<u>TOWN OF FALMOUTH</u>
<u>SELECT BOARD</u>

Open Meeting Minutes

MONDAY, SEPTEMBER 9, 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: Edwin (Scott) Zylinski II, Acting Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone (arrived at 7:00)
Absent: Nancy Robbins Taylor, Chair
Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel

6:30 p.m. - OPEN SESSION
<u>Call to Order</u>: By Acting Chair Scott Zylinski, who announced that Ms. Goldstone would be arriving at 7:00, as well as other procedural announcements.

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

<u>Proclamation:</u> Suicide Prevention and Action Month
Mr. Brown read out the proclamation in its entirety, concluding as follows: We, Nancy Robbins Taylor, Edwin P. Zylinski, II, Douglas C. Brown, Robert P. Mascali, and Heather M. H. Goldstone do hereby proclaim the month of September 2024 as National Suicide Prevention and Action Month in the Town of Falmouth

<u>Recognition</u>: Mr. Mascali recognized Barbara Kanellopolous for having received an award for work done over the age of 60 from the Cape Cod Women's Association.

<u>Announcements</u>:
Mr. Zylinski read out an announcement that discussion on Agenda Item #8 (Vote articles and execute warrant for November 18, 2024 Town Meeting) would be limited to the Select Board. Public comment could be submitted in writing to the Select Board, or residents could attend the October 7 Select Board meeting where comment would be taken before the Board would vote recommendations. He said the Board does not vote recommendations on articles sponsored by the Community Preservation Committee or the Planning Board. Recommendations submitted to Town Meeting on financial articles are submitted by the Finance Committee.

Mr. Renshaw announced the addition of an item on the Consent Agenda (Consider appointing a temporary Registrar in the event that an existing Registrar is unable to fulfill their duties during the Recount for the Office of Senator in the General Court in the Republican State Primary on Thursday, September 12, 2024) to the revised agenda for tonight's meeting. He said Town Clerk Michael Palmer recommended appointing Catherine Bumpus to the position of temporary registrar.

Mr. Mascali asked why public comment on the warrant was limited at tonight's meeting. Mr. Johnson-Staub explained that past practice has been that there has not been a debate of every article at this meeting of the Select Board. He said the point of emphasis is if the Board wishes to proceed with including the articles on the warrant for Town Meeting. He said public input on the merits of the articles can be taken at another time before the recommendations are voted, as well as at other venues such as the planning board or finance committee. Mr. Mascali said he was referring to brief comment rather than debates. Mr. Zylinski said that he would rather comment on the articles take place before a full board.

<u>Public Comment:</u>
Richard Duby – commented on the term "fiduciary responsibility" and reminded the Board it has such a responsibility to the Town – said the Board is not acting in the best interest of the citizens of Falmouth regarding firearms purchase – said most citizens want surplus firearms destroyed – referred to the contents of 30B regarding the disposal of surplus property - said the Board has a fiduciary responsibility to direct Town Counsel to contact the attorney general's office or inspector general's office if there is a question on the content of 30B – passed out materials to the Board.

Troy Clarkson – said he vigorously opposed no comment on warrant articles at this meeting – reminded Board of the 3 pillars to the form of government we have – said the elected Board is denying citizens the right to provide feedback on the warrant articles – said he was angered that the Board "would hold the public in such disdain" – said this is not what the Select Board was elected to do – urged the Board to allow public comment on the articles.

Dave Moriarty – referring to the Nantucket turbine incident, said the blades on the turbines are going to keep failing – said government doesn't want to listen to reality – said 38 senators voted to take away your rights because they are pushing a new world agenda failed energy program – called it tyrannical – said people of the Cape and Islands depend on the sea and Gov. Healey is not living in reality – said it's unacceptable, especially in Massachusetts – said it's happening tonight with taking away public comment.

Ken Hall – said he is a new resident in the Grasmere subdivision – said he discovered a fire hydrant while clearing brush on his property and the fire dept. came and flushed it out – said he checked out the issue of wetlands violation, and held up a map showing what he owns and what the state owns – said he finds it an abuse that the state can take this land, calling it theft – said he and his wife are bearing the brunt of the cost of this – said they are unwilling, unhappy stewards of this little vernal pool on their land – said their benefit from this environmental action is very, very small – said they can't use their own land as they thought they would– said he wants people to know that the state is confiscating 85% of his land.

Jed Cornick, Town Planner – announced a public meeting on Thursday at the Mullen Hall School to review a parking management plan.

<u>Affirm appointment of Director of Veterans' Services</u>
Mr. Renshaw said James Gouzias was being brought forward for affirmation to the position. He highlighted aspects of Mr. Gouzias's resume, which was included in the Select Board packet, and said the recommendations were outstanding. He asked that the Board consider waiving the division head residency requirement. If affirmed, Mr. Gouzias would start on Sept. 23.

Motion by Mr. Mascali: To approve and affirm the appointment of Jim Gouzias as the Town's Director of Veterans' Services Second: Mr. Brown Vote: Yes – 3 No – 0
(Ms. Goldstone not yet present for vote.)

Motion by Mr. Mascali: To waive the division head residency requirement for Mr. Gouzias
Second: Mr. Brown Vote: Yes – 3 No – 0
(Ms. Goldstone not yet present for vote.)

Mr. Gouzias spoke briefly expressing his gratitude at being appointed to the position. He said he would perform his duties with professionalism, as well as empathy and understanding for his brothers and sisters.

BUSINESS
<u>Report – Veterans Council Committee</u>
Carissa April, chair of the veterans' council committee, presented information on the work of the council. She thanked Don Lincoln for his work and said the committee looked forward to working with Mr. Gouzias. Mr. Johnson-Staub thanked Ms. April for her participation in the selection process for the new director, Mr. Gouzias.

<u>Report – Council on Aging</u>
Joe Clancy, Jill Bishop, and Jamie McDonald, current chair of the council, were present for the report, highlighting the activities of the council and statistics regarding membership and growth. The report was accompanied by a slide presentation containing additional information and data. Ms. Bishop thanked the many volunteers who help make the center successful. Mr. McDonald commented briefly about the future goal of making the area a true municipal/recreational complex.

<u>Discuss the recently completed Town-owned parcel inventory analysis</u>
Jed Cornock, Town Planner, orally reviewed approximately 39 screens of information detailing how the parcel inventory analysis was developed and conducted. The goal was to determine the best future use for the parcels. He said the same presentation would go before the affordable housing committee later this week. The slide presentation is contained in its entirety in the Select Board packet; it included a review of 33 categorized properties and the

basics of why each was designated as *Good, Moderate, or Poor*, and why some have a dual designation. He said no final recommendations would be made until after the opportunity for public input.

Ms. Goldstone sought more information about an analysis process for developed properties that are appropriate for redevelopment, and asked how the schools got into the *Poor* category. Mr. Cornock said they have been encouraging redevelopment for affordable housing in the mixed residential and overlay district because of its location downtown. He said there are not many such properties, but there are a lot of vacant properties. He said the schools are one of the potential options, but the planning department hasn't yet been able to reach out to the school department to figure out their future plans.

Mr. Mascali asked the town manager about the recommendation of the disposition of three parcels (Mr. Renshaw said there are 4) for affordable housing and when other parcels might be recommended. Mr. Renshaw said that after a department head meeting, it was at his direction to look at parcels best suited for immediate development. Future analysis, he said, would likely release additional parcels. He said it would be part of the discussion later in the meeting.

Mr. Brown said he agreed with the priority of affordable housing but would also like to pursue uses, such as community gardens, for other parcels.

At this point, Acting Chair Zylinski asked for a show of hands for who would like to speak about articles as they come up. He offered to allow speakers 3 minutes of time if they wished to speak during that item later in the meeting.

<u>Public comment on the Town-owned parcel inventory analysis:</u>
Laura Moynihan, Director of Falmouth Housing Trust – said her comments are directed to the 300 properties under two acres – said the goal of sustainable development is in-fill development – said the larger parcels are very expensive to develop and a long time to permit – said smaller lots within a development can be built on in a year and the cost is reduced – asked the Town to pick out lots in existing residential subdivisions and identify those right away for disposition – thanked the Town for work done to date.

Mr. Brown said the new housing bill contains a provision for smaller lots to be buildable.

<u>Consider the approval of Falmouth Affordable Housing Fund Application – 419 Waquoit Highway, Falmouth Housing Trust</u>
Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Ite Summary Sheet*, Item number and Title: *Business 4 - Consider the approval of Falmouth Affordable Housing Fund Application – 419 Waquoit Highway, Falmouth Housing Trust* in the Select Board packet. He recommended approval

Laura Moynihan, with the Falmouth Housing Trust outlined the details of the project for the Board. She said that with the acquisition of the land included with the construction, the grant would be $150,000 per unit. She said they would file this week for the comprehensive permit. She said the project would address the funding criteria of the FAHF. Atty. Moynihan used a site plan and other diagrams and photos during her presentation.

Mr. Mascali asked if a person who met income eligibility would be able to assume an 80% mortgage. Ms. Moynihan said yes. He also asked if there were any assistance for a down payment. Ms. Moynihan said it would depend on the mortgage loan program the buyer qualified for, but local mortgage lenders have experience working with buyers of affordable housing. She said all buyers need to have 3% cash down, which is a state requirement.

Ms. Goldstone asked if deed restrictions carry through to subsequent sales. Ms. Moynihan said yes, and explained how down the road, increases in the market value of the home are not captured by the seller. The home remains restricted in perpetuity, and not a lot of market equity is returned to the seller on resale.

Mr. Brown noted that the cost is at the top of the FAHF funding range but because the FHT is willing to do the denitrifying septic system and make all units affordable, the cost is justified.

Mr. Renshaw read out the proposed motion.

Motion by Mr. Brown as read by Mr. Renshaw: Acting as Trustees of the Falmouth Affordable Housing Fund, motion to grant $650,000 to the Falmouth Housing Trust for the construction of 5 deed restricted homes for homeownership on land located at 419 Waquoit Highway, and authorize the Town Manager to execute the documentation setting forth the terms of the financial award to the Falmouth Housing Trust
Second: Mr. Mascali Vote: Yes – 4 No – 0

<u>Consider the approval of Falmouth Affordable Housing Fund Application – Scranton and Main, Scranton Main LLC (Falmouth Housing Corporation and Affirmative Investments)</u>
Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Ite Summary Sheet*, Item number and Title: *Business 5 - Consider the approval of Falmouth Affordable Housing Fund Application – Scranton and Main, Scranton Main LLC (Falmouth Housing Corporation and Affirmative Investments)* in the Select Board packet. He said the CPC gave the project a positive recommendation.

Linda Clark from the Falmouth Housing Corp. summarized some setbacks with the project, including details about the shower enclosures, elevation change necessitating a retaining wall at the property line, and additional parking spaces (46 total spots for 48 units) due to senior citizens driving longer.

Mr. Brown noted that the FHC has obtained additional funding for the project. He also said he appreciated the explanation of the need for the extra funding.

Mr. Renshaw read out the proposed motion.

Motion by Mr. Brown as explained by Mr. Renshaw: Acting as Trustees of the Falmouth Affordable Housing Fund, motion to grant $216,305 to Scranton Main, LLC for unexpected expenses as outlined in the amended letter of intent dated July 22, 2024, and authorize the Town Manager to execute the documentation setting forth the terms of the financial award to Scranton Main, LLC
Second: Ms. Goldstone Vote: Yes – 4 No - 0

<u>Consider vote on the Eversource Martha's Vineyard Cabling Project and Revised Project Schedule, presented on August 12, 2024</u>
Peter McConarty, Director of Public Works, said this item will be a recap of the presentation given to the Board on Aug. 12 by Eversource. He began with a recap of the project itself. He said the infrastructure on Jones Rd. and Mill Rd. is completed. Now they are working on Surf Dr. involving the Surf Dr. parking lot and Mill Rd. parking lot, and to complete the project on schedule, Eversource is requesting an updated time schedule that will be a 7-day schedule working 12 hours a day. Mr. McConarty said noise and light mitigation will be used.

Mr. Mascali asked when the Town would receive the construction drawings. Mr. McConarty said they were working on the bikepath drawings, which will be the next project. He briefly detailed some features of that project, which he expects will start in October. He outlined the different phases/locations of that project. He also said he wants everyone to "be on the same page" with the work that is going on with the bikepath.

Mr. Mascali said he was seeking clarification when the Town might expect the construction drawings. Mr. McConarty said Philip Bert could speak to that, but said that Public Works, Eversource, and the Pedestrian and Bikepath Committee have been meeting and sharing open communication along the way. Mr. Mascali said he appreciated the collaboration.

Philip Bert from Eversource said there are two separate sets of plans; the question addresses the bikepath plans. He said a re-examination of the bikepath revealed complicated issues such as reshaping the path and maintaining tree canopy, which necessitated redrawing the plans. He said he expects them very soon.

Mr. Brown asked about a manhole. Mr. Bert said it would be paved over, but able to be emergency-accessed if necessary. An MOU is being developed where Eversource will maintain it for a determined number of years. Mr. Brown also said he was worried about the Sunday operation and asked if work could be started earlier. Mr. Bert explained the complication that exists with coordinating the Falmouth work with the Martha's Vineyard work, and that the 7-day schedule is factored into that coordination. He said that in August he was optimistic that with the 7-day schedule the completion date could be met.

Ms. Goldstone asked for clarification on the completion date. She said that in the previous August presentation, "with 7-day operation and mitigation technically through May, you were confident that you could be out by April.

Is that still what you are saying?" Mr. Bert said that risk analysis is built into contracts, so if conditions keep them from work, the time frame has been extended to account for the possibility of delay caused by factors such as weather or equipment failure. But without the delays, completion can be achieved in the shorter time frame.

Mr. Mascali asked about the effectiveness of the sound curtains. Mr. McConarty said sound curtains are typical construction practice. He said it won't be 100% but will reduce the noise. Mr. McConarty went on to say that the parking lot will be open at the end of May, not June. He also said Eversource, to help the Town, will replace the water main from Shore St. to Mill Rd., connect the sidewalk between Walker and Shore St., and take care of the drainage in that area.

Ms. Goldstone said that it is extremely concerning to hear the end of May for both parking lots for one of our signature beaches, and asked if there is a back-up plan in case there is a rough winter that pushes things into June. Mr. McConarty said he would leave that to Eversource the way they'll work that, but he said both parking lots have to be open in May for the beaches." Ms. Goldstone asked how to guarantee that. Mr. McConarty said that there is verbiage in the MOU for 7 days with approval, so with approval, they need to be done second week in May, cleaned up and out of there.

Mr. Brown asked if there were any way Falmouth could be done first. Mr. Bert said that on the Vineyard side, existing environmental regulations on the parcels in question require that work start there. Mr. Brown asked what the regulations are. Barb Schneider, with her "beach chair hat on," asked if both parking lots would be worked on at the same time. Mr. Bert said yes. Ms. Schneider said, "So there is no way to make sure the Surf Dr. parking lot is done in April." Mr. Bert said the project manager or contractor could better speak to the engineering question regarding timing. He again said there is an extensive period of risk built into the contract to account for the unknowns. He said the MOU said "we could go around the clock with agreement from the Town," but they did not want to do that. Ms. Schneider said when May was brought into the equation, that's the first time they thought they could be in. trouble using the bath house and parking lot. She again raised the question of starting earlier. She said at the same time, the Town is facing the Menauhant Beach situation, "the double whammy on both ends of that shoreline."

Peter McConarty offered an option. He said to allow Eversource to do 7 days a week starting in December to be out by April. There may be a time, he said, when they "may need to do 24 hours of time if you want to get them out of there in May." He said they would need approval to do that. He said they are asking for 7-day operation at 12 hours a day now, but there may come a time in order to be out by the end of April "there might be a 24-hour at some point in time." Maybe they could front load it and do the 24-hour in January and February before it gets crowded, Mr. McConarty said.

Mr. Brown said he can see now that the 7-day is important. Ms. Goldstone said she is thinking about the date restrictions.

Brief Board discussion ensued about how to proceed. Mr. Renshaw suggested possibly drafting an amendment to the MOU to stipulate the work hours and dates of completion. Town Counsel Maura O'Keefe said she would need to review the existing agreement to see what could be added. Acting Chair Zylinski said that Town Counsel's input would be necessary to get any assurances from Eversource to decide on an amendment. Mr. Renshaw again said it was important to have the time to put dates into the agreement and memorialize it.

Mr. Mascali said first we need to hear from Eversource, and said he was interested to know what the restrictions are on Martha's Vineyard that are so insurmountable that Falmouth has to take second fiddle to it, and would like to hear that at the next presentation.

Mr. McConarty said again that the verbiage in the MOU says Eversource can do this with permission from the Town. Acting Chair Zylinski said Town Counsel needs to look at it so the Board would know what it was signing off on. Mr. Brown said he would like to hear the engineering reasoning why we can't adjust the schedule. He added that this is all happening in a spirit of cooperation and was sure it could be worked out. Mr. McConarty said they would come back at a future date.

<u>Consider and vote to authorize the Town Manager to issue a request for proposals to lease Falmouth Country Club, 630 Carriage Shop Rd to a private operator, upon such terms and conditions as he deems acceptable</u>
Peter Johnson-Staub presented the information to the Board using slides containing a summary of the issue, its history, financial data regarding the country club management, information regarding future costs. He said the Town's financial goal is to have the revenue generated by the golf course to cover all its costs, a goal which has not been achieved for most of the lease to date, although for the past 3-4 years (due to spike in interest in golf due to the

pandemic), the revenue has covered costs. He said they are looking for a stable long-term relationship that is mutually beneficial for the operator and the Town. He said the recommendation is for a 25-year lease with a 5-year renewal term. He included reasons why the long-term lease is preferred, explained selected minimum requirements of the lease and RFP, outlined selection criteria, and reviewed financial terms.

Mr. Johnson-Staub also outlined the review process and future timeline of the golf course issue. He said he wished the Board had more time to look at this information, but delay might have meant diminishing the likelihood of getting multiple competitive bids.

Mr. Mascali expressed concern over the constrained time frame, saying he commended Mr. Johnson-Staub and the golf advisory committee for their effors and for getting this done, but said it should have happened well in advance of tonight's meeting, that he is prepared to vote no against this, and that he still has major questions. One is the 25-year term of the lease. Another is no time frame for when the capital improvements are to be made by the operator. Because there is a lot to digest in this document, Mr. Mascali said that is why he is going to vote no tonight.

Mr. Mascali asked a specific question related to p. 36, Article 21 (Rent and Payment) of the Draft Lease and Management Agreement. He asked Mr. Johnson-Staub about the 2% escalation per year and if there were a provision to that. Mr. Johnson-Staub said that the base rent is escalated by 2% per year. Mr. Mascali then said again that there is a provision to that and read aloud language from Article 21. Mr. Mascali's second question was about the threshold amount: at one place it is set at $1,420,000 and then at other places in the documents it seemed as if it were going to change.

Mr. Johnson-Staub returned to the first question and said that Mr. Mascali is correct and that he would make it clearer in the RFP to match the lease. He then explained the reasoning behind the lease language. Mr. Mascali said that he mentioned these questions only to show that it is being done too quickly and that more time is needed to digest all this information. He again said he does feel strongly about the capital improvements and that the operator doesn't have to do anything about them until year 20.

Ms. Goldstone asked about the capital expenditure strategy and would like clarification there. She also asked about the significance of declaring the property surplus in order to put it out for an RFP.

Mr. Johnson-Staub said that per procurement law, when the Town seeks to lease property, it requires a vote of the Select Board to declare the property surplus, meaning it's available for disposition. There was also clarification on the potential wastewater use on the property. To the second question regarding the capital, Mr. Johnson-Staub said it would be a shared situation, Town and operator sharing responsibility for capital improvements. He went on to explain how a 25-year lease would be advantageous in this arrangement.

Regarding when the property was purchased, Mr. Brown asked if the debt on the golf course also pays for the other 33 acres. Mr. Johnson-Staub provided information on the two funding sources when the purchase was made and what each paid for.

<u>Public comment</u>:
Carey Murphy, Golf Advisory Committee – said the committee had approved this – said the capital improvement thing is nebulous – listed examples of types of improvements that a golf course needs, some very costly – said he reviewed criteria for the drafts – said there are operators who know this is coming up and that this is a boilerplate process for them – said the Town's job is to get it right – said the operator is good and that the Town has been happy with them – said it is a great success story and hopes we get it right – said he hoped the Board votes this.

Troy Clarkson – was a Selectman when the country club was acquired – agreed that we have to get this right – agreed that it's important to have a document that you can consider – said the two most challenged procurements are school bus contracts and golf course management contracts – said this isn't a content issue – said the Board should take the necessary time to review the documents – said rushing the vote would be a disservice – said the provider might issue an extension.

Robert Young, Precinct 9 – was on the golf committee for nine years – said it's a successful golf course operation – said the golf fund balance is $1.6M – said the capital funding is the hangup here – said the course is in good shape, but the biggest problem is the club house and it can't be put out to a bid with those problems – said the process is being rushed – said we need to address issues on the capital side before the vote.

Carey Murphy - said the document here is almost the original lease document when it came out – said he has concerns about the capital things but thinks they can be worked out – said the schedule is aggressive but needs to stay on track -said this is just a continuation of a document that has been used for 20 years.

Mr. Zylinski asked if Mr. Murphy thinks the document is ready to be voted on tonight. Mr. Murphy said yes, but regarding the issues with capital improvements, said the "capital is a nebulous sort of thing, it shifts, you can't define it." He said there are no other lease operations in the Town like the golf course. He said the administration got it right, and if the operators are concerned about numbers, they won't bid.

Mr. Mascali said that what we're hearing is that maybe it's not really ready to go forward, with respect to the capital issue. Also, he said there is a report from the OIG that recommends that municipal golf course leases not extend beyond 5 years. He said Mr. Johnson-Staub had done a good job of incorporating many of the suggestions in the report into the draft, but there is still the concern of the 25-year lease. His preference is to table this and address it at the next Board meeting.

Ms. Goldstone expressed concern over delaying the issue for another two weeks considering the procurement time frame. She asked if the lease could be extended by 3 months. Mr. Zylinski pointed out how an extension would disadvantage the current operator if he were a bidder. Mr. Mascali said he does not know procurement requirements but the idea of an extension is worth exploring. Mr. Johnson-Staub explained the multiple complications involved in seeking an extension on the current lease, saying that the Town would rather not do it but would not say that the Town cannot do it.

Mr. Brown said it was a lot to take in in just a few days, but did not see anything wrong with it. And he said the wastewater discharge option has already been addressed. He said he feels comfortable with it.

Mr. Zylinski said that a lot of build out contracts are standardized, almost boilerplate. There will be refinements during the process, he said. Mr. Mascali said again he doesn't feel there is enough obligation on the part of the operator to do capital improvements.

Mr. Renshaw offered the option of working on the draft language requiring certain specific investments and thresholds to present at the next meeting on Sept. 23. Mr. Mascali said he would support this option. Ms. Goldstone wanted to know where the two-week delay would come from. Mr. Johnson-Staub said they would move back the proposal submission deadline and the Select Board awards lease, which would shrink the time available to negotiate the lease and shrink the time the operator has to do what needs to be done regarding staff and equipment from Jan 1.

Mr. Johnson-Staub said the issue would be extended by two weeks. He and Mr. Renshaw would work on more specific language regarding the operator's responsibility for capital improvements and the timeline for those improvements. He also mentioned the connection between prevailing wage laws and the Town having more control over capital projects, something to talk about at the next meeting.

<u>Vote articles and execute warrant for November 18, 2024 Town Meeting</u>
Mr. Renshaw orally introduced the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 8 - Vote articles and execute warrant for November 18, 2024 Town Meeting* in the Select Board packet. He said there are 37 articles in total, breaking them down by category. He then orally reviewed each numbered article for the Board. Acting Chair Zylinski was noting which articles would be commented upon by people in attendance at the meeting.

The Board had questions on the following articles:
Article 15: Mr. Brown asked if information were available on the Town's website. Mr. Renshaw said it is on the Planning Board's webpage under Town Meeting articles.

Article 16: Mr. Mascali said he had a question on it but would get to it when appropriate.

Article 32: Mr. Mascali's question revealed a typo in the date given when the provisions of the bylaw would go into effect.

Questions/Comment on specific articles:
Article 16
Mr. Mascali said the purpose of this change is to comport with the new state law. He said his question is about the provision that says, "Rental periods shall not be less than 6 months and weekly/monthly rentals are expressly

prohibited." He asked if this were new language. Town Planner Jed Cornock said it is not, it is existing language proposed to remain.

Article 32:
Elizabeth Klein (public comment) – said she wished to speak in support of this article – said it's a chance to move forward on a priority action in the housing plan – cited language from the 2014 plan citing housing as a critical need – said a significant number of rental units have been lost in the past 10 years – said this is one component of a larger strategy to make it possible for people to live here – gave demographic information noting population loss due to housing difficulties – reiterated her support of the article.

Mr. Brown said that this is short notice to have the Board talk about it and that he had asked to put it on the warrant. He said he hoped that at an upcoming meeting the Board could talk about the document and assure that the wording is appropriate. He said he hoped the Planning Board would take it up as well. Mr. Mascali agreed that it needs further review and that questions exist about it, but he is prepared to say ok to move it forward.

Erica Edwards (public comment) – said she supports the article – similar verbiage has passed in Provincetown, Truro, and Eastham, and is moving down the Cape – said this article focuses on the lost segment of people regarding housing.

Article 34:
Troy Clarkson (public comment) – compared deliberations of the Select Board and the school committee regarding hearings and opportunity for feedback from the public – said robust public discussion has not been heard on this article – referred to the technical restrictions on noise from pickleball play on private property – said the permit policy for use of private property deserves a robust discussion – said there hasn't been enough time to go through a public review – proposed that Board exercise its authority regarding the process for review and exorcise this article from the warrant.

Acting Chair Zylinski asked if Mr. Clarkson anticipated spirited debate on Town Meeting floor about this article. Mr. Clarkson said, "Most certainly…," but the place where the debate should commence is in this room with this Board. He said the legislative body at Town Meeting would have its debate as a result of the Board's decision about whether or not the issue deserves to be before Town Meeting.

Mr. Mascali questioned whether Town Meeting is the best place to be making amendments from the floor on articles. Acting Chair Zylinski said that much of this gets hashed out at precinct meetings. On something of this magnitude, he said he finds it more beneficial to have the public reach out to him and debate the issue at those meetings than to have 5 Board members "banging heads about what we think we know about this."

Mr. Mascali said this article presupposes policy decisions that this Board has never made, such as policies regarding decibel levels, for example, as well as designating the town manager to be issuing permits for play on private property. He said this is something that should have been discussed in an appropriate forum.

Barbara Schneider, pickleball working group, advisor to Town Manager with Troy Clarkson (public comment) – offered general information regarding decibel noise limits used in 17 other towns for regulations – said of the 9 MA towns, nobody has as low as what you're proposing (47) for a decibel rating – said Centennial, CO was used to propose ours – said everybody else has a low of 50 and a high of 75 – said she had gone out early this morning with another person to measure sound at Swift and the Trotting Park proposed site, and had a hard time coming up with anything over 50, other than normal talking – at a distance of 150 feet at Trotting Park, "we couldn't come close to this-this would have been fine what you are proposing" – said 50 would be a more normal wiggle room – said there will likely be problems asking to control private property courts with a permit when there have been no arguments with neighbors – said that is a huge overreach – said there are quiet rackets that can lower decibel levels.

Mr. Renshaw then offered a detailed explanation of the process that was used to arrive at the 47-decibel level. He said the acoustical engineer conducted sound studies of noise levels associated with pickleball from courts to the nearest residents, and said 44 decibels would be a worst-case scenario in those situations. He also referred to an article submitted to him by a member of the pickleball working group analyzing different noise coming from pickleball courts based upon the direction of play, concluding that under certain situations, decibel level can be reduced up to 5% based upon changes in the direction of play. Based upon this and other information, Mr. Renshaw said that 47 seemed a reasonable limit. He also said the community might be more supportive of 50, a number used in other communities. He concluded by saying he wanted the Board to know there was rationale and thought that went into the draft proposed article.

Laura Moynihan (public comment) – said this article is listed as "on petition of the Select Board," meaning that the Board stands behind it – said she doesn't understand how the Board can fully support an article in a matter of a few days – says this should have been done months ago to include full public input in hearings – said she agreed that there should be more public discussion and debate on these articles.

Ms. Goldstone commended Mr. Renshaw for tackling a big issue in his first year, acknowledging that it was a Select Board request to address this issue in an objective way. She then said she would like this article to be pulled from the warrant. She said she has the same problem about the short-term rental working group but knows there has been extensive public input and consensus on that process, so she is more likely to get on board with that. She said more time is needed to assure that this is the Board's best work before it goes on the warrant.

Mr. Brown said he tends to agree with that. He said it seemed rushed because the Board did the entertainment license with the caveat that this would be forthcoming. He asked if it would hurt us to hold it.

Mr. Renshaw said there is no urgency and apologized for trying to rush this through a process he is relatively new at. He said it would be a challenge to site a future pickleball complex without an objective standard, so it potentially delays that project.

Barbara Schneider (public comment) – said she appreciated the work done by staff because a sound bylaw is necessary for CPA funding – suggested taking another one or two months to do the necessary work on this and get it on the next warrant along with the plan for the new complex because now we can defend the position – said they are working to get more courts and save the courts we have, including the private ones.

Motion by Ms. Goldstone: To adopt the warrant with the removal of Article 34 Second: Mr. Mascali

At this point, Mr. Renshaw pointed out that there would be an amendment to Article 19 regarding the parcels, which Town Counsel then briefly explained.

Amended motion by Ms. Goldstone: To adopt the warrant with the omission of Article 34 and amendment of Article 19 to reflect that there are two parcels to be disposed or otherwise conveyed at 0 West Falmouth Highway Second: Mr. Mascali Vote: Yes – 4 No – 0

CONSENT AGENDA

1. Licenses
    a. Consider approval of an application for a Special One-Day All Alcoholic Beverages License – Boston Society of Landscape Architects, Inc. to be exercised at AutoCamp Cape Cod located at 836 Palmer Avenue, Falmouth – Tuesday, 9/17/24 from 3:00 p.m. to 9:00 p.m.

2. Administrative Orders
    a. Consider approval of the appointment of John Dillon as the Cape & Islands Veterans Outreach Center (CIVOC) representative to the Veteran's Council Committee

    b. Consider granting permission to withdraw $500.00 from the Beach Donations account #28-632-5655-4830 for the Dr. David Garber "Dare to be Great" award given to a lifeguard during the annual banquet

    c. Consider granting permission to withdraw $7,876.80 from the Beach Donations Account (28-632-5655-4830) to fund the Beach Department's Staff Awards Banquet, which was held at the Flying Bridge on Wednesday, August 14.

    d. Consider the acceptance of the New England Endurance Events' Falmouth Sprint Triathlon '24 donation

    e. Consider appointing a temporary Registrar in the event that an existing Registrar is unable to fulfill their duties during the Recount for the Office of Senator in the General Court in the Republican State Primary on Thursday, September 12, 2024

Michael Palmer, Town Clerk and chairman of the board of registrar of voters, said they were anticipating an order to recount the Republican State Senate District Plymouth and Barnstable Counties to be held on Thursday the 12th. To comply with regulations, a full complement of the board of registrars is needed to sit in judgment of any challenged ballots. He suggested Catherine O'Brien Bumpus as the temporary registrar for the recount.

Motion by Mr. Brown: To appoint Catherine O'Brien Bumpus as the temporary registrar of voters
Second: Mr. Zylinski Vote: Yes – 4 No – 0

Motion by Mr. Brown: To move the Consent Agenda as narrated Second: Ms. Goldstone
Vote: Yes – 4 No - 0

TOWN MANAGER'S SUPPLEMENTAL REPORT
None

SELECT BOARD REPORTS
Ms. Goldstone reported on the following:

- Attended the first meeting of the newly re-named DEIB committee last week

Mr. Mascali reported on the following:

- Attended the Bike and Pedestrian Committee meeting

Mr. Brown reported on the following:

- Attended Don Lincoln's retirement
- Attended Joe Olenick's retirement
- Met with Lt. Governor Driscoll recently

ADJOURN
Motion by Mr. Mascali: To adjourn Second: Ms. Goldstone Vote: Yes – 4 No - 0

Respectfully Submitted,
Carole Sutherland, Recording Secretary