

TOWN OF FALMOUTH
Joint Meeting-Select Board and Finance Committee
Open Session
Meeting Minutes
MONDAY, JUNE 15, 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 June 15, 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.*

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

Finance Committee Present: Nick Lowell, Vice Chairman; Susan P. Smith; Judith P. Magnani; Wendy Vogel; Joseph L. Drolette; Ron Dyer; Peter Hargraves; Mary Harris; Deborah D. Maguire; James Marnell; Kathleen Beriau; Cynthia Eaton; Joseph Lemay; James Newman.

Also Present: Julian Suso, Town Manager; Frank Duffy, Town Attorney; Peter Johnson-Staub.

1. Vote transfers within the FY20 budget
2. Vote amended FY21 budget

Finance Director Jennifer Mullen reviewed the FY21 Budget, local receipts reduced by \$2,240,000 and state aid reduction of \$772,260.

Reserves will not be funded in the amount of \$1,672,079.

Use \$350,000 budget reduction from Cape Cod Technical High School Assessment.

Reduce Health insurance budget by \$500,000, health insurance is volatile, and she has always tried to fund a little bit, around 6/7%; last 2 years 0% increases, can comfortably reduce this.
Use \$500,000 in free cash for one year only to partially offset reduction in state aid.

Once we go to Town Meeting, the tax rate will be set and tax bills can be sent out.

The Town is self insured; the Town pays the claims.

Mr. Jones motion to move \$666,500 for health insurance to line items as listed by the Finance Director and sent to the Finance Committee for their deliberation. Second Mr. Patterson. Roll Call Vote: Patterson, aye; Mr. Jones, aye; Chair English Braga, aye; Mr. Brown, aye; Ms. Taylor, aye.

Mr. Schwegel motion \$666,500 from health insurance to line items listed on the chart. Second Mr. Hargraves. Roll Call Vote: Mr. Hargraves, aye; Ms. Lowell, aye; Mr. Marnell, aye; James Newman, aye; Ms. Maguire, aye; Ms. Smith, aye; Mary Harris, aye; Mr. Schwegel, aye; Mr. Lowell, aye; Ms. Magnani, aye; Ms. Vogel, aye; Mr. Drolette, aye; Mr. Dyer, aye; Ms. Beriau, aye; Ms. Eaton, aye; Mr. Lemay, aye.

Mr. Jones move a recommendation of a total operating budget of \$139,231,499 to the Finance Committee. Second Mr. Patterson. Roll Call Vote: Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye; Mr. Brown, aye; Ms. Taylor, aye.

Mr. Schwegel motion line 250 health insurance in \$500,000 for health insurance appropriation and total fiscal year operating budget \$139,231,499. Roll Call Vote: Mr. Hargraves, aye; Ms. Lowell, aye; Mr. Marnell, aye; James Newman, aye; Ms. Maguire, aye; Ms. Smith, aye; Mary Harris, aye; Mr. Schwegel, aye; Mr. Lowell, aye; Ms. Magnani, aye; Ms. Vogel, aye; Mr. Drolette, aye; Mr. Dyer, aye; Ms. Beriau, aye; Ms. Eaton, aye; Mr. Lemay, aye.

Mr. Schwegel motion to adjourn the Finance Committee. Second Mr. Lowell. Roll Call Vote: Mr. Hargraves, aye; Ms. Lowell, aye; Mr. Marnell, aye; James Newman, aye; Ms. Maguire, aye; Ms. Smith, aye; Mary Harris, aye; Mr. Schwegel, aye; Mr. Lowell, aye; Ms. Magnani, aye; Ms. Vogel, aye; Mr. Drolette, aye; Mr. Dyer, aye; Ms. Beriau, aye; Ms. Eaton, aye; Mr. Lemay, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Open Session
Meeting Minutes
MONDAY, JUNE 15, 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 June 15, 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:

5. *The meeting will be televised via Falmouth Community Television.*
6. *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.*
7. *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.*
8. *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.

1. Call to Order by Chair English Braga at 6 p.m.
2. Pledge of Allegiance
3. Recognition

Mr. Brown recognized Town staff and Town Manager for getting Main Street ready for Phase 2.

Mr. Patterson recognized Town Manager, School Department Superintendent and staff for putting out statement in support of the protesters issue of looking at police management.

Ms. Taylor thanked Mr. Suso for keeping them up to date on the licensing of businesses.

Kerin Delaney is the new Director of the Falmouth Service Center Director.
4. Announcements

Chair English Braga said they have gotten many emails, because of open meeting law, the BOARD does not have every board member weigh in or give response. In general, sometimes staff or chair/vice chair will respond and direct the issue/question to staff. The BOARD reads emails, but cannot violate open meeting law by having a conversation via email. All BOARD members can all weigh in by putting the item on their meeting agenda.

5. Public Comment-none.

COMMITTEE INTERVIEWS AND APPOINTMENTS

1. Interview, Vote and Appoint/Re-Appoint Committee Members:

Regulatory Boards

- a. Board of Health 6/30/23
 - i. Benjamin Van Mooy
Has enjoyed being on the board the last two years and has brought a couple things forward including the moratorium on certain chemicals used in pesticides last year. They are prepared to address it again soon.

Mr. Jones motion to appoint to a term ending 6/30/23. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.
 - ii. Kevin Kroeger will carry to a future agenda or take it up if he is able to log in tonight.
- b. Conservation Commission
 - i. Kevin O'Brien (alternate)
Mr. Jones motion to appoint to a term ending 6/30/23. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.
 - ii. Mark Gurnee
Mr. Gurnee would like to become an alternate.
Mr. Jones motion to appoint as an alternate term ending 6/30/23. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.
 - iii. Stephen Patton
Mr. Jones motion to appoint to a term ending 6/30/23. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.
- c. Zoning Board of Appeals – Edwin P. Zylinski II
Mr. Jones motion to appoint to a term ending 6/30/25. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

Non-Regulatory Boards

- d. Affirmative Action Committee – Susan O'Brien
Mr. Jones motion to appoint to a term ending 6/30/23. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.
- e. Commission on Substance Use – Maro Titus
Mr. Jones motion to appoint to a term ending 6/30/22. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.
- f. Cultural Council
 - i. Cathy Rozynek

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

ii. Lance Norris not present.

- g. Edward Marks Building Advisory Committee
 - i. Jean-Pierre Riu has not yet been in the building, has interested in construction and preservation of historical buildings.

Mr. Jones motion to appoint to a term ending 9/31/20 or however long it is extended by the BOARD. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

- h. Golf Advisory Committee
 - i. Robert Pacheco
All service staff masked, sanitizing carts, traffic flow to the building regulated. Practice facilities are open. The course is in good condition.

Mr. Jones motion to appoint to a term ending 6/30/22. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

- i. Historical Commission
The Board will need to advertise for an architect position, if appointed, the architect would take the regular member role. If after advertising no architect comes forward, Ms. Drescher would then be appointed to a full position.

- i. Lee Drescher
Ms. Drescher is already an alternate, so no need to appoint her as alternate.

- j. Water Quality Management Committee
 - i. Stephen Rafferty
Mr. Jones motion to appoint to a term ending 6/30/23. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

2. Vote Annual Committee Re-Appointments

Affordable Housing Committee
Pamela Harding Barrat

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

List of Annual Committee Re-Appointments read by Chair English Braga as a motion from the packet, with exception of the Water Quality Management and Community Preservation Committees. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

Agricultural Commission (3 positions)	Amy Vickers	6/30/23
	Heidi Walz	6/30/23
	Jane Vose	6/30/23
Beach Committee (1 position)	Paul Miskovsky	6/30/23
Bicycle & Pedestrian Committee (5 positions)	Scott Lindell	6/30/23
	Benjamin Harden	6/30/23
	Christopher McGuire	6/30/23
	Edward T. Rowan	6/30/23
	Pamela Rothstein	6/30/23
Building Code Board of Appeals (1 position)	Donald Devaney	6/30/25
Cape Cod Regional Transit Authority	Samuel H. Patterson	6/30/23
Commission on Disabilities (1 position)	Frances Dupuis	6/30/23

Commission on Substance Use (2 positions)	Kath Schilling Samantha Bauer	6/30/23 6/30/23
Constable (1 position)	Thomas Zine	6/30/23
EDIC (2 positions)	Christopher Land Michael Galasso	6/30/23 6/30/23
Energy Committee (2 positions)	Alessandro Bocconcelli Matthew Patrick	6/30/23 6/30/23
Golf Advisory Committee (2 positions)	Barbara Dixon Christopher Inoue	6/30/23 6/30/23
Historical Commission (1 position)	Christian T. Valle	6/30/23
Human Services Committee (2 positions)	Lawrence Langler	6/30/23
Recreation Committee (3 positions)	Lori Dillon Sandra Cuny Scott Ghelfi	6/30/23 6/30/23 6/30/23
Shellfish Advisory Committee (3 positions)	Daniel Ward David Heffernan David Bailey	6/30/23 6/30/23 6/30/23
Solid Waste Advisory Committee (4 positions)	Alan Robinson Christopher Polloni Marc Finneran Ruth Brazier	6/30/23 6/30/23 6/30/23 6/30/23
Steamship Authority Port Council	Robert S.C. Munier	6/30/22
Veterans Council Committee (3 positions)	Kevin Casey Robert Foos Randy Collette	6/30/21 6/30/21 6/30/21
Waterways Committee (2 positions)	Jeffrey Thomas E. Kevin King	6/30/23 6/30/23
Certified Weighers – Cape Cod Aggregates	Linda DeVito Paul DeVito Ted Freeman Jennifer Quinn Edward Bousfield	6/30/21 6/30/21 6/30/21 6/30/21 6/30/21
Certified Weighers – Wastewater Treatment Facility	Charles Pires Kruser Keller Stephen Parsons Steven Devonis Cory Melemed Ronald MacLaughlin	6/30/21 6/30/21 6/30/21 6/30/21 6/30/21 6/30/21

Community Preservation Committee Russell Robbins

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

Community Preservation Committee
Paul Glynn

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

Water Quality Management Committee
Eric Turkington

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

Water Quality Management Committee
Matthew Charette

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

Cultural Council

Lance Norris

Writer, actor, director over 30 years, teacher at UMASS.

Mr. Jones motion to appoint to a term ending to be determined. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye; Ms. Taylor.

7:30 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 and April 27, 2020.

Mr. Jones motion to continue until July 27 at 7:30pm at the applicant's request. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

2. Wetland/Dock Hearing – Scott and Nillah Lutz for permission to modify and maintain an existing dock, located at 109 Madeline Road, East Falmouth

Mr. Patterson read the hearing notice.

This dock has been there since 1970 and permitted during 1990's, Board approval was missing. The MA DEP and Conservation Commission approved and have building permit, they are missing the approval letter from the Board. Order of Conditions had 3 components, Title V septic, home replacement, and the dock.

Mr. Jones noted if not done by 5/10/20 it was null and void. The DEP has relaxed this date for them due to Covid-19.

Diane Davidson told the applicant she could not find the Board letter from 1996.

Standard today is 6 feet clearance, but 5 foot between bottom of the joists and where one would walk. Mr. Jones said public access in a convenient way, most of the time will be in water and feels it may meet the requirement, but discourages people from using the public access. This is a three feet wide dock. The Conservation Commission may find it is okay, however it still needs to meet the Board standard: The Board looks at the effect on public and neighbors. The 6 feet was relaxed because of the size of the dock, it is 12 feet long. This has been negotiated to 5 feet. There is a review period of 10 agencies that looked at it. The Planning Board has signed off on it, awaiting Building Department sign off. Mr. Jones noted the Planning Board and Building Department do not look at docks, but the applicant said it is signed off by them on the dock piece.

According to the applicant, the dock does not impede public access and there is passage.

Current access is open without the dock. There is a current dock, it fell into disrepair, owner failed to rebuild it. There are posts there now, but no dock. This project is replacing a dock that has historically been licensed.

Mr. Jones noted that this is building a new dock, but no one else has said anything. This needs to come as a new dock. Applicant said that with narrower gain way, recommendation was to limit the height over the marsh. Mr. Tavares said there are posts remaining from the previous dock that was there 20 years ago. The former owner let the dock go 24 years ago, no maintenance was completed. Decking is in the water, applicant tried to tie up last summer, replace pilings; there is still substantial deck standing. Dock precedes the 1978 time period, there is family communication that it existed prior to 1972.

There are other docks in the area/adjacent, neighbors docks are substantial, 6-8 docks are larger than this.

Public Comment: none.

Mr. Brown noted an email was received in the last week or so regarding a dock and wondered if it is this one. Mr. Suso noted an email regarding the previous meeting was received, but not the present meeting.

The applicant confirmed notice to abutters.

Letter? Mr. Suso said that if approved, he will talk with Town Counsel about the type of approval.

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

Findings:

- a. This is to replace the dock that was there.
- b. Lower height allows for public access and consideration about the marsh and impact of that height from the wetlands.
- c. This dock will be an improvement on the treatment of the marsh compared to what was there in the past.
- d. There has been attempts to maintain public access.
- e. No objection from abutters

Mr. Jones motion to approve as conditioned by the Conservation Commission with the findings listed above. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

SUMMARY OF ACTIONS

1. Licenses

- a. Vote to approve application for Change of Manager of an All Alcoholic Club License – Falmouth Yacht Club, 290 Clinton Avenue, Falmouth

Mr. Kehoe Present. Is aware that he is responsible for any interaction regarding alcohol service, whether he or employees.

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

- b. Vote to approve application for a New Common Victualler License – The Stand – 75 County Road, North Falmouth
Catherine Hickey owns the Daily Brew. The landlord of this location asked if she could put in coffee shop. This will be all takeout. There will be coffee shop, smoothies, all prepared foods. Daily Brew has been open for 5 weekends. Ms. Hickey can comply with Phase 2 regulations. If approved, they will be ready to go in two weeks. Employees will be limited to two people working a shift at a time.

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

2. Administrative Orders

- a. Vote to approve application to the Division of Ecological Restoration (DER) for priority status for Upper Coonamessett River project

Betsy Gladfelter explained that the lower Coonamesset River construction is complete. Designated a priority River, they qualify for technical support and contract with experts for various things that need to be done, and they have given money directly. Asking for priority status for the upper river, two miles up the river near Broad River. In the 1800's ditches were dug down to ground level to connect the ditches, they would work with Division of Ecological Restoration , many culverts can be eliminated and result in continuance of the river. She is asking for approval by the Board and hoping for a letter from Mr. Suso tomorrow so she can submit it electronically. There is no obligation from the Town from any money for this.

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

- b. Vote to accept federal grant funds from the Department of Justice for the FY2020 Coronavirus Emergency Supplemental Funding (CESF) grant in the amount of \$36,698.00

The Board has a letter from Chief Dunne explaining how the grant would be allocated. This is a federal grant that can be spent going back to January to be used for supplies, overtime, and related expenses for COVID-19. They use outside service when they have individual who has COVID. They continued training their cadets and instructors got paid overtime for that. \$23,000 for personnel and \$13,698 supplies. No officers have been found positive for COVID-19.

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

- c. Vote to authorize the New Silver Beach Improvement Association to file a Notice of Intent with the Conservation Commission for an Order of Conditions to rake/screen the town beach parcel 04A 41 000 098 on Moses Road in the New Silver Beach neighborhood

Mr. Suso explained that previous action by the Board was not on point, Town Counsel suggested that the Board consider re-voting this due to the language of motion in email in packet. The order of conditions is not completed because this is missing in the package.

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

- d. Vote to accept donation from the Teaticket Village Association in the amount of \$500.00 to the Veterans Services donation account

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

3. Special Events

- a. Vote to approve request for variance with modified plan to include social distancing procedures – Sunday Worship Services – John Wesley United Methodist Church – Surf Drive Beach – Sundays, July 5, 2020 – September 6, 2020

Mr. Patterson read the conditions into the record.

The Reverend has support from the Acting Beach Superintendent for the services. 7:15am-8:15 am.

Mr. Suso noted they would like the fee waiver.

Mr. Patterson motion approve permit as specified with appropriate relaxation on fees. Second Ms. Taylor. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

- b. Vote to approve application for special event – Food 4 Vets – food pickup for Veterans – reserved lot at Cape Cod Fairgrounds – Thursday, June 25, 2020

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

BUSINESS

- 1. Discussion/update on COVID-19 issues

Scott McGann confirmed tests 58. Falmouth's numbers around 195. Around 12-13% of the county's numbers. State numbers when under 3% it is considered under control, the State met this last week. Continue to be aggressive with contact tracing. Lots of questions from restaurants.

Nursing home and congregate living, they are going to get better, nursing homes there were issues are down. It would be good to test employees several times a week. Better the tests get, we can get those who are positive out of the nursing home. Fallon and the National Guard are offering testing.

- a. Update on planned cancellation of traditional recreation summer camp and discussion of alternative programming

Much discussion since guidelines came down from the Governor. Peter Johnson-Staub said that we are very aware of importance of the summer recreation program, affordable, staff does great job, and something they did not make a quick decision on it. The guidelines required keeping kids 6 feet apart as much as possible and wearing masks when they cannot be 6 feet apart. When kids interact and naturally do, they want to be near each other. The community will have to begin confronting these issues, even with measures in place, it will not be perfect and there will be some risk and experience not as positive to them as accustomed. Creating COVID risk and not a great experience, it was found this was not a good thing for the community. No offsite field trips, which is a huge component of the program. Small groupings of 10 students with 2 staff members have also shaped this discussion.

Mr. Olenick's main concern was a great experience for the kids, play a lot of active sports games and running around, they were discouraging all of that. No in house shows, have to stay on grounds, no playground, keeping masks on; several children who would refuse to wear a mask, this could create an issue. Staff were nervous for the kids and themselves. What kind of experience can they be given compared to what they are used to.

Temperature taking at drop off inhibits the use. 50 kids maximum and would take an hour and half to get them in.

Alternative programming was considered that would give shorter programs, about 6 programs have been developed. In addition to sailing and junior golf. They will look at running Mon-Thurs for 2 hours including soccer for 10 kids 9am-11am, each will have their own soccer ball and socially distance, sanitize balls, basketball in afternoon. Pickleball program, volleyball, arts and crafts outside, some assorted other programs. Options and timeliness registration will be posted online next week.

Public can use fields, Mr. Olenick has asked for field reservation form, insurance, and COVID guidance plan. Groups of 10 or less, no games until phase 3. The fields are looking good.

- b. Status/update on expedited temporary permit/license process for outdoor restaurant seating

Mr. Suso provided a status report, as of end of today there had been 5 licenses issued, another in process. 13 applications in staff and legal review, brought to closure in the next day or so. Two others are missing information and applicants have been asked for that information. Received about 2 dozen applications in all.

Mr. McGann noted state says 6 feet between tables, people needs to be 6 feet apart. Tents are fine, as long as less than 50% and ways patrons come in and out.

Chief Small noted no overriding concerns, they recommend those putting seating in parking areas, recommend as robust a barrier from vehicle traffic and seating area. Ultimately up to the businesses and people sitting there.

Chief Dunne noted barriers for pedestrians, patrons, and vehicles. Concern about alcohol service beyond the limits the licensing supports, they dealt with that with owner of the business and will forward info to the Board. Officers did address some concerns.

Mr. Jones heard about walkways blocked by tables. Mr. Suso was gratified that to date most restaurant operators have been conscientious and cautious. One exception, he will get that information to the Board because he is confident that will be corrected. Emails regarding insufficiently wide corridors maintained in a certain location and they are working with the business.

Pop up car show that occurred in Town was discussed, complaint was no social distancing and no masks, they were advised and then shut it down.

Mr. Brown said that people from other states where social distancing is not done may need to be reminded to be more careful. Is there ability to offer restaurants with outdoor space to apply for a supplement, Chair English Braga noted the Chamber has sent out the message. Regardless of whether you want to add to outdoor space or create that, put the plan together and provide a checklist and the Town can look at it.

The Town should keep up the education with the electronic sign boards and businesses are posting them as well.

Chair English Braga recognized announcement from Chief Small that he will retire after over 30 years of service, his leadership will be missed. He has brought the connection to the fire fighters, building the rapport with the Town while supporting the firefighters and residents. Thanked for his service.

Mr. Suso explained there is a civil service process to follow for requisite approval from the State to select Chief Small's successor. An outside assessing firm will be brought in to work with position candidates.

2. Discussion and consideration to approve proposed phase II solar at Falmouth landfill

EDIC requested this be put over.

Mr. Jones feels there is a good proposal going forward and he would like to continue with how it is set up.

Mr. Suso reported the Town has been urged by Citizens and the EDIC that this has to be done by the Board in June due to federal changes. Town Counsel worked to try to respond to that demand received and it was communicated to Board members consistently, the next regularly scheduled Board meeting is 7/13/20. They understood Phase 2 solar was a priority. Outside counsel that was secured could have talked with Atty. Duffy, but they made their opinion and characterized Town Counsel's analysis. This did not occur before, and Town Counsel remains available to talk with any attorney. Now June is not an urgent date anymore. The last minute request for delay is confusing.

Atty. Duffy said this project was reported to be urgent and they have been trying to get this resolved, until a month ago when EDIC was trying to coordinate the lease with the loan program. Today when he noted approaching the deadline and not meeting for another month, he crafted a couple of motions the Board is being asked to approve. The Board can acknowledge the solar agreement and come forward with the details of the recovery loan program and Town's authority to contribute is confirmed.

Public Comment: none.

Mr. Jones move the approval of Inter-Governmental Agreement by and between the Town of Falmouth and the Falmouth Economic Development and Industrial Corporation (EDIC) for the Phase 2 area of the Solar Project at the town's capped landfill, being 18.8 (+/-) acres, for a term of twenty five (25) years, and for rent equal to fifty (50%) of the rent to be received by the EDIC from Falmouth Landfill Solar II, LLC, the selected solar developer of Phase 2 and presently represented to be \$177,650.00 per year. I further move the board acknowledge that the EDIC may request an adjustment of the rent to help fund a proposed EDIC Recovery Loan Program to assist small business in Falmouth with job retention and expansion associated with the COVID-19 pandemic at such time as the Recovery Loan Program is authorized and has legal existence with the Select Board's decision to be deferred until such time as details about the Recovery Loan Program are known and evaluated and the town's authority to contribute has been confirmed. Second Mr. Brown. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

The Contract and Sublease Agreement. Mr. Jones move the board acknowledge that the EDIC intends to sublease the Phase 2 area of the Solar Project at the town's capped landfill described in the Inter-Governmental Agreement previously approved by this board to Falmouth Landfill Solar II, LLC for the development of Phase 2 of the Solar Project at the town's capped landfill and that the town assents to the Contract and Sublease Agreement as presented. Second Mr. Patterson. Roll Call

Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

Solar On Bill Credit Agreement. Mr. Jones move the approval of the Solar On Bill Credit Agreement by and between the Town of Falmouth and Falmouth Landfill Solar II, LLC whereby fifty (50%) percent of the on bill credits generated by the operation of the Phase 2 solar project at the town's capped landfill will be sold to the town at the SMART utility tariff rate less a discount of twenty (20%) percent and the remaining on bill solar credits will be allocated to low income residents in the Town of Falmouth. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

3. Vote to affirm FY21 2% COLA for non-union employees

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

4. Minutes of meetings:

- a. Public session – June 1, 2020

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

5. Individual Select Board member's reports

Mr. Patterson:

Attended the EDIC meeting, they are moving forward with Energy Application they are submitting and would like the Board to think about diversifying the EDIC board. Falmouth Bus station is operating, the grille is open. COVID-19 pandemic has slowed down the implementation of the Main Street broadband project, have about 20 signed up.

Sen. Moran listened to Zoom Meeting of the Cape and Islands Selectmen's Council Association, new President of the CCISIA, much discussion about similar issues discussing in Town, including facing Town Meetings. Sandwich held their Town Meeting and did so indoors with a shortened agenda. Sandwich Representative said be careful about shortening agendas and not posting them. Orleans and other towns on lower cape have sharks present and are hiring EMTs.

Attended School Committee Meeting, students and teachers are challenged by online learning.

Staff working to develop a productive routine, many children have dropped out of the learning process.

Superintendent noted that staff are trying hard to anticipate what the Fall restrictions will be and developing a plan.

6. Town Manager's report

- a. Annual compensation adjustment for Sealer of Weights and Measures position
This position has been overlooked for cost of living adjustments to 2009, at that time compensation was \$10,400 and he would like to adjust to \$13,000 annually, effective this calendar year.
- b. Update on Fire Chief retirement – Civil Service process
- c. COVID-19 funding opportunity is has been filed, worked with EDIC, Planning Dept, and others to assemble this and would provide microenterprise to those who qualify.
- d. Town Meeting 6/22/20 at FHS stadium.
- e. The Board annual strategic planning retreat, 6/29.
- f. Next regular Board business meeting is 7/13/20.

Chair English Braga noted they can consider an ability to do their retreat with social distancing but in person. About 8 individuals will be in attendance, which include the Board and staff. Mr. Suso will look at some spaces.

Mr. Jones motion to adjourn at 9:42 pm. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Chair English Braga, aye.

Respectfully Submitted,

Jennifer Chaves