

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, SEPTEMBER 23, 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.

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: Peter Johnson-Staub, Assistant Town Manager; Maura O’Keefe, Town Counsel

6:00 p.m. - OPEN SESSION

EXECUTIVE SESSION

1. M.G.L. c. 30A sec. 21(a)(2) - to conduct contract negotiations with non-union personnel (Town Manager)

Motion by Mr. Zylinski: To enter into Executive Session per M.G.L. c. 30A sec. 21(a)(2) - to conduct contract negotiations with non-union personnel (Town Manager) where discussion in an open session would have a detrimental effect on the litigating position of the Town.

Second: Mr. Brown

Roll Call Vote: Taylor – aye; Zylinski– aye; Mascali - aye; Goldstone – aye; Yes – 5 No – 0

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

Recognition: Mr. Brown recognized the Cape Cod Commission’s OneCape Summit.
Mr. Mascali recognized the 16th annual Cape Cod Bocce Tournament.

Announcements: Mr. Zylinski announced that he would use a time keeping device during the meeting, leading to some light beeping.

Public Comment:

None at this time.

COMMITTEE INTERVIEWS

250th Anniversary Task Force – Sandra Stosz

Motion by Mr. Zylinski: To appoint Sandra Stosz to the 250th Anniversary Task Force.
Second: Mr. Mascali Vote: Yes – 5 No – 0

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

Licenses

- a. Consider approval of an application for a Special One-Day Wine & Malt Beverages License – West Falmouth Library – Wine Tasting – October 9, 2024, from 6:00 pm to 8:00 pm
- b. Consider approval of an application for a Special One-Day Wine & Malt Beverages License – West Falmouth Library – Community Tree Lighting – December 6, 2024, from 6:00 pm to 7:30 pm
- c. Consider approval of an application for a Special One-Day Wine & Malt Beverages License – Falmouth Theatre Guild for performances of A Day in the Life on Friday, September 27, 2024, from 6:30 pm to 10:00 pm and Saturday, September 28, 2024, from 1:00 pm to 4:00 pm and from 6:30 pm to 10:00 pm.

Administrative Orders

- a. Consider the adoption of the Town of Falmouth’s Mission, Vision and Values Statement

Ms. Goldstone asked that this be held off the Consent Agenda.

- b. Consider approving a \$30,608.68 donation from Falmouth Together We Can to the Police Department’s donation account

Chair Taylor asked that this be held off the Consent Agenda.

- c. Consider the authorization to apply for two grants under the Natural Resource Area - Nitrogen Sensitive Area SFY2025 Grant Program

Motion by Mr. Zylinski: To approve Consent Agenda as presented, with the exception of Administrative Orders a. and b. to be held aside.

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

Administrative Orders

- a. Consider the adoption of the Town of Falmouth’s Mission, Vision and Values Statement

Ms. Goldstone stated that she believes adopting the Town’s Mission, Vision and Values Statement is important enough that it should be reviewed and adopted outside of the Consent Agenda. Also, she is unsure if the existing language matches what the Board discussed during its Strategic Planning session as it attributes to Town Staff versus the broader community.

Motion by Ms. Goldstone: To table this item to a future meeting.

Second: Mr. Zylinski

Vote: Yes – 4 No – 1, with Chair Taylor against

Administrative Orders

- b. Consider approving a \$30,608.68 donation from Falmouth Together We Can to the Police Department's donation account

Chair Taylor stated that she would like this to accurately reflect the donation amount of \$30,608.94.

Motion by Mr. Zylinski: To approve Administrative Order b. as amended, to reflect the correct donation amount of \$30,608.94.

Second: Ms. Goldstone

Vote: Yes – 5 No – 0

MINUTES – *The Board took up this agenda item at this time.*

Review and vote to approve minutes of meetings

- a. Public Session – September 9, 2024

Motion by Mr. Zylinski: To approve the meeting minutes of September 9, 2024, as presented.

Second: Mr. Brown

Discussion:

Ms. Goldstone noted a spelling error.

Mr. Zylinski withdrew his previous motion.

Motion by Ms. Goldstone: To approve the meeting minutes of September 9, 2024, as amended.

Second: Mr. Brown

Vote: Yes – 4 No – 0 Abstain – 1, Chair Taylor

Mr. Brown recognized the Fire Department and Coast Guard for the 9/11 Memorial ceremony.

BUSINESS – *The Board took up this agenda item at this time.*

Discuss the establishment and promulgation of a late fee of \$50.00 for annual renewal of all On-Premises Restaurant, Club, and Innholder Licenses and Off-Premises Package Stores

Mr. Johnson-Staub explained that this request is to consider a late fee for establishment of these licenses. Some establishments tend to submit these late. For example, in 2022, 56% of 95 renewing licenses remained incomplete in the last week of the calendar year. Work is being done to allow these to be completed online. Email and postal service remainders are sent weekly

beginning in September. Other towns have similar late fees. The Town does not have the ability to extend these beyond January 1 but tries to allow for leniency.

PUBLIC HEARINGS

1. Shade Tree Hearing – on application of the Town Engineer for the removal of 1 Acer rubrum (Red maple) to accommodate construction of an upcoming sidewalk at 31 Old Dock Road, North Falmouth

Chair Taylor asked that the Board consider continuing this item as the agenda reads “31 Old Dock Road, North Falmouth,” and it should be corrected to read “31 Old Dock Road, West Falmouth.”

Motion by Mr. Zylinski: To continue the public hearing until October 7, 2024.

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

2. Wetlands/Dock Hearing – Eric and Sabina Hamre – application to construct a fixed pier that will extend approximately 76 feet seaward of mean high water into Green Pond, located at 218 Acapesket Road, East Falmouth (rescheduled to October 7, 2024)

Chair Taylor stated that this item was improperly noticed in the newspaper and needs to be continued.

Motion by Ms. Goldstone: To continue the public hearing until October 7, 2024.

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

BUSINESS

Discuss vehicle idling concerns at the Steamship Authority’s Woods Hole parking area with Board of Health members

George Heufelder, member of the Board of Health, explained that the Board of Health has heard health concerns from the public for the last two years regarding the operation of the Steamship Authority’s parking lot. The Board of Health had heard that the public would like research done on this item and is requesting Select Board enforcement of idling laws for vehicles at this time. There is little enforcement at this time, and this could be addressed using Embarkation Funds.

Police Chief Lourie stated that the Department is still a bit light on staffing with regard to call volume. The Department will try to speak to some of the trucking companies regarding education on enforcement of this item. A meeting will also be set up with the Steamship Authority to consider signage and education. He would prefer a foot officer in this area and on Main Street to help with any issues.

Bob Morris, 45 Quissett Avenue, stated that there is an existing sign stating that heavy trucks should shut off their engines, but this is the wrong message. The easiest way to get the word out to truckers is to ticket some of them. This is a high impact area and enforcement is needed.

Report – Recreation Committee

Robert Brown, Chair of the Recreation Committee, gave a brief report on the Committee's activities.

Mr. Johnson-Staub explained that there is currently one vacant position budgeted for the Recreation Department, and the Town Manager has recently approved to fill the position.

Consider the approval of Falmouth Affordable Housing Fund Application – 545 Main Street, Bushwood 545 Main Street, LLC (Michael Galasso)

Mr. Johnson-Staub explained that this request is for 30 deed-restricted units funded by the Town, eight at 80% area median income, and 14 at 120% area median income. The Town Manager's recommendation is three at 100% and 11 at 120%. The applicant initially requested \$2.1M for land acquisition and the Town Manager recommended \$250,000. This recommendation went to the Community Preservation Committee and voted to recommend the full \$2.4M amount but did not act on the timing of the request and asked that the working group work further on this item. The Town Manager's recommendation, informed by the working group, was made based on the fact that funding for land acquisition from this fund is a new consideration. Providing funding this early in the process involves risk, and the timing for the investment is also of concern. The Town Manager is recommending the full \$2.4M with the only discrepancy from the original request being the timing.

Michael Galasso, applicant, explained that the proposed timing will leave a large gap in funding to close on the acquisition of the property. He requested \$850,000 from the Town for this portion of the project. If Article 15 passes at Town Meeting, 37 units will be lost from this project. He is racing to get the building permit and start construction by June 20th.

Ms. Goldstone stated that there seems to be an imbalance between the amount that is being contributed by the equity partners to the acquisition and what the Town would be contributing. She noted that the Board amended the rules for the Affordable Housing Fund so that it could also contribute to permitting and design. She suggested an amendment allowing less for the acquisition if more equity from the partners could be contributed into the acquisition, while allocating some from the Affordable Housing Fund for permitting and design. This may make the contributions by the Town and the equity partners more equitable. Mr. Johnson-Staub stated that he does not believe this would make a significant change in terms of the Town's risk. The issue appears to be risk tolerance.

Mr. Johnson-Staub stated that the pro forma sources and uses for the entire \$17M project shows a developer's cash equity of \$250,000. He asked about the money the developer spoke of putting into permitting and design. Mr. Galasso stated that this is shown as part of the equity from the sale of the historic tax credits.

Motion by Mr. Mascali: To table this item to the next meeting, October 7, 2024, and request that the applicant continue discussion with the Town Manager's Office.

Second: Mr. Brown
against

Vote: Yes – 3 No – 2, with Chair Taylor and Mr. Zylinski

Consider the approval of Falmouth Affordable Housing Fund Application – 48 Benjamin Nyes Lane, Habitat for Humanity of Cape Cod

Mr. Johnson-Staub stated that Habitat for Humanity is partnering on a land acquisition that involves open space and affordable housing. The request is for \$1.5M which would result in 14 single family homes, deed-restricted at 60% of area median income and 80% of area median income. The Town Manager's recommendation is to support the full amount, but with \$250,000 for land acquisition and the balance for construction.

Mr. Mascali asked if the Town Manager's recommendation would allow the project to move forward. Beth Wade, Director of Land Acquisition from Habitat for Humanity, stated that it will. This will only lead to an internal issue as to how to rejigger the funding for the acquisition. Habitat for Humanity is confident that the gap will be able to be filled. The group is planning a public meeting regarding the project on October 9th.

Motion by Mr. Zylinski: That the Select Board, acting as the Trustees of Falmouth Affordable Housing Fund, award \$1.5M to Habitat for Humanity of Cape Cod for the creation of affordable housing at 48 Benjamin Nyes Lane, to be awarded as a 0% interest loan secured by a mortgage on the property, of which \$250,000 will be awarded for the land acquisition and \$1,250,000 for the construction of 14 affordable deed-restricted homes for ownership on land located at 48 Benjamin Nyes Lane, and to authorize the Town Manager to execute the documentation setting forth the terms of the financial award to Habitat for Humanity of Cape Cod.

Second: Mr. Brown

Vote: Yes – 5 No – 0

Consider the approval of Falmouth Affordable Housing Fund Application – 7 Alderberry Lane, Falmouth Housing Trust

Mr. Johnson-Staub explained that this request is for \$150,000 towards the purchase of a deed restriction for an existing single family home. This is a cost effective approach to take an existing house and convert it into an affordable unit. Precedent for this has been set by the Falmouth Housing Trust.

The Board expressed support for this proposal.

Motion by Mr. Zylinski: That the Select Board, acting as the Trustees of Falmouth Affordable Housing Fund, motion to grant \$150,000 to the Falmouth Housing Trust for the property located at 7 Alderberry Lane that will be deed-restricted at 120% of the area median income and authorize the Town Manager to execute the documentation setting forth terms of the financial award the Falmouth Housing Trust.

Second: Mr. Brown

Vote: Yes – 5 No – 0

Request for variance to Sign Code §184-25: Freestanding sign, §184-18 C: Measurement, and §184-32: Off-Premises sign – Woodwell Climate Research Center, 149 Woods Hole Road

Ms. Goldstone recused herself from this item.

Gina Hebert, Director of Operations and Board Regulations at Woodwell Climate, explained that the center has continued to grow in scope and employees. The intention is to increase visibility and improve the brand. A new road sign would better communicate the brand to the millions that pass by the location each year.

The Board reviewed the proposed dimensions of the sign and noted that it seems reasonable due to the curve of the road in this area.

Motion by Mr. Brown: To approve the applicant's request for a variance to Sign Code §184-25: Freestanding sign, §184-18 C: Measurement, and §184-32: Off-Premises sign – Woodwell Climate Research Center, 149 Woods Hole Road, as presented.

Second: Mr. Zylinski

Vote: Yes – 4 No – 0

Ms. Goldstone retook her seat.

Joint Base Cape Cod (JBCC) Joint Oversight Group (Base Commanders) Brief

Chris Faux, Executive Director of Joint Base Cape Cod (JBCC) gave a brief update and noted that a proof of concept for an organic composting location on the Base is being considered.

The Board asked questions regarding the machine gun range. Chair Taylor stated that this is a major concern for the Town, including the environmental impacts on the sole source aquifer. She asked if the EPA would participate in a meeting on this item with the National Guard. Director Faux stated that he will find out answers on this item for the Board.

Rosemary Cary, Precinct 5, stated that the Upper Cape water supply reserve was established to set aside 15,000 acres for the protection and coordinated management plans for water supply, wildlife habitat, open space protection, and all activities consistent. The land was set aside to be a resource for the towns of Falmouth, Bourne, Sandwich, and Mashpee, which have suffered greatly over decades of pollution from the Base. Allowing the water supply to remain intact will allow for clean drinkable water to be available to the citizens of Falmouth for perpetuity. It is the duty of this Board to do everything in its power to protect the water. The US EPA issued a preliminary report concluding that the gun range is not compatible with military activities because it may contaminate the sole source aquifer and create a significant public health hazard. Yet while awaiting the final determination from the EPA, the Guard is moving ahead with plans to construct a smaller gun range, paying no regard for the EPA study or for Governor Healey's Environmental Management Commission. If the guard receives its funding, by the end of this month, they plan to complete the clearing of the area including 170 acres, build three of the eight lanes, build a tower, and other buildings. They also intend to come back and build the rest when there are additional funds. The Guard is not respecting the Governor's Commission or the concerns of the public.

Sandy Faiman-Silva, Precinct 2, expressed concern about this particular issue with respect to the use of these 15,000 acres. The reports on this item are highly sanitized. The uses of these acres were mandated to be compatible with environmental concerns of water and wildlife protection. There is only one change to protect the water and wildlife. Cancer should be another consideration.

Report – Cape Light Compact update on next three-year plan

Maggie Downey, Cape Light Compact, reviewed the plan and updated the next three-year plan.

Reconsider 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

Mr. Johnson-Staub reviewed changes made to the lease since the first draft was submitted to the Board, including to require that the private operator fulfill the minimum capital spending requirement within the first ten years, to reduce base rent from \$500,000 to \$400,000, to increase the revenue share threshold from \$1.4M to \$1,750,000, and to include a provision that gives the Town the right to install a collection tank for treated wastewater in the unlikely event that all of the preferred alternatives are not successful. In summary, it is believed these lease terms will meet the Town's financial requirements to cover debt and will generate funds for the Town that can be used to pay back the general fund for prior year golf course costs not supported by golf revenues. These financial terms will also generate a surplus that can be invested in capital improvements at the golf course at the Town's discretion through the capital planning process with the Select Board, Finance Committee, and Town Meeting review.

The Board discussed potentially opening up the revenue share threshold model in order for there to be further conversation with different business owners/operators. There was concern expressed with the proposed 2% accelerator every year being dependent on revenues exceeding 2%. It was noted that diluting the variables makes the contract very complex. Keeping this item simple will allow for a fairer and more legitimate bid process overall.

Bob Young, Precinct 5, expressed concern with slashing the base rent to an amount that is too low. He suggested this be increased to approximately \$450,000. The Town's revenue share will be impacted by increasing the share threshold. The Town should have an investment in this property. Mr. Johnson-Staub stated that the Town will need to invest in the asset, but a commitment to that amount does not need to be made in this lease.

Motion by Mr. Zylinski: That the Select Board declare the Falmouth Country Club property at 630 Carriage Shop Rd. as surplus and move that the Select Board authorize the Town Manager to execute and issue a Request for Proposals to lease the Falmouth Country Club at 630 Carriage Shop Rd. to a private operator as presented, with any technical corrections and revisions deemed necessary.

Second: Mr. Brown Vote: Yes – 4 No – 1, with Mr. Mascali against

Presentation of Petition Articles for November 2024 Town Meeting

- a. Present Petition Article #20 – Authorize disposition of 0 West Falmouth Highway for affordable housing – Addie Vaccaro Drolette

Addie Vaccaro Drolette, Precinct 9 and President of the Housing Trust, addressed Petition Articles #20, #21, and #22.

- b. Present Petition Article #21 – Authorize disposition of 21 Pheasant Lane for affordable housing – Addie Vaccaro Drolette

As previously presented.

- c. Present Petition Article #22 – Authorize disposition of 20 Brigantine Drive for affordable housing – Addie Vaccaro Drolette

As previously presented.

- d. Present Petition Article #23 – Fund urine diversion pilot project – Matt Patrick, Ron Zweig, Hilda Maingay, Earle Barnhart, and Green Center, Inc.

Earle Barnhart presented Petition Article #23.

Consider the adoption of the FY26 Operating Budget Policy

Mr. Johnson-Staub presented the proposed FY26 Operating Budget Policy.

Motion by Mr. Zylinski: To adopt the FY26 Operating Budget Policy document, as presented.

Second: Mr. Brown

Vote: Yes – 5 No – 0

TOWN MANAGER’S SUPPLEMENTAL REPORT: None at this time

SELECT BOARD REPORTS

- Ms. Goldstone stated that she attended the public meeting on the Downtown Parking Study.
- Chair Taylor noted a letter from the School Committee and Superintendent regarding universal childcare and repurposing the Morse Pond School.

ADJOURN

Motion by Mr. Mascali: To adjourn at 9:35pm.

Second: Mr. Brown

Vote: Yes – 5 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary