<u>TOWN OF FALMOUTH</u>
<u>SELECT BOARD</u>
AGENDA
MONDAY, JULY 29, 2024 – 6:00 P.M.
OLD SILVER ROOM
FALMOUTH SENIOR CENTER
780 MAIN STREET, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. At the discretion of the Chair, agenda items may be taken out of order.

Present: Nancy Robbins Taylor, Chair; Edwin (Scott) 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

EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining –Unit B (various professional staff)

Motion by Mr. Zylinski: To enter into Executive Session per M.G.L. c.30A s.21(a)(3) - To discuss strategy with respect to collective bargaining where discussion in an open session would have a detrimental effect on the litigating position of the Town.
Second: Mr. Mascali
Roll Call Vote: Taylor – aye; Zylinski– aye; Mascali - aye; Goldstone – aye; Yes – 5 No – 0

6:30 p.m. - OPEN SESSION

<u>Call to Order:</u> By Chair Nancy Robbins Taylor at 6:34 p.m.

<u>Pledge of Allegiance</u>: Led by Select Board

<u>Recognition:</u> Chief Lourie recognized nine recruits that graduated from the Academy this morning and all officers were sworn in together.

<u>Announcements:</u> Mr. Brown noted that the recently updated Entertainment Policy simply puts to paper the Town's previous policy on this item. This is a work in progress.

<u>Public Comment:</u> Luke expressed concern regarding the new sound policy for the Town. This made him feel uncertain regarding live events in Town. The language makes it appear that anyone could shut down a live event at any time. Those who play live music are passionate about it and believe they are contributing to the Town. It would be nice if those in the industry could be involved in the conversation on this item as well.

COMMITTEE INTERVIEWS

<u>Interview, vote and appoint committee members</u>

Motion by Mr. Mascali: To appoint Jim Tietje to the Waterways Committee for a three year term.
Second: Mr. Zylinski Vote: Yes – 5 No – 0

PUBLIC HEARINGS

1. Application for One-Day Entertainment License – Shipwrecked – Asics Falmouth Road Race After Party – Shipwrecked/The Heights Hotel parking lot, 263 Grand Ave. – Sunday 8/18/24 – 10:00 a.m. to 6:00 p.m.

Chair Taylor opened the public hearing.

Alex Khan, owner of Shipwrecked, addressed the Board.

Ms. Goldstone asked if this permit would include an expectation that sound would be contained within the lot line or if an exception would be made as this includes outdoor entertainment. Mr. Brown stated that the Entertainment License parameters are more of a goal than a strict adherence to be required.

Mr. Mascali asked if there is concern regarding this request and the existing regulation in terms of noise. Mr. Khan stated that adjustments have been made in the past to attenuate for any noise during this event. He has not had any formal complaints made during the event.

Mr. Zylinski stated that these parameters can be used as a tool and there should be patience from all as they continue to roll out.

Colleen Breitbord, Eldona Ave, stated that the exterior and interior improvements to this business allow for the request to be quite reasonable. This business has renovated that area of Town, and she spoke in support of granting the one day license.

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

Motion by Mr. Brown: To approve the application as submitted.
Second: Mr. Mascali Vote: Yes – 5 No – 0

BUSINESS

<u>Report – Commission on Disabilities</u>

Kathleen Haynes, Chair of the Commission on Disabilities, gave a brief report on the Commission’s activities.

Mr. Mascali stated that the Town owes Ms. Haynes an immense debt of gratitude for keeping the Commission running.

<u>Report – Historical Commission</u>

Ed Haddad, Co-Chair of the Historical Commission, gave a brief report of the Commission's activities.

<u>Consider the adoption of the Falmouth Affordable Housing Fund (FAHF) Board of Trustees' Funding Allocation Guidelines as amended</u>

Kim Fish, Housing Coordinator, requested that the Board, as the Trustees of the Falmouth Affordable Housing Fund (FAHF), adopt the amended FAHF Funding Allocation Guidelines to include language for predevelopment costs.

Mr. Mascali asked if other predevelopment costs outside of permitting materials, such as hiring professionals, were considered. Ms. Fish explained that all of those items are considered permitting materials. Mr. Brown suggested language, "as, but not limited to."

Motion by Ms. Goldstone: To approve the amendment to the FAHF Funding Allocation Guidelines.
Second: Mr. Mascali Vote: Yes – 5 No – 0

Due to an equipment failure, approximately five minutes of meeting coverage was lost at this time.

<u>Consider the approval of a Falmouth Affordable Housing Fund (FAHF) grant of $15,000 to the EDIC for pre-development costs associated with land located at 59 Depot Avenue</u>

Due to an equipment failure, approximately five minutes of meeting coverage was lost at this time.

<u>Consider support of Local Initiative Program (LIP) application of Habitat for Humanity of Cape Cod – 805 Gifford Street Extension</u>

The Board heard a presentation on this item.

Motion by Ms. Goldstone: To endorse the application and letter as included in the packet.
Second: Mr. Mascali Vote: Yes – 5 No – 0

<u>Consider the approval of Falmouth Affordable Housing Fund (FAHF) Application – 805 Gifford Street Extension – Habitat for Humanity of Cape Cod</u>

Ms. Fish explained that Habitat for Humanity has filed as application for $500,000 for this property. $250,000 will be for the land acquisition as a grant and $250,000 will be for construction as a no-interest loan.

Motion by Ms. Goldstone: That the Select Board, acting as the Trustees of the Falmouth Affordable Housing Fund, award $500,000 to Habitat for Humanity for creation of affordable housing at 805 Gifford Street Extension, of which $250,000 will be awarded as a grant for land acquisition, and $250,000 will be awarded as a zero interest loan for construction of four single-family homes, two of which will be deed-restricted as affordable at 60% area median income and two of which will be deed restricted at 80% area median income, and to authorize the Town Manager to execute all documents of the financial awards.
Second: Mr. Mascali Vote: Yes – 5 No – 0

<u>Consider the approval of 0 Broken Bow Lane Project Eligibility/Site Approval Application - Town Comment Letter</u>

Mr. Renshaw explained that the request is to approve a Town Comment Letter to be submitted to Mass Housing and included with the Site Approval Application. The applicant, Broken Bow Residences LLC, is applying under Chapter 40B to create 16 units of rental housing, four of which will be affordable.

Motion by Ms. Goldstone: To approve the letter amended to read .1 increase the number of deed restricted affordable units and to mention conforming with the modifications to the project regarding the Affordable Housing Fund availability.
Second: Mr. Brown Vote: Yes – 5 No – 0

<u>Consider the approval of 419 Waquoit Hwy Project Eligibility/Site Approval Application - Town Comment Letter</u>

Mr. Renshaw explained that the request is to approve a Town Comment Letter to be submitted to Mass Housing. The proposed project is for five homes, two of which will be sold for no more than 80% AMI, one for 100% AMI, and two others for no more than 120% AMI. The proposal will create an additional five units of affordable ownership housing. The project site is walkable to Town services but there is no pedestrian infrastructure on Route 28.

Ms. Goldstone asked about requesting the developer consider renewable energy sources or energy efficiency. Mr. Renshaw stated that he could add similar language to the letter.

Based on this discussion, the Board agreed to revise its motion on the previous agenda item [<u>Consider the approval of 0 Broken Bow Lane Project Eligibility/Site Approval Application - Town Comment Letter</u>].

AMENDED Motion by Ms. Goldstone: To approve the letter amended to read .1 increase the number of deed restricted affordable units, to mention conforming with the

modifications to the project regarding the Affordable Housing Fund availability, and to consider energy efficiency and appropriate energy provisions.
Second: Mr. Zylinski Vote: Yes – 5 No – 0

Motion by Mr. Brown: To approve the letter for 419 Waquoit Hwy, as discussed and amended.
Second: Mr. Zylinski Vote: Yes – 5 No – 0

<u>Consider the approval of a request from Department of Public Works to utilize technical assistance from the Barr Foundation and approve the expenditure of $12,000 to apply for grant funding through the USDOT Safe Streets and Roads for All (SS4A) Program for potential infrastructure improvements on Water Street in Woods Hole</u>

Peter McConarty, Director of Public Works, explained that the proposal is to seek a grant to consider traffic in the areas around Water Street in Woods Hole.

Motion by Mr. Brown: To approve the request to utilize technical assistance from the Barr Foundation to apply for grant funding through the USDOT Safe Streets and Roads for All (SS4A) Program for potential infrastructure improvements on Water Street in Woods Hole and to expend up to $12,000 from the Public Works account for a grant match.
Second: Mr. Zylinski Vote: Yes – 5 No – 0

<u>Consider the request from the Commission on Disabilities to submit an application to the Community Preservation Committee (CPC) to apply for funds for costs associated with engineering and design as well as site preparation for the All-Inclusive Playground development at Goodwill Park</u>

Mr. Renshaw explained that this project has been underway and in discussion for approximately ten years. Petition articles will likely be submitted by the CPC to transfer remaining funding in the amount of $24,500 to the Goodwill Park for the purpose of creating a design for the all-inclusive playground. The Commission on Disabilities will be requesting $50,000 from the CPCC for costs associated with design and engineering of this playground.

Motion by Mr. Zylinski: To approve the request from the Commission on Disabilities to submit an application to the Community Preservation Committee (CPC) to apply for funds for costs associated with engineering and design as well as site preparation for the All-Inclusive Playground development at Goodwill Park.

<u>**Discussion:**</u>
Mr. Renshaw explained that, while the original request was for funding for site preparation and playground equipment, in coordination with the Public Works Director, it was determined that engineering design would be a more appropriate use of funds at this time.

There was no second for the motion.

Motion by Mr. Mascali: To approve the request from the Commission on Disabilities to submit an application to the Community Preservation Committee (CPC) to apply for funds for costs associated with engineering and design for the All-Inclusive Playground development at Goodwill Park.
Second: Ms. Goldstone Vote: Yes – 4 No – 1, Mr. Zylinski against

<u>Consider the request from the Recreation Department to apply to the Community Preservation Committee (CPC) for funds to complete improvements to the John Neil Little League field complex</u>

Mr. Johnson-Staub presented the request.

Motion by Ms. Goldstone: To approve the request from the Recreation Department to apply to the Community Preservation Committee (CPC) for funds to complete improvements to the John Neil Little League field complex.
Second: Mr. Zylinski Vote: Yes – 5 No – 0

<u>Consider the request from the North Falmouth Village Association to apply to the Community Preservation Committee (CPC) for funding for exterior envelope preservation and restoration of the Village Junction Community Building located at 212 Old Main Road, North Falmouth</u>

A brief presentation was made on this topic.

Motion by Mr. Brown: To approve the request from the North Falmouth Village Association to apply to the Community Preservation Committee (CPC) for funding for exterior envelope preservation and restoration of the Village Junction Community Building located at 212 Old Main Road, North Falmouth, as presented.
Second: Ms. Goldstone Vote: Yes – 5 No – 0

<u>Consider approval of an application for a Second-Hand Dealer's License – The Curator, 17 Walker St., Suite A, Falmouth</u>

Mr. Renshaw explained that the application was submitted on July 9, 2024. A fingerprint background check must be completed prior to receival of the license. He recommended that the Board approve the application.

Motion by Mr. Zylinski: To approve the application for a Second-Hand Dealer's License – The Curator, 17 Walker St., Suite A, Falmouth.
Second: Mr. Brown Vote: Yes – 5 No – 0

<u>Consider approval of an application for a seasonal Common Victualler license – The Tea Room, 196 Crystal Spring Ave., North Falmouth</u>

Mr. Renshaw explained that the previously approved license for this applicant included hours of operation that are proposed to be amended in this current application. The Police Department does not recommend approval based on the location of the business within a densely populated residential neighborhood and the past issues with individuals bringing their own alcohol onto the property. Mr. Renshaw stated that he concurs with the Police Department concerns and recommends that the Board not approve this request.

The applicant stated that he has never heard any concerns from the Police Department. His family has run The Tea Room in this same capacity for approximately 40 years but has not been operating since 2020. He stated that he believed BYOB was legal in Town but has not necessarily utilized that. Mr. Renshaw explained that it is not.

Mr. Brown stated that all of the letters received by the Board included concerns and there were no letters in support. The applicant stated that he was trying to create a family place where adults could have a drink while children hung out, but there was a large campaign against him.

Stephen Rafferty stated that his children used to look forward to going to The Tea Room. This is a specific type of neighborhood and people are very close. The business should likely not serve alcohol but should be allowed to open.

The Police Department stated that alcohol should not be sold or imbibed on the property. There are no issues with other parts of the business.

Pam Kirk, Moses Road, expressed concern with the outside license for dining, which could promote trash and food on the ground. She would like for there to be no service outdoors after 6:30pm or 7pm so that abutters can have quiet time.

Casey expressed concern with ADA accessibility on the site. There are approximately 60 seats outside which leads to parking concerns.

Ms. Goldstone stated that she is concerned with rejecting a request without written documentation. Chair Taylor stated that there could be a requirement to reduce the outdoor hours, given the concerns expressed.

Motion by Mr. Mascali: To approve the application for a seasonal Common Victualler license – The Tea Room, 196 Crystal Spring Ave., North Falmouth, with the condition that serving inside the premises be limited to Sunday 8AM-10PM and serving outside the premises be limited to Monday-Sunday 8AM-7PM.
Second: Mr. Brown Vote: Yes – 4 No – 1, with Mr. Zylinski against

<u>Consider the approval of a petition to the State Traffic Engineer for speed limit changes along Woods Hole Road in Falmouth pursuant to MGL Chapter 90 section 18 as amended by Chapter 358 of the Acts of 2022</u>

Mr. Renshaw gave a background on this item. He recommended that the Board vote to approve the petition.

Motion by Mr. Brown: To approve a petition to the State Traffic Engineer for speed limit changes along Woods Hole Road in Falmouth as reflected in the submitted map, pursuant to MGL Chapter 90 section 18 as amended by Chapter 358 of the Acts of 2022.
Second: Mr. Mascali Vote: Yes – 5 No – 0

Designate a member of the Select Board to seek input on the request to name the Water Treatment Plant for Raymond A. Jack

Motion by Chair Taylor: To nominate Mr. Brown as the member of the Select Board to seek input on the request to name the Water Treatment Plant for Raymond A. Jack.
Second: Mr. Mascali Vote: Yes – 5 No – 0

Designate a member of the Select Board to seek input on the request to name a sports field or village green for Harry Hill

Motion by Chair Taylor: To nominate Mr. Mascali as the member of the Select Board to seek input on the request to name a sports field or village green for Harry Hill.
Second: Mr. Brown Vote: Yes – 5 No – 0

CONSENT AGENDA

Licenses

a. Consider approval of an application for a Special One-Day All Alcohol Liquor License – Falmouth Road Race, Inc. – VIP Tent, Falmouth Heights Ball Field – Sunday, 8/18/24, 7:00 a.m. to 2:00 p.m.
b. Consider approval of an application for a Special One-Day Wine & Malt Liquor License – Shipwrecked – Asics Falmouth Road Race After Party – Shipwrecked/The Heights Hotel parking lot, 263 Grand Ave. – Sunday, 8/18/24 – 10:00 a.m. to 6:00 p.m.

Administrative Orders

a. Consider approval of the Warrant for 2024 State Primary on Tuesday, September 3, 2024
b. Consider the acceptance of a donation from the Teaticket Civic Association in the amount of $600.00 to the Veterans Council donation account
c. Consider approval of the request from the Veterans Council to expend $2,445.61 from the Veterans Council Donation Account to assist a Falmouth veteran with expenses associated with fuel and emergency hot water heater invoices
d. Consider the acceptance of a grant of easement for a water main extension at 255 Old Main Road
e. Consider the approval to pay for the Town Manager’s registration and travel expenses to attend the 2024 International City/County Management Association conference

Motion by Mr. Zylinski: To approve Consent Agenda, as presented.
Second: Ms. Goldstone Vote: Yes – 5 No – 0

MINUTES

Review and vote to approve minutes of meetings

a. Public Session – July 15, 2024

Motion by Mr. Zylinski: To approve the meeting minutes of July 15, 2024, as presented.
Second: Mr. Mascali Vote: Yes – 5 No – 0

TOWN MANAGER'S SUPPLEMENTAL REPORT: None at this time

SELECT BOARD REPORTS

- Ms. Goldstone stated that she attended the Beach Employee Appreciation breakfast and thanked those involved.
- Mr. Brown stated that the Short-term Rental Working Group continues to work to assemble a draft bylaw for review.

ADJOURN

Motion by Mr. Mascali: To adjourn at 9:38pm.
Second: Ms. Goldstone Vote: Yes – 5 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary