

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
Open Session
MONDAY, JULY 22, 2019

6:00 p.m. SITE VISIT

Senior Center Construction Site - 744 Main Street, Falmouth, MA, 02540

Note: Site visit not open to the public due to safety and liability concerns. Members will not deliberate on any matter during site visit.

7:00 p.m. OPEN SESSION

Selectmen's Meeting Room

Town Hall

59 Town Hall Square, Falmouth, Ma 02540

Present: Megan English Braga, Chair; Doug 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 7 p.m.
2. Pledge of Allegiance
3. Recognition
Mr. Brown noted the Falmouth Fire Department (FFD) had 207 calls this week, ranging from house fires to saving a dog.
4. Announcements-none.
5. Public Comment
Warren Collins 50 Minot Street, is concerned about Chapoquoit Beach parking and crowd control. Once the parking attendant leaves at 3:30 p.m. it is a free for all, parking with no stickers, blocking people in, and no spaces after that time. Waiting is no longer allowed and Chappy should be a resident only beach. Parking attendants should be there until 5 - 5:30 p.m.

Chris Feguli, Chapoquoit Road made 6 trips one day to bring people to beach and was refused because no waiting was allowed. The Department of Public Works (DPW) is trying to figure out a way for a live parking area. Falmouth Police Department (FPD) Officer on detail Saturday and Sunday is assigned to turn away cars not ease the situation. He has found another vehicle was allowed in after he's cruised the street several times. He would like the Board of Selectmen (BOS) involved in finding a solution in August allowing cars to sit for a while with officer assistance to wait on the road. He took his grandchildren by bicycle several times this weekend.

Paul Miskovsky, Beach Committee Chair and Chapoquoit Beach "Chappy" beachgoer, suggested the DPW and Conservation Commission work together taking 3 feet of sand to enable a waiting lane. There is no erosion because constantly being built up and likely more asphalt under the sand.

Dan Shearer, Old Dock Road, Chappy Beach for last 8-9 years he has gone to the beach there and has asked to do something about this because it has been a one way road until this summer. They have called the police many times, last year for an ambulance. This year the DPW made the extra lane now it held a police car at an angle with lights on and 2 way traffic without any trouble and then they closed it. It was working and no trouble.

Tom Weaver, Ways Hollow Way, Hatchville, November Town Meeting money voted to tear down the Baker house and is wondering what is happening regarding this house.

Marjorie Meacham, Beach Committee, noted there was hovering at Chappy Beach; she is uncomfortable going on the road. It would be nice to see Chappy treated like Menauhant and Old Silver.

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses

- a. Application for New Class II Motor Vehicle Dealer's License – Savon Hatem LLC, 561 Thomas B. Landers Road
Steve McKinnon, representing the LLC reported they got special permit last year. Asking to move license to Sav-On corporate offices on Thomas B. Landers Rd.

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

2. Administrative Orders

- a. Approve Eversource Energy Petition to Install one (1) 4" Conduit on Eel River Road, South of Central Avenue
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
- b. Approve Eversource Energy Petition to Install one (1) 3" Conduit on Menauhant Road, Opposite Central Avenue
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
- c. Vote to Accept Donation from the Old Stone Dock Association in the amount of \$664.33 to the Beach Department Donation Account
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
- d. Vote to Approve Expenditure from the Recreation Department Donation Account in the amount of \$1057.50
This is for t-shirts for Keegan's fishing tournament.
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
- e. Notice of Naming Request: Tommy Leonard Memorial and Crosswalk. Per Naming Policy, Board will consider action after July 22, 2020.

Tommy Leonard and Eddie Doyle of the Falmouth walk.

Mr. Doyle described the memorial and provided a drawing. It will be located at the crosswalk across Main Street.

Mr. Jones noted Town Counsel noted this is a BOS policy has the authority to say they will amend the policy for a specific item. Date of email when proposed is what has been done in the past and consistent for other matters voted on.

Mr. Jones motion approval to consider action after July 22, 2020. Second Mr. Patterson. Vote: Yes-5. No-0.

- f. Expand Traffic Rules and Regulations to Designate School and Safety Zones

Peter McConarty, Deputy Director DPW, in 2003 traffic rules and regulations adopted, section 4 p. 34 school zones is blank, looking to update the school zones for all schools k-8th grade and safety zone at the FHS with 20 mph with flashing signs. They can work with Traffic Advisory and make the updates. Signs are solar flashing with feedback signs.

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

3. Special Events

New – Recommended

- a. Block Party – Old Mystic Circle, North Falmouth – Claire Bishop – Friday, 8/9/19
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

7:30 p.m. BUSINESS

1. Report – Affordable Housing Committee

Ed Curly, Chair, reviewed the mission of the Committee and their role. Support maximum density allowed by regulation as long it fits in the current area and sustainable. Committee asked for BOS consideration regarding deliberations about new tax revenues coming in. Great developments, some in the pipeline, it is clear the Town understands the need for affordable housing. They would like to open 74 affordable housing units per year. The next event is Housing Summit 10/2 in Hermann Room of the library with speakers and multimedia presentation.

Chair English Braga noted the BOS talked about the Town engaging in supportive way to increase housing in a timely manner.

Mr. Brown noted comments from groups with eye on short term rental tax; he believes this deserves the most because directly related.

2. Report Update and Recommendations – Falmouth Litter Reduction Team

Alan Robinson, member, made a PowerPoint presentation and reviewed the vision of their team to eliminate litter from the Town's roadsides, parks, beaches, and waterways. Reviewed July activities including performing roadside litter surveys, learned about Town and state litter programs, focus group listening sessions, et with Town entities, investigated legislative options, hosted public forum, updated the BOS. Reviewed litter surveys and roadside litter collection and counts. Most items collected were food service and nips. Locations surveyed. They pick up trash as they perform the survey. On average 184 nips per linear mile of roadway. 4 group listening sessions with village associations, Falmouth Academy, FHS, and liquor license holders. Public forum and litter questionnaire for attendees. Spoke with other municipal and state organizations. Learned that litter is not a new problem, impacts of plastic have generated renewed interest. Forum participants work litter items: nips, cigarettes, food service packaging, alcoholic beverages, single-use water bottles. Many people routinely picking up litter, it is an all year problem. DPW has limited resources, not certain the MA legislature will add nips to beverages required deposit/redemption, little to no litter signage or other messaging around the community, there is no quick fix to eliminate litter.

Initial Recommendations include budget for trash receptacles at beaches year round, work, implement a program for weekenders to have a location to dispose of trash and recyclables; phase out use of open, curbside residential recyclable containers to be replaced with large containers with lids; initiate and fund a litter reduction signage program; add a litter management element to the event permit applications; install trash receptacles in school buses; endorse and promote the slogan and goal "litter free Falmouth"; issue a letter to state representatives endorsing that nips be included as a beverage subject to a fee; and ban sale of nips in Falmouth. Ask that the deposit increase to 25 cents.

Next steps include convening with village associations and other organizations to identify their degree of interest and support for a second town wide litter cleanup event; adopt a road or segment; meet regularly with liquor store owners and operated with the goal of developing and implement means and methods to eliminate nip and other beverage container littering and monitoring the results; meet with convenience and takeout shop owners and operators with same goal; work with schools; add a focus on means and methods to eliminate cigarette butt litter; monitor and encourage town administration actions on recommendations. Encourage other initiatives, build an initiative that is fund and effective, and present another update in 2/2020 and every 6 months beyond.

Presented a poster on how long it takes plastics to decompose. Beach Committee said they could pay for creation of these posters and posted.

Eric Turkington said that Chelsea has had a hearing, ruling expected within 30-60 days, town attorney says they are going to Superior Court. The Town can form a bylaw and could be enforceable regarding what can be sold in our Town.

Mr. Jones noted getting it started sooner is better.

Biggest benefit would be a Cape wide solution, possibly looking at the county aspect in coordinating the municipalities.

The BOS noted an incentive for collaboration with business owners.

Mr. Brown suggested increasing littering fine as a deterrent.

Barbara Schneider commented that she ran the listening sessions, loud and clear she heard banning of nips was not a solution. There are many sides to this and hopes the BOS will be cautious.

3. Presentation – Charter Review Committee

Peter Clark, Chair, introduced the committee members, and made a PowerPoint presentation. Report has 26 recommendations; some are focused on clarity or consistency and language.

Mr. Jones noted 5 c2-1a language in amendment is different than current language. Clark intended to be presented as one sentence and will work on how the strikeouts are shown. Current language attributed a bylaw to source of this information. Mr. Jones wants them to match up.

Ms. Moran asked about the process happens every 7 years, goal is to put some things on a ballot and think about how these decisions would be made. What did you decide not to recommend changing? Those who work with the Town do so through committees, specific recommended changes regarding committees.

Mr. Clark said process following is done every 7 years, committee formed to hear from public and officials to look at ideas being raised to see how town government is operated by changing charter language itself. They came up with 35-40 areas; operational things do not rise to a charter level. They are presenting those things that a change in charter would make a difference in clarity or consistency. The BOS is bound to hold a hearing because there will be articles at Town Meeting in November, those approved go to the AGO, if approved, and they will then go to vote of town citizens in 2020. Town Meeting discussion is unknown if yes or no, the BOS asked Michael Palmer, and it could be amended on the floor of Town Meeting. Mr. Clark noted some things did not belong in their hands; their role is to change elements of how government is currently established, so form of government was not in their scope. They did not bring using website instead of a newspaper, heard from others that was not a wise thing to do. Issues around salaries and creation of jobs, which was set aside for another charter review committee because of the difficulty sorting out personnel issues. That gets to issues of bylaw review.

They have a list of 10-15 issues important to bring to BOS attention at a later time.

BOS noted part of work will be what needs to be done so something can be addressed in the next charter review.

Among the six themes, issue of honoring and recognizing committees and the work they do for the Town is important, 7 of the recommendations relate in some way to the operation of committees. There are 45 of some kind, majority are advisory and include 234 positions.

Mr. Patterson noted in terms of language, plan is described several ways, but not obvious what they all are. Plans will be local comprehensive plan, BOS strategic plan, and capital improvements plan. Want them to be consistent/aligned and to complement each other. Five recommendations #11 sets notion that the BOS will set annual schedule of meetings at the start of the calendar year. #14 gives the Planning Board authority to request information from any town agency what they are working on to make sure consistent with the comprehensive plan. #15 gives more authority to planning board to file bylaws. #16 sets meeting requirement. #25 regarding asking the Town Manager to be sure in capital improvements plan includes a check to make sure significant project is checked for consistency.

Use of strategic v. long range planning was reviewed.

Clark noted they will work with the BOS suggestions.

C8-6a the BOS noted that people work on projects, think about what is coming down the pike and they hear every election for the BOS from the public is the desire for a master plan and it is believed they want more discussion/planning/coordination.

Mr. Brown noted suggestions well done, offer to make notes regarding bylaws required to replace language removed would be great because they should be prepared to incorporate bylaws to reinforce what's important.

Changing bylaws is done by Town Meeting Vote.

Chair English Braga said that all this work is done on volunteer handbook, maybe have crib sheets for local government. Something connected to the charter and explains in user friendly way that our town government is, how it works, fact charter controls, and make it interesting.

Clark noted there is a 1 page summary on the charter, but it does not give an in depth summary of the whole document.

Clark noted they will work and listen to what the BOS is hearing from the public, they held 2 public forums; hope to work with the BOS as it moves along.

Mr. Brown asked for follow up email regarding suggestions for bylaws and could include discussion on bylaws at the BOS hearing. Chair English Braga noted we will see what the suggestions are from the CRC. Ms. Moran suggested working with the structure to present for a broader public. Clark could work with Town Management on this.

4. Approve application for CPA Funds for Shiverick's Pond Trail Project

Paul Dreyer, Precinct 2 Town Meeting Representative, made a PowerPoint presentation on the proposed project elements. Reviewed the pond system. Waquoit Bay Reserve has been sampling Shiverick's Pond and Weeks Pond since 1996, there is safety concern on access to some of the sampling areas. Provided background. In 2018 an ad hoc group asked where to go from here. Elements in Falmouth Village include vista clearing, viewing platform, gateway park. Would like to prepare survey, permits, preliminary and final design construction for ADA accessible walkway from trail to a platform that will address current safety issues and provide access. Conceptual design of walkway was reviewed. Conceptual design layout reviewed. Gateway park with picnic tables near the platform entrance. Estimated cost range total would be about \$240-290,000, proposed funding is from the Community Preservation Committee. Project development process described, The Conservation Commission with Planning Department as co applicant. In August 2019, the 300 committee voted to transfer an area of the property to the Town. The DPW has agreed to request additional funding for a sidewalk to the KLB road project as part of an approved project in 2020. Addresses safety issues, unused area, public benefit project.

Mr. Patterson clarified that CPC for August 7 would be for Spring Town Meeting.

Mr. Jones noted pointed out to talk about herbicide, some will not be able to be used on town property.

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

5. Report on Municipal Fiber Initiative

Courtney Bird, Falmouth Community Network committee, Peter Cook provided PowerPoint presentation also present with other members, provided appendix A of the RFP which he will address when the time comes.

Falmouth needs to invest in its future by emulating other communities by creating community broadband networks. High speed is wave of the future. Falmouth is underserved by the telecoms, it is in interest of Town to invest in this due to economic and quality of life impact. Open cape is a nonprofit fiber optic network here in Falmouth with capacity to carry all the internet traffic with room to spare. Goal is to have high-speed internet go to every home and business. Ad hoc committee, organized 6/4/19 and held a public meeting to inform and provided information. Out of that forum came the need for a feasibility study. Described the two sources: Fall Town Meeting for \$50,000 for study or go to EDIC, EDIC approved

\$50,000 for a 6 month study to provide answers to all stakeholders regarding options, cost, etc. RFP issued, deadline 8/12/19, a firm will be selected in mid-September, study complete and report issued 3/13/20. If appropriate, go to Spring Town meeting with a proposal. Questions to be answered by feasibility study were reviewed including assess Town's needs and interest Falmouth v. Towns with networks, challenges for Falmouth, recommend appropriate network technologies, provide cost analysis of network designs, recommend funding options, services offered, ongoing community control and responsiveness, provide a pro forma analysis for at least the first 10 years of operation.

Next will be developing a marketing strategy to promote the need for a Falmouth Community Network, create an Advisory committee to help promote the Falmouth community network.

Directed public to www.falmouthnet.org.

Funding sources were discussed, the feasibility study will address how much and funding sources, much depends on the project and how it will be rolled out.

Mr. Jones noted if the deadline in the RFP was already 10/13/19, they would be unable to go forward until Fall 2020 Town Meeting.

Mr. Brown asked about creating an advisory committee, would they collaborate with the Cable Advisory Committee.

It would be good to coordinate with the Cable Advisory Committee, their timeframe is moving more quickly than a committee meeting less frequently. Possibilities for funding include municipal bond, levies, easements, or completely private funding.

Peter Cook, former member Cable Advisory Committee, noted it would be good to talk to them, but their mission is to negotiate a contract with one particular provider. This network does not replace the provider, but provides a choice.

Mr. Bird noted the community network is a public service; it has to be managed like a business. Rates could be structured as a public service to all has access in their homes.

6. Discussion of FCC Draft Report/CATV

Chair English Braga asked for this to be put on the agenda, issue around funding cuts, which could impact community television and comments due by 7/25/19. Value of community television may be sent via letter by the Town Manager.

Art Gaylord noted this has been in the works for a while now and coming to final. There is a cap on what towns can charge for franchising rates, other aspect is they would allow cable companies to count in kind services to that cap.

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

7. Annual Reappointments

Ms. Moran motion to appoint Patricia O'Connell to a term ending 6/30/20. Second Mr. Jones. Vote: Yes-5. No-0.

Mr. Jones motion to appoint Tracey Cecil to a term ending 6/30/20. Second Ms. Moran. Vote: Yes-5. No-0.

8. Announce November 2019 Town Meeting schedule

BOS announce Town Meeting Date on 7/22/19.

Close warrant 9/6/19.

Vote and execute warrant 9/16/19.

Publish articles only 9/20/19.

Petitioner presentations 9/23/19 and note invite them earlier to this one opportunity to present their article.

10/7/19 article recommendations.

10/25/19 publishes articles.

November Town Meeting 11/12/19.

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

9. Minutes of Meetings:

a. Public Session – June 24, 2019

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

b. Executive Session – June 24, 2019

Session 1

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

Session 2

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

10. Individual Selectmen's Reports

Mr. Brown:

Marks Building Committee meetings, discussed applying for CPC funds, walked around the building. Curious about the scope of the restoration. There is still the question of bathroom on second floor, which will impact first floor.

Mr. Patterson:

FHS field done, lift to press box pending. Final electricity completion tomorrow, then the provider will ensure they are positioned appropriately. Changed locker rooms and includes room for football equipment and new entrance directly into the locker room.

Affordable Housing Committee Meeting

One Cape Summit next week

Cape Selectmen's meeting Tuesday

Chair English Braga:

The BOS visited the Senior Center Building.

11. Town Manager's Report

Mr. Suso noted belated notification that Beebe Woods was the Silver Award Winner in Cape Cod Life resident's choice awards and showed the BOS the publication cover. The Knob is the Gold Award Winner.

12. Review and/or Discuss Correspondence Received

Mr. Jones motion to adjourn. Second Mr. Moran. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary