TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, MARCH 24, 2025 – 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 P. (Scott) Zylinski II, Vice Chair; Douglas C. Brown; Heather M. H. Goldstone
Absent: Robert P. Mascali
Others present: Mike Renshaw, Town Manager

5:30 p.m. - OPEN SESSION

EXECUTIVE SESSION

1. M.G.L. c. 30A sec. 21(a)(3) - to discuss strategy with respect to ongoing litigation where discussion in an open meeting will have a detrimental effect on the litigating position of the public body.

Motion by Mr. Zylinski: To enter into Executive Session per M.G.L. c. 30A § 21(a)(3) - to discuss strategy with respect to ongoing litigation where discussion in an open meeting will have a detrimental effect on the litigating position of the public body. Second: Ms. Goldstone.
Roll Call Vote: Taylor – aye; Zylinski – aye; Brown– aye; Goldstone – aye; Yes – 4 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: Ms. Goldstone recognized the Founders of the Falmouth Education Foundation for their ongoing services to the Town.

Mr. Brown recognized the passing of Tom Cahir.

Announcements: None at this time.

Public Comment: None at this time.

COMMITTEE INTERVIEWS

1. Interview and consider a vote to appoint members to the East Falmouth Library Building Advisory Committee

a. Jane Stimpson
b. Andrew W. Zimmerman, MD
c. Chris Simmler
d. Camille Romano
e. Christian Valle
f. Judith Fenwick

The Board heard from and interviewed the following candidates: Jane Stimpson, Andrew W. Zimmerman, MD, Chris Simmler, Camille Romano, Christian Valle, and Judith Fenwick, for positions on the East Falmouth Library Building Advisory Committee.

Mr. Renshaw suggested amending the charging document to allow for appointing all six members interviewed this evening, with the option for one alternate member.

Motion by Mr. Brown: To approve the slate, as presented, with Camille Romano as an alternate member and amend the charging document as suggested by the Town Manager. Second: Ms. Goldstone.
Vote: Yes – 4 No – 0

PUBLIC HEARINGS

1. Consider a vote to approve an application for a One-Day Entertainment License – Rise & Shine Productions LLC – Coast Fest, Lin Whitehead Band Shell at Marine Park, 180 Scranton Ave. – Saturday, August 2, 2025, 2:00 p.m. to 10:00 p.m.

Mr. Brown read and opened the hearing at 6:53pm.

It was noted that the Falmouth Town Band has requested that any weekend events not conflict with Band concerts.

Mr. Brown asked that the music be as contained as possible.

Joe Sedlock, Manager of the Admiralty Apartments, remarked upon the courtesy and cleanliness that this event has shown over the years. This is a great income generator for the Town.

Motion by Ms. Goldstone: To close the hearing. Second: Mr. Brown.
Vote: Yes – 4 No – 0

Motion by Ms. Goldstone: To approve the application for a One-Day Entertainment License – Rise & Shine Productions LLC – Coast Fest, Lin Whitehead Band Shell at Marine Park, 180 Scranton Ave. – Saturday, August 2, 2025, 2:00 p.m. to 10:00 p.m., with an exemption from Section 7C of the Town's Entertainment regulations and a condition that no deliveries occur on Thursday July 31, 2025, due to the Town Band using the Band Shell and field on that date. Second: Mr. Brown.
Vote: Yes – 4 No – 0

BUSINESS

1. Vote to approve and sign the Bond Anticipation Notes (BANs) for Wastewater and North Falmouth School roof

Laura Sitrin, CFO, explained that this is to renew current existing BANs for wastewater items and to issue new short-term notes for the North Falmouth School roof. The notes are currently set to roll over until October 3, 2025.

Motion by Ms. Goldstone: To approve the sale of $8,887,250 4.00% General Obligation Bond Anticipation Notes "The Notes" of the Town dated April 4, 2025, and payable October 3, 2025, to Truist Securities Inc., at par, and accrued interest if any, plus a premium of $50,035.22;
Further, vote that in connection with the marketing and sale of The Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 5, 2025, and a Final Official Statement dated March 12, 2025, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted;
Further, vote that the Town Treasurer and the Select Board be and hereby are authorized to execute and deliver a Significant Events Disclosure Undertaking in compliance with SEC Rule 15-C2-12, in such form as may be approved by Bond Counsel to the Town which undertaking shall be incorporated by reference in The Notes for the benefit of the holders of The Notes from time to time;
Further, vote that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and Bond Counsel deemed sufficient or, if such procedures are currently in place, to review and update said procedures in order to monitor and maintain the tax exempt status of The Notes and to comply with relevant securities laws;
Further, vote that any certificates or documents relating to The Notes, collectively "The Documents," may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document delivery of an executed counterpart of a signature page to a document by electronic e-mail in a PDF file or other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such document and electronic signatures on any of The Documents shall be deemed original signatures for the purposes of The Documents and all matters relating thereto having the same legal effect as original signatures;
Further, vote that each member of the Select Board, the Town Clerk, and the Town Treasurer be and hereby are authorized to take any and all such actions, and execute and deliver such certificates, receipts, or other documents as may be determined by them or any of them to be necessary or convenient to carry into effect the provisions of the foregoing. Second: Mr. Brown.
Vote: Yes – 4 No – 0

2. Update – Great Pond Phase 1 Sewer Project – Article 15 April 2025 Town Meeting

Amy Lowell, Wastewater Superintendent, reviewed Article 15 with the Board. The Great Pond Phase 1 Sewer Project is the first phase of a project to improve water quality in Great Pond. The targeted Watershed Management Plan for Great Pond was approved by the State in January

2020. $3.8M was appropriated for design in November 2023. The project been designed and includes two new lift stations, one at the north end of the parcel and the other in the Falmouth port. These means will be used to convey wastewater from the main wastewater treatment facility. The service area is approximately 600 parcels and there are an estimated 820 sewer equivalent units in that area. For the Falmouth port, there is one parcel with approximately 200 condo units in it, along with a couple of other multi-unit parcels. The resulting total project cost is $60M, with a contingency of 16%. It is very appropriate at this point in the project to have a 16% contingency. There is a grinder pump procurement involved in this project and the Town will have to go to bid for the grinder pumps. The assumption is that the Town will go out to bid and purchase the grinder pumps and associated appurtenances and provide those to property owners. The project includes an estimate for the grinder pump installation reimbursement. Town Meeting Article 15 has two recommendations, one from the Finance Committee recommendation on the appropriation of $60M to fund construction of this project, and the Select Board recommendation on the cost apportionment. 70% of the applicable project cost is to be paid via betterments assessed of abutting property owners and 30% is to be paid by the Town. The Select Board will vote at a future meeting regarding the betterment method. The betterment cost can be reduced based on the final total project cost, but it cannot be greater than what is voted in the order of assessment.

Ms. Lowell explained that the project is expected to receive 25% loan forgiveness from the Cape and Islands Water Protection Fund. There are a range of betterment values that would result from factors that the Select Board will consider at a future meeting. The working assumption is for 820 sewer equivalent units (SEU) and the final betterment cost per SEU will be determined by the Select Board in public meetings after Town Meeting. The Town anticipates a 0% interest loan from the Massachusetts Clean Water Trust Revolving Fund, covering approximately 92% of the project cost, i.e. all project costs except for the grinder pumps and the pump reimbursements. The grinder pumps and their reimbursements would not be eligible because they are payment for work on private property. This project will be funded without a tax increase due to those subsidies.

Ms. Lowell stated that, regarding the effluent discharge plan, the intention is for the town to discharge its flow from the Great Pond Phase 1 sewer area to the existing discharge beds under the existing Groundwater Discharge Permit, starting when the construction is complete, and connections begin to be made in the fall of 2027. Beyond that, the plan is to construct an outfall for all treated wastewater discharge in the future. The outfall is projected by the end of 2032. The town will then cease land-based discharge to open sand beds 1-15 at the wastewater treatment plant. The beds will likely be kept as an emergency backup. DEP permitting for new or increased groundwater discharge has become more difficult in recent years. The Town asked DEP and for a modification to its Groundwater Discharge Permit, at an additional 200,000 gallons per day, based on conservative discharge planning. Groundwater discharge from Great Pond Phase 1 is only expected from 2027-2032. There is sufficient capacity under the existing Groundwater Discharge Permit to accommodate for existing and the permitted flows and the planned flows from Great Pond Phase 1. Therefore, the Groundwater Discharge Permit modification application was rescinded. The flow from the Great Pond Phase 1 sewer area will be discharged to the Town's existing discharge beds under the existing discharge permit.

Ms. Lowell explained that the lift station proposed on the north end of the site will serve both this project and future projects. The Falmouth Port lift station is smaller and will serve just the Falmouth Port neighborhood as well as some nearby properties. The sewer lift stations are both designed to have odor controls and submersible pumps. There is a backup generator at each lift station which run only when the power is out. The generator will be located within the building, to help attenuate the noise. Both lift stations will have vegetation screening and Cape Cod shingles. There are 11 lift stations in Town.

Ms. Lowell stated that, regarding the grinder pumps, it is estimated that the Town will provide approximately 420 grinder pumps to single family, residential properties, but not to multifamily properties or commercial properties. This will be taken up at a future Select Board meeting, including a discussion on a grinder pump policy. Special legislation will be needed for the Town to provide a partial reimbursement to property owners for the additional cost of connecting to the sewer using a grinder pump. Regarding watershed plans and permitting, over the next five years the Town will prepare watershed plans and apply for permits for all of the watersheds in Town to meet the total maximum daily load limits for nitrogen in the coastal ponds. The Town was recently awarded two grants for watershed permitting work. Before the Town can do more sewering beyond the Great Pond Phase 1 project, another discharge site will be needed. That discharge site is planned to be an outfall. Discharge is currently limited by the Groundwater Discharge Permit. Assuming the Town Meeting appropriation in April 2025 passes, this will be followed by a ballot vote in May 2025. If those two steps pass, bidding for the construction projects would begin this summer and construction would take two years. Once construction is complete, the connections to the sewer would begin, helping to reduce the septic and nitrogen load to Great Pond.

Ms. Goldstone stated that she would like more information regarding betterments and financing for the Environmental Justice tracts within Town.

In response to a question from Malcolm Donald, Ms. Lowell explained that property owners that connect to the sewer will pay a betterment fee, which will be assessed over 30 years at 0% interest. Properties will receive a grinder pump free of charge from the Town, but they do have to pay a contractor to install it. She noted that once property owners connect to sewer they will be billed for sewer on their water and sewer bill, leading the bill to potentially more than double depending on the rates.

3. Discuss and consider a vote to approve the revised Utility Standards as recommended by the Department of Public Works

Steve Cadorette, Deputy DPW Director, explained that the existing Utility Standards were originally approved in 1995 and revised in 1999. He reviewed the revised Utility Standards.

Mr. Brown asked if the requirements for grinder pump connections could be made easier. Mr. Cadorette stated that the requirements have only changed for multifamily, non-residential, and mixed-use applications.

Ms. Goldstone stated that she does not feel prepared to vote on the new standards at this time, without a thorough detail as to what has been changed. Mr. Cadorette stated that he would submit a summary of the changes.

Motion by Mr. Zylinski: To approve the revised Utility Standards recommended by the Department of Public Works. Second: Mr. Brown.
Vote: Yes – 3 No – 1

4. Discuss and consider a vote to approve the adoption of 20 MPH Safety Zones as recommended by the Traffic Advisory Committee

Peter McConarty, Director of Public Works, explained that there is one existing Safety Zone in Town in the Quissett area. The State has given towns the opportunity to create additional Safety Zones without approval from Mass DOT. There are twelve areas for Safety Zones proposed in Town: Menauhant Beach East, Menauhant Beach West, Bristol Beach, Falmouth Heights Beach, Surf Drive Beach, Nobska Light, Chapoquoit Beach, Old Dock Road, Old Silver Beach (Public), Old Silver Beach (Private), Megansett Beach, and New Silver Beach. He noted that the 20 MPH speed limit will be effective 24/7, 365 days of the year. This is a regulatory sign that will be enforced by the Police Department.

Ms. Goldstone asked about any extra load on the Police Department from the proposal. Mr. McConarty stated that the Police Chief is in favor of these zones.

Motion by Mr. Zylinski: To approve the adoption of 20 MPH Safety Zones as recommended by the Traffic Advisory Committee. Second: Mr. Brown.

Discussion:
Dave Buzanoski, President of the Maravista/Falmouth Heights Neighborhood Association, stated that this has been discussed at their board level. Safety is an important issue. Between the ballpark on Central/Grand to Great Pond Bridge, there are currently no speed signs. There is a need for signage and enforcement in this area.

Katherine Jansen, Chair of the Bicycle & Pedestrian Committee, explained that, at 20 MPH, a pedestrian has an 18% chance of death or serious injury when being hit by a car. At 30 MPH, this is 50% and at 40 MPH it is 77%. She asked that the Board consider the fact that the speed limit is important.

Vote: Yes – 4 No – 0

5. Discuss and consider the acceptance of a grant from Falmouth Road Race for the purchase of an electronic message board sign for the Department of Public Works

Mr. McConarty stated that there is not currently a sign in front of the Public Works building. A new sign is proposed to be built with the address of the building. An electronic speed board message is also proposed. The Falmouth Road Race approved a grant of $25,000 for an electronic message board to be included in the sign.

Motion by Ms. Goldstone: To accept a grant from the Falmouth Road Race for the purchase of an electronic message board sign for the Department of Public Works. Second: Mr. Zylinski.
Vote: Yes – 4 No – 0

6. Discuss and consider a vote to approve the Planning Department's One Stop for Growth Expression of Interest submittal

Jed Cornock, Town Planner, explained that the request is to allow the Planning Department to submit two Expressions of Interest to the One Stop for Growth program. The first is for the Route 151 water extension project, and the second is for an update of the Local Comprehensive Plan.

Motion by Ms. Goldstone: To approve the request to submit two Expressions of Interest for the One Stop for Growth grant program as presented, and to approve the request to submit full applications for each project by the program deadline. Second: Mr. Brown.
Vote: Yes – 4 No – 0

7. Discuss and consider a vote to approve the reorganization of Geographic Information Systems (GIS) under the Planning Division

Mr. Renshaw explained that Falmouth would be better served if the GIS Specialist Position was housed under the Planning Division and he is requesting the Board's approval to move the GIS Specialist position, currently under the IT Department, to the Planning Department.

Motion by Mr. Brown: To approve the reorganization of Geographic Information Systems (GIS) under the Planning Division. Second: Ms. Goldstone.
Vote: Yes – 4 No – 0

8. Consider the request from Cape Cod Guang Ping Tai Ji Quan Club for a waiver of the special event permit fee for the Tai Ji Practice at Marina Park on Saturday mornings from April – December 2025

Dianne Marshall, President of the Cape Cod Guang Ping Tai Ji Quan Club, explained that the Club is a non-profit and celebrating its 30th anniversary this year. Mr. Renshaw recommended approval of the waiver.

Motion by Mr. Brown: To approve the request from Cape Cod Guang Ping Tai Ji Quan Club for a waiver of the special event permit fee for the Tai Ji Practice at Marina Park on Saturday mornings from April – December 2025. Second: Ms. Goldstone.
Vote: Yes – 4 No – 0

9. Consider the request from ArtsFalmouth, Inc. for a waiver of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/13, Saturday, 6/14 and Sunday, 6/15/25

Motion by Ms. Goldstone: To approve the request from ArtsFalmouth, Inc. for a waiver of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/13, Saturday, 6/14 and Sunday, 6/15/25. Second: Mr. Brown.
Vote: Yes – 4 No – 0

10. Consider a request from Locust Street Sign for a variance to Sign Code §184-37: Measurement of Sign Area for Flying Bridge Marina, 250 Scranton Ave., Falmouth

Mr. Renshaw explained that the applicant is applying for a Variance from the area, as defined in Section 184-37. The length of the existing wall is 34'. There is an existing, permitted sign which reads 'Flying Bridge Marina' which measures 33.9 s.f. The variance request is for an additional 18 s.f. of sign area.

Mike McGowan, Locust Street Sign Co., explained that the request is for additional square footage of 16 s.f. The extra signage will allow the Marina to identify itself separately from the boat yard to the south and to show the products being sold. The facility is not large, and boat sales are counted on for the business.

Motion by Mr. Brown: To approve a request from Locust Street Sign for a variance to Sign Code §184-37: Measurement of Sign Area for Flying Bridge Marina, 250 Scranton Ave., Falmouth. Second: Mr. Zylinski.
Vote: Yes – 4 No – 0

11. Consider approval of seasonal and Spring license renewals for 2025

Mr. Renshaw reviewed the seasonal and spring license renewals for 2025.

Motion by Mr. Zylinski: To approve as published the seasonal and spring license renewals for 2025. Second: Ms. Goldstone.
Vote: Yes – 4 No – 0

CONSENT AGENDA

1. Licenses
    a. Consider a vote to approve an application for a Special One-Day Wine and Malt Liquor License – Rise & Shine Productions LLC – Coast Fest, Lin Whitehead Band Shell, Marine Park, 180 Scranton Ave., Saturday, August 2, 2025, from 2:00 p.m. – 10:00 p.m.

    b. Consider a vote to approve an application for Pledge of Collateral of its annual All Alcohol Beverages license – Kravings Pizza & Ice Cream, LLC dba Simply Divine Pizza Co., 261 Main Street, Unit A

    c. Consider a vote to approve an application for a Common Victualler License – ThreeOneNine, Inc. d/b/a Country Fare Restaurant, 319 Main Street, Unit A

2. Administrative Orders

a. Consider a vote to approve petition from NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to erect and maintain poles and their respective wires and cables and fixtures to be placed thereon, in the public way Gifford Street, Falmouth and to install 1 new JO pole to be labeled 1054/2.5 approximately 120' (feet) north of existing pole 1054/2. This pole location is necessary to provide electric service to 800 Gifford Street.

b. Consider a vote to approve petition from NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to locate poles, wires, cables and fixtures, along and across the following public way Church Street, Falmouth and to install 1 new JO pole to be labeled 97/10-5 approximately 53' (feet) southeast of existing pole 97/10. This work is necessary to provide electric service to Lot 6 Larches Way.

c. Consider the request from the Friends of Falmouth Bikeways to initiate the naming process to honor Patty and Leonard Johnson with the placement of a plaque on the Shining Sea Bike Path

d. Consider a vote to accept a donation in the amount of $1,500.00 from the Falmouth Water Stewards to the Department of Public Works donation account for supplies to build an additional food scrap drop-off box

The Board held Administrative Item d. to be voted on separately, as Mr. Brown recused himself.

e. Consider a vote to approve a request from the Recreation Department to use the remaining Falmouth Road Race donation funds for the purchase of a protective covering for the Gus Canty gymnasium floor

f. Request for variance to Sign Code – §184-7 Placement and §184-32 Off-Premises Signs: Falmouth Commodores – flags on Main Street light poles and Guv Fuller Field light poles – June 2-August 15, 2025

g. Request for variance to Sign Code – §184-32 Off-Premises Signs: Falmouth Commodores Baseball Clinics – late-April through August 15, 2025

h. Request for variance to Sign Code – §184-32 Off-Premises Signs: Falmouth Commodores Game Day Signs – June 6 to August 1, 2025

i. Consider a vote to approve a Certification of Application form to authorize submittal to a Department of Energy Green Communities Competitive Grant for various energy efficiency projects in Town and School buildings

j. Consider a vote to approve the rooftop solar Notice of Lease (NOI) and Lease Agreement with Solect Energy Development LLC for the water treatment plant

Motion by Mr. Zylinski: To approve the Consent Agenda, with the exception of Administrative Item d. Second: Ms. Goldstone. Vote: Yes – 4 No – 0

Motion by Mr. Zylinski: To approve Administrative Item d. Second: Ms. Goldstone. Vote: Yes – 3 No – 0 Abstain - 1

MINUTES

1. Review and Vote to Approve Minutes of Meetings
    a. Public Session – March 28, 2022; March 1, 2025; March 10, 2025

Motion by Ms. Goldstone: To approve the meeting minutes of March 28, 2022; March 1, 2025; and March 10, 2025, as amended.
Second: Mr. Brown Vote: Yes – 4 No – 0

TOWN MANAGER'S SUPPLEMENTAL REPORT:

- Mr. Renshaw stated that this Friday he has an appointment with the DPW and an engineering consultant to walk the West Falmouth Fire Rescue site. The feasibility of an added annex/bay will be considered.
- Mr. Renshaw stated that there will be a soft launch of the new agenda management system shortly. April 28th is targeted for the hard launch.
- Mr. Renshaw stated that he has spoken with Cross Spectrum Acoustics to examine three potential sites for a future pickleball complex.

SELECT BOARD REPORTS

- Ms. Goldstone stated that she will miss the meeting on April 7, 2025, due to work travel.
- Mr. Brown updated the Board on the Cape & Islands Municipal Leaders Association meeting.
- Mr. Zylinski stated that he was told he can designate his vacated seat on the CCMPO to another Board member.
- Ms. Taylor stated that she will put all of the evaluation information together into a report. Mr. Brown stated that he will help on this item.

ADJOURN

Motion by Mr Zylinski: To adjourn at 9:10pm.
Second: Mr. Brown. Vote: Yes – 4 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary