

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes
MONDAY, APRIL 22, 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.

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

OPEN SESSION

Call to Order: by Chair Nancy Taylor at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Proclamations: Newcomers Club of Falmouth 40th Anniversary

Mr. Brown read out the proclamation included in the Select Board packet.

Motion by Mr. Brown: That we, Nancy Robbins Taylor, Edwin (Scott) Zylinski II, Douglas C. Brown, Onjalé Scott Price, and Robert P. Mascali, as Select Board of the Town of Falmouth, by the authority vested in us, do hereby proclaim 2024 as the 40th Anniversary of the Newcomers Club of Falmouth

Second: Ms. Scott Price

Vote: Yes – 5 No - 0

Recognitions:

Chair Taylor acknowledged that tonight's meeting was falling on Passover, and that she had contacted Rabbi Lieberman to apologize for conducting a meeting on Passover. She said she was committed to try to prevent this scheduling conflict in the future.

Mr. Brown recognized the Town's animal control officers, Molly Masson and Chloe Eressy, complimenting both on their engagement and high qualifications for the job.

Announcements:

- Mr. Brown announced the first meeting of the short-term rental working group on Tuesday, 4/23, at 4:30, in the Select Board meeting room.
- Mr. Brown also announced that Friday is Arbor Day and the new parcel on Shivericks Pond is being featured on Friday at 10:00.
- Ms. Scott Price announced that the Woods Hold Trad Stroll would take place on Saturday May 4 from 10-6 on Water Street

Public Comment: None

COMMITTEE INTERVIEWS - Interview, vote and appoint committee members

Cape Cod Commission – John Druley

Mr. Druley said he was seeking re-appointment as Falmouth's representative to the CCC (Chair Taylor clarified that this appointment is for a full term) and that so far there has been one meeting. Mr. Mascali said that the Town is fortunate to have Mr. Druley on the commission.

Motion by Mr. Mascali: To appoint John Druley as Falmouth's representative to the Cape Cod Commission to a term expiring April 24, 2027

Second: Mr. Brown

Vote: Yes – 5 No – 0

Mr. Druley said that a year ago, the CCC partnered with the Association for the Preservation of Cape Cod to study ponds, and that samples from approximately 650 of the 980 ponds on Cape Cod have been studied. He said those studies and organizations may be of some assistance to the advisory group to be appointed later in the meeting.

Cultural Council – Luke Okoshi-Michel, Paul Courtney

Luke Okoshi-Michel said he had nothing to add to his application. Chair Taylor asked him how he balances all his achievements, such as a 4.0 GPA, sports, music, and ambassadorships to various organizations. Luke said that everything he does, he loves. He said he uses his time wisely at school to get work done and doesn't procrastinate. He said he has been playing violin for 10 years and soccer for most of his life, and that he just loves everything he does.

Mr. Mascali noted that Luke is the second high school student on the Cultural Council and that it's wonderful to get students involved. Mr. Brown praised Luke's impressive resume, especially at his young age.

Motion by Ms. Scott Price: To appoint Luke Okoshi-Michel to serve on the Cultural Council for the unexpired term ending June 30, 2024 **Second: Mr. Zylinski** **Vote: Yes – 5 No - 0**

Paul Courtney said that the arts can be important connective tissue for people in a community – said he is happy that Falmouth supports the arts – said he has recently retired and can devote time to the council and help with its technical facets.

Mr. Brown: To appoint Paul Courtney to serve on the Cultural Council to fill the unexpired term ending June 30, 2025 **Second: Ms. Scott Price** **Vote: Yes – 5 No - 0**

Freshwater Ponds Advisory Committee – Kim Comart, William Kerfoot, William Mebane, George Heufelder, Lynn Francis, Steven Solbo

Kim Comart – Mr. Comart spoke of his past credentials, and said ponds are Falmouth's jewels which need to be protected and preserved for the present and future well-being of the Town.

Mr. Mascali asked about possibly making the committee a 7-member committee instead of having 5 members and two alternates. Mr. Johnson-Staub said the idea had come up in previous conversations, but for pragmatic concerns involving quorum requirements, the decision was made to have the 5-member committee with alternates.

Motion by Mr. Mascali: To appoint Kim Comart to the Freshwater Ponds Advisory Committee for the term ending June 30, 2027 **Second: Ms. Scott Price** **Vote: Yes – 5 No – 0**

William Kerfoot – provided his extensive credentials and experience to the Board – said he wanted to apply his wide expertise to the ponds in Falmouth.

Motion by Mr. Brown: To appoint William Kerfoot to the Freshwater Ponds Advisory Committee for the term ending June 30, 2026 **Second: Ms. Scott Price** **Vote: Yes – 5 No - 0**

William Mebane – said he has been involved with aquaculture and water quality management for most of his adult life – said he ran the seawater systems at MBL – said most of his career has been involved in freshwater aquaculture in the States, as well as Cambodia and West Africa – said he is interested and honored, and a lot can be done.

Motion by Ms. Scott Price: To appoint William Mebane to the Freshwater Ponds Advisory Committee for the term ending June 30, 2026 **Second: Mr. Mascali** **Vote: Yes – 5 No – 0**

George Heufelder – provided his credentials and work history, both public and private, to the Board – said his passion is aquatic biology. Mr. Brown thanked Mr. Heufelder for his many years of service to the Town

Motion by Mr. Brown: To appoint George Heufelder to the Freshwater Ponds Advisory Committee for the term ending June 30, 2027 **Second: Ms. Scott Price** **Vote: Yes – 5 No – 0**

Lynn Francis – cited her experience with monitoring, collecting samples, and analysis regarding fresh water – said she has experience with operations, such as managing volunteers and data collection and analysis.

Motion by Ms. Scott Price: To appoint Lynn Francis to the Freshwater Ponds Advisory Committee for the term ending June 30, 2025 Second: Mr. Brown Vote: Yes – 5 No – 0

Steven Solbo – provided background for his interest in freshwater and experience in Barnstable and Mashpee – said he is honored to be considered for the position on the committee

Motion by Ms. Scott Price: To appoint Steven Solbo to the Freshwater Ponds Advisory Committee as an alternate member for the term ending June 30, 2026 Second: Mr. Mascali Vote: Yes – 5 No – 0

At this point, due to being ahead of schedule for the scheduled public hearings, Chair Taylor asked if there were any objections from the Board to taking up the Consent Agenda. Board members had no objections. Chair Taylor proceeded to read out the Consent Agenda asking Board members to notify the chair if they wished to hold any items.

CONSENT AGENDA

1. Licenses

- a. Approve application filed by the Cape Verdean Club Falmouth, Inc., 126 Sandwich Road, East Falmouth, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License
- b. Approve application filed by the Falmouth Yacht Club, 290 Clinton Avenue, Falmouth, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License
- c. Approve application filed by Woods Hole Golf Club, Inc., 130 Quissett Avenue, Falmouth, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License
- d. Approve application filed by Woods Hole Inn LLC, 28 Water Street, Unit D, Woods Hole, for a Change of Manager of its Lodging House License
- e. Approve application filed by Rose M. Corp., 286 Grand Avenue, Falmouth, for a Change of DBA to The Wharf (formerly Soprano's Casino by the Sea) of its All-Alcohol Common Victualler License
- f. Approve application for a Special One-Day Wine and Malt Liquor License – Gray Matter Marketing – Cape Cod Brew Fest – Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth – Saturday, 9/21/24
- g. Approve application for a Special One-Day Wine and Malt Liquor License – Barnstable County Agricultural Society – Barnstable County Fair – Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth – Monday, 7/22/24 – Sunday, 7/28/24
- h. Approve application for a Sunday Entertainment License – Barnstable County Agricultural Society – Barnstable County Fair – Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth – Sunday, 7/28/24

2. Administrative Orders

- a. Approve request from the Water Quality Management Committee to apply for a grant for preparing Comprehensive Watershed Management Plans.
(Ms. Scott Price offered thanks to the WQMC for its work on that.)
- b. Approve request for variance to Sign Code §184-32 Off-Premises Signs: Falmouth Art Market – Art Market on Tuesdays, 6/25/24 – 8/27/24
- c. Approve request for variance to Sign Code §184-32 Off-Premises Signs: North Falmouth Congregational Church, and a request for a Grant of License for the placement of three informational signs on town property
- d. Approve expenditure of \$1,500.00 from the Falmouth Commission on Substance Use donation account for the Celebrations After-Prom 2024 event to be held on May 18, 2024.
(Chair Taylor offered thanks for the donation saying it was a very important event.)
- e. Approve Eversource Easement for Electric Service (for Electric Vehicle Chargers) at 20 Academy Lane

- f. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 125' (feet) of 1-4" conduit under town road near the intersection of Raymond Street. This work is necessary to provide electric service to 111 Jericho Path.
- g. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 48' (feet) of 1-3" PVC conduit under town road starting at new handhole to be labeled 72/17H-B at base of existing pole 72/17 to newly installed handhole 72/17H-A on customers property. This work is necessary to provide electric service to 169 Walker Street.

Motion by Mr. Zylinski: To approve the Consent Agenda

Second: Ms. Scott Price

Mr. Brown said he would like to second the comment offered for the donation for the After-Prom event, saying the event is exactly the kind of pro-active action the Town should be taking.

Vote: Yes – 5 No - 0

PUBLIC HEARINGS

Application for renewal of Shellfish Aquaculture License #A17-02 – Paula Miller, Nye's Neck Oyster – 3-acre site in Buzzards Bay 600' from the shore southwest of Fiddler's Cove and northeast of Nye's Neck

Mr. Zylinski read out the hearing notice.

Chair Taylor asked for, and received from Mr. Renshaw, confirmation that the dates of the original license's issue (2017) and expiration (2022) are correct. She asked if the applicant, Paula Miller, has been operating without a license for 2 years. Ms. Miller said that because of Covid for a couple years, she was told at Town Hall not to worry about renewal. She said that is what she was told by Diane Davidson. She said she received no information about renewal. She said she came into Town Hall a couple months ago saying it seemed to her she would need to renew the license. She said that the farm had been delayed due to Covid, and this site really started in 2022. She said the process seemed confusing and that it seemed up to the applicant to know when to seek renewal. She said she didn't really have a license with a date on it, and said again that the process is confusing because some licenses are for 5 years and others for 10.

Mr. Renshaw clarified that there is a 5-year provision and a 10-year provision, and that this applicant had received a 5-year license in 2017. He said he did have an extensive conversation with Ms. Davidson, office manager, about this issue, and that there was no indication in the records of any kind of Covid suspension. He said he is not necessarily disputing the applicant's statement, but the records in the file do not contain information regarding a suspension of time. Mr. Brown noted that during Covid, protocols in a variety of areas were relaxed, and other allowances were made.

Mr. Mascali suggested that the Board could approve a 5-year license beginning in 2022, essentially approving a license for the next 3 years as a sort of compromise for this specific situation. Mr. Renshaw, using the conditions cited in the original license letter, said he believed it is up to the Board's discretion to issue the license terms and conditions as it sees fit. Mr. Mascali said again he thought such a condition (approval for 3 years) would be an acknowledgment of this particular set of circumstances. Mr. Zylinski said that he felt such a condition was punitive and that he would be willing to vote one way or another on the request to renew for 5 years. Mr. Brown said asking the applicant to return in 3 years seemed to present a hardship for the applicant for something that was not not done intentionally. Chair Taylor said that while it is the responsibility of the applicant to keep track of the renewal requirement, she would not be against renewing for 5 years as requested.

Public comment: None

Motion by Mr. Brown: To close the hearing

Second: Mr. Zylinski

Vote: Yes – 5 No – 0

Motion by Mr. Brown: To approve this application as presented for a term of 5 years from today

Second: Mr. Zylinski

Vote: Yes – 4 No – 1 (Mr. Mascali)

Application for renewal of Shellfish Aquaculture License #A14-01 – Daniel Ward, Ward Aquafarms, LLC – 50' x 50' slip in Fiddler's Cove Marina

Mr. Zylinski read out the hearing notice.

The applicant, Mr. Ward, was present to answer questions. This is the 3rd renewal of the license. It was noted that this license would be for 10 years, per the application. Chair Taylor said that Mr. Ward had been found to be sufficiently qualified in terms of knowledge and experience to operate the shellfish aquaculture license.

Public comment: None

Motion by Mr. Zylinski: To close the hearing.

Second: Ms. Scott Price

Mr. Renshaw commented that Mr. Johnson-Staub checked the general law, and the Board does have the discretion to issue the license for a period of up to 10 years.

Vote: Yes – 5 No – 0

Motion by Ms. Scott Price: To approve the application for the renewal of the Shellfish Aquaculture License #A14-01 – Daniel Ward, Ward Aquafarms LLC – 50’ x 50’ slip in Fiddler’s Cove Marina

Second: Mr. Zylinski

Vote: Yes – 5 No – 0

Application filed by Main Street Gallery, 189 Main Street, Falmouth, for a One-Day Entertainment License to be executed on July 10, 2024, from noon to 5:00 p.m.

Mr. Zylinski read out the hearing notice.

The applicant, Jim Fox, was present. He said this is a philanthropic event to showcase artists that he can’t fit into his gallery. Artists bring their own tent and set up in the private parking lot. He pays the Stage Door Canteen Band to play for two hours. He also pays a food vendor to come and sell sodas. There is no charge for anything.

Public comment: None

Motion by Ms. Scott Price: To close the hearing

Second: Mr. Zylinski

Vote: Yes – 5 No – 0

Motion by Mr. Mascali: To approve the one-day entertainment license as submitted by Main Street Gallery, 189 Main St., Falmouth, to be executed on July 10, 2024, from noon to 5:00 p.m.

Second: Mr. Brown

Vote: Yes – 5 No – 0

BUSINESS

One Stop for Growth Grant Application - Route 151 Water Main Extension

Jed Cornock, Town Planner, provided an overview of the item, including the grant application process, what the purpose of the grant is (to extend a water main along Rt. 151), and the benefits of the extension. Mr. Brown said it is a great idea to use grant funds for infrastructure.

Motion by Ms. Scott Price: To approve the request to submit an Expression of Interest for the One Stop for Growth Grant Program as presented and to approve the request to submit a full application by the program deadline

Second: Mr. Zylinski

Vote: Yes – 5 No – 0

Vote to adopt the new LIP Application Process and Review Guidelines, re-establish the LIP Review Advisory Committee, and appoint a Select Board member to the Committee

Chair Taylor said she would like to nominate Bob Mascali to the advisory committee. Mr. Mascali accepted the nomination.

Housing Coordinator Kim Fish orally presented an overview of the item, which focuses on the Local Initiative Program (LIP) application process, the pre-application phase, the formal application phase, and review guidelines. She reiterated what she was seeking from the Board tonight.

Mr. Brown asked about adding the following amendments. (Ms. Fish responded to each suggested amendment with pertinent information. She also said the Town Planner is part of the committee.)

- Formal application 1b – Mr. Brown suggested having a habitat survey or study of some sort. Ms. Fish said that such detail is handled at the ZBA level.
- Formal application 1e – Mr. Brown asked to include “design solar orientation.” Ms. Fish said that is required by the Stretch Code.
- Review Guidelines D – Mr. Brown asked to add “residential deed restriction.” Ms. Fish said the state hasn’t yet approved that, but it is in Governor Healy’s bond bill.

- Review Guidelines M – Mr. Brown asked to add “or comparable certification” in case Energy Star were to change. Chair Taylor said that if that were to happen, the guidelines could be amended at that time.
- Mr. Brown suggested adding a letter P – “Provides up to 70% local preference for people living or working in Falmouth or neighboring communities” just as a goal. He also suggested adding “Contains a wider range of diverse affordability, for example, 60%-100% vs the standard 80% or whatever they’re targeting. Ms. Fish said that she suggests to applicants that anything beyond the required 25%, the Town would really be interested in a tiered AMI restriction. Regarding the local preference, she said that is addressed at the ZBA level as a condition of the comprehensive permit.

Mr. Zylinski sought and received confirmation from Ms. Fish that between the application process and the zoning board process, all of those questions would be answered.

Mr. Mascali referred to the Strategic Plan’s inclusion of the ZBA and Planning Board, as well as the Affordable Housing Committee, in providing input during the LIP process. He asked if those two governmental bodies had weighed in on these guidelines. Ms. Fish said they had not because the LIP guidelines and ZBA are two separate entities. She also said that the Town Planner was part of the process.

Mr. Mascali went on to suggest the wording in the pre-application phase “concept plan is *beneficial to the Town*” be changed to “...is consistent with local needs.” Ms. Fish said that could be voted as an amendment.

At this point, Mr. Johnson-Staub reviewed the whole purpose and value of the LIP now that the Town is nearing the 10% threshold of affordable housing. He said the LIP is an opportunity to shape the community and address pressing needs, and cautioned against going too far with specific language changes.

Chair Taylor noted that the Board is asking for changes in the eleventh hour. It was reiterated that the LIP application is a negotiation between the developer and the Select Board, and that Ms. Fish is the front person in those negotiations. Mr. Brown said that his concerns were addressed earlier, and that he is satisfied with the document as is.

At this point, Laura Moynihan, executive director of the Falmouth Housing Trust, asked that if the Board goes ahead with the requested approvals tonight, that the guidelines be tabled for two weeks to allow for public posting and written comment. She said the second draft was not posted and that people would like to comment, which Atty. Moynihan said would be helpful. She provided a specific example of a request for a waiver to illustrate how public comment would be useful, especially, she said, when the guidelines are an important tool for how to proceed with development of affordable housing. She said another two weeks to allow for public comment on the most current draft would not impede the timeline for the documents.

Ms. Scott Price asked if there are other guidelines a developer can use for a LIP application. Ms. Fish said yes, that these guidelines are specific to the Town.

Mr. Zylinski sought confirmation from Ms. Fish that the reason for the Select Board is to refine and amend as needed and get input, and that no document is written in stone. Ms. Fish agreed.

Mr. Mascali asked about Atty. Moynihan’s suggestion. Mr. Johnson-Staub said there is urgency because there are potential LIP projects in the pipeline now. He suggested the Board consider adopting the guidelines as proposed or amended tonight, and they can be revised or modified when necessary. He said the LIP guidelines in place now are not workable, and the proposed guidelines allow for a more fruitful dialog. He gave an example of a recently approved project where clearer guidelines would have been welcome.

Mr. Brown said that he could make a motion to approve the guidelines as is and adjust later. Mr. Zylinski seconded that motion.

Atty. Moynihan again spoke to the need to make this important process public. She said putting the guidelines in the Select Board meeting packet is not making them public. She went on to give an example of a potential problematic situation involving the advisory board with other boards weighing in with approvals. She spoke strongly of the need for the public to offer comment and the helpfulness such comment would provide. She suggested that two weeks did not seem like a hindrance to getting things going.

Mr. Renshaw then said that as Mr. Johnson-Staub had mentioned, adoption as presented tonight puts the Town in a much stronger position. He also said that Atty. Moynihan has appeared before the Affordable Housing Committee

and provided input, some of which has been incorporated into the documents. So there was opportunity for public comment.

Ms. Fish added that these are Select Board guidelines that the Board makes the decision on.

Chair Taylor then formulated a motion to include all aspects of the agenda item before the Board, not just the guidelines.

Motion by Chair Taylor: That the Board re-establishes the LIP Review Advisory Committee, that the Board appoints Bob Mascali to the LIP Review Advisory Committee, and that the Board adopts the Local Initiative Program Application process and Review Guidelines as presented **Second: Mr. Zylinski**

Mr. Brown commented that past practice has been that the project is pretty well “fully baked” when the Board sees it, so this is an improvement, and “we can update as needed later.”

Mr. Mascali said he has concerns about some of the provisions but will approve it tonight and be more diligent moving forward. He thanked Ms. Fish for all the work she has put into this.

Vote: Yes – 5 No - 0

Project Eligibility Letter for a 40-unit housing proposal at 85 Brick Kiln Road

Jed Cornock, Town Planner, orally presented the item, reviewing project details such as description, and impacts and benefits including information on wastewater, public transportation, and environmental surroundings. He also reviewed the procedure for this application, saying that this is the first step for the applicant in going before the ZBA for a comprehensive permit. In the future, this could be a LIP project, he said.

Mr. Brown said that \$125,000 subsidy is on the high end, but it is the right kind of project and a good investment for the town. There followed brief Board discussion about the \$125,000. The amount is correct, Mr. Cornock said, but while the amount is listed in the application to Mass Housing as their intent to apply, there has been no formal application to the FAHF for the funding.

Mr. Brown also suggested locating the condensers on the roof between dormers. Mr. Cornock said that type of suggestion/comment could be addressed when the application comes before the Planning Board.

Motion by Ms. Scott Price: To approve the draft project eligibility letter and submit to Mass Housing as presented **Second: Mr. Zylinski** **Vote: Yes – 5 No - 0**

Falmouth Affordable Housing Fund application for 464 Main Street

Joe Valle and Christian Valle from The Valle Group orally presented the item, beginning with a history of the location and how the mixed-use project concept came to be. Also provided were details regarding income eligibility requirements for residency and photos of the site and unit floor plans. Joe Valle said they had already been before the Affordable Housing Committee and CPC.

Chair Taylor ascertained from Joe Valle that there had been abutter input. She said she felt the project was perfect and would fit in well in the area.

Mr. Mascali asked if EV stations could be put. In the parking area. Joe Valle said they would consider it. Mr. Mascali also asked if something other than a one-year lease could be offered so that people would not have to move if rents were raised at the end of one year. Joe Valle said that their goal is to keep people in their units for a long time and that they don't want people to be moving out.

Ms. Scott Price asked if there would be anything other than the laundromat in the commercial space. Mr. Valle said it would be all laundromat, which he said the Town needs.

Mr. Brown asked if the condensers would be loud. Joe Valle said that abutters didn't oppose the location of the condensers during the Planning Board hearing. Mr. Brown asked about impact on the residents of the proposed building. Mr. Valle said that current models of compressors are surprisingly quiet.

Motion by Mr. Mascali: That the Board acting as Trustees of the Falmouth Affordable Housing Fund grant \$1,875,000 to Excel 464 Main Street, LLC to construct 15 rental units, 4 units deed restricted at 80% AMI and 11 units deed restricted at 120% AMI in perpetuity at 464 Main Street and authorize the Town Manager to execute a commitment letter and grant agreement setting forth the terms of the financial award to Excel 464 Main Street, LLC
Second: Ms. Scott Price
Vote: Yes – 5 No - 0

Presentation – Resolution Recognizing Cape Cod Rights of Nature – Dr. Betsy Gladfelter

Dr. Gladfelter narrated approximately seven screens explaining the history of the country's attention to the Earth and the importance of respecting and protecting it. She pointed out several items on tonight's agenda which address the need to respect the value of nature in our lives. She also said this is an opportunity for Falmouth to be the first town on the Cape to adopt the Cape Cod Rights of Nature resolution.

Ms. Scott Price asked if there were a catalyst for this action being taken now. Dr. Gladfelter said that there were several catalysts, the first being a 40B, another being a youth group from the Mashpee Wampanoag Tribe who have a Rights of Herring.

Mr. Brown read out the text of the *Resolution Recognizing Cape Cod Rights of Nature*, included in its entirety in the Select Board packet. The final portion of the resolution is as follows:

**“Now therefore, the Select Board of Falmouth, Massachusetts hereby RECOGNIZES the Rights of Nature on Cape Cod; and RESOLVES to effectuate those rights to the full extent of its authority in order to protect the welfare of life on Cape Cod and thereby effectuate our constitutionally guaranteed right to a clean and healthy environment and thereby protect our own and our children's and descendants' welfare.
Signed, Nancy Robbins Taylor, Chair, Falmouth Select Board April 22, 2024”**

At the conclusion of Mr. Brown's reading, **Chair Taylor said, “There's your motion.”**

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

Discuss and consider the approval of a Police Department Traffic Control Official policy

Mr. Renshaw orally introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 6 – Discuss and consider the approval of a Police Department Traffic Control Official policy* in the Select Board packet. He said the policy addresses the huge need for safe and competent traffic details to cover areas where or when there is no police officer available.

Chief Lourie thanked Lt. DeCosta for his work on the policy. He then highlighted some points such as ways this action will help police department retirees who must retire at 65, as well as Community Service Representatives (CSRs), who can now earn some extra income. He said the assistance will improve managing certain seasonal events in Town. He said it augments the existing staff.

Mr. Mascali asked about communication devices. Chief Lourie said yes, that portable radios will be issued, although some may have to share them.

Mr. Zylinski asked about uniforms. Chief Lourie said they will basically look like the CSRs-ballcaps but no badges. Mr. Zylinski asked about training. Chief Lourie said that the vast majority have been doing the job for many years and are already certified, but when necessary, some could attend a traffic control class through DOT.

Motion by Mr. Zylinski: I move consideration for the approval of the police department traffic control official policy
Second: Mr. Brown
Vote: Yes – 5 No - 0

Approve the resubmission of an application filed by AMVETS Falmouth Post 70, Inc., 336 Palmer Avenue, Falmouth, for a Change of Manager and a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 7 – Approve the resubmission of an application filed by AMVETS Falmouth Post 70, Inc., 336 Palmer Avenue, Falmouth, for a Change of Manager and a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License* in the Select Board packet.

Ms. Scott Price asked if this action was not on the Consent Agenda because it is a re-application. Mr. Renshaw said yes.

Motion by Mr. Brown: To approve the resubmission of an application filed by AMVETS Falmouth Post 70, Inc., 336 Palmer Avenue, Falmouth, for a Change of Manager and a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License Second: Mr. Zylinski Vote: Yes – 5 No - 0

License Renewals – 2024 Seasonal and Spring Annual

SEASONAL COMMON VICTUALLER LICENSE

The Village Café of West Falmouth, 634 West Falmouth Highway

SEASONAL ALL ALCOHOL CLUB and COMMON VICTUALLER LICENSE

Seacoast Shore Association, 7 Farview Lane

LODGING HOUSE LICENSE

Frederick William House, 594 Palmer Avenue
Heights House, 25 Harbor Avenue
Inn on the Sound, 313 Grand Avenue
Inn on the Square, 40 North Main Street
The Captains Manor Inn, 27 North Main Street
Woods Hole Inn, 28 Water Street, Unit D

SECOND-HAND DEALER LICENSE

Boutique on the Buy Way, 47 North Main Street
Cape Cod Gold & Silver, 424 Main Street

Hope Restored, 655 Boxberry Hill Road
Trendy Tots, 426 Main Street

ENTERTAINMENT LICENSE

Seacoast Shore Association, 7 Farview Lane

SUNDAY ENTERTAINMENT LICENSE

Seacoast Shore Association, 7 Farview Lane

BOWLING ALLEY LICENSE

Trade Center Bowl, 89 Spring Bars Road
Timber, 23 Town Hall Square

POOL TABLE LICENSE

AMVETS, 336 Palmer Avenue
Trade Center Bowl, 89 Spring Bars Road

MOVIE THEATER LICENSE

Falmouth Cinema Pub, 137 Teaticket Highway

Mr. Renshaw noted an issue regarding the license for the Frederick William House at 594 Palmer Avenue (under Lodging House License). He said the Town has recently learned of on-going violations - one involving occupancy (permitted for 5 guests but evidence of upwards of 7 guests currently), another concerning the vegetative buffer. He said Town Counsel advises approval of the license but put the owner/operator on notice that if violations continue, the owner/operator would be called back to the Select Board for possible revocation or suspension of the license.

Chair Taylor said she is concerned about this non-compliance, and that the Select Board will need to inform them that if they don't comply immediately going forward, that the Board would send out a notice of violation right away. She said people need to know that the Board is watching and that operators need to be in compliance with their license.

Public comment:

Jonathan Stronach (passed out printed materials to the Board)– lives at 600 Palmer Ave. with his wife – said he and other abutters attended a ZBA hearing on 4/13/23 voicing concerns regarding performance standards and compliance related to an application to add another guest unit – said the application was withdrawn – said a ZBA member said to contact the building commissioner – said a complaint of violation was sent 4/25 regarding the parking lot and that changes had to go before the planning board – said expansion of the parking lot has continued to be expanded and redesigned – said two days ago heavy machinery was on site expanding the footprint – said photos are from his kitchen window – said a cease and desist order was sent on August 29 followed by an appeal, which was continued to 2/1.

At this point, Chair Taylor said that she was not sure that this was within the Board's purview. Mr. Renshaw said tonight the Board is considering the renewal of the annual license. The other matter is under investigation, including some disputes among the property owners. Mr. Brown also questioned whether the Board's purview included this matter. Mr. Renshaw again said that Town Counsel recommended that the Select Board warn the owner that the Board is aware that the business is not being operated in accordance with the Select Board-issued license. The permit is for 5 guest rooms. That is what the Select Board can rule on.

Mr. Mascali asked about the date the annual renewal would go into effect and if the Board would need to act on it this evening. There followed Board discussion about possible action the Board could take. Mr. Mascali said it would be a stronger statement to the owner if the Board didn't renew the license. Chair Taylor said Town Counsel

recommended that the license be renewed but that the Board use this as an opportunity to warn the owner. Mr. Zylinski said that the issue is under appeal, and that the Board doesn't want to get into the details of that if it's already under appeal. He asked if the owner was present at the meeting and no one responded.

Mr. Johnson-Staub reiterated Town Counsel's advice to renew the license, also saying that she did not advise not renewing without any notice having been sent from the Board warning of that action. He said the Board could put the applicant on notice and hold a future hearing. He added that this is a seasonal license, and it is time-sensitive, possibly going into effect in early May. The applicant can't begin renting until they get the license.

Mr. Zylinski said to Mr. Stronach that the Board could do nothing while the matter is under appeal and that the process has to play out. Mr. Stronach said he understood and thanked the Board, and also said that people have been trying to enforce this for 20 years, and that he can't go another 20 years living the way they're living. This is his urgency, he said.

Ms. Scott Price asked if the applicant could be brought before the Board for a discussion about this matter. Mr. Renshaw said that if there are continued violations, the Board could issue a notice of violation and have the owner appear before the Board for consideration of rescinding or suspending the license.

Mr. Stronach asked the Board how to go about following through on this issue. Board members advised going to relevant board meetings, such as planning and zoning, and how to receive notifications of agendas. Mr. Zylinski also said the building commissioner is the zoning enforcement officer and complaints should be reported to his office. Mr. Johnson-Staub also said if there is a violation of the license for 5 rooms, a complaint could be sent to the Board via email. Mr. Stronach said he sent a complaint to the Select Board last May and he would be sure to resend it.

Motion by Mr. Zylinski: To approve the annual licenses as posted in the agenda tonight
Second: Mr. Brown **Vote: Yes – 5 No -0**

MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – June 27, 2022 (#1, 2 and 3); October 30, 2023; March 25, 2024; April 1, 2024; April 8, 2024
 - b. Vote to Release Executive Session – February 12, 2024

Public session sets:

- Mr. Brown said on 4/10 minutes in consent on the last page on p. 6, the reference was to Nan - should be Nan Logan.
- Mr. Mascali said that he was not present at the 10/30/2023 meeting.
- Mr. Mascali said he would abstain from voting on the 6/27/2022 minutes as he was not a Board member at that time.

Motion by Mr. Zylinski: To approve with corrections **Second: Mr. Brown** **Vote: Yes – 5 No – 0**
Chair Taylor noted that all votes are "Ayes" except the 6/27/22 minutes with Mr. Mascali abstaining on that set.

Executive Session set:

Motion by Mr. Brown: To approve and release **Second: Ms. Scott Price** **Vote: Yes – 5 No - 0**

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Renshaw reported on the traffic detour for water main work in effect last Friday, saying it was not handled well and promised to do better. He gave examples of future improvement in communicating such things to residents, including activating the RAVE messaging 24 hours in advance, posting bulletins on the Town's website, using electronic messaging boards, taking a new look at detour routes and considering truck traffic on local roads, and in general, providing advance notice to the community. He said lessons were learned from that recent experience.

SELECT BOARD REPORTS

Mr. Mascali reported on the following:

- Attended the Mass Cultural Council Grantee Reception

- Attended first meeting of the Cape Cod Regional Transit Authority and learned about the new DART program

Mr. Brown reported on the following:

- Attended the Cape and Islands Municipal Leaders Assn. last Friday
- Attended the Waquoit Intermunicipal Agreement with Mashpee and Sandwich at the Mashpee Town Hall
- Ed Marks Building Committee will be resuming its work

Mr. Zylinski reported on the following:

- Attended virtually the CCMPO monthly meeting today and urged all to go on the website to learn more

Ms. Scott Price reported on the following:

- Attended the Wampanoag Tribe Honor the Earth Day at their tribal lands over the weekend

Chair Taylor reported on the following:

- Volunteered on Saturday to collect textiles, and the event filled up two trailers

ADJOURN

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

Respectfully submitted,
Carole Sutherland, Recording Secretary