

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, AUGUST 26, 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.*

**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

**6:30 p.m. - OPEN SESSION**

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

Pledge of Allegiance: Led by Select Board

Proclamations – Eagle Scout Tucker Morton, Troop 42 – Ms. Goldstone read the proclamation for Eagle Scout Christian Tucker Morton, Troop 42.

**Motion by Ms. Goldstone: To approve the Proclamation as presented.**

**Second: Mr. Brown Vote: Yes – 5 No – 0**

Recognition: Mr. Brown recognized all of the organizers and volunteers involved in the Road Race. Ms. Goldstone seconded this incredible event.

Announcements: Mr. Mascali announced that the Falmouth Rotary Club will hold its annual craft fair this weekend.

Public Comment: Allison Leschen stated that most in Town likely agree with the goals expressed by the Board in its 2023-2027 Strategic Plan, such as housing, coastal resiliency, and water quality. These are all urgent, worsening issue for the Town. She expressed concern that there has been ten minutes devoted to only one of these issues over the past seven Board meetings. None of the other priority issues received any agenda time and she asked when they will be addressed.

**COMMITTEE INTERVIEWS**

Interview, vote and appoint committee members

a. Affordable Housing Committee – Elizabeth Klein

**Motion by Mr. Mascali: To appoint Elizabeth Klein to the Affordable Housing Committee for a term on June 30, 2027.**

**Second: Mr. Brown   Vote: Yes – 5 No – 0**

b. Zoning Board of Appeals – Nick Hanney

**Motion by Mr. Brown: To appoint Nick Hanney to the Zoning Board of Appeals for a term until June 30, 2029.**

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

**CONSENT AGENDA – *The Board addressed this agenda item at this time.***

#### Licenses

- a. Consider approval of an application from Scott Tynell for a Shellfish Aquaculture License for a land-based upweller site in Rands Canal, floating bags within Rands Canal, and a 5.9-acre site in Megansett Harbor
- b. Consider approval of an application for two Special One-Day Wine & Malt Liquor Licenses – WM Cycling Events, Inc. – Really RAD Festival of Cyclo Cross – Cape Cod Fairgrounds – Saturday, 10/26 and Sunday, 10/27/24

#### Administrative Orders

- a. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 60' (feet) of 1-3" PVC conduit and one (1) new handhole southwesterly under town road Ravenswood Circle starting at new handhole at base of existing pole 908/1 to new customer installed handhole. This work is necessary to provide electric service to 9 Grasmere Drive.
- b. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install 1 new JO pole to be labeled 69/67.5 approximately 50' (feet) west of existing pole 69/68 on Menauhant Road. This work is necessary for new Eversource equipment.
- c. Consider approval of the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install one (1) new handhole and approximately 40' (feet) of 1-3" PVC conduit southeasterly under town road – Gosnold Road starting at new handhole at base of existing pole 128/2 to new customer installed handhole. This work is necessary to provide underground electric service to 17 Gosnold Road.
- d. Consider request from the Falmouth Fire Rescue Department to accept a grant award in the amount of \$10,000 from the Falmouth Road Race Philanthropy Program for the purchase of 35 Knox boxes.
- e. Consider request from Freshwater Ponds Advisory Committee to change its membership to 7 full voting members.

**Motion by Mr. Brown: To approve Consent Agenda, as presented.**

**Second: Ms. Goldstone                   Vote: Yes – 5 No – 0**

#### **PUBLIC HEARINGS**

1. Shade Tree Hearing – on application of Doug Gage for the removal of 1 Acer Platanoides (Norway maple) and removal of 1 Tilia Cordata (Littleleaf Linden) at 216 King Street, Falmouth

Chair Taylor opened the public hearing.

Jeremiah Pearson, Tree Warden and Parks Superintendent, explained that the homeowner would like these trees removed. They are in poor condition and likely to fail. The Town spoke with Eversource, who has agreed to remove the trees. The Parks Department will then replace the trees with suitable alternatives, something which grows under 20' and is native or resilient to the area.

Dan McCorkle, 15 Pleasant View Ave, stated that there only a dozen or so trees in this area and he is concerned to lose them. He does not want the trees removed to make extra parking spaces for the property. Mr. Pearson stated that the trees are proposed to be replaced, and this area will not be used for parking.

**Motion by Mr. Zylinski: To close the public hearing.**

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

**Motion by Mr. Brown: To approve the application to remove the two trees, as described by the Tree Warden.**

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

2. Shade Tree Hearing – on application of The Village at Brick Kiln for the removal of an inventory of trees located between 485 Brick Kiln Road and Josiah Path, Falmouth

Chair Taylor opened the public hearing.

Mr. Pearson explained that these trees are in the way of a proposed sidewalk. There is no plan for replacement. The developer has already planted in front of the property.

Ms. Goldstone asked about additional plantings as the developer has already clearcut approximately seven acres of land that was previously wooded. She asked if the Board could consider proactive permitting decisions in the future with regard to removal of large caliper trees to be replaced with small caliper trees, especially in terms of carbon sorting and wildlife habitat. Mr. Zylinski noted that, if the proposed sidewalk was a condition of approval by the Planning Board, there is not much else that can be done in terms of adding plantings in this area.

There was no public comment at this time.

**Motion by Mr. Brown: To close the public hearing.**

**Second: Ms. Goldstone                      Vote: Yes – 5 No – 0**

**Motion by Mr. Brown: To approve the application of The Village at Brick Kiln LLC for the removal of an inventory of 15 trees located between 485 Brick Kiln Road and Josiah Path, as presented.**

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

## **BUSINESS**

Consider the acceptance of the SFY25 Law Enforcement Body-Worn Camera Grant from the Executive Office of Public Safety and Security's Office of Grants and Research (OGR) in the amount of \$250,000 to the Falmouth Police Department

Mr. Renshaw explained that the Police Department has done research into a body-worn camera program, and he is fully supportive of the request.

Police Chief Lourie stated that the Department was awarded a \$250,000 grant through the State to initiate the program. The Department will review three different vendors to determine the best option. The program will likely go to trial this winter.

**Motion by Mr. Zylinski: To approve acceptance of the SFY25 Law Enforcement Body-Worn Camera Grant from the Executive Office of Public Safety and Security's Office of Grants and Research (OGR) in the amount of \$250,000 to the Falmouth Police Department.**

**Second: Mr. Brown                      Vote: Yes – 5 No – 0**

### Report – Bicycle and Pedestrian Committee

Katherine Jansen, Chair of the Bicycle and Pedestrian Committee, gave a brief report on the Committee's activities.

### Report – Solid Waste Advisory Committee

Alan Robinson, Chair of the Solid Waste Advisory Committee, gave a brief report on the Committee's activities.

### Capital Plan Presentation

Mr. Renshaw presented the FY25 proposed Capital Plan.

**Motion by Mr. Zylinski: To submit the proposed Capital Improvement Plan to the Finance Committee, as presented by the Town Manager.**

**Second: Mr. Brown                      Vote: Yes – 5 No – 0**

Consider request from the Affirmative Action Committee for a new mission statement and a change of committee name

Chinna Mapp, member of the Affirmative Action Committee, requested to change the Committee name to the Diversity, Equity, Inclusion & Belonging Committee, and to draft a new mission statement.

**Motion by Chair Taylor: To approve the new name of the Diversity, Equity, Inclusion & Belonging Committee.**

**Second: Ms. Goldstone**

**Vote: Yes – 5 No – 0**

**Motion by Chair Taylor: To approve the mission statement of the Diversity, Equity, Inclusion & Belonging Committee, as presented.**

**Second: Ms. Goldstone**

**Vote: Yes – 5 No – 0**

Consider request for wavier of the special event permit fee for the 25th Annual Chris Wetherbee Memorial Toy Run motorcycle fundraising ride – Sunday, 11/3/24

The Board reviewed the request for a waiver of the special event permit fee for the 25th Annual Chris Wetherbee Memorial Toy Run motorcycle fundraising ride – Sunday, 11/3/24.

**Motion by Mr. Brown: To approve the waiver of the special event permit fee for the 25th Annual Chris Wetherbee Memorial Toy Run motorcycle fundraising ride – Sunday, 11/3/24.**

**Second: Mr. Zylinski**

**Vote: Yes – 5 No – 0**

Consider request for a variance to Sign Code §184-30 Movable, portable or mobile signs: Sandwich board sign, Falmouth Elks Lodge #2380, 140 Palmer Avenue

*Mr. Brown recused himself from this item.*

Mr. Renshaw explained that the request is for a variance to allow for a sandwich board style sign in front of the establishment. The current code allows for sandwich board signs under two specific conditions; one of which is to advertise perishable goods for sale only, and the second for any business in its first year of operation in the absence of a multi-tenant or freestanding sign but only for a four month period. The Building Department has reviewed the request and has indicated no issues or concerns.

**Motion by Mr. Zylinski: To approve the requested variance as presented.**

**Second by Ms. Goldstone:**

**Vote: Yes – 4 No – 0**

*Mr. Brown retook his seat.*

Consider approval of an application for a Grant of License for proposed landscape work in Town Hall Square adjacent to 159 Main Street - Blue Moon Sea Grille, Inc., 159 Main Street, Falmouth

Mr. Johnson-Staub stated that the request from the applicant is for landscape work to improve the area abutting its recently approved patio. This request is to allow the applicant to install and

maintain some improvements on Town property. The Engineering Office and Town Counsel reviewed the proposal, and an agreement was drafted by Town Counsel with specific conditions.

Ms. Goldstone stated that she would like to ensure the plantings are as low-water dependent as possible.

**Motion by Ms. Goldstone: To approve the license for the landscape work in Town Hall Square adjacent to 159 Main Street - Blue Moon Sea Grille, Inc., 159 Main Street, Falmouth.**

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

Consider approval of an Intergovernmental Agreement with the Barnstable District Department of Veterans' Services for temporary Veterans Services Officer Services

Mr. Johnson-Staub explained that this is a temporary request for the Barnstable District Department of Veterans' Services to assist the Town with temporary Veterans Services Officer Services during a vacancy of the Veterans Director position. The Town is on the tail end of filling that position.

**Motion by Mr. Zylinski: To authorize the Town Manager to enter into an Intergovernmental Agreement with the Barnstable District Department of Veterans' Services for temporary Veterans Services Officer Services.**

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

Review of Town Manager's summative annual performance evaluation

The Board discussed the factors for the Town's Manager's summative annual performance evaluation. For the first factor, Knowledge, Mr. Renshaw received an average score of 3.1, meaning that he exceeded the Board's expectation. For the second factor, Productivity, Mr. Renshaw received an average score of 3.4. Mr. Renshaw received a 3.4 for Decision-Making, and a 3.4 for Oral Communications. For the Written Communication factor, Mr. Renshaw received a 3.2. For the Financial Administration factor, Mr. Renshaw received a score of 3.2. Mr. Renshaw received a score of 4 for Leadership. Mr. Renshaw received a score of 3.4 for Public Relations. Regarding the factor of Work Relations, a 3.2 score was received. Mr. Renshaw received a 3.2 for the factor of Staff Development and Training. Finally, Mr. Renshaw received a 3.1 for the factor of Personnel Practices. The overall rating from the Board is a 3.7.

## **MINUTES**

Review and vote to approve minutes of meetings

- a. Public Session – August 12, 2024

**Motion by Mr. Mascali: To approve the meeting minutes of August 12, 2024.**

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

**TOWN MANAGER'S SUPPLEMENTAL REPORT:** None at this time

### **SELECT BOARD REPORTS**

- Mr. Mascali attended the Golf Advisory Committee regarding the pending RFP for the Falmouth County Club.
- Ms. Goldstone recognized the DPW for installing the Home of the Clippers flags along Main Street.
- Mr. Brown attended the Waterways Committee and the Water Quality Management Committee.
- Mr. Zylinski stated that he will be out of State until the end of the weekend but will be reachable during that time.

### **ADJOURN**

**Motion by Mr. Mascali: To adjourn at 8:45pm.**

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

Respectfully submitted,  
Kristan Patenaude, Recording Secretary