

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, MAY 11, 2020**  
**SELECTMEN'S 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 May 11, 2020 public meeting of the Falmouth Board of Selectmen 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 Board of Selectmen 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 [selectmen@falmouthma.gov](mailto:selectmen@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/Board of Selectmen'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](mailto:townmanager@falmouthma.gov) so they may be displayed for remote public access viewing.*

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; Attorney Frank Duffy, Town Counsel.

1. Call to Order by Chair English Braga at 7 pm.
2. Pledge of Allegiance
3. Recognition  
Mr. Brown recognized the medical community and Cape Cod Healthcare and all they have done during this pandemic including the COVID-19 testing site and Royal Nursing Home set up for COVID-19 patients.
4. Announcements  
May 19 is election day, both Special Election and Town Election. Contact the Town Clerk's Office via phone to request an early voting ballot, mail in by 5/16/20. Polls will be open; 6 people will be allowed in at a time. About 5,000 registered voters in Town have taken advantage of early voting. The Clerk's office is looking for poll workers on election day.

Mr. Brown reminded people to be aware of their surroundings and have a face mask on their person in case they are in a situation where they need to wear it.

5. Public Comment

Chair English Braga noted that the BOS received a letter from John Turner, who noted various reasons not to wear face masks in public, outside, and in the sun. Felt it was something he could not support.

## SUMMARY OF ACTIONS

1. Licenses

- a. Application for Multiple Amendments of an All Alcoholic Restaurant License - Change of Manager/Change of Officers – Landfall Restaurant, 9 Luscombe Avenue, Woods Hole

Attorney Christopher Lebherz and Jim Estes present. About a month ago they sought and were given approval by the BOS, the documents went to the ABCC, they found out the corporate records needed to be updated, so the filings needed to be amended. The officers of the corporation are James Estes, President; his niece Kathleen Estes, Vice President; and his wife, Jean Estes, Secretary.

**Mr. Patterson motion approval. Second Mr. Brown. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye.**

2. Administrative Orders

- a. Approve Eversource Petition for the Installation of One (1) 4” Conduit at Acapesket Road, North of Garry Avenue. The proposed location is required for sustaining and protecting fixtures in, under, along and across the public way.

**Mr. Jones motion approval. Second Mr. Patterson. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye.**

- b. Approve payment from the Falmouth Fire Rescue Department Donation Account in the Amount of \$730.72 for the Purchase of Grave Markers and Flags for Memorial Day

**Mr. Jones motion approval. Second Mr. Patterson. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye.**

- c. Approve Expenditure of AFCEE Funds in the amount of \$79,445 for Phase I of the Mill Pond Restoration Project

Mr. Brown made a slide presentation regarding challenges of harvesting. Recommendations for remediation by UMASS included considering aeration and hire professional the first year. Aeration, then harvesting of the excessive vegetation as much as possible. Doing this work by hand is not practical, which is why they want to hire a professional to do the weed removal, aeration, and doing the monitoring. This is to fully fund this one year. When the weeds are not harvested, the odor is in the neighborhood. This is a man-made pond and the water quality may improve.

AFCEE Funds are from the Air Force Center for Environmental Education Fund and was put together for future water quality improvements in East Falmouth, there is still about \$1million in the fund. Water Quality Management Committee is on board with this plan.

This was a citizen motivated and concerned project, it is a grassroots experiment and if it works well it may be used more.

Mr. Brown recused himself from the vote.

**Mr. Jones motion approval. Second Mr. Patterson. Roll call vote: Mr. Patterson, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye. Abstention: Mr. Brown.**

**7:30 p.m. PUBLIC HEARINGS**

1. Application to Amend Underground Storage Tank (UST) License – Hatem Enterprises Nye Road, LLC, 607 Main Street, Falmouth, MA (Parcel ID # 47B 05 040 000)

Chair English Braga read the hearing notice.

Ms. Carolyn Parker said this is correcting the license to read appropriately what is there. Last license issued in 2000, Motiva Enterprises owned the property, when sold it already had diesel in the ground. This was found because fire suppression is no longer UL listed, it needs to be replaced. To do so paperwork and license needs to go to the State Fire Marshall. The license goes with the landowner.

There was a 550 tank waste oil and another tank for fuel oil, when it was a service center, once a convenience store the tanks were removed and are no longer in the ground.

Public Comment: none.

**Mr. Jones motion to close the hearing. Second Mr. Patterson. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye.**

**Mr. Jones motion approval. Second Mr. Patterson. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye.**

**BUSINESS**

1. Falmouth Farmer's Market – Request for Waiver of Event Permit Fee and Presentation of New Plan

Lindsey Close requested a waiver of the permit fee. This is similar to what she was asking for last year, the Farmers' Market usually pays a small fee and an in kind contribution of taking care of the harbormaster's garden.

**Mr. Jones motion approval of waiving the permit fee and grant the same as has been granted in past years; fee of \$200 and \$500 in kind contribution of caring for the garden. Second Mr. Patterson. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye.**

Presentation of New Plan: this event was not cancelled because it essential because it is selling of food and an industry considered essential. This is an event happening every Thursday that can be modified with the guidance from the State.

Ms. Close proposed setting up vendors in a straight line on Scranton Avenue with 10 foot spacing between each vendor tent. Fewer vendors, about 5 less, but will be manageable. Hand sanitizer station and hand washing station, signage to remind attendees to wear a face mask, vendors will wear gloves and masks, spacing markers with chalk spray paint so people will wait 6 feet out, prepackaging and prepricing what they can for a quick transaction. Message to the community will be to come in come, shop, leave. Strongly recommending credit cards, apple pay, venmo, and other similar payment types. Advising vendors to round up or down to a whole dollar amount. If someone pays in cash, that cash can be quarantined. SNAP program participants may shop and there is a match bonus program, example when you spend an amount on your SNAP card, you get a bonus match to shop with. In the past they have used wooden tokens for that bonus, this year they will use a one time paper system that the customer can put the paper in the container without the vendor touching it, the Farmers' Market organizers will take the paper, quarantine for a couple days, and pay out vendors at the beginning of the next market. They have farmers that participate in the Healthy Incentives program, if you buy from a participating farmer, that amount is returned back to your card.

Mr. Suso noted that the restrooms at the MES building are intended for the public and they are exploring working with private entity that will sanitize those restrooms to keep them clean and welcome the public to use them.

Scott McGann, Health Agent, said restrooms are not required, but is required of the food handler. Need to have them open, they will have them open and increase cleaning. The plan Ms. Close put forward was acceptable.

## 2. Discussion/Update on COVID-19 Issues

Scott reported that 148 confirmed cases, about 80% are out of isolation. About 10 people at the long term care facilities, testing was done. About a dozen general population active cases. What we are doing is working. Working on planning to open, working with other Communities' Health Agents for how the various businesses will open, including restaurants, beaches, rentals, and those plans are developing. As we come back together, the cases may increase, the cases now are going down slowly in the State. Asymptomatic cases are difficult.

Ms. Moran noted the Governor's announcement of the broad framework, the group is working on that, but it is just beginning.

Chair English Braga said Mr. Suso will gather individuals together including Mr. McGann, Mike Kasparian, Zoning, and Planning to look at thoughts about ideas moving forward for area businesses, including regulatory hurdles. They hope for further guidance on 5/18/20 from the Governor. Mr. McGann noted the guidance will need to be tailored to the Town's needs.

Mr. Suso said they also have staff members involved in the regulatory processes working with Town Counsel and others. When given firm direction from Governor Baker, they will be able to lay out the options available to the Town.

Mr. McGann noted that they will issue some permits, some will open and will not be held up to go through a series of inspections, but they will be done in relatively quick order.

Mr. McGann received calls about establishments not enforcing mask use, he has followed up with the establishments but that is tapering off.

Chair English Braga asked Mr. McGann if he had input regarding opening of the beaches. Mr. McGann said that being outside is about the least risky it gets and having outdoor activities is important. Small groups, outside, may need to work on beaches individually and he supports it, considering infection rate being so low.

## 3. Action to Consider Naming Crosswalk the "Tommy Leonard Walkway"

Tom Walwrath present and explained there is a one year wait period between the request and the BOS final vote. Timeline was 5/7/20 as decided by the BOS. The BOS has a copy of the sign. DPW has the sign and it is ready to install. They had some ideas of doing something virtually, have it done in conjunction with the stone unveiling. They do not know when at this time, originally it was 5/22/20, but they will be ready to go when conditions allow. People would like to be present, but with the current guidance, precludes a group of people at the unveiling. He will discuss the idea of installing and covering the sign and monument with something until they can do the unveiling with a group of people. He will talk with his committee and follow up with the BOS.

The BOS provided some ideas including a short film, newspaper article, and asking the Road Race to include a video tribute of a couple of minutes.

**Mr. Jones motion approval. Second Mr. Patterson. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye.**

Mr. Suso noted the installation of the monument was approved at a past meeting, the site has already been marked.

## 4. Update on Proposed Recovery Loan Program

Mr. Suso explained that in the packet is a memo from Atty. Duffy with additional information and his research and analysis. This is still a work in process.

Atty. Duffy contacted the MA DOR for their read on the situation, the DOR Division of Local Services reported their assessment of the program as presented needs to be squared with the relevant statute in order to go forward. The EDIC is creature of statute and a special purpose organization is limited to powers granted to it in the general laws. The vision was a redevelopment function, the powers relate to redevelopment, the purpose of the program. Atty. Duffy sent a memo to EDIC last Friday regarding recommended course of action. The EDIC board is reviewing and will get back to Atty. Duffy. Special legislation will solve the problem to establish and run the loan program, the second problem is the Town's contribution; MA Constitution prohibits public funds for private uses. Atty. Duffy will report back on what the legislatures input has been.

Ms. Moran noted Falmouth is in unique situation to be prepared for this level of assistance if the legislative work can be moved forward quick enough.

Joe Netto was reportedly concerned that this is something different than what Town Meeting had original built this for.

The BOS asked if the EDIC could do fundraising instead, but Atty. Duffy noted the problem is the EDIC getting involved in the first place, it is not part of the Enabling Act.

Regional banks are trying to provide loans to local businesses with lines of credit and long term loans to help some of the businesses. Local banks can do that, but the Recovery Loan Program as presented, takes public money to protect the banks in case there are losses in the future.

Mr. Suso and Atty. Duffy will continue conversations with EDIC and Finance Director Jennifer Mullen. The EDIC should explore the special legislation as suggested by Atty. Duffy.

#### 5. Discussion of Town Meeting Article 14 (Override) – Hiring of 8 New Firefighters

PowerPoint presentation was made by Mr. Johnson-Staub of the override on the ballot for 5/19/20. Usually this would be vetted out at Town Meeting, but since that has been rescheduled, they would like to review tonight. Override is to increase the tax levy to hire 8 firefighters and covers their pay and benefits. Improve response to the Town and firefighter safety. Approval of the override requires a vote of Town Meeting to authorize the expenditures and approval of the voters at an election to authorize additional taxes for that purpose. The exact wording was read by Mr. Johnson-Staub. The ballot does not say it is an override because the State determines what wording is to be on the ballot and the Town followed that language. Town Meeting Article #15 was reviewed. Mr. Johnson-Staub explained why the Town needs 8 more firefighters and includes providing 2 additional firefighters for every shift, # calls nearly doubled over the past 20 years; implementing new requirement that every engine/ladder deployed must have at least 2 firefighters, improves effective response for the entire Town. On Town Meeting section of the Town website there is a more detailed fact sheet on Article 14. An example of the cost was offered, it would be \$30.24 per year permanently assessed, on a home with an assessed value of \$378,000.

Ms. Mullen noted the ballot wording could be confusing, override language is not used on the ballot.

Ms. Moran has had questions including given COVID, can the Town afford it? What other financial difficulties does the Town anticipate? Request for an update on Safer Loans.

Ms. Mullen said that it is an override specific for 8 firefighters, it does not change anything else. Maybe not putting money into reserves next year. Taxpayers will need to answer the question of whether they want to pay that additional \$30.24. Safer grants are funded at 75% the first year, by the third year 35. The uncertainty we face is it is difficult to fund fully 8 new firefighters and the Town would not be able to put 8 new positions in the budget in one year. When there are open positions, need to fill those first before using the Safer Grant money and there is a time period related to the Safer Grant. Binding the Town to future budget increase in future years when the budget is uncertain.

Mr. Jones noted \$30.24 per year would go in effect in a different year given the fire academy is closed. Ms. Mullen explained that the override is the revenue source, taxes would be raised for the full 2021 fiscal year. If the full appropriation is not spent, it will go back to free cash. It would be an unspent budget item.

Finance Committee concern about the Safer Grant is that you do not fund long term positions with grants because there is no guarantee those monies are there and as the funding sources change from year to year, the Town does not control that. If you commit and do that with the Safer Grant, it will stop, and the Town will need to incorporate 8 firefighters into the budget.

According to Mr. Johnson-Staub, the grant is only a percentage of the cost and it is temporary funding for a permanent cost and is something we cannot risk how we are going to pay for that.

The information sheet is on the Town website and was transmitted to all Town Meeting Members who they have an email address for.

If the Town votes for it, it will go to Town Meeting.

If positive vote at election and then Town Meeting votes positively, you are all set. If negative result at election, the Town Meeting article will not be moved.

## 6. Discussion of Potential Regional Approaches to Upcoming Summer Beach Operations

Goal for tonight is to talk about some of the thoughts, concerns, and challenges we will have. Conversation is to continue with Committees and staff. There will be a future BOS vote.

Mr. Suso said this has been reviewed internally and extraordinary amount of staff expertise in managing beaches and will make full use of that in drafting an expanded beach operation and municipal parking plan. Likely to be rolled out collaboratively in close parallel with other Cape Cod Communities. Awaiting direction from Gov. Baker and confident that a plan will be released on 5/18/20 and anticipated to include suggestions/guidelines for managing beaches, public use and parking areas. Anticipate opening up Town's municipal parking areas.

Ms. Moran said there is special counsel regarding a Cape Cod view of all these issues. Many communities are circulating draft guidelines to be prepared for the Governor's guidelines. COVID adds a challenge to planning staffing and other considerations. At the next meeting it would be informative to have the Chief of FPD present for his opinion.

Mr. Suso said planning is going forward for hiring summer beach staff and will fine tune details pending guidance by the Governor. Seasonal employees return yearly and have great amount of experience, which lowers the learning curve.

According to Chair English Braga, it would be helpful to think about different times of the day at the beaches and how we may do something different. May have different plan in place at the beaches and need to look at each independently. The Beach Department is well situated with staffing, many are ready to get to work.

Mr. Brown suggested extending the hours to monitor parking and have seasonal officers at the beaches. Some residents would like to have resident only and not allowing general public to pay cash to get in. Mr. Brown likes the idea of the staff staying later for sunset time and having a police officer there.

Chair English Braga hopes people keep in mind the beaches bring much revenue, including day parking and week long permits. We have a lot of information at our disposal to think about how to craft something. She would like to ask the Town Manager to put together a meeting including Beach Department, Chief of FPD, DPW, BOS, and the Health Agent to do that problem solving and deeper conversation to have something to propose to the BOS. Maybe Mike Kasparian could be voice of the summer folks and accommodations. Goal would be to have information for the June 1 BOS meeting.

## 7. Individual Selectmen's Reports

Mr. Brown:

Attended the White Ribbon Zoom Meeting to get the word out about domestic violence, need is greater than ever. The past year there were 1700 Falmouth residents called Independence House.

8. Town Manager's Report

The water main replacement project moving ahead swiftly, target to bring to closure by month's end and additional phase in the Fall. We are one season ahead on this project.

Peter McConarty is moving forward the Queens Buyway Road reconstruction project, the granite section is in place and attractive improvement into downtown.

The next BOS meeting is 5/18/20.

The work that remains is in the Route 28 State portion and MA DOT does not work in that area after Memorial Day. Mr. Suso can explore that option of requesting the work be extended past Memorial Day given the current guidance and decreased traffic.

**Mr. Jones motion to adjourn at approximately 9:15 pm. Second Ms. Moran. Roll call vote: Mr. Brown, aye; Chair English Braga, aye; Mr. Jones, aye; Ms. Moran, aye. Absent: Mr. Patterson.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary