

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**MONDAY, JANUARY 27, 2020**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

Present: Doug Brown, Vice Chair; Susan Moran; Doug Jones; Sam Patterson.

Absent: Megan English Braga, Chair.

Others present: Julian Suso, Town Manager; Frank Duffy, Town Counsel.

1. Call to Order by Acting Chair Brown at 7 p.m.
2. Pledge of Allegiance
3. Proclamation – No Guff Week – February 3 – 7, 2020

**Acting Chair Brown read the proclamation in the packet as a motion. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

Greg Gilbert explained that when they started this about 20 years ago, there were some conflicts in the school system and t-shirts were made and they had a day where no one was going to speak negatively about others. Cavossa and Cape Cod Aggregates fund all the school system t-shirts, next year will be the twentieth year and Mr. Grant would like to get the entire Town involved.

Grant Beachman, President of Senior Class in FHS, said it was incredible growing up in a Town with the No Guff motto and sees all in equal light. Last year they supported three charities, he noted how much the motto has been engrained in the students, and it is humbling to see the history. This has changed his life and plans to bring this program to other communities.

4. Recognition  
Mr. Brown recognized the inspirational Martin Luther King, Jr. event at the Seacrest. No Place for Hate organizes this every year.

Mr. Brown recognized the ceremony of the naming of the emergency operations center after Paul Brodeur.

5. Announcements-none.
6. Public Comment

Alden Cook, retired FFD firefighter paramedic, regarding the planned closing of the West Falmouth Fire Department. This station is the secondary responder for large portion of the community, not just 3 percent. Once it closes no one but the residents of West Falmouth will notice. Upon arrival to an emergency, the FFD will do their best, but the delayed response will affect outcomes. Removing this service is wrong.

Kevin Mulvey, The BOS must postpone any changes to the FFD. Trending model must be created including number of calls, firefighters call out, etc. by day/week/month/quarter/year. Holiday, summer, and weekends require increased staffing and it is inconceivable that FFD is flat lined with the increased population. 2 firefighters would be covered through a portion of overtime. 8 firefighters hired through proposition 2.5 would not be sufficient. Chief Small plans to promote some firefighters to non-responding lieutenants. He asked the BOS to take control of the issue and provide a comprehensive 10-year plan based on historical data.

Robin Bowerman, 430 West Falmouth Highway, in 1996 they called 911 for their 15 month old daughter. En route to the hospital she stopped breathing. The hospital could not stabilize her and was med flighted to Boston. When she awoke the next morning, they were relieved. She is now 24 years old, but it could have

ended differently had the response time been increased. This is an all community issue, not just a single village issue. How can we close the station without knowing the response time? She asked that the station remain open until another station is online.

Katherine Taylor, summer/year round resident for 50 years, moved to West Falmouth recently. Slide printout of what was presented during the community meeting was given to the BOS. There are 2 firefighters in North handling northeast section, south corridor has 12. This is a dangerous situation. The BOS job is to set policy, they could make a policy not to enter into a dangerous situation for community/firefighters, they could have a policy not to close station prior to opening a new one. Safety should be the top priority. If response times are more than the national standard of 4-6 minutes then people are being put in danger. 4 of 5 BOS members want to close the fire station.

Maureen Harlow-Hawkes, provided document to BOS with questions including the following:

Does Chair English Braga support keeping the station open?

Will a proposition 2 ½ override guarantee it not close.

Has Falmouth applied for the SAFE grant?

When will the Fire Station Advisory Committee be appointed?

When will the minutes from 10/17/19 meeting held at the West Falmouth Library be approved and voted?

When will the study be completed so the public can have the information?

Ms. Harlow-Hawkes has over 1500 signatures from people who are against closing the West Falmouth Fire Station.

Eleanor Ling, Precinct 1, thanked BOS for commitment and leadership on working towards a solution by supporting H2810, an act to support green infrastructure and reduce emission.

Leonard Johnson, Wild Harbor Road, West Falmouth, thanked the Water Department for the second test that was done, they are all relieved and appreciate the rapid response and news release.

## SUMMARY OF ACTIONS

### 1. Licenses

- a. Application for Change of Manager of an All Alcoholic Common Victualler License – 99 Restaurants of Boston, LLC, 30 Davis Straits, Falmouth

Ben Guinn told the BOS that he replaced the previous General Manager, Dan Truesdale, and has been the General Manager for about 1.5 years. Mr. Guinn has been the General Manager for other companies and knows he will be responsible for all alcohol service.

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- b. Application for a New Common Victualler License – Triple MT Group, Inc. DBA Le Bon Jour, 420 East Falmouth Highway, East Falmouth

Mammadou Ly took over the restaurant last year and got a renewal lease for five years. Mr. Ly is the owner/manager.

**Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

- c. Application for a New Common Victualler License – Moto Pizza Falmouth, LLC DBA Moto Pizza, 500 Waquoit Highway, East Falmouth

Mr. Delgrosso, owner, they did not realize this was tied to all alcohol; they are still waiting on that because the previous owner not renewing the license, so was unable to transfer so now they need to apply for a new one.

**Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

2. Administrative Orders

- a. Transfer care and control of Andrews Farm to Agricultural Commission pursuant to Article #38 of the April 2018 Town Meeting

Leonard Johnson, The 300 Committee Board, noted there was good leadership in the agricultural community and revitalizing the Agricultural Commission made a lot of sense. He noted a barrier for engaging in Cape Cod agriculture is the high cost of land; this was a major effort to overcome that obstacle with funding from The 300 committee, CPC, State, and Town.

**Mr. Jones motion approval to transfer care and control of Andrews Farm to the Agricultural Commission. Second Mr. Brown. Vote: Yes-4. No-0. Absent-1.**

- b. Sign Warrant for Special State Primary on Tuesday, March 3, 2020

Mr. Suso explained that the Town Clerk prefers the old Senior Center and would like to maintain that venue for these three elections. The veterans group is supportive of the elections being held there if Mr. Palmer would like to continue that venue.

**Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

- c. Sign Warrant for Presidential Primary on Tuesday, March 3, 2020

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- d. Sign Warrant for Special State Election on Tuesday, March 31, 2020

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- e. Authorize Project Eligibility Letter regarding 40B Comprehensive Permit Application for:

- 1) 10 units of affordable rental housing known as "Cardinal Place" located at 2 Rebecca Ann Lane, East Falmouth.

Mr. Johnson-Staub said on East Falmouth Highway across from Kenyon's Market, staff drafted letter in the packet. This will be 100% affordable rental. Unit sizes are 3-1 bedroom, 6-2 bedrooms, 11-3 bedrooms, it aligns well with the Town's needs. The needs for Falmouth include more opportunities for seniors, singles, and young people. Recommend the BOS include to request at least 1 unit be accessible. The Town would like the alignment of the driveways be modified to allow for more driveways. This is subject to review by the Zoning Board of Appeals.

Mr. Johnson-Staub explained that the profit maximum is 20%, if profit is over that, the difference has to be returned to the Town.

Mr. Patterson is the Liaison to Falmouth Affordable Housing Committee, he feels this is a well-crafted letter and he supports it.

**Mr. Patterson motion to authorize the Town Manager submitting the letter on behalf of the BOS. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

- 2) 12 units of affordable housing located at 63 North Falmouth Highway known as Wing Pond;

Mr. Johnson-Staub explained the location is just north of Thomas Lander's Road, vernal pool buffer state certified, under 40B local regulations can be overridden, the State ones cannot. There are 4 units in the buffer and another unit encroaching on the buffer along with the septic field. This letter reflects that reality. The proposal is not in line with the State requirement. The developer could go forward with less units or move units.

The applicant has right to file an application, then the Department of Housing and Community Development either approves or does not; he expects it will not be approved as submitted.

**Mr. Moran motion to authorize the Town Manager submitting the letter on behalf of the BOS. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

- 3) 32 units of affordable housing located at 511 Brick Kiln Road, E. Falmouth, known as Village at Brick Kiln.

Mr. Johnson-Staub explained the location for the 32 single family homes is adjacent to the Lutheran Church where YMCA is seeking a facility at that location. Mr. Johnson-Staub had a meeting with the developer during concept planning, they were pleased the developer listened to one of their concerns regarding unit make up. The plan is for 20-2 bedroom units and 12-3 bedroom units. They have additional recommendations and requests including: layout is uniform and covers the 6.7 acre parcel, they like to see more concentrating of the housing and at least 1 accessible. Traffic impact is included in the ZBA review of a comprehensive permit.

Mr. Patterson noted it would be nice to have a natural buffer in a controlled way.

The BOS discussed the possibility of tying into the FHS sewer, but that was allowed by the DEP, strictly to serve the FHS and part of the special permit. FHS has two lift stations on their property and the burden is on the School Department. It would need to go to the State, consider capacity, and more dense areas that could hook up to the wastewater treatment facility. Mr. Patterson would like the DEP to look at this and decide the best way to handle the effluent.

Mr. Johnson-Staub does not know if it is a water contributor to Long Pond, but noted it is outside Zone 2.

Mr. Jones and Mr. Patterson noted edits needed in the second and third paragraphs.

**Mr. Patterson motion approval as edited. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

- f. Execute Letter of Intent (LOI) for Phase 2 Solar Photovoltaic Development at Falmouth Capped Landfill

EDIC Mike DiGiano, Executive Director and Lynn Broderick, Administrator. Provided a PowerPoint presentation, site plan of the array at the landfill generates about 4 megawatts of power, came online in 2017, it began with an RFP in 2015. Phase two will be constructed in another area of the landfill. Citizens Energy selected to develop phase 1 solar array and it has been successful. Since July 2017 the Town has received \$1.2 million from phase 1. The Town has also received about \$213,000 from Citizens Energy in pilot payments. 20 year estimate is about \$13 million over 20 years. Phase 2 is smaller, 2 megawatts, it will generate \$1.4 million in revenue to the Town over its lifetime. Phase 2 was delayed because of the Eversource interconnection agreement. The Inspector General advised the Town in 2019 that they need to rebid Phase 2 because of the time expiration, federal tax credits are declining. EDIC is scheduled to advertise this week with bids due by 3/3/20 and chose soon thereafter.

Intergovernmental agreement is in effect, but Town Counsel and EDIC outside counsel feel reaffirmation with the Town reauthorizing them to pursue the RFP and select a developer is appropriate. The LOI reconfirms the phase 2 net metering credits. 50% to the Town and 50% to Falmouth low income credits. Town and EDIC will amend IGA to allow EDIC to retain 100% of rental payments, current agreement is 50%. EDIC requested another change in the IGA, requesting they retain 100% of rent payments they receive from the solar developer to support EDIC operations and mission; right now the rent payments are a 50/50 split. EDIC recurring revenue is just rents from Peter Pan and Station Grill, which go to operate the station. Since the IGA was negotiated, the EDIC has undertaken several initiatives including renovation of the station, open cape main street connection program, initiated co working space feasibility study, and expanded internal capacity to get these projects under way and strategize other initiatives to strengthen Falmouth's economy. They would like to reaffirm under the IGA they can issue the RFP so they can get the study going.

Adding \$100,000 to go to the EDIC. The EDIC has generated income to the Town that would otherwise not have come about. The EDIC retained 100% of the rent from phase 1-which equaled about \$66,000 per year and used that income to fund operations. This year they will split with the town equally. Proposal is to add another \$100,000 to fuel the EDIC for the projects listed above.

Mr. Suso noted the first 3 years the Town did not get any revenue, this calendar year is the first year the town has revenue from the rent.

The BOS explained the EDIC mission is to increase jobs in Falmouth. They were commended for launching the concession sand bus, but they have not created any new jobs. Ms. Moran noted the EDIC creates attractions to employers/employees to come to Falmouth. The EDIC has invested its reserves in moving forward with some initiatives, but that is not sustainable without recurring revenue.

Approve issuance of the RFP and pick up issue of assignment of the funds later.

**Ms. Moran motion approval of paragraphs one-three of the letter of intent, which authorizes to go through the RFP process. Further consideration is needed for the issues in paragraphs 4-12. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

### **7:30 p.m. PUBLIC HEARINGS**

1. Application for Transfer of an All Alcoholic Common Victualler License and a New Application for an Entertainment License – Norwood77, Inc. d/b/a The Conference Table, 205 Worcester Court, Falmouth

Michael Clark, new owner/mgr. He has been in restaurant business since 2000, former bartender at the Flying Bridge, owner of Kettle Ho restaurant in Cotuit for 12 years. Clean up and updating, similar operation, and a simple menu. He will be responsible for alcohol, TIPS certified staff.

Public Comment: none.

Jim Kowalski, was a partner for 15 years in the Conference Table, then 11 years as the office mgr. It is a good business and Mr. Clark is very capable of taking it over.

**Mr. Jones motion to close the hearing. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1.**

2. Application for Transfer of an All Alcoholic Package Store License and Pledge of Collateral – RJ's Variety & Liquors, Inc., 174 Sandwich Road, East Falmouth

Attorney Tom Sousa representing the applicant seeking approval to transfer license to them, they will take over the business and buying the real estate. Krishna Timelsina is the proposed manager and has experience operating variety and liquor sales. Mr. Timelsina lives in West Yarmouth and understands he is responsible for all alcohol sales even when he is not present at the store.

Public comment:

Bob Crocker, owner of RJ's with wife Judy and with help of family and friends ran it for almost 20 years with their son's help. They regret moving on into retirement and thanked the customers for their support, they feel they chose the right group to take over.

**Mr. Jones motion to close the hearing. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

### **BUSINESS**

1. Report – Affordable Housing Committee

Ed Curley, report mentions interview on the agenda next and if appointed, they will have a full 7 members. Interest in affordable housing has been great. Housing production plan in place and helping them go forward to meet workforce and senior housing needs. 54 units will be added to the ones being built now, they are making progress and need to keep it up; 74 units per year online to fulfill their 10% requirement. They try to help out however they are asked, have a member on the Affordable Housing Working Group, held Housing Summit last fall to educate and inform the community of who the folks are that need affordable housing unless subsidized. 5/20/20 summit planned.

2. Interview, Vote and Appoint Committee Members:

a. Affordable Housing Committee:

Kerry Walton, Woods Hole, has been to several meetings. Affordable housing is important and young people should afford to live in their hometown.

**Mr. Jones motion to appoint to a term ending 6/30/21. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

b. Bicycle and Pedestrian Committee:

Jim Bourdon has lived in Falmouth full time the last 4 years, bicycles 5 days per week and had several near misses last summer with cars. He walks around Town and both want to see improvements in safety for bicyclers and pedestrians.

David Lafreniere last summer part of two incidents that were not near misses. Roads are dangerous for all. As a cyclist, pedestrian, and driver he feels qualified to lend his expertise, leads a Monday night ride out of Corner Cycle and one goal is to educate his riders on safety techniques, their rights, and their responsibilities. He would like to improve education on cycling on roads and bike path. Intersection at West Falmouth Market worries him, it is a matter of time before there is an incident there. He has been to a few meetings.

Martha Pendergast, lives in West Falmouth, she moved here in 1990, uses bike path frequently. Served on Falmouth Historic Districts Commission years ago and wants serve the Town. She would like to ensure bikeways safe and accessible to everyone. She is a team player and willing to work together to have a positive impact. It's important and part of the town.

Neel Aluru: he will be here 2/10/20.

c. Falmouth Cultural Council:

Jodi McGowan

**Mr. Jones motion approval to a term ending 6/30/22. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

The BOS discussed the deadline for the Fire Station Committee, there are now 19 applicants.

**Mr. Jones motion to retroactively affirm the posting to be open until 1/31/20. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

3. Vote Articles and Execute Warrant for April 2020 Town Meeting

**Mr. Jones motion to place Articles 1 through 6 on the Warrant. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Articles 7 through 13 on the Warrant. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

The BOS recommended TAM in Article 7 be spelled out: Technical Administration and Management.

**Mr. Patterson motion to place Article 14 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.** The BOS noted that this does not guarantee the West Falmouth Fire Station will remain open, this could pass and still not have the firefighters needed to keep it open.

**Mr. Patterson motion to place Articles 15 and 16 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Article 17 on the Warrant. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Articles 18 and 19 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Articles 20 and 21 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Articles 22 on the Warrant. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion to place Articles 23 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Article 24 on the Warrant. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Ms. Moran motion to place Article 25 on the Warrant as edited. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion to place Article 26 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion to place Article 27 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion to place Articles 28 and 29 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

Mr. Johnson-Staub noted that this addresses clauses in the Brave Act, other elements of the act do not require local adoption. This would give a property tax exemption for veterans and their families.

**Mr. Jones motion to place Articles 30 and 31 on the Warrant. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Article 32 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion to place Article 33 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion to place Article 34 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion to place Article 35 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Patterson motion to place Article 36 on the Warrant. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Article 27 on the Warrant and make it article 15, move all other articles back one. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

**Mr. Jones motion to place Articles 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48 on the Warrant. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

4. Minutes of Meetings:  
Public Session

December 9, 2019

**Mr. Jones motion approval with edits. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

January 6, 2020-already approved.

January 13, 2020

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

5. Individual Selectmen's Reports

Mr. Patterson:

Attended the Dr. Martin Luther King, Jr. breakfast, which was attended by many who were unified in the importance of diversity.

The Finance Committee is reviewing the budget.

Attended the MA Municipal Association meeting this past Friday and Saturday, participated in meeting of the Cape Cod and Islands Counselors/Selectman meeting along with Ms. Moran. Governor Baker noted he understands their needs, his budget was reported prior to the meeting. Chapter 70 increased, charter school reimbursement increased, Chapter 90 infrastructure increased, and invested in the municipal vulnerability program. Governor Baker noted broad support on the coast and in the middle of the state; record levels rain and flooding. Three resolutions: 1. Increasing local aid, 2. Municipal vulnerability funding and 3. Support for gas tax increase to help fight reduction in carbon dioxide emissions. There was also broad support for allowing municipalities to use Select Board approach in lieu of Selectmen.

Ms. Moran:

There has been tremendous growth in the MA Municipal Association membership, commitment to Cape Cod, there were many new counselors, many of whom were women.

Mr. Brown:

Attended the Dr. Martin Luther King, Jr. Breakfast.

Attended the dedication of the Fire Department Emergency Operations Center to Paul Brodeur.

Attended the SSA Board meeting. Mark Hanover is not up for reappointment, there are 2-3 others interested in that position. The SSA does not anticipate the need for trucks in the road because this year they will use the middle slip.

Mr. Brown is a member of the Long Range Task Force.

Mr. Jones:

The lease with the SSA and Town ends in December 2020. Mr. Suso reminded the SSA of this and was told they would get back to him in the next month.

Mr. Jones noted the Task Force is not meeting yet, two more from Duke's County requested to add be added; that would change the makeup and he has concern that Falmouth will become a small minority voice.

6. Town Manager's Report

Mr. Suso attended the Finance Committee meeting, Marks Building Advisory Committee meeting, and the Annual meeting of Massachusetts Municipal Association.

The new community services signage is being worked on and would include two signs, of which one would identify the campus and the other would list the four primary Town entities in that entrance and located



where the Gus Sign is currently. They would also like to add an electronic message board to serve all entities there and others in the middle of the area. Both signs will require modest variance from the BOS regarding the setback because the Gus Canty sign is closer to the road than the Zoning Board permits. Mr. Patterson suggested working with the School Department or Artist Guild on the format/design issues for the campus sign. If illuminated in a tasteful way, that would be considered. Mr. Suso will reach out to the entities for their thoughts.

Mr. Patterson requested status of the Senior Center project and punch list at a future meeting.

The next BOS meeting will be held on 2/10/20.

**Mr. Jones motion to adjourn at 9:24 p.m. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary