

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, MARCH 11, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Others Present: Julian Suso, Town Manager

OPEN SESSION

1. **Chair Moran called the open session to order at 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – Review and discuss settlement proposal for the following litigation: Taylor V. Falmouth Police Dept. (US Dist. Ct.) because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. English Braga, aye; Chairman Moran, aye; Mr. Jones, aye.**
2. Chair Moran called the open meeting back to session at 7 pm.
3. Pledge of Allegiance
4. Proclamations:
 - a. 2019 Falmouth Historical Society Heritage Awards
Virigina Valiela certificate read as a motion by Chair Moran. Second Mr. Jones. Vote: Yes-5. No-0.

Vicky Lowell, certificate read as a motion by Mr. Brown. Second Ms. English Braga. Vote: Yes-5. No-0.

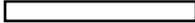
Carolyn Partan certificate read as a motion by Ms. English Braga. Second Mr. Jones. Vote: Yes-5. No-0.
 - b. White Ribbon Day – March 19, 2019
Dr. Sandra Faiman-Silva, promoting white ribbon day, domestic and sexual violence. Read a statement about its affect on women and men. Reviewed the affect on Cape Cod. The campaign brings attention to the issue, mobilizes boys and men to take a stance against violence against women. Promote safety and respect in all relationships. Ask the Town in acknowledging the serious epidemic. 9am Falmouth Public Library Hermann Room on 3/19/19.

Mr. Jones read the proclamation as a motion. Second Ms. English Braga. Vote: Yes-5. No-0.
5. Recognition
Megan English Braga recognized on 3/2/19 the efforts of the Falmouth Educational Foundation and its gala on 3/2/19; gave back just under \$1 million to Falmouth Schools since its inception.
6. Announcements
Ms. English Braga announced that this Saturday 6-11pm will be the St. Patrick's Day dinner dance at the Portuguese American Club.

Mr. Brown noted an Elks fundraiser Saturday night at the Elks club.
7. Public Comment-none.

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses



- a. Approve Application for a Change of Manager of an All Alcoholic Restaurant License – AM Dining, Inc. d/b/a Golden Swan Indian Cuisine, located at 323 – 325 Main Street, Falmouth

Megan English Braga disclosed she has represented the owners of the restaurant in another capacity several years ago.

Theodore Schilling, Osterville Attorney, was present with the applicant. The establishment has been in business for 13 years, no difficulties with liquor license. The applicant is familiar with service and been there 13 years, she is TIPS certified. Mr. Jones reminded her that she is responsible for violations even if not there.

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

- b. Approve Application for a One-Day Wine & Malt Liquor License – Gray Matter Marketing d/b/a Cape Cod Brew Fest, to be located at Barnstable County Fairgrounds, 1220 Nathan Ellis Highway, East Falmouth

Mr. Jones motion approval. Second Mr. Patterson and amended to include contacting the detail Sergeant at the Falmouth Police Department. Vote: Yes-5. No-0.

- c. Approve Application for a Change of Manager of an Common Victualler Restaurant License – Betsy’s Diner, located at 457 Main Street, Falmouth

David Chandler, First Chandler Corp., transfer of management to Kazar Keuchkarian of Talk of the Town Diner, the new owner. Mr. Keuchkarian described the work to date, they hope to open Friday morning.

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

- d. Approve Application for a One-Day Wine & Malt Liquor License – VIPS Volunteers in Public Schools, Inc., to be located at Mahoney’s Garden Center, 958 East Falmouth Hwy., East Falmouth Tracy Crago, Falmouth VIPS, name beer and wine taste.

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

2. Administrative Orders

- a. Vote to approve request from the Falmouth Housing Corp. for a waiver of the water tapping fees and the sidewalk bond for the Little Pond Place affordable housing complex

Mr. Suso noted this was carried, the Department of Public Works (DPW) recommended against, it is not something currently in the Board of Selectmen waiver policy. Sidewalk bond is a critical item that ensures that is dealt with and refunded upon completion. Water tapping fee, not waived in the past, waiving that fee transfers the responsibility elsewhere. There is no further information available and Mr. Suso asked to carry this further and he would get the information.

- b. Vote to authorize the Town to locate an Eligible Purchaser for 338 Sam Turner Road

Ms. Feroni, Housing Coordinator, this is an affordable unit, single family home that was on the market, an eligible purchaser was found, inspection revealed water damage to the property. Remediation took longer than expected. The owner gave a new intent to sell which starts the process over again. The Board of Selectmen is asked to approve the authorization to locate an eligible purchase.

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

- c. Vote to appoint Falmouth representative to Cape and Islands Water Protection Fund Management Board

Mr. Suso explained this is part of the State legislation relating to the seasonal lodging tax, a portion has to do with creating the Cape and Islands Water Protection Fund, overseen by each

municipality on the cape and islands. A request was received from the Cape Cod Commission if they want to move forward the Town should designate a representative for this fund and the meetings will begin in the next couple months. Mr. Suso and the Board of Selectmen agreed that the Falmouth Representative will be Mr. Johnson-Staub.

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

- d. Vote to accept FY19 Wellness Grant from the Cape Cod Municipal Health Group in the amount of \$600.00 to the Personnel Department Grant Account

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

- e. Authorize an application for a Housing Choice Initiative Grant

Tom Bott, Town Planner, explained the program modeled after Green Communities Act. Projects in the Cape Cod area that received grant money were mentioned. Reviewed what Falmouth could do to meet some criteria to qualify. This is an annual grant.

- f. Authorize an application for a Mass Development Real Estate Technical Assistance Grant for Davis Straits master planning

Mr. Bott is seeking a grant for the visioning and master planning for the Davis Straits Area.

Mr. Jones motion to approve. Second Ms. English Braga. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARING

1. Application for Shellfish Aquaculture License – Peter Chase and Francis Doohan– Work Float Located at Mooring #37 in Great Harbor, Woods Hole, MA

Chair Moran read the hearing notice.

Peter Chase, 35 Westmoreland Dr, Falmouth, explained the project, it is a float with cages that hang underneath to grow oysters in the cages. Next to two other similar permitted floats.

Francis Doohan loves the idea. No objection to using his mooring for oysters.

Positive recommendations from the Shellfish Advisory and Chuck Martinsen were received.

Public comment:

Tom Duncan, Shellfish Advisory Committee, unanimously endorsed this project.

Mr. Jones motion to close the hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to approve the application. Second Ms. English Braga. Vote: Yes-5. No-0.

7:45 p.m. PUBLIC HEARING

2. Flow Neutral Bylaw – Evaluation of Request for Variance – Holmes and McGrath, Inc. – 24 Spencer Baird Road, Woods Hole (Parcel 49A 06 000D 044), Continued from February 25, 2019

Chair Moran read the hearing notice.

Request for continuance to 4/22/19 7:45pm.

Mr. Patterson motion to continue to 4/22/19 at 7:45 pm. Second Ms. English Braga. Vote: Yes-5. No-0.

8:00 p.m. BUSINESS

1. Quarterly Report – Falmouth Police Department – Chief Dunne

Chief Dunne, Falmouth Police Department

Staffing levels were reviewed, including 59 funded positions, Officer Paul Whiting resigning as of 3/14/19. George Cabral retiring as of 4/5/19. One officer is on military leave, another out in May on maternity leave. Three on light duty status. Four officers out on line of duty injuries, two related to the July shooting, 2 others for injuries.

Two new hires completed field training program and patrolling. Conditional offer of hire to a new hire, hoping to send to Joint Base Cape Cod pilot program for police academy in July.

Tomorrow 9 am swearing in ceremony for promotions, first female command officer in the Falmouth Police Department will be promoted Sergeant permanently.

Summer seasonal interviews today, hiring 7 officers and reviewed their assigned locations.

Registration of Home Security Systems-cameras. Asking the public register their cameras with the Falmouth Police Department, type of system, would they be willing to share information if an incident occurs in their neighborhood. Go to Falmouthpolice.us to register.

Detective status: crimes investigated were reviewed. Heroin still a huge problem. Overdoses 27, death 1, Narcan used by the Falmouth Police Department 6 times, and served 35 committal through the courts. 15 home visits, 0 have accepted treatment. Mental health issues 41 calls for service related, increased from last year. Falmouth Human Services and Falmouth Police Department have made 18 home visits, several are receiving services as a result. Certifying officers in first aid mental health, hoping to have 100% trained.

Domestic violence in progress 25, in past 7, domestic disturbance 14, restraining orders 45, restraining order violations 4.

Calls for service were reviewed: self initiated 1,789 up from last year. Dispatched: 1730.

Past events: March 4 graduated 15 Morse Pond students from the 5th junior police academy. About 75 students to date have gone through.

5/5/19 annual award and recognition and swearing in ceremony awards to officers for community service, unit citation award for the Seacoast Shores officer-involved incident. Officers of the year were recognized and received highest award: Medal of Honor. The Falmouth Police Department received an award from the Town for being recognized of years of service for the town.

RAD: free self-defense course for women only. Ages 13 and up. 9am to noon on 3/30/19, 4/6/19, 4/13/19 and must attend all 3 sessions. Contact Falmouth Police Department Officer Elvira Ferreira if interested.

Police week 5/12-18. Annual event to honor officers that fallen in line of duty. 5/17/19 10am in front of the Falmouth Police Department.

Chief Dunne going to Washington, DC that week representing SEMASS Police Chiefs Association. Officer DeMiranda and Officer Moore being recognized at 26th annual top cop award dinner. Their names were submitted for the awards, normally top cop award given to 1 incident per state, incident with Sgt. Gannon and Falmouth incident submitted are both being recognized.

ALICE training with schools: lockdowns in the schools for years, transitioning into lockdown with new program to Falmouth. Almost all staff trained in the ALICE training and reviewing how to move to the next step. ALICE is a program where you alert, lockdown, escape, and fight to protect yourself. The Falmouth Police Department has three ALICE instructors in the Falmouth Police Department, some staff have been sent to become instructors at the schools.

There was much positive feedback at the Joint Meeting with the Board of Selectmen and School Committee regarding the Hidden in Plain Sight interactive education program. Taking it on the road, purchased with seized drug profits for the trailer, reached out to business partners who donated many items, sent to the Sheriff's department and built a bedroom that looks like a teen's bedroom in the trailer. Having

it lettered and hoping to roll it out soon. Would like to bring it to a Board of Selectmen meeting early for a tour. This will go to School open houses, athletic games, street fair, and to educate the public.

2. Status Update on Multiple Public Works Initiatives – Peter McConarty, Deputy Public Works Director

Peter McConarty

Provided an overview of projects the Department of Public Works is working on at this time.

Maravista Avenue planning installation of new sidewalk from Menauhant Beach to Route 28 intersection. Funding in place for a wider sidewalk in that area. Highway Department will replace flashing lights for the schools using solar lights.

Tim Grady, Highway Superintendent and Jeremiah Pearson, Park Superintendent present.

Rt. 151/Sam Turner/Boxberry Hill: roadway audit completed, final Road Safety Audit completed and delivered last month. Putting together a survey and design for that area.

Worst congested intersection is Jones Road/Gifford Street Intersection. Asking for proposal to do a survey on that area. Full design, would like to see Sam Turner, then Coonamessett intersection, then Sandwich Road/151 intersection upgrade. Sidewalk from intersection to first driveway to the Dunkin Donuts/Vet.

Brick Kiln Road/Sandwich Road jams up in the evening, want to put in left hand turn lane. Would like sidewalk with granite curbing from Brick Kiln Road to Rte. 151 intersection.

Route 151/28A: The state wanted to signalize and install a roundabout, the Town told State they wanted to keep it signalized. The Cape Cod Commission Transportation Committee meetings were held and the State pulled that project.

Goodwill Park intersection: this project has been reviewed with the State twice, moved speed limit signs, the Town has design. The State has another plan including a system called Hawk system that goes over roadway, lights are black all the time until activated by person. The Board of Selectmen suggested a sign to direct bicyclists. Also need sidewalk from crosswalk into the park. The slope from the park goes to the edge of the road, need to do some excavation work.

The street crossing near Surf Drive Beach was discussed and question of whether temporary stop signs could be put there. That would need to go through the Traffic Advisory Committee for review, usually only do permanent stop signs. It will take at least a year to get permitting in place.

Boxberry Hill/151/Sam Turner, waiting for proposal now, Town does design, State reviews the Town's work, it will take about a year for permitting/plans/right of way, could be 2 years to get done. Looking to include elongated roundabout with new signage, street lights, and slow traffic in that area.

Great Bay St. closures were reviewed. Currently every roadway is closed unless a house with a driveway on that street. Town Counsel looking into the roadway, it was deeded to the Town and looking into the legalities of the roadway. It was a piece of land given to the Town. Last year many storms led to loss of a couple sets of the 9 sets of stairs. The 2 sections were within 150ft, so they are just replacing one set. Need to go through the Conservation Commission and then building permit. His understanding was the stairs were all built not by the Town in the 1980's.

Julian Suso noted tree at Highfield Hall update. Concurred with Mr. Jones regarding planning of tree work.

Jeremiah Pearson, Parks Superintendent and tree warden provided an update on the Highfield Hall trees. One was dead and removed last week. The other is in front of the mansion and 135 years old, it has been treated by a private contractor. The Town owns the property and have been asked to assist because they have been paying annually to maintain these historic trees. The Town goes in when they need to be removed.

The Board of Selectmen would like them to plant a new tree, Mr. Pearson will suggest that.

The tree at Mullen Hall will be removed and replant there in the spring.

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3. Vote to Approve Request for Waiver of Special Event Permit Fee
 - a. Arts Alive Festival
 - b. Jazz Stroll (JazzTober)

Lee Geishecker requested waiver of permit fees for both events. Costs are paid for through fundraising. Waiving the fee would help them. Two events for the year, flagship for Main Street and do them in conjunction with the Main Street Village Association.

Mr. Patterson motion to waive the permit fees for a and b. Second Ms. English Braga. Vote: Yes-5. No-0.

4. Vote to Approve Request for Off-Premise Promotional Signs for Special Events:
 - a. VIPS – Volunteers in Public Schools – Feasts of Falmouth to be located at Mahoney’s Garden Center, 958 Est Falmouth Highway, East Falmouth – Friday June 7, 2019
Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.

5. Minutes of Meetings:
Public Session
February 11, 2019

Mr. Patterson motion to approve with corrections. Second Ms. English Braga. Vote: Yes-5. No-0.

Executive Session

December 11, 2017-wrong date 12/11/18. Edit will be requested.

Vote to Release/Not to Release Minutes of Executive Sessions

November 20, 2017

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

December 4, 2017

Mr. Jones motion to release. Second Ms. English Braga. Vote: Yes-5. No-0.

6. Individual Selectmen’s Reports

Mr. Brown:
MA Municipal Meeting at the Seacrest.
Route 28 presentation, good plan.

West Falmouth Village Association Meeting, nourishment was discussed.

Would like to have someone from Gosnold come and explain how the system is working, when they are doing their placements and the guidelines involved. He would like to look at sober homes.

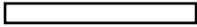
Mr. Patterson:
Route 28 presentation, good plan and presentation. Concept at this point. The roadway is kept where it is right now. Using 8 ft. paths on either side of the roadway, but may go down to 6 ft. in areas.

Falmouth Education Foundation Gala.

West Falmouth Village Association Meeting.

Would like information from Human Services and burdens placed on the family/community when one is addicted.

Ms. English Braga:
Democratic Town Committee Legislative update, need additional innovative thinking around addiction and opioid epidemic. Future agenda item may be to have Judge Walsh talk about the Drug Court and what that means.



Would like an update on sober houses and what limited power the Town has over them.

Mr. Jones:

Joint meeting with School Committee and carousel was discussed. He would like a future agenda item, he is concerned about that crowded area. Jen McKay had a preliminary look and noted the location is more than 100 feet from Shiverick's Pond, it does not appear to need formal Conservation Commission approval. School Committee is expected to do a site visit. The Town has no direct purview on how the School Dept. utilizes property under the School Dept. purview. The carousel will remain in their past location for the summer of 2020.

7. Town Manager's Report

Mr. Suso updated on procurement process for wind turbines. Atty Duffy, Jennifer Petit, and Mr. Johnson-Staub are working with Wesstn and Sampson to assemble multiple procurement options: not to operate turbines in town, explore lease opportunities outside town, operate as energy project to run somewhere else, and repurpose as cell tower or other. Should have final product in April 2019 and Mr. Suso will coordinate with Joint Base Cape Cod in potential interest.

Confirmed the Joint Meeting with the School Committee was successful and will draft a letter of inquiry on the ongoing challenge of school funding.

Falmouth High School Athletic Field ground breaking attended.

Attended Cape and Islands monthly business meeting Friday, legislative update.

4/8/19 town meeting.

3/25/19 the Board of Selectmen next business meeting.

Town email challenges were described and are being looked into. Board of Selectmen nondelivered emails will be checked regularly in managing the transition between email addresses.

Precinct Meeting Schedule:

Precinct 1: Mr. Jones and Mr. Patterson.

Precinct 2: Mr. Jones and Mr. Patterson.

Precinct 3: Mr. Brown and Ms. English Braga.

Precincts 4 and 7: Mr. Brown and Mr. Patterson.

Precincts 5 and 6: Mr. Patterson and Ms. English Braga.

Precincts 8 and 9: Ms. English Braga and Mr. Brown.

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

Ms. English Braga motion to adjourn at approximately 9:05pm. Second Mr. Jones. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary