

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
THURSDAY, JUNE 4, 2020
SELECT BOARD'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 June 4, 2020 public meeting of the Falmouth Select Board (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 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.*
1. Call to Order by Chair English Braga at 7 p.m.
 2. Pledge of Allegiance
 3. Announcements-none.
 4. Public Comment-none.

BUSINESS

1. Further Discussion of Street Closure, Outdoor Business Seating, Temporary Licensing and Other Issues Related to COVID-19 Reopening

Received a number of emails today, no one asked their email to be read during the comment period.

Mr. Patterson noted two issues: 1. Allowing restaurants for outside seating 2. Street closing. Chair English Braga noted what was supposed to be submitted to the Board was for all businesses in Town, beyond Main Street, and the procedure for that office.

Street Closure

The Board was talking for quite some time on possible options, working with the Chamber, proposal looked at by public safety. There was not that much attention made until the Board voted Monday, when there was much communication with the Town by retail shop owners with concern about the street closure. Try to have on agenda at least twice for public awareness and garner some attention and input. In this case the information is on the back end of the process. Monday the Board voted to close a portion of Main Street, asked Town Counsel to draft documents to do so, but have since received a lot of input. Open the discussion to find out if the Board needs to reconsider the vote, shops very concerned and restaurant owners who don't anticipate using any space if it were made available. Only 2 restaurants anticipate using the closed portion, Water St. to Shore St. Ext. Since many businesses are concerned and not using the space, Chair English Braga asked the Board for input.

Mr. Jones would like to reconsider an amendment to do hard closure at Shore St. ext. and soft closure down Shore St. ext. so fire trucks could get to the restaurants and hard closure at Library Lane.

Chair English Braga noted that was a suggestion, but Chief Dunne did not feel that was a good direction and concerned about the diagonal blocking. Mr. Suso noted Chief Small is present.

Chief Small said the proposal is trading access from Library Lane and moving access to Shore St. Ext., Chief Dunne has solid ideas. To do so, you would need to abandon parking and turn Shore St. Extension with jersey barriers, it would look like an entry control point. Numerous jersey barriers staggered to slow traffic down.

Chief Dunne does not think it will work because Library Lane is not a wide road and will not be safe. If you close it off, the first Jersey barrier would need to be by Maguire's front door. Access to the buildings by the FFD. They have spent a lot of time walking around the area. As public safety, Chief Dunne does not believe it will work.

Mr. Brown talked with delivery drivers, suggested if closing it, allow mornings for deliveries. Mr. Brown is backing up from his vote Monday. At this time there is not enough positive response and a lot of negative response from the business community. A restaurant owner told him that she will not buy tables and set them out. She knew of another business not doing that.

If parking spaces are used as regular parking, another option not to do the closure, but maybe close those parking spaces as live parking.

Mr. Patterson said that a couple restaurants only want to do takeout but would like the picnic tables on Library Lawn. In Maryland they spread brown paper across tables and lay out the crabs to eat, after eating they wrap it up and throw it in the trash. That may be an option for the picnic tables, maybe the Town would consider it. Chair English Braga noted that idea can be put on a future agenda to get more details. There are new guidelines that they need to be cleaned between every use and would need to determine who would be responsible. Would also need to petition the Library Trustees. Sam Patterson is inclined to rescind the previous vote.

Mr. Jones suggested leaving possibility of a shoulder weekend where we try shutting down Main Street and have the restaurants bring out their tables in the Fall.

Mr. Brown watched Planning Board meeting Tuesday night and they were surprised the Board took action and did not get their view. Planning Board was against the closing because it was not suitable for downtown.

Mr. Johnson-Staub got lengthy comment through chat for this subject along with two others.

Public Comment:

Chair English Braga read the public comments received.

Frank and Sheila Carotenuto 38 Harriette Rd., E. Falmouth, vote on Monday's meeting was right idea to help restaurants, however it only helps those restaurants east of Walker Street and gives competitive edge to some restaurants. Please correct the error. Extending the closure.

Pickle Jar Restaurant asked about opening public bathrooms and portable toilets.

Kate Rickard: Agree with all points and have wondered about raining days, aren't tents the same as being inside? People may want things to be as they remembered. Routine is comforting. Restaurants will do best with all takeout. Maybe Town could fund tables and sanitization instead of the barriers.

Time frame for opening restrooms? Plan to open restrooms consistent with opening of outdoor restaurant seating, will be 6/8/20.

Mr. Brown asked if they can hire someone to clean tables? Mr. Suso noted some discussion, preference would be not to create another category of seasonal employees, but suggest contract cleaning could be explored and collaborate with the Chamber of Commerce to oversee and manage that function, the Town could procure funding to make that happen.

Mr. Jones noted comment on Town green, maybe table at Town Hall Square.

Chair English Braga asked merchants to do some consensus building with the Chamber to get clarity.

Mr. Patterson motion to rescind street closing vote made on 6/1/20. Second Mr. Jones. Roll call all aye.

Parking on Main Street will be during an upcoming meeting.

Outdoor Business seating and temporary licensing issues

Mr. Suso explained that Town Counsel and Associate Town Counsel, three documents in the packet: 1. Procedure to approve temporary outdoor restaurant service, 2. Temporary administrative approval of outdoor service, 3. Temporary license agreement with Town to use sidewalks and any other public areas for use of expansion of commercial operations due to limitations posed by COVID-19. These documents, subject to Board of Selectmen concurrence, transmit to all affected businesses to allow review and transmit to the Town with the potential of expedited licensing and permitting consistent with Governor's recent orders and intent of the Board. Also have attachments of the Governor's orders, safety standards, and checklist info. DPW Director and Health Agent, and Town Counsel present.

Mr. Jones asked if restaurant uses current parking area and it changes to # of parking spaces, will they get the waiver as quickly as the liquor license. Atty. Mullen explained the Governor's order 35, single unitary process and boards can override local zoning requirements including zoning. Handicap and other ADA requirements are maintained. It's possible for restaurant to use a portion of their parking lot through this single Town Manager initiated review. No additional review would be necessary.

Mr. Brown asked timeframe for turnaround of these applications? Mr. Suso said that estimate, shared with board another exhibit that discusses general anticipation. Hope is to share documents tomorrow with all eligible businesses and receive the forms, turnaround in the coming work week. Requires full applications, if they come in without full information to make the determination, they will need to follow up with the businesses and could lead to a delay.

Kevin Klauer asked will properties require separate decisions. They will be covered in the single process, no need to go back to Planning Board.

Mr. Patterson noted part of the application needs to be a sight sketch. Ms. Mullen said that section 2 of the application there is a requirement of a detailed description or sketch or plan with components that need to go into that sketch.

The application will be on the Town Website and sent to the Chamber. Mr. Suso will transmit the full package to all eligible businesses subject to the Board's vote.

Authority the Board has extends to November 1, 2020 or when the Governor's particular order is rescinded. The Board could consider a shorter timeframe.

Timeline: trying to complete by the Friday after June 8, pending the vote and Governor's order allowing restaurant seating. Taking applications and reviewing in anticipation that the Governor will allow sit down service.

Does mandate state how far the tables can be from parking spot or street? Atty. Mullen said Order 35 does not contain direction on that issue. That assessment can be made based on particular properties and what would be safe, by Town Manager's Office and other departments. Any restaurant serving alcohol, the area is required to be enclosed from rope to fence/barrier, so application requests what the business will do for closure. Feedback looked at on case by case basis.

Mr. Suso said that process following when completed application received, it will be reviewed by all critical town departments, public safety, public works, zoning, planning, building, health and comment, then brought back to Town Manager for action. This is a process with several internal checkpoints and overseen by the Town Manager's Office.

Kelly asked if tent canopy will be allowed on property or need separate permit. Governor order specifies requirements for tent and can be included in this single process. Requirements in the Governor's order is that 50% of side areas of a tent be unobstructed; not be a fully walled tent.

Temporary tents for rain only? All tents would need to comply with Governor's order.

Allowed for same number of occupants existing so long as social distancing. No approved restaurant seating will exceed the indoor capacity permitted for, if indoor dining starts under order of Governor, whatever is not being used outside may be used inside, but may not be more than 100% of what they had previously.

John asked that the Board include future agenda item, asked for capacity limits for taxis and Uber.

Mr. Brown move the Town Manager be authorized to act on behalf of the Board when acting as the local licensing authority for alcoholic beverages licensing and common victuallers licenses to approve temporary amendments to the licensed premises for restaurants to allow for outdoor service and to accommodate the provisions of the Order of the Governor of the Commonwealth, COVID-19 Order No. 35, dated June 1, 2020; and further that the Town Manager be authorized to approve temporary amendments or changes to the licensed premises for restaurants described in any special permit or variance issued under G.L. c 40A or the zoning bylaw of the Town of Falmouth to allow for outdoor service and to accommodate the provisions of the Order of the Governor described above. Second Mr. Patterson. Roll Call Vote: Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Ms. Taylor, aye; Mr. Patterson, aye.

Mr. Suso noted a timing consideration for restraint reopening downtown and milling and overlay of the roadway. Mr. Suso read the draft into the record.

Mr. McConarty confirmed milling and paving of Main Street, actual plan water main work completed this Tuesday and paving will begin at Queen's Byway down Main Street Tuesday, Wednesday, and Thursday of next week, then to the Village Green and Town Hall the week of the 15th. They will be out of the area by the 17th or 18th weather permitting and let the summer begin with a pristine roadway.

Pickle Jar commented asking if the closing of the street could wait until the Fall.

Chair English Braga asked about concern, if it could wait until the Fall. Mr. McConarty said that they have been pressuring the contractor and they have gotten a lot of work done, Main Street is rough, there have been a number of complaints. Preferable to get the work done now.

Mr. Suso said formal vote is not required, but the Board is welcome to vote.

Mr. Brown motion to allow the DPW to continue with milling and paving on Main Street. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Ms. Taylor, aye; Mr. Patterson, aye.

Mr. Patterson asked that the Town come up with a picnic table plan that the Board thinks the Town could provide. Chair English Braga also said the Board will talk about a pickup parking for takeout.

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

Respectfully Submitted,

Jennifer Chaves
Recording Secretary