

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Open Meeting Minutes**  
**MONDAY, OCTOBER 7, 2024 – 6:30 P.M.**  
**LAWRENCE SCHOOL AUDITORIUM**  
**113 LAKEVIEW AVENUE, FALMOUTH, MA 02540**

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

Select Board:

Present: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone

Absent: None

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Town Counsel Maura O’Keefe

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

Call to Order: By Chair Taylor

Pledge of Allegiance: Led by Select Board

Proclamation – Indigenous Peoples Day:

Mr. Mascali read out the proclamation as contained in the Select Board packet in its entirety, concluding with “**That the Town of Falmouth Select Board affirm the 2<sup>nd</sup> Monday in October, 2024, as Indigenous Peoples Day in Falmouth**” **Mr. Brown offered a second. Vote: Yes – 5 No – 0**

Mr. Mascali offered to read and present the proclamation on Indigenous Peoples Day, 10/14, at Peg Noonan Park.

Recognition: Ms. Goldstone recognized the Old Ladies of Underwater Garbage and the work they do.

Announcements: Mr. Brown announced upcoming meetings of the Cape and Islands Municipal Leaders Assn. in Wellfleet, the MMA update on items of concern on 10/18, the T3C presentation of the plan for the 57 acres of land in North Falmouth, meeting of the League of Woman Voters on 10/16 with candidates, and the East Falmouth Village Assn. discussion with candidates.

Public Comment:

Molly Cornell with the Falmouth Gun Safety Coalition – thanked police chief for job he’s doing – said their concern is what happens to retired police handguns that remain after officers buy back their own weapons – supports decision to have surplus guns destroyed – said used police guns make their way back into the stream of easily accessed guns in America – said they wish it would become permanent policy in Falmouth.

Susan Bonney, Loop Road – said the Falmouth Gun Safety Coalition has collected about 460 to 470 signatures on a petition that they presented to venues around Town (left copies of petition with the Board).

At this point, Chair Taylor said she would be taking **Business 9** out of order.

**BUSINESS**

Consider establishing a Police Station Advisory Committee

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 9 - Consider establishing a Police Station Advisory Committee* in the Select Board packet. He recommended approval.

**Motion by Mr. Mascali: That the Select Board approve the charge that is in the packet along with the establishment of the advisory committee for the police station Second: Mr. Brown**

**Vote: Yes – 5 No - 0**

**PUBLIC HEARINGS**

Mr. Renshaw announced that the postings for the 4 public hearings were for Town Hall, and that based upon anticipated crowd size, the decision was made to move to the Lawrence School after those postings. He said Town Counsel advised that someone run over to Town Hall to post the changed location on the door. Mr. Johnson-Staub left the meeting to perform this duty.

Chair Taylor said the meeting would resume with BUSINESS.

## **BUSINESS**

### Update – Future Vision of Falmouth Public Schools

Chair Taylor commented that this item is an update on the superintendent's yearly presentation to the Select Board. She made it clear that no vote would be taken. She said that the Board does not have a vote on what the school committee does.

Superintendent Lori Duerr and Paul Dart, Director of Finance and Operations, presented information regarding the current use of various school facilities, future challenges, and proposed plans and options on approximately 29 screens. Building needs and renovation timelines, student enrollment, and birth rates were part of the data contained in the report.

Mr. Brown asked how all the kids from Teaticket would fit into East Falmouth. Dr. Duerr agreed that it is crowded due to a decision regarding pre-K, and that if there is further expansion at East Falmouth, more room will definitely be needed. She went on to offer possible ways that overcrowding could be alleviated, such as the use of portables or delayed implementation of Plan 1. Mr. Brown asked if there were pressure on the timeline due to a grant. Dr. Duerr said there has been confusion surrounding this issue, that no planning grant was received for early childhood, and that there is no rush connected with that. Mr. Brown said in the survey he saw no options for "if," only "when." Dr. Duerr said that all 5 proposals would be considered independent of each other by the building committee before they make a recommendation. Mr. Brown asked again about the possibility of not closing Teaticket if the community objected to it. Dr. Duerr said none of the proposed plans was predetermined, and that she could not speak to whether the building needs committee would consider that an option or not.

Mr. Mascali said his question was answered, that the building needs committee would be involved in all 5 plans.

Ms. Goldstone asked about the birth rates and declining enrollments, and if the proposals would stand up to higher levels of enrollment if progress were to be made on the housing issue. Dr. Duerr said she believed they would, but that, according to experts, enrollment would likely not reverse into upward movement. She said they would be able to study enrollment into the future. Ms. Goldstone clarified the timeline for taking Morse Pond off-line would not be until the renovation of Lawrence. Mr. Dart gave information about what a renovation of Lawrence would entail.

Chair Taylor asked if the 6-7-8 middle school model had been considered. Dr. Duerr said it was one of the options and that it could be accommodated at Lawrence.

Public comment: (Chair Taylor announced the upcoming public forums on this issue.)

Gina Polanza – said Gov. Healey has just approved accessory dwelling units, which would open up opportunity for accommodating a younger population – said we are not seeing the effects of the housing efforts yet – asked the Town to work together – said the affordable housing plans and this school plan would create trouble for the Town if they both succeed – asked again for collaboration in this process.

Raquel (no last name given) – said she has a first grader at Teaticket – spoke to the increasing needs of special needs students, many of whom are at Teaticket – said state and federal laws mandate that children be in the least restrictive environments, which would be smaller class sizes.

Marc Finneran – asked how the kindergarten enrollment rate could drop by 50% according to one of the graphs. Chair Taylor said they would get that answer for him.

At this point, Chair Taylor said the meeting would move into **PUBLIC HEARINGS**.

## **PUBLIC HEARINGS**

### Fee Hearing – Discuss and vote proposed \$50.00 late fee for annual renewal of all liquor licenses effective November 1, 2024

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Hearing 1 - Discuss and vote proposed \$50.00 late fee for annual renewal of all liquor licenses effective November 1, 2024* in the Select Board packet. He recommended approval.

Ms. Goldstone asked why the fee was not the same as the late fee for common victualler and other licenses, which is \$200. Mr. Renshaw said the late fee was set to send a message but not to be onerous. Mr. Brown asked if the \$50 late fee would be enough to change behavior and said it would make sense if it were the same.

Public comment: None

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

Mr. Brown asked what the negatives would be to go with \$200. Mr. Renshaw said it could be raised. He said there were no real benchmarks to use on this issue and that \$50 was proposed due to its being new. Mr. Mascali suggested a middle amount, say \$100.

**Motion by Mr. Mascali: To approve the late fee of \$100 for annual renewal of all liquor licenses effective November 1, 2024, with some way of getting notification out to people that this will happen effective November 1      Second: Mr. Brown      Vote: Yes – 5    No - 0**

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. Mr. Zylinski read out the hearing notice.

Michael Borselli from Falmouth Engineering represented the applicant, Eric and Sabina Hamre. He summarized the details of the application as contained in the Select Board packet, using a site plan of the proposed dock projected on a screen. He said if the project were approved, the applicant would proceed to the state for a Chapter 91 license. He said the project is similar to other piers he has presented to the Board.

Public comment: None

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

**Motion by Mr. Brown: To approve the application submitted by Falmouth Engineering on behalf of Eric and Sabina Hamre to construct a fixed pier that will extend approximately 76 feet seaward of mean high water into Green Pond, located at 218 Acapesket Road in East Falmouth as presented**

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

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, West Falmouth, continued from September 23, 2024

Mr. Zylinski read out the hearing notice.

Jeremiah Pearson, Falmouth Tree Warden and Parks Superintendent, explained his opinion supporting the removal of the tree as contained in a memo in the Select Board packet. He advised that Peter McConarty, DPW Director, speak further to the scope and history of the project. Mr. McConarty provided details of the sidewalk in the area on Old Dock Rd. that was to have been included in two previous projects going back to 2009. He said the project would now include tree replacements.

Mr. Mascali asked Mr. Pearson if the tree were to be removed due to pedestrian safety or future health of the tree from construction impact. Mr. Pearson explained that the tree would suffer impact from removing anchor roots and the sidewalk would go through a critical root zone. He said the tree could fall over in a wind storm and the town would be liable for damage to anyone's home. Mr. Mascali asked if the sidewalk could be done safely and properly if the tree were not removed. Mr. McConarty provided details of the sidewalk construction that would result in root damage to the tree.

Ms. Goldstone asked if the grass buffer could be reduced to allow the sidewalk to be constructed farther away from the roots of the tree. Mr. McConarty said that a 3-foot buffer is required, but a 5-foot buffer would allow replacement trees to grow better. He said whether it's a 3-foot or 5-foot buffer, it would still be in the critical root

zone of the tree. Ms. Goldstone asked about a vertical buffer. Mr. McConarty said that that would mean a granite curb, and then detailed the problems that would result from that option. He said the roots of the tree would still be affected.

Mr. Zylinski noted what often happens when attempting to save maple trees and that the roots can migrate and lift the asphalt. Mr. McConarty said with this type of tree, no matter what methods/materials are used for sidewalk construction, roots often lift up the sidewalk.

Mr. Brown asked for clarification about the photograph of the tree in the packet in terms of its surroundings. Mr. Pearson explained the details of the photo. He also reiterated that a red maple is a shallow-rooted tree and what is likely to happen when its root system is altered.

Mr. Renshaw said that Town Planner Jed Cornock has reviewed this application and said that this is a designated scenic road and that the planning board will have to hear this issue as well. A hearing is scheduled for 10/22.

Ms. Goldstone asked that in the future, clearer photos of an affected area in an application be provided to the Board.

Public comment:

Dan Shearer, Old Dock Rd. – said the gorgeous tree is 200 years old – said we need the sidewalk so the tree has to go – asked how a grass strip could be put along a sidewalk all the way down to the dock – said after you cross the street and go along the side you have about 5 feet – said he has been told there is no written plan yet.

Mr. McConarty said they plan to shift the road a little further over down by the dock to be able to put a sidewalk in down there. He said it might not be 5 feet wide but would be 4 feet to be able to get from the parking lot down to the dock. He gave further details of where the sidewalk would cross the road and continue to the boat ramp. He said the goal is to make this into a safety zone.

Mr. Brown asked about what would be included in this project; Mr. McConarty provided details about the sidewalk construction and which components have been added on to the original project. He said this is a basic sidewalk construction.

Mr. Zylinski sought and received clarification from Mr. McConarty that it would be ADA compliant.

Public comment:

Barbara Schneider, Precinct 4 – said the same discussion occurred during sidewalk construction on Davisville Rd. – said the Town took the time to put different surfaces on the sidewalk depending upon the needs of the tree roots – said the brick sidewalk is in the best condition of the remaining sidewalks (Mr. Zylinski disagreed with this assessment) – suggested putting bricks over this one area to try to save the tree for a while.

Mr. McConarty said, due to ADA compliance regulations, that brick sidewalks can pose tripping hazards due to uneven surfaces when deterioration occurs and bricks lift out.

Public comment:

Dan Shearer – asked if we have to have the grass strip – said the road look wouldn't change and more decent trees can be planted – said it could be done on the inside and still have the 4-foot sidewalk.

Jeremiah Pearson said even without the grass strip, the roots would still be disrupted at a critical level. He said replacement trees would be about 12 feet tall.

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

Mr. Brown said that the DPW director and tree warden have made a strong case that the tree cannot be saved.

**Motion by Mr. Brown: To approve the application of the Town Engineer for the removal of one Acer rubrum (Red Maple), contingent upon Planning Board written consent following its October 22 hearing, to accommodate construction of an upcoming sidewalk at 31 Old Dock Road, North Falmouth, to include the planting of three new suitable trees no less than 2 inch caliper to replace the removed tree**  
**Second: Mr. Zylinski**

Mr. Mascali asked what would happen if the planning board does not approve the application. Mr. Renshaw said if that were to happen, the Board's vote would be null and void.

**Vote: Yes: 4 No – 1 (Ms. Goldstone)**

Application for One-Day, Sunday Entertainment License – Shipwrecked – Falmouth in the Fall Road Race After Party – Shipwrecked/The Heights Hotel parking lot, 263 Grand Ave. – Sunday, November 3, 2024 – 10:00 a.m. to 6:00 p.m.

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Hearing 4 - Application for One-Day, Sunday Entertainment License – Shipwrecked – Falmouth in the Fall Road Race After Party – Shipwrecked/The Heights Hotel parking lot, 263 Grand Ave. – Sunday, November 3, 2024 – 10:00 a.m. to 6:00 p.m.* in the Select Board packet.

Mr. Brown noted the letter from the owner explaining all the innovative things he had done to mitigate sound on the property. Ms. Goldstone said it was great to see a fall road race event getting similar treatment that the summer road race does.

Public comment: None

**Motion by Mr. Brown: To close the hearing Second: Ms. Goldstone Vote: Yes – 5 No – 0**

**Motion by Ms. Goldstone: To approve the one-day entertainment license as submitted for Shipwrecked-Falmouth in the Fall Road Race After Party – Shipwrecked/The Heights Hotel parking lot, 263 Grand Avenue – Sunday, November 3, 2024 – 10:00 a.m. to 6:00 p.m. Second: Mr. Mascali**  
**Vote: Yes – 5 No – 0**

At this point, Chair Taylor said the Board would return to the BUSINESS section of the agenda.

## **BUSINESS**

Update – Outfall data collection and permitting project – Amy Lowell, Wastewater Superintendent

Ms. Lowell said she would update the Board since a report in November 2023. Her summary, covering approximately 8 screens, included information on establishing a regulatory review team, the baseline monitoring program in Nantucket Sound, results from the USGS evaluation of the effects of an outfall on the aquifer, the permit process for marine soil borings, that the Inter-Basin Transfer Act does not apply to Falmouth, and the outfall schedule. She said that the goal of the outfall project is water quality improvement.

Chair Taylor said it would be helpful to have the report; Ms. Lowell said she would send it to the Board.

Mr. Mascali asked about the transfer act information and if there is an interest in other towns' possibly doing it. Ms. Lowell said that this is a complex project and allowing the connection of other towns would make it much more complex in many different ways. She said the inter-basin transfer is not completely prohibited, but it is a big hurdle. Mr. Mascali asked if other towns had approached Falmouth about the outfall. Ms. Lowell said there had been no formal approach or request, although she said there had been a meeting with Mashpee and Sandwich recently and after her summary of Falmouth's process, she was asked, "Hey, can we tie in, too? Is that a possibility?" She said she then provided them with the same answer that she had just reported to the Board: that is not the project we are pursuing right now.

Mr. Brown concurred with the complication inter-based transfer would create. He said Mashpee was understanding of the answer they received and is pursuing their own plan for water quality.

Ms. Goldstone asked if the permitting process allows for any growth in flow demand as we think about housing and increased density on the sewer. Ms. Lowell provided TMDL and water use data supporting the fact that the plans for the sections of Falmouth they are targeting take significant growth into account. She said they are working toward a 2 million gallon per day outfall.

Mr. Brown asked if that number could change as the project proceeds. Ms. Lowell said that there has been discussion about that number. She said that the project hasn't been designed or permitted yet, but they have been saying 2 million gallons per day in their work so far. Mr. Brown said he just wants to be sure there is capacity for the future. Ms. Lowell said the number does allow for a lot of additional sewerage. She said the plan allows for quadrupling what the Town is currently sewerage.

#### YMCA aquatic center project status update and discussion on a draft assignment of groundwater discharge rights agreement

Dennis Ducharme from the Cape Cod YMCA, accompanied by Kevin Klauer and David Antonucci, presented the report containing approximately 9 screens of information, including information about site selection, design and capital campaign, early project development, land credit contribution, groundwater discharge rights, regulatory process, and final project development.

Mr. Mascali asked about the reception of the neighbors at the new development adjacent to it. Atty. Klauer said they haven't been that engaged with the developer, but there has been no negative feedback at any level of permitting. Mr. Mascali commented that he had never seen a project this big and this involved go through the Cape Cod Commission so quickly, so he thinks they are on the right track.

#### Public comment:

Frank Shorter – said he and his 10 siblings grew up in a very abusive situation in upstate New York in a town with a YMCA – said the YMCA was his sanctuary – said he spent a great deal of time from the time he was 9 until he went to prep school at the YMCA – said he looked for mentors – provided details of how health programs got started – said the YMCA instilled him with this motivation – said the YMCA will provide health education for kids as it did for him – said you need a pool to learn to swim – would love to have a YMCA close to home – is willing to contribute his sweat equity to make it happen.

#### Report – Shellfish Advisory Committee

Peter Chase, chairman of the shellfish advisory committee, provided the Board with an update on the committee's activities, referring to a report included in the Select Board packet. Information included a pilot project for quahog propagation, changes to shellfish regulations, and an invitation to reach out to the committee with questions or ideas.

#### Report – Waterways Committee

Joe Voci, chairman of the committee, began the report by paying tribute to Mike Kenny and Chuck Eastman, members who had recently passed away and would be greatly missed. The report included information on issues connected with navigating the channel into Waquoit Bay, dredging, increased costs of dredging and disposal in Waquoit Bay, widening the inlet into Eel River and all related complexities, Green and Great Ponds dredging, and Falmouth Harbor dredging. The status of boat ramps and docks at Eel Pond, Simpson Landing, Great Harbor, West Falmouth, and Wild Harbor, and dredging and docks at Megansett were also included in the report.

Ms. Goldstone asked if the chemical analyses of the dredge spoils were available on the website. Mr. Voci said he could do that, but basically, it's too fine a material (mud) and is not well received in a lot of areas. He said there might be a little question about chemicals, but it's more the grain size.

Mr. Brown said he would like the Board to draft a letter to DCR to advocate for the modification to the Washburn Island spit to address the public safety hazard there. He said he would like a draft letter on an upcoming agenda.

#### Acting as Trustees of the Falmouth Affordable Housing Fund, reconsider Application from Bushwood 545 Main Street, LLC - Michael Galasso for \$2,400,000 for 30 units of rental housing located at 545 Main Street

Michael Galasso was present. Chair Taylor said the Board would begin with questions.

Mr. Brown noted that the new target figure of \$465,000 for acquisition seemed to be a figure that worked for Mr. Galasso.

Chair Taylor reviewed what Mr. Galasso had said at previous Select Board meetings regarding financing. First, that he had said he could continue to work if he did not get the \$850,000, but it would make it easier if he got the higher amount. Mr. Galasso said that was correct. Second, Chair Taylor said that at the last Board meeting, Mr. Galasso

told them about a Mass Development 80% loan guarantee program. Mr. Galasso said that was correct. Chair Taylor then said that if he had obtained the 80% loan, he would have needed only \$285,000 from the Town, and asked if this was correct. Mr. Galasso said it was correct, but clarified that it is not a loan from Mass Development. He said Mass Development would guarantee to a lender, not yet unsecured, that they will guarantee amount of a loan over 50% loan to value. He said they have a lender who has written a letter of intent for 75% loan to value. As clarification, he said again that Mass Development would not guarantee a loan but does guarantee a lender.

Chair Taylor also had a question on the bank loan of \$3,075,000 and the seller's second mortgage of \$1,000,000, and how those figures were to be used for acquisition and closing costs. Mr. Galasso stated that the Sources and Uses document laid out how the money would be used to close on the property. He said they would not use the Town's money to pay for those expenses. He said they would only use the Town's money for acquisition.

Chair Taylor continued to ask for the accuracy of numbers for real estate taxes, insurance, utilities, and interest reserve. Mr. Galasso said the numbers she stated were all correct and were included in the letter they had from Stoneham Bank. Chair Taylor asked if the \$3,075,000 loan was at 9% interest only. Mr. Galasso said that was correct. She asked if the interest for one year would be \$276,750. Mr. Galasso said that sounded correct and said the figure was in the letter of intent. Chair Taylor then asked if the bank requires that that interest reserve fund be set aside in that amount, where would the money to pay that interest come from when the year is up? Mr. Galasso said the interest reserve is included in the \$3,075,000. Chair Taylor clarified that the Town's money is not funding the interest reserve. Chair Taylor also asked about the \$1,000,000 mortgage at 8%, which comes to about \$80,000 a year, and where that comes from. Mr. Galasso said it's interest that's deferred for one year or 18 months, and is "paid out of the proceeds when we fund the whole project."

Chair Taylor then asked if the Town's \$465,000 is structured as a loan and there is a default, is the Town's interest to be third in line behind a bank and the seller? Mr. Galasso said that is correct. He also said "typically, the Town would get rights if there was a default in either the first or the second, the Town would have rights to cure those defaults if it wanted to protect its interests." Chair Taylor also asked if in the structured loan of \$465,000, the Town could charge interest of 3%. Mr. Galasso said, "Sure." Town Counsel Maura O'Keefe said that "the Town has no ability to charge interest for these affordable housing fund loans." She said the enabling act for the housing fund does not permit the Town to charge interest. The Town is not a bank, she said. Mr. Brown clarified that it can be structured as a loan but with no interest, and Town Counsel said that is correct. Mr. Galasso said that 3% interest is normal on loans provided for affordable housing projects provided by the state or town. He cited Megansett Crossing as an example. Chair Taylor said Town Counsel said that the Town is not allowed to charge the 3% interest and that is a source of confusion.

At this point, Mr. Renshaw said that he inserted bullet points in the packet based on conversations during the 9/30 meeting. He said Mr. Galasso, during that discussion, had introduced that, and he wanted it for the record that it was an opportunity, and has since learned through Town Counsel that the Town cannot do that. Nevertheless, he said, the total amount of the loan is repayable according to whatever conditions accompany it, not necessarily only in the event of default.

Mr. Mascali sought and received clarification from Mr. Renshaw that there would be further negotiations about the actual terms of the loan between the Town and Mr. Galasso.

Chair Taylor said that she was part of the FAHF working group that came to consensus twice that the \$250,000 was what they agreed upon.

Mr. Mascali commended Mr. Renshaw and Mr. Galasso for the majority consensus at the last meeting that there be some discussion about narrowing the gap between the original request of \$850,000 and the recommended amount of \$250,000. He further commented on the department recommendation in the *Agenda Item Summary Sheet – Business 6* in the Select Board packet, and the phrase "that a majority of the Board has a greater appetite for risk" describing some Board members' views. He said it is not about having an appetite for risk, but thought that the size and scope of the project warranted more than \$250,000, and \$465,000 is a better number. He said the project is worthwhile and wants to move it forward. Chair Taylor said she understood Mr. Mascali's comment, also saying that going from \$250,000 to \$465,000 is increasing the Town's risk using taxpayer money.

Mr. Brown said it would be the Board's responsibility if they did take on this additional risk. He said he is willing to do that because it is a good project. He said there could be more risk in underfunding the project than in funding it at the proper level.

Mr. Zalinski said that it isn't about underfunding the project because they all support it. He said it is more about "front end loading the purchase price." He said the Town will have more money in the purchase price than they will. Mr. Zalinski also said he is hearing from the people he talks to that they support the project but do not want to front end load the purchase price. He said the proposed quarter of a million dollars is enough for him.

Mr. Mascali said it is more about weighing the pros and cons of the project than appetite for risk. He said they have given similar amounts to projects one-third the size. He said his feeling is that the amount is warranted given the size and scope of the project and what it's going to bring to the Town. He said he will support the recommendation.

**Motion by Mr. Mascali: That the Select Board, acting as Trustees of the Falmouth Affordable Housing Fund, award \$2,400,000 to Bushwood 545 Main Street, LLC, for the creation of affordable housing at 545 Main Street, to be awarded as a loan secured by a mortgage on the property, of which \$465,000 will be awarded for the acquisition of the property located at 545 Main Street and \$1,935,000 for the construction of 30 affordable deed restricted rental units with the condition that 3 of the units deed restricted at 120% AMI be further deed restricted at 100% of the AMI and to authorize the Town Manager to execute the documentation setting forth the terms of the financial award to Bushwood 545 Main Street, LLC**                      **Second: Mr. Brown**  
**Vote: Yes – 3    No – 2 (Chair Taylor, Mr. Zylinski)**

Reconsider the Eversource Martha's Vineyard Cabling Project revised project schedule and approval of a proposed amended Memorandum of Understanding.

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 7 - Reconsider the Eversource Martha's Vineyard Cabling Project revised project schedule and approval of a proposed amended Memorandum of Understanding* in the Select Board packet.

Mr. Mascali asked if there were a way to define more objectively the term "inclement weather." Peter McConarty said that they would hold to construction standards of directional drilling. Mr. Renshaw said it has more to do with the condition of the seas than the weather per se. Mr. Mascali agreed that that would be a better standard to use. Jacob Vaught from Eversource said he knows what the limits are for his drillers, and described work situations and what is safe and not safe. He said if they need to shut down due to 4-foot seas, they do not get reimbursed. He said if there is a partial shutdown, work would be prorated.

Mr. Brown asked if there is a chance that the 24-hour approval is not needed. Mr. Vaught he would love not to need it, but said risk is the real driving factor. He said to be out by May 15, 7 days is necessary. They may be out earlier, but "hope is not a strategy." He said the 24 hours on the front side almost guarantees success. He said that with a temperate environment, they anticipate being out in April, but they have to plan for the worst.

Ms. Goldstone asked if clearing space in the parking lot affects the effectiveness of the drilling going on. Mr. Vaught said no. Ms. Goldstone then said she noted that in many aspects of the MOU, the Town has taken steps back, such as the request to go to 7 days, and now it has to be 7 days, and 24 hours a day for a month, and might still need additional 24-hour operation. She said she appreciates the additional funding for the Town but still does not understand why work can't start earlier to avoid the 24/7 operation. She said a directional drilling unit can be rented for a month for less than \$300,000. Mr. Vaught said the problem is the sea component. The barge is weather limited and such barges are very hard to come by.

Mr. Brown asked if the directional drilling caused complaints from residents who were claiming loss of sleep, could a pause be put on it. Mr. Vaught said moving forward they have to have a clear picture of the schedule. He said there will be complaints but not from the machinery so much as other noise that accompanies the work, such as crew turnover and loading/unloading of equipment.

Ms. Goldstone said she was still concerned about the efforts to be out by a certain date with no guarantee of what that date would be. She said she would like to see a strong incentive for Eversource to be out of there, and suggested compensation for every day that Eversource continues to drill after a certain date, which would go into beach season. Mr. Vaught said that after 24-hour operation, they would know with 90% certainty the day they would be out of there, and would work with Mr. Renshaw via weekly meetings to provide updates. He also said that if Eversource can't complete the job by the deadline, there would be a million dollar impact on them, so they are looking to limit risk as much as possible.

Public comment:

Barbara Schneider – asked what would happen if a piece of equipment they need is not available when promised, especially in this storm season – said it sounds like they have an end time – asked what that end time is for them so the Town knows what they are really looking at as a deadline

Mr. Vaught said the mobilization of the barges has already begun. Regarding the end date, the MOU is the most stringent date with May 26. He said Eversource has committed to May 15, and will commit to May 2 with the 24 hours with the understanding that unforeseen things (hitting a VW bus in the Sound, for example) could delay work a day or two. He said regarding the environmental condition of the plovers, that date is June 15, but that exceeds the more stringent MOU date of May 26.

Mr. McConarty said the construction business always deals with unknown challenges. He said Eversource has been good with working conditions on projects in Town and named some of them. He said he has been in Town for 17 years, working with Eversource and Town representatives, and would continue to watch the work being done on this project. He said there is enough lead time in the schedule and the work does need to get done.

Chair Taylor sought and received clarification from Mr. Vaught that they have the equipment required for this project and that there is no chance that the equipment will be held up from another project.

**Motion by Mr. Zylinski: To approve the amended Memorandum of Understanding as presented and authorize the Town Manager to execute the Memorandum of Understanding**      **Second: Mr. Brown**  
**Vote: Yes – 4    No – 1 (Ms. Goldstone)**

Consider approval of a variance to Sign Code §184-32, Off Premises Signs, size and content: The Irish Goodbye Pint House, 444 North Falmouth Highway

Mark Colangelo was present to outline the application for the Board. He described the situation with the sign post on Town land and that he was asking permission to put his sign on the pole.

Mr. Brown said that it seemed like a logical request to him. Mr. Colangelo said he was told that the sign met all the requirements. Mr. Brown clarified that the sign is off-premises and that is the reason for the variance.

Ms. Goldstone asked if it were instead of or in addition to an on-premises sign. Mr. Colangelo said previous owners have used the sign pole which used to be considered part of the property, and he and his wife want to continue this practice.

**Motion by Mr. Brown: To approve the request for a variance to Sign Code, Section 184-32 Off-Premises Signs, size, and content: The Irish Goodbye Pint House, 444 North Falmouth Highway as presented**  
**Second: Mr. Zylinski      Vote: Yes – 5    No – 0**

Vote Article Recommendations for November 2024 Town Meeting

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 10 - Vote Article Recommendations for November 2024 Town Meeting* in the Select Board packet. Mr. Renshaw made introductory comments on the process and then went through each of the ten articles the Select Board would recommend, referring to the document *Select Board Sponsored Articles Draft Recommendations Explanations* included in the Select Board packet for each one.

### Article 3

**Motion by Mr. Brown: That the Board vote Article 3 as printed in the warrant**  
**Second: Mr. Zylinski      Vote: Yes – 5    No – 0**

### Article 18

**Motion by Mr. Brown: That the Board vote Article 18 as printed in the warrant**  
**Second: Mr. Zylinski      Vote: Yes – 5    No – 0**

### Article 19

**Motion by Mr. Brown: That the Board vote Article 19 as printed in the warrant**  
**Second: Mr. Zylinski      Vote: Yes – 5    No – 0**

**Article 20** (Petitioner's article)

**Motion by Mr. Brown: That the Board vote Indefinite Postponement on Article 20**

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

**Article 21** (Petitioner's article)

Mr. Mascali asked if the Board were to move the articles as printed, would the same conditions with respect to the RFP and the process be similar to the ones approved earlier. He noted that the language under the previous articles does not appear in here. There was brief discussion about the language of the recommendation and explanation. Town Counsel Maura O'Keefe said there would be no problem with making the language part of the recommendation, and in fact, it would be preferable.

Mr. Zylinski asked if the parcel in this article, 21 Pheasant Lane, is a buildable or unbuildable lot. Mr. Johnson-Staub said the lot is currently undeveloped, Town owned, but did not know if it is a developable lot. Mr. Renshaw said that the parcel was part of the comprehensive parcel inventory but didn't rise in priority rankings as one of most accessible lots. Mr. Johnson-Staub further said that staff has looked at the parcel and saw no reason it could not be developed for affordable housing, but the caution is how to get over hurdles that might exist due to zoning.

**Motion by Mr. Mascali: That the Town vote this article as printed in the warrant with the amendment to the effect that the details of the housing to be constructed have yet to be determined following a public input process including the Select Board and Affordable Housing Committee. The Town Manager will establish certain parameters for the housing to be constructed in a Request For Proposal that is used to select the buyer/developer**

Mr. Brown asked if the motion is recommending that the petitioner amend it, because the Board cannot amend a petitioner's article. Mr. Mascali said yes. Mr. Johnson-Staub clarified that the original article has to be printed as is, but the recommendation would include the extra language.

**Second: Mr. Brown**                                      **Vote: Yes – 4    No – 1 (Mr. Zylinski)**

**Article 22** (Petitioner's article)

**Motion by Mr. Mascali: To make the same recommendation as the prior article, that the Town vote the article as printed in the warrant with the explanation to contain that language with respect to the process to be overseen by the Town Manager to get to an RFP**

**Second: Mr. Brown**

**Vote: Yes – 5    No – 0**

**Article 23** (Petitioner's article)

**Motion by Mr. Brown: That the Board vote Indefinite Postponement on Article 23**

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

**Article 31**

Ms. Goldstone noted that in the description of the Forestry/Tree Care Crew Leader, the text should read, "The Town has been unable to *fill* (not *fund*) this position..."

**Motion by Mr. Brown: That the Board vote Article 31 as amended**

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

**Article 32**

Mr. Zylinski asked how long the current bylaw has been in existence. Town Counsel first said there are two parts: adding the short term rental, and the amendments to the year-long rental, Chapter 172. Her recollection is that Chapter 172 has been around for 40 or 50 years. Mr. Zylinski asked who has been enforcing it. Town Counsel said the health department. Mr. Zylinski then asked about businesses registered as LLCs whose owners are buying houses to house employees and how this will affect them. Town Counsel O'Keefe said that according to the bylaw, all members of an LLC have to be natural people; the owners are defined so that only one natural person can receive a license for one short-term rental. Mr. Zylinski asked, "So would that be the agent of that LLC?" Town Counsel explained further how you could not have one member of an LLC be a member of another LLC, and how you



Kate L\_\_\_\_\_ (unintelligible name) - said she and significant other can't find affordable housing for employees – said owning properties keeps employees from having to drive 2 hours over the bridge every day – said they don't. make money on it – said the LLC protects them as people who have invested in their employees – said the Board has to consider the ripple effect in the community when you limit an investor from improving property values – said Falmouth is a year-round community – said it's a significant amount of money to purchase two homes in town – said this is not about investors but is about so many other people also – said she agreed with postponing to allow more people to be heard from.

Christina Holt – researching short-term rentals is part of a larger strategy identified in the 2024 housing production plan as a priority for year one – said seasonal rentals are limiting for year-round renters – said the work force is leaving Falmouth – said the urgency is keeping the Town running so it does not become a hollow community.

### **Article 33**

Town Counsel explained the article, components of which were designed to coincide with Article 32. She said without Article 32, she saw no need to make these changes right now. She said a better course of action is to keep tying the two together and make amendments holistically once the short-term rental bylaw is in a shape that is more acceptable.

**Motion by Mr. Mascali: To Indefinitely Postpone Article 33**

**Second: Mr. Zylinski**

**Vote: Yes – 5 No – 0**

### **CONSENT AGENDA**

1. Licenses
  - a. Consider approval of an application for a Special One-Day Wine & Malt Liquor License – Shipwrecked – Falmouth in the Fall Road Race After Party – Shipwrecked/The Heights Hotel parking lot, 263 Grand Ave. – Sunday, November 3, 2024 – 10:00 a.m. to 6:00 p.m.
2. Administrative Orders
  - a. Consider accepting a donation from Cape Cod 5 in the amount of \$500.00 to the Falmouth Police Department
  - b. Consider accepting a donation from Susan F. Eaton in the amount of \$500,000.00 to the Falmouth Fire Rescue Department
  - c. Consider approval of Monitoring Agreement for affordable rentals at Lighthouse Station, 533 Woods Hole Road
  - d. Consider approval of a drainage easement on property located at 67 Ambleside Drive
  - e. Approve warrant for State Election on Tuesday, November 5, 2024

**Motion by Mr. Zylinski: To move the Consent Agenda**

**Second: Mr. Mascali**

**Vote: Yes – 5 No - 0**

### **TOWN MANAGER'S SUPPLEMENTAL REPORT**

**Mr. Renshaw updated the Board on the following:**

- Repairs at Town Hall are now complete
- Signed off on a contract agreement with building assessments management software and included what the software includes

### **SELECT BOARD REPORTS**

**Mr. Mascali reported on the following:**

- Attended a presentation at the Cape Cod Tech Council at Cape Cod Community College on artificial intelligence

**Mr. Zylinski reported on the following:**

- Attended his liaison duty with the zoning board this Saturday at their workshop and said the ZBA would love to have a joint meeting with the Select Board about help with language on some issues

**Mr. Brown reported on the following:**

- Attended the end of the Town employee appreciation cookout
- Municipal light plant board discussed the ongoing hope to build a broadband network in Town

**ADJOURN**

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

Respectfully submitted,  
Carole Sutherland, Recording Secretary