations of such regular postings, such as Town Hall and the library, in addition to the online postings.

Mr. Mascali asked about commercial reporting, citing §275-16. He asked what the time frame was for the reporting. Mr. Martinsen said he would have to be notified before it happened. He explained the purpose of the rule, which was to address the practice of digging out shellfish in an area where a dock would be going in, thereby not triggering the shellfish regulations under conservation, which he said had been an issue. He said that is what they are trying to avoid.

Town Counsel O'Keefe made one addition. She said state regulation requires a date the regulations would go into effect. Under §*275-26, Adoption; effective date*, she proposed the effective date be March 15, 2024.

Public Comment: None

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

**Motion by Ms. Scott Price: To approve updating Chapter 275 Shellfish and Herring regulations, as proposed by MES, the shellfish advisory committee, and reviewed by Town Attorney effective March 15, 2024**
**Second: Mr. Mascali Vote: Yes – 5 No – 0**

<u>Application by M.Z. Enterprises, Inc. d/b/a Falmouth Food Mart & Liquor for a Change of Officers/Directors/LLC Managers and a Change of Stock Interest of its All-Alcoholic Beverages Package Store License located at 424 East Falmouth Highway, Unit A6, East Falmouth</u>
Mr. Zylinski read out the hearing notice.

Attorney Jeff Nickerson was present on behalf of the applicant, Mingma Sherpa. He summarized the details of the request per the application. He said he is seeking Board approval, followed by its going to the ABCC for approval.

Mr. Brown asked if this requires TIPS certification. Atty. Nickerson said he is not certain, but that Mr. Sherpa is the manager and will remain the manager. There is no outward change in any of those roles.

Public comment: None

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

**Motion by Mr. Brown: To approve the application by M.Z. Enterprises, Inc., d/b/a Falmouth Food Mart & Liquor for a Change of Officers/Directors/LLC Managers and a Change of Stock Interest of its All-Alcoholic Beverages Package Store License located at 424 East Falmouth Highway, Unit A6, East Falmouth**
**Second: Ms. Scott Price Vote: Yes – 5 No – 0**

**BUSINESS**

<u>Authorize borrowing for wastewater plant upgrades</u>
Mr. Renshaw asked Ed Senteio, Finance Director to lead the presentation. He thanked Mr. Senteio and staff for their work, which he said would save the Town a significant amount of money. Mr. Senteio, in turn, thanked Amy Lowell and Patty O'Connell for all their work on the loan forgiveness plan. His brief presentation provided the Board with the specific financial information contained in the packet.

**Motion by Ms. Scott Price: To vote to sign off on the interim loan notes for the upgrade of the Blacksmith Shop Road Wastewater Treatment Facility based on the language indicated in the "Vote of the Select Board" documents Second: Mr. Mascali Vote: Yes – 5 No - 0**

Present draft Housing Production Plan (HPP)
Housing Coordinator Kim Fish, along with Town Planner Jed Cornock, Alexis Lanzillotta from Barrett Planning Group, and Jeff Davis from Horsley Witten Group, oversaw the presentation of the approximately 112-page draft HPP. The purpose of the presentation was to review the draft plan and take questions from the Board. Ms. Fish also provided the Board with the upcoming schedule for finalizing the plan. The 21-minute presentation included topics such as the history of community meetings and outreach, goals, regulatory strategies, capacity building strategies, affordable housing strategies, finance and subsidy strategies, and next steps.
Mr. Brown asked if there were any options for the Town regarding obtaining a sewer connection for a project that was to be located outside the sewered area. Mr. Johnson-Staub said this could possibly be done but not easily. He said expanding the sewer districts would involve a multi-year, detailed plan and process that would ultimately have to go before the DEP, and would have to take into account discharge limitations, which have become onerous.

Mr. Mascali asked about the March 1 date and if it could be extended to allow for more public review time. Mr. Davis said there was no statutory reason to end it on March 1 but said that the current HPP has expired, so being back in compliance was the reason for the expedited process.

Mr. Mascali also referred to the project description which says that although the primary focus of the HPP is to move the community to its 10% statutory minimum, it also addresses the creation of attainable housing for the community. He said he did not see much in the presentation about what we're referring to as attainable housing. Ms. Lanzillotta explained that there are funding sources that may go higher than what is allowed for affordable housing trusts or the Community Preservation Act. She said that is one of the finance strategies that has more nuanced detail to it, and that they can look at that to make sure it is clearly addressed. Mr. Davis said that not all funding strategies will result in housing that is eligible for the SHI. Mr. Mascali said that meeting the need for attainable housing is not apparent when looking at the document itself and asked if that could be tied in a little better.

Mr. Mascali also said that regarding the strategy for the special needs population, the connotation of the term "special needs" is people with disabilities. He said the term special needs might not be the best term to use for the homeless population. He suggested using a different descriptor or phrase for the homeless population referred to in the plan.

Mr. Brown asked how to keep dealing with the moving target of average median income, or AMI. He suggested a lower percentage (40% or 60% rather than 80%) to qualify in order to help the people who really need it. Mr. Davis said some of the funding strategies address how to deepen the subsidies, and suggested using the FAHF to help with this.

Chair Taylor said the final plan would come back to the Board for a vote on March 25.

Mr. Mascali again asked about moving the March 1 date. Mr. Renshaw said the draft plan has been posted for about two weeks and recommended keeping the schedule as is. He said there would be public announcements to go to the website to review it by March 1. Mr. Brown said that any comments the Board has received will be forwarded to the presenters.

Vote to endorse 17 Walker Street Local Initiative Program (LIP) application
Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 3 – Vote to endorse 17 Walker Street Local Initiative Program (LIP)* in the Select Board packet. He introduced Attorney Laura Moynihan who would present the project.

Atty. Moynihan, representing the developer, Stuart Rothman, said the purpose of tonight's item is to obtain a letter of support for the LIP application to the state for project eligibility. She described the building and number of units, existing conditions, project details, map of the area, photo and map of site, floor plans and parking, and various other relevant diagrams of the project.

Mr. Mascali asked if there would be an elevator. Atty. Moynihan said yes. Mr. Brown asked about the need for a subsidy from the FAHF. Atty. Moynihan said they would apply. Chair Taylor said that tonight's purpose is the letter of support and it would be best to keep funding questions separate. At this point, Mr. Renshaw said that he had been emailed over the weekend, had had a meeting with the housing coordinator, and that his understanding was that interested parties had agreed not to have a subsidy amount ($175,000) included in the LIP application. He said any future request for funding would be a separate detailed process. Mr. Brown said that because a figure had appeared in background documents, he did not want to give the impression that the Board was approving that figure. Chair Taylor clarified again that tonight's action was to endorse a letter of support for the project. Mr. Renshaw said that the draft letter of endorsement is included in the packet.

**Motion by Mr. Zylinski: That the Board endorse a LIP application for 17 Walker Street, LLC, to construct an 11-unit rental housing project located at 17 Walker Street by sending a letter outlining their approval to the Executive Office of Housing and Livable Communities, and direct the Town Manager to sign the LIP application**
**Second: Ms. Scott Price Vote: Yes – 5 No - 0**

Vote to approve Morse Pond School roof project Massachusetts School Building Authority (MSBA) Statement of Interest
Mr. Renshaw said that Stephanie Madsen, Sustainability Coordinator, and Paul Dart from Morse Pond would be presenting the item. He commented briefly on the purpose of and need for the project.

Mr. Dart said the item tonight was a simple authorization to allow the superintendent to continue with the application process to the Mass School Building Authority to receive grant funding for a replacement roof at Morse Pond. He provided details of the roof and its need for replacement, as well as future steps for the entire project.

**Motion by Chair Taylor: To authorize the school superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 26, 2024, for the Morse Pond School located at 323 Jones Rd., Falmouth, MA 02536, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. Morse Pond qualifies for Priority #5: "Replacement, renovation, or modernization of school facility systems such as roofs, windows, boilers, heating and ventilation systems to increase energy conservation and decrease energy-related costs in a school facility." Specifically, the Morse Pond School, located in an Environmental Justice Community (EJC), needs extensive roof repair as the ages of roof sections range from 28 to 63 years old. Repair to the roof will increase energy efficiency and allow for post solar installation which will decrease energy-related costs.**
**Second: Ms. Scott Price Vote: Yes – 5 No - 0**

Sustainability Coordinator presentation and updates
Stephanie Madsen, hired in late September, 2023, narrated a presentation of approximately 16 screens, covering such topics as her experience working in the field, goals for the Town, the Green Communities (GC) Program, GC grant projects and future applications, solar renewable energy and feasibility analysis, solar challenges, EV charging stations, and sustainability next steps.

Mr. Brown asked how fast the fast chargers are. Ms. Madsen said 45 minutes will provide a 300-mile range. Ms. Scott Price asked about one of the listed challenges regarding the solar overlay bylaw limitations to 250kwDC, and because the wastewater treatment plant was not within that range, how best to address that. Ms. Madsen said the best way to address that challenge was to change the bylaw.

Mr. Renshaw praised the passion and commitment of Ms. Madsen in her role as sustainability coordinator.

Historic District Markers – Presentation by Ed Haddad, Chairman of the Historical Commission
Mr. Haddad updated the Board on the historical commission's historic district signage project, including funding (less than $25,000) and installation. The plan is for 11 signs throughout the 7 historic districts. Mr. Haddad had models of the signs up for consideration.

Mr. Brown asked about a QR code appearing on the signs, which led to information about where the signs would be located for each district.

Mr. Renshaw said he was glad to see the project underway and that he could see it as a capital plan item for November TM.

<u>Vote to approve a letter to MassDOT requesting "Lines and Signs" improvements along Route 28A/West Falmouth Highway</u>

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 7 – Vote to approve a letter to MassDOT requesting "Lines and Signs" improvements along Route 28A/West Falmouth Highway* in the Select Board packet.

Mr. Brown said he was familiar with the issue through the West Falmouth Village Assn.'s newsletter and supported it.

Peter McConarty, Director of Public Works, briefly detailed the nature of the project, mentioning short-term actions such as line signs, tree canopy trimming at intersections, speed limit signs, and replacing street signs. He also explained the review process for achieving the final list of actions, again saying if they could focus on the signage and sight lines, that would be good for the short-term.

**Motion by Ms. Scott Price: To approve submitting a letter to MassDOT requesting the listed "Lines and Signs" improvements along Route 28A/West Falmouth Highway Second: Mr. Zylinski**
**Vote: Yes – 5 No - 0**

After the vote, Ms. Scott Price again thanked Mr. McConarty for the good work of the DPW after the last snowstorm.

<u>Vote article recommendations for April 2024 Annual Town Meeting</u>

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 8 – Vote article recommendations for April 2024 Annual Town Meeting* in the Select Board packet. He thanked Mr. Johnson-Staub and Ms. Susan Lumping for their work on this item.

Mr. Renshaw recommended approval of Articles 4, 23, 24, 25, 26, and 27 as submitted. Regarding Article 33 (real estate transfer fee), he said there was also a revised red-line version in front of Board members tonight. By way of explanation, he referred to prior Board discussion on Feb.12 and an ensuing discussion with Mr. Mascali that clarified the intent of the article, which he said is very important to get right.

At this point, Mr. Johnson-Staub began a presentation on Article 4. He reviewed the listed 36 positions he said the Town is seeking to change the pay grade classification for and described the process to determine this change, with internal equity, organizational structure, and market realities being important tools for analysis by consultants and staff. He also explained how to interpret the chart included in the packet. Two new positions (deputy finance director and solid waste coordinator) are also part of the article.

Answering Mr. Brown's question about the solid waste coordinator's position at 37.5 hrs. per week, Mr. Johnson-Staub said that is the standard for technical administrative management positions in that pay grade range.

The Board had no questions on Articles 23 – 27.

Regarding Article 33 (real estate transfer fee), Mr. Renshaw referred to the two versions Board members had in front of them: the red-line version prepared by Town Counsel and Mr. Renshaw on Friday, and the version presented and discussed this morning between Mr. Renshaw and Mr. Mascali. He said both versions accomplish the same thing. He then read aloud from the red-line version up to the semicolon in line 4 after the phrase *of the sales price*. He then read aloud the amended language resulting from discussion with Mr. Mascali.

Ms. Scott Price asked if it were possible to include examples of these situations in the explanation for the article. Mr. Renshaw said it could be done, and that he had prepared examples but did not have his notes with him at the meeting. He said he would verify the math in his examples.

Mr. Brown said he was surprised to see the multiple cumulative math in the amended language. He said this language not only graduates the triggers of 1.5 million and 2 million, but also the way the fee is calculated. He said it decreases revenue significantly because "you are shorting yourself every time you re-calculate with the lower figure." He said he thought that once you trigger the threshold, you would trigger the whole amount over a million.

Mr. Mascali then explained the amended language using examples of two sales prices for properties, one slightly under 1.5 million and one slightly over 1.5 million. His examples showed the difference in the fees owed by the property owner using one version of the language vs. fees owed following the newer amended version he and Mr. Renshaw had discussed. Mr. Mascali said he thought the graduated fee structure, reflected in the new language, was fairer to people on the edge, and would discourage people from manipulating the selling prices of their properties.

Mr. Renshaw asked Mr. Senteio to speak about the implementation of this fee structure. Mr. Senteio said he was not sure at this point who would implement it. Town Counsel O'Keefe said that these fees would be assessed at the time of sale at the registry of deeds by the registry of deeds, but it has not yet been worked out. Mr. Senteio noted the complication for the registry of deeds to be using different fee structures for each town it works with. Mr. Renshaw said that the action the Board takes tonight on this petition goes to the state and governor's office for legislative review, the legislature comes up with its own version, and then Falmouth has the option to accept the state's language.

Mr. Mascali said this is why the state has not granted home rule petitions because of all the differences among towns. He said he hoped they would get something from the governor and then the Town could choose to be part of it or not. Mr. Zylinski said this petition was to initiate the insistence to get something defined at the state level.

Mr. Brown proposed using Mr. Mascali's language to do the math on Article 33. **Atty. O'Keefe said that the last 2½ lines of the article's recommendation language are intended to be included, beginning with "the fee is payable by the seller…"**

**Mr. Renshaw clarified that the language Mr. Mascali and he had discussed that morning would strike and replace the language in the red-line verbiage from Friday following the semicolon in line 4, to begin with the words "for conveyances where the sales price is$1 million but less than $1,500,000, a fee of 1% of the excess over $1 million is assessed and, for conveyances where the sales price is $1,500,000 but less than $2 million, a fee of 1% of the excess over $1 million and in addition a fee of 1.5% of the excess over $1,500,000 is assessed and, for conveyances where the sales price is $2 million or more a fee of 1% of the excess over $1 million and a fee of 1.5% of the excess over $1,500,000 up to and including $2 million, and a fee of 2% of the excess over $2 million is assessed." up to the last 2½ lines of the recommendation, beginning with "the fee is payable by the seller…"**

Mr. Brown asked why the fee is payable by the seller. Atty. O'Keefe said it is a policy decision and therefore a choice. There was brief Board discussion about who should pay the fee or if it should be split between the buyer and seller. Mr. Mascali said it is cleaner to leave it with the seller because the seller customarily pays the transfer tax and fees at the time of the closing, so is, therefore, more consistent.

**Motion by Ms. Scott Price: To approve the April 2024 Annual Town Meeting article recommendations, excluding Article 23, as submitted and amended Second: Mr. Zylinski**
**Vote: Yes – 5 No - 0**

**Motion by Ms. Scott Price: To approve Article 23 April 2024 Annual Town Meeting recommendation as submitted Second: Mr. Zylinski Vote: Yes – 4 No – 0 Abstain: 1 (Mr. Mascali)**

Chair Taylor asked if there was anyone present who wished to speak for a petitioner's article. No one responded.

**TOWN MANAGER'S SUPPLEMENTAL REPORT**
**Mr. Renshaw reported on the following;**

- The Eel Pond bridge in Woods Hole has been repaired.
- A time-of-year waiver has been obtained to dredge a couple inlets, although there has been a delay due to mechanical issues with the dredges.

**SELECT BOARD REPORTS**

**Mr. Brown reported on the following:**

- Beach committee – the superintendent is moving along quickly with hiring and we are better positioned this year than last
- Zoning Board had a Saxon Partners meeting last week where project changes regarding buffers were discussed, and will meet again next week

**Mr. Zylinski reported on the following:**

- Had the second CCMPO meeting today and will continue to see how this develops

**ADJOURN**

**Motion by Ms. Scott Price: To adjourn  Second: Mr. Mascali  Vote: Yes – 5  No - 0**

Respectfully submitted,
Carole Sutherland, Recording Secretary