

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**MONDAY, JUNE 3, 2019**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

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

**7:00 p.m. OPEN SESSION**

1. Call to Order by Chair Moran at 7 p.m.
2. Pledge of Allegiance
3. Reorganization of the Board of Selectmen  
**Mr. Jones motion to appoint Ms. English Braga as the BOS Chair. Second Ms. Moran. Vote: Yes-5. No-0.**  
  
**Mr. Jones motion to appoint Mr. Brown as the BOS Vice Chair. Second Mr. Patterson. Vote: Yes-5. No-0.**
4. Proclamations:
  - a. Eagle Scout Patrick Peterson, Troop 40  
**Mr. Patterson read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.**  
  
Mr. Peterson explained his project, it was a project for him and Father Steve, St. Anthony's, he established a youth center in the lodge where the youth may gather and remove themselves from stressful lives including peer and academic pressure.
  - b. Day of Portugal – June 8, 2019  
**Mr. Brown read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.**
5. Recognition  
Mr. Patterson recognized the work of Dick Batchelor, who was a cameraman for FCTV, memorial service held recently.
6. Announcements  
Mr. Patterson announced the VIPS Feasts of Falmouth is this Friday at 5 p.m. at Mahoney's Garden Center.  
  
Mr. Patterson announced the Rotary Club Day of Play noon on this Saturday at the Mullen-Hall School.
7. Public Comment  
Dr. Schneider announced a Friday night event dog park fundraiser at Cape Cod Winery 6-9 pm, 5 more tickets available for this event.

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

1. Licenses
  - a. Application for Change of Address of Taxi License – Falmouth Taxi – 424 East Falmouth Highway, East Falmouth  
**Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-5. No-0.**
  - b. Application for New Common Victualler License – The Village Café of West Falmouth, located at 634 Rt. 28A, West Falmouth  
Ms. Moran noted that she is a neighbor, however it is not a conflict.

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

- c. Application for Change of Manager of an All Alcoholic Common Victualler License – Falmouth Raw Bar, located at 56 Scranton Avenue, Falmouth

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

- d. Application for Three, Special One-Day Wine and Malt Liquor License – Silver Beach Improvement Association, Inc. – Summer Socials – Tennis Courts on Corner of West Ave. and Ocean Ave., N. Falmouth – Saturdays: 7/13/19, 8/3/19 and 8/31/19

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

- e. Application for Special One-Day Wine and Malt Liquor License – Tropical Events – Cape Cod Jerk Fest – Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy. – Sunday 6/23/19

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

- f. Application for Special One-Day Wine and Malt Liquor License – Falmouth Arts Center – Summer Gala Fundraiser – Falmouth Art Center, 137 Gifford St. – Friday, 7/12/19

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

- g. Application for New Second-Hand Dealer License – Modern Day Fairy Tale, located at Home Again Consignment Shop, 94 E. Falmouth Hwy., E. Falmouth

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

2. Administrative Orders

- a. Vote to Approve request from the Substance Abuse Commission to Change its Name to The Falmouth Commission on Substance Use

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

- b. Vote to Accept Easement from Lloyd Keigwin for New Access Right of Way to Bikeway Parking Lot at County Road North Falmouth

Mr. Suso explained it is a proposed easement has a property remnant adjacent to the parking lot and would grant an easement for public access walkway into the parking lot from the bikeway.

Tim Shea, Bikeways, purpose of easement is for spring/summer/fall weekends, encourage using the crosswalk. The DPW put in bike maintenance station and water fountain in the parking lot, the easement is the easiest way to get the waterline. DPW put up “keep right” sign, so enter on right, exit on left.

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

- c. Authorize Beach Department Grant Application for Awards Banquet

Bruce Mogardo, Beach Superintendent, since 1981 they have had an awards banquet to show appreciation for each other and recognize outstanding performances. Costs recently went up and some could not attend, he paid for them. Applying for grant through the Road Race.

Mr. Suso noted this is a terrific event and rallying event. The Finance Committee had no concerns.

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

- d. Vote to Approve Falmouth Affordable Housing Fund Request for CPA Funds  
Carla Feroni, Falmouth Housing Coordinator, asking for submission to the CPC for request to fund the fund \$425,000. Brick Kiln Place asking for more than was in the Affordable Housing Fund, they would come back to request the shortfall of \$325,000. CPA money obtained through Carol Sutherland and Jen Petit who determined appropriate to ask for another \$100,000. Seeking BOS approval to submit the request.

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

3. Special Events

**Recurring - Recommended:**

- a. 4th of July Parade – MBL – Water Street, Woods Hole – Thursday, 7/4/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- b. Paul White Memorial Road Race – Scott Muma – North Falmouth Library Grounds & North Falmouth – Saturday, 7/6/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- c. Waquoit Congregational Church Summer Bazaar – Waquoit Congregational Church – One-way traffic on Parsons Lane – Thursday – Saturday, 7/11/19 – 7/13/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- d. Ride for Homes – Adrienne Wytas, Habitat for Humanity – Cape Cod Canal to Bike Path to Cape Cod Canal – Sunday, 9/22/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

**New – Recommended:**

- a. Juneteenth Festival – Hauke Kite-Powell, Woods Hole Diversity Advisory Committee – Peg Noonan Park – Saturday, 6/15/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- b. Harbor Lights Illumination Nights Free Concert Series – Lillian Kazanis, Cape Cod Music Festival – Bandshell – Saturdays, 6/29, 7/20, 8/17 & 9/21/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- c. Fashion Show – Samantha Peters, Inspiration is Everywhere Inc. – Main Street sidewalks – Saturday, 8/10/19  
**Mr. Brown motion to hold until the next meeting for more information on how this event will work. Second Ms. Moran. Vote: Yes-5. No-0.**
- d. Falmouth 4 Christ – Elle Amanco, Revival Church for the Nations – Marina Park – Saturday, 9/7/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- e. Wedding Parking – Melinda Chapin – Menauhant Beach East Parking Lot – Saturday, 9/7/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- f. Wedding Ceremony – Judith Roth – Menauhant Beach East Parking Lot – Saturday, 9/28/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- g. Wedding Ceremony – Jared Franklin – Old Silver Beach – Friday, 5/8/20  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**
- h. Wedding Ceremony – William Lippincott – Chapoquoit Beach – Sunday, 9/22/19  
**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

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

1. Fee Hearing – Aquaculture Equipment Rental Fee  
Chair English Braga read the hearing notice.

Mr. Johnson-Staub provided an overview of the fees via PowerPoint presentation. Arrived at these fees with Shellfish Advisory Committee. Purpose of fees is to promote the success of this program, promoting aquaculture as part of nitrogen removal water quality initiative and promote business activity. These fees will help growers succeed with costs that are lower than what these would be available to private grower otherwise.

Rentals be made available to new license holders after 6/3/19 and rentals will be available to only license within the estuaries. Reviewed the fees, by having payment tied to the landing of the shellfish it is connected to when they are earning the income from the shellfish. It is capped, so to encourage grower to grow as much as possible. Fees will go into the shellfish revolving account. Enough bags to operate a certain area. Shellfish are not planted in the estuary.

Mr. Chase explained that it would be \$28 per 1,000 oysters, about 200 oysters per bag. This would include enough bags to do the job, not just one bag.

Mr. Patterson noted important to get the shellfish out of the estuaries and this encourages people to participate.

Public comment:

Mr. Pete Chase, Shellfish Advisory Committee, voted to support the fees and think it makes sense for growers.

**Mr. Jones motion to continue the hearing to the next BOS meeting at 7:30 pm in order to take more comments. Second Ms. Moran. Vote: Yes-5. No-0.**

**7:45 p.m. BUSINESS**

1. Quarterly Report – Falmouth Police Department – Chief Dunne

Chief Dunne noted staffing levels funded 59, 4 vacant positions, 1 out on military leave, 1 sick leave nonrelated, 2 light duty, 5 line of duty injuries. Hired 1 new cadet starting new Cape Cod Joint Base Police Academy on 6/8, Christopher Alves. 46 available to work in the FPD. Summer officers hired 7, reviewed the new hires and assignments. Calls for service March 1-May 31 self-initiated 2636, dispatched 3039 total 5675 calls. Down by about 8% from last year. Overdoses 32, 6 deaths, Narcan administered to 12 individuals, police served 41 section 35's. Home visits were reviewed-13, people who accepted treatment 12, 8 detoxification, 3 outpatient, and 1 in 12 step program. Domestic in process 66, past calls 26, disturbance calls 120 total of 220 calls. Restraining Orders served 72, violations 8.

Police Week 5/12-18 annual memorial on 5/17 and dedicated their new memorial. He went to Washington DC and participated in National Police Week. Officer Demiranda and Officer Moore received top cop award, historically given to one incident per state. The awards committee this year felt MA deserved 2, for the event 7/27 shooting and Officers from Yarmouth PD from the Gannon shooting. Candlelight vigil on national mall, over 30,000 police officers/relatives/friends/citizens there to honor the 371 fallen heroes being added to the wall this year. There are 21,910 officers' names on the wall.

Gearing up for summer events and ready.

Hidden in Plain Sight educational program is a way to give power to parents and program done here in Falmouth. Provides parents with clues from their teen's bedrooms to help them determine whether their child may be experimenting with drugs and/or alcohol. FPD purchased a trailer funded by seized local drug profits. It can be reserved, taking to sporting events, going to Upper Cape. First one in the Commonwealth to be mobile. It will be at all the school open houses. It will be available to the BOS before a future meeting.

2. Report – Affirmative Action Committee

Joanne Treistman, Co-chair, Patricia Oshman, Co-chair.

They noted committee changing and members present. Meet 2<sup>nd</sup> Monday of month 7 pm in Town Hall. Reviewed membership and renewal of the committee. Reviewed their purpose statement that they worked on this year. PowerPoint presentation made. Promote embrace and support the cultural enrichment of Falmouth's diverse population as an important element of health and vibrant community. Act as an advisory committee to the BOS. EEO/AA officer for Town and School provide staff support. Events involved in include the wide the Color of Fear, Falmouth Commission on Disabilities evening event with CORD, and Road to Racial Justice Game for teens. They have been involved in International Human Rights Day, White Ribbon Day, Falmouth Racial Justice Book Group, Woods Hole Diversity Advisory Committee, Human Rights Academy, Juneteeth social Justice, and Cape Verdean Day. Reviewed speakers they have had. Meetings are open to the public. They can listen and make referrals, they cannot adjudicate but may let the BOS/FPD know. Barnstable Human Rights Advisory Commission brings together schools from the Cape in different formats each year and they present their community projects. They would like to have Falmouth schools attend. Future plans include the Lawrence School Social Justice Club, Falmouth High Human Rights Club, Falmouth academy, including a high school junior on the committee, Falmouth School Committee member.

They are trying to figure out how to have an affirmative action officer, he was an advocate for those who have been discriminated against.

Chair Moran noted that the Barnstable Commission on Human Rights had members from every community on the cape, which is different now, she would like Falmouth to become a liaison for that committee.

Mr. Brown noted affirmative action he thinks of employment opportunity, Theresa said there is a change from when affirmative action in the 60's. Chair English Braga noted there are affirmative action officers on town and school side that address employment grievances, the conversation she has been part of with the other piece is the proactive piece to go into the community and addressing the tone/tenure of the community. Falmouth was ordered to hire affirmative action officer due to a MCAD case, but has been without one since Mr. Spivey retired.

### 3. Report on Current Conditions at Menauhant West – Beach Committee

Bruce Mogardo, Beach Superintendent and Beach committee.

A list was put together to mitigate issues/hazards to amp up access to the beach. The DPW tried to secure the bridge with snow fence, that has been vandalized already and safety issue. Fencing around the foundation was ripped apart by winds and water, no longer exists. The Beach Department will put out hazard buoys along the shoreline. Drainage in parking lot has been addressed, it is now in good shape. At last Beach Committee meeting, the Committee moved that they would request from the BOS permission to change parking from Tourist/resident to resident only. The beach on east end by the channel is ¼ acre at high tide; ample beach at west end but access impossible at high tide and dangerous at low tide. Pictures are available from Mr. McConarty.

Mr. Brown noted the snow fence is not adequate for another year. There are 8,000 cubic yards of sand at the leaf dump just sitting there. He would like to put some sand around the dangerous area to make it safe and provide access to the beach.

Ms. Moran participated in the tour and from one end to another and suggested viewing pictures.

Peter McConarty, Deputy Director DPW, took photos this afternoon and provided the photos via PowerPoint. Given the constant 30 mph wind, the plastic fence does not hold up, the wood fence is a little better. Looking to block off the bridge because it is not safe. They will go out this week to cut back for the roadway.

Mr. Brown asked if they could cut back a path along the guardrail and enclose the nails/rebar but keep the path open. According to Mr. McConarty, they would need to go to the Conservation Commission to request what they can do and for approval due to dune area and beach grass. They could can go bang the nails down. Mr. McConarty was made aware today there is a 2011-12 comprehensive dredge permit the Town has and says the Town cannot add sand on Menauhant West.

Mr. McConarty noted the DPW Director presented a couple months back regarding the groin project, the consultant is expected to have that by end of this year. The DPW wants to remove the orange fence and molly snow fence to the concrete.

Dr. Barbara Schneider, Precinct 4, noted one cannot walk around the end of the bridge end even at low tide. She is concerned of the safety of those using the beach is addressed. This is the only beach in the area, needs short and long term fixes including temporary coverage of old bridge, structures need to be secured and signage for dangerous structures in the water needs to be posted. The Structures need to be removed and dunes restored. This should all be done independent of any project being planned for the road and beach. She asked the BOS to gather all necessary groups together to agree to both immediate and long-term plans for this beach.

Mary Ellen Norwalk, Precinct 4 and President of the East Falmouth Village Association requested the beach be made safe and useable in a timely manner.

Dean Lundrun, President Davisville Association noted this will be discussed at their annual meeting. This has developed over the years and is a very serious situation. Way to address it are short term issues that should take place by end of June to protect the kids and then comprehensive way to deal with this into the future. The bridge should be taken out.

Chair English Braga noted that the BOS could direct the Town Manager to come back with further information, but cannot superseded the permit from 2012.

Mr. Brown asked for a formal request to Mr. Suso to take action.

Mr. Patterson noted the public safety issue and he does not know what is preventing the remedial action required. In the past safety was the priority and could not be stopped for conservation reasons.

Mr. Johnson Staub said they can pursue all those avenues to respond to short term issues, that is what DPW is doing with snow fencing this week. It is unknown what the process will look like for removing the structures, but if we do that and not have the authority to nourish, then they would be losing the ability to conserve the dunes and roadway. It is a local project requiring state review required.

Ms. Moran explained it is a complicated problem that has been under review for a while; these are massive structures that will leave craters next to the road, it will impact the entire area. They may be able to have the Conservation Commission Administrator update them with failure and success of the initial plan and take a look at how the initial fixes are doing.

Mr. Brown does not believe they will be able to do emergency removal; that is why he suggested emergency beach nourishment, especially in the area where kids can crawl under the structure

Chair English Braga asked what the process would be for beach nourishment for specific spots of the beach to go with remedial measures that Mr. McConarty is taking. Mr. Johnson Staub is not sure he can, there are 3 agencies and a process for each of them for emergency process, the specific issue of where someone could get underneath will be fenced to address that safety issue which is just local Conservation Commission approval, which Mr. McConarty has.

Chair English Braga noted moving the sand would cost a lot for machinery, fencing is easier and less expensive.

Dr. Schneider referred to a picture with the end of the pier, her suggestion was fence the sides of this, making it non-accessible, put temporary stairs and fake flooring 4 feet wide where it turns to nice sand cover for this year with railings on each side. People could come up and stay on the trail to access one part of the beach.

Chair English Braga requested Jennifer McKay be on the next BOS agenda and address what might be possible short term to address the issues along with what the DPW is doing. Ms. Moran suggested it could be done administratively quicker, it's just the first round of potential fixes has problems.

Ronnie Alwardt, East Falmouth Village association, commented the longer we wait the worse it is going to be and something will happen. He asked that they follow through with the temporary thing.

Mr. Jones asked about the danger, he sees the only option is to close the beach. This would protect the community. Mr. Johnson Staub noted that Mr. Jones is on point, if that is the driving factor and want to solve it, fence the whole thing and post it no trespassing. The hope is that the risk can be mitigated without closing the beach.

Mr. Mogardo noted staff can enforce what he is concerned about, but after hours enforcement becomes a difficult issue. There is lots of vandalism every year in that area.

**Mr. Brown motion to accept recommendation of the Beach Committee for resident parking only. Second Ms. Moran. Vote: Yes-5. No-0.**

Marc Finneran, Precinct 6, suggested taking 4 feet out and then use the fence.

The Town Manager's office will address making it safe and preserving access and report back.

4. Request from Falmouth Housing Corporation for a Waiver of the Building Permit Fees for the Gifford Workforce Housing Project, 591 Gifford Street, Falmouth

Linda Clark, President Falmouth Housing Corporation, request approval of the waiver. These would be 10 1-bedroom rental units, there is a gap in project and waiver in the fee would be great. Rental units.

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

5. Request for Sign Variance – John Wesley United Methodist Church – Promotional Signage for Events: Vacation Bible School, Spaghetti Dinner, Clothing Sale, and Christmas Fair

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

6. Request for Sign Variance and License – The 300 Committee - To place a sign for the Two Ponds Conservation Area within the Gifford Street road layout  
Mr. Brown recused himself because he is the contractor on this project.

Jessica Whritenour, Executive Director, The 300 Committee Land Trust, explained the submittal. If they put the sign on the property it would be more than 40 feet back from the road, goal is to alert the public of this conservation area they can use.

Mr. Patterson suggested changing the wording such as dedicated parking in Atria lot. Chair English Braga suggested a wheelchair log be added so people know it is accessible.

**Ms. Moran motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Recused-1 (Mr. Brown).**

7. Request for Sign Variance – St. Barnabas Episcopal Church – On-Premise Promotional Sign for Lobster-on-the-Lawn

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

8. Interview, Vote and Appoint Members to the Edward Marks Building Advisory Committee:

- a. Troy Clarkson
- b. Barbara Weyand
- c. Michael Duffany
- d. Leslie McDonald
- e. Thomas Renshaw

**Mr. Patterson motion approval of those listed 1-e. Second Ms. Moran. Vote: Yes-5. No-0.**

Ed Haddad, Historical Commission, noted there is still an open position and hope someone will apply.

9. Approve 2019 Annual/Seasonal License Renewals:

Common Victualler License

Smitty's Homemade Ice Cream – 326 E. Falmouth Hwy.

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

10. Discussion of draft agenda for the Community Forum: Treatment Facilities and Sober Houses

Mr. Johnson-Staub referred to the draft agenda in the packet, they are calling for questions in advance of the forum. There will be an MC to help move things along. The agenda and questions received ahead of the event will be sent to the presenters and strict enforcement of the time restrictions will take place. Those who will be in attendance include the BOS, members of the MA DPH Bureau of Substance Abuse Services, Director of the MA Association of Sober Houses, staff members, state legislatures, DPH Directors, and Gosnold. The FFD and FPD Chiefs will be in attendance.

The BOS will encourage folks by posting the agenda in the paper and calling for questions ahead of time through email with title and set up place to drop off in Town Hall. Deadline is this Friday by noon.

Marc Finneran, would like to have Gosnold there and number of sober houses in town but if they are thinking about expanding their services/facilities, that could increase the number of sober houses in town. He asked if Northeast, who purchased Behavioral Services, will they be there with their plans.

**Mr. Jones motion to proceed with the agenda as is but edit the top regarding the time, Chief Small, and Tuesday June 11. Second Mr. Patterson. Vote: Yes-5. No-0.**

11. Minutes of Meetings:

- a. Public Session  
December 17, 2018

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

- b. Review of Approved Executive Session Minutes and Vote to Release Already approved, just releasing them.

**Mr. Patterson motion to release of the minutes. Second Mr. Jones. Vote: Yes-5. No-0.**

12. Individual Selectmen's Reports

- Consideration of rescheduling date of the Strategic Planning Retreat from June 10 to June 24 8, 22, 29 meetings in July. Retreat 7/1/19.

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

Mr. Brown:

Attended the Beach Committee meeting.

Mr. Patterson:

Tomorrow in the Main Library Hermann room at 7 pm there will be a meeting on expanding broadband coverage for the Town.

Attended FHS field Advisory Committee meeting, turf is down, amenities are complete, prefab concrete building will be arriving late.

Attended the Memorial Day celebration.

Attended an Eagle Scout Court of Honor.

13. Town Manager's Report

Mr. Suso attended the Spring 2 day meeting of the MA Municipal Manager's Association, progress continues on Main St. Route 28 water main replacement and will continue through 6/15/19 then conclude for the summer season. Next business meeting will be 6/24/19. Attended FHS graduation ceremony. The Town has received an official citation from MA Senate.

Mr. Johnson-Staub reported the Senior Center construction coming along and will move construction fencing and bringing equipment in for better access for the Commodores.

14. Review and/or Discuss Correspondence Received

**Mr. Jones motion to adjourn at 9:44 pm. Second Ms. Moran. Vote: Yes-5. No-0.**