

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
SATURDAY, MARCH 5, 2022 – 8:30 A.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted.

8:30 a.m. OPEN SESSION

8:30 a.m. EXECUTIVE SESSION

1. M.G.L. Ch. 30A, s. 21(a)(3) – Discuss strategy with respect to collective bargaining with Falmouth Firefighters Local 1397

9:00 a.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance

9:05 a.m. BUSINESS

1. Further discussion on Select Board recommendation for Town Meeting Article 25
2. Discussion of Select Board policy for disposition of items valued less than \$10,000.00
3. Discussion of other Select Board policies
4. Other business
5. Adjourn

Douglas C. Brown, Chair
Select Board

OPEN SESSION

1. Further discussion on Select Board recommendation for Town Meeting Article 25

ARTICLE 25: To see if the Town will vote a second time to authorize the Select Board to take all necessary and appropriate action to establish and maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of Department of Public Utilities and the Department of Telecommunications and Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and related services, or take any action relative hereto. On petition of FalmouthNet, Inc.

OPEN SESSION

2. Discussion of Select Board policy for disposition of items valued less than \$10,000.00

DRAFT
March 5, 2022

TOWN OF FALMOUTH
SELECT BOARD
DISPOSITION OF SURPLUS MATERIALS, SUPPLIES AND EQUIPMENT POLICY

From time to time, the Town of Falmouth finds it necessary to dispose of materials, supplies and equipment (property) that are no longer needed or useful. The following procedure outlines the process to be followed in the disposition of surplus property with an estimated value of under \$10,000. Surplus property included in this procedure is defined as items no longer useful to the governmental body but having resale value.

1. Surplus Property shall be declared surplus by the department head and Town Manager in writing.
2. The list of surplus equipment shall initially be offered to a Town Department.
3. The Town Manager determines the value of the surplus equipment using procedures customarily accepted in commerce.
4. If the Town Manager determines that the surplus property has no resale or salvage value, he/she shall dispose of such equipment at the least cost to the Town.
5. For surplus property that has a resale or salvage value, the property may be disposed of pursuant to the procedure set forth below:

The Town Manager may advertise the sale of the items on the Town's website and/or local newspaper or seek informal quotes.

If applicable trade in surplus property to be used as a credit toward purchase.

Donate to a government entity or charitable organization provided it is a recognized IRS 501(c)(3).

OPEN SESSION

3. Discussion of other Select Board policies

	Policy	Date Adopted	Notes
1	Alcoholic Beverage Regulations	06/06/1994	
2	Alcoholic Beverages License Violation Policy	02/22/2016	
3	Ambulance Billing Policy	09/21/1998	
4	Banners	04/24/1995	
5	Beach Use Policy	08/08/2011	
6	Betterments (Water Mains)	02/12/1997	
7	Betterments (Acceptance of Roads)	03/10/1994	
8	Class II Motor Vehicle License Policy	09/07/1999	
9	Code of Conduct	08/09/2010	
10	Committee Appointment Policy	12/07/2020	
11	Committee Handbook	11/09/2020	
12	Complete Streets Policy	12/16/2019	
13	Conservation Restriction Policy	?	
14	Constable Appointment Policy	11/20/2017	
15	E-mail Policy for Public Bodies	10/28/2019	
16	Fee Waiver Policy	02/11/2016	
17	Fiscal Policy	09/11/2017	
18	Financial Policies	09/ /2006	
19	Fraud Policy	01/03/2011	
20	Handicap Placard Regulation	10/25/1993	
21	Inclement Weather Policy	12/31/2008?	Town Mgr./Personnel/AFSCME
22	Liaison Policy	09/24/2012, 12/07/2020	
23	License Issuance	02/08/1993	Update/format
24	Meals Tax Policy	12/03/2012	Update
25	Meeting Records	01/09/1995	
26	Memorial Bench Policy	?	Handled by DPW
27	Metal Detecting Policy	03/06/2020	
28	Mooring Regulations	11/24/1997	Update
29	Municipal Vehicle Policy & Procedure	12/29/2005	Update
30	Naming Policy	12/06/2010	
31	Online Posting Policy	09/26/2011	
32	Operating Budget Policy	08/30/2021	
33	Permit Issuance	07/06/1993	
34	Public Comment Policy	01/28/2019	
35	Recycled Products Procurement Policy	12/15/1997	
36	Remote Participation Policy	09/13/2021	
37	Shellfish and Herring Regulations	09/09/2002	Town Code?
38	Special Events Policy	02/28/2022	
39	Steamship Authority Goals and Objectives	12/17/2001	
40	Town Accepted Roads	03/15/1994	
41	Town Acceptance of Gifts of Land	02/01/1994	
42	Town Hall Temporary Physical Display Policy	05/23/2016	
43	Traffic Calming and Traffic Management Policy	05/22/2006	
44	Travel Expense	03/28/1994	
45	Veterans Council Policy	03/08/2001	
46	Water and Sewer Standards	08/23/1999	
47	Water Notification Protocol	10/22/2012	
48	Woods Hole Parking Regulations	03/27/1995	Update, Police?
49	Whistleblower Protection Act		Personnel. Remove?

Ambulance Billing Policy

Town of Falmouth

Ambulance Billing & Abatement Policy

September, 1998

Original bills will be mailed to the recipient of the ambulance services within 30 days of use of the Falmouth ambulance. Reminder bills will be mailed at 30 days and at 60 days from the date of the first billing. If no response is received from the user of the ambulance within 120 days of that use of the ambulance, the account will be deemed delinquent.

Bill forms will contain an information statement providing users with an opportunity to explain any reasons why it is not possible to pay the balances due. Payment schedules over time will be accommodated, if warranted in the judgment of the town.

Delinquent bills may be subject to the use of a collection agency, at the discretion of the town. These bills will customarily involve persons not responding to the billing statement, or such categories as motor vehicle accident "skips", in which insufficient or false user information is supplied to the ambulance attendant.

Uncollected bills may be abated by the Town Administrator in the following circumstances:

1. Charges to residents of the Town of Falmouth who provide satisfactory evidence of inability to pay outstanding amounts.
2. Charges to persons with proof of allowed free medical services, as provided by Falmouth Hospital.
3. Charges to Commonwealth of Mass., Health and Human Services, Division of Medical Assistance, benefit recipients.
4. Charges in exceptional cases which, in the opinion of the Town Administrator, warrant abatement of some or all of outstanding amounts.

ADOPTED BY BOARD OF SELECTMEN
9-21-98

Conservation Restriction Policy

**Town of Falmouth
Conservation Restriction Policy**

Whereas, the protection of the environment, including clean air, pure water resources, scenic areas, open space, natural habitat of fish, wildlife and plants, is a primary concern of the Town of Falmouth; and

Whereas, the Town prepared an Open Space and Recreation Plan in 1986 to establish a strategy to protect the natural resources cited above (which strategy includes the preservation, through acquisition and/or regulatory strategies of unique and ecologically valuable land areas); to protect wildlife, fin fish and shellfish resources, to pursue a variety of land acquisition and protection strategies, including conservation restrictions, to promote greenbelts in Falmouth by linkage of existing and potential conservation and recreation areas, and to encourage the offering of gifts of land from the private sector to assist in the procurement and protection of open space; and

Whereas, conservation restrictions pursuant to Massachusetts General Laws, Chapter 184, Section 31 et seq. are a proper means to implement appropriate objectives of the Open Space and Recreation Plan; and

Whereas, the Board of Selectmen and the Conservation Commission must determine the extent to which a conservation restriction on a particular property will yield significant public benefits such as protecting water resources, clean air, and views and vistas; preserving open space, forest lands, and natural habitat of fish, wildlife or plants; adding to existing contiguous restricted land, and providing scenic enjoyment, outdoor recreation and education of the public if land is open to the public (but a lack of public access will not necessarily be determinative of whether or not significant public benefit exists).

NOW, THEREFORE, the Board of Selectmen declares it to be a policy of the Town of Falmouth to accept and/or approve permanent conservation restrictions that provide significant public benefits as enumerated above; and that conservation restrictions may be held by the Town of Falmouth or state or federal agencies or qualified conservation organizations within the meaning of Section 170 of the Internal Revenue Code; and that conservation restrictions held by the Town will be controlled and enforced by the Conservation Commission; and that approval of the conservation restrictions by the Board of Selectmen as required by Massachusetts General Laws, Chapter 184, Section 31 et seq. shall be conclusive confirmation that the same yield significant public benefits of the type cited herein.

**Town of Falmouth
Conservation Restriction Policy**

**CONSERVATION RESTRICTION PROCEDURES
ACTION SCHEDULE**

Action by Landowner	Action by Town of Falmouth
1. Owner seeks information on Conservation Restrictions, and seeks advice of a qualified appraiser (See 11 and 15) below if income tax deduction will be sought.	2. Conservation Commission or Town Assessor provides Owner with information packet.
3. In consultation with the proposed holder of the Conservation Restriction ¹ owner prepares proposed Conservation Restriction and Application and sends it to <i>Division of Conservation Services (DCS)</i> for preliminary review and approval.	
4. If applicable, Owner secures subordination of any outstanding mortgage on property to be subject to Conservation Restriction from the holder of the mortgage.	
5. Upon receipt of preliminary DCS approval, Owner files Conservation Restriction and Application with Conservation Commission.	6. Within 90 days, Conservation Commission Staff: (1) evaluates size, location, and environmental value of land (2) reviews and negotiates proposed Conservation Restriction with Owner; (3) forwards proposed Conservation Restriction to Town Counsel for review; and (4) schedules review of proposed Conservation Restriction at a Conservation Commission meeting.
7. Upon approval of Conservation Restriction by Conservation Commission ² and Town Counsel Owner submits proposed Conservation Restriction and application to Board of Selectmen.	8. Selectmen seek written recommendations from Town Assessors, and schedule a meeting date to review the proposed Conservation Restriction.
	9. Within 90 days of receipt of proposed Conservation Restriction and application, Selectmen will act on

¹ The holder of the Conservation Restriction may be the Town of Falmouth through its Conservation Commission, State of Massachusetts, United States, or other qualified conservation organization such as The 300 Committee, Inc., Salt Pond Bird Sanctuaries, Audubon Society, Trustees of Reservations, etc. The Municipal Certification, which is attached to the Conservation Restriction Application, does not need to be completed and submitted for preliminary review by the Division of Conservation Services.

² If the Town of Falmouth is the proposed grantee of the Conservation Restriction, the Conservation Commission will be required to sign the Conservation Restriction. The Conservation Commission will also be required to sign the Municipal Certification, which is attached to the Division of Conservation Services application form, whether or not the Conservation Commission is the proposed grantee of the Conservation Restriction.

**Town of Falmouth
Conservation Restriction Policy**

	restriction.
10. Owner forwards signed Conservation Restriction and Municipal Certification, and executed Subordination Agreement (if applicable) to DCS for approval by Secretary of Environmental Affairs	
11. Owner secures an appraisal of value of unrestricted property and of restricted property to establish income tax deduction, if claiming more than \$5,000 deduction on federal income tax (optional).	
12. Final Conservation Restriction approved by Town and State is recorded at Barnstable County Registry of Deeds, at Owner's expense, in Public Restriction Tract Index.	
13. Owner files with Falmouth Board of Assessors for reduction of next fiscal year's property tax.	14. Assessors vote to reduce assessment based on their established policy for reduction; basis for assessment is permanent as long as the land upon which the Conservation Restriction applies remains relatively unchanged. Owner does not have to re-file each year.
15. Owner deducts value of donated restriction on income tax form (optional).	

**Town of Falmouth
Conservation Restriction Policy**

GUIDELINES FOR APPROVAL OF CONSERVATION RESTRICTIONS IN THE TOWN OF FALMOUTH

1. GENERAL INFORMATION

The following guidelines outline the procedures for placing Conservation Restrictions on land in the Town of Falmouth, Massachusetts. These guidelines conform to the General Laws, Chapter 184, Section 31-33.

- A. A Conservation Restriction is defined as a property interest, which thereafter limits in perpetuity the future use of the land in order to retain it in its natural, scenic, or open condition, or in agricultural or forest use. It may also be referred to as a conservation easement, though the Town prefers the term "Conservation Restriction".
- B. There is no standard form for a Conservation Restriction, but the DCS has included a sample form in its handbook³. The guidelines serve as a model and are designed to make the process orderly and expedite filing.
- C. The Conservation Restriction is a legally enforceable agreement between the Owner and the Town or another eligible grantee such as The 300 Committee or the Massachusetts Audubon Society. The owner retains title to the land, and the public does not have a right of access to the land unless the Conservation Restriction grants such access.
- D. The owner has the right to use the restricted land as he or she wishes so long as the uses do not violate terms of the agreement. Penalties for violating the agreement will include injunctions and/or money damages.

2. BENEFITS TO THE TOWN

Permanent Conservation Restrictions benefit the Town and its citizens and the citizens of the Commonwealth by providing various types of protection to the land. These benefits (for example, the furtherance of Town policies regarding open space plans, recreation, etc.) should be detailed in the Conservation Restriction itself. The land so restricted is generally left undisturbed except as specifically stated in the Conservation Restriction.

- A. The purpose of the restriction may include, but is not limited to, one or more of the following:
 - 1. to protect groundwater quality for drinking purposes
 - 2. to permanently protect open space
 - 3. to prevent filling of a floodplain or disturbance of wetlands
 - 4. to insure that land remains in farming, forestry, or outdoor recreation
 - 5. to protect marine water quality
 - 6. to preserve and protect a trail, shoreline, or beach
 - 7. to prevent the cutting of trees or forests
 - 8. to limit or prevent construction on land of natural resource value
 - 9. to preserve a scenic view, e.g., a "window to the sea"
 - 10. to add to existing restricted land which is contiguous to the land proposed to be restricted
- B. Additional values of permanently restricted land to the Town are:
 - 1. The difference between the cost of potential municipal services against potential tax revenues. Studies have indicated that restricted land generates a substantial net savings to the Town;
 - 2. The financial benefit to the Town of a voluntary gift of land to preserve land bank/open space acquisition funds, and/or to preserve land in perpetuity, which might not be affordable for

³ Division of Conservation Services, *The Massachusetts Conservation Handbook* (see attached List of Resources on Conservation Restrictions)

Town of Falmouth Conservation Restriction Policy

purchase by the Town (e.g. waterfront property). For these reasons, every effort should be made to promote Conservation Restrictions in the Town.

3. BENEFITS TO THE LANDOWNER

The Owner will realize tax relief as a result of granting a Conservation Restriction on property. This tax relief may be reduced real estate taxes, income and estate (death) taxes. Real estate tax benefits are described in Section 6.

Conservation Restrictions may have inherent value to the Owner as well since he/she may thereby be able to maintain larger parcels of land intact. The integrity of land under perpetual restrictions is also maintained after death.

Conservation restrictions are recorded in the Public Restriction Tract Index at the Barnstable County Registry of Deeds. This places the parcel in a special position of safety.

4. PROHIBITIONS AND PERMITTED USES

A. Section 31 of Chapter 184 of the Massachusetts General Laws lists the following six categories of activities or uses that most Conservation Restrictions forbid or limit.

1. No building, road, sign, outdoor advertising display, mobile home, utility pole or other temporary or permanent structure will be constructed, placed or permitted to remain on said parcel.
2. No soil, loam, peat, gravel, sand, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or unsightly or offensive material will be placed, stored or dumped thereon.
3. No loam, peat gavel, sand, rock or other mineral resource or natural deposit shall be excavated or removed from said parcel in such a manner as to affect the surface thereof.
4. No trees or other vegetation shall be cut or otherwise destroyed.
5. No surface use will be allowed except for agricultural, farming, forest or outdoor recreational purposes or purposes permitting the land or water area to remain predominantly in its natural condition.
6. There shall be no activities detrimental to drainage, flood control, water quality, water conservation, erosion control or soil conservation.

Other additional prohibitions or limitations on other uses or activities (such as those listed in paragraph C below) may be negotiated between the Owner and the holder of the Conservation Restriction.

B. Separately from the list of prohibited activities and uses, the Owner may reserve the right to conduct or permit activities or uses (with or without the approval of the grantee) not inconsistent with the intent of the restriction, if specifically stated in the restriction document.

C. Activities or Uses that may be Prohibited or Allowed.

Town of Falmouth Conservation Restriction Policy

The following is a list of allowable and prohibited uses. These examples are for illustration purposes only and are **general** in nature. Each Conservation Restriction request will be reviewed individually and specific uses will be determined during this review.

ALLOWED USES	PROHIBITED USES
<ul style="list-style-type: none"> - hay harvesting including salt marsh hay - cutting of vegetation for scenic vistas and to prevent disease - private supply well - public access for passive recreation, nature study - approved agriculture and woodland management - establishment and/or maintenance of foot trails, including cutting of brush, slope stabilization and grading - improvements of existing structures - control of predators - boardwalks and stairs - signs to denote animal nesting areas, e.g. terns - means of access to contiguous non-restricted areas 	<ul style="list-style-type: none"> - motor vehicle use, including snowmobiles, ATV's or ORV's - parking areas - hunting, trapping, fishing - dock, mooring or boating facility - mobile homes - pesticide use - fences - grazing of domestic animals - alteration of natural watercourses, shores, marshes or other water bodies or water purity, water level and/or flow - subsurface sewage disposal systems - gardens for home consumption - mosquito control

Specificity in the restriction document prevents confusion later over what is and is not allowed on the parcel.

5. SIZE REQUIREMENTS

Any size parcel shall be eligible to have a Conservation Restriction submitted for approval. The size of the parcel to be restricted will, however, be one of the factors considered by the Conservation Commission and Board of Selectman in determining whether a Conservation Restriction will be in the public interest or will provide significant public benefit. In any event, the size of the area on a parcel proposed to be restricted should be sufficient to protect the resources that the Conservation Restriction is intended to preserve.

6. REASSESSMENT FORMULA

Properties encumbered by approved and recorded (or registered) Conservation Restrictions will be assessed for real estate tax purposes as follows:

First, the current fair market value of the parcel will be determined as if the parcel were not encumbered by or subject to the Conservation Restriction.

Second, generally, such unencumbered fair market value will be adjusted according to the following criteria:

Closed to the Public

In general, the assessed value of a parcel encumbered by a Conservation Restriction in perpetuity, which does not permit or which *prohibits* public access to the property, will be 20% of the parcel's unencumbered fair market value.

Town of Falmouth Conservation Restriction Policy

Open to the Public

In general, the assessed value of a parcel encumbered by a Conservation Restriction in perpetuity, which does *not prohibit* or restrict public access, will be 5% of the parcel's unencumbered fair market value.

Notwithstanding the foregoing, the terms of each Conservation Restriction will be reviewed on a case by case basis, and a parcel's assessed value may be reduced by less than the foregoing baseline reductions (i.e., 80% and 95%) because of individual factors, such as specific uses or activities reserved for the parcel by the landowner in the Conservation Restriction and limitations or restrictions on public access.

For parcels on which structures or other improvements are located, if the Conservation Restriction covers the entire parcel, the structure(s) and the area satisfying the minimum lot requirement will be assessed and taxed at the unencumbered fair market value (i.e. there will be no reduction in assessments or taxes for the structure(s) or other improvements or the minimum lot area). The excess land will receive the benefit of the 80% or 95% reduction.

Structures or sites that are historically, architecturally or archeological significant may be eligible for preservation restrictions as defined in the second paragraph of Section 31 of Chapter 184 of the Massachusetts General Law.

All restricted properties must allow on-foot access to officials of the holder of the restriction in order to monitor compliance with the terms and conditions of the Conservation Restriction. In the case of the town as the holder of the Conservation Restriction, the Conservation Commission will be the monitoring agency.

Any land already subject to statutory agricultural or recreational abatements cannot be considered simultaneously eligible for a Conservation Restriction property tax reduction. Landowners with these other abatements, however, may elect to replace their temporary reduction status with a permanent Conservation Restriction.

7. ASSESSMENT PERIOD COVERING CONSERVATION RESTRICTIONS

To receive tax benefits, the landowner must record the Conservation Restriction must by January 1st preceding the beginning of the fiscal year (e.g. restrictions recorded before January 1st, 2001 will receive tax benefits beginning in fiscal year 2002). It is not necessary for the landowner to apply for reduction yearly.

8. RELEASE OF CONSERVATION RESTRICTIONS

In order for the community to make proper and accurate land use decisions for the future, it must be able to ensure that protected open space remains protected. For that reason, Conservation Restrictions are intended to be in effect in perpetuity. Only in cases of demonstrated extreme hardship or public necessity, and after a public hearing and public notice, will the Town consider releasing any restriction. The Town will follow established procedures including:

- two-thirds majority vote of the Conservation Commission (if the Town is the holder of the restriction)
- two-thirds majority vote of the Board of Selectmen, following advice from the Conservation Commission (for all restrictions); and,
- two-thirds majority vote of the Town Meeting.

Release procedures also require acquiescence by state officials:

- approval by the Secretary of Environmental Affairs, after review through the Massachusetts

**Town of Falmouth
Conservation Restriction Policy**

Environmental Policy Act; and,

- two-thirds majority vote by the Massachusetts General Court and signature by the Governor.

In considering release, the Town may impose financial penalties, including repayment of saved property taxes plus ten percent interest, or require other forms of compensation, such as the Owner's protection of an equivalent parcel of open space.

Town of Falmouth
Conservation Restriction Policy

Appendix

List of Resources
on
Conservation Restrictions

A. Statutes and Regulations

1. Massachusetts General Laws Chapter 184, Sections 31-33.
2. 26 C.F.R. §1.170A-14 (Internal Revenue Service regulations for "qualified conservation contributions.")

B. Publications

1. The Massachusetts Conservation Restriction Handbook. Issued by The Commonwealth of Massachusetts Executive Office of Environmental Affairs Division of Conservation Services. (See below for contact information.)
2. Land Conservation Options - A Guide for Massachusetts Landowners. Published by The Trustees of Reservations. (See below for contact information.)
3. Conservation Options A Landowner's Guide - How to Protect Your Land for Future Generations. Published by the Land Trust Alliance. (See below for contact information.)
4. The Conservation Easement Handbook and Model Conservation Easement and Historic Preservation Easement, 1996. Both published by Land Trust Alliance.
5. Stephen J. Small, Preserving Family Lands: Book I and Preserving Family Lands: Book II. Available from Preserving Family Lands, P.O. Box 2242, Boston, MA 02107 or Landowner Planning Center, P.O. Box 4508, Boston, MA 02101 or from Land Trust Alliance.
6. The Federal Tax Law of Conservation Easements. Published by the Land Trust Alliance.

C. Land Conservation Organizations and Agencies.

1. The 300 Committee
157 Locust Street
Falmouth, MA 02540
Tel: 508-540-0876
Fax: 508-457-6406
E-mail: saveland@cape.com
2. Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Division of Conservation Services
251 Causeway Street, Suite 900
Boston, MA 02114-2119
Tel: 617-626-1010
Fax: 617-626-1181
Web site: www.magnet.state.ma.us/envir
3. The Compact of Cape Cod Conservation Trusts, Inc.
3239 Main Street, P.O. Box 443
Barnstable, MA 02630
Tel: 508-362-2565
Fax: 508-362-4480
E-mail: compact@cape.com
Web site: www.compact.cape.com
4. The Trustees of Reservations
Long Hill
572 Essex Street
Beverly, MA 01915-1530
Tel: 978-921-1944
Fax: 978-921-1948
E-mail: ttorgq@ttor.org
Web site: www.the trustees.org
5. Land Trust Alliance
1331 H Street N.W., Suite 400
Washington, D.C. 20005
Tel: 202-638-4725
Fax: 202-638-4730
E-mail: lta@lta.org
Web site: www.lta.org

Inclement Weather Policy

TOWN OF FALMOUTH

INCLEMENT WEATHER POLICY

Please be advised the following policy applies to all members of the AFSCME Bargaining Unit and should be used as a standard for other employees with the exception of Police Officers and Fire Fighters.

Policy:

It is intended that Town Hall shall be open during its normal hours regardless of weather conditions. Employees ordinarily assigned to work at Town Hall are to report to their departments at the regularly scheduled time.

Other Town buildings/departments, such as but not limited to the Public Library and Gus Carty Recreation Center, may not have available parking and therefore may not open at all or may have a delayed opening. Employees located at these buildings are to report to their respective departments as directed by their department head. In accordance with the AFSCME Bargaining Agreement, employees will receive pay for the period their work place remains closed not to exceed three days.

Application:

Employees who report to work in all departments and locations shall be paid at their ordinary rate of pay. Employees who arrive late but within two hours of the regularly scheduled time shall be paid for the full shift.

Employees who do not report to work at all shall have the time their assigned building was opened to employees deducted from their vacation leave or from their total hours of pay if vacation leave is not available.

The decision to close a department and/or Town Hall remains with the Town Administrator. Should the Town Administrator decide to close Town Hall, employees will be notified through an announcement on radio station WCIB, 102 FM. Department Heads will also be notified by telephone.

No policy or guideline can provide answers to all possible flukes of nature. The intent of the above is to reaffirm policy for ordinary New England weather storms.

12/31/08



TOWN OF FALMOUTH
59 TOWN HALL SQUARE
FALMOUTH, MA 02540

November 5, 1996

TO: Department Heads
FROM: Peter F. Boyer
Town Administrator
RE: INCLEMENT WEATHER POLICY

Please be advised the following policy applies to all members of the AFSCME Bargaining Unit and should be used as a standard for other employees with the exception of Police Officers and Fire Fighters.

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Town Hall shall be open during its normal hours regardless of weather conditions. Employees ordinarily assigned to work at Town Hall are to report to their departments at the regularly scheduled time.

Other Town buildings, such as but not limited to the Public Library and Gus Cauty Recreation Center, may not have available parking and therefore may not open at all or may have a delayed opening. Employees located at these buildings are to report to their respective departments as directed by their department head. In accordance with the Bargaining Agreement, employees will receive pay for the period their work place remains closed not to exceed three days.

Application

Employees who report to work in all departments and locations shall be paid at their ordinary rate of pay. Employees who arrive late but within two hours of the regularly scheduled time shall be paid for the full shift.

Employees who do not report to work at all shall have the time their assigned building was opened to employees deducted from their vacation leave or from their total hours of pay if vacation leave is not available.

No policy or guideline can provide answers to all possible flukes of nature. The intent of the above is to reaffirm policy for ordinary New England weather storms.

I remind department heads situated at Town Hall this building and all departments are expected to remain open and the decision to close this building remains within the Selectmen's/Administrator's Office. Should the Town Administrator decide to close Town Hall, employees will be notified through an announcement on radio station WCIB, 102 FM. Department Heads will also be notified by telephone.

Memorial Bench Policy



TOWN OF FALMOUTH
 59 Town Hall Square
 Falmouth, MA 02540
 508-548-7611 / Fax: 508-457-2511
 DPW/Parks: 508-457-2543

Memorial Bench Policy and Application

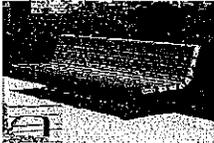
In response to active interest from family members and friends seeking to install memorial benches, or other, in Falmouth's many wonderful scenic and spiritual locations, the Town has developed the following Memorial Bench Policy:

LOCATIONS: The Parks Department Superintendent must approve bench locations, and final location may be subject to change depending on installation conditions.

REPLACEMENT: The Town **will not be responsible for replacement of damaged or stolen benches**. The Town reserves the right to remove deteriorated benches that are neglected.

MAINTENANCE: *Flowers, vegetation, crosses, pictures & other are strictly prohibited on or near the bench site.*

SPECIFICATIONS: Benches shall be: *Bench 88PL, Recycled Plastic Park Bench (See Page 2)*



All Benches will be bolted down on an installed steel reinforced concrete pad, minimum thickness 4". Pad will extend 1' beyond the outside edges of bench.

PLAQUE INSCRIPTION: Inscriptions on bench slats shall be kept to a minimum (*up to two names per plaque*).

EXAMPLE: **In memory of Jane Doe or**
In memory of Jane Doe and John Doe

EXAMPLE: **In loving memory of Jane Doe or**
In loving memory of Jane Doe and John Doe

Plaques for plastic slat benches shall be 3"x 8" brass and shall be centered on the top slat on the front or back of the bench. The same wording restriction applies as above. The plaque can be purchased from the same vendor as the bench.



TOWN OF FALMOUTH
59 Town Hall Square
Falmouth, MA 02540
508-548-7611 / Fax: 508-457-2511
DPW/Parks: 508-457-2543

Memorial Bench Policy and Application

PURCHASE OF BENCH AND PLAQUE: The specified bench and plaque are purchased from the bench supplier listed below: *(REMINDER: The bench location must be approved by the Parks Superintendent prior to purchasing)*

*M.E. O'Brien & Sons Company
93 West Street
P.O. Box 650 Medfield, MA 02052-0650
Telephone: 508-359-4200
Website: www.obrienandsons.com*

CONTRACTOR INSTALLATION/RECOMMENDATION:

INSTALLATION: All benches shall be installed by an approved contractor. Any permitting associated with the installation of benches shall be conducted by the contractor. *Any fees associated with permitting shall be paid by the DONOR.*

RECOMMENDATION: The donor may choose a contractor of his/her choice, provided that they are qualified in forming concrete, and are insured to meet the Town's minimum insurance standards.

Please note that there are qualified monument dealers in Town that are familiar with the installation and ordering of our bench style. Also note that there may be other qualified contractors, and this does not imply that the Town of Falmouth is endorsing any one entity.

OTHER MEMORIAL OPTIONS:

Please note that there are other opportunities for memorialization other than benches: Flagpoles, light posts, water bubblers, and bleachers will also be considered at select locations.



TOWN OF FALMOUTH
 59 Town Hall Square
 Falmouth, MA 02540
 508-548-7611 / Fax: 508-457-2511
 DPW/Parks: 508-457-2543

Memorial Bench Policy and Application

MEMORIAL BENCH APPLICATION

Have you received a copy of the Town of Falmouth's Memorial Bench Policy? Yes No

Your Name: _____
 Address: _____
 City/State/Zip: _____
 Phone No.: _____

Proposed Location: _____
(Please be specific)

- Is this location along the Shining Sea Bike Path? Yes No
- **If yes, your application must be sent to the Bikeways Committee:**
The Chairman, Falmouth Bikeways Committee, 59 Town Hall Square, Falmouth, MA 02540

Describe Proposed Inscription:

Are you aware of any permits required to site a bench at this location? Yes No
(Please review with the Conservation Commission)

Please allow 30-45 days from receipt of application notice of final review of your application.

DO NOT WRITE BELOW THIS LINE -- PARKS DEPT./BIKEWAYS COMMITTEE USE ONLY

Comments: Superintendent of Parks

Permitting Required: Yes No
 If yes, what permits? _____

I have reviewed the location proposed above and approve with comments above.

Edwin (Rocky) Gomes, Superintendent of Parks

Comments: Bikeways Committee *(If on Shining Sea Bike Path, the following must be completed)*

I have reviewed the location proposed above and approve with comments above.

Chairman, Bikeways Committee

Mooring Regulations

**TOWN OF FALMOUTH
MOORING REGULATIONS
ADOPTED 11-24-97**

1. DEFINITIONS

- A. **Harbormaster** - shall mean the Harbormaster appointed by the Town Administrator and duly empowered by the General Laws of the Commonwealth of Massachusetts.
- B. **Falmouth Waters** - all waters within the Town boundaries
- C. **Mooring** - An anchor system consisting of an anchor, chain, buoy and pennant by which a boat is secured to the bottom in a location assigned by the Harbormaster under the mooring permit process.
- D. **Boat/Vessel** - Any water craft, used or capable of being used as a means of transportation.
- E. **Length of boat/vessel** - The length overall
- F. **Outhauls** - an anchor set offshore of a beach or seawall and used to haul and/or moor a small boat seaward of the mean high water line.
- G. **Private Mooring** - shall mean any mooring registered, by the Town of Falmouth, to an individual. Adequate documentation must be presented to the Harbormaster to ensure true ownership of the vessel. The only vessel allowed on that mooring shall be the one registered to that mooring, with the following exceptions:
 - 1. A mooring holder may loan his/her mooring, at any time, for no more than forty-eight (48) hours.
 - 2. If a vessel, other than that which has been assigned to the mooring, is to use that mooring for a period of time not to exceed seven days, the Harbormaster must be notified by the mooring permit holder as to what vessel will be using the mooring.
 - 3. If, for any reason, a mooring permit holder does not wish to use his/her paid for mooring for a season and is willing, the Harbormaster can temporarily assign that mooring to the first appropriately sized vessel on the waiting list. There will be a separate fee charged to the vessel coming off the waiting list. The temporarily assigned vessel will return to its original position on the waiting list after the season, if not otherwise assigned.
- H. **Commercial Mooring/Rental** - shall mean any mooring that does not meet the definition of a "private mooring" or a mooring that may be used to generate revenue.

I. **Commercial Mooring/Service** - issued to vessels which are primarily operated commercially or for servicing , repairing or holding for delivery those vessels which have been serviced.

J. **Yacht Club Support Mooring**

1. Owned by the Yacht Club
2. Provide mooring for yacht club owned and maintained vessels that provide normal yacht club services such as launch service, sailing programs, swimming floats, and on the water maintenance of club facilities.
3. Provide mooring for privately owned sail boats that qualify as a part of the racing class of that years yacht clubs racing program.

K. **Yacht Club Fleet Moorings**

1. Owned by the Yacht Club
2. Location - Must be in the same harbor as the Yacht Club.
3. Functions - Provide mooring for privately owned sail boats that qualify as a part of the racing class of that years yacht club racing program.
4. Transfers - A Private Mooring (see Section 1-G) may be transferred to the Yacht Club itself, provided that the boat the Yacht Club assigns to the mooring meets the requirements outlined in Section K-3 above. No yacht club shall own more than five (5) such transferred mooring permits at any one time.

L. **Mooring Year** - January 1st through December 31st. This is the period for which the mooring is assigned.

M. **Qualified Inspector** - shall mean any person approved, as an inspector of tackle and moorings, by the Harbormaster.

2. **REGISTRATION, REREGISTRATION & PLACEMENT**

A. **Registration of a previously held mooring space**

1. **Previously registered mooring:** The Harbormaster shall mail, during the month of January, renewal forms to all persons who were registered permit holders at the end of the prior year, at the address then listed on their last registration or reregistration. It shall be the burden of the permit holder to notify the Harbormaster of any change of address. Renewal must be accompanied by proof of payment of Boat Excise Tax Bill, if applicable, the non refundable mooring fee and your current inspection certificate.

2. If permit holder has no proof of ownership, they must surrender the use of the mooring.
3. If a previously approved mooring has not had an approved vessel assigned to it for one year, that mooring space shall be forfeited.
4. No mooring permit shall be transferable, except within the immediate family. The immediate family shall include brother, sister, children, mother, father or spouse.

B. Requests for new mooring permits

All requests for new mooring space shall be made by filing a Falmouth Mooring Application Form along with appropriate fees and paperwork to:

Falmouth Harbormaster's Office
180 Scranton Avenue
Falmouth, MA 02540

C. Relocation application

A registered mooring holder, who wishes a new location, within the same harbor, shall file a written request with the Harbormaster. His name will then appear on the Relocation List for that specific harbor. (See Section 3, Waiting Lists) There is no cost to keep your name on the Relocation List, however, you must notify the Harbormaster every year, in writing, by January 1, if you wish to keep your name on the list.

D. Assignment of mooring space

1. All assignments of mooring space shall be made by the Harbormaster or his designee. At such time as space becomes available, the Harbormaster shall assign the space, according to the specific requirements of the particular boat, including its length, draft or other pertinent requirements, to the person who first submitted a completed application.
2. When the applicant is notified the town has a mooring space, and the space is acceptable, he must set his proper tackle within thirty (30) days. Use of the mooring can be delayed for one year.

E. Placement of moorings

1. No mooring shall be placed in any Falmouth waters without inspection and approval of the Harbormaster. The Harbormaster must direct the placement of the mooring.
2. All moorings shall be placed by someone approved by the Harbormaster.

3. WAITING LISTS

The Harbormaster shall post two Waiting lists in his office for each harbor in the Town of Falmouth. The first, known as THE WAITING LIST, is for your original application for a mooring in that specific harbor, and the second, known as a RELOCATION LIST, is for a current mooring holder who wishes a different location within the harbor in which he is located. The Harbormaster will fill all vacancies from the Relocation List first, then go to the Waiting List.

A. The Waiting List

1. This list shall show the name of the applicant, date application is received, and size of boat for which mooring space is requested.
2. Each applicant may be on no more that two waiting lists at one time.
3. For each list you wish to be on, a one time, non refundable fee, equal to the appropriate mooring fee for the boat listed in Section 3A2 (above) will accompany the application.
4. When the applicant is notified the town has a mooring space available and the applicant accepts the space, this fee will be applied to the first years fee payment and will not be prorated.
5. The person at the top of the waiting list shall have priority to obtain the next available location but may waive the right to the next available location without loosing his/her place at the top of the list. In the event of the waiver, the next person on the list shall be offered the location etc.etc. Notice to the person entitled to the next available mooring shall be in writing.

B. The Relocation List

1. This list shall show the name of the applicant, date application is received, size of boat for which mooring space is requested and reason for request.
2. Applications are for the same harbor only.
3. No deposit required to be on this list.

4. FORFEITURE OF MOORING SPACE

Any registered owner shall be deemed to have forfeited his or her registered mooring space by reason of any one of the following:

- A. Removal of the tackle by the registered owner and notification to the Harbormaster that the space is available.

- B. Failure to complete reregistration by May 1st of any season.
- C. Failure to replace, within fourteen (14) days, any piece of mooring tackle not in compliance with the mooring tackle standards set forth in Section five (5) of these regulations.
- D. Any mooring may be inspected and its owner may be ordered, by the Harbormaster, to remove or relocate it whenever, in the judgment of the Harbormaster, the safety of other vessels or the optimum use of the area requires such action. The expenses of such removal or relocation shall be the responsibility of the owner. Except in emergency situations, an owner shall have fourteen (14) days to relocate or remove a mooring when so ordered by the Harbormaster.
- E. Failure to pay annual mooring fee and Excise Tax when applicable.
- F. Failure to comply with any of the requirements of this ordinance.
- G. Unauthorized changing mooring location. (see Placement)
- H. Rental of a private mooring. (see Definitions)
- I. Current mooring is considered illegal. (see Registrations)
- J. All persons shall be notified by certified mail when they have forfeited their mooring spaces. After notification of forfeiture, the owner of the tackle shall remove same. If, after fourteen (14) days, the tackle has not been removed, the Harbormaster shall have said tackle removed, at the owners expense.

5. MOORING SPECIFICATIONS

- A. Mooring anchors, other than the Mushroom and Dor-Mor pyramid anchor, shall be permitted at the discretion of the Harbormaster.
- B. Anchor chain shall be galvanized Grade 30 proof coil chain. Minimum total length shall be 2 times the water depth at Mean High Tide. Maximum total length shall be 2.5 times water depth at MHT.
- C. Swivels, if used, shall be one size larger than the chain to which they are connected. Shackles shall be the same size and strength as the chain.
- D. Mooring pennant length shall be 2 times the height from the water line to the bow chock plus the distance from the chock to the deck cleat.
- E. The mooring pennant shall have adequate chaffing gear at the bow chock and shall be shackled directly to the chain.

F. Mooring buoys shall be molded, formed or fabricated from rubber, plastic or fiberglass.

G. The buoy shall be of sufficient buoyancy to float at 50% of its mass at Mean High Tide. Each buoy shall be a minimum diameter of twelve (12) inches, shall be white with at least a 1 inch horizontal blue stripe, black 3 inch numbers, and, on commercial buoys only, include the weight of the mooring anchor.

H. The specifications outlined in this bylaw are minimum standards and are not intended to withstand the weather extremes.

BOAT LENGTH	ANCHOR WEIGHT		CHAIN SIZE		PENNANT
	MUSHROOM	DOR-MOR	BOTTOM	TOP **	
up to 13 feet	100#	70#	3/8 inch	3/8 inch	1/2 inch
14 to 19 feet	150#	135#	1/2 inch	3/8 inch	1/2 inch
20 to 25 feet	200# plus	200#	1/2 inch	1/2 inch	5/8 inch
26 to 29 feet	300# plus 75# shaft wt*	375# plus	5/8 inch	1/2 inch	5/8 inch
30 to 39 feet	500# plus 75# shaft wt *	500#	3/4 inch	5/8 inch	two @ 5/8 inch or 3/4 inch
over 40 feet	700to1000# plus 135# shaft weight*	1000#	3/4 inch	5/8 inch	1 inch

* Shaft Collar shall consist of a Cast Iron Ballast Ball fixed to the anchor shaft or a equivalent weight of Steamer Chain (10# per link minimum)

** one times dept at Mean High Tide.

6. ABANDONMENT OF TACKLE

Any registered mooring holder who abandons or forfeits a mooring space is responsible for removing and disposing of the tackle. Failure of the registered holder to remove such tackle shall constitute abandonment thereof, and such tackle may be ordered removed by the Harbormaster at the expense of the registered mooring holder.

7. MOVING OF TACKLE

The moving of any tackle to an assigned space shall be at the applicant's expense, and tackle may not be moved from any registered mooring space without the prior written approval of the Harbormaster. Any registered mooring holder, desiring to move

any tackle, shall make application to the Harbormaster, who shall determine whether such application shall be approved or rejected.

8. MOORING INSPECTION

- A. Before a NEW mooring permit will be issued, the mooring owner must submit his/her mooring tackle for an out of the water inspection by the Harbormaster or his designee.
- B. Each year the mooring buoy, pennant, chafing gear, top chain and all connecting hardware on each mooring must be inspected.
- C. Each existing mooring shall be inspected, fully, by a registered inspector at three year intervals either by diving or out of water.
- D. If, as the result of such inspections, the Harbormaster Division or designee determines that any link of chain, shackle, swivel or other piece of mooring gear has become damaged or worn by one third or more of its normal diameter, all such chains, shackles, swivels or other pieces of mooring tackle shall be replaced accordingly. Failure to replace worn or damaged gear shall be grounds for revocation of mooring permit by the Harbormaster Division.

9. QUALIFICATIONS OF INSPECTORS

- A. Any person can, upon application to the Harbormaster and demonstration to him of his familiarity with the rules and regulations of the Town relating to mooring tackle inspection, shall be considered a certified inspector.
- B. Such approval may be revoked by the Harbormaster if he determines that the inspector has failed to exercise due diligence in performing his duties as inspector.

10. WINTER STICKS

- A. Winter Sticks shall be readily visible in a vertical position at all times, with a minimum of twelve (12) inches showing.
- B. The mooring permit number must be displayed on the winter stick. The stick shall be white, shall have a 1" (one inch) blue stripe, and shall be upright at all times (not less than 40 degrees in any tide).
- C. All winter stick shall be removed not later than June 15th of the succeeding year.
- D. Winter stick shall not be placed earlier than October 1st.

11. NUMBERING

Each mooring in all Falmouth harbors will be assigned a number by the Harbormaster. This number shall be displayed in black, three (3) inch high letters, on each mooring

buoy, pick up buoy and winter stick.

12. COMMERCIAL MOORINGS

A. Existing (rental)

1. The owner of the mooring will be registered as the assignee of the mooring space (mooring permit holder).
2. Seasonal lessee will be registered by boat sticker and the mooring permit holder must submit a list of seasonal lessees to the Harbormasters office as of July 1st. Deadline for submitting annual lists is August 15th.
3. Commercial moorings shall be limited to 35% of the total moorings in any single harbor.
4. Size and type of mooring must meet tackle requirements for the maximum size vessel that would fit in that location.
5. Commercial moorings shall be marked with the company name or logo, as well as the number assigned by the Harbormaster and the weight of the anchor.
6. Commercial moorings permitted by the Town of Falmouth prior to November 24, 1997 and subject to the limitations outlined in 12A3, shall continue to be permitted only if all the required Army Corps of Engineer permits are either in place or are in the application process.
7. Permits will be issued exclusively to Falmouth water front marine businesses who provide the following services:

SERVICES REQUIRED

NUMBER OF MOORINGS HELD

	1 TO 5	6 TO 20	OVER 21
Shall be on the water front	yes	yes	yes
Adequate dingy or launch service	yes	yes	yes
Trash removal	yes	yes	yes
Rest rooms	no	yes	yes
Septic pump out (unless otherwise available in that harbor)	no	no	yes
Parking	no	1 space per 4 moorings	5 spaces plus 1 space per 10 mooring in excess of 20

B. Application Process (rental)

1. Applicants for new or additional Commercial Rental Mooring Permits will follow all regular steps as outlined in Section 2B. (Requests for new space)
2. See Section 12 - A - 7 (Commercial Moorings - Existing).
3. Upon receipt of a mooring permit from the Falmouth Harbormaster the applicant shall initiate the Army Corps of Engineers Permitting process.
4. Commercial moorings (rental & service) shall be limited to 35% of total mooring in any harbor.

C. Existing (service)

1. Commercial Mooring permits issued in 1996 prior to November 24, 1997 and used for service purposes, shall be permitted provided the mooring use conforms to the requirements for the commercial service permits (see definitions - G) and if all the required Army Corps of Engineer permits are either in place or are in the application process.
2. Size and type of mooring must meet tackle requirements for the maximum size vessel that would fit in that location.
3. Commercial/service moorings shall be marked with the company name or logo, as well as the number assigned by the Harbormaster and the weight of the anchor.

D. Application Process (service)

1. Applicants for Commercial Service Mooring Permits will follow all regular steps as outlined in Section 2B. (Requests for new space)
2. Commercial Service Mooring permits shall be issued to individuals whose vessels are primarily operated commercially or for servicing, repairing and/or holding for delivery, vessels which have been serviced. The permit holder must prove to the Harbormaster that 50% or more of his income is derived from servicing boats.
3. Upon receipt of a mooring permit from the Falmouth Harbormaster the applicant shall initiate the Army Corps of Engineers Permitting process.

13. APPEAL PROCESS

Any person aggrieved by a decision of the Harbormaster may file an appeal in accordance with Mass General Laws, Chapter 91, Section 10 (A).

14. FEES

- A. Private Moorings - All vessels shall pay a yearly mooring fee of \$40.00
- B. Commercial Moorings - All commercial moorings shall pay a yearly mooring fee of \$60.00.
- C. Yacht Club Moorings - All Yacht Club Moorings shall be charged a yearly mooring fee of \$50.00.

15. FEE PAYMENT POLICY & SCHEDULE

- A. The Mooring Bills will be sent out by January 15th annually.
- B. Payment is due 30 (thirty) days from the mailing of the mooring bills.
- C. Failure to pay mooring bill by due date will result an additional demand charge of \$5.00.
- D. Failure to ^{PAY} the mooring fee and the demand charge by the Demand Due Date will result in cancellation of the mooring permit.
- E. It is the responsibility of the mooring permit holder to insure payment is received in the Town Collector's Office in a timely fashion. If you do not receive a mooring bill, it is the permit holders responsibility to check on it whereabouts.
- F. Changes of address must be submitted, in writing, to the Harbormaster's Office, 180 Scranton Avenue, Falmouth, MA 02540. All outgoing correspondence will be sent to the most current address supplied to the Harbormaster's Office. It is the sole responsibility of the mooring permit holder/applicant to insure that the town has your proper mailing address. No deadlines will be extended because mail is returned because undeliverable as addressed.

16. BOAT STICKERS

Each vessel for which a mooring permit has been issued shall have, attached to the hull, in a visible location as designated by the Harbormaster, an annual sticker issued by the Harbormaster. It is the responsibility of the mooring owner to ensure compliance with this section.

It shall be permissible for an individual to use one mooring for two or more vessels. However, all vessels must be owned buy the same individual, have it's own sticker, and the mooring location and tackle must be suitable for the second vessel.

17. MOORING TAGS

Each permitted mooring shall have attached, above the water line and visible at all times, an annual mooring tag issued by the Harbormaster. Again, it shall be the responsibility of the mooring owner to ensure compliance with this section.

18. CHANGE OF OWNERSHIP OF VESSEL

When the owner of a vessel for which a mooring permit has been issued transfers the ownership of the vessel to another person, the mooring permit is not transferable to such person unless he or she is a member of the immediate family of the transferee. (See Section 2,A,4)

19. CHANGE OF VESSEL

A mooring holder may assign a new boat to his/her mooring provided the Harbormaster considers the mooring location and the tackle suitable for the replacement vessel. All change of vessel requests shall be made in writing to the Harbormaster's Office.

20. ENFORCEMENT

Unless otherwise specifically provided herein, these regulations and rules shall be enforced by the Harbormaster according to the Massachusetts General Laws.

20. HARBOR MANAGEMENT PLANS

Certain provisions of these town wide mooring regulations may be waived by the Harbormaster for any harbor which has a Selectmen approved Harbor Management Plan in effect.

Adopted by a vote of the Board of Selectmen on November 24, 1997.

Mary Pat Flynn
Edward Marks
Matthew Patrick
Troy B. G. Clarkson
Virginia Valiela
BOARD OF SELECTMEN

Municipal Vehicle Policy & Procedure



Town of Falmouth

**MUNICIPAL VEHICLE POLICY (REVISED)
RECEIPT FORM**

Please complete and Return this Receipt Form Directly
to the Personnel Department by:
Friday, January 13, 2006.

I have received a copy of the Town Of Falmouth's revised Municipal Vehicle Policy dated December 29, 2005.

I have been advised that should I have any questions regarding this policy I can contact Heather Harper, Assistant Town Administrator at 508-495-7320.

*****Attached to this receipt is a copy of my current drivers' license.*****

Print Your Name

Employee Signature

Date



Town of Falmouth

OFFICE OF SELECTMEN & ADMINISTRATOR

59 TOWN HALL SQUARE, FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 495-7320

FAX (508) 457-2573

December 29, 2005

Memorandum

To: All Departments
Fm: Heather B. Harper
Assistant Town Administrator

Re: Municipal Vehicle Use Policy

Please find a revised Municipal Vehicle Policy adopted by the Board of Selectmen on December 19, 2005 with an effective date of January 1, 2006. There are several key changes that you will need to review with your staff and some highlights include:

- All vehicles must be appropriately painted and marked with the Town Seal.
- A Minimum Criteria for personnel assigned 24-Hour Use Vehicles has been established.
- Maintenance responsibilities will be assigned to the Department of Public Works, Highway Maintenance Division for all vehicles, with the exception of those already maintained by the Fire Department.
- Smoking is prohibited in all town vehicles
- If they are not already, valid Driver's licenses will be filed with Personnel Department.
- The Town Administrator must provide advance written approval to transfer a vehicle from one department to another.

There are many other significant changes in the policy, and I ask that you read through the materials and be prepared to implement its provisions and to respond to questions of your staff. The Personnel Department will issue this policy to all positions that may have access to town vehicles with a sign-off form to ensure that all employees covered under this policy acknowledge its receipt.

I very much appreciate your contribution to this revision and to your efforts to carry out the policy. The Board has asked that we continue to evaluate the cost effectiveness of vehicles assigned for 24-hour use and toward that end I ask that you submit a record of all call back for vehicles assigned for 24-hour use over a 12 month period. I will be in contact with you over the next several months as the Board of Selectmen will review this policy and the positions assigned to 24-hour vehicles for Fiscal Year 2007.



TOWN OF FALMOUTH

POLICY: Municipal Vehicle Use
Updates Existing March 1995 Policy

Approved: December 19, 2005

Effective: January 1, 2006

Distributed: Personnel Department

Enclosures: Positions Assigned to 24 Hour Use
MIIA Auto Fleet Inventory
MIIA Insurance Forms

1.0 PURPOSE

To establish a policy for the authorization and utilization of vehicles for use by Town officials and employees, either during their work shift or on a twenty-four hour basis; and to maintain the Town's compliance with the Internal Revenue Service Code for the use of municipal vehicles to commute between home and the workplace.

2.0 POLICY GUIDELINES

2.1 General Provisions

2.10 Municipal Vehicles

It is the policy of the Town of Falmouth to authorize the acquisition and utilization of vehicles for use by officials of the Town, in the conduct of their employment responsibilities, either during the work shift or on a twenty-four (24) hour on-call basis. Town vehicles are not personal vehicles and are not for personal use. Town vehicles should be viewed as belonging to the citizens of Falmouth and are assigned solely for purposes consistent with providing services to those citizens.

2.2 Procedures

2.20 Garaging of Vehicles

All municipal vehicles, except those authorized for twenty-four (24) hour use, shall be garaged at the end of each day in assigned municipal parking lots. No vehicles, except those authorized for twenty-four (24) hour use, are to be taken home at the end of the workday.

2.21 Assignment of Municipal Vehicles

The assignment of municipal vehicles during work time use is based upon job responsibilities. Department Heads who have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function. Department Heads are responsible for the vehicle use, maintenance, including cleanliness, and storage. Department Heads shall ensure that vehicles are routinely washed, the interior cleaned and the preventative maintenance schedule is observed. Department Heads are responsible to the Town Administrator for a full accounting of all municipal vehicles usage. The assignment of vehicles may be rescinded with reasonable notice by the Town Administrator for work-related reasons.

The use of all vehicles assigned to the Fire and Police Departments is administered by the Fire and Police Chiefs in accordance with the provisions of MGL Chapter 48, S42A and Chapter 41, S97A.

2.22 Assignment of Municipal Vehicles for 24 Hour Use (Vehicle Approved for Commuting Purposes)

1. The assignment of vehicles for twenty-four (24) hour use will be made in writing by the Town Administrator, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria, which will be used in the determination of eligibility for 24-hour vehicle use, include:

- officially designated on-call status;
- requirement for frequent emergency availability;
- issuance of a pager or other communication device;
- emergency or other equipment contained in the vehicle; and/or;

Such assignment may be rescinded with reasonable notice by the Town Administrator for work-related reasons.

2. When commuting, vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The

vehicle should not be utilized for travel outside a direct commuting route for personal reasons.

3. Whenever a position becomes vacant, the authorization for 24-hour use for commuting shall be reevaluated.
4. Effective January 1, 2006, employees shall not be authorized to commute more than 20 miles one way without the advanced written authorization of the Board of Selectmen.
5. Employees assigned municipal vehicles on a 24-hour basis will be given a copy of this policy and will be required to sign a confirmation of receipt.
6. Qualified Non-Personal Use of Town Vehicles (IRS Regulations for Use of Municipal Vehicles)
 - a) Employees who drive marked or unmarked police vehicles must be authorized to carry a weapon and have the power to arrest and, therefore, are not subject to imputed income taxation.
 - b) Vehicles used by the Fire Chief and Deputy Fire Chiefs, and other Fire Department staff vehicles which are clearly identified as emergency vehicles, (i.e. mounted roof lights) are not considered personal vehicles subject to taxation.
 - c) Other employees authorized to commute in a Town vehicle may be subject to imputed income regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The Treasurer's Department shall be responsible for determining any tax liability and will be provided with the names of all employees authorized to use Town vehicles for commuting purposes, and the normal, one-way commuting distance, each by December 1.
 - d) Commuting Value Rule – Taxable equivalent of \$1.50 each way per day of work. (The taxable equivalent is an IRS standard and is subject to change as the IRS so determines) Under this method, an employee having the use of a non-emergency vehicle would be taxed at his/her tax bracket on \$1.50 each way on the commute to work. This would not be in force during weekends, holidays or vacations. Anytime an employee visits a work site on the way from home to the office, or from the office to home, the tax liability is negated. In this case, a log must be kept and submitted on a monthly basis.
 - e) Exclusion from Gross Income – Working condition fringe benefits and de minimis, fringe benefits are excluded from gross income

(i.e. any property or service provided to an employee to the extent that if the employee paid for it himself, the amount would be deductible as a business expense). Substantiation requirements apply to working condition fringe benefits, such as an employer-provided automobile. To allow for working condition fringe exclusion, the vehicle may not be used for personal purposes.

2.23 Operation and Maintenance of Vehicles

All employees are required to adhere to the following minimum rules of operation of municipal vehicles:

1. Marking and Identification: All vehicles shall be painted white and be affixed with the Seal of the Town of Falmouth.
2. Speed Limits: Strictly observed, excepting emergency vehicles.
3. Use of Safety Restraints: Seat belts, shoulder harness, and other restraints must be worn at all times vehicle is in motion, by driver and all passengers.
4. Rules of the Road: All traffic, driving and road regulations are to be strictly observed. Courtesy is to be extended to all entering and exiting traffic whenever vehicle is operated within the Town of Falmouth.
5. Use of Controlled Substances: Alcohol, illegal drugs, or prescription medication which may interfere with effective and safe operation are strictly prohibited. Employees assigned a municipal vehicle shall be subject to drug and alcohol testing on a random and reasonable suspicion basis; such testing to be conducted by a appropriately qualified practitioner.
6. Smoking in Town Vehicles is prohibited.
7. Gasoline is supplied exclusively through the Town facility for Town-owned vehicles except authorized long-distance travel.
8. Maintenance responsibilities will be assigned to the Department of Public Works, Maintenance Division.
9. Maintenance responsibilities for the Falmouth Fire Rescue vehicles, Police Department vehicles, Department of Natural Resources and the Harbor Master's Departments are assigned to the Fire Rescue Apparatus Repair Division.

2.24 General Vehicle Use Regulations

Municipal vehicles may only be used for legitimate municipal business.

Municipal vehicles will not be used to transport any individual who is not directly or indirectly related to municipal business. Passengers shall be limited to Town employees and individuals who are directly associated with Town work activity (committee members, consultants, contractors, etc.) Family members shall not be transported in Town vehicles.

Employees who operate municipal vehicles shall have a valid Massachusetts motor vehicle operator's license and of the class required for the specific vehicle being operated. Employees may be required to provide proof of valid operator's license once every six (6) months.

Vehicles should contain only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage of any personal property transported in the vehicle.

Employees are expected to keep municipal vehicles clean, and to report to their supervisor any malfunction or damage.

Employees assigned vehicles for commuting purposes are expected to park such vehicles in safe locations.

Employees who incur parking or other fines in municipal vehicles will generally be personally responsible for payment of such fine unless the payment of such fines is approved by the Town Administrator.

Employees who are issued citations for any offense while using a municipal vehicle must notify their supervisor immediately when practicable, but in no case later than twenty-four (24) hours. Failure to provide such notice will be grounds for disciplinary action in accordance with this policy.

An employee who is assigned a municipal vehicle and who is arrested for or charged with a motor vehicle offense for which the punishment includes suspension or revocation of the motor vehicle license, whether in his/her personal vehicle or in a municipal vehicle, shall notify his/her supervisor immediately when practicable, but in no case later than twenty-four (24) hours. Conviction for such an offense may be grounds for loss of municipal vehicle privileges and/or further disciplinary action.

No employee may use a municipal vehicle for out of state use without advance approval of the Town Administrator.

2.25 Reporting of Accidents

Whenever a municipal vehicle is involved in an accident, or subject to damage, or in the event an employee's personal vehicle is damaged during an approved, work-related trip, the employee operating the vehicle is required to immediately notify his/her immediate supervisor. All employees involved in an accident in a municipal vehicle, regardless of extent, shall file an Accident/Incident Report shall be filed with the Falmouth Police Department. All accident reports shall be filed with the town's insurer, MIIA, and with the Office of Town Administrator within 72 hrs of the accident.

2.26 Registering and Insuring a Vehicle – Fleet Inventory

Each Department has been provided with a vehicle registration, trade-in and MIIA insurance kit. The Office of the Town Administrator shall be notified when a vehicle is added or removed from the municipal fleet listing. Vehicles removed shall be the subject of a trade, or bid for disposition. Vehicles may only be added to the fleet or transferred among departments with advanced written approval of the Town Administrator.

2.27 Withholding and Reporting Requirements:

Town required to withhold federal income tax and medicare taxes, if applicable, on the value of the fringe benefit to be included in the employee's gross income.

Valuation of Employer-Provided Vehicle

Commuting: Taxable equivalent of \$1.50 each way per day of work.

2.28 Expense Reimbursement – Personal Vehicles

1. Employees will not be reimbursed for the use of a personal automobile within the Town of Falmouth without advance approval of the department head or unless specifically authorized by a collective bargaining agreement.
2. When an employee is authorized to use a personal automobile for work-related travel, he/she shall be reimbursed at the Rate of Reimbursement established by the IRS in accordance with the Code of the Town of Falmouth.
3. The mileage rate is intended to include the costs of gasoline, repairs, insurance, and general wear and tear on the automobile.
 - a. In addition to the mileage rate, the Town will reimburse employees authorized to travel outside Falmouth, driving personal or municipal vehicles, for tolls and reasonable parking expenses, when receipts are provided. Employees will not be

reimbursed for tolls which would normally be paid by the employee during his/her normal commute to work.

- b. The Town retains the right to require employees who are reimbursed for work-related travel, to show proof of the following minimum levels of insurance coverage:
 - 1) Bodily Injury: \$100,000/\$300,000
 - 2) Property Damage: \$25,000
- d. In order to be reimbursed for personal automobile use, employees shall complete the Personal Automobile Travel Expense Form which shall be deemed an Accountable Plan for IRS reimbursement standards. This form should be submitted to the Department Head for approval prior to submission to the Town Accountant for payment.

2.29 Special Circumstances

This policy is intended to provide a basic framework governing the use of personal and municipal vehicles in the Town of Falmouth, and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Town Administrator who will provide such clarification and may authorize exceptions to the policy under mitigating circumstances.

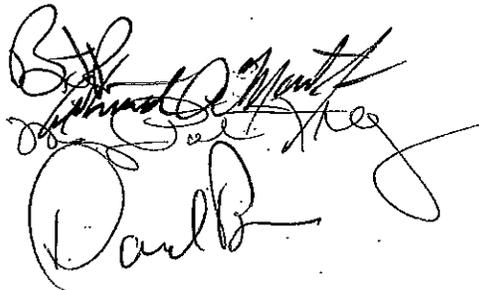
2.30 Sanctions

Failure to comply with any and all provisions of this policy may result in disciplinary action up to and including removal of Town vehicle privileges, suspension, and/or termination from Town service.

3.0 **ENERGY EFFICIENT FLEET**

Consistent with section 2.3 of the Town of Falmouth's Climate Protection Action Plan, Departments will strive to maintain as efficient a fleet as is economically feasible. Departments shall assess the need and use of vehicles and will recommend the most fuel efficient vehicle in the class required for the job intended.

This policy also recognizes our community goal to establish an idling enforcement program. Department will consider establishing a 5-minute maximum idling prescribed by the Commonwealth of Massachusetts.



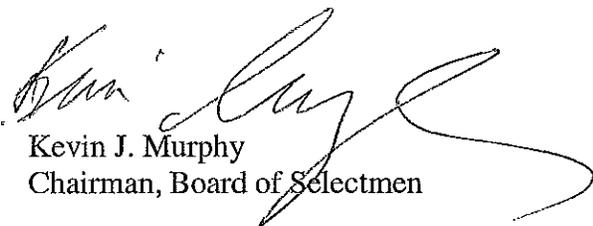
4.0 APPLICABILITY

This policy is applicable to all Town employees authorized to use municipal vehicles.

5.0 QUESTIONS

Please direct questions to your respective department head, the Director of Public Works or the Town Treasurer as applicable.

Signed by:



Kevin J. Murphy
Chairman, Board of Selectmen



Robert L. Whritenour, Jr.
Town Administrator

Authorized by the Board of Selectmen
December 19, 2005

ATTACHMENT A

POSITIONS APPROVED TO TAKE HOME A VEHICLE

All of the positions identified are officially authorized for twenty-four (24) hour use. These positions require a vehicle for the ordinary and necessary discharge of their job functions. In accordance with the Town of Falmouth's Municipal Vehicle Use Policy, the Criteria used to determine eligibility for 24-hour vehicle use include:

- Officially designated on-call status
- Requirement for frequent emergency availability
- Issuance of a pager or other communication device
- Emergency or other equipment contained in the vehicle

POLICE DEPARTMENT

<u>Position</u>	<u>Assigned Vehicle</u>
Police Chief	Ford Crown Victoria 2004
3 Captains	Ford Crown Victoria 2005
	Ford Crown Victoria 2004
	Ford Crown Victoria 2004
2 Detectives	Ford Crown Victoria 2001
	Ford Crown Victoria 2003

Each position responds as needed 24 hours a day to any number of situations both operational and administrative. All positions are frequently required for emergency response.

An on-call detective is allowed to take a vehicle home. This duty rotates and involves the drug officer and departmental photographer.

The Detective assigned to drug related investigations has a vehicle 24/7. The nature of his work and hours dictates this need.

The departmental photographer has a vehicle. He responds to crime scenes and serious motor accidents for photos 24 hours a day.

FIRE DEPARTMENT

<u>Position</u>	<u>Assigned Vehicle</u>
Fire Chief	Ford Crown Victoria 2002
Deputy on call	Ford Excursion 2005
Paramedic on call	Ford Excursion 2005

These vehicles are equipped with emergency materials, are used for emergency response only.

The Deputy on call and the Paramedic on call are responsible for emergency operations during on call hours and must have immediate access to these vehicles for response to calls any where in town.

PUBLIC WORKS DEPARTMENT

<u>Position</u>	<u>Assigned Vehicle</u>	
Director of Public Works	Ford Crown Victoria 2001	<i>VIN# 2FAPP73W51X190322</i>
Town Engineer	Ford Explorer 2004	<i>VIN#1FMZU72K04UB44080</i>
Assistant Town Engineer	Ford Explorer 2004	<i>VIN#1FMZU72K44UB44079</i>

The Director's vehicle is used strictly for official Town business and in addition to every day use; it is used for any emergency response to emergencies or any incident relating to the safety security and property function of public utilities and infrastructure.

The Town Engineer's position requires a 24hour use vehicle to respond to emergencies and to provide off-hour inspections of construction activity and damage to public infrastructure in the event of an accident, severe weather or other emergency. This position also regularly attends public meetings.

The Assistant Town Engineer also supports emergency response and is responsible for overseeing construction activity, which often occurs off hours.

Facilities Maintenance and Emergency Preparedness **Ford Explorer 2006**
VIN#1FMEU72E16UB02691

Facilities Manager requires a 24 hours use vehicle for after office hours for emergency calls. Responses are required to all Town facilities.

Parks Superintendent **Ford Explorer 2001** *VIN#FMZU73E71ZA07340*
Assistant Parks Superintendent **Ford F350 2002** *VIN#1FTSX31F22ED26493*

The Tree Warden/ Superintendent of Parks and Forestry, and Assistant positions, are assigned 24 hours use vehicles for emergency response is storms, evening meetings throughout the community, and for oversight of overtime crews, as well as monitoring Goodwill Park coverage on weekends. These vehicles are frequently in use after regular working hours. Specifically, this vehicle aid in response to public safety calls for tree removal, often in the middle of the night due to vehicular accidents, or storm related damage.

These vehicles are equipped with safety lighting and are part of our official emergency response. Weekend response is also required to maintain athletic fields, vandalism, and broken irrigation systems.

Highway Superintendent	Ford Explorer 2010	<i>VIN#1FMEU7DEXAUA29987</i>
Assistant Highway Superintendent	Ford Pick Up 2002	<i>VIN#1FTSX31F02ED26492</i>

The vehicles assigned for 24-hour use are used for public safety response. Demand for 24 hours use relates to motor vehicle accidents, to sink holes, debris in the road, vandalize, alarms response at the municipal fuel depot, emergencies at Eel Pond bridge, etc. During the winter months road conditions are regularly evaluated to determine the need for manpower and to maximize the use of snow plowing and sanding crews.

Utilities Manager	Ford Crown Victoria 2001	<i>VIN#2FAFPT3W71X190323</i>
Supervisor	Ford Explorer 2005	<i>VIN#1FMZU72E2SZA58008</i>
Assistant Supervisor	GMC Sonoma 2000	<i>VIN#1GTCS14W5Y8260029</i>
Call Man Water – System	vehicle varies	
Call Man Water – Plant	vehicle varies	

The Utilities Manager is expected to respond to town-wide disaster or weather related emergencies. The vehicle is equipped with emergency strobe lights, detailed water system data and two-way radio. Vehicle use includes periodic emergency response as well as after hours travel for meetings, presentations, and statewide travel.

In addition the Water Supervisor has primary supervisory emergency response responsibilities for all aspects of the entire water system. This vehicle is equipped with strobe lights, two-way radio and tools. The supervisor has decision-making authority in most emergency situations and is our designated Primary Distribution System Operator as required by DEP.

The Assistant Water Supervisor has secondary supervisory emergency response responsibilities for all aspects of the entire water systems. This position has primary responsibilities during absence of the Supervisor and his vehicle is also equipped with strobe lights, two-way radio, and tools. The Assistant Water Supervisor has decision-making authority in most emergency situations and is our designated Secondary Distribution System Operator as required by DEP.

The On-Call Water Plant Operators rotate this mandatory 24-hour emergency response duty weekly and are paid for their availability. Prompt response during water plant or well emergencies is critical to preserve equipment and the continued supply of water. The vehicle is necessary to fulfill this obligation.

The On-Call Water Distribution rotates this mandatory 24-hour emergency response duty weekly. They respond to all after-hour citizen or police calls. The vehicle is necessary to fulfill this obligation.

Wastewater Superintendent	Ford Crown Victoria 2000	<i>VIN#2FAPP71W3YX20097</i>
Chief Operator Sewer	Ford F150 2005	<i>VIN#1FTRF1229SNB22697</i>

The vehicle assigned to the Wastewater Superintendent to provide immediate response to wastewater emergency response situations. Vehicle use includes periodic emergency responses as well as after hours travel for meetings, presentations and statewide travel.

The Chief WWTF Operator has primary supervisory emergency response responsibilities for all aspects of the entire wastewater system. This vehicle is equipped with strobe lights, two-way radio and tools. He has the decision-making authority in most emergency situations and is our designated Primary Waste water Facility Operator as required by the DEP.

DEPARTMENT OF NATURAL RESOURCES

<u>Position</u>	<u>Assigned Vehicle</u>	
Director of Natural Resources	Ford F-150 Truck 1998	<i>VIN#1FTZF18WXWNB17052</i>
Assistant Director of Natural Res.	Ford F-250 Truck 2005	<i>VIN#1FTNF21585EC06932</i>
DNR Officer	Ford F-250 Truck 2000	<i>VIN#1FTNF2UAYED81540</i>
Animal Control Officer	Ford E-150 Van 2001	<i>VIN#1FTRE14LX1HA96273</i>

The Department of Natural Resources responds to law enforcement needs and public safety issues 24 hours a day 365 days a year. DNR patrols have been established so that duty officers patrol the Town every day of a calendar year, including four evenings a week. The DNR is recognized by the Commonwealth of Massachusetts as a law enforcement agency. DNR trucks are registered with the State as police vehicles and have police plates.

DNR makes evening hour arrests for such things as felony fishing in contaminated shellfish beds, illegal hunting arrests, warrant arrests, off road vehicle arrests, stolen motorcycle ATV and boat arrests, arrests for the distribution or possession of narcotics in Falmouth woods, parks, and landings, investigates boating accidents and participates in search and rescues (including hurricanes).

Falmouth Animal Control responds to police callouts as well. Falmouth Animal Control patrols the Town in the evening. It responds to such emergencies as rabid animals and just vicious animals. It assists the police by removing animals from accident scenes, houses where search warrants are being executed and from vehicles when arrests are made.

BUILDING DEPARTMENT

<u>Position</u>	<u>Assigned Vehicle</u>	
Building Commissioner	2006 Ford Explorer	<i>VIN#1FMFU72E56UA6089</i>

The Building Commissioner is subject to regular call out for response to public safety calls in the event of a fire, storm or other emergency related to the integrity of homes and businesses the Town of Falmouth and to respond to nuisances such as weekend and evening noise or lighting

complaints. The Building Commissioner is called out as much as once a week for emergency response calls. The Commissioner also schedules regular inspections during the commute when possible.

Electrical Inspector 2002 Ford Explorer VIN#1FMZU72E92UC71269

The Electrical Inspector is on 24-hour call, primarily required to respond to all Fire and Police Department requests. When there is a fire, accident involving an electric pole, lightning strike, transformer break down, or emergency service repair caused by water damage, etc., the Electrical Inspector is called. The Electrical Inspector is called out an average of once or twice a week.

HARBORMASTER

<u>Position</u>	<u>Assigned Vehicle</u>	
Harbormaster	2002 Ford Explorer	VIN#1FMZU73282UC07

The vehicle used by the Harbormaster is used for daily transportation for waterways related activities as well as emergency response. The vehicle is equipped with emergency lights. The vehicle is rarely brought home from the end of September to May. This vehicle is also used to transport the HAZMAT trailer to hazardous material spills on or near the water. When this vehicle is not brought home and a response is necessary, the vehicle is retrieved first at the Marina and then the staff heads are called. That way the employee has the proper communication equipment available at all times. Time sensitive responses are adversely affected in this case.

TOWN OF FALMOUTH
TRAVEL APPROVAL FORM

Name _____ Employee Number _____

Reason for Travel:

Dates: _____

Travel from: _____ To: _____

Plane, train, bus, taxi, etc. \$ _____

Accommodations (hotel/motel) \$ _____

Conference, seminar, workshop, etc. \$ _____

Miscellaneous \$ _____

\$ _____

TOTAL \$ _____

Signature: _____ Date: _____

Name (print) _____

Address: _____

Approved by: _____ Date: _____

Department Head

Please attach copies of pertinent documentation (registration forms, invoices, etc.).

TOWN OF FALMOUTH
Out of State Travel Authorization

To the Town Administrator:

Please authorize _____ of the
_____ department to travel from Falmouth to _____,
which is outside the Commonwealth of Massachusetts for purpose of _____
_____ from _____ to _____.

Account to be charged is _____ Org _____ Obj _____

The amount of the request is \$ _____

Requested by: _____ Date: _____
Department Head

Approved by: _____ Date: _____
Town Administrator

Certification of Available Funds by _____ Date: _____
Town Accountant

MIIA Member Services
 12 Gill Street, Suite 5500, P.O. Box 4043
 Woburn, MA 018-4043
 Phone (800) 526-6442
 Fax (781) 376-9907

AUTOMOBILE CHANGE REQUEST FORM

MIIA MEMBER: _____

1) VEHICLE TO BE ADDED: (Attach RMV-1 or Registration) **Effective Date of Change:** _____

Year	Make	Model	Vehicle Identification #	# of Passengers (Bus/Van) (1)

Gross Vehicle Weight (2)	Plate #	Cost New (3)	Department	Physical Damage Valuation (Indicate one)
				<input type="checkbox"/> Actual Cash Value (4) <input type="checkbox"/> Replacement Cost Value (5)

Is this vehicle dual control (drivers education)? Yes No

A. Please indicate desired Physical Damage Coverage and Deductibles:

Physical Damage Coverage	Deductible Options		
<input type="checkbox"/> COMPREHENSIVE (Fire, Theft, Vandalism, Glass...) (6)	<input type="checkbox"/> \$500	<input type="checkbox"/> \$1,000	<input type="checkbox"/> Other _____
<input type="checkbox"/> COLLISION (8)	<input type="checkbox"/> \$500	<input type="checkbox"/> \$1,000	<input type="checkbox"/> Other _____
<input type="checkbox"/> SPECIFIED PERILS (Limited Comprehensive) (7)	<input type="checkbox"/> \$500	<input type="checkbox"/> \$1,000	<input type="checkbox"/> Other _____

PLEASE NOTE: You may purchase either "Comprehensive" or "Specified Perils", not both.

B. Is Medical Payments Coverage Desired? (9) Yes No

2) VEHICLE TO BE DELETED: (Attach plate return receipt.) **Effective Date of Change:** _____

# of Vehicle on Fleet Schedule	Year	Make	Model	Vehicle Identification #

If the vehicle is leased, please include a copy of the lease agreement.

Is a Loss Payee and/or Additional Insured being requested?

Please check: Additional Insured: Loss Payee:

Name: _____

Address: _____

 MIIA Member Authorized Signature

 Date

 Name & Title (please print)

 Telephone Number

NOTICE: To insure proper and accurate coverage, this form must be completed entirely.

(INSTRUCTIONS ARE ON REVERSE SIDE)

MIIA AUTOMOBILE CHANGE REQUEST

INSTRUCTIONS

- (1) **For buses and vans** (only), please include number of passengers capacity of the vehicle being added to the fleet schedule.
- (2) **Gross Weight**: If the vehicle is not a private passenger type vehicle, please indicate Gross Vehicle Weight (GVW) or Gross Combined Weight (GCW). (This would apply for all trucks.)
- (3) **Cost New**: The Cost New of a vehicle is the original sales price paid by the original owner. Cost New is **required** if you are requesting **automobile physical damage** coverage.
- (4) **Actual Cash Value**: A valuation method which deducts depreciation from the replacement cost value.
- (5) **Replacement Cost**: A valuation method which replaces old items and parts for new items and parts. Certain criteria must apply for a vehicle to be eligible for this option. Replacement cost may be updated upon renewal to meet current replacement cost valuation, which may result in an increase in premium.

For determination of existing vehicle coverage, either Replacement Cost or Actual Cash Value, please refer to your MIIA Automobile Fleet Schedule.

Coverage Description:

- (6) **Comprehensive**: Includes coverage for fire, theft, vandalism, flood, glass breakage and many other types of damages, but not collision. Deductibles will apply.
- (7) **Specified Perils**: Limited to fire, lightning, explosion, theft, windstorm, hail, earthquake, flood, and vandalism perils. Deductibles will apply.
- (8) **Collision**: Pays for damage to your vehicle from collision regardless of fault. Deductibles will apply.

Refer to your Fleet Schedule for deductible amounts.

- (9) **Medical Payments**: Pays medical expenses of injuries to others while occupying your auto, excess of Personal Injury Protection. A \$5,000 limit will apply, but higher optional limits are also available for eligible vehicles.

Special Instructions:

As a reminder, if you are adding a new vehicle, please include a copy of vehicle registration, RMV-1.

These instructions are intended to assist you while making changes to your MIIA Automobile Fleet Schedule. As always, coverage is subject to the MIIA automobile contract language, terms, conditions and endorsements.

Please return this form to:

***MIIA Member Services
12 Gill Street, Suite 5500
P.O. Box 4043
Woburn, Ma 01888-4043
Fax: (781) 376-9907***

NOTE: To assist you while completing this form, please reference your MIIA Automobile Fleet Schedule.

COMPUTATION OF FRINGE BENEFIT OF EMPLOYER PROVIDED VEHICLE
TOWN OF FALMOUTH, MASSACHUSETTS

Employee Name: _____

Position: _____

Vehicle Description: _____

Information Required for Computation by \$ 3.00 per day (\$1.50 one way).
Commute Method:

1.	Number of days in Year	365
2.	Less: Saturdays and Sundays	-104
3.	Less: Vacation days taken	-_____
	sub-total	
4.	Less: Paid Holidays	- <u>11.5</u>
	sub-total	
5.	Less: Sick days taken	-_____
	sub-total	
6.	Less: All other vehicle use days (explain)	

	_____	-_____
7.	Net total days vehicle used to commute	_____

Employee Signature

Approved by: _____

Department Manager

Value of this fringe benefit to be computed by Town Treasurer only:

Multiply figure in #7. by \$ 3.00 = Value of taxable fringe benefit.

#7. x \$ 3.00 = \$_____.

**COMPUTATION OF FRINGE BENEFIT FOR PERSONAL USE OF EMPLOYER PROVIDED VEHICLE
TOWN OF FALMOUTH, MASSACHUSETTS**

Employee Name: _____, MONTHLY REPORT #: _____

Position: _____, MONTH: _____

Department: _____, DATE: _____

	MILES	PERCENTAGE
A. ODOMETER READINGS:		
1. Month Ending Milage _____		
2. Month Beginning Mileage _____**		
B. TOTAL MILEAGE DRIVEN	_____	<u>100%</u>
C. PERSONAL MILES DRIVEN: (From attached Logs)		
3. Log # _____	_____	
4. Log # _____	_____	
5. Log # _____	_____	
6. Log # _____	_____	
7. Log # _____	_____	
8. Log # _____	_____	
9. Log # _____	_____	
		Mileage
(Add lines 3 thru 9)		Lines D - B
D. TOTAL PERSONAL MILES DRIVEN	_____	_____
BUSINESS MILES DRIVEN (B-D)	_____	_____

I certify that the above summary is a true and accurate record of my personal use based on contemporaneous records maintained on a daily basis and attached as a part hereof.

Employee Signature

** The above beginning mileage must agree last month's ending mileage for this vehicle.

A SEPARATE MONTHLY SUMMARY REPORT MUST BE PREPARED FOR EACH VEHICLE USED DURING THE MONTH.

OFFICE USE ONLY

Monthly Fair Market Rate = \$ _____
 Less: Business Use ()% = \$ _____
 Payroll Adjustment ()% = \$ _____

P/R Date _____
 Initials _____

Permit Issuance

July 6, 1993

Page 5

Otis Task Force - Hold - ask Mr. Boyer to write to the Governor and request the status of the Otis Task Force.

Recreation Committee - Hold

Waterways Committee

MOTION by E. Marks/T. Clarkson to appoint John August and Arthur Vidal to the Waterways Committee for a term of 3 years, SO VOTED, unanimous.

More appointments to be done on July 26, 1993.

Mr. Marks suggested that the Board adopt new policy regarding the issuance of permits.

MOTION by E. Marks/V. Valiela that all requests for licenses be accompanied by reports from the Board of Appeals, Building Department, Health Department, Fire Dept. and Town Counsel, if necessary, before any license is granted, SO VOTED, unanimous.

Mrs. Valiela suggested that the Board prepare a 'Policy Book' setting the policy of the Board on issuance of permits, etc.

Mrs. Valiela raised the question of the diversion of lottery aid money to the cities and towns. Local Aid has been cut 20%

MOTION by V. Valiela/E. Marks that the Administrator communicate with our Legislatures to safeguard local aid for Falmouth, SO VOTED

Moved to adjourn.

Marjorie L. Donovan
Recording Secretary

Shellfish and Herring Regulations

SHELLFISH AND HERRING

Chapter 275

ARTICLE 1 Herring Regulations

- 275-1. Statutory authority.
- 275-2. Shellfish permit required; catching days; method of capture; quantity restrictions.
- 275-3. Prohibited days.
- 275-4. Regulations for Coonamessett River.

ARTICLE II Shellfish Regulations

- 275-5. Statutory authority.
- 275-6. Commercial shellfish permit.
- 275-7. Taking shellfish at night prohibited.
- 275-8. Minimum sizes.
- 275-9. Manner of taking shellfish.
- 275-10. Restrictions in family areas.
- 275-11. Family shellfish permit quantity restrictions.
- 275-12. Commercial shellfish permit quantity restrictions.
- 275-13. Permit fees.
- 275-14. Fee abatement.
- 275-15. Display of catch.
- 275-16. Shellfishing on Sundays prohibited.
- 275-17. Wearing of permit required.
- 275-18. Violations and penalties.
- 275-19. Advertisement of changes in regulations.
- 275-20. Return of expired permits.
- 275-21. Repealer.
- 275-22. Adoption; effective date.

ARTICLE I
Herring Regulations

275-1. Statutory authority.

Under the authority of MGL C. 130 sec. 94, the following rules and regulations governing the taking of alewives in any water in the Town of Falmouth are now in effect until further notice.

275-2. Shellfish permit required; catching days; method of capture; quantity restrictions.

- a. A Town of Falmouth shellfish permit is required to take herring or alewives.
- b. Catching days open for the taking of herring or alewives throughout the Town of Falmouth are Mondays, Wednesdays, Fridays, and Saturdays.
- c. The method of capture shall be by dip net or scoop net. No throw nets, seine nets, or rod and reels shall be used to take herring or alewives from any fish run within the Town of Falmouth.
- d. Any person who possesses a Town of Falmouth shellfish permit may take no more than one (1) bushel of herring or alewives per open day.

275-3. Prohibited days.

No person shall take or attempt to take herring or alewives on Sundays, Tuesdays, and Thursdays throughout the Town of Falmouth. These days have been set aside so the herring and alewives will be able to make their annual migratory run up to their spawning grounds unmolested.

275-4. Regulations for the Coonamessett River.

Until further notice, Coonamessett River and its approaches to it from Great Pond have been set aside for the taking of herring for family use only. Catching on Coonamessett River shall be allowed only on the south side of the first dam located off John Parker Road across from Clark Street as marked by a "FISH CATCH AREA" sign.

ARTICLE II
Shellfish Regulations

275-5. Statutory authority.

These regulations are hereby adopted by authority of MGL C. 130, sec 52, and authorized by Town Meeting to regulate or prohibit the taking of eels and all kinds of shellfish and seaworms within the Town of Falmouth through the Board of Selectmen.

275-6. Commercial shellfish permit.

- a. No person shall take shellfish from the foreshores, flats, and tidal waters of the Town of Falmouth for commercial purposes without a permit therefor, prescribing the time, quantity, and method of taking the same, signed by at least three (3) members of the Board of Selectmen. The permit shall be visibly worn at all times while shellfishing.

- b. No commercial shellfish permit shall be granted to any person who has not resided in the town for at least six (6) months preceding his application for a permit.
- c. No shellfish shall be taken on Sunday for commercial purposes.
- d. Applications for shellfish permits shall be submitted during the month of February only. No commercial shellfish permit applications shall be accepted prior to February 1 or after February 28 or February 29 on leap year, both dates inclusive. Each application may be subject to a ten (10) day review by the shellfish constable.
- e. Commercial permits may be purchased from February 1 to March 31, both dates inclusive. No commercial shellfish permits shall be issued after March 31 without a Selectmen's hearing at the request of the applicant. No commercial permit shall be issued to any individual under 16 years of age.
- f. Commercial permit holders shall carry photo identification such as a Massachusetts driver's license or Registry of Motor Vehicles identification card while fishing.

275-7. Taking shellfish at night prohibited.

No shellfish shall be taken in the nighttime, namely, from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise.

275-8. Minimum sizes,

Minimum sizes shall be as follows:

- a. No person shall take or have in possession quahaugs less than one inch shell thickness (hinge width).
- b. No person shall take or have in possession soft-shelled clams less than two (2) inches in longest diameter.
- c. No person shall take or have in possession oysters less than three (3) inches in longest diameter.

275-9. Manner of taking shellfish.

Shellfish shall be taken only by hand, rake, plunger, dipnet, and tongs, except scallops, which may be taken by hand, dipnet, and dredging when prescribed by the selectmen. Skin diving, without air tanks, and scuba diving may be used to take shellfish in specific areas when prescribed by the selectmen. In no case will scuba diving for shellfish be allowed in depths of less than seven feet. During the period from June 1 to September 30, scuba diving for shellfish will not be allowed. Skin and scuba divers shall display a dive flag that they shall carry with them attached by a line. Divers must stay within a ten foot radius of their flag while shellfishing. Commercial permit holders shall display their Massachusetts Commercial Permit number in three inch numbers on their dive flag. It shall be prohibited to scuba dive for shellfish at any time in the following areas: Great Pond, Green Pond, Bourne's Pond, Waquoit Bay, Falmouth Harbor, and West Falmouth Harbor.

The use of any water , jet, suction and/or air tank device or shovel for the digging of shellfish is prohibited.

275-10. Restrictions in family areas.

Any quahog rake greater than thirteen (13) inches across the back of the rake shall not be allowed to be used for the harvest of quahaugs in any shellfish area designated for family use only in the Town of Falmouth as posted in legal notices in the newspaper. No person shall use a commercial shellfish permit in any of these areas designated for family shellfishing only. Digging or attempting to dig shellfish in any of the defined areas with a commercial permit is prohibited.

275-11. Family shellfish permit quantity restrictions.

Except in the nighttime and except from areas closed to shellfishing by order of the Selectmen, any inhabitants of this state or summer or year-round residents of the town may take, with a family shellfish permit, ten (10) quarts of quahaugs including shells per day, but not more than twenty (20) quarts in any one (1) week. One ten (10) quart bucket of clams including shells may be taken in any one (1) week. Between October 1 and the following March 31, both dates inclusive, one (1) bushel of adult scallops, including shells, may be taken per week. For the purpose of these shellfish regulations, a week is defined as Sunday through Saturday. No scallops may be taken between April 1 and September 30, both dates inclusive. For the purpose of this regulation, an adult scallop is defined as one having a well-defined, raised annual growth ring. Between November 1 and December 31, both dates inclusive, not more than ten (10) quarts of oysters per week may be taken on Saturdays only. Such permits shall not allow the taking of shellfish of a size or at a season prohibited by law and the amount therefor taken for any family shall not exceed in any one (1) week one (1) bushel of any or all kinds of shellfish. The family permit shall be visibly worn at all times while shellfishing.

275-12. Commercial shellfish permit quantity restrictions.

Any person to whom a shellfish permit for commercial purposes is granted shall not take more than four (4) bushels of quahaugs, including shells, per day, nor more than two (2) bushels of clams, including shells, per day. Between October 1 and March 31, scallops may be taken in amounts not to exceed ten (10) bushels per man in any one (1) day. Adult scallops only may be taken such as being defined as a scallop showing a well-defined annual growth ring. Between November 1 and December 31, both dates inclusive, oysters may be taken in amounts not to exceed one (1) bushel per week. Commercial harvest of oysters shall be limited to Fridays only. Commercial permit holders shall not take a family limit on their family permit on any day that they have taken commercial quantities of any species of shellfish.

275-13. Permit fees.

The fees for shellfish permits shall be as established by the Board of Selectmen.

275-14. Fee abatement.

No fee paid for shellfish permits shall be abated, nor shall any permit be issued without payment of the fee.

275-15. Display of catch.

All persons will display their catch upon request of the Shellfish Constable or Natural Resource Officer.

275-16. Shellfishing on Sundays prohibited.

No shellfishing is allowed in any area of the town on Sundays from June 15 through September 15, both dates inclusive.

275-18. Violations and penalties.

- a. Any holder of a shellfish permit who violates any provisions of these regulations or the laws relative to the taking of shellfish shall forfeit his permit and shall be barred from obtaining shellfish permits for a period of not less than six (6) months or not more than one (1) year from the date of the violation, at the discretion of the Selectmen.
- b. Violation of any part of these regulations shall be punishable by a fine not to exceed fifty dollars (\$50.00).

275-19. Advertisement of changes in regulations.

All changes in the shellfish regulations will be advertised in the local paper.

275-20. Return of expired permits.

All expired permits must be returned to the Selectmen's office, in the Town Hall, with the shellfish survey completed before a new permit may be issued.

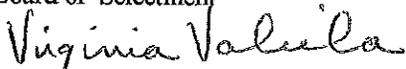
275-21. Repealer.

All shellfish regulations heretofore adopted inconsistent with the foregoing regulations are hereby repealed.

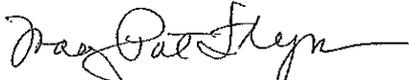
275-22. Adoption; effective date.

At a regular meeting of the Falmouth Board of Selectmen held on Oct 28, 1996
the foregoing regulations were adopted and shall be in effect, after publication as required by law, as of
NOVEMBER 1, 1996.

Board of Selectmen:


Virginia Valiela


Edward Marks, Jr.


Mary Pat Flynn

Troy B. Clarkson


Matthew C. Patrick


Paul S. Montague
Shellfish Constable

Woods Hole Parking Regulations

ADOPTED MARCH 27, 1995

RULES AND REGULATIONS
FALMOUTH RESIDENT PARKING PERMIT PROGRAM

SECTION I - RESIDENT PARKING PERMITS

ARTICLE 1

A Resident Parking Sticker of a design specified by the Board of Selectmen will be issued by the Falmouth Police Department, Bureau of Records to an individual meeting one of the following criteria:

1) Owner/user of a vehicle under the Authority of Chapter 160 Acts of 1992 which is registered with a gross weight of under 5,000 pounds owned or used by a person residing in Falmouth.

2) Resident of the Town of Falmouth. To be considered a resident of Falmouth one or more of the following requirements must be met by the individual:

2a) owns property in Falmouth and taxpayer and/or spouse are listed on the current property tax list, a copy of which is on file at the Falmouth Police Department.

2b) has been a registered voter in Falmouth for six (6) months or longer.

2c) has had a principal place of residence in the Town of Falmouth for six months immediately preceding applying for a parking sticker (a lease may be offered as proof).

2d) is enumerated in the most recent Town of Falmouth census.

3) The resident sticker is to be placed on the rear passenger window, driver's side, lower left corner. On station wagons and convertibles, the resident sticker should be placed on the glass on the left side of the vehicle, as far back toward the rear as possible.

4) Any vehicle so marked may be parked in any area of the Town of Falmouth posted "Parking by Permit Only." All other parking regulations in the Town must be obeyed.

5) Resident Parking Stickers will cost \$10.00 annually and will be issued by the Falmouth Police Department-Bureau of Records. All parking stickers will automatically expire on March 31st of each year. The color of the parking stickers and the guest pass shall be changed each year.

6) Residents whose drivers license or vehicle are entered into the Registry of Motor Vehicles non renewal status shall not be eligible for a resident parking permit.

ARTICLE 2 - Temporary Sticker

A temporary sticker may be issued to a person who rents or leases a house, campsite, apartment, or condominium in the Town of Falmouth during summer season beginning June 1 and ending September 1 for all or part of a summer. Temporary stickers will cost \$125.00 for the first car, \$50.00 for the second and \$100.00 for each additional car. Summer residents must provide a copy of a bona fide lease. Temporary stickers may also be issued to the following:

1) A person who owns a timeshare unit of interval ownership for one (1) week or more during the summer season. A sticker will be issued only for the time of their documented interval ownership. Fee: \$20.00 per ownership period. (Documentation by corporate owner only).

2) A resident who has a resident sticker but whose vehicle has been stolen or is being repaired. There will be no charge for the length of a rental car agreement in these cases.

3) A resident with a vehicle not properly registered, but who is transferring registration; in this case a temporary sticker will be issued for seven (7) days to allow time for the change over. This will be valid only in the area in which they reside. A valid registration along with proof of residency is needed to obtain a permit. All outstanding traffic tickets must be paid prior to issuance of a temporary on out of state plates.

4) A resident who owns no vehicle, but is renting one. Proof of residency along with a rental agreement for the car must be presented, and a permit for the length of the rental agreement will be issued.

ARTICLE 3 - Sticker Revocation

Parking stickers will automatically be revoked if (1) a car ceases to qualify; (2) if affixed to a car other than the one so designated at the time of application; or (3) if the registration number on the resident sticker is different than the one on the vehicle, (4) if the resident's drivers license or vehicle registration is entered into the Registry of Motor Vehicles non renewal program. Any vehicle bearing a revoked parking sticker and parked on a street posted under the Authority of Chapter 160 Acts of 1992 will be subject to the same penalty as a vehicle parked on a street posted under the same act without a parking sticker or a visitor permit.

SECTION II - GUEST CARDS

ARTICLE 1 - Qualifications

To qualify for a guest card the person making application must be a resident on a street which has designated permit parking. The vehicle owned by such resident must have a residential parking permit sticker or a declaration of no vehicle ownership must be made, and the resident must be eligible in all other aspects for such a permit.

1) Only one guest permit will be issued to each dwelling unit whose resident meets the criteria cited above. The fee will be \$10.00

2) Permits will be issued on an annual basis beginning April 1 each year.

3) Guest cards will **NOT BE REPLACED** until the following year's reissuance for any reason other than mutilation; in case of mutilation all the torn pieces must be presented before a replacement will be issued.

4) The card will be placed on the rear view mirror post, with the front side of the card plainly visible for inspection from the street and will contain the following information:

PERMIT NO.
DATE OF ISSUE
EXPIRATION DATE
YEAR
STREET ADDRESS

The reverse of the card will have the wording:

PLEASE DISPLAY THIS CARD ON VEHICLE REAR VIEW MIRROR POST

ARTICLE 2 - Dinner passes

Residents of the restricted parking streets will be eligible to purchase DINNER PASSES at a cost of \$1.00 each. The passes will be marked with the original guest sticker number. Passes are effective from 6:00 p.m. to 10:00 p.m. and to be valid the resident must write in the following information in ink:

- 1) date of use
- 2) registration number of vehicle
- 3) house location of dinner party

The pass must be placed on the dashboard in front of the steering wheel.

SECTION III - GENERAL

ARTICLE 1 - Violations

Any vehicle not displaying a Falmouth resident parking sticker will be issued a parking violation for parking in a prohibited area (Violation #11) and treated as any prohibited area infraction, including towing of said vehicle.

ARTICLE 2 - New Street Designations

A street or neighborhood may be designated a resident parking permit area by the Falmouth Board of Selectmen under the Authority of Chapter 160 Acts of 1992 provided:

1) a petition signed by more than fifty (50) percent of the residents on those streets be presented to the office of the Selectmen requesting such action

2) The various Town Departments involved in planning, safety-engineering and enforcement investigate the legal and safety aspects of the location and recommend establishment of the plan to the Board of Selectmen.

Edward Marks, Jr.
Troy B. G. Clarkson
George DeMello
Virginia Valiela
Mary Pat Flynn
BOARD OF SELECTMEN

PUBLICATION DATE: APRIL 4, 1995

**APPLICATION
FALMOUTH RESIDENT PARKING PERMIT**

NAME

STREET ADDRESS

ZIP

REGISTRATION#

STATE

EXPIRATION DATE

MFRS MODEL/YEAR

MAKE

MODEL NAME

BODY STYLE

COLOR

VEHICLE ID #

SIGNATURE

DATE

PERMIT #

DATE OF ISSUE

Permit must be permanently affixed to the lower left hand corner of the rear passenger window, driver's side.

Whistleblower Protection Act

Town of Falmouth

WHISTLEBLOWER PROTECTION POLICY

Policy:

This policy is adopted pursuant to and in accordance with the Massachusetts Whistleblower Protection Act, M.G.L. c 149.185.

Application:

All Employees

It is the policy of the Town of Falmouth to:

- a. Encourage the reporting by its employees of improper governmental action taken by the town officers or employees; and
- b. Protect town employees who have reported improper government actions in accordance with this policy.

The Town encourages the reporting of improper governmental action taken by any town officers or employees, and the reporting of retaliatory actions for such reporting. The town encourages initial reporting to the town to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. This policy states the town's procedures for reporting improper governmental action and for protecting employees against retaliatory actions.

Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue first with their supervisor, the Town Manager or his designee, or the appropriate governmental agency responsible for investigating such improper action. If requested by the supervisor, the Town Manager or his designee, the employee shall submit a written report to the Town stating in detail the basis for the employee's belief that an improper governmental action has occurred.

In the case of an emergency, the employee may report the improper governmental action directly to a person or entity that is not the person's supervisor, the Town Manager/designee, or other government agency. In all other cases, the employee must first follow the reporting procedure outlined above.

An employee is not required to comply with the above procedure if he/she:

- a. Is reasonably certain that the activity, policy or practice is known to one or more supervisors of the town and the situation is emergency in nature;
- b. Reasonably fears physical harm as a result of the disclosure provided; or
- c. Makes the disclosure to a public body for the purpose of providing evidence of what the employee reasonable believes to be a crime.

Town employees who fail to make a good-faith attempt to follow this policy in reporting improper governmental action shall not receive the protections provided under this policy or the Act. Employees who make false reports may be subject to the disciplinary procedures in the Town Personnel Code.

The supervisor or the Town Manager, or his designee as the case may be, shall take prompt action to assist the town in properly investigating the report of improper governmental action. Town officers, department heads, supervisors and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of the summary of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential.

Town officials, department heads, supervisors and employees are prohibited from taking retaliatory action against the town employee because he or she has in good faith reported an improper governmental action in accordance with this policy.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor or the Town Manager or his designee. Town officials, department heads and supervisors shall take appropriate action to investigate and address complaints of retaliation. If the supervisor or the Town Manager or his designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee, in accordance with the Act, may, within two years, institute a civil action in the superior court. Any party to said action shall be entitled to claim a jury trial. All remedies available in common law tort actions shall be made available to prevailing plaintiffs. These remedies are in addition to any legal or equitable relief provided herein.

The Town Manager or his designee is responsible for implementing the town's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. This includes insuring that this policy is permanently posted where all employees will have reasonable access to it and that this policy is made available to any employee upon request. The town will, to the extent it considers practical, provide training and education on the whistle blower policy. Town department heads and supervisors are responsible for insuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including dismissal.