

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
Open Session
MONDAY, JUNE 24, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Present: Doug Brown, Acting Chairperson; Doug Jones; Su Moran; Sam Patterson.

Absent: Megan English Braga.

Others Present: Julian Suso entered ex session 1 Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel.

1. Mr. Brown called the open session to order at 5:30 pm and motioned to convene the executive session under 1. MGL Ch. 30A,s.21(a)(6) Status/update on potential purchase of Lyberty Green project site and 2. MGL c.30A s21 (a)(3) Review and discuss proposed workers' compensation settlement for school employee because to not go into executive session could prejudice ongoing negotiations. Mr. Patterson 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. Moran, aye; Mr. Jones, aye. Absent: Ms. English Braga.
2. Mr. Brown reconvened the open session at 5:58 pm.
3. Pledge of Allegiance
4. Recognition
Mr. Brown appreciated the FPD (Falmouth Police Department) working overtime lately while the Department is shorthanded.
5. Announcements:
 - a. Newly-designed Whoosh Trolley to Woods Hole
The Cape Cod RTA (Regional Transit Authority) invested in new trollies and three in Falmouth. Route includes Jones Road and connects to the hospital.
 - b. EDIC (Economic Development Industrial Corporation) agreement to contribute \$50,000 for feasibility study for fiber optic internet in Falmouth
Mr. Brown thanked citizens who put together the forum at library. Ms. Moran noted it might also connect with short term rental funds as potential funding source.

Mr. Patterson noted the weekend events with Arts Alive.

6. Public Comment

Jim Fox, Friends of Falmouth Station, trying to develop the station for public events. They will have music and free ice cream on 7/6/19 from 2-4pm. The station is rentable to the people of Falmouth to have a public meeting space.

David Stihl, Cape Cod Commission, invited the BOS (Board of Selectmen) and community to the Annual conference from 7/29-30 at the Waquasset resort in Harwich. Environmental and economy focuses, includes meeting of the Cape Cod Selectmen and Counselors Association. Provided invitations to the BOS, registration is open.

COMMITTEE INTERVIEWS AND APPOINTMENTS

1. Interview, Vote and Appoint – Incumbents on Regulatory Boards:
 - a. Board of Assessors – Brian Ridgeway not in attendance. No action taken.

b. Board of Health

Steven Rafferty

He would like to continue serving on the BOH (Board of Health). BOH reenergized with a new chair, run through open items and Sober Houses, pesticide use, and they take seriously the protection of public health. Those on the BOH have a deep appreciation for being a powerful board and should not act lightly, but with deliberation and consideration. Opportunities to work with Barnstable County, historically the BOH has been in the forefront on cigarettes and nicotine and the vaping will be addressed as well. Future public health issues may include pesticides, substance abuse and helping with that, sober houses and how they work.

George Heufelder

The BOH has broad responsibility with septic systems, Title V shifts, as there is an identified risk to nitrogen/phosphorus or contaminants of concern it is the BOH's duty to step up and address. Do not regulate until the data and science tells you to, find out what levels need to be reached, if technology will bear that, and then write enforcement regulation. They recently passed a regulation and it is being sent to the AGO for review.

**Mr. Jones motion to approve Steven Rafferty and George Heufelder to terms ending 6/30/22.
Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga)**

c. Conservation Commission

Jamie Mathews

Chair Moran noted Falmouth having tough interpretation of regulations and conservation, where does he see the Conservation Commission going over the next 3 years in working with those who come before them. Mr. Mathews told the BOS that the regulations and State regulations are clear and well written, they interpret them well and have a diverse board. Staff is supportive, anyone who has a difficult project has the opportunity to meet with staff and resolve grey areas. They know how things need to be implemented, they have talked about how to better explain regulations and if there should be things written differently.

Mr. Brown noted they are planning for future infrastructure projects, he hoped the Coastal Resilience Action Committee, Conservation Commission, and the DPW (Department of Public Works) would think about coastal roads and plans for improvements. Mr. Mathews said it is a misconception with that committee that people would see more results, the Conservation Commission gathers information and is involved in planning. Mr. Matthews would welcome other involvement in future projects.

Ms. Gladfelter noted they will not have a quorum if the BOS does not vote on those who need to be reappointed and will affect votes needed at the next meeting.

Mr. Jones noted they may extend their appointment to complete what they have going forward instead of automatically reappointing people. Next meeting is 7/10/19.

Courtney Bird

Mr. Jones asked about the expectation of results, what would he advise the Town to do to get results faster with coastal resilience issues. Mr. Bird replied that there needs to be ongoing collaboration between the people with an interest in this. The Conservation Commission is not at odds with dealing with these things, but they have occasional joint meetings and this is always the subject but he does not see that translate into something tangible. They had a bridge project and there was discussion to account for sea level rise, but that was not part of the application. There needs to be more coordinated planning. They work together well and have an excellent staff, while they do not always please all, there is a lot of education and balancing things and this commission does a good job.

Mr. Brown asked how he feels about the proposed groins on Menauhant Beach, noting the Conservation Commission has a moratorium on beach nourishment on the west side of Menauhant and Mr. Brown hopes they will be open minded about that project. Mr. Bird said there is a balancing act with Town and State regulations and as much as they would like to be as objective as possible, they

have a dynamic coastline, do one thing in one place it affects another. There are many studies being done and they need to deal with it on a case by case basis.

Ms. Moran asked about coordination and Coastal Resiliency Action Committee looking at existing studies, what would be his thoughts regarding sharing and coordinating grants/studies with the committee. Mr. Bird would have no problem with that, which is what they should be doing.

According to Mr. Bird, with potential sea level rise, some of the best plans may not work, need to consider if the coastal roads are viable in the long run.

Peter Walsh, alternate position applicant

Mr. Jones asked if the Conservation Commission has the ability to waive the local regulations if they feel it is necessary. Mr. Walsh said it is more complicated, in some cases the law hinges on prior acts of the Conservation Commission, which has been instructed to be consistent with the decisions. If they deviate from prior decisions, they must formally propose rule changes and publish them, then vote. Mr. Jones noted it is a change of regulation, not a waiver. Mr. Jones asked if the Conservation can waive a regulation without changing it. Mr. Walsh has not seen the power used and would need to research that.

Mark Gurney, alternate position applicant

Mr. Gurney has been serving for 3 years, waivers are possible, not easy, the standards are high. Big problem has been when someone builds a house and encroaches upon protected areas, require mitigation with plantings, most landscapers know what that means, their solution is hopeless from wildlife habitat issue. Homeowners may not know better.

He would be happy to be in a full member or alternate. He noted abutters are typically against affordable housing and it annoys him.

d. Historical Commission

Nicole Goldman

She wanted to make sure could get solar panels on historic homes, many homeowners have successfully gotten solar panels on historic homes. She has served 7 years and was part of the effort to combine the Historic District Commission with the Historical Commission. This has reduced confusion, amplify advocacy, and led to a more cohesive approach to this area. Design guidelines have been rewritten and have updated exterior materials.

Ms. Moran noted as Chair of the BOS suggestion was to have community outreach, do not slide things in that burden homeowners to expense without discussions. How many outreach sessions have they had, Ms. Goldman noted they have had outreach in the form of one meeting in Woods Hole where the community association voted at their July 2018 committee meeting and they have community outreach meetings planned next week in the villages with historic districts. She wrote a brochure about adjusting boundaries for the districts, looking to bring warrant to Town Meeting soon. Woods Hole is already on board with these 4 measures.

Mr. Patterson noted these projects are not done unless money is allocated and needs to go to Town Meeting with estimate from professional. Ms. Goldman noted need coordination of who to hand the recommendations off to someone in the Town. They want to figure out how to bring these things to fruition.

She became involved in preserving the Dome, she sent a letter to the BOS on 4/30/19 and asked for assistance from the BOS regarding harassment from a local law firm and the lack of assistance from Town Counsel and the BOS. She has not received acknowledgement the packages have been received. Attorney Duffy wrote a letter on 5/8/19. She noted there were mistakes in letter and provided corrections to Attorney Duffy, but she has not heard back. She does not feel supported and stated she is withdrawing her application.

Ms. Moran noted she met with Nicole Goldman and spoke at length and gave suggestions.

Ed Haddad Chair.

Ms. Moran asked about updating guidelines, there is a lot of good practical information and new products. Tough for homeowners to find the balance. Trying to make home accessible for owner who had started using a wheelchair. Mr. Haddad noted they have presentation 7/9/19 and said that design guidelines in 2012 and provided in writing so homeowners understood the guidelines. Revised 2 years later because many of the musts were changed to shall or should to understand the flexibility. They talk about the variables at each meeting. Want consistency and fairness, understand they will create variances and document why. Many of their applications are reviewed administratively.

Ms. Moran asked what suggestions does he have in coordinating with Town departments, for example, the building inspector. Mr. Haddad noted they are not coordinated, have no enforcement ability, and rely on Building Department for enforcement. They need to work closer with the Planning Board and ZBA on larger projects whether within the historic district or not, including for historic properties not in a historic district.

Mr. Jones has asked that Mr. Haddad reach out to Ms. Goldman and let her know the BOS' appreciation.

Mr. Brown asked about reset of set backs to include the full lots, they hoped to put on the November warrant, have public meetings to talk about those changes. Notice for 7/9/18 public meeting, about 1100 properties in historic district where properties could change to whole property rather than the setbacks. Also eliminating 123 properties because of the line that are not historic at all.

Ms. Moran appreciates that there will be some flexibility for the homeowner and it is important for people to know that.

Mr. Jones would like Ms. Goldman's decision is in writing.

Mr. Brown noted Estia Restaurant on Main Street, he was surprised at the design and architecture. What can people expect in the future. Mr. Haddad is not trying to make Falmouth a museum, they approve modern/contemporary construction out there. If it is good design, materials, compatible with surrounding and fits in. It does not change the character if the new construction and design is compatible.

Lee Drescher

Alternate on Historical Commission noted the 3 years experience is important, learned a lot, seeing the projects people are doing is important. She was upset to see the red building painted grey and is not happy about the building. She may be more open to alternative products, she would like to see discussions streamlined. She noted the Conservation Commission and Health department there is a mandate on pesticides and they are being used and misused where she lives. Concerned about the rocks covered with green scum and feels they should be enforcing the regulation and imposing heavy fines.

BOS noted the regulation is only restriction on Town properties, not for the community as a whole.

Kara Foley-unable to be here tonight.

e. Zoning Board of Appeals

Robert Dugan

Clerk of the Board and would like to continue. They have many big projects coming up and they gave a full contingent. It is challenging, a lot of information is received, if it does not come in before the hearing, they cannot close the hearing because information needs to be reviewed. Public understanding of the process would be important. He would like to have the deadlines enforced. Affordable Housing frustration is that the projects come in and look for minimum # of units they can do, when the Town gets involved with developer, important to go for additional units and the applicants may be open to that. They ask for referrals from other boards and departments, sometimes they get no comments. They do not enforce conditions, the projects begin and comply with conditions, they get occupancy permits, then after 10 years they legal exist as nonconforming. Conformity falls to the Building Department. If a big issue, they would have to hire an attorney to appeal to the department.

Mr. Suso commented that one concept of enhanced support, collaboration was advocated by the BOS in suggesting community development concept and request for additional staff position, which could have followed with structured support. The BOS made that effort twice and supported the proposal, but Town Meeting defeated both. Zoning enforcement officer will be filled, it is vacant.

Ms. Moran noted a topic for the BOS Strategic Planning Retreat.

Mr. Patterson noted the subsidies are available to increase affordable units.

Mr. Jones motion to appoint Mr. Dugan to a term ending 6/30/24. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

2. Interview, Vote and Appoint – New Applicants for Vacancies on Committees:
 - a. Edward Marks Building Advisory Committee –

Ann Latimer Howe-not present

Mr. Patterson motion to appoint Ed Haddad. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- b. Commission on Disabilities –
William Edes

Local attorney, involved through family and personal disability advocacy. Guardian to younger brother with developmental disability.

Mr. Patterson motion to appoint William Edes to a term ending 6/30/22. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- c. Conservation Commission –
Russell Robbins

Former member of commission, he would like to apply. Mr. Brown asked about coastal projects. Mr. Robbins told the BOS that they worked well, he is a believer when working together usually you can make it happen. Unless proposal is in front of them, he has not much of a comment on that end.

Mr. Jones asked about dredging sand dumped on Menauhant, it cannot be moved because plover are there and need to close the beach to the public because of the danger on the sand. Mr. Robbins noted Trunk River got a fencing, it seemed to work and they continued on with construction.

Betsy Gladfelter commented that piping plover are endangered species, federal regulations that they have to be protected and the Conservation Commission needs to go along with it. Mr. Jones asked if a town regulation, is that something you feel a waiver would be granted because of extenuating circumstances. Mr. Robbins asked if there is a way to block it but get the stuff done. Menauhant beach has been worked on before, much was removed and allowed.

Susan Murphy Warren-not able to be here tonight.

Conservation Commission vote delayed to the next BOS meeting.

Mr. Jones motion to appoint Ms. Barry to ZBA alternate position term expiring 6/30/24. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- d. Substance Abuse Commission –
Michael Leslie

He has been in public health and social work for 15 years including in the Boston Area. He works at the Fairwinds Clubhouse and helps anyone with mental health diagnosis find work.

Mr. Jones motion to appoint to term ending 6/30/22. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

e. Waterways Committee –
Chris Dunn

Long term resident of Falmouth, boater, active in Waquoit Bay Yacht Club, and working on assessing the conditions of the navigation channel in the Bay. Career in environmental science, engineering, information systems, and has assembled teams to deliver complex projects across the country. Passion in waterways, boating.

Joseph Voci

Served on the committee in early 2000's. He would like to give back to the Town. Lifelong boater, worked on task force for Falmouth inner harbor mooring reconfiguration. Enjoy recreational boating. Involved in nonprofit sailing program for children out of Falmouth Yacht Club.

Mr. Brown noted new mooring pond for Green Pond, but losses in the committee and inactive and wondered if the Waterways Committee may take up the mooring planning.

Charles Eastman

Reappointment application, had 3 years on the committee and has learned a lot. Involved with West Falmouth Boat Club, owns a tackle shop.

Dan Shearer

On Waterways Committee for 6 years. Sand is a major problem. He works with the West Falmouth Boat club and knows most of the harbors on Cape and all of the harbors on Buzzards Bay. Interested in moorings.

Mr. Jones motion to appoint Mr. Eastman and Mr. Shearer to terms ending 6/30/22. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Mr. Jones motion to appoint Mr. Voci to a term ending 6/30/23. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

3. Vote to Affirm Appointment of Christian Valle as the Historical Commission Representative Member of the Edward Marks Building Advisory Committee

Mr. Jones motion to affirm. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

4. Vote to Affirm Appointment of Carey Murphy as The 300 Committee Representative Member of the Golf Advisory Committee

Mr. Jones motion to affirm. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

5. Vote to Affirm Appointment of Chuck Eastman as the Falmouth Chamber of Commerce Representative Member of the Golf Advisory Committee

Mr. Jones motion to affirm. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

6. Annual Committee Reappointments

Mr. Patterson motion to approve reappointments in the packet. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Mr. Jones motion appointment of the certified weighers, etc. in the packet. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

7:30 p.m. PUBLIC HEARINGS

1. Fee Hearing – Aquaculture Equipment Rental Fee, continued from June 3, 2019
No comments received.

Mr. Johnson-Staub said there has been no further input on this, worked closely with Shellfish Advisory Committee and designed to be affordable to the growers and a return to the Town.

Mr. Patterson motion to close the hearing. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

7:45 p.m. SUMMARY OF ACTIONS

1. Licenses

- a. Application for Agricultural Liquor License – Cape Cod Winery – Falmouth Farmer’s Market, Marina Park, Thursdays, 6/6/19 – 10/10/19

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

2. Administrative Orders

- a. Vote to Authorize the Use of \$9,500 from AFCEE Mitigation Funds for Waquoit Bay Watershed Nitrogen Allocation Evaluation

Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- b. Vote to Accept Donation to the Beach Department Donation Account from Robert and Susan Catalano in the Amount of \$500.00 for David’s Old Silver Swim Award

Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- c. Vote to Expend \$500.00 from the Beach Department Donation Account to M.R. Soares Co., Inc. for Planting Services at the Surf Drive Beach House

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

3. Special Events

New – Recommended:

- a. Fashion Show – Samantha Peters, Inspiration is Everywhere Inc. – Main Street sidewalks – Saturday, 8/10/19

Samantha Peters, President Inspiration is Everywhere, Inc. fashion show is to showcase local clothing and jewelry designers by using local aspiring models to walk village green to Shore Street and back in continuous loop once around with an auction to follow at Amvets. Homemade clothing and jewelry. Flyers for auction, social media, the leaders will have t-shirts with information on them. This benefits the nonprofit and splitting the money with the designers. They host community events outside the local bar scene to participate in art, music events, and gap filling for large assistance for what people need. All of the money raised stays in Falmouth. Ms. Peters works with referral services Falmouth Service Center, Human Services, St. Vincent de Paul. They help Falmouth residents, giving community support through an application process.

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

BUSINESS

1. Status Report on Current Conditions at Menauhant West Beach – Peter McConarty, Deputy Director, Department of Public Works

Peter McConarty presented a PowerPoint Presentation on the current conditions. Reviewed the plan of West Beach from 2013 and the Conservation Commission allowed access to remove items. There is a structure of an old building foundation. Photo of the foundation with fencing that was unsafe. There are signs that say beach hazards. They cut pieces of the bridge to make a walking path next to the structure to get to the other part of the beach. There is a clear path to Foster Road. Pilings were removed from the water. Made entry to the beach. Reviewed parking lot area, always problems with drainage and resloped it last year; also replaced with drain stone. The beach trailer will not be there this year, there will be a shower tower. It is safe for the summer at this time. Going forward they are contracted with Coastal Engineering Consultants putting together the design and permitting. Looking for late summer/fall and then go through the permitting process.

The east side of the beach has sand that was dredged and now there is reportedly a piping plover nest. Mr. McConarty will check it out.

Mr. Brown asked if not successful getting permitting for groins and nourishment, will we rethink the bridge and let nature take its course. Mr. McConarty noted the bridge is waiting for the beach project. They need to have more conversations on building the bridge and the roadway. 2010/11 dredge permit could be amended to go back to do nourishment if needed.

Public Comment:

Barb Schneider, Precinct 4, thanked the DPW. She is not hearing anyone commit to a plan A or plan B; she does not want these pieces fenced off, she would like a plan they will be removed and not tied up for several years. If waiting on the big project, is there a way to go ahead and have warrant article that would allow for a plan to remove those structures and replenish the dunes as a backup plan? And could be pulled if the big project gets done.

According to Mr. McConarty, the plan is in progress and will incorporate all permits required. They are looking at removing the wooden bridge and concrete foundation. It is the same permitting for both projects. If decision made to put filler on Town Meeting, it would be a group decision of what direction to go with.

Ray Jack, DPW Director, said that the structure trading is part of the permitting process and result in no net adverse effect. The permitting is the same, extensive/expensive so doing separate projects is not the economical way to do it. Expect by Fall 2019 there will be a plan to initiate the permitting. Sometime next year may have permits in hand, then engaging the contract. For this November Town Meeting Capital Plan there will be item to include groins, nourishment, and removal of existing structure. If unsuccessful in getting permitting on the plan now, then back to BOS to rethink the options.

Dean Lundgren, President Davisville Civic Association

Appreciates the work done and noted it is important to get the old wooden bridge out of there.

Marc Finneran, Precinct 6, noted the bridge cannot be touched until it's all permitted, which could take 3 years. He suggested replacing the snow fence on north side/east side/west side with stockade fence it may catch sand and cover the bridge and would look better and less of an attractive nuisance.

2. Consideration of FY20 2% COLA for Non-Union Employees

Mr. Suso explained extending the COLA for non-union employees. Those funds set aside and anticipated in fiscal year 2020 budget.

That also includes Town Management employees as well.

Mr. Patterson motion approval, including the Town Manager. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

3. Presentation/Discussion of Cape Cod Canal Transportation Study – Ray Jack, Director, Department of Public Works

Mr. Jack provided an overview of what MA DOT is suggesting via PowerPoint presentation.

Reviewed the history of the canal bridges, they are now 84 years. Provided an overview of the study that began in 2014. Army Corps of Engineers, state, and local jurisdictions are covered in this plan. The Army Corps is evaluating whether to repair or replace the bridges. If they do not replace the bridges and go into rehab, every other year construction activity on the bridges. Within next two years major headaches. Rehab costs less than building new bridges. State is working with Corps. If they replace the bridges, to the east of Bourne bridge and west of Sagamore bridge. A third bridge is not likely. Funding would be federal if they replace the bridges in kind. Reviewed the study area from MADOT. Reviewed seven case scenario costs. The State document is out and would likely welcome comments. Corps is expected to release draft in the next couple months.

The bridges are functionally obsolete and inadequate for needs pedestrian, bike, and ADA improvements would be one.

Ms. Moran noted this is an excellent compilation of a huge amount of information. There is much coordination to be done, these changes affect changes in neighborhoods. Much public outreach will be done.

Mr. Patterson motion to support Mr. Jack's recommendation. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Mr. Suso will work with Mr. Jack drafting the letter.

Mr. Brown called a recess at 8:53 pm.

Mr. Brown reconvened the meeting at 8:57 pm.

4. Steamship Authority Status Report – Kathryn Wilson, Robert Davis

Mr. Davis explained the insurance coverage for the SSA (Steamship Authority) including \$157 million in direct coverage and liability for vessels, \$150 million in liability coverage, it is an umbrella policy and explained what they cover. A consultant reviews their coverage and they take their insurance program seriously.

Progress on marine portion of the Woods Hole terminal reconstruction project. Slip 3 is complete and operational this summer, next season slip 2 offline. They are behind schedule on the project on the north pier and have bulkhead issues to the north of their property. Acceptable terminal building design is a challenge, they are soliciting input on the building design, current configuration places building on north/south configuration. At the meeting staff seeking to revise the building in response to the input from the community.

Mr. Brown noted 133 emails comments, Mr. Davis said there was also a petition of 1200 people with comments.

The BOS would like a presentation from the SSA on what they are planning to do, including pictures. Mr. Davis said they are trying to work with the Woods Hole community organization. If the Fall legislatures Vinnie de Macedo and Dylan Fernandes requested the SSA work with Woods Hole and the Falmouth Historic Commission. Mr. Davis said the SSA is looking for suggestions and explained there are constraints on the property regarding what is doable so they are providing safe and secure operation.

Mr. Jones said they do not pay attention to the town building code of 35' maximum height. Mr. Davis explained they have the issue with flood zone, need to keep the building accessible and means it needs to be 17' above the water height, looking to make that 13' seeking variances. After the meeting at the high school, they began investigating options to open up the vista and allowing for flood planning. Looking at lowering the roof over the waiting room, possibly a flat roof with observation deck. Looking at what functions on the 2nd floor could be moved to utility building and the footprint and oil storage on the property. Flood proof building is needed because of the zone it is in. They are looking for suggestions from the BOS on where they can go and work with architects on what is feasible. Would also like to hold public meetings and get more input.

Mr. Brown felt the first 3 designs were similar and offered limited choice.

Ms. Moran asked about timeline and also noted it is difficult to give input without material, PowerPoint, etc. she invited him to have more information. When Ms. Moran and Mr. Brown attended the last outreach meeting, there was a sense the Board was not receptive, need to accept some feedback and have some open communication. She asked him to come back with more information.

Mr. Brown likes the idea of the turning of the building. The long wide roof is the biggest turnoff. Mr. Davis said they will continue to look at the elements, they have done a lot of shaving so far.

Kate Wilson, noted the communication has been difficult, the Board of Governors may have come to understand that what they have been saying was underscored by the BOS coming. She will do reporting more often and coordinate with the BOS with more frequent updates. The meeting the other night was

difficult, but in some ways may have turned a corner. She is looking forward to making a building that makes sense, the delay gives the opportunity to make another building.

Ms. Moran said this information came from a constituent who asked about coverage and it was what would the Town do if impact to the Town? Mr. Davis said if a catastrophic event occurred that exceeded their insurance, the Town of Falmouth would be responsible for net loss of 10% and that has not happened since 1962 and cost about \$2.1 million. Ms. Moran would like to find out if the Town has coverage to cover that.

Public Comment:

Bob Morris noted if anyone goes through the 1200 submitted comments they will find the people on Martha's Vineyard and Falmouth do not want the big building.

Nat Trumbull Woods Hole, residents feel disenfranchised from the SSA's decisions, the Enabling Act is unfair. He hopes the board members study the responses, some are from the vineyard residents. Hope they will consider the mission of the SSA and look at the language of the Enabling Act. This mission of overreach needs to be considered.

Nan Schanbacher, Woods Hole: Asked if the SSA is putting a utility building in the employee parking lot in addition to the freight shed.

According to Mr. Wilson, the freight shed is to be replaced with utility building at this time; they are looking to move second floor functions to a separate building and anticipate it be necessary for a 3rd floor if not a 4th.

Mr. Brown noted the building is very long, he would like to see them use full use of the 2nd and 3rd floors if needed.

Mr. Davis will revisit it, but the elements on the 1st floor are public areas so the 2nd and 3rd floors will move them up.

Mr. Jones noted that he does not want to have the recommendation from Mr. Brown without seeing the plans. Mr. Jones wants to see what they are talking about and that Mr. Brown's statements do not represent the BOS. Mr. Jones also asked if Pier 3 was complete, Mr. Davis said it is complete and there will be some work on the bulkhead to the north and rebuild the park and extend the bike path down.

Mr. Jones noted 3rd pier is for temporary storage of the boat that is being worked on, not to have 3 working piers. Mr. Davis said the intent is not to use that pier as a full time working pier. However, on the new license the restriction has gone away, they need 2 operating slips at all times. The slip will end up being used under certain conditions because of ADA from time to time. They are operating 5 vessels and anticipate it will be the same next year.

Mr. Jones asked if the pre 6-am trucks are showing up, if they appear before then they cannot go on the boat that day. Will this rule be enforced? Mr. Davis stated that they are not to arrive before 5 am. The 6 am trucks can arrive at 5:15 am. They have warned shippers and sent them away. It becomes problematic. Only vehicles with reservations for the 5:30 am trip can arrive at 5 am.

According to Mr. Brown, the new Chapter 91 license does not include the restrictions on the 3rd slip.

Mr. Jones said there are things the SSA should do, but they do not have to. The SSA could pay some taxes, but they do not have to so they do not. They could build buildings over 35', they can do what they want. The third slip can now be used because the license says they can use it fully. All this based on the Enabling Act. The SSA can do better by the Town and the BOS hopes they will.

5. M.G.L. Ch.138, Sec. 64 – Review of status of Wine and Malt Club License, St. Anthony's Club, Inc., 28 Brick Kiln Road, East Falmouth

Mr. Suso noted the BOS has summary of correspondence and contacts including notification from FPD (Falmouth Police Department) there was a license issued with the manager of record and 3 letters sent out

notifying them to apply for a change of manager and updated directors, 4th letter sent on 6/17/19 regarding liquor license violation and noncompliance. Contact made to discuss the process.

Ronald Goulart, Manager of record, passed their Building and BOH (Board of Health) inspections; however he has not passed the background check. Abram Peters in Thursday with paperwork and they gave him additional paperwork he had to fill out.

Marc Finneran noted a month ago he was approached, they had been waiting for their license and had not arrived. He said he would check with Town Hall, talked with Diane and she told Marc they were waiting for the results to come back from the State. An OUI turned up on the CORI check making him ineligible. So they asked Mr. Peters if he would do it, the next time he saw Diane she told him someone had taken the paperwork and they were going to take care of it. Mr. Peters will be the manager, they need a window of time for the CORI check for him.

Mr. Peters completed the ABCC paperwork and brought it to Diane Thursday, she told him he had to do applications for each of the board of directors, their CORI's, and financial documents. Mr. Goulart noted they are a nonprofit and have had no problems with the Town.

Ms. Moran noted the BOS can continue the matter to allow him to complete the paperwork.

Mr. Jones noted they have no license at this time. Once paperwork is in they can consider granting the license.

6. Minutes of Meetings:
Public Session

May 20, 2019

Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

June 3, 2019

Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Mr. Suso attended the Whoosh Trolley opening and reminded the BOS of the Strategic Planning Retreat this coming Monday.

Ms. Moran motion to adjourn at 9:50 pm. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Respectfully submitted,

Jennifer Chaves
Recording Secretary