

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, JANUARY 28, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL

Present: Susan Moran, Chairperson; Megan English Braga; Doug Jones; Sam Patterson; Doug Brown.

Others Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order by Chair Moran at 7 pm.
2. Pledge of Allegiance
3. Proclamations:
 - a. No Guff Week – January 28 – February 1, 2019
Ms English Braga read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.

Superintendent Duer was present.

Tracey Crago was present with two high school students, the kickoff today at Morse Pond School.

Two high school students explained that no guff week is like spirit week, reminding all to be kind. Expanded from not just saying and texting negative comments, to if someone's not doing well, help them to be happier.

- b. Eagle Scout – Matthew Krause, Troop 42

Mr. Patterson read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.

Mr. Krause described his project, which was to GPS deceased fire fighters' graves. He made more accurate maps, now you can go on the database the Town has and search for the information. It shows the exact GPS location of each deceased firefighter in Town.

4. Recognition

Ms. English Braga recognized the passing of Tommy Leonard who left his mark on the Town, created a tradition with the Road Race. Moment of silence held.

Mr. Jones recognized the passing of Mark Albert, long time firefighter, one of Falmouth's finest. Moment of silence held.

5. Announcements

- a. Notification of Action on Hazardous Tree on Mullen-Hall School Property

Mr. Suso noted that Jeremiah Pearson, Tree Warden, and Peter McConarty were present. The Mullen Hall School Principal was concerned about a dead tree losing limbs. Mr. Pearson's recommendation is to remove the tree; it is not a street tree. Superintendent Duer confirmed her concurrence with the tree condition and the need for removal.

Jeremiah Pearson, Tree Warden, said that this tree would be replaced with another located somewhere else on the school grounds. The tree is an American Elm, much of the damage occurred to the roots and the tree is in massive decline.

Mr. Jones noted there was much discussion about taking the tree down when renovating the school, unfortunate what happened to it, got about 10-12 more years out of that tree.

Ms. Duer noted limbs are dropping and this is where children are dropped off and picked up, so it became a danger. They will work with Tree Warden on replacement.

6. Public Comment

Grant Walker asked the Board of Selectmen to take a more active role in pushing energy efficiency and renewable energy in Town. Start with the EDIC, asking the Board of Selectmen to publicize their solar energy project more, and install fuel cell equipment in the landfill facility. He suggested school properties and other municipal properties install solar panels. He would like the Town is to involve the Town Energy Committee. He recommends the wind turbines stay where they are if no one wants to lease property to operate the turbines or buy them. Mr. Walker handed a document to the Board of Selectmen.

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses

- a. Approve Application for Change of Manager – Paul Harney Golf Club, 74 Club Valley Drive, East Falmouth
Erin Harney Abbot, not a new management, she has worked there 30 years and has been the General Manager for 20 years. She explained her father’s name was on it before; it is just a change of name.

Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.

- b. Approve Application for Common Victualler License – Bite on the Go, 5 Old Meeting House Road, East Falmouth MA

Valencio Destefani, Manager, has location on the Vineyard and is opening a second location in Town. Serve buffet style Brazilian food, menu changes daily. They are not considering selling liquor, asking for 40 seats. Located across from CVS in the prior Dunkin Donuts location, at the intersection of Davisville and Route 28.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Administrative Orders

- a. Approve Eversource Petition to Install One New 4” Conduit on Hatchville Road, North of Wellington Way for Service at Lot 18 Hatchville Road
Ms. English Braga noted she is an abutter, has no connection to the property.

Engineering recommends approval.

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- b. Approve Eversource Petition to Install One New 4” Conduit on Abbies Lane, North of Teele Street, for Service to 29 Abbies Lane

Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.

Engineering recommended approval.

- c. Vote to Clarify Board of Selectmen Support to Town of Bourne for Bikeway Extension Funding

Mr. Suso explained that at the last regular meeting of the Board of Selectmen, the Board of Selectmen voted on this issue and due to an error in the draft motion, the worked rail to trail was inserted and it should have been rail with trail, which makes it consistent. He requested approval of that alteration in their motion.

Mr. Patterson motion to approve the amendment to include rail with trail. Second Ms. English Braga. Vote: Yes-5. No-0.

BUSINESS

1. Borrowing Authorization – Jennifer Petit, Director of Finance

Ms. Petit noted signing of the borrowing of the funds. Memo in the packet that Town issued bond anticipation notes, for senior center, athletic field, and wastewater. The rate is 1.79%, which is very good.

Mr. Jones motion to authorize borrowing of \$16,400,000. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Discussion on Sale of Tax Title Property

Jennifer Petit noted a memo from Attorney Duffy in the packet that laid out process for tax title. She made a PowerPoint presentation.

People have inquired about parcels of property to sell.

Tax Title Taking was described, if the property owner has not paid property taxes in 3 years, the Collector has the right to move it over to tax title or may defer the taking if a payment plan is in place. Town sends a demand notice, if taxes remain unpaid 14 days after the demand notice is sent, a legal add is put in the newspaper. Town records the instrument of taking within 60 days and taxes accrue at 16% by MA Statute.

Once the property is taken, the Town can foreclose, this takes about 1-3 years and the cost is about \$2,000 for each property.

About a year ago there were discussions about an alternative procedure, which is transfer of tax receivables to a third party. The treasurer identifies the receivable and it is sold at public auction.

Suggested procedure: Town Treasurer identifies property for sale, there will be no sale of property that is occupied by the owner as a primary residence, subject to outstanding payment agreement, in a bankruptcy procedure or has contamination. The Treasurer notifies all town departments to determine if the property should be retained for municipal purposes. The question put forth was whether the Board of Selectmen wants to look at this alternative.

There is a procurement process.

Patricia O'Connell noted that 43 communities that use the suggested procedure have collected millions. Intent is to notify all of what they intend to do regarding the auction process. Most people pay their taxes in full about 50% of the time. The Town has tried to send a letter. Many properties in tax title, the Town does know who the rightful owner is and it is quite a job finding who the owner is. People who do this have all the legal manpower to research that the rightful owners are, the Town does not have the manpower. There is no fee for outsourcing, they go to the auction and bid on the parcels as well, they make 16% if they win buying that lien.

Mr. Johnson-Staub noted at the auction it is determined what is paid by the entity buying the lean, recently paying 100% of the lien and in some cases more than that. This should be part of the filtering process, before it is sold it is vetted by Town departments and determined if there are appropriate uses before it goes to auction.

The Board of Selectmen noted that it is the Town's option and they can be bundled. They would like the EDIC to look at it along with Town Departments. If they bundle all tax title property, the Town is done with it and it is off the books because it has been paid off. The tax title company receives 16% and they have the right to foreclose on that property. Mr. Johnson-Staub said that new taxes continue to be paid to the Town. Mr. Suso noted that it returns the properties to productive taxpaying use.

Ms. Petit noted that once it's auctioned, the Town loses rights to the property.

Ms. O'Connell explained that it is unknown how many properties the Town has not been able to ascertain ownership and others you know who they are but they are having a hard time paying. She noted that some are small parcels that the owner does not want to pay because they are not buildable. The company the Town is looking at is willing to give the Board of Selectmen a presentation on what they do.

The Board of Selectmen asked Attorney Duffy to put a list of properties; the Town Manager will look into this further.

3. Vote to Adopt Public Comment Rules

These were presented at a previous meeting resulting from a decision on a case. Attorney Duffy made presentation to the Board of Selectmen detailing the changes and they are ready to vote the proposed new changes.

Mr. Jones is comfortable not voting them and noted policies can be changed anytime they want. He asked if a policy would tie their hands even more than that.

Attorney Duffy noted a policy is an appropriate path to control public comment, not a rule. There is no need to vote acceptance. The Board of Selectmen policy is to vote the policy, there is discretion.

The Board of Selectmen discussed the language.

Mr. Jones motion approval to adopt with the change. Second Ms. English Braga. Vote: Yes-5. No-0.

4. Interview, Vote and Appoint Committee Members:

a. Affirmative Action Committee

b. Lynne Rhodes

Born and raised in Falmouth, she has helped her father and she noticed the impact he made, he was a mild mannered person and he was effective. Since he passed, there is a huge void and she feels she would like to follow.

Ms. English Braga noted that Ms. Rhodes is attending meetings and involved in work they are doing. She brings a lot of her own differences that are different and Ms. English Braga supports her.

Mr. Patterson has gotten to know her over the last year, she attends some Rotary Club Meetings, and she is a great candidate.

c. Meghan Hanawalt

Lives in East Falmouth with her wife and animals. She would like to serve the Town in some way and in past year and half, she is getting to know more diverse population in Town through community groups and others, through the Woods Hole Film Festival. She feels strongly she can help the Town reach its potential.

Ms. English Braga noted she is doing research and thinking about this for a while.

Mr. Jones motion to appoint Megan Hanawalt to a term ending June 30, 2019 and Lynne Rhodes to a term ending June 30, 2021. Second Mr. Patterson. Vote: Yes-5. No-0.

d. Human Services Committee

Nadine McCall

Had a child with cerebral palsy, learned his needs. She works for CORD and in the community. Working with homeless committee, Disability Commission, and her experience will add a lot to the committee. She can assess the needs of the community quickly.

Sharon Sodekson

Work for Falmouth Human Services as a Coordinator for coalition for substance abuse for 4 years and was supportive to the substance abuse commission, VIPS mentor, and she is ready to give back. She went to meetings and feels it is a good fit.

Mr. Jones motion to appoint Nadine McCall and Sharon Sodekson to terms ending 6/30/21. Second Ms. English Braga. Vote: Yes-5. No-0.

e. Solid Waste Advisory Committee

Amy Roth

Falmouth resident, kids going through the school system, and she would like to be more involved and informed about Town. Environmental consultant by trade, attending meetings to learn what they do, now two vacancies and she is ready to join in more formal way.

Ms. English Braga noted Linda Davis gave endorsement of both applicants.

Ruth Brazier

Has been on the committee before and because of term limits she had to step down. She has attended meetings while off. She has been volunteering at the Transfer Station swap shop trying to put things in order so people can see what is there. More stuff comes in than goes out. They encourage people to take things out of the waste stream for waste reduction. Written talking trash articles, she attends many State workshops. Most recent one was about Towns that have established fix it cafes, set up so that volunteers who know how to fix things meet and have an open house to teach people how to fix the things they bring in. She would like to provide this service in Falmouth.

Mr. Jones motion to appoint Ruth Brazier to a term ending 6/30/20. Second Ms. English Braga. Vote: Yes-5. No-0.

5. Vote Articles and Execute Warrant for April 2019 Town Meeting

Schedule reviewed by Chair Moran:

Announce town meeting 12/3/18.

Warrant closes 1/18/19.

Vote articles 1/28/19.

Public articles only 2/1/19.

Presentation of articles 2/11/19.

Board of Selectmen vote recommendations 2/25/19.

Publish warrant with recommendations and mail 3/2/19.

Town meeting 4/8/19

The Board of Selectmen discussed questions about Articles 29, 30, and 31 regarding short term rentals. Mr. Jones feels they do not put them in this Town Meeting. Mr. Suso and Mr. Johnson Staub prepared a memo regarding Articles 30 and 31 that relate to the potential impact fee. This is a work in progress and makes sense because the impact deals with collection of fees differently than the excise tax does. There are many unanswered questions and the Town is awaiting information from the MA Department of Revenue. This could be brought forward to the November or April Town Meeting and they recommend taking the time to get the information and package the concept. Under statute, 35% needs to be set aside for affordable housing and infrastructure.

Article 29 put on as result of information from Town Counsel, many communities are at 6%, and the Board of Selectmen may want to consider 4-6%.

Mr. Jones noted the 4% applies to short term rentals immediately, so will remain the same level between the hotels and short term rental. Chair Moran believes the impact fee is important to have some community input for it to be successful, we are better together in our tourist based community.

Mr. Johnson-Staub explained that all elements of the rooms tax are collected by the State except the community impact fee that would be paid by short term rentals. There is an increased burden on the municipality to develop our own collection system and data is unknown.

Mr. Patterson wants to be careful, State legislatures have worked hard and have given opportunity to increase revenues. He wants to meet community needs and be prepared to fill holes that have not been filled for some time. How we can invest the revenues for the benefit of our town.

Mr. Suso noted they want to come back with more definitive information than they have now.

Mr. Jones would rather increase by another 2% and then another 3%, rather do it step by step.

Mr. Patterson noted this is not increasing taxes to increase taxes. We have a huge wastewater treatment problem that will benefit from the increase in revenue.

Mr. Brown noted the impact is less rentals available in Falmouth and maybe develop a fund to build rentals. Chair Moran noted that is what the 35% was designated for.

Mr. Suso noted the local and Cape Cod Chambers of Commerce are aware of this initiative, but it is unknown what communication has taken place with their membership.

MA DOR website has information.

Mr. Brown feels the impact fee should go to rental housing because short term rentals are more lucrative than long term rentals and are removing them from the stock.

Mr. Jones motion to remove Articles 30 and 31 from the list. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to remove Article 29 from the list. Second Mr. Brown. Yes-2. No-0.

Chair Moran motion to change from 4 to 5% and change article in that regard. Second Mr. Jones. Vote: Yes-3. No-2.

Mr. Suso noted Article 26 was requested to be withdrawn by the petitioner.

Mr. Jones motion to add Articles 1-8 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add Articles 9-18 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add Articles 18-22 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add Articles 23-25 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add now Articles 26, 27, and 28 to the warrant. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to add Article 29 (previously Article 32), 30 (previously Article 33), 31 (previously 34), 32 (previously Articles 36 and 36) to the warrant. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion to add Articles 34-43 (previously Articles 37-46) to the warrant. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion to add Article 44 to the warrant. Second Mr. Patterson. Vote: Yes-5. No-0.

Article 30 (previously Article 33) lists at request of the working group. Attorney Duffy noted that the group is not an official group and needed to be an individual. It is okay to leave it as printed and when they present it they will have to explain it.

Paul Dwyer, Town Meeting Member Precinct 2, he signed his name and wants credit to go to the working group. Mr. Suso noted he took no official action to appoint individuals to a working group here and will be pleased to make the presentation.

Chair Moran asked about an agenda item to look at articles so the Board of Selectmen can direct staff regarding background information and prepare for precinct meetings.

6. Update and Discussion of Recreation Staffing and Potential Gus Canty Playground Equipment Relocation to Area at Sandwich Road Fields

1. Update on Recreational staffing and Mr. Johnson Staub will lead this off.

Mr. Johnson-Staub updated the Board of Selectmen, as of last week all full time budgeted positions are filled. In addition to this, the Town Manager proposed additional staffing resources to the Recreation Department and functions. They have increased funds for the existing part time receptionist, summer adventure program seasonal staff, sailing seasonal staff, and 2 full time parks employees to provide more frequent mowing.

Recreational staffing was reviewed via PowerPoint presentation and explained the primary duties. Program Director B will be primarily performing recreational duties, will be cross trained by the Beach Director and provide limited assistance to the Beach Department.

Chair Moran asked the recreation uses grants and grant funding, Mr. Johnson Staub noted the county has support for grant writing.

Mr. Pearson noted the two additional full time parks employees will add to the mow and grounds keeping crew.

Public Comment:

Michael Heylin, Cliffwood Lane and Recreation Committee member, noted the recreation committee has asked for positions to be filled for a few years. There was a Recreation Director and when she left, the Assistant Recreation Director became the Recreation Director and Assistant job vacant for over 2 years. The Recreation Committee has asked for these positions to be filled, this meeting tonight was because Mr. Suso recommended meeting before the fy2020 to discuss staffing, that did not happen. Program Director B is not an Assistant Recreation Director, that person can go work with the beaches if needed. Because of this new position, they lost someone as a full time employee, he did not get the job as Program Director B. Meeting in June where all spoke against the combined position and were told to talk to the Board of Selectmen before the budget cycle. Positions were changed and the Recreation Committee was not consulted. The Recreational Committee has made recommendations to the Town Manager, Assistant Town Manager, but nothing has happened.

Sandra Cuny, Recreation Committee, she wrote a letter to the Board of Selectmen on behalf of the Recreation Committee, there was concern about the vacancy, both departments. She met with the Town Managers about how the position would work, in interim of not having an assistant, town management has provided the Recreational Department with personnel to cover programs and hours of operation. Young man applied for the position, but did not qualify and he could lose his job. He loves his job and all love him. She hopes the Board of Selectmen will find a way to keep him.

Bob Brown, is sad the Assistant Director position has gone away. When looking at affordable housing and young people cannot move up, need to think about giving good jobs to people where they may have the money to save to buy a home or rent in this community.

Mr. Johnson Staub noted the first attempt to fill the vacancy was at the same grade level as the Assistant Director, unable to find a qualified person to take the higher level job. Still have the grade spot in the pay plan, can promote one of the 3 individuals to the higher grade as that person gains more experience.

Dan Shearer, Beach Committee, said they are short an assistant. The Beach Department has 4 months to go before the season starts, beaches are a mess due to weather, much work to do, and it is a 7 day week job. Is this it, just a part time person sometimes.

Mr. Johnson-Staub explained no reduction in seasonal staffing compliment of the Beach Department last year, year before, or next year. Confusion is of title change, the Assistant Beach Superintendent title is no longer being used, but same duties taken on by a Beach Coordinator who is interested in returning next year.

Mr. Suso noted not included on agenda staffing for beaches and Bruce Mogardo unable to be here this evening, but he will suggest sitting with Mr. Mogardo and the Beach Committee to walk through the continuation that is in place. Ms. English Braga would like the follow up this on a future Board of Selectmen agenda.

Mr. Heylin noted in June the Recreation Committee said this combined position was a bad idea. What is the percentage of Recreation Department v. Beach Department time. Who do they report to? Mr. Mogardo or Mr. Olenick?

Mr. Johnson-Staub noted they do not have a percentage, but idea is majority of the time will be for the Recreation Department, it could become a more substantial beach component, but will take learning time. The position reports to the Recreation Department Director, Mr. Olenick.

2. Discussion of potential relocation of playground equipment to Sandwich Road Fields by Peter McConarty

Mr. McConarty showed PowerPoint with photos, looking to put it at the Sandwich Road Fields in 100x100 square area so can add to it in the future.

Reviewed the area to relocate it, to the left as you drive into the front lot in what is now a wooded area.

New playground area was described, it have perimeter fencing and will be installed in the near future, possibly February or March.

Jeremiah Pearson said the trees will be cleared so that the playground is visible from the fields.

Peter McConarty said the bench policy donation with a bronze plate is active if the community is interested.

7. Discussion on Selectmen Name (e.g. Select Board, Select People, etc.)
Chair Moran provided background on this question in letter to the editor.

Mr. Jones suggested Selector because it has no gender specificity.

Mr. Patterson noted concern about connection to the State constitution and regulations.

Mr. Brown suggested select board, selectperson.

Mr. Johnson-Staub noted that Amherst crusaded for their change to use Select board with Selectman and Selectwoman, he will review what was done.

Chair Moran noted putting it towards a challenge of the next generation and ask for suggestions from others and take for a vote at the next meeting. Welcome input.

The Charter Review Committee may have suggestion, it would have to be changed in the charter. Any action the Board of Selectmen takes will be suggestion to the Charter Review Committee. Mr. Johnson-Staub noted that some communities have done a legal change and others have made it a practice where they have not gone back to change, but by practice referred to as other.

The Board of Selectmen is open to a change and see what the Charter Review Committee might recommend. Recognize there is a need for change. Then decide formal or by practice.

8. Minutes of Meetings: Public Session – January 14, 2019

Mr. Patterson motion approval with edits. Second Ms. English Braga. Vote: Yes-5. No-0.

9. Individual Selectmen's Reports

Mr. Brown:

Went to State house and met with the Secretary of Environmental Affairs sand asked for money to restore the Farley Bog by the Rod and Gun Club.

Attended Tommy Leonard wake and funeral.

Attended Veteran's Council meeting, they have put a package together to ask the Board of Selectmen to consider the Senior Center Building, very strong case.

Met with Mr. Johnson-Staub and Judy Fenwick regarding the local guide to government handbook.

The leaning pole on Thomas Landers Road looks secure at this time.

County dredge tried to help Falmouth, but more mechanical problems, they did not get dredging done in critical places. Mr. Johnson-Staub said that the State denied the time of year waiver for the work to continue. According to Chair Moran, next season Falmouth will be first on deck. Mr. Brown wondered about having our own crew to run the dredge. Mr. Suso noted the county administrator is exploring acquisition of another smaller dredge and to include the manpower issue. Chair Moran said the Plymouth dredge not all that busy and county looking into that, too.

Mr. Patterson:

Attended School Committee meeting regarding security cameras, construction on multisport field will begin weather pending.

Attended MA Municipal Association Annual Meeting. Presentation by Governor Baker, Lt. Gov. Polito, Senators Moakley and Warren. Explained how superior education program and working together benefits MA. Governor Baker said he would encourage more local aid. Workshops were held, including 5G cellular service.

Attended No Place for Hate MLK breakfast.

Attended the Joint Meeting Saturday.

Ms. English Braga:

Met with Charter Review Committee, they will have impressive product to share at the end. Encourage all to connect with them if they are thinking about some of these issues and how the town is governed.

Attended No Place for Hate MLK breakfast, had individuals from Town, students, more young people than in the past. Recognizing Cape Cod Pride, Inc. that has raised the issue around LGBTQ issues and Cape Cod Pride Day.

Chair Moran:

Remarked on the Joint Meeting Saturday, committee members noted they got so much out of it. Asked committee members and chairs if you have things you want to collaborate with other committees, send email to the Board of Selectmen chair.

Mr. Jones:

IT will reach out to the Board of Selectmen regarding the new email addresses.

10. Town Manager's Report

Mr. Suso reassured all they can use the present email address for a transition time.

Mr. Suso attended the Thursday evening Route 28 Citizens Committee, the group is making progress in their mission to recommended compromise for layout. On 2/2/19 the committee will have a site visit to the corridor to review conditions first hand, possibly a brief meeting after.

The DPW was acknowledged with a workplace safety award and Peter McConarty joined Mr. Patterson and Mr. Suso at the luncheon. The Board of Selectmen appreciates the efforts of DPW receiving that.

Attended annual MA Municipal Association conference.

Attended the tribute to Tommy Leonard.

11. Review and/or Discuss Correspondence Received-none.

Mr. Jones motion to adjourn at 9:43pm. Second Ms. English Braga. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary