

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, AUGUST 8, 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: Firefighters Union Minimum Shift Staffing

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

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Farmers Market Week 2022
4. Recognition
5. Announcements – Citizens Police Academy
6. Public Comment

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

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

1. Vote to Establish and Adopt Rules and Regulations for Use of Municipal Dinghy Floats and Docks (15 minutes)
2. Application for a New Wine and Malt Beverages Common Victualler License – Dilly's Grill, LLC d/b/a Dilly's Taqueria, 281 Main Street, Falmouth (10 minutes)

**7:55 p.m. BUSINESS**

1. Amend state of water supply conservation including, but not limited to, ban on all irrigation except hand watering (10 minutes)
2. Report – Bicycle and Pedestrian Committee (15 minutes)
3. Report – Energy Committee (15 minutes)
4. Steamship Authority – Falmouth's Priorities and Concerns – Peter Jeffrey, Falmouth Member Board of Governors (15 minutes)
5. Coonamessett River Restoration Update and National Oceanic and Atmospheric Administration (NOAA) grant application for approximately \$1.75 million – Betsy Gladfelter (15 minutes)
6. Broadband – Municipal Light Plant update – FalmouthNet, Art Gaylord (10 minutes)

**9:15 p.m. CONSENT AGENDA**

1. Administrative Orders
  - a. Approve Eversource petition to install on Nobska Road one (1) new handhole labeled 115/H1-A at the base of existing pole 115/1 and to install approximately 33' (feet) of conduit and cable under town road southwesterly from new handhole #115/H1-A. This work is necessary to provide new electric service to 5 Nobska Road.

- b. Approve Eversource petition to install on Bridge Street approximately 59' (feet) of conduit and cable under town road easterly starting at existing handhole 235/H14 at base of existing pole 235/14. The work is to be done to provide new electric service to 12 Bridge Street.
- c. Sign variance request – off-premise promotional signage for special event – Buzzards Bay Watershed Ride
- d. Assign right of first refusal for 5 Esker Place to Falmouth Housing Trust (FHT)
- e. Authorize expenditure from Air Force Center for Environmental Excellence (AFCEE) funds for continued monitoring/analytical costs relating to the Shorewood Drive Permeable Reactive Barrier (PRB), not to exceed \$5,000
- f. Vote to approve expenditure from the Library Department Donation Account in the amount of \$2,500 for the replacement of the refrigerator
- g. Authorize special counsel – interim Town Manager contract
- h. Approve application to Mass Wildlife Habitat Management Grant Program – Sandplain Grassland Expansion and Invasive Plant Management on the Coonamessett fields
- i. Approve application to Mass Wildlife Habitat Management Grant Program – Invasive Plant Control on the Upper Coonamessett River Wetland Complex
- j. Approve application to Community Preservation Fund – Ecological Restoration of the Upper Coonamessett River Complex
- k. Approve application to Community Preservation Fund – Little Pond Landing: Parking & Path Infrastructure and Native Plant Landscaping
- l. Vote to approve the submittal of an application to the Community Preservation Committee (CPC) from the Edward Marks Building Advisory Committee for funds for Phase 2 of the restoration

2. Review and Vote to Approve Minutes of Meetings

- a. Public Session – June 21, 2022; July 11, 2022; July 25, 2022

9:25 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

9:30 p.m. SELECT BOARD REPORTS

9:40 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

9:50 p.m. ADJOURN

Nancy R. Taylor, Chair  
Select Board

**OPEN SESSION**

**REGULAR MEETING**

3. Proclamation – Farmers Market Week – 2022



## PROCLAMATION

Whereas, Massachusetts has a vibrant agricultural industry which is part of the state's cultural heritage; and

Whereas, Massachusetts has 7,241 farms, preserving 491,653 acres of open space; and

Whereas, Farmers Markets create economic vitality for farmers and food producers, and for the communities where the markets are located; and

Whereas, Farmers Markets are a critical element of a strong sustainable local food system, serve as public and community gathering places, and foster a closer connection between the consumer and the food that they consume; and

Whereas, Farmers Market Managers serve their communities and support Massachusetts farm and food businesses to provide fresh foods to the citizens of the Commonwealth; and

Whereas, Farmers Markets create healthier communities by providing access to fresh, healthy food to all residents, including SNAP and WIC Program participants and seniors; and

Whereas, the Falmouth Farmers Market has operated with great success for many years; and

Whereas, the Falmouth Farmers Market has become an important part of the community culture that connects with a long history of farming in Falmouth,

Now, Therefore, be it resolved that the Select Board of the Town of Falmouth does hereby proclaim **August 7<sup>th</sup> - 13<sup>th</sup>, 2022** to be,

### FARMERS MARKET WEEK

IN WITNESS THEREOF, We have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed on this 8<sup>th</sup> day of August, 2022.

\_\_\_\_\_  
Nancy R. Taylor, Chair

\_\_\_\_\_  
Douglas C. Brown

\_\_\_\_\_  
Onjalé Scott Price, Vice Chair

\_\_\_\_\_  
Scott Zylinski

\_\_\_\_\_  
Samuel H. Patterson

SELECT BOARD

# The Commonwealth of Massachusetts



## A Proclamation

*Whereas, Massachusetts has a vibrant agricultural industry which is part of the state's cultural heritage; and*

*Whereas, Massachusetts has 7,241 farms, preserving 491,653 acres of open space; and*

*Whereas, Farmers Markets create economic vitality for farmers and food producers, and for the communities where the markets are located; and*

*Whereas, Farmers Markets are a critical element of a strong sustainable local food system, serve as public and community gathering places, and foster a closer connection between the consumer and the food that they consume; and*

*Whereas, Farmers Market Managers serve their communities and support Massachusetts farm and food businesses to provide fresh foods to the citizens of the Commonwealth; and*

*Whereas, Farmers Markets create healthier communities by providing access to fresh, healthy food to all residents, including SNAP and WIC Program participants and seniors,*

*Now, Therefore, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, do hereby proclaim August 7<sup>th</sup>- 13<sup>th</sup>, 2022, to be,*

### FARMERS MARKET WEEK

*And urge all the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.*

*Given at the Executive Chamber in Boston, this first day of August, in the year two thousand and twenty-two, and of the Independence of the United States of America, the two hundred and forty-sixth.*

BY HIS EXCELLENCY

Handwritten signature of Charles D. Baker in blue ink.

CHARLES D. BAKER  
GOVERNOR OF THE COMMONWEALTH

Handwritten signature of Karyn E. Polito in blue ink.

KARYN E. POLITO  
LT. GOVERNOR OF THE COMMONWEALTH

Handwritten signature of William Francis Galvin in blue ink.

WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

*God Save the Commonwealth of Massachusetts*

**OPEN SESSION**

**REGULAR MEETING**

5. Announcements – Citizens Police Academy

August 8, 2022

**Diane Davidson**

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**From:** Peter Johnson-Staub  
**Sent:** Wednesday, August 3, 2022 12:52 PM  
**To:** Falmouth Selectboard  
**Cc:** Edward Dunne  
**Subject:** FW: Citizens Police Academy

Dear Board Members,

The Police Department is holding a citizens police academy beginning September 15<sup>th</sup>. Details are below:

**21st Citizens Police Academy . The upcoming Citizens Police Academy is scheduled from September 15, 2022 to November 17, 2022, Thursday nights from 6:30pm – 9:30 pm. (10 weeks).**



Participants will learn about the daily operations of the police department, such as patrol functions, detective operations, E911 communication and dispatch, officer safety, use of force, Special Response Team operations, ATV/Mountain bike patrol, narcotics investigations, central records, firearms licensing, sex offender management, and much more. In addition, students will have the opportunity to accompany a police officer on a ride along for a portion of a patrol shift.

To apply, print out an [application form](#). Printed application forms can be dropped off at the Falmouth Police Department, mailed to us, or emailed to [Sergeant James Cummings](#). Applicants are subject to a background check prior to being accepted. Please direct any questions/comments to [Sergeant James Cummings](#) (774-255-4527 ext. 4608).

<https://falmouthpolice.com/services/citizens-police-academy/>

**Peter Johnson-Staub**  
**Acting Town Manager**  
**Town of Falmouth, MA**  
**O: 508-495-7320**  
[www.falmouthma.gov](http://www.falmouthma.gov)

**TOWN MANAGER'S PRELIMINARY REPORT**



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

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TO: Select Board  
FROM: Peter Johnson-Staub, Acting Town Manager PJS  
SUBJECT: Preliminary Report for August 8, 2022  
DATE: August 5, 2022

AGENDA TOPICS – PRELIMINARY REPORT:

Business:

1. Amend state of water supply conservation:

Water Superintendent Cathall O'Brien is recommending that the Board adopt further water use restrictions because of the impacts the drought is having on the Town water supply. The volume of water being used makes the system susceptible to water quality problems and potential loss of adequate water pressure required for fire suppression. Mr. O'Brien will be present to explain his recommendation that the Board adopt a ban on all irrigation except hand watering. I support this recommendation.

Town Counsel has provided an overview of the §§ 223-1 – 223-10 of the Town code which authorizes the Select Board to adopt water use restrictions. Should the Board choose to take this action, I suggest the following motion:

The Select Board finds that:

- a. A water shortage exists which jeopardizes the Town's ability to ensure a safe and adequate water supply;
- b. Further conservation measures will improve the ability of the Water Department to continue to provide safe and adequate water supply to meet the highest priority water uses;

2. Report – Bicycle and Pedestrian Committee

This is the Bicycle and Pedestrian Committee annual meeting with the Select Board. The Committee is recommending that the Board vote to direct the Town Manager and DPW Director to take a series of actions. I recommend the Board defer action on these items for at least a month so I have an opportunity to review them with staff in context with other priorities.

3. Report – Energy Committee

This is the Energy Committee annual meeting with the Select Board. I am not aware of any Board action being requested.

4. Steamship Authority – Priorities and Concerns:

Peter Jeffrey is the Board's appointee to the Steamship Authority (SSA) Board of Governors. He has asked for an opportunity to discuss the Board's priorities and concerns related to the Steamship Authority. Mr. Jeffrey identifies a number of concerns in his submission to the Board. The Board has received a great deal of correspondence from Woods Hole residents describing concerns related to issues including: traffic, early morning traffic noise, the 5:30am freight ferry, and the health effects of diesel exhaust.

5. Coonamessett River Restoration Update and NOAA Grant Application

Betsy Gladfelter has been working with Conservation Commission staff members – Mark Kasprzyk and Jennifer Lincoln – to carry out a second phase of river restoration work. They have begun preliminary design with grant funding and will report out on the status of these plans and the next steps to secure the funds required for the remaining design, permitting and construction. The Board is asked to approve a grant application to be submitted to the National Oceanic and Atmospheric Administration for an estimated \$1.75 million. This vote should be taken during this portion of the Business Agenda. There are additional grants related to this project included in the Consent Agenda.

The benefits of this project are considerable. It will simultaneously improve coastal resilience and wildlife habitat. As with the first phase of this restoration for the lower section of the river, grants are being pursued to cover most of the cost. The only Town funds being sought at this time are from the Community Preservation Fund. This project will require some support from Public Works staff for procurement oversight and both Engineering and Conservation staff will monitor construction. I am mindful that our staff in Engineering and Conservation are already stretched thin. This project will require less Engineering staff support than the prior phase because there is no culvert and no road work involved. I have asked that we seek robust funding for the consulting engineer to provide project management to minimize the requirements for Town staff participation. With the understanding that we need to approach the project in a manner that minimizes involvement of Town staff, I recommend approval of the grant application.

6. Broadband – Municipal Light Plant (MLP) update:

Art Gaylord has asked to provide an update on the status of efforts to create a municipal utility to deliver broadband service. The Town filed a petition with the MA legislature for authorization to hold a special election of Municipal Light Plant officers to coincide with the state election in November. As of this date, the legislature has not approved this petition. The Select Board would need to call the special election by August 29<sup>th</sup> in order to complete the steps required to hold a special election in November. If the legislature does not act by that date, the MLP officers will be elected in May of 2023.

**Consent Agenda:**

I do not recommend approval of one item.

d. *Assign right of first refusal for 5 Esker Place* – Additional research received from Town Counsel after the agenda was posted indicates the Town does not have a right of first refusal under the terms of the deed rider for this property. Town Counsel and Housing Coordinator Kim Fish are investigating action

the Town might take to prevent this affordable unit from being lost through foreclosure. I'm told that foreclosure is not imminent and there is still time to facilitate a solution. This matter may be brought back to the Board at a later date.

I recommend approval of all other items on the consent agenda and have some comments on several items.

e. *Authorize \$5,000 expenditure from Air Force Center for Environmental Excellence* - This is to continue monitoring of a relatively new nitrogen mitigation technology installed off of Shorewood Drive. The uncommitted balance of this fund is \$660,000.

j. *Approve application to Community Preservation Committee for Restoration of Upper Coonamessett River* – This is one of the many funding sources for the river restoration to be discussed by Dr. Gladfelter under the Business agenda. The Conservation Department seeks to apply for \$200,000 in FY24 and an additional \$100,000 in FY25.

l. *Approve application to Community Preservation Committee for Edward Marks Building exterior improvements* - The improvements identified by the Advisory Committee will improve the historical aesthetic and make the Human Services Offices more comfortable and more energy efficient. Facilities Manager Greg Endicott will likely have two large construction projects and several other construction projects underway at the same time these exterior improvements are underway. I have asked that funding for an outside project manager/clerk of the works be included in the funding request so the project can be successfully completed with limited oversight from the Facilities Department.

//SB Meeting Report 08-04-2022

## **PUBLIC HEARINGS**

1. Vote to Establish and Adopt Rules and Regulations for Use of Municipal Dinghy Floats and Docks (15 minutes)

TOWN OF FALMOUTH

NOTICE OF PUBLIC HEARING

Rules and Regulations for Municipal Dinghy Floats and Docks

The Falmouth Select Board, under the authority of the Falmouth Home Rule Charter section C3-7 Subsection H of the Code of the Town of Falmouth, will hold a public hearing to establish and adopt Rules and Regulations for Municipal Dinghy Floats and Docks. The hearing will be held on Monday, August 8, 2022 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, 59 Town Hall Square, Falmouth, MA.

Interested parties may review the draft regulations at the Harbormaster's Office or online at <https://www.falmouthma.gov/233/Harbormaster>.

Per Order of the Falmouth Select Board

*Publication date: Friday, July 22, 2022; Falmouth Enterprise*

**TOWN OF FALMOUTH**

**NOTICE OF PUBLIC HEARING**

Rules and Regulations for Municipal Dinghy Floats and Docks

The Falmouth Select Board, under the authority of the Falmouth Home Rule Charter section C3-7 Subsection H of the Code of the Town of Falmouth, will hold a public hearing to establish and adopt Rules and Regulations for Municipal Dinghy Floats and Docks. The hearing will be held on Monday, August 8, 2022 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, 59 Town Hall Square, Falmouth, MA.

Interested parties may review the draft regulations at the Harbormaster's Office or online at <https://www.falmouthma.gov/233/Harbormaster>.

Per Order of the Falmouth Select Board

July 22, 2022

## TOWN OF FALMOUTH

Select Board Authority: Town Code Chapter C3-7 (H)

### 272-2 Dinghy Floats and Docks

#### A. Purpose:

To establish a regulation to effectively utilize municipal dinghy docks and floats. This regulation also limits the timeframe in which vessels will be permitted to remain affixed to town property. Dinghy docks and floats are intended for use of vessels designated to transport to and from a larger boat located on a mooring within the designated harbor.

#### B. Definitions:

**Vessel or Dinghy:** For purposes of this regulation, a vessel or dinghy is defined as watercraft of every description used or capable of being used as a means of transportation upon the water. (MGL Chapter 90B & 323 CMR 323 2.02)

#### C. Regulations:

1. Maximum dinghy length shall be 12 feet LOA.
2. Maximum dinghy beam shall not exceed 5 feet.
3. Minimum pennant length shall be 10 feet for West Falmouth, all other locations 5 feet.
4. Maximum dinghy outboard horsepower may not exceed 15.
5. Dinghies with any type of power must be registered pursuant to MGL Chapter 90B-2 & 323 CMR 2.03
6. Registered vessels must be marked in accordance with MGL Chapter 90B-2 & 3.
7. Dinghies without power shall have the owners' name, contact phone number, or town mooring number listed on the vessel. Identification stickers may be available from the Harbormaster's Department for this purpose.
8. Sailboats may not occupy dinghy docks or floats.
9. Outboard engines shall be left in the down position to prevent damage to other vessels.
10. Unless a vessel owner secures written permission of the Harbormaster for a proven need, no vessel shall be stored or placed on town dinghy docks or floats from November 16 to April 15 annually. Any vessel placed or remaining on town property from November 16 to April 15 shall be considered abandoned under this regulation and disposed of in the best interest of the town at the owner's expense.
11. Dinghies must be in seaworthy condition and maintained regularly. Rainwater shall be removed weekly as necessary.
12. The owner of any vessel in violation of this regulation may be fined \$50.00 per day. Each day constitutes a separate offense. Any vessel or dinghy in violation of this regulation may be removed by the Harbormaster's Department at the owner's expense. Vessels removed by the

Harbormaster's Department shall be considered derelicts and/or abandoned and will be disposed of in the best interest of the town.

## **PUBLIC HEARINGS**

2. Application for a New Wine and Malt Beverages Common Victualler License – Dilly’s Grill, LLC d/b/a Dilly’s Taqueria, 281 Main Street, Falmouth (10 minutes)

LICENSE APPLICATION REVIEW

Restaurant/Business: Dilly's Grill, LLC d/b/a Dilly's Taqueria

Address: 281 Main Street

License Type: Common Victualler

New or Transfer of License All Alcoholic Beverages  
Common Victualler License

or

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

- |  |                                 |
|--|---------------------------------|
| <input checked="" type="checkbox"/> Police   | <u>No objection</u>             |
| <input checked="" type="checkbox"/> Fire     | <u>No objections</u>            |
| <input checked="" type="checkbox"/> Building | <u>Plans have been reviewed</u> |
| <input checked="" type="checkbox"/> Health   | <u>No comments</u>              |
| <input checked="" type="checkbox"/> Zoning   | <u>No comment</u>               |
| <input checked="" type="checkbox"/> Planning | <u>No comment</u>               |
| <input type="checkbox"/> DPW                 | _____                           |
| <input type="checkbox"/> Assessor            | _____                           |
| <input type="checkbox"/> Tax Collector       | _____                           |
| <input type="checkbox"/> _____               | _____                           |
| <input type="checkbox"/> _____               | _____                           |
| <input type="checkbox"/> _____               | _____                           |

NOTES: The Building Commissioner had reviewed the plans submitted with the application

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Dilly's Grill, LLC d/b/a Dilly's Taqueria has applied for an All Alcoholic Beverages Common Victualler License to be exercised at 281 Main Street, Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, August 8, 2022, at 7:30 p.m. on the above application.

Per order of the Select Board

LICENSING BOARD

*Nancy R. Taylor*

*Onjalé Scott Price*

*Samuel H. Patterson*

*Douglas C. Brown*

*Edwin (Scott) P. Zylinski, II*

*Publication date: Friday, July 29, 2022; Falmouth Enterprise*





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

**1. LICENSE CLASSIFICATION INFORMATION**

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12 <input type="checkbox"/>	\$12 Restaurant <input type="checkbox"/>	Wines and Malt Beverages <input type="checkbox"/>	Annual <input type="checkbox"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Dilly's Grill LLC d/b/a Dilly's Taquelra is an existing 23 seat restaurant located at 281 Main Street, Falmouth MA. The LLC also operates a second location in Oak Bluffs MA on Circuit Ave. Dilly's menu is primarily Mexican style food consisting of Taco's and Rice Bowls. Dilly's now seeks to add beer and wine to its menu to complement its Tex/Mex cuisine it currently serves.

Is this license application pursuant to special legislation?  Yes  No Chapter  Acts of

**2. BUSINESS ENTITY INFORMATION**

The entity that will be issued the license and have operational control of the premises.

Entity Name	<input type="text" value="Dilly's Grill, LLC"/>	FEIN	<input type="text" value="83-0745507"/>
DBA	<input type="text" value="Dilly's Taquelra"/>	Manager of Record	<input type="text" value="Adam Rebello"/>
Street Address	<input type="text" value="281 Main Street, Falmouth MA 02540"/>		
Phone	<input type="text"/>	Email	<input type="text" value="adam@dillysmv.com"/>
Alternative Phone	<input type="text"/>	Website	<input type="text" value="www.dillystaquelra.com/dillys-falmouth"/>

**3. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

First Floor restaurant with tables and seating, kitchen coolers and food prep in first floor rear. Occupancy set at 26 total persons inclusive of staff. Seating has been reduced as noted above to 23 seats. Business consists of 900 SF more or less described above, small basement for storage and exterior walk in cooler.

Total Square Footage:	<input type="text" value="900+/- S.F."/>	Number of Entrances:	<input type="text" value="1/1"/>	Seating Capacity:	<input type="text" value="23"/>
Number of Floors	<input type="text" value="1"/>	Number of Exits:	<input type="text" value="2"/>	Occupancy Number:	<input type="text" value="26"/>

**4. APPLICATION CONTACT**

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:	<input type="text" value="James T. Morse"/>	Phone:	<input type="text" value="508 989-9381 or 508 540-6500 (office)"/>
Title:	<input type="text" value="Attorney"/>	Email:	<input type="text" value="jtm@jamestmorselaw.com"/>

**APPLICATION FOR A NEW LICENSE**

**5. CORPORATE STRUCTURE**

Entity Legal Structure	<input type="text" value="LLC"/>	Date of Incorporation	<input type="text" value="06/01/2018"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises(Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Adam Rebello"/>	<input type="text" value="17 Hudson Street, Oak Bluffs MA 02557"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text" value="Manager"/>	<input type="text" value="100%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached?  Yes  No

**CRIMINAL HISTORY**

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.  Yes  No

**10. MANAGER APPLICATION**

**A. MANAGER INFORMATION**

The individual that has been appointed to manage and control the licensed bu

Proposed Manager Name  Date of Birth

Residential Address

Email  Phone

Please indicate how many hours per week you intend to be on the licensed premises

**B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?  Yes  No \*Manager must be a U.S. Citizen  
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No  
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

**C. EMPLOYMENT INFORMATION**

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2018	Present	Owner/Manager	Dillys Grill, LLC	Sels
2016	2018	Manager	Coope D'Ville	Petie Berndt
2015	2016	Realtor	Ocean Park Realty	Adam Schwelkert

**D. PRIOR DISCIPLINARY ACTION**

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date

APPLICANT'S STATEMENT

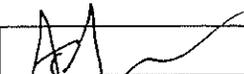
I, Adam Rebello the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

of Dilly's Grill, LLC  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 3/1/2022

Title: Manager

**ENTITY VOTE**

The Board of Directors or LLC Managers of  Entity Name  
duly voted to apply to the Licensing Authority of  and the  
City/Town  
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on   
Date of Meeting

For the following transactions (Check all that apply):

- |  |   |   |   |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License                        | <input type="checkbox"/> Change of Location   | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License                           | <input type="checkbox"/> Alteration of Licensed Premises  | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Manager                             | <input type="checkbox"/> Change Corporate Name  | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Officers/<br>Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners,<br>Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Change of Hours                              |
|  | <input type="checkbox"/> Other <input type="text"/>   |   | <input type="checkbox"/> Change of DBA                                |

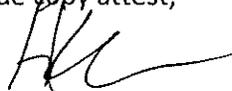
"VOTED: To authorize   
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint   
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



\_\_\_\_\_  
Corporate Officer /LLC Manager Signature

ADAM REBELLO

(Print Name)

For Corporations ONLY

A true copy attest,

\_\_\_\_\_  
Corporation Clerk's Signature

\_\_\_\_\_  
(Print Name)

APPLICANT: Dilly's Grill LLC 2161a Dilly's Taguiera

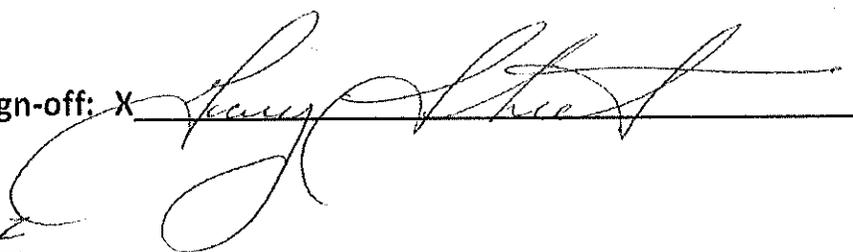
ADDRESS: 281 Main St. Falmouth MA

LICENSE OR LICENSE CHANGE APPLIED FOR: Beer + Wine on premises  
James Morse

The attached application has been reviewed by the Building Commissioner's Office with the following supporting documents:

- a. A seating plan completed and stamped by an Engineer and showing the occupancy load calculation.
- b. If any outdoor seating, a plot plan or site plan by a certified land surveyor. Must include parking

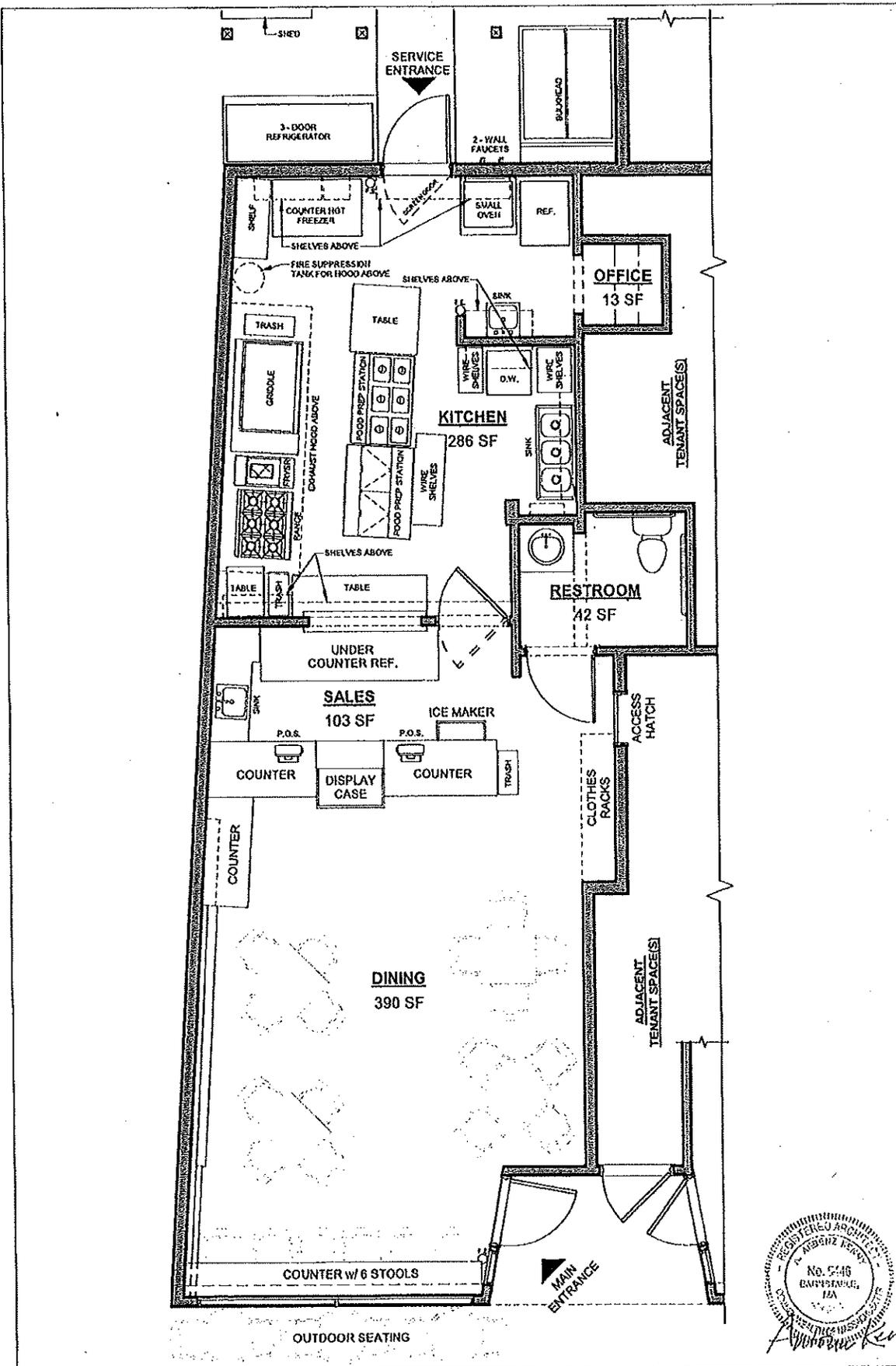
Building Department sign-off: X



DATE:

7-20-22

OCCUPANT LOAD 26 INCLUDING STAFF



## **BUSINESS**

1. Amend state of water supply conservation including, but not limited to, ban on all irrigation except hand watering (10 minutes)



# TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS-WATER DIVISION

416 GIFFORD ST., FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

FAX (508) 548-1537

Cathal O'Brien  
Superintendent

August 5, 2022

To: Peter Johnson Staub, Acting Town Manager

From: Cathal O'Brien, Water Superintendent

Re: Water Conservation — Request to implement a Mandatory Water Ban as of 8.15.22

The DPW Water Division is requesting the Select Board adopt an amendment of the existing Water Use Restriction effective 8.15.22 as follows:

- All irrigation of outdoor areas is prohibited except for watering by hand

This ban on automatic and mechanical sprinklers is intended to be temporary until the demand for water subsides to the point that the system is not vulnerable to water quality and water pressure failures as determined by the Water Superintendent.

Background:

- The current weather conditions have been hot and dry for an extended period
- The outdoor watering demand has placed us in peak demand mode the entire time
- This is causing turbidity issues with the treated water, like August 2020
- In peak demand mode we rely on our pumps for fire protection meaning that if the pumps fail there could be an immediate drop in pressure
- This is not sustainable and exposes us to potential fire flow and water quality failures

Notifications will be posted:

- Advertised in the local newspaper
- On the Department's web page • In the Consumer Confidence Report • Via FCTV bulletin's

## How to Declare a Water Use Restriction: Falmouth Bylaw §§ 223-1 – 223-10

- Select Board must declare a state of water supply conservation by majority vote that:
  - Shortage of water exists
  - Or may reasonable be determined to be imminent
  - And that conservation measures are appropriate to ensure a safe and adequate supply of water to all water consumers
  - Restrictions will apply to all public and private users of the Town's water supply
- If the Select Board makes a specific finding that the shortage is water is due to a clear and imminent threat to the sole source aquifer underlying Falmouth, resulting in severe drought, environmental pollution or salt water intrusion, the restrictions adopted will apply to all consumers without regard to the source of the water supply
- The declaration by the Select Board will include restrictions which may include, but is not limited to, any of the following
  - Odd/eve day watering
  - Outdoor watering hours
  - Washing sidewalks
  - Prohibition on automatic sprinkler systems
  - Prohibition on outdoor watering
  - Filling of swimming pools
  - Restaurants prohibited to serve water unless requested
  - Pistol grip nozzles required for all hoses for outdoor watering
  - Restrictions on commercial car washed
  - Water use reductions for commercial / industrial users
  - Restriction of private water supply use
  - Termination of water service for failure to comply
- Notification of any restrictions or conditions must be published in the paper and simultaneously made to the MassDEP
- Restrictions are not effective until notifications are given
- Violations of the water use restriction may result in a civil ticket in the amount of \$50 for the first infraction and \$100 for each subsequent infraction
- The water use restriction may be enforced by DPW, the Board of Health, the Health Agent, the Natural Resource officers, the Police Department and the Conservation officer
- Commercial agricultural uses and golf courses are exempt from a restriction except as to the Town's water supply
- The Select Board may grant other exemptions as deemed appropriate
- Termination of the water use restriction requires another vote of the Select Board

## **BUSINESS**

2. Report – Bicycle and Pedestrian Committee (15 minutes)

## Diane Davidson

---

**From:** Peter McConarty  
**Sent:** Friday, August 5, 2022 9:59 AM  
**To:** Scott Lindell  
**Cc:** Jim McLoughlin; Peter Johnson-Staub; Scott Zylinski; Tim Shea; Steven Cadorette  
**Subject:** RE: Preparation for Bike/Ped Annual Report to Selectboard 8/8

Good morning Scott,

Below are our responses to your questions:

1. The Complete Streets Prioritization plan was approved by MassDOT. The next funding round submittal date is Oct 1, 2022. We will be discussing funding for a project on the list. As you know, Public Works is very busy at this time, so our time that can be allocated for a project administration, compilation of documents and project submittal will be limited. The Complete Streets Prioritization plan will be managed by Public Works and we can take input from the BPC.
2. The KLB scope of work is complete and is currently working its way through Town Offices for final sign-off. Once we get the documents back, we will send them back to our transportation consultant with a Notice to Proceed. The \$150k funding appropriated at Town Meeting will be used for this project.
3. Curley Blvd. was submitted as a Shared Street's project. The State announced project awards this week on-line, but we have not formerly received an award letter.
4. The CCC agreed to perform a limited speed analysis on Gifford Street which has been completed. In order for the Town to move forward with looking at reducing the speed limit, we need to perform a full speed study which will cost approx. 10K to complete. At this time, we do not have a funding source for the speed study.
5. We are looking at scheduling a Select Board update on the Phase 2 Davis Straits redesign in September. At this time, there are multiple project that are in conceptual stages that will affect the project. We will be looking to move forward with this project and will incorporate any design changes and driveway adjustments as this project moves forward. The TBD Select Board presentation will be an update on the project and not a public meeting. We have already had several public meetings and received many public comments that have been addressed. We now need to move forward with the 25% design.
6. We have had several progress meeting with Eversource regarding the conduit / construction path. At this time, we have not received any word from Eversource regarding the approval from MassDOT with the utility pole relocation. In my conversations with the Eversource design team, they indicated that they are moving forward with the design. I expect that we will be have another progress meeting in the upcoming month or so.

Another grant project that Public Works submitted is a Bottleneck Reduction Program grant to reduce the congestion at the Gifford Street / Jones Road intersection.

This past week and spanning over the next week we are repaving Sandwich Road from Route 151 to Brick Kiln Road. The Funding Source for the paving operations is from a MassDOT Winter Recover Assistance Program where the Town received \$765k for roadway maintenance. We will be holding 11' wide lanes and will be using the remainder of the asphalt for shoulder lanes. The shoulder lane width will range from 3'-5'+ wide.

Thank you,

Peter



Peter M. McConarty, P.E., P.L.S. | Director  
Falmouth Department of Public Works  
416 Gifford Street, Falmouth, MA 02540  
P: 508.457.2543

**From:** Scott Lindell

**Sent:** Tuesday, August 2, 2022 9:58 PM

**To:** Peter McConarty <peter.mcconarty@falmouthma.gov>; Steven Cadorette <steven.cadorette@falmouthma.gov>

**Cc:** Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Scott Zylinski <scott.zylinski@falmouthma.gov>; Tim Shea <tmyshea@aol.com>

**Subject:** Preparation for Bike/Ped Annual Report to Selectboard 8/8

Hi Peter and Steve,

I'm preparing some notes for an oral presentation I'll be making to the Selectboard next Monday night.

There are several projects we've talked about that I'd like to know the status of. Some are new, some have been languishing for years. Could you please give me an update on:

1. Status of our Complete Streets Prioritization Plan – has it been accepted by MADOT? If so, when might the Town submit a competitive (\$400K?) project proposal – and what might that be?
2. Status of KLB multi-use path design and engineering (using \$150K from Town Meeting)?
3. Status of Curley Blvd design and upgrade with recent Shared Streets funding
4. Status of Traffic/speed study on Gifford St. at Goodwill Park in preparation for crosswalk construction (CCC is ready and willing to conduct – what is the hold up?)
5. Status of Phase 2 Davis Straights/Rt. 28 Compete Street re-design (are GTI consultants still engaged with this? Should a Citizen's Advisory Committee be revived?)
6. Is the Eversource telephone pole-moving and cable installation project likely to proceed this winter?

thanks,  
Scott

## Annual Report from Bike/Ped Committee to Selectboard – August 8, 2022

I want to highlight 3 subjects of interest in the brief time I have with you tonight

**First,** I'd like to highlight that one of the biggest attractions on Cape Cod, let alone Falmouth, continues to be the Shining Sea Bikeway (SSBW). The Bikeway is enjoyed by over 250,000 day-trippers traveling N and S on that linear park each year. It's such a tourist and bike commuter draw, and is enjoyed by walkers, runners, strollers, cyclists and wheelchairs. But it requires maintenance, and unfortunately after making some seemingly good progress to address root bumps just a few years ago, many of those bumps and broken pavement are back. This problem demands longer-term fixes. The oldest 3-mile section of the SSBW from WH to Elm St has been in the queue for rehab via the Environmental Bond Bill for about 10 years but hopes for that seemed to have died with the retirement of State Senator Murray. We need a different solution than our customary way for dealing with and repaving over tree roots. A photo of some of the worst root bumps about mile 1 from Woods Hole is appended below.

While I'm on the topic of the SSBW, I'd like to point out that the Town is missing out on bringing a lot of that bicycling tourist traffic and dollars into downtown. This might relieve some of the parking issues we frequently hear about. While there is a connecting pathway from the Bikeway to Palmer Avenue and a crosswalk, the crosswalk is not signalized, and most people are just not comfortable biking on the street or narrow sidewalk to downtown. DPW has discussed plans with BPC for this connector in 2 parts – the road crossing and the pathway. Long awaited wayfinding signage, recommended in the Town Bike Plan and the McMahon Main Street Traffic Report, and supported by the Chamber of Commerce, would go a long way toward promoting safe passage via use of existing sidewalk, and eventual multi-use path to downtown.

**Action item: Direct Town Manager, Planning Dept and DPW to develop shovel-ready plans for KLB signalized crossing and multi-use pathway (a 2-part project) to connect to existing pathway around Shivericks Pond and downtown by Spring 2023.**

**Action item: Direct Town Manager to act on previous Selectboard vote, and begin advertising for candidates for a Wayfinding Committee to develop attractive and integrated system of wayfinding signage geared toward cyclists and pedestrians. Appoint committee by end of September.**

Second, Complete Streets in Falmouth is finally taking shape. For those of you new to the Board and the term Complete Streets, the Town, like most towns on Cape, adopted a policy to pro-actively improve the access and safety of streets for all users be they pedestrians, bicyclists or motorists. This includes making upgrades to streets as a part of their regular maintenance, such as narrowing travel lanes appropriate to speed limits, widening verges where appropriate, and installing separated bike lanes, sidewalks or multi-use paths when possible.

Regarding Complete Streets, the Town has made progress over the last year, and delivering in it adoption of that Policy. With the Cape Cod Commission's leadership, and support from DPW

and our committee, a Complete Street Prioritization Plan was developed. The Plan was reviewed and approved by MADOT. Now the Town will be eligible to compete by submitting a proposal for up to \$400K in State funding to conduct a Complete Street project as early as October 1, 2022.

**Action item: The Selectboard will direct the Town Manager to work with DPW, BPC and Transportation Committee to develop a strategic plan for implementation of the Complete Streets Prioritization Plan. This includes consultation between the Department and Coimmittee before grant proposals are developed that involve road improvements impacting pedestrian and bicycle transport. To be completed winter 2022/23.**

Third, the 6-year old Town Bike Plan and the recent Complete Street Priority Plan (CSPP) both reference the importance of developing safe West to East multi-use paths for vulnerable users, pedestrians, cyclists and wheelchairs, etc. With DPW's leadership, the Town is taking the first step with the creation of Goodwill Crossing that will connect the SSBW to Goodwill Park with a signalized intersection this September. This is just the beginning.

Further West to East initiatives have been seriously lagging. The Bike Plan and CSPP call for a crosswalk from Goodwill Park across Gifford St. to the sidewalk on the other side. This would allow for safe access to another recreational gem, Trotting Park. Apparently, all that remains to be done is to conduct a speed/traffic study before plans are finalized for a crosswalk. A preliminary speed study has been completed by the Cape Cod Commission, and a final one remains to be completed (~\$10K)

**Action Item: Direct the Town Manager and DPW to contract and complete speed/traffic study on Gifford Street this fall 2022.**

Another West to East initiative that seems to have ground to a halt are cooperative plans with MA DOT to include Complete Streets on the Rt. 28 corridor. Our understanding is that traffic consultants have been contracted to work on this but it's been almost a year since a public meeting on the subject, and nothing has been delivered. DPW reports that a presentation to the Selectboard is planned for September as plans draw near 25% stage.

**Action Item: Direct the Town Manager and DPW to present progress report and plan for Rt. 28 corridor Complete Streets in September 2022.**

Finally, I'd like to thank DPW for taking initiative on developing recent proposals and receiving award for funding a re-design of Curley Blvd. with State Shared Streets funding, and for an award to further the design of the SSBW extension into Bourne funded by MassTrails. Our Committee looks forward to being consulted early and often on other future initiatives.

Respectfully,

Scott Lindell, Chair  
Falmouth Bicycle and Pedestrian Committee

Appendices:

Photo of worst root bumps at Mile 0.9  
 – significant safety hazard without warning



**Significant surface eruptions marked on the SSBW**

North

South – Woods Hole

Mile	Marks	Mile	Marks	Mile	Marks	Mile	Marks
10.2	6	9.1	8	6.9	18	3.9	2
10.1	4	8.2	3	5.9	17	1.3	2
10.0	1	8.0	2	5.4	3	1.2	2
9.7	6	7.8	20	4.9	2	0.9	14
9.4	3	7.7	9	4.5	3		
9.3	5	7.6	1	4.1	2		
<b>Total</b>		<b>133</b>					

Bicyclist view of nearly completed Goodwill Crossing at Palmer Ave.



## **BUSINESS**

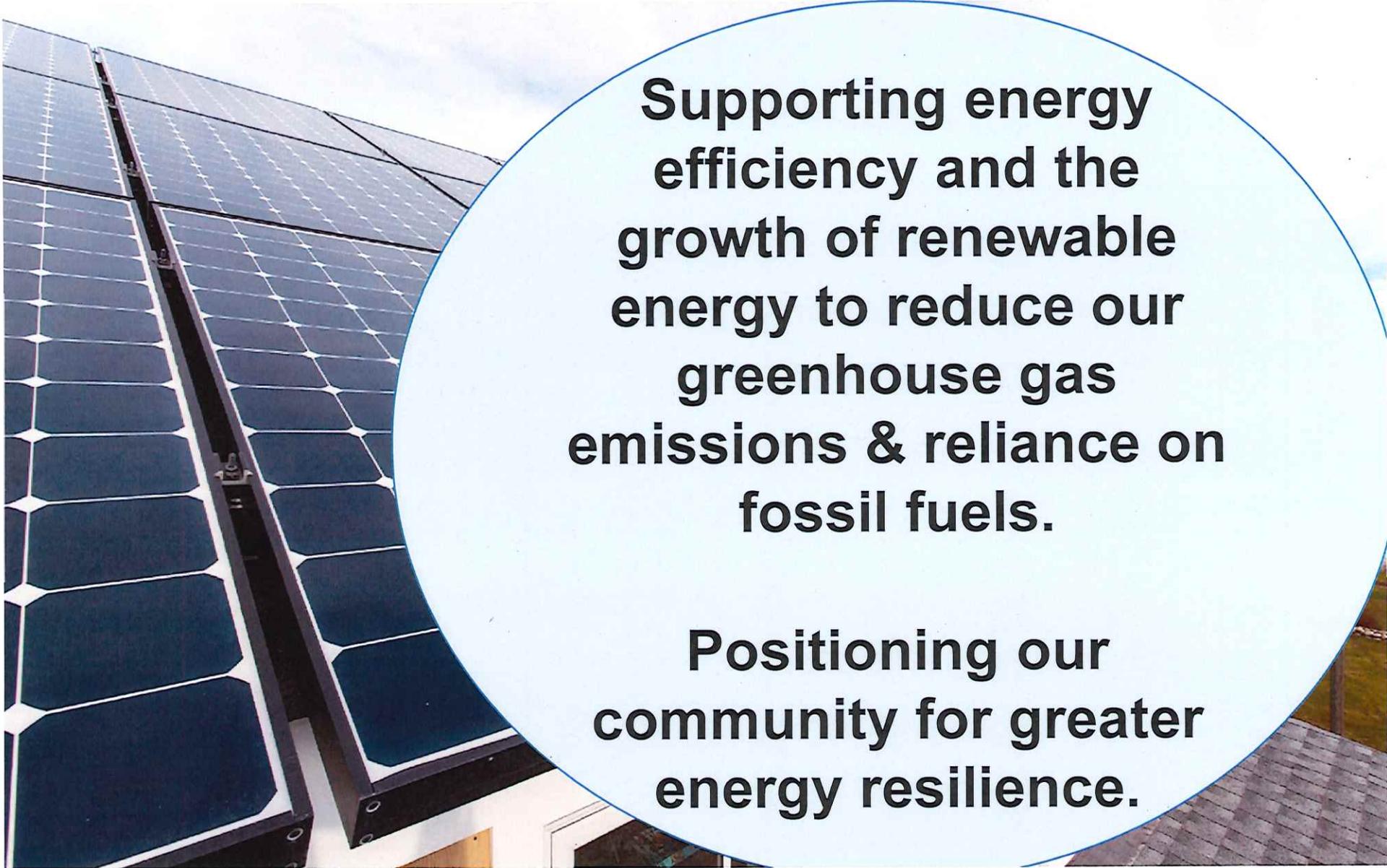
3. Report – Energy Committee (15 minutes)



*Falmouth*  
*Energy Committee*  
Update for  
Selectboard

Megan Amsler, Chair  
Members: Alex Bocconcelli,  
Rosemary Carey, Matt  
Patrick, Eleanor Ling,  
Scott Mueller

## ***Falmouth Energy Committee Committed to:***



**Supporting energy efficiency and the growth of renewable energy to reduce our greenhouse gas emissions & reliance on fossil fuels.**

**Positioning our community for greater energy resilience.**

# Falmouth Green Community Status



**Awarded first grant in 2021:  
\$181,214**

**13 energy efficiency projects  
in schools and municipal  
buildings:**

**LED lighting**

**Weatherization**

**Boiler upgrades**

**Goal: reduce Falmouth  
municipal & school energy use  
by 20% in 5 years**

# Electrifying our Buildings



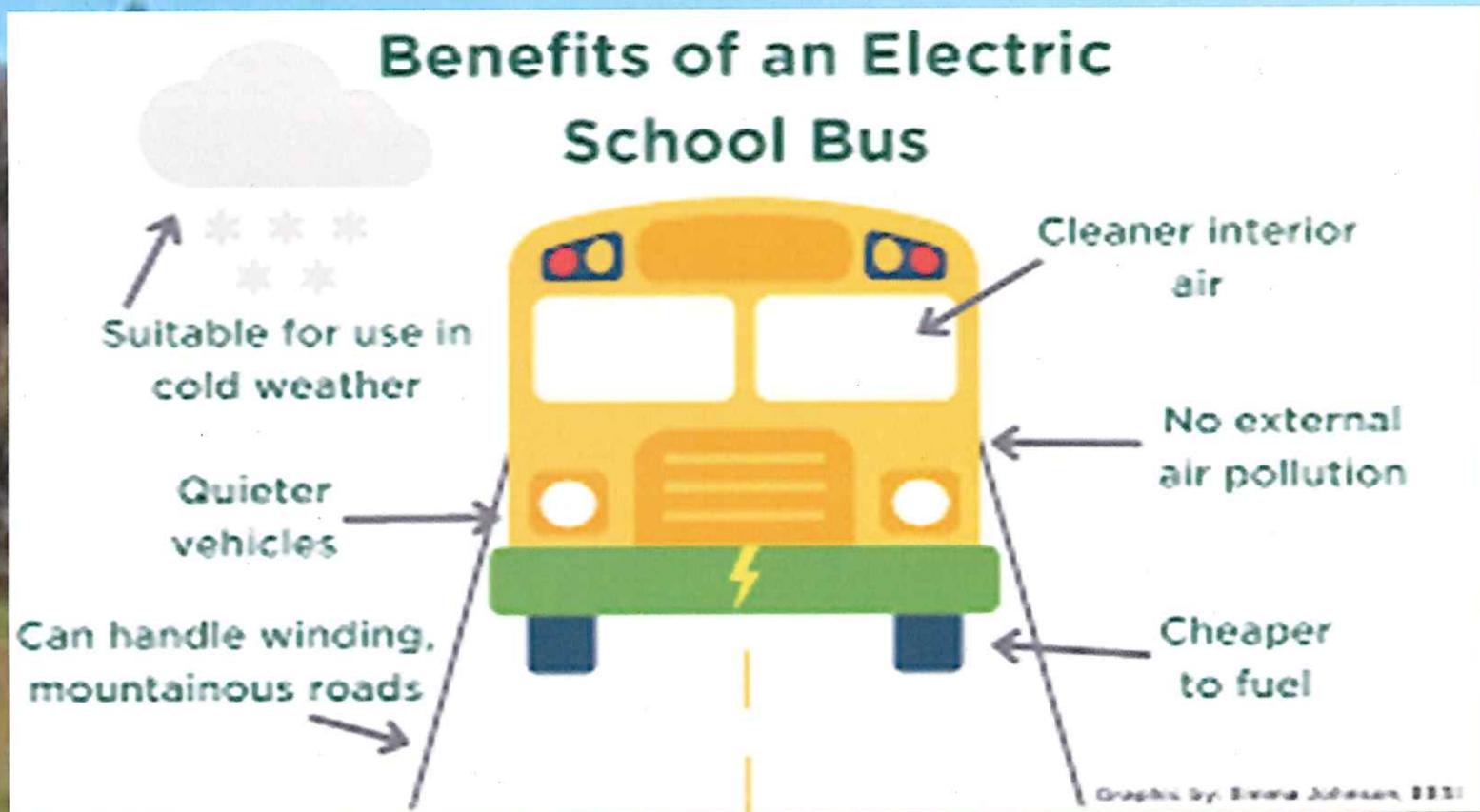
At Town Hall  
we have solar,  
heat pumps &  
EVs-a great  
start to  
electrifying  
our operations



# Electrifying our Transportation & visioning for Microgrids



# Electrifying our Buses



# Electrifying our Transportation



- **Zero GHG emissions**
  - **Quiet engines**
  - **Protect coastal ecosystems**

# *Outreach & Engagement*

## **Articles in Falmouth Enterprise focused on decarbonization**

- **Electric vehicles (EVs)**
- **Induction stoves**
- **Green buildings**
- **Heat Pumps for heating & cooling**
- **Battery storage/ microgrid technologies**
- **Electric vessels**
- **More to come...**

## **BUSINESS**

4. Steamship Authority – Falmouth’s Priorities and Concerns – Peter Jeffrey, Falmouth Member Board of Governors (15 minutes)

Falmouth's Priorities and Concerns

# Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

Falmouth Board Member: Peter J. Jeffrey

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## Executive Summary

The Town of Falmouth for centuries has been a working port: an important economic engine for the Town and a vital connection to the Islands. In 2021, the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority [hereinafter "Steamship Authority"] employed 184 Town of Falmouth residents, with total wages equaling \$9,512,899.86. In fact, 24.1% of Steamship Authority employees reside in the Town of Falmouth. However, that direct positive economic impact on the Town of Falmouth does not come without a price. As Martha's Vineyard's population and tourism industry grows, so does its demand for freight and passage, burdening the Town of Falmouth's roads, and impacting its residents' health and quality of life. This report will highlight the limitations the Enabling Act of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (chapter 701 of the Acts of 1960, as amended) [hereinafter "Enabling Act"], places on the Members of the Board, the challenges facing the Steamship Authority, and its impact on the residents of the Town of Falmouth.

## The Enabling Act

In 1960, the Massachusetts legislature created the Steamship Authority to provide for "adequate transportation of persons and necessities of life for the Islands of Nantucket and Martha's Vineyard." The "Enabling Act" empowers the Steamship Authority to acquire, maintain and operate a boat line between the mainland ports of Woods Hole (Falmouth) and Hyannis

(Barnstable) and the Islands of Martha's Vineyard and Nantucket. *See* Enabling Act of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (chapter 701 of the Acts of 1960, as amended) [hereinafter "Enabling Act"], at §1; (<https://www.steamshipauthority.com/about/history>). In addition, the "Enabling Act" provides the Steamship Authority with licensing authority to regulate the carriage of freight by water by private operators between the Massachusetts mainland and the Islands, as well as regulate private ferry operators carrying in excess of forty (40) passengers. *See* Enabling Act, at §5.

The Steamship Authority is governed by a five-member board: a Nantucket resident appointed by the Nantucket County Commissioners; a Martha's Vineyard resident appointed by the Dukes County Commissioners; a Falmouth resident appointed by the Falmouth Board of Selectmen; a Barnstable resident appointed by the Barnstable Town Council; and a New Bedford resident appointed by the Mayor of New Bedford, with the approval of the New Bedford City Council. *See* Enabling Act, at §3. Each of the Island board members has 35% of the members' combined vote; and each of the mainland board members has 10% of the members' combined vote. *See id.*

**The concern:** The Nantucket and Martha's Vineyard members can collectively pass or veto any measure proposed by another member of the board. Moreover, as explained more fully below, because the Steamship Authority is 100% revenue operated, the fixing of rates and charges of services has the greatest influence on the decisions of the board.

## Funding

The Steamship Authority is 100% fare box funded. *See* Enabling Act, at §4(c). While the Enabling Act provides the Steamship Authority "to issue bonds . . . for the purpose of paying for replacements and new construction or acquisition of vessels and other facilities required to provide adequate service" the Authority's current bond limit is 100 million dollars, and repayment of said bonds are payable solely from revenue i.e., the fare box. *See id.*, at §§1 & 4(b).

**The concern:** Although the Enabling Act states that "[T]he exercise of the powers granted by this act will be in all respects for the benefit of the people of the commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions," ensuring that revenue meets operational and debt repayment needs governs every decision before the Board. Enabling Act, §6. Further, with the construction of the Woods Hole

Terminal, the Steamship Authority has committed around 64 million dollars of its 100 million dollars bond limit. Thus, the Steamship Authority's current available bonding is not adequate to cover the cost of building a replacement vessel.

## The Fleet

The Steamship Authority currently operates ten vessels carrying passengers, automobiles, and freight trucks. In April 2022, Marine Safety Consultants, Inc., issued a "Fleet Condition, Useful Life, Functional Obsolescence Report (ULFO)" to the Steamship Authority. The ULFO Report found that three (3) of the Steamship Authority's freight ferries (MV Gayhead; MV Katama; and MV Sankatay) useful life, functional obsolescence, was 3-5 years (although the Steamship Authority maintains ULFO could be extended by aggressive routine and preventative maintenance). Nevertheless, the Steamship Authority has an aging fleet that will need replacement in the short term.

Further, in May 2022, Elliott Bay Design Group, issued a "New Vehicle Ferry M/V/ Woods Hole Equivalent Hybrid Propulsion Study" to the Steamship Authority. In summary, Elliott Bay Design Group concluded that:

- Diesel mechanical engines produced the most emissions but was the cheapest propulsion configuration.
- All electric engines, the closest to zero emission (wake-side) configuration was the most expensive to procure.
- Diesel hybrid options produced emissions similar to, but less than the diesel mechanical option with CO2 emission reductions ranging from 7% - 8% depending on the load conditions of the propulsion generators.
- An all-electric configuration for the Hyannis – Nantucket route was not considered, because the quantity of batteries for that application would likely be prohibitive.

**The concern:** First, under the current bond limits and funding scheme, the Steamship Authority is hampered in its ability to replace its fleet. Further, absent securing future Federal or State grants, along with the advancement and cost reduction of electric propulsion technology, moving the Steamship Authority's fleet to electric or electric-hybrid propulsion will be impossible.

## Woods Hole Terminal Reconstruction Project

The final phase of the marine work concluded in April 2022. Beginning Fall 2022, landsite work will begin to include the Cowdry Road entry, interim site grades, the installation of a

stormwater system, and the drilling of geothermal wells. While the Steamship Authority engaged the local community in the design of the new terminal, some in the community question the size and cost of the new terminal.

**The concern:** Clearly landside construction will adversely impact traffic on Woods Hole Road, Crane Street, Cowdry Road, Luscombe Avenue, and Railroad Avenue.

## Going Green – the Good News

The Steamship Authority is committed to transitioning its shuttle bus fleet to electric. The Steamship Authority has procured several electric shuttle buses, the first two which should come into service later this year. Further, the Steamship Authority is undertaking a solar panel installation project at its Thomas B. Landers Road Parking Facility. Moreover, the new Woods Hole Terminal is designed to be a zero-net carbon building.

## Proposed 2023 Summer Ferry Schedule & Traffic

The Steamship Authority has once again proposed to run a 5:30 AM freight ferry from the Woods Hole Terminal during its 2023 Summer Schedule. That proposal gave rise to a public hearing, where that proposed schedule was met with great opposition from residents in Woods Hole. Further, Edgartown restaurant owner Christian Thornton has launched a petition drive calling for the Steamship Authority to add a post-11:30 PM Steamship Authority ferry during the summer season.

**The concern:** Route 28, N. Main Street, Locust Street, and Woods Hole Road continue to be overburdened by noise, pollution and traffic adversely impacting the quality of life and health of Falmouth residents.

Respectfully submitted,



Peter J. Jeffrey

Falmouth Member

Board of The Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

Email: [pjeffrey@steamshipauthority.com](mailto:pjeffrey@steamshipauthority.com)

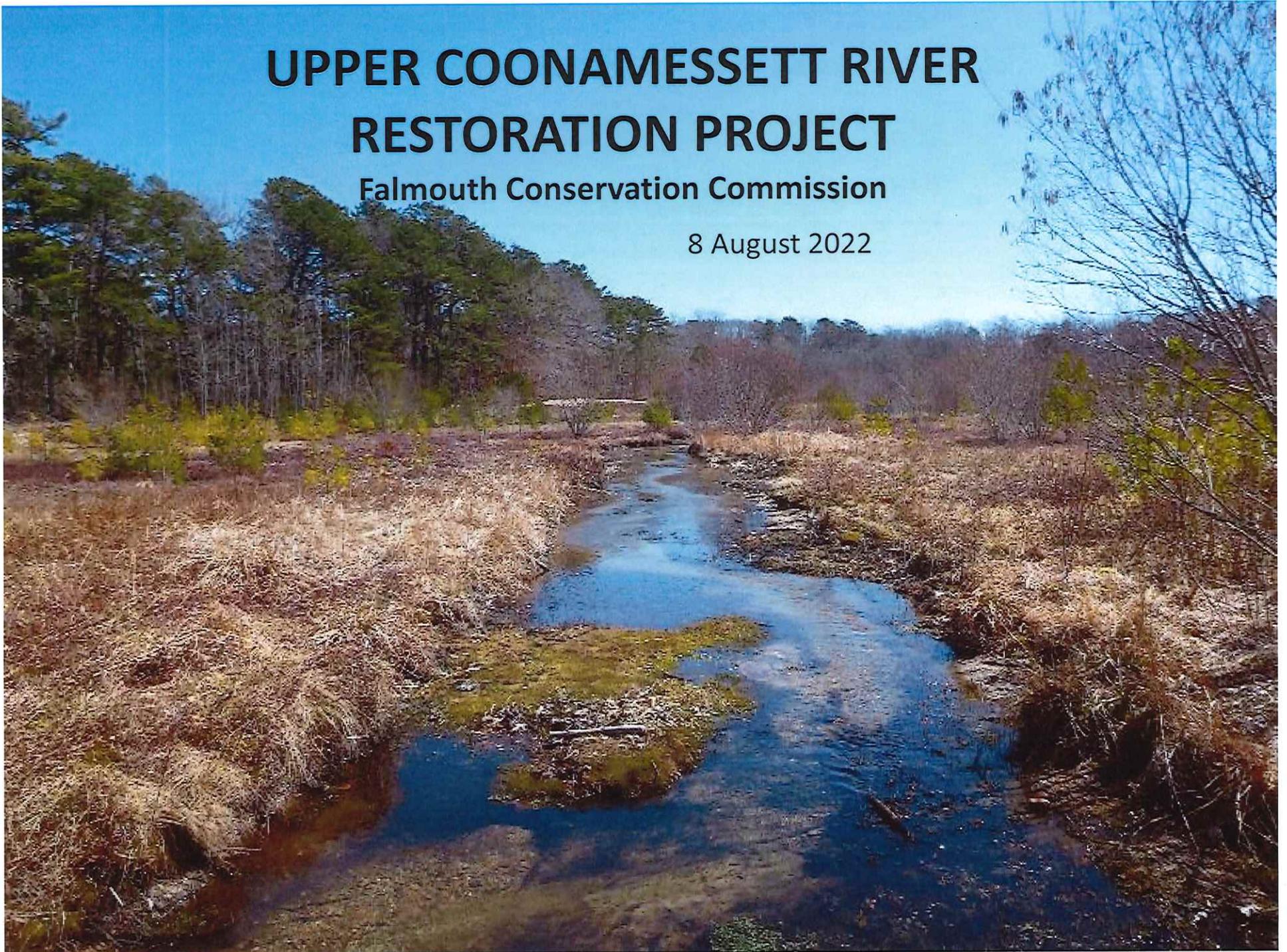
## **BUSINESS**

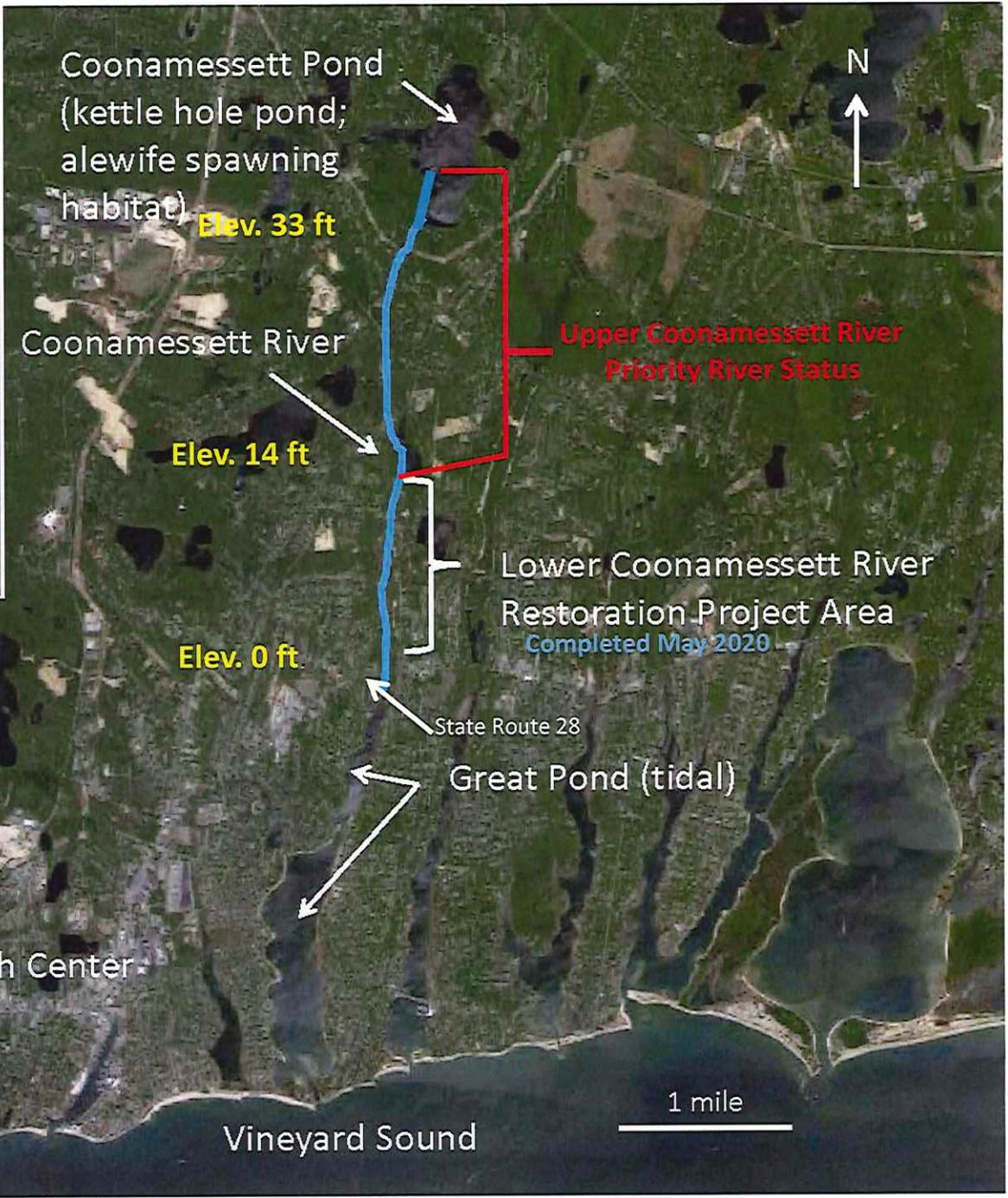
5. Coonamessett River Restoration Update and NOAA (National Oceanic and Atmospheric Administration grant application for approximately \$1.75 million - Betsy Gladfelter (15 minutes)

# UPPER COONAMESSETT RIVER RESTORATION PROJECT

Falmouth Conservation Commission

8 August 2022





# COONAMESSETT RIVER RESTORATION

## BEFORE

## AFTER

LOW



*Connectivity*



*Wetland Diversity*



*River Habitat*



2011



2020

HIGH



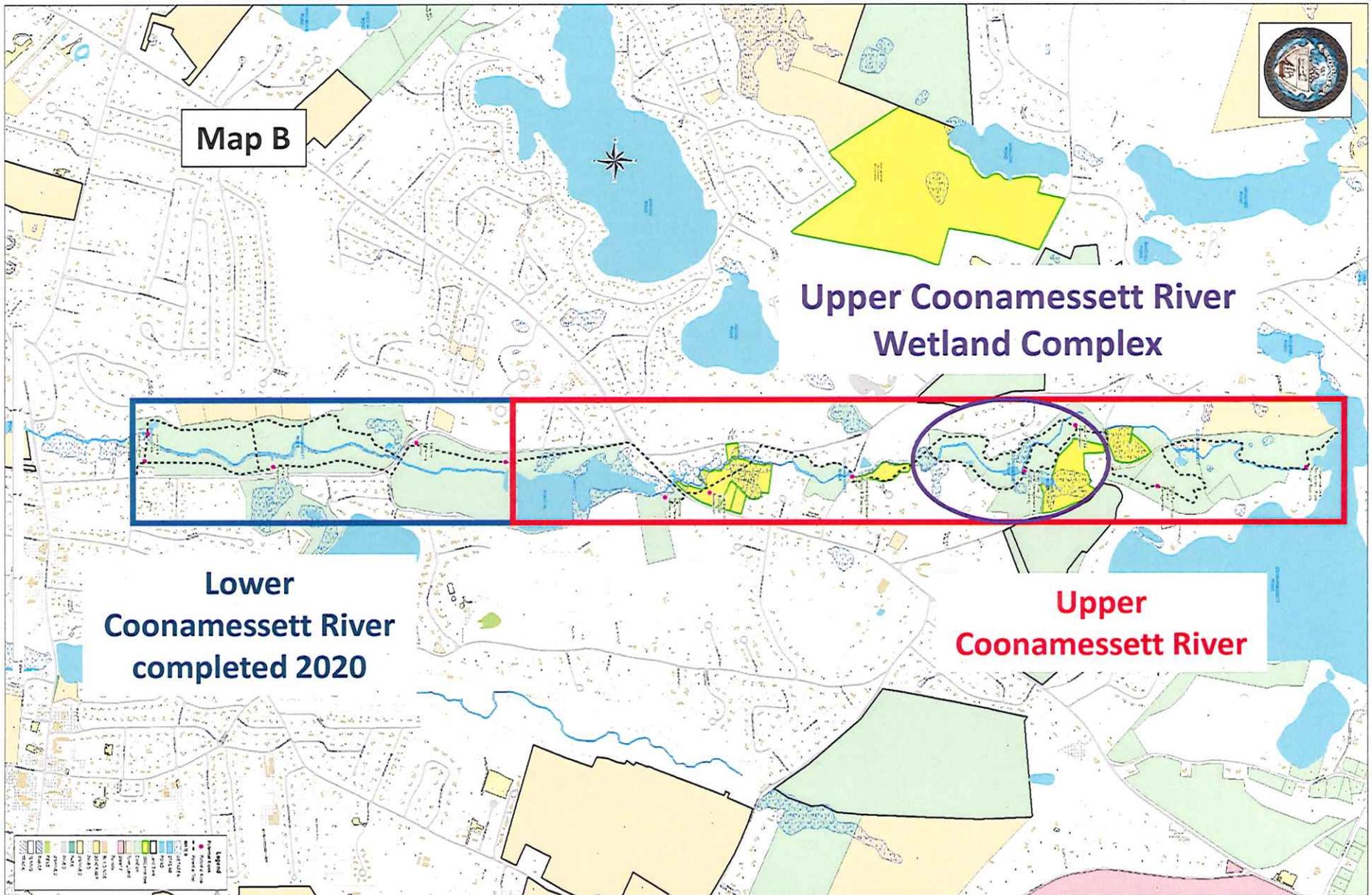
*Connectivity*



*Wetland Diversity*



*River Habitat*



Conservation Lands:



Town of Falmouth



The 300 Committee

# Upper Coonamessett Wetlands Project

## Project Partners – Planning phases

### Field trips and meetings 2019-present



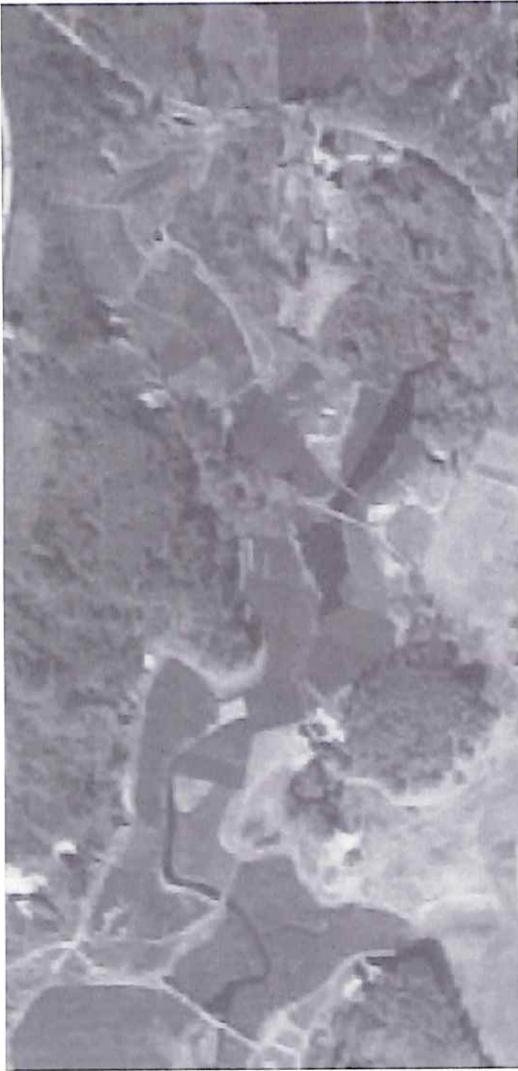
**Conservation, DPW, DMES, MA Division of Ecological Restoration,  
Interfluve, Coonamessett River Trust, T3C, MA DFW  
AFCEC (Joint Base Cape Cod)  
NOAA, Cape Cod Conservation District, NRCS**

# **UPPER COONAMESSETT RIVER RESTORATION PROJECT**

- **MA Division of Ecological Restoration (DER) awards Priority River Status for the Upper Coonamessett River through grant request from Town of Falmouth in 2020**
- **Upper Coonamessett River Restoration Project, Falmouth, MA Feasibility Report; Interfluve, Inc. June 2021 (\$50,000 grant to ToF from DER)**
- **Upper Coonamessett River Restoration Project, Falmouth, MA Basis for Design Report (50% plans) ; Interfluve, Inc. June 2022 (\$50,000 funding from DER)**
- **\$50,000 grant awarded to Town of Falmouth for Interfluve, Inc. to begin MEPA permitting and to bring plans up to 75% in preparation for further permitting**

## PROJECT GOALS

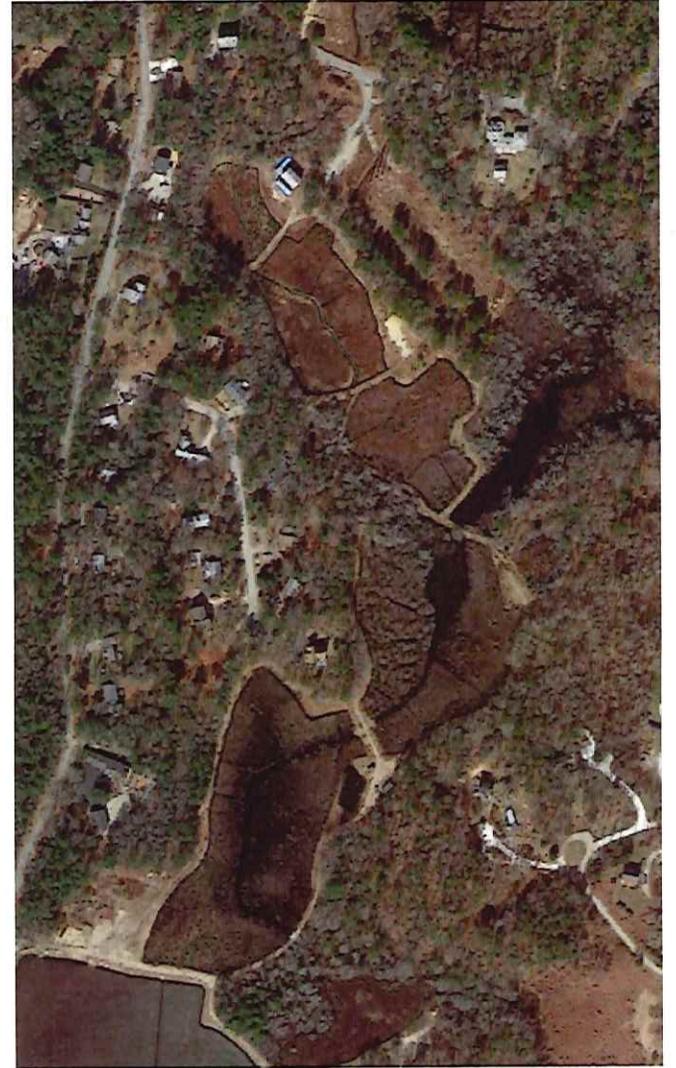
- To establish a **healthy, self-sustaining river and wetland ecosystem** (by creating a diversity of habitats to foster biodiversity) that supports fish, other aquatic organisms, and wildlife (5 spp of diadromous fish linking land to sea)
- To increase **coastal resiliency** by removing blockages and creating connectivity of floodplain, and improving water quality by reducing temperature stress and attenuating nutrient stress
- To increase **recreational and educational opportunities** for people of all ages to discover the environmental, land use, and cultural history surrounding the Coonamessett River



1938

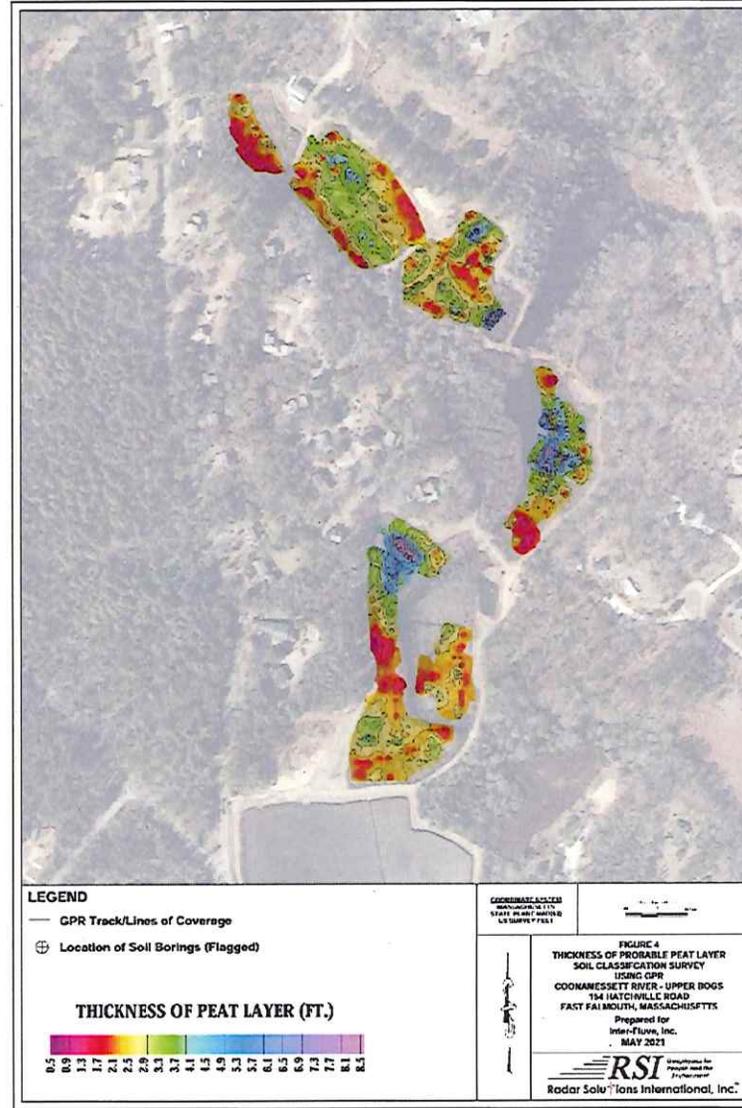
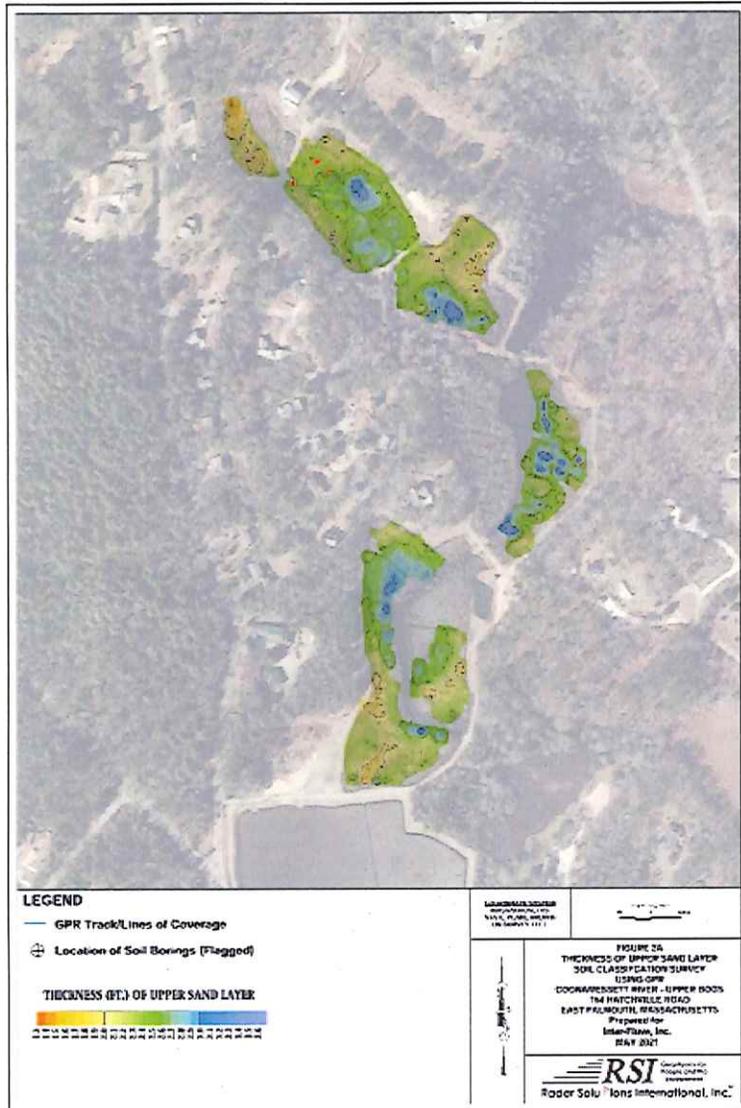


1973



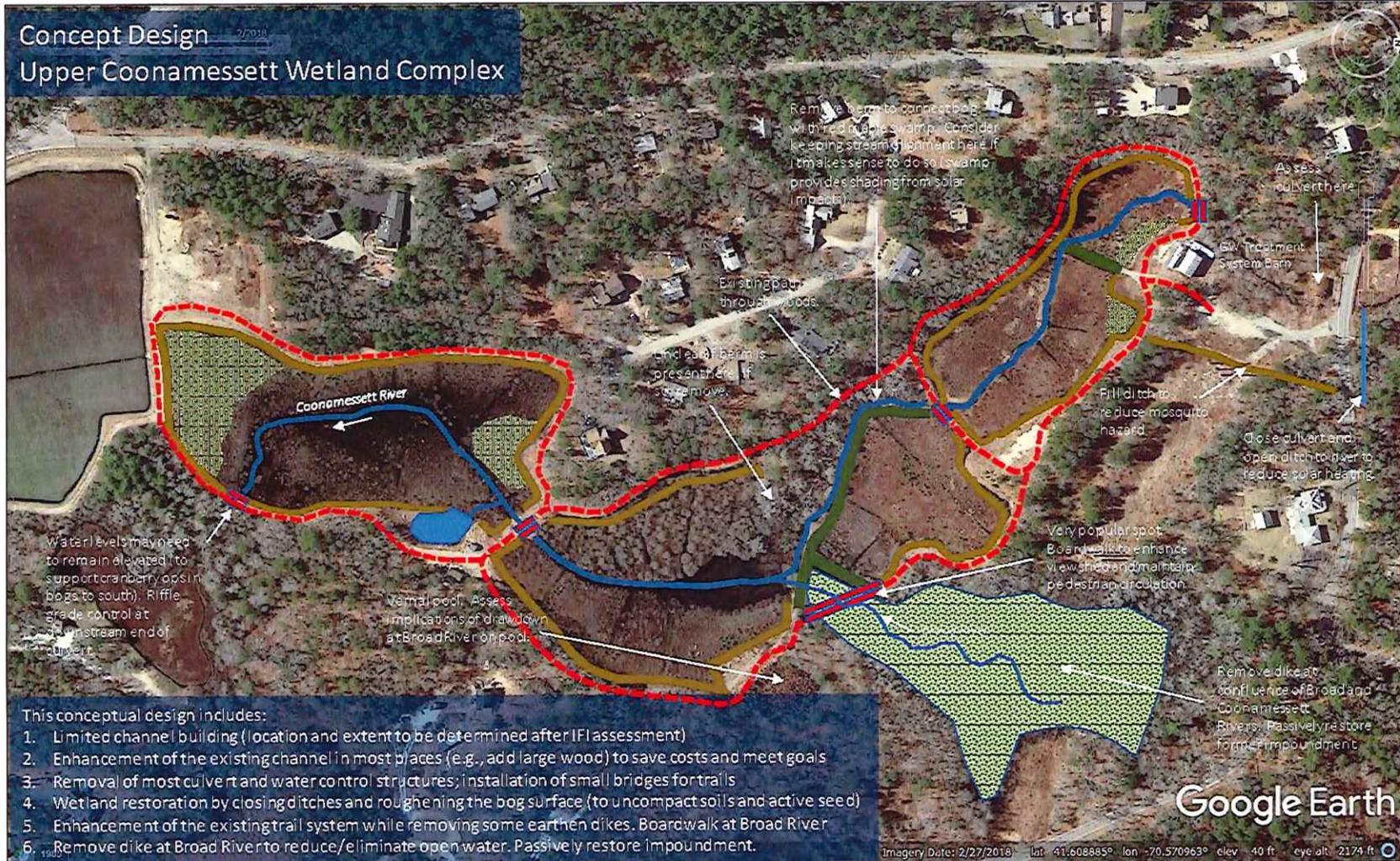
2018

USGS aerial photographs 1938 and 1973; Google Earth image: 2018



# Concept Design 2/2021

## Upper Coonamessett Wetland Complex



- This conceptual design includes:
1. Limited channel building (location and extent to be determined after IFI assessment)
  2. Enhancement of the existing channel in most places (e.g., add large wood) to save costs and meet goals
  3. Removal of most culvert and water control structures; installation of small bridges for trails
  4. Wetland restoration by closing ditches and roughening the bog surface (to uncompact soils and active seed)
  5. Enhancement of the existing trail system while removing some earthen dikes. Boardwalk at Broad River
  6. Remove dike at Broad River to reduce/eliminate open water. Passively restore impoundment.

**Notes:**

- = Ped. Footbridge
- = Trail
- = Smooth edges/ fill ditches
- = Remove dike
- = Build channel
- = Enhance existing channel
- = Open water
- = Passive wetland restoration

**Active wetland restoration on all other former farm surfaces underlain by peat**

- = Uplands (TBD)

**SHT 2 of 2**  
**Proposed Conditions**

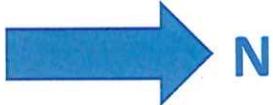
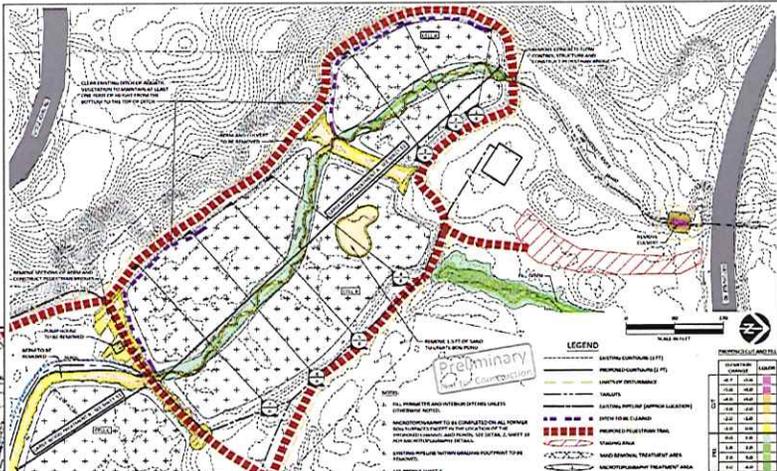
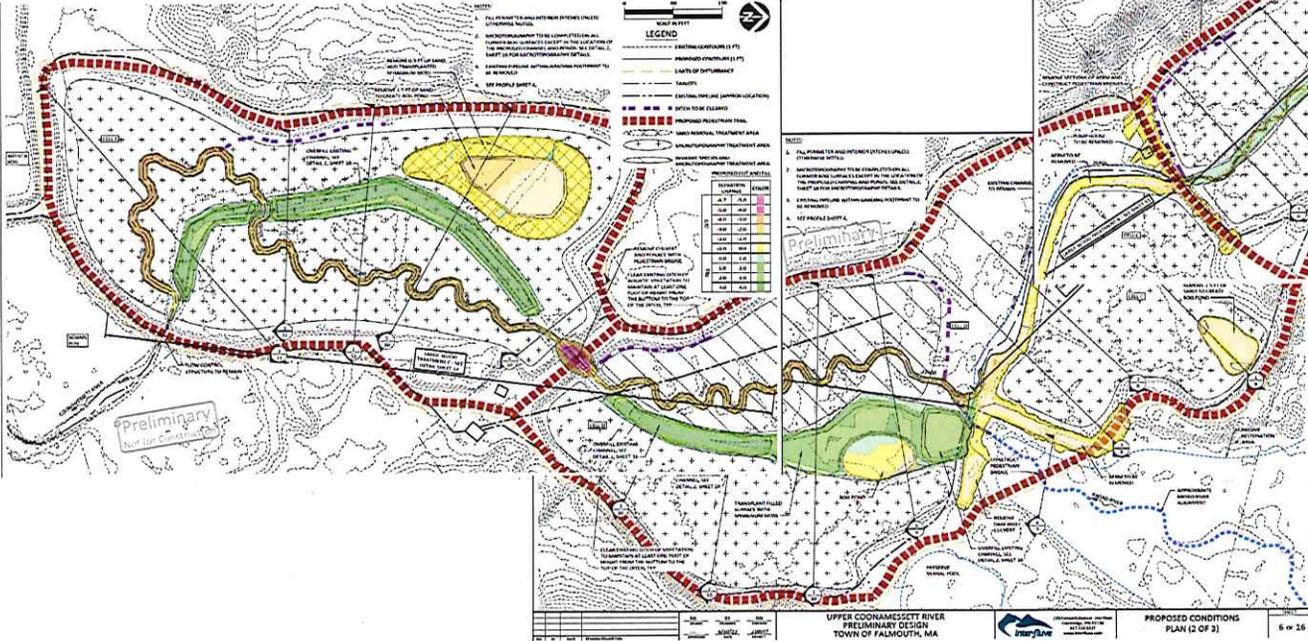
By: AH and EF  
 Date: March 2021

Google Earth



Imagery Date: 2/27/2018 lat: 41.608885° lon: -70.570963° elev: 40 ft eye alt: 2174 ft

# 50% Plans Upper Coonamessett Restoration



# Next Steps

FY23 (1 Jul22 - 30 Jun23)

- Application to Mass Wildlife (\$50,000) to remove invasive willows and other invasive plants before restoration construction begins (Jan-Mar 2024)
- Application to NOAA \$1,792,000.00 for final engineering plans, Bid & oversight services & construction
- Application for CPA funds \$200,000.00 to support permitting, oversight and construction
  
- Public Meeting September 2022
- Interfluve Inc. prepares MEPA filing and begins 75% plans (\$50K grant awarded to ToF from DEP)
- AFCEC removes all infrastructure in proposed restoration area (ToF and Interfluve coordinating with AFCEC)

### FY24 (1 Jul23 - 30Jun24)

- Interfluve prepares and files remaining federal, state and local permits (CPA and DER funding)
- ToF assisted by Interfluve prepares bid package and issues rfp for construction (NOAA, DER and CPA funding)
- Application for CPA funds (with T3C) for \$100,000.00 for fully accessible trail on northern loop

### FY 25 (1 Jul24 - 30Jun25)

- Late fall 2024 construction begins

### FY26 (1 Jul 25 – 30 Jun26)

- Final planting and invasive plant removals
- Final trail work

## Diane Davidson

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**From:** Mark Kasprzyk  
**Sent:** Friday, July 22, 2022 4:48 PM  
**To:** Falmouth Town Manager  
**Cc:** Betsy Gladfelter (egladfelter@whoi.edu); Jennifer Lincoln  
**Subject:** RE: grant application requests to the BOS - 8/8/2022 agenda

Hi Peter –

Below is a list of the grants we anticipate filing within the next month or two. You had mentioned about having us present to the BOS agenda for August 8, 2022. This list covers them all and NONE of these require a match:

1. **Mass Wildlife Habitat Management Grant Program – Sandplain Grassland Expansion and Invasive Plant Management on the Coonamessett fields.**
  - approx. \$20,000 (to continue expansion of fields & invasive plant management)
2. **Mass Wildlife Habitat Management Grant Program – Invasive Plant Control on the Upper Coonamessett River Wetland Complex.**
  - approx. \$50,000 (to control of invasive trees and shrubs to start the restoration process)
3. **Community Preservation Fund – Ecological Restoration of the Upper Coonamessett River Complex.**
  - \$25,000 (to supplement the cost of permitting)
4. **Community Preservation Fund – Little Pond Landing: Parking & Path Infrastructure and Native Plant Landscaping.**
  - TBD (awaiting estimates from Woods Hole Group, collaboration between Conservation & T3C)
  - permission from BOS to change access road onto Conservation parcel across Housing Authority parcel
5. **NOAA Grant - Ecological Restoration of the Upper Coonamessett River Complex.**
  - approx. 1.25 million or more (for restoration construction, final plans and oversight)

If you need additional information or have questions, please let me know. Thank you.

Mark Kasprzyk  
Conservation Land Manager/MES Technician

59 Town Hall Square  
Falmouth, MA 02540  
Cell: 508-274-2650

## **BUSINESS**

6. Broadband – Municipal Light Plant update – FalmouthNet, Art Gaylord (10 minutes)

## CONSENT AGENDA

### 1. Administrative Orders

- a. Grant permission to Eversource to install on Nobska Road one (1) new handhole labelled 115/H1-A at the base of existing pole 115/1 and to install approximately 33' (feet) of conduit and cable under town road southwesterly from new handhole #115/H1-A.

This work is necessary to provide new electric service to 5 Nobska Road.

The petition was approved by Public Hearing Officer Nicholas Croft at a hearing on July 25, 2022 at 3:00 pm.

August 8, 2022



# *Town of Falmouth*

*Department of Public Works - Engineering Division*

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

Christopher Bennett, Construction Inspector

christopher.bennett@falmouthma.gov

Date: July 28, 2022

To: Board of Selectmen

From: Chris Bennett, Interim Hearing Officer

**Subject: Eversource – Petition to install approximately (33) thirty three feet of underground conduit and (1) one handhole (115/H1-A) at existing pole (115/1) Nobska Road, Falmouth.**

A petition was submitted by Eversource to install +/- 33' of underground conduit and one handhole handhole (115/H1-A) at pole (115/1) to provide electric service to #5 Nobska Rd..

The Engineering recommendation is to approve the request as submitted on Plan No. W/O #8819654, dated June 17, 2022

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

Thank you,

Christopher Bennett  
Construction Inspector  
DPW Engineering Division

PETITION FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS  
WO#8819654

June 17, 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:

Nobska Road, Falmouth

To install approximately 33' (feet) of conduit and cable under town road southwesterly starting at new handhole labelled 115/H1-A at base of existing pole 115/1.  
Install one new handhole at labelled 115/H1-A at base of existing pole 115/1.

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. 8819654 Dated June 17, 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#8819654

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 17<sup>th</sup> 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.8819654 Dated June 17, 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.

Nobska Road, Falmouth

Southwesterly from new handhole 115/H1-A at  
base of pole 115/1, to install approximately 33'  
(feet) of conduit.  
Install one new handhole labelled 115/H1-A at  
base of pole 115/1.

One (1) Conduit  
One (1) Handhole 115/H1-A

This work is necessary to provide new electric service to #5 Nobska 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 8<sup>th</sup> day of  
August 2022.

Phyllis 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 28 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

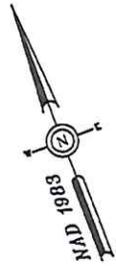
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2022, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page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

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

Attest:

\_\_\_\_\_  
**Town Clerk.**

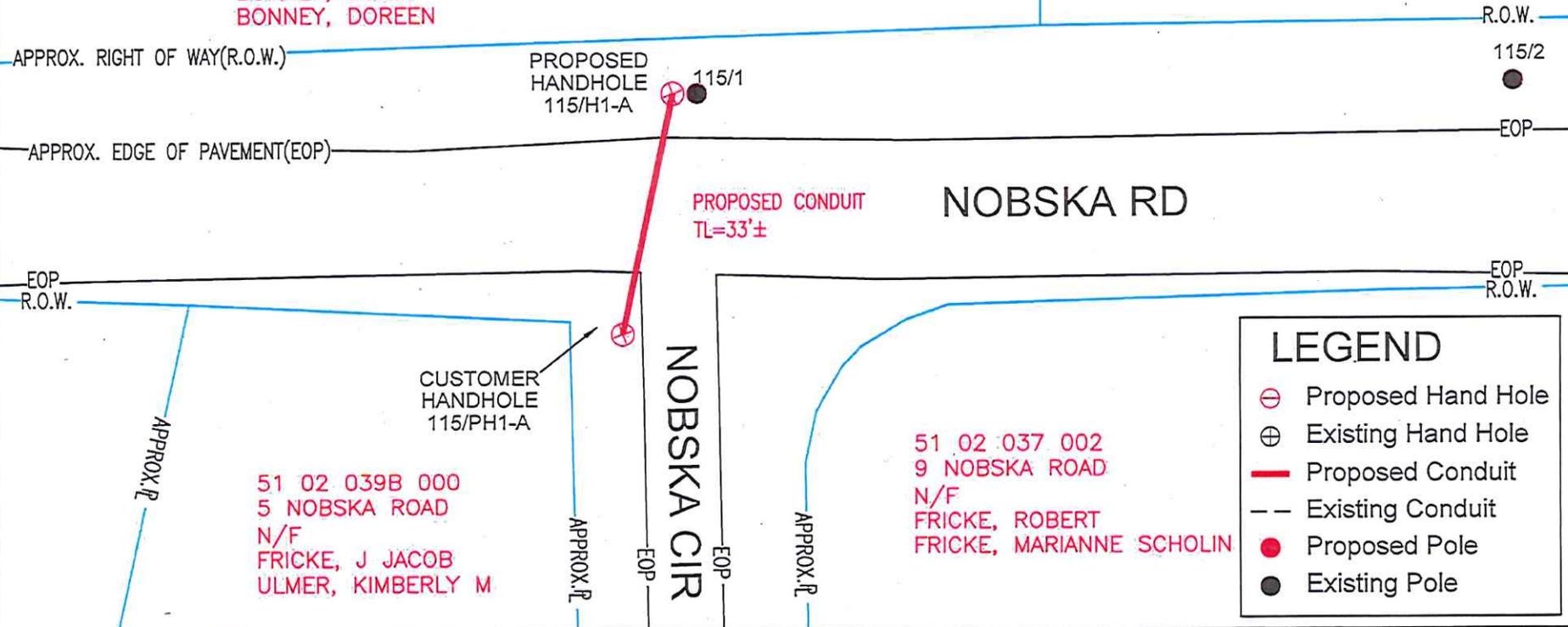
Plan to accompany petition of EVERSOURCE ENERGY  
to install Handhole 115/H1-A and 33'± of conduit from Handhole  
115/H1-A to customer installed Handhole 115/PH1-A for customer at  
#5 Nobska Rd.



51 04 012S 021  
6 NOBSKA ROAD  
N/F  
BONNEY, SCOTT  
BONNEY, DOREEN

51 04 012K 001  
2 LAWRENCE FARM ROAD  
N/F  
HUXLEY TRUSTEE HUGE E  
HUXLEY TRUSTEE FRANCES

APPROX. R.

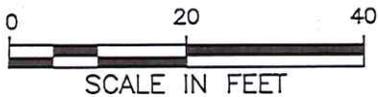


**LEGEND**

- ⊗ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- - Existing Conduit
- Proposed Pole
- Existing Pole

51 02 039B 000  
5 NOBSKA ROAD  
N/F  
FRICKE, J JACOB  
ULMER, KIMBERLY M

51 02 037 002  
9 NOBSKA ROAD  
N/F  
FRICKE, ROBERT  
FRICKE, MARIANNE SCHOLIN



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.

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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

Plan #	8819654	<b>NSTAR EVERSOURCE</b> ELECTRIC d/b/a 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order #	8819654	Plan of NOBSKA ROAD
Surveyed by:	N/A	FALMOUTH
Research by:	JC	Showing PROPOSED HANDHOLE AND CONDUIT LOCATION
Plotted by:	SJ	
Proposed Structures:	SJ	
Approved:	T THIBAUT	Scale 1"=20' Date June 17, 2022
P#		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 28, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Nobska Road one (1) new handhole labelled 115/H1-A at the base of exiting pole 115/1 and to install approximately 33' (feet) of conduit and cable under town road southwesterly from new handhole #115/H1-A.

This work is necessary to provide new electric service to 5 Nobska Road.

Per Order of the Falmouth Select Board

*Publication Date: Friday, July 15, 2022 Falmouth Enterprise*

Falmouth Economic Development & Industrial Corporation (EDIC) including discussion of what other communities have done to address this issue.

Viewers can check for run times on the FCTV Channel 13 program schedule or watch on demand at [www.falmouthchamber.com](http://www.falmouthchamber.com).

rising tourism in Falmouth such as lodging and meals tax, but she said that those types of taxes might not necessarily be relied upon in future years. And this year, even building permits are slowing down.

"(It's) just something to be aware of and think about," Ms. Mullen said. "To build enough flexibility

about the budget sooner, rather than later.

Board member Douglas C. Brown said that it is clear to him that the town is not consistently sustainable financially, as different departments have more needs and require extra staff to assist each year.

said that a board discussion of priorities for the budget will likely happen during the board's retreat later in the year.

"I don't feel ready to make suggestions on priorities," Ms. Taylor said. She thanked Ms. Mullen and Mr. Johnson-Staub for drawing the board's attention to the issue now

## Legal Notices

### Town of Falmouth Historical Commission Public Hearing Notice

The Falmouth Historical Commission will hold a public hearing under Massachusetts General Law Chapter 40C section 11, and Town bylaw section 7.4 as Amended on **Tuesday, August 2, 2022 at 6:00 PM in the Select Board's Meeting Room at Falmouth Town Hall.**

Requests for Certificates of Appropriateness:

22.56 Allison Mankivsky, 210 Quisset Ave – House renovations  
22.58 Linda Pogue, 606 West Falmouth Hwy – Replace front porch posts  
22.59 Kathy & David Bryson, 502 West Falmouth Hwy – Demo/reconstruct portion of dwelling

On behalf of the Falmouth Historical Commission

July 15, 2022

### PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, July 25, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Stephen Proia for permission to rebuild the existing licensed dock located at 317 Edgewater Drive West, East Falmouth, MA. Area affected is Eel Pond. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the  
Select Board

July 8, 15, 2022

### 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 28, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Bridge Street, Falmouth approximately 59' (feet) of conduit and cable under town road Easterly starting at existing handhole 235/H14 at base of existing pole 235/14.

The work is to be done to provide new electric service to 12 Bridge Street, Falmouth.

Per Order of the Falmouth Select Board

July 15, 2022

### Falmouth Zoning Board of Appeals Notice of Public Hearing for August 11, 2022

Notice is hereby given of the following **Public Hearing @ 6:30pm and Open Meeting** in the Select Board's Meeting Room, Town Hall on **Thursday, August 11, 2022**

#### Continuation(s)

#013-22 Sacchetti, Trustee, 461 Central Avenue, East Falmouth

**Application # 051-22 Joseph J. and Kathryn M. Hinderhofer, Trustees:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A (formerly 240-3 C.) of the Code of Falmouth to remove existing deck, rebuild the second floor dormers and construct additions to the rear of the nonconforming dwelling. The subject property is 97 Bridge Street, East Falmouth, Ma.

**Application # 052-22 Thomas H. Jordan and Margaret Silbernagel Jordan:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-11.4A(1)j (formerly 240-68 A(8)) of the Code of Falmouth to construct a detached garage in the front yard more than 50' from the front property line; the subject

property is 36 North Bourne Pond Road, East Falmouth, Ma.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties.

July 15, 22, 2022

### 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 28, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Nobska Road one (1) new handhole labelled 115/H1-A at the base of existing pole 115/1 and to install approximately 33' (feet) of conduit and cable under town road southwesterly from new handhole #115/H1-A.

This work is necessary to provide new electric service to 5 Nobska Road.

Per Order of the Falmouth Select Board

July 15, 2022

### TOWN OF FALMOUTH NOTICE OF ELECTION

An election, by mail, is to be held on Wednesday, October 12, 2022 for the purpose of electing the First Elected Member to serve on the Falmouth Retirement Board for a term that will commence on October 31, 2022 through the date of expiration on October 30, 2025. All members in service, members inactive and retirees are eligible to vote. On Tuesday, September 13, 2022, voting ballots with instructions will be mailed to the current address on file with the Falmouth Retirement System. Any member in service or retiree of the Falmouth Contributory Retirement System is eligible to be a candidate provided that they

file with the office of the Falmouth Retirement System a nomination paper containing both the signature and address of at least 20 members in service and/or retirees of the Falmouth Retirement System. The nomination paper may be filed on or before 2:00 p.m. on Friday, August 19, 2022. Nomination papers may be obtained at the office of the Falmouth Retirement System which is located at 80 Davis Straits, Suite 102 Falmouth, MA 02540.

Note: Beneficiaries and Survivors are not eligible to participate

July 8, 15, 2022

### TOWN OF FALMOUTH PLANNING BOARD PUBLIC HEARING NOTICE

APPLICANT: Nilton Floors, Inc.

Location: 231 Teaticket Hwy  
Map# 39 14 026 000

PROPOSAL: Special Permit application to improve existing non-conforming parking space located in the front yard

DATE & TIME: Tuesday, July 26, 2022  
6:30pm

PLACE: Falmouth Town Hall  
59 Town Hall Sq  
Falmouth, MA 02540

Documents may be viewed online at: [www.falmouthma.gov/1327/Applications](http://www.falmouthma.gov/1327/Applications) recently-Under-Review

By Order of the Planning Board

Paul Dreyer  
Clerk/Secretary

July 8, 15, 2022

## CONSENT AGENDA

### 1. Administrative Orders

- a. Grant permission to install on Bridge Street, Falmouth approximately 59' (feet) of conduit and cable under town road Easterly starting at existing handhole 235/H14 at base of existing pole 235/14.

The work is to be done to provide new electric service to 12 Bridge Street, Falmouth.

The petition was approved by Public Hearing Officer Nicholas Croft at a hearing on July 25, 2022 at 3:00 pm.

August 8, 2022



# Town of Falmouth

*Department of Public Works - Engineering Division*

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

Christopher Bennett, Construction Inspector

christopher.bennett@falmouthma.gov

Date: July 28, 2022

To: Board of Selectmen

From: Chris Bennett, Interim Hearing Officer

**Subject: Eversource – Petition to install approximately (59) fifty-nine feet of underground conduit in Bridge Street, Falmouth.**

A petition was submitted by Eversource to install +/- 59' of underground conduit and cable to an existing handhole 235/H14 at pole 235/14 to provide electric service to #12 Bridge St.

The Engineering recommendation is to approve the request as submitted on Plan No. W/O #7366313, dated June 15, 2022

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

Thank you,

Christopher Bennett  
Construction Inspector  
DPW Engineering Division

PETITION FOR  
UNDERGROUND CABLE AND CONDUIT LOCATIONS  
WO#7366313

June 15, 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:

Bridge Street, Falmouth

To install approximately 59' (feet) of conduit and cable under town road easterly starting at existing handhole 235/H14 at base of existing pole 235/14.

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. 7366313 Dated June 15, 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#7366313

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 15<sup>th</sup> 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.7366313 Dated June 15, 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.

Bridge Street, Falmouth

Easterly from existing handhole 235/H14 at base  
of existing pole 235/14, to install approximately  
59' (feet) of conduit.

One (1) Conduit

This work is necessary to provide new electric service to #12 Bridge 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 8<sup>th</sup> day of  
August 2022.

Phyllis 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 28 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

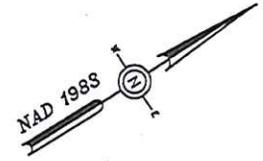
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2022, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page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

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

Attest:

\_\_\_\_\_  
**Town Clerk.**

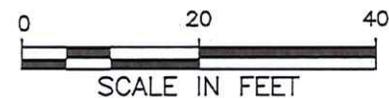
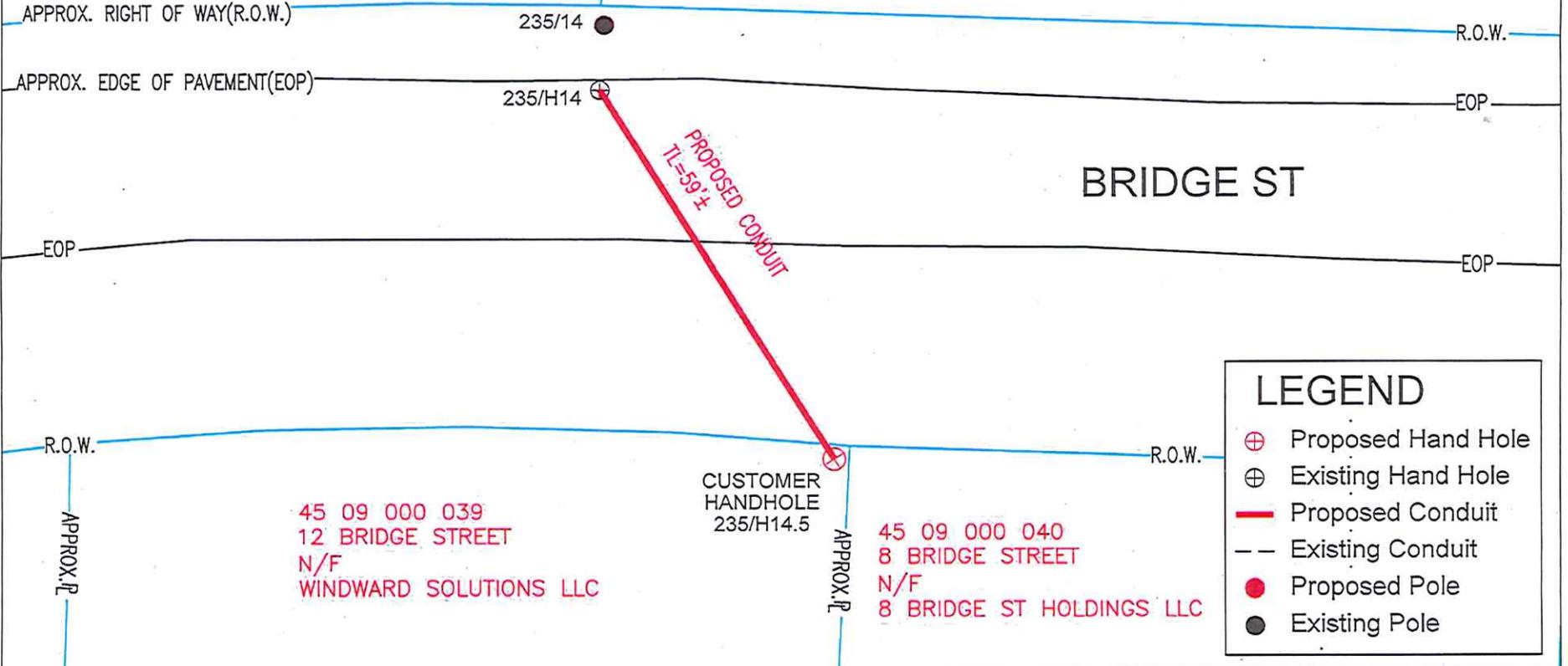
Plan to accompany petition of EVERSOURCE ENERGY to install 59'± of conduit from Handhole 235/H14 to customer Handhole 235/H14.5 for customer at #12 Bridge St.



45 14 000  
11 BRIDGE STREET  
N/F  
ROWLEY, MARY M.

45 14 000 042  
1 BRIDGE STREET  
N/F  
BONOLI, DENISE

APPROX 182'± TO  
MENAUHANT RD.



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 #	7366313	 <b>EVSOURCE</b> <small>d/b/a</small> 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order #	7366313	Plan of BRIDGE STREET
Surveyed by:	N/A	FALMOUTH
Research by:	JC	Showing PROPOSED CONDUIT LOCATION
Plotted by:	SJ	
Proposed Structures:	SJ	
Approved:	T THIBAUT	Scale 1"=20' Date June 15, 2022
P#		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 28, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Bridge Street, Falmouth approximately 59' (feet) of conduit and cable under town road Easterly starting at existing handhole 235/H14 at base of existing pole 235/14.

The work is to be done to provide new electric service to 12 Bridge Street, Falmouth.

Per Order of the Falmouth Select Board

*Publication Date: Friday, July 15, 2022 Falmouth Enterprise*

Falmouth Economic Development & Industrial Corporation (EDIC) including discussion of what other communities have done to address this issue.

Viewers can check for run times on the FCTV Channel 13 program schedule or watch on demand at [www.falmouthchamber.com](http://www.falmouthchamber.com).

rising tourism in Falmouth such as lodging and meals tax, but she said that those types of taxes might not necessarily be relied upon in future years. And this year, even building permits are slowing down.

"(It's) just something to be aware of and think about," Ms. Mullen said. "To build enough flexibility

about the budget sooner, rather than later.

Board member Douglas C. Brown said that it is clear to him that the town is not consistently sustainable financially, as different departments have more needs and require extra staff to assist each year.

said that a board discussion of priorities for the budget will likely happen during the board's retreat later in the year.

"I don't feel ready to make suggestions on priorities," Ms. Taylor said. She thanked Ms. Mullen and Mr. Johnson-Staub for drawing the board's attention to the issue now

## Legal Notices

### Town of Falmouth Historical Commission Public Hearing Notice

The Falmouth Historical Commission will hold a public hearing under Massachusetts General Law Chapter 40C section 11, and Town bylaw section 7.4 as Amended on **Tuesday, August 2, 2022 at 6:00 PM in the Select Board's Meeting Room at Falmouth Town Hall.**

Requests for Certificates of Appropriateness:

22.56 Allison Mankivsky, 210 Quisset Ave – House renovations  
22.58 Linda Pogue, 606 West Falmouth Hwy – Replace front porch posts  
22.59 Kathy & David Bryson, 502 West Falmouth Hwy – Demo/reconstruct portion of dwelling

On behalf of the Falmouth Historical Commission

July 15, 2022

### PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, July 25, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Stephen Proia for permission to rebuild the existing licensed dock located at 317 Edgewater Drive West, East Falmouth, MA. Area affected is Eel Pond. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the  
Select Board

July 8, 15, 2022

### 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 28, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Bridge Street, Falmouth approximately 59' (feet) of conduit and cable under town road Easterly starting at existing handhole 235/H14 at base of existing pole 235/14.

The work is to be done to provide new electric service to 12 Bridge Street, Falmouth.

Per Order of the Falmouth Select Board

July 15, 2022

### Falmouth Zoning Board of Appeals Notice of Public Hearing for August 11, 2022

Notice is hereby given of the following **Public Hearing @ 6:30pm and Open Meeting** in the Select Board's Meeting Room, Town Hall on **Thursday, August 11, 2022**

#### Continuation(s)

#013-22 Sacchetti, Trustee, 461 Central Avenue, East Falmouth

**Application # 051-22 Joseph J. and Kathryn M. Hinderhofer, Trustees:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A (formerly 240-3 C.) of the Code of Falmouth to remove existing deck, rebuild the second floor dormers and construct additions to the rear of the nonconforming dwelling. The subject property is 97 Bridge Street, East Falmouth, MA.

**Application # 052-22 Thomas H. Jordan and Margaret Silbernagel Jordan:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-11.4A(1)i (formerly 240-68 A(8)) of the Code of Falmouth to construct a detached garage in the front yard more than 50' from the front property line; the subject

property is 36 North Bourne Pond Road, East Falmouth, Ma.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties.

July 15, 22, 2022

### 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 28, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Nobska Road one (1) new handhole labelled 115/H1-A at the base of existing pole 115/1 and to install approximately 33' (feet) of conduit and cable under town road southwesterly from new handhole #115/H1-A.

This work is necessary to provide new electric service to 5 Nobska Road.

Per Order of the Falmouth Select Board

July 15, 2022

### TOWN OF FALMOUTH NOTICE OF ELECTION

An election, by mail, is to be held on Wednesday, October 12, 2022 for the purpose of electing the First Elected Member to serve on the Falmouth Retirement Board for a term that will commence on October 31, 2022 through the date of expiration on October 30, 2025. All members in service, members inactive and retirees are eligible to vote. On Tuesday, September 13, 2022, voting ballots with instructions will be mailed to the current address on file with the Falmouth Retirement System. Any member in service or retiree of the Falmouth Contributory Retirement System is eligible to be a candidate provided that they

file with the office of the Falmouth Retirement System a nomination paper containing both the signature and address of at least 20 members in service and/or retirees of the Falmouth Retirement System. The nomination paper may be filed on or before 2:00 p.m. on Friday, August 19, 2022. Nomination papers may be obtained at the office of the Falmouth Retirement System which is located at 80 Davis Straits, Suite 102 Falmouth, MA 02540.

Note: Beneficiaries and Survivors are not eligible to participate

July 8, 15, 2022

### TOWN OF FALMOUTH PLANNING BOARD PUBLIC HEARING NOTICE

APPLICANT: Nilton Floors, Inc.

Location: 231 Teaticket Hwy  
Map# 39 14 026 000

PROPOSAL: Special Permit application to improve existing non-conforming parking space located in the front yard

DATE & TIME: Tuesday, July 26, 2022  
6:30pm

PLACE: Falmouth Town Hall  
59 Town Hall Sq  
Falmouth, MA 02540

Documents may be viewed online at: [www.falmouthma.gov/1327/Applications-recently-Under-Review](http://www.falmouthma.gov/1327/Applications-recently-Under-Review)

By Order of the Planning Board

Paul Dreyer  
Clerk/Secretary

July 8, 15, 2022

## CONSENT AGENDA

### 1. Administrative Orders

- c. Sign variance request – off-premise promotional signage for special event – Buzzards Bay Watershed Ride

## Buzzards Bay Watershed Ride Signs:

Request for off-premise promotional signs for the Buzzards Bay Watershed Ride on the Shining Sea Bike Path to MBL in Woods Hole on Sunday, October 2, 2022.

Location	Quantity	Type	Size	Length of Time
1. Corner of MBL St. & North St.	1	Finish line banner	2' x 11.8'	Day of event
2. Swope Center Property	3	Sandwich boards		Day of event
3. Swope Building	1 – 3	Banners	3' x 6'	Day of event
4. 49 School St. & WHOI Lot Corner Water St. & MBL St. Corner Water St. & Albatross St. MBL Loeb Lot, North St. MBL Broderick Lot, North St.	5	Parking location signs	24" x 36"	Day of event
5. Allowed under sign code	6	Route marking signs	10" x 14"	Friday before event, 9/30
6. Bike path & County Rd. Bike path & Old Dock Rd. Hutker Architects, 533 Palmer Ave. Corner Cycle, 115 Palmer Ave. Water St. & MBL St.	5	Yard signs	18" x 24"	6 – 8 weeks before event
7. Bike path & County Rd. Bike path & Old Dock Rd.	2	Yard signs	10" x 14"	Week before event

All signs will be removed within 12 hours of the completion of the event.



**Buzzards Bay Coalition Watershed Ride**  
**Sunday, October 2, 2022**  
**Schedule of Signs – Falmouth, MA**

**1) Finish Line “Save Buzzards Bay” banner (2’ x 11.8’) at corner of MBL & North Street**

- Set up day of event at 12pm, break down same day at 5pm
- Police detail at top of MBL Street (one way) alerting cars & pedestrians about sign
- Road cones and volunteers in safety green t-shirts stationed to caution cars & pedestrians
- Cyclists crossing under finish line banner between 1-5pm
- Permission to post sign from adjacent property owner, MBL, who is hosting the event



**2) 10’ x 10’ pop up tent, various tables, 3 freestanding sandwich boards on Swope Center property. Set up on Sunday, day of event at 10am, removed by 6pm same day.**



3) One to three (3' x 6') sponsor banners to be hung on Swope Building, TBD. Set up on Sunday, day of event at 10am, removed by 6pm same day.



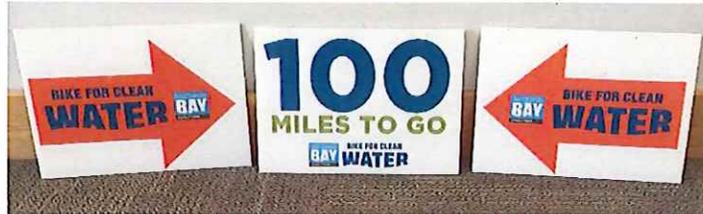
4) 24" x 36" coroplast yard signs on wire "H" stands indicating parking at these locations. Set up on Sunday, day of event at 10am, removed by 6pm same day:

- **4a - "Volunteer Parking" yard sign** on grass at Corner of 49 School St. & WHOI School St. Parking Lot
  - Sign placed Sunday, day of event at 10am, removed by 6pm
  - Permission granted to use lot & post sign by WHOI
- **4b - "Watershed RIDE" yard sign** with right arrow on grass at corner of Water St & MBL St.
  - Sign placed Sunday, day of event at 10am, removed by 6pm
  - Permission granted to post sign by MBL
  - Police detail also stationed here 1-5pm
- **4c - "Watershed RIDE Parking" yard sign** with right arrow on grass at corner of Water St & Albatross St.
  - Sign placed Sunday, day of event at 10am, removed by 6pm
  - Permission granted to post sign by MBL
- **4d - "Shuttle Service" yard sign** on grass at entrance to MBL's Loeb Parking Lot, North St.
  - Sign placed Sunday, day of event at 6am, removed by 6pm
  - Permission granted to use lot & post sign by MBL
- **4e - "Rider Belongings" yard sign** on grass at entrance to MBL's Broderick Parking Lot, 17 North St.
  - Sign placed Sunday, day of event at 10am, removed by 6pm
  - Permission granted to use lot & post sign by MBL



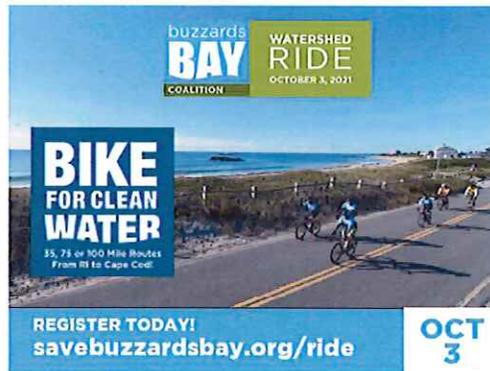
5) Six (6) 10" x 14" route marking signs on wire "H" stands directing cyclists at the following locations. Set up on Friday before event at 10am, removed on day of event by 6pm.

- "10 Miles to Go" on grass on right side of Quaker Rd south of Tricia Road before Highland
- On grass at corner of Nashawena St and Old Dock Road, arrow LEFT
- On grass at corner of Old Dock Road and Shining Sea Bikeway, arrow RIGHT
- On grass next to Shining Sea Bikeway at exit to Carlson Ln, arrow RIGHT
- On grass at corner of sidewalk and Railroad Ave., arrow RIGHT
- On grass at corner of Railroad Ave. and Water St., arrow LEFT (Police detail also stationed here 1-5pm)



6) Five (5) 18" x 24" coroplast yard signs on wire "H" stands promoting the event at these locations. If allowed, signs could go up 6-8 weeks before the event, and would be removed within 24 hours of the event:

- On grass at Shining Sea Bikeway at County Road entrance
- On grass at Shining Sea Bikeway at Old Dock Road parking lot
- On grass in front of Hutker Architects: 533 Palmer Ave, Falmouth – permission granted by owner
- On grass in front of Corner Cycle, 115 Palmer Ave, Falmouth, MA – not sure who owns grass strip?
- On grass at corner of Water St & MBL St. – permission granted by owner



7) At the request of Town of Falmouth, 10" x 14" coroplast yard signs on wire "H" stands alerting cyclists that an event is happening on Sunday, October 2, 2022. To be posted as requested by Town:

- On grass at Shining Sea Bikeway at County Road
- On grass at Shining Sea Bikeway at Old Dock Road parking lot



## CONSENT AGENDA

### 1. Administrative Orders

- d. Assign right of first refusal for 5 Esker Place to Falmouth Housing Trust (FHT)



# TOWN OF FALMOUTH

## HOUSING COORDINATOR

59 Town Hall Square, Falmouth, Massachusetts 02540  
Telephone (508) 495-7344  
[kim.fish@falmouthma.gov](mailto:kim.fish@falmouthma.gov)

---

TO: Peter Johnson-Staub, Acting Town Manager  
FROM: Kimberly Fish *KF*  
DATE: 6/16/2022  
SUBJECT: 5 Esker Place Right of First Refusal  
CC: Jed Cornock, Town Planner  
Karen Bissonnett, Falmouth Housing Trust

---

On May 31, 2022 the Town received a Notice of Foreclosure for the property located at 5 Esker Place from Bradley J. Bailey, Esquire who represents Cape Cod Five Cents Savings Bank (copy attached).

According to the deed rider, the Town has 30 days to respond to the Bank with it's intent and 90 days to either purchase or locate an eligible buyer.

Falmouth Housing Trust has confirmed their desire to purchase the property and resell it to an eligible buyer in order to keep it in the Town's subsidized housing inventory (please see email attached).

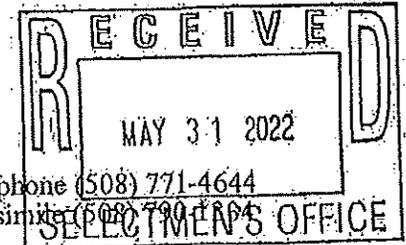
Kindly request the Select Board to assign their right of first refusal to the Falmouth Housing Trust.

Thank you.

BRADLEY J. BAILEY, ESQ., P.C.  
Attorney At Law  
100 West Main Street  
Hyannis, Massachusetts 02601

Bradley J. Bailey

Telephone (508) 771-4644  
Facsimile (508) 790-7900



May 27, 2022

Board of Selectmen  
Town of Falmouth  
59 Town Hall Square  
Falmouth, Massachusetts 02540

Re: Nelson, Lori Lee, Lot 14, Esker Place, a/k/a 5 Esker Place, East  
Falmouth, Massachusetts, Deed Reference: Book 12524, Page 1

Notice of Intent to Commence Foreclosure Proceedings/Accept Deed in Lieu of  
Foreclosure

Gentlemen:

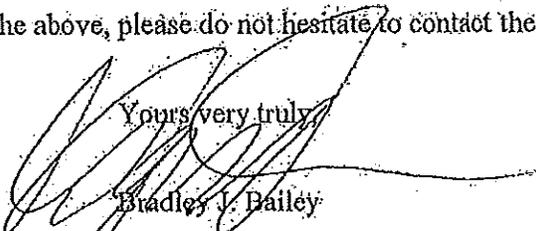
With respect to the above, the correspondence will serve to advise that I represent The Cape Cod Five Cents Savings Bank (hereinafter the "Bank").

The Bank is the owner and holder of a certain mortgage to it given by Lori Lee Nelson, dated September 3, 1999, and recorded at Book 12524, Page 17 on September 7, 1999, encumbering the above identified real property. This mortgage is in "first" position.

You are hereby given notice of the occurrence or one or more event(s) of default in the performance of the above identified mortgage given by Nelson to the Bank. Notice is hereby given of the intent of the Bank to commence foreclosure proceedings and/or accept a deed in lieu of foreclosure not earlier than 60 days after the date of this correspondence.

Should you have any questions regarding the above, please do not hesitate to contact the undersigned.

Yours very truly,

  
Bradley J. Bailey

This correspondence constitutes an attempt to collect a debt. Any information received will be used for that purpose.

Certified Mail, RRR #7018 1130 0000 0455 7581  
USPS Tracking #9590 9402 5279 9154 8575 92

## Kim Fish

---

**From:** kb falmouthhousingtrust.org <kb@falmouthhousingtrust.org>  
**Sent:** Thursday, June 16, 2022 11:41 AM  
**To:** Kim Fish  
**Cc:** Peter Johnson-Staub; Jed Cornock  
**Subject:** RE: 5 Esker Place Foreclosure

Kim,

Yes, FHT is willing to purchase 5 Esker Place for the purpose of renovation and then selling to a qualified buyer with the help of the Affordable Housing Fund. This is important too because the current deed rider expires in 2029 and when we sell it FHT will use the new deed which is in perpetuity and survives foreclosure.

As you know, I have spoken with Kevin Holmes at CC5 and he has been working with Paul White, also of CC5, and they are thrilled that we want to be involved because the last thing they want is to foreclose on an affordable home.

Addie and I will approach the daughter when I get back from vacation.

Thanks so much for all of your help with this.

Best, Karen

---

**From:** Kim Fish <kim.fish@falmouthma.gov>  
**Sent:** Thursday, June 16, 2022 11:34 AM  
**To:** kb falmouthhousingtrust.org <kb@falmouthhousingtrust.org>  
**Cc:** Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Jed Cornock <jed.cornock@falmouthma.gov>  
**Subject:** 5 Esker Place Foreclosure

Hi Karen,

I was able to discuss this matter with Peter yesterday. We will be sending a letter to CC5's attorney outlining the Town's intent. We also will be requesting the SB to assign the Town's right of first refusal to Falmouth Housing Trust. I just wanted to memorialize that Falmouth Housing Trust is willing to purchase the property, with the financial assistance from Falmouth Affordable Housing Fund with the understanding that upon sale of the property to an eligible buyer, Falmouth Housing Trust will reimburse FAHF minus any costs incurred by FHT. I will be requesting the FAHF Working Group put this on their agenda.

Thank you,  
Kim

**Kimberly Fish**  
**Housing Coordinator**  
**Town of Falmouth, MA**  
**Office: (508) 495-7344**



# TOWN OF FALMOUTH

## HOUSING COORDINATOR

59 Town Hall Square, Falmouth, Massachusetts 02540  
Telephone (508) 495-7344  
[kim.fish@falmouthma.gov](mailto:kim.fish@falmouthma.gov)

June 16, 2022

Bradley J. Bailey, Esquire  
100 West Main Street  
Hyannis, MA 02601

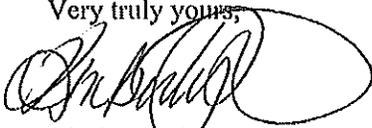
Re: *Nelson, Lori Lee*  
*5 Esker Place, East Falmouth, MA*

Dear Attorney Bailey:

The Town is in receipt of your Notice of Foreclosure dated May 27, 2022 (copy enclosed). Please be advised that the Town intends on purchasing the property through Falmouth Housing Trust in order to maintain it in our subsidized housing inventory. I will send a more detailed correspondence to you at a later date, but wanted to memorialize our intent within the 30-day timeline outlined in the deed rider.

Please do not hesitate to contact me should you have any questions or concerns. Thank you.

Very truly yours,



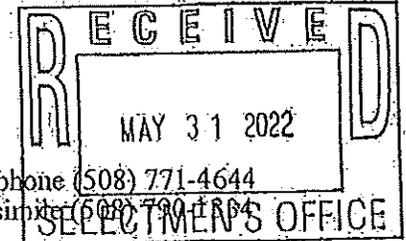
Kimberly Fish

cc: Peter Johnson-Staub, Acting Town Manager  
Jed Cornock, Town Planner  
Karen Bissonnette, Falmouth Housing Trust

BRADLEY J. BAILEY, ESQ., P.C.  
Attorney At Law  
100 West Main Street  
Hyannis, Massachusetts 02601

Bradley J. Bailey

Telephone (508) 771-4644  
Facsimile (508) 770-1100



May 27, 2022

Board of Selectmen  
Town of Falmouth  
59 Town Hall Square  
Falmouth, Massachusetts 02540

Re: Nelson, Lori Lee, Lot 14, Esker Place, a/k/a 5 Esker Place, East  
Falmouth, Massachusetts, Deed Reference: Book 12524, Page 1

Notice of Intent to Commence Foreclosure Proceedings/Accept Deed in Lieu of  
Foreclosure

Gentlemen:

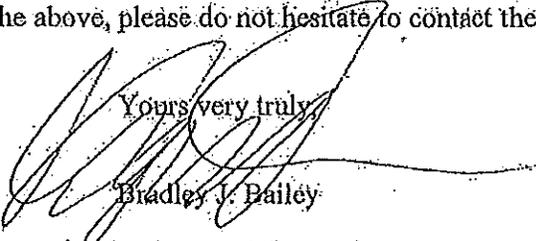
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You are hereby given notice of the occurrence or one or more event(s) of default in the performance of the above identified mortgage given by Nelson to the Bank. Notice is hereby given of the intent of the Bank to commence foreclosure proceedings and/or accept a deed in lieu of foreclosure not earlier than 60 days after the date of this correspondence.

Should you have any questions regarding the above, please do not hesitate to contact the undersigned.

Yours very truly

  
Bradley J. Bailey

This correspondence constitutes an attempt to collect a debt. Any information received will be used for that purpose.

Certified Mail, RRR #7018 1130 0000 0455 7581  
USPS Tracking #9590 9402 5279 9154 8575 92

## CONSENT AGENDA

### 1. Administrative Orders

- e. Authorize expenditure from Air Force Center for Environmental Excellence (AFCEE) funds for continued monitoring/analytical costs relating to the Shorewood Drive Permeable Reactive Barrier (PRB), not to exceed \$5,000

## Diane Davidson

---

**From:** Peter Johnson-Staub  
**Sent:** Wednesday, July 20, 2022 3:06 PM  
**To:** Diane Davidson  
**Cc:** Nancy Taylor; Onjalé Scott Price; Amy Lowell  
**Subject:** FW: [EXTERNAL] - FW: \$5K AFSCEE ask

**From:** Eric t. Turkington [REDACTED]  
**Sent:** Tuesday, July 19, 2022 3:12 PM  
**To:** Peter Johnson-Staub <[peter.johnson-staub@falmouthma.gov](mailto:peter.johnson-staub@falmouthma.gov)>  
**Cc:** Amy Lowell <[amy.lowell@falmouthma.gov](mailto:amy.lowell@falmouthma.gov)>  
**Subject:** [EXTERNAL] - FW: \$5K AFSCEE ask

**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.

July 18, 2022

Memo to: Peter Johnson Staub, Acting Town Manager; Nancy R. Taylor, Chair, Falmouth Selectboard  
From: Eric Turkington, Chair, Water Quality Management Committee

At its June 27 2022 meeting the Water Quality Management Committee voted to request the BOS to authorize an expenditure from AFCEE funds for continued monitoring/analytical costs relating to the Shorewood Drive Permeable Reactive Barrier (PRB), not to exceed \$5000.

Explanation: in 2019, the town received an grant from the EPA Southeast New England Program (SNEP) in the amount of \$298,598 to install a demonstration PRB on town land adjacent to Shorewood Drive. The grant provided funding for 2 years for monitoring/analysis of the PRB that was designed to and anticipated to function for a two year period. Initial results demonstrate that the project was successful in intercepting groundwater nitrogen from upstream residential septic systems and continues to function beyond the original expectation. Extending the time period for analysis/testing will help to confirm the efficacy of this alternative nitrogen reduction method.

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 This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## CONSENT AGENDA

### 1. Administrative Orders

- f. Vote to approve expenditure from the Library Department Donation Account in the amount of \$2,500 for the replacement of the refrigerator

# FALMOUTH PUBLIC LIBRARY

300 Main Street

FALMOUTH MASSACHUSETTS 02540

*Office of the Director*



Tel: (508) 457-2555

Fax: (508) 457-2559

July 25, 2022

Select Board

Town of Falmouth



Dear Select Board,

The Library refrigerator, that was installed during the 2007 renovation, is now 15 years old and is no longer maintaining a safe temperature. We have had Crane Appliance service it four times in the past. I would like to use the Library donation account to purchase a new model. The cost is approximately \$2,500.00. The refrigerator is used for food that is served during library programs and also by library staff for their lunches.

Attached is a model that Crane Appliance has available and that will fit in the space of the old one. The Library is committed to supporting local businesses. Crane Appliance has been very responsive when we have had service needs in the past. I hope you will approve this request.

Sincerely,

Linda Collins  
Director  
Falmouth Public Library  
300 Main Street  
Falmouth, MA 02540

508-457-2555 ext 2961

🚩 **Special Financing Available to Help You Create the Perfect Home! - Click Here to Learn More!**

**Showroom Hours - Delayed Opening of 9:30am on Monday, 1/31**



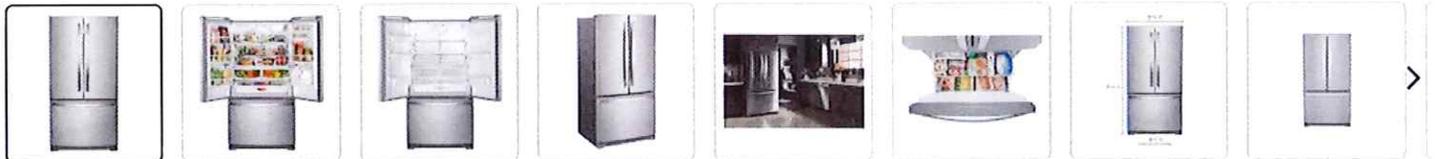
*"We call the Cape & Islands home."*

Book Appliance Service

**Need Help? Call  
508-548-8179**

**REBATE**

**CURRENTLY IN STOCK AT  
OUR OFF SITE WAREHOUSE**



★★★★☆ 4.6 | [1969 Reviews](#)

**36-inch Wide French Door Refrigerator with Water Dispenser - 25 cu. ft.**

Whirlpool WRF535SWHZ

## Available in 4 Color(s)

Black  
WRF535SWHB  
**\$2,299.99**

Fingerprint Resistant Black Stainless  
WRF535SWHV  
**\$2,499.99**

White  
WRF535SWHW  
**\$2,299.99**

Fingerprint Resistant Stainless Steel  
WRF535SWHZ  
**\$2,399.99**

## Features

- Fingerprint Resistant
- Humidity-Controlled Crispers
- Interior Water Dispenser with EveryDrop™ Water Filtration
- Full-Width, Temperature-Controlled Drawer

## Quick Specs

- **Type:** Refrigerator
- **Style:** Freestanding
- **Has Freezer:** Yes
- **Configuration:** French Door Refrigerator
- **Width:** 35.625"
- **Height:** 70.125"
- **Depth:** 35.5"
- **Energy Star Rated:** Yes
- **Refrigerator Size:** 25.2 (cu. ft.)
- **Fresh Food Capacity:** 17.75 (cu. ft.)
- **Freezer Capacity:** 7.44 (cu. ft.)
- **Icemaker:** Yes
- **Dispenser:** Yes
- **Counter Depth:** No
- **Sabbath Mode:** No
- **WiFi Connected:** No

## [See More](#)

Regular Price

\$2,638.99

**Our Price**

**\$2,399.99**

You Save

\$239

Rebate Available

[See Details](#)

## Enter Zip Code \*

For delivery options and item availability.

- 1 +

Add to Cart

Call for Availability

**Vineyard Haven pricing may vary; please contact store for details.**



## CONSENT AGENDA

### 1. Administrative Orders

- g. Authorize special counsel – interim Town Manager contract

## CONSENT AGENDA

### 1. Administrative Orders

- h. Approve application to Mass Wildlife Habitat Management Grant Program – Sandplain Grassland Expansion and Invasive Plant Management on the Coonamessett fields.

## **Diane Davidson**

---

**From:** Mark Kasprzyk  
**Sent:** Friday, July 22, 2022 4:48 PM  
**To:** Falmouth Town Manager  
**Cc:** Betsy Gladfelter (egladfelter@whoi.edu); Jennifer Lincoln  
**Subject:** RE: grant application requests to the BOS - 8/8/2022 agenda

Hi Peter –

Below is a list of the grants we anticipate filing within the next month or two. You had mentioned about having us present to the BOS agenda for August 8, 2022. This list covers them all and NONE of these require a match:

1. **Mass Wildlife Habitat Management Grant Program – Sandplain Grassland Expansion and Invasive Plant Management on the Coonamessett fields.**
  - approx. \$20,000 (to continue expansion of fields & invasive plant management)
2. **Mass Wildlife Habitat Management Grant Program – Invasive Plant Control on the Upper Coonamessett River Wetland Complex.**
  - approx. \$50,000 (to control of invasive trees and shrubs to start the restoration process)
3. **Community Preservation Fund – Ecological Restoration of the Upper Coonamessett River Complex.**
  - \$25,000 (to supplement the cost of permitting)
4. **Community Preservation Fund – Little Pond Landing: Parking & Path Infrastructure and Native Plant Landscaping.**
  - TBD (awaiting estimates from Woods Hole Group, collaboration between Conservation & T3C)
  - permission from BOS to change access road onto Conservation parcel across Housing Authority parcel
5. **NOAA Grant - Ecological Restoration of the Upper Coonamessett River Complex.**
  - approx. 1.25 million or more (for restoration construction, final plans and oversight)

If you need additional information or have questions, please let me know. Thank you.

Mark Kasprzyk  
Conservation Land Manager/MES Technician

59 Town Hall Square  
Falmouth, MA 02540  
Cell: 508-274-2650

## CONSENT AGENDA

### 1. Administrative Orders

- i. Approve application to Mass Wildlife Habitat Management Grant Program – Invasive Plant Control on the Upper Coonamessett River Wetland Complex

## Diane Davidson

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Falmouth, MA 02540  
Cell: 508-274-2650

## **CONSENT AGENDA**

### **1. Administrative Orders**

- j. Approve application to Community Preservation Fund – Ecological Restoration of the Upper Coonamessett River Complex

## **Diane Davidson**

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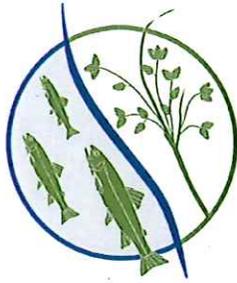
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Cell: 508-274-2650



Massachusetts Department of Fish and Game

## Division of Ecological Restoration

**Invested in Nature and Community**

*Beth Lambert, Director  
Hunt Durey, Deputy Director*



Charles D. Baker

*Governor*

Karyn E. Polito

*Lieutenant Governor*

Bethany A. Card

*Secretary*

Ronald S. Amidon

*Commissioner*

August 4, 2022

Mr. Russell Robbins, Chair  
Community Preservation Commission  
59 Town Hall Square  
2<sup>nd</sup> Floor  
Falmouth, MA 02540

**RE: CPF Application: Upper Coonamessett Wetland Complex Restoration Project**

Dear Mr. Robbins,

The Massachusetts Division of Ecological Restoration (DER) strongly supports the Town of Falmouth's application to the Community Preservation Fund for the Upper Coonamessett Complex Wetland Restoration Project (UCWC) in Falmouth, Massachusetts. Funding will help bring this important project one step closer to implementation and will complement restoration of the lower river valley, which occurred between 2017 and 2020.

DER accepted restoration of the UCWC as a "Priority Project" in 2020 due to the significant ecological benefits derived from restoring the valley back to the former wetlands that existed prior to cranberry agriculture. To that end, DER has provided significant technical and financial support. Over \$85,000 in DER funding has been spent to date, with an additional \$150,000 obligated to the project through State fiscal year 2025. The project will help achieve the vision of a river and wetland system that continues to be a valuable ecological, cultural, and social resource for generations to come.

The Town of Falmouth, as with the restoration of the lower river corridor, has demonstrated excellent leadership throughout the project. DER will continue to be a steadfast partner to help bring all aspects of the project to a successful completion. With strong leadership, backing by a diverse array of public and private partners, and the strong ecological, cultural, and social benefits, DER believes this project is an excellent candidate for funding by the Community Preservation Commission.

I encourage your support for this important project. Please feel free to contact me at [beth.lambert@mass.gov](mailto:beth.lambert@mass.gov) if you have questions about this letter.

Sincerely,

Beth Lambert, Director

## **CONSENT AGENDA**

### **1. Administrative Orders**

- k. Approve application to Community Preservation Fund – Little Pond Landing: Parking & Path Infrastructure and Native Plant Landscaping.

## **Diane Davidson**

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If you need additional information or have questions, please let me know. Thank you.

Mark Kasprzyk  
Conservation Land Manager/MES Technician

59 Town Hall Square  
Falmouth, MA 02540  
Cell: 508-274-2650

## CONSENT AGENDA

### 1. Administrative Orders

- I. Vote to approve the submittal of an application to the Community Preservation Committee (CPC) from the Edward Marks Building Advisory Committee for funds for Phase 2 of the restoration

# REQUEST FROM SELECT BOARD APPROVAL FOR CPC PROPOSAL

DEADLINE FOR CPC PROPOSAL: AUGUST 10, 2022

## BACKGROUND

The Poor House / Edward Marks Bldg. Advisory Committee was appointed by the Select Board in June 2019 and began its work in July 2019 with a Mission Statement developed by Town Hall (attached here) to guide the restoration of the former Poor House (1813 – 1960), a building with a rich social history and intact colonial architecture. The importance of this building is reflected in its inclusion in the State MACRIS database of historic buildings and acceptance of the building into the National Register of Historic Places.

Over 3 years, the Committee has worked closely with Town Hall and its architects to ensure the preservation of interior features (per the Preservation Restriction held by the Mass Historical Commission) prior to the move of the Human Services Department into the ground floor (date TBD). With CPC funds, the Planning Department, with input from the Committee, hired Building Conservation Associates of Boston to prepare a *Historic Structure Report* (completed in March 2022 and circulated to the Select Board), which serves as an authoritative document to guide both the Committee and Town Hall on the preservation, restoration and renovation of the building's interior and exterior.

Phase 1 of Construction: In 2021, the Committee applied to the CPC for tactical monies to make repairs to the building that have public safety implications: reconstruction of the front stoop and portico, replacement of the bulkhead and its interior stairs and any rotted clapboard around it and re-parging of the foundation to eliminate holes and ensure stability of the foundation. (We obtained \$50K from MHC (their maximum) to 'match' CPC funds.) That work will hopefully begin later this Fall or early next Spring.

## PRIMARY GOALS OF PHASE 2

We are now applying to the CPC for funds to restore most of the "streetscape", i.e., front and sides of the building to its 1888 appearance, as shown in a photograph verified by the Falmouth Historical Society (see photo enlargement during meeting) and any infrastructure necessary to sustain occupancy and usefulness in the 21<sup>st</sup> century (called "adaptive re-use"). We also hope that this highly visible change to the appearance of the building will promote pride in this landmark of our local history.

## PRINCIPAL WORK OF PHASE 2

- Insulate walls and replace south-side (front of building) shingles with clapboard.
- Repair all windows in a consistent historical style.
- Replace storm windows on both levels with triple-track windows.
- Add shutters on south side.
- Paint windows, trim and front door in historically accurate color.

Second Round Of Funding For Poor House As of 8/4/2022

	Qty	Material	Labor	Total	Total Requested	In Kind Donation
8/4/2022						
<b>FRONT</b>						
Insulation, blown in fiberglass				\$5,000.00		
Remove cedar shingles and install new 6" clear cedar clapboards		\$10,000.00	\$15,000.00	\$25,000.00		
15 lb felt building paper, copper flashing and fasteners		\$2,000.00		\$2,000.00		
Repair exterior window trim as needed to match profile as noted in Historic Structure Report		\$2,500.00	\$2,500.00	\$5,000.00		
Prep and paint clapboards and trim in historically appropriate color				\$30,000.00		
Install new historically appropriate wooden pre painted shutters	9 pairs @ \$900.00	\$6,500.00	\$3,000.00	\$9,500.00		
Install triple track storm windows painted with enamel to match	9 @ \$500.00	\$4,500.00	\$4,500.00	\$9,000.00		
Total for front					\$85,500.00	
<b>EAST AND WEST OF MAIN BUILDING</b>						
Install 3 missing windows to match 1880 photo	3 @ \$2,500.00	\$7,500.00	\$4,500.00			\$12,000.00
Restore or replicate 9 pair of sash, labor \$1640.00/pair to existing historic design			\$14,760.00			\$14,760.00
Repair trim as needed to match profile as noted in Historic Structure Report				\$10,000.00		
Paint trim and windows in historical appropriate color				\$20,000.00		
Install triple track storm windows painted with enamel to match	20 @ \$500	\$10,000.00	\$10,000.00	\$20,000.00		
Total for East and West of main building					\$50,000.00	
<b>Building Ell</b>						
Replace clapboards with cedar shingles				\$20,000.00		
Insulate where clapboards are replaced				\$5,000.00		
Restore or replicate 8 pair of sash, labor \$1640.00/pair to existing historic design			\$13,120.00			\$13,120.00
Repair exterior window trim as needed to match profile as noted in Historic Structure Report				\$10,000.00		
Paint trim and windows in historical appropriate color				\$40,000.00		

	Qty	Material	Labor	Total	Total Requested	In Kind Donation
Install storm windows painted with enamel to match	17 @ \$500	\$8,500.00	\$8,500.00	\$17,000.00		
Total for building ell					\$92,000.00	
<b>GENERAL CONDITIONS</b>						
Staging, dumpsters, temporary fencing, sidewalk protection, portable toilets, permits, police details, project management					\$40,000.00	
<b>CONTINGENCIES 20%</b>						
					\$53,500.00	
<b>ARCHITECT 15% Of Total Not Counting Contingencies</b>						
					\$40,125.00	
<b>Recently Completed Work:</b>						
East/West, restore or replicate 8 pair of sash, labor \$1640.00/pair			\$13,120.00			\$13,120.00
Ell, restore or replicate 6 pair of sash, labor \$1640.00/pair			\$9,840.00			\$9,840.00
				<b>Total Requested</b>	<b>\$361,125.00</b>	
				<b>Total Donations</b>		<b>\$62,840.00</b>
<b>Grand total Requested + Donations</b>	<b>\$423,965.00</b>					
Note: performance bond if required not included						

## CONSENT AGENDA

### 2. Review and Vote to Approve Minutes of Meetings

- a. Public Session – June 21, 2022; July 11, 2022; \*July 25, 2022

Please note: The minutes of July 25, 2022 are being proofed and finalized.

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**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.*

**12:00 p.m. OPEN SESSION**  
**Select Board Meeting Room**

**12:00 p.m. EXECUTIVE SESSION**  
**Old Water Department Room**

1. M.G.L. c.30A s.21(a)(2) – To discuss strategy with respect to contract negotiation with non-union personnel (Town Manager)

The Select Board will reconvene in open session.

**OPEN SESSION**  
**Select Board Meeting Room**

1. Select Board presentation at public hearing to consider removal of Town Manager.

**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.

2. Adjourn

Nancy R. Taylor, Chair  
Select Board

**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 12:00 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.

Chair Taylor reconvened the open session at 12:55 p.m.

1. Select Board presentation at public hearing to consider removal of Town Manager.

Attorney Robert Troy reported they had an executive session and advised public they would return to open session. There are two matters that need to be addressed before the hearing starts: 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.

2) Under the Charter C5 section 10F for the Select Board at a public meeting of the Select Board to announce the date of the hearing at which time it is decided by the Board to remove or not remove the Town Manager. The Charter requires that this be done 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 6:00 p.m. 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. Under the Town Charter, the Town Moderator, as an independent third party, is to chair this hearing. In no way does he have a decision making power. He is merely the moderator/chair/presiding officer of this hearing to be an independent third party, as we hear from the Select Board for the reasons for termination, and hear from town manager for the reasons why he may or may not believe those reasons are valid and then for them to do any cross examining of witnesses. When we adjourn this meeting there will be a hearing of the Board, as the decision making entity, to decide whether or not to move forward with the removal of the town manager.

Mr. Vieira asked, back in mid to late May, for both parties to let him know who they want to call for witnesses and for any information relative to procedure. Mr. Vieira received a little over a week ago a Fed Ex packet from the town, Attorney Troy, regarding thoughts on procedure, and witnesses intend to call. Mr. Vieira did not receive a response from Mr. Clifford after 9:56 a.m. on May 23, after making a commitment that he would 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 received a response to the public records request. He never received a response to the subpoena from the Town. He asked for what documents and information would be introduced by the Town to serve as the basis of Mr. Suso's termination. He 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 depending 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 into the record as follows:

*"Good morning Mr. Moderator. I am writing to notify you that I am in receipt of a deficient subpoena in the matter before you this evening regarding Mr. Suso. I received via email a subpoena directing me to me to appear at the town hall in Fairhaven, Massachusetts this evening. At no time was a corrected subpoena received prior to my writing of this email. Therefore, I am under no obligation to appear this evening at Falmouth Town Hall. Megan English Braga, Attorney at Law."*

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 to subpoena 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. Part of the subpoena was a specific request for documents that would be introduced today as part of the basis for Mr. Suso's termination. Attorney Troy represents the Town in this matter, which is why the subpoena was sent to Attorney Troy. They will object to any documents 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, and Mr. Suso is on trial for his career and reputation. The idea that the Town would not produce the records used to determine termination is abhorrent.

Today's hearing process was described:

1. The Town (Board) will give the reasons that they have used to move forward with the potential removal of the town manager.
2. The Town Manager will have the right to respond, personally or through counsel, to the reasons stated by the Town (Board)
3. The Board and Town Manager will have the power to call and cross examine witnesses and use any records that are appropriately in the hands of the parties to be used in the cross examination. Today is about looking at the reasons the Town is asking Mr. Suso to resign and then initiating 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 that 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.

***Onjalé Scott Price***

*My concerns about the Town Manager and his performance included:*

- *The lack of trust from the [Falmouth] public, which had become cumbersome for the Select Board to mediate and manage;*
- *The lack of information gathered from Town employees departure, including reasons for leaving and how we might retain employees; and*
- *The lack of leadership over initiatives/issues the Board has clearly made priorities.*

*I had hoped that my constructive criticism of the Town Manager would be met with a positive attitude for making change and moving forward. My criticisms were followed by specific, actionable items that the Town Manager could implement to surmount the issues presented.*

*I participated in the Select Board meeting on Monday, May 9 with an open mind, hoping that Mr. Suso would review the various feedback provided to him and discuss how he might implement the recommendations and/or work with the Board moving forward. I was disappointed in the Town Manager's action to attack members of the Board, and to dismiss and minimize the Board's recommendations. Members of the public, on many occasions, told me personal stories of frustration and perceived lack of respect from the Town Manager. I had not personally experienced this treatment from Mr. Suso until that evening.*

*As a member of the Select Board, I have been elected by the people of Falmouth to represent them. The people of Falmouth have been very clear about their disappointment in the Town Manager, and rather than taking an opportunity to rectify those concerns and rebuild trust, the Town Manager chose to present character unbecoming of a Town Manager.*

*My decision to vote to suspend Mr. Suso came after providing an opportunity for the Town Manager to reflect on concerns and strive to work with the Select Board to remediate issues and rebuild public trust. Instead, Mr. Suso broke the remaining threads of trust from which I do not believe the Select Board, or the people of Falmouth could have recovered.*

**Sam Patterson**

*Mr. Suso's performance as Town Manager has been inadequate to sustain the Town's long term: economic vitality, natural environment, property and infrastructure resiliency, and housing affordability. He has been a weak manager of staff work quality and productivity.*

*Mr. Suso's oral presentations at Town Meetings and Select Board meetings are often halting and unconvincing. He responds defensively and disrespectfully when his positions are questioned.*

*Mr. Suso fails to use effective leadership skills by not participating in open dialogue and deliberations to convince citizens about the best tactical and strategic approaches to address Town infrastructure needs or social issues. He resists citizen and Select Board initiatives rather than allowing them to be decided by town-wide referendum. Mr. Suso fails to use effective planning: 1) to address short- and long-term threats to the Town, and 2) to provide a convincing tradeoff as the basis for budgeting the use of: labor resources, contracted resources, equipment resources and the related finances.*

**Nancy R. Taylor**

*My vote to suspend Mr. Suso was grounded in three areas: leadership, decision making, community relations.*

*Mr. Suso's leadership has been hindered by his unwillingness to take direction from the Board, institute action plans for clearly articulated priorities, and lead this community through these processes. He is a passive participant at Board meetings, leaving his Assistant Town Manager and/or Town Counsel to answer questions are directed to him.*

*Mr. Suso relied heavily on both Town Counsel and the Select Board to make decisions. As the Town's leader, I looked to Mr. Suso to make sound decisions and present those decisions and recommendations to both the Board and the Town in a meaningful well researched manner. I did not see this happen.*

*The most important concern that led me to vote to suspend the Town Manager was the growing lack of community confidence in his leadership and deterioration of the Town Manger's relationship with community members. I watched as this deterioration took place over the past year and the volume of complaints, I personally received about Mr. Suso, had greatly increased. These complaints came from community members and employees. While I spent time defending Mr. Suso, it became clear that the lack of trust from the community and Mr. Suso's response to it, negatively impacted the Board's ability to move forward. Mr. Suso's response to community members who challenged him was to respond in a condescending and negative manner.*

*I was asked to take on the evaluation process of Mr. Suso and did so in accordance to his contract. I conducted the evaluation such that criteria were not communicated or deliberated outside of the public session. When the summary was reported out, Mr. Suso responded in an outright public attack of Board members with allegations I found to be baseless and malicious.*

**Douglas Brown**

*These are my reasons for voting to terminate Mr. Suso. First and foremost is his subsequent response to the Select Board request for Mr. Suso to resign. That attack on members of the Select Board made it very clear to me that Mr. Suso had no interest in resolving the outstanding issues identified in the Summary Evaluation. It was at that moment that I realized that final action must be taken to restore our local government to functional status.*

*I will address my other concerns in a somewhat chronological order.*

Mr. Suso historically has failed to act on elements of the Select Board strategic plan. Those failures include neglect of the town beaches. Failure to take initiative in development of improvements in services and accessibility. 2018 strategic plan identified the need for handicap accessible mats for beaches. To date those mats have not been purchased. The beach buildings are antiquated and in need of significant repair. Beach nourishment, failure to act on a vote of the Select Board to revisit the 2016 beach profile study of Chappoquoit Beach. The Select Board voted last year to use the \$25,000.00 in beach nourishment allocation and supplement the 2016 study and develop a plan for beach nourishment at Chappoquoit. To date, no action taken.

Failure to take initiative on Coastal Resilience. Coastal Resilience action items were identified as early as 2018. The Coastal Resiliency Action Committee submitted their report dated June 2021. It included a number of recommendations. One, for hiring a staff member for administration of Coastal Resilience, to enhance staffing for grant writing and to integrate findings of the Vulnerability Assessment. When it was discovered this year that nothing has actually been initiated by Mr. Suso with regard to Coastal Resilience, the Select Board offered a specific task which was to hire a consultant to define the logical areas of downtown that could be best preserved with mitigation efforts. To date, no action has followed this vote.

I note that several votes on action items on other subject matters have been ignored in the past as well.

Online Permitting. As a contractor I found Mr. Suso's refusal to act on this item especially frustrating. I was elected in 2016. At my first strategic planning retreat in 2017, I advocated for implementation of online permitting. It was left out of the strategic plan in spite of apparent board support. In 2018, it was discussed again and included in the strategic plan as a subgroup of Community Development. This was in my view an attempt to put it off another year, while giving Mr. Suso a way to placate me by telling me it was included in the intent of the spirit of the vote. In 2019, the language was finally changed to "Improve coordination of planning, permitting and preservation functions." Once again, elusive wording carefully crafted to avoid implementation of online permitting. All the while, Mr. Suso privately assured me they were working on implementation of online permitting.

I wasted my whole first year as a Select Board Member, believing Mr. Suso was taking my helpful suggestions seriously. He would smile and say, certainly Doug, if that's the will of the Board.

Finally in 2020, I refused to take Mr. Suso at his word and insisted that specific language be included to identify the goal of implementation of online permitting. As you will note in the 2020 strategic plan, the action item reads, Evaluate online permitting options and identify resources required for implementation. This is evidentiary of the fact that the previous discussion of the matter was ignored. In furtherance of the ongoing saga of the failure of the permitting process in Falmouth, Mr. Suso failed to effectively supervise his Building Commissioner. It was so bad we had hundreds of permit applications sitting for extended periods of time. We ultimately had to call the Commissioner before the Select Board to demand action. When the Commissioner was informed that we would be seeing him again on a monthly basis for updates, he chose to resign rather than do his work.

Mr. Suso failed to supervise his male department heads and allowed unacceptable behavior to go unpunished. At the same time, female department heads were disciplined severely for any infraction. These infractions could include simply answering questions from the public honestly and clearly. The Town Manager had a policy of silence from his staff unless statements were authorized by him personally. This unhealthy atmosphere is contrary to the open government model that I hope will replace Mr. Suso after his departure.

In closing, I note that Mr. Suso's contract and evaluation period run concurrently starting on October 30. As of October 30, of last year, three of his self-assigned four short term goals were not completed. The fourth goal is unknown. We have no evidence of his Department Head evaluation tool or the timing or results of implementation. He reported it was done in an email, but there is no supporting documentation.

By Mr. Suso's own policy, he is responsible for submitting his own self-evaluation in a timely manner. Typically, this is done in November. This allows the Select Board to complete the summary evaluation prior to the end of the year. Mr. Suso finally submitted his self-evaluation later in February. I believe this is a strategic tactic to delay the Summary Evaluation. I also believe his professional strategy is to put off and delay as much as possible throughout his career in an effort to minimize his workload and maximize his financial compensation.

*I do not believe Mr. Suso has The Town of Falmouth's best interests at heart. I believe he is incapable of taking responsibility for his actions and looks to cast blame on this Board to divert attention from his inadequacies. His rude comments to female members of our community are on record and that alone is cause for dismissal. His repeated statements that he is exempt from open meeting law are also unacceptable to me personally.*

*I think Mr. Suso has lost all credibility. He has been less than truthful on more than one occasion. I can't work with someone I can't trust.*

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 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, and 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, and he made the decision to hire Attorney O'Keefe with former Town Counsel Frank Duffy and the Human Resources 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 of 2022, deciding to fire Mr. Suso. The Board voted a resolution at a 5/12/2022 Special Meeting, but 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, and 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 and committed to improving and working with the Board. Following his response, the Board discussed their concerns at a public meeting, and 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, and 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 the 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 want 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, and 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 the 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 examination of Mr. Suso:

Mr. Suso is familiar with the Charter language, that 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

**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 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.

- 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

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, JULY 11, 2022**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

*The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. 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; Jennifer Mullen, Finance Director; Peter McConarty, Department of Public Works Director.

1. Chair Taylor called the open session to order at 6:00 p.m.

**Mr. Brown motioned to convene the 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) 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. Chair Taylor reconvened the open session at approximately 7:00 p.m.
3. Pledge of Allegiance
4. Proclamations

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

Mr. Bowen told the Select Board about his Eagle Scout project in the front picnic area of the Falmouth Service Center. The scouts worked on fixing areas of the brick walkway, cleaned the overgrown garden area, and cleaned the picnic tables. Many scouts worked on this project, and everyone worked together as a team.

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

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

Mr. Laundre described his project to the Board. Teaticket Park had an old rusty fence along the wetland area. The scouts removed that fence and installed a new post with beam fence to allow wildlife open access to the area. They also installed bird houses.

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

5. Recognition

Ms. Scott Price recognized Town employees who were recognized today for Staff Appreciation Day, noting it was a nice event. The Board thanked the Acting Town Manager for the event. Mr. Johnson-Staub thanked the Personnel Office staff for their work to make this happen.

Mr. Brown received a notification of Walter Bennett's passing. He was a past member of the Falmouth Fire Department. Mr. Brown offered his condolences to Mr. Bennett's family.

Mr. Patterson participated in the Day of Play held on the Library Lawn, during which 750 children from the area schools attended the activities throughout the day, and the Scouts were there to help out.

6. Announcements – Curbside Collection Update

The Solid Waste Advisory Committee will hold a meeting on 7/21/22 at 7 p.m. in the Main Library Hermann Room. Information will be made available regarding the roll-out of the recycling bins. The bins will begin arriving 7/18/22 and be delivered to residents through August 2022.

Mr. Johnson-Staub noted the transition to the new operator on 7/1/22, Nauset Disposal, which is part of the larger company, Waste Connections. Republic Services fell far behind leading up to the transition, making the work more difficult for Nauset Disposal. It will take a week or two to catch up on trash collection. The Town will monitor their performance, and Nauset Disposal contact information is on the Town website.

7. Public Comment

Barbara Schneider, Precinct 4 and Acting Beach Committee Chair, reported that she observed a call made to the Falmouth Police Department (FPD) after hours at one of the beaches. There was a difficult situation they needed to handle, it required a lot of education on special needs and family issues. There was some injury involved. She watched the FPD deal with this effectively and compassionately. The FPD officers know what they are doing, and we are lucky to have such a well-trained police force.

Mr. Duby would like information including the serial numbers of the weapons traded in to Powderhorn, and confirmation that all weapons traded in were sold to law enforcement officers, including AR15's last year. He is not looking for personal information.

According to Mr. Duby, Upper Cape Women's Coalition hosted a planned rally on the green on 6/25/22 after the Supreme Court decision on Roe v. Wade. During the rally, a car pulled up, stopped with the radio blaring a song about guns, and refused to move. The driver was asked to move, he would not move, waived cars around him, and a gentleman pulled up behind him and waited, then went over to Mr. Duby. The FPD was called and reported they were aware of the situation and an officer was being dispatched. No officer responded. He said the reason an officer did not respond was because Sgt. Guthrie was at the demonstration, and they did not need an officer. Mr. Duby feels that a uniformed officer should be provided to those who notify the PD of their demonstration.

Maurie Harlow Hawkes, asked the Board to have Mr. Johnson-Staub go from 14 to 16 firefighters at the start of shift to open all stations. West Falmouth Station was closed all day Sunday and Monday. The taxpayers paid for an override to staff the station.

Marc Finneran commented on the Falmouth Fire Department staffing and said that probably nothing will change until someone dies. People have died and it is time for change.

## TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub reported that Amy Lowell, Wastewater Superintendent, will address the Municipal Vulnerability Preparedness (MVP) Action Grant for Conceptual Design of Flood-Resiliency Improvements for Sewer Infrastructure relating to a grant-funded study to protect Surf Drive. No Board action is required at this time. Presentation and discussion on fiscal year 2024 operating budget: This is earlier than usual; however, there are a number of new initiatives that have come up, and prioritization needs to be discussed. Discussion on possible lease of 10 Pumping Station Rd. A couple of parties have inquired about leasing the property from the Town, and he is trying to gauge whether the Board wants to pursue a lease, which would need to be a competitive process. All items on the Consent Agenda have been reviewed by staff, and he recommends approval. Kathleen Soltesz withdrew her application for the Human Services Committee.

## COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
  - a. Human Services Committee – Kathleen (Kate) Soltesz  
Ms. Soltesz withdrew her application.
  - b. Beach Committee

Jon Modelevsky, 82 Hudson St. He has been a full-time Falmouth resident for 2.5 years. His family has been in the Town for 30+ years. He has been in investment planning for thirty years, owned a restaurant, auto repair facility, and brings a different perspective. Mr. Modelevsky would like to participate because he supports the committee mission. The beaches are important to all who enter the Town, probably one of the more beautiful assets the Town has. He has always wanted to get to know the Town operations, feels like he should be involved. He can offer a lot, is direct and fair, open to others' opinions, and has no problem being challenged or challenging someone. He has not attended any of the meetings, he has not been around recently due to work travel, though he keeps up with what the committee is doing through a friend who is on the committee.

Geralyn Schad, Maravista area resident, stated that she purchased Falmouth property in 2010 and moved to Falmouth in 2019 to live full time. The beaches were a solace and saving grace for her, and likely others. She would like to get involved in the community. She and others started the Falmouth Climate Action Network, and they have made some progress. She is also a realtor in Town and understands the economic importance to keeping the beaches clean. Concerns include coastal erosion and sea level rise. She would like to be part of the solution.

Ms. Schad attended the Beach Committee's 6//15/22 meeting.

Mr. Brown commented that her interest in coastal resiliency is a plus, considering the issues with coastal resiliency affecting the beaches.

Mr. Zylinski said it is important to attend the meetings for the committee for which they are applying.

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

- c. Vote to Appoint Kimberly Fish to the Barnstable County HOME Consortium Advisory Council. Mr. Johnson-Staub stated that Kim is the Housing Coordinator; Mr. Johnson-Staub recommends appointing.

Ms. Fish stated that the Council determines allocation of Federal funds, establishes policies, acts as a liaison, and reports housing policy information. They meet once monthly.

**Mr. Patterson motion to appoint Ms. Fish. Second Mr. Zylinski. Vote: Yes-5. No-0.**

## **BUSINESS**

### **1. Report – Conservation Commission**

Jamie Matthews, Chair, offered the report, addressed their goal, and reviewed the commission staff and members. They meet every Wednesday night and other days as necessary. They hold public hearings on applications brought to them. There were 270 hearings held this year, which took over 42 meetings. Their average attendance being 95%, they always have a quorum. Each Commissioner spends an average of 4 hours a week to prepare for the meetings, including the application materials and visiting the site.

Falmouth has 169 parcels of conservation restricted land. Current projects include Little Pond Landing conservation area, Upper Coonamessett Wetland complex, a more resilient coastal system through restoration; Coonamessett Fields, and Grasslands Restoration, which includes multiple agencies. The next phase for the Coonamessett is currently in the planning and engineering phase. Amercorps has helped with many conservation projects, including lower Coonamessett. Eagle Scout projects added benches, nesting boxes, and bridges to the Coonamessett Greenway Heritage Trail. Town Departments were thanked for their continued support.

The last two years have been wild. They held their first Zoom meeting 24 hours after the Governor's declaration. He thanked the I.T. Department, FCTV, town departments, members of the Select Board and his Conservation Commission colleagues.

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

Amy Lowell, Wastewater Superintendent, reported that GHD was the Town's consultant and got support from the Woods Hole Group. The sewer main is under the bike path. The Town got a grant of \$104,000 for conceptual design for alternatives for the Woods Hole Sewer Force Main, which runs 4.6 miles to the Jones-Palmer Lift Station. She showed a diagram, pointing out a section along the south coast under the bike path within a few feet of Vineyard Sound. The section was lined in 2012, which gave it longevity. The section in Woods Hole Village is vulnerable to corrosion from saline ground water. Several options include: 1. Relocate the most vulnerable section inland to Oyster Pond Rd. 2. Relocate all or most of the coastal section inland to Woods Hole Rd., which may be a challenge because Oyster Pond divides Surf Dr., and the bike path; there is no short cut around Oyster Pond. 3. Directionally drill new pipe to depth. If you install a new force main that is 40 feet deep, then it is not vulnerable to coastal erosion from day to day. The cost summary was reviewed, including preliminary estimates, for relocating the most vulnerable section to Woods Hole Rd. The lowest cost is at \$4 million, and there is future erosion potential. Oyster Pond Rd. in the next 30 years becomes vulnerable to flooding. This is a 20+ year solution. Relocating the entire section to Woods Hole Rd., about \$13 million, takes it out of the flood zone.

Ms. Lowell is not comfortable recommending any of these without further evaluations.

Mr. Patterson asked about Oyster Pond and impacts from septic tanks surrounding it. Why are we not making sure replacement mains support sewer hookups in the future? Ms. Lowell said Water Quality Management Committee did an evaluation for options for Oyster Pond. In the end the two options with the most consideration are converting to individual denitrifying or sewer. It is possible to add a lift station that pumps into the forced main, but this is a more expensive and more complicated process.

Amy Lowell noted the evaluation here is preliminary.

All of the options, need to line up to 3,200 feet of force main in the Woods Hole Village area, estimated cost would be around \$2 million. We need further evaluation of the feasibility of lining bends and of total lining length needed, and determine if certain sections need to be cut out and replaced on site if they are showing erosion.

The Park Road Lift Station serves 23 single family homes in the AE flood zone—the 100-year flood zone in Woods Hole. The station flooded during March 2018 storm; it was entirely surrounded by water for almost a week, and the generator was destroyed. One looks at the magnitude of the solution and the number of properties served, and could build an elevated structure, about 17 feet above ground. Another option is just relocating the electrical for that station. The road goes 9 feet higher, so the electrical and controls could be elevated on a pole, which would keep more of the equipment for the lift station out of harm's way. Continue to run with a portable generator during a power outage. If Gardiner Road is flooded, they will not be able to get the generator there. Third option is converting to low pressure systems with grinder pump, which would include converting. The elevated structure would cost \$1.1 million; electrical relocation \$250,000; and the low pressure \$900,000.

Flood proofing of three coastal lift stations; one is the Woods Hole lift station. Modifications were done to protect the equipment in the stations from a 100-year storm in the next 20 years. The vents to the roof were moved, flood proofed louvers and door, raised exterior electrical meter and disconnect switch; sealed all wall penetrations, and test flood protection of the hatches. Short-term recommendations for the three lift stations are similar: Woods Hole \$150,000, Falmouth Beach \$150,000, and Inner Harbor \$80,000. Sealing existing manholes from inflow is an additional cost.

Ms. Lowell will submit the capital plan request for further feasibility evaluation and then design and construction. The Town is looking at vulnerability assessments Town wide. She has been following that to see if there is guidance of what the future is of the seweried neighborhoods. The Wastewater Division and Town needs to think about how the Town will plan for the lower lying areas of Town. It will be challenging to raise all the buildings, keep properties, and rebuild properties in those areas. It will also be challenging to provide services to them.

Mr. Brown said it would be a shame to spend \$4.6 million to be in the same area of the coast, but just pushing it down the road. He would advocate to consider the Wood Hole Road option. Is there opportunity to dig to the side of the road and create a multiuse path, maybe get grants for Complete Streets to go with the Municipal Vulnerability program? Regarding Park Road: He prefers the low pressure system/connections and grinder pumps, and maybe get interest-free loans for home generators.

Ms. Scott Price appreciated the work and presentation by Ms. Lowell.

Dr. Taylor appreciates Ms. Lowell's ability to explain the information in clear terms.

### 3. FY2024 Budget Priorities – Preliminary Discussion

Mr. Johnson-Staub reintroduced the topic. He thanked Ms. Mullen for this extra planning session to start an early conversation about the operating budget. The Board identified potential new initiatives and that more conversations are needed over a longer period of time for him to effectively incorporate the Board's priorities into the budget.

Ms. Mullen made a PowerPoint presentation. We are looking at record inflation and the economy may be going into a recession. How does that affect the Town and its budget process? Limited reoccurring revenues, 75% on property taxes, State law requires the presentation of a balanced budget. Estimated local receipts is where the flexibility is because every year they look at fixed cost increases, health insurance, pension, utilities, etc. along with Board initiatives and how that fits into the budget.

The inflation affect reduces revenue and estimated local receipts, resulting in an increased cost of doing business. Supply chain issues, increased construction costs lead to reduced revenue. Looking forward we know new cars are not being produced quickly, resulting in high prices. Lodging and meals tax depends on whether people are traveling much; currently there is an increase, but how will that be in fiscal year 2024? They need to build in flexibility so that the Town can adjust the budget. Building permits have slowed down.

Ms. Mullen reviewed the fiscal year 2024 operating budget: about \$3.5 million in new revenue, likely increased health insurance, salary, fuel, property and liability insurance, curbside pickup contract, School Department and Upper Cape Tech. This is a normal year, some expenses come in favorably, some do not. We should be looking at priorities and determining what is the new priority. This is a yearly problem, though we do not usually have preliminary budget meetings so early in the year.

Mr. Johnson-Staub listed new initiatives the Board raised and identified a few others. He has a sense of where some areas of need are; he will need to go through a more thorough vetting process with the department heads before making any recommendations.

The Falmouth Police Department needs patrol officers and social workers. The Falmouth Fire Department needs to staff the six stations. A Coastal resiliency/coordinator position, an Energy coordinator/grant writer position, an Assistant Park Superintendent, and Facilities Department staff will all add to the cost, salary and benefits. The overall demands on a department should be considered so they have the needed resources. The Zoning Board of Appeals needs additional administrative support. The Conservation Commission increased the half-time administrative position to full time. Procuring process staffing resources need to be determined.

Next steps include seeking the Board's input on priorities: which items can be deferred and which may be considered for an override. More information will be available at future meetings. The Town Manager's budget will be submitted in December 2022.

Mr. Brown noted over the last few years it has become more apparent that we are not sustainable where we are at. Someone is always short of help, and things are not getting done, so more investment is needed. Coastal resiliency will be a massive drain on resources in the future. We need to take an honest look at what it takes to make the Town sustainable. Maybe paying low taxes for a while, softening the blow to people who cannot afford a property tax increase.

Mr. Patterson would like a list of all the projects and schedule--they need to determine how to stagger them and prioritize. The cost of living increases to staff is a large item of the budget.

Mr. Johnson-Staub noted Mr. Patterson is talking big picture. He will be back soon with the capital improvement plan and talking about those and the large construction projects. He is now focused on the operating side.

Ms. Mullen noted debt in capital projects is voted in November. The debt declines over time. We are talking about the operating budget. In the current debt policy, they have been putting projects into the debt drop-off schedule. The Board can increase the tax rate with projects--that does not stay forever, an override does.

Ms. Scott Price appreciates Ms. Mullen breaking down the capital improvement and how it works.

Ms. Mullen noted capital projects were due today.

#### 4. Discussion on Possible Lease of 10 Pumping Station Road

Mr. Johnson-Staub presented a question about whether the Board wants to move forward with a competitive lease process. Mr. Johnson-Staub made an overhead presentation, showing an aerial view of the parcels off Palmer Ave. Two parties: One is The 300 Committee. This proposal, in the Board's packet, relates to a potential headquarters. This abuts vast open space some of which The 300 Committee was involved. Need a competitive process if they are going to lease the property. The other party is the Falmouth Bike Lab. They said they are looking for a new home and garage space. They are a nonprofit that donates bikes to seasonal people and others in the Town. The Board has a memo in their packet. The property abuts the property that is surface water supply for the Town. His understanding is the ground water flows away from the surface water. With regard to access during summer months, there is a gate on Pumping Station Rd. that is closed so people can't access Goodwill Park from that area. The Town has a concern about maintaining control during the summer months. One site is for municipal use and the other is residential B. We may need to limit the type of use and intensity to low intensity development. Another concern is taking a left-hand turn onto Palmer Ave. and turning onto Pumping Station Road.

The Request for Proposal will require a lot of staff time. Under the Ch. 30b sec 16, we need to identify the criteria they will use to determine what is the more favorable proposal. Probably would want to include price as a consideration, and allow the other non-price criteria to have weight as well. There are minimum requirements and competitive criteria. Want to screen out any uses that would be detrimental to the Town's interest. If we do not want to see a large scale retail tenant, then we want to clearly articulate that. There would be one to two meetings to have a dialogue of what the Board wants to look for in a lease. Dr. Taylor asked if there are any reasons not to put it out to an RFP? We want to have a clear understanding of water impacts, they are not substantial for low-intensity office use, and there is a water protection district which encompasses most but not all the two parcels. Due to the access to Grews Pond, overcrowding, and vehicle challenges, the Board may conclude not to lease these properties. That is not Mr. Johnson-Staub's recommendation. We want to consider how concerned we are about crowd control and if we are comfortable with entering and exiting vehicles, because it is a very busy State highway.

Mr. Patterson asked do we have resources for bringing in a consultant to handle the procurement process? Mr. Johnson-Staub said we could. The cost would be less than Little Pond Place; he can look at that and whether it requires additional funding or find some money in the existing budget. This project would be simpler than Little Pond and Tony Andrews Farm.

Mr. Zylinski asked if this property was abated for some sort of HAZMAT? Mr. Johnson-Staub noted there was some asbestos pipe there, but it was addressed and no remaining contaminating issues in the soil. Mr. McConarty explained there was some asbestos pipe stored there, but it was abated several years ago.

Mr. Brown noted it is an old building, checked for lead paint, and remediated. If in a historical district, need to go through MA Historical Commission and the local Historical Commission.

### 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 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.

- 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-premises sandwich board style promotional signs – 8/1/22-8/6/22 for Butterfly Garden Day
- d. 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

**Ms. Scott Price motion approval on the Consent Agenda items. Second Mr. Patterson. Yes-5. No-0.**

2. Review and Vote to Approve Minutes of Meetings  
Public Session – June 6, 2022; June 13, 2022; June 21, 2022

Mr. Johnson-Staub noted the Board feels the quality of the minutes is not adequate, recording secretary completes the draft and Diane reviews them. Maybe placed too much emphasis on speed and not enough on careful review. Mr. Johnson-Staub will work with Diane to take the time needed to review the minutes. He will look at the whole process.

**Mr. Zylinski motion to table the minutes until reviewed again. Second Ms. Scott Price. Vote: Yes-5. No-0.**

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

Mr. Johnson-Staub attended a meeting with the MA Department of Environmental Protection (MA DEP) officials to discuss amendments to the Title V Septic regulations. This was organized by Ms. Lowell and Eric Turkington. MA DEP is proposing to start enforcing nitrogen protection as part of the Title V Septic regulations. The proposal has good intent behind it. Cleaning up the nitrogen and waterways is important. The Town was well represented, and Mr. Johnson-Staub felt like the MA DEP listened to them.

It may be a better investment for each property to put in those systems, better to do it as a community to gain economies of scale and assure ongoing quality management. It may be less expensive for each property owner to pay the betterment cost to put in the sewer and have the Town do the collection and everything else.

Mr. Johnson-Staub noted proposed regulations allows the Town the option to adopt a watershed plan.

July 4<sup>th</sup> weekend was busy and went well, with the exception that Goodwill Park was overcrowded, and cars were parked all over the place. This year was a bigger problem than past years.

#### **Staffing**

New vacancies include Building Inspector, Assistant Library Director, and Head of Circulation.

The Town has hired an Assistant Town Planner from within, two dispatchers, a Health Inspector, and an MES Supervisor.

The next Board Meeting will be held on 7/25/22. Three Saturdays have been scheduled for Strategic Planning sessions, and they are August 27, September 10, and October 2, 2022.

#### **SELECT BOARD REPORTS**

*Select Board Meeting Minutes Open Session July 11, 2022*

*Page 7 of 8*

Ms. Scott Price:  
Enjoyed the Staff Appreciation Day event today.  
Registered for the One Cape Summit in August.

Mr. Patterson:  
Registered for the One Cape Summit in August.  
Attended two Eagle Scout Court of Honor events.  
Celebrated the 4<sup>th</sup> of July at a community picnic.  
Attended Courtney Bird's tribute party  
Attended the Cape and Island Municipal Leaders Association Board meeting via Zoom. They will be meeting at the Open Cape Summit, and the Board was invited.  
Attended the Rotary Club of Falmouth Day of Play and triathlon. He offered compliments to the Falmouth Police Department for the police presence at both events.  
COVID-19 breakthroughs cases are going on. Scott McGann's weekly reports are appreciated. We have a high level of vaccinated individuals in the community.

Mr. Brown:  
Received an email from the Waterways Committee Chair. He encouraged the Board to take a look at that email carefully, that the navigable waterway by Menauhant Yacht Club is dangerous and it is difficult to get by that area. They will review ideas at their next meeting and send the information to the Board. It will need to go to the Conservation Commission before being brought to the Board.

Mr. Zylinski:  
Reported having received a warm welcome by the Bicycle and Pedestrian Committee this week via Zoom.

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

Mr. Brown noted he would like to have another policy discussion having to do with the Board interaction with Department Heads. It would be good to have employees review the public statement policy. The proposition 2.5 permanent override was touched upon today.

Mr. Brown would like to explore a potential sewer expansion in East Falmouth to provide higher density affordable housing. It is not the Water Quality Management Committee's mission. He would like the Board to take this on.

Mr. Patterson stated that the Cape Cod Commission Representative told him that Falmouth does not take advantage of the resources the Cape Cod Commission offers. We should take a look at whether we are tapping those resources as we should and to our benefit. They have looked at where to increase density for affordable housing.

Chair Taylor:  
At some point she would like to go back to the oral report Alison Leschen did, the letter of resignation, and the Transportation Committee Report, including the recommendations previously approved and not implemented.

**Mr. Brown motion to adjourn at approximately 9:20 p.m. Second Mr. Patterson. Vote: Yes-5. No-0.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary

# TOWN MANAGER'S SUPPLEMENTAL REPORT

August 8, 2022



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

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August 5, 2022

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

**Grant Awards:**

- Marine and Environmental Services secured a Seaport grant for \$60,960 for design of improvements to Simpsons Landing. The intent is to apply for a second grant for construction funding when the design is completed.
- Mark Kasprzyk, Conservation Land Manager was recognized as the Service Partner of the Year by Americorps Cape Cod.

**Curbside Collection of Trash & Recycling:**

The Town's vendor has completed delivery of 21,000 96-gallon carts to residents. Public Works has received 50 complaints or requests for smaller carts which represents 0.2% of the households that received carts. Public works is making smaller carts available to residents upon request. There are some 32-gallon and 48-gallon carts previously used by residents and collected at the Waste Management Facility which are available now. Public Works has also ordered 100 65-gallon carts which will be delivered in September.

The number of missed pickups has declined significantly from early July. We will continue to monitor the situation closely and take appropriate action.

**Sandwich Road Paving:**

Paving of Sandwich Road from Route 151 to Thomas Landers Rd has been completed with limited traffic impacts. Work on the section from Thomas Landers to Brick Kiln will begin Monday, August 8<sup>th</sup> and is scheduled to be completed Thursday August 11<sup>th</sup>.

**AutoCamp:**

The Select Board has received several messages expressing concern about the AutoCamp septic system. The Board of Health (BOH) has taken enforcement action to prevent future discharges of effluent that does not meet the permitted treatment standards. If the capacity of the functioning leaching field is exceeded, the effluent is required to be trucked offsite for treatment. The BOH is now requiring daily testing and enhanced denitrifying treatment to ensure that the impact of the AutoCamp septic system is minimized.

It should also be noted there is no evidence that the effluent from the AutoCamp played any role in recent beach closures which coincided with astronomical tides and more recently extraordinary high temperatures over an extended period of time. The volume of septic effluent discharged by the AutoCamp over two years of operation compared to the hundreds of residential septic systems discharging into the same estuary for decades make it unlikely the AutoCamp is the primary cause of high bacteria counts which resulted in beach closures.

**Next Meetings:**

- August 22, 2022
- Saturday, August 27, 2022 – strategic planning workshop meeting
- Saturday, September 10, 2022 – strategic planning workshop meeting
- September 12, 2022
- Saturday, October 1, 2022 – strategic planning workshop meeting

**Future Agenda Items:**

**August 22**

- Human Services Committee
- Commission on Substance Use
- FY24 Operating Budget Policy, Financial Policy Update, and Capital Plan Presentation – Jennifer Mullen, Finance Director

**Saturday, August 27**

- Community Safety - Gun permits, social workers embedded in Police Department

//SB Meeting Supplemental Report 08-08-2022