

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes
MONDAY, JULY 15, 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; Robert P. Mascali; Heather M. H. Goldstone

Absent: None

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

6:00 p.m. OPEN SESSION

Call to Order: By Chair Nancy Taylor

Chair Taylor called for a motion to go into Executive Session to consider the purchase, exchange or value of real property (599 Brick Kiln Rd.); and to discuss strategy with respect to collective bargaining –Communications Officers, AFSCME Local 1636, Unit C. She said discussion in open session would have a detrimental effect on the negotiating position of the Select Board.

Motion by Mr. Brown: So moved

Second: Mr. Zylinski

Roll call vote:

Zalinski: Aye

Mascali: Aye

Goldstone: Aye

Brown: Aye

Taylor: Aye

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

6:00 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(6) – to consider the purchase, exchange or value of real property (599 Brick Kiln Rd.)
2. M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining –Communications Officers, AFSCME Local 1636, Unit C

6:30 p.m. OPEN SESSION

Call to Order: Chair Taylor called to order the open sessions of the meeting saying that in Executive Session the Board came to an agreement with respect to collective bargaining with the Communications Officers, AFSCME Local 1636, Unit C.

Pledge of Allegiance – Led by Select Board

Proclamation – 100th Birthday – Muriel Humora

Mr. Brown read out the proclamation in its entirety, concluding as follows: We, the Select Board of the Town of Falmouth, do hereby proclaim Saturday, July 20, 2024, as Muriel Humora Day.

Recognitions:

Mr. Mascali recognized Brian Stokes for being appointed as full-time library director in Falmouth. He also recognized Janet Milkman for being named president of the Massachusetts Land Trust Board of Directors.

Chair Taylor recognized 3 students whom she had permission to name publicly for their assistance in a near-drowning incident at Goodwill Park on June 2: Lola Thibeault, Lily Joyce, and Emma Rascoe.

Announcements:

Mr. Brown said the Bureau of Ocean Energy Management has agreed to extend the comment period for the Gulf of Maine wind turbine lease area, and will be meeting on July 17 in Eastham.

Ms. Goldstone announced that the annual book sale for the Falmouth Public Library raised \$81,584, which broke a record set in 2019.

Public Comment:

Maurie Harlow-Hawkes, Old Dock Rd. – said she wanted to thank Peter McConarty, Jim Grady, and DPW workers for cutting back over-growth along Chapoquoit Rd., Nashawena, and Old Dock Rd. resulting in improved safety for all – said she had tried to submit a letter to the Enterprise but was told the letter could not be published – said she also wanted to thank the Select Board for standing strong and hard on keeping the rail, and for making a great effort at staffing all the stations.

Affirm appointment of the Finance Director

Mr. Renshaw orally introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Open Session 7 – Affirm appointment of the Finance Director* in the Select Board packet. He said it was a very competitive recruitment and interview process and then summarized Laura Sitrin's experience and credentials, highlighting certain features. He said Ms. Sitrin would be a problem solver and an asset to the town. He requested that, due to details involving Ms. Sitrin's relocation, the Board waive the department head residency requirement. He said if Ms. Sitrin were appointed tonight, she would start on August 26.

Motion by Mr. Brown: To approve the Town Manager's recommendation to hire Laura Sitrin

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

Motion by Mr. Zylinski: To waive the department Head residency requirement for the new finance director, given the fact that housing is so difficult to find right now Second: Mr. Brown Vote: Yes – 5 No - 0

Ms. Sitrin spoke briefly saying she was very excited to join the team at the Town of Falmouth. She said she has spent a lot of time driving around Town and that a recent offer on a home in East Falmouth has been accepted. Mr. Mascali said he was familiar with partners at a firm where Ms. Sitrin had worked early in her career and welcomed her. Mr. Brown also commented on the quality of Ms. Sitrin's resume and that the Town was lucky to have her.

PUBLIC HEARINGS

Application for an All-Alcoholic Beverages Common Victualler License – Micro Pubs LLC d/b/a The Irish Goodbye Pint House to be exercised at 444A North Falmouth Highway, North Falmouth. Application has also been made for an annual Entertainment License and an annual Sunday Entertainment License.

Mr. Zylinski read out the hearing notice.

Attorney Anthony Tsakalos was present representing the applicant. With him was the proposed manager, Robert Bell. Also with him were restaurant owners Karen Colangelo and Harold Gill, and Mark Colangelo. Atty. Tsakalos summarized the details included in the applications. He noted that the entertainment license was for the interior of the restaurant. He said Mr. Bell is TIPS certified and understands he is responsible for adherence to state and local liquor laws. He said Mr. Bell has a background check scheduled for July 25th. Atty. Tsakalos said he had contacted Lori Robinson, a nearby resident, regarding concerns related to the licenses after having seen her letter included in the packet. He said he was able to answer her questions and allay her concerns over entertainment volume and seating capacity.

Mr. Mascali asked about the driveway on the side. Atty. Tsakalos said it was slightly moved due to the patio but would still be a driveway, an issue that had been addressed at a previous planning board meeting.

Mr. Brown asked about the 7-day entertainment license and if it would be used that much. Atty. Tsakalos said it does allow for flexibility. Mr. Bell said the entertainment would not be all day every day, but would focus on busier weekend days unless there were a special event on a weekday. Atty. Tsakalos said he understood the new entertainment regulations.

Mr. Zylinski asked about the proximity of the nearest neighbor. Atty. Tsakalos said it was approximately 300 feet from the establishment. Mr. Zylinski asked if the applicant would commit to keeping in close touch with their residential neighbors regarding any concerns. Atty. Tsakalos said that the applicants would absolutely do so and gave examples regarding how that communication would work, including hours of trash pickup.

Ms. Goldstone asked why the applicant had not yet obtained a food service license. Atty. Tsakalos said it was an oversight by the owners and that they would be taking care of that in short order.

Chair Taylor stated that any action taken tonight would be contingent upon the successful completion of the background check.

Public comment:

Pete Nielsen said he lives at 435 N. Falmouth Highway and is about 300 or 400 feet from the venue – said the nearest neighbor is about 20 feet, which is an apartment adjacent to the restaurant – said there could be issues when you are 20 feet away – said it's a state highway and it's illegal to park on a state highway – said the noise wouldn't bother him but is speaking for the area neighbors.

Atty. Tsakalos said there is a residential building next door but no residential tenants in the building itself. He said there is adequate parking on site and nearby commercial spaces open up after business hours.

Chair Taylor reiterated Mr. Zylinski's request that the owner remains in contact with neighbors.

Mr. Zylinski noted the difference between 300 feet and 20 feet regarding the proximity of the nearest neighbor. He said it is important to provide accurate testimony at a hearing to help the Board make its decisions. Atty. Tsakalos again went over the issue of the nearest neighbor and proximity to the restaurant saying there are residential tenants at the site who are in relatively close proximity who might be affected by the business, but there was no intention to misrepresent the facts. Mr. Zylinski said he was simply pointing out that regarding noise connected with an establishment, when providing information about distance, accuracy is important.

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

Motion by Mr. Brown: To approve the application for an All-Alcoholic Beverages Common Victualler License – Micro Pubs LLC d/b/a The Irish Goodbye Pint House to be exercised at 444A North Falmouth Highway, North Falmouth Second: Mr. Zylinski Vote: Yes – 5 No – 0

Motion by Mr. Brown: To approve the application for an annual Entertainment License and an annual Sunday Entertainment License for Micro Pubs LLC d/b/a The Irish Goodbye Pint House to be exercised at 444A North Falmouth Highway, North Falmouth Second: Mr. Zylinski Vote: Yes – 5 No – 0

Request to name the Overlook on the Coonamesett River for Betsy Gladfelter

Mr. Zylinski read out the notice.

Mr. Mascali was the Board's designee to seek input and advice from interested entities regarding the naming of a public facility or place per Board policy. He said he has spoken with Jessica Whritenour and Joe Netto, as well as Jennifer Lincoln and Mark Kasprzyk from Conservation about the matter. He said all were unanimous in support of the application. He reiterated the attributes included in the policy to consider when naming a public facility, saying Dr. Gladfelter possesses all of them and recommended consideration from the Board in naming the Overlook after her.

Public comment:

Joe Netto, East Falmouth – said Betsy is a very dedicated citizen of Falmouth – remembered that Virginia Valiela had said at the outset that the project is in good hands – said Betsy is a great facilitator and held regular meetings to monitor and help the process along – said she really took the ball and ran with it – thanked the Board for their consideration.

Jessica Whritenour, Executive Director of T3C Land Trust – said the 300 Committee has always been in full support of the idea – said Betsy is a master organizer and communicator – said dozens of agencies and millions of dollars were able to come together in this effort, organized by Betsy – said as a volunteer manager, Betsy was able to

coordinate so effectively with town management, staff, other volunteer groups, and non-profit organizations to create momentum for all aspects of the project, including accessibility and education – she said Betsy is a true champion of the Coonamessett River.

Leonard Johnson, Precinct 5, T3C Board of Directors – said regarding securing the money, Betsy “knows how to shake the trees.”

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

Mr. Brown said that the request is well-warranted. Mr. Mascali said Betsy was tireless in getting needed funding and assuring everyone was paid properly, effectively, acting as project manager. Chair Taylor noted that this is not the only project that Dr. Gladfelter has worked on and doesn’t know how she does it all. Ms. Goldstone noted that the naming policy says naming should be done rarely but in this case, she cannot imagine anything more appropriate. She said it also highlights an incredible woman scientist, as well as the role of science in society and the betterment of community.

**Motion by Mr. Mascali: To name the Overlook on the Coonamessett River for Dr. Betsy Gladfelter
Second: Mr. Zylinski Vote: Yes – 5 No - 0**

Dr. Gladfelter spoke briefly, saying she appreciated the opportunity to do this, not really knowing what it would entail. She said that her husband once said that she didn’t really know how to do anything, but she knew how to get other people to do things, and do their best. She thanked all in the Town who have been connected with the project for its success. She said she enjoyed getting the chance to actually improve the environment, as well as affording the opportunity to others to appreciate and value the environment.

Mr. Zylinski said that what Dr. Gladfelter just said is actually knowing how to do something.

There was brief Board comment on whether the name would be Betsy or Elizabeth. Dr. Gladfelter said at this point, she didn’t know.

Vote to Establish and Adopt Entertainment Regulations

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Public Hearing 3 – Vote to Establish and Adopt Entertainment Regulations* in the Select Board packet, including the process used to create the draft regulations. He recommended approval as presented.

Mr. Mascali asked about #7c and if it pertained to outdoor entertainment or noise in general. He said he felt the intent was outdoor entertainment. Mr. Renshaw said, “It’s noise that to a reasonable person is excessive.” Mr. Mascali again said he thought the regulation was addressing noise from outdoor entertainment and recommended that the draft be amended to reflect that, as opposed to just the term “noise.” There was brief Board discussion about noise that might result from patrons interacting outside the establishment vs. noise from the outdoor entertainment, and if the general noise were part of this regulation.

Public comment:

Town Counsel Maura O’Keefe said that Section 7 was drafted specifically for outdoor entertainment, and all 3 subsections of Section 7 apply to outdoor entertainment. She said the language could be made clearer if necessary. **She suggested adding to Sub-section c: “Noise from outdoor entertainment shall not be ...”** Mr. Mascali said that was his recommendation. Chair Taylor said, “Done.”

Ms. Goldstone asked if Section 7 language (first paragraph) and Section 8 language were somewhat contradictory. Section 7 seems to allow exceptions specifically permitted by the Select Board; Section 8 language seems to allow no such permitting. She asked if Section 8 took away the previous ability of the Board to explicitly permit otherwise. Atty. O’Keefe said it can. “It’s there to give you an out, to be honest,” she said. She said it does contain the ability of the Board to deviate from the outdoor entertainment rules in Section 7, but provides a “bright line rule that is there if you want it.”

Ms. Goldstone expressed concerns about the feasibility and enforceability of containing the sound of outdoor entertainment within property lines. She cited the example of where she lives and routinely hearing the Town band

performing at the bandshell. She asked if the regulations apply to activities on Town land and wondered if a double standard were being set up regarding town land activities vs. private business activities.

A discussion ensued around which activities require licenses and which do not, and if required, what kinds of licenses are needed, and the impact that serving alcohol has on the situation. The discussion returned to entertainment licenses. Mr. Brown said that when an applicant seeks an entertainment license, there is an understanding that “we’re holding you to a standard that is not really possible, but we put it in there so we have a way to respond if they are bothering the neighbors.” He said it’s not perfect, but you have to have something to stop it if the neighbors complain.

Mr. Mascali said he has concerns about the enforceability of it and would like to hear if anyone will speak to it. He said he is somewhat surprised that they haven’t heard from commercial businesses in Town, indicating that they are trying their best to confine the noise to the property line. Mr. Zylinski said he agreed with Mr. Mascali, and that the rules give businesses a base line to work from.

Public comment:

Marc Finneran – said if you enforce the rules equally, you will eliminate any concerts at the ball field or bandshell – asked if are you going to shut all those down – doesn’t seem fair to allow the concerts at the band shell and nowhere else – said he feels the rules are too extreme – asked how enforcement will be achieved – said people come here to have a good time and spend their money and that’s what keeps the Town afloat – said he thinks they are a little strong.

Dave Buzanoski, President of the Maravista/Falmouth Heights Neighborhood Assn. – said he’s here frequently regarding the volume of the entertainment noise – said he compliments Mr. Renshaw trying to standardize that – said we’re not trying to restrict people from entertaining their clients – said there’s a distinction between an establishment entertaining its patrons and a special event like a concert or special event – said he thinks the Board has addressed the issue, and that containing the volume to property lines will be difficult to regulate – said there is also an issue with cranking up the volume later in the evening.

Paula Lichter, Deacons Ave., Falmouth Heights – (passed out documents to Board members) – referred to a section in red in the document and requested that this be added – said she did not know who or which restaurants had access to the draft document – suggested adding “any establishment using any outdoor entertainment as per 6 or 7 above, must cease and desist as of the passing of this policy, and then apply for an outdoor entertainment license or remain without an outdoor entertainment” – said a neighboring establishment used speakers for a number of years without a license - said anyone who wants to use speakers at all needs to get a license – said that even when the issue previously came before the Board and a map was drawn to designate where the musician would sit, it didn’t work because the musician would walk around.

Mr. Brown said that the use of speakers should be implicit that a license is required.

Atty. O’Keefe said that she would not add the suggested language. She said that the first section states that if you are going to have entertainment, a license is required. She said the regulations will go into effect once they are adopted, and anyone holding a license will be subject to them. Some license holders may request modifications or would be asking for permission to do something else.

Mr. Mascali sought clarification that the Board would have the authority to grant exceptions on an application. Atty O’Keefe said that the Board can place any modification or condition on any license, whether entertainment or alcohol. This regulation just gives criteria to adhere to or deviate from, she said.

At this point, Atty. O’Keefe, responding to Ms. Goldstone’s earlier question, suggested this **clarifying language for Section 8: “If noise from outdoor entertainment cannot be contained within the property lines, the Select Board may place suitable conditions on the license.”**

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

Mr. Mascali asked how this would work with a noise bylaw. Mr. Renshaw said he has been drafting a noise bylaw for November Town Meeting. He said it would have an impact in terms of enforceability, perhaps in having a decibel reading, to make it a more objective standard. Mr. Mascali also asked Town Counsel if she knew about

what other towns on the Cape are doing regarding this issue. Atty. O’Keefe said yes, and said that these regulations are modeled after Provincetown’s regulations, taking Falmouth’s specific needs into account.

Ms. Goldstone asked Mr. Renshaw about the issue of enforceability and if this regulation addressed that sufficiently. Mr. Renshaw said he was seeking greater enforceability, but that this is an improvement over what is currently in use, which is no real policy. He said he was seeking consistency and standardization. He acknowledged it is not perfect and somewhat subjective, but he said a bylaw will go even further in providing an objective standard to address noise issues.

Ms. Goldstone reiterated her concern that this allows for more requests to come before the Board for exception rather than standardizing what is allowed. Atty. O’Keefe said this is an attempt to provide rules where there were none, and exception are part of these rules. Each case presents its own set of facts. She said the regulation provides parameters and allows for those requests for exceptions to be constructed by the Board, which is the way licensing is supposed to work.

Mr. Zylinski said that this regulation gives the Board a basis to adjust to changes when called for.

Motion by Mr. Zylinski: To approve the entertainment regulations presented by the Town Manager amended by Member Mascali and the suggested amendment by Town Counsel Attorney O’Keefe stated with respect to 7c and 8
Second: Mr. Mascali **Vote: Yes – 4 No – 1 (Ms. Goldstone)**

BUSINESS

Discuss and vote to approve amendments to the Special Events Use Policy

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 1 – Discuss and vote to approve amendments to the Special Events Use and Entertainment License Policy* in the Select Board packet. He said he believed that this policy codifies, memorializes, and attempts to standardize what applicants will be held responsible for. He said he recommended approval of the amendments as presented.

Mr. Mascali asked if all the listed criteria have to be met in #3 or just one of them. Town Counsel addressed the question. She raised the point that all special event applications do not require entertainment licenses. She said the criteria are intended to give the Town Manager the ability to administratively issue some of the entertainment licenses that are, say, recurring events or not problematic, but can flag some of the other special event applications that present a more problematic situation or a new event where the details are unknown. She said the application does not have to meet all the criteria, but the criteria are the points the Town Manager’s office can look at to push the application from an admin hearing to something in front of the Select Board.

Ms. Goldstone sought assurance that the special events internal staff working group would not incur a violation of the Open Meeting Law. Atty. O’Keefe said that this policy involves the Town Manager’s office and when an administrative hearing becomes a full-blown public hearing.

Motion by Mr. Zylinski: To approve the amendments to the Special Events Use and Entertainment License Policy as presented by the Town Manager and explained by Town Counsel
Second: Ms. Goldstone
Vote: Yes – 5 No – 0

Vote to authorize year-end budget transfers under MA General Law c. 44 § 33B

Mr. Renshaw introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 2 –Fiscal Year End Transfers* in the Select Board packet. He said Finance Director Ed Senteio would provide the Board with the details of the transfers. Mr. Senteio told the Board this is a pretty routine way to close budget deficits as a part of the fiscal year end process. He said the Finance Committee has signed off on them.

Motion by Mr. Zylinski: To authorize year end budget transfers under MA General Law c. 44 § 33B
Second: Ms. Goldstone **Vote: Yes – 5 No - 0**

Report – Conservation Commission

Jamie Mathews, Chair of the Conservation Commission, orally presented information contained on approximately 12 screens which comprised the report. Information included data on conservation commission membership, staffing, meetings, and conservation land management.

Mr. Brown asked about Mill Pond in East Falmouth and why it was not in green on the map of conservation lands. Dr. Gladfelter said that Mill Pond is not a Town conservation land. She said that the role of the commission is to enforce the state wetlands protection act and the Town's bylaw, as well as to manage conservation lands in Town. Mr. Brown said he asked because Mill Pond is a problem (smelly) and many people ask why the Town doesn't do something about it. Dr. Gladfelter then said the restoration of the pond could be something to consider doing. Mr. Mathews also said someone would need to take the helm and work on restoration. Mr. Brown said weed removal had been done at one time and would like to revisit that issue. Mr. Mathews said more research would need to occur and the issue looked into further.

Approve request from the Falmouth Chamber of Commerce to submit an application to the Community Preservation Committee (CPC) to apply for funds to completely preserve the Lawrence Academy building

Michael Kasparian, president of the Falmouth Chamber, said he was present to request that the Board approve the submission of an application to the CPC for CPA historic preservation funding.

Mr. Mascali asked how much funding would be requested. Mr. Kasparian said \$750,000. He outlined the history of the Town-owned building regarding previous CPA funding and updated the Board on the current condition of various features of the building that need restoration and preservation work. He said there are two local builders who engage in such work. He said there is already a preservation restriction on the building. He said CPA funding cannot be used for maintenance, so the DPW has done what it can to maintain things. He made the case that the restoration and preservation of the building is now a necessity. He said the Chamber, the tenant in the building, has taken on the responsibility of completing the application and has worked with the historical commission and DPW in that process. He said the last step is now to get the approval of the Select Board to submit the application.

Chair Taylor noted that the expectation was that the cost would be under \$750,000. Mr. Kasparian then identified work that would need to occur, including work on the old heating system. He said he has been working closely with Maureen Thomas with the CPC, as well as the sustainability director regarding plans. There was brief Board comment about the amount, but Mr. Renshaw clarified that the Board would be approving the submission of the application to the CPC rather than the details of it. Mr. Kasparian also provided a timeline connected with the process of requesting the funding, receiving the funding from Town Meeting, and then actually getting the work done. He said the expected completion of the project is Columbus Day of 2025.

Motion by Mr. Zylinski: To approve the request of the Falmouth Chamber of Commerce to submit an application to the Community Preservation Committee to apply for funds to completely preserve the Lawrence Academy Building

Second: Ms. Goldstone

Vote: Yes – 5 No - 0

Approve request from the Falmouth School Department to submit an application to the Community Preservation Committee (CPC) to apply for funds to renovate the Mullen Hall School Playground

Mr. Renshaw reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 5 – Approve request from the Falmouth School Department to apply to the Community Preservation Committee (CPC) for a grant to renovate the Mullen Hall School Playground* in the Select Board packet. He said Paul Dart from the School Dept. was present to answer questions.

Mr. Brown asked if the \$250,000 would be mostly for materials and guidance from a volunteer group. Mr. Dart said about \$106,000 would be for materials and project management. The rest is labor for an independent contractor to do the work. Mr. Brown then said if there were a volunteer effort, that figure would be lower. Mr. Dart agreed. Mr. Zylinski clarified that demolition would be included in those figures. Mr. Dart said the project is about replacing parts and upgrading, more renovating than demolishing. The price is all-inclusive. Ms. Goldstone asked about a timeline. Mr. Dart said it would be summer of 2025. Mr. Brown and Ms. Goldstone commented on the positive attitude connected with the project and that it benefits the entire community.

Motion by Ms. Goldstone: To approve the request from the Falmouth School Department to apply to the Community Preservation Committee for a grant in the amount of \$250,000 to renovate the Mullen Hall School Playground.

Second: Mr. Brown

Vote: Yes – 5 No - 0

Request for variance to sign code §184-32 Off-Premise Signs: for the placement of “Home of the Clippers” flags on the light poles on Main Street

Mr. Renshaw reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 6 – Approve a request for variance to sign code §184-7 for the placement of “Home of the Clippers” flags on the light poles along Main Street* in the Select Board packet.

Lori Duerr, superintendent of Falmouth Public Schools, presented information about the flags, including the design of the flag done by one of the high school “Clippers.” The Falmouth Road Race has funded all the signs and the brackets.

Ms. Goldstone noted the 3 time periods and questioned whether there could be an extension to include special occasions when showing “Clipper Pride” would be appropriate. Mr. Renshaw said that if the Board wished to include special occasions to the 3 listed time periods, that there be language in the motion indicating that.

Motion by Ms. Goldstone: To approve the request for a variance to sign code §184-7 for the placement of “Home of the Clippers” flags on the light poles along Main Street during 3 expected periods, and possible special events and any additional requests **Second: Mr. Zylinski** **Vote: Yes – 5 No – 0**

Request for variance to sign code Section 184-30 Movable, portable or mobile signs, D.(1)(a): for the placement of a sandwich board style sign in the garden in front of the Eight Cousins store located at 189 Main Street during business hours

Mr. Renshaw reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 7 – Request for variance to sign code Section 184-30 Movable, portable or mobile signs, D.(1)(a): for the placement of a sandwich board style sign in the garden in front of the Eight Cousins store located at 189 Main Street during business hours* in the Select Board packet. Mr. Renshaw recommended denial of the request based upon stated concerns of the building department included on the *Agenda Item Summary Sheet*.

Mr. Brown asked if the sign could be mounted to the wall. Eileen Miskell, the applicant, said she applied for the variance to test the system to see what the Board’s response would be to a long-time business (38 years). She said the face of the building is elevated and the space is limited. She said they have had the sandwich sign for a long time and that this issue came up only recently with the addition of a new staff member in Town Hall who told them they were in violation. It was clarified that the original store, 189, is the site in question. She said the sign is not on the sidewalk but in the garden.

Ms. Goldstone asked about a separate free-standing sign on premises and conditions that govern that. Mr. Renshaw said that some businesses are allowed free standing signs. Ms. Miskell asked what the difference is between a sandwich board sign and a free-standing sign. Mr. Renshaw said that one is moveable, and one is not. Ms. Mikell said the sandwich board sign has been there off and on for 10 years.

Mr. Brown asked about grandfathering the sign. Mr. Mascali said that granting the variance is doing the same thing. Mr. Brown said he sees the point that if everyone did it, it would be problematic. Mr. Zylinski said “precedent-setting.” Mr. Johnson-Staub said regarding precedent, one concern is that sandwich board signs tend to encroach into the sidewalk and affect accessibility. Ms. Miskell said she knows the sign is not allowed on the sidewalk.

Mr. Zylinski asked what the reluctance is to putting a free-standing sign in the garden area, and explained how that solution might get around the issue of setting a precedent. Ms. Miskell brought up the issue of budget concerns to design and install a sign.

Ms. Goldstone said while some businesses are allowed a free-standing sign, this business is asking for a different style of sign that is out of the walkway, clearly in the garden, and is essentially taking the place of the one permanent sign. Mr. Zylinski said that the free-standing sign doesn’t require a variance.

Mr. Johnson-Staub said that regarding the free-standing sign issue, he is not certain that that is by right for every business on Main Street. He said if Eight Cousins applied for a free-standing sign, he doesn’t know that they would get it per the code. Ms. Miskell noted also that the store is in the historic district, meaning the historical commission would be involved in the process.

Mr. Mascali said that the garden where the sign would be placed takes things out of the argument that this could be a precedent or be part of the building commissioner's concerns.

Motion by Mr. Mascali: To grant the variance Second: Ms. Goldstone
Vote: Yes – 4 (Mr. Brown said, “Just for this one.”) No – 1 (Chair Taylor)

Naming request to consider naming the Green Pond Bridge for Sgt. Joshua Tipton

Amanda Braga-Tipton, sister of late Sgt. Joshua Tipton, spoke of ways 4 generations of her extended family have served the Town. She went on to highlight the scourge of suicide among military veterans, citing 42,600 over the past 23 years. She outlined the ways her brother was valued by all who knew or worked with him. She said she does not want her brother to be known by how he died on July 5, 2023, but by how he lived. She said for these reasons, she is requesting to start the one-year process for naming the Green Pond bridge the Sergeant Joshua Tipton Memorial Bridge.

Mr. Brown brought up example of the Menauhant Bridge and naming it after two military veterans. He asked Ms. Braga-Tipton if she would be amenable to that plan, dedicating one side or the other, and she said absolutely. She then asked if she could give materials to the Board and handed them to the chair.

Motion by Mr. Mascali: To start the process to name the Green Pond Bridge in honor of Sgt. Joshua Tipton
Second: Mr Brown Vote: Yes – 5 No – 0

Vote to support the implementation of the Senior Services Department Enrollment, Caregiver, and Visitor policies

Mr. Mascali asked if there were a difference between a resident and a residential taxpayer. Jill Irving Bishop, Senior Center Director, said the verbiage came from Town Counsel. Mr. Johnson-Staub said that a resident is registered to vote in Falmouth and may or may not be a property taxpayer. A taxpayer who votes elsewhere, for this policy, would be treated the same. Per this policy, both are eligible for services at the Senior Center. Mr. Mascali said he was asking about the term “residential taxpayer” because he has not seen it used in other documents, but he understands and supports the policy. Joe Clancy from the Council on Aging said that as an example, people who live in the apartments being built across the street will be residents but not taxpayers.

Ms. Goldstone asked about the visitor policy. Ms. Bishop said the real issue is the number of visitors or guests of residents who visit the café, which is not a restaurant, but a place where participants, residents of the community, can get affordable food. She said if someone seeks information, they can check in and be connected with outreach. But a resident cannot bring in 3 or 4 visitors just to have lunch, which has been happening. Ms. Goldstone asked about possibly issuing limited visitor passes. Ms. Bishop said that even doing that, the impact on the café is enormous. She said the café is run with a part-time staff person and 7 volunteer shifts per day. Mr. Zylinski noted that that one meal a day might be the only nutritious meal for that resident, and that is why it has to be protected. Chair Taylor reiterated that the space is a café and not a restaurant.

Ms. Bishop said that for FY2024, there were over 72,000 service units. She also gave data showing that volume and numbers of seniors in Town will grow, so they are trying to protect whom the center serves.

Announce November 2024 Annual Town Meeting schedule

Mr. Renshaw reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 10 –November (corrected from April) 2024 Annual Town Meeting Schedule* in the Select Board packet.

Motion by Mr. Zylinski: To approve the November 2024 Annual Town Meeting Schedule as presented
Second: Ms. Goldstone Vote: Yes – 5 No - 0

CONSENT AGENDA

1. Administrative Orders
 - a. Appoint Mike Renshaw as Falmouth's representative to the JBCC-Military-Civilian Community Council (MC3)

- b. Appoint the Disabled American Veterans (DAV) nominee Ronald Nasif as representative to the Veteran's Council Committee
- c. Appoint the AMVETS nominee David Branga as representative to the Veteran's Council Committee
- d. Appoint the Falmouth Elks Lodge nominee Lt. Col. Elizabeth S. Sweeney as representative to the Veteran's Council Committee
- e. Appoint the Veterans of Foreign Wars (VFW) nominee Ahmed Mustafa as representative to the Veteran's Council Committee
- f. Approve a Coastal Zone Management grant application for a feasibility and assessment study of the Surf Drive area
- g. Accept donation in the amount of \$500.00 from PFLAG Brewster/Cape Cod to the Human Services donation account for the food at the pride event
- h. Accept donation in the amount of \$600.00 from Falmouth Dog Park, Inc. to the Beach Donation Account for use of a wooden, handicapped-accessible picnic table
- i. Authorize an expenditure from the Manduano donation account for the materials and construction of up to nine new parking attendant booths

Motion by Mr. Zylinski: To approve the Consent Agenda Second: Mr. Brown Vote: Yes – 5 No - 0

MINUTES

Review and Vote to Approve Minutes of Meetings

Public Session –June 17, 2024

Ms. Goldstone corrected a sentence under liaison assignments on p.10 as follows: “Mr. Brown said he would in turn take the Agricultural Commission.”

**Motion by Mr. Zylinski: To accept the June 17 minutes with the amendment Second: Ms. Goldstone
Vote: Yes – 5 No - 0**

Public Session - May 6, 2024

**Motion by Mr. Zylinski: To approve the May 6 minutes as presented Second: Mr. Brown
Vote: Yes – 4 Abstain – 1 (Ms. Goldstone)**

TOWN MANAGER'S SUPPLEMENTAL REPORT

No supplemental report this evening

SELECT BOARD REPORTS

Mr. Mascali reported on the following:

- Attended the Recreation Committee meeting

Mr. Brown reported on the following:

- Attended the Waterways Committee meeting with attention on Waquoit Bay

Ms. Goldstone reported on the following:

- Attended the Affordable Housing Committee meeting, which could eventually proceed because a member who was away called in to achieve a quorum

Mr. Zylinski reported on the following:

- Attended the CCMPO meeting today
- Attended The 300 Committee's annual meeting at their new headquarters (Mr. Mascali said the meeting honored Mr. Zylinski's family with a moving tribute)

ADJOURN

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

Respectfully submitted,
Carole Sutherland, Recording Secretary