

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, JULY 8, 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.

1. **Call to Order by Chair English Braga at 6:30 p.m. and motioned to convene the executive session under MGL c30A,s.21 (a)(3)- To discuss strategy with respect to collective bargaining-Falmouth Police Sergeants-NEPBA Local 61 and Falmouth Firefighters Union Local 1397 because to not go into executive session could prejudice ongoing negotiations. Ms. Moran 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 item and return to Open Session after discussion. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye; Ms. Moran, aye; Mr. Jones, aye.**

2. Chair English Braga reconvened the open session at 7:03 p.m.

3. Pledge of Allegiance

4. Proclamation

5. Recognition

Mr. Brown recognized the beach lifeguards at Chapoquoit Beach assisting a man in distress.

Mr. Patterson recognized the Falmouth Fireworks Committee for organizing the event and Falmouth Police Department (FPD) for organizing traffic flow.

6. Announcements

Mr. Johnson-Staub announced the Board of Selectmen (BOS) met in executive session and discussed the Falmouth Fire Department bargaining, the Town and Union have ratified the contract for fiscal years 2019-2021. Thanked all involved for bargaining in good faith.

7. Public Comment

Joseph Strazula, sent material to the BOS regarding changes at the Chapoquoit road access.

Marc Finneran, Precinct 6, thanked for taking care of posting the no trucking signs and notifying GPS to stop sending trucks down Trotting Park Road. There are stop signs in the Heights area, though none on Grand Ave. where Jericho meets Worcester Court.

Betsy Gladfelter, Conservation Commission, provided an update on the Coonamessett River Project. Provided schedule of activities, Swifts crossing will finish in September, putting out bid for phase 2 in July which removes removal of dam, replacing culvert on John Parker Road, and another project.

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses

- a. Approve Application for Special One-Day Wine and Malt Liquor License – Food Truck Festivals of America – Food Truck and Craft Beer Festival – Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy. – Saturday, 8/10/19

Leslie Lakes, event producer, told the BOS this is the 7th year doing this event.

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

- b. Approve Application for Special One-Day Wine and Malt Liquor License – Climate Concert – Woods Hole Research Center, 149 Woods Hole Rd. – Saturday 7/20/19

Dave McGlinchey, Director of Government Relations WHOI, is expecting 200 people, parking accounted for.

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

- c. Application for New Entertainment and Sunday Entertainment License – Bad Martha’s Farmer Brewery, Located at 876 East Falmouth Highway, East Falmouth

Kevin Klauer, Ament and Klauer Law Firm, representing Bad Martha’s. Joshua Flanders, GM of the new site was also present. Opening in a few weeks and request entertainment license to have ability to schedule daily, 1-2 musicians at any given time, late afternoon/early evenings. 12pm-9pm hours of operation, may set up inside or outside. If outside amplification, it will be directed to the building in the patio area.

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

- d. Approve Application for new Second-Hand Dealer License – Calico Collections – 94 E. Falmouth Hwy. (inside Home Again Consignments), E. Falmouth

Lee Wynn, renting booth in D’s Home Again. This is divided up into booths.

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

2. Administrative Orders

- a. Approve Eversource Energy Petition to Install one (1) 4” Conduit and one (1) Handhole 283/H5 on Cape Codder Road, East of Standish Avenue

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

- b. Execute Discharge of Mortgage, 12 Amvets Avenue, Falmouth

Mr. Suso noted recommendation from Town Counsel’s office to move forward on this.

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

- c. Vote to Approve Expenditure from the Police Donation Account in the Amount of \$3,272.00 for Lettering on Hidden in Plain Sight Vehicle

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

- d. Notice of Naming Request: Marina F. Andrews Community Garden; memorial boulder to be placed at Tony Andrews Farm. Per Naming Policy, Board will consider action after July 8, 2020.

Mr. Jones motion to allow the time to start. Second Mr. Patterson. Vote: Yes-5. No-0.

- e. Approve Annual Transfer of Funds Request for Snow and Ice

Mr. Suso noted this is brought to the BOS annually at end of the fiscal year and is recommended.

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

- f. Affirm Letter of Retirement Request for Legislation – Police Department

Mr. Suso explained 1 year ago incident involving shooting of Officer Dimiranda and Officer Moore, the year that followed they were involved in efforts to return to regular service, but that has not occurred, neither will return to active duty. This letter, if affirmed, would petition the legislature for special legislation to allow retirement. The FPD Chief and Mr. Suso have sent letters of support for this as appointing authority. Remains for the BOS to consider.

Mr. Patterson motion to affirm sending the letter. Second Mr. Brown. Vote: Yes-5. No-0.

- g. Notice of Naming Request: Rename the Falmouth Community Play Space to Evans Inclusive Play Space & Park. Per Naming Policy, Board will consider action after July 8, 2020.

Kathleen Haynes, Chair Commission on Disabilities, is concerned about the naming is that they have had to use the name when they apply for next CPC grant and needs the BOS permission to file grant in August. Need to incorporate the friends of to continue fundraising and asked how to reconcile a start date, they are using the name already.

Mr. Johnson-Staub noted that it is feasible to have nonprofit with a name that is separate and distinct matter from what is the name of the park that they formed for and fundraise for. The CPC grant can say the address and does not have to have a name to submit an app or raise funds.

Mr. Brown has been attending the meetings, Evan travels with his family to New Bedford to go to a playground, and there are not a lot of these facilities. Evan has been coming to the meetings and is inspirational and that is the reason for the name.

Mr. Brown motion to toll the time to start. Second Ms. Moran. Vote: Yes-5. No-0.

3. Special Events

Recurring – Recommended:

- a. Annual Neighborhood Cookout – Bayside Drive Beach – Saturday, 7/20/19

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

New – Recommended:

- a. Blues & Views Concert – Bandshell at Marina Park – William Maurer – Wednesday, 8/28/19

Bill Maurer noted free concert, local performers. Partnership with Falmouth Homeless prevention program and voluntary donations at the concert. He is paying the artists out of his own pocket this year. If successful he would like to continue it next year.

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

- b. Beach Wedding Ceremony – Chapoquoit Beach – Parrelli-Dmitruk – Saturday, 5/16/20

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

7:30 p.m. PUBLIC HEARINGS

1. Wetland Hearing – George & Lori Andrews – Construct a fixed pier that will extend approximately 70 feet beyond mean high water into Eel Pond, located at 212 Edgewater Drive, East Falmouth

Chair English Braga read the hearing notice.

Michael Borselli, Falmouth Engineering, represented applicant and explained the project. They want to reconstruct an existing pier, ramp, and float. During title exam there was no chapter 91 license for the existing substandard dock. Rebuild to today's standards, fixed, elevated above salt marsh, and public access above the fixed pier, remove floats in low water. The Conservation Commission issued notice of conditions. The plan was reviewed via PowerPoint. Harbormaster commented and saw no issues with this change. In 1991 the BOS issued a special permit but never went any further. Applied for 2 vessels.

Mr. Jones noted the south pier is about the same length, Mr. Borselli noted it is a bit smaller; less than 25%. Access stairs go to the sand. The steps will be under water at high tide. Mr. Jones would like the pier not be able to be leased, loaned, used for another use, and limited to 2 boats.

Public comment: none.

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

Mr. Jones motion to approve with findings that this new dock is an improvement over what was there, the homeowner will need to get a license, is not affecting navigation, is in keeping with the piers near it, and limited to 2 boats at the dock. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Application for a New All Alcoholic Common Victualler License – Bluefins Falmouth, Inc. d/b/a Bluefins, Located at 295 Main Street, Falmouth

Chair English Braga read the hearing notice.

Andy Baylor, owner, this is the same restaurant he has had in Chatham for 5 years, fishhouse/sushibar/hotkitchen with martini bar atmosphere.

TIPS certified for all staff, he is certified, GM is certified, and all have a lot of experience. High end adult/family kind of place. Seating at this time is indoors.

There was discussion about whether a variance will be needed for tying into the sewer. Mr. Johnson-Staub will look into that issue.

Public Comment-none.

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

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

Left off here: BUSINESS

1. Report – Commission on Disabilities
Kathleen Haynes, Chair, brought attention to the BOS list in the packet, much work that has been accomplished. A few items have not yet been done. Trucks on Main Street, possibly not have 18 wheelers using Main Street in the summer, maybe deliveries during certain hours. Curb cuts by Colonial Gas Station and Rite Aid present problems. Volunteer parking patrol, the fines go to the Commission on Disabilities and donated money to the Commodore's vertical lift. Vendor Fair was successful. Bicycle Committee cannot solve problems for people in wheelchairs/crosswalks. Ms. Haynes made a PowerPoint presentation and reviewed photographs exhibiting work needed, including the Falmouth Mall parking lot, North Falmouth School playground, Trotting Park Fields, she would like to get these improvements done.

Playground contract signed for surveying of the playground, awaiting retainer. Landscape architects are on board once the surveying is done. They will go back to the CPC for next application deadline of 8/7/19.

2. Interview, Vote and Appoint Committee Members:
 - a. Board of Assessors
Brian Ridgeway until 6/20/22
Mr. Jones motion to appoint Mr. Ridgeway to a term ending 6/20/22. Second Ms. Moran. Vote: Yes-5. No-0.
 - b. Conservation Commission
Mr. Jones motion to appoint Mr. Bird to a term ending 6/30/22. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Patterson motion to appoint Mr. Matthews to a full member position ending 6/30/22. Second Mr. Jones. Vote: Yes-5. No-0.

Mr. Jones motion to appoint Mr. Robbins to a full member position ending 6/30/22. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to appoint Mr. Gurney to a full member position ending 6/30/20. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion to appoint Mr. Walsh to an alternate position ending 6/30/22. Second Ms. Moran. Vote: Yes-5. No-0.

- c. Historical Commission
Kara Foley

Runs family real estate business in Falmouth, has interest in what happens in our Town. Would like to learn more about the commission and how it works. She can also educate those coming to look for property, not all understand how it works. She is both a traditionalist and innovator of Main Street, but leans more to traditional side.

Mr. Jones noted charter recommends someone from real estate background.

Term ends 2022 for 2

Mr. Jones motion to appoint Mr. Haddad to a position ending 6/30/22. Second Mr. Patterson. Vote: Yes-5. NO-0.

Mr. Jones motion to appoint Ms. Foley to a term ending 6/30/22. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion to appoint Ms. Drescher as alternate to a term ending 6/30/22. Second Mr. Patterson. Vote: Yes-5. No-0.

- 3. Status/Update on Seasonal Parking and Related Traffic Issues

Captain Reid, FPD, this time of year parking is challenge and there were some questions/confusion about clarifications to parking bylaws. Parking regulations were not changed to street parking, clarification made approved by the BOS that clarified how on street parking has been enforced.

Chapoquoit Beach area: street no parking area, previously posted no parking, now posted no parking tow zone. No space to have a standby lane because the roadway is too narrow.

Mr. Suso noted downtown parking 3 hour limit is being enforced by summer police officers. Educational process around the post office for the 30 minutes spaces.

Captain Reid will look into whether meters recognize cars and can refuse to allow meter be used for an additional three hours.

Peg Noonan Park parking is not allowed overnight, summer officers can monitor the parking lot, but it does not have a limit during the day.

Joseph Strazula, Old Dock Road, uses Chapoquoit Beach and pointed out even though roadway is posted no parking, there has always been live parking accessing the beach. This year the sidewalk was removed, which was a surprise and roadway was made wider. This is a dead end road, access to the beach limited to residential stickers, when you go up the road, there is a turn around to go back to the beach, all these things accommodated people getting into the beach. It's turned into a problem on certain days. When the police officer comes they move those waiting along, but then people get back into line. Without considering servicing the community to access to public beach, a 30 year process was changed when sign went up with no cue sign. DPW, Beach Committee, and FPD need to work on a solution/accommodation for the reality of the situation.

Peter McConarty, DPW Director

Problems over the years with stacking and cuing lanes, people want to follow Old Silver Beach, not all beaches can do that. Last year conversations about how to improve parking at the lots, Chapoquoit Road was assessed, need 30 feet of roadway in the area, they were only getting 28.5 feet and at some point those exiting out of the road and those going in will be a conflict. Removing the sidewalk to make a stacking lane, no one really used the sidewalk, but did not make the distances. Last summer new signage no parking went up. This past week the DPW put up temporary no parking. The roadway is constricted by the guard rail and the dunes. Also have area further down Chapoquoit Road blocked off near seawall. The DPW needs unilateral lanes, so someone would have to guide if they go with Mr. Brown's suggestion of closing to one way for some time during the summer.

Captain Reid noted that during high peak, that is the period that FPD has the least ability and he has no confidence they could provide service on those peak dates. Parking attendance and residents of the island call the FPD for response.

Marc Finneran, Precinct 6, commented that the Conservation Commission is creating another problem without a solution. He thinks they should come back with a survey on what to do.

4. Presentation – Vulnerability Assessment – Woods Hole Group
Jen McKay, Staff Liaison, explained the background of this assessment.

Elise Leduc, Woods Hole Group, presented a PowerPoint presentation with update. Reviewed the overall project and results of Task 1, results of Task 2. Reviewed diagram of present day inundation risk in the North Falmouth area. Model results were developed for present day, 2030, 2070, probability of inundation maps developed for each time horizon, depth of inundation maps will be developed. Goal is defining the risk for each assets including buildings, structures, above ground utilities, roads, bridges, recreation facilities, bike path, Trunk River sewer main, boat ramps, and coastal infrastructure. Looked at the consequence of flooding and explained the scoring of categories. Vulnerability assessment and determine critical elevations and which asset would fail to function. Roads and bridges are most at risk to sea level rise in the future. Asset summary sheets for department managers who manage these structures and buildings and visualizations will be useful for public outreach, including Mitchell Bathhouse, Green Pond Bridge, assets in Woods Hole Area. They have also looked at the natural resources, including beach, marshland. Goal to develop adaptation strategies for short and long term. Steering Committee will be crucial to refining and finalizing the recommendations. There are 2 additional Steering Committee meetings and final presentation to the BOS around October 2019 and possible to have a couple more public outreach meetings. The tech memo was provided to the BOS, any questions she can field questions after tonight. Steering Committee includes about someone from each department and Coastal Resiliency Action Committee. Final report and presentations would be ready by around October 2019. Public presentation they are scoped to do can happen earlier, they have the results but not the recommendations. Another action grant to look at the surf drive area has been put forward by the Coastal Resiliency Action Committee has been awarded.

5. Sign Variance – Informational signage to prevent storage of private boats on Town property – Conservation Department

Jen McKay, Conservation Administrator, provided the signs to discourage the storage of boats on dunes and salt marshes. This is preliminary to enforcement and work with Harbormaster and DPW to sticker with violation. She will work with the DPW on exact locations. Includes Great Bay Road area. DB noted alternative storage will need to be sought. Mr. Jones asked how many boats, possibly 30-40 boats plus. Ms. Moran noted some cannot move their boats. This presents a question for others, Mr. Brown thinks maybe some help and create some racks. If boat just on the beach, they are priority in the salt marsh because it is causing damage to the resource areas.

Chair English Braga noted there needs to be an educational component.

Mr. Johnson-Staub asked about the regulation, is there a clear regulation that can be pointed to regarding what they are violating. Ms. McKay noted it is altering a salt marsh by smothering the grass.

Mr. Jones' concern is that some people may have been doing this for 50 years, even though regulation is on the books. He would rather have stickers on the boats first, not the sign as the official step.

Mr. Patterson motion approval to use the signs as an educational process. Second Ms. Moran. Vote: Yes-5. No-0.

6. Status/Update on Route 28 Road Reconstruction Design Process

Ray Jack, DPW Director, provided a PowerPoint presentation. Town is not funding the overall project, section 3 reviewed by the BOS' committee, unknown the conclusion from the State through MA DOT. Section 3 was to go under redesign and will need to go back to the State for approval.

Presently consultant is redesigning section 3, and will then meet with MA DOT before the resubmittal to MA DOT for approval.

Chair English Braga noted the conversation in community that the design was voted down, but it has not been, it has been redesigned so it needs to be reviewed.

Water Main Replacement being done by CC Construction. They will resume after Labor Day, completion by Spring 2020 with final paving is expected Fall 2020. Mr. Jack reviewed pictures of the project.

Mr. Jack noted that burying the utilities would be a substantial cost.

Mr. Brown asked any indications during water line construction that burying the utilities would be possible. There are many services in place already, so would need to go under sidewalks and question of whether here is substantial room.

7. Presentation – Falmouth Stormwater Management Plan – James McLoughlin, Town Engineer
Reviewed the Clean Water Act of 1972 via PowerPoint presentation. National Pollutant Discharge Elimination system (NPDES) program has 2 branches; individual permits and general permits. The Town is under General permits where you comply with general terms of the permit. Municipal Separate Storm Sewer System MS4 Permit is effective since July 1, 2018. Notice of Intent submitted in September 2018 and outlined compliance with 6 minimum control measures and required preparation of Stormwater Management Plan. EPA authorized discharge.

Stormwater management plan was forwarded to Mr. Suso and plan is to put the documents on the website. This is a living document, through the next 10-12 years it will be updated.

Minimum Control measures include public education and outreach, public involvement, illicit discharge detection and elimination, construction site storm water runoff, post construction management, and municipal good maintenance.

Annual report requirement including assessment of progress of those items above, outfall screening, and description of activities for the next reporting period.

They have been receiving about \$50,000 per year for consultants that help prepare these reports.

He has been at Steering Committee Meetings and he has been a proponent of short term flooding issues as opposed to the 70 year plan. Weighting the assets and vulnerability is important.

Marc Finneran, Precinct 6, commented planting plantings could reduce the expensive catch basins. Rain gardens. Is that part of the plan?

Mr. McLaughlin noted that is part of the plan, those have been implemented in White's Landing, they are easier to build and maintain, all need maintenance.

8. Sign Variance – Ashumet Valley Neighborhood Association – to place a sign at the entrance to Club Valley Drive off Sandwich Road

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

9. Sign Variance – Temporary Off-Premise Signs – East Falmouth Village Association Annual Meeting

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

10. Minutes of Meetings: none in the packet.

11. Individual Selectmen's Reports

Mr. Brown:

Attended Bikeways Committee meeting, hoping for push to get the complete streets policy in place.

Mr. Patterson:

CCRTA has new trolley running through town.
New FHS field is about done, final concession building and bathrooms are being put in.
Attended the Town Band Concert last week
Fireworks display was terrific.

Ms. Moran:

Very busy weekend, lines on streets to do activities.
Bridges over the canal, she attended meeting, applaud the state for working with the Cape Cod Chamber of Commerce and looking for design and public outreach money. Good impact on lifestyle on cape.

Chair English Braga:

Hope to think about logistics of 4th of July week and taxing for public services, maybe move some events on the calendar. Maybe some outreach to folks, maybe shift some events for congestion and public safety. Look at activities the BOS approved because the planning needs to be done now.

12. Town Manager's Report

Surf Drive has not been closed for event this Sunday morning event.

There are an overwhelming number of events that required police involvement on 4th of July and if the BOS is willing to have him reach out to special event organizers to encourage them to schedule the events other than the 4th of July. The Police Chief advised all available police personnel are on duty on 7/4, even with that they were overtaxed.

Thanked the Fireworks Committee and Town departments that worked together for the 4th of July weekend.

Confirmed that the inaugural meeting of Marks Building advisory meeting has been posted for 7/10/19 at 7pm in Town Hall.

Many complaints were received regarding visitors who parked where they should not during the annual arts and crafts festival. Mr. Jones inquired about talking with the SSA about opening up their lot for the art show day.

Mr. Johnson-Staub noted advertising for folks interested in aquaculture license in Eel pond and if the BOS is interested in touring the senior center while the walls are still open. The BOS is interested.

13. Review and/or Discuss Correspondence Received

Mr. Jones motion to adjourn at 10:20 p.m. Second Ms. Moran. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary