TOWN OF FALMOUTH
SELECT BOARD

Open Meeting Minutes

MONDAY, MAY 20, 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; Maura O'Keefe, Town Counsel

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

Pledge of Allegiance: Led by Select Board

Recognitions:
Chair Taylor recognized Board member Onjalé Scott Price for her service on the Board since this meeting would be the last of this term. She said the Board was sad to see her go but happy she would get to spend more time with her new baby. All Board members offered their praise of Ms. Scott Price's service, including having learned a great deal from the point of view she brought to the Board as well as her dedication during challenging times. Ms. Scott Price acknowledged the recognition with gracious remarks.

Ms. Scott Price recognized Beth Ready Liles, who died on May 6. She said Ms. Liles was a member of her chosen family and read aloud from an obituary containing highlights and accomplishments of Ms. Liles's life.

Mr. Brown recognized the Falmouth Police Department, saying they are doing a great job. He highlighted noteworthy activities, saying the police dept. has come a long way recently "with hiring and a lot of really motivated folks."

Announcements:
Mr. Mascali reminded Townspeople to get out and vote tomorrow.

Mr. Brown announced the opening of the Veterans' Center on Thursday.

Mr. Mascali also announced the availability through the planning department of the survey regarding the parking management plan. He advised residents to fill out the on-line survey.

Public Comment:
Nan Logan, Precinct 1 – thanked the Board for opportunity for public comment – cited recent report on CBS/WBZ regarding Falmouth's decision to destroy surplus guns to prevent them from re-entering circulation – cited statistics documenting the presence of such guns being used in violent crimes, crimes causing the deaths of children, and "crime guns" being used by law enforcement agencies – said the trend for such use is up – thanked the Board for its decision. (Chair Taylor asked for the notes Ms. Logan was using for her comment due to the research they contain.)

COMMITTEE INTERVIEWS - Interview, vote and appoint committee members
Cultural Council – Ocean Eversley
Ms. Eversley said she lived on Martha's Vineyard for 30 years and owned multiple businesses – said she moved to Falmouth last November – said she has lived in Falmouth before for about 4 years and can't wait to get re-engaged with community service here – said she is a retired clinical social worker and businesswoman and artist - said she wants to engage in outreach to get Black and Indigenous people involved in the arts.

Chair Taylor asked if Ms. Eversley had ever done equine therapy with kids; Ms. Eversley said when she had the horse ranch, she was not a clinical social worker.

Motion by Ms. Scott Price: To appoint applicant Ocean Eversley to serve on the Cultural Council to fill a term ending on June 30, 2027 Second: Mr. Zylinski Vote: Yes – 5 No – 0

Due to being ahead of schedule, Chair Taylor asked for the Board's approval to run through the Consent Agenda. There was no objection from the Board.

CONSENT AGENDA

1. Licenses
   a. Approve application for a Special One-Day Wine & Malt Liquor License – Shipwrecked – Beachfest – Shipwrecked/Heights Hotel parking lot – Sunday, 6/9/24 from 12:00 p.m. – 5:00 p.m.

   b. Approve application for a Special One-Day Wine & Malt Liquor License – On the Water, LLC – Striper Fest – Marina Park – Saturday, 9/28/24 from 12:00 p.m. to 6:00 p.m.

   c. Approve the correction of the application filed by Sun Retreats Cape Cod for a Seasonal Automatic Amusement Device License – 130 Thomas B. Landers Road, East Falmouth

2. Administrative Orders
   a. Release of Surety Bond for Habitat for Humanity LIP at Willett Way

   b. Vote to accept a water main easement on Willett Way to allow connection to the Town's water service

   c. Approve request from Bob Bennett, owner of properties located at 503 Sippewissett Road and 19 Quissett Harbor Road, to apply to the Conservation Commission relative to vista pruning on the adjacent Town-owned property

   d. Vote to authorize the Select Board to approve a Letter of Commitment for the submittal of a Department of Energy Grant for the Marina aquaculture expansion and renewable energy project

There were no holds from the Board.

Chair Taylor called for a motion. Motion by Ms. Scott Price: So moved Second: Mr. Zylinski Vote: Yes – 5 No - 0

MINUTES

1. Review and vote to approve minutes of meetings
   a. Public Session – April 22, 2024

Motion by Ms. Scott Price: To approve the minutes of public session of April 22, 2024 Second: Mr. Zylinski Vote: Yes – 5 No - 0

PUBLIC HEARINGS

<u>Application for an All-Alcoholic Beverages Restaurant License, an Annual Entertainment License, and a Sunday Entertainment License for 10Water Street, LLC d/b/a Pie in the Sky Coffee and Bakery, 10 Water Street, Woods Hole – **Continued from April 1, 2024**</u>

Mr. Zylinski read out the hearing notice.

Attorney Anthony Tsakalos from Ament Klauer, LLP was present representing the applicant. He reviewed the chronology of the issue as well as the details of the revised application for the entertainment licenses as presented in the Select Board packet. He was requesting that the Board allow the previous application for a liquor license to be withdrawn without prejudice and to grant the entertainment licenses as revised.

Mr. Brown asked about concerns regarding truck traffic in the loading dock area, wondering if this falls under the scope of the entertainment license. Brief Board questions about relevance of traffic on this license ensued. Town Counsel O'Keefe said that traffic is a natural component of any kind of license under the Board's purview and is part of the analysis that the Board should be doing every time it considers a license.

Mr. Zylinski asked about the procedural issue of withdrawing the liquor license application without prejudice and adding the second component of the entertainment license as one item. He posed closing the hearing regarding the liquor license application and taking up the revised entertainment license application separately. Town Counsel O'Keefe said it is acceptable to take the item in two parts. She said the Board could dispense with the withdrawal of the liquor license application first, and then keep the hearing open to further discuss the entertainment licenses application.

Motion by Mr. Brown: To accept the applicant's request to withdraw without prejudice the liquor license application Second: Mr. Zylinski Vote: Yes – 5 No – 0

Mr. Brown returned to the question about the loading zone and allowable parking areas as described in a letter to the Board earlier today, and if there could be agreement that drivers know where those zones are. General Manager Erik Gura said that drivers are told where it is allowable to park.

Mr. Mascali asked if management would be taking special efforts to manage the crowds that entertainment would draw. Erik Gura said that the open mic night might draw a crowd but that he or another manager would be present to keep things under control. He said he would not anticipate "massive crowds." He said the wide range of hours allowed for flexibility, and did not expect entertainment would occur at all those times. He cited examples of how the hours might be used.

Mr. Zylinski noted the detail of "full amplification and full band" was not heard in the original testimony. Atty. Tsakalos said that the open mic night would be a continuation of what has been going on for decades, and that no deviation from that would occur. He said that is the only night that there would be full amplification of live bands.

Mr. Brown said the Board has been having some issues with outdoor music and had been enforcing a policy of having the manager assure that the sound doesn't carry beyond the property line. He said it's difficult to do but necessary to be aware of.

Mr. Zylinski asked if the applicant would agree to conditions of directing the speakers inward and no amplification of any kind after 8:00 M-F. Mr. Gura asked for an exception for Monday night and said it has been a positive thing for the past 40 years and that he would be present to address any problems himself. Mr. Brown said there were positive comments about the venue being a great place for young people to go and enjoy themselves.

Mr. Mascali asked if starting at 10:00 a.m. on weekends seemed an overreach and suggested starting at 12:00. Mr. Gura agreed to that.

Mr. Brown asked what the target would be for entertainment. Mr. Gura said three days if they were lucky. He said it was volunteers and that no one was getting paid. He cited the example of an acapella group that would perform spontaneously after a concert.

Mr. Mascali said that one of the Board's concerns is that all the available hours would be filled. If that were to happen, he said the Board would then deal with that as needed.

Public comment:
Catherine Bumpus, Woods Hole Community Assn. – thanked the Board for its thoughtful review and the applicant for steps taken thus far, such as withdrawing the liquor license application and reducing the hours of the entertainment license - said if applicant complies with what he's asking for, things can move forward in a positive manner for the village.

Alan Steinbach – said his kids grew up Monday nights there – thanked the Board – congratulated the applicant for being adaptable – said he supported having fewer liquor licenses – said having less access to liquor is good for Woods Hole.

Leo Polk – said he works at Coffee Obsession and is a regular attendee and performer at open mic night – spoke about the importance of open mic night to the larger community of Falmouth – said his mother attended 40 years ago – said it has gotten him back into music – thanked the Board for considering it.

James Anthony, President and CEO of Martha's Vineyard Bank – said he was seeking clarification that entertainment would start no sooner than 5:00 p.m. M-F. (Yes. The hours are on the application.)

Chair Taylor sought a **motion to close the hearing. Motion by Mr. Zylinski: So moved**
Second: Mr. Mascali Vote: Yes – 5 No – 0

Chair Taylor asked about the condition of no amplification after 8:00 p.m. Mr. Brown said that he wouldn't want to throw a monkey wrench into something that has been working well for so long.

Mr. Zylinski said that the Board has talked about approving and then monitoring for compliance. If there are complaints, things can be adjusted at that time. Ms. Scott Price said the applicant has done a good job of being amenable to listening to the noise complaints of the community. She said she agrees with what the applicant has put forward.

Motion by Mr. Brown: To approve as requested, including Mr. Mascali's suggestion to start at noon on weekends. (Mr. Zylinski clarified that the condition to turn the speakers in and maintain the amplification to just Monday night would be part of the Board's decision. Chair Taylor said that would be in the Board's decision. Mr. Brown re-iterated his motion was to approve with the condition that Mr. Mascali had added.**)**
Second: Mr. Mascali Vote: Yes – 5 No – 0

<u>Application filed by Bad Martha's Farmer's Brewery, LLC for an Alteration of Premises to its Farmer-Brewery Pouring License, 876 East Falmouth Highway, East Falmouth</u>
Mr. Zylinski read out the hearing notice.

Attorney Christopher Kirrane was present along with Joshua Flanders from Bad Martha's. Atty. Kirrane outlined the specifics as presented in the application. He said the request for outdoor seating for 32would not increase the licensed total occupancy of 94 seats.

Mr. Mascali asked if the outdoor seating would be closer to Rt. 28. Atty. Kirrane said yes. Mr. Mascali asked if any of the neighbors had been approached about it. Atty. Kirrane said there were two immediate abutters. He said there is already limited outdoor space, which is fenced in, and he is not aware of any complaints. Mr. Flanders said the tables would be on the Mahoney's side. He said the existing seats are under the pergola area. The new seating would be in the area of a former bocce court.

Mr. Brown asked about amplified music. Mr. Flanders said music was moved to the firepit facing into the building to address any concerns from neighbors. He said all speakers now face in.

Public comment: None

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

Motion by Mr. Zylinski: To approve the application filed by Bad Martha's Farmer's Brewery, LLC using the existing administrative process for an alteration of premises to its Farmer-Brewery Pouring License at 876 East Falmouth Highway, East Falmouth for the additional outdoor seating until April 1, 2025
Second: Ms. Scott Price Vote: Yes – 5 No - 0

<u>Application for a Sunday Entertainment License – Shipwrecked – Beachfest – Shipwrecked/Heights Hotel parking lot, 263 Grand Avenue, Falmouth – Sunday, 6/9/24 from 12:00 p.m. – 5:00 p.m.</u>
Mr. Zylinski read out the hearing notice.

Rob Loewen, owner/manager of Shipwrecked, was present. He summarized the details as presented in the application. He said it would be a summer kick-off event for the community. Mr. Brown said he thought the event could be easily managed in the parking lot.

Public comment: None

Chair Taylor said she would entertain a **motion to close the hearing. Motion by Mr. Zylinski: So moved**
Second: Ms. Scott Price   Vote: Yes – 5   No – 0

Motion by Ms. Scott Price: To approve the application for a Sunday Entertainment License – Shipwrecked – Beachfest – Shipwrecked/Heights Hotel parking lot, 263 Grand Avenue, Falmouth, Sunday, 6/9/2024 from noon to 5:00 p.m.   Second: Mr. Zylinski   Vote: Yes – 5   No - 0

BUSINESS

Presentation – Great Bay Street – Project History and Current Overview

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 1 – Project History and Current Overview and vote to perform reasonable care maintenance repair and stormwater control along Great Bay Street* in the Select Board packet.

Mr. Renshaw introduced Peter McConarty, Director of Public Works, who began the presentation. Mr. McContarty narrated approximately 23 screens of information, including the history of the road closures – when they occurred and why, stabilization procedures including beach nourishment, Town Meeting votes, history of drainage improvements, feasibility assessments and costs, and potential options moving forward.

Mr. Mascali asked if the $4-7M anticipated cost would cover just soft engineering methods or include more hard engineering methods. Mr. McConarty said that once armament was being considered, the price would go higher. He said these are soft solutions that the state typically allows. Mr. Mascali then asked if it would cover the whole roadway. Mr. McConarty said it would not be the entire roadway but would include a large portion of it.

Mr. Zylinski asked about aquaculture and if it would affect the need for armament. Mr. McConarty said aquaculture would help reduce wave action.

Mr. Renshaw then asked Town Counsel Maura O'Keefe to review the "reasonable care" standard. Atty. O'Keefe's comments included points such as the following:

- road ownership and who, therefore, is responsible for its maintenance
- the issues of coastal resiliency and erosion protection
- that care includes safety of vehicular travelers as well as the preservation of the road itself
- consideration of how much to invest in the care of the road balancing safety and preservation issues
- understanding that different sections of the road require different standards of attention and care

Mr. Brown said the Town owns the beach portion which is deteriorating badly. He supported doing the survey and tackling yearly maintenance. Mr. McConarty reiterated that other areas also need attention.

Mr. Renshaw then said what he is seeking from the Board tonight is direction on which way to proceed with this issue. One option is to direct his office to proceed with reasonable care management work, which he said is more than minor maintenance work, which would focus on stormwater drainage, tree maintenance, and pursuing the viability of aquaculture for erosion mitigation. The other option is to direct him to proceed with a full-blown engineering study, the result of which would necessitate preparation of a multi-year capital project budget. He also provided the Board with some financial information regarding what is in the 10-year capital plan ($525M), but that it does not include costs associated with this issue.

Mr. Brown asked how many sections of the road are in dire need for safety reasons and how best to address that.

Mr. Zylinski asked how it is determined who owns the road. Atty. O'Keefe said that in this case some boundaries are difficult to determine; but in general, for private ways, abutters own to the middle of the road.

Mr. Mascali asked about the financial responsibility of the other abutters. Atty. O'Keefe said that shared responsibility means for everything. She said for private ways, the Town does not do large scale maintenance. Mr. Mascali then sought and received clarification from Mr. McConarty that "we have not looked to other abutting property owners for contributions for costs involved with the roadway." Atty. O'Keefe added that some property owners have taken on their own projects at their own costs. Answering a question from Mr. Zylinski's, she also said that betterments are not initiated on a private roadway. Mr. Brown suggested creating a program partnering with the Town dealing with improvements.

Public comment:
Sheryl Williams – born and raised, and now lives, on Great Bay St. – said she has never heard of Great Bay St. being a private way – said Herb Lefevre was a neighbor of her family – said her belief and understanding has always been that he donated the road to the Town – said engineering books say the Town of Falmouth own Great Bay St. – said she wants to know, since she is land-courted, where her property line ends and if it goes into the middle of the road – asked about the erosion and encouraged the Board to look at the whole thing – said the Town missed an opportunity in 2014 – said she is absolutely baffled over the legal issue now of who owns the road.

Laura Moynihan – asked if there is any consideration over a public taking of the other half of the street and then assessing a betterment and working with abutters – said it might be difficult for the entire Town to absorb the total costs.

Chair Taylor asked if there were an answer to that question. Mr. McConarty said the Town has never considered taking the street as a roadway, and itemized briefly what would be required to bring the road up to public standard.

Mr. Zylinski suggested the possibility of taking the road and then abandoning it, using half of it to fortify the coastal side. Mr. Renshaw said that prior to the Town's accepting the road, improvements would have to bring it up to Town standards.

Mr McConarty then said that typically when the Town does work on public roads, it doesn't look for soft solutions, and named Surf Dr., Grand Ave., and Menauhant as threatened public roads that will need armament. He said on Great Bay, the Town would need to contract out to have the annual maintenance done.

Motion by Ms. Scott Price: To direct the Town Manager, upon the recommendation from the Department of Public Works, to begin planning for reasonable care maintenance repair work along Great Bay Steet as determined by the Directoe of Public Works such as stormwater drainage control and tree maintenance work, and to further research the implementation of aquaculture in Great Pond to reduce erosion due to wave action Second: Mr. Zylinski (later be withdrawn)

Mr. Brown said he does not oppose the motion but also sees a need to address certain areas of the street that pose hazards, such as between Hiawatha and. Providence. He hoped a temporary solution could be put in place for the summer.

Mr. Mascali said he would like to pursue the feasibility study. Mr. Brown suggested a limited scope feasibility study, but Ms. Scott Price said if that is the direction the Board chooses, a feasibility study should be done for the whole thing. Mr. Mascali said he agrees that an immediate remedy is necessary due to the dangers of certain portions of the street, but he also would like the feasibility study to determine what the town needs to do.

Mr Renshaw said that if the Board is considering even a scaled down version of the feasibility study focusing on targeted areas, that it be an article at November Town Meeting. Meanwhile, he said the Town could be doing the reasonable care maintenance. Mr. Mascali said that he would like to leave open the possibility of a full-scale assessment. Mr. Brown said he is trying to think of creative ways to expedite some repairs

Mr. Zylinski said he wished to withdraw his second to the motion. He said this is precedent-setting in a coastal community. He said we are talking about a private road on the water's edge that abuts Town property. Mr. Brown questioned whether it is still even a road. He said he is concerned about managing the coast and keeping it safe.

Mr. McConarty said portions that have been closed off have grown in, making vehicular travel questionable. He suggested, if it's even possible, to abandon that portion and continue with the assessment and improvements on the bank. He said minimal sections (used by delivery trucks, for example) would have to remain open for use, but it's minimal.

Public comment:
Frank Laquidara – has owned on Maravista Ave. since '62 and grew up on Great Pond – thanked those who have visited the site – said bank is in crisis mode due mostly to northeast wind – said trees will fall into Great Pond – said the Town just leaves them there – said the real issue is the bank itself and that it needs to be enforced – highlighted the danger of walking along the street and falling off the cliff-like edge – said people are concerned about property

values due to extreme erosion – said soft mitigation does not work, that the sand just goes away – agrees that there has to be an immediate response to ward off injury – repeated that it's the wind.

Delores Forances, 195 Great Bay St. between Hiawatha and Providence – thanked Mr. Brown who toured the site – said she regularly chases children away from the site – said there will be a tragedy – said the area is too low and to put vegetation would be a waste of money.

Paul Henrickson – said any hard surface you put in will create more problems farther down the bay – said the soft way is Mother Nature's way - said riprap and impoundments mean that people will lose the beach.

At this point, Ms. Scott Price sought and received clarification from Mr. Renshaw that the recommended motion does include immediate action. He said the immediate action would be the reasonable care maintenance. Mr. Brown asked if it could include safety measures. Chair Taylor suggested that the resolution should be between Mr. Renshaw and Mr. McConarty. Mr. Renshaw said the request was to direct him to proceed with the reasonable care maintenance. Mr. Brown asked if that would include safety measures such as fencing and filling holes. Mr. Renshaw said that some measures had been already done, but more measures could be looked at in the interest of public safety.

Public comment:
Robert O'Brien, Precinct 3 – lives on Great Bay St. – has credentials (bachelor's in soil science, a master's degree, past president of MA highways assn., DPW director) that give him knowledge in this area – said he appreciates the response of the Town to this issue – said there was a vote in 1947 to take the road from the Lefevres – said this is a unique situation – said this is hazardous to the public - said immediate emergency action is needed to take the onus off the Town and others for liability – said he heard many good recommendations tonight – said he supported the study.

Carol O'Brien, Bourne St. – send some comment earlier via email – said public safety is the #1 criterion – once you see it, you will agree it's urgent – said it's important to serve all areas of Town equitably – said there are coastal zone management grants specifically for this and the Town is an eligible grantee – thanked the Town for addressing this – said she fears there will be a serious injury.

Mark DeBiasi, 430 Davisville Rd. – full time resident since 1987 – said he has seen the changes – said he's glad the tree warden has been out to see the property – said he's been an arborist for many years and knows the dangers that are out there – said a major hurricane would be major trouble and we need to look at reality.

Mr. Brown reiterated his support for the motion on the table and suggested taking up the matter of the feasibility study in a second vote. Chair Taylor reiterated that Mr. Zylinski had withdrawn his second to the motion.

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

Mr. Brown suggesting moving forward with the feasibility study proposed by SMS Solutions to be voted on at November Town Meeting, and whether or not it needs to be the full study as proposed, or a limited scope addressing the areas that pose the greatest public safety can be left to the discretion of the Town Manager following conversations with the engineers.

Motion by Mr. Brown: To give the Town Manager the discretion to move forward with the outline of a feasibility study and prepare for Town Meeting in November Second: Ms. Scott Price
Vote: Yes – 5 No - 0

<u>Report – Water Quality Management Committee</u>
Steve Rafferty, chair of the WQMC, orally presented the report which covered approximately 12 screens of information, including areas such as permitting, shellfish aquaculture, permeable reactive barriers, urine diversion, nitrogen control, Little pond sewer service area, Falmouth's sewered areas both completed and planned, Great Pond sewering, outfall concerns, and grant opportunities.

Chair Tayor asked if Mr. Rafferty could provide his Power Point presentation to the Board.

Ms. Scott Price asked to what extent there are repercussions for businesses that knowingly put fertilizers on their properties. Mr. Rafferty said that there are no legal mechanisms to stop the sale of fertilizer, but on Nantucket and in Orleans, there are lobbying groups fighting to limit the sale of fertilizer in the community, and are working on home rule petitions that address this question. Mr. Rafferty said the WQMC is monitoring the issue in these two communities.

Mr. Brown said he was encouraged that the outfall component is on the right track. He said the main issue is what the USGS will tell us regarding impact of outfall on the aquafer.

Presentation – Joe Q Veteran Coffee Break update on facility and programming
Carissa April and Carole Kenney were present for the report. Ms. April orally presented approximately 12 screens of information about this non-profit and what its mission is: to provide an inclusive Veterans' Center to the community. The report covered topics such as its values, board of directors, history beginning in 2019, location, multiple photos of the site prior to renovation, hours of operation, and partnerships with other organizations. The report concluded with an invitation to the Open House on Memorial Day.

Mr. Brown commented on how exciting it is to have so many contractors volunteer their services. Ms. April said the center is open to anyone including from other towns, although that might change in the future. It is open to veterans and their families.

Update on the Regional Compost Site initiative – Kari Parcell of Mass DEP/Cape Cod Cooperative Extension
Ms. Parcell orally presented information contained on approximately 5 screens, including topics such as the master plan, the history of the site, recommendations from feasibility studies of 2023, accomplishments since 2023, and other MassDEP grant opportunities.

Mr. Brown asked if the area of JBCC has been identified. Ms. Parcell said a parcel has not been identified and explained more about the process of identifying one. Mr. Brown went on to provide some detail about the size of the transfer facility and how much is actually used.

Mike McGuire of Cape Cod Cooperative Extension said he is grateful for Falmouth's Town staff who have been "phenomenal." He said trash is costly to manage and we know that ¼ of solid waste is compostable. He said he knows we are in good hands with this group for managing solid waste.

Consider approval of Falmouth Affordable Housing Fund (FAHF) application from Falmouth Housing Trust for 419 Waquoit Highway land acquisition
Laura Moynihan, Executive Director/In-House Counsel for the FHT, orally reviewed the item for the Board referring to details from the application. She projected a map of the plan and explained existing costs connected with the parcel. She said all houses built would be deed restricted in perpetuity. She said The 300 Committee, the buyer of the property, would be assigning its rights under the P&S to the FHT at the closing to allow it to acquire this lot from the seller.

Mr. Mascali asked if the houses would be for sale. Atty. Moynihan said yes, and that the Trust is now exploring how many homes can be built on the lot. She said the units would be 2- and 3-BRs.

Mr. Brown asked about affordability. Atty. Moynihan said that if 6 houses were to be built, 2 were proposed at 80% AMI and under, but the intention is that all units are deed restricted in perpetuity for resale as affordable units at the income level they were originally sold at. She clarified that in the application, the market rate designation for some units was from the state, but that the Trust considers all units affordable because the Trust voluntarily deed restricts them.

Mr. Renshaw noted the language in the recommended motion, saying that there would be provisions in the grant agreement that protect the Town's interests should the project not come to fruition.

Atty. Moynihan went on the say that they anticipate 4-6 units but haven't finalized a specific number yet, but they also look at bedroom count.

Public comment:
Matthew Patrick, Precinct 7 – lives near this proposed development and a member of Citizens For the Protection of Waquoit Bay – said they support affordable housing – said they are also interested in protecting Bournes Pond, 500

feet from this development – said they are interested in seeing an innovative septic system installed to remove phosphorous as well as nitrogen – said CPWB would fund the difference if the urine diversion system costs more than a normal Title 5 septic system.

Paul Henricksen – said he is across the street "from there" - said he grew up on the pond and would hate to see it get destroyed – said that in the paper it said people who qualify will be from $105,000 to $150,000 a year – said it would take two people to earn enough to buy those houses – said he wants people from this town to live in those houses – said we should find ways to allow DPW or Town workers to be able to afford to buy those homes.

Matt Patrick – said just last summer, Bournes Pond was affected for the first time by cyanobacteria last summer, an indication of what is happening in the area.

Motion by Ms. Scott Price: I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund, grant $100,000 to Falmouth Housing Trust for the acquisition of land located at 419 Waquoit Highway (Lot 1) to construct 4-6 homes for homeownership, that will be deed restricted at area median incomes varying from 80% to 120% and authorize the Town Manager to execute a commitment letter and grant agreement setting forth the terms of the financial award to the Falmouth Housing Trust.
Second: Mr. Zylinski Vote: Yes – 5 No - 0

<u>Consider amendment to Memorandum of Understanding with Eversource regarding installation of electric cable under Shining Sea Bikeway</u>
Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 6 - Consider amendment to Memorandum of Understanding with Eversource regarding installation of electric cable under Shining Sea Bikeway* in the Select Board packet. He said he recommended the requested amendment regarding a change in the start date.

Mr. Brown asked if there were an update on the double poles on Palmer Ave. and if they could be completed. Phil Bert from Eversource community relations said there are three remaining poles. Mr. Brown said that there is a moratorium on road work after Memorial Day, so any effort toward completion would be appreciated.

Peter McConarty said it has been communicated to Eversource that no work on the bike path will take place until those poles are removed and the sidewalk being opened as a detour. To do the work in the fall, the poles would need to be removed by mid-October.

Motion by Ms. Scott Price: To approve the amended Memorandum of Understanding with Eversource to change the construction start date associated with installing electric cable under the Shining Sea Bikeway from November 1, 2024, to October 15, 2024 Second: Mr. Zylinski Vote: Yes – 5 No - 0

<u>Request from Chris Megan, On the Water, LLC to appeal the decision of the Town Manager to place conditions on the special event permit for Striper Fest</u>
Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 7 - Request from Chris Megan, On the Water, LLC to appeal the decision of the Town Manager to place conditions on the special event permit for Striper Fest* in the Select Board packet. He recommended upholding the original recommendation of the special Events Working Group to place conditions on the event.

Chris Megan was present. Upon request from Mr. Megan, Mr. Renshaw clarified that the recommendation came from the working group to him as is customary with special event applications. Mr. Megan said that he was at the meeting with Peter, went through the entire application with the working group, and there were no issues. He said Peter was the only one who had said the limitation was placed by the selectmen during the working group.

Mr. Johnson-Staub said that he was the one who raised the concern, and it was a concern that had been expressed by the Select Board. He said he was acting on feedback he had received from the Board following the last special event, but it was not a vote or decision of the Board. He said he was reflecting input he had received from the Board, but his recommendation was based on what he had heard.

Mr. Renshaw said that he did contact the harbormaster who was part of the working group, who said he has received complaints over the years from slip owners with complaints that their guests don't have available parking.

Mr. Megan then offered a compromise: working with the harbormaster's office, to issue 12-16 (or however many are needed) VIP parking passes for the guests of slip owners to use in the west parking lot area, an area that would be controlled by Striper Fest.

Mr. Brown asked why the tent couldn't be moved to the grass. Mr. Megan said they try to keep as much off the grass as possible but did give details of how the event uses the grassy area, such as tables and chairs.

Mr. Zylinski reminded Mr. Megan that it is the Board who issues permits and sets conditions, not the other way around. He said the Board has a recommendation from professional Town staff. He said he was at the event last year and the grass area was a mess. He said if you moved the tent inside last year, you can either do without it or move it in this year. He said there are citizens who pay the bills year-round who have slips there and they should be considered as well.

Mr. Brown again said that putting a tent and a truck in the parking lot taking up parking spaces makes no sense.

Mr. Megan said that as a tax-paying boat owner in Falmouth, he cannot put his boat in the water on Road Race weekend from 8 a.m. to 2 p.m. He cited other events in town where accommodations have been made, such as road use for the Road Race and the space for the Farmers' Market every Thursday. Mr. Zylinski cited an example when runners had to be turned away from the Road Race. Mr. Megan continued to make his case regarding accommodation for Town property use for other events. Mr. Zylinski said the Board is not saying he can't have his event; the Board is saying he can't have his tent in the parking lot, and to fix the grass when you're done. There was brief back-and-forth about whether the event in question is a community or a commercial event. Mr. Brown said he can't support using the parking lot.

Mr. Megan said it feels like his event is being targeted based on a few individuals. He again promoted his idea of issuing VIP parking passes.

Motion by Mr. Brown: To uphold the recommendation of the Special Events Working Group and the decision to place the below conditions on the. approved Special Event Permit for On the Water, LLC's Striper Fest event on September 28, 2024: 1) no placement of tent in parking lot area of Marina Park; 2) work with the parks superintendent Jeremiah Pearson, with regard to a rain plan for the grass at Marina Park Second: Mr. Zylinski Vote: Yes – 4 No – 1 (Mr. Mascali)

Mr. Mascali said that a business owner came to the Board with an idea for a compromise and the Board completely turned it down. He said he did not think that was the right decision and that is why he voted no. He said the Board should have tried to accommodate him.

Request for variance to Sign Code §184-26: Illumination – Cape Cod Church, 1205 Nathan Ellis Highway, East Falmouth

Mark McSherry, Executive Director of Cape Cod Church, was present and said the exception has been applied for before. He said the sign has been approved, but the interior illumination must be approved by the Select Board rather than the building department. Mr. Renshaw said Mr. McSherry was before the Board in November, 2022 and did submit requested lumen data. He said in April 2013, a sign variance was granted with regard to the Barnstable County Fairgrounds by the Sign Design Review Committee, but there was no differentiation of internal vs. external lighting, only the size of the sign. He recommended approval of the request for a variance because he met the requirements to provide additional information.

Motion by Ms. Scott Price: To approve the request for variance to Sign Code 184-26: Illumination – Cape Cod Church, 1205 Nathan Ellis Highway, East Falmouth, and the permitting of the internally illuminated sign Second: Mr. Zylinski Vote: Yes – 5 No - 0

Application filed by Town Hall Partners, LLC d/b/a Timber for a Change of Manager of its All-Alcoholic Beverages Restaurant License, 23 Town Hall Square, Falmouth

Attorney Kevin Klauer was present representing the applicant Ryan Montello who is the proposed new manager. Atty. Klauer reviewed some details from the application.

Mr. Zylinski asked if Mr. Montello was aware of the on-going noise complaints and what the Board has discussed with his predecessors. Mr. Montello said yes he was. The Board noted that there have been no noise complaints lately.

Motion by Ms. Scott Price: To approve the application for a Change of Manager of an all-alcoholic beverages restaurant license filed by Town Hall Partners. LLC doing business as Timber, as presented
Second: Mr. Zylinski Vote: Yes – 5 No - 0

<u>Vote to approve intermunicipal agreement between the Town of Falmouth and MASSTC for urine diversion feasibility study</u>
Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 10 – Consider approval of inter-municipal agreement to conduct urine diversion feasibility stydy* in the Select Board packet. He recommended approval of the agreement.

Mr. Brown asked for clarification of what approval tonight would mean and how the $80,000 would be used. Mr. Renshaw said the $80,000 would be used to answer those identified questions to enable his office to make a recommendation to the Board and the Finance Committee to move forward with the larger project. The larger project is not part of this item. The $80,000 is to address the list of question to make sure that the larger project is viable and how to move forward.

Mr. Mascali asked about the seemingly inconsistent performance end dates of August 30 and November 29 and what those meant. Mr. Johnson-Staub said the goal is to have the work done by August 30 to answer enough questions to make a decision to move forward or not with the study, but the timeline is so aggressive that we wanted to include an allowance in that timeline to make an amendment to the agreement unnecessary if they cannot finish the work by August 30.

Motion by Mr. Brown: To authorize the Town Manager to execute the inter-municipal agreement and scope of work with the Massachusetts Alternative Septic System Test Center as presented
Second: Mr. Mascali Vote: Yes – 5 No - 0

<u>Designate a member of the Select Board to seek input on the request to name the Overlook on the Coonamessett River for Betsy Gladfelter</u>
Motion by Chair Taylor: To designate Bob Mascali to seek input on the request to name the Overlook on the Coonamessett River for Betsy Gladfelter Second: Ms. Scott Price
Mr. Mascali said he was honored to take this task on.
Vote: Yes – 5 No - 0

<u>Discuss and consider the adoption of the Town of Falmouth Mission, Vision, and Core Values Statements</u>
Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 12 - Discuss and consider the adoption of the Town of Falmouth Mission, Vision, and Core Values Statements* in the Select Board packet. He said had placed Mr. Mascali's suggested revisions to the document at each Board member's seat.

Mr. Mascali said that one of his 2 points that he had brought up on 3/2 is that in the mission statement as drafted, the word *efficient* is used. He thought the word *effective* would be a better term to use for government service. The second point is regarding the mission statement itself: he suggested juxtaposing the *employees* to be right after the residents, so it would read "…residents, employees, businesses, …". Regarding the vision statement and core values, he said he didn't think honesty and integrity are interchangeable, with honesty being part of integrity. He said he thought his revisions to the full document would be better for the Board to adopt either tonight or in the future.

Mr. Renshaw said there is no time urgency with this document. Mr. Zylinski asked if staff helped draft this. Mr. Renshaw said these are their words after some wordsmithing over a period of a few months. He said he wanted something to present to the Board last March 2. Mr. Zylinski asked about the feedback from staff when asked to do this. Mr. Renshaw said they felt proud to do it and understood that it was a starting point until adopted by the governing body, with the potential for edits/changes. Mr. Mascali said he doesn't question the way it went on, only the way some of it is worded. He said it is "our" policy and statement and would prefer to have the Board take a look at his revisions. There was a question about whether there had been a vote at the 3/2 meeting. Mr. Mascali said he thought the conclusion of that was the Board would have another opportunity to comment on it.

Mr. Brown said he usually defers to staff in such situations. Ms. Scott Price said she prefers the word *effective* to *efficient*. Chair Taylor said she would support what staff, along with Mr. Renshaw and Mr. Johnson-Staub, have devised. There was then brief Board comment about how best to proceed. Mr. Renshaw said he could support making the edit of *effective* instead of *efficient*. He reiterated that the document can be changed in the future.

Motion by Mr. Brown: To adopt the Town of Falmouth Core Values, Mission, and Vision Statements with one amendment – change the word *efficient* in the Mission Statement phrase "…provide impeccable and *efficient* customer service…" to *effective*, to then read "…provide impeccable and *effective* customer service…" Second: Mr. Zylinski Vote: Yes – 5 No - 0

TOWN MANAGER'S SUPPLEMENTAL REPORT
No report tonight

SELECT BOARD REPORTS
Ms. Scott Price said again how much she enjoyed serving on the Board, and how she takes points from discussions and things learned into her broader life experience, and how seeing things from others' perspectives is always important and enriching.

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

Respectfully submitted,
Carole. Sutherland, Recording Secretary