

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, JULY 11, 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. At the discretion of the Chair, agenda items may be taken out of order.

6:00 p.m. OPEN SESSION

6:00 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining: AFSCME Unit C (Dispatchers)
2. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to collective bargaining: AFSCME Unit A, Unit B, Unit C (COVID premium pay)
3. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to contract negotiation with non-union personnel (Julian M. Suso, Town Manager)

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamations
 - a. Eagle Scout Domenic Bowen, Boy Scout Troop 38
 - b. Eagle Scout Rigel Laundre, Boy Scout Troop 38
4. Recognition
5. Announcements – Curbside collection update
6. Public Comment

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

7:25 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Human Services Committee – Kathleen (Kate) Soltesz
 - b. Beach Committee – Jon Modelevsky, GERALYN SCHAD
 - c. Vote to Appoint Kimberly Fish to the Barnstable County HOME Consortium Advisory Council

7:35 p.m. BUSINESS

1. Report – Conservation Commission (15 minutes)
2. Report on Municipal Vulnerability Preparedness (MVP) Action Grant for Conceptual Design of Flood-Resiliency Improvements for Sewer Infrastructure (15 minutes)
3. FY2024 Budget Priorities – Preliminary Discussion (15 minutes)
4. Discussion on Possible Lease of 10 Pumping Station Road (10 minutes)

8:30 p.m. CONSENT AGENDA

1. Administrative Orders
 - a. Approve Eversource petition for permission to install on Sippewissett Road, Falmouth one (1) new handhole at the base of existing pole 6/37 and approximately 40' (feet) of conduit and cable under town road northwesterly starting at the new handhole 6/37. The work is to be done to provide new electric service to 141 Sippewissett Road, Falmouth.

- b. Approve Eversource petition for permission to install on Scranton Avenue, Falmouth (1) new FO pole to be labelled 89A/1.5 approximately 50' (feet) south of existing pole 89A/1. The work is to be done to provide electric service to 763 Main Street, Falmouth.
- c. Vote to Extend Memorandum of Understanding with Friends of Falmouth Dogs
- d. Approve request from the Waquoit Congregational Church for a waiver of the special event permit fee for the temporary one-way street permit for Parsons Lane for the annual Summer Bazaar on Friday, 7/15/22 and Saturday, 7/16/22 from 8:00 a.m. to 4:00 p.m.
- e. Approve request for variance to sign code §184-20 – Spohr Gardens Trust – off-premise sandwich board style promotional signs – 8/1/22-8/6/22 for Butterfly Garden Day
- f. Approve letter to the Massachusetts legislature in support of Governor's \$200,000,000 budget proposal for the Massachusetts Clean Water Trust to fund water pollution abatement projects on Cape Cod and the Islands

2. Review and Vote to Approve Minutes of Meetings

- Public Session – June 6, 2022; June 13, 2022 and June 21, 2022

8:40 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:45 p.m. SELECT BOARD REPORTS

8:55 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

9:00 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

OPEN SESSION

REGULAR MEETING

3. Proclamations

- a. Eagle Scout Domenic Bowen, Boy Scout Troop 38



PROCLAMATION

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

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

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

WHEREAS: Domenic Bowen is now an Eagle Scout with all its rank and privilege;

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

DOMENIC BOWEN AS EAGLE SCOUT

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 11th day of July, 2022.

Nancy R. Taylor, Chair

Douglas C. Brown

Onjalé Scott Price, Vice Chair

Scott Zylinski

SELECT BOARD

Samuel H. Patterson

OPEN SESSION

REGULAR MEETING

3. Proclamations

- b. Eagle Scout Rigel Laundre, Boy Scout Troop 38



PROCLAMATION

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

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

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

WHEREAS: Rigel Laundre is now an Eagle Scout with all its rank and privilege;

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

RIGEL LAUNDRE AS EAGLE SCOUT

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this **11th day of July, 2022.**

Nancy R. Taylor, Chair

Douglas C. Brown

Onjalé Scott Price, Vice Chair

Scott Zylinski

SELECT BOARD

Samuel H. Patterson

TOWN MANAGER'S PRELIMINARY REPORT



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 *PJS*
SUBJECT: Preliminary Report for June 27, 2022
DATE: July 8, 2022

AGENDA TOPICS – PRELIMINARY REPORT:

Business:

1. Report – Conservation Commission

This is the Conservation Commission's annual meeting with the Select Board. No Board action is requested.

2. Report on Municipal Vulnerability Preparedness (MVP) Grant:

Wastewater Superintendent Amy Lowell will provide an informational report on the results of conceptual planning to protect the sewer line on Surf Drive from flood damage. The grant-funded study provides insights for further investigation that will be needed before determining the optimal design to protect this infrastructure. There is no Board action requested at this time.

3. FY2024 Budget Priorities – Preliminary Discussion:

Finance Director Jennifer Mullen will provide a preliminary high level overview of the budget outlook for the fiscal year beginning July 1, 2023. I will then overview some budget needs that have been identified to date. There will not be sufficient revenue to address all of the needs identified without a Proposition 2 ½ Override. I will ask the Board to begin to consider which of the identified needs are the highest priorities and which may need to be deferred to a future year, or addressed in a manner that does not require an operating budget increase. This is a preliminary discussion to be followed by additional discussions in the coming months. The Town Manager's budget submitted to the Select Board in December.

4. Discussion of Possible Lease of 10 Pumping Station Road

There are two parcels of Town-owned land on Pumping Station Road which were used by the Water Department before the treatment plant was built on Gifford Street. These parcels are no longer needed by the Water Department and the Town has been approached by two parties interested in using the property: The 300 Committee and the Falmouth Bike Lab. There is further background information in your packet which I will review at the meeting. We seek guidance from the Board as to whether you would like for staff to move forward with a competitive lease process which would require preparing a Request for Proposals. Depending on the length of the lease, a Town Meeting vote might also be required.

Consent Agenda:

All the Licenses and Administrative Orders on the Consent Agenda have been reviewed by staff and I recommend approval.

Memorandum of Understanding with Friends of Falmouth Dogs - The Town has a longstanding partnership with this non-profit which operations an adoption program for dogs on Town property at 150 Blacksmith Shop Road. There is an email message in your packet from a representative of the Friends of Falmouth Dogs outlining three amendments to the Memorandum of Understanding which they seek to extend. I reviewed these amendments with input from MES Director Gregg Fraser. The enclosed agreement addresses these three amendments with some minor language adjustments to clarify the intent. We believe the agreement as amended protects the Town's interests by continuing to set a cap on the number of dogs that can be held on the property at any given time.

//SB Meeting Report 06-13-2022

COMMITTEE APPOINTMENTS

1. Interview, vote and appoint committee member
 - a. Human Services Committee – Kathleen (Kate) Soltesz

Human Services Committee (9-member committee) (3-year terms)

Three vacancies:

- 1 with a term until 6/30/2023
- 1 with a term until 6/30/24
- 1 with a term until 6/30/25

One applicant:

- Kathleen (Kate) Soltesz

Called 6/1/22 @ 12:30

Ytd. Confirmed ✓



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

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

Name: Kathleen (Kate) Soltesz

Address: 64 Sady's Lane Village: East Falmouth ZIP: 02536

Mailing Address: Same as above Village: _____ ZIP: _____

Telephone: [REDACTED] Email: _____

How long have you been a Resident (date: 1/2001) / Taxpayer (date: 1/2001)

Amount of time you are available to give: as needed

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

1. Human Services
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? no

Relevant affiliation and work and personal experiences _____

Special Education Teacher K-12
School Counselor K-5
Guidance Counselor 9-12

} CT
1994-2014

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

Cape Cod Academy 2014-2018

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

my experience as an educator for over thirty-five years includes teaching, counseling and collaborating with students, staff, families and community agencies. My community outreach included work with food banks, social workers, crisis counselors, the Dept. of Children and Families, resource officers, nursing home staff, and other mental health professionals.

List three (3) references:

- | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|--------------------------|---|--------------|
| 1. <u>Deb Hobday</u> | <u>Librarian - Cape Cod Academy</u> | [REDACTED] |
| 2. <u>Dror Seri</u> | <u>past co-member Neighborhood assoc.</u> | [REDACTED] |
| 3. <u>Melissa Wilson</u> | <u>previous educator Cape Cod Academy</u> | [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.

5-10-21
DATE

Kathleen Sottung
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.

COMMITTEE APPOINTMENTS

1. Interview, vote and appoint committee member
 - b. Beach Committee – Jon Modelevsky, Geralyn Schad

Beach Committee (7-member committee) (3-year terms)

One vacancy:

- Term until 6/30/2025

Two applicants:

- Jon Modelevsky
- Geralyn Schad



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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Name: Jon Modelevsky

Address: 82 Hudson St Village: Falmouth Village ZIP: 02540

Mailing Address: Same as above Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: 7/2017) / Taxpayer _____ (date: _____)

Amount of time you are available to give: I will work around my full time job schedule

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

1. Falmouth Beach Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? No

Relevant affiliation and work and personal experiences: I was involved in several town groups while living in Sharon, MA for 50 years. Most of these efforts were associated with youth sports, where I was Association Board President and was responsible for the various program's oversight of hundreds of youths and their parents.

Town offices held in Falmouth or elsewhere and dates of years served: N/A

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

In addition to the skills and experience of navigating town government that I obtained from the above-
_____ mentioned youth sports roles, professionally, I have been in the financial industry for over 30
_____ years. I have also owned and operated two successful businesses. Together with my
_____ organizational and interpersonal skills, I feel the committee would benefit from my overall experience.

In addition, I bring a unique perspective as that of someone who is a fairly new resident of the town
_____ (since 2017), but who has spent many years here as members of my immediate family have lived in town
_____ for 35+ years. This allows me to have a fresh perspective while also having an eye toward the past.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Heather Burke</u>	_____	_____
2.	<u>Dani Toole</u>	_____	_____
3.	<u>Chris Bernard</u>	_____	_____

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.

6/1/2022
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.



TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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

Name: Geralyn Schad

Address: 50 Chestnut Street Village: Teaticket ZIP: 02536

Mailing Address: SAME Village: SAME ZIP: SAME

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 12 yr (date: 03/2010) / Taxpayer yes (date: 03/2010)

Amount of time you are available to give: Flexible; can attend monthly committee meetings

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

1. Beach Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? June 15, 2022

Relevant affiliation and work and personal experiences: _____

As a member of the Falmouth Climate Action Network Steering Committee, I want to advocate and participate

in the proper maintenance and mitigation of Falmouth's beaches incurring damage from sea level rise and pollution.

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

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

Beaches provide me so much personal quality of life. I want to give back to them with my time and contributions

to help with their management to stay vital and vibrant resources of Falmouth's coastal community.

You may attach a resume to this application.

List three (3) references:

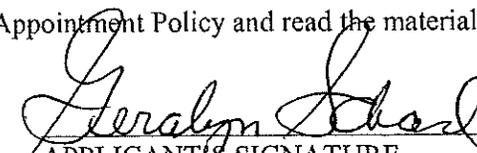
	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Bruce Soule'</u>	<u>Domestic partner</u>	<u>██████████</u>
2.	<u>Robbi Sundstrum</u>	<u>Neighbor</u>	<u>██████████</u>
3.	<u>Deb Siegert</u>	<u>Neighbor</u>	<u>██████████</u>

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.

June 13, 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.

COMMITTEE APPOINTMENTS

- c. Vote to Appoint Kimberly Fish to the Barnstable County HOME Consortium Advisory Council

7/11/22

Barnstable County HOME Consortium (1 town representative) (3-year term)

Vote to appoint Kimberly Fish, Housing Coordinator to a term of July 1, 2022 to June 30, 2025.
(Previously held by Carla Feroni, former Housing Coordinator.)



Barnstable County

Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Department of Human Services

Joseph R. Pacheco
Director

Mandi Speakman
Deputy Director

June 18, 2022

Select Board, Town of Falmouth
c/o Peter Johnson-Staub
59 Town Hall Square
Falmouth, MA 02540

Via email only: peter.johnson-staub@falmouthma.gov

RE: Barnstable County HOME Consortium Advisory Council

Dear Select Board:

As you know, on November 16, 2021, we received written notification from Carla Feroni that she has resigned her position of Falmouth Housing Coordinator from the town and thus has resigned her appointment to the Barnstable County HOME Consortium Advisory Council. That appointment has been vacant since that time. It is my understanding that the town has recently hired a new Housing Coordinator – Kimberly Fish who has expressed interest in filling that vacant appointment for the town. The Barnstable County HOME Consortium highly values your town's participation in this regional affordable housing group and we respectfully request that the town nominate Kimberly Fish to fill the vacancy.

The term would be a three year term to run from July 1, 2022 through June 30, 2025.

The Barnstable County HOME Consortium Advisory Council is a regional council made up of experienced affordable housing advocates from all fifteen towns. Please see the attached information sheet on the primary tasks of the Advisory Council along with a list of the current members.



Barnstable County

Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Department of Human Services

If you have any questions on this appointment or any questions regarding the Barnstable County HOME Program, please do not hesitate to contact me.

Sincerely,

Renie Hamman

Renie Hamman, HOME Program Manager
(508) 375-6622
Renie.hamman@barnstablecounty.org

cc via email only:

Jed Cornock, Assistant Town Planner: jed.cornock@falmouthma.gov
Kimberly Fish, Housing Coordinator: kim.fish@falmouthma.gov



Barnstable County

Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Department of Human Services

Barnstable County HOME Consortium Advisory Council

The HOME Consortium Advisory Council consists of seventeen members: one representative from each town and two at-large members. Additionally, the Affordable Housing Specialist of the Cape Cod Commission is an ex officio member.

The primary tasks of the Advisory Council include the following:

1. Determines the allocation of federal HOME funds received by the County (currently approximately \$450,000 annually) and reviews and approves project applications for funding for the development of affordable rental housing units located in Barnstable County.

Additionally, HUD has announced that Barnstable County HOME Consortium will be awarded \$1,556,508 under the American Rescue Plan for a new HOME-ARP Program to provide housing and service needs specifically designated for a qualifying population of homeless and at-risk of homelessness. These funds will be administered through September 2030.

2. Establishes local HOME and HOME-ARP program policies as allowed by regulations.
3. Remains current on local, state, and federal housing issues and advocates for policies that will promote the creation and preservation of affordable housing in the region.
4. Acts as a liaison with their respective towns and local housing partnerships/committees and reports relevant regional, state, or federal housing policy information.
5. Participates in topical round-table discussions on share local affordable housing successes and/or concerns with the Advisory Council.

Advisory Council town members are nominated by the governing bodies in all fifteen municipalities and at-large members are recommended by HOME Consortium staff; all members are appointed by the Barnstable County Commissioners. The term of each member is three years with no limit established on the number of terms any member can serve.

The Advisory Council has a standard monthly meeting schedule held on the third Thursday at 8:30 a.m. currently being held virtually with all members and staff participating remotely, pursuant to *Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, and as extended pursuant to Chapter 22 of the Acts of 2022 signed into law on February 15, 2022.*



Barnstable County

Regional Government of Cape Cod
3195 Main Street | Barnstable, Massachusetts 02630

Department of Human Services

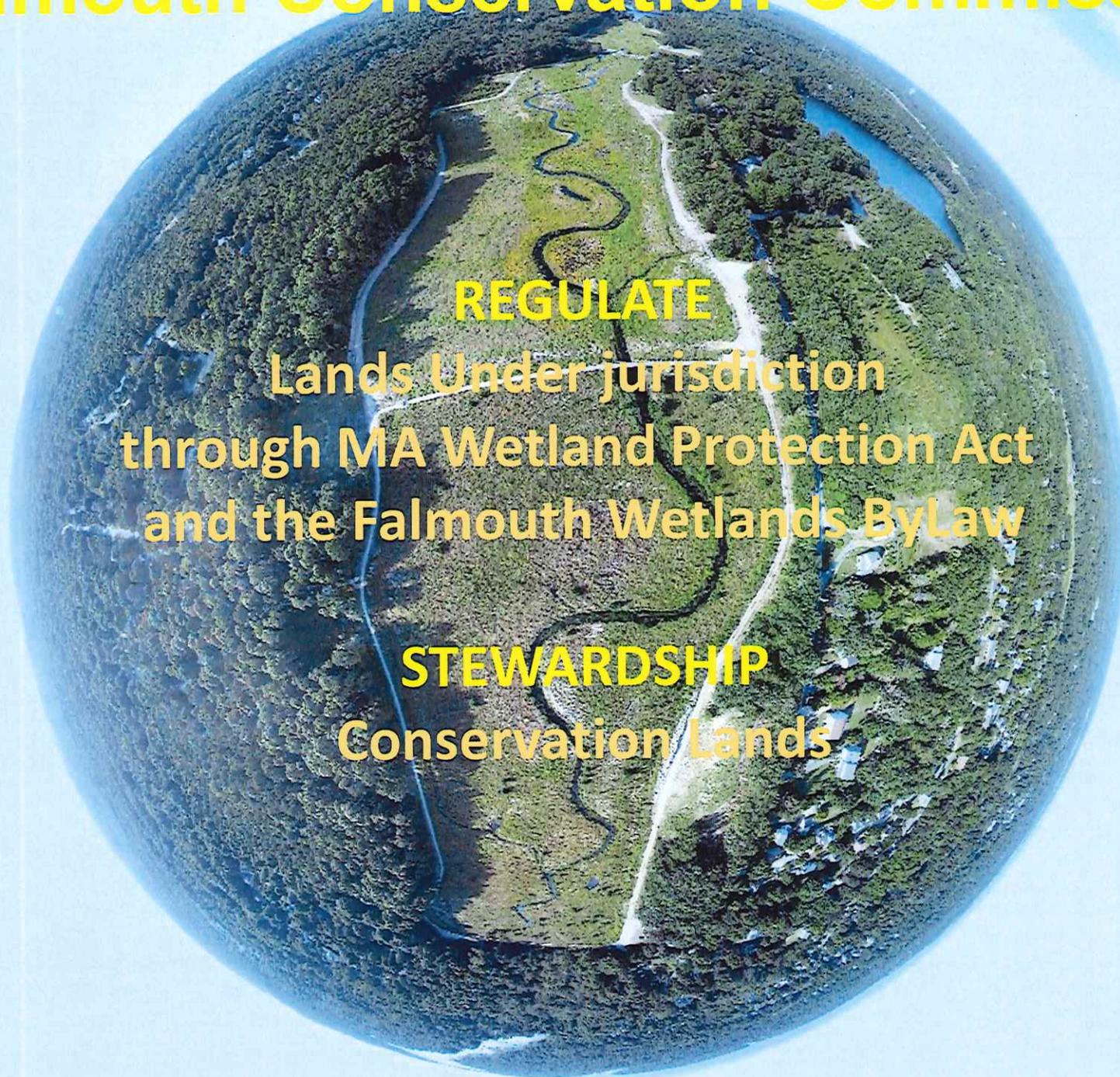
Barnstable County HOME Consortium Advisory Council Members		
Barnstable Laura Shufelt (1/31/25) MHP Director of Community Assistance	Eastham Rachel Butler (6/30/23) Eastham Housing Coordinator	Provincetown Michelle Jarusiewicz (1/31/24) Provincetown Community Housing Specialist
Bourne David Quinn (6/30/24) HAC, Director of Housing Dev. & Planning	Falmouth Vacant (1/1/24)	Sandwich Nanette Perkins (6/30/22) Sandwich Housing Authority Member
Brewster Jill Scalise (6/30/25) Brewster Housing Coordinator	Harwich Arthur Bodin (1/1/24) Harwich Housing Committee Member	Truro Betty Gallo (1/31/24) Vice-Chair Truro Affordable Housing Authority
Chatham Vacant (1/31/24)	Mashpee Arden Cadrin (1/31/24) Barnstable Housing Coordinator (retired)	Wellfleet Richard Ciotti (3/23/24) Wellfleet Housing Authority Member
Dennis Joshua Mason (1/31/24) Dennis Affordable Housing Trust Member	Orleans Marsha Allgeier (6/30/25) Orleans Housing Coordinator	Yarmouth Richard Carroll (1/1/23) Yarmouth Community Housing Com. Member
At-Large Charleen Greenhalgh (1/31/24) Harwich Town Planner (retired)	At-Large Beth Wade (1/31/23) Habitat, Director of Land Acq. & Project Dev.	Ex Officio Patty Daley Cape Cod Commission

The Barnstable County HOME Consortium Advisory Council consist of seventeen members: one member representative from each of the fifteen towns, selected by their town and two at-large members, selected by Barnstable County. Additionally, the Affordable Housing Specialist of the Cape Cod Commission is an ex officio member. All members are appointed to the Advisory Council by the Board of Regional Commissioners. The Barnstable County HOME Consortium Advisory Council generally meets once a month on the second Thursday of each month.

BUSINESS

1. Report – Conservation Commission (15 minutes)

Falmouth Conservation Commission



REGULATE

Lands Under jurisdiction
through MA Wetland Protection Act
and the Falmouth Wetlands ByLaw

STEWARDSHIP

Conservation Lands

Conservation Department

Jennifer McKay, Conservation Administrator

Mark Kasprzyk, Land Manager/Conservation Technician

Alissa Bergeron, Conservation Agent

Joshua Faherty, Conservation Agent

Kevin Newton, Conservation Agent

Amy Coughlin, Administrative Assistant

Susan Cronin and Kristin Patenaude, Recording Secretary

Conservation Commission

Members FY2022

Jamie Mathews, Chair

Courtney Bird, Vice-Chair

Maurie Harlow-Hawkes

Betsy Gladfelter

(Coordinator, CR Restoration Projects)

Steve Patton (Housing Authority)

Kevin O'Brien

Peter Walsh (CPC)

Pat Harris

(Almost every) **Wednesday 7pm (zoom!)**

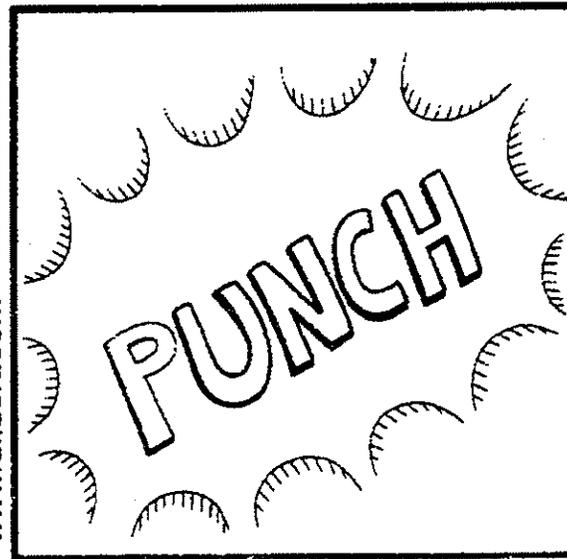
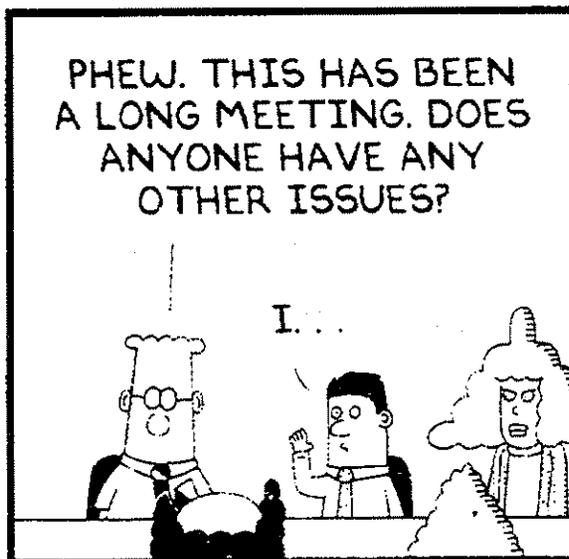
Meetings 42 (FY21) (ave. 3.5 hrs)

Attendance = >95%

Always had a quorum for every meeting

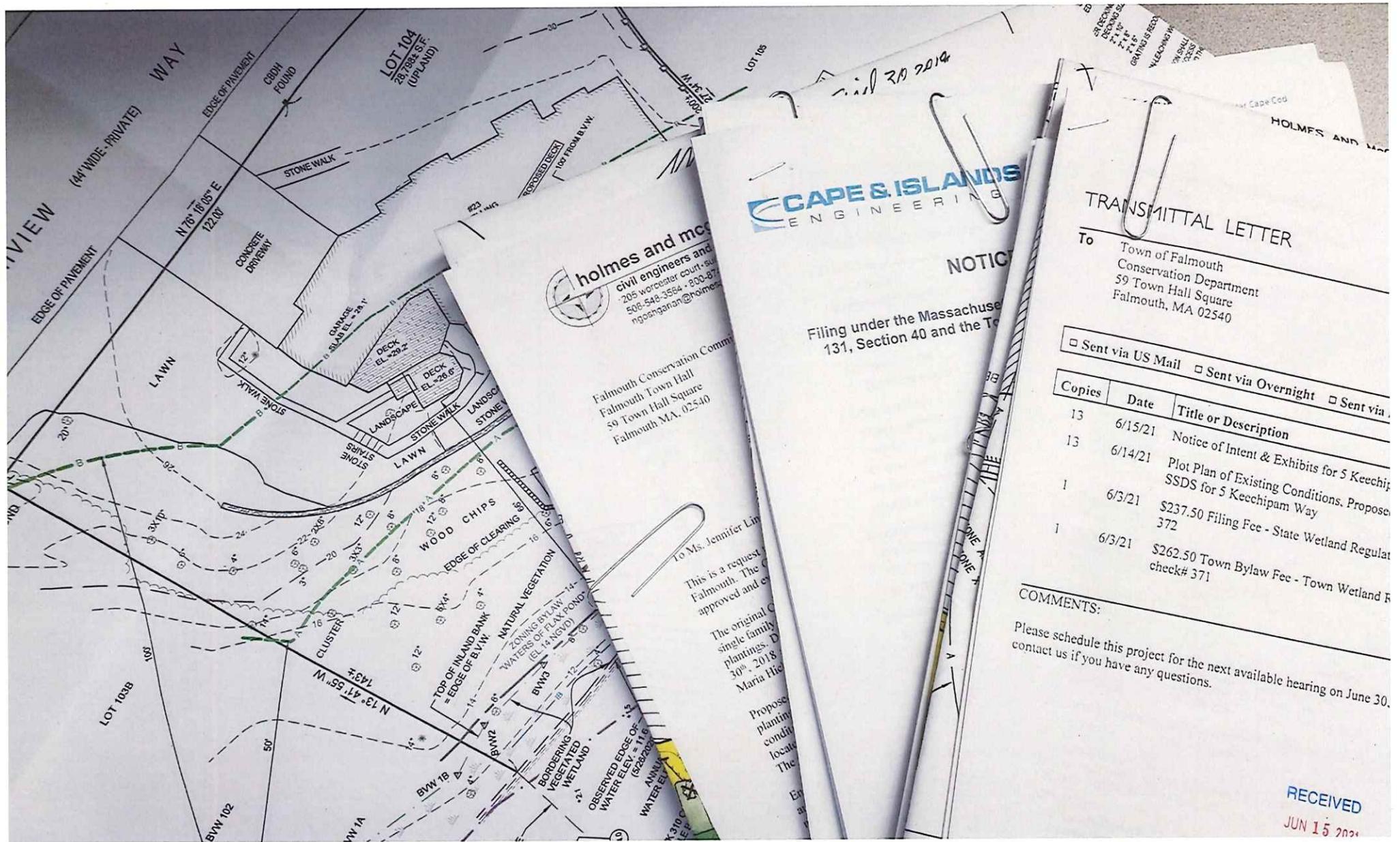
— **DILBERT**

by **Scott Adams**



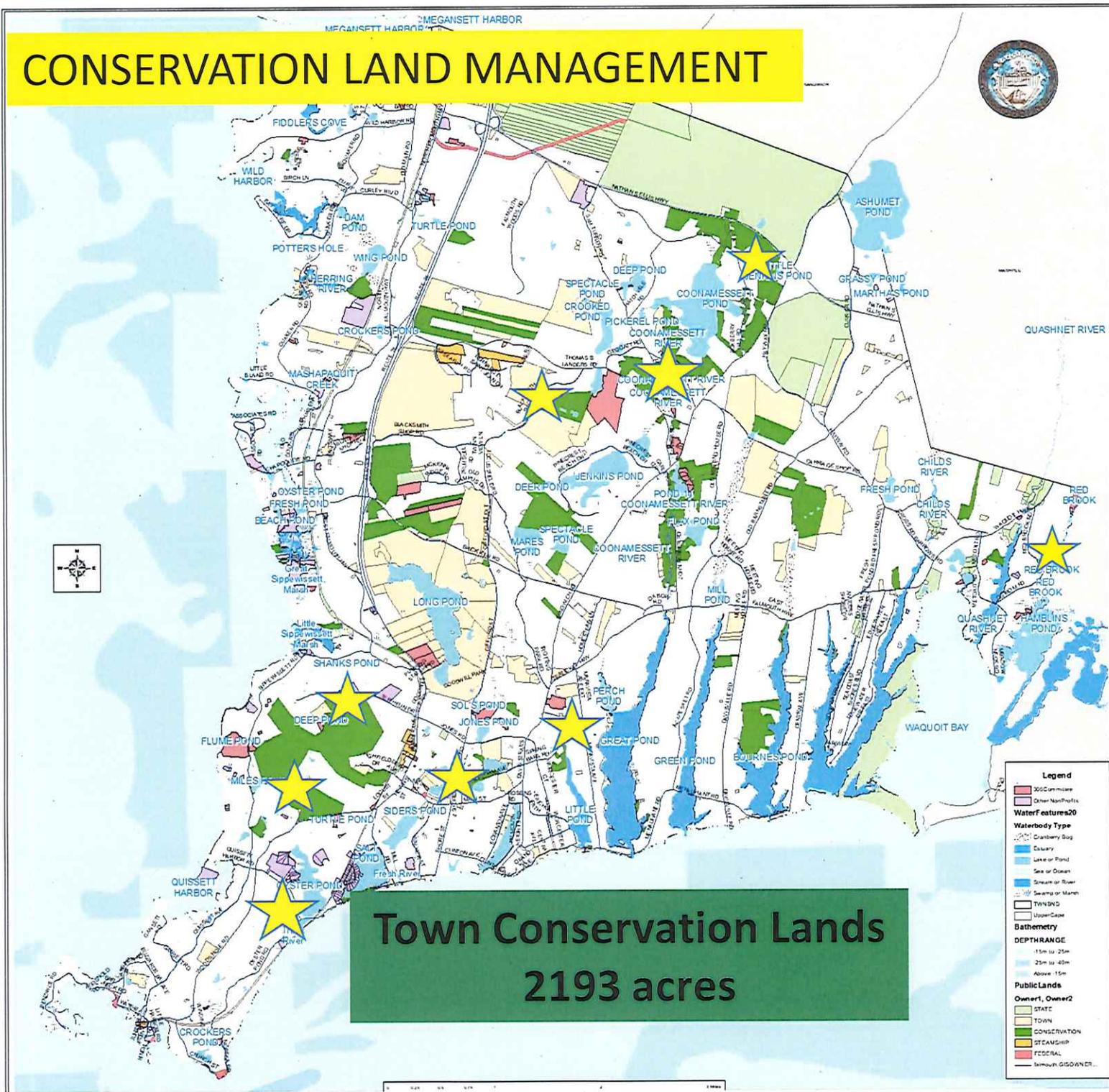
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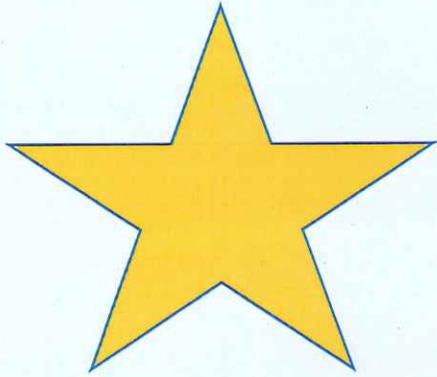
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Each commissioner spends an average of 4 hours/week preparing including reviewing new and continued NOIs (plans, narrative) and conducting site visits. Weekly (40+) Meetings average 3.5 hrs

CONSERVATION LAND MANAGEMENT





Some **Current** RESTORATION PROJECTS

Little Pond Landing Conservation Area (CPA)

Upper Coonamessett Wetland Complex (MA DER funding; 3 grants to date)

Coonamessett Reservation Fields: Sandplain Grasslands (MassWildlife; 3 grants to date)

Breivogal Conservation Area

Peterson Farm

Shiverick's Pond (CPA)

Oyster Pond (with CC Conservation District)

Red Brook Culvert (MA DER funding)

Beebe Woods Punch Bowl Project

Osprey Project

**Restoration projects and other projects
to improve public access
are being accomplished by collaboration with
other departments, other government agencies,
not for profits and individual volunteers**

Peterson Farm Wetlands restoration



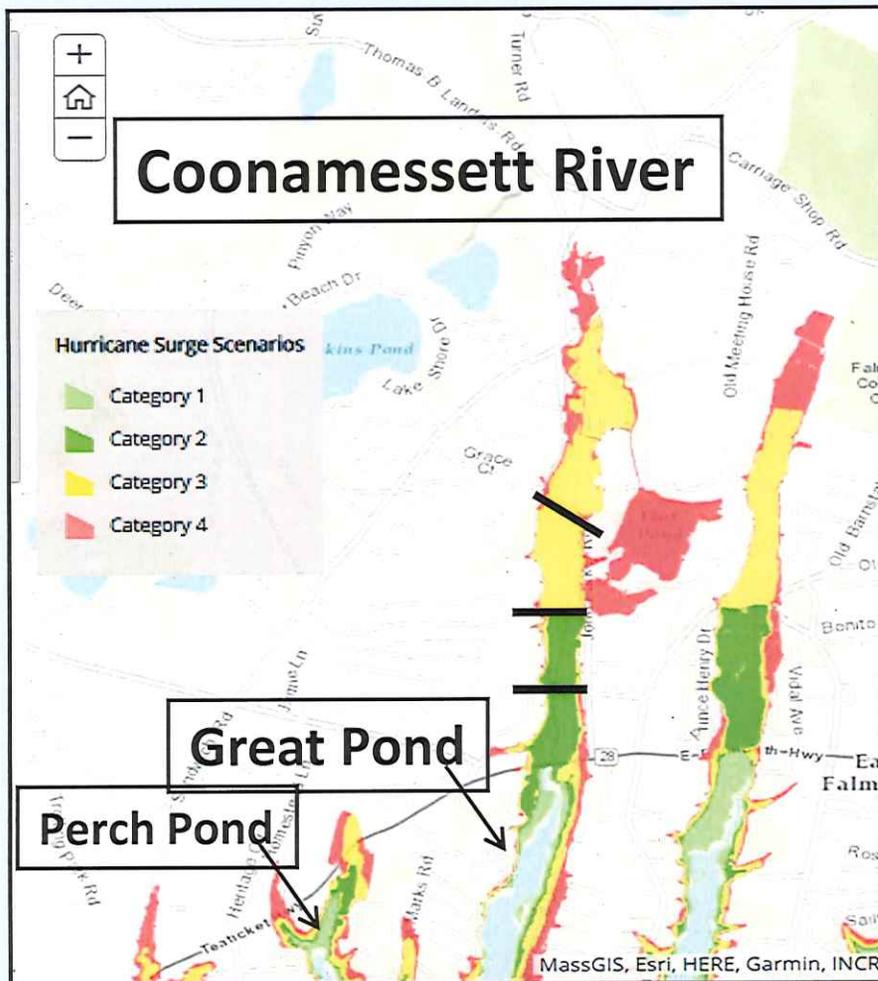
DPW



T3C volunteers

One example of increasing resiliency through restoration

By removing barriers (and sand): A More Resilient Coastal System



...Absorb coastal storm flood surge

**...A diverse native plant community
can bounce back from storm impacts**

**...And with expected sea level rise,
and barriers removed, the
Coonamessett provides an
opportunity for salt marsh to
migrate inland**

Coonamessett Fields Sandplain Grasslands Restoration



Prescribed
burn
21 March 2022



Native grasses
Post Burn
23 June 2022

MassWildlife, Star Tree Wildfire Protection, US Fish and Wildlife Service, MA Dept. Conserv. Recreation (DCR Bureau of Fire Control), T3C, DPW, Americorps, Botany Club CCI



Upper Coonamessett Wetlands Project



**Conservation, DPW, DMES, MA Division of Ecological Restoration,
Interfluve, Coonamessett River Trust, T3C,
Cape Cod Conservation District, NRCS**

Brievogal



Americorps has helped with many conservation projects



Lower Coonamessett



Eagle Scout Projects
add benches, nesting boxes, and bridges to the
Coonamessett Greenway Heritage Trail



Environmental Business Council

Nicholas Humber Award for Outstanding Collaboration



*Award Project: Coonamessett River
Restoration*

Award Recipients:

- Town of Falmouth Conservation Commission
- Inter-Fluve, Inc.
- Tighe & Bond, Inc.
- SumCo Eco-Contracting
- STIMSON
- Sciaba Construction
- The 300 Committee Land Trust
- Coonamessett River Trust
- Massachusetts Division of Ecological Restoration
- Massachusetts Division of Fisheries and Wildlife
- Massachusetts Municipal Vulnerability Preparedness Program
- Massachusetts Environmental Trust
- National Oceanic and Atmospheric Administration Restoration Center
- Natural Resources Conservation Service (USDA)
- US Fish and Wildlife Service
- Falmouth Community Preservation Fund
- Association to Preserve Cape Cod
- Falmouth Rod & Gun Club, Inc.

SPECIAL THANKS to the following:

Town of Falmouth

Dept. Public Works

(Engineering, Roads, Parks, Water)

Dept. Marine & Environmental Services

GIS

Town Counsel

Building/Zoning/Health

Accounting

Administration

Community Preservation

Additional thanks to

The 300 Committee and Coonamessett River Trust

Americorps and Eagle Scouts

BUSINESS

2. Report on Municipal Vulnerability Preparedness (MVP) Action Grant for Conceptual Design of Flood-Resiliency Improvements for Sewer Infrastructure (15 minutes)

Sewer Flood Resiliency Evaluation – Falmouth MA

Presentation to Select Board 7/11/22 by Amy Lowell
Evaluation by GHD Inc.; support by Woods Hole Group Inc.

2050 - Depth of Flooding (During 1% Event)



Project Background

Previous Town evaluations have concluded that sewer system components are some of the most critical municipal assets most vulnerable to impacts of climate change



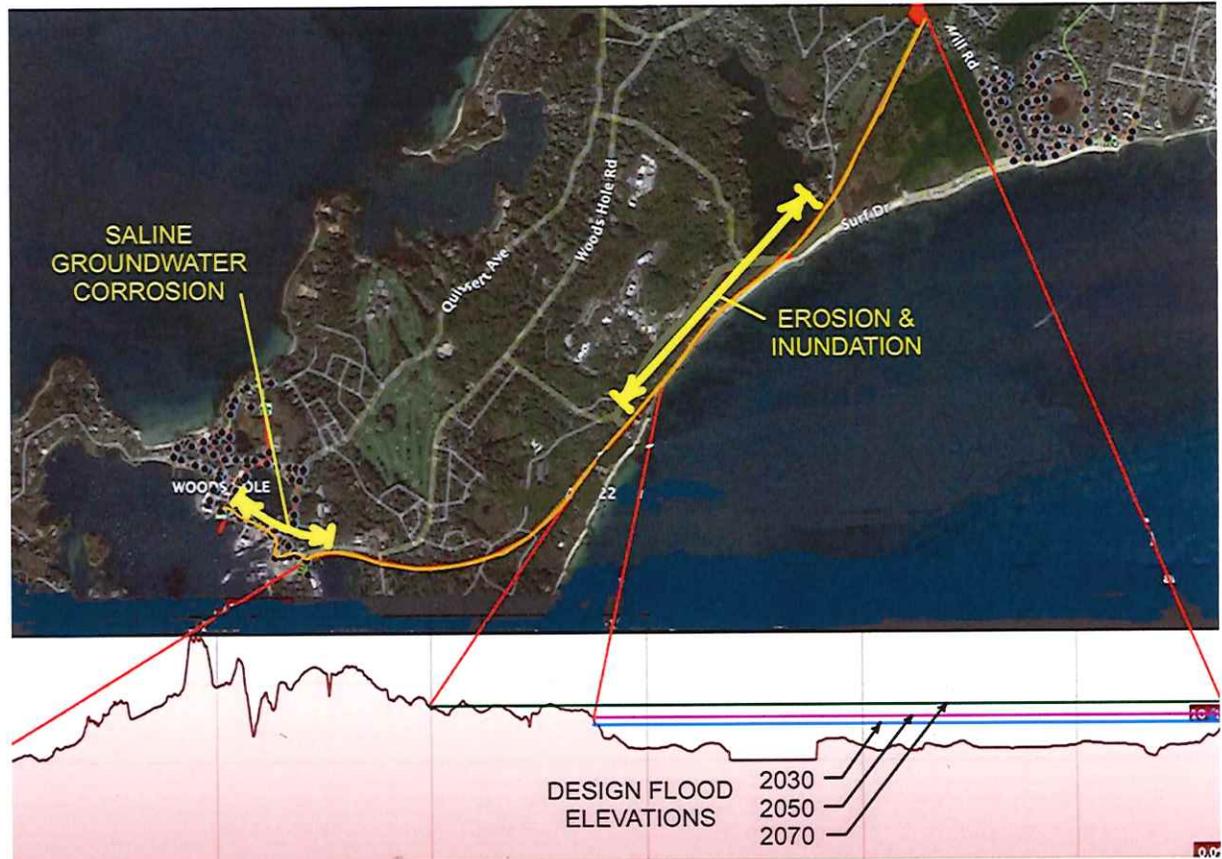
FY-22 Municipal Vulnerability Action Grant Scope - Completed

- \$104,000 Grant for Conceptual Design of Sewer System Flood-Resiliency Improvements to:
 - Evaluate alternatives for the Woods Hole sewer force main
 - Evaluate range of options for the Park Road area collection and transmission system
 - Prepare a conceptual design of flood proofing measures for three coastal sewer lift stations

Woods Hole Force Main Evaluation

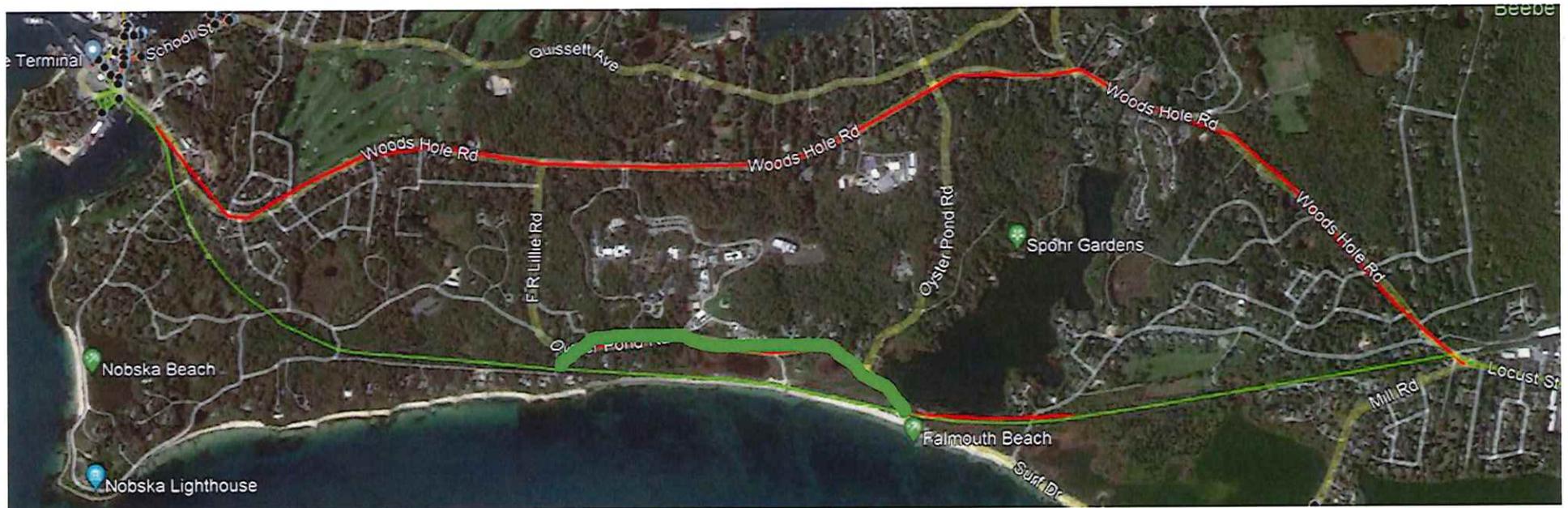
Woods Hole Force Main

- 4.6 miles from Woods Hole to Jones-Palmer Lift Station
- Section along south coast was lined in 2012 but is vulnerable to erosion / undermining
- Section in Woods Hole village vulnerable to corrosion from saline groundwater



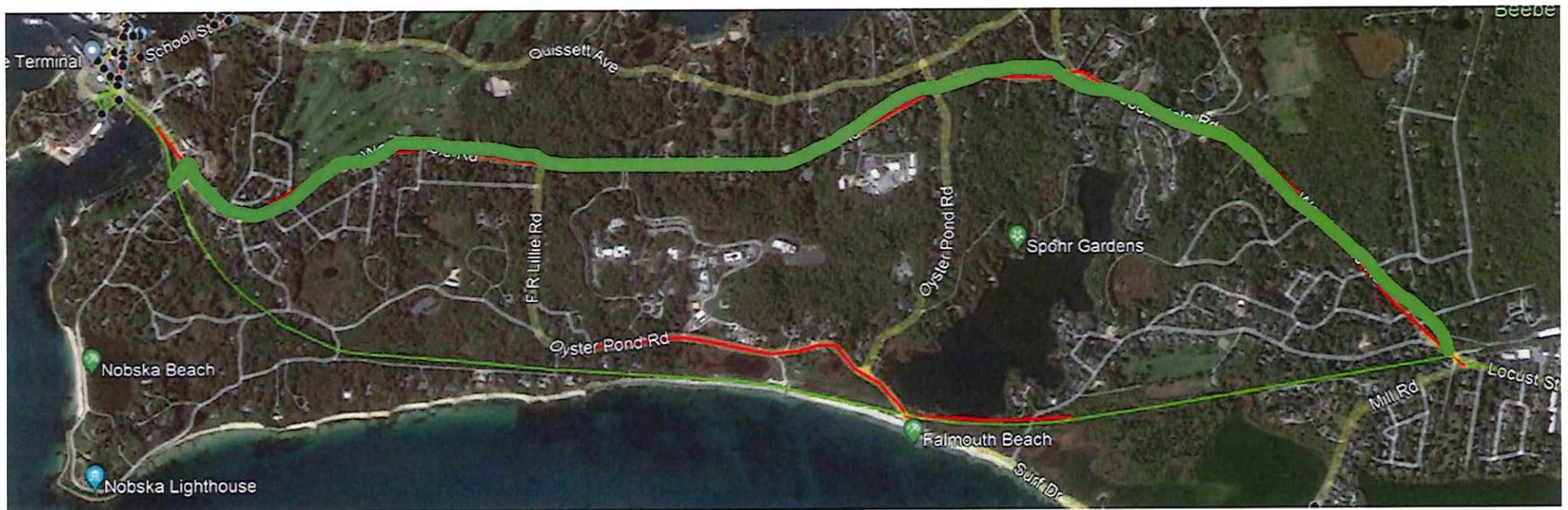
Woods Hole Force Main Options

- Relocate most vulnerable section to Oyster Pond Road



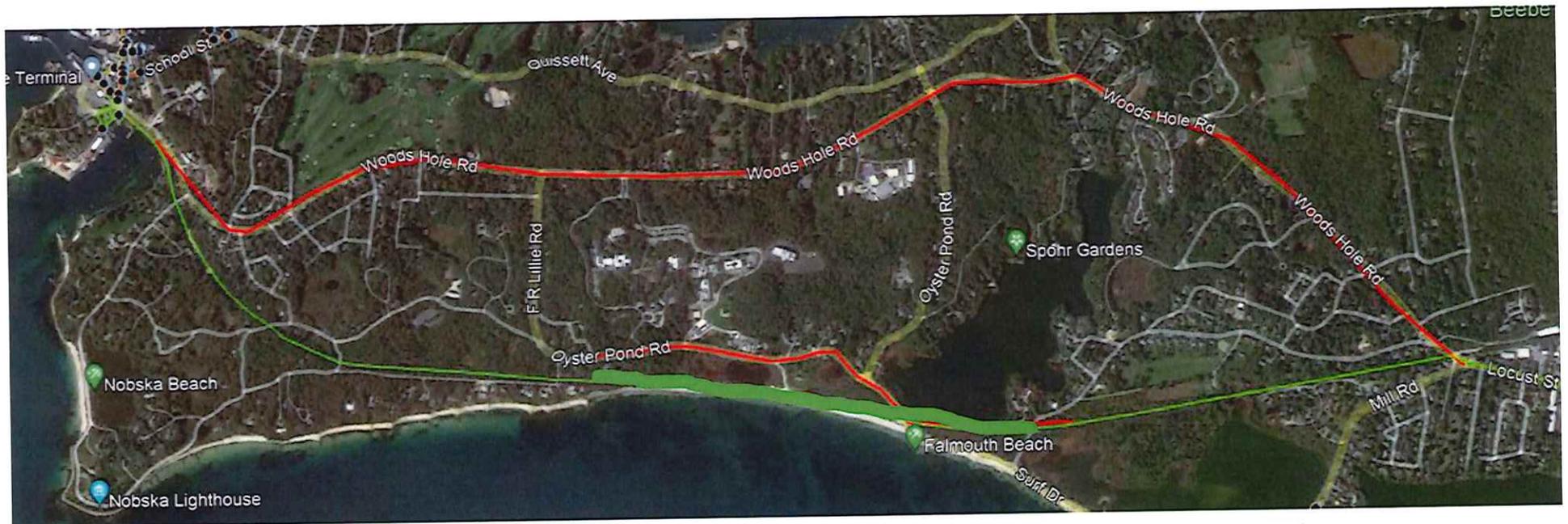
Woods Hole Force Main Options

- Relocate all or most of coastal section inland to Woods Hole Road



Woods Hole Force Main Options

Directionally drill new HDPE pipe at depth under current location



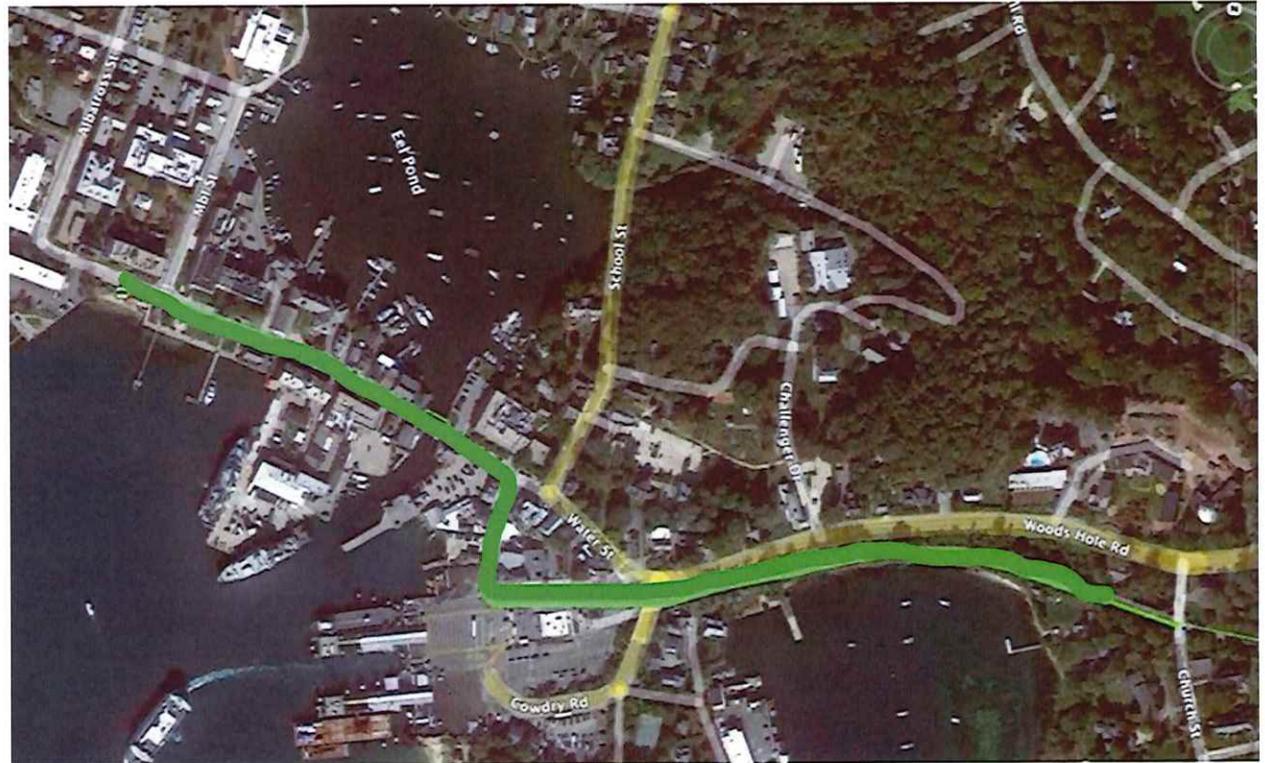
Woods Hole Force Main Evaluation Matrix

DRAFT

Option	Length (feet)	Est. Cost (millions, 2022\$)	Pro	Con
Relocate most vulnerable section to Oyster Pond Rd	4,500	\$4.0	Lowest cost, less disturbance	Future erosion potential if bike path/ Surf Drive abandoned
Relocate entire southern section to Woods Hole Rd	Up to 16,000	\$12.9	Completely out of flood/erosion zone	Highest cost, most disturbance (could relocate slightly shorter section)
Directional drill pipe deeper (~ 40 ft) under current bike path	5,000	\$4.6	Least disturbance, lower cost	Recommend further feasibility evaluation

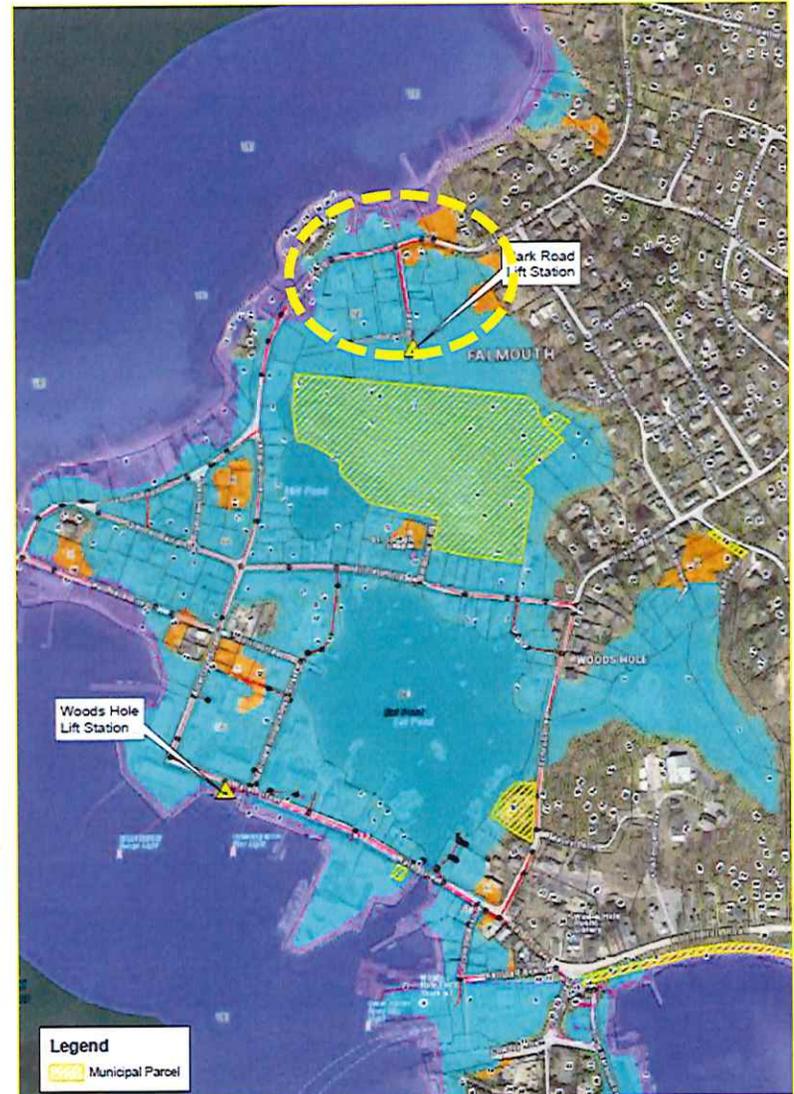
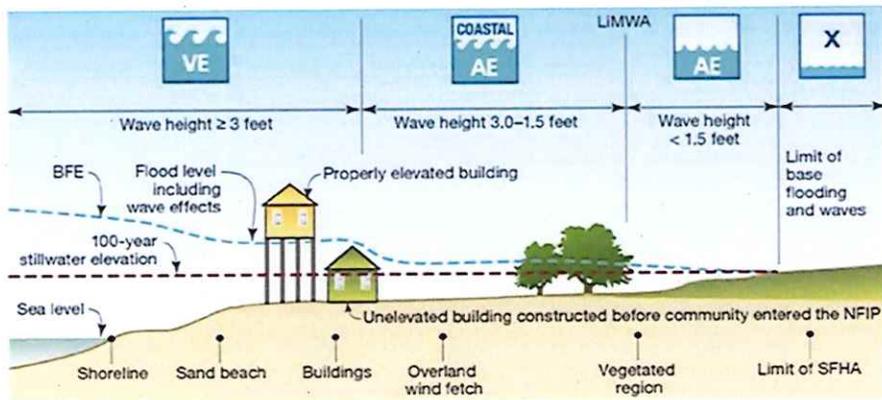
Woods Hole Village Force Main

- Under all options, line *up to* 3,200 feet of force main in Woods Hole village
- Estimated \$2 million (2022 cost)
- Need further evaluation of feasibility of lining bends and of total lining length needed



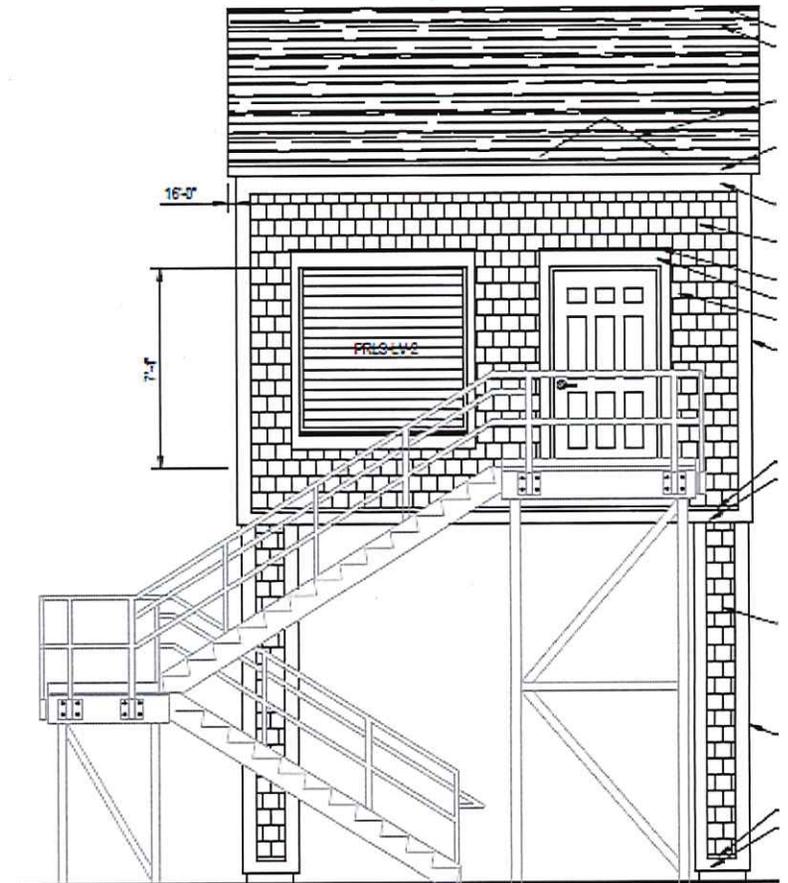
Park Road Collection and Transmission System Evaluation

Park Road lift station only serves 23 single family residential properties, all in AE zone (some higher than others...)



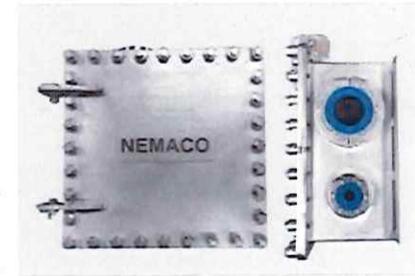
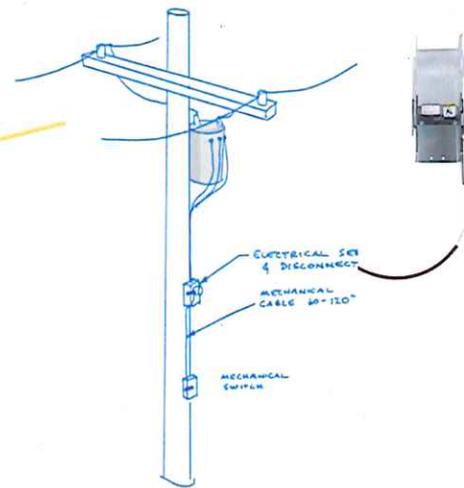
Park Road Option – Elevated Structure

- Construct elevated building to house gas-powered generator and lift station electrical; other flood proofing



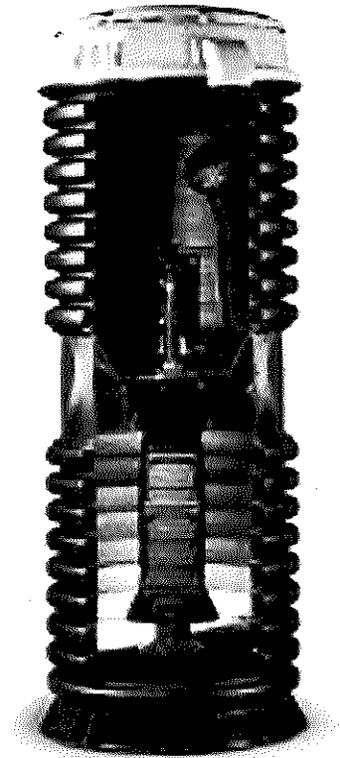
Park Road Option– Electrical Relocation

- Relocate electrical; portable generator when power is out; will not operate during “100 year” storm events



Park Road Option – Low Pressure Sewer

- Replace gravity system with low pressure piping.
- Provide grinder pump for each house



Park Road Option Evaluation - DRAFT

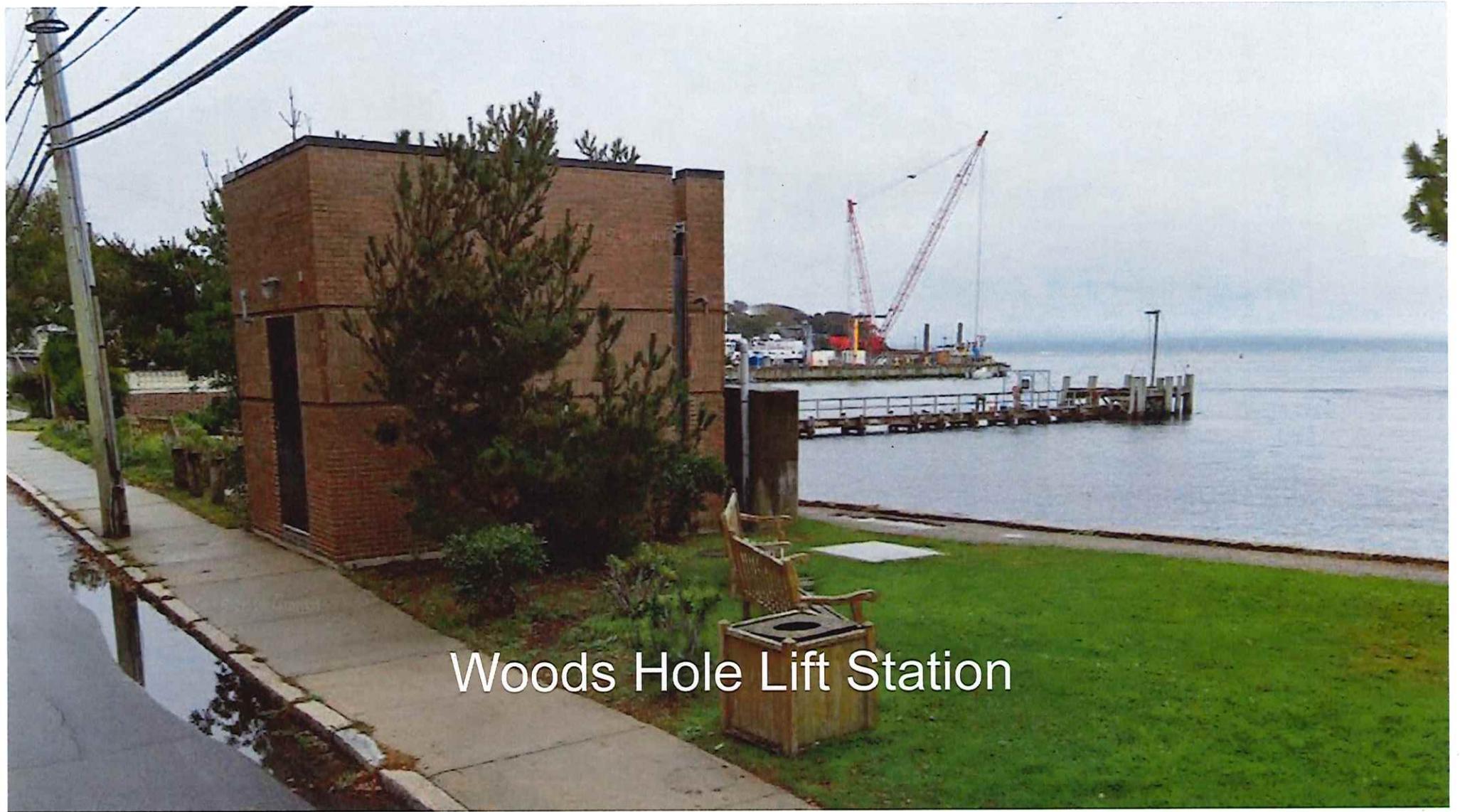
Alternative	Capital Cost Estimate (2022\$)	Pro	Con
Elevated Structure	\$1,100,000	Would operate during design flooding; back-up power onsite	Visual impact; challenging construction; highest cost; continue to operate lift station in marsh.
Electrical Relocation	\$250,000	Lowest cost; would allow operation during moderate flooding; electrical protected from flood damage	Portable generator must be brought to site when power out; will not operate during extreme flooding. Continue to operate lift station in marsh.
Low Pressure	\$900,000	Eliminate lift station in increasingly flooded marsh	Each resident would need grinder pump; when power out, pumps will only run if owner installs home generator; control panel damage during flood; cost

*Sealing existing manholes from inflow would be additional cost for elevated structure and electrical relocation options

Flood Proofing for 3 Coastal Lift Stations

Lift Station Operation As Sea Level Rises

- Optimum: Continuous operation, even during and immediately after flood events.
- Will not be possible under some flood conditions because:
 - Equipment will get damaged by flood water and/or
 - System will be overwhelmed (pipes full of flood water; pumps cannot keep up)
- Evaluated means of protecting station equipment from damage during 2050 design flood
- *More significant modifications (elevate or relocate stations, or change system to low pressure or vacuum sewers) were not evaluated as part of this project – future consideration depending in part on overall Town strategy for adaptation, protection, relocation.*



Woods Hole Lift Station

Woods Hole Lift Station Modifications

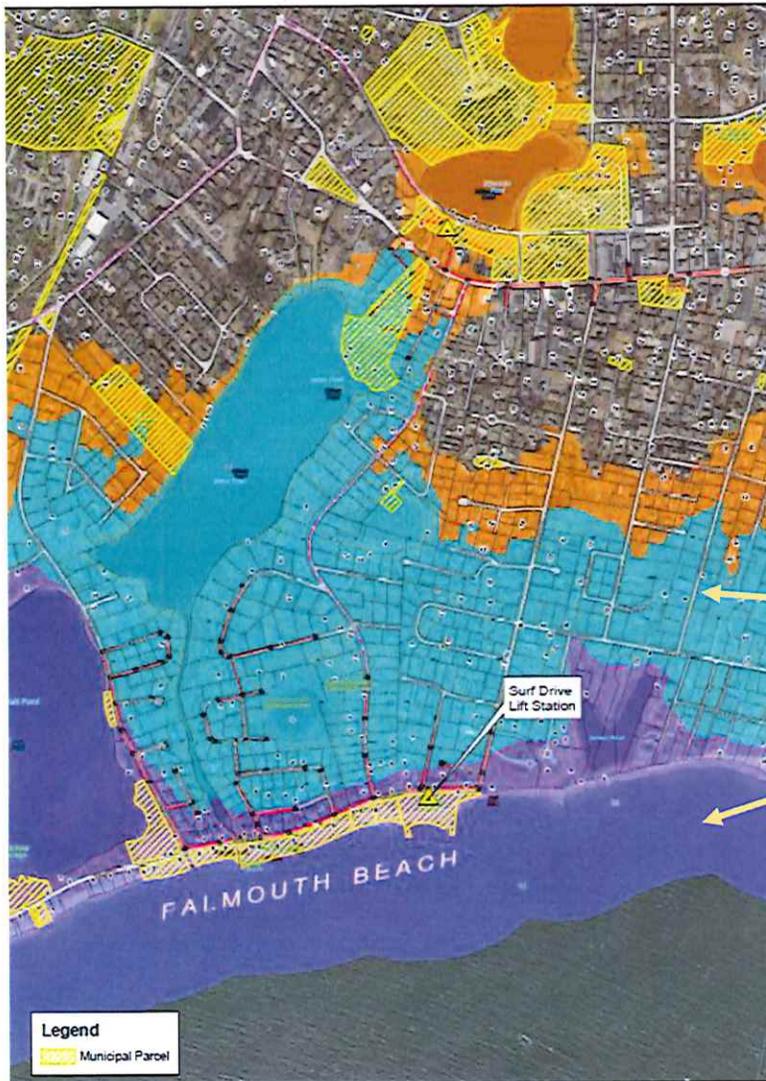
- Move vents to roof
- Flood-proof louvers and door
- Raise exterior electrical meter and disconnect switch
- Seal all wall penetrations
- Test flood proofing of hatches

2070 = 18.0 ft
2050 = 17.4 ft

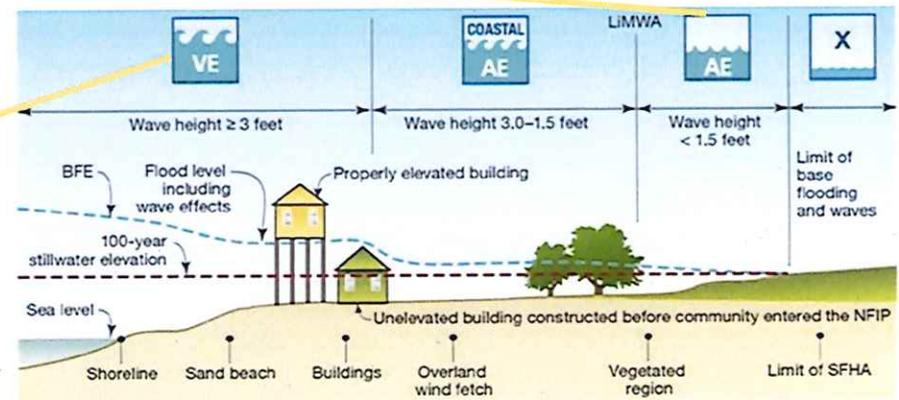




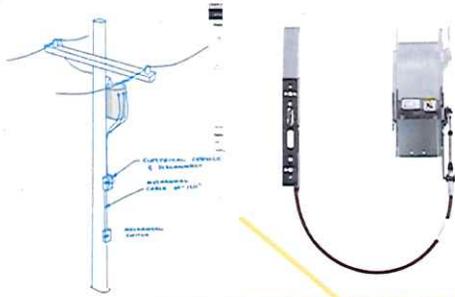
Falmouth Beach Lift Station



Station serves residential properties, all in VE or AE zone



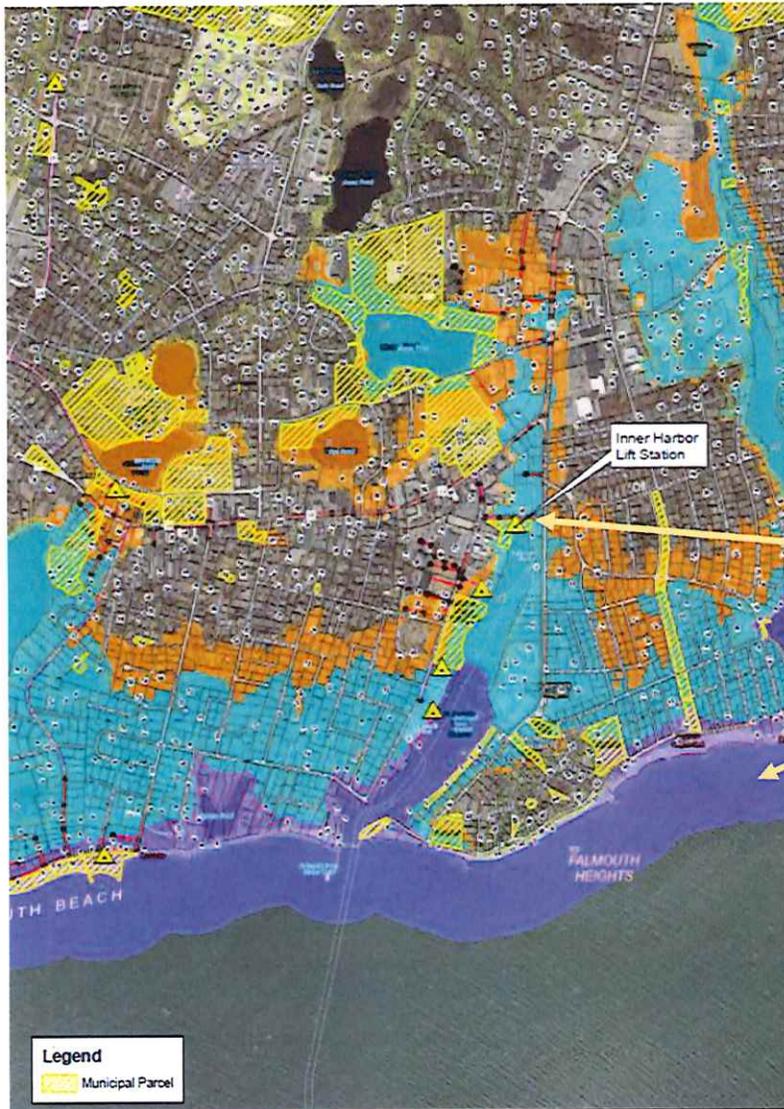
Falmouth Beach Modifications



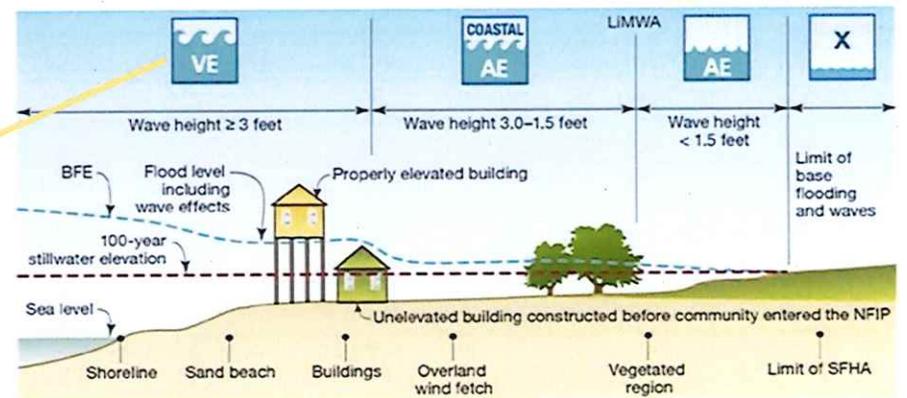
- Flood proof hatch
- Raise meter, shut-off, vents
- Install permanent by-pass



Inner Harbor Lift Station

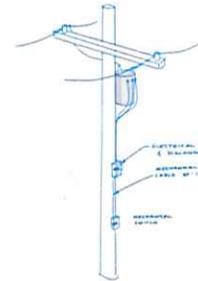


Station serves commercial, municipal and residential properties in Davis Straits/Scranton Ave area, as well as Falmouth Heights. Much of service area in AE zone.



Inner Harbor Modifications

- Flood proof hatch
- Raise meter, shut-off, vents



Lift Station Flood Protection Cost Estimates **DRAFT**

Lift Station	Capital Cost Estimates (2022\$)
Woods Hole	\$150,000
Falmouth Beach	\$150,000
Inner Harbor	\$ 80,000

Sealing existing manholes from inflow is additional cost, not included

Next Steps

- Capital plan requests for further feasibility evaluation then design, construction
 - For force main – further evaluate feasibility/cost of relocation vs deep drilling
 - For Park Road station – public meeting for affected neighbors, final evaluation to select option for design funding
 - For 3 lift stations – Implement modifications to protect equipment from flooding during storm events. For long term protection/function, will need to evaluate more significant changes – station relocation, change to low pressure, etc
- Town continue with evaluation/planning for adaptation, protection and/or retreat in flood zones

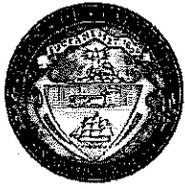


Discussion



BUSINESS

4. Discussion on Possible Lease of 10 Trotting Park Road (10 minutes)



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: Possible Lease of 10 Pumping Station Rd
DATE: July 8, 2022

There are two parcels of Town-owned land on Pumping Station Road which were used by the Water Department before the treatment plant was built on Gifford Street. These parcels are no longer needed by the Water Department and the Town has been approached by two parties interested in using the property: The 300 Committee and the Falmouth Bike Lab. The Bike Lab is looking for garage space to repair and store bikes. The 300 Committee is proposing to locate its headquarters at this property and provided a preliminary proposal which is attached.

We seek guidance from the Board as to whether you would like for staff to move forward with a competitive lease process which would require preparing a Request for Proposals. Depending on the length of the lease, a Town Meeting vote might also be required.

LAND USE REGULATIONS:

Attached are two images from the GIS showing the location of the parcels and the Water Resources Protection District borders. Below is a high level overview of applicable land use regulations. *Please note this is not intended to be a comprehensive or definitive analysis of what is, and is not, allowed by right or by special permit.* A final determination of whether a particular use is allowed requires review of a specific plan submitted to the Building Department.

Care and Control:

- 10 Pumping Station Road – the deed is not clear for this parcel which was part of a larger parcel with an older deed but there is a large building on this parcel containing an office and garage bays that were actively used by the Water Department prior to the new Water Treatment Facility being built.
- 0 Pumping Station Road – this parcel is under the care and control of the Select Board and was acquired for water supply purposes. This designation suggests that the uses may be limited to passive uses with pervious surfaces.

Zoning:

- 10 Pumping Station Rd is in the Public Use District: "Education, research, and philanthropic institution" are among the allowed uses.
- 0 Pumping Station Rd is in the Residence B District: "Private clubs not conducted for profit" are allowed by Special Permit from the ZBA.

Historic:

- These two parcels are located within the “Falmouth Pumping Station” complex which is listed on the National Register of Historic Places. A review by the Massachusetts Historical Commission would likely be required.

Resource Protection:

- Part of 10 Pumping Station Rd and all of 0 Pumping Station Road are within the Water Resources Protection District. Neither are in Zone 1, Zone 2. The Water Resources Protection District prohibits certain hazardous uses. Initial staff review indicates that a small commercial or philanthropic office is not prohibited in the Water Resources Protection District though restrictions with respect to impervious surfaces will apply.

OTHER CONSIDERATIONS:

Traffic:

A high traffic use would not be good for this location. Left hand turns onto Pumping Station Road from Palmer Ave and left hand turns onto Palmer Ave from Pumping Station Road are challenging.

Goodwill Park Access:

The Town has difficulty limiting the number of people who enter Goodwill Park on peak summer days, particularly when the weather is nice on holiday weekends. We will want to require that access to the property continues to be controlled with a gate so that Park users are not able to park at these two Town parcels on these peak summer days.

CONCLUSIONS:

This is not a site that is appropriate for intense commercial or residential development given the access challenges and the proximity to the water supply – though the groundwater flow may run away from the surface waters of Grew Pond and Long Pond. A light commercial use may be feasible subject to further review.

PROCUREMENT:

If the market value of a potential lease exceeds \$35,000, an advertised, competitive proposal process is required pursuant to MA General Law Chapter 30B section 16. We do not have an appraisal of the market value of an annual lease but for reference the assessed value of 10 Pumping Station Road is \$419,200 and the parcel to the north is assessed at \$263,400.

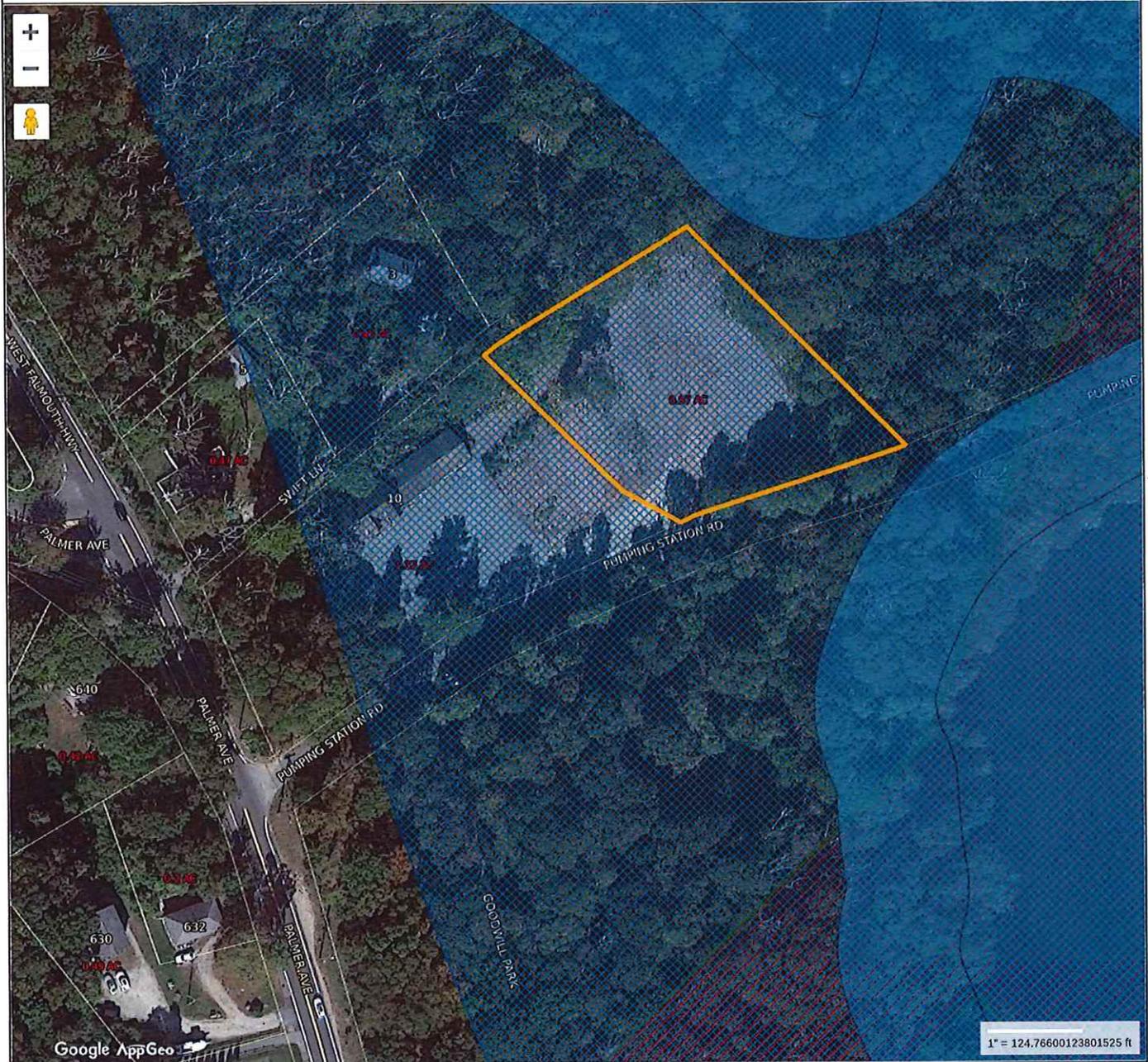
Attachments:

- Location aerial;
- Water Resources Protection District aerial;
- Preliminary Proposal from The 300 Committee;

CC: Maura O'Keefe, Town Counsel
Jed Cornock, Town Planner
Jennifer Mullen, Finance Director

//Pumping Station Rd - Memo to SB 07-08-2022

Water Protection District



**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 06/16/2022

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

Preliminary Proposal to the Town of Falmouth from The 300 Committee Land Trust
Re: 10 Pumping Station Road
May 12, 2022

The 300 Committee Land Trust (T3C) is working on a plan to secure a permanent location for our organization's headquarters. The Town of Falmouth's building at 10 Pumping Station Road, the site of former Water Department offices and maintenance, is of particular interest.

Please refer to attached Plan of Land:

- Land parcel is on the far left of Plan, bounded by Palmer Ave./Route 28 to the west, "Swift Lane" to the north, "Parcel 1" to the east and "Right of Way" to the south.
- Buildings are labeled "Stock House" and "Garage."

This historical structure ("Stock House" + "Garage") has been sitting vacant and unused for several years. The site is immediately adjacent to T3C-owned land, the 24-acre Swift-Chute Preserve, the most recent 11 acres of which were donated to the land trust in 2014, and has access to hundreds of protected acres of Falmouth Town Forest surrounding Long Pond. T3C understands that the Town development subcommittee has been reviewing the site and considering potential future uses and lease options. We believe this location within the preserved Town Forest with an existing structure has great potential for T3C, and our mission complements the Town's stipulated use of the site for "conservation and water resources protection." If the Town were to authorize the Select Board to lease the property, T3C intends to submit a formal proposal to renovate and use the building for our office headquarters.

T3C's investment in this building and the surrounding land would not only improve the structures and overall attractiveness of the area but would also promote conservation awareness and educational opportunities for the surrounding preserved land.

10 Pumping Station Road Proposed Uses:

- Headquarters (HQ) for T3C, local land trust, which has been working since 1985 to permanently protect open space throughout Falmouth for conservation, recreation, drinking water protection, habitat, farming and climate change mitigation.
- Primary use as an ADA-accessible office space complete with kitchenette and two bathrooms (one including shower), with stewardship workshop and storage for light equipment.
- Primarily for weekday, daytime use; up to 20 people during business hours, but usually far fewer. Limited evening and weekend use, mostly fall-winter-spring.

Potential building improvements:

Renovation of first floor of "Stock House" and attached "Garage" could include:

- Removal of 2 garage bays at east end; remaining garage doors replaced. Remaining garage spaces to include meeting space for up to 100 people (this size group would gather <= 6 times/year), Stewardship Workshop and storage.
- Possible removal of dormers to facilitate addition of solar panels on roof
- Additional exterior modifications.

Additional site additions/improvements:

- Tasteful landscaping/planting around building to include mostly native species
- Addition of outdoor patio area (with seasonal tent)
- T3C sign on Palmer Ave.
- Open access will be required from Palmer Ave. to the HQ parking lot only, with Gate to help control unauthorized access. It is understood that gates will remain in strategic locations throughout the surrounding Goodwill Park property in order for the Town to best manage the access to Grews Pond and other facilities within Goodwill Park.

For additional consideration: Parcel 1 (adjacent lot): no building proposed but perhaps the site of future demonstration project--habitat restoration or pollinator meadow for stewardship "best practices" educational purposes

Length of lease term:

T3C requests that the Town consider granting a 99-year lease. T3C anticipates that an investment of \$1M+ will be required to retrofit the building for T3C's HQ. T3C will raise funds from private and public sources for the building renovation plus an additional building endowment fund to support long-term building maintenance.

CONSENT AGENDA

1. Administrative Orders

- a. Approve Eversource petition for permission to install on Sippewissett Road, Falmouth one (1) new handhole at the base of exiting pole 6/37 and approximately 40' (feet) of conduit and cable under town road northwesterly starting at the new handhole 6/37. The work is to be done to provide new electric service to 141 Sippewissett Road, Falmouth.

The petition was approved by Public Hearing Officer, Nicholas Croft, at a hearing held on July 7, 2022 at 3:00 p.m.



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: July 8, 2022

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: **Eversource – Petition to install one handhole and $\pm 40'$ of underground conduit on Sippewissett Road**

A petition was submitted by Eversource to install one handhole and $\pm 40'$ of 1-4" underground conduit on Sippewissett Road to provide service to 141 Sippewissett Road.

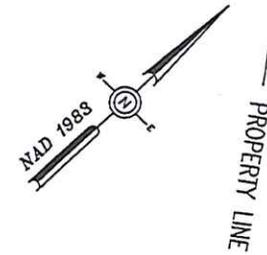
The Engineering recommendation is to approve the request as submitted on Plan No. 7334374, W/O #7334374, dated June 8, 2022.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install new Handhole HH and 40'± conduit to provide electric service to 141 SIPPEWISSETT ROAD.



CUSTOMER HANDHOLE HH

36 06 001 000F
141 SIPPEWISSETT RD
N/F
ARESTY TRUSTEE JULIEN M
ARESTY TRUSTEE ELAINE C



1-4" CONDUIT
TL = 40'±

SIPPEWISSETT RD

APPROX. 440' TO BECCLES RD



6/37

PROPOSED HANDHOLE HH

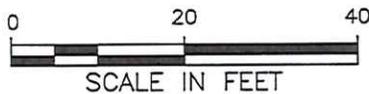
36 07 000 057
140 SIPPEWISSETT RD
N/F
TERRY TRUSTEE MATTHEW M
140 SIPPEWISSETT RLY TR
C/O AMENT KLAUER LLP

36 07 000 041
138 SIPPEWISSETT RD
N/F
HILL LESLIE O
HILL JANET L

PROPERTY LINE

LEGEND

-  Proposed Hand Hole
-  Proposed Conduit
-  Existing Pole



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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#	
Ward #	
Work Order #	7334374
Surveyed by:	N/A
Research by:	JC
Plotted by:	TL
Proposed Structures:	TL
Approved:	T THIBAUT
P#	

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of #141 SIPPEWISSETT ROAD, FALMOUTH

Showing PROPOSED HANDHOLE AND CONDUIT LOCATION

Scale 1"=20'

Date JUNE 8, 2022

SHEET 1 of 1



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 HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 3:00 p.m. on Thursday, July 7, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Sippewissett Road, Falmouth one (1) new handhole at the base of exiting pole 6/37 and approximately 40' (feet) of conduit and cable under town road northwesterly starting at the new handhole 6/37.

The work is to be done to provide new electric service to 141 Sippewissett Road, Falmouth.

Per Order of the Falmouth Select Board

Publication Date: Friday, June 24, 2022, Falmouth Enterprise

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 3:00 p.m. on Thursday, July 7, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Sippewissett Road, Falmouth one (1) new handhole at the base of existing pole 6/37 and approximately 40' (feet) of conduit and cable under town road northwesterly starting at the new handhole 6/37.

The work is to be done to provide new electric service to 141 Sippewissett Road, Falmouth.

Per Order of the Falmouth Select Board

June 24, 2022

June 10, 2022
RE: WO#7334374

Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Nicholas Croft,

Enclosed is a petition to install approximately forty (40) feet of conduit and one (1) handhole in Sippewissett Road, Falmouth.

This proposed location is required to provide electrical service to customer at #141 Sippewissett Road. This petition will require a notice to abutters and a hearing.

Will you please present this petition before the Board for customary action and approval?

If you have any questions, please email Jessica.elder@eversource.com.

Warm Regards,

Jessica Elder
Right of Way Agent
NSTAR Electric
d/b/a EVERSOURCE ENERGY

PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#7334374

May 9, 2022

Barnstable, Massachusetts
To the Select Board of Falmouth, Massachusetts.

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

request permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:

Sippewissett Road, Falmouth

To install approximately 40' (feet) of conduit and cable under town road northwesterly starting at new handhole at base of existing pole 6/37.

Install one new handhole at base of existing pole 6/37.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked Plan No. 7334374 Dated June 8, 2022

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By Jessica Elder

Right of Way Agent
Jessica S. Elder

FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#7334374

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE
ENERGY be and it is hereby granted a location for and permission to install and maintain
underground cables, conduits and manholes, together with such sustaining and protecting
fixtures as said Company may deem necessary, in, under, along and across the public way or
ways hereinafter referred to, as requested in petition of said Company dated the 10th day of
June 2022.

All construction under this order shall be in accordance with the following conditions:

Cables, conduits, and manholes shall be installed substantially at the point indicated
upon the plan marked Plan No.7334374 Dated June 8, 2022 filed with said petition. The
following are the public ways or parts of ways under, along and across which the cables
above referred to may be installed under this order.

Sippewissett Road, Falmouth

Northwesterly from new handhole at base of
pole 6/37, to install approximately 40' (feet) of
conduit.
Install one new handhole at base of pole 6/37

One (1) 1-4" Conduit
One (1) Handhole

This work is necessary to provide new electric service to #141 Sippewissett Road.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board
of the Town of Falmouth, Massachusetts held on the 11th day of
July 2022.

Shylla A Downey
Clerk of Select Board

_____, Massachusetts _____ 2022.

Received and entered in the records of location orders of the Town of Falmouth
Book _____ Page _____.

Attest:

Town Clerk

We hereby certify that on July 7 2022, at 3:00 o'clock,
P. M. at Falmouth Town Hall a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

**Select Board for the Town of
Falmouth, Massachusetts**

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____ 2022, and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.

WO# 7334374
#141 SIPPEWISSETT ROAD
FALMOUTH, MA 02574

36 07 000 041
138 SIPPEWISSETT RD
N/F
HILL LESLIE O
HILL JANET L
PO BOX 966
W FALMOUTH, MA 02574-0966

36 07 000 057
140 SIPPEWISSETT RD
N/F
TERRY TRUSTEE MATTHEW M
140 SIPPWISSETT RLTY TR
39 TOWN HALL SQ
C/O AMENT KLAUER LLP
FALMOUTH, MA 02540

36 06 001 000F
141 SIPPEWISSETT RD
N/F
ARESTY TRUSTEE JULIEN M
ARESTY TRUSTEE ELAINE C
10 LADDS WAY
SCITUATE, MA 02066

CONSENT AGENDA

1. Administrative Orders

- b. Approve Eversource petition for permission to install on Scranton Avenue, Falmouth (1) new FO pole to be labelled 89A/1.5 approximately 50' (feet) south of existing pole 89A/1. The work is to be done to provide electric service to 763 Main Street, Falmouth.

The petition was approved by the Public Hearing Officer, Nicholas Croft, at a hearing held on July 7, 2022 at 3:00 p.m.



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: July 8, 2022

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: **Eversource – Petition to install one new pole on Scranton Avenue**

A petition was submitted by Eversource to install one new Utility Pole approximately 50' south of existing pole 89A/1 on Scranton Avenue.

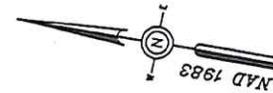
The Engineering recommendation is to approve the request as submitted on Plan No. 7112024, W/O #7112024, dated June 1, 2022.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install new pole #89A/1.5 50' south from existing pole #89A/1 at Scranton Ave.



47B 09 013 022
763 MAIN ST.
N/F
SCRANTON MAIN LLC

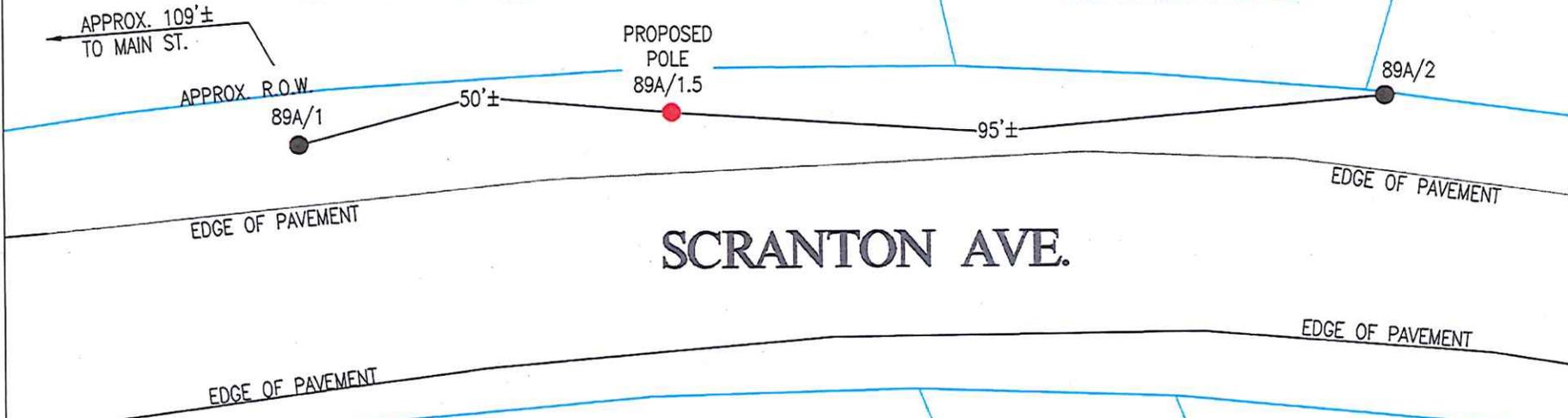
47B 09 010 002
24 SCRANTON AVE.
N/F
SCRANTON MAIN LLC

47B 05 001 007C
743 MAIN ST
N/F
RJR DEVELOPMENT LLC

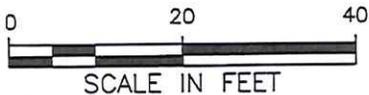
47B 05 041 005C
0 SCRANTON AVE
N/F
SOUTHERN ALT
TWO LLC

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Pole
- Existing Pole
- Riser Pole



SCRANTON AVE.



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan #	7112024
Ward #	-
Work Order #	7112024
Surveyed by:	-
Research by:	GR
Plotted by:	GR
Proposed Structures:	GR
Approved:	T. THIBAUT
P#	



1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of #763 MAIN STREET
FALMOUTH
Showing PROPOSED POLE LOCATION

Scale	1"=20'	Date	JUNE 1, 2022
SHEET	1 of 1		



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 HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 3:00 p.m. on Thursday, July 7, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Scranton Avenue (1) new FO pole to be labelled 89A/1.5 approximately 50' (feet) south of existing pole 89A/1.

The work is to be done to provide electric service to 763 Main Street, Falmouth.

Per Order of the Falmouth Select Board

Publication Date: Friday, June 24, 2022, Falmouth Enterprise

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 3:00 p.m. on Thursday, July 7, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Scranton Avenue, Falmouth (1) new FO pole to be labelled 89A/1.5 approximately 50' (feet) south of existing pole 89A/1.

The work is to be done to provide electric service to 763 Main Street, Falmouth.

Per Order of the Falmouth Select Board

June 24, 2022

June 3, 2022
RE: WO#7112024

Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Nicholas Croft,

Enclosed is a petition to install 1 new FO pole in Scranton Avenue, Falmouth.

This proposed location is required to provide electrical service to customer at #763 Main Street. This petition will require a notice to abutters and a hearing.

Will you please present this petition before the Board for customary action and approval?

If you have any questions, please email Jessica.elder@eversource.com .

Warm Regards,

Jessica Elder
Right of Way Agent
NSTAR Electric
d/b/a EVERSOURCE ENERGY

PETITION FOR POLE LOCATIONS
WO#7112024

June 1, 20221

Barnstable, Massachusetts
To the Select Board of Falmouth, Massachusetts.

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

request permission to locate poles, wires, cables, and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Scranton Avenue, Falmouth

To install one (1) new FO pole to be labelled 89A/1.5 approximately 50' (feet) south of existing pole 89A/1.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. 7112024 Dated June 1, 2022.

Also, for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with the poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

By Jessica Elder

Right of Way Agent
Jessica S. Elder

ORDER FOR POLE LOCATIONS
WO#7112024

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:
that NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

be and they are hereby granted locations for permission to erect and maintain poles and the respective wires and cables to be placed thereon, with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 1st day of June 2022.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber and reasonably straight and shall be set substantially at the points indicated upon the plan marked Plan No. 7112024 Dated June 1, 2022 filed with said petition. There may be attached to said poles by said NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY necessary wires, cables, and fixtures

and all said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet from the ground elsewhere.

The following are public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Scranton Avenue, Falmouth,

To install one (1) new FO pole to be labelled 89A/1.5 approximately 50' (feet) south of existing pole 89A/1.

One (1) FO Pole 89A/1.5

This work is to be done to provide electric service for customer at #763 Main Street.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of Falmouth, Massachusetts held on the 11th day of July 2022.

Paula A Downey
Clerk of Select Board.

_____, Massachusetts _____ 2022.

Received and entered in the records of location orders of the Town of Falmouth
Book _____ Page _____.

Attest:

Town Clerk

We hereby certify that on July 7 2022, at 3:00 o'clock,
P. M. at Falmouth Town Hall a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Select Board for the Town of
Falmouth, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____, 2022, and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.

WO# 7112024
763 MAIN ST
FALMOUTH, MA.

47B 05 041 005C
0 SCRANTON AVE
N/F
SOUTHERN ALT TWO LLC
227 ANGLERS DR APT 201
MARATHON FL, 33050

47B 09 010 002
24 SCRANTON AVE.
N/F
SCRANTON MAIN LLC
1500 IYANNOUGH RD
HYANNIS MA, 02601

47B 05 001 007C
743 MAIN ST
N/F
RJR DEVELOPMENT LLC
19 BROOK RD SUITE 201
C/O SCG MANAGEMENT CORP
NEEDHAM MA, 02494

47B 09 013 022
763 MAIN ST.
N/F
SCRANTON MAIN LLC
1500 IYANNOUGH RD
HYANNIS MA, 02601

CONSENT AGENDA

1. Administrative Orders

- c. Vote to Extend Memorandum of Understanding with Friends of Falmouth Dogs

Diane Davidson

From: Anna dos Santos <anna.dossantos@comcast.net>
Sent: Sunday, June 12, 2022 3:58 PM
To: Peter Johnson-Staub; Gregg Fraser; Charles Martinsen; Jessica Gow
Cc: Anna dos Santos
Subject: [EXTERNAL] - MOU Review with Friends of Falmouth Dogs
Attachments: Memorandum of Understanding - Executed version 4-27-2021.pdf

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi everyone,

It's been a bit over a year since our MOU was signed. Paragraph 20 specifies that the town's authorization of our out-of-state dog program is to be reviewed before a periodic or permanent reauthorization is done. We think the program has been a success, allowing us to adopt about 22 more dogs than we would otherwise.

The FFD Board of Directors would like to request three changes to the MOU. We think setting an overall limit on the number of dogs that FFD can house at the Animal Control Center is a better management approach than setting a specific limit for out of state dogs or limiting the towns from which we can accept surrendered dogs. The requested change to Paragraph 6, below, sets the maximum number of dogs to seven (7). The requested changes to Paragraphs 12 and 18, make adjustments to allow the maximum number in Paragraph 6 to be the controlling factor.

Since I don't have the Word version of the executed MOU to show these requested changes within the document, I attached the current MOU in PDF format for you. Here are the requested changes:

Paragraph #6

Add the following sentence:

"The maximum number of dogs in the care, custody and control of FFD and housed at the Center shall be limited to seven (7), leaving two (2) kennels available for stray animals at all times."

Paragraph #12

In the first sentence, replace "Dogs from surrounding towns of Mashpee, Bourne and Sandwich..." with "Dogs from other towns in Massachusetts ..."

Paragraph #18

In the first sentence, remove "up to four (4)" and "at any one time". The sentence will then read "FFD shall be authorized to import dogs from out of state agencies or organizations."

Please let me know if you'd like to meet in person or via Zoom to discuss the requested changes to the MOU or if you all agree without needing to meet.

Anna dos Santos
President, Board of Directors
Friends of Falmouth Dogs

**MEMORANDUM OF UNDERSTANDING
TOWN OF FALMOUTH
AND
FRIENDS OF FALMOUTH DOGS, INC.**

PREAMBLE

This is a Memorandum of Understanding ("MOU") of _____, 2021, by and between the Town of Falmouth, MA, a municipal corporation duly established with an address of 59 Town Hall Square, Falmouth, MA 02540 (the "Town") and Friends of Falmouth Dogs, Inc., a Non-profit Corporation, with a principal office at 150 Blacksmith Shop Road, Falmouth, MA 02536, with a mailing address of P.O. Box 438, Falmouth, MA 02541 ("FFD").

This Memorandum of Understanding between the Town and FFD outlines activities that FFD is authorized to conduct at the Town owned facility and

*The Falmouth **Select Board** gratefully acknowledges the critical role FFD has played in facilitating adoption of homeless dogs in Falmouth since 1990 and the array of additional services, including be not limited to: dog training, veterinary assistance, rabies vaccination and microchip clinics, foster care, and community education, and for its generous financial contributions to assist in the construction and care of the Center.*

FFD gratefully acknowledges the spirit of cooperation the Town has displayed by authorizing FFD to use and occupy a portion of the facility, and by assisting FFD in fulfilling its corporate mission.

After many years of cooperative effort, the Town and FFD now seek to memorialize the rights and responsibilities of the parties related to their activities at the Center through this Memorandum of Understanding.

DEFINITIONS

- a. "Town of Falmouth, MA," is a municipal corporation duly established with an address of 59 Town Hall Square, Falmouth, MA 02540 (the "Town");
- b. The "Falmouth Animal Control Center" is owned and operated by the Town of Falmouth and is the location of the animal shelter. (the "Center");
- c. "The Friends of Falmouth Dogs, Inc." is a Non-profit Corporation, with a principal office at 150 Blacksmith Shop Road, Falmouth, MA ("FFD");
- d. The "Animal Control Officer(s)" are duly appointed employees of the **Select Board** of the Town of Falmouth, pursuant to M.G.L. c. 140, § 151, working under the

Director of Marine and Environmental Services, with the responsibilities to promote public safety and the humane treatment of all animals while encouraging responsible pet ownership through public education and enforcement of local and state law. ("Animal Control Officer or ACO").

- e. Friends of the Falmouth Dogs "Officers" are duly elected Officers of the non-profit organization, incorporated in Massachusetts ("Officers")
- f. Friends of the Falmouth Dogs "Volunteers" are duly appointed unpaid volunteers engaged in the care of the animals, and other duties as prescribed by the Officers of the non-profit organization (Volunteers").

TERMS OF MEMORANDUM OF UNDERSTANDING

PERSONNEL

1. FFD acknowledges that it has no supervisory authority over the ACO and other Town employees. While FFD volunteers may make reasonable requests of the ACO, they may not direct the ACO in the performance of the ACO's duties. Should any disagreements or disputes arise between FFD volunteers and the ACO or other Town employees, the matter in question shall be referred to the town's Director of Marine and Environmental Services for resolution.
2. FFD officers/volunteers and Town employees shall conduct themselves at all times in a professional, courteous, and civil manner in their dealings with one another and the public. FFD officers/volunteers and Town employees shall conduct themselves at all times in a manner consistent with the Town's Professional Conduct Policy. Violation of these standards of conduct may result in disciplinary action if committed by a Town employee, or if committed by FFD officers/volunteers, the imposition of additional restrictions or the revocation of the license granted to FFD hereunder.
3. FFD officers shall, at FFD's sole cost and expense, comply with all requirements of the county, municipal, state, federal and other applicable governmental authorities, now in force or which may hereafter be in force, pertaining to its use of the Licensed Area, provided it is directly related to FFD's activities at the Center.

FORMS

4. FFD volunteer and adoption documents, shall clearly state: "The Friends of Falmouth Dogs, Inc. is a private non-profit organization dedicated to providing for the welfare of homeless animals of Falmouth. The Friends of Falmouth Dogs, Inc. is authorized to use a portion of the Falmouth Animal Control Center for the purpose of facilitating adoptions of homeless dogs. The Falmouth Friends of Dogs adoption program is privately operated and has no affiliation with the Town of Falmouth. The Town of Falmouth assumes no liability or responsibility for the actions or inactions of the Friends of Falmouth Dogs, Inc., its agents and/or volunteers."

5. The FFD and the ACO shall use the same agreed upon Intake Form that collects as much medical and behavioral information as possible, as well as an agreed upon Surrender Form or Foster Care Agreement Form.

OPERATIONAL

6. FFD shall accept the care, custody and control of dogs deemed adoptable and appropriate for placement in foster, adoptive home, long-term home environment, a sanctuary or training/boarder facility. (see the FFD Mission Statement). The maximum number of dogs in the care, custody, and control of FFD and housed at the Center shall be limited to seven (7), leaving two (2) kennels available for stray animals at all times.
7. FFD shall cover the cost of feeding all dogs housed at the Center.
8. All stray, lost, quarantined and dangerous dogs arriving at the Center shall be placed in the care, custody, and control of the ACO, in accordance with M.G.L. c. 140, § 151A. FFD may provide care to stray or lost dogs if requested by the ACO and if the FFD has personnel available.
9. At the conclusion of a seven (7) day holding period, and in accordance with M.G.L. c. 140, § 151A, the Animal Control Officer may make, at their discretion, a stray or lost dog kept at the Center available for adoption.
10. After a determination by the ACO that a stray, lost or short-term foster dog is available for adoption, the ACO shall request the transfer of the dog to the FFD, and if accepted by the FFD the ACO shall prepare documentation transferring the care, custody, and control of the dog to FFD. FFD shall then review and execute such documentation, thereby obtaining the care, custody, and control of the dog.
11. Dogs from Falmouth brought to the Center by their owners (or their representatives) for the purpose of being surrendered or in need of short-term foster care may be accepted by the ACO or by FFD. Both organizations will use the same agreed upon Intake Form that collects as much medical and behavioral information as possible and require a signed Surrender Form or Foster Care Agreement Form. Copies of the completed forms shall be made available to both the ACO and the FFD. FFD will assume custody, control, and care of such surrendered dogs and the short-term foster dogs, unless FFD deems a surrendered dog accepted by the ACO to be unadoptable. All surrenders shall be by prior appointment, except in emergency situations.
12. Dogs from other towns in Massachusetts brought to FFD at the Center by their owners (or their representatives) for the purpose of being surrendered or in need of short-term foster care may be accepted by the FFD upon the approval of the ACO. All surrenders shall be by prior appointment, except in emergency situations, and shall require submission of an Intake Form in advance of the appointment for evaluation the dog at the Center. The Intake Form

will be used to collect as much medical and behavioral information as possible and shall be agreed upon by the ACO and the FFD. The Intake Form shall be made available to both the ACO and the FFD at least 1 business day prior to the scheduled arrival at the Center to allow for review of the dog's history. If approved by the ACO, FFD will obtain a signed Surrender Form or Foster Care Agreement Form and assume custody, control, and care of such surrendered dogs and the short-term foster dogs.

13. If the FFD officer/volunteer suspects that the dog being surrendered or in need of foster care has a bite history or shows offensive aggression, the ACO must be consulted, and the ACO shall accept the dog before the surrender can be completed.
14. All dog bites of any severity which take place at the Center shall be immediately reported to an ACO. Failure to do so may result in additional restrictions or revocation of this MOU.
15. All dogs under the custody and control of the Animal Control Officer shall be provided medical treatment as required by M.G. L. c. 140, § 151A, at the Town's expense.
16. All dogs listed as quarantined or with specific status (i.e., "Do Not Walk", "Dangerous", "ACO Only", etc.) by the Animal Control Officer shall not be handled by FFD staff without permission of the ACO. ACO staff will be responsible for the care and custody of any animal so designated.

OUT OF STATE DOGS

17. As dogs available for adoption are declining dramatically in the Northeast due to successful spay/neuter programs, and many dogs are at risk of euthanasia due to over breeding in other parts of the country. This has resulted in many animal welfare and humane organizations procuring and transporting dogs and puppies to Massachusetts that are overpopulated in other states, which has resulted in a successful program of relocation and adoption of pets. FFD has a goal of establishing such a program to assist overburdened states, cities, or counties with the overpopulation of dogs by importing a small number of these dogs into FFD's adoption program. This will expand the adoption opportunities for Falmouth residents and those in surrounding towns, and all costs associated with the program shall be borne solely by FFD.
18. Process: The FFD shall be authorized to import dogs from out of state agencies or organizations subject to the capacity limits referenced in number 6. FFD will, at a minimum, obtain a completed Intake Form, and make reasonable efforts to ascertain as much medical and behavioral history of each dog as possible. FFD shall make all reasonable efforts to submit to the ACO the Intake Form and any supplementary information well in advance, but no later than 4 business days prior to the dog's scheduled arrival at the Center. Affirmative approval of the ACO shall be required before any dog from out of state can be taken into custody by FFD at the Center.

19. FFD shall prepare the Intake Form, complete with all the information collected about the dog, including source/location of the dog, and shall provide to the ACO a copy of such form. FFD shall follow all state health and quarantining regulations for these out of state dogs.
20. The Town's authorization of this program pursuant to this MOU shall be on a one-year trial basis, after which it shall be reviewed by the Town and FFD and may be authorized thereafter on a periodic or permanent basis.

FACILITY USE

21. The Center includes a building with two office spaces, a utility room, bathroom, two hallways and dog pens. The Center includes grounds that have been improved with an asphalt driveway and parking area, and various sheds, overhangs, and fenced areas. A copy of the Center's building floor plan and exterior improvements are shown on a plan entitled, "Plan of Animal Control Center @ 150 Blacksmith Shop Rd., dated October 17, 2012, Town of Falmouth Department of Public Works, Engineering Division" (the "Center Plan"). A copy of the Center Plan is attached as "Exhibit A." Personal property owned by FFD is listed in "Exhibit B."
22. The Select Board hereby grants FFD a license for the exclusive use of the 12.0' x 13' 3" office space depicted on the Center Plan for uses related to the Adoption Program (the "FFD Office Space"). The Town, including the Marine and Environmental Services, Animal Control Division ("Animal Control"), shall exclusively use the 12.0' x 12.0' office space shown on the Center Plan. The Town hereby grants FFD the right to the nonexclusive use to be shared with Animal Control of the remaining portions of the Center building and grounds shown on the Center Plan for uses related to FFD's operations. Kennels shall only be used for storage purposes with prior approval of the Animal Control Officers. (Hereafter, the totality of licensed areas herein granted to FFD, whether for exclusive or nonexclusive use, shall be referred to as the "Licensed Area.")
23. FFD and the ACO's shall make every effort to reduce the impact of noise resulting from their respective operations at the Center. Alteration of vegetative buffers at the Center and in surrounding Town owned land is not authorized without prior written consent from the Town.
24. The Town and its agents shall have the right to enter the FFD Office Space, upon reasonable notice to inspect the space, and to make such repairs, alterations, improvements, or additions as the Town may deem necessary or desirable, provided such entry or repairs shall not unreasonably interfere with FFD's operations. This provision will not include inspection of files or related property of FFD.

PROPERTY CARE AND MAINTENANCE

25. The Town will pay all utilities for the Licensed Area and arrange for plowing/clearing

of the parking areas and access to the building. The Town will ensure the vegetated area surrounding the Center and the driveway is mowed/weed wacked biweekly in the summer, and monthly in the spring and fall, and will use its best efforts to provide and perform snow plowing of the parking areas and access areas to the building, and any other actions as may be deemed necessary for the operation of the Center.

26. FFD shall be responsible for maintaining the Licensed Area in a clean, safe, and presentable condition, free of any hazards or health concerns. FFD will contract with an outside cleaning service at FFD's sole expense, for quarterly cleaning services, or more often as FFD shall deem necessary.
27. Each organization will be responsible for the cleaning, sterilization and disinfecting of kennels used by dogs in their custody. FFD may provide assistance to the ACOs if requested and FFD has personnel available.
28. FFD shall provide, at their sole expense, any disinfection solutions for the Center, as well as any toilet paper, paper towels, bathroom soaps and pet safe ice melt.
29. In the event FFD becomes aware of any structural or other maintenance problems with the Center, FFD shall immediately notify the Animal Control Officer. General maintenance of this building shall continue to be the responsibility of the DPW Facilities Manager. The town will apprise FFD of plans to address any structural or maintenance issued being handled by the facilities division and when possible provide advanced notice of work taking place during FFD hours of operation.
30. FFD may make, at its expense, interior and exterior structural and non-structural alterations, additions, or improvements to the Licensed Area with the prior written consent of the Town. FFD shall be fully responsible for acquiring any and all necessary permits required for such improvements. All alterations, additions and improvements shall remain in place as the property of the Town. FFD shall repair any damage to the Licensed Area occasioned by such improvements to the satisfaction of the Town. FFD shall promptly pay all contractors and material men hired by FFD to furnish any labor or materials. Should any lien be made or filed against the Premises, FFD shall bond against or discharge same within (10) days after written request by the Town.
31. There currently exist walking trails extending into Town owned property adjacent to the areas depicted on the Center Plan. No expansion of such walking trails is authorized without prior written consent from the Town.

LIABILITY

32. The Town will have no control of, or liability for the activities related to the Adoption Program and the FFD Dogs once custody of a dog is transferred over to the FFD.

33. FFD shall maintain with insurers authorized to do business in the Commonwealth of Massachusetts and which are well rated by a recognized national insurance rating organization a general comprehensive public liability insurance policy against claims for bodily injury, death or property damage arising out of the use and occupancy of the Licensed Area with limits no less than \$1,000,000.00 per occurrence and \$3,000,000.00 per aggregate. All insurance shall name the Town as an additional insured. Any deductibles must be approved in writing by the Town prior to the effective date of the policy.
34. FFD shall deliver to the Town insurer's certificates evidencing all insurance that the FFD must maintain under this MOU, and within thirty (30) days before any insurance expires, certificates evidencing its renewal. Any policy of insurance shall contain a clause that the insurer will not cancel or change the insurance without first giving the Town ten (10) business days prior written notice.
35. FFD hereby indemnifies, and shall protect and hold the Town harmless from and against all liabilities, losses, claims, demands, costs, expenses, and judgments of any nature arising, or alleged to arise, from or in connection with the following: (a) any injury to, or the death of any person or loss or damage to property arising from or connected with the FFD's use of the Licensed Area including for any action or inaction by FFD's staff, agents or volunteers and/or dogs in the Adoption Program or (b) performance of any labor or services or the furnishing of any materials or other property in respect of the Licensed Area by or at the request of FFD.

TERMINATION

36. This MOU, including the exclusive use of the licensed premises, may be terminated without cause by either party upon written notice no less than ninety (90) days in advance of termination, unless agreed to a lesser time by both parties.

MODIFICATION

37. Modification to this Memorandum of Understanding shall be in writing and duly executed by the parties hereto to be effective.

AUTHORITY TO SIGN

38. Friends of Falmouth Dogs hereby agrees and warrants that it has complied with its Articles of Organization and By- laws in entering into this Memorandum of Understanding. Further, that those signing the MOU on behalf of FFD have the power and authority to sign this MOU. A copy of the corporate vote authorizing FFD to enter into this MOU and accompanying clerk's certificate is attached hereto as "Exhibit C".

SIGNATURES

This is MOU is executed in duplicate, each is considered an original.

For the Friends of Falmouth Dogs, Inc.

Date _____

Anna dos Santos, President

For the Town of Falmouth:

Date _____

Peter Johnson-Staub, Falmouth Acting Town Manager

Date _____

Maura O'Keefe, Town Counsel

CONSENT AGENDA

1. Administrative Orders

- d. Approve request from the Waquoit Congregational Church for a waiver of the special event permit fee for the temporary one-way street permit for Parsons Lane for the annual Summer Bazaar on Friday, 7/15/22 and Saturday, 7/16/22 from 8:00 a.m. to 4:00 p.m.

Request for Fee Waiver:

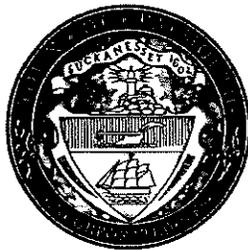
**Waquoit Congregational Church Summer Bazaar
Parsons Lane One Way**

Requesting a waiver of the special event permit fee:

\$200.00 per day permit fee x 2 days = \$400.00

History:

The Select Board has waived this fee since 2018.



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Annual Summer Bazaar

NAME Waquoit Congregational Church, Rev. Nell Fields

MAILING ADDRESS 15 Parsons Lane, Waquoit, MA 02536

EVENT DAY & DATE Friday, July 15 and Saturday, July 16, 2022

RAIN DATE None.

EVENT LOCATION Waquoit Congregational Church

EVENT TYPE One-Way Traffic on Parsons Lane

EVENT HOURS 8:00 a.m. – 4:00 p.m. SET-UP / BREAK DOWN _____

NUMBER OF ATTENDEES 50+ # OF VEHICLES 20+

ADDITIONAL DETAILS Request to make Parsons Lane one-way. Traffic flowing from Rt. 28 to Studley Street to Rt. 28.

CONDITIONS:

1. Roadway should be clearly marked at both ends for safety purposes.
2. Any barricades placed in the roadway should be portable and a person assigned to remove them to allow passage of public safety equipment.
3. Event organizer to erect signage to prevent vehicles from parking along Route 28 (Waquoit Hwy.)
4. Food vendors must contact Health Department in advance of event for temporary food permit.
5. Coordinate this event two weeks in advance with the Detail Sergeant at the Police Department, the Fire Department and the DPW to arrange for adequate public safety requirements.

PERMIT FEE \$400.00 (\$200.00/day) FILING FEE \$10.00

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

APPROVED:


Town Manager

7/7/22
Date

CONSENT AGENDA

1. Administrative Orders

- e. Approve request for variance to sign code §184-20 – Spohr Gardens Trust – off-premise sandwich board style promotional signs – 8/1/22-8/6/22 for Butterfly Garden Day

Buterfly Garden Day – Spohr Gardens – Saturday, August 6, 2022:

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

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

Length of Time: Monday, August 1, 2022 through Saturday, August 6, 2022 (6 days)

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

Town of Falmouth Sign Permit Application (rev. 12/20)
 (508) 495-7470 Fax (508) 548-4290

For office use only:
 BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: _____
*\$8 per \$1000/ Min. \$100 (per sign)
 DATE: 6/3/2022

STREET ADDRESS FOR PROPOSED SIGN(S): SEE ATTACHED LOCATIONS
 BUSINESS NAME: WBKEYFOOT FOR SPHR GARDENS TRUST
 BUSINESS OWNER: _____ ADDRESS/PHONE: _____
 PROPERTY OWNER: _____ ADDRESS/PHONE: _____
 CONTRACTOR / SIGN COMPANY: _____
 APPLICANT E-MAIL: wbkeyfoot@keyfoottech.com

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

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y N
 If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval (§184-13).

<u>Type of Sign</u>	<u>Check</u>
FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35	<input type="checkbox"/>
WALL SIGN(s) § 184-37; Awning(s) § 184-22	<input type="checkbox"/>
ROOF SIGN(s) § 184-37	<input type="checkbox"/>
PROMOTIONAL/SPECIAL EVENT SIGN(s) § 184-30 <u>SANDWICH SIGNS</u>	<input checked="" type="checkbox"/>
OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20	<input type="checkbox"/>

The Select Board must approve all off-premise signs.
 Proposed location: ATTACHED Size: 2x3ft FROM MONDAY, AUG 1 TO SATURDAY, AUG 6
 Please Attach Approval Letter

Mark B. Keyfoot 6/3/2022 _____
 Signature of Applicant Date Signature of Owner Date

 Historic District Commission Date
 With the following conditions: _____

 Sign Review Committee Date
 With the following conditions: _____

 Building Commissioner/Inspector Date
 With the following conditions: _____

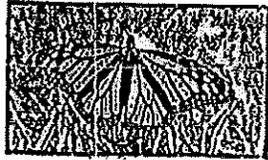


Sign Placement Locations for Butterfly Garden Day - AUG 6, 2022

PLACED OUT ON MONDAY, AUG 1 - AUG 6

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

Spohr Gardens
**BUTTERFLY
GARDEN DAY**



Saturday, AUG 6
10:00am to 2:00pm
Fells Road off
Oyster Pond Road
FALMOUTH

CONSENT AGENDA

1. Administrative Orders

- f. Approve letter to the Massachusetts legislature in support of Governor's \$200,000,000 budget proposal for the Massachusetts Clean Water Trust to fund water pollution abatement projects on Cape Cod and the Islands

July 11, 2022

Rep. Aaron Michlewitz, Chair
Ways and Means Committee, MA House of Representatives
State House
24 Beacon Street, Room 243
Boston, MA 02133

Senator Michael J. Chair Rodrigues, Chair
MA Senate Ways and Means Committee
State House
24 Beacon Street, Room 212
Boston, MA 02133

Aaron.M.Michlewitz@mahouse.gov
Michael.Rodrigues@masenate.gov

Dear Chairs Michlewitz and Rodrigues:

The Falmouth Select Board strongly supports Governor Charlie Baker's request in Supplemental Budget H 4802, section 1595-1005, for \$200,000,000 for the Massachusetts Clean Water Trust to fund planning and implementing water pollution abatement projects on Cape Cod and the Islands.

The Town of Falmouth has 14 impaired estuaries that exceed their Total Maximum Daily Loads (TMDLs) as determined by the Massachusetts Estuaries Project, MassDEP, and the US Environmental Protection Agency. The town has expended or committed tens of millions of dollars from its own resources to address what has been clearly identified as a regional and even national concern.

Governor Baker proposes in H 4802 for the Commonwealth to step up to the plate and provide additional state funding to supplement the financial efforts our community and the 20 other Cape and Islands communities are making to address this problem. Our Board appreciates his initiative and urges your committee and the House and Senate to adopt section 1595-1005 as submitted.

Sincerely,

Nancy R. Taylor, Chair
Falmouth Select Board

CONSENT AGENDA

2. Review and Vote to Approve Minutes of Meetings

- Public Session – June 6, 2022; June 13, 2022 and June 21, 2022**

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JUNE 6, 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. At the discretion of the Chair, agenda items may be taken out of order.

Select Board Present: Dr. Nancy Taylor, Chair; Onjalé Scott Price, Vice Chair; Sam Patterson; Doug Brown; Scott Zylinski.

Staff Present: Peter Johnson-Staub, Acting Town Manager; Maura O'Keefe, Town Counsel.

1. Call to Order by Chair Taylor at 6pm.
2. Pledge of Allegiance

COMMITTEE INTERVIEWS AND APPOINTMENTS

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

Regulatory Boards

- a. Board of Assessors – Brian Ridgeway
Mr. Brown motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.
- b. Board of Health – George Heufelder
Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.
- c. Conservation Commission –
Jamie Mathews is seeking reappointment.
Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

Courtney Bird served on the Conservation Commission since around 2003.

Chair Taylor motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

Melissa Freitag has been a public servant since mid-1990's and in Falmouth since 2005, she has been volunteering with the Historical Commission and served as Vice Chair on the Coastal Resiliency Action Committee.

Mr. Patterson motion to appoint to a term ending 6/30/23. Second Ms. Scott Price. Vote: Yes-5. No-0.

- d. Historical Commission –
Edward Haddad, Chair, has been involved in the Historical Commission since 2006.
Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

Tamsen George

Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

Mason Wilcox is seeking to be back on it, it has been seven years since he has served on this Commission, he has a home in a historical district.

Mr. Patterson motion to appoint to a term ending 6/30/24. Second Mr. Zylinski. Vote: Yes-5. No-0.

- e. Zoning Board of Appeals –
Gerald Potamis is seeking full appointment. In response to Mr. Brown's question about the Open Meeting Law, Mr. Potamis said that the open meeting law should be followed as best we can.
Mr. Patterson motion to appoint to a term ending 6/30/27. Second Mr. Brown. Vote: Yes-2. No-3 (Ms. Taylor, Ms. Scott Price, Mr. Zylinski.)

Susanne Murphy applied in September and is now reapplying, she has zoning experience in another town. She watches the meetings from her home.

Mr. Zylinski was unable to complete the application notifications, he does not have enough information to make a qualified decision on it.
Mr. Patterson motion to appoint to a term ending 6/30/25. Second Mr. Brown. Vote: Yes-3. No-2 (Chair Taylor, Mr. Zylinski.)

D. Scott Peterson
Mr. Brown motion to appoint to a term ending 6/30/24. Second Chair Taylor. Vote: Yes-5. No-0.

The Board questioned the number of vacancies on the ZBA. Mr. Johnson-Staub said the Board could appoint with an effective date certain. He was under impression the vacancy was available at this time and at this time had no recent confirmation in writing on the exact date of one member's resignation from the ZBA.

Non-Regulatory Boards

- a. Affordable Housing Committee –
Gina Torielli, Precinct 2.
Ms. Scott Price motion to appoint to a term ending 6/30/25. Second Mr. Patterson. Vote: Yes-5. No-0.

David Garrison
Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

- b. Beach Committee –
Heather Burke told the Board Barb Schneider supports her appointment, she lives in Falmouth Heights, and supports the sustainability of the beaches.
Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

- c. Bicycle and Pedestrian Committee –
Nathaniel Clark is a regular rider of the bike path, believes it to be one of the greatest Town resources. He would like to keep it in good shape and have more walking/biking opportunities.
Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

Michael Spall-withdrew his application.

Peter Mili
Mr. Patterson motion to appoint to a term ending 6/30/23. Second Ms. Scott Price. Vote: Yes-5. No-0.

Katherine Jansen is a member of Board of Directors of a MA nonprofit, volunteers for Neighborhood Falmouth, and is an avid bicycle rider.
Mr. Patterson motion to appoint to a term ending 6/30/25. Second Mr. Zylinski. Vote: Yes-5. No-0.

- d. Cape Light Compact –

Scott Mueller has been an Energy Attorney in MA for 35 years, retiring from full time practice, and looking to keep active. Should the incumbent want to continue, also interested in serving on the Energy Committee.

Mr. Brown has worked with him and believes he would be an asset to any group.

Ms. Scott Price found Mr. Mueller's application and resume impressive with great experience.

Mr. Patterson motion to appoint to a term ending 6/30/24. Second Ms. Scott Price. Vote: Yes-5. No-0.

Mr. Johnson-Staub noted interest from another individual who previously served in this position, Matthew Patrick.

- e. Council on Aging –
Brenda Swain

Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

- f. Cultural Council –
Susan Stern is hoping to become a contributing member.

Mr. Patterson motion to appoint to a term ending 6/30/25. Second Ms. Scott Price. Vote: Yes-5. No-0.

- g. Energy Committee –
Scott Mueller

Mr. Patterson motion to appoint to a term ending 6/30/23. Second Mr. Zylinski. Vote: Yes-5. No-0.

- h. Human Services Committee –
Kathleen Soltész

This item was held for a future meeting so that the Board can get more information from the applicant.

- i. Sandwich Road Fire Station Building Committee –
John Elliott is currently serving as the alternate member and seeking to fill the vacant permanent member.

Mr. Patterson motion to appoint to a permanent position until completion. Second Mr. Zylinski. Vote: Yes-5. No-0.

- j. Solid Waste Advisory Committee –
D. Scott Peterson

Mr. Brown motion to appoint to a term ending 6/30/25. Second Mr. Zylinski. Vote: Yes-5. No-0.

- k. Water Quality Management Committee –

Stephen Leighton is applying for reappointment, he took a year off because of term limits.

Mr. Patterson motion to appoint to a term ending 6/30/25. Second Mr. Brown. Vote: Yes-5. No-0.

- 2. Vote committee reappointments (uncontested seats)
Chair Taylor recused herself.

Affirmative Action Committee
Terry Alves Hunter

The Board has concerns that Ms. Alves Hunter has gone beyond the scope of the committee as a member.
Mr. Patterson motion to defer the applicant's appointment. Second Mr. Zylinski. Vote: Yes-4. No-0. Recused: 1 (Chair Taylor.)

Agricultural Commission
Karen Schwalbe and Jack Simons
Mr. Patterson motion to appoint both applicants to terms ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Bicycle and Pedestrian Committee
Neil Aluru
Edward Gross
Mr. Patterson motion to appoint both applicants to terms ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Cable Advisory Committee
Michael Eder
Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Cape and Vineyard Electric Cooperative
Rosemary Carey
Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Cape Cod Water Protection Collaborative
Ray Jack
Mr. Patterson motion to appoint to a term ending June 30, 2024. Second Ms. Scott Price. Vote: Yes-5. No-0.

Commission on Substance Use
Beverly Ciavola
Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Constable
Ronald Braga
Mr. Patterson motion to appoint to a term ending June 30, 2024. Second Ms. Scott Price. Vote: Yes-5. No-0.

Council on aging
Elizabeth Hike
Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Cultural Counsel
Marilyn Rowland
Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

EDIC
Mark Lowenstein
Thomas Feronti
Mr. Patterson motion to appoint to terms ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Golf Advisory Committee
Robert Pacheco
Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Human Services
Deb Berglin

Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Recreation Committee
Robert Brown
Michael Heylin

Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Shellfish Advisory committee
Scott Lindell
Brigan Ridgeway
John W. Sylvia, Sr.

Mr. Patterson motion to appoint to terms ending June 30, 2025. Second Ms. Scott Price. Vote: Yes-5. No-0.

Steamship Authority-Port Council
Robert S. C. Munier

Mr. Patterson motion to appoint to a term ending June 30, 2024. Second Ms. Scott Price. Vote: Yes-5. No-0.

Upper Cape Water Supply Cooperative
Ray Jack

Mr. Patterson motion to appoint to a term ending June 30, 2024. Second Ms. Scott Price. Vote: Yes-5. No-0.

Veteran's Council Committee
Robert Foos
Paula Smith

Mr. Patterson motion to appoint to terms ending June 30, 2023. Second Mr. Zylinski. Vote: Yes-5. No-0.

Water Quality Management Committee
Thomas Duncan

Mr. Patterson motion to appoint to a term ending June 30, 2025. Second Mr. Zylinski. Vote: Yes-5. No-0.

Waterways Committee
Joseph Voci
Charles Eastman

Mr. Patterson motion to appoint to terms ending June 30, 2025. Second Mr. Zylinski. Vote: Yes-5. No-0.

1. Proclamation – Day of Portugal – June 11, 2022
Mr. Patterson read the proclamation in the packet as a motion. Second price. Vote: Yes-5. No-0.

2. Recognition
Chair Taylor congratulated the students, staff, and the administration of the Falmouth School System in a successful school year. She attended the graduation and found it well done.

The Board commented that this year's FHS graduates spent half their high school career in the pandemic and that it is nice to see such a strong school system.

3. Announcements –
Chair Taylor announced the Board of Directors of the Portuguese American Association (PAA) requested June 11th be deemed Day of Portugal. PAA will host a Portuguese American celebration that day.

DPW Director Peter McConarty reported that for a bit of time there have been trash difficulties with Republic and he has been in daily conversation with management at Republic. They are having trouble finding CDL drivers who are qualified under the new regulations. Trash pickup will be caught up by

tomorrow, recycling caught up by Wednesday or Thursday. Mr. McConarty will set a meeting with the Republic General Manager to review expectations, DPW resources should not be used to field calls regarding Republic's services.

The DPW helped relieve the situation, by opening the waste management facility for tomorrow and a week from Friday, residents may bring their trash for no charge.

Mr. Johnson-Staub noted we have to be mindful of the open meeting law, he will put this on the agenda. Mr. Johnson-Staub encouraged residents to sign up for alerts through the Town website.

4. Public Comment

Dave Moriarty, resident, reminded the community about the Mayflower Wind forum to be held on 6/8/22 at the 6pm at Lawrence School. Encouraged all to attend.

5. Vote to affirm appointment of Building Commissioner

Mr. Zylinski made a declaration, applicant and he are members of a private club, it will not affect his judgement.

Mr. Johnson-Staub said that Gary Street has been working as local inspector for the Town since 2002, is highly qualified, and he will do a fine job. Seeking the Board's affirmation for the appointment. Mr. Street is not asking to waive residency requirement, he lives in Falmouth.

Mr. Brown is a contractor, he gets building permits sometimes, and will abstain from voting.

Mr. Street said over 12,000 permits have been issued since January 2022 from their office, the people working there are professionals, know their job, and they run the show. He is just an orchestrator. Very fortunate to have the people working in the Building Dept., and they deserve the credit.

Mr. Patterson motion to affirm the appointment of Mr. Street. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1 (Mr. Brown.)

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub reported there are two items on the consent agenda; one is to grant a license for a parking space under administrative orders item A. Jim McLoughlin, Town Engineer, said that there is limited space for off-street parking; however, the property owner could add a third parking spot on the Town right of way. Other property owners in the area have installed similar without a license agreement. The Town would retain the rights to that area if it is needed for some future use.

Mr. Johnson-Staub is asking the Board to approve item D, the conflict of interest disclosure for himself and compensation levels for 45 nonunion positions, listed in the packet. Normally he would participate in the study and develop a recommendation for Board. As the Acting Town Manager and permanent Assistant Town Manager, one of the positions affected will be his own position. He is working with an outside consultant on that compensation study.

The item regarding the Petition on surplus FPD firearms, presented by Deborah Warner asks the Board to prevent the FPD from trading in the guns as part of their contract to purchase new weapons. That process was put on hold during the Board's review. Upon the Board's approval of the disposal of firearms policy, Mr. Johnson-Staub signed a contract to finalize that transaction. Atty. O'Keefe said the contract is binding, backing out now would be breach of contract.

CONSENT AGENDA

1. Licenses

- a. Approve applications for six (6) One-Day Sunday Entertainment Licenses – Falmouth Yacht Club, 290 Clinton Avenue, Falmouth – 6/26, 7/10, 7/31, 8/14, 8/28, 9/4 – 4:00 pm to 6:00 pm

Mr. Brown asked if this is different than the one brought last summer that neighbors complained their driveway was blocked during events.

Mr. Johnson-Staub said it is similar to what they submitted last year; was not approved last year because of concerns it would block the driveway.

Jay Keegan reported that last year the permit was approved, they held 6 outside concerts. They now stay clear of the driveway and monitor the area. The goal is to keep members outside away from potentially getting COVID.

Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- b. Approve Application for New Class I Motor Vehicle Dealer License – Capstan Yachts, 56 Scranton Avenue, Falmouth

Mr. Patterson motion approval on Consent Agenda items not individually acted on. Second Ms. Scott Price. Vote: Yes-5. No-0.

2. Administrative Orders

- a. Approve Grant of License to John Bowen to install a parking space in front of the home at 102 Grand Avenue

According to Mr. Bowen space is limited in Falmouth Heights, it changes the lot coverage, and he sent letters to the Board. If any part of a new structure goes onto his lot, it decreases his lot coverage.

Mr. Zylinski questioned whether this is going to force him into nonconformity.

Mr. Patterson noted this gives the Town some control over how long it can be parked. People are already parking without a license.

Marc Finneran, 98 Grand Ave., lives close to the property. Mr. Bowen is doing work to his house, he removed all the front yard to the level of the road and a historical boundary was removed. Mr. Bowen is in process of covering the whole lawn around the house with patio stones. He is asking for one space and reality is there is no demarcation, lawn covered with patio.

Highway Department told Mr. Finneran that they were never notified.

Mr. Brown said Highway was notified, they told him their concerns and he addressed them.

Mr. Bowen said there is a front driveway area on his property, the other is on a private road.

Mr. Johnson-Staub reported there was trepidation on the DPW's part, it was not rejected, it is an accommodation to the homeowner. Mr. Bowen is seeking to get approval in the right way.

There is no commercial purpose related to this parking space and it is a residential neighborhood.

Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- b. Approve request from the Falmouth Cultural Council for a waiver of the special event permit fees for the Falmouth Art Market at Marina Park on Thursdays from 6/30/22 to 9/1/22
- c. Approve request for sign variance from the East Falmouth Village Association for temporary off-premise signs for the East Falmouth Village Association Annual Meeting
- d. Vote to approve request for exemption under the Conflict of Interest Law, G.L. c. 268A, § 19(b)(1), Disclosure by non-elected municipal employee of financial interest and Determination by Appointing Authority – Acting Town Manager, Peter Johnson-Staub, relative to TAM compensation study
- e. Sign Bond Anticipation Note - Teaticket School Roof
- f. Approve letter of support for Resilient Woods Hole on the request of Woods Hole Oceanographic Institution
- g. Approve request from Marine and Environmental Services to apply to the Office of Coastal Zone Management (CZM) for grant funding from the FY23 Coastal Resilience Grant Program

Mr. Patterson motion approval on Consent Agenda items not individually acted on. Second Ms. Scott Price. Vote: Yes-5. No-0.

BUSINESS

1. Petition related to surplus police department firearms

Deborah Warner, Precinct 2, read a statement and was accompanied by a group of individuals. According to Ms. Warner, they are here to present a petition with more than 300 names of members of Falmouth requesting the Board reconsider the recent decision that permitted semi-automatic long guns to be turned over to a gun dealer. They are requesting these, and future guns retired by the Town be dismantled and destroyed. They are ready to assist in making this a reality.

Mr. Brown felt it appropriate to talk about it, determined to have a policy that was crafted to allow destruction of weapons or opportunity for resale to the FPD. The policy now determines to only sell to local law enforcement officials.

Richard Duby, Precinct 6, stated that at a previous Board meeting, Town Counsel advised the Board they have an obligation to do their best to maintain the health and safety of the Town. There is nothing to prevent a FPD police officer who purchases one of the weapons from selling those rifles, they could sell to someone in another state through dealers. He believes the Board made a mistake, this is a binding contract, but he received emails from Board members filled with misinformation about this transaction including; it would be illegal for officers to sell the weapons and it is unlikely the weapons would be used to shoot someone. Mr. Duby asked the Board to consult with Town Counsel, find a way to make Powderhorn whole and find a way to get these weapons back to be destroyed.

Mr. Patterson agrees with Mr. Duby's motives, but this is not a simple problem, nor a problem that can be solved here. This is very complex, many other states operate differently, he is against it, but what Mr. Duby is asking the Board to do is against Massachusetts Procurement Law, and the probability of these guns actually being used to kill anyone is small. Mr. Patterson sees this as such a critical decision; it is his duty to follow the law and regulation and from hence forth we have an opportunity to destroy those weapons instead of trading them in.

Dr. Greg Parkinson, 12 Old Silver Lane, Precinct 5, School Physician for Falmouth. Dr. Parkinson thanked the police for the job they did in protecting the children at North Falmouth Elementary during the shooting incident two weeks ago, thanked the teachers, thanked the administration for looking back at policies to see whether or not there are more things that can be done in the current climate to keep our children safe. It is abominable that in light of the events in the last two weeks that anyone could say the likelihood of being killed by an automatic rifle is unlikely. There is a clear relationship between gun ownership and gun deaths, whether homicide or suicide, intentional or unintentional. We cannot solve the problem for the entire country by ourselves, but the reason the US has so much more a problem than any other western country has to do with the US having so many guns. The Board's reversal of this decision would be symbolic and practical.

Mr. Zylinski said no one has talked about the mental health issue that goes along with this problem. Guns are necessary to keep the bad people away.

Barbara Schneider, Precinct 4 Captain, said the intent when the money was voted for the guns at Town Meeting was that they buy the new weapons, hoping there would be a way to destroy the retired guns, so they are not on the street again. She asked the Board to reconsider their decision do what Town Meeting authorized.

Reverend Will Mebane, 103 Main St., said there are few guarantees in life, this is an opportunity for a guarantee; the weapons we are talking about will never be used in a shooting of any kind if they are destroyed. The homes of FPD Officers are not immune from break in, suicide, domestic disputes, and may sell the weapons to someone in the community. There is no guarantee if sold to a FPD officer that the guns will never be used for destruction or death. He asked the Board to breach the contract and have the citizens determine to make Powderhorn whole.

Ms. Scott Price noted there is a lot of energy in this room around this issue, she hopes the same energy is there for discussing what we can do as a community and nation to stop this gun violence from happening.

The Board took this under advisement.

Chair Taylor called a five minute recess.

2. Report – Golf Advisory Committee

Mr. Carey Murphy made a PowerPoint presentation, the Falmouth Country Club property is an opportunity for recreation.

Ryan Phelps, Indigo Sports Vice President of Operations, General Manager Matt Burgess, and Director of Marketing Steve Howard made a presentation. The sport of golf has been doing well, the highest rounds ever played was last year; equipment sales are increasing. Billy Casper Golf made agreement with the Town, changed name to Indigo Partners, which was purchased by Troon in December 2020. Troon is a big company, has 630 golf courses in over 30 countries.

Mr. Burgess reviewed the capital improvements and the maintenance of the golf course. They have community programs including a Women's league, kids play free with paying adult, and the Falmouth Recreation Junior Summer Program. Residents of Falmouth and Mashpee get special deals to play golf at the Falmouth Country Club.

3. Report – Historical Commission

Mr. Haddad noted introduced Commission members present at the meeting to the Board. Those Commission members present: Christian Valle, Annie Dean, Johannes Reed, Tamsen George, and Lee Drescher.

The Commission has a Regulatory role, they issue certificates of appropriateness to homes within the seven historical districts. They also advise on the preservation of Falmouth's historic assets. There are 1,500 homes older than 1950 in Falmouth, not all in historic districts. Regulatory activity was shown from 2017-2022, they maintain a list of historic buildings that are not in a historic district. 2) Phase four of their historical inventory has been done.

Form B defines/describes the architectural features, why the house was important, who lived in it, style, and provides the history of the home.

Form C Water Troughs in Town, they did a Form C, identifies structures that are not a home, such as the three Water Troughs in Town.

Old Burying Ground gravestones, put in motion the planned preservation.

The Commission is involved with the restoration of the Edward Marks Building.

The Commission has also identified the Crown Circle neighborhood as a candidate for an historic district. They will provide the residents with information about how an historic district can preserve the character of their neighborhood and decide on whether to move forward with a district.

4. Allocation of County American Rescue Plan Act of 2021 (ARPA) funds

Mr. Johnson-Staub showed a slide, the purpose of this item is to seek Board approval to allocate the ARPA funds allocated by the County to the Town. There has been controversy and discussion about the County's allocation of ARPA funds to the Towns, initial outcome \$10 million out of the \$30 million to be allocated to the Towns, there controversy on whether the funds would be stewarded by the Cape Cod Commission for regional projects and if there would be an application process through the Commission. Many municipalities asked the county to allocate the funds to the towns without further process and delay. The Town received \$1,334,000, and Mr. Johnson-Staub recommends allocating the entire amount. A slide was presented as a reminder of some allocations the Board already made that were received directly by the

Town. \$2.4 million of the \$3.2 million allocated to the Town directly by the Federal Government has been allocated.

Mr. Johnson-Staub recommends two capital projects bid and over budget due to pandemic related pricing issues, including that there only one bidder. Nye Park hard courts project was described; they are in disrepair; includes pickle ball courts, which may alleviate some pressure from the use of the Lawrence School courts. Water Treatment Facility Upgrades at Coonamessett and Crooked Pond wells, this project is about \$200,000 short of available funds.

Mr. Johnson-Staub recommends the balance of the funds expended for wastewater treatment facility upgrades, the Town has already allocated \$1.7 million, construction funds were approved at last Town Meeting and the subsequent debt exclusion approved at the May 2022 ballot. \$1.7 was for design, the \$1,024,000 is for construction. The project is funded by debt exclusion, by bringing in grant funds, it reduces the amount of money that they need to borrow. When they ask for a debt exclusion, it allows to raise taxes they would not otherwise, but very close to the same amount yearly. This type of managing prevents spikes in the tax burden. Sooner rather than later that million dollars will be available for another project.

Mr. Brown would like to see if changes to the wastewater treatment planning could afford the Town to prioritize a sewer main through the East Falmouth Village, which would promote the opportunity for redevelopment, which could lead to more affordable housing. He attended the Water Quality Management Committee meeting recently, they may be interested in this, and he also presented this idea to the Planning Board in order to gauge support and interest prior to presenting the idea to the Board.

Mr. Patterson agrees, this may be an opportunity to get a better handle on the risks.

Ms. Scott Price asked for timeline, there is no estimate of timeline to receive the remainder of the funds from the County.

Mr. Brown believes the County may try to keep the \$30 million and then use a portal to allocate funds to individual projects. Ms. Scott Price said if we expect additional funds that can be drawn down soon, we could look at the planning now for the rest of the funds and use these funds as suggested.

Chair Taylor agrees with Ms. Scott Price, the assumption is that Mr. Johnson-Staub worked with Finance Director Jennifer Mullen, a lot of thinking, planning, and number crunching has gone into this planning. She supports the use of the ARPA funds.

Mr. Zylinski asked if the grant could be used as flexible funds for unexpected increases.

According to Mr. Johnson-Staub, the funds can be used to offset the total to Town Meeting or supplement the total allocated by Town Meeting. One concern is that if we do not have a good idea of another project we will move on in the next couple of months, and the County is looking at how quickly the municipalities use the money allocated and use that information to determine what the additional \$20 million is spent on. Mr. Brown suggested holding the funds for, if they are cash spending there may be a reason to hold off, but to the extent they are projects we would borrow for anyway, it is all the same, we are managing to an allocation limit.

Mr. Johnson-Staub said that the County is funding projects that qualify for the State's revolving fund program; like water quality projects. How to best use the ARPA funds, it is about putting together a financial package we can afford and what the next projects are that would fit in with all funding sources, including: zero interest loans, subsidy; it is about what are the next projects to fit in with all funding sources.

Mr. Brown asked if it is better to use the money for design, he would like to use the million dollars to have an engineer to design construction of a sewer main through East Falmouth Village and then apply for additional funding for the project. The Wastewater Management Committee's obligation is planning to manage estuaries, this would be a curveball to them, they would likely want the Board to take the lead on this project.

Chair Taylor supports the plan to divide up the ARPA funds as presented tonight by Mr. Johnson-Staub, noting her concern is that we are not there yet, she supports what is right now and to be ready to go back to report to the County the money was spent.

Mr. Johnson-Staub noted that Mr. Brown's idea is complicated, though intriguing. The allocation of the ARPA funds is essentially a grant the Town received and could be spent by the Town Manager without going to the Board, though not the right way to approach it and there should be a process in place.

Chair Taylor motion to accept Mr. Johnson-Staub's recommendation for spending the ARPA funds as outlined in the document reviewed and in the packet. Second Ms. Scott Price. Vote: Yes-4. No-1 (Mr. Brown).

PUBLIC HEARINGS

1. Wetlands/Dock – Stephen H. Ogilvy, Jr. – Application for Special Permit to reconstruct and license an existing pier, ramp and float in the waters of Siders Pond located at 110 Siders Pond Road, Falmouth

Ms. Scott Price read the hearing notice.

Tom Bunker, BSS Design, prepared the plan for the applicant to permit to erect and maintain a dock in Siders Pond. He made a presentation, reviewed the GIS map, location, and described the area; noting it is in a flood zone, but not a velocity zone. The view from the site to the pond was shown, there is a pier to the south of this location and one to the north. Reviewed the plans and reported the the project was approved by the Conservation Commission. The ramp and float project out about 25 feet into the water, depth of water ranges from 6 feet to 9 feet deep, conforms with all wetland regulations for depth of water for a facility like this; it is only for kayaks and water recreation. There is a stone wall and stairs down the bank, float for kayaking and casual water recreation, no power boats are used on the pond. Under Chapter 91 every structure must allow for access along the water edge below the high water line, there are a couple steps going up and down each side, the water drops off quickly in depth, about 1.5 feet deep, it will enable people to walk the edge of the pond.

Mr. Patterson noted the Order of Conditions p. 5 item 6, the expiration date, is blank. According to Mr. Bunker, in general the order is good for three years.

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

Ms. Scott Price motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported that they are aware of Republic's shortfalls in keeping up with scheduled pickups and are seeking to address them; it is not a simple and quick solution. DPW working with the Finance Director, outside counsel, and the former Town Manager worked on renewal of the curbside collection contract and was brought to a close, there was not competition for that contract. Costs went up significantly, this was anticipated, so the increase was included in the budget. They are close to being within budget, it is with Republic Services, the new contract began on 6/1/2022, and has better enforcement provisions.

The Mayflower Wind Public Forum will be held on 6/8/2022 at 6pm at the Lawrence School. Open with preliminary remarks on the Select Board goals to date, guidelines to conduct the hearing, and then turn over to Mayflower Wind representatives for presentation for about 15 minutes; primary intent is to provide information to the public and have public questions addressed.

Exponent is the company retained by the Town to inform the Town's interests, not affiliated with Mayflower, an EMF Consultant will be present at the public forum who can speak to questions about that subject matter.

Human Resource Director left to another Town, Mr. Johnson-Staub is overseeing the HR office and thanked Cathy Belair who is taking on additional responsibilities in absence of a Director and thanked Kristin Nickerson who worked for HRD and now works for the Police Chief; she continues to assist in the HRD office.

There has been a resignation in Recreation Department, Program Director (one of three), Mr. Johnson-Staub conferred with Ms. Mullen and Recreation Director Joe Olenick, they decided to reinstate the Assistant Recreation Director position rather than the Program Director, it was deemed appropriate for staffing and succession planning.

SELECT BOARD REPORTS

Mr. Brown may not be able to attend Mayflower Wind Hearing, that is to be determined.

Mr. Patterson:

Mr. Patterson is presenting the Town informally on the Friends of Nobska Light Board, had a recent meeting that included the CPC funding report, those funds have been used to create a more open floorplan, new windows, painting, track lighting, security system, electric heat pumps, replacing some floors with repurposed yellow pine, original material used in the building. Site work is not yet completed, that is why the building is not accessible to the public.

The Cape and Island Municipal Leaders Association One Cape Summit will be Aug. 1-2, 2022 in Harwich.

A request for proclamation for bus station (150 years old) is reported to be in process.

The Affordable Housing Committee mailed the Board a memorandum looking at two opportunities regarding existing buildings: 1. Home buyers down payment closing costs supplement up to \$30,000 each, income less than 120% AMI is required; 2. Housing Opportunity Purchase Program (HOPP), financial assistance to a buyer for up to \$250,000 per applicant and must earn less than 80% AMI. The Committee will be at the next Board Meeting with more information.

He and other Board members attended the Town Memorial Day Service.

Ms. Scott Price:

She has twenty interns this summer with the Woods Hole Partnership Education Program. She also has three researchers this year who will partner with the Falmouth Public Schools, they will each be matched with teachers and put into the classroom.

Mr. Zylinski:

Mr. Zylinski expressed gratitude for the Memorial Day service, noting that some veterans asked him about maintenance of a memorial near Deacon Ave., he suggested they reach out through Chair Taylor for guidance. Chair Taylor reports not having heard from them as of yet.

DISCUSSION OF FUTURE AGENDA ITEMS

Republic-trash service pickup

Transportation Committee will have a new Chair. Mr. Brown reported the current Chair and Vice Chair have been disappointed and feel the Board should have been more supportive of their actions. Chair Taylor asked to revisit their mission statement and what they are responsible for, noting that the Board needs to keep their minds on transportation and determine if the mission statement work for that committee.

The Board Strategic Retreat and possibility of it being held over multiple days and twice per year.

Town Counsel training with the Board on the Open Meeting Law and running of Board meetings.

Ms. Scott Price motion to adjourn at approximately 9:00pm. Second Mr. Patterson. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Open Session
Meeting Minutes
MONDAY, JUNE 13, 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. At the discretion of the Chair, agenda items may be taken out of order.

Select Board Present: Chair Nancy Taylor; Vice Chair Onjalé Scott Price; Sam Patterson; Doug Brown; Scott Zylinski.

Staff Present: Peter Johnson-Staub, Acting Town Manager; Maura O'Keefe, Town Counsel.

1. Chair Taylor called the open session to order at 6:30 p.m. and motioned to convene the executive session M.G.L. c. 30A s. 21(a)(2) – To discuss strategy with respect to collective bargaining: DPW union and non-union personnel (COVID premium pay) M.G.L. c. 30A s. 21(a)(5) – To investigate charges of criminal conduct or to consider the filing of criminal complaints 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: Mr. Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye; Chair Taylor, aye; Mr. Zylinski, aye.
2. The Select Board (Board) was in Executive Session and authorized the Acting Town Manager to pay \$1,000 Covid-19 premium pay to each DPW union and non-union Town employee. The Board also considered filing criminal conduct charges during the executive session.
3. Pledge of Allegiance

JOINT MEETING – SELECT BOARD AND AFFORDABLE HOUSING COMMITTEE

Mr. Johnson-Staub thanked the Affordable Housing Committee (AFC), subcommittee, and Attorney Laura Moynihan for their research into items 1 and 2. The purpose of the tonight's meeting is to get more information, noting the staff still needs to research what needs to be done in order to implement the items and how they suggest doing it along with policy decisions that the Board will need to consider. This is an informational session.

Ed Curley, Chair Affordable Housing Committee, about a year ago Attorney Moynihan sent letters with these ideas, she has been working with Affordable Housing Member, presented the details of the program. They recommended the Board consider implementing these as another way to assist in affordable housing.

Ms. Scott Price thanked Mr. Curley for his nine years of service on the AFC, she is excited he will be around and still participating.

Attorney Moynihan volunteered with the working group formed by the AFC to come up with programs, a lot of the research based on what other towns do and came up with these two proposals. The two programs are distinct because 1. Creates units for subsidized housing inventory so the rules are driven by what the Department of Housing and Community Development (DHCD) would approve, it would be a Local Initiative Program (LIP). 2. Proposed it not for Subsidized Housing Inventory (SHI) or deed restricted units, DHCD approval is not needed, and the Town has more flexibility.

1. Home Opportunity Purchase Program (HOPP)
Attorney Moynihan explained this program and made a PowerPoint presentation explaining this would be a grant program to qualified homebuyers to cover the difference between the sale price and existing market rate value of the home. Up to \$250,000 for a 2, 3, or 4 bedroom home, the amount is what is recommended by DHCD. Income limits up to 80% Area Mean Income (AMI) and other affordable housing limits apply,

maximum \$75,000 assets, preapproval, and funds for down payment. Once the home is purchased with the applicant's own first mortgage money and the Town's grant, at closing there is a deed rider put against the property and inclusion in the Town's SHI and restricted upon resale as an affordable housing unit. Maximum income limits were reviewed. First time homebuyer definition according to DHCD was reviewed. The grant really does need to be at \$250,000 to get to a viable home price in this market. The buyers could be reimbursed for initial home inspections, property must be in reasonably good condition, a lottery process, selection of eligible applicants based on the number of grants deemed available. The Board could have a set number of grants each year, perhaps three grants in the first year, and the lottery process would be held after an application eligibility period. An applicant is deemed eligible by the monitoring agent, entered into the lottery, and then three people are picked. Those picked have 120 days to locate a home and may request an extension for up to 90 days. It is unknown at this time if applicants would have to have been residents of Falmouth for some period of time. It is possible eligible applicants could include applicants from other communities, but the home would need to be in Falmouth. They would have to review with DHCD regarding a local preference pool. An applicant would need to have an application submitted by a deadline, applicant prequalified for the lottery, and preapproved for a mortgage. Maximum resale value of the home would be set similar to other homes with affordability in perpetuity, a resale calculator is included in the deed rider. FHA and VA loans would not be eligible because they do not accept the affordable housing deed riders that go with these programs. There are local banks on the Cape that accept the deed restrictions and will finance this type of transaction. The funding would come from the Affordable Housing Trust, created by the special legislation. Would have to work through a staff to find out what is available and allocated, annually. The Board would review how much they want to allocate for this program for the following year.

The home ownership program would be eligible for CPC funds, but Attorney Moynihan felt the account created with the special legislation would be appropriately used for houses already built. Since this legislation came about, this could give it some purpose as a municipal action because the Town itself is creating the units.

Mr. Patterson noted there are municipalities that are purchasing houses that exist with CPC funds.

Mr. Brown is concerned about a large amount of money for one applicant, the current senior living project is about \$50,000 per unit, the benefit provided is to multiple families. He is in favor of identifying a special fund to keep the \$4 million target. Attorney Moynihan explained that if you look at the housing production plan the Board adopted, the Town is far behind with the home ownership part of it. Target goal of 56 units over 5 years, the plan talks about the impact of the workforce in the community; the inability to have our workforce members buy a home in the community. In some cases, the cost of rent is more than the cost of a mortgage, so they are purchasing homes in other communities off cape.

In event of default, death, how do we protect quite a bit of money to one applicant.

Typical DHCD LIP rider would be the protection and recorded with the house upon closing. It includes standard provisions for default and potential sale. Town has right to first refusal. The up to \$250,000 seems like a lot, but it is \$400,000 or so for construction of a home alone, not including acquisition costs of the land alone. The DHCD representative noted it is a good deal for the community, to build these housing units would cost more than \$250,000 per unit.

The Mr. Johnson-Staub stated that he wants to gauge the support of the Board for these concepts and the DHCD wants to know that the Board supports the concepts. Mary Wagen, Housing Coordinator Yarmouth, has a buy down program and said it is the quickest way the Town will get units on the SHI. It can take at least two years to build similar housing.

They did not do formal market research, looked at what is available and what has been sold in the market. In this kind of market, the market can change, you can have private sales, it does not have to be a large home, and there are many things that make it worth trying. They could do a market analysis with several agents to see what is available.

2. Down Payment/Closing Cost Assistance Program
CPC funding limited to 100% AMI households.

Attorney Moynihan explained this program does not have to be approved by the State, it is in-house. Bourne has a similar program, the difference is that Bourne's is for down payment and closing cost assistance for affordable income units. Falmouth has a workforce housing crisis and needs to keep the young people in the community and able to buy homes, bring in workers to fill positions, and give them the opportunity to buy in the community. This is for down payment and closing cost assistance and require applicant's income up to 120% of the AMI, household assets are limited, and requires the house to be their principal residence. Applicants need to be eligible for the first mortgage. This would be up to 5% of the purchase price and no more than \$30,000. Buyers contribute at least 1.5% of the purchase price, this would be a type of second mortgage security and repaid if house sold within five years, loan to value ratio 90%, and repayment could be in full if the house is sold at any time. A portion could also be forgiven on an annual basis.

An applicant would apply, submit their information to show they are income eligible, and they receive a preapproval letter from the program administrator. The applicant would provide a completed confirmation notice from the lender regarding first mortgage approval, copy of the mortgage commitment letter to the buyer, copy of the lender's good faith estimate, copy of the appraisal, and total loan to value of all loans. Closing documents and check from the Town go to the closing attorney once the settlement statement is given to the administrator.

3. DHCD recommended the HOPP program use a professional lottery and monitoring agent that administers the program. The Down Payment/Closing Cost Assistance Program could be contracted out for someone to administer and run it. There is a regional planning commission at the State level where certain municipalities got together to hire monitoring agents to monitor their programs, one office, and towns pay a monthly fee.

Karen Bissonnette, Executive Director of Falmouth Housing Trust, noted that \$250,000 is a great deal of money, but it costs that much to build a house. The Affordable Housing Fund is giving \$100,000 per unit, subsidy between that number and what the house is sold for is coming from philanthropy or from other State or Federal sources. The Town is not contributing all of that; the money is coming from somewhere. If this program happened, it would be great because the Town would be doing that project and they could use their funds to do additional homes. This money comes from several sources including ARPA funds, short term rental money, and the community impact fee. It costs that much money to build these houses, we should not wait, we have to do something else, have to step it up. People are desperate, this is the best bang for our buck.

Mr. Brown agrees the costs are realistic but wonders about the efficacy to use Town funds and allocating so much to a single applicant when it is such a random luck thing.

Mr. Johnson-Staub said if the Board consensus for these programs is for staff to put time into the research of programs, the next step is for the Board to tell him whether they want to proceed with vetting one or both programs and then return to the Board with more information.

Ms. Scott Price likes both these programs, she is interested in the second program because rent in most cases is more than her mortgage. Some people can afford the rent but cannot save the money for a down payment on a home, there is a great need right now.

Chair Taylor likes the HOPP program. One of the Board's priorities is making housing affordable in Falmouth. Attorney Moynihan donated her time, presented the group's work, and she would like to look into it more closely. Committing to the process of looking closer at these two options that they have not seen before.

Mr. Patterson said both programs make a lot of sense, the ability to turn around units sooner, hope to look to other towns who implemented programs to find out their overhead costs and time investments to determine the impact to the Town and their staff.

Mr. Brown asked if consultant could do the research on grant opportunities, Mr. Johnson-Staub noted there may be some grants, though he likes to go after grants that have more payback then what it takes to get the grant.

Mr. Zylinski, said by doing it this way, the two years development time can be equated to money not spent and get something on the inventory more quickly.

Mr. Johnson-Staub would like to talk with the Housing Coordinator about working on these.

The Board supports the Town staff researching these items.

Attorney Moynihan said that the Town could start with just one or two grants, not the three she suggested. It is not about the recipient of the grant, it is about the house because the money goes to permanently restrict that house. The initial grant winner facilitates the purchase of the house, the benefit is that community gets that house and furthers the State mandated ten percent affordable housing unit goal. The Board decides how close they want to get to the ten percent goal. The \$250,000 remains in the home because the home becomes permanently restricted, when that person decides to sell it, they have to notify the Town, the Town has opportunity to find new eligible buyer; the affordability is in perpetuity. The first owner, when they go to sell, there is a resale multiplier by the DHCD, the initial buyer will not get a windfall, they may get the money back from the capital improvements made to the home.

REGULAR MEETING

1. Proclamations

- a. Eagle Scout Edward "Ned" H. Heywood, Boy Scout Troop 40

Mr. Patterson read the proclamation in the packet as a motion. Second Ms. Scott Price. Vote: Yes-5. No-0.

- b. Falmouth Station 150th Anniversary

Mr. Patterson read the proclamation in the packet as a motion. Second Ms. Scott Price. Vote: Yes-5. No-0.

2. Recognition

Mr. Brown recognized the D Day invasion of 70 years, the bravery showed on the battlefield was pretty incredible.

Mr. Patterson said the Falmouth Rotary Club and Transitioning Warriors Group hosted a golf tournament at the Pocasset County Club and the funds will be used throughout the Town.

Ms. Scott Price recognized Mr. Curley as Chair of the Affordable Housing Committee and thanked him for his service to the Town.

3. Announcements

Falmouth Police Department is collecting baby formula, there is a drop box at the FPD Headquarters.

Open Ship for Sea Education Association is celebrating its 50th anniversary this year. The ship will be open for tours from 10am to noon on 6/24/2022.

- a. Beach Update

Maggie Clayton, Beach Superintendent, reported the opening date for seven days per week staffing and enforcement on 6/26/2022. Additional parking attendants were hired, all parking lots will be monitored by at least two staff members, continue sunset hours at Chapoquoit and Old Silver Beach lots. They have close to the number of lifeguards they had last year, are in an active hiring pattern, and applications are still open on the Town website, any questions about the job can be directed to the Department or Ms. Clayton. The target number of staff for the ten beaches to be fully staffed is 57 staff, they currently have 42 full time, 2 part time, and 2 signed up for certification courses. Those staff returning who are unable to commit to a scheduled may be on the per diem substitute list. Parking attendant numbers to get to fully staffed levels require 37 full time attendants, 8 part

time attendants, she is trying to be flexible with all applicants, accepting a 2-4 day commitment. Stickers are being sold at the bathhouse, processing online orders, they could not do what they are doing without the cooperation with other departments; Town Clerk's office, DPW, buoys to establish a swim area with MES, and constant open chain of communication with all department heads. They had a stranded dolphin at Old Silver this week, recognized the civilian response to active drowning situation at Menauhant on Saturday, a swimmer was caught in rip tide, two civilians assisted, others on beach called for EMS, a nurse on the beach assisted as well. They will formally recognize those people at a later date. Ms. Clayton reminded the community to swim within your abilities and be cognizant of the hazards, including boats and currents. Pre-season parking lot hours are posted on the Town website in in the local newspaper. Three parking lots, Goodwill, Chappy, Old Silver closed at 9pm, Friday-Sunday nights in response to the initial 8pm on Memorial Day Weekend.

Public Comment:

Barbara Schneider received confirmation of two parents of lifeguards, their children getting paid at the level the Beach Committee suggested setting and also paid for rainy days. The Committee did so much homework, she wishes they were not looking at a low number of guards and is hopeful that in the future they can work closer together to those numbers.

- b. "Open Ship" for Sea Education Association (SEA)

4. Public Comment

Robert Duggan, Falmouth Heights, Former Clerk of the Zoning Board of Appeals (ZBA), watched a recent Board meeting and there was a statement made that he had not given a resignation letter when leaving the ZBA. He submitted the letter to the Town Manager's office, Chair of the Select Board, and Chair of ZBA. He was approached by someone in the public who saw the meeting and was disappointed that Mr. Duggan did not have the courtesy to provide notice to the Town.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub noted the ZBA appointment needs to be revisited, there were three vacancies at the time of the Board meeting, but only two were advertised for the meeting, it was a timing issue. Two terms were advertised, but they mistakenly listed all three terms, this is a regulatory board, so they are revisiting one appointment made for a term not advertised.

The current lessee with the Tony Andrews Farm Lease is asking the Town to extend the lease by a 15-year term, it is recommended for approval by the Agricultural Commission, and the Board is the entity that enters the lease. He recommends Board approval of that extension.

The Board allocated all ARPA funds presently allocated by the County to Falmouth, but because there is an application process for it, there are two items over budget and the County process to approve may not be in time to award the bid contracts.

COMMITTEE APPOINTMENTS

- 1. Vote to appoint committee member:
 - Zoning Board of Appeals (full member) until 6/30/22 – Susanne Murphy
This term is through 6/30/2022, it will need to be advertised separately, there were two other terms advertised.

Mr. Patterson motion to appoint Susanne Murphy to a term ending 6/30/22. Second Ms. Scott Price. Vote: Yes-5. No-0.

BUSINESS

- 1. Andrews Farm lease extension

The farm is viable, Mr. Andrews is meticulous about maintaining the farm, has allowed community gardens to do a sublease on the property. The acquisition of the farm is working out well. Mr. Johnson-Staub recommended approval.

Karen Schwalbe, Chair Agricultural Commission, reported that the farm is meticulous, balance of local products at his farm, and the 15-year extension allows him to do some long-term planning.

Mr. Patterson motion approval. Second Mr. Zylinski. Vote: Yes-5. No-0.

2. ARPA allocation correction (Town ARPA for Nye Park and Water Projects)

Mr. Johnson-Staub is asking Board to reconsider the \$110,000 for Nye Park and \$200,000 water treatment upgrades be allocated from the direct federal government award and adjust wastewater treatment upgrades. The total amount is increasing in order to fully allocate the county money. The drawdown of the county funds right away demonstrates the Town is ready to spend the funds. He will speak with Wastewater Superintendent Amy Lowell.

Mr. Patterson motion approval. Second Ms. Scott Price. Vote: Yes-5. No-0.

The Art Market is looking for additional funding for their activities. Mr. Johnson-Staub noted there are a lot of things the Town can spend ARPA money on, capital projects are the focus.

CONSENT AGENDA

1. Administrative Orders

- a. Approve Eversource petition to install approximately 60' (feet) of conduit and cable under town road northwesterly starting at handhole 293/H2A and to install (1) new handhole labeled 293/H2A in public ROW on side of road at base of existing pole 293/2. This work is to be done to provide electric service to #8 Mast Road
- b. Approve Eversource petition to install approximately 38' (feet) of conduit and cable under town road and to install (1) new handhole labeled 1029/H3A in public ROW on side of road at base of existing pole 1029/3. This work is to be done to provide electric service to #17 Shoreview Avenue
- c. Approve Eversource petition to relocate 1 JO pole labeled 211/3 approximately 30' (feet) southwest towards pole 211/4. Pole to be relocated for customer at #58 Montauk Street.

Mr. Brown opined that the person who sent the letter made valid points, they already have a pole at the other corner of their lot. The Board would like more information to address the issues as outlined.

Mr. Patterson motion to hold item c. Second Mr. Zylinski. Vote: Yes-5. No-0.

Mr. Patterson motion approval of items a and b. Second Ms. Scott Price. Vote: Yes-5. No-0.

2. Review and Vote to Approve Minutes of Meetings

- a. Public Session
May 23, 2022

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

May 26, 2022

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

- b. Executive Session
May 23, 2022

Mr. Patterson motion approval with edits and not release for public access. Second Ms. Scott Price. Vote: Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported the difficulties Republic Services is having with curbside trash pickup, it is unacceptable, not something they take lightly, and are seeking to address. As of 6/1/2022 there is a new contract, with increased cost they have the ability to hire more staff.

Mayflower Wind (Mayflower) presentation had a lot of strong opposition to the proposed landfall and install of equipment. Lack of transparency in the process, at this time there is not much happening. Mayflower submitted a proposal with both a preferred and alternate location, the Town retained consulting engineers to look at that, not complete designs and per direction of the Board they have pushed back on those locations. They are hoping this will not happen. The Board has addressed this appropriately and Mayflower announced they are going to change the plans from high voltage alternating current to high voltage direct current, which is a substantial change. The Board and staff are addressing this issue and waiting for updated designs.

Chair Taylor would like to be more careful on how they use language, it was presented that it is going to happen, it is just a question of how it will happen. Be careful how the Board presents, clear about the control the Board has about this project.

Mr. Brown would like to show the limited information that the Board has been privy to.

Mr. Patterson noted a number of citizens were concerned about noise; can one of the contractors working on the Town's behalf provide feedback about the effect on noise?.

Mr. Johnson-Staub stated the Town was notified by MA DEP of proposing new septic system regulations to address nitrogen regulation, only received an outline of the proposed regulations, and there are not a lot of details. The MA DEP would like to meet with staff. This is about that process at this point it does not have hard deadlines, have to have a plan, and it is fairly lenient on how quickly the plan is implemented. There is an enforcement process if the Town does not have a plan that it is implementing.

Mr. Patterson said Andrew Gottleib gave a run down and status; official draft regulations will come out in October or November 2022 and driven by a lawsuit against the State and Cape Cod involving nitrogen loading into estuaries and fresh water ponds. This is broad, extensive, and will start pushing people with today's Title V systems to go to more innovative facilities or pushing for more wastewater treatment. Governor Baker has increased the budget for wastewater treatment targeted to coastal communities like the Cape. If our projects can get closer to shovel ready, the Town could tap into this and advance the wastewater treatment planning. The Cape Cod Commission (CCC) Cape Summit will be held on 8/1/2022 and 8/2/2022.

Mr. Brown attended the CCC update on the fresh water pond initiative, they will create a database of water quality of all the freshwater ponds and are committed to paying for the testing of the monitoring. Conservation Law Foundation original lawsuit was against DEP and CCC for not enforcing individual septic owners as target loads.

SELECT BOARD REPORTS

Ms. Scott Price and Mr. Zylinski attended the Day of Portugal 6/11/22.

DISCUSSION OF FUTURE AGENDA ITEM

Trash contract; are there ways to monitor, manage, and enforce. Mr. Johnson-Staub welcomes the Board's suggestions, they may not need an agenda item to talk about it, he will keep the public and Board updated on the status.

The Board's next regular business will take place on 6/27/2022.

The next Board meeting is on 6/21/2022 for a 1pm hearing.

Ms. Scott Price motion to adjourn. Second Mr. Patterson. Vote: Yes-5. No-0. .

Respectfully Submitted,

Jennifer Chaves.
Recording Secretary

DRAFT

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
TUESDAY, JUNE 21, 2022 – 12:00 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.

Select Board Present: Chair Nancy Taylor; Vice Chair Onjalé Scott Price; Sam Patterson; Doug Brown; Scott Zylinski.

Others Present: Town Moderator David Vieira; Attorney John Clifford representing Town Manager Julian Suso; Julian Suso; Attorney Robert Troy representing the Select Board

1. Chair Taylor called the open session to order at 12 p.m. and motioned to convene the executive session under M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to contract negotiation with non-union personnel (Town Manager) because to not go into executive session could be detrimental. 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 item and to return to Open Session at 1 p.m. Roll Call Vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Dr. Taylor, aye; Mr. Zylinski, aye.
2. Chair Taylor reconvened the open session at 12:55pm.
3. Select Board presentation at public hearing to consider removal of Town Manager. Attorney Robert Troy reported they had an executive session, advised public they would return to open session. There are two matters: 1. The procedure by which the Select Board (Board) will determine how it intends to comply with the provisions of the Charter in section C5-10E, which is the purpose of the hearing; to state to the public the reasons for the adoption of the resolution to initiate the process of the removal of the Town Manager. This can be done by individual members reading their reasons or Board members may provide him with their reasons and vote to authorize Chair Taylor to read each member's reasons that they provided to Attorney Troy. The members have not shared them with each other and have not deliberated about them.

Mr. Brown motion to have Chair Taylor read the Board member's statements. Second Mr. Patterson. Roll Call Vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Dr. Taylor, aye; Mr. Zylinski, aye.

Under the Charter C5 section 10F for the Board at a public Board meeting to announce the date of the hearing at which it is decided to remove or not remove the Town Manager. Charter request within 7 days of the hearing. Mr. Vieira suggested the Board announce a date for the hearing at which time the Board will decide if the Town Manager should be removed.

Ms. Scott Price motion to schedule the hearing for Monday 6/27/2022 at 6pm. Second Mr. Patterson. Mr. Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Dr. Taylor, aye; Mr. Zylinski, aye.

Mr. Brown motion to adjourn the session. Second Mr. Patterson. Mr. Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye. Dr. Taylor, aye; Mr. Zylinski, aye.

1:00 p.m. PUBLIC HEARING

1. Pursuant to the Falmouth Town Charter section C5-10(C), the Falmouth Select Board will hold a public hearing to consider the removal of Town Manager Julian M. Suso on June 21, 2022 at 1:00 p.m. in the Select Board Meeting Room, Town Hall, 59 Town Hall Square, Falmouth, MA.

Public comment will not be accepted at this hearing.

David Vieira, Town Moderator and independent third party, stated he will Chair this hearing. He is the Moderator/Presiding Officer.

Mr. Vieira received a packet from Attorney Troy regarding procedure, thoughts, and witnesses Attorney Troy intends to call. Mr. Clifford did not respond after making a commitment to get back to Mr. Vieira prior to the hearing.

Attorney Clifford had a subpoena served to the Town on 5/31/2022 and also submitted a public records request. He never received a response from the Town. He asked for what documents and information would be served by the Town; received no response which was requested by 6/13/2022. Attorney Clifford reached out to Megan English Braga via email and asked her to be a witness, he received no response. Attorney Clifford reserves all rights pending information they learn today, he will call Julian Suso as a witness and may call other witnesses.

Mr. Vieira received an email from Ms. English Braga and read the email in which she reported receiving a deficient subpoena via email to attend the hearing at the Fairhaven Town Hall.

Attorney Troy noted the Charter, unless it contravenes State law, governs these proceedings. The only right the Board and Town Manager have is with respect to subpoena, no right to subpoena witnesses, only Town records. Town records are equivalent to public records and kept in accordance with State law. A Records Access Officer is in charge of that process. The Board decided to use Town Counsel services to identify the records and determine whether they are public records. 148 records came off the Town server that were determined to be public records. The Town and Board has complied 100% with the Charter requirements.

Attorney Clifford received some documents from Attorney O'Keefe, who made a good faith effort to comply with the public records request. Attorney Troy represents the Town in this matter which is why the subpoena was sent to Attorney Troy. They will object to anything used that was not part of the personnel file and records produced. The Charter says any and all Town records, a termination hearing is akin to the death penalty, Mr. Suso is on trial for his career and reputation; the idea that the Town would not produce the records used to determine termination.

Today's hearing process was described:

1. The Board will give reasons they will move forward.
2. The Town Manager may respond to the reasons stated by the Board.
3. The Board and Town Manager will have the power to call and cross examine witnesses and use records appropriately in the hands of the parties. Today is about looking at the reasons the Town is asking Mr. Suso to resign and the removal process. Then adjourn the hearing, the tribunal of the Board will convene next Monday night.
4. Attorney Troy provided the process, the Town suggests the Charter is clear and the type of hearing outlined by Mr. Clifford is not the process the Town used in its Charter. That process in the Charter was enacted by the Town, under Section E of the Charter, the only burden the Board has is to read aloud the reasons for removal. They have the option to call/cross examine witnesses and subpoena any Town records. The only Charter requirement in this hearing is to read the reasons. The Board is not allowed to deliberate outside the public hearing process, he requested each member of the Board who voted to provide to him and no one else their reasons for which they voted to initiate the process of removal under the Charter and give the public right. The Board voted to authorize the Chair to read their individual statement that they each wrote. This is the first time the public will hear these reasons.

Mr. Vieira said bifurcation that this is for public disclosure and response, it is also so that Mr. Suso can state his reasons in a public forum because the public has a right to know. The Board could change their mind, offer Mr. Suso a settlement or go to full hearing to decide whether to move forward with removal.

Attorney Clifford addressed the scope of the hearing, it was defined by the resolution voted by the Board; Mr. Suso failed to meet Board objectives and failed to conform to Town policies. For the Board to go back and now come up with more reasons in addition to what was stated in the resolution is absurd. This hearing is a sham if the Board is just going to air their reasons with no evidence; Mr. Suso should not be fired on what they think; the decision should be based on evidence.

Chair Taylor read the following Board members' statements: Ms. Scott Price, Mr. Patterson, Chair Taylor, Mr. Brown.

Attorney Clifford read a prepared statement. Governing documents are the Charter and Mr. Suso's November 2021 employment contract. Over 11 years Mr. Suso has performed exceptionally well, the Town bond rating increased to AAA, the Board wants to make a change, after a few discussions, Chair Taylor said there were three votes to fire him. The Board is now shocked that Mr. Suso in subsequent meetings was defensive, spoke out aggressively; however, his career was being threatened. There has not been a legally posted meeting to review the reasons for termination. On 3/18/2022 the Chair Taylor told Mr. Suso she had three votes to fire him, he was either being threatened or Chair Taylor had violated the open meeting law.

Between November 2021 and March 2022, Ms. English Braga applied for the vacant Town Counsel position with the support of Chair Taylor. Ms. English Braga did not get the job, around that time things changed. November 2021 began the three year contract, the Board unanimously condemned Mr. Brown for threatening Mr. Suso's job in an email without any reason. In January 2022 he rejected Ms. English Braga's application for Town Counsel, he made decision to hire Attorney O'Keefe with former Town Counsel Frank Duffy and the HR Director.

In March 2022 Chair Taylor, Ms. English Braga, and Mr. Brown got together and decided Mr. Suso should be fired. The Town is bound to follow the Charter, the Board has already violated the Charter by having unlawful meetings in February and March 2022 deciding to fire Mr. Suso. The Board voted a resolution on a 5/12/2022 Special Meeting; it needs to be held at a regularly scheduled meeting of the Board. The Board failed to respond to the subpoena allowed under the charter and have not provided documents that form the basis of their intent to terminate. Ms. English Braga was invited to be a witness, she was aware of that despite any error in the notice, Attorney Clifford would like to ask her why she did not resign when applying for the job with the Town. Ms. English Braga should have excused herself because she was applying for a job for which Mr. Suso would hire. Ms. English Braga said the Board was not limited to the four objectives voted in March 2022 when the new employment contract was signed. Mr. Suso responded to a very negative employment review, committed to improving, and working with the Board. Following his response, the Board discussed their concerns at a public meeting, he should have been able to respond in a public meeting. Ms. English Braga said she was inundated by calls complaining about Mr. Suso; she was copied on nine emails in 2021. No emails containing complaints about Mr. Suso were received by the Board in 2022. Attorney Clifford asked for text messages between the Board members and received none. Mr. Brown threatened Mr. Suso with termination in 2021 and was admonished for doing so by the Board because it was a violation of the Town Charter. Mr. Brown apologized but gave Mr. Suso a poor performance review.

The Board violated the Charter; the employment agreement must be followed if the Board intends to terminate him, the only thing he can be held accountable for are those adopted by the Board. Three members gave meet or exceed on the objectives/goals. At the 5/9/2022 Board meeting, Ms. Scott Price asked if the Board is limited to those four goals, Ms. English Braga offered her legal opinion that they are not held to only those four goals. According to Charter language addressing termination of the Town Manager, the Board needs to state the reasons in a resolution and the Town Manager is entitled to a hearing on that.

Attorney Clifford noted it was the appropriate legal standard, what is inarguable is the reasons have to be true. The only thing before the Board is whether the reasons in the 5/12/2022 resolution are true. He read the language that failure to implement goals and follow out policies of the Board. The Goals were reviewed in the 3/21/2022 meeting and at the same meeting they approved and signed Mr. Suso's new three year employment contract. The Board has a list of 43 policies on the Town website, not one of these allegations alleges Mr. Suso violated or failed to carry out any of those 43 policies. The policies have definitions, goals, and objectives have specific definition.

Mr. Suso publicly challenged this review, the Board called a meeting three days later and voted to terminate. According to Attorney Clifford, Falmouth is covered by insurance, if this goes to litigation, the insurance company will hire an attorney representing the Town. The insurance company will not cover the damages from Mr. Suso's contract and not more than 2 years' salary. Attorney Clifford objects to every reason stated by the Board because the time to have done that would have been at a regularly scheduled Board meeting when the Board could have presented these things and voted. That would have given Mr. Suso notice of their reasons and he would have had a chance to offer a rebuttal. Attorney Clifford asked for all emails critical of Mr. Suso. On 5/9/2022 Mr. Brown said it may not be true that there is public dissatisfaction with Mr. Suso, Attorney Clifford noted that less than twenty emails were sent to the Board complaining about Mr. Suso. There is no evidence to support widespread dissatisfaction. All other issues should have been included in the resolution, should have notice, and evidence to support the allegations. Ms. Scott Price's performance review of Mr. Suso is mostly 4's-his performance was outstanding and some 3's, overall, she rated his performance as excellent, within a week of that evaluation she voted to terminate him. The reasons provided are outside the scope of resolution voted on 5/12/22.

Moderator Vieira noted the goals as written are not sufficient, more than one word goals are needed for the Town Manager, including what did the Board wants accomplished, he read the four goals voted in March 2021.

Attorney Troy said the Board identified the resolution as the basis for proceeding with the process. The Charter needs to be looked at correctly. To the extent the Town Manager's contract is inconsistent with the Charter, it is legally annulled. The goals may be at every meeting, day to day objectives and goals, many times they are transmitted between the Town Manager and Board members. It is up to the Board how it decides to define the goals and policies. Did the resolution correctly identify the reasons the Board moved in this direction. The Charter talks about proposed removal in Section A, after Mr. Suso requests the meeting, Section E says the reasons for removal should be read aloud. There is no evidentiary requirement by the Board, they do not have to prove to themselves the reasons are correct. Mr. Suso is given the opportunity to present witnesses. Reasons are read aloud and the Town Manager responds. the Town is not calling witnesses and reserve the right to cross examine any witnesses. The burden is on Mr. Suso to try to persuade the Board to give him another chance. They provided all Town records that are public records. The Board members were asked to go to their individual accounts and produce any records, three members said there are no records. Chair Taylor gave all her records on her personal account to Town Counsel, which made the determination of whether they were public records to be provided. 138 pages were provided, including Dr. Taylor's and given to an independent person. The new Town Counsel looked at them and gave them to Attorney Clifford. Attorney Clifford can go to public records to appeal her review. Mr. Suso's contract says exactly what he agreed to take, if the Board asked him to resign or after the hearing process, if three people decide to remove him, he is entitled to four months of compensation.

Attorney Clifford said the idea that Board members are not limited to the specific goals and objectives voted by the Board is incorrect. The idea that the Town Manager is responsible for individual directives by the individual board members is incorrect. The Board's actions are limited to a vote they took in a legally held meeting. He cannot respond to individual whims of five people to keep everyone happy. They act only legally in a Board meeting, if they want him to do something, all they need to do is to vote it. They signed a contract with guidance and advice of counsel, it does not conflict with the Charter. The Board vote on 5/9/2022 was to terminate, if there was a violation, the compensation to the Town Manager is four months' pay.

Chair Taylor called a five minute recess.

Mr. Suso stated that he has been Town Manager for about 11 years, he has worked in local governments in more than one state for 45 years. At a 5/12/2022 Board meeting the Board voted resolution that included his failure to implement their goals. The goals were wind turbine disposition, online permitting, implementation of the Sandwich Road Fire Station, and performance evaluations for major department heads. He accomplished all four of those goals. Minimum of 12 months from the time goals adopted to implement them, some may be in process and underway. Three of five board members found he exceeded the goals. The voted and adopted Board policies are posted on the Town website, he reviewed all 43 policies, he is not violating the policies, he did not fail to implement any of those policies.

Cross exam of Mr. Suso:

Mr. Suso is familiar with the Charter language, the manager shall implement goals and carry out the policies of the Charter. Mr. Suso reviewed a document that Attorney Troy provided to him, noting it was from the Charter, and read from it.

Attorney Troy said the Charter does not limit the Board to a process. When Mr. Suso says he carried out the 43 goals on the website, does that meet the goal of the Charter. What about other policies?

Attorney Troy offered a hypothetical situation, if the board adopts through consensus at a public meeting, is this to be carried out by the Town Manager. Mr. Suso did not respond to the hypothetical situation presented and requested an actual example.

Attorney Troy noted that Mr. Suso refused to answer a hypothetical situation.

Attorney Clifford said that the Board accused Mr. Suso of not following their policy. Mr. Suso agreed if the Board votes for something to be done, the Town Manager must do that.

Whether a consensus of a non-voted opinion of a Board is binding on the Town Manager is still a question.

During the next hearing the tribunal will make a decision on what action they will take.

Attorney Troy said they will proceed to the next hearing.

Attorney Clifford stated he had nothing further to present at this hearing.

Mr. Vieira said the Board voted for the next hearing to take place on 6/27/22, Monday to convene the hearing required under their next steps.

Mr. Vieira adjourned the hearing.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

Mr. Suso publicly challenged this review, the Board called a meeting three days later and voted to terminate. According to Attorney Clifford, Falmouth is covered by insurance, if this goes to litigation, the insurance company will hire an attorney representing the Town. The insurance company will not cover the damages from Mr. Suso's contract and not more than 2 years' salary. Attorney Clifford objects to every reason stated by the Board because the time to have done that would have been at a regularly scheduled Board meeting when the Board could have presented these things and voted. That would have given Mr. Suso notice of their reasons and he would have had a chance to offer a rebuttal. Attorney Clifford asked for all emails critical of Mr. Suso. On 5/9/2022 Mr. Brown said it may not be true that there is public dissatisfaction with Mr. Suso, Attorney Clifford noted that less than twenty emails were sent to the Board complaining about Mr. Suso. There is no evidence to support widespread dissatisfaction. All other issues should have been included in the resolution, should have notice, and evidence to support the allegations. Ms. Scott Price's performance review of Mr. Suso is mostly 4's-his performance was outstanding and some 3's, overall, she rated his performance as excellent, within a week of that evaluation she voted to terminate him. The reasons provided are outside the scope of resolution voted on 5/12/22.

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Cross examination of Mr. Suso:

TOWN MANAGER'S SUPPLEMENTAL REPORT

July 11, 2022



TOWN OF FALMOUTH

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

July 8, 2022

SUPPLEMENTAL REPORT (NOT RELATED TO THE AGENDA):

Curbside Collection of Trash & Recycling:

Republic Waste's performance in the last week of its contract was woefully inadequate despite their assurances that they would allocate more resources and catch up on missed pickups. As a result, the new operator, Nauset Disposal, faced a daunting challenge when they took over on July 1st. The scheduled daily routes had a larger than normal volume of material on the curb which fills the trucks faster requiring more runs to Bourne to empty the trucks. We asked Nauset to simultaneously make extra runs to pick up trash on streets that had been missed. So far, Nauset seems to be performing better under these circumstances but they have said it may take another week to get fully caught up. We will continue to monitor their performance closely and take appropriation action when needed.

Proposed Amendments to Title V Septic Regulations:

The Town was well represented in a meeting with MA Department of Environmental Protection officials to discuss the DEP's proposed amendments to Title V septic regulations. The purpose of the amendments is to require municipalities to implement a watershed plan to address nitrogen impacts to saltwater estuaries. Town representatives had a presentation prepared outlining the Town's concerns and there was a good dialog with the DEP officials present.

July 4th Weekend:

The July 4th weekend was very busy and generally went well. Goodwill Park was overcrowded on July 4th with many cars parked illegally in multiple locations outside of the Park. Many tickets were issued and some cars were towed but there were too many illegally parked to tow all of them. Lifeguards responded to a near drowning situation at Grews Pond. The individual was swimming outside of the swim area.

Next Meetings:

- July 25, 2022
- August 8, 2022
- August 22, 2022
- **Saturday, August 27, 2022** – strategic planning workshop meeting
- **Saturday, September 10, 2022** – strategic planning workshop meeting
- **Saturday, October 1, 2022** – strategic planning workshop meeting

//SB Meeting Supplemental Report 06-13-2022