

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, MAY 9, 2022 – 6:30 P.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.

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION #1

1. M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining – AFSCME Units A, B and C

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamations
 - a. Police Week – May
 - b. Eagle Scout James Walden, Troop 38
 - c. Eagle Scout Logan Moniz, Troop 38
4. Recognition
5. Announcements
6. Reports; update on beach staffing by Beach Committee representative
7. Public Comment

7:15 p.m. TOWN MANAGER'S PRELIMINARY REPORT

7:20 p.m. CONSENT AGENDA

1. Licenses
 - a. Approve application for Entertainment License – Pickle Jar Kitchen – 170 Main Street
 - b. Approve application for Sunday Entertainment License – Quicks Hole Taqueria – 28 Water Street, Unit C, Woods Hole
 - c. Approve application for Special One-Day Liquor License – Striper Fest – Marina Park – 9/24/22
2. Administrative Orders
 - a. Vote to retroactively approve application for Municipal Vulnerability Preparedness (MVP) Action Grant for permit-level design to increase the coastal resilience of the Woods Hole sewer force main, and vote to sign letter of support
 - b. Approve request from Cape Cod Guang Ping Tai Ji Quqn Club for a waiver/reduction of the special event permit fee for the Practice and Teach Tai Ji practices at Marina Park
 - c. Approve request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival at Peg Noonan Park and Library Lawn
 - d. Vote to approve request for variance to sign code Section 184-30 – Off-premise promotional/ special event signs – Spring at Spohr
 - e. Vote to approve appointment of EDIC officers: Tom Feronti, Vice Chair; Mark Lowenstein, Clerk; Christopher Land, Chair and Kevin Holmes, Treasurer
 - f. Vote to approve application for a grant to the Mass Trails Program for the Extension of the Shining Sea Bikeway into Bourne
 - g. Vote to approve Juneteenth as a Town holiday
3. Approve 2022 Seasonal/Annual License Renewals:
BOWLING ALLEY LICENSE
Town Hall Partners d/b/a Timber, 23 Town Hall Square

LODGING HOUSE LICENSE

Woods Hole Passage, 186 Woods Hole Road, Falmouth

4. Review and Vote to Approve Minutes of Meetings:
 - a. Public Session: March 5, 2022 and April 11, 2022
 - b. Executive Session: February 28, 2022 (#1, #2 and #3); March 9, 2022; March 14, 2022 and April 11, 2022

7:25 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and appoint member to Agricultural Commission: Jack Simonds (5 minutes)

7:30 p.m. PUBLIC HEARINGS

1. Vote to Adopt Amended Order of Betterment Assessment for the Little Pond Sewer Service Area (Kendall Lane). Continued from 4/25/22. (10 minutes)

7:40 p.m. BUSINESS

1. Joint Base Cape Cod (JBCC) Commanders' Briefs on JBCC Initiatives, Projects and Issues (20 minutes)
2. Discussion of Select Board policy for disposition of items valued less than \$10,000.00 (15 minutes)
3. Discussion of Diversity, Equity and Inclusion Officer position (15 minutes)
4. Discussion and vote on Falmouth Road Race, Inc. appeal of the decision of the Town Manager regarding the number of participants for the Falmouth Road Race special event (30 minutes)
5. Town Manager response to performance evaluation summary (15 minutes)
6. Select Board final discussion to affirm or modify Town Manager summary evaluation. Final comments from Board members. (15 minutes)

9:30 p.m. EXECUTIVE SESSION #2

7. M.G.L. c.30A s.21(a)(2) – To discuss contract negotiations with non-union personnel (Town Manager); discussion and possible vote on action on Town Manager's contract.

9:45 p.m. OPEN SESSION

BUSINESS

8. Discussion and possible vote on action on Town Manager's contract (15 minutes)

10:00 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

10:05 p.m. SELECT BOARD REPORTS

10:15 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

10:20 p.m. ADJOURN

Douglas C. Brown, Chair
Select Board

OPEN SESSION

3. Proclamations

- a. Police Week – May 15–21, 2022



PROCLAMATION for POLICE WEEK

WHEREAS The Congress and President of the United States have designated May 15 as Peace Officer Memorial Day, and the week in which it falls Police Week; and

WHEREAS The members of the law enforcement agency of the Town of Falmouth play an essential role in safeguarding the rights and freedoms of the citizens of the Town of Falmouth; and

WHEREAS It is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS The police department of the Town of Falmouth has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

THEREFORE We, The Select Board call upon all citizens of the Town of Falmouth and upon all patriotic, civil and educational organizations to observe the week of May 15 - 21, 2022, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

FURTHER We call upon all citizens of the Town of Falmouth to observe Wednesday, May 18, 2022 as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty, especially, our own Officer Samuel F. Pierce who lost his life in the Line of Duty on August 16, 1933. I further, call upon all citizens of the Town of Falmouth to observe a moment of silence on **Wednesday, May 18, 2022** in their honor.

IN WITNESS WHEREOF, We, Douglas C. Brown, Nancy R. Taylor, Samuel H. Patterson, Megan English Braga and Onjalé Scott Price hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 9th day of May 2022.

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor, Vice Chair

Onjalé Scott Price

Samuel H. Patterson

SELECT BOARD

OPEN SESSION

3. Proclamations

- b. Eagle Scout James Walden, Troop 38



PROCLAMATION

WHEREAS: James Walden of Boy Scout Troop 38 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: James Walden met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

WHEREAS: The Boy Scouts of America, long acknowledged for building fine citizens, calls for Special Court of Honor to award its highest symbol of achievement to those who complete this rank; and

WHEREAS: James Walden is now an Eagle Scout with all its rank and privilege;

NOW, THEREFORE, We, Douglas C. Brown, Nancy R. Taylor, Samuel H. Patterson, Megan English Braga and Onjalé Scott Price as Select Board of the Town of Falmouth, do hereby declare and PROCLAIM

JAMES WALDEN AS EAGLE SCOUT

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this **9th day of May, 2022.**

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor, Vice Chair

Onjalé Scott Price

SELECT BOARD

Samuel H. Patterson

OPEN SESSION

3. Proclamations

- c. Eagle Scout Logan Moniz, Troop 38



PROCLAMATION

WHEREAS: Logan Moniz of Boy Scout Troop 38 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Logan Moniz met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

WHEREAS: The Boy Scouts of America, long acknowledged for building fine citizens, calls for Special Court of Honor to award its highest symbol of achievement to those who complete this rank; and

WHEREAS: Logan Moniz is now an Eagle Scout with all its rank and privilege;

NOW, THEREFORE, We, Douglas C. Brown, Nancy R. Taylor, Samuel H. Patterson, Megan English Braga and Onjalé Scott Price as Select Board of the Town of Falmouth, do hereby declare and PROCLAIM

LOGAN MONIZ AS EAGLE SCOUT

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this **9th day of May, 2022.**

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor, Vice Chair

Onjalé Scott Price

SELECT BOARD

Samuel H. Patterson

OPEN SESSION

6. Reports; update on beach staffing by Beach Committee representative

To the Select Board
From The Beach Committee
5/2/22

We now have compared our current number of applications to those we had last year when we had to close two of our 10 beaches. Because our number of returning guards is 24, we know that we need at least 34 new guards to fill the remaining spots. We currently have 20 applications. While we applaud the recent move to adjust the bonus system this past week, we hope adjustments will be fluid and discussed at least bi-weekly between now and June. **We know that the appropriate number of guards on a beach saves lives. We have seen that numerous times on our beaches when actual saves are made.** We are doing our best to advise you on what we know we need to provide to make the 10 beaches safe for all that use them. Our beaches are extremely busy even when we can open and guard all 10; we often have lines of cars waiting hours before a beach lot opens. But we really don't want to imagine what it might look like if we need to leave more beaches unstaffed. **We all need to prioritize beach safety** and availability as it is key to our community's economic strength and our attraction as both a tourist destination and a place to live. There are many towns with attractive downtowns, but there are very few with 10 beautiful beaches as well. Recent news stories like the one we have included below from last week have emphasized just how adjustable we need to be to attract today's workforce due to the lack of young workers. As we stated clearly and firmly in our fall presentation to you, **the selectboard must direct the town manager to do all he can to ensure we can safely open all our beaches.** Longer lines at fewer beaches might be our new reality. That will not serve us well as a town.

In preparation for making decisions about beach openings and closings, we ask that town counsel provide the following information:

What is the town's liability for any incident on an unguarded beach and does that liability change if we require a sticker or parking fee for that beach's lot?

Does providing mats for handicapped access to a certain beach area alter the town's liability if a beach is not guarded?

If we cannot staff a beach and it becomes a frequent problem requiring police, might we gate off the parking area for the summer?

Thank you for again taking up this discussion and for asking Town Counsel for these answers. We are trying to do all WE can to recruit guards and provide training. **We need your support to provide 10 safe beaches.**

<https://www.wcvb.com/article/massachusetts-dcr-lifeguard-recruiting-push/39765872>

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

TO: JULIAN SUSO, TOWN MANAGER
FROM: MAURA O'KEEFE, TOWN COUNSEL
SUBJECT: LIABILITY AT TOWN BEACHES
DATE: MAY 5, 2022

You have asked to provide responses to questions of liability from the Beach Department as outlined below:

What is the town's liability for any incident on an unguarded beach and does that liability change if we require a sticker or parking fee for that beach's lot?

Unguarded Beach

The Town would likely be immune from any suit for a claim for damages in connection with the absence of lifeguards at a beach. Pursuant to the Massachusetts Tort Claims Act, a municipality is immune from "any claim based on an act or failure to act to prevent or diminish the harmful consequences of a condition or situation" that was not originally caused by the Town. M.G.L. c. 258 § 10(j).

The caselaw on this point is clear. In the matter of Jacome v. Commonwealth, a plaintiff sued the Commonwealth for negligence when her son drowned at an unguarded beach. 56 Mass.App.Ct. 486 (2002). The Court stated that the Commonwealth could have done any number of things to prevent the drowning, i.e. close the beach, post warning signs, ensure the presence of lifeguards, but all of these are examples of ways that the Commonwealth might possibly have prevented the harm. The Court determined that requiring the Commonwealth, or a municipality, to affirmatively prevent injury is an unreasonable standard worthy of immunity from suit.

The Town is not required to attempt to prevent all manner of harm to every person. For this reason, the Town could not be held liable for a claim that some injury was caused as a result of failing to post lifeguards at its beaches.

Parking Fee

Under many factual circumstances, the immunity discussed above will apply.

In addition, the Town would likely be immune from liability for injuries sustained on a Town beach, even if the Town charges a fee for parking, pursuant to the Recreational Use Statute. The Recreational Use Statute states that an owner of land who allows the public to use the land for recreational purposes and does not charge a fee to use the land, cannot be held liable for injuries caused by the owner's negligence. M.G.L. c. 21 § 17C.

Therefore, if the Town does not charge a fee for the public to *use the beach*, then the Town cannot be found liable for negligence if someone is hurt on the beach. Seich v. Town of Canton, 426 Mass. 84, 86 (1997); Amaral v. Seekonk Grand Prix Corp., 89 Mass. App. Ct. 1, 3–4, (2016). Payment for use of the *parking lot* does not change the analysis here.

Does providing mats for handicapped access to a certain beach area alter the town's liability if a beach is not guarded?

The provision of mats for handicapped access, alone, does not impact the analysis of liability for an unguarded beach. However, the immunity discussed above will not apply to a claim of *negligent maintenance*. Once the Town undertakes an improvement like this, the Town is required to properly maintain the mats. If it could be shown that the mats were in need of repair, the Town knew the mats needed repair, the Town failed to make those repairs, and the mats caused damage as a result, then the Town could potentially be liable for those damages.

The best course of action to prevent harm and, therefore, liability, is to check the mats on a regular basis for needed repairs.

If we cannot staff a beach and it becomes a frequent problem requiring police, might we gate off the parking area for the summer?

If there is a public safety concern involving the parking lots, then the decision to close access to Town property is a policy decision best left to the expertise of the police department.

OPEN SESSION

TOWN MANAGER'S PRELIMINARY REPORT

May 9, 2022

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

DATE: May 6, 2022



- The Board will meet at 6:30PM in executive session for an update by and clarification from labor counsel on the recent request by AFSCME representatives for a bargaining demand.

Preliminary Report

- All appears to be in order for the two entertainment license requests and the special event one-day liquor license request.
- The request for support for the MVP Action Grant from Wastewater Superintendent Amy Lowell which is on your agenda has been withdrawn for further review and reconsideration at a later grant submission date.
- The two fee waivers and temporary off-premise sign request are consistent with past approvals and appear to be complete and appropriate.
- As a matter of standard procedure, you are asked to approve the appointment of the updated list of officers for the Falmouth EDIC.
- We are working with consultant VHB and the Town of Bourne in seeking a Mass Trails Program grant to continue the design of the proposed extension of the Falmouth Shining Sea Bikeway north into Bourne. Public Works Director Peter McConarty will be on hand to update.
- I am asking the Board to vote to approve Juneteenth (June 19) as a Holiday for Town employees. This appears in several, but not all, Town collective bargaining agreements and I feel that the paid holiday should apply to all Town employees.
- Town Counsel O'Keefe has provided a clarifying memo on the matter of apportionment of betterments which you requested.
- Under Business, the Board will hear the annual update from JBCC.
- You will be returning to your discussion of disposition of items valued at less than \$10,000. Maura O'Keefe has suggested a couple of supplements to your original draft from March 5 which I recommend.
- Transitional DEI Officer George Spivey has provided a preliminary report which details some of his many activities. George will be joining us for this discussion.

Supplemental Report

- The upcoming annual municipal election is Tuesday, May 17.
- The Board's next regular meeting is Monday, May 23.
- Town Hall and Town administrative offices will be closed on Monday, May 30 for the Memorial Day Holiday.
- I am pleased to confirm that we have received a formal, written response from the Clean Water Trust offering to work with the Town in negotiating the remaining \$2.9 Million financial obligation on wind 2. We are continuing to work with legal counsel on the details as we also proceed with the procurement and disposition work on both wind 1 and wind 2.
- Work has begun on the "all-purpose" trail from Palmer Avenue into Goodwill Park, which is in preparation for the ultimate, coming installation of the "Hawk Signal" allowing bicyclists and pedestrians to more safely cross Route 28 from the Shining Sea Bikeway into Goodwill Park.
- I attach a summary "Lifeguard Recruitment Update" prepared by HR Director Denise Coleman which includes the latest details of the lifeguard search process for the 2022 season. As you will note, the good news is that the adjustments we have made to the compensation schedule appear to be producing results – as of today (May 6) we already have 27 applicants, as compared to only 20 last year at this time. The work continues. As a reminder, the season begins the last week of June.

LIFEGUARD RECRUITMENT UPDATE

05/09/22

- As of 05/06/22, there were a total of 27 candidates that applied for Lifeguard positions
- It is important to note that of the 27 applications, **10 of them were received after the \$1500 bonus was published** (see details below for Bonus Plan)

BONUS PLAN - The \$1500 bonus will be paid to Lifeguard staff as follows:

\$500 hire on bonus – must have started on or before 06/27/22;

\$500 mid-season bonus - must have worked through 07/25/22;

\$500 end of season bonus - must have worked through Monday, 08/22/22

This bonus is designed to better recruit and retain employees and has already proven to be effective for recruitment purposes

The \$1500 bonus equates to approximately \$3.75/hour in addition to the current salary range for Lifeguards

- Will continue to accept applications into the season
- In comparison to approximately the same time in 2021, there were a total of 20 candidates
- In comparison to approximately the same time in 2019 (pre-covid), there were approximately 22 candidates
- The current season begins the last week of June

CONSENT AGENDA

1. Licenses

- a. Approve application for an Entertainment License – Pickle Jar Kitchen – 170 Main Street, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: Pickle Jar Kitchen

Address: 170 Main Street, Falmouth

License Type: All Alcoholic Common Victualler

New or Transfer of License Entertainment License

or

Change of License _____

Police Overall okay, however, the apartments over the business are a concern

Fire No objections pending issuance of updated Certificate of Inspection

Building Building has signed off on this application

Health _____

Zoning No comments

Planning _____

DPW _____

NOTES:

PAID
\$10
ck# 278



RECEIVED
FEB 14 2022
SELECTMEN'S OFFICE

Town of Falmouth
Office of the Town Manager/Selectmen
59 Town Hall Square, Falmouth, MA 02540
508-495-7320

ENTERTAINMENT LICENSE ANNUAL APPLICATION

Massachusetts General Laws, Chapter 140, Section 183A as amended by Chapter 694 of 1981

Required fields are outlined in red.

NAME OF BUSINESS: Pickle Jar LTD D/B/A The Pickle Jar Kitchen
 ADDRESS: 170 Main St
 TOWN: Falmouth STATE: MA ZIP CODE: 02540
 NAME OF OWNER/MANAGER: Elisabeth Lay
 TELEPHONE #: [REDACTED] EMAIL: PicklejarKitchen@gmail.com
 HOME ADDRESS: 10 Kompass dr E-Falmouth MA 02536
 LOCATION OF ENTERTAINMENT ON PREMISES: Dining room, back patio
 DAYS OF ENTERTAINMENT: Mon Tues Wed Thurs Fri + SAT
 HOURS OF ENTERTAINMENT: 9AM - 11pm

Provide a detailed description of proposed entertainment and provide a FLOOR PLAN showing the locaton of entertainment:

Occasional local music and dancing. acoustic music once a month or for special events.

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT REQUESTED:

SUNDAY ENTERTAINMENT: NO YES (if YES, complete a separate Sunday Entertainment application - contact Select Board office)

1. DANCING By Patrons No Dancing
2. MUSIC Recorded Live Amplified Acoustic Other

I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the public area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

DATE 2/14/22 x [Signature]

Signature - OWNER or MANAGER

Total Town Fees: \$110

Filing Fee: \$10

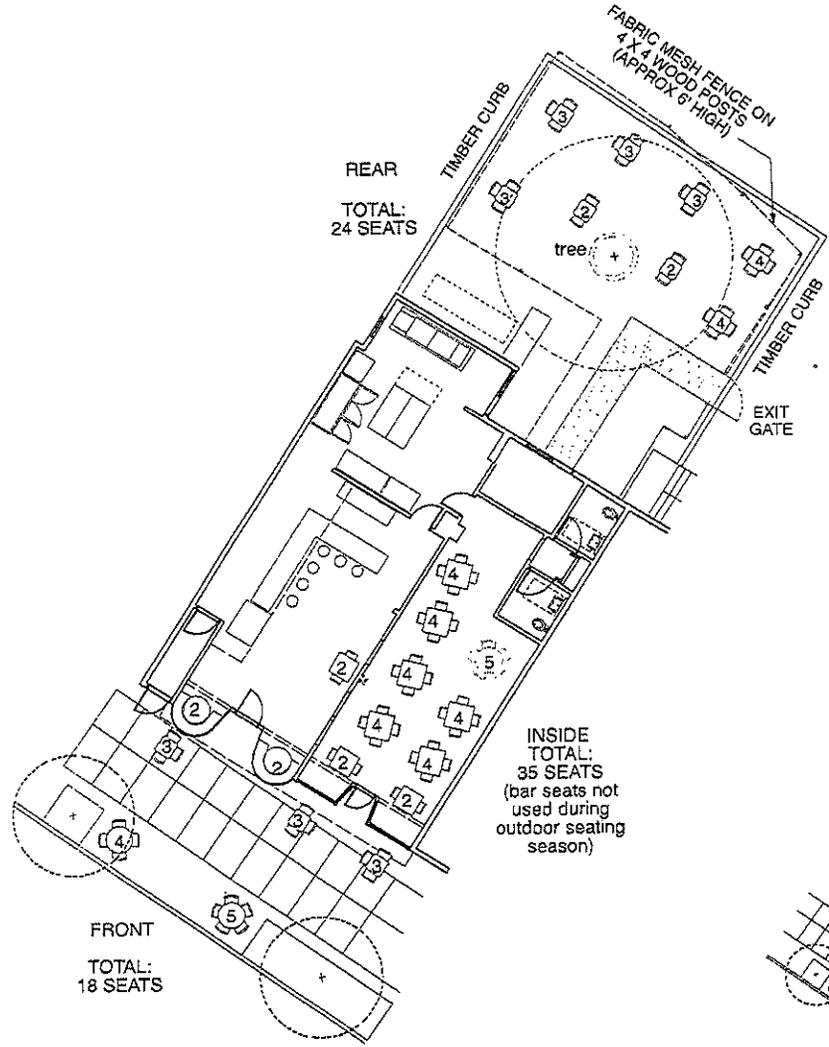
License Fee: \$100

Fees payable to Town of Falmouth

PICKLE JAR RESTAURANT
 170 Main Street
 Falmouth, MA 02540

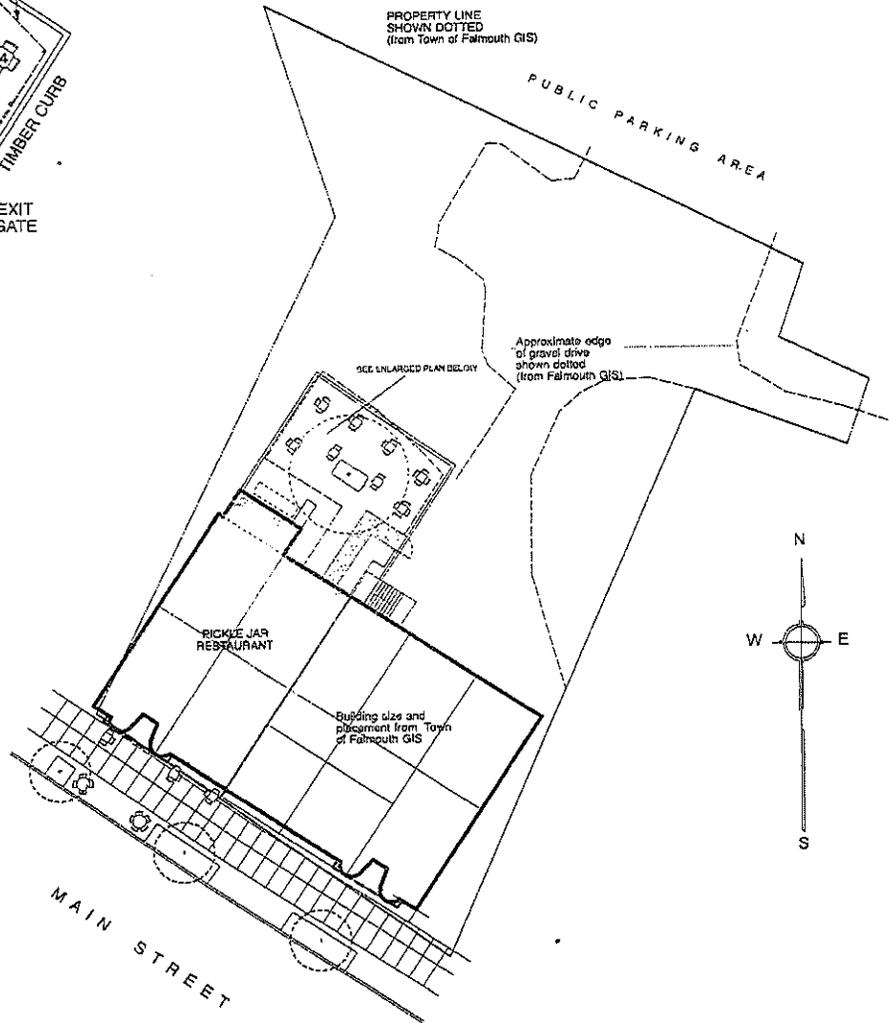
Drawn by
 Imai Keller Moore Architects
 70 Phillips Street
 Watertown, MA 02472

617 923 6010



SEATING PLAN

SCALE: 1" = 10'-0"



SITE PLAN

SCALE: 1" = 20'-0"

CONSENT AGENDA

1. Licenses

- b. Approve application for Sunday Entertainment License –
Quicks Hole Taqueria – 28 Water Street, Unit C. Woods Hole

LICENSE APPLICATION REVIEW

Restaurant/Business: Quicks Hole Taqueria

Address: 28 Water Street, Unit C, Woods Hole

License Type: Sunday Entertainment License

New or Transfer of License Sunday Entertainment

or

Change of License _____

- Police _____
- Fire _____
- Building _____
- Health _____
- Zoning _____
- Planning _____
- DPW _____
- Assessor _____
- Tax Collector _____
- . _____
- . _____
- . _____

NOTES: Restaurant had a Sunday Entertainment License from 2016 to 2018 but chose not to renew in 2019.

Conditions on the current Entertainment License are "Recorded and Live Music - Two to Three Musicians - Indoor and Outdoor Entertainment - Monday through Saturday, 10:00 A.M. to 10:00 P.M. Entertainment must comply with Chapter 150 - Noise, of the Falmouth Town Code."

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Falmouth



State Fee, \$ 50.00
Municipal Fee, \$ 75.00

LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Quicks Hole LLC d/b/a Quicks Hole Taqueria in or on the property at

No. 28 Water St, Unit C (address)

The Licensee or Authorized representative, Elizabeth S. Colt in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
		Regular Hours: Sunday 1:00 PM - Midnight - \$50 check to Commonwealth of Massachusetts
		- \$75 check to Town of Falmouth
		**Fee of \$75 payable to Town of Falmouth by Money Order or Certified Bank Check only.

Hon. Douglas C. Brown Mayor/ Chairman of Board of Selectman, Falmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

PAID \$85.00
LIC# 1669



Town of Falmouth
Office of the Town Manager/Selectmen
59 Town Hall Square, Falmouth, MA 02540
508-495-7320

RECEIVED
APR 20 2022
SELECTMEN'S OFFICE

ENTERTAINMENT LICENSE ANNUAL APPLICATION

Massachusetts General Laws, Chapter 140, Section 183A as amended by Chapter 694 of 1981

Required fields are outlined in red.

NAME OF BUSINESS: Quicks Hole LLC D/B/A Quicks Hole Taqueria

ADDRESS: 28 Water St, Unit C

TOWN: Woods Hole STATE: MA ZIP CODE: 02543

NAME OF OWNER/MANAGER: Elizabeth S. Colt

TELEPHONE #: [REDACTED] EMAIL: finance@woodsholeco.com

HOME ADDRESS: 24 Millfield St, Woods Hole, MA 0243

LOCATION OF ENTERTAINMENT ON PREMISES: 28 Water St, Unit C

DAYS OF ENTERTAINMENT: Sunday

HOURS OF ENTERTAINMENT: 10:00am to 10:00pm

Provide a detailed description of proposed entertainment and provide a FLOOR PLAN showing the locaton of entertainment:

Live music outside without dancing.

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT REQUESTED:

- SUNDAY ENTERTAINMENT: NO YES (if YES, complete a separate Sunday Entertainment application - contact Select Board office)
1. DANCING By Patrons No Dancing
2. MUSIC Recorded Live Amplified Acoustic Other

I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

DATE 4/19/2022 X [Signature]

Signature - OWNER or MANAGER

Total Town Fees: \$110
Filing Fee: \$10
License Fee: \$100

Fees payable to Town of Falmouth

CONSENT AGENDA

1. Licenses

- c. Approve application for a Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striper Fest – Marina Park – 9/24/22

LICENSE APPLICATION REVIEW FORM

Date: 5/9/22

Applicant: On the Water, LLC

Address: Striper Fest, Marina Park, 180 Scranton Ave., Saturday, 9/24/22

License Type: Special One-Day Liquor License

New or Transfer of License _____

or

Change of License _____

This application is part of the special event application discussed by the Internal Working Group for Special Events meeting on Thursday, February 24, 2022. The Working Group recommended approval.

Police _____

Fire _____

Building _____

Health _____

Zoning _____

Planning _____

NOTES:



TOWN OF FALMOUTH
 Office of the Town Manager and Select Board
 59 Town Hall Square, Falmouth, Massachusetts 02540
 Telephone (508) 495-7320

APPLICATION
 SPECIAL ONE-DAY LIQUOR LICENSE
 FOR THE SALE OF ALCOHOLIC BEVERAGES
 M.G.L.A. CHAPTER 138, SECTION 14

NAME OF APPLICANT: On The Water LLC
 ADDRESS OF APPLICANT: 707 Teaticket Highway, E. Falmouth, 02536
 NAME OF ORGANIZATION: On The Water's StriperFest
 MAILING ADDRESS: Same as above
 EMAIL: val@onthewater.com TELEPHONE #: (508) 548-4705 x212
 LOCATION TO BE LICENSED AND ADDRESS: Marina Park on Scranton Avenue

AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT: Chris Megan
 TYPE OF EVENT: Festival
 DATE(S) OF EVENT: 9/24/22
 HOURS OF EVENT: 12 - 6pm
 APPROXIMATE # OF PEOPLE: ~3,000

TYPE OF LICENSE:
 1. WINE & MALT NON-PROFIT FOR PROFIT
 2. ALL ALCOHOLIC (NON-PROFIT ONLY)

REQUIREMENTS:

1. Narrative describing the event
2. Floor plan of area where alcohol will be served and consumed, and security plan
3. Certificate of non-profit status (if your organization is non-profit)
4. Certificate of liquor liability insurance: \$1 million per occurrence/\$2 million in the aggregate
5. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
6. Application for Temporary Food Permit (Health Department)

Valerie White
 APPLICANT'S SIGNATURE

3/21/22
 DATE

LICENSE FEE: \$25.00 PER DAY
 FILING FEE: \$10.00



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Striper Fest

NAME On The Water LLC – Chris Megan, Publisher/Owner

MAILING ADDRESS 707 Teaticket Highway, East Falmouth, MA 02536

EVENT DAY & DATE Saturday, September 24, 2022

SET-UP / BREAK-DOWN Thursday, 9/22/22 / Sunday, 9/25/22

RAIN DATE Sunday, September 25, 2022

EVENT LOCATION Marina Park and Bandshell

EVENT TYPE Fishing Festival and Awards Ceremony

EVENT HOURS 12:00 noon – 6:00 p.m.

NUMBER OF ATTENDEES approx. 3,000 # OF VEHICLES 500+ over course of day

ADDITIONAL DETAILS Entertainment-background band. Requesting use of marina park restrooms. Will also provide portable restrooms. Parking at Island Queen lot, Cape Cod 5 lots, grassy area by park and shuttles from Lawrence School. Beer & wine one-day liquor license.

CONDITIONS:

1. Contact Police Detail Sergeant one month before event to arrange for adequate public safety requirements. Recommend two (2) detail officers to clear traffic and buses on Scranton Ave. & Main St.
2. Rope off section where alcoholic beverages will be sold and consumed.
3. Proof of liquor liability insurance required.
4. Alcohol service stops 15 minutes before end of event.
5. Contact Health Department 30 days in advance of event for Temporary Food Service Permit for alcoholic beverage vendors and for food vendors and to schedule inspections.
6. Coordinate liquor ticket sales to provide time for redemption. Consider earlier end to liquor sales cutoff.
7. Fire Department requires a site plan that indicates tent sizes and locations. Will also need to know locations of any grills, propane tanks, etc.
8. Contact Inspectional Services Department 30 days prior to event for tent permit and to schedule inspection.
9. DPW recommends the applicant explore possibility of contracting the rubbish collection portion of this event.
10. Event sponsors are required to have a plan to separate recyclable materials from solid waste in compliance with applicable Massachusetts waste ban regulations.

PERMIT FEE \$800.00 (\$200/day x 4) FILING FEE \$10.00
DEPOSIT \$300.00 (Deposit refundable at conclusion of event
provided that no litter or damage has occurred)

APPROVED:

Julian M. Jones
Town Manager

3/16/2022
Date

CONSENT AGENDA

2. Administrative Orders

- a. Vote to retroactively approve application for Municipal Vulnerability Preparedness (MVP) Action Grant for permit-level design to increase the coastal resilience of the Woods Hole sewer force main, and vote to sign letter of support



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION

416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543 x 3018

AMY LOWELL
WASTEWATER SUPERINTENDENT

MEMORANDUM

TO: Julian Suso

FROM: Amy Lowell

CC: Peter Johnson-Staub, Jennifer Mullen, Peter McConarty, Jennifer Lincoln

DATE: May 6, 2022

RE: Decision to Rescind MVP Fiscal Year 23 Grant Application – Design of Woods Hole Force Main Resiliency Improvements

The Wastewater Division submitted an application yesterday for a Municipal Vulnerability Preparedness (MVP) grant for “Design of Woods Hole Force Main Resiliency Improvements.” However after much consideration, I have decided to, rather than request the Select Board’s retroactive approval of the grant application, rescind this application with the intent of revising/resubmitting next year after public presentation and vetting of the work, and with the Select Board’s prior authorization.

In May of 2021, the Town successfully applied for a \$104,040 MVP grant for “Conceptual Design of Flood-Resiliency Improvements for Sewer Infrastructure.” The Town executed a grant contract with the state in August of 2021 and with engineering firm GHD for the work in October of 2021.

Under that grant, GHD and the Town have worked together to identify and evaluate options to make the Town’s four waterfront sewer lift stations and coastal sewer force main less vulnerable to flooding and damage from sea level rise and storm events. The work under that grant is not yet complete; the final report is due June 15, 2022.

However, the MVP grant schedule is such that applications for the next year’s grants are due in early May (deadline was yesterday) before the work of the previous year’s grants is complete. My intent in applying for the new grant this week was to build upon the work conducted to-date under the existing grant and keep moving on this important project.

Under the current MVP FY-22 grant, the preferred alternative identified to reduce the vulnerability of the Woods Hole force main is to relocate the "Trunk River" portion of the sewer force main inland to Woods Hole Road, and to line the low-lying portion of the force main in Woods Hole village with a cured-in-place liner.

This is a significant project and the FY-23 grant application was for \$872,000 to complete design of this preferred alternative. The grant application requires a 25% cash match. The Conservation Department does not have sufficient funds in its two resiliency project support articles to cover that cash match entirely. The rest of the match would need to come from other available funds.

Because of the scale and cost of the preferred alternative, and because of the cash match requirements, I recommend having a public discussion of options and recommendations before proceeding with this FY-23 grant application.

I will request time on a Select Board agenda in the next two months for a presentation of the work performed under the current Conceptual Design grant and a discussion of options and next steps.

CONSENT AGENDA

2. Administrative Orders

- b. Approve request from Cape Cod Guang Ping Tai Ji Quqn Club for a waiver/reduction of the special event permit fee for the Practice and Teach Tai Ji practices at Marina Park

Request for Fee Waiver:

Practice and Teach Tai Ji

Notes:

#1 Reduction in permit fee

$\$25.00$ per day permit fee x 25 days = $\$625.00$

First and last day = $\$50.00$

23 days x $\$25$ = $\$575.00$ - $\$431.25$ (75% reduction) = $\$143.75$

$\$143.75$ + 50.00 = $\$194.75$ permit fee

Last year, the Select Board voted a reduction in the permit fee.

#2 Requesting a waiver of the permit fee

The applicant is requesting a waiver of the fee.



Cape Cod Guang Ping Tai Ji Quan Club

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Town of Falmouth
Office of the Town Manager & Select Board
49 Town Hall Square, Falmouth, MA 02540

Clifton K. Genge
60 Rockville Ave.
Teaticket, MA 02536
May 5, 2022

Select Board:

Diane Davidson suggested that it may be helpful to the Select Board to give you additional information supporting my request for a waiver of all fees for the use of the Bigelow Marine Park for Taiji Practice. The answer is simultaneously simple but complicated. To make the benefits of the club available to as many people as possible we charge minimal dues for club membership. Dues are on a scale and entitle a member to attend any and all of the practices and events we hold. A 1 year full membership is \$100 and a person over 85 years of age pays \$15/year. We have 1/3 payments which allow members to pay for only the time they are in Falmouth (“Snowbirds”) and Auxiliary Payments of \$20 for people who attend workshops and seminars but do not attend regular classes. This makes any expenditure of \$100 or more important. You will note that we only requested the use of the Park for one day this year instead of two as we did last year.

Our finances vary each year and sometimes our income exceeds expenses and sometimes vice versa. We maintain a small “Club Balance” for years in which the expenses are larger. The major expenses are rent, insurance, training support, training materials and events.

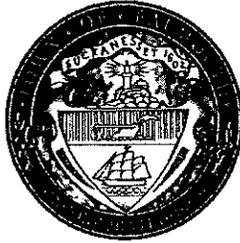
This year to date our anticipated expensed are Rent \$4939, Insurance \$670, Training Support & Materials \$3000, Events \$2000 and Miscellaneous \$300 and our current dues income is \$7500. In addition, in some years we support our teachers and some members to attend training and will bring Master Teachers to Falmouth to hold workshops for our members. For example, in 2015 the cost to bring a Master from CA was over \$3500, in 2017 we supported our teachers and members to attend a National Tai Chi Conference held in Hyannis, MA for \$3500 and in 2023 we anticipate supporting our teachers and members as they attend the workshops offered in a second National Tai Chi Conference on Cape Cod.

As I said in my request of March 14, 2022 the benefits of Tai Chi to every participant have been demonstrated in numerous evidence based studies. Many of us have volunteered for years because of the benefits to ourselves and to our Club Members. There is a joy in practicing and sharing tai chi as it benefits everyone involved.

We hope you will recognize the importance of this application to the Club members and see fit to approve our request to waive the fee for Park use as this will allow our members to enjoy the additional benefits and pleasure of performing Taiji outside on Cape Cod.

Sincerely,

Clifton K. Genge, President
Cape Cod Guang Ping Tai Ji Quan Club



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Practice and Teach Tai Ji

APPLICANT NAME Cape Cod Guang Ping Tai Ji Quqn Club, Cliff Genge

MAILING ADDRESS 60 Rockville Ave., Teaticket, MA 02536

EVENT DAY & DATE Saturdays, April 23 – October 29, 2022
Except dates already reserved for special events on 8/6, 9/3 and 9/24.

RAIN DATE None.

EVENT LOCATION Marina Park (Bandshell side)

EVENT TYPE Routine practices, warm-ups, training, complete form

EVENT HOURS 9:30 am – 11:30 am SET-UP / BREAK DOWN _____

NUMBER OF ATTENDEES 15 - 20 # OF VEHICLES 15 - 20

ADDITIONAL DETAILS No charge for attendance. Request use of restrooms at harbor.

CONDITIONS:

1. Event organizer to check area following the event to clean up any litter or debris.
2. Event sponsors are required to have a plan to separate recyclable materials from solid waste in compliance with applicable Massachusetts waste ban regulations.

PERMIT FEE \$25.00/day x 25 days = \$625.00 FILING FEE \$10.00

DEPOSIT \$300.00 (Refundable at conclusion of event provided that no litter or damage has occurred)

APPROVED:

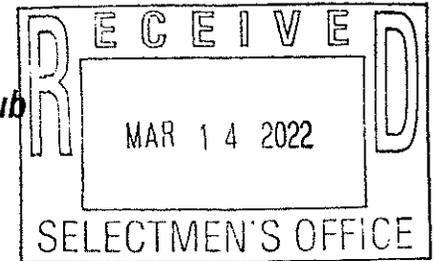
Juliana M. Davis
Town Manager

4/22/2022
Date



Cape Cod Guang Ping Tai Ji Quan Club

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Town of Falmouth
Office of the Town Manager & Select Board
49 Town Hall Square, Falmouth, MA 02540

Clifton K. Genge
60 Rockville Ave.
Teaticket, MA 02536
March 14, 2022

Select Board:

We are requesting that the Board of Selectmen waive the fees for the use of the Bigelow Marine Park for Taiji practice.

The Cape Cod Guang Ping Tai Ji Quan Club is a non-profit organization that has been teaching and practicing the skills and techniques of Taiji in the Falmouth area for over 25 years. Our members are predominantly seniors (95%) and we have a number of 80 & 90 year old members actively practicing. The Club is run by an all volunteer Board of Directors and our 4 volunteer teachers have all been practicing and teaching Taiji for over 20. Several of them are Certified Tai Chi For Balance teachers. Their generous contributions help us keep our costs down allowing us to offer the benefits of Taiji to a larger group of people.

Tai Ji is a slow, relaxed form of exercise developed by ancient Chinese sages who based the form on the movements of birds and animals. Today Tai Ji is primarily an exercise for good health and wellness. It is a physical expertise that anyone can practice all their life, experiencing the joy of executing the skills while they participate in sharing the social side of our activities.

Studies by Tufts University, John Hopkins University, Harvard University, University of California, the Oregon Research institute and numerous others have demonstrated that it increases flexibility, strength, balance and coordination and is a benefit to cardio vascular health, pain, stress and anxiety. It has been effective in improving arthritis, high blood pressure, multiple sclerosis, Parkinson's disease, memory loss, stamina, arthritis, stroke, heart disease, bone density, hypertension, sleep problems, anxiety, depression and fibromyalgia.

We hope you will see fit to approve our request to waive the fee for Park use as this will allow our senior members to enjoy the additional benefits and pleasure of performing Taiji outside on Cape Cod.

Sincerely,

Clifton K. Genge, President

Cape Cod Guang Ping Tai Ji Quan Club

CONSENT AGENDA

2. Administrative Orders

- c. Approve request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival at Peg Noonan Park and Library Lawn

Request for Fee Waiver:

Arts Alive Festival

Notes:

\$200.00 per day permit fee x 3 days = \$600.00

First and last = \$400.00

1 day x \$200.00 = \$200.00 - \$150.00 (75% reduction) = \$50.00

\$400.00 + \$50.00 = \$450.00 permit fee; however,

The Select Board has voted in recent past years as follows:

2021 \$150 permit fee

2020 -

2019 Waived

2018 Waived

2017 Waived



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Arts Alive Festival

NAME ArtsFalmouth, Inc., Marilyn Rowland

MAILING ADDRESS P.O. Box 136, Falmouth, MA 02541

EVENT DAY & DATE Friday, June 17; Saturday, June 18 and Sunday, June 19, 2022

RAIN DATE None.

EVENT LOCATION Shore Street Extension, Peg Noonan Park and Library Lawn

EVENT HOURS Friday 5-9 p.m. / Saturday 10 a.m.-9 p.m. / Sunday 11 a.m.-5 p.m.

SET UP Friday, 6/17, all day BREAK DOWN Sunday, 6/19, 5-9 p.m.

NUMBER OF ATTENDEES Approx. 2,500 over 3 days

ADDITIONAL DETAILS Use of public restrooms at Peg Noonan Park, additional trash barrels from DPW. Closure of Shore Street Extension from dawn on Friday, 6/17 to 9:00 p.m. on Sunday, 6/19. Non-permanent chalk drawings on Main St. and library sidewalks.

CONDITIONS:

1. Submit plan to Fire and Police at least 30 days prior to event showing location of tents, activities and road closure.
2. Contact DPW in advance of event to arrange for road closure.
3. Contact Health Department 30 days in advance to obtain temporary food permits for food vendors and to schedule inspections.
4. Contact Fire Department to arrange for inspection of food cooking equipment.
5. Contact Inspectional Services Department 30 days in advance of event for tent permit and inspections.
6. Contact DPW-Parks Superintendent for placement of flags on Main Street poles.
7. Location must be checked for cleanliness following event.
8. Event sponsors are required to have a plan to separate recyclable materials from solid waste in compliance with applicable Massachusetts waste ban regulations.

PERMIT FEE \$600.00 (\$200.00/day) FILING FEE \$10.00

DEPOSIT \$300.00 (Deposit refundable at conclusion of event provided that no litter or damage has occurred)

APPROVED:

Julian M. Bus
Town Manager

4/22/2022
Date

Application for a Special Event: Arts Falmouth/Arts Alive 2022

Narrative describing the event.

ArtsFalmouth proposes to hold its annual Arts Alive festival on Friday, June 17, 2022, from 5 to 9 PM; Saturday, June 18, 2022, from 10 AM to 9 PM; and Sunday, June 19, 2022, from 11 AM to 5 PM on the Falmouth Library Lawn, on Shore Street Extd., and at Peg Noonan Park.

Arts Alive is a lively three-day celebration of the arts. It includes an artisan's market with handcrafted wares made by artists and craftspeople from the Upper Cape and nearby, a wide array of musical, theatrical, dance, and children's performances and events, plus art, photography, and video demonstrations, storytelling, and more. This year we are working with numerous town organizations and individuals to celebrate Juneteenth and honor African American culture. We will also be celebrating Father's Day.

Arts Alive begins with Friday evening at 5 PM, includes a Town Dance from 6 to 9 PM, and extends through Sunday afternoon at 5 PM, with something for everyone.

For our rescheduled Arts Alive 2021 in September 2021, we reduced the scale of the event to allow for more social distancing and to follow COVID-19 health and safety protocols. The resulting arrangement (one large performance tent and one smaller performance tent, rather than three performance tents) worked well and we will continue with this more spread-out configuration in June. The large tent will be for larger performance groups (dance groups, theatre companies, bands with more than 3 or 4 members, etc.) and the smaller tent for solo, duo, trio, and quartet performances.

Chairs and tables will be provided, but they will be spread out to allow for social distancing. Elements of the event may be modified or eliminated in accordance with COVID-19/variant conditions at the time of the event.

We also adjusted our vendor layout on Shore Street Extd. for Arts Alive 2021 by eliminating the large vendor tent, a more-or-less enclosed space, and replaced it with individual tents supplied by vendors. We also increased the distance between tents, allowing for better air flow throughout the entire arts and crafts and food vendor area. We will continue this arrangement for Arts Alive 2022.

Peg Noonan Park will also be used for vendor tents, which will be separated from each other by several feet to promote social distancing and aid air flow.

Nonprofit organizations and groups that are not selling anything will be able to set their tents up in designated areas on the Falmouth Public Library Lawn.

Public restrooms are available at Peg Noonan Park. A bouse house will be provided for vendors.

Arts Alive ends at 5 PM on Sunday, at which time tents and other equipment will be removed. In September 2021, we were able to clear Shore Street, Extd. by 6 PM on Sunday, June 19. We have asked that Shore Street Extd. remain closed until 9 PM but expect we can re-open the street earlier.

As in September 2021, we will recommend that performers and vendors be vaccinated.

Shore Street Extended

We are again requesting the Select Board's permission to temporarily close Shore Street Extd. to traffic from dawn on Friday, June 17, to 9 PM (probably earlier) on Sunday, June 19. The closure time is shorter than in past years and does not extend to Monday because the previously used large tent will not be installed on Shore Street Extd. Vendors are expected to remove their tents by 7 PM on Sunday.

We also request that signs prohibiting overnight parking be placed along the street on Thursday, June 16.

We will follow the usual procedures for Arts Alive:

We request the use of town restrooms at Peg Noonan Park until the closing hours of the festival every day.

We will again ask the DPW for extra trash barrels and their servicing.

Volunteers will patrol the area during event days to remove any trash or litter.

We will call Dig Safe before installing tents.

We will provide security on Friday and Saturday nights but will ask the Falmouth Police to patrol the area when they are able.

We will obtain the necessary permits and inspections from the Building Department.

We will obtain a permit from the Health Department once food vendors are identified.

We request permission to use the Main Street sidewalks for Sidewalk Art again this year. Only non-toxic, non-permanent chalk will be used, and care will be taken not to obstruct pedestrian traffic or handicap ramps.

Flags on Main Street:

We request permission to hang the "Connect with the Arts in Falmouth" flags along Main Street from Wednesday, June 15, 2022, until Monday, June 20, the day after Arts Alive.

Request of Waiver of Event Fee:

We request that the Select Board waive or reduce the fee for this event. ArtsFalmouth, Inc. is a nonprofit organization, and the Arts Alive festival is free and open to all, celebrating and supporting our local artists and performers. The expenses of putting on the festival are substantial, and the volunteer organizers work hard to raise funds through contributions and grants. A fee waiver helps support our fundraising efforts and recognizes the contribution that Arts Alive makes to the town of Falmouth and its local economy.

CONSENT AGENDA

2. Administrative Orders

- d. Vote to approve request for variance to sign code Section 184-30 – Off-premise promotional/special event signs – Spring at Spohr

Spring at Spohr Event – Saturday, May 14, 2022:

Request for off-premise promotional signage at the following locations:

1. TD Bank, Route 28 and Jones Road
2. Corner of Scranton Avenue and Route 28
3. Opposite Coffee Obsession, Queens Byway
4. Smitty's Ice Cream, East Falmouth
5. John Barrett Real Estate, East Falmouth
6. Deer Run Veterinary Clinic
7. Suzanne Glynn's office
8. Corner Route 171 and Sandwich Road
9. Route 151 by the Route 28 overpass
10. Smitty's Ice Cream, Route 28A, No. Falmouth

Length of Time: Monday, May 9, 2022 through Saturday, May 14, 2022 (6 days)

Dimensions: 2' x 3' = 6 sq. ft. (size within sign code)

Town of Falmouth Sign Permit Application (rev. 12/20)

(508) 495-7470 Fax (508) 548-4290

For office use only:

BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: _____

*\$8 per \$1000/ Min. \$100 (per sign)

DATE: 4/22/2022

STREET ADDRESS FOR PROPOSED SIGN(S): SEE ATTACHED LOCATIONS

BUSINESS NAME: WB KERFOOT FOR SPOHR GARDENS TRUST

BUSINESS OWNER: _____ ADDRESS/PHONE: _____

PROPERTY OWNER: _____ ADDRESS/PHONE: _____

CONTRACTOR / SIGN COMPANY: _____

APPLICANT E-MAIL: _____ EVENT: SPRWG AT SPOHR

Please Provide Two Copies of the Following:

- *Finished sign design.
- *Storefront elevations and plan to show sign location.
- *Documentation (including dimensions) of all existing signs on site.
- *Pictures of the building and all signs on property.
- *Structural Design for Freestanding Signs SANDWICH 2x3'
- *Attachment Details for Wall Mounted Signs

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y/N

If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval (§184-13).

Type of Sign

Check

FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35

WALL SIGN(s) § 184-37; Awning(s) § 184-22

ROOF SIGN(s) § 184-37

PROMOTIONAL/SPECIAL EVENT SIGN(S) § 184-30 SANDWICH SIGNS

OFF-PREMISES SIGN(S) § 184-32; VARIANCE § 184-20

The Select Board must approve all off-premise signs.

Proposed location: ATTACHED Size: 2x3ft

Please Attach Approval Letter

Handwritten signature of applicant: Will B. Kerfoot

Handwritten date: 4/22/2022

Signature of Applicant

Date

Signature of Owner

Date

Historic District Commission

Date

With the following conditions: _____

Sign Review Committee

Date

With the following conditions: _____

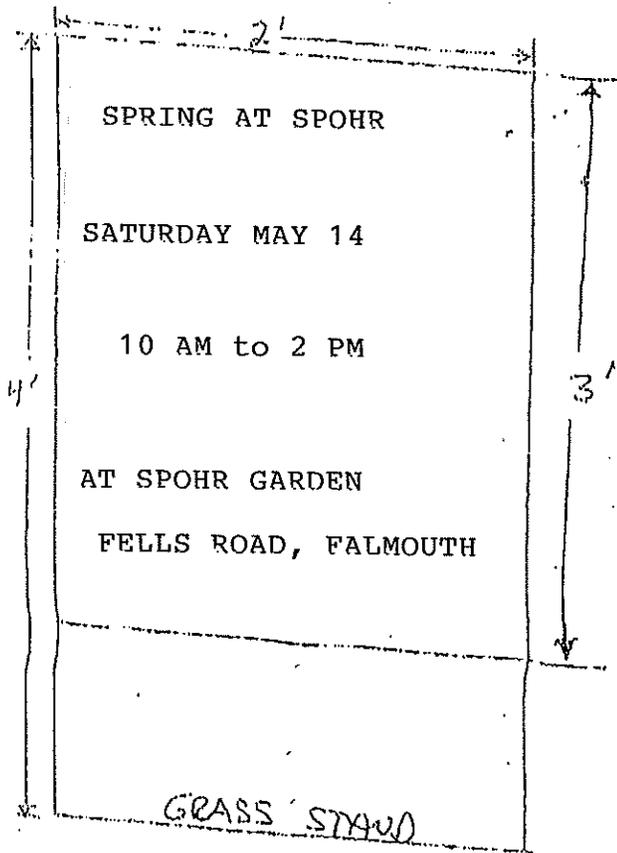
Building Commissioner/Inspector

Date

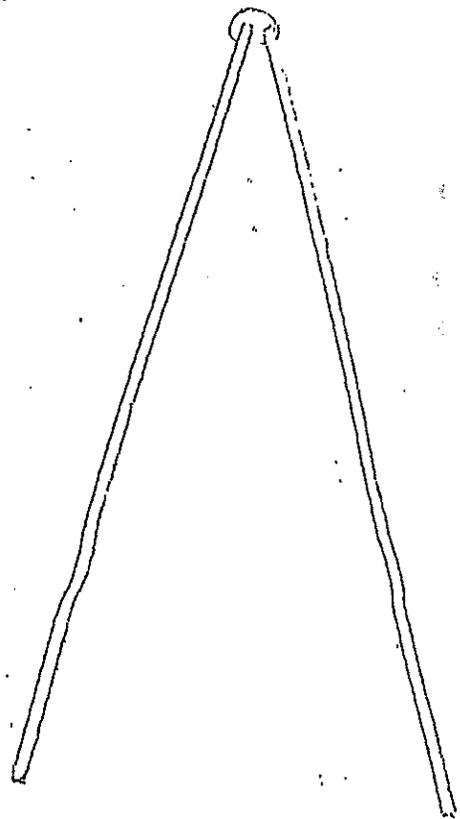
With the following conditions: _____

Sign Placement Locations for SPRING AT SPOHR - May 14 2022 |

1. TD Bank, Route 28 and Jones Road
2. Corner of Scranton Avenue and Route 28
3. Opposite Coffee Obsession, Queens Byway
4. Smitty's Ice Cream, East Falmouth
5. John Barrett Real Estate, East Falmouth
6. Deer Run Veterinary Clinic
7. Suzanne Glynn's office
8. Corner Route 171 and Sandwich Road
9. Route 151 by the Route 28 overpass
10. Smitty's Ice Cream, Route 28A, No. Falmouth



FRONT &
BACK VIEW



SIDE VIEW

Spohr Gardens



SPRING
at SPOHR

SATURDAY MAY 14th

10:00 AM to 2:00 PM

Fells Road *off*
Oyster Pond Road
FALMOUTH

CONSENT AGENDA

2. Administrative Orders

- e. Vote to approve appointment of EDIC officers:
 - a. Tom Feronti, Vice Chair
 - b. Mark Lowenstein, Clerk
 - c. Christopher Land, Chair
 - d. Kevin Holmes, Treasurer

Diane Davidson

From: Wayne Lingafelter [REDACTED]
Sent: Wednesday, April 20, 2022 5:10 PM
To: Falmouth Town Manager
Cc: admin falmouthedic.org
Subject: EDIC Executive Office Appointments

The Falmouth EDIC Board voted at its last monthly Board meeting to appoint two new Executive Officers. We understand the EDIC Bylaws require that the Select Board vote to approve these officers. The Board voted unanimously to appoint Tom Feronti to the office of Vice Chairman and Mark Lowenstein to the office of Clerk. Christopher Land will remain in the role of Chairperson and Kevin Holmes shall remain as Treasurer. I would appreciate these appointments being added to the next appropriate meeting agenda for a Select Board vote. If this request raises any questions, please feel free to contact me. Thank you.

Wayne Lingafelter
Executive Director
Falmouth EDIC
[REDACTED]

CONSENT AGENDA

2. Administrative Orders

- f. Vote to approve application for a grant to the Mass Trails Program for the Extension of the Shining Sea Bikeway into Bourne



To: Falmouth Select Board

Date: May 4, 2022
Project #: 15091.00

Memorandum

From: Patricia G. Domigan, P.E.

Re: MassTrails Grant Application - request for approval to submit

The purpose of this memo is to request that the Falmouth Select Board approve the submission of the MassTrails Grant for the advancement of the design of the Bourne/Falmouth Rail with Trail project on or before May 16, 2022. This grant application is for the design development of a Shared use path within the rail road right of way, and adjacent to the Rail line, owned by MassDOT Rail Division, and operated by MassCoastal Rail Road. The Town of Bourne, working through the Town Administrator's Advisory Committee on Pedestrian Bicycle Pathway, in partnership with the The Friends of the Bourne Rail Trail is requesting that the Town of Falmouth be a co-applicant for the grant submittal.

The Town of Bourne has received 2 grants from the same source over the period of 2019 to 2020. The next round of grants are due on May 16, 2022. The upset value of the 2022 award is \$500,000.00. The website for the grant is: [MassTrails Grants | Mass.gov](#)

The Town of Bourne, in partnership with the Town of Falmouth is looking to continue the progress it has made on design of a 6.5-mile shared-used path project that would link the Cape Cod Canal Recreation Path in Bourne to the Shining Sea Bikeway in Falmouth. This project of regional impact on Cape Cod would provide a 24-mile uninterrupted off-road route from Woods Hole to Sandwich. The Bourne Rail Trail has been broken down into four phases, and the town seeks MassTrails Grant funding to continue design work on Phase 1 (in Bourne) and Phase 4 (in Bourne and Falmouth). Given the project's regional significance, the Town of Bourne has been coordinating with representatives of Sandwich and Falmouth working on shared-used path projects in those communities. Attached for reference is the MassTrails Grant Application Template 2022 – Spring Procurement for the project.

In the May 2020 MassTrails Grant application, the scope of work will consist of the following:

- Complete Phase 1 final design, from the Cape Cod Canal to Monument Neck Road, in Bourne.
- Phase 4 will conduct a subsurface exploration program, complete geotechnical reports for bridges at Scraggy Neck Road, Old Main Road and for retaining walls along the project. Structural Types Studies will also be completed for Scraggy Neck Road overpass, and Old Main Road overpass, as well as for the retaining walls along the project. Funding for supplemental survey and preliminary design of the rail signals and gates at County Road and the preparation of Right of Way plans will also be included in this grant application. The work in Phase 4 will be for both the towns of Bourne and Falmouth.

From: Patricia G. Domigan, P.E.
Ref: 15091.00
[Click here to enter a date.](#)
Page 2



Memorandum

Funding

The amount of funding that has been requested in the Grant is \$499,000.00. The grant requires that a 20% minimum match is needed for the project. It has been stated by DCR that funding that has been appropriated to the project can be used for the match. The funding that has been appropriated by the Town of Falmouth for the preliminary design of the project was through the Community Preservation Committee and a Town Meeting vote. The breakdown in tasks and fee is as follows:

		Town of Bourne	Town of Falmouth
Total Project Cost	\$640,000	\$396,700	\$243,300
Total Grant Award	\$499,000	\$309,380	\$189,620
Total Match amount	\$141,000	\$87,420	\$53,580

The breakdown of tasks and the associated grant amount is attached in the MassTrails Budget & Timeline Worksheet Temp 2022 Bourne ph1 and 4.

Schedule

The MassTrails grant has a schedule of 1 year to expend all monies awarded in the grant. The award notification will be announced in the Summer of 2022.

CONSENT AGENDA

2. Administrative Orders

- g. Vote to approve Juneteenth as a Town holiday

Massachusetts Legal Holidays

Holiday	2021	2022	2023
New Year's Day January First	Jan. 1, Fri.	Jan. 1, Sat.	Jan. 1, Sun. (3)
Martin Luther King, Jr. Day Third Monday in January	Jan. 18, Mon.	Jan. 17, Mon.	Jan. 16, Mon.
Washington's Birthday Third Monday in February	Feb. 15, Mon.	Feb. 21, Mon.	Feb. 20, Mon.
Patriots' Day Third Monday in April	Apr. 19, Mon.	Apr. 18, Mon.	Apr. 17, Mon.
Memorial Day Last Monday in May** (1A)	May 31, Mon.** (1A)	May 30, Mon.** (1A)	May 29, Mon.** (1A)
Juneteenth Independence Day June 19th	June 19th, Sat. (3)	June 19th, Sun. (3)	June 19, Mon.
Independence Day July 4th**	July 4, Sun.** (3)	July 4, Mon.**	July 4, Tue. **
Labor Day First Monday in September**	Sept. 6, Mon.**	Sept. 5, Mon.**	Sept. 4, Mon.**
Columbus Day Second Monday in October* (Restrictions until 12 noon) (2)	Oct. 11, Mon.* (2)	Oct. 10, Mon.* (2)	Oct. 9, Mon.* (2)
Veterans' Day November 11th* (Restrictions until 1pm) (2)	Nov. 11, Thu.* (2)	Nov. 11, Fri.* (2)	Nov. 11, Sat.* (2)
Thanksgiving Day Customarily the fourth Thursday in November* (1)	Nov. 25, Thurs.* (1)	Nov. 24, Thurs.* (1)	Nov. 23, Thurs.* (1)
Christmas Day December 25th* (1)	Dec. 25, Sat.* (1)	Dec. 25, Sun.* (1)(3)	Dec. 25, Mon.* (1)

* - Full restrictions apply for ALL commerce

** - Restrictions apply except to retail

(1) Liquor Stores must be closed for Thanksgiving and Christmas Days.

(1A) Liquor stores may not open prior to 12:00 noon Memorial Day.

(2) Many companies operate all day on these holidays, pending obtaining a local permit.

(3) All holidays falling on Sunday must be observed on Monday, under state law. Saturday holidays are observed on Saturday.

Above is a list of all legal holidays observed in Massachusetts. State, county, and municipal offices are closed on the days listed above. Federal offices are only closed on holidays which the federal government recognizes (i.e. New Year's Day, Martin Luther King, Jr. Day, Washington's Birthday, Memorial Day, Juneteenth Independence Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas). The term "federal holiday" is not applicable to individual states and the private sector since each state has jurisdiction over its holidays.

In Massachusetts certain holidays are subject to laws which restrict the type of work that may be performed as well as the kind of business and commercial activities that may remain open. Only those holidays followed by asterisks (*) have certain restrictions. On holidays not followed by asterisks, business and commercial activities may operate as usual.

Please note: Only retail establishments may open during the summer holidays of Memorial Day, Independence Day, and Labor Day. Some businesses may be required to pay premium pay on some holidays. Please contact the Attorney General's Fair Labor Division at 617-727-3465. The Department of Labor Standards (617-626-6975) oversees the approval of local permits allowing businesses to open on Columbus, Veteran's Days, Thanksgiving and Christmas when they otherwise could not open for some or all hours on those days.

For further information on holiday laws, contact Citizen Information Service:

Secretary of the Commonwealth
Citizen Information Service
One Ashburton Place, Room 1611
Boston, MA 02108-1512

Telephone: 617-727-7030
Toll-Free: 1-800-392-6090
TTY: 617-878-3889
Fax: 617-742-4528
Email: cis@sec.state.ma.us

Part I ADMINISTRATION OF THE
GOVERNMENT

Title II EXECUTIVE AND
ADMINISTRATIVE OFFICERS OF
THE COMMONWEALTH

Chapter 6 THE GOVERNOR, LIEUTENANT
GOVERNOR AND COUNCIL,
CERTAIN OFFICERS UNDER THE
GOVERNOR AND COUNCIL, AND
STATE LIBRARY

Section JUNETEENTH INDEPENDENCE
15BBBBB^{DAY}

Section 15BBBBB. The governor shall annually issue a proclamation setting apart the nineteenth of June as Juneteenth Independence Day, to be observed on June 19th of each year, in recognition of June 19, 1865 when Union General Gordon Granger announced freedom for all slaves in the Southwestern United States and in recognition of the end of slavery in the United States as well as the significant contributions, individuals of African decent have made to the commonwealth and to the United States and recommending that said day be observed in an appropriate manner by the people.

CONSENT AGENDA

3. Approve 2022 Seasonal/Annual License Renewals

BOWLING ALLEY LICENSE

Town Hall Partners d/b/a Timber, 23 Town Hall Square

Note:

- This is the renewal of the bowling alley license (10 lanes) that Timber currently holds.
- The hearing to correct the 10 lanes to 12 lanes is scheduled for May 23.

LODGING HOUSE LICENSE

Woods Hole Passage, 186 Woods Hole Road, Falmouth

CONSENT AGENA

4. Review and Vote to Approve Minutes of Meetings:

- a. Public Session – March 5, 2022 and April 11, 2022

Please note:

The minutes of March 5 will be emailed to the Board separately.

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
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.

Select Board Present: Doug Brown, Chair; Nancy Taylor, Vice Chair; Megan English Braga; Sam Patterson; Onjalé Scott Price.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Chair Brown called the open session to order at 8:30 a.m.
2. Chair Brown motion to convene the executive session under M.G.L. Ch. 30A, s. 21(a)(3) – Discuss strategy with respect to collective bargaining with Falmouth Firefighters Local 1397 because to not go into executive session could prejudice ongoing negotiations. A second to the motion was not audible or visible on the FCTV recording of the meeting. There was no vote to go into Executive Session on the video.
3. Pledge of Allegiance

BUSINESS

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

This item was placed on the agenda because of a misunderstanding on whether it was legally possible for the Town to narrow the purpose of the Municipal Light Plant (MLP). Mr. Johnson-Staub recommended taking no action and Article 25 remains unchanged.

The Select Board (Board) declined to act today and left in place the action the Board took this past Monday to recommend as written.

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

Chair Brown read the draft policy in the packet.

Mr. Patterson stated that if there is no way to sell to a controlled organization, then the Town should be able to maintain and store the weapons until there is an option to sell to a controlled organization.

The Board discussed disposal language and noted a preference to local organizations first.

Mr. Patterson motion approval of the following items listed in the packet and with consultation of Town Counsel: #6 items with a value of less than \$10,000 to include destruction of the items. And #7 items with a value greater than \$10,000, the ability to store the times until another option is identified. Second Ms. English Braga. Vote: Yes-5, No-0.

Richard DUBY, said that what he submitted made no mention of aggregation.

Mr. Johnson-Staub has read the statute and attended trainings that educated him on the applicable statute. He has also read Mr. DUBY's letter, it is clear we are not allowed to aggregate the sale of multiple separate items as, it is bid splitting and not allowed.

Mr. Duby said that bid splitting is not aggregation, the MA Inspector General's Office manual states you can compile a group of like items, the cost has to be the sum of a group of items and would need to be priced higher than all of the single items. It would not just be rifles, there are also semi-automatic pistols. When dealing with firearms, must avoid commercial entities, take the firearms for destruction, they dismantle the guns, then use parts to make into working firearms. Mr. Duby would like an explanation about how this qualifies as bid splitting.

3. Discussion of other Select Board policies

Ambulance Policy

There are separate bills for ambulances because of health insurance requirements.

Chief Smith is present. Mr. Suso explained the Town contracts with a collection company to assist with ambulance bills. It is a very successful process, they collect the delinquencies in exchange for a percentage of the bill. The language should be updated, that it could be a collection agency procured and contracted with would be updating the language.

The Board discussed the editing of this policy.

Ms. Scott Price asked if we know how many people do not call an ambulance because they do not have health insurance. She appreciates that the Town Manager can waive the fee. Chief Smith said that his priority is people getting the care they need. They will transport and extend billing to that individual.

Ms. Scott Price suggested links from the policy page to other information.

Conservation Commission Policy: Mr. Suso will review this with Jen Lincoln and Town Counsel. The Board would like handicap access addressed.

Inclement Weather Policy:

Mr. Suso reports they are working on that, and they have never needed to utilize this policy. He will get back to the Board with a draft.

Memorial Bench Policy:

Not utilized as frequently lately; the DPW is concerned about the diminishing number of reasonable locations to place these benches. The challenge has been that long-term maintenance becomes an issue as well; they come to the end of their useful life and it is challenging for DPW to keep up with it.

The Board discussed updating the language needed about things coming to the end of their useful life; it is the individual owner's responsibility for maintenance and disposal. Also discussed options for materials that the Board may approve, including granite or PVC. It was noted that the issue of equality may be an issue because some may be able to afford the more expensive and longer lasting granite option, which may also be viewed as an elevated status as opposed to the less expensive, shorter lifespan PVC material.

Ms. Scott Price provided her edits to Mr. Suso.

The Board discussed whether the benches should remain at the discretion of the Board, currently the Parks Superintendent approves the benches. Mr. Johnson-Staub recommended the Board delegate the decision to the Superintendent because the Board has been talking about how to free up their time to focus on big policy issues, and they have identified a policy issue of whether to allow granite to be an option. If someone has a different request outside this they may appeal to the Board.

Chair Brown suggested this be an overall Memorial policy, not specific to memorial benches. Mr. Patterson would like some sort of screening process.

Mooring policy:

The Board would like to include the new moorings. Ms. Scott Price provided edits to the language

Municipal Vehicle Policy and Procedure:

Public safety and the DPW policies are in process of being updated. The Board reviewed edits and suggestions including adding energy efficient in terms of electric cars and goals for implementation. As part of the Green Communities Act, the Board adopted a policy and that needs to be included as well.

Permit Issuance: The Board discussed policies including initial response for Building Permits, time standard that says to the best ability of the department these are the time standards. Language needs to be written to allow for flexibility. The Board suggested asking department heads about the Board's suggestion of a 14 day preliminary response on permits, the intent would be to apply it to all Town permits.

Shellfish and Herring Regulations:

Ms. Scott Price provided Mr. Suso with her edits. According to Mr. Suso, Marine and Environmental Services is working on these. The Board recommended adding aquaculture.

Whistleblower Policy:

Mr. Johnson-Staub noted the need to check with Town Counsel, may need to honor statutory language and it has likely been updated since introduced on the State and federal levels. If they are following law, then they do not need policy that goes beyond the law.

This information is included in the Town Employee Handbook which is available through Personnel.

Rules and Regulations Falmouth resident parking permit program:

In the Woods Hole Area, there is limited capacity, and residents can apply for permits through the Falmouth Police Department.

Article 2 Dinner Passes:

This is not done anymore and will be removed.

Water and Sewer Regulations are being updated.

Wastewater regulations are being updated.

Embarkation fee policy: postponed at this time.

Firefighter staffing policy: Chair Brown would like to revisit it, so it is ratified and voted prior to Town Meeting. He provided the Board with a couple documents to see if they can incorporate it into a policy. The Board will address it at their 3/14/22 business meeting and requested something written that the Board will consider and then plan to finalize it on 3/28/22.

Ms. Scott Price suggested a policy on the strategy of a board meeting, example is the meetings go much too long. She would like to consider a potential policy for end time of the Board's business meeting and whatever is not done may be first on the next meeting agenda. The Board cannot give fair attention to issues at the late hour of 11pm, either need a hard cut off or have bigger things to continue to next meeting, they need to be continued. Ms. English Braga suggested 10pm is reasonable cut off. Ms. Suso reported that the Town Manager's Office notifies consent agenda folks that they need not attend the Board meeting. Structuring the end time. When limiting the amount of time for a presentation, the Board needs to stick to it. Ms. English Braga asked if Mr. Johnson-Staub and Mr. Suso could look at how other communities format meetings.

Public Comment:

Robert Dugan, Zoning Board, said the Zoning Board has the same issues, could there be a disclosure on the Town website, if they plan to speak at the hearing, this is your time limit but please submit written comments. Bench policy, may need to look at other things like brick walkway, the Town will

not be able to keep up policy on memorial benches. A lot of people cannot spend a lot for a bench and maintain it, many people do not like to sit on them when they know it is a memorial, he suggested the Board look at some other mechanism.

Maureen Harlow-Hawkes, there are many who do not want notoriety and they want that person recognized. One bench could serve as a memorial to many people, maybe the Town contributes the bench, the names could go on an area of the bench. Then people do not own the bench, maybe they pay to have it etched. Late meetings, lots going on, there are a lot of permits being applied for, she suggested announcing at the meetings that people have three minutes to talk, and she likes the idea of submitting documents prior to the meeting, so the Select Board can review the information prior to the meeting.

Scott Zylinski, Precinct 4, if they prewrite their comments, the Board can stipulate to the comments in the documents submitted. Mr. Zylinski watched someone make a public comment at a Board meeting and the person found out halfway through there would be no rebuttal from the Board. He suggested that in similar situations, the Board provide direction to the person commenting on how to get their issue on a future agenda.

Peter Hargraves, Precinct 9, MA law required the meeting be open, then closed for executive session, and then reconvened for business. His interest was item 1, and he assumes it is already done; he asked if he needs to be there when the meeting is open so that he does not miss something of interest.

Ms. English Braga explained that tonight's executive session being held in the middle of the regular business meeting was an absolute anomaly, not the best practice. It occurred because the Board was trying to accommodate her when she was not here for the executive session. This has never happened before tonight.

Chair Brown explained that the Board declined to act today on Article 25 and left in place the action the Board took this past Monday to recommend as written.

Ms. Scott Price thought they would review the policies tonight and vote on them, why did they discuss them when they were not prepared? Mr. Patterson said that he asked for draft revisions so they would not have to go around again.

Mr. Suso suggested having a special open meeting and then an executive session on Town Meeting business, involving the article regarding an easement by Eversource. Meeting on Wednesday 3/9/22, 5pm and could be virtual, open in open session, go into executive session, and then back to open session to conclude.

4. Other business
5. Adjourn

Mr. Patterson motion to adjourn. Second Ms. English Braga. Vote: Yes-5. No-0.

Respectfully submitted,
Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, APRIL 11, 2022
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.

Select Board Members present: Doug Brown, Chair; Sam Patterson; Onjalé Scott Price.
Via telephone: Megan English Braga.
Absent: Nancy Taylor, Vice-Chair.

Staff present: Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel.
Absent: Julian Suso, Town Manager.

1. Chair Brown called the open session to order at 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. Ch.30A s.21(a)(3) and s.21(a)(6) – To consider, with potential vote, the value of Mayflower Wind Electric Cable easements and to discuss strategy, with potential vote, regarding pending regulatory litigation before the Energy Facilities Siting Board for Mayflower Wind, EFSB 21-03/D.P.U. 21-142 & 21-143 and M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining with the Falmouth Public Library Association because to not go into executive session could prejudice ongoing negotiations. Mr. Patterson seconded the motion. It was followed by a roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Ms. English Braga, aye; Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Absent: Dr. Taylor.
2. Pledge of Allegiance
3. Proclamations:
 - a. Arbor Day
Mr. Patterson read the proclamation in the packet as a motion. Second Ms. Scott Price. Roll Call Vote: Ms. English Braga, aye; Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Absent: Dr. Taylor.
Jeremiah Pearson, Tree Warden, explained the celebration to be had, including planting trees and a pollinator garden with children from the local schools participating throughout the day.
 - b. National Public Safety Telecommunicators Week
Ms. Scott Price read the proclamation in the packet as a motion. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Absent: Dr. Taylor.
4. Recognition
Chair Brown thanked the Bikeways and Pedestrian Committee for their work.
Ms. English Braga noted passing of Kevin Lynch on 3/24/22, he attended Town Meetings, was a veteran, a volunteer for FCTV, and very connected within our community. Mr. Lynch was ill last few years. Ms. English Braga thanked his family for supporting him in all he did for the Town.
5. Announcements – Select Board vote to retain special counsel
Chair Brown announced the executive session vote to hire Robert S. Troy as Special Counsel on 3/29/22. Special Counsel will assist in negotiating with non-union staff.
6. Public Comment

Joe Lamay, invited the community to attend a stone walk. He explained that this involved loading the pandemic stone, a 4,000 pound granite stone, onto a cart that is pulled by people. It is walk one year ago in Boston, it is now in Sandwich, Thursday evening it will be at the Falmouth Hospital and available for people to visit. At 9am Friday morning a memorial service, community is invited, heroes hospital workers, Police Department, Fire Department, are welcome to participate as well. After Cape Cod, the stone will go to New York City.

Dave Moriarty, resident, regarding the Mayflower Wind project, asked if the cable is 800 megawatts or 1200 megawatts? Has there been a route established?

Dianna Mota, running for Select Board, in Friday's local paper there is a picture of her son at the Falmouth High School talking to seniors about the military and next to it that she was arrested for harassment in 2020. She feels it is not right to take personal digs at someone who is trying to do something good for the Town. Ms. Mota requested a copy of the budget book, she is aware it is online, but would prefer to be provided with a hard copy version.

William Marston, Falmouth, asked about Pheasant Lane and if they can speak, Chair Brown noted he may.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub said the Board voted to approve the collective bargaining agreement with Library for 2 years. Both public hearings appear to be in order, the property is eligible. The Town works with Church routinely on sign variance. Lawrence School auditorium is available for the Mayflower Wind forum. The 40B project at 33 Pheasant Lane is to be discussed, and the Board has a memo from Town Special Counsel on that matter.

7:30 p.m. PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of a Seasonal All Alcoholic Club License – Seacoast Shores Association, Inc. at 7 Farview Lane, East Falmouth

Ms. Scott Price read the hearing notice.

Darya Latypova, stated there are 120 seats inside the clubhouse, they would like 40 seats at the pool and the rest in the dining area, then 5pm-closing they will have all 120 seats inside.

Public comment: none.

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

Ms. Scott Price motion to approve. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Absent: Dr. Taylor.

2. Flow Neutral Bylaw – Evaluation of Request for Variance – Excel 464 Main Street, LLC – 464 Main Street, Falmouth (parcel 47B 02 013 000)

Ms. Scott Price read the hearing notice.

Kevin Klauer, Falmouth Attorney, representing the applicant. Joe Valle is the consultant. This property has been a vehicle repair site, but have proposal for mixed use, restaurant on the first floor and ten rental apartments on the upper floors, three affordable, although all units are eligible for inclusion on the Town's subsidy housing list. Requires a variance from the flow neutral bylaw. This property is already on the sewer. The Wastewater Superintendent found that sufficient capacity exists, and it is Title V eligible. Meets the Board's policy, and he believes this qualifies for a variance. They have been working on plans for 4-5 months; they are not seeking the maximum of 15 units on the site.

Ms. English Braga believes the functionality and proposed design looks like a nice improvement to that part of Main street.

Public comment: none.

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

Ms. English Braga motion to approve. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Absent: Dr. Taylor.

BUSINESS

1. Request for Variance to Sign Code – Chapter 184-30 (C) Special Events – John Wesley United Methodist Church, 270 Gifford Street, Falmouth

Ms. Scott Price motion approval. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Absent: Dr. Taylor.

2. Discuss and vote to approve Falmouth Housing Trust's Local Initiative Program (LIP) application to the Department of Housing and Community Development for premises at 33 Pheasant Lane, East Falmouth

Attorney Laura Moynihan, representing the Falmouth Housing Trust, made a presentation. The 40B housing developer asking to approve endorsement of the application to the State for review of the proposal for issuance of a project eligibility letter. One affordable housing unit, construction completed, showed plan of the neighborhood, there are 35 existing houses, and the location is walking distance to services. The house is a three bedroom, two bath, two story home built in 2019, it has a garage, deck, and yard. The lot is below that permitted by the Zoning Bylaw, and energy efficient. Atty. Moynihan presented photographs of the residence. It meets all zoning setbacks, three bedroom Title V septic system, and the floorplan was reviewed. Developer has standing under MGL 40B. Sale price of the home would be \$265,000, the appraised value as a market rate home is \$900,000. Town of Falmouth Affordable Housing Production Plan was approved in 2019. Current status of the plan includes: 1 unit on Deerpond, 3 units in Locustfield estates, 3 units on Old Main Rd. This unit would add to the subsidized housing inventory. Waivers needed for bylaw were reviewed and include lot size; this lot is comparable to what is in the neighborhood. Development standards were reviewed.

There is currently ongoing litigation with this home, the owner is involved in litigation, it has been stayed by the court. The owner's attorney filed an application with the judge to stay the litigation to allow for this process to take place. A Comprehensive Permit can allow for waivers under 40B for lot size and minimum size width. If the house was gone, there could be more than one unit built on that parcel. This is a good result for the community, Housing Trust, and a needy family. Deed restricted in perpetuity, there would be a monitoring agent, and a lottery for homeowner. The \$400,000 purchase price is reasonable, the Housing Trust currently estimates it would cost that, if not more, to build a home alone, and it does not include the land acquisition.

The Zoning Board of Appeals (ZBA) appreciated update by Chair Brown; the ZBA has not decided on the case to date.

Ms. Scott Price likes this creativity.

Ms. English Braga noted the legal issues are not for the Board to decide tonight, she cannot think about tearing down a house already built. There are rules and regulations for a reason, given the desperation for housing, there is nothing in this price range, and very little in the range twice the price of this project. There are people who work hard at well-paying jobs who cannot afford to live in this community. We need many more units, but it is a single opportunity for a family that needs to stay in Town; the foundation of our community. She wants the Board to use the authority they have.

William Aston, Falmouth, commented that this is an unbuildable lot, nothing changes there. If they do anything with it, it still lowers the property values of the houses next door. This project is not friendly to the neighbors or taxpayers; should they have notified people that this was coming. This building was built knowing it was a substandard lot. It has been to court, deemed that it is supposed to be torn down. It is not right. Neighbors are the ones who get it stuck to them, take the greenspace out of the development. Building Commissioner said it should not have been built. He was given bad information, it was still allowed to be built, got an occupancy permit, and has been rented for months. Mr. Aston asked if every substandard lot is able to be built upon.

Ms. English Braga noted that to rip down a home that could be a beautiful place to raise a family is not a good idea.

Attorney Moynihan said this is in court, Falmouth is paying Special Counsel for this litigation. Everyone should be concerned the taxpayers are funding this litigation. There are appeals going on about the ZBA decision. Nothing established in court, trying to come up with a result to allow for the house to be legalized under a different mechanism, which is State law, as a 40B housing unit. Sticking it to the neighbors is not what is happening, one house on a lot similar in size to many lots in the neighborhood. The lot was designated as a buildable lot on the old plan, not green space. Market values in the area are high, look at Lewis Neck Rd. application, three units under construction, neighbor said property values would be negatively impacted by the development. The owner made a significant profit selling a home next to a lot with three units. There is no evidence of loss of property value, 40B is there for a reason because everyone wants affordable housing but not in their backyard. No one is even going to know it is an affordable housing unit when they drive by it. If the house was torn down the lot would be vacant. Housing Trust could buy the land, then apply for 40B housing permit and build another house, or more than one unit. The people who service the rest of us are buying these homes. The claims that it is illegal, none of that has been established, the litigation is stayed, and the Board should review the application based on the merits of the application not the litigation. If building affordable housing, it will be built on unbuildable parcels, any lot out there in the community unbuildable under zoning is eligible for 1 or more units of affordable housing. This is not a public hearing, notice to neighborhood is not legally required, it will go to the Zoning Board for a full hearing. All they are asking now is to start the process and allow it to get to the Zoning Board.

Mark Finneran, 98 Grand Ave., noted the house will be worth \$1 million next year.

Dianna Mota said it was done the wrong way.

Mr. Johnson-Staub noted it is a complicated issue because of the history and suggested, as upset as we might be, the Board should play it out for themselves on what you want to see happen. If the Board denies the LIP application, play it out, there will be litigation if the property owner is forced to tear the house down. If the neighbors had been the owner and have to tear the house down, you have the right to apply for 40B, the ZBA would have a difficult time denying the two exemptions for three units of housing. This would be an easy standard for the property owner to meet. If the ZBA denies it, it goes to the State Housing Appeals Commission. Let's think about where it goes if it is not approved as a legalized house through a 40B process.

Ms. English Braga motion approval. Second Ms. Scott Piece. Roll Call Vote: Ms. English Braga, aye; Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Absent: Dr. Taylor.

Ms. English Braga said that we have an obligation to meet the housing production standard and a moral obligation to make sure those working and being productive members of their community have housing. Housing will be a challenge for our community, the character is going to change dramatically if the regular folks who want to raise their family and age in Falmouth are unable to afford to do so.

3. Discussion on date/location for Mayflower Wind public forum (10 minutes)

Mr. Johnson-Staub reported that the Lawrence School Auditorium is available. He has presented dates to the Mayflower Wind representatives, they have not gotten back to him yet. His suggestion is to leave 4/30/22 and 5/7/22 as possible options for meeting dates.

Dave Buzanoski, President Falmouth Heights Maravista Association feels the open meeting with Mayflower before the hearing is premature. Mayflower needs to go in with their revised application, and it will be a different meeting before they submit their revision. He would like the public meeting to be done after the new Energy Facilities Siting Board (EFSB) hearing date has been set. He would like a Saturday morning meeting so that more can attend.

Mr. Johnson-Staub said that he does not know if Mayflower will change their landfall locations and part of the reason to have a public forum before Mayflower restarts the process with EFSB is to influence Mayflower.

Ms. Scott Price said that they are getting comments from the community, so it would be helpful to have people at the meeting to ask those pointed questions. If people show up and present their thoughts, maybe that will influence Mayflower to move in their direction a little more.

Dave Moriarty likes the idea of a Saturday meeting, should have several meetings, we would like to see the plan of the project including the amount of voltage and megawatts coming into Falmouth.

Ms. English Braga exited the meeting.

CONSENT AGENDA

1. Licenses

- a. Approve application for a Special One-Day Liquor License – Bands for Badges, Cape Cod Fairgrounds – Saturday, 8/13/22
- b. Approve application for three Special One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild, Highfield Theater, 58 Highfield Drive – Friday, Saturday, and Sunday; April 29, 30, & May 1; May 6, 7, 8; and May 13, 14, 15, 2022
- c. Approve application for a Change of Address of a Wine and Malt Beverages License – Quicks Hole, LLC dba Quicks Hole Taqueria, located at 28 Water Street, Unit #C, Woods Hole
- d. Approve application for a Class II Used Car Dealer License – Intergas, Inc., located at 10 North Main Street, Falmouth

2. Administrative Orders

- a. Vote to Appoint Members to Board of Registrars: Grace O’Gorman, Kathleen Mortenson, Edward McCormack, III
- b. Vote to approve ballot questions for May 17, 2022 municipal ballot
- c. Vote and execution of petition to Legislature for special act to hold a special municipal election in November, 2022 to elect a Municipal Light Board
- d. Approve Eversource petition to install approximately 40’ (feet) of conduit and cable under town road southwesterly starting at handhole 542/H1B and to install (1) new handhole labeled 542/H1A in public ROW on side of road at base of existing pole 542/1. This work is to be done to provide electric service to #118 Bywater Court.
- e. Vote to request a list of long-term parking permittees including vehicle information from the SSA of vehicles using the long-term parking permit system (Palmer and Woods Hole lots)
- f. Vote to approve request to submit application for FY23 MVP grant for low-lying roads

3. Approve 2022 Seasonal/Annual License Renewals

SEASONAL COMMON VICTUALLER LICENSE

The Tea Room, 196 Crystal Springs Avenue

LODGING HOUSE LICENSE

Elizabeth Hathon, 165 North Falmouth Highway

SECOND-HAND DEALER LICENSE

Cape Cod Gold & Silver Coin, 424 Main Street

Falmouth Stamp & Coin, 11 Town Hall Square

BOWLING ALLEY/POOL TABLE LICENSE

Grumpy’s Pub, 29 Locust Street

ENTERTAINMENT LICENSE

Falmouth Pier 37 Boathouse, 88 Scranton Avenue

SUNDAY ENTERTAINMENT LICENSE

Falmouth Pier 37 Boathouse, 88 Scranton Avenue

MOVIE THEATER LICENSE

Falmouth Cinema Pub, 137 Teaticket Highway

Ms. Scott Price motion approval. Second Mr. Patterson. Vote: Yes-3. No-0. Absent-2. (Ms. English Braga, Dr. Taylor)

4. Review and Vote to Approve Minutes of Meetings:

- a. Public Session –
February 14, 2022

Mr. Patterson motion approval as edited. Second Ms. Scott Price. Vote: Yes-3. No-0. Absent-2. (Ms. English Braga and Dr. Taylor).

- b. Executive Session –
March 14, 2022
Mr. Patterson motion approval and not release for public access. Second Ms. Scott Price.
Vote: Yes-3. No-0. Absent-2. (Ms. English Braga, Dr. Taylor)

March 28, 2022
Executive Session 1
Mr. Patterson motion approval and not release for public access. Second Ms. Scott Price.
Vote: Yes-3. No-0. Absent-2. (Ms. English Braga, Dr. Taylor)

Executive Session 2
Mr. Patterson motion approval and not release for public access. Second Ms. Scott Price.
Vote: Yes-3. No-0. Absent-2. (Ms. English Braga, Dr. Taylor)

Executive Session 3
Mr. Patterson motion approval and release for public access. Second Ms. Scott Price. Vote:
Yes-3. No-0. Absent-2. (Ms. English Braga, Dr. Taylor)

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub noted the Internal Working Group for Special Events met last week and approved 17 special event permits. Falmouth Road Race is seeking 12,000 runners, but approved permit was for 10,000 runners. There have been meetings with the Town and road race. They may be appealing that decision to the Board.

Completed Town Meeting and thanked the Board and staff for completion.

Monday, April 18 is Patriot's Day; Town offices will be closed for the holiday. The next Board meeting will be held on Monday, April 25, 2022.

SELECT BOARD REPORTS

Mr. Patterson:

Cape and Islands Municipal Leaders Association meeting 4/8/22 had reports from county officials, including Barnstable County Public Health and Environment and noted there are some grant opportunities. These are the One Stop grants the State is putting out: www.mass.gov/onestop for a list of grants.

Mr. Brown :

Daniel Gessen gave a detailed update of the Barnstable County Assembly of Delegates meeting and reported it is off to a good start.

DISCUSSION OF FUTURE AGENDA ITEMS

Ms. Scott Price would like to set a date for meeting with the Affordable Housing Committee.

Mr. Patterson noted training in staff safety practices; MIIA, our insurer, is paying for municipal department heads training to teach safe practices.

Art Gaylord asked if he could get a copy of the petition being sent to the State legislature concerning the article. He thanked the Board and Town administration for help and support during the process of establishing the Municipal Light Project.

Ms. Scott Price motion to adjourn. Second Mr. Patterson. Vote: Yes-3. No-0. Absent-2. (Ms. English Braga, Dr. Taylor)

Respectfully Submitted,
Jennifer Chaves
Recording Secretary

COMMITTEE INTERVIEWS

1. Interview, vote and appoint member to Agricultural Commission: Jack Simonds

Agricultural Commission (7-member committee) (3-year terms)

One position

- Term until 6/30/2022

One applicant

- Jack Simonds



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to the Select Board, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthma.gov.

Name: Jack Simionis

Address: 183 Timothy Bourne Cartway Village: East Fal ZIP: 02536

Mailing Address: P.O. Box 3706 Village: Wagvoit ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 46 yrs (date: 1974) / Taxpayer 42 (date: 1981)

Amount of time you are available to give: As needed

Town Committee, Board or Commission you are interested in serving on:

1. Agricultural Commission
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? Yes

Relevant affiliation and work and personal experiences Vegetable grower
Past Falmouth Farmers Market Vendor (plant & retail)
Agricultural land owner - 16 acres total, 3 acres are
in use as farm

Town offices held in Falmouth or elsewhere and dates of years served: Agricultural Commission

Briefly describe the particular skills you feel you will add to the committee or board: _____

*Extensive experience growing vegetables
past keeper of livestock
Preserving farmland for Falmouth*

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<i>Karen Schwalbe</i>	<i>Chair of Commission</i>	_____
2.	<i>Matt Churchill</i>	<i>Commission Member</i>	_____
3.	<i>Jane Vose</i>	<i>" "</i>	_____

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

4/26/22
DATE

Paul Simard
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

PUBLIC HEARINGS

1. Vote to Adopt Amended order of Betterment Assessment for the Little Pond Sewer Service Area (Kendall Lane), continued from 4/25/22.

Public hearing checklist:

- Read Public Hearing Notice
- Presentation by applicant (or representative)
- Discussion/questions
- Public comment in support or against
- Close hearing
- List any findings
- List any conditions
- Motion

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

TO: JULIAN SUSO, TOWN MANAGER
MEMBERS OF THE SELECT BOARD
FROM: MAURA O'KEEFE, TOWN COUNSEL
SUBJECT: BETTERMENT ASSESSMENTS
DATE: MAY 6, 2022

This office has been asked to comment on whether a betterment assessment for a sewer service area may be reapportioned when a new development is constructed.

Towns are permitted to "layout, construct, maintain and operate . . . sewers . . . as they adjudge necessary for the public convenience or the public health." M.G.L. c. 83 § 1. The costs associated with the improvements may be assessed to the landowners within the sewer service area. M.G.L. c. 83 §§ 1D, 14, 15, 15A, 15B.

The Town, through its Select Board, is authorized to require connection to a wastewater system and assess the costs of the improvement and the benefits to the landowners. M.G.L. c. 83 § 14. Assessments for the cost of the connection and use of the Town wastewater system must be done by a "fixed uniform rate or a rate based upon a uniform unit method." M.G.L. c. 83 § 15. The statutory calculation must equal the estimated average cost to connect to the system, according to frontage, area of land, or both, as decided and established by the Select Board. M.G.L. c. 83 §§ 15, 18.¹

In Falmouth, the Select Board has determined that assessments are calculated based upon sewer equivalent units ("SEUs"), where a lot with a single-family home equals one SEU, a lot with a two-family home equals two SEUs, and commercial lots are calculated proportionately, for example. Thus, the assessments are based on SEUs and attach to a particular lot.

¹ Under either uniform rate system, where the costs are allocated based upon the improvements and the use of the connection to the municipal wastewater system, there is no ability to provide for discounted rates based upon income. Neither are these statutory provisions waivable for an affordable housing development under a comprehensive permit pursuant to M.G.L. c. 40B.

Once the cost distribution for a betterment is determined, the Select Board holds a hearing to set the list of properties within the service area and the maximum, total amount of the cost to be assessed to the residents. The Select Board votes to establish the final assessments to each property and the assessment will constitute a lien on that property *as of the date of recording* of the Order of Betterment Assessment with the registry of deeds. M.G.L. c. 83 § 27. There is no mechanism within the statutes relating to betterments to allow for reapportionment of the liens across a service area once the Select Board has made its determination as to the final assessments.²

In the instance of Kendall Lane (f/k/a Helmis Circle and a/k/a Little Pond Sewer Service Area), the original betterment assessment was made on 7 lots located on Helmis Circle. Sometime after the assessment was made, the owner applied for a comprehensive permit that would allow the owner to subdivide the 7 lots into 28 lots. As illustrated above, assessments attached to each of the original individual 7 parcels. With no authority in the statutes to redistribute the assessments over the entire service area to add 21 SEUs to the original, existing 1,608.25 SEUs, the amounts assessed were, instead, reapportioned for each individual lot within the new development. Once the lots were subdivided, the assessments were divided among the smaller sublots, minus any amount already paid.

² But see Section 15A of M.G.L. c. 83 that permits the Select Board to redetermine the method of calculation of the betterment, which has no application here.



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

April 6, 2022

Helmis Circle LLC
100 Riverpark Drive
North Reading, MA 01864

RE: Amended Order of Betterment Assessment
Little Pond Sewer Service Area

Dear Helmis Circle LLC:

I enclose herewith an Amended Order of Betterment Assessment for the Little Pond Sewer Service Area which affects land owned by you on Kendall Lane in Falmouth, MA. The statutory authority is Chapter 80, Section 15 of the Massachusetts General Laws. Please take note that the Select Board of the Town of Falmouth will hold a public hearing on the adoption of this Amended Order of Betterment Assessment on Monday April 25, 2022 at 7:30 PM in the Select Board Meeting Room of Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540, and you may attend and be heard.

Sincerely,

Julian M. Suso
Town Manager

Commonwealth of Massachusetts

Barnstable, ss.

**Town of Falmouth
Select Board**

**AMENDED
Order of Betterment Assessment
Little Pond Sewer Service Area
(Kendall Lane)**

WHEREAS, on April 9, 2014 at its annual meeting, the Town adopted Article 28 and appropriated the sum of \$49,820,000.00, a portion of which was to pay costs of engineering, design, construction and other related costs of a sewer system for the Little Pond Sewer Service Area; and

WHEREAS, on April 9, 2014, at its annual town meeting, the Town also adopted Article 27 and voted to apportion the total costs of the sewer system of the Little Pond Sewer Service Area as follows: seventy percent (70%) of the total cost be recovered by betterments and assessing upon each parcel in the area receiving benefit a betterment assessment under ch. 83 s. 23 of the Massachusetts General Law (the Betterment Act), or any other appropriate authority, and the remaining thirty percent (30%) of the cost of the project be paid by the Town; and

WHEREAS, on July 13, 2015 the Board of Selectmen of the Town of Falmouth adopted an "Order of Betterment Assessment Little Pond Sewer Service Area" (the Order of Assessment) for the assessment of betterments on properties to be served by the Little Pond Sewer Service Area: and

WHEREAS, said Order of Assessment is recorded in the Barnstable County Registry of Deeds in Book 29042, Page 1 for recorded land and in the Land Court of said registry as Document 1,275,124 for registered land; and

WHEREAS the plan of the Little Pond Sewer Service Area is recorded in said registry in Plan Book 659, Pages 44 to 76; and

WHEREAS construction of the sewer system commenced in 2016 and the sewer system is now functioning and operating in the Little Pond Sewer Service Area; and

WHEREAS, said Order of Assessment identifies all properties to be assessed a betterment and the owners thereof on Exhibit A attached thereto; and

WHEREAS the Town of Falmouth assessed betterments on the properties described in Exhibit A and began collecting the same beginning with Fiscal Year 2017; and

WHEREAS Exhibit A identifies five (5) lots to be assessed betterments on Helms Circle, being shown on the Falmouth Assessors Maps as lots 39 16 001A 003, 39 16 001A 004, 39 16 001A 005, 39 16 001A 006 and 39 16 001A 007, which at the time of adoption of said Order of Assessment was an undeveloped paper street and there were no buildings or structures on the identified lots; and

WHEREAS Exhibit A further identifies two (2) lots to be assessed betterments on Worcester Court, being lots 39 16 001A 009 and 39 16 001A 010, which at the time of adoption of said Order of Assessment were vacant lots; and

WHEREAS the owners of said seven (7) lots have paid the betterments assessed on the lots as billed to the date hereof and amounts remain unpaid; and

WHEREAS, after the adoption of the Order of Assessment the five (5) lots on Helmis Circle and the two (2) lots on Worcester Court were conveyed into new common ownership for the purpose of further division and development; and

WHEREAS, on February 23, 2021 the Zoning Board of Appeals of the Town of Falmouth granted to the new owners of the lots on Helmis Circle and Worcester Court a Comprehensive Permit under G.L. Ch. 40B, ss. 20 – 23, which Comprehensive Permit eliminated Helmis Circle as a way and the five (5) lots located thereon and the two (2) lots on Worcester Court and created a new way known as Kendall Lane and approved twenty -eight (28) new lots with frontage on Kendall Lane; and

WHEREAS the Comprehensive Permit is recorded in the Land Court of said registry as Document 1,430,101 and at said Registry in Book 34164, Page 90, and the approved plan is recorded in Plan Book 691, Page 70; and

WHEREAS Kendall Lane has been constructed and single- family homes will be constructed on each of the 28 lots, each of which will be connected to and served by the Little Pond Sewer Service Area; and

WHEREAS the new owner of the twenty- eight (28) lots has requested the Select Board to divide the amounts remaining unpaid according to the Order of Assessment among the several new lots; and

WHEREAS the land subject to the Comprehensive Permit, including the lots subject to the lien for assessment, has been noticed for deregistration and exclusion from the provisions of G.L. Ch. 185 and is now treated as recorded land per the Order of Voluntary Withdrawal recorded at said Registry in Book 34723, Page 330.

NOW, THEREFORE the Select Board of the Town of Falmouth, acting in accordance with G.L. Ch. 80, s. 15 and any other authority, do hereby AMEND the Order of Assessment as follows:

1. The five (5) lots with frontage on Helmis Circle and the two (2) lots on Worcester Court previously identified are deleted from Exhibit A of the Order of Assessment.
2. The twenty- eight (28) lots with frontage on Kendall Lane are added to and incorporated into the Order of Assessment to replace the seven (7) lots so deleted and they are set forth on Exhibit A-1 attached hereto.
3. The total amount remaining unpaid according to the Order of Assessment is \$76,147.75 and the proportionate amount assessed to each of the new lots is \$2719.56.
4. The plan of Kendall Lane and the twenty -eight (28) lots thereon recorded in Plan Book 691, Page 70 is incorporated herein by this reference thereto.
5. Other terms and conditions of the Order of Assessment remain unchanged insofar as they are relevant and necessary.

For title, see Certificate of Title No. 225709, deed recorded in Book 33940, Page 243 and Order of Voluntary Withdrawal recorded at said Registry in Book 34723, Page 330.

In Witness whereof the Select Board of the Town of Falmouth adopt this amended order the ____ day of ____, 2022.

Town of Falmouth
By its Select Board

Doug C. Brown, Chair

Nancy R. Taylor, Vice Chair

Samuel H. Patterson

Megan English Braga

Onjalé B. Scott Price

Commonwealth of Massachusetts

County of Barnstable

On _____, before me, the undersigned notary public

personally appeared _____
name(s) of signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence of identification which was

_____ to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me this instrument is (his)(her) free act and deed.

WITNESS my hand and official seal.

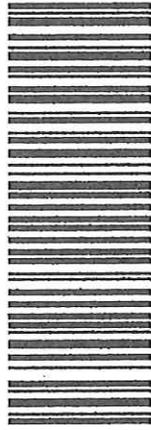
Signature of Notary Public

PARCEL ID	STREET NU STREET NAME	OWNER 1	LEGAL REFERENCE	BETTERMENT
39 16 001C 001	10 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 002	14 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 003	16 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 004	18 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 005	20 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 006	24 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 007	26 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 008	28 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 009	30 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 010	32 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 011	34 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 012	36 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 013	38 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 014	31 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 015	29 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 016	27 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 017	25 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 018	23 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 019	21 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 020	19 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 021	17 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 022	15 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 023	11 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 024	9 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 025	7 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 026	5 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 027	3 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56
39 16 001C 028	1 KENDALL LN	HELMIS CIRCLE LLC	225709	2,719.56

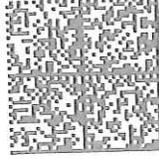
Diane

Office of the
Town Manager & Select Board
TOWN OF FALMOUTH
59 Town Hall Square
Falmouth, MA 02540

CERTIFIED MAIL



7018 0040 0000 2117 3758



US POSTAGE PAID PITNEY BOWES



ZIP 02540 \$ 007.33⁰
02 4W
0000349748 APR 08 2022

Helmis Circle LLC
100 Riverpark Drive
North Reading, MA 01864

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Helms Circle LLC
100 Riverpark Drive
North Reading, MA 01864



9590 9402 3583 7305 0551 69

2. Article Number (Transfer from service label)

7018 0040 0000 2117 3758

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jean D. Nitro*

Agent

Addressee

B. Received by (Printed Name)

Jean D. Nitro

C. Date of Delivery

7/11/2015

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Mail Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt

BUSINESS

1. Joint Base Cape Cod (JBCC) Commanders' Briefs on JBCC Initiatives, Projects and Issues

BUSINESS

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

DRAFT

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 may be used as a credit toward purchase.

The surplus supplies may be donated to a government entity or charitable organization provided it is a recognized IRS 501(c)(3)

In limited circumstances and in accordance with an articulated public policy reason for doing so, the surplus supplies may be destroyed

For commodities, like firearms, that are treated uniquely in the marketplace, the surplus supplies may be disposed of in a manner consistent with the purposes of the Procurement Act, M.G.L. c. 30B, notwithstanding the provisions of this policy.

BUSINESS

3. Discussion of Diversity Equity and Inclusion Officer position

Summary of the Multiple DEI-related Projects and Initiatives

"New" Programs/Collaborations

Seafarer Initiative – Teaching boating skills, repair, and sailing to ten to fifteen students through coordination with Ronald Clark (boat builder/navigator/educator), Falmouth Harbor Master Greg Fraser, MacDougalls' Tim Cohan, West Marine's Sylvia Smoller, Woods Hole Aquarium's George Liles (Falmouth, Woods Hole)

Sea Education Association – High School Program – Sea Expedition – Two Falmouth High School students (female and male) enrolled in two-week, hands-on sailing experience, July 21 to August 2 (Woods Hole to Boston, Peg Brandon, Alexandra Nichols)

Cultural Awareness – Falmouth High School student presentation/calendar during Black History Month featuring "African American Female Scientists; independent, student research on African American artists (female and male)

NOAA Northeast – sea life experience (planning), George Liles, Director of Academic Programs, Woods Hole Aquarium

Cape Verdean Museum/Club – Coordination of student visits/projects through Karen Hinds, who assisted in previous student activities at the Waquoit Bay National Estuarine Research Reserve

Cape Cod Voices – Planning of cultural awareness and expression related to women of color with Miranda Alves, President and Co-Founder

Cape Cod Coast Guard Facility (Woods Hole) – Initial contact re inclusion in existing training, boat awareness, and career programs

"Old" and "Ongoing" Programs/Collaborations

After-School Academy – Academic, behavioral and cultural enrichment...and recognition and referrals re college for 9 – 12 graders, identified by school administrators, teachers, and guidance staff...previous referrals have attended Brandeis University (5), Massachusetts Maritime Academy (1)

Massachusetts Maritime Academy – Tour and admission guidelines/opportunities

St. Barnabas Church – Volunteers and contributions/refreshments for the **After-School Academy**: Ellie Shavers, Jane Hinckley, Rev. Wil Mebane

Rupert Gordon – **After-School Academy** "help room" and outreach ("I have more students you can contact...")

"No Place for Hate" – Welcoming and support initially from the Falmouth Jewish Congregation and the Falmouth Unitarian Universalist Fellowship...now support throughout the Falmouth community

Proposal: Director of Diversity, Equity, Inclusion and Belonging

The recent division of the "Town" and "School" Equity/Affirmative Action Officer position provides a unique opportunity to create distinct Diversity, Equity, Inclusion and Beyond offices that reflect,

specifically and objectively, the nature, role, structure and activities of the independent but collaborative Town of Falmouth offices. As a guide for the development of the separate DEI-B offices, Falmouth attorney John F. (Jack) Dolan, Jr. has suggested a review of the established DEI-B plan of Cambridge, MA, which serves a population relatively, demographically similar to Falmouth's. Following this investigative, review approach would facilitate the transition from the "old" to the "new" version of the diversity plan. Assistance, clearly defined and timely, from the "Acting DEI Officer" would be available.

George R. Spivey, Acting DEI Officer, May 3, 2022



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

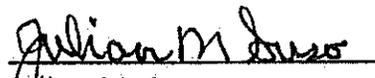
Fax (508) 457-2573

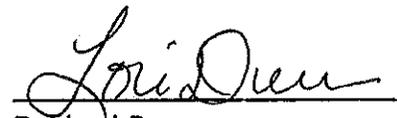
PRESS RELEASE

March 10, 2022

We are very pleased to confirm that former Falmouth School and Town Employee Mr. George Spivey has agreed to accept a transitional assignment serving as acting Diversity, Equity and Inclusion Officer given the recent resignation of DEI Officer Ms. Jacqueline Hartman. Mr. Spivey will undertake the duties of this position during the present transition period as both the School Department and the Town with the guidance of the Select Board and the School Committee assess the most appropriate course going forward.

Mr. Spivey returns to Town and School employment to assist in this important capacity in which he functioned very effectively in the past. Mr. Spivey has resided in Falmouth since 1975 and served for a number of years as an educator in the Falmouth School system, including as Principal of East Falmouth Elementary School. He has also been very actively involved in multiple charitable and non-profit initiatives in Falmouth promoting diversity and inclusion. This includes his leadership as a founder of "No Place for Hate" Falmouth. Mr. Spivey was the recipient of a Falmouth Civic Leadership Award in 2017 and a Special Community Leadership Award from the Falmouth Clergymen's Association in 2014 in recognition of his extraordinary service in these many areas of the Falmouth community.


Julian M. Suso
Town Manager


Dr. Lori Duerr
Superintendent of Schools

BUSINESS

4. Discuss and vote Falmouth Road Race, Inc. appeal of the decision of the Town Manager regarding the number of participants for the Falmouth Road Race special event



Falmouth Police Department

750 Main Street Falmouth, MA 02540

Phone: 774-255-4527 | Fax: 508-457-2566

www.falmouthpolice.us



May 4, 2022

Select Board Chair Douglas Brown,

The Falmouth Road Race is a tradition that is truly a part of the fabric of this community. Countless people over the years have participated and made lifelong memories. We heard from some of them at the Select Board meeting on April 25, as they spoke in support of the Falmouth Road Race Board (FRR) to raise the registration cap back to the 12,800 limit that they have been approved for in recent years. There were stories of the history of the FRR and anecdotes of how the event has changed the lives of individuals over the years. We certainly recognize all the wonderful charity work that the FRR has been able to give back to our residents and we understand the need for the Falmouth Police Department to be able to facilitate it every year in order to help make it a successful event.

Unfortunately, we cannot provide public safety with sentiment alone, and Chief Dunne advised the Select Board of concrete reasons as to why he recommends a registration cap of 10,000. Firstly, we must recognize that our community has grown. During our vibrant tourist season with many guests choosing to spend their time in Falmouth during the summer months, the act of simply moving about through Town is a challenge for everyone. As Chief Dunne stated, we are responsible for the entire 44 square miles of the Town, not just the FRR event. The added roadway congestion impacts the ability of public safety professionals to be able to respond to calls for service in a timely manner. It is important to note that the nature of police calls has changed over the years. We are still in the grip of an opioid crisis, with hundreds of overdoses in our community on an annual basis. These incidents require immediate response to have the best opportunity to save lives, and in the unfortunate circumstance of fatalities they require the commitment of multiple resources for extended periods of time. We have also seen a dramatic increase in responses to persons with mental illnesses. These are often highly volatile situations that require numerous officers and supervisors, again for protracted periods of time in many cases. Our Consolidated Communications Department does a phenomenal job of prioritizing responses from both the Police and Fire Departments, but the calls for service are often overwhelming in the summer.

In the face of the increasing demand in the nature and complexity of our responses, we are facing the reality of a staffing crisis as we enter the summer of 2022. Policing across



Falmouth Police Department

750 Main Street Falmouth, MA 02540

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the country is in a hiring and recruitment crisis, and Cape Cod has not been exempted from the trend. As the Chief explained, we anticipate entering the summer months with 42 of 66 funded police officers in Falmouth. This is our lowest staffing level in memory. The Town has recognized the need to move the Police Department out of Civil Service so that we can begin to recruit directly, and to speed up the hiring process without sacrificing the quality of candidates who we entrust to protect our citizenry.

Regrettably, the exit from civil service remains in legislative process at the State level, and we are not yet able to make use of a new hiring process to help alleviate our concerns. At under 64% staffing, we are concerned about our ability to respond to other needs within the community with all of our resources being committed to a single event.

The FRR made several proposals to try to help address the staffing concerns of the Falmouth Police Department. They offered to provide private security from a company that features retired federal law enforcement officers, to hire certified flaggers, to provide National Guard resources, and to advocate on our behalf to recruit State and County Law Enforcement Officers. Chief Dunne has repeatedly indicated that he is receptive to the hiring of a security firm to assist with bag checks and field security, and also with certified flaggers to assist at traffic control points. Having those resources available would certainly relieve some of the strain and allow us to deploy our Police resources more effectively. We do not believe that the Falmouth Road Race is the right type of event for the deployment of National Guard troops. As far as State and County law enforcement officers, Chief Dunne has advised the FRR on multiple occasions that we recruit from the Massachusetts State Police, the Barnstable County Sheriff's Office, and all other municipal police departments in the region every year. We get some, but not many, volunteers to assist us. However, it must be noted that even Barnstable County Sheriffs can no longer perform police duties in Massachusetts as a result of the recently passed Police Reform law and the resultant new Police Officer Standards and Training Commission (POST) that must certify all law enforcement officers in the Commonwealth. This law has affected us locally as we no longer have the option of hiring Seasonal Police Officers in the summertime, which is beyond the 66 funded full-time positions mentioned earlier.

We appreciate the willingness of the FRR to try to creatively address the staffing level concerns of the Falmouth Police Department. However, it seems that in doing so they have missed the point completely on the primary concern relative to their event. The overwhelming concern is that there are simply too many people in too small an area. Every year there have been significant difficulties in getting all of the runners to the start line in Woods Hole. Every year we see traffic backed up on Woods Hole Road, with runners exiting from busses and private vehicles. We see the runners walking and running among the moving cars to try to get to the start line. We have seen runners going the wrong way on the race course to get to the starting line while other participants are underway. What we have never seen is all participants being successfully driven to the



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designated drop off location, even last year when there were only 8,000 registered participants. Likewise, at the finish line in Falmouth Heights we experience unpassable crowds every year. We have had instances when individuals have called for police services and we were unable to get to them, even on a motorcycle. With a smaller field of 8,000 runners last year, we found that we were able to remove the congestion and open the roadways hours earlier than in prior years with 12,800 participants. Clearing the crowd and restoring the Town to normal traffic flow is one of our priorities during the Road Race event. These concerns are separate and unrelated to our staffing levels, they speak to the larger problems of citizens being unable to move freely within the town and emergency services being unable to respond in a timely manner. The FRR suggests that we have not ever had a major incident related to the Road Race as evidence that nothing is wrong with continuing to grow their event. We see the potential for a major problem, and in public safety we often use the phrase that “predictable is preventable.” Relying on good fortune is not a plan.

As the Command Staff of the Falmouth Police Department, we have each spent that last 10 years either in the Unified Command Center or at the Woods Hole starting line. We are intimately involved in the logistics and planning of the public safety response for the event every year. We witness first-hand the inability of the race operators to get the runners effectively and efficiently to the starting line, despite having had discussions every year regarding the bussing plan and the concerns with runner drop-off. We support Chief Dunne in his request to limit the field size to 10,000 participants this year. We ask that the Select Board consider our experience and the value of our informed opinions when deciding upon the request from the Falmouth Road Race to increase the field size.

Respectfully,

Brian L. Reid
Captain of Operations

Brian J. Loewen
Captain of Specialized Services

cc. Chief Edward Dunne

Dear Selectmen and Selectwoman;

My name is Newton Cardoso I've lived in Falmouth for over 21 years. I have been employed with the Town of Falmouth since 2014 and recently I've been appointed as the Union President for the Patrol Union of the Falmouth Police Dept. I moved here when I was 11 from Brazil. I went to Lawrence School and Falmouth High School. I attended countless Christmas Parades and fire work displays. I've brought my daughter to every Christmas Parade since the year she was born. This town has embraced me and given me opportunities that I may not have had otherwise. That is why I chose to become a police officer here. I understand how important tradition is for the residents of this town and I fully support it, as I believe it brings the community closer together to and benefits all of us in our own individual way. However I do believe that in order for traditions continue they must adapt with the times. Unfortunately as Police Officers in today's world we must plan for the worst case scenario. Not only that, the size of this town has grown significantly over the past few years. We've had new roads and housing developments constructed, new apartment complexes built, and countless new sober houses added. Also, due to Covid many people from the cities have moved into smaller communities such as ours, which dramatically increases the number of year around residents.

At the last meeting Chief Dunne addressed his concerns for Public safety and stated we could not guarantee the safety of the people in town if we had 12,800 runners. Many people present in the meeting seemed to misunderstand his concerns. A hand full of citizens spoke up stating that the road race crowd is different from the fourth of July crowd and stated they are not in town to cause problems. I can agree with that statement, however, that is only part of the issue. Chief Dunne was addressing the safety of the town as a whole. On an average day we have five officers patrolling the entire town of Falmouth. Those five officers are responsible for answering and resolving any call that comes in. As you can imagine sometimes five officers just aren't enough. Just recently on May 2nd, 2022 the evening shift had to answer multiple priority calls including a head on collision with injury and a man waving a fire arm around in public at the same time. They had several other minor calls coming during that time as well. That night five officers weren't enough and they had to request that off duty officers come in to assist. The following day on May 3rd, day shift had an incident that caused four officers to be tied up with a combative subject for several hours and again several other calls came in during that time. On that day the entire evening shift was ordered to come into work early to help patrol the town. If a similar incident happens during the road race we have no way to back fill officers as they will all be tied up on the race. Even if we wanted to pull officers from the race, it would be difficult to get them out due to all the traffic and spectators around town.

Another safety issue the Chief was referring to was regarding outside threats. The Falmouth Road Race is what it's known as a soft target for terrorism and other extremist groups that seek to disrupt and change our way of life. Woods Hole and the roads leading to Woods Hole were not designed to accommodate 12,800 runners plus their spectators. Despite what the race committee has stated there has always been issues getting all the runners to the starting line, even last year with only 8,000 runners. Eventually all runners get down there and it doesn't cause a major delay to the race, but what it does is create a public safety issue. Every year we have buses letting people off on Woods Hole Rd because they are stuck

in traffic. Those runners have to run or walk to the starting line while avoid cars, which is dangerous enough. We have been fortunate in the past years where no one has been injured but it is just a matter of time. Once they are let out of the buses they are unsupervised creating the opportunity for foul play. If anyone wished to do us harm that would be an opportunity. While we have security protocols at the bus pick up and drop off zones we don't have the ability to set up security protocols for the entire bus route. Giving anyone the opportunity to stash or retrieve a weapon after being dropped off by the bus.

The world we live today is not the same as it was 50 years ago when the race was first established. The Boston Marathon bombing demonstrated that terrorist and extremist threats are constantly at our forefronts. In November 2021 we had the Waukesha Christmas parade attack when an individual used his vehicle as a weapon killing 6 people and injuring sixty two. This year we had the New York Subway shooting injuring 23 people. The Boston Marathon made the decision to increase security protocols and numbers of officers for the marathon due to the New York shooting. We unfortunately don't have the same resources that the Boston Police and surrounding communities do. As Chief Dunne addressed in last meeting the number of outside agencies volunteering to assist us with the race has been decreasing over the years and we can't even guarantee that they will show up the day of. Especially now under POST, the Sheriffs can't assist us and we no longer have summer officers to add to our man power.

The final issue I would like to address is the low man power of the Falmouth Police Dept. We are currently down to 40 Patrol Officers and expect to lose at least two more by the road race. We have a few student officers in the academy, but there is no guarantee they will graduate. Those that graduate won't be fully trained until the end of summer. Hiring has become more difficult due to the climate surrounding Law Enforcement. We are typically viewed as a separate entity from the community even though we are members of the community we serve. Even with those low numbers we have continued to work tirelessly to protect and serve the residents of Falmouth. However the strain that it has put on us both physically and mentally is real. We have gone from a proactive to a reactive department. We seek the help and support of the community, to help us through these times. Our goal is to work side by side with the community to prevent crime instead of reacting to it.

I understand that we all have the mentality that bad things won't happen to us or in our town. Unfortunately is not a matter of if it can happen, but when will it happen. We never expected two of our officers to be shot and forced to retire due to their injuries, but it happened. That should serve as a wakeup call to people. When it comes to the road race we have been very fortunate the past years, but we shouldn't continue to rely on luck. We as a community need to shift out mentality from a reactive mentality to a proactive mentality. We can chose to work together to prevent incidents and protect our traditions or wait to react to something that could end our traditions for good.

Respectfully Submitted,
Officer Newton Cardoso



Sean Doyle
Vice-president
Falmouth Police Lieutenants Union
750 Main Street
Falmouth, MA 02540



Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Dear Falmouth Select Board,

I am writing to you as the Vice President of the Falmouth Police Lieutenant's Union. I have been associated with the Falmouth Police Department dating back to the summer of 1989 when I first worked as a Falmouth Police Summer Officer. During my first summer in Falmouth I was among a group of 45 summer officers. We had so many summer officers that Main St. was broken down into four patrol sectors. Foot patrols were present on Teaticket Hwy., East Falmouth Hwy., in Woods Hole and in the Falmouth Heights - day and night. In addition to the 45 summer officers, there were 66 full-time police officers employed at FPD. The summer of 1989 was extremely busy with Falmouth being one of the main attractions for the college scene and vacationing families alike. People came to enjoy the sun and sand, but many young adults came to experience our busy nightclubs. Our cell block was filled on any given night, particularly on the weekends. However, with the 109 police officers we were able to adequately handle the influx of people enjoying our beautiful community.

Fast forward to the spring of 2022. Falmouth PD presently has about 47 full time officers (chief through patrol) and 0 seasonal officers. We are short in every aspect of our manpower: detectives, supervisors, dispatchers and most importantly our patrol officers who are out in the community doing the taxing work that includes saving lives while trying to preserve their own. In recent years, Falmouth has evolved back into a hotspot for bars and nightclubs, but we are not seeing the simple drunken fist fights that we used to see. People are now bringing knives and guns to these fights. There were occasions last summer where we had to call for assistance from Mashpee PD and the Massachusetts SP to control chaotic scenes.

Falmouth is now one of the main substance abuse recovery hubs in our state. We have the Gosnold Treatment Center which does great work. We also have well over 100 sober houses which dwarfs the totals of any municipality on the Cape or South Shore. We are proud to be a community that helps people with substance abuse so they can get back on their feet. But as most people know, sobriety is not an easy battle

and many of the people that come from all over New England to utilize these services ultimately fail. And when they fail - they remain in our community. Some of them get back on the right track and make another go at sobriety, but some of them remain in town where they commit crimes to keep their drug and alcohol habits going.

Falmouth now has a regular homeless population that is made up of mostly addicts, alcoholics and people suffering from mental health issues. Our agency is consumed with substance abuse and mental health calls for service. We are as much counselors and EMTs as we are law enforcement. We regularly bring people back to life with CPR and Narcan after they have taken fatal doses of Fentanyl. On top of that, we still have to cover and investigate the never ending stream of crashes that seriously injure and kill way too many people in our community. Add that to the many domestic violence calls, sexual assaults, larcenies and drunk/high drivers. These are just *some* of things that we are involved with on a daily basis.

With that said, Falmouth usually has five patrol officers covering our 54 plus square miles. At least half of the time, there is only one supervisor managing the shift and their duties often have to be put aside to assist in keeping our heads above water with the calls for service. And remember, a high percentage of these officers responding to all of these incidents are working 16 hour days (or longer).

Hiring officers to backfill for the officers who are retiring, resigning, and leaving for other agencies or other lines of work is becoming harder and harder to do. With the constant barrage of negative perceptions about police put forth by the press, the media, on social media and by our political leaders - the incentive for good young women and men to enter this line of work is minimal. Police entrance exams that used to attract tens of thousands of applicants now produce a few thousand at most.

Let's look forward a couple of months to the upcoming summer of 2022. We will be down to a maximum of 45 officers (chief on down) and that's barring any injuries or illnesses to the remaining force. We will have our normal influx of people coming to enjoy our beautiful town so our population will double on any given summer day which will double our call volume. Add in a large event like the Falmouth Road Race and our population triples for the weekend. The hotels, motels and inns will be at maximum capacity. Every seasonal home will be occupied, and our 54.4 square miles will be busting at the seams. We will be running with our normal allotment of five patrol officers. People may have to wait hours to see an officer in order to report property crimes or quality of life issues - if we are even able to send anyone at all. We will be responding from one serious call to the next while also trying to keep up with the enormous amount of paperwork that our job now requires. Our beaches and beach parking lots will be at maximum capacity which will cause parking problems in the areas around the beaches. There will be increased reports of drinking and disorderly behavior on the beaches as well. In past years, we have counted on summer officers to handle

some of these demanding and thankless jobs, but they will not be there to handle those things this year.

Specific to the day of the Falmouth Road Race. Tired and overtaxed officers are ordered into work at 5:00 AM. Many of these officers will be operating on little or no sleep. We will be tasked with overseeing the safety and security of all of the runners and spectators as well as maintaining our normal police functions for the remainder of the town. This includes making sure the runners make it safely to the start line and that the entirety of the route is safe for them. There are dozens of intersections along the race route and if a car ever accessed the route it could be absolutely devastating.

However, my biggest concern about the Falmouth Road Race is the same as it was for me in 1999 when I was the President of the Falmouth Police Patrol Federation. Only now it has magnified. Woods Hole is difficult enough to navigate in a car on a given summer day. There is one main road and two winding shore roads to access the area. Add 8,000, 10,000, 12,000 or 15,000 people to the area and it is completely swamped. In addition, the two shore roads are no longer able to be accessed because one is the race route and the other is at a standstill with buses and pedestrians trying to get to the start line. People are shoulder to shoulder in Woods Hole and are forced to use lawns as bathrooms. There are chemical labs and mechanical shops throughout Woods Hole at MBL, WHOI and the Fisheries. The Steamship Authority is also in Woods Hole and with that accompanies all of the things that could go wrong there - from a fire to a boat taking on water. Not to mention that one deranged person with a vehicle, gun, bomb, or knife could wreak havoc in Woods Hole. God forbid, there was an emergency of any type in Woods Hole while these thousands of people were down there. It would be impossible to safely evacuate people or to get the resources into the area that would be needed to address the situation.

In closing I'd just like to review a few simple facts.

- In the summer of 1989 (my first road race) the Falmouth Police Department had 109 officers working in the summer months. The year-round population was about 24,000 which meant that when our population tripled there were about 72,000 people in the town. There were approximately 6,000 runners participating in the Road Race in 1989.
- In the summer of 2022 the Falmouth PD will have about 45 officers working during the summer. The year-round population is about 33,000 which means that when our population triples we will be at about 99,000 people in town. Finally, there will be between 10,000 and 15,000 runners (depending on what the Select Board decides) in this year's race.

Respectfully,

Sean Doyle,
Vice-president
Falmouth Police Lieutenants Union

Cc: Town Manager Suso
Police Chief Dunne



FALMOUTH POLICE SUPERIOR OFFICERS ASSOC.
An affiliate of the New England Police Benevolent Associations, AFL-CIO
750 Main Street
Falmouth, MA 02540



Select Board Chair Douglas Brown
 Town of Falmouth
 59 Town Hall Sq
 Falmouth, MA 02540

May 5th, 2022



Falmouth Road Race 2022

Dear Mr. Brown,

The Falmouth Police Superior Officers Association currently represents the 5 Sergeants employed by the Falmouth Police Department. We are writing to you today to urge the Select Board cap the field of runners for the 2022 Asics Falmouth Road Race to 10,000 runners.

We would be remiss if we did not recognize the great work the Falmouth Road Race has done for our community. The Falmouth Road Race provides a boost to our economy, promotes volunteerism, give back in the form of donations and funding for local projects and has become a nationally renowned running event.

However, the Town of Falmouth has grown significantly over the years. One just has to see the congestion at the beaches, Goodwill Park, Woods Hole or Main St to recognize the daily population spike in the summertime. In addition, new challenges for the Falmouth Police Department continue to present themselves such as the opioid and mental health crises.

With the growth of population, businesses, tourism and community issues, our Police Department has not grown alongside those. We are struggling to hiring qualified officers and we expect to only have 42 officers out of the 67 funded positions available to cover the Town of Falmouth this summer. To add 12,800 runners and thousands of employees, volunteers and spectators to the already heavily populated 44 square miles we are responsible for brings us to our breaking point annually. In 2020, when the Falmouth Road Race capped the runners to 8,000, we found this to be much more manageable and determined a lower field is better for public safety.

More importantly, the FPSOA feels packing 12,800 runners into Woods Hole for the start creates a significant safety hazard. Woods Hole is geographically challenging for public safety, as it is small, heavily developed, surrounded by water and has less than ideal emergency exits routes. If a critical incident were to occur while the runners were staging for the race, we feel a public safety response will be significantly hindered due to the congestion. A cap at 10,000 runners will certainly help ease this concern.

We continue to see violent critical incidents during large events and in heavily populated area's nationwide. Locally, we all remember the 2013 Boston Marathon bombing like it was yesterday. Nationally, we have seen incidents like the Waukesha, Wisconsin Parade attack last December and the New York City Subway shooting last month. These incidents are always in the back of our minds during large scale events and we plan accordingly. We would like to



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echo Chief Dunne's statement from the last Select Board meeting, the Boston Marathon (just double the size of the Falmouth Road Race) has over 3,000 police officers to prevent and respond to such an incident. A reduction in field size will allow us to better prevent such an incident.

Members of the FPSOA have always been charged with both planning race operations and also hiring details for the race. Specifically, two members of the FPSOA are given the position of "Detail Sergeant" and are responsible for recruiting officers from Massachusetts State Police, Barnstable County Sheriff's Office and Cape Cod Police Departments. Interest has dramatically decreased over the years. Last year, a request was put out to MSP, BSCO and all the 14 other Cape Police Departments and we only had 3 officers volunteer.

A proposal to supplement police officers with private security, flaggers and even the National Guard has been introduced as a solution. We do not feel like relying on these personnel for public safety is adequate. We, as police supervisors, do not have legal authority over private contractors or National Guardsmen's. We also have vicarious liability over our subordinates, in that we bear responsibility for the actionable conduct of the officers we supervise. In laymen's terms, supervisors can be sued for the actions of their subordinates. The question has to be asked, who will accept the responsibility of the actionable conduct of these proposed personnel?

We also want to make it clear that this recommendation is in no way an attempt to get out of coming into work that day or leaving early. We expect to work and are happy to do so. The reduction in the field size is an attempt to make the race safer for the entire community.

The only feasible solution the FPSOA see's to be comfortable in maintaining public safety and adequately responding to critical incidents is to reduce the number of runner's. We feel like Chief Dunne's recommendation of 10,000 is a good comprise. We will repeat we are very proud of this event and enjoy being part of the overall success. Our goal by writing this letter is to improve safety for the community as a whole. If any member of the Select Board wants to discuss this with any member of FPSOA, feel free to reach out. Thank you for your service to the Town of Falmouth and hearing our recommendation.

Respectfully,

A handwritten signature in black ink, appearing to read "Ryan Hergt", written over a horizontal line.

Sergeant Ryan Hergt, Member FPSOA

On behalf of Sergeant Benjamin Guthrie, Sergeant James Cummings, Sergeant Jamie Donahue, Sergeant Elvira Ferrer



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME ASICS Falmouth Road Race

NAME Falmouth Road Race, Inc. - Jennifer Edwards, General Manager

MAILING ADDRESS P.O. Box 732, Falmouth, MA 02541

EVENT DAY & DATE Sunday, August 21, 2022

RAIN DATE None.

EVENT LOCATION Course from Woods Hole to Falmouth Heights; Lawrence School, Falmouth High School, beach parking lots, band shell, Nobska Light, Woods Hole Fire Station, Taft Field, Crescent Ave. for Bike Valet.

EVENT TYPE 7-mile road race

EVENT HOURS 5:00 a.m. – 12:00 p.m. SET-UP/BREAK DOWN Woods Hole & Fal. Hts. 8/14 8:00 am; 8/15 2:00 pm

NUMBER OF ATTENDEES 10,000 registrants VEHICLES 100-125 buses

ADDITIONAL DETAILS 1) Use of electricity at Bandshell for band. 2) Bike valet program at parcel located on corner of Grand Ave. & Crescent Ave. from 6:15 a.m. – 7:45 a.m. (approximately 300). 3) Buses on Katharine Lee Bates Rd. for staging. 4) Temporary use of beach parking lots. 5) Music at Nobska and Bandshell, 1-3 person bands along route. 6) Tents at Worcester Ct. 7) Medical tents: Scranton Ave., Mariner's Point, and Mill Rd.

CONDITIONS:

1. Submission of a Certificate of Insurance in the amount of \$1,000,000, including directors and officers coverage, naming the Town of Falmouth and Select Board as additional insured.
2. Contact Police detail sergeant to arrange for public safety requirements.
3. Contact Fire Rescue Department to arrange medical plan and EMS detail.
4. Contact Harbormaster to arrange for 3 MES boat details.
5. Contact Inspectional Services Department 30 days before event for tent permit and inspections.
6. Contact Health Department 30 days before event for temporary food permits and inspections.
7. Provide barricading.
8. Pay for 3 dispatchers, involved in busing.
9. Event sponsors are required to have a plan to separate recyclable materials from solid waste in compliance with applicable Massachusetts waste ban regulations.

PERMIT FEE \$450.00 FILING FEE \$10.00

DEPOSIT \$300.00 (Deposit refundable at conclusion of event provided that no litter or damage has occurred)

APPROVED:

Julian M. Luss
Town Manager

4/22/2022
Date



TOWN OF FALMOUTH
Office of the Town Manager & Select Board
59 Town Hall Square, Falmouth, Massachusetts 02540

TO: Julian M. Suso, Town Manager

FROM: Christopher Campbell, Communications Director
Edward A. Dunne, Police Chief
Timothy R. Smith, Fire Chief
Peter Johnson-Staub, Assistant Town Manager

SUBJECT: Falmouth Road Race Special Event Recommendation

DATE: April 12, 2022

The Special Events Internal Staff Working Group recommends approval 10,000 runners for the Falmouth Road Race (FRR) to be held August 21, 2022.

The FRR initially requested approval for 15,000 runners in the application submitted February 10, 2022. As you know, the Special Events Internal Staff Working Group met with representatives of the Falmouth Road Race on February 24th and communicated public safety concerns with respect to the number of participants for an event held when the summer population is two to three times the year-round population. The FRR subsequently met with representatives of the Police and Fire Departments to discuss what the FRR might do to reduce the burden on Town Departments. Several constructive suggestions were offered but none of them address the core of the issue which relates to overcrowding in Town and traffic congestion. On March 31st the FRR submitted a revised application seeking approval for 12,800 runners which is the number approved in 2019 before the pandemic.

At the Special Events Internal Staff Working Group meeting today, we discussed the FRR offers to mitigate the impact on the Police Department by contracting with a private security company, hiring civilian flaggers to assist with traffic control, and attempting to fill police details with sworn officers from other public safety agencies. The Police Department agrees there is a role that such private firms can play to supplement the Police Department personnel required for the event but there are limits to the duties that can be performed by private employees. It was also noted that the Police Department routinely offers police details to all surrounding public safety agencies and in recent years only a small number of officers have chosen to work the event. Captain Reid expressed concerns about the plan to transport the runners safely to Woods Hole noting that this has been an ongoing concern for many years.

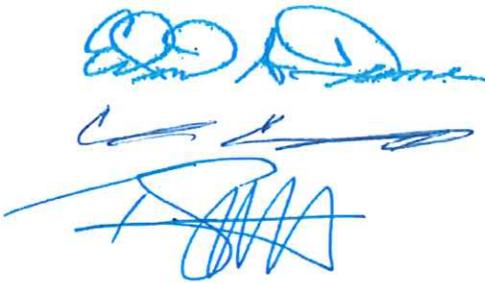
An event of this size, at this time of year, presents public safety concerns that go beyond what happens on the race route on the day of the event. Chief Dunne and Captain Brian Reid point out that the race affects public safety departments on Friday and Saturday, in addition to the day of the race on Sunday because of the increased crowds that gather at restaurants, clubs and beaches. The Police and Fire Department response to public safety calls throughout Town are delayed when the streets are overcrowded with vehicles and pedestrians over Road Race weekend. It is our belief that when the number of approved runners is increased, or decreased, there is a multiplier effect as many runners come to Falmouth with friends or

family. For all of these reasons, the position of the Police, Fire Departments and Communication Departments is that it is not in the best interest of the Town to authorize more than 10,000 runners.

Chief Dunne has stated he would agree to a larger event if it were held before June or after October.

CC: Special Events Internal Staff Working Group

//Falmouth Road Race 04-18-2022

A collection of handwritten signatures in blue ink, consisting of several distinct scribbles and stylized marks.

**Recreation Committee
Town of Falmouth**

April 22, 2022

Select Board
59 Town Hall Square
Falmouth, MA 02540

Re: Falmouth Road Race Special Event Appeal of Town Manager Decision

Dear Select Board,

The Town of Falmouth Recreation Committee mission is to “be responsible for recommending policies to the Select Board regarding comprehensive year-round, indoor-outdoor recreation policies and programs. Such policies and programs shall be designed to meet the recreational needs of children, youth, adults, and the elderly.”

The Recreation Committee unanimously voted with one abstention to recommend to the Select Board to create a policy allowing the Falmouth Road Race to register 12,800 race participants for the annual special event on August 21, 2022. The Road Race provides a wonderful opportunity to our local children, youth, adults, and the elderly to recreate by running, volunteering, or cheering on our friends, families, and acquaintances each year. The Road Race income from sponsors, donors and registered runners allows our biggest Town benefactor to make direct donations to other local nonprofits, scholarships, community organizations, Falmouth Housing Trust, Falmouth Housing Corp., sport leagues, sport teams, bands, Girl Scouts, Boy Scouts, Recreation, Beach, Senior and School Departments with a very simple application.

The one day a year Road Race is our largest special event of the year. The cost of inconvenience to the Town and Government for 12,800 registered runners does not rise to a level of a serious risk for us as a Town. The Road Race responsible officials and volunteers with the great support of our Police and Fire Department have risen to the occasion every year and have managed this participant level in the past well. Reducing the race by any less of runners will financially impact our local children, youth, adults, and the elderly opportunities to enjoy, compete and watch recreation in our community.

The Road Race provides significant monetary enrichments and capital improvements for our Public Schools and Town properties not met by the Town budget. If School budget cannot budge for maintenance, equipment and amenities for our student athletes, band members, scientists,

musicians and other recreation activities, the administrators, athletic director, coaches, parent teacher organizations and students turn to the Road Race for cash.

The Road Race impacts our Town 365 days a year from their one big special event day. Every day in Falmouth the Road Race has a child wearing a sponsored shirt on the field, school or in their home. School and recreational sport equipment is stored in sheds built and paid for by Road Race. The Road Race contributes to scholarships, Falmouth High School After Prom at the Gus Cauty Center¹, Girls and Boys Scouts, parent teacher organizations, cultural events, science events, track and gymnasium improvements, storage sheds on fields, playgrounds, equipment for musicians, school band, athletes, trophies, plaques, school banquets, athletic meals and must have items to just play the game or have an event.

The Road Race has provided capital for recreation projects on Town property sparing the taxpayer from spending Town dollars for gymnasium courts, locker room upgrades, playgrounds, score boards, uniforms, batting cages, sporting equipment, etc. Recently, the Road Race donated \$45,000 for Fuller Field handicap rubber surface ground cover for the new playground just in case there was not enough funds in the Town budget. The funds were not needed and may be used to restore the SBLI Playground dissembled for the Senior Center site at the Gaspa Sports Complex on Sandwich Road. The list of Road Race benevolence in our Town is broad and extensive.

The Recreation Committee respects the Special Events Committee thoughts and concerns about the size of Road Race. The Race officials state and proven they can use best efforts and gather the resources to manage concerns and reasonable risks. The requested 12,800 runners will provide an incredible sum for the Road race to continue their great charitable work. The Road Race with 2,800 less runners would cause a significant charitable recession in Town. The Road Race meets the Town's unbudgeted needs for our school children, scholarships and active and passive recreation for our children, youth, adults, and the elderly. The Road Race nonprofit and charitable financial support for our Town makes Falmouth real nice. Recreation Committee strongly recommends the Select Board allow 12,800 runners for the annual 2022 Road Race.

Sincerely,

Recreation Committee,
Sandy Cuny, Michael Heylin, Patricia Morano,
Richard Boles, Thomas Zine, Scott Ghelfi and
Robert A. Brown

¹ Recreation Committee suggests on Saturday Afternoon, May 7, 2022, the Select Board to drop in to see the Building After Prom transformation.

Diane Davidson

From: Jennifer Edwards <jennifer@falmouthroadrace.com>
Sent: Wednesday, April 20, 2022 11:31 AM
To: Diane Davidson
Cc: Julian Suso; Peter Johnson-Staub; Scott Ghelfi
Subject: Re: Special Event Application - Falmouth Road Race

Hi Diane,

The FRR, Inc. board of directors would like to submit a formal request for appeal to have a full field of 12,800 to the Select Board for the April 25th meeting.

On behalf of the board, thank you.

Jennifer Edwards
Executive Director
Falmouth Road Race, Inc.
155 Katharine Lee Bates Road | PO Box 732
Falmouth, MA 02541
Office: 508.540.7000 | Cell: 774-238-8065
[Facebook](#) | [Instagram](#) | [Twitter](#) | [#falmouthroadrace](#)
"A rising tide lifts all boats." -John F. Kennedy

On Tue, Apr 12, 2022 at 3:35 PM Diane Davidson <diane.davidson@falmouthma.gov> wrote:

Dear Jennifer,

During its meeting on Thursday, April 7, 2022, the Internal Working Group for Special Events met and discussed your application for the Falmouth Road Race to be held on Sunday, August 21, 2022. The Working Group recommendation to the Town Manager is approval of your event, with the following conditions:

- The event to be capped at 10,000 runners.
- Contact the Recreation Department to complete the reservation form for the Falmouth Heights Ball Field.
- Three boat details are required at the start.
- Pay for three dispatchers, involved in busing.

The permit is being prepared for review and final approval by the Town Manager.

As per the special events policy, you may appeal the decision of the Town Manager to the Select Board.

Thank you,

Diane

Diane S. Davidson

Office Manager/Licensing

Office of the Town Manager and Select Board

Town of Falmouth

59 Town Hall Square

Falmouth, MA 02540

diane.davidson@falmouthma.gov

(508) 495-7321

BUSINESS

5. Town Manager response to performance evaluation summary

BUSINESS

6. Select Board final discussion to affirm or modify Town Manager summary evaluation. Final comments from Board members.

OPEN SESSION

BUSINESS

8. Discussion and possible vote on action on town Manager's contract