

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**MONDAY, MAY 20, 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; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel.

1. Call to Order by Chair Moran at 7 pm.
2. Pledge of Allegiance
3. Proclamations:
  - a. Eagle Scout – Alden H. Thomas, Troop 40  
Mr. Patterson read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.  
  
Mr. Thomas explained his project to restore and build, cut new trail behind the Atria Woodbriar. He built 118 feet of bog bridges, so if it rains people can still walk on the path. Over 140 hours of work done at that project.
  - b. Rotary Club of Falmouth's Inaugural Kids' Day of Play – June 8, 2019  
  
Bob Mascali, President Rotary Club of Falmouth, told the BOS this has gotten a lot of support.  
  
**Mr. Jones read the proclamation in the packet as motion. Second Chair Moran. Vote: Yes-5. No-0.**
4. Recognition  
Ms. English Braga recognized all FHS students graduating in class of 2019 this year and wished them a lot of luck.
5. Announcements  
Annual Veteran's parade and ceremony on the Library green and begins at 10 am.  
  
Mr. Jones reminded all tomorrow is Election Day and change of locale for Precinct 2 to the senior center; polls open will be opened 7 am-8 pm.
6. Public Comment-none.
7. Vote to Affirm Appointment of Communications Administrator and Waiver of Residency Requirement  
  
Mr. Suso asked the BOS affirm appointment of Christopher Campbell, and he is scheduled to begin around 6/24/19.  
  
Mr. Campbell is looking forward to beginning here in Falmouth. He is familiar with the systems Falmouth has in place.  
  
**Mr. Jones motion to affirm and waive the residency requirement. Second Mr. Patterson. Vote: Yes-5. No-0.**

**7:15 p.m. SUMMARY OF ACTIONS**

1. Licenses

- a. Application for Transfer of Common Victualler License and Automatic Amusement License by New England Authentic East, LLC d/b/a D'Angelo Located at 689 Main Street, Falmouth  
**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- b. Application for New Second-Hand Dealer License – Old Nouveau, Located at Home Again Consignment Shop, 94 East Falmouth Highway, East Falmouth  
**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- c. Application for Change of Name and Change of Manager of a Common Victualler License – The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café, Located at 465 Grand Avenue, Falmouth  
**Mr. Jones motion approval of the change of name. Second Mr. Patterson. Vote: Yes-5. No-0.**  
**Ms. English Braga motion approval of the change of manager. Second Chair Moran. Vote: Yes-5. No-0.**
- d. Application for Special One-Day Wine and Malt Liquor License – Debra Rogers, Falmouth Community Television (FCTV) Annual Meeting – 310 Dillingham Ave. – Thursday, 5/30/19

**Ms. English Braga motion approval. Second Chair Moran. Vote: Yes-5. No-0.**

2. Administrative Orders

- a. Approve Eversource Energy and Verizon New England, Inc. Petition to Install one (1) pole #35/6 on Barrows Road, East of Willette Way  
Spelling of Willett way corrected.  
**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- b. Approve Coastal Resiliency Action Committee Application to the CZM Coastal Resiliency Grant Program for an Amount up to \$250,000 and Entitled Falmouth Buzzards Bay Shoreline: Defining a Sediment Budget

Charlie McCaffrey told the BOS the West Falmouth shore way is vulnerable, the Woods Hole Group study indicates how vulnerable it is. We do not know what to do to protect it, need nature based solutions because that is what state will pay for. The key to this is better understanding of where the sand is and wave action. Dune creation, beach nourishment will be needed. Much of the shoreline and wetlands are publicly owned.

Chair Moran noted there was dredging that was going to be done in West Falmouth Harbor, and asked Mr. McCaffrey if there should be similar outreach occur with this project. Mr. McCaffrey said yes.

Mr. Brown is glad option of looking into offshore borrowing because it is inevitable in the future.

No response has been received from the Finance Committee on this yet.

Estimate \$175,000 cost with match from past Town Meeting appropriation.

**Mr. Brown motion approval contingent Finance Committee Review. Second Mr. Patterson. Vote: Yes-5. No-0.**

- c. Vote to Accept a Gift of Floats from a Member of the West Falmouth Boat Club with a Declared Value of \$15,000 to be Installed in West Falmouth Harbor  
**Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- d. Vote to 1) Approve the Water Quality Management Committee as a project partner with the Woods Hole Oceanographic Institution in submission of a grant proposal to EPA-Southeast New

England Program (SNEP) to fund the installation of a permeable reactive barrier at 0 Shorewood Drive, East Falmouth; and 2) Consider and Vote on exemption from Conflict of Interest Law – Matt Charrette, member of the Water Quality Management Committee and employee at Woods Hole Oceanographic Institution to participate in this project

Mr. Suso stated it is an excellent proposed partnership and would result in proceeding on permeable barrier to help assess the effectiveness of that concept.

Matt Charette, Scientist at WHOI and member Water Quality Committee, told the BOS that there will be test wells, monitoring and validation will be done. This is due 5/31/19 and need a few extra days for processing. Need town letter of support by next week.

Ms. English Braga asked that it goes to the Finance Committee.

**Mr. Brown motion approval of #1. Second Mr. Patterson. Vote: Yes-5. No-0.**

**Ms. English Braga motion approval of #2. Second Mr. Patterson. Vote: Yes-5. No-0.**

- e. Vote to Approve Expenditure from the DNR Donations Account and the Shellfish Donations Account in the Amount of \$5,974.00 for the Purchase of Shellfish Upweller Pumps

Mr. Suso said existing pumps have served their useful life and need replacing, also will have 3 spares.

Mr. Jones noted the current balance is what is needed to purchase these.

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

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

1. Application for New All Alcoholic Common Victualler License – The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café, Located at 465 Grand Avenue, Falmouth

Chair Moran read the hearing notice.

Kevin Klauer, Ament and Klauer Law Firm, represents the applicant. Dan Conchillo also present. Managed by Jill Gillick (unable to attend); she has over 20 years managing in the area and TIPS certified. Described the restaurant, not seeking to operate as bar, just offering a drink with food. Not a significant portion of their revenue. Hours will be 6am-sundown.

No entertainment license.

Public Comment: none.

**Mr. Jones motion to close the hearing. Second Chair Moran. Vote: Yes-5. No-0.**

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

2. Dog Hearing – Deborah Ewald – Request Appeal of Decision of Dog Hearing Officer, Continued from May 6, 2019

Chair Moran noted additional information.

Ms. Ewald noted the expert came in and showed how precarious the dog's experience is, he has many issues and would be very difficult to manage even with medication and behaviorist. It is best to continue with euthanasia and have arranged with their vet to do this tomorrow. She requests they have him for an hour or so to say goodbye and have a last meal.

Chair Moran stated that Ms. Ewald has been amazing trying to problem solve this situation. The hour would be to spend time with him at the vet's office.

Jenna Correia, Animal Control Officer, her concerns for the request for time before his appointment are for general safety concerns, ensure he and others are safe during that time.

Chair Moran confirmed that the dog will go from the Town's premises to the vet's premises and the vet would have to agree to be in custody of the dog for that hour.

Mr. Johnson-Staub confirmed there has been dialogue between Town Staff and Ms. Ewald; this detail is to be worked out. Gregg Fraser said transfer to the vet would be supervised so the Town can ensure nothing goes amiss with the transfer. He suggested allowing those parties to work out the details to satisfaction of the MES director.

Public comment:

Ron Hoffman said he had to let his dog go and it was important to have that time with him before letting him go.

**Mr. Jones motion to close hearing. Second Mr. Patterson. Vote: Yes-5. No-0.**

**Mr. Jones motion to uphold decision of the Dog Hearing Officer. Second Mr. Patterson. Vote: Yes-5. No-0.**

**8:00 p.m. BUSINESS**

1. Report – Falmouth Litter Reduction Team

Alan Robinson explained how they came together and provided a power point presentation. They have been meeting since December 2018. Vision is the elimination of litter from Falmouth parks, beaches, and waterways by partnering with individuals, organizations, businesses, and Town government to reduce litter. Through awareness, legislation, and hands on activities. Tonight he would like to summarize their activities to date, share some of what they have learned, and outline their anticipated path forward. Activities include meetings, developing vision and strategy, created a roadside litter survey form. Completed 19 surveys at 16 locations in Town, researched litter related topics and issues, and they have held 3 focus groups including Falmouth Village Association leaders, FHS, and Falmouth Academy. Categories include food service, nips, residential trash and recyclables, other alcoholic beverage containers, construction materials. Key findings were reviewed regarding the 2,062 items they found. 85% from convenience stores takeout food establishments and liquor stores, 14% residential curbside practices, 27% nips. They will continue their systematic strategy and process. Meet, learn, and discuss with other including the DPW Roadways Division, Town Committees, chamber of commerce, business owners, convene a meeting on litter open to all probably in July 2019. Reach out to neighboring Towns, monitor MA legislation and other communities' actions.

Mr. Patterson noted that Maine has a different system; they sell bags with barcode on it registered to you and you get a credit back. Any idea how effective that is? Mr. Robinson will hand ideas for handling recyclables over to the Solid Waste Advisory Committee.

Ms. English Braga noted the data is important and helpful for the BOS and Town Meeting.

Chair Moran noted generational impact is important, including the kids in schools.

Mr. Jones is in favor of moving forward and banning nips in Falmouth.

Ms. English Braga noted many reasons that have led to the popularity of nips, they are cheap, serve a purpose, and easy to hide, think about ways that litter was utilized before it became litter.

2. Joint Base Cape Cod (JBCC) Commanders' Briefs on JBCC Initiatives, Projects and Issues

**Chris Faux, Executive Director of JBCC, National Guard. Executive Officer Paul Rendon.**

Mr. Faux explained the management of the JBCC and how they work together. Presented PowerPoint presentation including map of overview of JBCC. Reviewed MA Military Installations, 4,751 employees and \$552 million total economic impact. Largest facility in MA. Reviewed areas of interest including Police/Fire Academies and other training including range time their intent is not to use foam, will only use propane as an accelerant to get the fires going, utilities/land, PFOS/PFOA, future vision for the JBCC include law enforcement, first responder, and military training in the Northeast. Welcome to visit the base from the community.

Army National Guard Lt. Colonel Patrick Keefe represented by Lt. Matthew Porter.

Reviewed the training site Garrison Command, presentation via PowerPoint. Reviewed the partnered organizations. They look at brigade size entities to train there. Live and constructive integrated training environment, mission command simulation center, and asymmetric threat training support program.

JBCC directly impacts readiness and is critical for the army. Environmental and safety reviewed including prescribed fires, recreational hiking, physical security, and unexploded ordnance.

Highlights include the number of soldiers trained this year, employs full time and part time personnel to support over 45 drilling weekends and 3 months of annual training.

#### **Air National Guard 102 Air Wing Colonel Virginia Gaglio**

Talked about the intelligence wing and their mission. 5 distinct missions include intel and surveillance, cyberspace intel, general medical support with FEMA response team that would respond to needs in this region, civil engineers communication personnel, security, and engineering & installation.

Reviewed current operations including security forces, engineers, and other support specialties; operations employed in place intel mission at distribution ground station pivoting to problem operations; new cyber intel mission is initial operational capable; signed partnership with UMASS Dartmouth; Domestic operations response to gas explosions in Merrimack Valley, medical team, and security forces deployed for Boston Marathon/Esplanade. Conducted vigilant guard 2019 exercise that stressed the system with multiple locations.

Ongoing initiatives include trying to divest land to reduce land footprint; exploring privation of sewer/water utility/electric; intergovernmental support agreements; Connery avenue main thoroughfare repavement; micro grid IOC connected a base wind turbine for energy security and resilience, and refurbishment of old aircraft out there, including F86 which will be named, one of the pilots that flew it went on to be an astronaut who is still involved in the space community and he will be out here on 6/8/19 for that event. Memorial ceremony and cited WASP in WWII, they were federal servants when served, but given veteran status in the 1970s.

They were supposed to have solar field on their capped landfill to provide solar energy for the entire base, but lost the opportunity for the solar field.

#### **Air Force Lt. Colonel James Roberts, PAVE PAWS**

America's only east coast radar in the country. They track satellites day to day, anything that flies over and presented PowerPoint presentation. Employ 135 people including government/civilian/contractors. 365/24/7 mission. Wind turbines provide 2/3 of their energy by giving to Eversource and receiving credits. They support local clubs, businesses, schools, charitable organizations, most active duty are here for 3 years. Upgrade to the early warning radar on going.

#### **Coast Guard Captain Scott Lagum, Commanding Officer**

Search and rescue capabilities from NJ to Great Lakes. Took command one year ago. Reviewed aircraft that fly out of here. People, proficiency, and partnerships are most important to him. Many families live in the Cape communities and appreciate the welcoming attitude to the military families. Major events include Fishing vessel Sea Star taking on water. Fishing Vessel Aaron and Melissa II in November 2018, sank within 30 minutes they got off 1 Mayday call, rescue swimmer assisted and 5 members were saved. Major Law Enforcement Cases included 4 deployments and seizure of \$18 million in cocaine. Partnerships were reviewed and seek to work with community and military partners. Joint training included urban search and rescue operations, along with support/training to MSP and Barnstable Police.

Mr. Jones requested warning about exercises off the Falmouth beaches.

USCG Capt. Mike Hudson commanding officer, thanked Falmouth for their support to the USCG. USCG manages 3,000 acres. Employ 230 active duty and civilian along with other tenants described, including marine security, port security unit, and other units. He provides regional level support and small boat stations in the region. Reviewed what they do including facilities engineering, public works, IT, personnel housing, morale, wellness, and recreation, servicing personnel office, base operations. He will follow up with vestiture on Nobska Light. Falmouth Service Center Fresh Market is something he has never seen and number of people taking advantage of it is astounding.

Ms. English Braga hopes to think of other ways they can support and understand ways the Town can help support the personnel on the base/in the community.

Mr. Jones noted used to be guest passes available to beaches to those on base, they would like to set up them getting a resident sticker with ID.

Mr. Brown noted the local Falmouth Veteran's council is advocating to use the old Senior Center.

Rose Forbes, Program Manager, Air Force Civil Engineer Center  
Reviewed the emerging contaminants work they are doing on base. PFAS/1, 4-Dioxane are focus. They also looking at 4 additional ones.

PFAS compounds reviewed, emerging contaminants. Dioxane is not as big of an issue, compounds are not as high. There is only health advisory for PFAS and PFOS. Air Force policy is to mitigate the risk that is the primary work they have been doing.

Ashumet Valley large plume, remedial investigation underway, plume extends from fire training area on base through Ashumet and Johns Ponds and down through Falmouth and Mashpee. 17 private wells were impacted in the past. One residence near Ashumet Pond connected to Town water. 2 residences are receiving bottled water and 6 now have filter systems. There are 10 private wells.

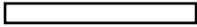
Currently no wells are above the health advisory. Ashumet and Johns Pond have PFOS/PFOA contamination. There are a number of wells above MA DEP levels but below the health advisory. Reviewed picture of the source of contamination and diagram of the contamination migrating down.

The contamination in the ponds will decrease when they cut off the contaminant from going into the pond that will be a continuing source for a while. They will seek to cut off the exposure point to people through drinking water. It will take a long time to dissipate, still a question of whether it's in the sediments of the ponds.

3. Interview, Vote and Appoint Committee Member – Zoning Board of Appeals, Associate Member:

- a. Mary Barry, Precinct 2, would be a good addition. She watches the meetings, has attended meetings, and participates in meetings. Experience working with housing issues, worked in Washington DC in urban housing development, state housing organizations, local housing organizations, nonprofits, for profits, and the private sector. Familiar with zoning bylaws, 50 year comprehensive plan, interpreting laws/regulations, and implementing procedures. She is fair and objective. She listens well. She has been coming to Falmouth since she was a babe, has family history of being here.
- b. Lenahan O'Connell, has done a lot of work with environmental issues, college teacher, last 20 years she has been a researcher at Kentucky Transportation Center. Well versed in real estate issues. He has been in Falmouth since a young child, family house in Town. He understands the importance of zoning regulations and maintaining the character of the Town. He likes to work with people to not impress unnecessary burdens on people and minimize people coming back. Taught urban engineering class at University of Kentucky.

**Mr. Brown motion to appoint Ms. Barry to a term ending 6/30/19. Second Mr. Patterson. Vote: Yes-5. No-0.**



- 4. Request for Sign Variance – Compassionate Care ALS - 17 Chase Road, West Falmouth
- 5. Request for Sign Variance – Temporary Off-Premise Sign – Compassionate Care ALS - Request for Extension of Time to Display Sign at the Corner of Chase Rd. and Rt. 28A, West Falmouth

Items 4 and 5 were taken at same time.

Ron Hoffman stated reviewed the sizes of the signs, the BOS has a diagram in the packet.

Item 5 was up for the month, time expired, so they took it down and have another application for another sign in process.

**Ms. English Braga motion approval for both items 4 and 4. Second Mr. Patterson. Vote: Yes-5. No-0.**

- 6. Vote to Appoint Member to Board of Registrars:
  - a. Edward (Skip) McCormack would like this job because he was asked by Democratic Town Committee to apply for this position, 40 years as an attorney and retired but knowledgeable about elections and election laws/issues. Resident of Falmouth for 10 years, prior to that his family had a summer home here. He could be fair and balanced.

**Mr. Jones motion to appoint Mr. McCormack. Second Mr. Patterson. Vote: Yes-4. No-0. Recused:1 (Ms. English Braga).**

Ms. English Braga recused from this because she is a member of the Democratic Committee.

- 7. Annual Reappointment of Inspectors of Animals

Phillip G. Lang

Daniel J. Donahue

Jessica Gow

Jenna Correia

Scott McGann

**Mr. Jones motion to approve all to a term expiring April, 2020. Second Chair Moran. Vote: Yes-5. No-0.**

- 8. Approve 2019 Annual/Seasonal License Renewals:

Lodging House License

Capt. Tom Lawrence House Inn, 75 Locust St., Falmouth

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

Second-Hand Dealer License

Cape Kids' Treasures, 15 Davis Straits, Falmouth

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

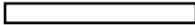
Minutes of Meetings:

- a. Public Session  
April 29, 2019

**Ms. English Braga motion approval with edit. Second Chair Moran. Vote: Yes-4. No-0. Abstain-1.**

May 6, 2019

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



b. Executive Session

May 6, 2019

Session 1

**Ms. English Braga motion approval and not release. Second Chair Moran. Vote Yes-5. No-0.**

Session 2

**Mr. Patterson motion approval and not release. Second Mr. Jones. Vote: Yes-5. No-0.**

9. Individual Selectmen's Reports

Mr. Brown:

Attended trip to Nantucket to tour the landfill facility. Minimizing their footprint for their trash, facility privately operated. All come to the dump for free because of so many people illegally dumping. Added to the tax rate. They have another 10 years with their landfill.

Attended the Beach Committee meeting, Menauhant Beach in such dire straits recommend west side is resident only. Structure on the beach is getting worse. Chair Moran noted plan from the engineers to address.

Mr. Patterson:

Attended the VIPS volunteer dinner.

Attended the Police Officer Recognition ceremony.

Ms. English Braga:

Attended Police Officer Recognition ceremony.

Suggested a future agenda item to talk more about composting and how to embrace that.

6/8/19 Day of Portugal and welcome the community to attend.

10. Town Manager's Report

Mr. Suso noted the applications for the Edward Marks Building Committee have been advertised.

Attended the Police memorial event.

Senior center construction on schedule.

Memorial Day service will be held Monday.

Ray Jack presentation and water line work underway along route 28 working east to west. They are making extraordinary progress and asked if the contractor could be allowed to go to 6/15, noting schools are still in session and this would allow contractor to be to the intersection of Sandwich Road before shutting down operations. Mr. Suso recommends this to the BOS. Informational, asking for concurrence of the BOS, can schedule vote on 6/3/19. Consensus of the BOS was provided, no vote is required.

The Library Director contacted Mr. Suso today re: overgrown Cyprus tress in front of library. Suggestion by the Tree Warden is to remove and replace with more appropriate planning. The library board is encouraging this outcome.

Mr. Suso advised the BOS regarding the vote to allow extension of enhanced trials to the dog park at a recent meeting. Town counsel indicated that given circumstances, a separate license is not required. Mr. Suso will give green light for this to happen.

Mr. Johnson-Staub noted first meeting of Cape Cod and Islands Water Fund Management Board was held, the new funding source is through the Rooms Tax. It was well attended.

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

**Mr. Jones motion to adjourn at 9:33 pm. Second Ms. English Braga. Vote: Yes-5. No-0.**

Respectfully Submitted,

Jennifer Chaves

Recording Secretary