

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, MARCH 9, 2020
SELECTMEN'S MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Present: Megan English Braga, Chair; Doug Brown, Vice Chair; Doug Jones; Susan Moran; 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. Proclamations:
 - a. Eagle Scout Proclamation – Sam Mack
Proclamation in the packet read as a motion by Mr. Patterson. Second Mr. Jones. Vote: Yes-5. No-0.

Built a trail at the Falmouth Dog Park called the Lollipop Trail because if you take a picture from above it looks like a lollipop. Most difficult was getting the multiple approvals, the work went well. Open for use.
 - b. 100th Birthday Proclamation – Anita LaFrange
Chair English Braga read the proclamation in the packet as a motion. Second Mr. Patterson. Vote: Yes-5. No-0.
4. Recognition

Mr. Brown noted Citizen of the Year Award was given to Brenda Swain.

Mr. Brown noted 3/12/20 White Ribbon Day standing against violence against women. Event 9 a.m. in the Library Hermann Room.

Mr. Jones congratulated Ms. Moran for the primary election.

Well Strong 24 hour St. Patty's Day pub crawl will be held March 17-18 7am-7am. Well Strong is a gym dedicated to recovery.
5. Announcements-none.
6. Public Comment

Sam Patton, lives in Falmouth, 14 years ago he was told to get his affairs in order and he was going to die. He is still here for his 75th birthday.

SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for Special One-Day All Alcohol Liquor License – Belonging to Each Other – Trade Center Bowl, 89 Spring Bars Road – Sunday, 3/15/20
Norma Railey from Belonging to Each Other was present and said that this was the third annual bowl. This is in an effort to end homelessness, provide transitional housing and permanent housing. Those interested can go to website. Sign up sheets at Trade Center Bowl. \$60 per person or \$240 per team.

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
 - b. Approve Application for Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striperfest – Marina Park – Saturday, 9/26/20
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

Chair English Braga noted the communication took place with folks who were concerned and it has been worked out.

- c. Approve Application for Special One-Day Wine and Malt Liquor License – Beth Colt – Cinco de Mayo – Quicks Hole Taqueria/Woods Hole Inn Parking Lot, Luscombe Ave. – Saturday, 5/2/20
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- d. Approve Application for Special One-Day Wine and Malt Liquor License – Bands for Badges, Inc. – Bands for Badges Music Festival – Cape Cod Fairgrounds – Saturday, 8/22/20
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Abstain-1. (Brown)

Boyd DeMello, Board of Directors Bands for Badges, this is their second event.

- e. Approve Application for Special One-Day Wine and Malt Liquor License – Matt Gray, Cape Cod Brew Fest – Cape Cod Fairgrounds – Friday, 9/18/20 & Saturday, 9/19/20
Mr. Jones motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

- f. Approve Application for Entertainment License and Sunday Entertainment License – The Black Dog Heights Café, 465 Grand Avenue, Falmouth

Brian Beaton and Jeff Valdes, Black Dog Business Office. Chair English Braga explained emails that have been received in favor and in opposition to the license, concern of noise complaints from prior establishment when they had amplified music outdoors. Mr. Beaton said the idea is to provide music between 12pm until about 7/8pm primarily on weekends, Road Race day, and Fourth of July. They would like it consistent with the application as Mr. Jones noted 11am-9pm, but will not be every day. They would like to have some amplification due to ambient noise from the road and surroundings. Most of the performers use some type of amplification, it will not be an overwhelming noise and he understands the BOS concern. They employ local people from Falmouth. They are open to the standard that Ms. Moran mentioned. Some folks they will have do not play acoustically, if they could tie it to a standard, which may be more successful.

Mr. Patterson noted an acoustic instrument can play with the ambient noise; why expose themselves when they could have more complimentary relationships with their neighbors.

Mr. Brown noted the outdoor entertainment makes a huge difference, is there a place in the building they could have the performer? He suggested 12-8pm Friday through Monday and see how that goes. He was going to suggest non-amplified music that could be played more often and amplified music played less often.

Chair English Braga noted some were in favor, it is the summertime in the Heights and some level of noise is anticipated; there are other establishments that have events going on. The timing of it seems less interrupting on weekend days. There were many issues with the establishment there previously. They had an email asking for that specificity.

Ms. Moran noted at prior Planning Board Meeting, the volume would be low enough so customers could easily speak over it. If there is any complaint, they will hear it before it gets to the neighbors. If customers complained they cannot have a conversation, which would be easily resolvable issue. This would not restrict scheduling and does not even get to the neighbors. Standard that the volume of music would be no greater than to allow folks in the establishment to speak over it.

The BOS discussed standards that were imposed at other businesses.

Mark Finneran noted this situation arose previously and he thought they gave him a standard level and the past owner measured the music by a decibel meter specified by the BOS.

Paula Lichter lives across the street from the Black Dog. There are 41 residences within 300 feet of this location. Major concern is while they ask for Friday and Saturday, they could have it for about 40 hours per week. Entertainment license issued previously before is no reason to grant a license now. If the music is contained within the property for the benefit of patrons and she does not hear it, it is not a problem for her. Existing standard for indoor entertainment be applied to outdoor entertainment, so it will not be heard outside the building. There is no policy for outdoor

music and she asked if the BOS would table the application until a Town policy for outdoor entertainment is established. She heard from the Planning Board when Bad Martha's which will now be background music and music should be kept at or below a volume customers can converse over and if a neighbor has an issue it will be immediately lowered to an acceptable level. In addition to neighborhood association, three letters in support are from people living farther away than those who wrote the letters against the music. She also asked for a mid summer hearing to see how things are going.

Adrian Dufresne, Town Meeting Member Precinct 2, there to support Ms. Lichter. Amplification is only to attract attention.

Dave Buzanoski, 32 Lucerne Ave. and Heights Neighborhood Association, seeking an explanation of their concerns. Asked for clarification for a sensible policy of the volume of the music. The issue is the imposition on abutters and close proximity neighbors of loud music. He thinks time is right for a comprehensive policy for outdoor entertainment, including those in close proximity.

Chair English Braga suggested they come back to the BOS with more specificity and consideration so that people can have more of an idea of what they are looking for. Mr. Beaton will do that.

Mr. Jones motion to continue for two weeks. Second Ms. Moran. Vote: Yes-5. No-0.

- g. Approve Application for Special One-Day Wine and Malt Liquor License – The Station Grill – 59 Depot Avenue – Tuesday, 3/17/20.

Mr. Jones motion to continue for two weeks. Second Ms. Moran. Vote: Yes-5. No-0.

- h. Approve Application for One-Day Entertainment License – Falmouth EDIC – The Station Grill, 59 Depot Avenue – Tuesday, 3/17/20

Jim Fox, Friends of Falmouth Station said Irish dancers on St. Patricks Day 5pm-630pm with refreshments of corned beef sandwiches and side salad. Mr. Fox wants to do 8-9 events, hoping to get a one time yearly permit, they are on 3 acres, most often inside, and there is no impact on neighbors. He has to raise the money just to pay the fees, they are not making money.

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

2. Administrative Orders

- a. Approve Eversource and Verizon New England Petition for the Installation of One (1) Joint Pole and the Removal of One (1) Joint Pole on Brick Kiln Road, East of Jamie Lane. The proposed relocation is required for commercial development.

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

- b. Approve Letter of Commitment for the Cape Cod Blue Economy's Expedition Blue Project

Mr. Suso explained the information included with this, Cape Cod Chamber sponsoring this project and copy of proposed structure that would be located at the Marina. This requires approval to allow them to be part of the multiple locations that would emphasize the blue economy.

Tom Bott, Town Planner, provided a PowerPoint presentation. This is about promoting the blue economy, included design of the kiosk, max. 30 ft. x 8 ft. located by the marine park in locations outlined on the presentation. One at top of the harbor, one at the bottom. Modular steel structures and requires limited maintenance over 25 years that the Town is responsible for. There are different sizes, we have committed to the larger structure.

Ms. Moran noted that part of the project is throughout the region and folks can go on a scavenger hunt through the different towns, the pieces are similar and about a visual experience so the designers looked at the continuous experience. Structure is standardized and information is custom for each region. Concept is that it is part of a conversation, a draw for tourism, and looking at the blue economy that is future focused; sustainable businesses can come to the Cape.

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

- c. Approve Grant of License Temporary Seasonal Canvas Vestibule at Water Street Kitchen, 56 Water Street, Woods Hole, continued from 2/24/20
The license is for temporary cold weather 4x8 foot canvas and steel to cut down on drafts. The layout is within the property except for a couple inches.

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

- d. Vote to Accept Donations from Falmouth Road Race and Friends of Falmouth Senior Center for Senior Center

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

- e. Vote to Approve Cape Cod Baseball League Memorandum of Understanding for Guv Fuller Field

Mr. Johnson-Staub explained the MOU, continue same relationship the Town and Commodores have had the last 2 years. Good conversation this evening, have identified a concept that may work for all. This proposes continuation for coming season knowing the committee is still determining the long term solution. The building will be used for storage, counting money, and ticket taking. If language is taken out, no bad effect. The MOU is a one year term and can be renewed for an additional 3 years by mutual agreement.

Chuck Sturtevant, President of Commodores and Cape Cod Baseball League, no problem taking that name out. They are looking at alternatives. Commodores maintain the condition of the field and the league provides \$125,000 to have the field professionally groomed.

Sandy Cuny, asked BOS to consider removing the name Ray Paltz Building and the remainder reads how it stands. The Ray Paltz Building was a football facility. As a member of the CPC, she was in support of the money to upgrade the facility.

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

- f. Vote to Accept Check in the Amount of \$1,300.00 from the Med Project USA Grant Program to the Falmouth Police Department

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

- g. Vote to Affirm Appointment of Paul Grunden as the Commission on Disabilities Representative to the Transportation Management Committee

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

- h. Acknowledge Zoning Board of Appeals Vacancy and Request to Advertise and Fill Position
The BOS has a policy for meeting attendance and a situation where the member has been unable to attend 5-6 meetings.

T.J. Hurrie, Chair ZBA, said that Jerry Potamis notified the board of his extended absence. The Board decided not to excuse his absence, after 4 meetings in a row, the position was vacated. The Board is concerned about what the mechanism to fill the seat is, he reached out to Mr. Suso and Attorney Duffy. It shall be filled within 30 days. Mr. Potamis was notified by the Zoning Administrator via email followed by a letter and phone conversation.

Mr. Suso recommends the BOS move ahead in the shortest reasonable time, it could be advertised in Friday's newspaper and make the deadline 3/27/20 for interview, consideration, and appointment at the BOS' following meeting 4/6/20.

T.J. asked about language in the charter to allow unexcused absence from 4 or more meetings shall vacate the office. He thought it was up to the Chair of the committee.

Julian Suso suggested it go back to ZBA for determination, they voted it was vacant.

Mr. Hurrie noted Mr. Potamis missed 2/6, 2/11, 2/13, 2/20, and 3/5. The Board operates most efficiently when it has all members, there are many projects going in front of them shortly.

Ms. Moran motion to request advertising for the position. Second Mr. Patterson. Vote: Yes-5. No-0.

- i. Vote to Approve Conservation Restriction from Buzzards Bay Coalition, Inc. to The 300 Committee Land Trust, Inc. on a 30.42-Acre Parcel of Land, Wheeler Forest Reserve, Quisset Avenue and Woods Hole Road, Falmouth

Jessica Whritenour, The 300 Committee, and Brendan Annett, Buzzards Bay Coalition were present.

Mr. Annett explained the property has been of interest for both organizations, they approached landowner about conservation options and developed into donation of the land. They gave up a conservation restriction to another partner entity. There is no building on the parcel. An adjacent parcel they own is adjacent to this parcel. The survey of the entire parcel is included in the packet, it is about 30 acres. There is an allowance in the conservation restriction for a driveway from Woods Hole that leads to the building on the adjacent parcel. Protecting and preventing future development, diversity of wildlife, swamp, land conservation project and watershed conservation project. 10% of the Quisset Harbor watershed. This 30 acre under permanent protection is significant for the Town.

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

- j. Vote Intention to Layout William Road and Refer to the Planning Board

Mr. Suso noted in packet there is information from Town Counsel and Peter McConarty regarding this access drive to the Town's wastewater plant. This allows repairs and upgrades.

William Road is a private road on Town-owned land, Old Silver Wastewater Treatment Facility, looking to improve the road with asphalt and open the road up. Betterments will be covered by the Town. McConarty will be the surveyor, all will be done through DPW if it goes through Town meeting: drainage, grading, and asphalt. If approved tonight, it will go to Planning and then Town Meeting.

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

- k. Vote to Accept Donation of Fill from Cape Cod Aggregates and Labor to Repair Matt Sousa Conservation Area Dirt Roadway

DPW has looked at material, it is appropriate.

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

3. Special Events

Recurring - Recommended:

- a. Cinco de Mayo – Elizabeth Colt – Quicks Hole Taqueria/Woods Hole Inn Parking Lot – Saturday, 5/2/20 (rain date Saturday, 5/9/20)
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
- b. Arts Alive Festival – ArtsFalmouth, Inc. – Library Lawn and Shore Street Extension – Friday – Sunday, 6/12 – 6/14/20
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
- c. Jazz Stroll – ArtsFalmouth, Inc. – Queen's Buyway, Main Street & Peg Noonan Park – Saturday, 10/17/20
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.
- d. Sunday Worship Services – Rev. Rebecca Mincieli, John Wesley United Methodist Church – Surf Drive Beach – Sundays, 6/28/20 – 9/6/20 (except 7/12 and 8/16)
Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-5. No-0.
- e. Falmouth Art Market – Falmouth Cultural Council – Bandshell side of Marina Park – Thursdays, 7/2/20 – 8/27/20
Mr. Patterson motion approval. Second Mr. Brown. Vote: Yes-5. No-0.
- f. Autumn Escape Bike Trek – Paul Curley, American Lung Association – Ride through Falmouth, Stop at Surf Drive Beach Lot and Bath House – Friday, 9/25/20
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

- g. Harbor Light Illumination Concert Series & Night Market – Lillian Kazanis, New England Festivals, Inc. – Bandshell – Saturdays: 7/18/20, 8/15/20 and 8/29/20
Mr. Patterson motion approval. Second Ms. Moran. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARINGS

1. Wetland Hearing – David and Loretta Garrison – Install a walkway and a 29’ x 4’ dock with a 6’ x 16’ “T” at the end to enhance water access in the Waters of Flax Pond – 1 Southview Way, East Falmouth

Chair English Braga read the hearing notice.

Michael Borselli, Falmouth Engineering, represent the applicant. Light duty residential walkway into waters of Flax Pond, there is currently a path through the woodland to a stairway that ends at the water edge, to facilitate recreational use. They are seeking to install aluminum lightweight walkway to allow them to launch and store canoes and kayaks. Plan with profile was submitted with application. BOS reviewed and approved at least one nearby and this one was modeled after that one. Requires Chapter 91 license. The proposed walkway meets the Town required setback, it cannot meet the 25ft setback set by policy. They have letters from both direct abutters supporting the project. Reviewed by the Conservation and an Order of Conditions issued and reviewed by Natural Heritage, issued letter they have no issues. The access stairs are designed for public access to the walkway. Electricity via a heavy duty extension cord laid across the ground during the winter, low power demand for the water bubbler. The boat will not be a motorized boat because they are not allowed in Flax Pond. There is fresh water mussel, prevent impact by designing the posts with sleeves so each successive year, you can go back to the same place to install the pipes in the same sleeves.

Public Comment:

Peter Hargraves lives 3 houses away, there are 2 other floating docks and structures that do not go into the water. Is there a limit to the number of these structures that can go on a pond based on its size? The BOS noted that this process is designed for that.

One abutter is a long time renter, the other abutter is along term resident. This is part of a small association area and the Board and others have not been consulted on this project. Chair English Braga explained that is why they have public hearing with public notice. Mr. Hargraves is here for a more comprehensive assessment by those who have a stake. He asked about public access, how does the public know about that element of this type of permitting. It is in a conservation area.

Mr. Jones explained the public access is the stairway goes over the walkway, it is a requirement.

Chair English Braga said the process is why it’s published and public notice given, so anyone who has interest can come forward.

Mr. Borselli said two letters signed by property owners of the abutting land. They notify abutters within 300 feet of the property and the association was notified via certified mailing. This goes out 29 feet, less than 1% of the width of the pond.

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

The BOS made the following findings:

1. Allows access to pond for kayaks and canoes.
2. Not harming navigational aspects.
3. Does not create an overabundance of these docks into the pond.
4. Letters of abutters voice their support.
5. No negative statements from people informed about it.

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

2. Wetland Hearing – Nikolas J., John S., Anthony P. Pentikis/James N. Pentikis Trust UDT for permission to license, retain and maintain existing two (2) 4’x20’ floats in and over the waters of Eel Pond Canal, located at 5 Canapitsit Drive, East Falmouth

Continuance requested by the applicants.

Chair English Braga read the hearing notice.

Mr. Jones motion to continue to 4/27/2020. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Application for New All Alcoholic Common Victualler License – Attwood, Inc. d/b/a Clarke’s Pub to be exercised at 444 North Falmouth Highway (Rt. 28A), North Falmouth, MA

Chair English Braga read the hearing notice.

Tony Jeffery, on behalf of applicant provided the return receipts. Resident of West Falmouth, owner/operates Murphy’s Package Store. The operating hours requesting Monday-Saturday 8am-12:30am and Sunday 10am-12:30am. Original application hours were 1am closing time. The previous license operating hours were the same. He would like to be named as the manager, he has owned and operated in MA for almost 25 years in Middleboro, Plymouth, and most recent Murphy’s Package Store and no incident. Bar will have about 10 seats, they are not altering the layout of the building structurally or seating. He requested 80 seats, but capacity under previous license was 69 capacity and 65 seating. Looking for similar license as previous owner. Pub style menu, Sunday brunch, and sports themed televisions. Any changes will be cosmetic, seating to booth style and hightops. Exterior signage will remain in the same locations; roof and tenant kiosk. Parking in front and rear of building.

Public Comment-none.

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

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

4. Application to Amend Underground Storage Tank License – Cumberland Farms, Inc., 8 Old Meetinghouse Road, East Falmouth

Chair English Braga read the hearing notice.

Doug Troyer and John McFarland.

Mr. Troyer reviewed a plan via PowerPoint. Cumberland Farms has a Purchase and Sales agreement with the owner of 8 Old Meeting House Road. Current Cumberland Farms at 400 East Falmouth Highway with four (4) 10,000 gallon underground fuel tanks, convenience store, and canopy. There is a diesel dispenser on the property. In front of Planning Board and ZBA. Cumberland Farms wants to construct a new convenience store gas station on the two properties, decrease to six fueling stations because it is better for the site than eight. Upgrade and install two (2) 20 gallon double wall tanks, split 12,000 gallon and 8,000 gallon compartments. Reviewed the location design for tank location and dispensers will be in about the same area they are today. This project will allow removal of the existing underground storage tanks by qualified contractors and good opportunity to bring in the new Cumberland Brand. Seeking 24 hour operation at this site, ZBA is discussing restrictions on delivery; during nonpeak hours of 7-9am and 4-6pm, looking to do deliveries midday and evening hours. This area is surrounded by commercial areas. Solar is not possible given the colonial style building that does not have a flat roof. Solar is not in consideration, with fire suppression systems in the canopy, the solar may not be viable. Car chargers are not being sought, but may be considered in the future. Their focus is gas and convenience store. Five existing curb cuts, they are going down to three. The store will be situated into the Old Meeting House lot area. Including tree plantings, landscaping for a nice buffer zone and open space.

Mr. Troyer located in that area because of tanker trucks access for property and not blocking parking area. Given current technology, all safety mechanisms there is no concern about having them there.

Public Comment-none.

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

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

BUSINESS

1. Presentation – Mayflower Wind Energy, LLC – Christopher Hardy, External Outreach Manager

Christopher Hardy, John Hartnet, Seth Kaplan.

John Hartnet, President Mayflower, made a PowerPoint presentation. Tonight they wanted to introduce themselves to the Town and are excited about the project they are putting forward. Mayflower is joint venture between Shell and EDP renewable. Their project is off the south coast, a number of lease areas held, explained the areas and who they are held by. The Mayflower lease area was described, 800 megawatt long term award with MA, includes underwater transmission line to land in Falmouth area with in ground and above ground transition line to Bourne, then into the electric grid. Reviewed the project schematic, 80-100 wind turbines spaced by 1x1 nautical mile grid to provide transit lanes for commercial vessels to transverse. Off shore substation and onshore substation along with interconnection switching station. Permitting process described, contracts awarded last year, now going through Department of Public Utilities permitting process. They will have local engagement headed up by Christopher. Community Commitments, involved with commercial fishermen, regional research, monitoring fisheries, outreach with commercial fishing communities, and local academic institutions. Theirs is the only project that would be landing in Falmouth. Many solar projects are interconnected at the distribution system.

www.mayflowerwind.com has info about the project with continuous updates.

The insertion point is Bourne because the Falmouth substation is more a local part of the grid, the switching on JBCC is a wholesale. Landing spot in Falmouth has not been identified.

2. Status/Update on Proposed Tommy Leonard Monument at Edge of Town Hall Square; Vote to Authorize

Tom Walrath, Russ Pelletier, Mike Palmer, of the Falmouth Walk. They are now fully funded, updating the BOS and share ideas, seeking BOS feedback. The stone is proposed on the west side of the square, pink granite stone that the plaque will be set inside, it will be about 40 inches out of the ground, on top a bronze ball cap St. Louis Cardinals ball cap. They would like BOS approval to move forward and sidewalk to the quarterdeck, if they incorporate the light pole on north side and have street sign identifying the walkway. Unveiling targeted around 5/22/20 around noon.

Ms. Moran motion to authorize the monument described in pink granite with plaque. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Vote to Approve Request for a Fee Waiver/Reduction of Special Event Permit Fee – Falmouth Art Market

Mr. Jones motion to reduce to \$300. Second Mr. Patterson. Vote: Yes-5. No-0.

4. Acting as Trustees of Falmouth Affordable Housing Fund, Consider Action to Preserve Affordable Deed Restriction for 110 Dillingham Ave., Unit #313

Mr. Johnson-Staub explained there are 13 affordable units at this property, created without Town subsidy. The monitoring agent is attempting to market unit to income eligible person, unable to market it because the condo fees are over \$700 per month. The period of time the homeowner cannot sell on the private market for this deed restriction expires in 60 days and at the discretion of homeowner to extend it more than 60 days, town pays taxes and condo fees. Town list property on MLS would cost \$4,490 in addition to carrying cost. Next option is potentially game changer is for the Town to buy down the cost of the housing for about \$35,000 payment that would not return to the Town but bring the price point down, it could be affordable to someone at the 85% median income. May be a tool to use, a couple limitations. Mr. Johnson-Staub and Carla Feroni are not recommending. They want a policy and method in place for buy down program. There is currently \$58,000 in Falmouth Affordable Housing Fund. Purchasing unit is an option, but there are no funds to do that. May be best to take no action, if Town takes no action and property owner sells on a market basis, the deed restriction says they have to sell for at least 95% of the unrestricted market value of the unit. The difference between the deed restricted price and the market price comes back to the Town. The Town may put the funds aside and create a buy down program.

The HOA fees are currently \$700, there is not a lot of assurance that someone gets in there and comfortable taking that on. Recommendation of taking no action may be best and most practical.

Mr. Brown said there is another alternative to the MLS for \$300. Mr. Johnson-Staub noted the benefit is the realtors use their own sources, the MLS cost would be to pay the realtor fee.

The Town having a policy moving forward at the local level is supported by the BOS and to continue the conversation.

Mr. Johnson-Staub noted that it is hard to hold onto homeownership, you do not have to worry about a rental going into the private market.

5. Review/Discuss Draft Policy on Use of Metal Detectors on Town Property

Common practice to do metal detecting on beaches, public has right of access with guidelines and practice for beaches is getting permission from beach superintendent or designee. Town property that is not a novel practice, no obvious answer. He was interested in finding historical artifacts to make it aware to the Town, not to take or sell.

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

6. Discuss/Consider Petition for Board of Selectmen to Sponsor a Non-Binding Ballot Question

Mr. Suso said it was not timely to place on the ballot. Only option is the BOS sponsor as their article and place on the ballot. It could go on the ballot May 2021 if treated as a petition article. He outlined options that Attorney Duffy and Attorney Mullin provided.

Peter Waasdorp and Diane Turco.

Diane Turco helped Pilgrim close down, it is not looking good there so pulled petition for safest most secure decommissioning. High level waste needs to be stored safely, it is not going anywhere. Spent fuel rods, plume map shows that if there is a fire, the plume would go from Manhattan to Nova Scotia. 4/1/20 Nuclear Regulatory Commission said the company does not need to plan outside their facility. Cheap canisters are being used to store the materials. Lack of proper security at Pilgrim, they have gotten past the no trespass signs, been able to get to the spent fuel area for 30 minutes without security. Exceptions for offsite liability insurance, security. Asking the Town to communicate to the Governor and legislature: better storage for spent fuel and protected by security. Eastham, Orleans, Chatham, Dennis, Brewster, and Sandwich already passed. Asking Town to sponsor to put on ballot.

Ms. Moran believes the Cape be unified in it's support. There is very little information that has come to the Cape, we are fighting to have a seat in the room where these conversations are taking place.

Mr. Jones said that the BOS could send a letter to the Governor without putting it on the ballot, especially considering the length of the ballot. Ms. Turco prefers to have the people raise their voice and say what needs to happen.

The BOS discussed the idea of sending the letter and putting it on the ballot. The BOS would like to hear from Michael Palmer and understand the dynamics of the ballot. Mr. Suso will ask Mr. Palmer to be at the next BOS meeting. The petitioner will send something shorter than what was proposed.

Mark Finneran suggested the BOS write the letter, publish it in the Enterprise, and give the concerned citizens a chance to write their own letter.

7. Briefing/Update on Coronavirus Preparations from Board of Health/Town Manager

Mr. Suso has been having meetings with the Health Department over the past three weeks regarding coronavirus and Mr. McGann met with the BOH tonight on this discussion.

Scott McGann, Health Agent, made a PowerPoint presentation. Covid-19 is a new respiratory disease, mild symptoms to severe illness, death for confirmed COVID-19 cases. Large group of viruses, some cause illness in people and some occur in animals. Spread through respiratory droplets cough, sneeze on surfaces and transmitted that way. Flu like symptoms appear 2-14 days after exposure and there is currently no vaccine available. Reviewed global map, changes quickly; there are about 100,000 cases.

In MA 13 new positive cases, 41 confirmed. None at this time in Barnstable County. Quarantine-isolate cases and quarantine contacts. More immediate is the same way you protect yourself from COVID-19, same for flu. Recommends a flu shot, even though it does not protect against COVID-19.

Federal, state, and local health department are doing containment strategy: identify and isolate known cases, trace close contacts and quarantine, travel advisories, and quarantine.

Locally, departments are meeting, biweekly calls with Barnstable County, meeting biweekly and new information is standard. If they have a vaccine available, they have experience. Have an emergency plan for mass vaccination of the public, traffic plan, MOUs with Medical Reserve Corps.

MAVEN website tracks communicable diseases, healthcare facilities required to report cases. VNA has the contract to monitor MAVEN daily and perform the necessary follow up required. They work with the Health department.

Review flow chart of disease response and tracking.

Diana Molloy, Chair Board of Health, the person who is positive is in another room, silverware needs to be washed, hands washed, keeping hands away from face, and six feet away from individuals. Do not have pets associate with the person who is positive.

We do not know a lot about it, unknown what will occur in the future.

Risk is very low, more risk with the flu. Wash hands often with soap and water, avoid touching your eyes, nose, and face; clean things frequently touched, cover cough and sneezes with a tissue or inside your elbow, stay informed routinely as the situation changes frequently, generally takes 1 person to spread it. Social distancing, call doctor if needed. Flu shot for protection.

Most risk: older adults, chronic medical conditions like lung or kidney disease, underlying health conditions. Mr. McGann is working with Jill Bishop at Senior Center to get the information out.

PowerPoint will be on the website.

Do not visit assisted living facilities when you are sick.

Not recommending masks unless you show symptoms.

County is looking for medical professionals for the medical reserve corps.

Elbow bump instead of shaking hands.

Employers are changing their policies so employees will have more information and make healthy decisions about staying home.

Health agent following what the State is putting out there.

The Town always has plans in place for health concerns.

There is a national strategic stock pile of equipment that can be accessed. CDC also has the supplies if needed and N95 respirators need to be fit tested and have clearance. Not everyone needs to be in the hospital, people are staying home, managing the symptoms, and getting better.

Mr. Suso noted this is not new for the Town, he and Mr. McGann have experience with quarantines and mass evacuation.

8. Vote April 2020 Town Meeting Article Recommendations

Article 3 voting as printed

Mr. Jones motion to approve Article 3 as printed. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 4 as printed. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 5 as printed with explanation. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 6 with edited recommendation. Second Ms. Moran. Vote: Yes-5. No-0.

Article 14 revision by the Finance Committee. Mr. Johnson Staub distributed the changes. The Finance Committee recommends and will present along with the Fire Chief and BOS.

Mr. Jones motion to approve Article 15. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 20 as printed. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 23 as printed. Second Ms. Moran. Vote: Yes-5. No-0.

The BOS is waiting before recommendation of Article 24.

Mr. Jones motion to approve Article 25 as printed. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 26 with typo edited. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 27 as printed. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 28 as printed. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to approve Article 29 as printed. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Johnson-Staub will check to see if there are any other elements of the Brave Act are being accepted.

Mr. Jones motion to approve Article 30 as printed. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion indefinite postponement of Article 31 and explanation to include language as approving the concept and seeing the article as an advisory. Second Mr. Patterson. Vote: Yes-2 (Chair English Braga and Ms. Moran.) No-2 (Mr. Patterson and Mr. Jones.) Abstain-1.

The BOS discussed the Town has not taken this on, this is a much needed position, and there are real drawbacks to not having someone doing proactive work around diversity and inclusion. According to Mr. Johnson-Staub, this article violates the Charter. Mr. Suso noted that this proposal steps on existing job descriptions in the School Department and Personnel Department; some of this work is already being done by other positions and being paid. There is concern about the recurring funding; the proposed funding is one time funding. While the BOS agrees in concept with the new position, they see this as an advisory article telling the BOS to get going on it. The article can be amended on Town Meeting floor.

Mr. Jones motion indefinite postponement of Article 33. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion positive recommendation of Article 34. Second Mr. Patterson. Vote: Yes-4. No-1 (Mr. Brown.)

Mr. Jones motion indefinite postponement of Article 36. Second Ms. Moran. Vote: Yes-5. No-0.

Ms. Moran motion Article 37 as printed. Second Mr. Patterson. Vote: Yes-4. No-1 (Mr. Jones.)

9. Summary of Town Manager Evaluation

Chair English Braga got the average of numerical scores, summarized input from BOS. Transmitted to Mr. Suso today, comments were strong regarding time management, knowledge of what falls under his purview, and building a team of department heads. Areas of improvement include increasing ability to communicate with the public on a vision and ideas, open to flow of thoughts and constructive criticism so they gain public support more quickly. Good job fiscally, working with Mr. Johnson-Staub and Jennifer Mullen.

Mr. Suso will follow up on individual BOS members.

10. Minutes of Meetings: Public Session

December 16, 2019

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

February 24, 2020

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

11. Individual Selectmen's Reports-none.

12. Town Manager's Report-none.

Mr. Jones motion to adjourn at 11:45 p.m. Second Ms. Moran. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary