

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, MAY 23, 2022 – 6:00 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.*

**6:00 p.m. OPEN SESSION**

**6:00 p.m. EXECUTIVE SESSION**

1. M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining with all unions excluding police and fire; and M.G.L. c.30A s.21(a)(2) to discuss strategy with respect to non-union personnel (COVID premium pay)
2. M.G.L. c.30A s.21(a)(2) – To conduct strategy with respect to negotiations with non-union personnel: Town Manager

**7:00 p.m. OPEN SESSION**

1. Call to Order
2. Pledge of Allegiance
3. Reorganization of the Select Board
4. Proclamation
5. Recognition
6. Announcements – Vote to set date for hearing on removal of the Town Manager
7. Reports: Beach Committee update
8. Public Comment

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

**7:25 p.m. COMMITTEE INTERVIEWS**

1. Interview, vote and appoint committee members to the Commission on Disabilities – Rosemarie Gagnon, Dianna Mota

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

1. Application for an Amendment to a Bowling Alley License – Town Hall Partners d/b/a Timber located at 23 Town Hall Square, Falmouth (10 minutes)

**7:40 p.m. BUSINESS**

1. Report – Falmouth Cultural Council (15 minutes)
2. Report – Commission on Disabilities (15 minutes)
3. Accessible Play Space Site Selection (10 minutes)
4. Discussion of Select Board policy for disposition of items valued less than \$10,000 (10 minutes)
5. Status update on procurement of Police Department weapons (15 minutes)
6. Acting as Trustees of the Falmouth Affordable Housing Fund, consider approval of application from Falmouth Housing Corp. for \$100,000 to secure permanent deed restriction to preserve affordability of one existing single-family house located at 51 Esker Place (10 minutes)

7. Consider changes to Select Board meeting schedule (5 minutes)

8. Review of Select Board liaison assignments (10 minutes)

**9:10 p.m. CONSENT AGENDA**

1. Licenses

- a. Application for a New Common Victualler License – Shiverick Café & Bar located at 285 Main Street, Falmouth
- b. Application for a special one-day wine and malt liquor license – Woods Hole Historical Museum – 80 Church Street – Saturday, 6/25/22
- c. Application for a special one-day wine and malt liquor license – Food Truck Festivals of America – Cape Cod Food Truck & Craft Beer Festival – Cape Cod Fairgrounds – Saturday, 8/6/22
- d. Application for a special one-day wine and malt liquor license – Shipwrecked – Cornhole Tournament – Shipwrecked and Heights Hotel parking lot – Saturday, 6/11/22
- e. Application for a special one-day wine and malt liquor license – Shipwrecked – Road Race After Party – Shipwrecked and Heights Hotel parking lot – Sunday, 8/21/22

2. Administrative Orders

- a. Vote to accept a donation in the amount of \$335.00 from Kane Productions to the Conservation Department donation account

3. Review and Vote to Approve Minutes of Meetings

- a. Public Session – January 31, 2022; April 4, 2022; April 25, 2022 and May 9, 2022
- b. Executive Session – May 9, 2022 Session #1

**9:15 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT**

**9:20 p.m. SELECT BOARD REPORTS**

**9:30 p.m. DISCUSSION OF FUTURE AGENDA ITEMS**

**9:35 p.m. ADJOURN**

Douglas C. Brown, Chair  
Select Board

**OPEN SESSION**

**TOWN MANAGER'S PRELIMINARY REPORT**

May 23, 2022



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

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**TO:** Select Board  
**FROM:** Peter Johnson-Staub, Acting Town Manager  
**SUBJECT:** Town Manager's Report for May 23<sup>rd</sup> Meeting *PJS*  
**DATE:** May 20, 2022

**AGENDA TOPICS:**

Public Hearing: The Timber Bowling Alley seeks to add two additional lanes to their existing bowling alley license. The hearing has been properly posted for May 23<sup>rd</sup>. Staff review of the application did not identify any concerns.

Accessible Play Space: The purpose of this agenda item is for the Board to provide direction to staff and the Disability Commission about potential sites for an accessible play space. As the Board is aware, Kathleen Haynes, current Chair of the Disability Commission spearheaded the proposal to construct an accessible play space and the application for Community Preservation funds for preliminary design. I would suggest that the Select Board seek input from the Recreation Committee in addition to the Disability Commission before a final decision is made about the location of this proposed facility.

The Select Board voted on 02/24/2020 to pursue construction of an accessible play spaced at the Emerald House properties on Davisville Road and to also pursue affordable housing and community gardens on these two parcels which have a combined acreage of almost 9 acres. The Town has partnered with MassHousing to obtain due diligence evaluation of site constraints for developing housing. Progress on this initiative has been admittedly slow. With the hiring of a new Housing Coordinator we are ready to proceed with community engagement to identify the parameters for a housing development and a master plan for the properties to include a play space and community gardens. At Kathleen Haynes' request, staff did a preliminary review of a potential alternative site for the play space. Information regarding this site north of Stop & Shop and Tatakert Apartments is in your packet.

Policy for disposition of items valued less than \$10,000: Town Counsel Maura O'Keefe and I worked together to draft two polices addressing disposition of surplus goods: one for firearms and one for disposition of all other goods under \$10,000. The firearms disposition policy allows for "assault weapons" such as the automatic long guns being traded in this year to be either destroyed or disposed of in a manner that effectively ensures that the weapons be sold to members of Massachusetts law enforcement. Town Counsel has indicated there are potential second amendment considerations that could be triggered if the policy expressly required that the firearms be sold to Falmouth Police Officers. These policies can be amended at the direction of the Board but we do recommend that the administration of the approved policy be left to the Town Manager in compliance with the Town Charter.

Status on procurement of Police Department Weapons: The Town has not made payment for the purchase of the new rifles nor has a contract for the purchase of new rifles, or trade-in of the surplus rifles, been signed. This transaction has been put on hold pending the Select Board decision on the disposition policy. However, a purchase order has been issued, and the Town has received the custom firearms from the local supplier. While it is technically feasible to rescind the impending purchase, the supplier (Powderhorn) is a reliable and valuable vendor and the Police Department would like to maintain this business relationship. The preferred course of action is to have the parties enter a valid contract to execute this transaction in compliance with MGL c. 30B and consistent with the proposed policy which allows the surplus rifles to be sold to local law enforcement officers. The Police Department has received a letter from Powderhorn committing to sell the surplus rifles to local law enforcement officers. Chief Dunne reports that based on an informal poll, all of the rifles that might be traded-in this year are likely be purchased by current Falmouth Police Department officers for personal use.

Falmouth Housing Corp application for \$100,000 from Falmouth Affordable Housing Fund for 51 Esker Place: I recommend approval of this request to preserve the affordability of this single-family house in perpetuity. There is a memo in your packet with further details.

Consent Agenda:

Staff review of the licenses did not identify any concerns. The donation from Kane productions is related to a planned photo shoot that was cancelled at the last minute after a significant amount of staff time was spent corresponding with the firm to work out logistics.

**SUPPLEMENTAL REPORT (NOT RELATED TO THE AGENDA):**

Mayflower Wind Public Forum: This forum has been confirmed for 6:00pm at the Lawrence School Auditorium. Mayflower Wind representatives will be present to respond to questions. An EMF expert retained by the Town will also be present to respond to questions.

Staffing & Hiring Updates:

- Associate Town Counsel – Brian Tobin has accepted the position and will be starting May 31<sup>st</sup>.
- Diversity Equity Inclusion Officer – Advertised with a preferred response date of 06/10/2022.
- Recreation Program Director – This position was offered and accepted on 05/16/2022. The start date is not yet confirmed.
- GIS Coordinator – Robert Shea has announced his retirement effective June\_\_\_\_. Advertised with a preferred response date of 05/17/2022.
- Assistant Town Planner - Advertised with a preferred response date of 06/10/2022
- Human Resources Director –Advertised with a preferred response date of 06/14/2022

## COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members to the Commission on Disabilities – Rosemarie Gagnon, Dianna Mota

Commission on Disabilities (9-member committee) (3-year terms)

Four positions

- One vacancy with term until 6/30/2024
- Two vacancies with terms until 6/30/2025
- One unexpired term until 6/30/2023

Two applicants

- Rosemarie Gagnon
- Dianna Mota

Currently there are 5 members: 3 with disability, 1 without, and 1 town staff member.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, April 9, 2008 the Town voted to appropriate the sum of \$90,000 (\$56,108 to be applied as appropriate to budget numbers 01175 and 01914 for salary and benefits for professional staff, and \$33,892 for other Community Preservation Committee administrative expenses) from the Community Preservation Undesignated Fund Balance for the purposes of Article 44 to be expended under the jurisdiction of the Community Preservation Committee.

**ARTICLE 45:** To see if the Town will vote to authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the towns of Mashpee, Sandwich, Bourne, or any combination of said towns, and with the Massachusetts Military Reservation (MMR) for the continued operation of the solid waste regional transfer station at the MMR to facilitate the transfer of the Town's solid waste to the SEMASS resource recovery plant in Rochester, Massachusetts upon such terms as the Board of Selectmen deems advisable. The Town of Falmouth will act as the lead town and shall act pursuant to authorization of the Board of Mangers established by the Intermunicipal Agreement authorized by Article 1 of the April 1987 Special Town Meeting. Said Intermunicipal Agreement is authorized by M.G.L. Chapter 40, Section 4A and Chapter 40D, Section 21(g), or do or take any other action in this matter. On request of the Board of Selectmen.

**VOTED:** By a unanimous vote, a quorum being present on Wednesday, April 9, 2008 the Town voted Article 45 as printed.

**ARTICLE 46:** To see if the Town will vote to expand the membership of the Commission on Disabilities, established by Article 28 of the November 6, 1995 Annual Town Meeting, from seven members to nine members, to be appointed by the Board of Selectmen, a majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of the town. The Board of Selectmen shall appoint members to serve for three (3) year terms and shall arrange the terms so that three (3) members' terms expire each year. Or do or take any other action on this matter. On request of the Commission on Disabilities.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2008 the Town voted Article 46 as printed.

**ARTICLE 47:** To see if the Town will vote to amend Chapter 5, § 5-2, of the Code of Falmouth, Council On Aging, by increasing the number of members on the Council On Aging from seven (7) to nine (9) members, so that the section shall now read as follows:

The Board of Selectmen shall appoint a Council On Aging consisting of nine (9) members. The terms of the current seven (7) members shall remain unchanged. The Board of Selectmen shall appoint one (1) member whose initial term shall expire on June 30, 2008 and one (1) member whose initial term shall expire on June 30, 2010. Thereafter each member shall be appointed for a three (3) year term.

Or do or take any other action on this matter. On request of the Council On Aging.

**VOTED:** By a unanimous vote, a quorum being present on Monday, April 7, 2008 the Town voted Article 47 as printed.

**ARTICLE 48:** To see if the Town will vote to amend the Town Bylaws, Chapter 83, Section 13, License required: fees. as follows:



**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](http://www.falmouthma.gov).

Name: Rosemarie G. Gagnon

Address: 21 Sunfish Lane Village: E. Falmouth ZIP: 02536

Mailing Address: 21 Sunfish Lane Village: E. Falmouth, Mass ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 35yrs (date: ) / Taxpayer 35yrs (date: )

Amount of time you are available to give: \_\_\_\_\_

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

- Falmouth Commission on Disabilities
- \_\_\_\_\_
- \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

Have you attended any meetings of the committee for which you are applying? Not yet

Relevant affiliation and work and personal experiences: \_\_\_\_\_  
Special Education teacher  
\_\_\_\_\_  
\_\_\_\_\_

Town offices held in Falmouth or elsewhere and dates of years served: None

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

- work with special needs individuals for twenty five years

You may attach a resume to this application.

List three (3) references:

Name	Title	Phone
1. Jennifer Rimple	Director Residential Services/Life	[REDACTED]
2. Cary Davis	Advocates/Behaviorist	[REDACTED]
3. Amy Brown	Direct Care Staff Life Line	[REDACTED]

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

[Signature]  
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.



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](http://www.falmouthma.gov).

Name: DIANNA MOTA

Address: 30 CORTE REAL AVE Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

How long have you been a Resident 1985 (date: \_\_\_\_\_) / Taxpayer \_\_\_\_\_ (date: 1996)

Amount of time you are available to give: 2-3 DAYS A WK.

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

1. DISABILITIES COMM.
2. FINANCE
3. HEALTH DEPT

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 I AM DISABLED DUE TO A BURN. I KNOW HOW WE GET NEGLECTED AND WHY. I WILL FIGHT FOR THEM

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

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

- KNOWLEDGE
- ADVOCATE
- SUPPORT

You may attach a resume to this application.

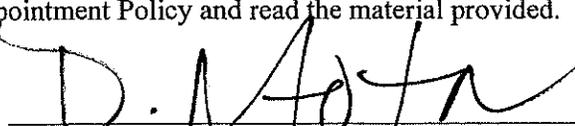
List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	JOHN CARCIERI	BUSINESS	
2.	MICHAEL SIMONEAU	OWNER / FRIEND	
3.	SEAN DOYLE		
	ROB CURTIS, CARPENTER, ALL OF THEM		

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.

8/4/2022  
DATE

  
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. Application for an amendment to a Bowling Alley License – Town Hall Partners d/b/a Timber located at 23 Town Hall Square, Falmouth

### 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 the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## PUBLIC NOTICE OF HEARING

Notice is hereby given under Chapter 140, Sections 177, 178, 179, and 180 of the General Laws, as amended, that Town Hall Partners, LLC d/b/a Timber has applied for an amendment to the Bowling Alley License located at 23 Town Hall Square, Falmouth, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, May 23, 2022, at 7:30 p.m. on the above application.

Per order of the Select Board

LICENSING BOARD

Douglas C. Brown

Nancy R. Taylor

Samuel H. Patterson

Megan E. English Braga

Onjalé Scott Price

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Town Hall Partners dba Timber

Address: 23 Town Hall Square, Falmouth

License Type: Bowling Alley License

New or Transfer of License \_\_\_\_\_

or

Change of License amend original license

Police No objection

Fire No issues

Building Signed off

Health \_\_\_\_\_

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Tax Collector \_\_\_\_\_

. \_\_\_\_\_

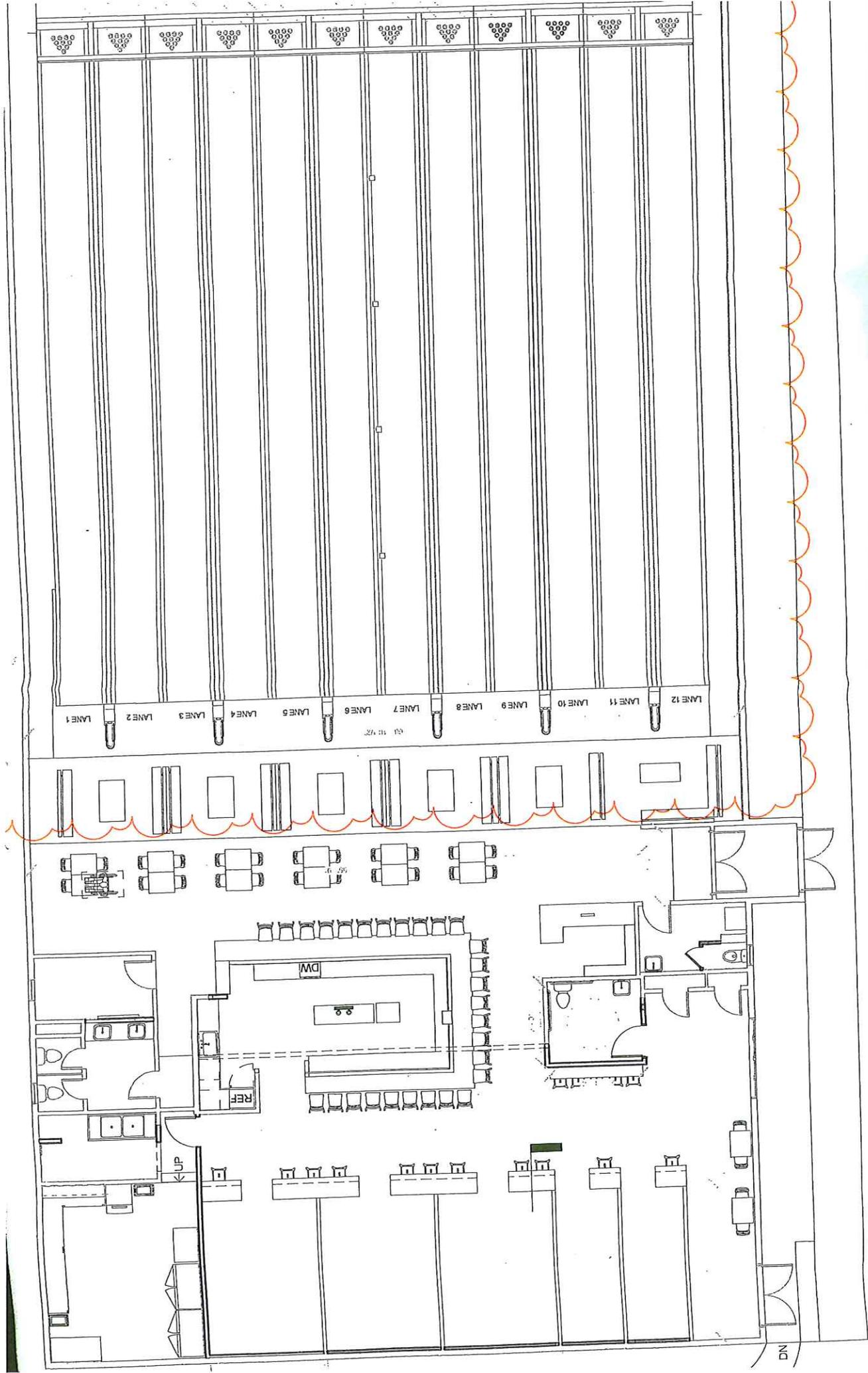
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**NOTES:**

- The original plan dated April 9, 2021, inadvertently showed 10 bowling alleys. The actual number of bowling alleys is 12. Twelve was also the original number of bowling alleys under the previous owner.





**BUSINESS**

1. Report – Falmouth Cultural Council

**Falmouth Cultural Council**  
**Annual Report to the Falmouth Select Board 2021**  
**May 23, 2022**

The Falmouth Cultural Council is one of 329 Local Cultural Councils serving all 351 cities and towns in the Commonwealth. The Local Cultural Council Program, administered by the Massachusetts Cultural Council, a state agency, is the largest grassroots cultural funding network in the nation, supporting thousands of community-based projects in the arts, humanities, and interpretive science every year that are selected for funding by the local cultural councils from applications received via the Mass Cultural Council. The state legislature provides an annual appropriation to the Mass Cultural Council, which then allocates funds to each community. Local cultural councils may supplement those funds in a variety of ways.

In 2021, the Falmouth Cultural Council was allocated \$7,300 by the Mass Cultural Council for FY2022 projects (projects taking place from July 2021 through December 2022). The Falmouth Cultural Council received 34 grant applications totaling \$28,808 in the fall of 2021. The FCC was able to fund 20 of these applications for a total of \$10,458 by using \$3,158 of its reserve funds. The Council raises these additional funds through its Falmouth ArtMarket, which is held outside at Marine Park on Thursdays during the summer.

In addition to helping to raise funds for the Cultural Council, the ArtMarket benefits local artists and craftspeople by giving them a low-cost venue at which to sell their creations and benefits local musicians by giving them an opportunity to perform, for which they receive payment and gain new audiences.

The Falmouth ArtMarket was held July 1 through August 26 in 2021, though it was canceled twice due to rain. We had approximate 20-25 vendor spaces each week and raised a total of \$3,164 through vendor fees for the summer-long event. From these funds, we paid local musicians a total of \$1,050, leaving a total of \$2,114 to help fund FCC grants.

As successful as it has been, the Falmouth ArtMarket cannot raise enough funds to adequately fund all the worthy applicants that apply for funding under the Cultural Council program. Therefore, we are looking into other ways to increase available funds, including submitting a warrant for the fall Town Meeting to request that the Town of Falmouth match whatever funds are allocated to the Falmouth Cultural Council in future years. Falmouth has a strong and vital creative community that helps support the local economy, and we feel that Cultural Council funding is crucial to help support individuals and nonprofits who contribute to Falmouth's diverse arts community, especially now, to help them recover from COVID-related losses

We hope the Select Board will support our request to match the funds provided by the Mass Cultural Council in FY 2023 and future years. Not only would this increase in funding allow the Cultural Council to approve more applications, but matching funds would enable the Cultural Council to increase the level of funding for approved grants from our current upper limit of \$750.00 (self-imposed by the council in order to allow funding of a larger number of worthy applicants) to \$1,000. In its careful review of applications, the Falmouth Cultural Council is often unable to provide an optimal level for funding for

innovative proposals that benefit the Falmouth community as a whole, even with the additional funding from the ArtMarket.

The FY22 Falmouth Cultural Council Grantees are:

**Alzheimer's Family Caregivers Support Center, Inc.**, Free Ceramics Workshops for People Living with Alzheimer's and other dementia-related diseases and their caregivers, \$500

**ArtsFalmouth, Inc.**, Arts Alive 2022, \$750

**The Awareness Project, Inc.**, Demystifying Mindfulness—A Workshop to Discover the Many Ways of Being Mindful, \$500

**Beyond the Bounds, Inc.**, Beyond the Bounds 2022, \$500

**Cape Cod Cape Verdean Museum and Cultural Center**, Cape Verdean documentary completion, \$750

**College Light Opera Company, Inc.**, CLOC Community Shows, \$500

**Cultural Center of Cape Cod, Inc.**, Rise & Shine, \$250

**Eventide Arts, Inc.**, Master classes, in-person, virtual, and hybrid, \$350

**Falmouth Artists Guild, Inc.**, Climate Crisis Student Photo Exhibit, \$500

**Falmouth Chamber Players, Inc.**, Spring Concert, \$500

**Friends of Nobska Light, Inc.**, Lighthouse Educational Kiosk Prototype, \$750

**Historic Highfield, Inc.**, Indigenous People's Program, \$750

**Stephen Lewis**, Worker's Struggles—An International Poster Exhibit, \$178

**Long Pasture Wildlife Sanctuary**, Nature in Your Neighborhood, \$700

**North Falmouth Village Association, Inc.**, Cape Cod Rocks!, \$475

**SongKeepers, LTD**, The Thump & Soul Clap, \$750

**West Falmouth Library, Inc.**, Women's History Month: "Women Providing Healing, Promoting Health," \$375

**Mary Wilson**, Pitter Patter Puppet Show, \$150

**Woods Hole Theater Company, Inc.**, Theater internship program for high school youth, \$750

**Rachel Youngling**, Musical Discoveries for Families Who Serve, \$480

These Falmouth Cultural Council grantees demonstrate that Falmouth has a strong and vital creative community that helps support the local economy, and we feel that Cultural Council funding is crucial to help support individuals and nonprofits who contribute to Falmouth's diverse arts community. In addition, these grants reduce or eliminate event admission fees to the public, thus increasing access to cultural events and programs that are inclusive of the whole community. We hope the Select Board will support us in this request for additional funds.

We were unable to hold our annual Grantee Reception to honor the FY2021 grant recipients due to the pandemic. We were also unable to hold our FY2020 Grantee Reception, for the same reason, and hope to hold a Grantee Reception in the fall of 2022 for grantees from all three years.

The Falmouth Cultural Council establishes funding priorities through a community survey, which will be online shortly to gather information for the FY2023 Grant Cycle.

The FY2023 Grant Cycle begins in the fall of 2022. It is expected that the applications will be available on September 1 and due October 15. The Falmouth Cultural Council will hold an information meeting during this period to answer any questions potential applicants might have on the process. The Mass Cultural Council assembles the applications and provides them online to the local cultural councils, who review the applications in November and December, and decisions are made by early 2023.

The Falmouth Cultural Council is seeking new members. It meets monthly throughout the year, via Zoom for most of 2021, but has recently returned to in-person meetings.

Current members of the Falmouth Cultural Council (with term expiration dates) are:

- o Marilyn Rowland, Chair - 6/30/2022
- o Alice Kociemba, Secretary - 6/30/2024
- o Jodi McGowan - 6/30/2022
- o Cathy Rozynek - 6/30/2022
- o Stacey Weissbock - 6/30/2024
- o Ilene Karnow - 6/30/2024
- o Carrie Fradkin - 6/30/2024

We are happy to answer any questions you may have.

Sincerely,

Marilyn Rowland, Chair  
Alice Kociemba, Secretary  
Carrie Fradkin  
Ilene Karnow  
Jody McGowan  
Cathy Rozynek  
Stacey Wiessbock

May 20, 2022

Town of Falmouth  
Office of the Town Manager & Selectmen  
59 Town Hall Square  
Falmouth, MA 02540

Dear Selectmen,

The Falmouth Cultural Council manages the Falmouth Art Market at Marina Park which takes place from June 30 - September 1. We would like to apply for a full waiver for this up coming summer season.

The Art Market is a non-profit group. Vendor fees are passed on to the council in order to provide scholarships to artists and to support cultural events in the community.

We hope you will consider our request.

Thank you,  
Jane Parhiala  
Marilyn Rowland, FCC Chair

## **BUSINESS**

### 2. Report – Commission on Disabilities

Falmouth Commission on Disabilities

59 Town Hall Square~ Falmouth, MA 02540

Meeting 2<sup>nd</sup> Wednesday @ 11:30 am

Falmouth recreation Building~ All Purpose Room

790 Main St. Falmouth, MA 02540

The mission of the Falmouth Commission on Disabilities for the Town of Falmouth shall be to work with and educate all stakeholders in the community in order to raise awareness of all the town's residents and businesses as to the needs of persons with disabilities, including physical, intellectual, developmental, and mental impairments.

Report to the Falmouth Selectboard: May 23, 2022

Present initiatives:

- Purchase mobility mats for the beaches throughout Falmouth: The commission has appropriated up to \$12,000 for the purchase of five (5) 5' X 50' mats that allow wheelchair users to access all the beaches in Falmouth from the parking lot into the water. WE furthermore have requested the Beach Committee investigate the placement of portable restrooms that have wheelchair access, as well as the placement of a wheelchair accessible picnic table at Surf Drive and Falmouth Heights beaches. These have been met with an affirmative reply and Beach Committee and beach Department are helping to make the vision of inclusion at all Falmouth beaches for the disabled a reality.
- Shiverick's Pond Public Access Improvement Project: The commission worked with Jed Comock, Town Planner on the type of launch that is preferable in allowing a disabled individual the ability to lower themselves into a kayak and enjoy the benefit of a kayak launch to be installed on Shiverick's Pond. A horizontal transfer bench with gradual drops along the bench to a pull-out transfer board was the design chosen as the easiest and most beneficial of the designs.
- Town of Falmouth Self-Study: A letter from a concerned Falmouth citizen was the impetus for the Commission to re-introduce the concept of a self-study for the town. The self-study would ensure that all the town's buildings and facilities meet the present ADA standards . This can be accomplished using a consulting firm specializing in self-studies. Grants such as that offered by the Mass Office on Disabilities ADA Improvements Grant program that is a competitive grant that supports capital improvements specifically dedicated to improving programmatic access and/or removing barriers encountered with persons with disabilities in applicant facilities across the Commonwealth, such as updating or creating a Self-Evaluation and/or Transition Plan as required under the Administrative Requirements of Title II of the ADA.

Unfortunately, the citizen requested this be done by all businesses and restaurants in Falmouth, which is a voluntary effort each owner would have to accomplish, and that the town could not and would not enforce.

- Eversource: Removal of poles from the middle of the sidewalks on Palmer Ave. This was brought to the attention of the Selectboard many years ago to no avail. Thanks to a push from the Bicycle and Pedestrian Committee this may actually be a reality. Doug Brown has continued to push through the Selectboard that the poles be relocated before the work on Palmmmer Ave by Eversource commences.
- Play Space: Began in January with Zoom Meeting with Mr. Suso to get the project back on the agenda and begin finding a permanent home for the play space. The project has languished for too long and the commission at this point is making a demand that the town finally commit to the project rather than saying they commit, voting for land to be used for the project and the failing to follow through when other entities place demands on the town.
- Striping in van accessible housing: We began working with Jim Grady on updating the van accessible parking spaces in town parking spots from five (5) feet to eight (8) feet to allow for safe exit and entering of specifically built wheelchair accessible vans used by wheelchair bound individuals.

Past Initiatives through year:

- Participated in the 2021 Rotary Craft Fair networking the commission and looking for interested people to join commission.
- Offered guidance to Inspirations Everywhere on a client seeking housing with a disabled adult son on several agencies beside the FHA on where to look.
- Megansett Beach Projects: Several projects including new Handicap Parking signs, removal of debris from drainage opening, removing a section of barrier wall to allow placement of Mobi-mat at the edge of the parking lot. Recommended Jim Grady, Hwy Superintendent and his crew who accomplished this project.
- Swearing in of all community members of the commission on Disabilities en mass.
- Sponsored Disabled Persons Protective Commission at COD meeting to discuss and educate commission on disabilities to their programs and recognizing types and signs of abuse on persons with disabilities.
- Advised Falmouth High School Head of Guidance on the availability of a program CORD was offering for students with a documents disability between the ages of 14-22 of the Work Readiness and Preparation Program, which helps students with disabilities explore, increase awareness, and prepare for post-secondary employment and education options utilizing 5 core services.
- Transportation Management Committee: Membership change of commissioner who remains an interested and active member of committee even today.

- Woods Hole Market Variance: Supported a variance sought by the Woods Hole Market from the Architectural Access Board that would allow them to expand their business by offering patrons the opportunity to dine upstairs while offering disabled patrons an area to dine downstairs, as well preserving the historic nature of the restaurant.

Respectfully Submitted.

Kathleen Haynes, Chair, Commission on Disabilities

## **BUSINESS**

### 3. Accessible Play Space Site Selection



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

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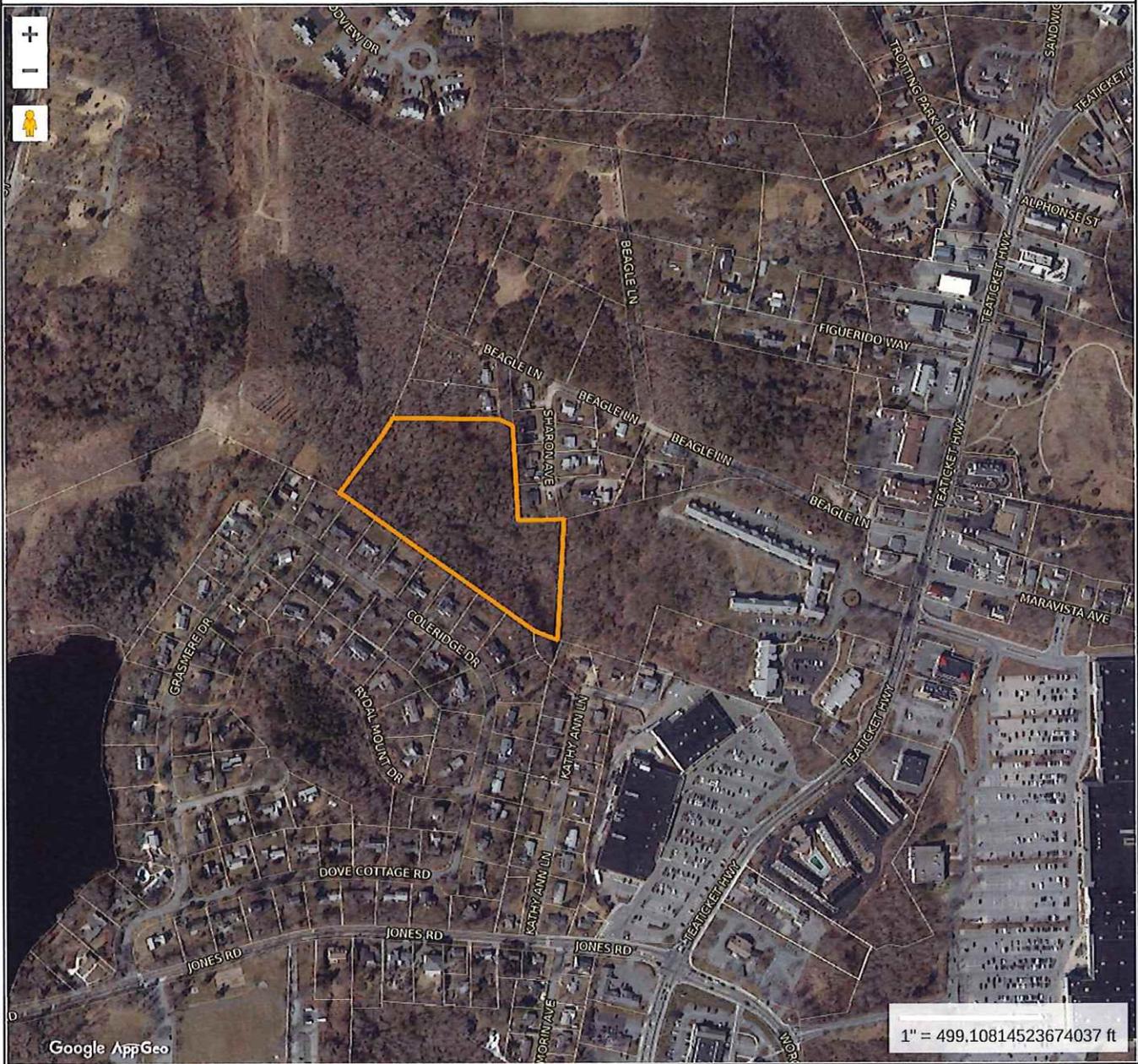
**TO:** Select Board  
**FROM:** Peter Johnson-Staub, Acting Town Manager  
**SUBJECT:** Accessible Play Space Location – Beagle Lane/Sharon Ave  
**DATE:** May 20, 2022

At the request of Disability Commission Chair Kathleen Haynes, Town staff reviewed the feasibility of locating an accessible play space – a park of 1 acre or more -- at a Town parcel with a legal address of '0 Sharon Ave'. This is a 6.9 acre parcel acquired by the Town in 1995 for Open Space, Water Resource Protection and/or Public Recreation under the jurisdiction of the Select Board. Frank Duffy has previously advised this property may not be used for affordable housing without further Town Meeting action and state approval to address Article 97 protections. The access to the property is from Beagle Lane which is a private road. The existing paved roadway is very narrow. There are some questions about access and frontage that require further review to determine what action would be needed to meet zoning requirements and provide functional access to the park. Frank Duffy suggested the Board may want to consider accepting Beagle Lane and the Right of Way as public ways. This may require taking private property to provide adequate roadway width.

Locus maps are attached for reference.

**CC:** Jed Cornock, Town Planner  
Maura O'Keefe, Town Counsel

//O Sharon Ave Overview 05-20-2022



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Town of Falmouth, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 05/05/2022  
Data updated 03/24/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Town of Falmouth, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 05/05/2022  
Data updated 03/24/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Following are Accessible Play Space Materials submitted  
by Kathleen Haynes.

## **BUSINESS**

4. Discussion of Select Board policy for disposition of items valued less than \$10,000

# DRAFT 5.19.22

## 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 Town Manager may dispose of the property pursuant to any of the procedures set forth below, as may be appropriate for the circumstances:
  - a. Advertise the sale of the items on the Town's website and/or local newspaper or seek informal quotes;
  - b. Use the surplus property as a trade-in credit toward a purchase;
  - c. Donate the surplus supplies to a government entity or charitable organization provided it is a recognized IRS 501(c)(3);
  - d. In limited circumstances and in accordance with an articulated public policy reason for doing so, the surplus supplies may be destroyed; and/or

- e. 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.

DRAFT ONLY      DRAFT ONLY

TOWN OF FALMOUTH

POLICY FOR THE DISPOSAL OF SURPLUS FIREARMS

This Policy is enacted to be consistent with the gun control laws of the Commonwealth and in an effort to curb the volume of firearms that are available to the public, whether legally or illegally. This policy is not intended to conflict with the Procurement Act at chapter 30B of the General Laws but, instead, embodies its spirit of ensuring that goods purchased with Town of Falmouth funds are bought and disposed of in a manner that is harmonious with the will of its residents, as represented by the Select Board.

The Select Board herein grants the Town Manager the authority to dispose of surplus firearms as follows:

Firearms of any value that can be legally purchased, owned or possessed in Massachusetts by anyone who holds a valid Massachusetts Firearms Identification Card or License to Carry (e.g. semi-automatic pistols) that are deemed surplus by the Chief of Police may be destroyed in a safe and appropriate manner or may otherwise be disposed of in a manner that assures that the surplus firearms will be resold to individuals who are qualified to purchase, own or possess them under Massachusetts laws.

Firearms of any value that are subject to the so-called "assault weapons ban" or any other similarly restricted firearms under Massachusetts General Laws c. 140, §§ 128, 131(o) and 131M as may be amended that are deemed surplus by the Chief of Police shall be destroyed in a safe and appropriate manner or disposed of in a manner that assures the surplus firearms will only be resold to individuals who are qualified to purchase, own or possess them under Massachusetts laws, with a preference to consideration that the surplus firearms be sold back to active members of the Falmouth Police Department.

## **BUSINESS**

5. Status update on procurement of Police Department weapons

## Powderhorn Outfitters

210 Barnstable Road

Hyannis, MA 02601

T- 5087758975

F- 5087718856

04/26/2022

Attn: Sergeant Ben Guthrie  
Falmouth Police Department  
750 Main Street  
Falmouth MA, 02540

Powderhorn Outfitters is proud to work with the Falmouth Police Dept. in the procurement of their new patrol rifles. We have always supported our local law enforcement and will ensure that all Massachusetts firearm laws are adhered to. Furthermore Powderhorn Outfitters will make certain that all rifles traded will be sold to local Law Enforcement officers.

Thank you so very much

Greg Coleman  
Powderhorn Outfitters

**From:** Ben Guthrie  
**Sent:** Wednesday, January 26, 2022 11:40 AM  
**To:** g.coleman@powderhornoutfitters.com  
**Subject:** Falmouth PD RFQ - Rifles

Happy New Year! I'm hoping you were able to spend a happy and healthy holiday season with family and friends. Could you please provide a quote for the following:

- (35) Windham Weaponry rifles (Model # R16M4LHRFMFT) with 16" barrels and equipped with ambidextrous magazine releases and selector switches.
- (3) Windham Weaponry rifles (WW-15 R11MEDSFST-7 SBR) with short barrels and equipped with ambidextrous mag releases and selector switches. I will complete the appropriate paperwork when necessary for the Federal stamps.
- Including 30 round magazines for all rifles

Please feel free to email me if you have any questions.

Respectfully,

**Sergeant Benjamin C. Guthrie**  
Falmouth Police Department  
750 Main Street  
Falmouth, Ma. 02540  
Office: (774) 255-4527 ext. 4565  
Fax: (508) 457-2566  
[benjamin.guthrie@falmouthpolicema.gov](mailto:benjamin.guthrie@falmouthpolicema.gov)

**From:** Ben Guthrie  
**Sent:** Thursday, January 6, 2022 4:09 PM  
**To:** David Gilbert  
**Subject:** RE: Thanks!

David,

Happy New Year! I'm hoping you were able to spend a happy and healthy holiday season with family and friends. I hate to do this to you but I need to ask for a new quote from you regarding our departmental purchase of patrol rifles. Could you please provide a quote for the following:

- (35) Windham Weaponry rifles (Model # R16M4LHRFMFT) with 16" barrels and equipped with ambidextrous magazine releases and selector switches.
- (3) Windham Weaponry rifles (WW-15 R11MEDSFST-7 SBR) with short barrels and equipped with ambidextrous mag releases and selector switches. I will complete the appropriate paperwork when necessary for the Federal stamps.
- Including 30 round magazines for all rifles

Please feel free to email me if you have any questions or concerns.

Respectfully,

**Sergeant Benjamin C. Guthrie**  
Falmouth Police Department  
750 Main Street  
Falmouth, Ma. 02540  
Office: (774) 255-4527 ext. 4565  
Fax: (508) 457-2566  
[benjamin.guthrie@falmouthpolicema.gov](mailto:benjamin.guthrie@falmouthpolicema.gov)

**From:** David Gilbert [mailto:david.gilbert@officerstore.com]  
**Sent:** Thursday, January 6, 2022 2:13 PM  
**To:** Ben Guthrie  
**Subject:** Thanks!

Hi Ben,

I got your voice mail on the free floating barrels and the part numbers confirmation.

As I said, Windham requires confirmed part numbers on "custom guns" and I know your email keeps kicking back. I saw that you called this morning and I tried you back, but your voice mail was full.

Anyway, I'm waiting on Windham to give us our cost. When I get that, I'll forward you the quote via email.

FYI.

Thanks.

Dave

**David Gilbert** :: SALES ASSOCIATE

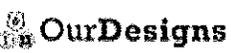
Witmer Public Safety Group, Inc. | [david.gilbert@officerstore.com](mailto:david.gilbert@officerstore.com)

ADDRESS 104 Independence Way, Coatesville PA 19320

TEL 484.723.3543

[TheFireStore.com](http://TheFireStore.com) | [theEMSstore.com](http://theEMSstore.com) | [OurDesigns.com](http://OurDesigns.com)

[OfficerStore.com](http://OfficerStore.com) | [GideonTactical.com](http://GideonTactical.com) | [InterstateArms.com](http://InterstateArms.com)

 **TheFireStore**  **theEMSstore**  **OurDesigns**

 **OfficerStore**  **GIDEON TACTICAL**  **INTERSTATEARMS**

**From:** Ben Guthrie  
**Sent:** Monday, January 24, 2022 3:14 PM  
**To:** Mark Eliason  
**Subject:** Falmouth Police RFQ - Rifles

Mark,

Happy New Year! I'm hoping you were able to spend a happy and healthy holiday season with family and friends. Could you please provide a quote for the following:

- (35) Windham Weaponry rifles (Model # R16M4LHRFMFT) with 16" barrels and equipped with ambidextrous magazine releases and selector switches.
- (3) Windham Weaponry rifles (WW-15 R11MEDSFST-7 SBR) with short barrels and equipped with ambidextrous mag releases and selector switches. I will complete the appropriate paperwork when necessary for the Federal stamps.
- Including 30 round magazines for all rifles

Please feel free to email me if you have any questions.

Respectfully,

**Sergeant Benjamin C. Guthrie**  
Falmouth Police Department  
750 Main Street  
Falmouth, Ma. 02540  
Office: (774) 255-4527 ext. 4565  
Fax: (508) 457-2566  
[benjamin.guthrie@falmouthpolicema.gov](mailto:benjamin.guthrie@falmouthpolicema.gov)

## Powderhorn Outfitters

210 Barnstable Road

Hyannis, MA 02601

T- 5087758975

F- 5087718856

03/02/2022

Attn: Sergeant Ben Guthrie  
Falmouth Police Department  
750 Main Street  
Falmouth MA, 02540

Windham Weaponry Patrol rifles

35- R16M4LHRFMFT @ \$775.00- \$27,125.00

3- R11MEDSFST-7@ \$1050.00- \$3150.00

For a total of **\$30,275.00**

Trade in value for current patrol rifles

18- Colt A3 AR-15 Patrol Rifles @\$500.00- \$9000.00

2- Bushmaster AR15 SBR patrol rifles @725.00- \$1450.00

1- Spikes Tactical ST-15 SBR patrol rifle @725.00- \$725.00

For a trade total of **\$11,175.00**

Total for new rifles once trade deducted- **\$19,100.00**

Thank you for your time and consideration of this offer,

Greg Coleman  
Manager  
Powderhorn Outfitters



# QUOTE

Windham Weaponry, Inc.  
 999 Roosevelt Trail  
 Windham, ME 04062

Order No.:	
Date:	1/24/2022
Terms:	NET 30

Mark Eliason  
 VP Sales and Marketing  
 Office: 207-893-2223  
 Fax: 207-893-1623  
[meliason@windhamweaponry.com](mailto:meliason@windhamweaponry.com)

Contact:	Sgt. Benjamin Guthrie		
Company/Agency:	Falmouth Police Department		
Bill to Address:	750 Main Street		
City, State, Zip:	Falmouth, MA 02540		
Ship to Address:			
City, State, Zip:			
Telephone:	774-255-4527	Fax:	
Email:	<a href="mailto:benjamin.guthrie@falmouthpolice.ma.gov">benjamin.guthrie@falmouthpolice.ma.gov</a>		

Item Number	Description	Qty	Unit Price	Total
R11MEDSFST-7	11.5" Barrel rifle with M-LOK handguard and telescoping stock, ambi safety and ambi ambi magazine release	3	\$773.26	\$2,319.78
R16M4LHRFMFT	16" M4 Barrel rifle with 4-rail handguard rear flip sight and telescoping stock, ambi safety and ambi magazine release	35	744.24	\$26,048.40
	Each rifle comes with 1 30 round magazine in a hard plastic case with a black nylon sling and an operators manual			
	Windham Weaponry is proud to offer a lifetime transferrable warranty on all rifles.			
<b>Total</b>				<b>\$28,368.18</b>

<b>Terms &amp; Conditions of Sale: The above price includes shipping</b>	
<b>Payment Terms:</b>	To be determined at time of original purchase order.
<b>Terms of Delivery:</b>	Estimated delivery date will be provided upon receipt of original purchase order.
<b>Validity of Offer</b>	This quote is valid for 60 Calendar days from the above date unless this company has just cause to adjust the costs.

**Quotation**

**Witmer Public Safety Group**

104 Independence Way  
 Coatesville, PA 19320  
 Phone: (610) 857-8070  
 david.gilbert@officerstore.com

Quote ID: 760211  
 Date: 01/06/2022  
 Sales Person: DAVID GILBERT  
 Customer Id: 8FALPOL2



**Bill To:**

ATTN:  
 Falmouth Police Dept  
 750 Main St  
 Falmouth MA 02540  
  
 Phone: (508) 457-2527  
 E-Mail:

**Ship To:**

ATTN:  
 Falmouth Police Dept  
 750 Main St  
 Falmouth MA 02540

**WINDHAM WEAPONRY**

Quantity	Item ID	Description	Unit	Amount
35	MISC	WINDHAM WEAPONRY MODEL R16M4LHRFMFT. 16" BARREL, M-LOK FREE FLOAT HANDGUARD, .223/5.56MM. ****RIFLES ARE TO BE BUILT AT FACTORY WITH AMBI MAGAZINE RELEASES AND AMBI SAFETY SELECTORS.****	899.99	31,499.65
3	MISC	WINDHAM WEAPONRY MODEL R11MEDSFST-7. SHORT BARRLED RIFLE. .223/5.56MM. ****RIFLES ARE TO BE BUILT AT FACTORY WITH AMBI MAGAZINE RELEASES AND AMBI SAFETY SELECTORS.****	929.99	2,789.97

**ACCEPTANCE OF QUOTATION**

The above prices, specifications, and conditions are satisfactory and are hereby accepted.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Quotation is valid until February 05, 2022

Subtotal: 34,289.62  
 Freight: 100.00  
 Tax: 2,143.10  
 Total: 36,532.72



**OfficerStore**



**OurDesigns**

## Powderhorn Outfitters

210 Barnstable Road

Hyannis, MA 02601

T- 5087758975

F- 5087718856

02/01/2022

Attn: Sergeant Ben Guthrie  
Falmouth Police Department  
750 Main Street  
Falmouth MA, 02540

Patrol Rifle market values

18- Colt A3 AR-15 Patrol Rifles- \$700 per rifle

2- Bushmaster AR-15 SBR Patrol Rifles- \$950 per rifle

1- Spikes Tactical ST-15 SBR Patrol Rifle- \$950 per rifle

21 total patrol rifles with total value- \$15,450.00

Thank you for your time and consideration of this offer,

Greg Coleman  
Manager  
Powderhorn Outfitters

**From:** [Rich Nutile](#)  
**To:** [Ben Guthrie](#)  
**Cc:** [David Gilbert](#)  
**Subject:** RE: RFQ - New Rifles  
**Date:** Thursday, December 16, 2021 5:01:58 PM

---

Good afternoon Sgt Guthrie,

I'll work with Dave Gilbert and assist him with getting you a formal quote as soon as possible. Cost on the new Colt rifles are \*\*\$1099.50 plus shipping. A drop ship direct from Colt could take up to 90 days or more. Unfortunately all manufacture are dealing with delays right now so I'd prepare for the worst and hope for the best. Drop ship freight charges will tack on an additional \$500.00 (this is Colts standard 3% charge for drop ship orders under 20) or we can order them and ship from stock at around \$250.00.

Shipping from Stock would probably be somewhere around 180 days worst case scenario. With inflations and gas prices all the manufactures are pushing for increases across the board. (\*\* There could be an increase from Colt. But as of now we've not seen the 2022 LE Pricelist)

As far as your trade rifles, we can offer you the following:

- (2) Bushmaster AR-15 SBR ~ \$200.00
- (1) Spikes Tactical ST15 SBR ~ \$200.00
- (18) Colt AR-15A3 ~ \$300.00

Officer buyback would be \$175.00 over trade value plus \$25.00 to ship to a dealer of their choice. Dave will provide you with a formal quote to include our buyback form and instructions.

I'll let Dave take it from here. If you have any questions for me please let me know.

**Best Regards,**

**Richard Nutile**  
**Law Enforcement Sales /Branch Manager**

Witmer Public Safety Group, Inc. | [rich.nutile@officerstore.com](mailto:rich.nutile@officerstore.com)

ADDRESS 6G Dunham Road, Billerica, MA 01821

PH: (800) 243-3006 x1714 FAX: (978) 667-1350

**MA State Contract Holder**

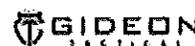
**Interstate Arms takes all kinds of used**

**Weapons in trade – call us for a quote!**

[TheFireStore.com](#) | [theEMSstore.com](#) | [OurDesigns.com](#)

[OfficerStore.com](#) | [GideonTactical.com](#) | [InterstateArms.com](#)

**From:** Ben Guthrie <[benjamin.guthrie@falmouthpolicema.gov](mailto:benjamin.guthrie@falmouthpolicema.gov)>

**Sent:** Thursday, December 16, 2021 4:13 PM  
**To:** Rich Nutile <rich.nutile@officerstore.com>  
**Subject:** FW: RFQ - New Rifles

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Rich,  
Attached are some pics of the rifles for trade for your reference.

**Sergeant Benjamin C. Guthrie**  
Falmouth Police Department  
750 Main Street  
Falmouth, Ma. 02540  
Office: (774) 255-4527 ext. 4565  
Fax: (508) 457-2566  
[benjamin.guthrie@falmouthpolicema.gov](mailto:benjamin.guthrie@falmouthpolicema.gov)

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**From:** Ben Guthrie  
**Sent:** Thursday, December 16, 2021 3:37 PM  
**To:** [rich.nutile@officerstore.com](mailto:rich.nutile@officerstore.com)  
**Subject:** RFQ - New Rifles

Rich,

My name is Sgt. Ben Guthrie and I'm the Firearms Supervisor for the Falmouth Police Department. You had correspondence with my former partner, Jamie Karl, who has since resigned from the department. Our department is looking for a quote on purchasing 38 Colt EPR AR-15 rifles (LE6920-EPR). I spoke with David Gilbert and he provided me with general information but referred me to you for actual quotes. Also, we are interested in trading in (18) Colt AR-15A3, (2) Bushmaster AR-15 SBR, & (1) Spikes Tactical ST15 SBR towards the purchase. Lastly, our officers are interested buying the traded (18) Colt AR-15A3's and would like a price for that as well. I know this may take some time to put together and this purchase will most likely be in February if all works out. Obviously we are soliciting for quotes from other dealers.

Please feel free to email me if you have any questions or concerns.

Respectfully,

**Sergeant Benjamin C. Guthrie**

Falmouth Police Department  
750 Main Street  
Falmouth, Ma. 02540  
Office: (774) 255-4527 ext. 4565  
Fax: (508) 457-2566  
[benjamin.guthrie@falmouthpolicema.gov](mailto:benjamin.guthrie@falmouthpolicema.gov)

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Town of Falmouth  
Town Department - Police

PO NUMBER	Revision
221923	0

Issue Date: 03/25/2022

PO DESCRIPTION: Rifles

OPEN

ISSUED TO:

MARCHAR INC  
DBA: POWDERHORN OUTFITTERS  
210 BARNSTABLE ROAD  
  
HYANNIS, MA 02601

VENDOR CONTACT INFO:

FOR FURTHER INFORMATION CONTACT:

SHIP TO:

TOWN OF FALMOUTH  
POLICE DEPARTMENT  
750 MAIN STREET  
FALMOUTH, MA 02540

BILL TO:

TOWN OF FALMOUTH  
POLICE DEPARTMENT  
750 MAIN STREET  
FALMOUTH, MA 02540

OPEN

Item	Description	Qty	Unit Price	Cost
1	R16M4LHRFMFT - Windham Weaponry AR-15 Rifle 16"M4 Barrel rifle with 4-rail handguard rear flip sight and telescoping stock, ambi safety and ambi magazine release	35.0	\$775.00	Item Subtotal: \$27,125.00 Credit: (\$9,000.00) Item Total: \$18,125.00
2	R11MEDSFST-7: Windham Weaponry AR-15 Patrol Rifle - 11.5" Barrel rifle with M-LOK handguard and telescoping stock, ambi safety and ambi magazine release	3.0	\$1,050.00	Item Subtotal: \$3,150.00 Credit: (\$2,175.00) Item Total: \$975.00

OPEN

This order is exempt from Massachusetts Sales  
and Use Tax Exemption Number E-04-6001148-

TOTAL OF PURCHASE ORDER:

\$19,100.00

Active FY: 2022  
Dept: Town Department - Police  
Requisitioned by: Edward Dunne  
Requisition #: 28637  
Vendor #: 2362

APPROVED BY

Executive Director

## **BUSINESS**

6. Acting as Trustees of the Falmouth Affordable Housing Fund, consider approval of application from Falmouth Housing Corp. for \$100,000 to secure permanent deed restriction to preserve affordability of one existing single-family house located at 51 Esker Place



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

**TO:** Select Board  
**FROM:** Peter Johnson-Staub, Acting Town Manager  
**SUBJECT:** 51 Esker Place – Falmouth Affordable Housing Fund Award *PJS*  
**DATE:** May 17, 2022

The Town received an application from the Falmouth Housing Corporation (FHC) for \$100,000 to place an affordable housing deed restriction in perpetuity on an existing single-family home at the above location. This house was built in 1999 as one of 17 single-family home ownership units included in a 40B development that is 100% affordable. The house was purchased from the original owner by the FHC in 2007 to preserve the affordability. The Town provided \$85,000 to FHC to facilitate the acquisition in 2007 and the parties entered a Memo of Agreement which provided that FHC would pay back \$42,500 when the house is sold to an income-eligible buyer. Since that time, FHC has rented the house to income-eligible households. FHC now seeks to sell the house to an income-eligible home-owner as originally contemplated and place a permanent deed restriction on the property so that it counts toward the Town's Subsidized Housing Inventory (SHI).

FHC costs for rehabilitation, professional fees and lost rent total \$154,403. The FHC will pay back to the Town (i.e. Falmouth Affordable Housing Fund) the \$42,500 per the Memo of Agreement so the net cost to the Falmouth Affordable Housing Fund will be \$57,500 (\$100,000 - \$42,500). There is some urgency to this request as the income-eligible buyer has given notice on her current residence and will need to move out by the end of this month.

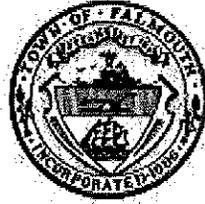
The Falmouth Affordable Housing Fund Working Group reviewed this application with FHC Director Linda Clark and expressed its support of the request to the Town Manager. Town Manager Julian Suso submitted a memo on 05-11-2022 to the Community Preservation Committee recommending approval. The Community Preservation Committee subsequently voted to recommend approval.

**Recommended Motion:**

"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund, authorize the Town Manager to execute a commitment letter setting forth the terms of a financial award to the Falmouth Housing Corp in the amount of \$100,000 to secure a permanent deed restriction to preserve the affordability of an existing single-family house located at 51 Esker Place."

**CC:** Kimberly Fish, Housing Coordinator

//51 Esker - Recommendation Select Board 05-17-2022



**Community Preservation Committee**

59 Town Hall Square, Falmouth, MA 02540

508-495-7436

**MEMO**

---

**To:** Julian Suso, Town Manager  
Peter Johnson-Staub, Assistant Town Manager

**From:** Maureen Thomas, Community Preservation Coordinator *M. Thomas*

**Cc:** Falmouth Select Board/FAHF Trustees  
Edward Curley, Affordable Housing Committee Chair  
Jed Cornock, Town Planner  
Kimberly Fish, Housing Coordinator  
Jennifer Mullen, Finance Director  
Paul Glynn, CPC Chair

**Re:** **CPC Recommendation to FAHF – 51 Esker Place FHC Application for FAHF Funding**

**Date:** May 12, 2022

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On Thursday, May 12, 2022, the Community Preservation Committee (CPC) voted unanimously to make a recommendation to the Trustees in support of funding the 51 Esker Place Falmouth Housing Corporation (FHC) application to the Falmouth Affordable Housing Fund (FAHF) in the amount of \$100,000.

Thank you very much for your consideration of the CPC recommendation.

# FALMOUTH AFFORDABLE HOUSING FUND

Established by Ch. 29 of the Acts of 2011  
Board of Selectmen, Trustees

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59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

## AFFORDABLE HOUSING FUND APPLICATION

### General Information

Project Name: 51 Esker Place Homeownership Preservation & Resale

Project Location and Parcel ID#: 51 Esker Place, E. Falmouth, MA 02536 / Parcel ID# 11 01 016 001

Type of Project: Preservation of Homeownership Unit

Applicant(s) name/ Organization: Falmouth Housing Corporation

Contact Person: Linda Clark / Anne E. Connolly

Mailing Address: 704 Main Street, Suite D, Falmouth, MA 02540

Telephone Number: 508-540-4009 / 508-566-9321

Email Address: LClark@FalmouthHousingCorp.org / AnnieConnolly@comcast.net

### Property Ownership

Legal Property Owner of Record: Falmouth Housing Corporation

Is the owner the applicant? YES

If not, does the applicant have site control or written consent of the property owner to submit an application? If yes, attach documentation. Without this documentation the project will be ineligible for funding for this applicant.

For projects that have an acquisition expense the applicant must provide an appraisal from an independent party that justifies the acquisition cost.

### Development Team

Please submit as attachments the resumes of the development team and a list and description of affordable housing projects completed by the applicant. N/A

### Project Information

Describe the proposed project including:

Project Style: The "project" consists of rehabilitation of a single-family home-ownership unit and resale to a qualified first-time home-buyer. At transfer the expiring Housing Development Support Program (HDSP) deed rider will be replaced with a Local Initiative Program (LIP) deed rider, preserving the affordability and inclusion in the Subsidized Housing Inventory, (SHI) in perpetuity.

Type of Units (condo ownership, fee simple ownership, rental, etc.): deed-restricted homeownership unit

Total Number of Units: 1

Number of Market Units: N/A

Number of BRs: N/A

Number of Affordable Units: 1

Number of BRs: 3

Proposed Sale Prices/Rents: N/A

Market: N/A

Affordable: \$210,000

Proposed Condo Fees: N/A

Market: N/A

Affordable: N/A

Proposed % of AMI target beneficiaries: 80% of AMI

Describe how this project addresses the unmet affordable housing needs of the community as identified in the Town of Falmouth *Housing Demand Study & Needs Analysis (2014)* and the Town of Falmouth Housing Production Plan (2018).

The Falmouth Housing Corporation requests assistance to defray costs associated with the preservation and retention of an existing deed-restricted, affordable home located at 51 Esker Place., East Falmouth, MA.

The unit was built in 1999, and is part of a 100% affordable 40B project with a total of 18 home-ownership units. Initially permitted under LIP, the project stalled-out with only 1 home built in 1991. The remaining 17 homes were built and subsidized through HDSP in 1999 – with expiring deed restrictions, (Falmouth Housing Demand Study, 2014, pg. 62).

In 2007, the Falmouth Housing Corporation, (FHC) purchased the unit from Eric & Flordeliza Howard in an effort to preserve the affordability. The Town of Falmouth had been unable to locate a qualified first-time home-owner, (MOA, 1/28/08). The purchase price was \$204,600.

On January 28, 2008 the Falmouth Board of Selectmen authorized a subsidy of \$85,000 from the Housing Retention Fund to assist FHC in purchasing and preserving this unit, (MOA, 1/28/08). A second mortgage of \$42,500 was recorded against the property, to be repaid to the Housing Retention Fund when the unit was sold.

FHC has owned and rented the home to low-moderate income families since the time of purchase.

This fall the house was vacated and FHC made significant improvements to the property, preparing to market the unit for sale. FHC engaged a Housing Consultant to assist in the process; calculating the resale price, communicating with local and state officials, researching sales, fees, and executing an approved marketing and application process.

The current HDSP deed rider utilizes a discount rate of the appraised fair market value to calculate the Maximum Resale Price, (MRP). For this unit the calculation was \$266,600. FHC agreed to lower the MRP to \$210,000 after reviewing recent affordable comparable sales, (Memo to PJS, 2/28/22).

Following the Department of Housing & Community Development's (DHCD) approved marketing and application period, a qualified first-time home-buyer has been identified. A Purchase & Sale Agreement has been executed for \$210,000. DHCD has agreed to provide an updated LIP deed rider at the time of closing. The LIP deed rider will replace the previous covenants and place a deed restriction on the property based on Area Median Income and restrict the affordability of the home in perpetuity,

(Falmouth Housing Production Plan, 2018, pg. 75-77). This preserves the affordability for current and future first-time buyers, (earning at or below 80% or AMI) who have experienced the significant affordability gap in Falmouth.

The closing on the 51 Esker Place property is scheduled for Friday, May 27, 2022. FHC will pay and discharge both existing mortgages on the property at the time of closing, (Rockland Trust, \$73,321 +/- and Town of Falmouth, \$42,500) in order to produce a clear title.

FHC requests support from the FAHF to defray costs associated with vacancy loss and rehabilitation costs in preparation for sale of 51 Esker Place, (\$154,403), professional fees associated with the marketing and resale of the 51 Esker Place, (\$9,492), and calculated MRP loss detailed previously, (\$56,600).

The total costs of the "project" is \$220,495, and the mortgage debt to be paid at closing is \$115,821 for a total of \$336,316 in outflows. FHC requests the Town of Falmouth contribute \$100,000 from the FAHF in preservation and retention funds.

MOA, 1/28/08:	\$85,000
Retention Fund Repayment, 5/27/22:	-\$42,500
*FAHF Preservation Grant, 6/1/22:	\$100,000
<i>TOTAL Town of Falmouth Investment</i>	<i>\$142,500</i>

*\* If approved by the Board of Selectmen*

### Site Information

Please provide a description of the surrounding area and community profile including a description of the current site characteristics, zoning, environmental, and any regulatory requirements or constraints. Attach a map and photos of the project site and neighborhood along with any zoning/permitting relief required.

Esker Place is an existing 100% affordable neighborhood permitted in 1990. As previously summarized the development was the first of its kind in Falmouth, and is a 100% affordable 40B project with a total of 18 home-ownership units. Initially permitted under the (LIP), the project stalled-out with only 1 home built in 1991. The remaining 17 homes were built and subsidized through the HDSP in 1999 – with expiring deed restrictions, (Falmouth Housing Demand Study, 2014, pg. 62). The neighborhood is densely settled and abuts Sam Turner Road and Route 151 in Hatchville.

The property at 51 Esker Place is a shingle-style ranch single family home, and is approximately 1,200 square feet on a 1/3 of an acre. It has 3 bedrooms, 2 bathrooms and a full unfinished basement. The furnace is gas-fired and heat is forced hot-water. It has an open floor plan with a working fireplace and slider off the dining area onto a small deck. Woods surround the rear of the property and provide privacy. Renovations include new cabinets, counter tops and appliances in the kitchen, and all new bathroom fixtures, new paint, flooring and carpeting throughout the house. There is a new roof and newly installed Title V septic system.

Building:

Single family shingle style ranch home, approximately 1,200 square feet

Zoning: AGAA

Health: Title V compliant

Conservation: N/A  
Infrastructure: existing

**Total Project Cost:** \$336,316.00

**Amount of FAHF Request:** \$100,000.00

**Please list all public funding sources and indicate funding application dates:**

The Falmouth Housing Corporation has paid for all expenses as detailed previously. The Town of Falmouth has provided subsidy from the Affordable Housing Retention Fund, (\$85,000) in 2008. Half of that allocation will be repaid \$42,500 and is currently recorded as a second mortgage on the property.

**Project Feasibility**

N/A

**Community Outreach**

In early March 2022, the approved Marketing Plan was executed for the resale of 51 Esker Place:

Advertising fliers posted:

- Falmouth Chamber of Commerce
- Falmouth Recreation Center
- Falmouth Human Services

Advertising fliers posted and hard copy applications delivered:

- Falmouth Housing Corporation
- Falmouth Housing Trust
- Falmouth Housing Authority
- Falmouth Town Hall
- Falmouth Public Library (1 in main section & 1 in children's section)
- East Falmouth Public Library
- North Falmouth Public Library
- West Falmouth Library

Press release & fliers sent to:

- The Falmouth Enterprise, and the Cape Cod Times,
- Falmouth Community Television stations
- Cape Cod Broadcasting (WQRC - 99.9 The Q, WKPE - Cape Country 104, WFCC - Classical 107.5, and WOCN - Ocean 104.7)
- WCAI, 90.1 FM
- WMVY, 88.7 FM
- IHeartRadio stations: 95 WXTK News Radio, WCIB Cool 102, WCOD 106, and Sports Radio 96.3 WEEL, (used to be Quantum Communications)

Information and applications posted online:

- [www.MassAccessHousingRegistry.org](http://www.MassAccessHousingRegistry.org)
- [www.FalmouthHousingCorp.org](http://www.FalmouthHousingCorp.org)
- [www.FalmouthHousingTrust.org](http://www.FalmouthHousingTrust.org)

Paid advertisements appeared in the *Enterprise Newspapers*, for all 4 upper-Cape towns (Falmouth, Bourne, Mashpee, and Sandwich) placed on page 3, Friday, 3/11/22 & 3/18/22.

All outreach and marketing materials included the Fair Housing logo () and slogan (“Equal Housing Opportunity”).

Applications were accepting from Monday, March 14, 2022 at 9:00 AM – Monday, March 28, 2022 at 5:00 PM at the Falmouth Housing Corporation, located at 704 Main Street in Falmouth. Applications were processed on a first-come, first-serve basis until a qualified buyer was identified.

### Development Schedule

The Falmouth Housing Corporation has completed all steps requested by DHCD and the Town of Falmouth in securing the affordability of the 51 Esker Place home. All replacements and repairs have been completed in full to the property and it is ready to be purchased on May 27, 2022.

- October 2021: Photos of 51 Esker Place taken in preparation of marketing
- November 2021: Consultancy Agreement executed, research and work begin on deed riders, etc.
- December 2021: Communication with Town of Falmouth, DHCD Community Services and LIP departments
- January 2022: Communication continues
- February 2022: LIP Dept. agrees to update deed rider, authorizes Marketing Plan & Application process, as does Town of Falmouth
- March 2022: Applications & fliers are delivered, advertisements placed, press and media blasts blanket Upper Cape region
- March 14-28, 2022: Applications are accepted, support and questions answered, etc.
- April 1 – 8, 2022: Applications are vetted by receipt time stamp, applicants corresponded with, and qualified first-time home-buyer identified
- April 9 - 15, 2022: Qualified buyer is given tour of the house and award letter, Purchase & Sale Agreement is executed
- May 27, 2022: Closing is scheduled!

### List of Attachments

1. Town of Falmouth map, 51 Esker Place
2. Fair Market Appraisal of 51 Esker Place
3. Memorandum of Agreement between Town of Falmouth & Falmouth Housing Corp, 1/28/08
4. Town of Falmouth Memo, 2/28/22
5. Email with Reiko Hayashi, DHCD, 2/25/22
6. Email with Town of Falmouth, 3/2/22
7. 51 Esker Place Costs Spreadsheet, 5/1/22
8. Rockland Trust Mortgage Statement, March 2022 & Book-keeping Detail
9. Printing Invoice
10. *Enterprise Newspapers*, Invoice & Tear Sheets
11. Executed Purchase & Sale Agreement for 51 Esker Place, 4/15/22
12. Consultancy Agreement, 11/5/21

If you have any questions, please do not hesitate to contact **Carla Feroni** at 508 495-7344 or at the email address below.

Project Applicant Name: \_\_\_\_\_ Title: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please submit one electronic copy to [Townmanager@falmouthma.gov](mailto:Townmanager@falmouthma.gov) and (6) hard copies to: Housing Coordinator, Town of Falmouth, 59 Town Hall Square, Falmouth, MA 02540

Provide a schedule for project implementation using the Milestones below. If Milestone B or C is not applicable to your project, mark the Milestone "NA." *Note: Implementation Schedules must be realistic. Carefully consider projected Milestone dates. Unrealistic Implementation Schedules may have a negative impact on the project's application review. Project implementation delay may be considered in recommendation for grant award.*

Milestones (Month/Year): N/A

- A. Project Start (Month/Year):
- B. Procurement Documents Submitted to FAHF (Month/Year):
- C. Project Construction/Professional Contract Submitted FAHF (Month/Year):
- D. Project/Construction Start (Month/Year):
- E. 50% Project Completion (Month/Year):
- F. 100% Project Completion (Month/Year):
- G. Close-Out Complete (Month/Year):

Comments:

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**ATTACHMENT B PROJECT SCHEDULE**

## **BUSINESS**

7. Consider changes to Select Board meeting schedule

## Diane Davidson

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**From:** Diane Davidson  
**Sent:** Friday, May 13, 2022 9:36 AM  
**To:** Douglas Brown; Nancy Taylor (nancy.taylor@falmouthma.gov)  
**Cc:** Peter Johnson-Staub (peter.johnson-staub@falmouthma.gov)  
**Subject:** Select Board Meeting Schedule for June

Hi Doug and Nancy,

The Select Board had a regular meeting scheduled on Monday, June 20. This is the Juneteenth holiday this year, so this meeting needs to be rescheduled. Also, a Joint Meeting between the Affordable Housing Committee and the Select Board was scheduled for June 20. I checked with Ed Curley, and he and the committee are available on June 13.

Following is a table showing the current schedule for June and a proposed revised schedule for June. This schedule sets aside June 13 for a joint meeting only, and moves the June 20 regular business meeting to June 27.

Current Schedule		Proposed Revised Schedule	
June 6	Meeting	June 6	Meeting
June 13	Off	June 13	Joint meeting
June 20	Meeting	June 20	Off (Juneteenth)
June 27	Off	June 27	Meeting

Please let me know your thoughts. Then I can poll the other Board members to check their availability.

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](mailto:diane.davidson@falmouthma.gov)  
(508) 495-7321*

## **BUSINESS**

### 8. Review of Select Board liaison assignments

Select Board  
Committee Liaisons

COMMITTEES	English Braga	Scott Price	Brown	Taylor	Patterson	RELATION	AUTHORITY	DAY	TIME	LOCATION	ROOM
Affirmative Action Committee				x		liaison		2nd Monday	7:00 p.m.	Town Hall	Small Conf. Room
Affordable Housing Committee		x				liaison		3rd Thursday	3:00 p.m.	Town Hall	Old Water Dept. Room
Agricultural Commission	x					liaison		Last Monday	6:30 p.m.	Town Hall	Small Conf. Room
<b>Assembly of Delegates (Barnstable County)</b>			x			member	elected				
Beach Committee			x			liaison	charter	3rd Wednesday	7:00 p.m.	Harbor Master's Office	180 Scranton Ave.
Bicycle and Pedestrian Committee	x					liaison		1st Wednesday	7:00 p.m.	Town Hall	Old Water Dept. Room
Board of Health	x					liaison	charter	Every other Monday	6:30 p.m.	Town Hall	Civil Defense Room
Cable Advisory Committee				x		liaison		3rd Monday	5:15 p.m.	FCTV	310 Dillingham Ave.
<b>Cape Cod Regional Transit Authority</b>					x						
Cape Cod Water Protection Collaborative			x			member					
Coastal Ponds Mgmt. Committee (inactive)			x			liaison		1st Monday	7:00 p.m.	Harbor Master's Office	180 Scranton Ave.
Commission on Disabilities				x		liaison		2nd Thursday	2:30 p.m.	Gus Canty Rec.	All Purpose Room
Commission on Substance Use				x		liaison		4th Thursday	5:30 p.m.	Gus Canty Rec.	790 Main St.
Community Preservation Committee					x	liaison		2nd & 4th Thursday	7:00 p.m.	Sch. Adm. Bldg.	340 Teaticket Hwy.
Conservation Commission					x	liaison	charter	Every Wednesday	7:00 p.m.	Town Hall	Sel. Meet. Rm.
Council on Aging				x		liaison	charter	4th Thursday	4:00 p.m.	Senior Center	300 Dillingham Ave.
EDIC					x	member		2nd Tuesday	8:30 a.m.	Town Hall	Sel. Meet. Rm.
Edward Marks Building Advisory Committee			x			liaison		Thursday as notified	4:00 p.m.	Town Hall	CPC Conf. Rm.
Energy Committee	x					liaison		2nd Wednesday	8:00 a.m.	Town Hall	Small Conf. Room
<b>Falmouth Housing Authority</b>		x				liaison	elected				
<b>Finance Committee</b>					x	liaison	town meeting	Last Tuesday	7:00 p.m.	Sch. Adm. Bldg.	340 Teaticket Hwy.
Golf Advisory Committee		x				liaison		Wednesday as notified			
Historical Commission	x					liaison	charter	1st Tuesday	6:00 p.m.	Town Hall	Civil Defense Room
Human Services Committee				x		liaison	charter	1st Tuesday	4:30 p.m.	Town Hall	Sel. Meet. Rm.
<b>Library Board of Trustees</b>		x				liaison	elected	2nd Tuesday	6:45 p.m.	Main Library	300 Main Street
<b>Planning Board</b>			x			liaison	elected	Every Tuesday	6:30 p.m.	Town Hall	Sel. Meet. Rm.
Recreation Committee		x				liaison	charter	2nd Wednesday	7:00 p.m.	Gus Canty Rec.	790 Main Street
<b>School Committee</b>					x	liaison	elected	2nd & 4th Tuesday	6:30 p.m.	Sch. Adm. Bldg.	340 Teaticket Hwy.
Sign Review Committee (inactive)						liaison		2nd & 4th Wednesday	5:00 p.m.	Town Hall	Sel. Meet. Rm.
Solid Waste Advisory Committee	x					liaison		1st Tuesday	7:30 p.m.	Town Hall	Small Conf. Room
Town Building Committee (inactive)											
Transportation Management Committee								Thursday as notified	6:00 p.m.	Town Hall	Old Water Dept. Room
Veterans Council Committee				x		liaison		2nd Wednesday	4:00 p.m.	Town Hall	Civil Defense Room
Water Quality Management Committee								1st & 3rd Thursday	3:30 p.m.	Town Hall	Sel. Meet. Rm.
Waterways Committee			x			liaison	charter	1st Wednesday	7:00 p.m.	Harbor Master's Office	180 Scranton Ave.
Zoning Board of Appeals		x				liaison	charter	Every Thursday	6:30 p.m.	Town Hall	Sel. Meet. Rm.
<b>Total</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>7</b>	<b>6</b>						

## CONSENT AGENDA

### 1. Licenses

- a. Application for a New Common Victualler License – Shiverick Café & Bar located at 285 Main Street, Falmouth

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Olive Restaurant, Inc. dba Shiverick Café & Bar

Address: 285 Main Street

License Type: Common Victualler

New or Transfer of License \_\_\_\_\_

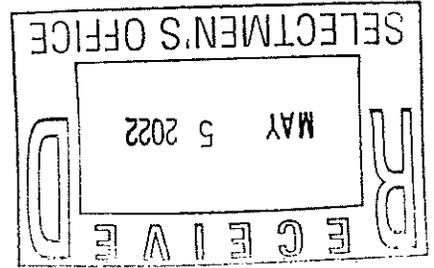
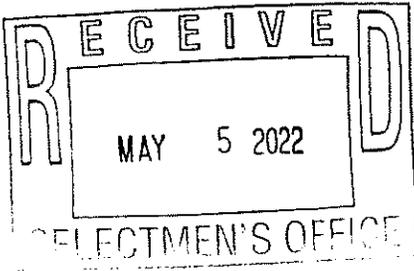
or

Change of License \_\_\_\_\_

- Police No objection
- Fire No Issues
- Building \_\_\_\_\_
- Health \_\_\_\_\_
- Zoning \_\_\_\_\_
- Planning \_\_\_\_\_
- DPW \_\_\_\_\_
- Assessor \_\_\_\_\_
- Tax Collector \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

NOTES: The Building Department has a copy of the restaurant plans. At this time, no changes are planned for the interior seating and storage plan from that of the previous owner's configuration or for outdoor seating. A liquor license application is expected to be applied for in the future.

*The Health Department did not provide a recommendation as comment but an application for a Food Service Establishment Permit has been applied for*



**TOWN OF FALMOUTH**  
 Office of the Town Manager & Selectmen  
 59 Town Hall Square, Falmouth, Massachusetts 02540  
 Telephone (508) 495-7320

**RETAIL LICENSE APPLICATION – includes Common Victualler & Innholder Licenses**

CHECK THE APPROPRIATE LICENSE

- Common Victualler       Annual License  
 Innholder                       Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: Elias Gregoriadis TITLE: owner

HOME ADDRESS: [REDACTED]

Town: Falmouth State: MA Zip code: 02556

BUSINESS NAME: Olive Restaurant Inc.

D/B/A if any: Shiverick Cafe and Bar

BUSINESS ADDRESS: 285 Main st.

Town: Falmouth State: MA Zip code: 02540

MAILING ADDRESS (if different): [REDACTED]

Town: [REDACTED] State: [REDACTED] Zip code: [REDACTED]

FEDERAL ID #: [REDACTED] MANAGER OF RECORD: Elias Gregoriadis  
Stanislava Gregoriadis

EMAIL – required: [REDACTED]

TELEPHONE – BUSINESS: 774.392.2176 HOME: [REDACTED]

DAYS OF OPERATION: Seven days

HOURS OF OPERATION: 6AM-1am

SEATING CAPACITY : 62

APPLICATION MUST BE SIGNED BY OWNER, MANAGER of RECORD, OR AUTHORIZED REPRESENTATIVE

\*\*DATE: 05/05/2022



Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

- Food Service Establishment Permit – Health Department
- Business Structure Documents:
  - a. Copy of Articles of Organization (*if corporation*)
  - b. Copy of LLC Agreement (*if limited liability company*)
  - c. Copy of Partnership Agreement (*if partnership*)
  - d. Copy of Certificate of Doing Business (*if sole proprietorship*)
- Copy of lease or deed
- Copy of special zoning permits, *if any*
- Copy of Floor Plan
- Copy of Menu
- Attend a hearing before the Board of Selectmen at a time and date designated

## CONSENT AGENDA

### 1. Licenses

- b. Application for a special one-day wine and malt liquor license – Woods Hole Historical Museum – 80 Church Street – Saturday, 6/25/22

**LICENSE APPLICATION REVIEW FORM**

Date: 5/23/22

Restaurant/Business: Woods Hole Historical Museum

Address: 80 Church Street, Woods Hole

License Type: Special One-Day Wine & Malt Liquor License

New or Transfer of License \_\_\_\_\_

or

Change of License \_\_\_\_\_

Application sent to the departments, indicated below, for comment:

Police No objections

Fire No objections

Building No objections

Health No comment

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW No comment

Recreation OK

M.E.S. \_\_\_\_\_

Communications No objections.

Beach No concerns.

**NOTES:**

Art of Wine with expert Becky Sue Epstein.

Date: Saturday, June 25, 2022. Hours: 4:00 p.m. to 6:00 p.m.



PAID \$10.00 CK.# 1013



APPLICATION

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

NAME OF APPLICANT: Charlotte Emans Moore

ADDRESS OF APPLICANT: 7 Lawrence Farm Road

Woods Hole MA 02543

NAME OF ORGANIZATION:

MAILING ADDRESS: Woods Hole Historical Museum

TELEPHONE #: [REDACTED] EMAIL: WTHMdirector@gmail.com \*

LOCATION TO BE LICENSED-ADDRESS: 80 Church Street

Woods Hole MA 02543

EVENT TITLE: "Afternoon Delight: the" APPROXIMATE # OF PEOPLE: 75

DATE(S) OF EVENT: June 25, 2022 HOURS OF EVENT: 4 to 6 pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Laura Reckford

TYPE OF LICENSE:

- 1. WINE & MALT  NON-PROFIT  FOR PROFIT
- 2. ALL ALCOHOLIC  NON-PROFIT ONLY

REQUIREMENTS check list:

1. Provide a narrative overview of the event including a description of the premises, food service, and security
2. Certificate of non-profit status (if your organization is non-profit)
3. Certificate of liquor liability insurance; 1 MILLION PER OCCURANCE - \$2 MILLION AGGREGATE
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
5. Floor plan of area where alcohol will be served, consumed, and securely stored and how this will be separated from public areas (roping, fences, etc.)
6. Temporary Food Permit (Health Department)

DATE: 4/28/2022

APPLICANT SIGNATURE: Charlotte Emans Moore

FEE: \$25.00 PER DAY

\$10.00 FILING FEE

gmail.com

\* Charlotte Emans Moore email: charlotte.emans.moore@1  
also please send communications to ↑

Art of Wine with Expert Becky Sive Epstein

Narrative for "Afternoon Delight: the Art of Wine with Expert Becky Sue Epstein"  
Fundraiser for the Woods Hole Historical Museum, proposed for June 25, 2022  
Attached to application for Special One-day Non-Profit Liquor License, Town of Falmouth, MA

The Woods Hole Historical Museum, a non-profit Falmouth institution, proposes to hold a fundraising event titled "Afternoon Delight: the Art of Wine with Expert Becky Sue Epstein" from 4 to 6 pm on Saturday, June 25, 2022.

Local residents John and Rhonda Carlton-Foss have graciously agreed to host this members-only gathering at their private residence located at 80 Church Street, overlooking Nobska Beach. Approximately 75 attendees will be allowed to participate by purchasing a \$50 admission ticket beforehand at the Museum. Invitations and prior announcements for the event will note that attendees must be vaccinated and boosted against Covid.

Director Deborah Scanlon will welcome participants to the house, noting safety considerations and restroom accommodations, as well as other administrative comments. She will then discuss the afternoon's programming and format. Beginning with a Question and Answer session, in which attendees are mostly seated, Toastmaster and local resident Jim Liljestrand will ask Epstein, a nationally recognized expert on wine, questions regarding the subject as they sit on platform chairs at the front of one end of a large living room (see attached floor plan). After this concludes, Epstein will then discuss wine and its qualities with the audience. For this instructional activity, each attendee will have received a commemorative glass commissioned especially for this event, filled modestly with Prosecco, individually wrapped smoked almonds, and a small package of breadsticks.

Before this formal programming session begins, and once it concludes, ticket holders will be able to circulate and view 30 lots of sealed bottles of historic wine that were donated to the occasion by Epstein as her gift to the Historical Museum. Participants, assigned numbers on entry to the event, will be able to register silent donations to the Museum on registries associated with each lot of wine, numbering between 4 and 8 bottles of wine per lot. At the afternoon's conclusion, the individual who has registered to contribute the most money for a particular lot will take home the sealed bottles which have been wrapped in festive bags for display on tables set in a room separated from the lecture area (see attached floor plan). Each lot of wine will be identified with a colorful and festive description provided by expert Epstein, based on her many years researching and writing about fine and aged wines. Steering Committee Chair Laura Reckford will present closing remarks, thanking participants for attending and donors for their generous contributions to the Museum's mission and operations.

The hosts Carlton-Foss believe there is ample parking, if needed, around their property and along Church Street for this approximately two-hour fundraiser. Notification to the local police department, and other recommended authorities, will be given on approval of this request for a non-profit one-day license. Attached please find copies of the requested insurance, bartender, and non-profit certificates to complete this application, as well as the floor plan for the proposed event.

## CONSENT AGENDA

### 1. Licenses

- c. Application for a special one-day wine and malt liquor license – Food Truck Festivals of America – Cape Cod Food Truck & Craft Beer Festival – Cape Cod Fairgrounds – Saturday, 8/6/22

**LICENSE APPLICATION REVIEW FORM**

Date: 5/23/22

**Restaurant/Business:** Food Truck Festivals of America, Anthony Pepe

**Address:** Cape Cod Food Truck & Craft Beer Festival, Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy.

**License Type:** Special One-Day Wine & Malt Liquor License

New or Transfer of License \_\_\_\_\_

or

Change of License \_\_\_\_\_

Application sent to the departments, indicated below, for comment:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Police         | <u>No objections</u>  |
| <input checked="" type="checkbox"/> Fire           | <u>No objections</u>  |
| <input checked="" type="checkbox"/> Building       | <u>No objections</u>  |
| <input checked="" type="checkbox"/> Health         | <u>Each individual vendor must apply for food permit 30 days in advance.*</u> |
| <input type="checkbox"/> Zoning                    | _____   |
| <input type="checkbox"/> Planning                  | _____   |
| <input checked="" type="checkbox"/> DPW            | <u>No comment</u>   |
| <input checked="" type="checkbox"/> Recreation     | <u>OK</u>   |
| <input type="checkbox"/> M.E.S.                    | _____   |
| <input checked="" type="checkbox"/> Communications | <u>No objections.</u>   |
| <input checked="" type="checkbox"/> Beach          | <u>No concerns.</u>   |

**NOTES:**

Cape Cod Food Truck and Craft Beer Festival. Cape Cod Fairgrounds.

Date: Saturday, August 6, 2022. Hours: 11:00 a.m. to 5:00 p.m.

\*Health: Each individual vendor must apply for a food permit separately 30 days in advance. The event coordinator to contact Health, as this will include an off-hours inspection fee.



PAID

\$35.00 CK#1244



TOWN OF FALMOUTH APPLICATION

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

NAME OF APPLICANT: Anthony Pepe

ADDRESS OF APPLICANT: 247 Washington St, Ste 21 Stoughton MA 02072

NAME OF ORGANIZATION: Food Truck Festivals of America LLC

MAILING ADDRESS: 247 Washington St, Ste 21 Stoughton MA 02072

TELEPHONE #: (781) 405-5639 EMAIL: Anthony@ftfofamerica.com

LOCATION TO BE LICENSED: Cape Cod Fairgrounds

EVENT TITLE: Cape Cod Food Truck & Craft Beer Festival APPROXIMATE # OF PEOPLE: 2500

DATE(S) OF EVENT: 8/6/22 HOURS OF EVENT: 11a-5p

AUTHORIZED MANAGER OF ESTABLISHMENT/EVENT: Anthony Pepe

TYPE OF LICENSE:

1. WINE & MALT	<input checked="" type="checkbox"/>	NON-PROFIT	<input type="checkbox"/>	FOR PROFIT	<input checked="" type="checkbox"/>
2. ALL ALCOHOLIC	<input type="checkbox"/>	NON-PROFIT ONLY	<input type="checkbox"/>		

REQUIREMENTS check list:

1. Provide a narrative describing the event, including food service and security
2. Certificate of non-profit status (if your organization is non-profit)
3. Certificate of liquor liability insurance (1 million per occurrence and \$2 million aggregate)
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
5. Floor plan of area where alcohol will be served and consumed, and security plan
6. Temporary Food Permit (Health Department) or confirmation from caterer (12c license)

DATE 4.14.22

APPLICANT SIGNATURE [Signature]

Filing Fee: \$10.00  
License Fee: \$25.00 per day

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELECT BOARD



TO: ALL CONCERNED  
FROM: The FTFA Team  
DATE: April 14, 2022

**RE: SECURITY PLAN – FALMOUTH LICENSING BOARD**

**Hours of Operation:**

**WHAT:** Cape Cod Food Truck & Craft Beer Festival  
**WHERE:** Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy, E Falmouth MA 02536  
**WHEN:** Saturday, August 6, 2022 **11 am to 5 pm** – Last call 4:30 pm

**Distributor:** Atlantic Distributors will provide the beer and servers for our event.

**Security:** I.D. Checks will happen at the front gate. I.D. checkers will ensure everyone drinking will be 21 or older. They will then issue a stamp that reads FTFA 21+. All servers from Atlantic Distributors know to only serve those with a stamp on their hand. Stamps are non-transferable.

**Flow & Control:** This event is for all ages, a family friendly event. Our main entrance/exit will be the only point of normal entry and exit. Personnel will be posted at the main entrance/exit with a mechanical counter. This person's sole responsibility will be to keep an accurate count of people entering and leaving the area. All the other exits with the exception of the main exit/entrance point will be designated as emergency exits only.

Beer will be served out of fenced in tent – see site plan

**Entertainment:** We are planning to have either a DJ or live music at our event—small P/A System.

**Police:** FTFA will hire the number of police officers that the Town of Falmouth require.

Anthony Pepe  
Executive Producer  
Food Truck Festivals of America  
781-405-5639

## CONSENT AGENDA

### 1. Licenses

- d. Application for a special one-day wine and malt liquor license – Shipwrecked – Cornhole Tournament – Shipwrecked and Heights Hotel parking lot – Saturday, 6/11/22

**LICENSE APPLICATION REVIEW FORM**

Date: 5/23/22

Restaurant/Business: Shipwrecked, Rob Loewen, GM

Address: 263 Grand Avenue, Falmouth

License Type: Special One-Day Wine & Malt Liquor License

New or Transfer of License \_\_\_\_\_

or

Change of License \_\_\_\_\_

Application sent to the departments, indicated below, for comment:

- |  |                       |
|--|-----------------------|
| <input checked="" type="checkbox"/> Police         | <u>No objections</u>  |
| <input checked="" type="checkbox"/> Fire           | <u>*Note below.</u>   |
| <input checked="" type="checkbox"/> Building       | <u>No objections</u>  |
| <input checked="" type="checkbox"/> Health         | <u>**Note below.</u>  |
| <input type="checkbox"/> Zoning                    | _____                 |
| <input type="checkbox"/> Planning                  | _____                 |
| <input checked="" type="checkbox"/> DPW            | <u>No comment</u>     |
| <input checked="" type="checkbox"/> Recreation     | <u>OK</u>             |
| <input type="checkbox"/> M.E.S.                    | _____                 |
| <input checked="" type="checkbox"/> Communications | <u>No objections.</u> |
| <input checked="" type="checkbox"/> Beach          | <u>No concerns.</u>   |

**NOTES:**

Shipwrecked Cornhole Tournament to benefit Falmouth Fireworks.

Location: Shipwrecked and Heights Hotel parking lot.

Date: Saturday, June 11, 2022. Hours: 10:00 a.m. to 6:00 p.m.

\*Fire: The outside occupancy cannot be combined with the inside occupancy in the event of inclement weather. They are two separate occupancies.

\*\*Health: Shipwrecked has a food permit, and as long as food is prepared in their kitchen, no further action is needed.



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: Shipwrecked / Rob Loewen G/M
ADDRESS OF APPLICANT: 263 Grand Ave Falmouth, Ma 02540
NAME OF ORGANIZATION: Shipwrecked
MAILING ADDRESS: 263 Grand Ave Falmouth, Ma 02540
EMAIL: info@shipwreckedfalmouth.com TELEPHONE #: 508-540-9600
LOCATION TO BE LICENSED AND ADDRESS: 263 Grand Ave Falmouth, Ma 02540

AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT: Rob Loewen

TYPE OF EVENT: Cornhole Tournament (a portion of proceeds to benefit Falmouth Fireworks)

DATE(S) OF EVENT: June 11, 2022

HOURS OF EVENT: 10am-6pm

APPROXIMATE # OF PEOPLE: 200/250 (in and out throughout tournament)

TYPE OF LICENSE:
1. WINE & MALT [checked] 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)

APPLICANT'S SIGNATURE [Handwritten Signature]

DATE: 4-28-22

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

## Shipwrecked/The heights Hotel Cornhole Tournament

April 15, 2022

We, Shipwrecked and The Heights Hotel would like to host a Cornhole Tournament on Saturday June 11, 2022, in the parking lot of the property. A portion of the proceeds will be going to The Falmouth Fireworks Committee to help fund the fireworks display this year.

The event will be run by the staff of Shipwrecked in conjunction with Cape Cod Cornhole. There will be live entertainment from 10am -6pm. We will have small 10X10 Beer tents and portable bars in the parking lot. We will also have Porta potties on site. No parking will be allowed on property until the event is over.

All entrances to and from the parking lot and courtyard will be manned with doormen and security.

Thank you for your consideration,

Rob Loewen

Shipwrecked/The Heights Hotel

## CONSENT AGENDA

### 1. Licenses

- e. Application for a special one-day wine and malt liquor license – Shipwrecked – Road Race After Party – Shipwrecked and Heights Hotel parking lot – Sunday, 8/21/22

LICENSE APPLICATION REVIEW FORM

Date: 5/23/22

Restaurant/Business: Shipwrecked, Rob Loewen, GM

Address: 263 Grand Avenue, Falmouth

License Type: Special One-Day Wine & Malt Liquor License

New or Transfer of License \_\_\_\_\_

or

Change of License \_\_\_\_\_

Application sent to the departments, indicated below, for comment:

- |  |                       |
|--|-----------------------|
| <input checked="" type="checkbox"/> Police         | <u>No objections</u>  |
| <input checked="" type="checkbox"/> Fire           | <u>*Note below.</u>   |
| <input checked="" type="checkbox"/> Building       | <u>No objections</u>  |
| <input checked="" type="checkbox"/> Health         | <u>**Note below.</u>  |
| <input type="checkbox"/> Zoning                    | _____                 |
| <input type="checkbox"/> Planning                  | _____                 |
| <input checked="" type="checkbox"/> DPW            | <u>No comment</u>     |
| <input checked="" type="checkbox"/> Recreation     | <u>OK</u>             |
| <input type="checkbox"/> M.E.S.                    | _____                 |
| <input checked="" type="checkbox"/> Communications | <u>No objections.</u> |
| <input checked="" type="checkbox"/> Beach          | <u>No concerns.</u>   |

NOTES:

Shipwrecked Falmouth Road Race After Party.

Location: Shipwrecked and Heights Hotel parking lot.

Date: Sunday, August 21, 2022. Hours: 9:00 a.m. to 6:00 p.m.

\*Fire: The outside occupancy cannot be combined with the inside occupancy in the event of inclement weather. They are two separate occupancies.

\*\*Health: Shipwrecked has a food permit, and as long as food is prepared in their kitchen, no further action is needed.



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: Shipwrecked / Rob Loewen G/M  
 ADDRESS OF APPLICANT: 263 Grand Ave Falmouth, Ma 02540  
 NAME OF ORGANIZATION: Shipwrecked  
 MAILING ADDRESS: 263 Grand Ave Falmouth, Ma 02540  
 EMAIL: info@shipwreckedfalmouth.com TELEPHONE #: 508-540-9600  
 LOCATION TO BE LICENSED AND ADDRESS: 263 Grand Ave Falmouth, Ma 02540  
(parking lot)  
 AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT: Rob Loewen  
 TYPE OF EVENT: Asics Falmouth Road Race After Party  
 DATE(S) OF EVENT: Sunday, August 21, 2022  
 HOURS OF EVENT: 9am-6pm  
 APPROXIMATE # OF PEOPLE: 300-400

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)

  
 \_\_\_\_\_  
 APPLICANT'S SIGNATURE

4-28-22  
 \_\_\_\_\_  
 DATE

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

Shipwrecked / Heights Hotel Falmouth Official Asics Falmouth Road Race Post Party

April 15,2022

Shipwrecked and the Heights Hotel would like to host the post Asics Falmouth Road Race Party in the property parking lot. This event is being planned in the same fashion as it was last year on August 15, 2022 with the support of the Asics Falmouth Road Race personnel.

The property parking lot will be closed to all vehicular traffic beginning at 5am and through the end of the event. There will be a rope/ fenced barrier closing off the entrance to the parking lot with attendants and security personnel (Frontier Security Strategies) present during event hours.

There will be two mobile draft beer trailers, a portable inflatable frozen drink stand and a few local craft beer tents in the parking lot supplied by L. Knife and Sam Adams Brewery and will be attended by Shipwrecked TIPS certified employees. All beer and liquor will be sold to individuals with proper identification. The restaurant will be fully operational and food may be served indoors and out.

Live entertainment (provided by D.J. Gonz) will be playing outdoors between the hours of 10am – 6pm but will not infringe upon the proceedings of the road race.

Staff members including managers and kitchen staff will be present during the event who are Serve Safe, Crowd Management, and CPR/First Aid/Choke Training Certified.

Please feel free to contact the Shipwrecked management team with further questions.

Thank you,

Rob Loewen, General Manager Shipwrecked and Heights Hotel

508-540-9600

shipwreckedfalmouth@gmail.com

## CONSENT AGENDA

### 2. Administrative Orders

- a. Vote to accept a donation in the amount of \$335.00 from Kane Productions to the Conservation Department donation account

**May 23, 2022**

**Donation by Kane Productions and GE – Projects of \$335.00 to be applied to the Brievogel Conservation Area**

**Town staff worked extensively with Kane Productions to review dynamic plans for a Gucci Fashion Photo Shoot to be located at various private and public areas and requiring police detail scheduling/traffic assistance. On the last business day before the event the production team decided to remove Falmouth from the project. The producers regret the staff time spent on a project that was ultimately cancelled and would like to apply the permit fee and security deposit to Falmouth Conservation which will be applied to the Brievogel Conservation Area.**

## **CONSENT AGENA**

### **3. Review and Vote to Approve Minutes of Meetings**

- a. Public Session – January 31, 2022; April 4, 2022; April 25, 2022 and May 9, 2022

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, JANUARY 31, 2022**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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; Frank Duffy, Town Counsel.

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

1. Call to Order by Chair Brown at 7pm.

2. Pledge of Allegiance

3. Proclamation – Eagle Scout – Matthew J. Briggs, Boy Scout Troop 40  
**Patterson read the proclamation as a motion. Second English Braga. Vote: Yes-5. No-0.**

Briggs described his project, in March 2020 he coordinated a group of 30 people and their families to restore a trail to prevent eroding, including clearing brush.

4. Recognition

Chair Brown recognized the good work by the DPW and Eversource getting power back up quickly after the snowstorm.

5. Announcements

Scott Price noted tomorrow starts Black History month, activities going on coordinated by the Woods Hole Black History Month Committee, she suggested those interested search online for contact information.

North Falmouth elementary school has sprinkler problem, until replaced and fixed the school will not be able to operate.

6. Public Comment

Richard Duby, Blacksmith Shop Rd., left documentation regarding the Falmouth Police Department (FPD) disposal of firearms, disposal of surplus properties, tangible supply disposition, and a screenshot from website that listed the trade in value.

Dianna Mota, 30 Corte Real Ave., complaining about the condition of the roads. She filed two insurance claims since September. The Town is responsible for it through the excise tax. Is it possible to mandate that this be allocated for road infrastructure only? The tax is collected and goes into a general fund of each city or town, and she was told the revenue goes into a general fund for support of the general operating budget; use is unrestricted. Falmouth residents may not know that this insurance exists. The potholes are not taken care of and, as a result, they get bigger. The excise tax goes to the community, but the road conditions are destroying cars. The Town has neglected to remedy the situation and the Town is responsible for the repairs to her Jeep. She cited MA General Laws related to damage/injury due to defect in the roadways. Mota has spent over \$6,000 on repairs. She left documents with the Select Board.

Maureen Harlow-Hawkes, West Falmouth, Engine 24 taken offline during the storm, there was no engine with the four firefighters assigned to the station. She suggested it may be time to reconsider fast response vehicles, they are affordable, 4x4, and fit in every station.

Suso advised the Fire Department (FD) identified a replacement engine and is working on that at this time.

Suso cited the recent house fire in New Silver Beach, first arriving unit was from the West Falmouth Station.

Marc Finneran, Grand Ave., provided a document to the Select Board. Commented on the power line through Worcester Court Park. Electromagnetic fields and the affect to children is his concern and he provided information, citing a particular study. He does not believe this risk is worth the Town receiving \$20 million over 20 years; Mayflower can find another place to run the line. He also stated the notice for Thursday's 7pm meeting at the Lawrence School regarding the Hatchville fire station meeting was hidden in the Enterprise Newspaper.

Dave Moriarty, Falmouth, said Leukemia Association is having a virtual having open house on 2/6/22 at 1pm, it will be Town Meeting style allowing people to call in and ask questions. For more information /registration he suggested contacting Carrie Callas 847-917-6247, mail address [carrie@irfmail.org](mailto:carrie@irfmail.org).

7. Vote to Affirm Appointment of Town Counsel

Suso introduced and recommended Maura O'Keefe as Town Counsel, she was previously the Newton Assistant City Solicitor.

O'Keefe is looking forward to providing counsel and support to Falmouth. She will start March 7, 2022. She has begun searching for housing, intends to relocate, currently lives in Franklin and is used to an hour commute.

Scott Price motion to affirm the appointment and waive residency requirement. Second Patterson. Yes-5. No-0.

#### TOWN MANAGER'S PRELIMINARY REPORT

Suso provided preliminary comments on the agenda. Noted recommendation from Amy Lowell and Scott McGann for waiver of the flow neutral bylaw. Wastewater capacity is sufficient to accommodate the proposal and a Title V system could have been used.

Revisit the Select Board's earlier vote preference for potential Municipal Light Plant Board, to assist the Select Board it was placed on the agenda should you choose to vote it and consider adopting articles for Town Meeting. Letter from Michael Palmer, Clerk, regarding concerns potential consideration placing this item as special election and he recommends allowing it to move to May 2023 annual election. A special election would cost about \$10,000; most for costs associated with printing and preparation of the ballots.

There are 38 potential articles for April Town Meeting, including 6 petitioner articles.

St. Barnabas is seeking a routine variance for signage for annual seasonal events, been held consistently, he recommends favorable consideration by the Select Board.

Representative from the County regarding: ARPA funds, discussion of potentially making that available to municipalities. Falmouth got about \$3 million, county got \$41 million based on population. The Select Board sent a letter through Johnson-Staub to the county. Suso suggested submitting a follow up letter suggesting the County make the ARPA money available to the municipalities based on population.

English Braga asked Town Council whether a conflict exists and if Chair Brown needs to recuse himself from the vote due to his roles with the County and the Town. Johnson-Staub stated there is no conflict. Atty. Duffy will review the issue, Conflict of Interest Law, and determine the answer.

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

1. Application for a New All Alcoholic Beverages Common Victualler License – Limani, LLC located at 284 Main Street, Falmouth

English Braga read the hearing notice.

Suso noted there was transposition on the address, the 2 and 8 were reversed, but all information the Select Board has, and the notice are correct.

Natalia Demertsidis. Greek authentic cuisine, doing well for last two months. Town has welcomed them. She is the manager and TIPS certified. Brown explained that she is responsible for the liquor service event when not present.

**English Braga motion approval. Second Taylor. Vote: Yes-5. No-0.**

2. Application for a New All Alcoholic Beverages Common Victualler License – Woho, LLC d/b/a Provisions located at 87 Water Street, Units 1 and 2, Woods Hole (10 minutes)

English Braga read the hearing notice.

Bob Ament, representing Colleen Parish and Jeff Parish, who have lived in Falmouth since 1988. History of operation of restaurants and a food market in Falmouth. Reviewed their experience working in Falmouth markets, including liquor service. The restaurant will be located at 87 Water St., second floor has a total 67 seats. The Manager is TIPS trained, ServSafe trained, and trained in allergy awareness. 850 people signed petitions or wrote letters supporting the restaurant. When business is so slow that they cannot operate, it can be challenging to remain open year round; hopefully the restaurant will help them sustain the market and if they can be open year round, they would like to.

English Braga noted the Parishes have had a number of establishments and she is not aware of any issues. Entertainment license did not get public notice, so they will do it at another meeting.

Taylor asked about accessibility; there are 5 seats behind the store and 16 seats proposed for a ground level patio that is handicap accessible. There is no elevator to the second floor.

Public Comment: none.

**English Braga motion approval. Second Taylor. Vote: Yes-5. No-0.**

3. Wetlands/Dock Hearing – Nina’s Marina Realty Trust – Install new vinyl sheet pile bulkhead adjacent to and landward of existing licensed timber bulkheads, and removal of existing tongue and groove timber sheathing, located at 306 Scranton Avenue, in the waters of Falmouth Inner Harbor, continued from December 6, 2021, and January 10, 2022

English Braga read the hearing notice.

This hearing was continued from 12/6/21 and 1/10/22.

Mike McGrath, Holmes and McGrath, explained the existing bulkhead is old and leaking material, proposing to rebuild the bulkheads and reviewed a plan via PowerPoint, described the area. Access for work was shown on the plan. Reviewed a map of one of the two sections, materials, existing materials and proposal to drive tongue and groove sheeting. Tie rods will be welded. Building new sand filter behind the boardwalk to catch the surface run off. They have an order of conditions, asked for an amended order of conditions, but it has not yet issued. This is appropriate for a Special Permit because of the benefits of stopping silt into the harbor, improve structure on shores of Falmouth inner harbor, intercept surface run off and pipe it as far as they can from the harbor. Piles will be driven in, they could be vibrated in, if possible.

Public comment: none.

**English Braga motion to close hearing. Second Patterson. Vote: Yes-5. No-0.**

**English Brags motion approval. Second Scott Price. Vote: Yes-5. No-0.**

4. Wetlands/Dock Hearing – Daniel M. Solien – Installation of a light duty dock in the waters of Coonamessett Pond at 91 Atamansit Road, Hatchville

English Braga read the hearing notice.

Jeff Ryther, BSS Design, representing the applicant. The dock comprises of a 4 ft. wide walkway and fixed dock 8’x12’ at the end. They would like to license the existing stone riprap. Maximum area that the Conservation Commission allows for this type of dock is 100 square feet at the end; they are at 96 square

feet. There is a ladder for swimming. Have an Order of Conditions, Harbor Master has no problem. Five horsepower engine is the limit on the pond and will be added as a condition.

Public comment: none.

**English Braga motion to close the hearing. Second Scott Price. Vote: Yes-5. No-0.**

**English Braga motion approval with reminder of the existing limitation for the horsepower. Second Taylor. Vote: Yes-5. No-0.**

5. Wetlands/Dock Hearing – George Psychojos – Construct a pier, ramp and float in the waters of Siders Pond at 94 Emmons Road, Falmouth

English Braga read the hearing notice. The Select Board received new orders of condition today.

Jeff Ryther, BSS Design, representing the applicant. Propose to construct a pier ramp float, described the 8'x12' float, length is 25', built at shoreline, use for boating and swimming. The soundings are deep. The float will most likely be seasonal.

Public Comment: none.

**Taylor motion close the hearing. Second English Braga. Vote: Yes-5. No-0.**

**Scott Price motion approval. Second Taylor. Vote: Yes-5. No-0.**

6. Flow Neutral Bylaw – Evaluation of Request for Variance – Jeffrey and Donna Stearns – 156 Teaticket Highway, East Falmouth (parcel 39 14 026 000)

Public hearing published 1/14/22 in Falmouth Enterprise.

Michael Leary, ML Construction, applicant unable to be present due to snow.

English Braga said this creates office space and an apartment.

Public comment: none.

**Taylor motion close the hearing. Second English Braga. Vote: Yes-5. No-0.**

**Scott Price motion approval. Second Taylor. Vote: Yes-5. No-0.**

## **BUSINESS**

1. Discuss and Vote preference for potential Municipal Light Plant Board

Patterson noted about \$10,000 for a special election.

Suso said that to proceed with requesting a special act and this election be held with November state election. This will be a warrant article, draft article 27, and would be included; ultimately it is up to Town Meeting to decide and decide Articles 25 and 26.

David Moriarty asked if Petitioner's Article 22 could be delegated for internet only.

Johnson-Staub noted this is a petition article, the Select Board cannot change the petition article, must be printed and submitted by the petitioners; the petitioners could move a substitute main motion if so inclined or there could be an amendment by the Select Board or anyone at the Town Meeting to make it more explicit that it is for broadband, not electricity.

Chair Brown suggested the explanation include this information.

Atty. Duffy noted the statute is confusing, it allows the Town to adopt legislation to create a municipal light board with original purpose was for light plant; over the years it has included broadband. FalmouthNet is

only broadband, no interest in electricity. The article notifies people what they will talk about and then motion made. The explanation is not part of the vote, care should be made in coming up with the motion at Town Meeting.

David Moriarty asked that this go through the normal procedure. Chair Brown explained this is to elect the five-member board and hire a manager for operations.

English Braga noted that only broadband has been discussed, likely there will be an amended motion at Town Meeting, something specific that says broadband internet.

Chair Brown motion to petition the State to allow a special election to be held at the same time as the State General Election in November 2022 for the purpose of determining this Municipal Light Plant Board.

Taylor cannot vote for that given what it will do to the Town Clerk and the Town Clerk is not in favor of it.

Marc Finneran asked if they have option of doing it during the primary.

Atty. Duffy noted the Select Board is allowed to call a Special Election to fill a vacancy on the Select Board at any time, for any other special election you need special legislation.

Suso noted the Town Clerk said it is the printing of the separate ballot that represents the increased cost.

Scott Price asked how long it takes Special Legislation to pass, Suso explained that they rely on their local State representatives to move that forward. It is widely variable. Town Meeting would act first, then they would reach out to seek approval through the General Court and communicate directly with the legislative delegation.

Atty. Duffy noted if decided to petition the General Court for special legislation, his office would draft that petition. The Town chooses the timeline and it's very short.

Scott Price asked if the Select Board decision on this will affect how Town Meeting votes on Articles 25 and 26.

English Braga noted Town Meeting generally makes the right decisions, issues are hashed out, and she likes to put more rather than less to Town Meeting.

**English Braga motion to petition for a special election for Municipal Light Plant Board if it should be voted by Town meeting in November, 2022. Second Patterson. Vote: Yes-3. No-2. (Taylor and Scott Price)**

2. **Vote Articles and Execute Warrant for April 2022 Annual Town Meeting**

Suso noted the schedule is on adjacent page to the warrant, tonight the Select Board will vote to execute, approve article.

The articles were read by Chair Brown.

1-5

6-12

13: Scott Price noted grammatical errors.

14: There has been an estimate identified, about to execute a contract with an engineering firm for design, it will be in motion.

15

16: Estimate will be in the motion.

17:

18-21: Acquiring property for sewer: no intent to exercise eminent domain.

22, 23, 24

33

**Patterson motion to include draft articles 1-38 on the warrant. Second Taylor. Vote: Yes-5. No-0.**

3. Request for Variance to Sign Code – Chapter 184-30 (C) Special Events – St. Barnabas Church, 91 Main Street, Falmouth

Reverend Will Mebane thanked the Town for taking care after the storm. Placement of temporary signs on the property, they are very active community, and they are allowed 2 signs a year for 7 days. Their lobster on the lawn is a 40-day event, asking for exemption from that code. They have a number of events, they want to be in compliance.

Scott Price disclosed that she is a member of St. Barnabas.

Suso said it is an annual requirement to come in, easy to replicate this package annually.

The Select Board noted the signage is important.

**English Braga motion approval. Second Taylor. Vote: Yes-5. No-0.**

4. Discussion on distribution of County ARPA Funds

Johnson-Staub noted issue that came up in meeting; allocate the funds based on population; this is how the funds were allocated to the County in the first place and this is the basis all other counties have done. Eric Turkington provided explanation around this item.

**Patterson motion to direct the Town Manager to transmit a follow up letter asking that ARPA Funding be redistributed to Cape Cod municipalities based on population as originally allocated by the federal government. Second Scott Price. Vote: Yes-5. No-0.**

Suso noted any discussion may also imply a vote because that is all they are legally required to do.

Suso noted the Cape Cod Managers Association recommended what the Select Board had just voted.

Marc Finneran commented that if all other counties in the State are distributing based on how the federal government distributed by population, could we have grounds to sue the County if they distribute it differently? Johnson-Staub said there is no indication that the County must allocate the funds to the Towns and, if so, by population.

## CONSENT AGENDA

1. Licenses
  - a. Approve application for a Change of Manager of an all Alcoholic Common Victualler License – Cape Cod Country Club, located at 48 Theater Drive, Hatchville  
Dan Noble, Serve Safe, TIPS, allergen certified within the last 60 days.
  - b. Approve application for a Change of Address of a Wine and Malt Beverages License – New Golden Dynasty Restaurant, Inc., located at 13 Davis Straits, Unit #7, Falmouth
2. Administrative Orders
  - a. Approve 2022 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission
  - b. Approve Grant of License to Shanklin Family Real Estate Trust to maintain a stockade fence, gate and hedges encroaching onto the street layout of Central Avenue at 490 Central Avenue
  - c. Vote to approve request to extend the term of the Edward Marks Building Committee until 12/31/24
  - d. Approve request for a waiver of the sign permit fee, Chapter 184 Section 12, from Unitarian Universalist Fellowship of Falmouth, 840 Sandwich Road
  - e. Authorize the Town Manager and Town Counsel to respond to Open Meeting Law complaint filed by David Moriarty re: Select Board meeting of January 15, 2022
  - f. Authorize the Town Manager to transmit a letter of support of Marine Biological Laboratory (MBL) grant application for funds to repair the seawall in Waterfront Park in Woods Hole

**Taylor motion approval. Second English Braga. Vote: Yes-5. No-0.**

3. Review and Vote to Approve Minutes of Meetings

- Public Session –  
December 20, 2021

**Patterson motion approval as edited. Second Scott Price. Vote: Yes-5. No-0.**

January 3, 2022

**English Braga motion approval as edited. Second Taylor. Vote: Yes-5. No-0.**

**TOWN MANAGER'S SUPPLEMENTAL REPORT**

Suso reported he attached to his report a summary recruitment update for Town positions.

Joined the Finance Committee's weekly meeting. Joined the EDIC on presentation on alternatives for the depot property. The Sandwich Road Fire Station Building Committee public meeting to review design and take public comments will be held on 2/3/22.

**SELECT BOARD MEMBERS' REPORTS**

English Braga received some concerns about the EDIC redevelopment plans for the Falmouth Station, neighbors had a concern about the 1/26/22 web format meeting. This will be a community project and she heard from a few people with that same concern; this was not something they were aware it was progressing the way that it was. Chair Brown reported he has been attending meetings and advocating to keep the shared parking in the back, he will continue to do so. Trying to get them to keep an open mind about that. Patterson said that he is on the EDIC Board, all has been taking information, deliberation, and no decisions have been made. Chair Brown voiced concern that the last meeting was a summary of comments received, they did not include any comments that he made each time about the Elks Club.

Chair Brown announced a joint meeting was to be held with the Transportation and Bikeways/Pedestrian Committees on Wednesday via Zoom to review how Complete Streets prioritization plan.

Patterson is part of EDIC meetings, tried to attend the MMA annual meeting and did not find it useful. Watched Mayflower Wind webinar where they explained the project they are doing and how they will route half their power through Brayton Point, the other half they want to route through Falmouth to connect to the grid.

Dave Moriarty asked if the Select Board could ask Mayflower Wind to put on a presentation to the Town as soon as possible. The Select Board noted they expect a presentation soon.

**English Braga motion to adjourn at 9:30 pm. Second Patterson. Vote: Yes-5. No-0.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**MEETING MINUTES**  
**MONDAY, APRIL 4, 2022 – 6:00 P.M.**

**LAWRENCE SCHOOL**  
**113 LAKEVIEW AVENUE**  
**FALMOUTH, MA 02540**

**ROOM 105**

*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; 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. Call to order by Chair Brown at 6pm.
2. Interview, vote and appoint member to Barnstable County Assembly of Delegates

a. Daniel Gessen

Mr. Gessen ran for the Assembly in 2020, County government is unique, the most robust County government by far, shared issues in the county include wastewater management, affordable housing, and the business climate. With the American Rescue Plan Act (ARPA) funding, the role of the County has grown. He agrees with the Town position on ARPA funding, there is little benefit to the battle in the county government. The ARPA is meant to relieve pressures by the pandemic upon local businesses and infrastructure. There are plans in County government to distribute regionally, but they would not do that as efficiently as the towns could.

Mr. Gessen explained that the issue he had with the MA Office of Campaign and Political Finance (OCPF) was a miscommunication regarding whether his campaign was, which it had not been for two years and the OCPF was looking to waive the fee he was charged due to the error.

Mr. Gessen will be able to meet the demands of the position. He plans to attend the meetings in person, at this time he will attend additional meetings remotely and in person once he graduates and is back in the area.

b. Jack O'Connor

Mr. O'Connor has lived in Falmouth since 1999, recently retired, and has a lot of time available. He would like to give back to the community. He has always followed what is going on here, enjoyed living here, great way for him to use his 35 years in finance background. He has had relationships with large cities, experience interacting with towns, cities, both local and nationally. He can make his experience available and dedicate time to the position.

He has watched Assembly meetings. He would like to serve the Town, feels that the ARPA funds allocation should go to the Towns directly. At the county level there is a situation of people having a certain amount of money and will not have it next year. There is significant value in the services the County provides, and a place for it. He supports government running as basic as possible.

Major issues Falmouth is facing that will be invested in include, wastewater treatment and treatment of all waters, affordable housing, and transportation.

The Select Board commented that the EDIC would benefit from him with his finance and business background and a piece they always need support with.

c. *Robert Volosevich (pending receipt of application)* no application received.

**Mr. Patterson motion to appoint Gessen as member to Barnstable County Assembly of Delegates. Second Dr. Taylor. Vote: Yes-5. No-0.**

3. Application for a New All Alcoholic Beverages Common Victualler License – Tiger Ramen, Inc. d/b/a Tiger Ramen located at 587 Main Street, Falmouth, continued from March 28, 2022

The abutters list was determined to be done sufficiently, it does not include someone who has a business across the street; all abutters were contacted and notified.

**Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.**

4. Authorize the Town Manager and Town Counsel to respond to Open Meeting Law complaint filed by Ronald Beatty re: Select Board meetings of March 14, March 22, and March 29, 2022

**Dr. Taylor motion to authorize. Second Ms. Scott Price. Vote: Yes-5. No-0.**

5. Discuss/Vote Motions and Reports to Town Meeting as Needed
  - a. Discussion and vote on Town Meeting Article 26 to clarify language as follows: “. . . with the first election being held at the next municipal election”.

**Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.**

6. Discuss, Consider and Vote Date for November 2022 Town Meeting

Monday 11/14/22

**Mr. Patterson motion to set Monday November 14, 2022, as the November 2022 Town Meeting date. Second Dr. Taylor. Vote: Yes-5. No-0.**

7. Other Business As Needed  
Ms. Scott Price asked that at the next meeting the Select Board discuss a joint meeting with the Affordable Housing Committee.
8. **Ms. English Braga motion to adjourn at approximately 6:30pm. Second Dr. Taylor. Vote: Yes-5. No-0.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, APRIL 25, 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 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 6:45 p.m. and motioned to convene the executive session under M.G.L. c.30A s.21(a)(3) – Review and discuss proposed workers' compensation settlement for a town employee 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. Dr. Taylor, aye.**

2. Pledge of Allegiance

3. Proclamations:

- a. **Eagle Scout Max C. April, Boy Scout Troop 40**  
**Mr. Patterson read the proclamation in the packet as a motion. Second Ms. English Braga. Vote: Yes-5. No-0.**

Mr. April led volunteers on a site improvement along Nobska Light. Work completed included fixing a fence, painting another fence, and fixing some steps that go up from the parking area to the lighthouse.

- b. **Falmouth Chamber of Commerce 2022 Citizen of the Year – Jay Zavala**  
**Ms. English Braga read the proclamation in the packet as a motion. Second Mr. Patterson. Vote: Yes-5. No-0.**

4. Recognition-none.

5. Announcements

Update on Housing Coordinator position, appointed Kim Fish.  
Ms. Fish thanked the Select Board (Board) for the opportunity, loves the community, and is excited to be able to address important community needs.

Ms. Suso acknowledged Republic Services has had a problem with trash pickup for the last week or so. Peter McConarty has spoken with Republic Services, they were down drivers due to illness. They have caught up with the areas they missed last week. Republic Services reports they will be all caught up by Wednesday.

Chair Brown asked if there could be feedback to Republic so that they are more responsive to customers.

Chair Brown said they hoped to have an open house forum with Mayflower Wind (Mayflower), the live meeting will likely not happen, Mayflower scheduled a Zoom forum that same week. They are not available until after May 12.

6. Public Comment

Chair Brown read the Public Comment Policy.

Diana Mota, Re: 33 Pheasant Lane, noted a lot in her neighborhood was unbuildable, but was still built on it. She and others have been paying to litigate this for years. Ms. Mota would like to see some change. Ms. Mota got a copy of the budget, expressed concern about the Board member payments along with the unfunded positions in Fire Department (FFD) and the Police Department (FPD).

Dave Moriarty, Falmouth resident, asked if any other bids have been accepted for the wind turbines? The Board stated they could not respond to comments during the public comment section and cited the Open Meeting Law.

Mr. Moriarty said that the community would like to have a meeting and requested it be on the agenda in two weeks.

Mr. Moriarty wants a meeting about the Mayflower Wind project and noted it will likely need several meetings.

7. Affirm appointment of Town Planner  
Jed Cornock, he has been Asst. Town Planner, Acting Town Planner, and his resume is in the packet and Mr. Suso recommends appointment of Mr. Cornock. Also request waiver of the residency requirement.

Mr. Cornock is pleased to be the next Town Planner, he is looking forward to working with the Planning Department and the public.

**Chair Brown motion to affirm the appointment. Second Ms. Scott Price. Vote: Yes-5. No-0.**

#### **TOWN MANAGER'S PRELIMINARY REPORT**

Mr. Suso provided a preliminary summary. Vehicle licenses are in order and the Comcast license is recommended for ratification. FPD Chief Dunne and Sgt. Guthrie will make presentation on procurement of FPD weapons, George Spivey serving temporarily as the DEI Officer up to 25 hours per week. Recommend a maximum of 10,000 runners in the road race. All items on consent agenda are in order and Board support is recommended. Three fee waivers, Joe Q. Veteran Coffee Break is requesting some changes to the space, and it is recommended. The 5/17/22 warrant is recommended for action. Retired Town Counsel Frank Duffy previously recommended settling the title. Support is recommended for the Pettersen farm.

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

1. Wetlands/Dock – George Botelho, Jr. – Application for Special Permit to replace existing floating dock with a fixed dock in the same footprint in the waters of Flax Pond located at 22 Flax Pond Road

Ms. English Braga read the hearing notice.

Mike Borselli, Falmouth Engineering, representing the applicant. Water frontage on Flax Pond, a fresh pond. This is a seasonal floating dock at this property for decades and the applicant would like to reconstruct the floating dock and licensing through Waterways. Application is to make it a permanent fixed structure with no floats. The Conservation Commission issued an Order of Conditions. Reviewed the plan via screen.

Public Comment: none.

**Mr. Patterson motion to close the hearing. Second Ms. Scott Price. Vote: Yes-5. No-0.**

**Dr. Taylor motion approval. Second Ms. Scott Price. Vote: Yes-5. No-0.**

2. Wetlands/Dock – Andrew Goldman – Application for Special Permit to construct a fixed pier with a 4' walkway and a 6'x16' float in the waters of Green Pond located at 60 Pheasant Lane (15 minutes)

Ms. English Braga read the hearing notice.

Mike Borselli, Falmouth Engineering, representing the applicant. Both abutters have docks. Reviewed the design and plan, survey of the waterfront was conducted. They did a layout of where the dock location made the most sense, so it has no impact on neighboring docks. Shared the design with the Harbor Master,

who had no issues with understanding there is an existing mooring that the applicant will no longer have access to moor a boat. The Conservation Commission issued an Order of Conditions. The dock is fixed until the end, shellfish survey revealed no significant density of shellfish. This meets all environmental requirements.

Public Comment: none.

**Ms. Scott Price motion to close the hearing, Second Dr. Taylor. Vote: Yes-5. No-0.**

**Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.**

3. Vote to Adopt Amended Order of Betterment Assessment for the Little Pond Sewer Service Area (Kendall Lane)

Ms. English Braga read the hearing notice.

Mr. Suso noted this was brought forward by Retired Town Counsel Frank Duffy. Mr. Johnson-Staub explained if you look at the amount, lays out \$76,147 total unpaid, that amount is divided by the 28 lots, so each lot is assessed \$2,719.

Dianna Mota asked what this was about. Chair Brown explained that this property had 7 lots, now it is an affordable housing development and has 28 lots. Each homeowner will have to pay a betterment balance of \$2,719.

Marc Finneran feels there is some inequity, this is a 40B, so 75% are market rate, why should the market rate units only pay about \$2,000? The market rate units should be assessed at the full amount due, not the amount also due on the affordable units.

Atty. Laura Moynihan explained that at the time of the comprehensive permit, there was a legal ruling on the betterment, the same question Mr. Finneran asked came up back then. There was a legal opinion that based on the statute there was not any right to do anything other than divide the 7 lots already assessed by the additional lots. It was expected to be approved, the betterment for the affordable lots that will be paid upon sale of each unit.

Mr. Finneran said that it is not equitable, is unfair and unjust. He objects to this and believes it may be in violation of the 14<sup>th</sup> amendment. There is no reason for the Town to give up this income and they are purchasing market rate units.

Mr. Suso will consult with Town Counsel and follow up with the Board.

Mr. Patterson noted this development in process for 8 years, the betterment was assessed through the property with understanding 7 units could be developed. The cost of the sewer has been paid for, now there will be 28 units, local zoning does not apply anymore, that is why it turned out the way it did.

Jerry Potamis, commented that he recalled that when a betterment is done, each lot should be assessed the same way. The Board should check with the Assessor's Office about the ability to unequally apply betterments to the singular properties there. Simple math is likely in accordance with the assessment law.

Atty. Moynihan, explained it is the balance of what is owed on the betterment. She has an email from Trish Favulli to her client where Ms. Favulli does the breakdown of the apportionment where she says \$79,000 is owing. It is unknown when the ruling was given by the Town Counsel, she understands the issue was looked at. If the Board is inclined to get that opinion, she asks for continuance to a date certain.

Mr. Finneran noted Frank Duffy gave an opinion, he is not a judge and incapable of giving a ruling. Giving the market rate units a break is not equitable.

**Mr. Patterson motion, in agreement with the applicant, to continue this item to Monday May 9, 2022. Second Ms. English Braga. Vote: Yes-5. No-0.**

Town Counsel understands much work has been put into this question, two weeks should be sufficient to review.

4. Application for a New Wine, Malt and Cordials Common Victualler License – Mike Bullard Concierge Services, Inc. d/b/a Doggz & Hoggz located at 781 Main Street, Falmouth

Hearing note read by Ms. Scott Price.

Mr. Bullard is looking to renew, they let it go because of the pandemic, now they want to put the product back on.

Public comment: none.

**Ms. English Braga motion to close the hearing. Second Mr. Patterson. Vote: Yes-5. No-0.**

**Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

5. Application for an Amendment to a Bowling Alley License – Town Hall Partners d/b/a Timber located at 23 Town Hall Square, Falmouth

Ms. English Braga read the hearing notice.

The notification was not properly noticed for tonight, it was published with a hearing date of May 9, 2022. The applicant was informed the hearing will be May 9, 2022.

The applicant explained that the amendment is wanted because the bowling alley license originally listed the number of lanes as ten, however there are twelve lanes.

## BUSINESS

1. Comcast cable license ratification

Michael Eder, Chair Cable Advisory Committee, reviewed membership. The committee has two primary activities, once every ten years they get involved in granting a new license to the cable provider, reviewed other licenses for other towns, had an ascertainment hearing, reviewed the current license, act as liaison when there are any kind of issues, about 12-14 people contacted him, most service issues were resolved, including provider and pricing. They had some people come to them with internet issues as well. Subscribership is dropping. Revenues are remaining flat, as they are able to sell more services for infrastructure, fees for certain channels are charged. There has been about a ten percent drop in subscribers since 2017. The Town gets about \$1 million a year revenue in Public, Educational, and Governmental (PEG) fees, that is the majority of funding for FCTV. Comcast is in the mobile network business, they cannot just disappear and not have a convenient office for customers to go to.

The main points of Falmouth's contract with Comcast were reviewed, including ten year non-exclusive license, three PEG channels-one with high definition, the local office will remain in Falmouth through at least 2025. It could take up to three years to get high definition. The PEG channels are streaming now, there will be a new playback system to increase capacity of viewers able to watch at the same time. Government meetings are accessible on the FCTV website and can be watched anytime.

Jennifer Mullen, Falmouth Finance Director, explained Comcast is not agreeing to keeping an office in Town, we are fortunate we could get it until 2025. It may be there longer, they wanted some flexibility. The language used on this item in the contract is based on federal language.

Public Comment:

Marc Finneran, he will get an HD antenna and has friends who have them. When he had Comcast, much of the time he watched FCTV. He would like it if the FCTV signal could be put over the air so that antennas can be picked up locally.

**Ms. Scott Price read the following as a motion: I hereby move that the Board, as cable television license Issuing Authority, vote as follows:**

To grant the subject Cable Television Renewal License, with a License renewal term of April 1, 2022 – March 31, 2032, to Comcast Cable Communications Management, LLC. (“Comcast”). All terms and conditions contained in the Renewal License have been agreed to by Comcast. Comcast, by and through its authorized representative, shall execute this Renewal License (Agreement) as set out on the Signature Page of the Renewal License. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. Scott Price motion to recognize and acknowledge the Senior Citizen Discount letter from Comcast, dated April 11, 2022 and signed by Comcast’s Senior Manager of Government & Regulatory Affairs, Michael Galla. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Status update on procurement of Police Department weapons

FPD Chief Dunne updating the Board on firearms proposals.

Sgt. Guthrie is the manager of the firearms department. According to Sgt. Guthrie, they accepted three bids, reviewed the bids, and chose the best deal for the Town. They got a bid from a manufacturer, but it did not include taking the old weapons in trade, the other two bids included the weapons taken in trade. Powderhorn Outfitters bid was accepted, the new weapons need to be purchased and officers will need to train on the new ones before transitioning to the new weapons. The guns are on order and chose Windham Weaponry, customized to accommodate right and left hand shooters.

Chair Brown asked about the manufacturer not taking them back. Would it be advantageous to not have the trade in, procurement law says if they are over \$10,000 value they cannot be destroyed. How do you come to that value? Procurement law says fair market value.

Fair market value: The dealer offered trade in values of \$500 each for colt rifles and \$750 for short barrel rifles, total trade in value of \$11,175. The new rifles cost \$30,000, trade is \$11,175, total out of pocket cost to purchase is \$19,100, far less than what was anticipated when they originally did the pricing.

Chair Brown said that he reached out to a national representative at Colt, he gave costs of their values. Colts are a higher value, Sgt. Guthrie talked to Colt, the accessories that go with the weapons is separate. He got a Colt quote when they went to Town Meeting, went to Officestore.com/Interstate tactical. What will Powderhorn do with the trade ins? Sgt. Guthrie said that is up to Powderhorn. Ms. English Braga said that is the crux of the question brought to this Board. The guns will likely be sold to a manufacturer, maybe to individual police officers who want to buy them.

Public Comment:

Richard Duby said the main question is the value of the weapons, but the need to aggregate. MA Inspector General’s Office (IG) is stating the individual items need to be valued, there is no allocation for trade ins. You cannot offer trade-ins unless it is less than \$10,000 in value and the local jurisdiction specifies trade ins are acceptable. What he is suggesting is that these weapons will eventually end up in private hands, many have 10,000 rounds or more on them. Falmouth is selling itself short, not following the IG guidelines or 30B guidelines and selling weapons that could end up in the public’s hands. Any member of law enforcement can legally purchase these weapons. The board needs to establish guidelines to dispose of these. Until that is done, he does not see how they can allow a trade in.

Mr. Suso suggested Town Counsel research the issue and report back to the Board.

Mr. Johnson-Staub said that he has been working with Ch. 30B and trained by the IG, it is bid splitting to take like items and treat them as separate items. Trade ins, if value of trade in is less than \$10,000 then you can include a quote process and sealed bid.

The purchase had already been made with the vendor.

Marc Finneran noted that State law allows for trade in value.

Mr. Duby noted there is no bid splitting involved here. Chair Brown said that there were a number of weapons, Mr. Johnson-Staub noted in this instance buying weapons and that is one procurement on the purchasing side, then a trade is legally allowed.

Ms. English Braga suggested requesting a written opinion from the Inspector General so that everyone knows the answer to the following questions: 1. Aggregate v. separate value and 2. Trade in, fair market, and including it.

Sgt. Guthrie can continue conversation with Powderhorn, he will find out if they can sell the weapons back to retired or current law enforcement. Chief Dunne said that officers are asked if they want to purchase their weapon when transitioned to new weapons.

Barbara Schneider, Precinct 4, Town Meeting Member, her takeaway at Town Meeting was that they were voting to allow this purchase not tying in the trade in, and there was a strong message on the floor that they all hoped the right thing would be done to secure the weapons, so they do not get into the wrong hands.

Tom Stone, Old Campus Drive, these are deadly weapons being traded in, they will get into the general population and there is a chance that they will wind up with an organization like Interstate Arms. This is an unusual case and Falmouth could take leadership in this area.

Mark Horn, Jones Road, said these weapons are nearly identical to what he can and has legally purchased in this State, the second amendment and state law allow citizens to be able to legally purchase.

### 3. Discussion of Diversity Equity and Inclusion Officer position

Mr. Suso noted in the packet was a notice that Superintendent Deurr and Mr. Suso had signed regarding George Spivey serving as DEI officer, working up to 25 hours, and reporting back to Mr. Suso and Superintendent Deurr. The Board will discuss their desire to proceed with this position. They could explore a part time position on the Town side. What if the Board supported a full time position, but in the interim only have funding for part time position.

Ms. English Braga noted the position does not exist as it is currently being filled, the position was created by Town Meeting, if it changes it will need to be reflected in the budget, it needs to be overhauled if they hire a full time individual for the Town side of things. In the meantime, they have someone working part time on the Town side.

Dr. Taylor's concern is that the position is important, what do we do in the meantime. The Town still has funding for a full time position, need to think about what the Town will do moving forward. The Board can hire as part time. Chair Brown wants to see if there is any interest in the part time position. Mr. Spivey is assisting the School Department and the Town. The Board wants a plan going forward, it could get an opportunity to onboard and work with someone who knows the Town well and has done this job.

Dianna Mota commented it is a vacant, but funded position.

Sandy Falman-Silva, Precinct 2, original maker of the motion that created this position, she is pleased the Board is willing to potentially continue the half time position until Town Meeting and then support a full time position. There is language to what that position would be doing, and she is willing to assist in helping them and hopes that the salary structure of that position is executive level.

Debo Aruban (phonetic) supports this position being funded, full time, and someone in the position during the transition. She asked what George Spivey's role is and what is he doing for the Town side.

Mr. Suso will have George speak to the Board about his activities in his current position at a future Board meeting.

### 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

Scott Ghelfi, President of the Board of Directors for the Falmouth Road Race read from a written statement. Set up a grant process, scholarship committee, \$4.3 million and proud of what they have accomplished as community partners. Made commitment of health and safety to the runners. Added medical staff, Cape Cod Healthcare is a sponsor, reviewed the actions taken to ensure accessibility to medical services during the Road Race. Public Safety, they put on a safe race with assistance by the FPD and FFD. Reduction in field size will cost \$300,000 that will not go back to the community, they will not have Falmouth citizens able to run the 50<sup>th</sup> race. Emergency services are short staffed, they have looked

into supplementing FPD with additional resources to help satisfy public safety concerns and so that FPD will be available to answer calls for service not related to the road race. Falmouth residents may run unregistered anyway, could lead to problems. As a team with Falmouth they have properly planned, have a unified command center, along with collaboration between the race and the community.

Chair Brown asked if Mr. Ghelfi has concern getting everyone into Woods Hole on the day of the race? Mr. Ghelfi has been at the start, all are into Woods Hole on time, they are working on transportation plan, working with FPD, understands it needs to be more efficient, but they can transport that amount of people into Woods Hole. 12-15% of registered runners may not show up on race day.

Kira Grant Edwards, Precinct 1, she read the Enterprise Cover Friday and is present on behalf of the 2,500 Falmouth residents who won't be able to run it this year, she has run when she could the last 25 years. This is one thing that keeps them healthy, this race motivates many to stay in shape all year. She is appealing to the Board for the 2,500 Falmouth residents who will be, for the first time, not able to run this road race. Most do not realize they will not have the opportunity this year. She urged the Board to overturn this.

Chair Brown asked to hear from FPD Chiefs responsible for public safety. Captain Reid present as well. Chief Dunne said the FPD has a good working relationship with the road race, it has been around 12,800 runners, is a Thursday-Sunday event for the FPD, gone into hoping nothing bad happens. They are already hosting the largest event of the year-summer in Falmouth. Huge traffic gridlocks have prevented the FPD from responding to calls in Woods Hole, Falmouth Heights, and Main Street. Then Covid in 2020, 2021, the race ran 8,000 runners, it was manageable, and they were able to manage the race and Town to keep everyone safe. The Boston Marathon has 3,000 police officers, 25,000 runners. Falmouth is hosting half of that and not going through other towns. For years there are issues to get everyone there on time, traffic causes buses to drop runners off so they can walk to the start. This year when the Road race submitted application, it was for 15,000 runners, a band, and beer garden on the field. First aware of that when they submitted their application in February 2022. Last year was 8,000 runners, because of the 50<sup>th</sup> anniversary, they figure they can do 10,000 safely. This year a big summer is expected, the FPD has 44 officers scheduled to work right now, down to 42 in July due to retirements. They reach out to other departments every year. Last year they were able to get the roads open 2.5 hours earlier than in past years. Last year they still did not get everyone out of the bus lanes when they were supposed to, had an incident there. Provided the number of officers from other departments to assist FPD. All police departments and law enforcement are shorthanded. Problem with the Sheriff's Office is that they are not properly certified, they cannot be on the street doing police work. If he did not make it mandatory to show up to work that day, they would not have any officers. He would embrace civilian flaggers where he does not really need a police officer but would not increase the number of runners. This is a limit that will be used hereafter. He cannot control the growth of this Town, since 2011 this Town has grown drastically. 12,800 was probably doable, however with the growth of the Town, that may not be.

Captain Reid said that they are not opposed to increasing the field size in the future, have to figure out how to get 10,000 people down to Woods Hole, once they can do that without a hiccup, they can consider increasing the number.

Ms. Scott Price asked how many officers the Chief would want in Town to make him more comfortable with a larger field of runners. Chief Dunne said 100-150 officers because there are 44 square miles, they have to promote public safety.

Capt. Reid said that the population has grown over the years, the geography has not, the capacity of Woods Hole, does not support 12,800 people fitting in there.

Mr. Finneran, 98 Grand Ave., suggested staggering the start may be an acceptable compromise? Elites run and then stretch the field out a little bit. He recalls they always had a band and gathering at the ball field. This is a well-known road race, to curtail it without a reasonable compromise would be unfortunate.

Juliane Augusta, Road Race Board of Directors, the Road Race benefits the Town. For over a decade, 12,800 runners have participated. She reviewed the incidents FPD responded to over the summer; five weekends the least amount of calls were during road race. They had no idea their number was going to be limited, asked Falmouth to hold the race to benefit the Town, all from Falmouth with exception of 250 people will not be able to run.

Ms. English Braga noted this happened when we first had Covid and needed to make changes to the road race. A proposal for 15,000 people was not accepted, another number was accepted, every event proposed by any organization goes through the same process.

Chief Dunne said he meets with organizations about different events throughout the year, previous conversations with Bob Antonucci and Mr. Ghelfi, they said they start planning the day after the road race. FPD had no idea they wanted 15,000 runners, alcohol on the field, and a band. The call numbers will be provided by the Communication Director, the numbers for public safety as a whole. FPD is a reactive department, they cannot do proactively policing because there are not enough personnel at this time.

Communication Director Chris Campbell, he is also on Special Events Committee, he looked at overall incident numbers over the last five years the weekend of the road race, they looked at what days were most impacted, Thursday through Sunday. When looking at the race itself, that is one incident, there may be multiple layers. He provided the calls for service logged for the FPD and FFD. He does monthly reports and submits to both Chiefs regarding call volumes.

Ms. English Braga asked Mr. Ghelfi, is there a date they have to tell them by for Covid deferments.

Mr. Ghelfi said they are up to 3,000 registered, firm number will be had by Saturday. The bids are assigned to charities. They submitted their application on February 24 to the Special Events Committee as they do yearly, he will have more communication with the staff in the fall. They have not done anything different than they have in previous years.

Ms. Scott Price noted concern Falmouth runners will not be able to run. Take 6,000 deferments who were guaranteed a slot, then 3,500 charity numbers already sold in November, then 500 to sponsors, that is why they are at that limit. 250 of those 6,000 deferments are Falmouth residents. He has considered other times of the year, they are part of a national road race schedule, many volunteers are college students, summer residents. They review internally and include FFD and FPD.

FFD Chief Smith has volunteered for the road race and worked on shift, he has a great working relationship with the road race organization. FFD has a different relationship than the FPD, they have been involved in medical care. They see varying incidents that begin soon after the race begins, but more so to the heights, if the FFD did not have a good relationship with the medical field the FFD would be overwhelmed. They set up a command post and adjacent vehicle as emergency operations center. He has seen how active it is for the FPD, he is fortunate there are a talented group of professionals who try to get together and plan accordingly. The FFD gets together with medical staff and have post incident analysis and talk about what they saw in the tents and work on it, the activity the FPD deals with, their staffing is different than the FFD. He looks for personnel to work, whatever is asked of them they will endeavor to make it work and maintain safety.

Carl Cavossa stated there were 12,800 runners permitted from the committee, they were allowed that many. The race was already moved, with Board before this one, they didn't want to move the race, they need volunteers; it was moved back one week.

Barbara Schneider appreciates the FPD, she has received awards from the road race, if we made it through the years of the casino nights after the road race she is sure they can make it through 12,800 runners. She has been involved with every road race since the 1970's. The process is flawed, we are now where we are hurting Falmouth people, if they end up at 10,000 and only 500 elite runners and lottery system, there will be so many problems from those not legally running the race. She quit smoking and started running after watching her first road race. Everyone has worked together so well, the timing is flawed, have the race this year as it should be and work from day 1 to figure out the right size going forward and how it will work.

Chief Dunne stated if the Board increases over the number they can handle, safety is compromised. It used to be a detail, he cannot pay the detail rate, if he orders staff to work he has to pay overtime. He will be asking all towns from the Cape, State Police, and the Sheriff's Department for assistance. The FPD does not search bags, it is up to the event security to search bags. The ballfield is secure, much goes into keeping people safe in Woods Hole and the Heights.

Jim Pricek, stated the impact on the runners in the community as a community event. Moving to another season would be a challenge, already have the October marathon event. Communication timeline, there is a breakdown and with an event with time horizon of planning this one has, apps and discussions may be

better in the fall. The lower number of participants the Town was going to require would have been better communicated to the Road race organizers. Local runners are not impacting the overall load of the Town during the weekend. There are other events; the fireworks brings about 75-100,000 people into Town. The runners prerace are not creating a ruckus or doing anything else. The cost this year of dropping back to 10,000 runners will have a huge cost when perhaps there are other alternatives to address the day of the race.

Mike Burton, runner/resident/business owner, has been involved in road race since about 1974. There are over 2,000 volunteers. This needs to be included, it is a great volunteer group doing things behind the scenes and there may be a way to work this out. At the end of the race why did the safety personnel not bring it up then that they will have an issue next year. He would like the number to remain at 12,800.

Greg Parkinson, 12 Old Silver Lane, he is among the running families in Falmouth. They have benefited, volunteered, children benefited, and the schools benefited. The last two years have been difficult, this is a year when people are looking to try to get back something. The road race is good for the medical health of the community and better for the mental health of the community when we are trying to rebound and need something to look forward to; many who plan summers around the road race weekend will deal a significant blow to their mental health. The people of Falmouth will be blindsided by this. Comparison made to the marathon, but Falmouth's road race puts us in an elite Boston type class. Do we want to put the burdens on the police shortage on the back of the event that puts our Town in great light year round. If there needs to be a postmortem the day after this year's race, than that can be done, but to do that on the 50<sup>th</sup> race with limited locals running seems poor timing.

Debora Rogers, stated that we are balancing public health and safety, commended Town leadership for their work. In the 50 years of the Falmouth Road Race, the impact has been transformational. She has partnered with the race for twenty years, the result of the community partnership maintained safety while growing the road race to the important event.

Troy Clarkson learned of this discussion, and he is a supporter and played many roles in this race over 50 years. This began as a community event, fifty years later it is still that community event, though growing by so many participants. Our public safety agencies have proven they are capable and up to the task of handling a race at a larger number; the challenge in the law enforcement community cannot be denied, but we cannot let those challenges lead to the loss of benefits to the community. He would like to help find a way to make the numbers work for this year's race.

Tracy Crago, Precinct 1, supports restoring the number of runners to 12,800; she Executive Director of the Falmouth VIPS and race volunteer. VIPS has been on the receiving end of financial assistance from the race. Benefited children in mentoring, health and wellness, and new pathways program for students at risk of dropping out. The race organizers think of everything, and the volunteers make it happen. The road race has event and volunteer management down to a science.

If the number is not restored, the only people being excluded are the 2,500 Falmouth residents already here.

Sandra Cuny, Precinct 2, Chair of the Recreation Committee. The Recreation Committee is in total support of keeping the number of runners at 12,800 at least for this year. It is difficult to have this at the last minute. The road race has been beneficial to the Town and organizations.

Mark Horn, has run the road race, every week in the paper the FPD dealing with substance and mental health issues; putting residents at odds with wanting to be law abiding citizens with running for this race.

Marc Finneran, 98 Grande Ave., probably could not find a more law abiding demographic than the people that participate in this road race. Supports keeping the number of runners at 12,800.

Chair Brown would like to not vote this tonight, would more volunteers come, could Mr. Ghelfi tell the Board the results of the deferral registration. Chief Dunne said at 44 officers, he does not feel it is a wise public safety choice.

Mr. Patterson would like more time to see if there is a way to supplement the FPD, staffing shortage and we should see if there is a way to supplement that.

Mr. Ghelfi asked if increasing the field by just Falmouth runners, is that less of a strain than having just a normal 12,800 field. They could open it up to Falmouth resident registration, the remaining 2,500 runners would be for Falmouth to register.

Ms. English Braga does not see how she could go for 12,800 from just hearing from the FPD Chief, she would like to see how many spots there are left and see if there is something that can be done to help cap it to just Falmouth folks. She does not see how they can approve 12,800 this year. She is willing to delay to the next meeting on 5/9/22. About 2,500-3,000 Falmouth residents run the race. Dr. Taylor agrees with this approach. Chief Dunne will not be able to guarantee public safety, however she hates to block out Falmouth runners. She is willing to delay and look at it further. Ms. English Braga asked after Saturday, the Road race organizers, Chief Dunne, and a Board member get together to have some dialogue and feedback.

Mr. Johnson-Staub commented that there may be a lot of folks interested in the road race less familiar with the FPD staffing situation; FPD has budgeted 62 positions year round, but have an acute issue not seen before which relates to a combination of issues. Right now, 44 officers are available to work, it is not a money issue, we have the positions but cannot fill them despite everyone's work. They will seek out folks from other law enforcement agencies to volunteer for the detail.

Chief Dunne said that they could ask for those willing to fill the detail, then at the last minute they do not show up. There is no way to lock officers' from other agencies commitment to work.

Mr. Ghelfi has tried to take as much time as they could, the road is shut down for an hour, stagger the field and traffic backs up from Church St. to Quisset Ave.

Mr. Cavossa said if they provided 60 personnel, retired agents, security, direct traffic, does that help the FPD Officers police the rest of the community.

Marc Finneran noted biggest concern appears to be the traffic to Woods Hole, maybe the Quickwater and folks with private boats transporting into Woods Hole.

Chief Dunne said that since 9/11/01, private boats are not allowed into Woods Hole.

Ms. Schneider said she organized and chaperoned 25 proms with 500-750 each, never a night that they felt they could assure all were going to be okay. Did the best they could to give the kids a great event and felt it was important. No one can guarantee safety, but we can do our best.

5. Request for Variance to Sign Code – The Yoga Collaborative – 580B North Falmouth Highway

**Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.**

Ms. English Braga asked if any folks present for consent agenda, under consent agenda usually means the Board will vote it without you present.

6. Town Manager Summary Evaluation

Chair Brown read the summary evaluation in the packet, including maintaining a AAA bond rating, progress made on projects on time and on/under budget. The Board is concerned about personnel management considering the loss of Town employees. No information from employee evaluations and exit interviews. The Board would like regular updates without the Board asking for that information. This is not conducive to getting important work done.

The Board believes this is an accurate summary from the information they provided to Dr. Taylor.

Mr. Suso provided a document to the Board and read the following statement into the record:

*"I thank members of the Board for the Annual Performance Evaluation process. I do disagree with the general conclusions and predominate negative tone which appears in the performance summary. I will be responding formally to the items noted in this summary at your next regular business meeting on Monday, May 9. I now offer these significant updates.*

*There were four formal, specific Goals set by the Select Board and affirmed with the new, unanimously approved three-year Employment Agreement on March 22, 2021. These four goals were:*

1. *Wind Turbine Disposition*
2. *On-Line Permitting*
3. *Secure Owner's Project Manager, Design Architect, and Site Plan Approval for new Sandwich Road Fire Station*
4. *Develop and implement a performance evaluation system for Major Department Heads*

*The timing of the Board's evaluation of progress on these four goals was such that the evaluation occurred two months prior to the completion of the normal twelve month annual period. I am pleased to confirm that 3 of the 4 goals (numbers 2, 3, and 4) have been fully accomplished. On-Line Permitting has now been in place and functioning to serve the public in the Building Department for the past few months. The proposed Sandwich Road Fire Station is moving forward well, with the Owner's Project Manager, the Design Architect, and approval of the site all in place. Earlier this month, Town Meeting voted overwhelmingly to appropriate the requested \$10 million in funding to allow bidding and construction to proceed subject to the planned debt exclusion on the May 17 Municipal ballot. The performance evaluation system for Major Department Heads was developed and implemented to full completion in 2021 with multiple meetings being held with all involved personnel. Regarding the Wind Turbines, formal written bids for final disposition have now been received and are being evaluated by the engineering consultant and outside counsel for a pending award to bring this project to implementation and completion. Negotiations have been conducted with the Massachusetts Clean Water Trust to relieve the Town of its remaining financial obligation for the federal ARRA grant which funded Wind 2.*

*Having successfully achieved each of these agreed-upon goals, it is puzzling that some members rated me as "needing improvement" in that area, but I will provide a comprehensive response to all aspects of the review at your next regular meeting.*

*I have 2 ½ years remaining on my existing Employment Agreement with the Select Board, having served as Town Manager for eleven years. I fully intend to complete that remaining term. As has been the case over my eleven-year tenure, I will continue to strive to provide the best possible service to the Select Board and the Town. I have and will continue to take very seriously any and all constructive criticism of my performance.*

*Ms. Scott Price asked when the evaluation is done with the rubric and had what the Town Manager sent beforehand. When the evaluation is done, do Board members only consider the four goals that are brought before the Board or keep that in mind as also going through the other factors listed. Dr. Taylor said all is considered in evaluating the Town Manager."*

**Ms. English Braga motion to make the summary evaluation part of the record and include Mr. Suso's comments. Second Mr. Patterson. Vote: Yes-5. No-0.**

## **CONSENT AGENDA**

1. Licenses
  - a. Approve application for a Change of Manager of a Seasonal All Alcoholic Club License – Seacoast Shores Association, Inc. located at 7 Farview Lane, East Falmouth  
 Marissa Vizier, Manager, she acknowledged being responsible for alcohol service.
  - b. Approve application for a Special One-Day Liquor License – Barnstable County Agricultural Society – Barnstable County Fair – Cape Cod Fairgrounds – Monday, 7/18/22 – Sunday, 7/24/22
  - c. Approve application for Sunday Entertainment License – Barnstable County Agricultural Society – Barnstable County Fair – Cape Cod Fairgrounds – Sunday, 7/24/22
  - d. Approve application for a Special One-Day Wine & Malt Beverages License – Mayflower Brewing Company – May Day Festival – Coonamessett Farm – 277 Hatchville Road, East Falmouth – Sunday, 5/1/22
  - e. Approve application for two Special One-Day Wine & Malt Beverages Licenses – Fresh Pond Holy Ghost Society – 408 Carriage Shop Road, East Falmouth – Sunday, 6/5/22 and Saturday, 8/20/22
  - f. Approve application for a Special One-Day Wine & Malt Liquor License – Crooked Coast – Coast Fest – Bandshell/Marina Park – Saturday, 8/6/22

- g. Approve application for a Sunday Entertainment License – Portuguese American Assoc. of Falmouth, Inc., 55 Ashumet Road, Hatchville

2. Administrative Orders

- a. Approve request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach
- b. Approve request from Falmouth Farmers Market, Inc. for a waiver/reduction of the special event permit fee for the Falmouth Farmers Market at Marina Park
- c. Approve request from Falmouth Rotary Club for a waiver/reduction of the special event permit fee for the Rotary Club Craft Fair at Marina Park
- d. Vote to Approve Request for Exemption under G.L. c. 268A, § 20(d), Disclosure by Special Municipal Employee of Financial Interest, from the Conflict of Interest Law – Gerald Potamis, Zoning Board of Appeals

According to Mr. Potamis under advisory if you are an abutter within 250 feet and notified, you can recuse yourself for potential conflict of interest or file a full disclosure, he filed disclosure, has no financial interest or family interest in those properties.

Mr. Finneran if that is there, it is there for a reason. 250 ft in a Town of 44 square miles, he does not think that restriction is inordinate.

- e. Naming request to consider naming the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. onto Katharine Lee Bates Rd. as the Kevin Lynch Connector and to place a sign or plaque in his honor
- f. Naming request to consider naming the connector from the Shining Sea Bikeway to the crossing at Palmer Ave. into Goodwill Park as the Bob Fitzpatrick Connector and to place a sign or plaque in his honor
- g. Vote to authorize the Town Manager to grant written consent to Joe Q Veteran Coffee Break to perform renovations to the building at 300 Dillingham Ave. subject to applicable procurement requirements and building permit approval
- h. Approve Grant of License to Earl W. Davis to maintain a stone wall and garden in front of the home and to the east of the gravel driveway at 14 Dillingham Avenue
- i. Vote to Approve Warrant for Annual Town Election on May 17, 2022
- j. Vote and execute Release and Discharge of Lien – 630 Waquoit Highway
- k. Vote and execute amendment to the Peterson Farm Service Agreement, pursuant to the vote of November 2021 Town Meeting.

3. Approve 2022 Seasonal/Annual License Renewals:

LODGING HOUSE LICENSE

Heights House, 25 Harbor Avenue  
Inn on the Sound, 313 Grand Avenue  
The Captain's Manor Inn, 27 West Main Street

SECOND-HAND DEALER LICENSE

Hand in Hand Thrift Shop, 141 Sandwich Road  
Hannoush Jewelers, 352 Main Street

BOWLING ALLEY/POOL TABLE LICENSE

AMVETS, 336 Palmer Avenue  
Trade Center Bowl, 89 Spring Bars Road

Ms. English Braga motion approval of the consent agenda license items a through g as printed. Second Dr. Taylor. Vote: Yes-5. No-0.

Ms. English Braga motion approval of administrative order items a through k. Second Dr. Taylor. Vote: Yes-5. No-0.

Ms. English Braga read Item 3 as a motion. Second Mr. Patterson. Vote: Yes-5. No-0.

- 4. Review and Vote to Approve Minutes of Meetings
  - a. Public Session: March 14, 2022

**Mr. Patterson motion approval as edited and release for public access. Second Ms. Scott Price. Vote: Yes-5. No-0.**

- b. Executive Session: April 11, 2022 (#1 and #2)

Session 1

**Mr. Patterson motion approval and not release for public access. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1. (Dr. Taylor)**

Session 2

**Mr. Patterson motion approval and release for public access. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1. (Dr. Taylor)**

#### **TOWN MANAGER'S SUPPLEMENTAL REPORT**

The next regular business meeting will be 5/9/22, annual Town election will be on 5/17/22

#### **SELECT BOARD REPORTS**

Ms. Scott Price:

Attended inaugural meeting of the MA Black Law Makers Round Table, it was awesome, about 30 law makers present including Representative Ayanna Pressley. They discussed issues important to towns and wanting open communication among them throughout the state.

Chair Brown was invited to join the nomination committee for the Cape and Islands Municipal Leaders Association.

The Board received a report from Daniel Gessen and noted good report from Daniel Gessen regarding his participation in the County Assembly.

#### **DISCUSSION OF FUTURE AGENDA ITEMS-none.**

**Ms. English Braga motion to adjourn at approximately 11pm. Second Ms. Scott Price. Vote: Yes-5. No-0.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, MAY 9, 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 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; Maura O’Keefe, Town Counsel.

1. **Chair Brown called the open session to order at 6:30 p.m. and motioned to convene the executive session under M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining – AFSCME Units A, B and C 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. Dr. Taylor, aye.**
2. Chair Brown reconvened the open session.
3. Pledge of Allegiance
4. Proclamations
  - a. Police Week – May  
**Ms. Scott Price read the proclamation in the packet as a motion. Second Mr. Patterson. Vote: Yes-5. No-0.**
  - b. Eagle Scout James Walden, Troop 38  
**Mr. Patterson read the proclamation in the packet as a motion. Second Ms. English Braga. Vote: Yes-5. No-0.**  
  
Mr. Walden’s project was at the Waquoit Bay Reserve, removing wisteria foliage from the visitor’s center, added mulch and cleaned the area.
  - c. Eagle Scout Logan Moniz, Troop 38  
**Ms. English Braga read the proclamation in the packet as a motion. Second Mr. Patterson. Vote: Yes-5. No-0.**  
  
Mr. Moniz’s project was to clear the East Falmouth Elementary and create an outdoor classroom. They also rebuilt the buddy bench.
5. Recognition  
The Select Board (Board) acknowledged the passing of Ed Van Kuren, he was a Zoning Board of Appeals member, Elk, Veteran, and did a lot for the community.  
  
Dr. Taylor recognized Ms. English Braga, thanked her for her leadership and her service to the Town in various capacities; she will be missed and is an incredible mentor.
6. Announcements

Dr. Taylor met with Falmouth High School (FHS) sophomores on their civil action project, their goal is to bring a petition to Town Meeting to encourage local businesses to use eco friendly supplies. They would like to make a presentation to the Board.

Mr. Patterson noted he recently received the Falmouth Water Stewards mailing about impact of fertilizer and what you should and should not do.

Overdose Prevention hosted by the Falmouth Police Department (FPD) and Human Services, 5/16/22 at 6pm at the Gus Cauty Center Narcan, training will be available.

Forum on Opioid Use and Prevention to be held on 5/19 St. Barnabas 5:30pm-6:30pm.

Mayflower Public Forum will be scheduled for 6pm on 6/8/22 at the Lawrence School.

Ms. English Braga announced that since the last Board meeting, there was a lot of discussion and meeting with FPD Chief and Road Race coordinators. The Road Race will have 10,000 runners and will encompass folks from the community who can register. These conversations about the year ahead need to start sooner, Road Race put together a security plan to review for future races.

Dr. Taylor thanked Chief Dunne for meeting with them, Scott Ghelfi, and Bob Antonucci to make this happen.

**Mr. Patterson motion approval to take Business item # 4 out of order. Second Ms. English Braga. Vote: Yes-5. No-0.**

**Dr. Taylor motion approval of 10,000 runners for the 2022 Falmouth Road Race. Second Mr. Patterson. Vote: Yes-5. No-0.**

Ms. English Braga thanked Jeremiah Pearson and his staff on the plantings for Arbor Day, looks beautiful.

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

Barbara Schneider updated the Board on recruitment of lifeguards and parking attendants. About 28-29 staff are coming back, goal is 58 for full contingent that ten beaches are guarded. Currently they have 27 applications, still feeling about 12-15 short, they will continue to encourage people to apply, learn about bonus programs, and hoping to discuss some part time work. So many lifeguards reached a stage where they journeyed on to internships during the summer season, but some are willing to come back for a couple days a week. Those who are not certified to lifeguard may train the week after school is out and be out working for the 4<sup>th</sup> of July.

She is working with a civic action project at the FHS, how to get people to throw out their trash in the right place, not leave it on the beach. Tomorrow evening hosting Zoom meeting with a representative from each village association and discussing what each village can do to help with a weekly village area trash pickup. Hoping for some scouts and kids in the area who may be willing to do this for community service.

The Beach Committee did not receive Town Counsel's answers re: unguarded beaches. The Board received the answer, communities in our position would not be held excessively liable in not guarding the beach. Ms. Schneider asked that when the Beach Committee writes questions, that the answers be forwarded to the Beach Committee.

8. Public Comment

Barbara Schneider and Kevin Freil, the Osprey project presented the Board with an osprey print. They have had tremendous success with their project.

Tom Weaver, Falmouth Bike Lab has been in operation in the Town since 2013, over 1,000 bicycles rehabbed and rehomed to people. They are open Thursdays 7pm-830pm for bike distribution. Bikes are donated, rehabbed, then given out free of charge to anyone who needs a bike. John Wesley Church has hosted them, the church is expanding their youth program, they need the space. The Bike Lab is looking for a new home, about two car garage size. Any suggestions are welcome. Mr. Weaver's email t3weaver@gmail.com.

Unidentified person asked who is authorized to sign contracts in town government? Mr. Suso said the Town Manager, Mr. Brown explained they do not answer questions during public comment but can meet at the Town Manager's office with that question.

Dianna Mota, noted that Sgt. Guthrie and Chief Dunne said they wanted to keep the guns for the officers to use until they are trained on the new weapons. Then they say they want to trade with Powderhorn, everyone knows what Powderhorn does, so she would like to know why the FPD would ask them for a quote. Ms. Mota is disappointed that Chief Dunne and Chief Smith do not attend Board meetings. She does not like to see the Board hand out residency waivers. The Board never addresses the community or their opinion.

Dr. Taylor requested a point of order and asked Chair Brown to control the outbursts of Ms. Mota. Second Mr. Patterson.

Ms. Mota noted a restaurant with two floors was discussed at a Board meeting, but abutters were not consulted. She would like to see the Pheasant Lane house moved to another location this month. Taxpayers are not consulted. She requested an itemized list of special counsel and why we are paying them when there is already a Town Attorney. She asked if anyone on the Board is licensed, bonded, and insured to handle money. She would like Board members' tax returns. She questioned the need for Executive Sessions-why the community cannot know what is going on? Real Estate venture capitalist are reason behind the housing shortage. 78% of our revenue goes into a Falmouth Housing Account.

Dr. Taylor requested a point of order and asked Chair Brown for the outbursts to be controlled, this is a repeated issue and Mr. Patterson already seconded her motion.

Dave Moriarty, resident, 5/4/22 Wind 2 was paid off, \$975,000 was accepted by the MA Water Resource Trust after 12 years. It was a regulatory agreement, never a grant, it was a loan. We have always protected the environment on Cape Cod, renewable energy from fish and aquatic resources. Cape and Islands are a treasure that need to be protected by the people; look to elected officials for support and Mayflower Wind is not welcome in Falmouth.

Ms. English Braga noted the Board cannot engage in conversation during open comment due to MA Open Meeting Law.

Sandy Faiman Silva, Precinct 2, asked that a future agenda item include a report on the Task Force for Workforce Sustainability authorized by a previous Town Meeting.

Mark Farmer, East Falmouth, talked with Mr. Suso about a position for a grant writer, he is retired schoolteacher. We have a lot of physical things, technical grants, had a grant writer who searched for the money. He also taught at a university, he had an attorney on staff who was a grant writer.

#### **TOWN MANAGER'S PRELIMINARY REPORT**

Mr. Suso noted all is in order for two entertainment licenses and one day liquor license request. Asked to approve updated list of officers for the EDIC, working with consultant and Bourne to continue design of the Shining Sea Bikeway extension north of Bourne. Asking the Board to approve Juneteenth as a holiday for Town employees, this is in several but not all union contracts. Apportion of betterments to be discussed. The Board will hear annual update from our colleagues at Joint Base Cape Cod (JBCC). Disposition of items valued less than \$10,000, town counsel suggested a couple amendments he recommends be considered. George Spivey provided a preliminary report on his activities.

MVP action support requested has been withdrawn for further review and consideration at future date.

#### **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  
Chair Brown asked if there is a new plan to manage the parking. Mr. Johnson-Staub noted no conflicts with other events this year, raised the parking issue and organizers assured them the Marina parking spaces will be left available. They provided information that indicated those spaces were left vacant in past years.

**Ms. English Braga motion approval of Licenses a, b, c. Second Mr. Patterson. Vote: Yes-5. No-0.**

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  
School Dept honored it last year and will continue to do so.

**Ms. English Braga motion approval of Administrative Orders b-g. Second Ms. Scott Price. Vote: Yes-5. No-0.**

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

**Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

4. Review and Vote to Approve Minutes of Meetings:

a. Public Session:

March 5, 2022

April 11, 2022

b. Executive Session:

February 28, 2022 (#1, #2 and #3)

March 9, 2022

March 14, 2022

April 11, 2022

**Ms. English Braga motion approval of item 4 with edits. Second Mr. Patterson. Vote: Yes-5. No-0.**

The edits were provided in writing to the Town Manager.

**COMMITTEE INTERVIEWS**

1. Interview, vote and appoint member to Agricultural Commission: Jack Simonds  
Mr. Simonds grows vegetables, supports Falmouth cultural pursuits. He attends meetings, was on the commission but had difficulty doing Zoom meetings so he resigned. Chair Schwalbe asked him to reconsider, so he had to get reappointed.

**Ms. Scott Price motion approval to a term ending 6/30/22. Second Dr. Taylor. Vote: Yes-5. No-0.**

### **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.

Attorney O'Keefe said there are things that may not have been considered yet. When a larger project, it would get its own unique betterment. One reason you do not reopen a betterment to redistribute it is to conserve municipal resources; recording against each title, recording of liens to discharge the betterments; talking hundreds of thousands of dollars to add 20 SEUs to what was originally 1,600. It is not meant to keep tweaking bit by bit every time, there are a couple other houses added to the development. This will happen again, but in smaller pieces; once you do a larger project, you start a new assessment for the discreet projects that are added to the system. You would have another service system with its own assessment. It is not equitable or feasible to add 21 houses.

Mr. Johnson-Staub said every time there is a new sewer expansion, that is a new project. It may appear inequitable that 21 units are paying a little less than others, however there is no mechanism in the Statute to do a lookback period.

Chair Brown asked if the next sewer area betterment could have language, they will still pay the same betterment amount for each dwelling unit.

Atty. O'Keefe said statute is written to attach to a lot but cannot go back and change the vote when the assessment was made. We cannot modify the language in the statute, even for a 40B which waives local zoning, but does not allow for removal of a State statute.

Ms. English Braga motion to adopt the amended order of betterment for the sewer system area, 4/25/22 public hearing that was continued.

Public Comment:

Marc Finneran asked if someone has a lot that has the ability to have more dwellings built upon it, will they be let in for free. Already planned, apportioned a dwelling unit assignment and assessed.

Ms. English Braga said the betterment is for the connection to the sewer system.

**Ms. English Braga motion to adopt the amended order of betterment for the sewer system area. Second Mr. Patterson. Vote: Yes-5. No-0.**

### **BUSINESS**

1. Joint Base Cape Cod (JBCC) Commanders' Briefs on JBCC Initiatives, Projects and Issues (**20 minutes**)

Brigadier General Christopher Faux, JBCC Executive Director introduced Colonel Matthew Porter; Colonel Timothy Gordon, Commander Tim Sheehan; Captain Sean Hannigan.

B.G. Faux reviewed the economic impact via overhead presentation. Impact around \$600 million dollars.

Interaction with the Community Executive Director: Oversight Group, Military Civilian Community Council (MCCC), interagency cooperation, and future vision for JBCC. They command by committee. The MCCC has over 100 invites to the public, good opportunity for Town representatives to get up-to-date information. Municipal Training Committee; there is a big gap in law enforcement training, working closely with police chiefs, saving money for communities by having an academy so close, keeping expenses down for the police departments.

JBCC wants to maintain readiness while working with the community.

Colonel Tim Gordon, Vice Commander 102<sup>nd</sup> wing, part of MA Air National Guard, 1,200 members, 400 full time. Reviewed the wing groups, surveillance; cyber intelligence; cyber engineering and installation of communication lines/radar/navigation systems at Air Force and Air National Guard installations; Medical group with mission that wing members are fit to fight and homeland response support mission to support domestic emergencies that require medical attention. During the pandemic 98% of their group was activated in some capacity. Transforming the base to cyber intelligence, less buildings and less land needed for this mission. Since 2018 they have invested over \$30 million in their infrastructure and more in planning phase. Domestic operations support to MA over the last two years, covid support 120,000 days of support, security 1,300 days, 1,700 days in Washington DC for inaugural support.

Lt. Colonel Tim "Skip" Sheehan, Cape Cod Space Force Station name change last year. Mission includes missile warning and tracking space objects up to 5 kilometers in space. Cape Cod Space Force Station 6<sup>th</sup> Space Warning Squadron. Team of airmen and guardians who operate the radar, about 130 people. US Space Force is changing, holistic health is a priority, how can we take care of people as human beings and looking for a year round assessment of how they are doing.

Commander Officer Dave McAdam, Coast Guard, reported the Coast Guard has 176 active duty civilians on JBCC, responsible for the area New Jersey to the Canadian Border. They do search and rescue, fisheries and transnational fish enforcement, support drug operations in the Caribbean. Largest all volunteer air force, about 200 members, who help them complete all these missions. Last March they were involved in search and rescue Hurricane Ida Response, responded to Haitian earthquakes, Hurricane Henri preparation for maritime transportation. Counter drug and migrant interdiction deployments to the Caribbean, worked with the US DEA on Nantucket intercepted hundreds of illegal pills. They make sure the fishing industry is enforced to keep the living marine resources viable into the future. They have won many awards, these are the people living in the community, buying homes, and setting up their lives here. Air Station Cape Cod operates aviation assets, Woods Hole operates the marine assets. The Coast Guard will be able to respond to wind farms, they do not anticipate larger staffing levels.

Captain Hannigan, provide mission support including, safety and security, port security, NE Fisheries center, and patrol boats. Reviewed their service areas. Provide regional information from local resources, they also have 150 family homes on base.

Colonel Porter, Army Commander at Camp Edwards, training site, manages the base. They have a Director of Public Works, Security, Environmental Resource, other units are tenants of the base: aviation, EOD, Engineering, cyber, regional training institute, Barnstable Dispatch in Fire Station, Army side of the cleanup. Soldier training 2021, 7,716 man days for military personnel, 214 man days for civilian personal (law enforcement). Range complex has a lot of simulators to ready soldiers, use a large amount of land, 15,000 acres used for maneuvers. Natural Resource Management, water cleanup, training, 41 listed species reside on the base, and they have a robust ecosystem. They have done bird tours and community engagements with tours on base. Wildland Fire Management, they conduct wildland fire mitigation /prescribed burning, this year they have 22 days and 600 acres.

Initiatives include range modernization, decommissioned 2 ranges, restored one 25 meter range and made it wider. This will be an agenda item on the EMC meetings. Multipurpose machine gun range has not progressed further from the last time they met. Went through the MA Environmental Policy Act (MEPA) process; now awaiting the community advisory council vote, waiting for sole source aquifer review to be complete, likely will not be until possibly the winter.

Future projects were reviewed, modernizing what they already have. Adding 6 lanes to the 10 lanes. Building a new armory in 2025, new physical fitness standard and need for track and a field, they have the location and design, and are awaiting funding. Unit Training Equipment Site, has been built and moving in, Phase 2 will be to build the cold storage next to it. Continuing to demolish old WWII structures. Contact Kathleen Kovla, Community Relations, 330-202-9307.

The Board's desire to discuss impacts of Mayflower Wind is possible but would require more time than they have this evening.

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

Draft policy in the packet was reviewed, Chair Brown said that he spoke to someone at the MA Inspector General's Office, who told him that given the nature of weapons and a unique item, he was not really of the opinion to limit purview to \$10,000 or less.

Ms. English Braga noted the policy is broad enough, language is "may" and it outlines a general process. The bigger issue will be how the policy will be implemented. When does the Board become involved, if they do. Most of these things are what the Town Manager does; is there a piece of this that needs to involve the Board. The Board does not need to know what is being done with a desk; is it just weapons, is there something the Town owns that the Board wants to weigh in on, if not this policy is fine. This conversation started by this Board wondering if they need to create a policy and if the process needs to include the Board.

The Board discussed weapons, toxic waste, public health issues, commodities treated uniquely in the marketplace, such as firearms and cranes, that could be the triggering language. Possible language was discussed by the Board. The Town Manager will work with Town Counsel, notification of proposed disposition, then the Board would direct the Town Manager.

Mr. Johnson-Staub asked Town Counsel for input regarding the Charter implications, under which procurement is under the Town Manager, not the Board.

Atty. O'Keefe reminded all that the role of the Board is policy creation, the policy empowers the Town Manager to act. Here by creating this policy, the Board is allowing the Town Manager to go forth with the process. The permission is granted already by the policy.

Unidentified individual, in lieu of the fact a contract was signed after this discussion, so the intent of the Board at that time was to address the issue of dangerous items. He has a problem with the process, but it went forward without giving weight to what was discussed at the 3/5/22 Board meeting. What the Board is doing right now, if this goes forth, when would this take effect?

Ms. English Braga noted that policy is created that empowers the Town Manager but still seeks authority regularly for specific actions.

Nan Logan, Falmouth Precinct 1, she thanked the Board for the thoughtful approach to this concern they have and the approach to raise the issue solve the problem going forward.

3. Discussion of Diversity, Equity and Inclusion Officer position

Mr. Suso provided an update. In packet is Mr. Spivey's summary of related projects, which Mr. Suso reviewed. New programs include the Seafarer initiative-boat repair, Sea Education high school program, cultural awareness initiatives at FHS, sea life experience with NOAA, coordination of student visits at aquarium, Cape Cod Voices, and Cape Cod Coast Guard facility in Woods Hole. Ongoing programs include after school academy, Ma Maritime Academy, St. Barnabas, and No Place for Hate. He is involved in ongoing discussions on expanding the role, currently Mr. Spivey is working 25 hours per week. Mr. Suso thanked Mr. Spivey for all he does as Acting DEI Officer.

Ms. English Braga thought the school was going forward to hire and fund their own full time, she would like to see the Town fill this position. They have had a challenge drawing great candidates, due to housing issues, most of Spivey's initiatives are school oriented. She would like to see the job posted.

Ms. Scott Price noted the biggest challenges may include salary, average salary to afford a home in Falmouth is \$182,000, she would like to see what they could do to encourage people to apply at what the Town can afford; what will the priority be when making a salary range.

Mr. Suso noted there was an appropriation for salary, limited until it is changed.

Dr. Taylor said at this point the School Department and the Town would each pay half the salary. Whatever barriers appear to be in front of us, we need to fix them and hire the position.

Mr. Suso reported that compensation is a concern and the need to live within the appropriated funds. It would be the same salary with a different workload.

They could hire a full time person now at the same salary, the Board wants to post it. When planning for budget for the fall, may want to think about increasing the salary.

**Ms. English Braga motion to repost the position as soon as possible. Second Dr. Taylor. Vote: Yes-5. No-0.**

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
5. Town Manager response to performance evaluation summary

Mr. Suso read the following statement:

*REMARKS TO SELECT BOARD MEMBERS ON SUMMARY PERFORMANCE EVALUATION*

*Monday, May 9, 2022*

*Good evening. I thank members of the Select Board for the opportunity to comment upon the present Performance Evaluation, as provided for in my current three-year Employment Agreement unanimously approved by Board members in March 2021. I have and will continue to take very seriously any and all constructive criticism of my performance as Town Manager.*

*Background Issues of Major Concern*

*Two serious issues of major concern have arisen within this evaluation period which undermine the credibility of this Summary Performance Evaluation. First, just a few months following the approval and execution of my present Employment Agreement, I received a very threatening, written communication from Select Board Chair Doug Brown which included multiple unfounded accusations, and which directed me as Town Manager to act in a manner inconsistent with and violative of the Falmouth Home Rule Charter. These same written accusations and threat to terminate are a matter of public record. Following several weeks of diligent but unsuccessful efforts to secure a meeting with the full Board to productively review and discuss these attempted Charter violations, I recognized that my only reasonable alternative was to file a written request with the Board for a hearing on a Complaint Against a Public Officer. This hearing was ultimately held on November 8, 2021.*

*The lengthy minutes were recently approved by the Select Board and were directed to be released to the public. A copy is posted on the Town website and is attached to this response. These minutes provide full details of this unprecedented circumstance with which I was unexpectedly confronted and threatened. As Town Manager, I am sworn to uphold and honor the Falmouth Home Rule Charter and I operate with a clearly defined professional code of ethics. This is a responsibility that I take very seriously. I recognize that my responsibility to pursue this egregious Charter violation was not a pleasant situation for members of the Select Board. It appears that one or more members were very negatively influenced by this action that I deemed necessary to uphold my Charter-defined duties as Town Manager. This negativism and open hostility were particularly evidenced in the comments of Board member Mr. Sam Patterson, as the minutes reflect. At the November 8 hearing, it was the voted determination by all other members of the Select Board that the complaint that I was compelled to file was upheld – affirming that Select Board Chair Doug Brown had indeed violated the Falmouth Town Charter, including his written threat to terminate my employment. Although he subsequently agreed to have Vice-Chair Dr. Nancy Taylor oversee this performance evaluation, Mr. Brown nonetheless inappropriately participated in this process.*

*Second, the Falmouth Town Charter assigns the Town Manager the responsibility to function as the appointing authority for the Town and its staff positions. In August 2021 Select Board member Megan English Braga submitted an application as a candidate for the Town Counsel position being vacated due to the pending retirement of Frank Duffy. Shortly after, I was unexpectedly contacted by Select Board Vice-Chair Dr. Nancy Taylor who encouraged me to consider Ms. English Braga for appointment to the Town*

Counsel position. Although Ms. English Braga was one of three finalists for this position, I did not select her for the appointment as Town Counsel in January 2022. Under this circumstance, it would have been most appropriate for Ms. English Braga to recuse herself from this annual evaluation process given the clear appearance of potential conflict with this very significant personnel decision made just a few weeks earlier by me. Although the November 8 minutes referred to above included her strong statements of support for me, just a few months later and following the decision on the Town Counsel appointment, Ms. English Braga for the first time ever included a “needs improvement” determination only in the two categories of “leadership” and “public relations” in my performance evaluation. In the numeric score Summary Evaluation, Ms. English Braga carried forward her “needs improvement” score even though her scores in 9 of the total 11 categories were all either “meeting or exceeding expectations.”

There are legitimate questions as to the respective motivations of these **two** Select Board members. Further, there is no way to reconcile the summary provided for the numeric scores or the selected comments with actual, documented job performance.

#### *Analysis of Summary Evaluation*

The Summary Evaluation Report, with the exception of the first of the four summary paragraphs, included universally negative comments selected from

Board members evaluations. None of the positive comments from Board members were chosen to be included in the final three paragraphs.

There is a reference to “recent resignations of Town employees, specifically at the upper management and director positions.” While there have been several such vacancies over the past twelve months – only two of them involved resignations. The fact is that the vast majority of staff vacancies involved employees leaving due to retirement. All such major staff vacancies have now been permanently filled with well-qualified professionals with the sole exception of the Building Commissioner position which is being very ably staffed on a transitional basis by a State-certified, professional Building Commissioner while this remaining search is ongoing. Regarding the two resignations, these involved personnel matters which are confidential under Massachusetts Statutes.

Although the third paragraph acknowledges that the Town Manager has appropriately responded to all requests for updates on a specific Affordable Housing project, this is nonetheless presented in a negative light – choosing to be critical and suggesting that by not providing “regular (public) updates” that the Manager is therefore somehow lacking in “leadership in affordable housing” in spite of the considerable evidence to the contrary. Demonstrated progress in completed Affordable Housing construction has been consistent and ongoing over the past five years, the Town’s Affordable Housing Plan has been updated and adopted and the Falmouth Affordable Housing Fund now has financial resources available at an all-time high to encourage and facilitate this mission-critical construction. As recently as July 2021 Governor Charlie Baker and Lieutenant Governor Karyn Polito both visited Falmouth for a formal public gathering in a round table discussion on Affordable Housing which I participated in. This included congratulating the Town and acknowledging the recently completed and highly successful Little Pond Place Affordable Housing Project which the Town sponsored in successful partnership with the Falmouth Housing Corporation on the Town-owned parcel on Spring Bars Road.

The fourth paragraph suggests that “...there is very little rapport between Mr. Suso and the public.” It is further suggested that “...it is constant and it plagues almost every project or policy the Select Board wishes to advance.” Also suggested is that “...many people consistently cite a lack of trust in Mr. Suso...” This continued, selectively chosen negativity is **CLEARLY INCONSISTENT WITH** the positive comment from the Select Board and included in the single, positive first paragraph: “Most of the projects ultimately managed by the Town Manager have come in on time or earlier, and on budget or underbudget.” The facts clearly confirm that Falmouth voters have consistently trusted and overwhelmingly supported multiple, proposed debt exclusions during my tenure as Town Manager – the \$9.7 Million new Senior Center, the \$41 Million new Water Filtration Facility and the \$37+ Million wastewater expansion into the Little Pond Service area are three such examples. In May 2020 Falmouth voters strongly supported the first permanent Town override in **over thirty years**, to allow the hiring of eight additional full-time firefighters to enhance public safety. At their April 2022 Annual Meeting, Town Meeting members approved the proposed \$146 Million operating budget for FY2023, continuing a trend in consistent support for Town budget operating

initiatives. Any suggested lack of trust by the public has not been borne out by the demonstrated facts. As Town Manager, I have the responsibility to make many challenging and mission-critical decisions on behalf of the Town, some of which unavoidably involve controversial issues.

In concluding the fourth and last evaluation paragraph, it is stated in summary that "...Mr. Suso tends to resist or fails to support planning to address the growing risks of: inadequate workforce affordable housing; environmental degradation due to inadequate sewage treatment; predicted property and infrastructure damage due to flooding from sea-level rise, and increased storm damage caused by global warming." I have already commented on the Town's successful Affordable Housing initiatives. I have also noted the substantial initiatives in the water and wastewater areas in protection of the Falmouth environment. The remaining two "goals" represent the individually-advocated goals of a member of the Select Board. These suggested goals were not included in the voted and adopted goals set for the Town Manager and upon which the Town Manager, by written agreement, was to be evaluated.

Following my Preliminary Comments to the Board on this Annual Evaluation presented on Monday, April 25 a question was raised from Select Board member Ms. Onjalé Scott Price as to whether the Board was limited to the four goals expressly stated in the goal evaluation or were "other factors" to be considered? There was an immediate response from Ms. Megan English Braga who suggested that the addition of other factors was appropriate. To clarify the facts, I attach a copy of an excerpt from the Town Manager Employment Agreement which clearly states under the section on "Town Manager Evaluation" as follows: "...annually the Board and the Town Manager shall define the goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives...said goals and objectives to be reduced to writing." There is no provision in our joint, written Agreement for individual Select Board members to unilaterally generate their own personal goals or other factors for the Town Manager and to evaluate the Town Manager on their individual chosen goals. By written agreement, all goals must be specifically identified, voted and approved by the full Board.

#### *Concluding Comments*

A reading by an objective party will, I believe, confirm that this Summary includes comments that are generalized, significantly lacking in specific facts and furthermore, internally contradictory as noted. I want to thank those members of the Board that employed a fair and constructive approach to this performance evaluation. As I noted on April 25, having successfully achieved each of the written, jointly agreed-upon Goals, it is puzzling that some members chose to rate me as "needing improvement" in that area.

Even with the reviews that were retaliatory or improperly biased, the numerical average of all categories averaged slightly over a "2," which is defined as "meets expectations" under the standards agreed upon by the Select Board (see attached spreadsheet). An overall rating of "needs improvement" is not justified by supporting facts, objective criteria or by the members' own numerical ratings. For those members that rated me poorly in areas such as leadership and work relationships, I am left to wonder how I would have been rated if I treated Town employees in such a disrespectful and arbitrary manner.

In summary, I consider this performance evaluation process and the results of that process to be incompatible with acceptable professional standards and a direct violation of my Employment Agreement with the Town of Falmouth. A copy of this response should be included in my personnel file. Thank you.

Mr. Suso requested his response be memorialized in the meeting minutes and a copy in his employment file.

Ms. English Braga said that in September 2021 when an email was sent, Mr. Suso called her and they had numerous conversations on the best course of action for that difficult situation. It took awhile to sort that out, then Dr. Taylor stepped in as Vice Chair to make sure there was a professional, appropriate, and constructive meeting in which the Board supported Mr. Suso, and Chair Brown took responsibility for sending the email. It was done methodically and thoroughly. She has a job with the Trial Court so to indicate that she has a retaliatory feeling against him is deeply insulting, she has supported him, to indicate that she would be so short sighted that we would not be thrilled to have someone with Attorney O'Keefe's expertise work for the Town. The comments she made are based on fact that for over 6 years she has spent a significant amount of that time, particularly in the last year, speaking with constituents about negative feelings and negative connotations that many in the public have connected with our Town Manager. When

he puts something forward, she is inundated with calls, visitors, and there is not a level of trust there. Fact that Mr. Suso would think the Board is making this up, that we would gain from tearing you down is indicative of the problem. Failing to recognize there is a disconnect with the public is part of what makes this job very hard for the Board. The Board should be able to lean on the Town Manager and it should be a team effort. The Board is in a position that she has not seen in the last six years, she hopes the Town Manager would recognize that there is not a person on this Board who has anything to gain by not being perfectly honest with their perception of the Town Manager's work. Missed opportunity to say what is happening, what is going wrong, and where can we have better communication. She hears from staff, department heads, Townspeople, and not all are negative about Mr. Suso, there are lots of positive things that have happened. When we hear this and are being presented with it, that is part of their evaluation of whether Mr. Suso is able to get important work done for the Town.

Chair Brown said that when he sent the email, he was trying to work towards a solution, instead Mr. Suso sent it to all other Board members. The Board is responsible for any open meeting violation the Town Manager perpetuates even though individually the Town Manager is not. He felt they were not getting information the Board needed to function appropriately. He hoped to build a stronger, better relationship and it turned another way. The way it was handled was unfortunate. Chair Brown feels there is a culture where people do not feel the ability to speak freely, there are control issues, people are not rewarded for being open and candid with the public. There has been little to no action on some items the Board voted on, including; coastal resiliency issues. Nothing in the Board meeting packet on several items last few months, information that should have been in there. Since their problem, it has gotten worse, not better. The problem of Mr. Suso not willing to share information with the Board.

Ms. Scott Price is disappointed at the way Ms. English Braga has been portrayed as retaliatory in this situation. The situation with Chair Brown and emails was one of the most awkward situations she has been in, the Board supporting the Town Manager in that against Chair Brown was the right thing to do. Several comments from her evaluation of Mr. Suso were taken out of context, some things in the summary were things she mentioned. Like anything else, taken out of context of the greater paragraph they were in distorts what they were meant to say. To hear those comments flipped back in a way that is difficult to describe without reading it is frustrating and bring the point there is not opportunity for the growth they would like to see. She included recommendations and examples of how to improve. Ms. Scott Price has spent quite a bit of time talking to people who do not have a lot of trust in the Town Manager's Office.

Mr. Patterson noted he has talked to many citizens, it is not simple. It is a difficult set of complex challenges, and he has run into resistance from Mr. Suso about addressing some things, including creating policy statements in line with what the Board came up with. He has lost the confidence that Mr. Suso has the skillset to manage a complex town like Falmouth with issues that need to be addressed. We are getting behind on them. We need a leader to work with the Town, give the vision and how to balance it fiscally.

Ms. Taylor supported Ms. English Braga's candidacy for Town Counsel, she is glad to have Attorney O'Keefe. Not once was Ms. English Braga retaliatory or spoke negatively; Mr. Suso is way off on that. She spent much time seeing pockets of negativity in the Town, which is expected in certain areas; however, over the past year it has permeated this Town. She spends as much time talking to people trying to present Mr. Suso's argument on how he presents things, she has issues around leadership, such as the DEI position, would have liked to see him get out ahead of that and go for it. The other is the Road Race, the Board was scrambling to meet with FPD Chief and Road Race organizers over the last couple weeks, that was something Mr. Suso could have done.

**Ms. English Braga motion to include Mr. Suso's comments in the meeting minutes and Mr. Suso's personnel file. Second Mr. Patterson. Vote: Yes-5. No-0.**

6. **Chair Brown motioned to adjourn the open session and convene the executive session under 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 because to not go into executive session could prejudice ongoing negotiations. Ms. English Braga 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. Dr. Taylor, aye.**
7. **Chair Brown reconvened the open session.**

8. Select Board final discussion to affirm or modify Town Manager summary evaluation. Final comments from Board members.
9. Discussion and possible vote on action on Town Manager's contract **(15 minutes)**

**Ms. English Braga motion to request Mr. Suso resign his employment agreement of March 22, 2021. Second Mr. Patterson. Vote: Yes-5. No-0.**

Mr. Suso politely declined and asked the record to show that.

#### **TOWN MANAGER'S SUPPLEMENTAL REPORT**

Annual municipal election will be held 5/17/22.

Next regular meeting of the Board will be on 5/23/22.

Town hall and administrative offices closed 5/30 for Memorial Day.

Mr. Suso received a written response from Clean Water Trust offering to work with the Town negotiating the remaining \$2.9 million obligation on Wind 2, procurement, and disposition work on Wind 1 and Wind 2. Mr. Suso clarified the contact with the Clean Water Trust and the \$975,000, that amount is the minimum amount the Clean Water Trust said they would accept in completion of that obligation and still subject to discussion and deliberation with them.

All-purpose trail work begun in preparation for installation of the hawk signal to cross route 28 from the Shining Sea Bikeway into Goodwill Park.

Mr. Suso respectfully declined the suggested request to resign.

#### **SELECT BOARD REPORTS**

Mr. Patterson:

This Friday the Cape and Island Municipal Leader's Association meeting will be at 8am at Cape Cod Technical High School and via Zoom.

Chair Brown:

Noted receipt of Dan Gesson's report.

#### **DISCUSSION OF FUTURE AGENDA ITEMS**

Dr. Taylor would like the FHS project on civic action to be on the agenda.

Ms. Scott Price would like to have the Affordable Housing Committee meet with the Board along with the Housing Assistance Corporation, which hired a consultant to look at all the land on the Cape and create an overlay map of the vacant land, land that the Cape Cod Commission would like to keep open space, so that it will show the areas that may be available for affordable housing. It would make for a good public workshop.

Mr. Patterson noted the Cape Cod Commission has done studies on how to increase affordable housing and it would be nice to include them in the discussion.

**Ms. English Braga motion to adjourn at approximately 10:06pm. Second Mr. Patterson. Vote: Yes-5. No-0.**

Respectfully Submitted,  
Jennifer Chaves  
Recording Secretary