

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, JULY 27, 2020
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the July 27, 2020 public meeting of the Falmouth Select Board (Select Board) shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. *Zoom Login instructions:*
 - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

Select Board Present: Chair English Braga English Braga, Chair; Doug Brown, Co-Chair; Doug Jones; Sam Patterson; Nancy Taylor.

Also Present: Julian Suso, Town Manager; Frank Duffy, Town Attorney; Peter Johnson-Staub; Greg Banwarth, IT Department; Thomas Cox, IT Department.

1. Call to Order by Chair English Braga at approximately 7:10 p.m.
2. Pledge of Allegiance
3. Recognition
Mr. Brown recognized the Cape Verdean Club (Club) event Saturday, participants walked from the Club to the School Administration Building and kneeled with moment of silence. The Club wants its name added to the sign at the end of the road. Chair English Braga noted it was anticipated that the Club could be added to the sign and that request is being pursued. According to Mr. Suso, the sign is privately owned, erected about 20 years ago without a permit, maintained, and within the road right of way.

Mr. Patterson recognized No Place for Hate and FCTV for the forum that was broadcast about policing in Falmouth. Falmouth Police Department has been proactive for the betterment of the citizens of Falmouth.

4. Announcements-none.
5. Public Comment-none.

SUMMARY OF ACTIONS

1. Administrative Orders

- a. Approve extension of Steamship Authority (SSA) parking lot lease

Mr. Suso explained the multiyear agreement for SSA to manage and oversee the Woods Hole Parking lot is expiring this year. He and Mr. Jones met with representatives of the SSA, it is recommended to extend the contract as is with no changes for one calendar year.

Also noted was that the potholes in the parking lot path will be taken care of by the SSA.

Mr. Patterson motion approval. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

- b. Approve request for license to install landscape curbing within the layout of a public way at 19 Ocean Avenue

Mr. Suso explained information received from Town Engineer Jim Mcloughlin, and Attorney Duffy recommend it go forward.

Mr. Patterson motion approval. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

- c. Approve letter in support of the application of 197 Palmer Ave., LLC dba Falmouth Sharespace for a grant from the Collaborative Workspace Program through the Massachusetts Development Finance Agency

Mr. Suso explained this was received from an entrepreneur in the community looking to create a collaborative workspace in the downtown area. Mr. Suso will forward more information to the Select Board. The Select Board noted that this is what they are looking to do and support the concept. The expectation is the MA Develop finance agency would do the vetting.

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

- d. Approve letter in support of grant funding application from Woods Hole Oceanographic Institution (WHOI) to the U.S. Commerce Department, Economic Development Administration (EDA) Disaster Recovery Program for pre-design work on the waterfront project

Mr. Suso explained the Board gave a greenlight for a slightly different grant program, which was not funded. EDA suggested WHOI come in under the disaster recovery program. This letter of support is in support of that program.

Mr. Brown would like to include the economic impact of the WHOI to the community in the letter.

Mr. Patterson motion approval. Second Mr. Brown. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

- e. Approve Solar Alternative On-Bill Credit Agreement by and between the Town of Falmouth and Falmouth Landfill Solar II, LLC and authorize the Town Manager to sign on behalf of the town

Mr. Suso explained items e and f were items discussed at the 6/15/20 Select Board Meeting, the Select Board directed Attorney Duffy to discuss with EDIC's outside counsel and work with the citizens to bring this to the Select Board. This is also listed as a potential status update later in the

business agenda. It involves agreements to proceed for the second phase of the solar project at the landfill.

Chair English Braga suggested discussing e, f, and item 8.

- f. Review and approve Inter-Governmental Agreement between Town of Falmouth and Falmouth EDIC for development of Phase 2 solar array at closed landfill on Thomas Landers Road by Falmouth Landfill Solar II, LLC (subsidiary of Citizens Energy)

Mr. Simmler, EDIC Vice Chair
Mike DiGiano, EDIC Executive Director
Attorney Edelman

Attorney Duffy explained that on 6/15/20 the Select Board affirmatively voted all three motions regarding intergovernmental agreement, sublease agreement, and credit agreement. The Solar Alternative On Bill Credit Agreement is ready to go, this involves 50% of the generated energy to be sold to the Town and 50% made available to low income customers in Town.

Mr. Jones motion approval of the Solar Alternative On Bill Credit Agreement as proposed by Town Counsel and previously voted on 6/15/20. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

The Intergovernmental Agreement was voted and Attorney Duffy suggests approving this agreement, the EDIC would pay market rate rent for the Phase 2 area of 18 acres, the Town would receive half of that with the provision read by Attorney Duffy. There was no participation by the EDIC. The matter was brought up again on 6/29/20, the EDIC was present. Since then, a 7/13/20 conference call with all counsel to talk about the Intergovernmental Agreement rent and the Special Act necessary to approve a recovery loan program. There was no compromise on that. Another conference call took place on 7/23/20, same people plus Mr. Suso participated. Today they are back with the same agreement they presented on 6/15/20 and Attorney Duffy recommends approving it. Rent can be discussed in the future.

Problems with the recovery loan program as presented:

1. We do not know details about the program, not in writing, it is a concept.
2. Attorney Duffy's belief that the program does not fit within the statutory authorization of the EDIC, to be within specific economic districts and his contention the EDIC needs special legislation from the Special Court. The EDIC has agreed to apply for special legislation.
3. Under MA Constitution, the General Court shall have the power regarding special act, on petition filed or voted by the voters....EDIC does not require approval, they think they can go straight to the legislature.
4. Want approval of the Board if they file for special legislation.
5. Appropriating money for the benefit of the EDIC is a Town Meeting job.

Michael Galasso has health issue that has left him incapacitated and asked Mr. DiGiano to read a statement. Mr. Galasso provided a history of the project and request to live up to the commitment regarding the rent the EDIC would pay for Phase 2 would be nominal and fund the loan recovery program. Businesses are concerned about getting through the winter and having cash to fund starting up next year. They sent a summary of a discussion with Attorney Duffy to the Select Board, there is a question about modifying the rent. Rent amount set at a nominal amount of \$10 for a year, this gives the EDIC time to get the Special Legislation, then get the loan program running. If not off the ground in 18 months, then the rent goes to the higher amount. If they need to go to Town Meeting in the Fall or next Spring, it will significantly delay the process.

If the Town feels they still need Town Meeting approval, the EDIC will likely not move forward with the program.

Mr. Jones noted that the Phase Two money is not coming for a while, so there is time between now and then to do the right thing and get everyone on board.

Mr. Simmler noted that the rent for Phase One is paid in arrears and paid quarterly. Received a check from Citizens in July. Anything they can do to help the businesses will have regional impact.

Ms. Taylor said that if there are no details hammered out, she would have difficulty moving this forward. How much money have Falmouth businesses received from the Payroll Protection Act.

Mr. DiGiano said they will do what it takes to get an agreement pasted by 7/31/20 when Citizens Energy says they need it. The IGA will let them know the loan program. No matter what happens they need to go back to Town Meeting that is problematic as well because of the uncertainty. Nominal rent will allow them to do better planning with partner banks in the next couple weeks.

Attorney Edelman, EDIC counsel, said she assisted EDIC in Phase One and worked with Town Counsel to enter into the Phase One IGA and documentation with Citizens at that time. She is not special counsel to EDIC regarding analysis done with respect to the Special Legislation, Attorney Mark Rich of KP Law did that. She cannot adopt his opinion as her own. She was surprised by the need of the Town Meeting vote based on her work with other communities on other projects.

Mr. Jones was involved in negotiation for the IGA, a lot of work to get to 50% and he felt Town Meeting approved the IGA giving authority based on that information. To change it on them, they would see that as being highly suspect. The EDIC has to trust we look for Town Meeting support, if we cannot than it should not be done. If they are worried Town Meeting will not support it, we should not do it.

Attorney Edelman said the rent provision proposed would alleviate this concern and allow for information to be provided to the Select Board that would satisfy the questions they have.

The Select Board has made that sentiment known, there is a need, business in a different position next year, some have not been able to take advantage of federal funds. This program could fill that need, but the Select Board would like to see details. There is concern about stewarding those resources that belong to the Town and where folks are trying to manage it and do it in a transparent way.

Mr. Simmler noted that the information they shared provided budget information. They can do three months' more time of work. If they need to go to Town Meeting, the EDIC needs to decide whether they want to put more time and resources into this project. This past week had conference calls with two partner banks they are negotiating with and they will put out an RFP as well.

Chair English Braga noted this Town just voted for a proposition 2.5 override, the appetite in Town Meeting is to support the Town as a whole. If the Board had details and felt comfortable with the program he is discussing, that process would play out.

Attorney Duffy said the Special Legislation would be to organize the plan, but money needs to be appropriated to the EDIC.

Mr. Jones motion to stick with the current IGA, get Town Meeting approval to change the IGA to the \$10 nominal amount, and submit to the November Town Meeting. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

The Select Board will ask Attorney Duffy and Attorney Mullin to work on an article for Town Meeting.

- g. Approve Certificate of Betterment or Special Assessments for roadway betterment taking – final completion of roadway upgrades and cost assessment for Captain Davis Lane

The Board can vote to take the last step necessary.

DPW Director Peter McConarty said both roads g and h, were worked on and completed at the projected price. Winthrop was a little over a third of the projected price because the DPW was able to do the labor. Both roads are completed.

Mr. Patterson motion approval of items g and h. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

- h. Approve Certificate of Betterment or Special Assessments for roadway betterment taking – final completion of roadway upgrades and cost assessment for Winthrop Drive (west side)

Mr. Patterson motion approval of items g and h. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

7:32 p.m. PUBLIC HEARINGS

1. Wetland/Dock Hearing – Nikolas J., John S., Anthony P. Pentikis/James N. Pentikis Trust UDT for permission to license, retain and maintain existing two (2) 4' x 20' floats in and over the waters of Eel Pond Canal, located at 5 Canapitsit Drive, East Falmouth. Continued from March 9, 2020; April 27, 2020 and June 15, 2020

Chair English Braga read the hearing notice.

Mr. Johnson-Staub said Matt Costa is not present for this hearing. Attorney Hoyt and Attorney Wall were present.

Attorney Wall represents two property owners with interest, received email from applicant's counsel around 3pm today that they would be asking for a continuation. Attorney Wall has not receive anything in writing and checked with the Town Manager's Office, but nothing came through.

Glen Wood representing the applicant for the hearing, but he is not present. Attorney Wall received an email from him that Matt Costa would be asking for a continuance. The Select Board does not have that to date.

The Select Board cannot grant a continuance without the request, Mr. Jones was inclined to withdraw with prejudice. Pick a final date, no further continuances. The residents and their attorneys are being put off and it is unfair these neighbors have to keep coming back and paying Attorneys to be present. Can the Board put legal fees on the applicant.

Attorney Wall received an email from Attorney Wood that there would be a request for continuance, thought it would be submitted in writing or presence. He does not want to win on a technicality. This involves an application for special permit for floats, the current floats were found by the ZBA to be lacking permits. When Attorney Wall informed him of the request for continuance, his client noted that he cannot boat this summer because the floats are too close. Good idea to do without further continuances, so that neighbors can enjoy boating for part of the summer.

Attorney Hoyt made comment on behalf of the property owner across the canal.

Mr. Jones said the lawyers for the applicant implied some resolution with the neighbors. Attorney Wall had numerous conversations with Attorney Wood, they have not reached any agreement and he was not expecting an agreement or proposal.

Mr. Jones motion to continue to 8/10/20 with no further continuances. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

BUSINESS

1. Discussion/update on COVID-19 issues

Health Agent Scott McGann; Falmouth Public Schools Superintendent Lori Duerr; Kelly Welsh, School Committee Chair; Acting Beach Superintendent Maggie Clayton; and Board of Health Chair Diana Molloy were present.

Mr. McGann current case count 228, not including probables. Last week 15 at Royal Megansett, State takes over the long term care facilities. He talked with Dr. Duerr, there was some self-reporting. It is not a case unless in the system, there has been testing delays from the labs. Dennis has a rapid test, last week there were complaints about down cape towns not submitted to the Cape system. Friday night there were no case in the queue. Beaches had self-reporting over the weekend, not showing up until 11am this morning. Maven is the system used, but these reports were not showing up in the system. 228 does not include the Dennis cases, which are considered probable. Parents are knowing and calling, contact tracing delayed because of the system. Over the weekend Mr. McGann got Cape Cod Healthcare on board to conduct the testing. The Town will have all Beach Department employees tested with guaranteed 48 hour turnaround and billed to the Town. Today's numbers are about 5-8 individual cases.

Dr. Deurr explained the decision to cancel graduation. First reporting about 1pm on Friday, self-reporting from a family and credible. Then series of additional information from families, there were many social media posts that supported unsafe gathering of students far and wide. Graduation for outdoors only, but guidance said if confirmed or suspected cases, the students should not be allowed to attend the graduation ceremony. Parents reported multiple students involved, unable to identify all and more were involved that had not come forward. The School Committee had an emergency meeting to address the concern and make the decision to cancel graduation ceremonies.

Chair Welsh noted it was very last minute self-reporting, which puts them in a difficult spot going forward. People were devastated and particularly with the last minute nature of cancellation.

Maggie Clayton, Acting Beach Superintendent, reported 117 employees, Friday evening after work hours was the first verbal anecdote of a positive case and shared via social media with other staff. This set off a vested interest in getting tested. They have been running shorter staff for the last 3 days, Saturday 2 beaches had no lifeguards. People tested and not symptomatic came in to let other staff be tested, Sunday 4 beaches with lifeguards, today 8 beaches with lifeguards. As of the end of workday today, there are 8 verbal reported cases. She has talked with Town Manager's Office and the Health Department since this all started. Parking attendants were at all beaches and scheduled the same, clerk staff the same. Glass installed today at the Bathhouse.

Chair English Braga said there was concern that employees were told not to tell people if they were positive or concerned. Ms. Clayton explained that it came from a request by supervisors to not have peer to peer sharing first, but to let it come out from the department via memo. General population was told via social media prior to her, and her supervisors, being informed. The way the information was delivered created a panic. The expectation that anyone who tested positive or lived with someone positive is that they are not to come into work. If a beach does not have a lifeguard, no lifeguard on duty signs are posted.

All rapid tests are being treated as confirmed until the State tells Mr. McGann otherwise.

Mr. Suso said that there are now 8 lifeguards on staff who have self-reported that they are COVID-19 positive and had been tested at the Dennis facility. Out of caution, any siblings of lifeguards also are not working. Operating with fewer staff members than normal, sometimes beaches will be with no or lower lifeguard capacity. The Town is affording beach employees testing at the Falmouth Hospital at the Town's cost. Contact tracing has begun and conclusion of this contact testing will be the first time have definitive information that has created this cluster of positives. The Town is encouraging all Beach Department employees who are concerned to go forward and get the test, including those who have done the rapid test and want to be retested.

Mike Heylin asked if the guards who left Saturday morning returned to work after the testing? Ms. Clayton said that on Saturday morning based on information provided by staff, the schedule/assignment board was updated Saturday morning based on the staff prepared to work, available, not symptomatic, and not concerned about running out to get tested. Staff tested Saturday did not report to work Saturday. When they

had results, they reported in to supervisors, those who were negative, asymptomatic, and felt comfortable were able to work. Saturday lifeguards left an hour early at 4pm instead of 5pm.

Mr. Heylin asked if the Town followed protocols for self-certifying? Did the employee go home or did they get tested and work that day? Ms. Clayton said close contact defined as siblings who were municipal employees were isolated. Morning workouts continued because of the limited close contact exposure and needing a mask for less than 15 minutes was ok.

Mr. Heylin asked if any of the employees who got tested returned to work. Ms. Clayton said the staff not on the schedule Saturday because they chose to get tested, 3 positives, did not report to work nor did their sibling return to work. Those who tested negative via the rapid test went to work.

Mr. Heylin concerned that someone tested comes back to work before the result is in. Policy to staff is if you tested negative on the rapid test or are awaiting results of test or not tested yet, you can come into work if you are asymptomatic, wear a mask, wash hands, use hand sanitizer, and practice social distancing at work and outside of work. There was a social gathering outside of work that occurred without social distancing and believed to be the source of the spread.

Mr. McGann said that contact tracing is only as good as information provided by the individuals. You do not always get to an answer.

Mr. McGann noted it is more important now to wear a mask and social distance, particularly now that we are opening up.

Ms. Clayton said that scheduling decisions are being made on a day by day basis, parking attendants at all 10 beaches, number of beaches with lifeguards have varied. Tomorrow the plan is 8 beaches with lifeguards, but that could change. Some staff will need to quarantine for 2 weeks before going to school, some staff have indicated they want their end date to be different.

Mr. Suso said the last couple of meetings the Board had discussion about expanding parking at Old Silver Beach and reducing the same amount of nonresident spaces. Does the Board want to consider that?

Chair English Braga asked the Board for their input on the parking lot changes.

Ms. Taylor asked about a grid on whether the change of parking would be a benefit.

Ms. Clayton received pictures 3x daily to see the crowd and they are asked to use the rubric developed, level 1 empty, level 2 groups 12 feet apart, level 3 groups are 6 feet apart, level 4 getting more on top of each other, Chappy at high tide is an example, they have not reached a level 5 at any beach. Today every parking lot in Town filled, but not until around 2pm. Ms. Clayton extended parking attendant hours for an additional hour at Old Silver and Chappy Beach. Old Silver parking lots are divided, but the beach is not; there are people parking in public parking and walk to the resident beach. Woodneck is a concern because of how people park when there are no attendants. If people are going for the marsh side, there is not a lot of beach. The most area of beach is on the ocean side. At high tide the marsh, lose a lot of beach and have even had to move the lifeguard chair.

Mr. Jones motion to open the Mill Road parking lot to full parking and see what happens, giving staff the ability to adjust as they see fit. Second Mr. Brown. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Mr. Suso noted the 50% capacity reduction and there are huge concrete structures not easily moved by the DPW. He suggested giving it some time before suggesting to move them around in an experimental way and move DPW from other projects they are responsible for at this time of year.

2. Request for temporary water use restrictions

Steve Rafferty, Water Superintendent, made a power point presentation.

Mr. Patterson motion to approve a declaration of a state of water supply conservation and prohibit the use of automatic sprinkler systems until the order is lifted. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Private wells and hand watering are exempt from this order.

3. Discussion on request to change polling place location for Precinct 5
This is to accept the report, there are legal steps he needs to take and then he can come back and the Board can vote the change on 8/10/20. The church is no longer available, they will find a new location in North Falmouth, only location is the school. Only other place is St. Elizabeth Seton Church Hall on Quaker Road.

Report and evaluate the new polling location.

Mr. Brown motion to accept the report. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

4. Status Updates Town Meeting
Town meeting to complete the warrant in September. Mr. Suso confirmed FHS indoor venue in auditorium or field house on 9/13. Turf field is available on 9/26/20 for reconvening of Spring Town Meeting in the morning. Moderator Vieira will notice the meetings and then as they get closer will make the decision of outdoor vs. indoor.

8/10/20 they will bring a draft scheduled for the November Town Meeting. They will also need to schedule the Spring Town Meeting reconvened. November meeting 9/9/20. Need to adopt spring meeting at 8/10/20.

5. Update from Woods Hole Oceanographic Institution (WHOI) on their proposed Woods Hole Iselin Dock and related areas proposed redevelopment project (also known as "CWATER")

Leslie McGee, WHOI

Rob Munier, WHOI Vice President Marine Facilities and Operations made a PowerPoint Presentation

Mr. Munier said they have studied sea level rise, whatever is built is for the future and adaptable to get to the 80 year horizon. WHOI is building a new dock and waterfront research complex and need to understand the permitting process. The three concepts being considered include: Fixed Modular Dock; Hybrid Floating Dock; Tension Pile Floating Dock. The existing site was reviewed. They plan to build the new building and then remove the old building. The deck will to accommodate for future sea level rise. Three story building, 4,500 square feet, about 4,000 square feet less than the existing building. Purpose is to be multifunctional and flexible, public access to space and explore the facility. Project schedule was reviewed, next they go to detail design process and get the project shovel ready. They will go through the permitting process with goal to get to work in 2022. Final decisions including dock case, initiate the design, initiate permitting, continue to engage the community, and raise funds for construction.

Climate Resiliency Symposium to share information with the community will be held on September 24, 2020. Technical and policy re: community impact re: climate change.

Woods Hole Group will assess WHOI's campus buildings.

6. Approve request for variance to sign code – Cumberland Farms Inc., located at 8 Old Meeting House Road and 400 East Falmouth Highway

John Marchand; Attorney Douglas Troyer, representing Cumberland Farms, reported to have obtained all necessary permits needed, they are now seeking approval for the install of two signs. Reviewed the site plan, the sign they are proposing is similar to the Teaticket Cumberland Farms. Propose total area of 21.11 sq. ft. and seeking variance for the additional size. Appreciating where they are in Falmouth and compete in the industry, hope to have this sign and show the regular gas price. Reviewed the building exterior design. The signs on the front of the store are internally illuminated for the wall sign and the gas price sign. They are willing to accept condition that if determined to be too bright, they will do what they can to reduce the luminaries on it if possible. Originally had proposal for the wall sign, but when he heard back from Mr. Dickinson, they felt the most important aspect would be the front of the store sign, wanted to reduce the

amount of signage they were looking for and go forward with what was necessary for the store while respecting the Town's sign bylaw.

5 feet 11 sq. ft. is the requested variance. The freestanding sign on the Old Meetinghouse Roadside does not appear necessary and would change the look of that road. Chair English Braga and Mr. Brown would rather see one freestanding and possibly the wall sign.

Cumberland Farms is okay with a condition not to put a freestanding sign on Old Meetinghouse Road, side sign as rendered in the drawing.

Mr. Jones motion to approve the side sign as rendered in the drawing, with a condition that a freestanding sign will not be placed on the Old Meetinghouse Roadside of the property. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Mr. Patterson noted he is okay with approving the free standing sign that is the same size as the Teaticket store.

Attorney Troyer noted they are entitled to 2 freestanding signs because they are on two lots and have two frontages, they are willing to agree not to put on Old Meetinghouse Rd., hoping with concessions by taking signs off canopy, removing the free standing sign in consideration of the residences, so they can be allowed to have a sign which is a little bigger. Mr. Jones noted it is 33% bigger than what the code allows. Mr. Patterson noted there is not a lot of competition and no chance of not being identified by those passing by.

The Select Board would be supportive of the sign the same size as the Teaticket location.

Attorney Troyer requested this be continued to the Select Board Meeting on 8/10/20. This item was continued to 8/10/20 and the previous Select Board vote was vacated.

7. Vote to approve an extension of the term ending date for the Edward Marks Building Advisory Committee

The Committee is active through 12/31/20 at this time.

Mr. Patterson motion to extend the term ending date to 5/31/2021. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

8. Status update from EDIC on Solar Phase 2 project and proposed small business loan program
See Summary of Actions items E and F.
9. Initial discussion of periodic departmental reports

Mr. Suso has been transmitting quarterly reports from key Town Departments and a suggestion was made to change format. The idea was to publicly summarize those reports so the public has the data in front of them on a quarterly basis. And how we are able to gauge effectiveness of our functioning government. This discussion will be continued to a future date.

10. Status update on Town CDBG-COVID State Grant Program application

Mr. Suso shared in the packet some analysis and feedback from Tom Bott and analysis by the IT Director and his staff. There is evidence that the application was transmitted via email timely, Mr. Suso was copied, but the funding agency indicated they had no record of receiving it. The email was transmitted timely, but may likely have been lost or rejected by the State email system.

Mr. Banwarth said the State email system is ancient, the email was put into the outbox, but there was not enough evidence to show the postman picked it up. Once handed off, it can get lost at other junctures or mass.gov may have blocked the email. Mr. Suso asked State legislatures to inquire, the response they received from the agency was that there was no money left. Mr. Suso asked about the possibility of additional funds, if they are made available in the future.

Chair English Braga would like a formal way to address that if there are subsequent funds, we are at least in the queue. Mr. Bott inquired, there is another allocation coming in the future, unknown when, but the agency will review the application and hold it until then.

The events will be memorialized in a letter with chronology of the events. Mr. Patterson would also like to see some sort of follow up check process in the future to confirm receipt of applications to mitigate the chances of this occurring in the future.

11. Annual town committee reappointments

Mr. Patterson motion to appoint the assistant parking clerk Tracey E.P. Cecil to a term ending 6/30/21. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Mr. Patterson motion to appoint Parking Clerk Patricia O’Connell to a term ending 6/30/21. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Mr. Patterson motion to appoint Ralph Herbst to the Transportation Management Committee to a term ending 6/30/23. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Chair English Braga affirmed the continued appointment of the following to the Transportation Management Committee: Bikeways and Pedestrian Committee Member Chris Maguire; Disabilities Commission member Paul Grundon, and Planning Board member Paul Dryer. . Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Chair English Braga motioned the following appointments to the Veterans Council Committee: Falmouth Military Support Group Carol Kinney; Falmouth Elks Lodge 2380 Jim Sawyer; and Louis J. Sousa to terms ending 6/30/21. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

12. Minutes of Meetings:

a. Public Session:

July 13, 2020

Mr. Patterson motion approval. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

b. Executive Session:

July 13, 2020

Session 1

Mr. Patterson motion approval and not release. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Session 2

Mr. Patterson motion approval and not release. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

13. Individual Select Board member’s reports

Mr. Patterson:

Serves on the Executive Board for the Cape and Islands Counselors and noted the following meetings: 8/14/20 Election Process; 9/11 Ballot Question on Rank Choice Voting; 10/9/20 School Impact due to COVID-19.

Mr. Brown:

Water Quality Management Committee completed installation of wells at Great Bay. They will monitor for effectiveness. Waquoit Bay Watershed, with proposed Seacoast Shores sewerage, will not remove all the nitrogen, the addition of permeable barriers may have an effect.

Assembly of Delegates: Solar projects have been put on hold due to language, which is being reviewed. Also doing Charter review.

14. Town Manager's report-none due to the late hour.

Mr. Brown motion to adjourn at approximately 12:12 a.m. on 7/27/20. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary