

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JANUARY 30, 2023 – 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)(3) – To discuss strategy with respect to collective bargaining – Non-Union Personnel
2. M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining – AFSCME Unit A

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation
4. Recognition
5. Announcements – Tree Warden of the Year – Jeremiah Pearson
6. Public Comment

6:35 p.m. TOWN MANAGER'S PRELIMINARY REPORT

6:45 p.m. PUBLIC HEARINGS

1. Application for an Entertainment License – Town Hall Partners LLC d/b/a Timber Axe Bar & Bowl, 23 Town Hall Square, Falmouth – continued from 1/9/23 (10 minutes)
2. Application for an Alteration of Licensed Premises of its Farmer-Winery Pouring License – Cape Cod Winery, Inc., to be exercised at 4 Oxbow Road, East Falmouth (10 minutes)
3. Application for a New Sunday Entertainment License and Application to Amend the Current Entertainment License – Cape Cod Winery, Inc., to be exercised at 4 Oxbow Road, East Falmouth (10 minutes)

7:15 p.m. BUSINESS

1. Report – Cape and Vineyard Electric Cooperative (CVEC) (10 minutes)
2. Discussion of Dog Control Concerns at Town Beaches (10 minutes)
3. Vote Override for Fire Department Wages and Expenses and Fire Department Stabilization Fund (15 minutes)
4. Vote Articles and Execute Warrant for the April 2023 Annual Town Meeting (30 minutes)
5. Police Chief Selection Process (10 minutes)
6. Licenses
 - a. Application for a Change of Officers/Directors and a Change of Manager – Cape Verdean Club of Falmouth, Inc., located at 126 Sandwich Road, East Falmouth (5 minutes)

8:35 p.m. CONSENT AGENDA

1. Licensing
 - a. Approve administrative Change of Address of an All Alcoholic Beverages Retail Package Store License – Falmouth Food Mart & Liquors, located at 424 East Falmouth Highway, Unit A6, East Falmouth
2. Administrative Orders
 - a. Vote to petition the Massachusetts General Court to approve removal of Fire Department from Civil Service

8:40 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – October 24, 2022

8:45 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:50 p.m. SELECT BOARD REPORTS

9:00 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

9:10 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

OPEN SESSION

4. Announcements – Tree Warden of the Year



Massachusetts Tree Wardens' & Foresters' Association

Since 1913, Working for the Protection and Preservation of Trees

FOR IMMEDIATE RELEASE

January 4, 2023

CONTACT

Heather Leff 781-894-4759

heather@masstreewardens.org

Jeremiah Pearson, Town of Falmouth Recognized as Tree Warden of the Year

The Massachusetts Tree Wardens' and Foresters' Association presented the 22nd annual Seth H. Swift Tree Warden of the Year award to Jeremiah Pearson, Tree Warden and Parks Superintendent for Falmouth Massachusetts. President Arthur Goodhind presented the elegant silver tree award to Mr. Pearson at the association's 110th annual meeting and conference on January 10, 2023.

Jeremiah Pearson has served as Tree Warden and Parks Superintendent since 2018, prior to this he was the Tree Warden for the Town of Barnstable from 2017-2018 and the Town Arborist and forestry crew leader for Falmouth from 2013-2017. He is currently responsible for a street tree population consisting of 260 miles of Town and County roads, as well as trees located within 250 acres of parks, public buildings, cemeteries, and school grounds. He is committed to the preservation and treatment of an inventory of over 200 municipal elm trees to combat Dutch elm disease and enjoys assisting the Conservation Department with removal and mitigation of invasive trees in conservation parcels and wetlands. Since he has held the role as Tree Warden, he has advocated and received \$70,000 in Capital funds for tree planting and has utilized the Department of Conservation and Recreation's Go Green Challenge Grant provided through Eversource. Mr. Pearson proudly hosts annual, large Arbor Day events that incorporate several Town Departments, elementary school children, Eversource, and local tree companies to promote the benefits and importance of trees.

Mr. Pearson began his forestry career at the age of 17 working summers for a local tree company as a tree climber. He has worked in the Tree Care industry since 1995 and has obtained an A.S. in Environmental Technology, certificate degree in Outdoor leadership, and became a certified arborist in 2006 and Massachusetts Qualified Tree Warden in 2021.

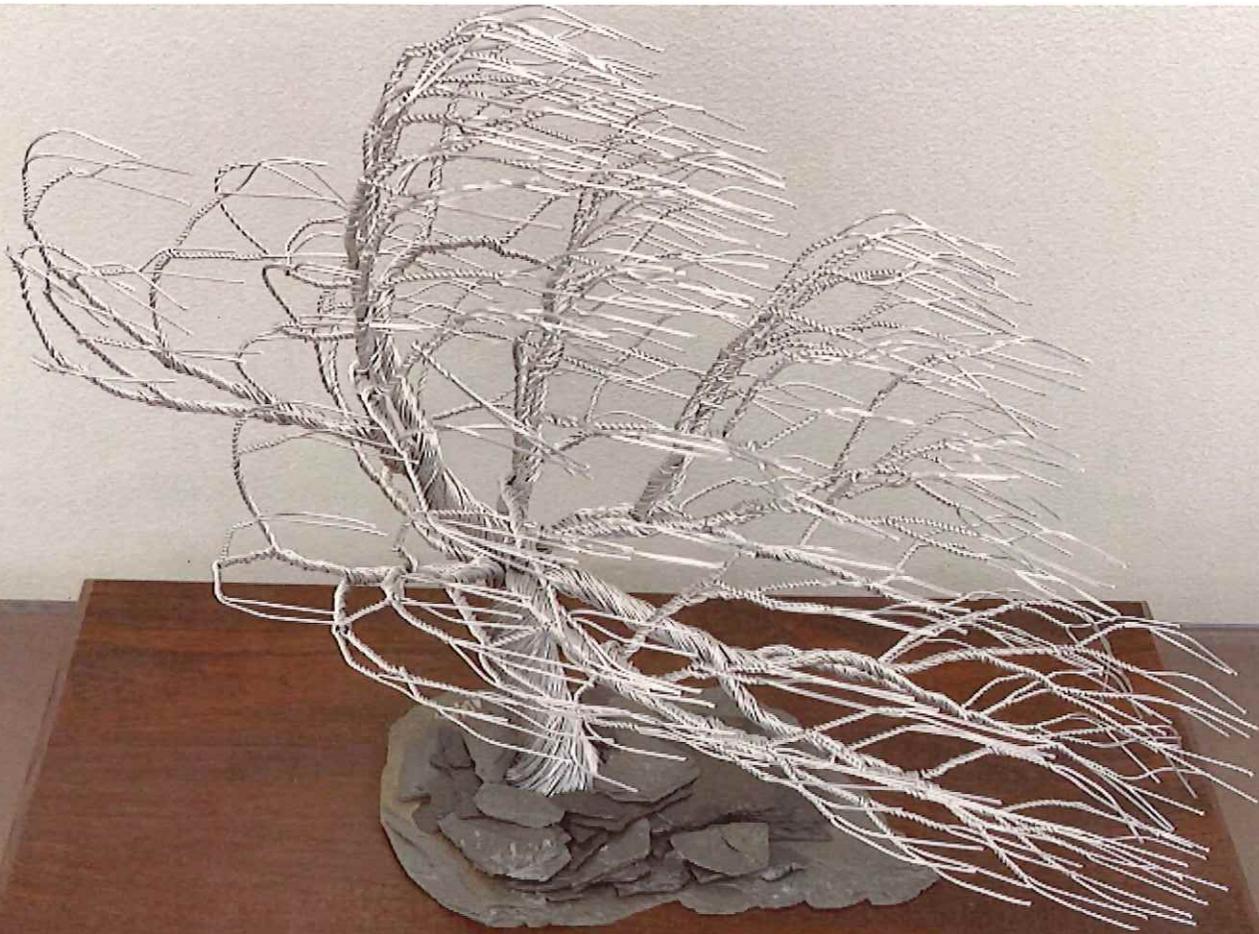
Since 2018, he has orchestrated the cleanup efforts of several large scale tropical storms, an EF1 tornado and Nor'easters that caused widespread damage throughout Cape Cod, most notably the tropical storm Wanda in October of 2021 that was a tropical cyclone responsible for tree damage unseen since Hurricane Bob in 1991. Mr. Pearson recognizes the importance of building a strong team with continued education and utilizing the newest and safest techniques the industry has to offer. Jeremiah Pearson is most deserving of the Seth H. Swift Award.

Mr. Pearson works to maintain Falmouth's Tree City USA status. The Town of Falmouth has been recognized as a Tree City USA for the past 23 years. The Tree City USA program provides communities with a four-step framework to maintain and grow their tree cover. Municipalities must maintain a tree board or department, have a community tree ordinance, spend at least \$2 per capita on urban forestry, and celebrate Arbor Day.

The Massachusetts Tree Wardens' and Foresters' Association is the nation's oldest urban and community tree protection organization, founded in 1913 for the protection and preservation of trees. The position of tree warden is a municipal one, mandated under Massachusetts General Law Chapter 87, with the charge to protect public shade trees within the 351 cities and towns of the Commonwealth.

The Tree Warden of the Year award was created in 2002 to honor the late Seth H. Swift, a longtime tree warden for West Springfield and an active member of the association. For more information about the position of tree warden and about the association, visit www.masstreewardens.org.

The association plans to hold a commemorative tree planting in the Town of Falmouth in honor of Mr. Pearson's award. Details will be posted on www.masstreewardens.org.



Jeremiah Pearson
Town of Falmouth
THE SETH H. SWIFT
TREE WARDEN OF THE YEAR AWARD
2023
Presented by the
Massachusetts Tree Wardens' & Foresters' Association

Jeremiah Pearson

Town of Falmouth

**THE SETH H. SWIFT
TREE WARDEN OF THE YEAR AWARD
2023**

Presented by the

Massachusetts Tree Wardens' & Foresters' Association

OPEN SESSION

TOWN MANAGER'S PRELIMINARY REPORT

January 30, 2023



TOWN OF FALMOUTH

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

TO: Select Board
FROM: Peter Johnson-Staub, Interim Town Manager *PJS*
SUBJECT: Preliminary Report for January 30, 2023
DATE: January 26, 2023

Announcements:

- Jeremiah Pearson will be recognized for receiving the Tree Warden of the Year award from the Massachusetts Tree Warden's and Forester's Association.

Hearings:

1. Entertainment License - Timber Axe Bar & Bowl, 23 Town Hall Square:

This hearing was continued from January 9th. The applicant was asked to consider installing sound insulation. At the time this memo was written, we had not received any new information from the applicant regarding this request.

2. Farmer Winery Alteration of Premise – Cape Cod Winery, 4 Oxbow Rd:

Town staff from several departments spent significant time working with the applicant to address non-compliance issues related to the number of people being served and the boundaries of the licensed premise. There were also issues with uncontrolled parking. Staff from Building, Fire and Public Works are satisfied the application as submitted, and the improvements made to the site, address these concerns and will bring the license into conformity with practice. There is a section of fencing installed by the applicant that is on Town property which is beneficial to prevent customers from parking in the Town right of way, but a license agreement will be needed to address the encroachment. The parking plan relies in part on offsite parking which the Winery has used in the past. The Town has asked the applicant to provide a written agreement documenting that the Winery has a right to use this offsite parking. This agreement has not yet been submitted.

3. Amend Entertainment License and New Sunday Entertainment License - Cape Cod Winery, 4 Oxbow Rd:

At this time, the Board has received 7 email messages supporting the entertainment license and 7 messages expressing concern about the noise generated by entertainment at the Cape Cod Winery. One of these messages includes a letter which is represented to be on behalf of Cedar Meadows Apartments that has been included in your packet.

Business:

1. Cape and Vineyard Electric Cooperative (CVEC):

CVEC is a governmental entity that partners with the town and county members of CVEC and private entities to facilitate installation of renewable energy projects. CVEC is authorized to own energy generation projects, purchase and sell energy and enter into public/private partnerships. Rosemary Carey represents Falmouth on the CVEC Board of Directors and will update the Board on its activities. She has also provided written information for your packet.

2. Dog Control Concerns at Town Beaches:

Every year this office receives a number of requests from residents requesting that we step up enforcement of animal control regulations at Town beaches. Recently, several of those concerns were focused on Chapoquoit Beach and Black Beach. We have asked Marine & Environmental Services Director Gregg Fraser to update the Board on what enforcement the Department has been able to provide and some of the limitations on their ability to address the concerns which have been raised.

3. Vote Override for Fire Department Wages and Expenses and Fire Department Stabilization Fund:

I suggest the Board take a vote on the dollar amount for the override at this meeting. This will allow time to disseminate information to the Finance Committee and Town Meeting members and answer their questions so they can make an informed decision. We can also post further information on the website so residents have access to information about the ballot question they will vote on.

Michael Palmer has advised that the Select Board has until April 11th to formally vote to place the override on the May 16th election ballot. This means that the Board can amend the ballot question if on April 10th Town Meeting votes an amount that is different from what the Board has proposed. You will thus be able to ensure the override amount approved by Town Meeting matches what is printed on the election ballot which makes for a much less confusing process.

My slides from the January 23rd presentation are in your packet for reference.

Recommended Motion:

I move that the Select Board place an operating override on the May 16, 2023 election ballot which reads as follows:

Shall the Town of Falmouth be allowed to assess an additional \$600,000 in real estate and personal property taxes for the purpose of hiring fourteen (14) additional firefighters and an additional (\$900,000 or \$350,000) to be deposited into the Stabilization Fund for Fire Department wages and expenses for the fiscal year beginning July 1, 2023?

4. Vote Warrant for Annual Town Meeting:

The warrant for the April Town Meeting is in your packet. We have removed three articles and added one.

The added article is a second petition article related to the leaf blower bylaw which was submitted before the warrant closed but initially interpreted as one article.

The articles removed are:

- Rescind Debt Authorization (will be addressed as a funding source in the recommendation for the wastewater borrowing articles);
- Water Main Replacements (deferred to November Town Meeting so Board can consider increasing Water rates to pay for borrowing costs);
- Authorize Eversource Funds to relocate Jones Rd. water main (Eversource has changed their plans for the underground conduit so this project is no longer time sensitive);

5. Police Chief Selection Process

The role of the Select Board and Town Manager in the appointment of the Police Chief is the same as it is for other Department Heads per section C5-4 of the Town Charter. The Town Manager appoints an individual subject to the approval of the Select Board. Given the nature of this position and the important role the Police Chief plays in the community, I want to solicit input from the Select Board regarding the qualities, skills and experience you would like our next Police Chief to possess. I will be working closely with Human Resources Director Susan Lumping on the hiring process. We will solicit input from Police Department union representatives and community members as well.

I have retained Public Safety Consultants to assist with the search process and to conduct an assessment center for selected finalists. My intent is to advertise the position by February 3 and allow approximately 30 days for candidates to apply. If all goes according to plan, I would hope to bring forward an appointment for the Board's consideration by the end of April.

Included in your packet is a draft advertisement for the position. I welcome your input on this draft and your thoughts in general on the position and the hiring process.

Consent Agenda:

There are just two items on the consent agenda. One is to vote to petition the Massachusetts legislature to approve removal of the Fire Department from Civil Service. Town Meeting voted to authorize this petition last November and now that the legislature is in session this action is timely. We are pursuing multiple avenues to exit civil service at the recommendation of Town Counsel. The other item is a housekeeping change of legal address for an existing retail package store license. The physical location of the store has not changed but the legal address needs to be clarified to include a unit number.

OPEN SESSION

PUBLIC HEARINGS

1. Application for an Entertainment License – Town Hall Partners LLC
d/b/a Timber Axe Bar & Bowl, 23 Town Hall Square, Falmouth –
continued from 1/9/23 **(10 minutes)**

Phyllis Downey

Subject: FW: Timber Entertainment License application

From: Mike Mueller <mike@timberaxbarbowl.com>
Sent: Thursday, January 26, 2023 2:38 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Cc: Devan Muttart <devan@longfellowdb.com>
Subject: Re: Timber Entertainment License application

Thank you Phyllis, we have not received the report back from the sound proofing company, I will forward it as soon as we receive it.

Thank you,
Mike

Michael Mueller, Co-Owner
Timber Axe Bar & Bowl
23 Town Hall Square
Falmouth, MA 02540
[REDACTED]

January 9, 2023
Packet Materials

PUBLIC HEARINGS

1. Application for an Entertainment License – Town Hall Partners LLC
d/b/a Timber Axe Bar & Bowl, 23 Town Hall Square, Falmouth **(10
minutes)**

January 9, 2023



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

PUBLIC NOTICE OF HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Town Hall Partners, LLC d/b/a Timber has applied for an Entertainment License to be exercised at 23 Town Hall Square, Falmouth, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, January 9, 2023, at 6:45 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, December 30, 2022; Falmouth Enterprise
Acct. #2056*

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LICENSING BOARD
Nancy R. Taylor
Onjalé Scott Price
Samuel H. Patterson
Douglas C. Brown
Edwin (Scott) P. Zylinski II

December 30, 2022

LICENSE APPLICATION REVIEW

Restaurant/Business: Timber

Address: 23 Town Hall Square

License Type: Entertainment

New or Transfer of License _____

or

Change of License _____

Police No objection

Fire No objection

Building Building Commissioner has approved the plan-entertainment

Health _____

Zoning No comment on license. Town staff have been reviewing the sufficiency of existing parking in the downtown area

Planning _____

DPW _____

NOTES: A butler notification mailed 12-22-2022

Phyllis Downey

From: Sean Doyle
Sent: Thursday, January 5, 2023 7:33 PM
To: Diane Davidson; Brian Reid
Cc: Phyllis Downey
Subject: Re: Timber - Application for Entertainment License

Good evening,

The PD first responded to the Timber Axe Bar (23 Town Hall Square) on July 22, 2022, for a loud music complaint. Including that call, we have responded 17 times for reports of loud music with the last time being on November 5, 2022.

On at least a couple of those occasions the responding officer(s) found that the exterior door was open. When it was closed the noise level was reduced substantially. Generally speaking, the responding officers agree that the noise level was not excessive and was not audible until they were just outside of the establishment. However, most of the complaints were from 137 and 141 Main St. and those buildings (particularly 137) are extremely close to the bar. Although the noise level was not excessive - especially as compared to other establishments that we often respond to for similar complaints, due to the proximity of the bar to 137 and 141 the noise level is disruptive to the residents of those buildings.

When officers have spoken with the employees at the bar, they have been receptive to trying to reduce the noise levels by closing the door (on the occasions that it was open) and by turning the music down.

Lt. Sean Doyle

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, January 5, 2023 5:14 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
Cc: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Timber - Application for Entertainment License

Hello Capt. Reid and Lt. Doyle,

Would you be able to provide the Select Board with a summary of any noise complaint calls (and the number of calls) received by the Police Department regarding loud noise/music from Timber Axe Bar & Bowl, 23 Town Hall Square. We would like to include this in the Select Board packets.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540*

Town Hall Partners LLC, DBA
Timber Axe Bar Bowl
23 Town Hall Square
Falmouth, MA 02540

PAID
\$10.00
cash

November 29, 2022

Peter Johnson-Staub
Acting Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

RE: Entertainment License – 23 Town Hall Square

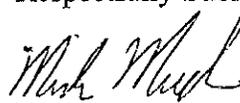
Dear Mr. Johnson-Staub,

Thank you for your letter dated November 9, 2022. The fact that we do not currently hold an entertainment license came as a surprise to us as we had been of the understanding that it was part of the liquor license. It is clear from your letter that is not the case.

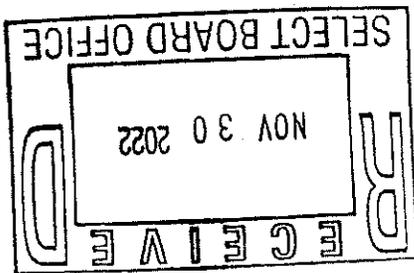
This was a misunderstanding on our part, and I apologize. In order to address and rectify this error, attached hereto please find a completed application for an entertainment license.

Please process this application at your earliest convenience. If there are any questions I can be reached by email at mike@timberaxbarbowl.com or by phone at (508) 274-9153.

Respectfully Submitted,



Michael Mueller, Co-Owner
Timber Axe Bar Bowl



Town of Falmouth

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



ENTERTAINMENT LICENSE APPLICATION

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

NAME OF BUSINESS Town Hall Partners LLC

d/b/a Timber Axe Bar & Bowl

ADDRESS 23 Town Hall Square TOWN Falmouth STATE MA ZIP 02540

MAILING ADDRESS 23 Town Hall Square TOWN Falmouth STATE MA ZIP 02540

NAME OF OWNER/MANAGER Michael Mueller, Co-Owner

HOME ADDRESS 91 Central Ave TOWN East Falmouth STATE MA ZIP 02536

TELEPHONE # 508-274-9153 EMAIL mike@timberaxbarbowl.com

NARRATIVE DESCRIBING ENTERTAINMENT Wednesday night: trivia with recorded music and speaking on a microphone. Thursday will typically be a solo act, Friday and Saturday will be duo or DJ with occasional 3+ piece band.

*LOCATION OF ENTERTAINMENT Center of bowl lane area.

*Attach a floor plan showing where on the premises live music or dancing will take place.

DAYS OF OPERATION (check all that apply): MON TUE WED X THR X FRI X SAT X

HOURS OF ENTERTAINMENT: Wed: 7:30-9:30, Thurs: 6-9, Fri & Sat: 800-1100.

SUNDAY ENTERTAINMENT: Y/N N (Complete separate State application and include fees.)

CHECK THE APPROPRIATE BOXES, BELOW, FOR TYPES OF ENTERTAINMENT:

- 1. DANCING: By Patrons: Y/N Y Other Dancing: Y/N
2. MUSIC: Recorded: Y/N Y Live: Y/N Y No. of Musicians 1-5 Amplification: Y/N Y

Type of Instruments Guitar, piano, drums, DJ music.

3. OTHER:

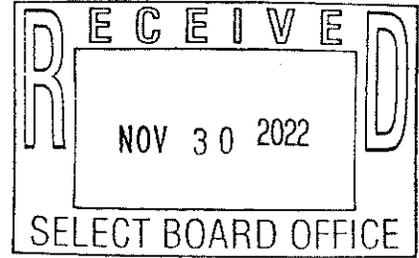
I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted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

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

DATE 11/29/2022

x [Signature] SIGNATURE - OWNER OR MANAGER

FILING FEE: \$10.00
PERMIT FEE: \$100.00



APPLICANT: Town Hall Partners LLC, DBA Timber Axe Bar & Bowl

ADDRESS: 23 Town Hall Square

LICENSE OR LICENSE CHANGE APPLIED FOR: _____

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

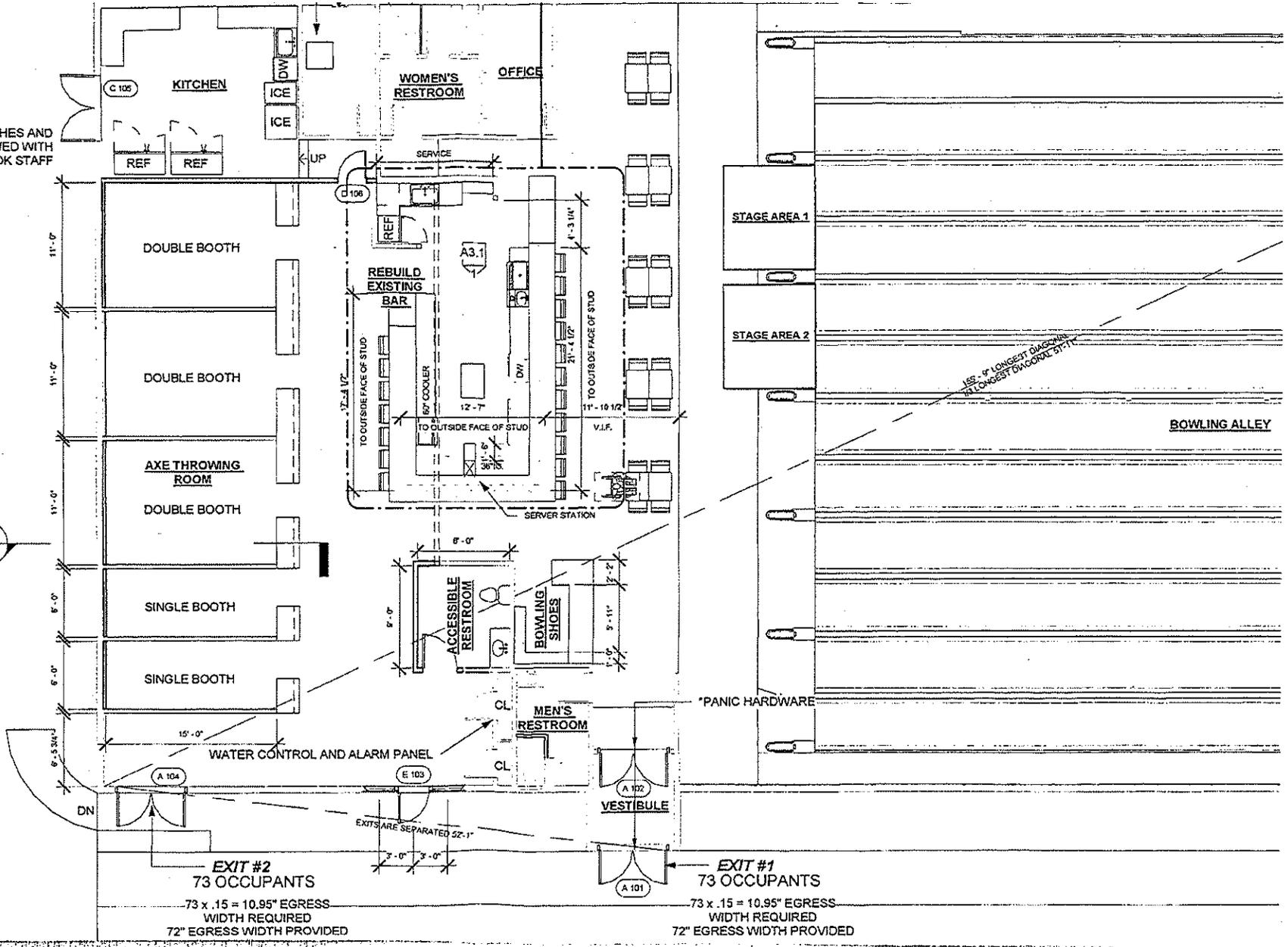
- a. A seating plan completed and stamped by an Engineer or Architect and showing the occupancy load calculation.
- b. If any outdoor seating, a plot plan, or site plan by a certified land surveyor. Must include parking

Building Department sign-off: X

DATE:

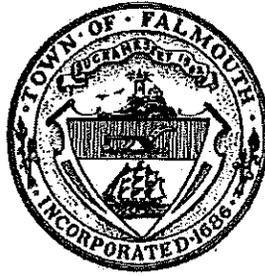
11-30-22

ALL KITCHEN FINISHES AND FIXTURES TO BE REVIEWED WITH OWNER AND COOK STAFF



EXIT #2
73 OCCUPANTS
73 x .15 = 10.95' EGRESS WIDTH REQUIRED
72" EGRESS WIDTH PROVIDED

EXIT #1
73 OCCUPANTS
73 x .15 = 10.95' EGRESS WIDTH REQUIRED
72" EGRESS WIDTH PROVIDED



RECEIVED

NOV 30 2022

Board of Assessors, Town of Falmouth

RECEIVED *ju*

NOV 29 2022

Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST Board of Assessors, Town of Falmouth

Name of person requesting abutters list: Phyllis Downey

Address of person requesting abutters list: Select Board Office

Phone: _____

Abutters to (subject property):	Map _____	Section _____	Parcel _____	Lot _____
	Map _____	Section _____	Parcel _____	Lot _____
	Map _____	Section _____	Parcel _____	Lot _____

Lot size of subject property: _____

Location of subject property: 23 Town Hall Square ✓

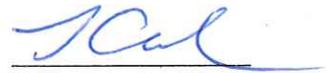
Check one:

- Direct abutters (includes properties across street)
- Direct abutters in local Historic District (includes properties across the street) within 100'
- Immediate abutters (includes only properties with a common property line)
- Immediate abutters plus churches and schools within 500'
- Properties within 300' ✓
- Properties within 300' or abutters abutter to abutter whichever is closest
- Properties within 100'
- Other (specify) _____

Fee: \$25.00 Total n/a

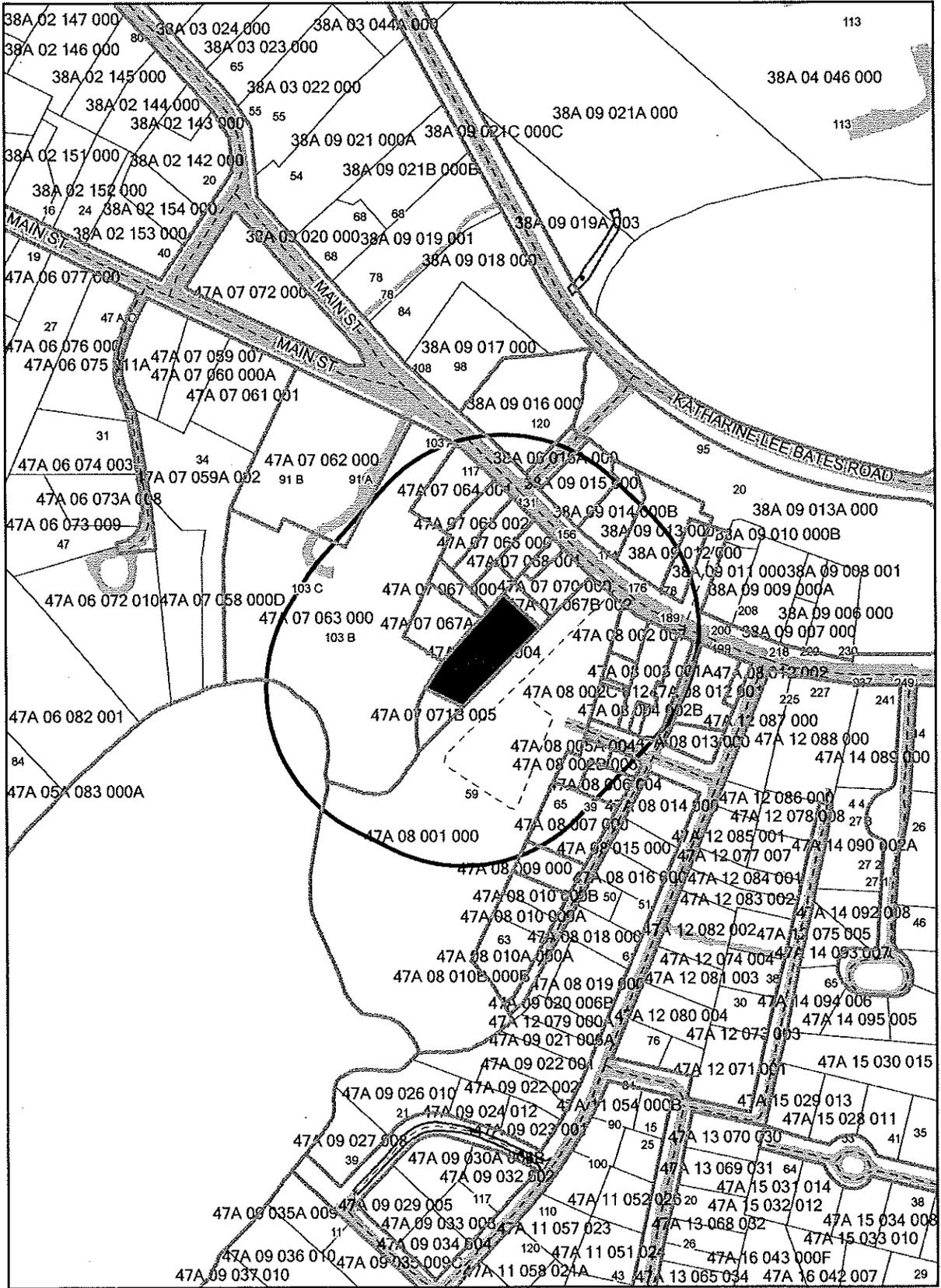
23 TOWN HALL SQUARE

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
December 2, 2022

23 TOWN HALL SQUARE



188 MAIN ST 188 MAIN ST LLC 322 FOX HOLLOW WAY C/O ANNA MARIA TREMBLAY MANCHESTER, NH 03104	38A 09 012 000 LUC: 326	1 CHANCERY LN FALMOUTH HOUSING TRUST INC 200 MAIN ST SUITE 212 FALMOUTH, MA 02540	47A 08 002B 005 LUC: 959	117 MAIN ST MARKANTONIS PROPERTIES LLC 17 HIGHWOOD WAY MASHPEE, MA 02649	47A 07 064 001 LUC: 326
199 MAIN ST 199 MAIN ST LLC 5301 WISCONSIN AVE NW C/O BERNSTEIN MANAGEMENT CORP WASHINGTON, DC 20015	47A 08 012 001 LUC: 031	0 MAIN ST FALMOUTH TOWN OF 59 TOWN HALL SQ FALMOUTH, MA 02540-2761	38A 09 016A 000 LUC: 930	127 MAIN ST MARKANTONIS PROPERTIES LLC 17 HIGHWOOD WAY MASHPEE, MA 02649	47A 07 065 002 LUC: 337
39 TOWN HALL SQUARE AMENT TRUSTEE ROBERT H C/O CENTER FALMOUTH TRUST 39 TOWN HALL SQUARE FALMOUTH, MA 02540-0919	47A 07 071B 005 LUC: 340	59 TOWN HALL SQUARE FALMOUTH TOWN OF 59 TOWN HALL SQ FALMOUTH, MA 02540-2761	47A 08 001 000 LUC: 931	145 MAIN ST MCDONALD PROPERTIES LLC 105 N BOURNES POND RD E FALMOUTH, MA 02536	47A 07 068 001 LUC: 031
153 MAIN ST BOGOSIAN DEV LLC 367 MAIN ST FALMOUTH, MA 02540	47A 07 070 000 LUC: 340	149 MAIN ST GHELFI TRUSTEE WENDY MCELROY REAL ESTATE TRUST 240 HILL AND PLAIN RD E FALMOUTH, MA 02536-3994	47A 07 069 000 LUC: 325	91 MAIN ST PARISH OF SAINT BARNABAS 97 MAIN ST FALMOUTH, MA 02540-2652	47A 07 062 000 LUC: 960
23 TOWN HALL SQUARE BOGOSIAN DEVELOPMENT LLC 866 MAIN ST OSTERVILLE, MA 02655	47A 07 071 004 LUC: 370	177 MAIN ST HAJJAR TRUSTEE CHARLES C HAJJAR TRUSTEE ANNE TAMER 30 ADAMS ST MILTON, MA 02186	47A 08 002 007 LUC: 340	103 MAIN ST PARISH OF SAINT BARNABAS PO BOX 203 FALMOUTH, MA 02541	47A 07 063 000 LUC: 961
65 TOWN HALL SQUARE BOGOSIAN DEVELOPMENT LLC 367 MAIN ST C/O LONGFELLOW DES BUILD FALMOUTH, MA 02540	47A 08 007 000 LUC: 013	11 TOWN HALL SQUARE HOLLAND THOMAS A HOLLAND JEANNE M PO BOX 172 CATAUMET, MA 02534-0172	47A 07 071A 003 LUC: 325	0 MAIN ST PARISH OF SAINT BARNABAS 97 MAIN ST FALMOUTH, MA 02540-2652	47A 07 067 000 LUC: 962
25 GLENWOOD AVE CLARK TRUSTEE JEAN F W CLARK TRUST 35A NORTH MAIN ST FALMOUTH, MA 02540	47A 08 005A 004 LUC: 104	107 TOWN HALL SQUARE JEMIJO LIMITED PARTNERSHIP 35 PIN OAK WAY FALMOUTH, MA 02540-2660	47A 08 002A 008 LUC: 340	135 MAIN ST PARISH OF SAINT BARNABAS 97 MAIN ST FALMOUTH, MA 02540-2652	47A 07 067A 002 LUC: 961
33 GLENWOOD AVE CLARK TRUSTEE JEAN F W CLARK TRUST 35A NORTH MAIN ST FALMOUTH, MA 02540	47A 08 006 004 LUC: 111	101 TOWN HALL SQUARE LEBHERZ JR TRUSTEE GEORGE H LEBHERZ TRUSTEE CHRISTOPHER G PO BOX 546 FALMOUTH, MA 02541-0546	47A 08 002C 012 LUC: 340	189 MAIN ST ROTHMAN TRUSTEE STUART J MAIN AND CHANCERY NOMINEE TR 907 MASSACHUSETTS AVE CAMBRIDGE, MA 02139	47A 08 003 001A LUC: 031
131 MAIN ST DABON LLC 131 MAIN ST FALMOUTH, MA 02540	47A 07 066 000 LUC: 326	156 MAIN ST MARINE LODGE A F & A M PO BOX 545 FALMOUTH, MA 02541-0545	38A 09 014 000B LUC: 954	193 MAIN ST ROTHMAN TRUSTEE STUART J MAIN AND CHANCERY NOMINEE TR 907 MASSACHUSETTS AVE CAMBRIDGE, MA 02139	47A 08 004 002B LUC: 031
176 MAIN ST DIGIOVANNI TRUSTEE GERALD J DIGIOVANNI TRUSTEE SANDRA J 812 BRINY AVE UNIT 12A POMPANO BEACH, FL 33062	38A 09 013 000 LUC: 031	166 MAIN ST MARINE LODGE A F & A M PO BOX 545 FALMOUTH, MA 02541-0545	38A 09 014 000BT LUC: 326	8 CHANCERY LN ROTHMAN TRUSTEE STUART J MAIN AND CHANCERY NOMINEE TR 907 MASSACHUSETTS AVE CAMBRIDGE, MA 02139	47A 08 005A 003 LUC: 104

150 MAIN ST 38A 09 015 000
SYNH LLC LUC: 013
1249 BEACON ST
BROOKLINE, MA 02446

49 GLENWOOD AVE 47A 08 009 000
TASHJIAN GABRIEL LUC: 104
TASHJIAN DIANA
2026 MCGAW AVE
IRVINE, CA 92614

120 MAIN ST 38A 09 016 000
UNITED STATES OF AMERICA LUC: 900
FEDERAL BUILDING
1522 K ST NW
WASHINGTON, DC 20005-1202

137 MAIN ST UNIT A 47A 07 067B 000A
MEHTA RICHI LUC: 102
137 MAIN ST
UNIT A
FALMOUTH, MA 02540

137 MAIN ST UNIT B 47A 07 067B 000B
MAGGIO MARGARET M LUC: 102
MILLETT II JERRY DAVIS
137 MAIN ST
UNIT B
FALMOUTH, MA 02540

Diane Davidson

From: Meg Maggio [REDACTED]
Sent: Wednesday, December 14, 2022 5:03 PM
To: Noreen Stockman
Cc: Tsimortos Linda; Brian Reid; Sean Doyle; Boyd Demello; Gary Street; Falmouth Licensing; Falmouth Planning; Falmouth Selectboard; Richi Mehta; Davies Millett
Subject: Timber Entertainment License Application/137 Main Street
Categories: Public Comment

Dear Noreen,

Thanks for sending meeting notices on all matters related to Timber. Frankly, I wish one of your colleagues would do the same for all matters related to 159 Main Street! I did not appreciate suddenly discovering a Town Hall Planning Board site visit (led by developer's lawyer) on our property without our involvement. In my view, the two matters of Timber and 159 Main St. are related. They both involve the same property developer; frankly, the same cohorts, who have done business for years with the same developer. In my view, board members should be recused when there is a conflict of interest, even if it's a past commercial relationship.

Here's my question: I don't understand why a quiet, once-a-week Falmouth Farmer's Market was required to move away from Main St in years past, for reasons very similar to ours: Noise and traffic congestion. In fact, Timber and the 159 Restaurant and Bar plans, would be far noisier and more problematic than a once-a-week farmer's market!

[New Location is a Success So Far for Falmouth Farmers Market](#)



New Location is a Success So Far for Falmouth Farmers Market

FALMOUTH – After calling Peg Noonan Park home since 2008, the Falmouth Farmers Market is operating at its new ho...

Why do we believe that Timber and 159 Main St are not only bad for enjoyment of our property but also bad for Main St? It should be obvious: Infringing on neighbors' rights to peacefully co-exist downtown. Timber and 159 Main St at Town Hall Square share the same property developer for both projects, and are in close proximity. Both share the same property developer (Longfellow) with too many existing and incomplete projects in Falmouth! In my view, all development is not good development. All Main St business is not good Main St. business. Do we want to be more akin to Hyannis Main St today or to Osterville Main St today? Is it "Falmouth Main Street" or "Falmouth Bar Street"?

I am greatly discouraged by the fact that Timber was operating all last summer with out a proper entertainment license. I don't understand how this licensing matter "slipped through the cracks".

In addition, the back of Timber is slowly turning into a public eye sore, a dumping ground for construction materials, and with plenty of graffiti. Who do we complain to on that front?

As for noise nuisance, there is no reason for Timber not to invest in sound-proofing. It should be mandatory sound-proofing not discretionary sound-proofing. Town Hall Square - if all goes according to some folks' plans - will slowly turn into the new Falmouth Heights style night time entertainment center. All at the hand of Longfellow and their cohorts. Longfellow - as everyone knows - is over-extended with 100+ outstanding building permits in Falmouth. The Dome was never restored, it remains an eyesore, and is a sad way to pay tribute to an American icon, Buckminster Fuller. Despite the sale of million dollar condo's and expressions of support in the Falmouth Enterprise for turning The Dome into a mini-museum! When Longfellow is criticized, "mysteriously" an article appears on the front page of The Enterprise: This time, the most recent article, is applauding his provision of his workers' housing. This housing is a profit center for landlord Longfellow! Not a charitable donation!

It's very frustrating that the neighbors' requests for quiet enjoyment and regular business hours downtown are not being respected. It is important to remember that Falmouth Main Street and downtown are as much residential areas as they are commercial areas! Longfellow's "take over" of Town Hall Square should be noted and curbed. Before it is too late, and Falmouth Main Street starts to suffer from increased police calls, traffic congestion, and related "bar street" public nuisances. Pickle Ball noise and Farmer's Markets downtown are a "no-no", but bar and loud noise and loud music is ok? I don't understand.

I am happy to discuss any time. I am frustrated and upset that we had to hire a lawyer to protect our rights to quiet enjoyment of our property and safe passage to and from our property. Much time - and money - has been wasted, while application preference is given to "old friend" property developers and their representatives waving imaginary architecture plans and imaginary licensing agreements, all at the expense of neighbors and the community.

The quality of our daily existence is in fact being diminished by Timber's noisy and messy disregard for its neighbors; and now, the same developer with a second Town Hall Square project, restaurant and bar application for 159 Main St, is attempting to block our access in and out of our 137 Main St.

At 159 Main Street, at the entrance to Town Hall Square, the same property developer wants to rent to an even noisier establishment than Timber, one with indoor and outdoor seating for 130 + 40 employees! That's close to what the Sea Crest employs! This establishment billed as a "high end restaurant" is far from it: No dedicated parking, no room for its planned 130 seats and 40 employees without building over an existing 100 year old Way, nor any place except Town Hall Square parking for livery truck delivery. If the 159 Main St project is approved under its current application, there is no room for a second egress for fire, sanitation and safety either for us at 137 Main nor for 159 Main St. And, while extinguishing the 100-year old "Hewins Way" access in and out of our homes in favor of adding a deck structure: What a mess! We would be dependent if this plan is approved to one narrow access point. How did the application get this far? Please take a look at the giant bar in the plan submitted. 159 Main St sure looks more bar-like than "high end restaurant". How can a restaurant not yet approved first apply to obtain a deck approval? It seems like a very backward chain of events, and not the same procedure that Estia and La Civeta and Anéjo had to follow: That is, first you prove that your restaurant is up and running and a successful addition to the community and then only later does a restaurant apply for an outdoor seating deck!

If 159 Main goes ahead as planned, we will have restricted access in and out of our building. God forbid someone has to call an ambulancé. "Good Luck EMT Folks" getting to our home.

We are gathering signatures in opposition to changing this block of Main Street under the current application. We already have 60 signatures of Falmouth tax payers in a very short time, over just the last week. All with names and addresses. This petition is in response to the developers' earlier submitted "petition" missing addresses and full names, and done prematurely, last summer, "endorsing" a project long before the start of the approval process, and without full disclosure of application details. Slick but not correct, putting it mildly. Not everyone wants an already congested part of historic Main St, to become even noisier and more congested. If there is a fire, and the 159 Main St restaurant plan is approved as is, I am not sure if anyone could get to us in time: Scary.

Nothing was ever discussed with us, no one ever approached us as neighbors to discuss. We have been treated throughout as bystanders without rights of enjoyment of our property, not as abutters and not as members of the Falmouth Main St, downtown community. It's been very discouraging. Finally, as I stated last night at the Planning Board meeting, "This is not a legal issue". This matter should not be kicked down the road to a court room. In the next meeting, we will point out where and how the Falmouth By-Laws do indeed apply, and why we will not be bullied into a courtroom,

in a David and Goliath situation. We are asking Town Hall and all those involved to be a little more forward thinking, and to be a little less hasty in granting approvals to old friends.

Happy to discuss all.

THANKS,

Meg

M.Maggio



Diane Davidson

From: Richi Mehta [REDACTED]
Sent: Monday, December 12, 2022 3:53 PM
To: Peter Johnson-Staub; Diane Davidson
Cc: Mary Downey; Meg Maggio
Subject: 137 Main St. - Timber Entertainment Application

Categories: Public Comment

Hello All,

I am writing this letter in concern of the Entertainment license application regarding Timber Axe Bar.

I am the principle owner of 137 Main Street with Linda Tsimortos .
She has lived in this location going on 12 years .

My Concern is that the times will not be closely adhered to.
Over the last six months Linda has had to call both the Falmouth Police and Timber Axe Bar MANY times(30-40) when we thought they had overstepped their time frame.
She has Documented every phone call.
Only to find out that they NEVER were operating with the proper licensing.

It was very disappointing to hear that, considering all the headaches and frustration that it has caused .

In trying to find a middle road , we are suggesting they move the entertainment stage to far right of the property,
The opposite side of the abutting wall.
As they discussed before in prior emails with Linda ,Installing sound proofing.

Hopefully these remedies will give both sides peace .
Timber to run daily operations without having the Wonderful Men and Woman of the Falmouth Police department to come out and Enforce License times.
Linda to enjoy her space with understanding and respect for times that are Granted .

Thank you so much
Sincerely
Richi Mehta

Diane Davidson

From: Linda Tsimortos [REDACTED]
Sent: Saturday, October 15, 2022 5:26 PM
To: Falmouth Selectboard
Subject: Loud music noise disturbance from Timber Axe Bowl Bar at Town Hall Sq
Categories: Public Comment

Madame Chairwoman Taylor and Acting Town Mgr Peter Johnson Staub-I spoke at select board meeting on aug5,2022 on this matter,although it was not on your agenda that evening- I spoke in regards to this matter and proposed Blue Moon Sea Grille at 159 Main St. My issue for this email is Timber, I reside at 137 Main, condo directly behind bar (approx) 20 ft, the music when on, either streamed or dj is deafening, I have called police many times (see call log) and today actually spoke to Jonathan Dickinson, zoning compliance at his office, he pulled notice up on computer, it seems my hands are tied, because I reside so close to bar, for noise disturbance to be an actual violation by police and town music from bar has to be heard at a distance of 150 ft, I am too close, almost in their lap, makes no sense to me, my quality of life, including sleep of course is in danger, I am now on anti anxiety meds because of this. I have spoken to one of the owners, Michael Mueller as well as mgr Devon- they say they are within their CURRENT license guidelines, and all they do is verbally placate me at that moment and then music is louder than ever, perhaps out of spite., the space is rented to them from Mr Bogasian, Longfellow Design, he may also be a partner in bar which explains a lot, mr exempt from rules, so it seems. please please please, I beg of u to consider my plight when time comes to renew their entertainment and liquor license which currently is til 1am, I understand licenses are up for renewal soon, Jan of 2022 and.

This is a list of my calls to non emerg police dispatch.

Aug 11th 9:45pm and 10:24pm. Aug 12th 11:36pm. Aug 19th 11:09pm Aug 20th 12:12am. Aug 26 11:50pm. Sept 10th 10:09pm Sept 16th made 3 calls 9:18pm, 10:18pm and 10:48pm. Oct 7th made 2 calls 9:00pm and 10:32pm.

Oct 8th 9:16pm. Oct 13th, made 2 calls 7:12pm and 7:51pm...they started very early on the 13th...that's just some of my calls, more to come if not addressed...please, please help me...I so thank you ahead of time for your valuable time and consideration on this matter.

Best Regards
Linda Tsimortos...
[REDACTED]

Diane Davidson

From: Brian Foley [REDACTED]
Sent: Monday, October 24, 2022 12:57 PM
To: Falmouth Selectboard
Subject: Music Disturbance -- Timber Bar, Town Hall Square

Madame Chairwoman and Members of the Board,

I am writing to inform you of a loud music disturbance coming from the Timber Bar at Town Hall Square in Falmouth. I reside at 141 Main Street roughly 200 feet from the Timber Bar.

Starting in June the music, specifically the bass coming, from Timber started to become audible inside my residence after 10pm and increasing in intensity up until the closing of the bar. The intensity increased weekly until Mid-July when it started to become consistently unbearable and ridiculously loud and stayed at this level throughout the summer and now into Fall.

I called the non-emergency number to report the noise at the following times

7/15 11:38pm
8/12 11:27pm and 11:40pm
8/19 11:11pm and 11:20pm
9/16 9:30pm

These calls had occasional immediate effect but in general the volume was consistently played at obscene levels the next business day if not the same night. I love live music and fully understand I live downtown but the volume is far above appropriate levels for the proximity to residential areas. I would like to co-exist with the bar and I hope they achieve some level of volume mitigation either through addressing the sound transmittance of the building itself or just playing music that is not loud enough to be heard inside a building two hundred feet away,

Thank you for your time

Brian
[REDACTED]

--
Brian

Phyllis Downey

From: Brian Reid
Sent: Friday, December 2, 2022 2:50 PM
To: Falmouth Licensing
Cc: Sean Doyle
Subject: RE: Timber - Entertainment License application

No objection from Police.

Captain Brian L. Reid
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4527 ext. 4502

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Wednesday, November 30, 2022 10:32 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Cc: Falmouth Planning <planning@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>
Subject: Timber - Entertainment License application

Good morning all,

Attached please find an application and floor plan submitted by Timber located at 23 Town Hall Square for an Entertainment License. The Building Commissioner has approved that the floor plan meets requirements for the entertainment requested. The location on the premises for the entertainment is "Center of bowl lane area".

The following are details of the application, which includes dancing, recorded music/live music, amplification, and musicians numbering 1 to 5 persons:

Wednesday	trivia with recorded music and speaking on a microphone	7:30 -9:30 pm
Thursday	will typically be a solo act	6:00 to 9:00 pm
Friday	will be a duo or DJ with occasional 3+ piece band	8:00 – 11:00 pm
Saturday	will be a duo or DJ with occasional 3+ piece band	8:00 – 11:00 pm

To allow ample time for review, your recommendations to the Board are requested by Monday, December 12th. The Select Board will hear the application on December 19th.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

Phyllis Downey

From: Noreen Stockman
Sent: Wednesday, November 30, 2022 1:58 PM
To: Falmouth Licensing
Subject: RE: Timber - Entertainment License application

Good afternoon,

The Zoning Board of Appeals has no comment on the licensing request.

Town Hall staff have met to review or discuss other business expansion proposals in the downtown area, and the sufficiency of existing parking to accommodate expansions was questioned.

Sincerely,
Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Wednesday, November 30, 2022 10:32 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Cc: Falmouth Planning <planning@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>
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To allow ample time for review, your recommendations to the Board are requested by Monday, December 12th. The Select Board will hear the application on December 19th.

Thank you,

Phyllis Downey

From: Boyd Demello
Sent: Tuesday, December 13, 2022 11:52 AM
To: Falmouth Licensing; Brian Reid; Sean Doyle
Cc: Falmouth Planning; Noreen Stockman; Gary Street; Boyd Demello
Subject: RE: Timber - Entertainment License application

Fire Rescue has no objections to the application

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

CONFIDENTIALITY NOTICE: This message is privileged and confidential for the addressee(s) named above. If you are not the intended recipient, you are prohibited from disseminating, using, or copying the contents and should notify the sender immediately that you received this message in error.

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Wednesday, November 30, 2022 10:32 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Cc: Falmouth Planning <planning@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>
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Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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OPEN SESSION

PUBLIC HEARINGS

2. Application for an Alteration of Licensed Premises of its Farmer-Winery Pouring License – Cape Cod Winery, Inc., to be exercised at 4 Oxbow Road, East Falmouth **(10 minutes)**



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Cape Cod Winery, Inc. d/b/a Cape Cod Winery has applied for an Alteration of Premises to its Farmer Winery Pouring License to be exercised at 4 Oxbow Road, East Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, January 30, 2023, at 6:45 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, January 20, 2023 Falmouth Enterprise

Acct. #2056

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Cape Cod Winery, Inc. d/b/a Cape Cod Winery has applied for an Alteration of Premises to its Farmer Winery Pouring License to be exercised at 4 Oxbow Road, East Falmouth, MA.

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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

January 20, 2023

LICENSE APPLICATION REVIEW

Restaurant/Business: Cape Cod Winery

Address: 4 Oxbow Road, East Falmouth

License Type: _____

New or Transfer of License Sunday Entertainment License

and

Change of License To amend the Entertainment License

- | | |
|--|---|
| <input type="checkbox"/> Police | <u>No objection</u> |
| <input type="checkbox"/> Fire | <u>No objection</u> |
| <input type="checkbox"/> Building | <u>Building Commissioner's sign-off attached</u> |
| <input type="checkbox"/> Health | _____ |
| <input type="checkbox"/> Zoning | _____ |
| <input type="checkbox"/> Planning | <u>Plan updated 1/24/2023 meets Planning Dept. requirements</u> |
| <input type="checkbox"/> DPW | _____ |
| <input type="checkbox"/> Assessor | _____ |
| <input type="checkbox"/> Tax Collector | _____ |
| <input type="checkbox"/> _____ | _____ |
| <input type="checkbox"/> _____ | _____ |
| <input type="checkbox"/> _____ | _____ |

NOTES: Parking for 236 guests is predicated on inclusion of adjunct parking located at St. Anthony's Club, 28 Brick Kiln Road which the applicant will provide.

On the seating plan, seats marked in blue have been approved by the Building Commissioner for an additional 164 seats to be used *only for special events which have been approved by the Special Events Working Group*, when bus trips are visiting and require a letter of agreement or lease for off-site parking.

The seating plan and updated parking plan will be combined into one plan before the application is submitted to the ABCC.



Entertainment License applications must be reviewed by the Building Commissioner's Office before the application is submitted to the Select Board

APPLICANT:

Cape Cod Winery

ADDRESS:

4 Oxbow Road East Falmouth, MA 02536

LICENSE OR LICENSE CHANGE APPLIED FOR:

Entertainment

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

- a. A seating plan completed and stamped by an Engineer or Architect 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

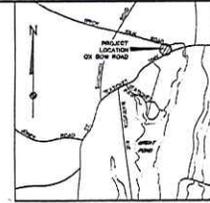
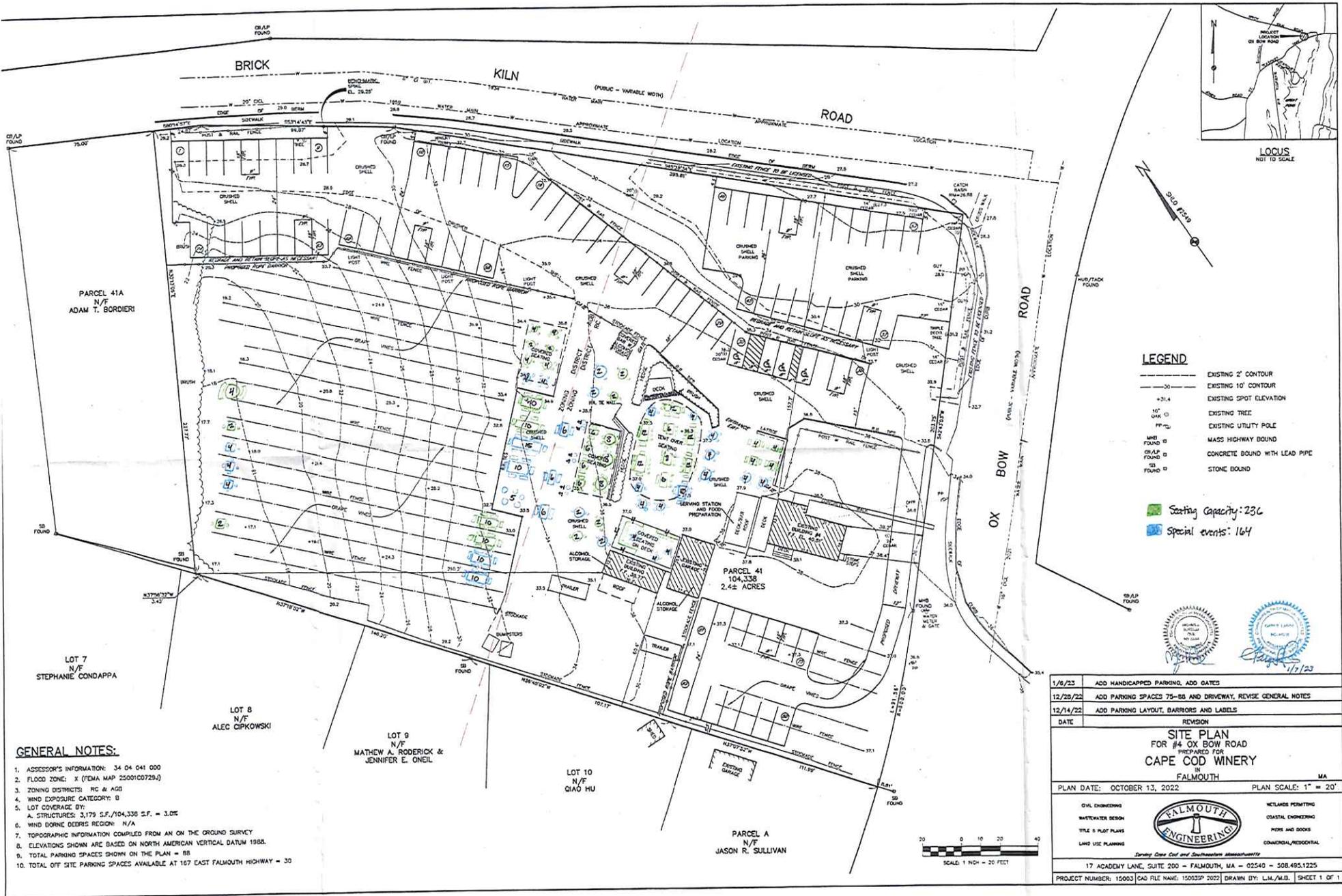
Building Department sign-off: X

DATE:

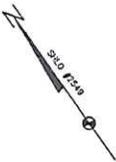
1-10-23

[Handwritten signature in red ink]

Seating Plan



LOCUS
NOT TO SCALE



LEGEND

- 2' — EXISTING 2' CONTOUR
- 10' — EXISTING 10' CONTOUR
- +31.4 EXISTING SPOT ELEVATION
- 10' ○ EXISTING TREE
- PP- EXISTING UTILITY POLE
- 10' ■ MASS HIGHWAY BOUND
- 10' □ CONCRETE BOUND WITH LEAD PIPE
- 10' □ STONE BOUND

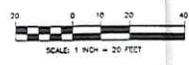
Seating Capacity: 236
Special events: 164



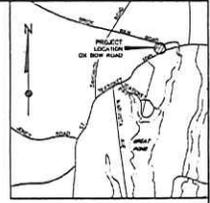
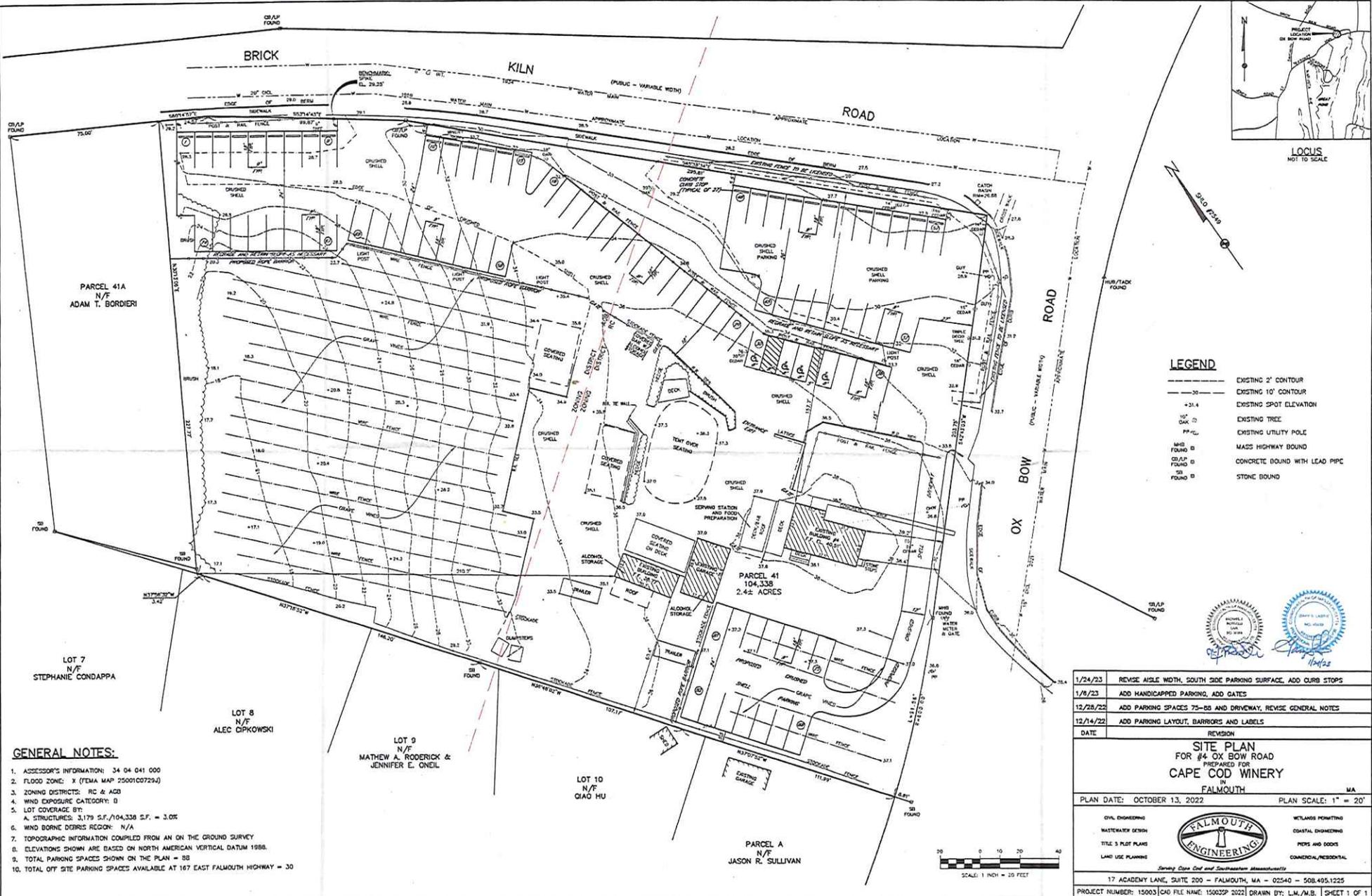
GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 34 04 041 000
2. FLOOD ZONE: X (FEMA MAP 2500100729J)
3. ZONING DISTRICTS: RC & AGS
4. WIND EXPOSURE CATEGORY: B
5. LOT COVERAGE BY:
 - A. STRUCTURES: 3,179 S.F./104,338 S.F. = 3.0%
6. WIND BORNE DEBRIS REGION: N/A
7. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
8. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1985.
9. TOTAL PARKING SPACES SHOWN ON THE PLAN = 88
10. TOTAL OFF SITE PARKING SPACES AVAILABLE AT 167 EAST FALMOUTH HIGHWAY = 30

1/8/23	ADD HANDICAPPED PARKING, ADD GATES
12/28/22	ADD PARKING SPACES 75-88 AND DRIVEWAY, REVISE GENERAL NOTES
12/14/22	ADD PARKING LAYOUT, BARRIORS AND LABELS
DATE	REVISION
SITE PLAN FOR #4 OX BOW ROAD PREPARED FOR CAPE COD WINERY IN FALMOUTH MA	
PLAN DATE: OCTOBER 13, 2022	PLAN SCALE: 1" = 20'
CIVIL ENGINEERING WATERWATER DESIGN TITLE & PLOT PLANS LAND USE PLANNING	 WELLS PERMITTING DISTAL ENGINEERING PDS AND BOOKS COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225 PROJECT NUMBER: 15003 CAD FILE NAME: 15003SP 2022 DRAWN BY: LM,MLB. SHEET 1 OF 1	



Parking Plan



LEGEND

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- +21.4 EXISTING SPOT ELEVATION
- ⊙ EXISTING TREE
- PP-LL EXISTING UTILITY POLE
- MHD MASS HIGHWAY BOUND
- CBAP FOUND
- SB FOUND
- STONE BOUND

GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 34 04 041 009
2. FLOOD ZONE: X (FEMA MAP 25001C0729J)
3. ZONING DISTRICTS: RC & AG
4. WIND EXPOSURE CATEGORY: 0
5. LOT COVERAGE BY:
 - A. STRUCTURES: 3,179 S.F./104,338 S.F. = 3.0%
6. WIND BORNIC DORMIS REGION: N/A
7. TOPOGRAPHIC INFORMATION COULDED FROM AN ON THE GROUND SURVEY
8. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
9. TOTAL PARKING SPACES SHOWN ON THE PLAN = 88
10. TOTAL OFF SITE PARKING SPACES AVAILABLE AT 167 EAST FALMOUTH HIGHWAY = 30

1/24/23	REVISE AISLE WIDTH, SOUTH SIDE PARKING SURFACE, ADD CURB STOPS
1/8/23	ADD HANDICAPPED PARKING, ADD GATES
12/28/22	ADD PARKING SPACES 75-88 AND DRIVEWAY, REVISE GENERAL NOTES
12/14/22	ADD PARKING LAYOUT, BARRIORS AND LABELS
DATE	REVISION

SITE PLAN
FOR #4 OX BOW ROAD
PREPARED FOR
CAPE COD WINERY
FALMOUTH MA

PLAN DATE: OCTOBER 13, 2022 PLAN SCALE: 1" = 20'
 CIVIL ENGINEERING WELLES PRINTING
 MATERIALS DESIGN COASTAL ENGINEERING
 TITLE & PLOT PLANS PERS AND DODDS
 LAND USE PLANNING COMMERCIAL/RESIDENTIAL
Serving Cape Cod and Southwestern Massachusetts

17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225
 PROJECT NUMBER: 15003 [CAD FILE NAME: 15002SP 2022] DRAWN BY: L.M./M.S. SHEET 1 OF 1



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

AMENDMENT-Change or Alteration of Premises Information

Change of Location

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

Alteration of Premises

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Cape Cod Winery, Inc.	Falmouth	FW-LIC-000027

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

We are looking to amend our current Pouring License to update our seating capacity & occupancy. We are looking to increase our seating from 100 to 236 seats, adding tables and seats around the vineyard area. We are also looking to increase our capacity to 400 seats for special events held throughout the year including when bus trips are visiting. This will be on a case-by-case basis approved by the Falmouth Select Board.

APPLICATION CONTACT
 The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Erika Orlandella	President	erika@capecodwinery.com	[REDACTED]

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS
 Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

We would like to update our seating plan to include additional seating areas since our last approved application. Per the floor plan, the seating area by the Entrance/Exit seats 112 partially under a tent adjacent to the winery buildings. An additional 116 seats are located in an outdoor area overlooking the vineyard, partially under tents as well as 8 seats across the bottom of the vineyard. Cont..

2B. PROPOSED DESCRIPTION OF PREMISES
 Please provide a complete description of the proposed premises, 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.

One building with an indoor area of 360 sq ft, 1 room, 1 floor. No seats, this is a gift shop. Outdoor area of 21,000 sq ft. Area is enclosed by rope barriers, wooden gates & fencing. Vineyard area enclosed by thickly settled brush on a slope. One building 476 sq ft where alcohol is stored, 1 room/floor, no seating & staff only permitted. Cont..

Total Sq. Footage	21360	Seating Capacity	236	Occupancy Number	261
Number of Entrances	1	Number of Exits	1	Number of Floors	1

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

Question 2A Continued: All seating areas are enclosed by rope barriers, wooden gates & fencing. Vineyard area is enclosed by thickly settled brush on a slope. All seating is located in an open outdoor area and are all visible by staff/management. We have servers as well as management constantly walking around the winery checking on customers and monitoring behavior. There are several server stations throughout the winery where all seats in that section are visible. There is a host at the entrance/exit monitoring as well. The special event seating is marked in blue on the seating plan and includes an additional 164 seats spread out in the areas described above. All seating is outdoors partially under tents, there is no indoor seating in any building.

Question 2B continued: Building where alcohol is stored is locked, staff only permitted inside, only management has the key to unlock.

Question 3, 3B: Not applicable as we are not changing our location, just submitting an amendment to our current license.

Question 4 Financial Disclosure:

There are no new associated costs for this license as we currently hold a Farmer Winery License (FW-27) and Pouring Permit. All assets were purchased and associated with our Farmer Winery license and the enclosed area has not changed, we are just looking to increase seating and amend our current capacity/occupancy.

24 BRICK KILN RD 34 04 041A 000
BORDIERI ADAM T LUC: 101
24 BRICK KILN RD
E FALMOUTH, MA 02536

15 SAINT ANNES LN 34 04 040 008
CIPKOWSKI ALEC LUC: 101
PO BOX 47
EAST FALMOUTH, MA 02536

5 SAINT ANNES LN 34 04 040 010
HU QIAO LUC: 101
LI XINGWEN
370 CROSS ST
WINCHESTER, MA 01890

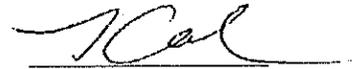
4 OX BOW RD 34 04 041 000
ORLANDELLA PETER B LUC: 101
4 OX BOW RD
EAST FALMOUTH, MA 02536

9 SAINT ANNES LN 34 04 040 009
RODERICK MATHEW A LUC: 101
ONEIL JENNIFER E
9 SAINT ANNES LN
E FALMOUTH, MA 02536

868 TEATICKET HWY 34 04 040 000A
SULLIVAN JASON R LUC: 101
868 TEATICKET HWY
E FALMOUTH, MA 02536

4 OX BOW RD

CERTIFIED

A handwritten signature in cursive script, appearing to read 'Bruce Cabral', is written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
December 28, 2022

OPEN SESSION

PUBLIC HEARINGS

3. Application for a New Sunday Entertainment License and Application to Amend the Current Entertainment License – Cape Cod Winery, Inc., to be exercised at 4 Oxbow Road, East Falmouth **(10 minutes)**



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

PUBLIC NOTICE OF HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Cape Cod Winery, Inc. d/b/a Cape Cod Winery has applied for a Sunday Entertainment License to be exercised at 4 Oxbow Road, East Falmouth MA. An application has also been submitted to amend the current Entertainment License.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, January 30, 2023, at 6:45 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, January 20, 2023; Falmouth Enterprise

PUBLIC NOTICE OF HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Cape Cod Winery, Inc. d/b/a Cape Cod Winery has applied for a Sunday Entertainment License to be exercised at 4 Oxbow Road, East Falmouth MA. An application has also been submitted to amend the current Entertainment License.

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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

January 20, 2023

LICENSE APPLICATION REVIEW

Restaurant/Business: Cape Cod Winery

Address: 4 Oxbow Road, East Falmouth

License Type: _____

New or Transfer of License Sunday Entertainment License

and

Change of License To amend the Entertainment License

- | | |
|--|--|
| <input type="checkbox"/> Police | <u>No objection</u> |
| <input type="checkbox"/> Fire | <u>No objection</u> |
| <input type="checkbox"/> Building | <u>Building Commissioner's sign-off attached</u> |
| <input type="checkbox"/> Health | _____ |
| <input type="checkbox"/> Zoning | _____ |
| <input type="checkbox"/> Planning | _____ |
| <input type="checkbox"/> DPW | _____ |
| <input type="checkbox"/> Assessor | _____ |
| <input type="checkbox"/> Tax Collector | _____ |
| <input type="checkbox"/> _____ | _____ |
| <input type="checkbox"/> _____ | _____ |
| <input type="checkbox"/> _____ | _____ |

NOTES:



Entertainment License applications must be reviewed by the Building Commissioner's Office before the application is submitted to the Select Board

APPLICANT:

ADDRESS:

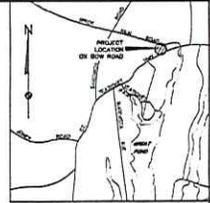
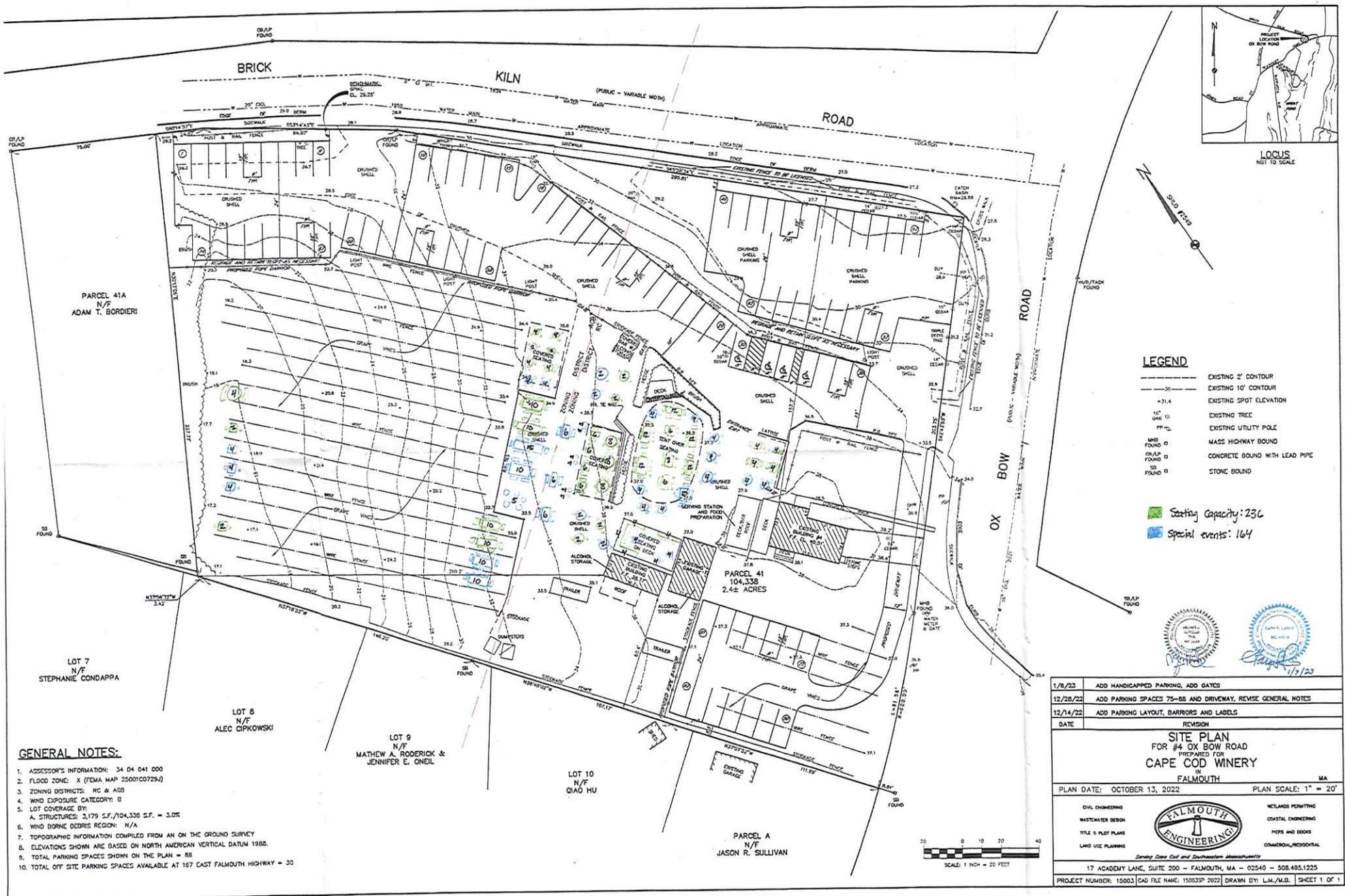
LICENSE OR LICENSE CHANGE APPLIED FOR:

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

- a. A seating plan completed and stamped by an Engineer or Architect 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: 1-10-23



LEGEND

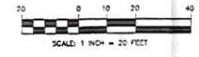
- - - - - EXISTING 2' CONTOUR
- - - - - EXISTING 10' CONTOUR
- +31.4 EXISTING SPOT ELEVATION
- 10' OAK (O) EXISTING TREE
- PP- EXISTING UTILITY POLE
- MS FOUND (M) MASS HIGHWAY BOUND
- CPAL FOUND (C) CONCRETE BOUND WITH LEAD PIPE
- SB FOUND (S) STONE BOUND

Seating Capacity: 236
 Special events: 164



- GENERAL NOTES:**
1. ASSESSOR'S INFORMATION: 34 04 041 000
 2. FLOOD ZONE: X (FEMA MAP 25001C0729J)
 3. ZONING DISTRICTS: RC & AG2
 4. WIND EXPOSURE CATEGORY: B
 5. LOT COVERAGE BY:
 - A. STRUCTURES: 3,179 S.F./104,338 S.F. = 3.0%
 6. WIND BORNE DEBRIS REGION: N/A
 7. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
 8. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
 9. TOTAL PARKING SPACES SHOWN ON THE PLAN = 88
 10. TOTAL OFF SITE PARKING SPACES AVAILABLE AT 187 EAST FALMOUTH HIGHWAY = 30

1/8/23	ADD HANDICAPPED PARKING, ADD GATES
12/28/22	ADD PARKING SPACES 75-88 AND DRIVEWAY, REVISE GENERAL NOTES
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SITE PLAN FOR #4 OX BOW ROAD PREPARED FOR CAPE COD WINERY IN FALMOUTH MA	
PLAN DATE: OCTOBER 13, 2022	PLAN SCALE: 1" = 20'
CIVIL ENGINEERING	WELLS PERMITTING
WASTEWATER DESIGN	COASTAL ENGINEERING
TITLE & PLOT PLANS	PIERS AND DOCKS
LAND USE PLANNING	COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225 PROJECT NUMBER: 15003 [CAD FILE NAME: 15003DP 2022] DRAWN BY: LJM/MJB SHEET 1 OF 1	





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



ENTERTAINMENT LICENSE ANNUAL APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: **Cape Cod Winery, Inc.** D/B/A **Cape Cod Winery**
 ADDRESS: **4 Oxbow Road**
 TOWN: **East Falmouth** STATE: **MA** ZIP CODE: **02536**
 NAME OF OWNER/MANAGER: **Erika Orlandella**
 TELEPHONE: [REDACTED] EMAIL: **erika@capecodwinery.com**
 MAILING ADDRESS: **4 Oxbow Road East Falmouth MA, 02536**
 LOCATION OF ENTERTAINMENT ON PREMISES: **outdoors by tent/vineyard area**

DAYS OF ENTERTAINMENT: **7**
 HOURS OF ENTERTAINMENT: **Recorded Music during regular business hours. Live Ent: Afternoon, generally 3 hour increments between 12pm-7pm(ex: 2-5 or 4-7)**

Provide a detailed description of proposed entertainment in the field below and attach a FLOOR PLAN of the premises including the proposed location of the entertainment:

Recorded Music: Playing through speakers during regular hours, typically 11am-8pm during the season.
 Live Entertainment in the afternoon, generally 3 hour increments between 12pm-7pm(ex: 2-5 or 4-7). Typically 2 musicians playing the guitar.

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

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

1. DANCING By Patrons No Dancing

2. MUSIC Recorded Live Amplified Acoustic Other

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

DATE **1/9/23** X **Erika Orlandella**
 Signature - OWNER or MANAGER

Total Fees Payable to the Town of Falmouth : \$110
 Filing Fee: \$10 due upon application
 License Fee: \$100

1 CEDAR MEADOWS DR AUGUSTA 2002 LLC PO BOX 397 EAST FALMOUTH, MA 02536	34 04 039 003 LUC: 112	15 SAINT ANNES LN CIPKOWSKI ALEC PO BOX 47 EAST FALMOUTH, MA 02536	34 04 040 008 LUC: 101	31 OX BOW RD HODGSON MARC A HODGSON ALLISON J 31 OXBOW RD TEATICKET, MA 02536-5101	33 01 008 004 LUC: 101
901 TEATICKET HWY BENTO STEVEN 901 TEATICKET HWY TEATICKET, MA 02536	33 01 009A 000 LUC: 101	19 SAINT ANNES LN CONDAPPA STEPHNIE 19 SAINT ANNES LN TEATICKET, MA 02536	34 04 040 007 LUC: 101	5 SAINT ANNES LN HU QIAO LI XINGWEN 370 CROSS ST WINCHESTER, MA 01890	34 04 040 010 LUC: 101
24 BRICK KILN RD BORDIERI ADAM T 24 BRICK KILN RD E FALMOUTH, MA 02536	34 04 041A 000 LUC: 101	889 TEATICKET HWY CONNELL CLAUDIA J 889 TEATICKET HWY TEATICKET, MA 02536-5823	33 01 011 000 LUC: 101	23 MELLOSTONE WAY KERSEY VIVIAN KERSEY WILLIAM 23 MELLOSTONE WAY EAST FALMOUTH, MA 02536	34 05 014 003B LUC: 101
0 SAINT ANNES LN BOTELHO GEORGE BOTELHO NAOMI 10 DEOLINDA PLACE EAST FALMOUTH, MA 02536-6050	34 04 040 000B LUC: 132	856 TEATICKET HWY DIAS JR JOHN DIAS CYNTHIA 856 TEATICKET HWY TEATICKET, MA 02536-0071	34 04 040 002 LUC: 101	34 BRICK KILN RD LAM LIAN C CHEN LI H 18 HILLSVIEW ST CANTON, MA 02021-1332	34 04 043 000B LUC: 101
855 TEATICKET HWY BRUNO MARLENE JAMES BRUNO ROBERT 855 TEATICKET HWY E FALMOUTH, MA 02536	34 06 003 001C LUC: 101	836 TEATICKET HWY DODD CINDY H DODD JAMES E 836 TEATICKET HWY TEATICKET, MA 02536-5848	34 04 040B 000 LUC: 104	35 BRICK KILN RD LAURIE JEANNE M 35 BRICK KILN RD EAST FALMOUTH, MA 02536	34 05 013 000 LUC: 101
9 OX BOW RD BURGESS FLORENCE 9 OXBOW RD TEATICKET, MA 02536-5101	33 01 009 000 LUC: 101	10 SAINT ANNES LN DROLETTE JOSEPH L PO BOX 2193 TEATICKET, MA 02536	34 04 040 003 LUC: 101	846 TEATICKET HWY MARR TRUSTEE KAROLYN BELLA REAL ESTATE TRUST 846 TEATICKET HWY EAST FALMOUTH, MA 02536	34 04 040 001 LUC: 101
0 TEATICKET HWY BURGESS FLORENCE 9 OXBOW RD TEATICKET, MA 02536-5101	33 01 010 000 LUC: 130	18 SAINT ANNES LN FARRELL THOMAS D 10 COFFEY ST UNIT 13 DORCHESTER, MA 02122	34 04 040 005 LUC: 101	11 BRICK KILN RD MELLO FRANK W 14 MELLOSTONE WAY EAST FALMOUTH, MA 02536	34 05 015 001A LUC: 101
6 FALMOUTH LANDING RD BURT CHARLES DAVID 6 FALMOUTH LANDING RD EAST FALMOUTH, MA 02536	33 02 001 001 LUC: 101	839 TEATICKET HWY FORESTEIRE JAMES A 839 TEATICKET HWY TEATICKET, MA 02536-5847	34 06 004 001 LUC: 101	14 MELLOSTONE WAY MELLO FRANK W 14 MELLOSTONE WAY TEATICKET, MA 02536-5168	34 05 015 002A LUC: 101
12 FALMOUTH LANDING RD CHAGNON TRUSTEE RAYMOND P CHAGNON TRUSTEE BARBARA E 12 FALMOUTH LANDING RD TEATICKET, MA 02536-5115	33 02 001 005 LUC: 101	12 OX BOW RD GOMES JOHN E 3 BRICK KILN RD EAST FALMOUTH, MA 02536	34 05 016 000 LUC: 101	875 TEATICKET HWY MOTTA SR TRUSTEE PHILIP MOTTA TRUSTEE DORIS C 875 TEATICKET HWY TEATICKET, MA 02536-5823	34 06 002 000 LUC: 101
22 SAINT ANNES LN CHAN TRUSTEE SHAULAN SHAULAN CHAN REV TR 15 NORTH BEACON ST BOSTON, MA 02134	34 04 040 006 LUC: 101	29 BRICK KILN RD GOULART RONALD F GOULART PATRICIA A 29 BRICK KILN RD EAST FALMOUTH, MA 02536	34 05 014 001B LUC: 101	4 OX BOW RD ORLANDELLA PETER B 4 OX BOW RD EAST FALMOUTH, MA 02536	34 04 041 000 LUC: 101

39 BRICK KILN RD 34 05 012 000
PHILLIPS ERICA L LUC: 101
39 BRICK KILN RD
EAST FALMOUTH, MA 02536

40 BRICK KILN RD 34 04 043 000A
PONTIERI CORY LUC: 101
PONTIERI RAYMOND
40 BRICK KILN RD
E FALMOUTH, MA 02536

9 SAINT ANNES LN 34 04 040 009
RODERICK MATHEW A LUC: 101
ONEIL JENNIFER E
9 SAINT ANNES LN
E FALMOUTH, MA 02536

28 BRICK KILN RD 34 04 042 000
SAINT ANTHONYS CLUB OF FALMOUTH INC LUC: 353
28 BRICK KILN RD
TEATICKET, MA 02536-5704

21 OX BOW RD 33 01 008 003
SMITH KERRI A LUC: 104
21 OX BOW RD
EAST FALMOUTH, MA 02536

881 TEATICKET HWY 34 06 001 000
SPAGONE SANDRA LUC: 101
NESS NANCY
881 TEATICKET HWY
TEATICKET, MA 02536

868 TEATICKET HWY 34 04 040 000A
SULLIVAN JASON R LUC: 101
868 TEATICKET HWY
E FALMOUTH, MA 02536

5 CHELSEA LN 34 06 003 002
TEIXEIRA BRIDGE ANN LUC: 101
5 CHELSEA LN
EAST FALMOUTH, MA 02536

41 OX BOW RD 33 01 008 005
VECCHIONE CEANE M LUC: 101
41 OX BOW RD
E FALMOUTH, MA 02536

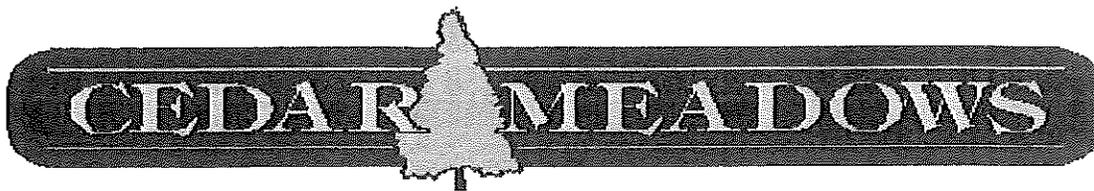
14 SAINT ANNES LN 34 04 040 004
WARE SCHWINN A LUC: 101
WARE LYNNE M
14 SAINT ANNES LN
EAST FALMOUTH, MA 02536

4 OX BOW RD

CERTIFIED

A handwritten signature in cursive script, appearing to read 'Bruce Cabral', is written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
January 12, 2023



P.O. Box 397 * 784 Teaticket Highway
E. Falmouth, MA 02536
Tel./Fax 408-495-0105

January 23, 2023

Dear Town of Falmouth Select Board,

We are writing this letter in regard to your Public Hearing Notice related to the Cape Cod Winery Sunday Entertainment License.

While we respect and appreciate the success of all small businesses, we would be remiss if we did not communicate to you our concerns, related to our tenants at Cedar Meadows Apartments located at 784 Teaticket Highway.

We, and our on-site manager's, deal with complaints over the loud music played all season long. This small winery seems to have been transformed into a weekend Happy Hour infused by alcohol, music and food trucks. This transformation disturbs our tenant's peace and enjoyment of their Cedar Meadows homes.

We respectfully request that NO amplified music be allowed, at any time, in this dense residential area.

Sincerely,
Julene Augusta, Mgr.
Scott Augusta, Mgr.
Steve Augusta, Mgr.
Augusta 2002, LLC

BUSINESS

1. Report – Cape and Vineyard Electric Cooperative (CVEC) **(10 minutes)**

Diane Davidson

From: Rosemary Carey [REDACTED]
Sent: Thursday, December 15, 2022 12:24 PM
To: Nancy Taylor; Falmouth Selectboard
Cc: Megan Amsler; Peter Johnson-Staub; Maria Marasco
Subject: CVEC Annual Report, Solar Capacity, and request to speak on SB agenda
Attachments: CVEC ANNUAL REPORT FY 2022.pdf

Dear Chair Taylor and Select Board Members,

Attached is the CVEC Annual Report for 2022. As your CVEC representative, I am hoping we can utilize CVEC's resources and expertise on renewable energy projects to Falmouth in 2023.

Please also see the attached "Solar Capacity" report prepared by Self-Reliance Corp. for the Energy Committee and Select Board in 2017, and also presented to the public at Falmouth Public Library. (For a quick summary of the projects identified and prioritized, please go to slide #32.) I will use this report as a reference point when speaking to Executive Director, Maria Marasco, early in January 2023.

If there are other projects in the works that would be candidates for solar or battery storage, please let me know.

Finally, please add Rosemary Carey, CVEC Representative to the agenda of a Select Board meeting in late January or early February 2023.

Thank you and have a wonderful holiday.

Best,

Rosemary Carey
[REDACTED]

 [_Solar Capacity Presentation.pdf](#) 

Annual Report for Fiscal 2022

with Audited Financial Statements

CVEC | Cape & Vineyard Electric Cooperative, Inc.

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FROM CVEC'S EXECUTIVE DIRECTOR

Dear Members, Participants, and CVEC partners:

At the end of FY 22, CVEC managed 46 operational solar PV projects, monitored 5 projects under construction, and awaited MA Department of Utilities' approval of electric utility capital investment programs for Cape Cod and Marion/Fairhaven to unlock another 12 projects from Rounds 4 & 5. At the end of FY 22, CVEC operational projects produced approximately 43.75 MW.

As a member-focused electric cooperative, CVEC acts as a procurement resource and project management administrator, and performs like an energy aggregator by buying and distributing the value of energy to its members and participants. In FY 22, CVEC realized commercial operation of its first solar PV project with battery storage for the Town of Oak Bluffs.

CVEC is on its way to owning its first renewable energy project. The MA Department of Energy Resources granted CVEC its second extension of a \$1.4 million grant to install a 250 kW battery at the regional emergency shelter in the Town of Yarmouth. Eversource approved the interconnection agreement in May of 2022. By this time next year, the battery will be providing back-up renewable energy, reducing the amount of diesel backup power needed during an outage, and providing the region with a model for the future.

During FY 22, CVEC addressed operational issues resulting primarily from post-pandemic and inflationary impacts. Solar PV supply chain issues affected the US photovoltaic industry, making completion of CVEC's pending Rounds 4 and 5 projects challenging. The industry faced increased shipping costs of modules from China and Southeast Asia, skyrocketing costs of polysilicon, and labor shortages. These factors affected CVEC's projects from construction to repair

We are hopeful that in FY 23, with new federal incentives for solar PV and battery storage, CVEC will be well-positioned as an electric cooperative to complete Rounds 4 & 5 and to consider all options to fulfill the energy needs of Round 6 participants.

/Maria Marasco, Executive Director

CVEC | Electric Cooperative

CVEC, established in 2007, is an energy cooperative and is deemed a Massachusetts government entity. It develops and manages solar PV projects which includes battery storage where applicable for its governmental members and participants.

GOALS AND OBJECTIVES

Developing and/or owning renewable electric generation facilities and procuring and/or selling long-term electric supply or other energy-related goods or services including renewable energy certificate contracts at competitive prices to member communities.

CVEC

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CVEC | Cape & Vineyard Electric Cooperative, Inc.

Members

Member Representative, CVEC Board of Directors as of 6.30.22

County of Barnstable	Mark Forest (Executive Committee)
Cape Light Compact	Mariel Marchand (Executive Committee)
Aquinnah	William Lake (President, Executive Committee)
Barnstable	Charles McLaughlin, Esq. (Executive, Finance Committees)
Bourne	Janice Marks
Brewster	Charles Hanson (Clerk, Executive & Finance Committees)
Chatham	Robert Wirtshafter (Treasurer, Executive & Finance Committees)
Chilmark	Stephen Lewenberg
Dennis	Thomas O'Connor
Dukes County	Tain Leonard-Peck
Eastham	Vacant
Edgartown	Alan Strahler
Falmouth	Rosemary Dreger-Carey
Harwich	Vacant
Marion	Alanna Nelson
Mashpee	Wayne Taylor
Nantucket	Lauren Sinatra
Oak Bluffs	Dion Alley
Orleans	Ron Collins
Provincetown	Lydia Hamquist
Sandwich	Laura Gregario-Tanquilig
Tisbury	Jay Grande
Truro	Mark Farber
West Tisbury	Jennifer Rand (Vice President, Executive Committee)
Yarmouth	Vacant

CVEC Participants in Projects (non-members)

Barnstable Fire District, Cape Cod Gateway Airport, Cotuit-Osterville-Marston Mills Fire District, Dennis-Yarmouth Regional School District, Harwich Water District, Martha's Vineyard Airport, Monomoy School District, Nauset Regional School District, Sandwich Water District, Upper Cape Regional Water District.

CVEC's PROJECTS as of 6.30.22	Round	Type of Project	COD or Status as of 7.1.22	Type
Barnstable High School	C-7	BTM	8.23.10	PPA
Bourne Middle School	C-7	BTM	4.30.10	PPA
Brewster Eddy Elementary	C-7	BTM	7.16.10	PPA
Brewster Stoney Brook Elementary	C-7	BTM	7.16.10	PPA
Eastham DPW	C-7	BTM	2.25.10	PPA
Eastham Elementary	C-7	BTM	2.27.10	PPA
Harwich Elementary	C-7	BTM	7.22.10	PPA
Barnstable Landfill 1 & 2	1	Cash out No OT	9.15.14	PPA
Brewster Capped Landfill	1	Cash out No OT	9.15.14	PPA
Chatham Capped Landfill	1	Cash out No OT	9.29.14	PPA
Eastham Landfill	1	NMC w OT	4.23.14	PPA
Edgartown Katama Farms Landfill	1	Cash out No OT	6.6.14	PPA
Edgartown Nunnepog Well	1	Cashout w OT	6.6.14	PPA
Harwich Capped Landfill	1	Cash out w OT	8.1.14	PPA
Tisbury Capped Landfill	1	Cash out w OT	7.29.14	PPA
Barnstable Cape Cod Gateway Airport	2	Cashout w OT	4.3.15	PPA
Barnstable Fire District	2	NMC w OT	4.21.15	PPA
Barnstable High School	2	BTM	10.8.14	PPA
Barnstable Senior Center	2	BTM	12.2.14	PPA
Bourne Community Center	2	BTM	8.30.14	PPA
Chatham Police Station	2	BTM	8.30.14	PPA
Chatham Town Hall Annex	2	BTM	8.30.14	PPA
DYRSD High Roof Mount	2	NMC w OT	3.16.15	PPA
DYRSD Ezra Baker School	2	BTM	8.30.14	PPA
DYRSD High School Ground Mount	2	NMC w OT	4.14.15	PPA
DYRSD Mattacheese School	2	BTM	12.16.14	PPA
DYRSD ME Small School	2	NMC w OT	2.27.15	PPA
DYRSD Wixon School	2	NMC w OT (seasonal)	12.8.14	PPA
Orleans Capped Landfill	2	NMC no OT	5.15.15	PPA
Provincetown Transfer Station	2	BTM	12.15.14	PPA
West Tisbury Landfill	2	NMC w OT	1.5.15	PPA
West Villages School	2	BTM	10.8.14	PPA
Chatham Fire Station	3	BTM	1.1.20	PPA

Eastham Library	3	BTM	1.1.20	PPA
Oak Bluffs Fire Station	3	BTM	1.1.20	PPA
Provincetown VMCC	3	BTM	7.1.20	PPA
Provincetown WTP	3	BTM	1.1.20	PPA
Yarmouth Fire Station #1	3	BTM	1.1.20	PPA
Yarmouth Fire Station #3	3	BTM	1.1.20	PPA
Brewster Driving Range	4	SAL	8.16.21	SAL
Brewster Golf Course Park Lot	4	SAL	3.22.22	SAL
Harwich Cranberry Valley Golf Cart Barn	4	BTM	7.21.21	PPA
Monomoy RSD Harwich High School	4	BTM	3.12.21	PPA
Oak Bluffs Capped Landfill	4	ATM	Distribution Study	PPA
Oak Bluffs Elementary School	4	BTM	6.14.22	PPA
Sandwich Forestdale School	4	BTM	Distribution Study	PPA
Sandwich High School	4	BTM	Distribution Study	PPA
Sandwich Hollows Golf Course Cart	4	BTM	Distribution Study	PPA
Sandwich Oakridge School	4	BTM	Distribution Study	PPA
Sandwich Police Station	4	BTM	1.11.21	PPA
Yarmouth Parcel E	4	BTM	Distribution Study	PPA
Aquinnah Fire Dept.	5	BTM	Pending construction	PPA
Aquinnah Town Hall/Police Dept.	5	BTM	Pending construction	PPA
Chatham Police Station Canopy	5	LO	Under construction	SAL
Chatham Recreation Center	5	BTM	Under construction	PPA
Marion Capped Landfill	5	LO	Distribution Study	SAL
Mashpee Coombs School Canopy	5	BTM	Distribution Study	PPA
Mashpee Coombs School Roof	5	BTM	Distribution Study	PPA
Mashpee High School Canopy	5	BTM	Distribution Study	PPA
Mashpee Quashnet School Canopy	5	BTM	Distribution Study	PPA
Mashpee Quashnet School Roof	5	BTM	Distribution Study	PPA
Nauseet RSD Harwich Middle School	5	BTM	Distribution Study	PPA
Sandwich Hollows Golf Course Cart Barn	5	LO	Distribution Study	SAL
Yarmouth Senior Center	5	BTM	Under construction	PPA
Future Generation Wind	3rd party	Cash out w OT	8.15.16	
Nexamp	3rd party	Cash out w OT	11.21.17	
Syncharpha	3rd party	Cash out w OT	11.14.16	

CVEC FY 22 HIGHLIGHTS

Battery Energy Storage Project

In Fiscal 2022, CVEC signed a second grant extension with the Massachusetts Department of Energy Resources under a Community Clean Energy Resilience Initiative to install a 250 kW battery at the Dennis-Yarmouth Regional High School in Yarmouth, Massachusetts to provide back-up energy to the School during a power outage. The School serves as the region's emergency shelter and is the main focus of the Initiative.

Ameresco, a Massachusetts-based developer, is project manager for this Battery Energy Storage System (BESS) initiative and will oversee the installation of the BESS with an anticipated operation date during the 4th Quarter of Fiscal 2023. The total DOER Initiative grant awarded to CVEC is \$1.4 million. CVEC will own the battery system and will derive a revenue stream to maintain operations. CVEC will provide an annual lease payment to the Dennis-Yarmouth Regional School District for hosting the battery as well as reimburse the District for any excess battery charging costs. CVEC reports to DOER each quarter on its BESS activities.

CVEC Internal Operations

Last year, CVEC undertook a major review of its internal operations and began a painstaking but valuable revision of its management functions. Previously, CVEC relied on an outside bookkeeping firm and an energy consultant to process the production and related data for certain projects. At the same time, CVEC was collecting the data internally, finding duplication and delay. This major undertaking will improve underlying project transaction activities shortly, and we are near the finish line. We updated our Business & Fiscal Policies and Procedures Manual and instituted several new and more effective procedures. We believe that our efficiency and standardization efforts will result in more timely reporting and more in-depth analysis.

Round 6 Solar PV/Storage Initiative

Round 6 occurred during the pandemic, causing a number of unanticipated delays. While CVEC made awards for projects to two developers in late November, unfortunately, it was not able to finalize contract negotiations primarily due to major setbacks to the solar PV market's supply chain, according to the developers. The Round began with an enhanced process to better identify project parameters and feasibility for battery storage, and yet neither of the final awardees included battery storage with the solar PV systems citing supply chain issues. Additionally, CVEC did not receive qualified responses for initial projects bid for the towns of Oak Bluffs, Tisbury, and West Tisbury. Developers also did not bid on two Martha's Vineyard carport canopies citing, in particular, the marked increase in the cost of steel. To address these projects, CVEC began discussions with potential strategic partners to address fulfilling the energy requirements of participants. CVEC is working diligently to secure a solution to fulfill these projects for over 2 MW of capacity, including exploring its options under new federal legislation providing for financial incentives for electric cooperatives who build their own systems.

CVEC's Form of Contracts

CVEC utilizes a third-party ownership structure with the project owner ("Developer") responsible for the design, installation, and operation of the project, the Town or Participant ("Host") as lessor of the property on which the solar is constructed, and CVEC as the seller and administrator ("Seller") of the energy.

Lease Agreement ("Lease") between Developer and Property Owner ("Host")

The Developer and the Host will enter into a long-term Lease with an initial term of twenty years from commercial operation of the solar PV system. The Lease will establish the Developer's right to access and use the Host's property for the design, installation, and operation of the solar PV project. In addition, the Lease will require the Developer to provide a payment and performance bond in advance of construction of the solar PV system and to provide a commercially reasonable form of decommissioning assurance to address the possibility that the Developer might fail properly to remove the PV system from the Host's property on expiration of the Lease. CVEC will be a third-party beneficiary of the Lease. The Host's reserved use of the leased premises and any special conditions applicable to Developer's development and use of the leased premises (if any) will be set forth in a special exhibit to the Lease.

Power Purchase Agreement ("PPA") between CVEC and Developer

The Developer and CVEC will enter into a long-term PPA with an initial term of twenty years from commercial operation of the solar PV system. The PPA will govern CVEC's purchase of the net energy from the system. Developers were given the option for many participating projects to bid a PPA price that is inclusive or exclusive of a battery energy storage system. The PPA will contain the Developer's permitting, construction, and commissioning benchmarks, require routine reporting on design, permitting, and financing for the solar PV system, and provide for liquidated delay damages in the event that Developer does not construct and/or commission the solar PV system by a date certain. The Developer will be required to provide financial surety to backstop its obligations under the Lease and PPA, in addition to payment and performance bonds and the decommissioning assurance required under the Lease. Finally, the PPA will contain a guaranteed annual production requirement for the solar PV system and the payment of damages should there be a production shortfall. The Host will be a third-party beneficiary of the PPA.

Inter-Governmental Power Sales Agreement ("IGA") between CVEC and Host

CVEC and the Host will enter into an IGA with an initial term of twenty years from commercial operation of the solar PV system. The IGA will govern CVEC's resale to Host of the net energy from the solar PV system. In addition, delay damages and production shortfall damages paid from Developer to CVEC under the PPA will pass through to the Host under the IGA. Under the IGA, CVEC will provide administrative services directly related to development, installation, and operation of the PV System to the Host and, in exchange, collect an operational adder from the Host in addition to the PPA price. A Host may subscribe to additional CVEC services to manage its projects.

Rounds 4 and 5

Developer Greenskies/Clean Focus completed the Oak Bluffs Elementary School project just before the end of FY 22 despite pandemic-related travel delays and final construction issues. CVEC also saw commercial operations begin at the Brewster Golf Course Parking Lot in March of 2022. The developer Distributed Solar Development began construction on the Nauset Middle School carport canopy solar PV with battery storage project in FY 22 with a completion date by the end of calendar 2022.



Oak Bluffs Elementary School Solar PV with BESS

CVEC issued an RFP for 21 Round 4 solar PV projects in 2018 on behalf of member towns and other government participants. CVEC acted as the procuring authority under MGL c. 164, s. 37. By the end of 2019, CVEC had completed Round 4 contract negotiations with the developers. In December 2019, CVEC advertised a new Round 5 for 22 projects, of which 13 were to include batteries. Four Round 4 projects began operations in FY 21. In FY 21, CVEC cancelled a number of projects at the request of certain members.

The Oak Bluffs Elementary School project is CVEC's first solar PV with battery energy storage system member project. It consists of a 231.77 kilowatt (kW) solar energy system with a Tesla 58 kW/232 kWh energy storage system unit. Annually, the solar array of 600 photovoltaic (PV) panels can generate over 265,000 kilowatt-hours (kWh) of clean energy, offsetting more than 414,000 pounds of carbon dioxide (CO₂). Over the next twenty years, that's the equivalent of taking about 810 gas-powered cars off the road or preserving 4,440 acres of forest. (Source: US EPA Greenhouse Gas Calculator).

The following Round 5 projects are either pending or remain under construction: Aquinnah Town Hall/Police Station (PPA), Aquinnah Fire Department (PPA), Chatham Recreation Center (PPA), Chatham Police Station (PPA), and the Yarmouth Senior Center (PPA).

Distribution Studies for Round 4 and 5 Projects

<i>Rounds 4 & 5</i>	<i>Name of PV System</i>	<i>Developer</i>	<i>Round</i>	<i>Eversource WO #</i>	<i>Nameplate Raing (AC)</i>	<i>Export Limit (kW)</i>	<i>PV (kW)</i>	<i>BESS (kW)</i>
Marion	Marion Capped Landfill	DSD	5	2401247	1700	1700	1000	700
Mashpee	Mashpee Coombs School Canopy	DSD	5	2401235	730	730	450	280
Mashpee	Mashpee Coombs School Roof	DSD	5					
Mashpee	Mashpee High School Canopy	DSD	5	2400260	1490	1490	1000	490
Mashpee	Mashpee Quashnet School Canopy	DSD	5	2400979	2075	2075	1375	700
Mashpee	Mashpee Quashnet School Roof	DSD	5					
Oak Bluffs	Oak Bluffs Capped Landfill	Green Skies	4	2392014	1000	1000	1000	500
Sandwich	Sandwich Forestdale School	DSD	4	2349583	850	750	500	350
Sandwich	Sandwich High School	DSD	4	2349579	3455	3455	2563	892
Sandwich	Sandwich Hollows Golf Course Cart	DSD	4	2401361	475	475	475	0
Sandwich	Sandwich Oakridge School	DSD	4	2349576	850	850	500	350
Yarmouth	Yarmouth Parcel E	DSD	4	2348526	499	499	499	0

Eversource completed Distribution Group Studies for CVEC's Marion project in March of 2022 and for CVEC's Cape & Islands projects in April of 2022. These studies analyzed the impact for over 50 other unrelated projects on the utility grid. The 12 projects listed above await final the MA Department of Public Utilities' (DPU's) determination of Eversource's capital investment project proposal under the DPU's Provisional System Planning Program. CVEC submitted public comments to DPU as part of the rate-determination process by providing the above information and concern for delays and increased costs. Members can review the matter at <https://eeagonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "22-55").

ISO- NE Forward Capacity Markets

CVEC contracts with two Forward Capacity Market (FCM) vendors who enroll CVEC's projects into ISO-NE and related programs for additional income.

CPower is a demand-side energy management company that operates under a contract with the Massachusetts Department of Capital Management. As a government entity, CVEC utilizes this contract. CPower provides capacity monetization of CVEC's Behind-the-Meter solar PV arrays into the ISO-NE Forward Capacity Market. In Fiscal 22, CVEC had 13 sites with 833 kW capacity enrolled. Systems must be enrolled within the first three years of each system's commercial operation date. CVEC earned \$70,448 in gross settlements in Fiscal 2022. Revenues to CVEC will continue over the 20-year life of the solar PV systems.

In deregulated electricity markets, two main products are electricity and capacity. Capacity can be viewed as a call option on electricity where a peaking resource is paid to be on standby in the event that it is needed. In a grid with peaky load characteristics, capacity markets are crucial to keeping the lights on during spikes in demand. The Forward Capacity Market (FCM) ensures that the New England power system will have sufficient resources to meet the future demand for electricity. Forward Capacity Auctions (FCAs) are held annually, three years in advance of the operating period. Resources compete in the auctions to obtain a commitment to supply capacity in exchange for a market-priced capacity payment. These payments help to support the development of new resources as well as to retain existing resources. (Source: ISO-NE)

CVEC also works with CLEAResult, a provider of energy efficiency and demand response solutions. CLEAResult represents 14 of CVEC's Front-of-the Meter solar projects, totaling roughly 9 MW of capacity, in the ISO-NE FCM. For Fiscal 2022, CVEC recorded approximately \$35,675 in forward capacity gross income from 14 projects.

Relationship Building- Eversource

Eversource Energy is the primary energy company serving the Cape & Islands and Southeastern Massachusetts communities of our members. CVEC and its developers rely on Eversource to approve interconnection applications on a timely basis, to provide the electric infrastructure equipment such as transformers and meters, and to support the installation of these projects. In June of 2022, Warren Boutin Director, Electric Service Support, Distributed Generation and Supplier Services at Eversource Energy and Ronit Goldstein, Community Relations and Economic

Development representative at Eversource attended CVEC's June board meeting to discuss the two Distribution Group Studies in which a number of CVEC projects from Rounds 4 and 5 are included. (See chart above.)

In addition, Eversource has been supportive in CVEC's efforts to install the BESS at the regional emergency shelter. After operating under *force majeure* during the pandemic, they responded to CVEC's request to advance the work order for the interconnection for the DOER BESS Project.



Provincetown Community Center



Yarmouth Fire Station #3

CVEC'S PROJECTS BY TYPE

Behind-the-Meter



The majority of CVEC's projects are "Behind-the-Meter" projects in which CVEC buys the energy from a developer. The Developer owns the project, building it on either the CVEC Member's or Participant's land. The Member or Participant is called the Host. The developer calculates the energy production and invoices CVEC for the energy at a price determined through an initial RFP process. CVEC then invoices the Host for the cost of energy plus an administrative adder per kWh for project oversight.

Bourne Community Center Roof-Mount Solar PV

Cash out Projects without Offtakers

CVEC's projects at the Barnstable Landfills (1 & 2), Edgartown Katama Farms Landfill, Brewster Landfill, and Chatham Landfill are Cash-out projects without Offtakers, meaning only the Host receives the cash value of the net metering credit each month less the developer's costs and less CVEC's adder. Note: CVEC ceased charging its adder for Round 1 projects in FY 21.



Orleans Capped Landfill Solar PV

Cash out Projects with Offtakers



Edgartown Nunnepog Ground-mount Solar PV

This type of project includes the Edgartown Nunnepog Landfill, Harwich Capped Landfill, Tisbury Capped Landfill, and Cape Cod Gateway Airport ground mount. The Host and other CVEC members or participants called "Offtakers" receive the cash value of net metering credits in their respective proportionate shares, less the developer costs and CVEC's adder.

Eversource sends CVEC, as project administrator, the monthly cash value of the net metering credits via wire transfer, and CVEC then allocates the net cash value to the Host and the Offtakers in their respective shares. In addition, for hosting the project, the Host receives an additional one-half of the offtaker's net benefits each month, called a "Revenue Sharing" portion. The Revenue Share calculation is: $50\% \times \text{offtaker's [net metering credit value less developer's cost less CVEC's adder]}$.

Net Metering Credits with and without Offtakers

CVEC also has projects in which members and participants receive net metering credits (NMCs), versus the cash value of those credits, from a Host project. The net metering credits are used to offset the cost of energy. These projects include the Eastham Landfill, Barnstable Fire District, Dennis-Yarmouth Regional School District (DYRSD) High School Ground and Roof Mounts, DYRSD Marguerite Small Elementary School Roof Mount and Wixon School Roof Mount, Orleans Capped Landfill, and the West Tisbury Landfill. These projects have as few as one Offtaker to as many as nine Offtakers for which CVEC calculates each share. The same revenue-sharing method as noted above is applied to these projects.

The Orleans Capped Landfill is a NMC project without any offtakers.

Offtaker Rounds I and II Production Pool

In 2014, CVEC established a Production Pool from Round I and Round II Projects. Round I Projects included large-scale (6 - 4.4. MW) projects at the Harwich Landfill, Eastham Landfill, Edgartown Nunnepog Well, and Tisbury Landfill. Round II Projects included large-scale (.5 – 6.6 MW0 projects at the Barnstable Airport, Barnstable Fire District, Dennis-Yarmouth High School, and at the West Tisbury Landfill. The energy in the Production Pools is the net energy generated from the projects that the Hosts did not reserve.

The allocation of net metering credits is determined from Inter-governmental Net Metering Power Sales Agreements through which the Offtakers, receive the value of the net metering credits either in the form of cash or credits.

Allocations by System and Offtaker

System	Offtaker	Percentage
Eastham Landfill R1 Net Metering Credits	Barnstable County	3.96%
	Brewster	2.42%
	Chatham	1.05%
	Chilmark	0.24%
	Dukes County	0.40%
	Eastham	77.07%
	Monomoy Schools	4.83%
	Oak Bluffs	1.21%
	Provincetown	2.15%
	Yarmouth	6.67%
	Total	100.00%
Nunnepog Well- R1 Cash value of Net Metering Credits	Barnstable County	9.40%
	Brewster	5.80%
	Chatham	2.50%
	Chilmark	0.60%

	Dukes County	1.00%
	Edgartown	45.20%
	Monomoy Schools	11.50%
	Oak Bluffs	2.90%
	Provincetown	7.50%
	Yarmouth	13.70%
	Total	100.00%
Harwich Landfill R1- Cash value of Net Metering Credits	Barnstable County	8.40%
	Brewster	5.20%
	Chatham	2.20%
	Chilmark	0.40%
	Dukes County	0.70%
	Harwich	61.80%
	Oak Bluffs	2.60%
	Provincetown	6.70%
	Yarmouth	12.20%
	Total	100.00%
Tisbury Landfill R1- Cash value of Net Metering Credits	Barnstable County	2.10%
	Brewster	1.30%
	Chatham	0.60%
	Chilmark	0.10%
	Dukes County	0.20%
	Monomoy Schools	2.60%
	Oak Bluffs	0.60%
	Provincetown	1.70%
	Tisbury	87.80%
	Yarmouth	3.10%
	Total	100.00%
Airport - Section 2-R2- Cash value of Net Metering Credits	Airport	19.20%
	Barnstable	80.80%
	Total	100.00%
Barnstable Fire District R2-Net Metering Credits	Barnstable County	11.31%
	Barnstable Fire District	35.79%
	Brewster	6.53%
	Chatham	2.73%
	Chilmark	0.63%
	Dukes County	1.08%
	Monomoy Schools	14.23%
	Oak Bluffs	3.16%
	Provincetown	8.62%
	Yarmouth	15.92%

	Total	100.0%
DYHS Ground Mount R2- Net Metering Credits	DYRSD	0.00%
	Yarmouth	100.00%
	Total	100.00%

Lease Only



Brewster Captains Golf Course

Certain projects do not have a Power Purchase Agreement in place. Instead of the value of net metering credits, the Host receives monthly lease payments over the life of the solar PV system. CVEC provides project oversight through an Intergovernmental Agreement in which there is an annual fee in place of an adder.

Third-party Power Purchase Agreements

With the goal of managing a diversified portfolio of distributed renewable energy projects, CVEC purchases energy from third-party operators of solar PV and wind projects. CVEC purchases net metering credits and in turn resells them to certain CVEC members and participants. These Offtakers receive the cash value of the net metering credits less the developer's cost and less CVEC's operational adder per kWh of production.

Future Generation Wind, Agreement effective November 20, 2014, for participation in (up to four) wind energy generation facilities, with an aggregate generating capacity of 8 MW located in Buzzards Bay, MA.

Syncarpha Capital, Marie's Way Solar I, LLC, Agreement effective November 9, 2016, for participation in solar PV power electrical generation facility with an estimate generation capacity of 6,850,000 KWh per year located in Orleans, MA.

Nexamp, Dartmouth Farms Solar, LLC. Agreement effective January 15, 2015 and amended June 22, 2016 for participation in three(3) 2,250 kW (AC)(total) solar PV arrays located in Dartmouth, MA.

Service Agreements

A number of CVEC's member towns have service agreements with CVEC. The services are either outside the scope of CVEC's Operational Adder (for general accounting administration of those projects for which CVEC led procurement) or involve a solar PV project that the member installed on its own. CVEC maintains its service agreement relationships for FY 23 with the following members:

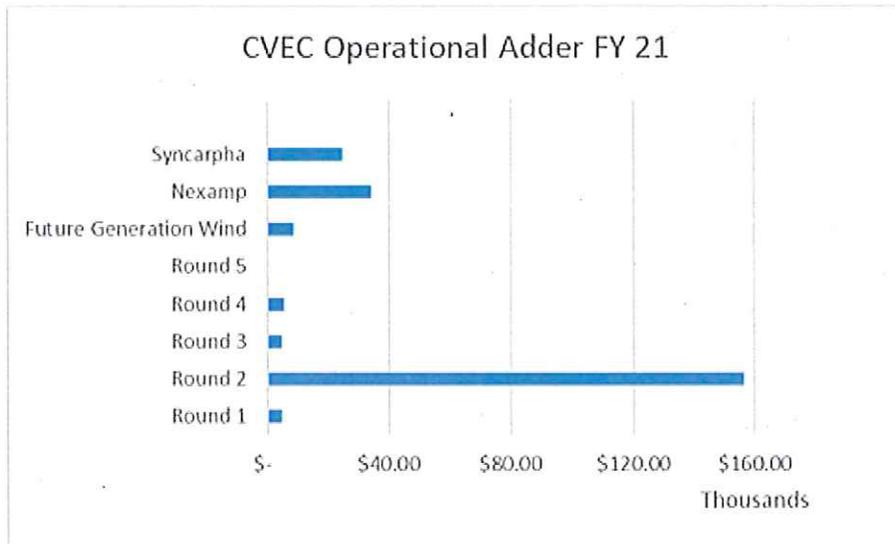
- *Dennis* -- CVEC provides expertise to manage the distribution of the Town's net metering credits from their capped landfill PV system which is not a CVEC-procured project.
- *Sandwich* – CVEC supports the Town with administrative and transactional services relative to a 4-megawatt PV system which is not a CVEC-procured project.

- *Yarmouth* -- CVEC provides the Town with services outside the scope of CVEC's Operational Adder for various CVEC projects and over 100 electric utility accounts, including electric invoice payment through the town's MUNIS platform, review and analysis of electric charges, Schedule Z support, and accounting of all net metering credit transactions.

CVEC invites all members and participants to discuss using CVEC's management services to support existing municipal efforts.

CVEC's Administrative Adder

CVEC derives its revenue from charging participants an administrative Adder on the energy generated from projects in Rounds 2 through 6. CVEC does not charge the participants an adder for CVEC's original CVEC-7 and Round 1 projects (effective FY 22). As a cooperative, the members share in these administrative costs. The larger 1+ plus megawatt projects from Round 2 pay for the bulk of CVEC's administrative costs.



Learn more about Solar at the US Office of Energy Efficiency & Renewable Energy: [How Does Solar Work? | Department of Energy](#)

FINANCIAL STATEMENTS

CAPE & VINEYARD ELECTRIC COOPERATIVE, INC. MANAGEMENT'S DISCUSSION AND ANALYSIS JUNE 30, 2022

As management of the Cape & Vineyard Electric Cooperative, Inc. (CVEC), we offer readers of these financial statements this narrative overview and analysis of CVEC's financial activities for the year ended June 30, 2022.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the financial statements, which consist of the following two components:

1. Financial statements
2. Notes to financial statements

Financial Statements

CVEC's financial statements are prepared in accordance with accounting principles generally accepted in the United States of America, as set forth by the Governmental Accounting Standards Board (GASB). The financial statements are presented on the accrual basis of accounting and include the following three basic financial statements: (1) the statement of net position, (2) the statement of revenues, expenses, and change in net position, and (3) the statement of cash flows.

The financial statements can be found on pages 6 – 8 of this report.

Notes to Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the financial statements. The notes to the financial statements can be found on pages 9 – 16 of this report.

Financial Statement Analysis

The following tables present current and prior year data on the financial statements:

Net Position

CVEC's assets exceeded liabilities by \$782,637 at the close of the fiscal year and are summarized as follows:

	2022	2021	Change (\$)	Change (Percent)
Assets				
Current Assets	\$ 1,305,161	\$ 1,243,338	\$ 161,823	12.21%
Liabilities				
Current Liabilities	612,524	551,222	61,302	11.12%
Net Position				
Unrestricted	\$ 782,637	\$ 692,116	\$ 90,521	13.08%

**CAPE & VINEYARD ELECTRIC COOPERATIVE, INC.
MANAGEMENT'S DISCUSSION AND ANALYSIS
JUNE 30, 2022**

CVEC's assets consist primarily of cash and cash equivalents, and accounts receivable and net metering credits (NMC) pass-through activities.

Liabilities consist of accounts payable and accrued expenses.

The significant increases in assets and liabilities were a result of timing differences in receipt and disbursements of pass-through transactions in the current fiscal year.

Changes in Net Position

CVEC's net position increased by \$90,521 for the year ended June 30, 2022, and is summarized as follows:

	<u>2022</u>	<u>2021</u>	<u>Change (\$)</u>	<u>Change (Percent)</u>
Operating Revenues	\$ 4,046,050	\$ 3,865,549	\$ 180,501	4.67%
Operating Expenses	<u>4,072,771</u>	<u>3,947,538</u>	<u>125,233</u>	3.17%
Operating Loss	(26,721)	(81,989)	55,268	-67.41%
Nonoperating Revenues	<u>117,242</u>	<u>2,433</u>	<u>114,809</u>	4718.82%
Change in Net Position	90,521	(79,556)	170,077	-213.78%
Net Position - Beginning of Year	<u>692,116</u>	<u>771,672</u>	<u>(79,556)</u>	-10.31%
Net Position - End of Year	<u>\$ 782,637</u>	<u>\$ 692,116</u>	<u>\$ 90,521</u>	13.08%

Operating revenues consist primarily of energy sales, operational adder revenue, forward capacity market revenue, and administrative services income. Operating revenues increased by \$180,501, which was primarily due to the increase in energy production.

Operating expenses consist primarily of purchased power costs (\$3,560,558, or 87%) and salaries and benefits (\$181,660, or 5%). Operating expenses increased by \$125,233 primarily due to the corresponding increase in energy sales revenue.

Nonoperating revenues related to grant revenue received in connection with the battery project.

Requests for Information

This financial report is designed to provide a general overview of the CVEC's finances. Questions concerning any of the information provided in this report should be addressed to the President of the Board of Directors, 23H2 White's Path, Suite 2, South Yarmouth, MA 02884.

CAPE & VINEYARD ELECTRIC COOPERATIVE, INC.
STATEMENT OF NET POSITION
JUNE 30, 2022

ASSETS

CURRENT ASSETS

Cash	\$ 510,388
Accounts Receivable:	
Members - Energy Sales	633,209
Intergovernmental	116,104
Other	10,200
NMC Pass-through	15,528
Prepaid Expenses	109,722
Total Current Assets	<u>1,395,161</u>
 Total Assets	 <u>1,395,161</u>

LIABILITIES

CURRENT LIABILITIES

Accounts Payable and Accrued Expenses	<u>612,524</u>
---------------------------------------	----------------

NET POSITION

Unrestricted	<u>782,637</u>
Total Net Position	<u>\$ 782,637</u>

CAPE & VINEYARD ELECTRIC COOPERATIVE, INC.
STATEMENT OF REVENUES, EXPENSES, AND CHANGE IN NET POSITION
YEAR ENDED JUNE 30, 2022

OPERATING REVENUES

Energy and Net Metering Credit Sales	\$ 3,560,558
Operational Administrative Adder	272,177
Forward Capacity Market	70,448
Administrative Services Revenue	107,042
On Peak Hours Resources Revenue	35,675
Other Revenue	150
Total Operating Revenues	<u>4,046,050</u>

OPERATING EXPENSES

Salaries and Benefits	181,660
Purchased Power Costs	3,560,558
Legal Fees	162,182
Administrative and General	168,371
Total Operating Expenses	<u>4,072,771</u>

OPERATING LOSS

(26,721)

NONOPERATING REVENUES

Investment Income	1,138
Intergovernmental Revenue	116,104
Total Nonoperating Revenues	<u>117,242</u>

CHANGE IN NET POSITION

90,521

Net Position - Beginning of Year

692,116

NET POSITION - END OF YEAR

\$ 782,637

FY 21 Project Reports

Note: While the totals in CVEC's Net Metering Report reflect 12 months of data, the data does not necessarily correspond directly with the fiscal year-end due to CVEC's accrual basis of accounting.

CVEC | Cape & Vineyard Electric Cooperative, Inc. FISCAL 2022

NET BENEFITS BY SYSTEM	kWh	NMC Value	PPA Rate	Average NMC value	PPA Cost	CVEC Admin Rate	Admin Cost	Revenue Share to Host, if any	Net Revenue (Cost)	(Cost) if No Solar [G-1 Rate \$,019 avg]	Metric Tons of CO ₂ Equivalent
CVEC-7											
Barnstable High School Roof	96,357		\$ (0.13450)		\$ (12,960)	\$ -	\$ -	-	\$ (12,960)	\$ (18,308)	41.7
Bourne Middle School	179,784		\$ (0.13450)		\$ (24,181)	\$ -	\$ -	-	\$ (24,181)	\$ (34,159)	77.8
Brewster Eddy Elementary	126,453		\$ (0.13450)		\$ (17,008)	\$ -	\$ -	-	\$ (17,008)	\$ (24,026)	54.7
Brewster Stony Brook Elementary	129,893		\$ (0.13450)		\$ (17,471)	\$ -	\$ -	-	\$ (17,471)	\$ (24,680)	56.2
Eastham DPW	92,973		\$ (0.13450)		\$ (12,505)	\$ -	\$ -	-	\$ (12,505)	\$ (17,665)	40.2
Eastham Elementary	113,541		\$ (0.13450)		\$ (15,271)	\$ -	\$ -	-	\$ (15,271)	\$ (21,573)	49.1
Harwich Elementary	58,538		\$ (0.13450)		\$ (7,873)	\$ -	\$ -	-	\$ (7,873)	\$ (11,122)	25.3
ROUND 1											
Barnstable Landfills 1&2	4,718,044	\$ 888,851	\$ (0.07290)	\$ 0.18839	\$ (343,945)	\$ -	\$ -	\$ -	\$ 544,906	\$ (896,428)	2,041.0
Brewster Landfill	1,462,620	\$ 264,860	\$ (0.08500)	\$ 0.18109	\$ (124,323)	\$ -	\$ -	\$ -	\$ 140,537	\$ (277,898)	620.0
Chatham Landfill	2,220,842	\$ 418,227	\$ (0.07170)	\$ 0.18832	\$ (159,234)	\$ -	\$ -	\$ -	\$ 258,993	\$ (421,960)	961.0
Eastham Landfill	701,340	\$ 128,738	\$ (0.07070)	\$ 0.18356	\$ (49,585)	\$ -	\$ -	\$ 9,075	\$ 88,228	\$ (133,255)	303.0
Edgartown Katama Farms	1,346,280	\$ 221,448	\$ (0.09040)	\$ 0.16449	\$ (121,704)	\$ -	\$ -	\$ -	\$ 99,745	\$ (255,793)	582.0
Edgartown Nunnepeg Landfill	1,438,380	\$ 241,645	\$ (0.09860)	\$ 0.16800	\$ (141,824)	\$ -	\$ -	\$ 33,857	\$ 133,678	\$ (273,292)	622.0
Harwich Capped Landfill	5,600,700	\$ 1,049,552	\$ (0.07100)	\$ 0.18740	\$ (397,650)	\$ -	\$ -	\$ 124,611	\$ 776,513	\$ (1,064,133)	2,423.0
Tisbury Capped Landfill	1,482,360	\$ 277,537	\$ (0.09130)	\$ 0.18723	\$ (135,339)	\$ -	\$ -	\$ 8,703	\$ 150,901	\$ (281,648)	641.0
ROUND 2											
Barnstable CC Gtway Airport Ground	6,664,080	\$ 1,260,819	\$ (0.06250)	\$ 0.18920	\$ (416,505)	\$ (0.01114)	\$ (74,238)	\$ 275,772	\$ 1,045,848	\$ (1,266,175)	2,883.0
Barnstable Fire District Ground	1,130,400	\$ 211,531	\$ (0.06098)	\$ 0.18713	\$ (68,932)	\$ (0.01672)	\$ (18,900)	\$ 40,205	\$ 163,904	\$ (214,776)	489.0
Barnstable High School Roof*	608,132		\$ (0.07320)		\$ (44,515)	\$ (0.01114)	\$ (6,775)		\$ (51,290)	\$ (115,545)	263.0
Barnstable Senior Center	138,864		\$ (0.05580)		\$ (7,749)	\$ (0.01114)	\$ (1,547)		\$ (9,296)	\$ (26,384)	60.1
Bourne Community Center	41,597		\$ (0.07130)		\$ (2,966)	\$ (0.01114)	\$ (463)		\$ (3,429)	\$ (7,903)	18.0
Chatham Police Station	27,708		\$ (0.07130)		\$ (1,976)	\$ (0.01114)	\$ (309)		\$ (2,284)	\$ (5,265)	12.0
Chatham Town Hall Annex	30,036		\$ (0.07130)		\$ (2,142)	\$ (0.01114)	\$ (335)		\$ (2,476)	\$ (5,707)	13.0
DYRSD High School Roof	445,160		\$ (0.07320)		\$ (32,586)	\$ (0.01672)	\$ (7,443)		\$ (40,029)	\$ (84,580)	193.0
DYRSD Ezra Baker School	71,989		\$ (0.07130)		\$ (5,133)	\$ (0.01672)	\$ (1,204)		\$ (6,336)	\$ (13,678)	31.1
DYRSD High School Ground	823,080	\$ 151,746	\$ (0.06715)	\$ 0.18436	\$ (55,270)	\$ (0.01672)	\$ (13,762)	\$ 41,838	\$ 124,552	\$ (156,385)	356.0
DYRSD Mattacheese School Roof	231,912		\$ (0.07320)		\$ (16,976)	\$ (0.01672)	\$ (3,878)		\$ (20,854)	\$ (44,063)	100.0
DYRSD ME Small School	843,960	\$ 169,682	\$ (0.05861)	\$ 0.20105	\$ (49,464)	\$ (0.01672)	\$ (14,111)	\$ 49,121	\$ 155,227	\$ (160,352)	365.0
DYRSD Wixon School	446,525		\$ 0.06268		\$ 27,988	\$ (0.01672)	\$ (7,466)	\$ 4,957	\$ 25,480	\$ (84,840)	193.0
Orleans Capped Landfill	641,303	\$ 118,210	\$ (0.07875)	\$ 0.18433	\$ (50,503)	\$ (0.01114)	\$ (7,144)		\$ 60,563	\$ (121,848)	277.0
Provincetown Transfer Station	208,622		\$ (0.05803)		\$ (12,106)	\$ (0.01114)	\$ (2,324)		\$ (14,430)	\$ (39,638)	220.0
West Tisbury Landfill	854,220	\$ 153,043	\$ (0.06473)	\$ 0.17916	\$ (55,294)	\$ (0.01114)	\$ (9,516)	\$ 5,884	\$ 94,118	\$ (162,302)	370.0
West Villages School	48,547		\$ (0.07320)		\$ (3,554)	\$ (0.01114)	\$ (541)		\$ (4,094)	\$ (9,224)	21.0
* includes amount paid for short fall											
ROUND 3											
Chatham Fire Station	96,357		\$ (0.0749)		\$ (7,217)	\$ (0.0050)	\$ (482)		\$ (7,699)	\$ (18,308)	41.7
Eastham Library	125,870		\$ (0.0749)		\$ (9,428)	\$ (0.0050)	\$ (629)		\$ (10,057)	\$ (23,915)	54.5
Oak Bluffs Fire Station	90,800		\$ (0.0749)		\$ (6,801)	\$ (0.0050)	\$ (454)		\$ (7,255)	\$ (17,252)	39.3
Provincetown VMCC	301,618		\$ (0.0749)		\$ (22,591)	\$ (0.0050)	\$ (1,508)		\$ (24,099)	\$ (57,308)	130.0
Provincetown WTP	96,340		\$ (0.0749)		\$ (7,216)	\$ (0.0050)	\$ (482)		\$ (7,698)	\$ (18,305)	41.7
Yarmouth Fire Station #1	69,150		\$ (0.0749)		\$ (5,179)	\$ (0.0050)	\$ (346)		\$ (5,525)	\$ (13,139)	29.9
Yarmouth Fire Station #3	152,555		\$ (0.0749)		\$ (11,426)	\$ (0.0050)	\$ (763)		\$ (12,189)	\$ (28,985)	66.0

NET BENEFITS BY SYSTEM	kWh	NMC Value	PPA Rate	Average NMC value	PPA Cost	CVEC Admin Rate	Admin Cost	Revenue Share to Host, if any	Net Revenue (Cost)	(Cost) if No Solar [G-1 Rate \$.019 avg]	Metric Tons of CO ₂ Equivalent
ROUND 4											
Brewster Driving Range*											
Brewster Golf Course Park Lot*											
Harwich Cran Valley Golf GM & Cart	325,202		\$ (0.0640)		\$ (20,813)	\$ (0.005)	\$ (1,626)		\$ (22,439)	\$ (61,788)	141.0
Monomoy RSD Harwich HS	267,471		\$ (0.0010)		\$ (267)	\$ (0.0100)	\$ (2,675)		\$ (2,942)	\$ (50,820)	116.0
Oak Bluffs Capped Landfill**											
Oak Bluffs Elementary Roof & BES											
Sandwich Forestdale School**											
Sandwich High School Roof											
Sandwich Hollows Golf Course Cart**											
Sandwich Oakridge School**											
Sandwich Police Station Canopy	240,176		\$ (0.1050)		\$ (25,218)	\$ 0.00500	\$ 1,201		\$ (24,018)	\$ (45,633)	104.0
* Lease only **Distribution Study											
ROUND 5											
Aquinnah Fire Canopy***	-	-			\$ -	-			-	-	
Aquinnah Town Hall/Police Roof***	-	-			\$ -	-			-	-	
Chatham Police Station Canopy***	-	-			\$ -	-			-	-	
Chatham Recreation Center***	-	-			\$ -	-			-	-	
Marion Capped Landfill**	-	-			\$ -	-			-	-	
Mashpee Coombs School Canopy**	-	-			\$ -	-			-	-	
Mashpee Coombs School Roof**	-	-			\$ -	-			-	-	
Mashpee High School Canopy**	-	-			\$ -	-			-	-	
Mashpee Quashnet School Canopy**	-	-			\$ -	-			-	-	
Mashpee Quashnet School Roof**	-	-			\$ -	-			-	-	
Nauset RSD Harwich Middle School Can	-	-			\$ -	-			-	-	
Sandwich Hollows Golf Course Cart Barr	-	-			\$ -	-			-	-	
Yarmouth Senior Center Roof	-	-			\$ -	-			-	-	
* Lease only **Distribution Study*** Under construction											
Subtotal	34,789,778	\$ 5,555,888			\$(2,494,711)		\$ (177,718)	\$ 594,024	\$ 3,477,483	\$(6,610,058)	15,166.3
3RD-PARTY SYSTEMS											
Future Generation Wind	2,115,392	\$ 2,856,389	\$ (0.115)	\$ 0.288	\$ (243,270)	\$ (0.005)	\$ (10,576.96)	\$ -	\$ 2,602,542	\$ (401,924)	915.0
Nexamp	4,381,716	\$ 802,193	\$ (0.120)	\$ 0.158	\$ (590,179)	\$ (0.010)	\$ (43,817)	\$ -	\$ 168,197	\$ (832,526)	1,896.0
Syncarpha	2,464,197	\$ 449,526	\$ (0.100)	\$ 0.182	\$ (246,420)	\$ (0.010)	\$ (24,642)	\$ -	\$ 178,464	\$ (468,197)	1,067.0
Subtotal	8,961,305				\$(1,079,869)		\$ (79,036)		\$ 2,949,203	\$(1,702,648)	3,878.0
TOTAL kWh for Fiscal FY 22	43,751,083	\$ 5,555,888			\$(3,574,580)		\$ (256,754)	\$ 594,024	\$ 6,426,686	\$(8,312,706)	19,044.30

Note: The amounts above reflect the kWh billed during FY 22 and do not necessarily coincide with the actual July 1- June 30 production. For production value, please visit:

[Production Data – CVEC | Electric Cooperative \(cvecinc.org\)](https://www.cvecinc.org/Production-Data)

For inquiries, please email office@cvecinc.org.

CVEC is a governmental entity and complies with the MA Public Records Law.



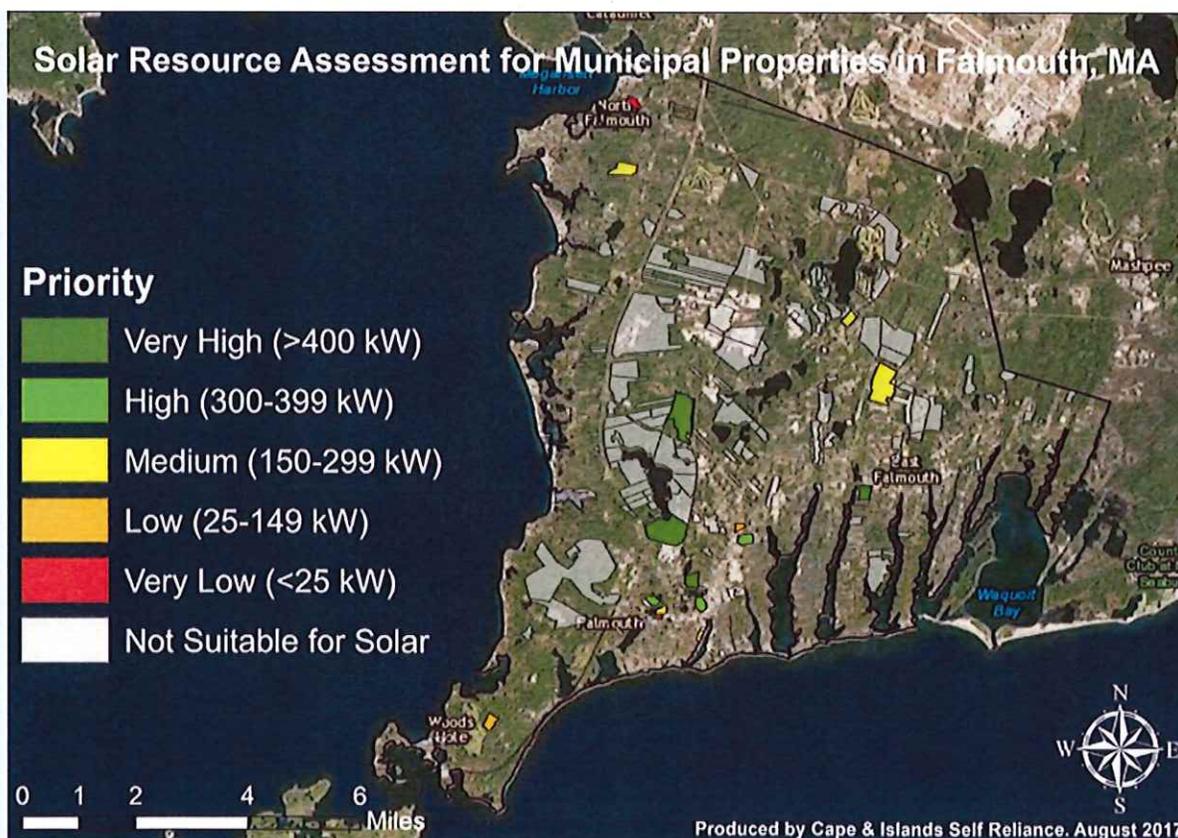
FIND US AT www.cvecinc.org



CVEC (c) 2022

Solar Resource Assessment

Municipal Properties in Falmouth, MA
Created by Self-Reliance Corporation
For the Falmouth Energy Committee
August, 2017



Estimated Solar Resource
(sq. ft.)

47,877

Estimated Potential
(kW)

499

Site Priority

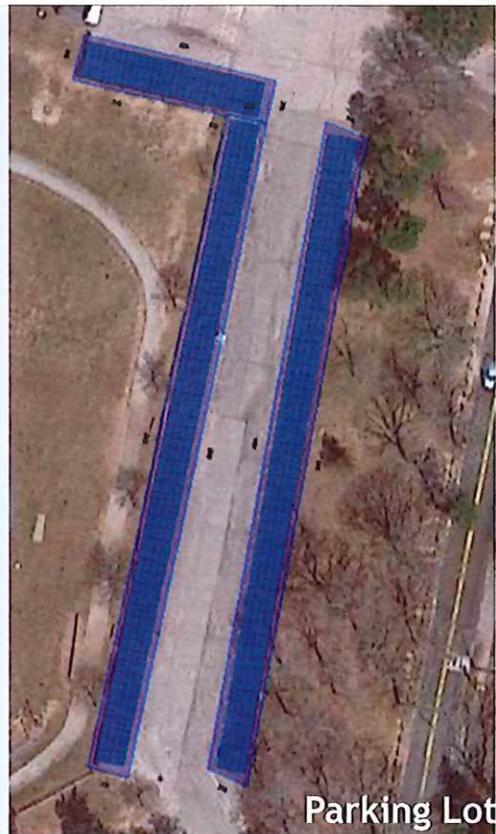
Very High



School



Parking Lot



Estimated Solar Resource
(sq. ft.)

119,730

Estimated Potential
(kW)

1,247

Site Priority

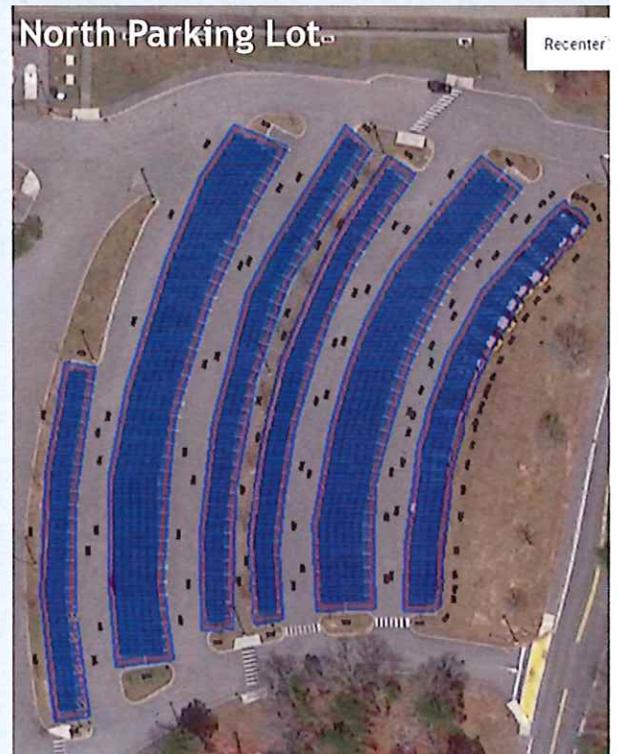
Very High



School



North Parking Lot



HelioScope

Lawrence Middle School
113 Lakeview Ave, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

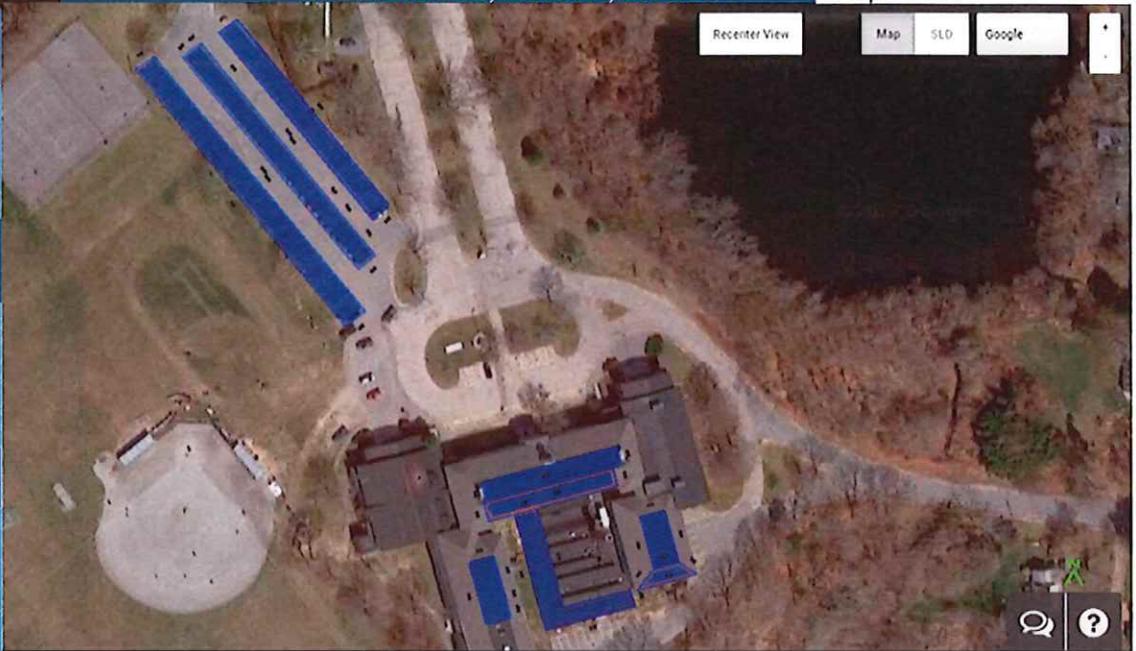
35,354

Estimated Potential
(kW)

368

Site Priority

High



School



Parking Lot

HelioScope

Morse Pond Middle School
323 Jones Rd, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

46,045

Estimated Potential
(kW)

480

Site Priority

Very High



HelioScope

Mullen-Hall Elementary School
130 Katharine Lee Bates Rd, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

22,419

Estimated Potential
(kW)

234

Site Priority

Medium



HelioScope

North Falmouth Elementary School
62 Old Main Rd, North Falmouth, MA 02556

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

28,735

Estimated Potential
(kW)

299

Site Priority

Medium



HelioScope

School Administration Building
340 Teaticket Hwy, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

10,534

Estimated Potential
(kW)

110

Site Priority

Low



HelioScope

Teaticket Elementary School
45 Maravista Ave Ext, Teaticket, MA 02536

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

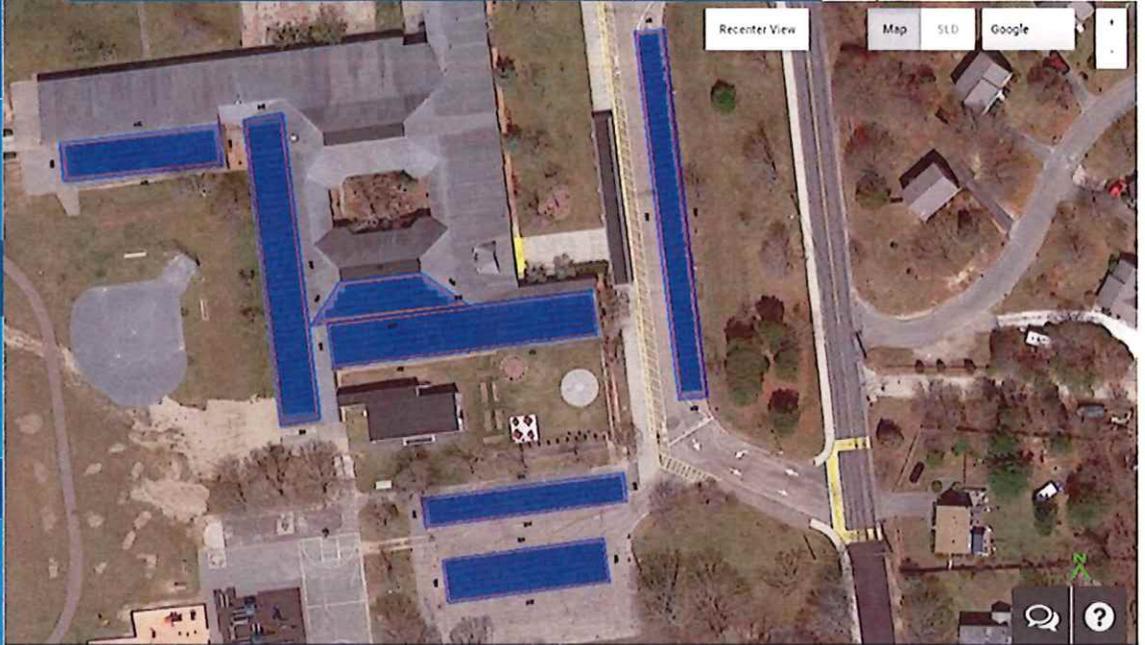
32,324

Estimated Potential
(kW)

337

Site Priority

High



HelioScope

Fire Department [Main St. HQ]
399 Main St, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

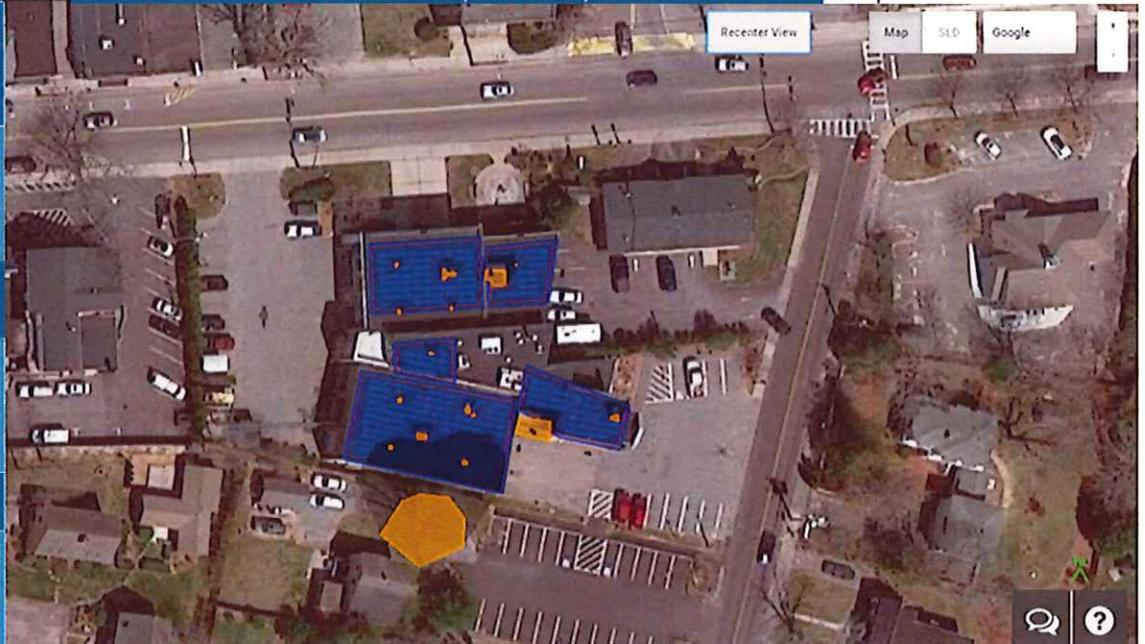
8,359

Estimated Potential
(kW)

89

Site Priority

Low



HelioScope

Fire Department [East Falmouth]
505 East Falmouth Highway, East Falmouth, MA 02536

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

5,417

Estimated Potential
(kW)

56

Site Priority

Low



HelioScope

Fire Department [North Falmouth]
204 Old Main Road, North Falmouth, MA 02556

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

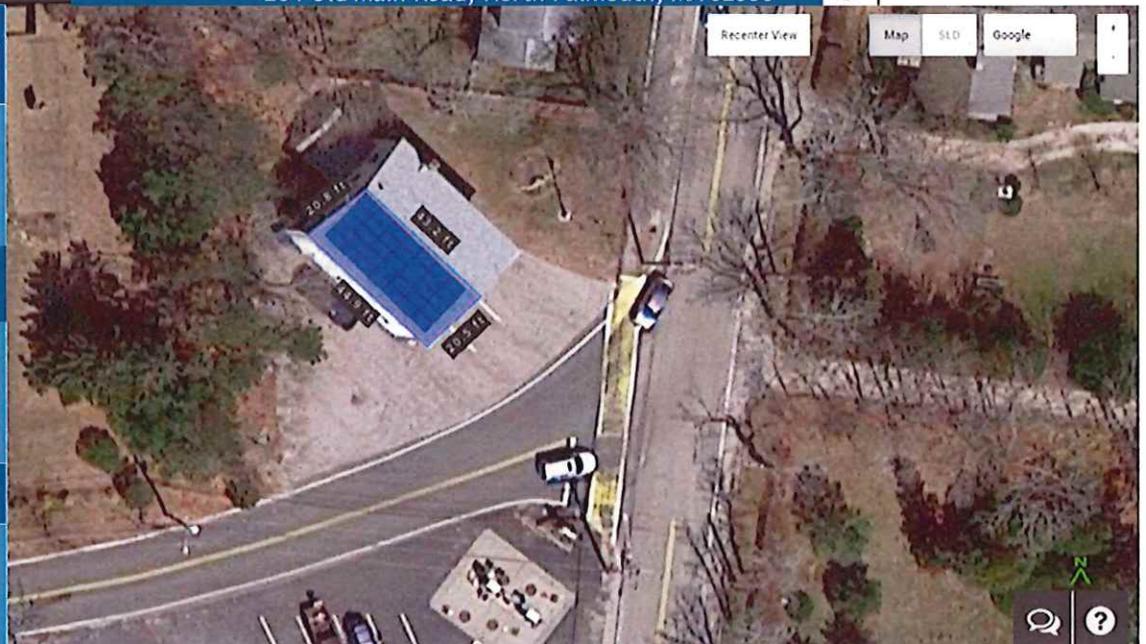
890

Estimated Potential
(kW)

9

Site Priority

Very Low



HelioScope

Fire Department [West Falmouth]
555 West Falmouth Highway, Falmouth MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

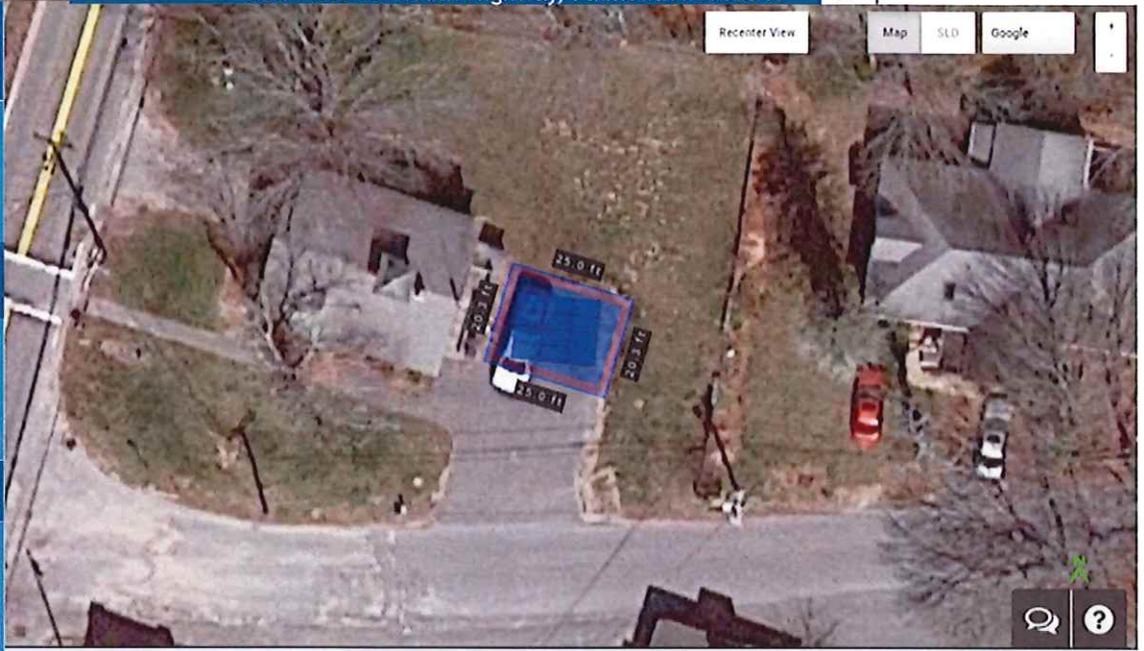
599

Estimated Potential
(kW)

5

Site Priority

Very Low



HelioScope

Fire Department [Woods Hole]
419 Woods Hole Rd, Woods Hole, MA 02543

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

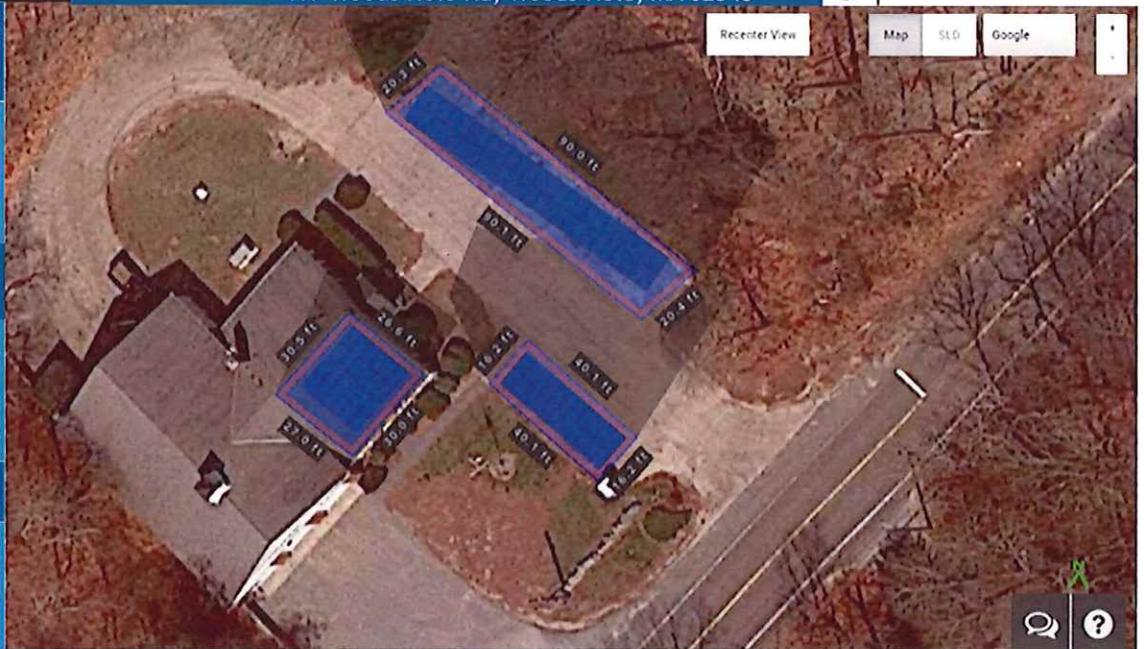
3,211

Estimated Potential
(kW)

33

Site Priority

Low



HelioScope

Falmouth Chamber of Commerce
20 Academy Ln, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

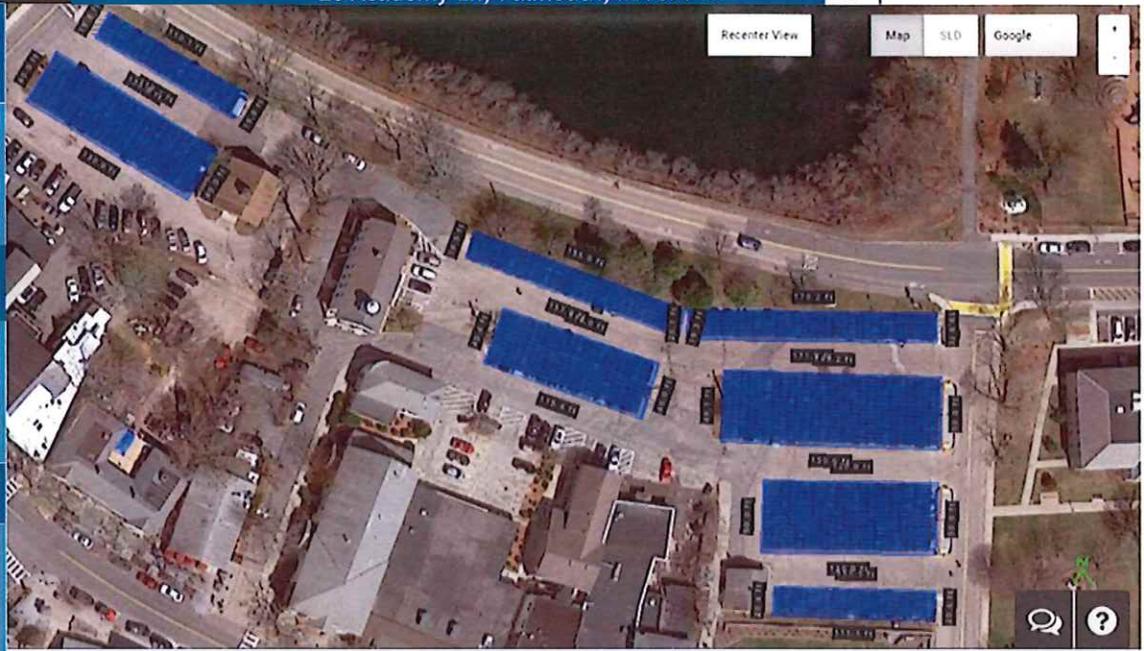
34,172

Estimated Potential
(kW)

356

Site Priority

High



HelioScope

Harbormaster Building
180 Scranton Ave, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

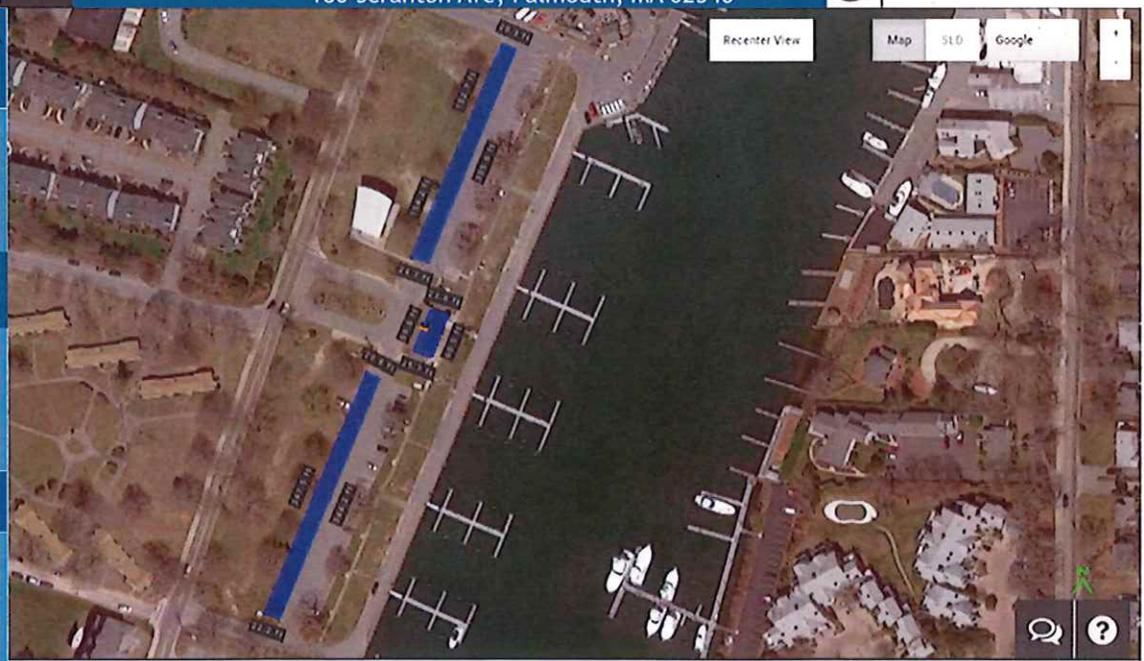
15,782

Estimated Potential
(kW)

164

Site Priority

Medium



HelioScope

DPW Building & Garage
416 Gifford Street, Falmouth MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

40,389

Estimated Potential
(kW)

421

Site Priority

Very High



HelioScope

Library [Main]
300 Main St, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

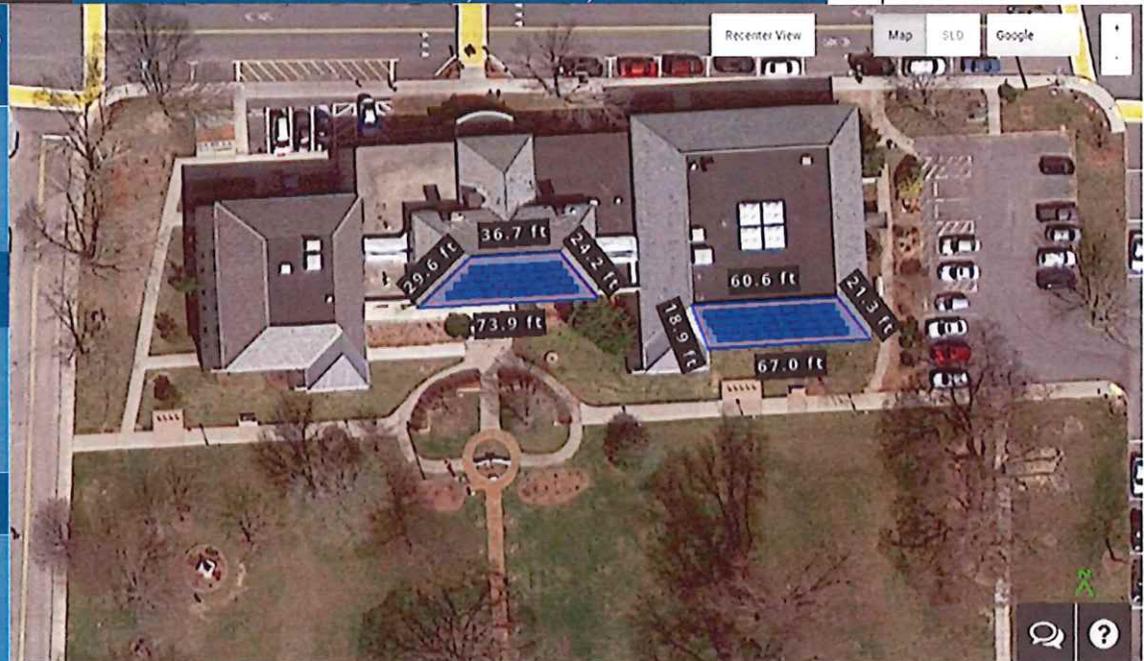
2,187

Estimated Potential
(kW)

23

Site Priority

Very Low



HelioScope

Library [East Falmouth]
310 E Falmouth Hwy, East Falmouth, MA 02536

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

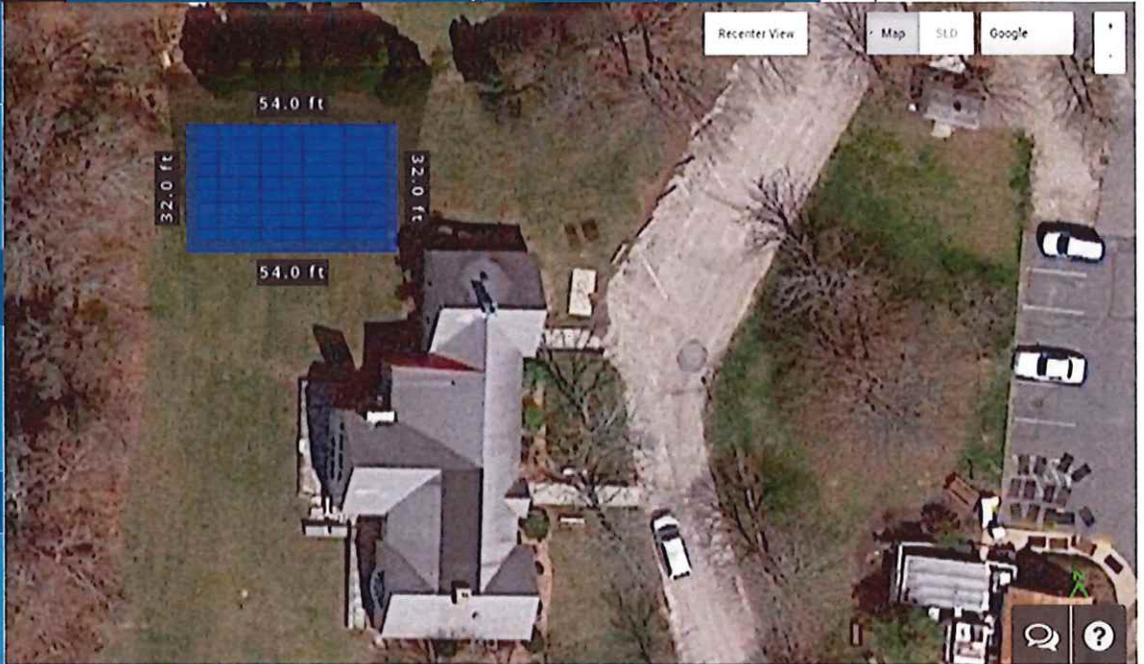
1,701

Estimated Potential
(kW)

18

Site Priority

Very Low



HelioScope

Library [North Falmouth]
6 Chester St, North Falmouth, MA 02556

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

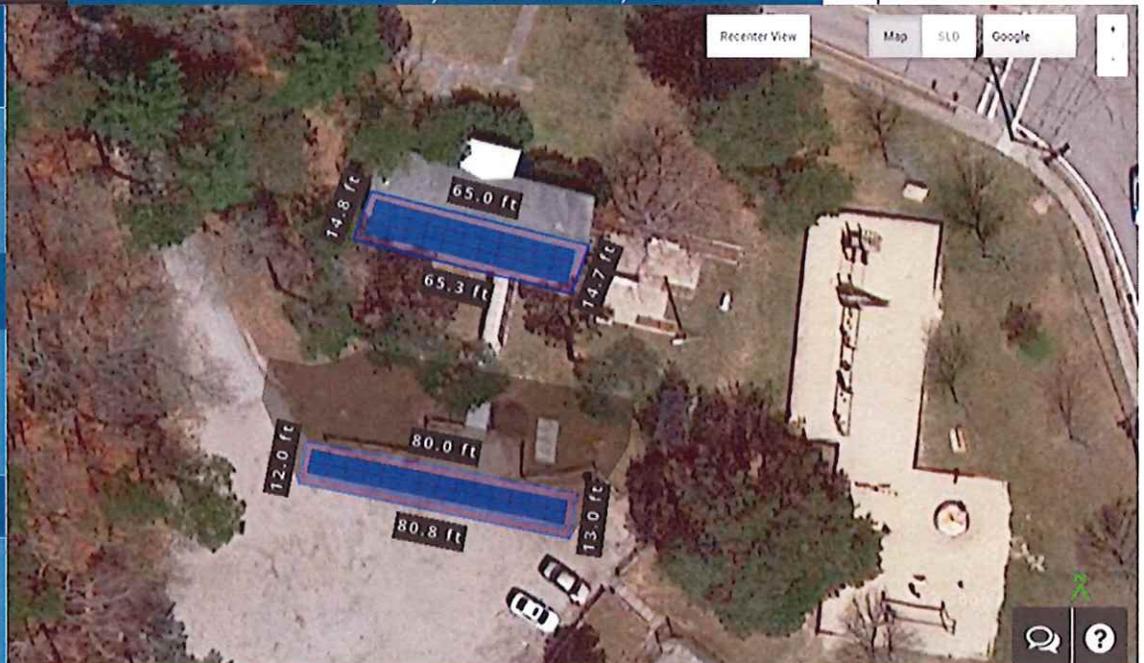
1,953

Estimated Potential
(kW)

20

Site Priority

Very Low



HelioScope

Recreation Center & Police Building
790 Main St, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

36,432

Estimated Potential
(kW)

380

Site Priority

High



HelioScope

Senior Center
300 Dillingham Ave, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

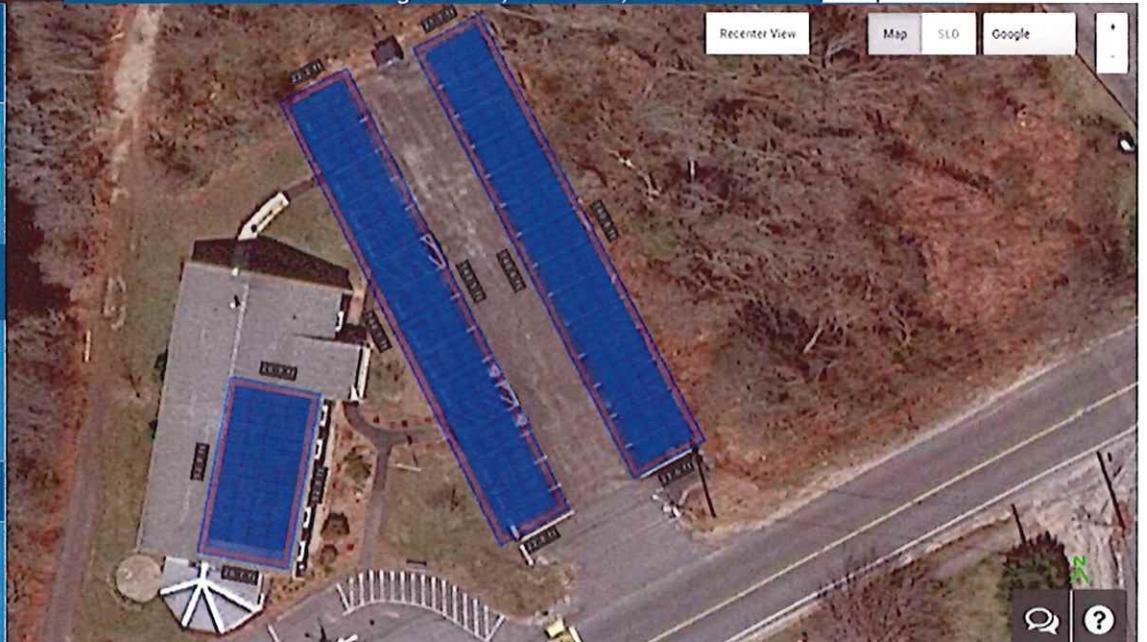
7,803

Estimated Potential
(kW)

81

Site Priority

Low



HelioScope

Town Hall
59 Town Hall Square, Falmouth, MA 02540

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

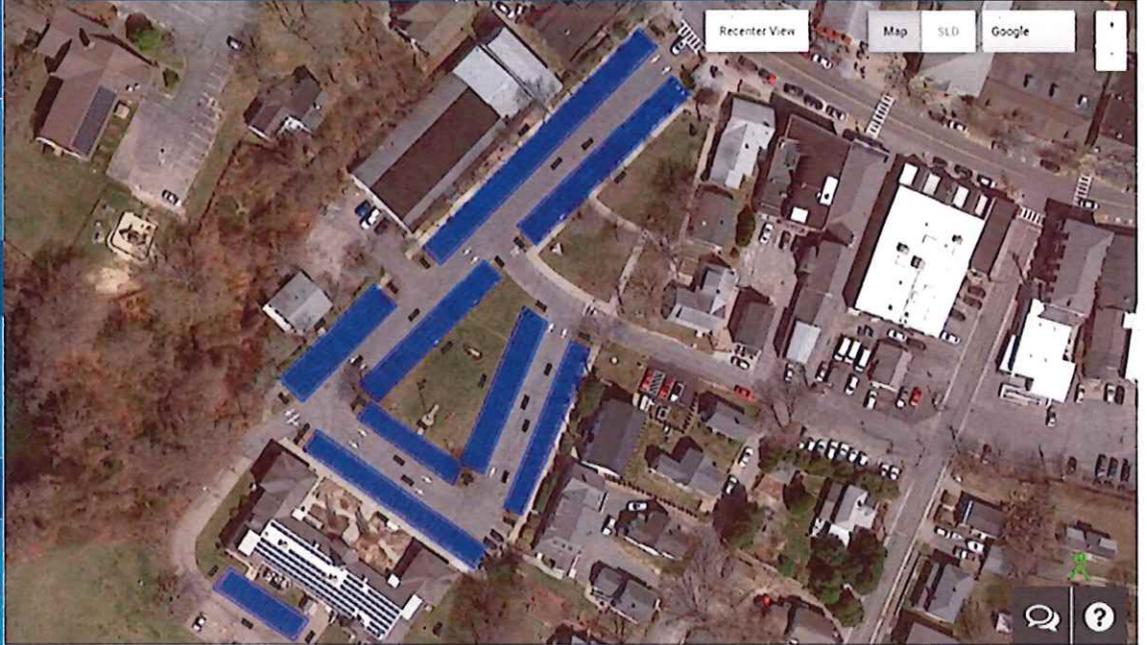
28,438

Estimated Potential
(kW)

296

Site Priority

High



HelioScope

Megansett Beach Parking Lot
298 County Rd, North Falmouth, MA 02556

SELF-RELIANCE

Estimated Solar Resource
(sq. ft.)

6,076

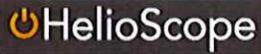
Estimated Potential
(kW)

63

Site Priority

Low





Jimmy Gahan Baseball Diamond
888 Sandwich Rd, East Falmouth, MA 02536



Estimated Solar Resource
(sq. ft.)

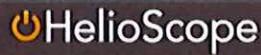
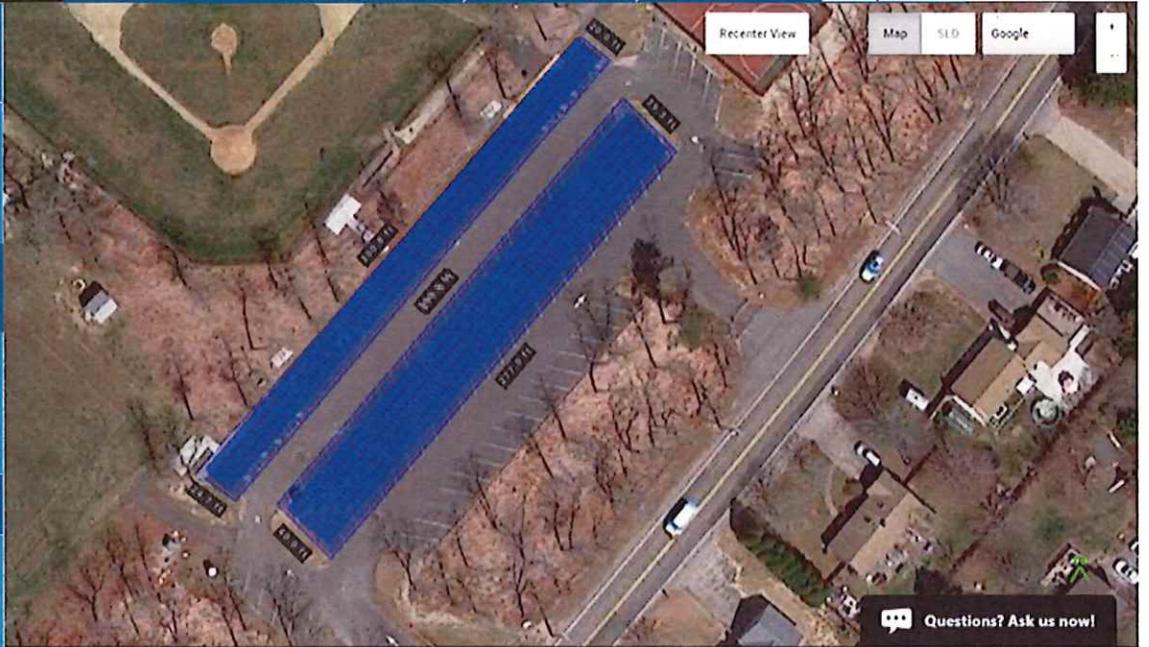
17,646

Estimated Potential
(kW)

184

Site Priority

Medium



Falmouth Country Club
630 Carriage Shop Rd, East Falmouth, MA 02536



Estimated Solar Resource
(sq. ft.)

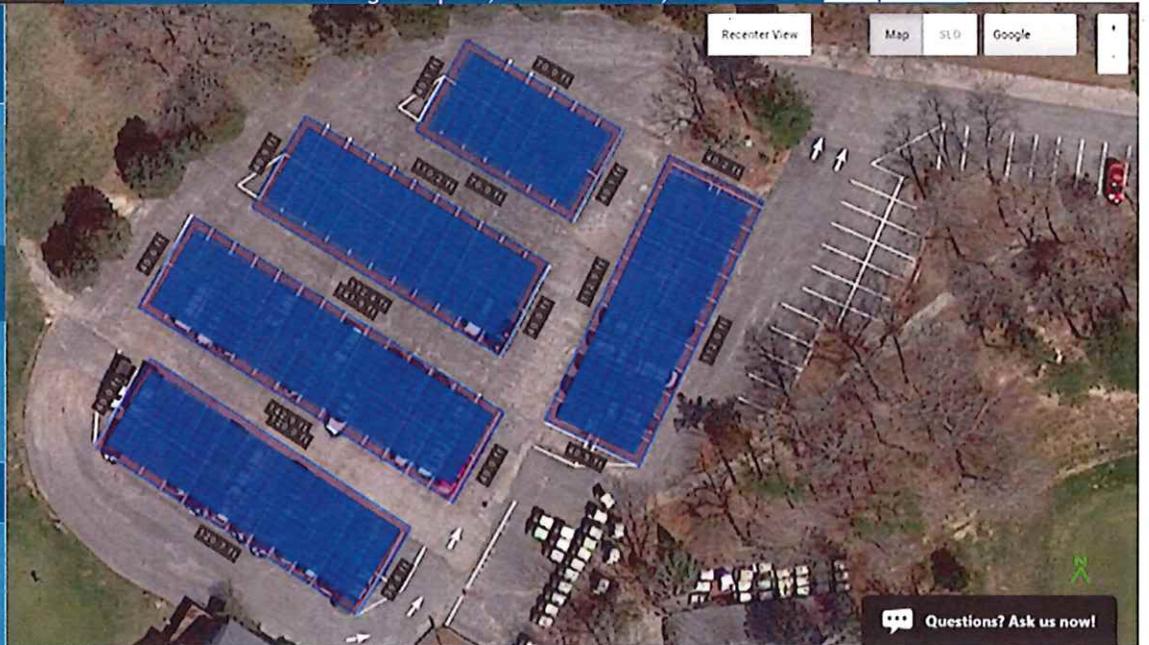
22,381

Estimated Potential
(kW)

233

Site Priority

Medium



Estimated Solar Resource
(sq. ft.)

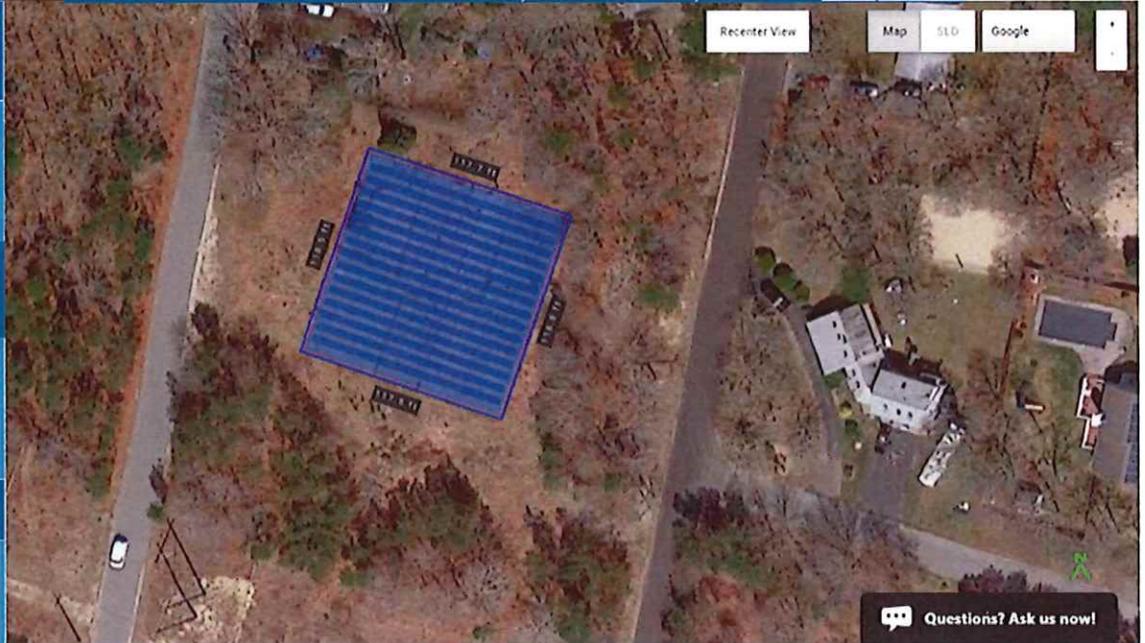
13,977

Estimated Potential
(kW)

146

Site Priority

Medium



Very High (>400 kW)

4

- Falmouth High School (1,247 kW)
- East Falmouth Elementary School (499 kW)
- Morse Pond Middle School (480 kW)
- DPW Building & Garage (421 kW)

High (300-399 kW)

4

- Recreation Center/Police Building (379 kW)
- Lawrence Middle School (368 kW)
- Falmouth Chamber of Commerce (356 kW)
- Teaticket Elementary School (337 kW)

Medium (150-299 kW)

6

- North Falmouth Elementary School (299 kW)
- Town Hall (296 kW)
- Mullen-Hall Elementary School (234 kW)
- Falmouth Country Club (233 kW)
- Jimmy Gahan Baseball Diamond (184 kW)
- Harbormaster Building (164 kW)

Low (25-149 kW)

7

- Old Basketball Court (146 kW)
- School Administration Building (110 kW)
- Fire Department [Main St. HQ] (89 kW)
- Senior Center (81 kW)
- Megansett Beach Parking Lot (63 kW)
- Fire Department [East Falmouth] (56 kW)
- Fire Department [Woods Hole] (33 kW)

Very Low (<25 kW)

5

- Library [Main] (23 kW)
- Library [North Falmouth] (20 kW)
- Library [East Falmouth] (18 kW)
- Fire Department [North Falmouth] (9 kW)
- Fire Department [West Falmouth] (5 kW)

Total

26 sites

6,151 kW Potential

Production Potential

$$\text{Total kW} \times 8,760 \times \text{Capacity Factor} = \text{Total Annual Generation}$$

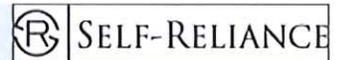
Where:

- Total kW = the total installed solar PV capacity (6,151 in this case)
- 8,760 = the number of hours in one year (used to calculate annual generation)
- Capacity Factor = the efficiency of the solar panels. This is usually around 10-25%. For this we'll use 15%
- Total Annual Generation = the total amount of electricity generated annually (in kWh)

$$6,151\text{kW} \times 8,760\text{hours/year} \times 0.15\text{capacity factor} = 8,082,414\text{kWh produced annually}$$

In 2016, the Town of Falmouth used 9,355,312 kWh of electricity

The Town of Falmouth could meet
86% of its electricity needs through
the development of solar PV.



Thank you!



OPEN SESSION

BUSINESS

2. Discussion of Dog Control Concerns at Town Beaches **(10 minutes)**

Diane Davidson

From: Gregg Fraser
Sent: Friday, January 27, 2023 8:49 AM
To: Diane Davidson
Cc: Peter Johnson-Staub
Subject: ACO Logs
Attachments: 20230127084123047.pdf

Hi Diane,

Attached are our internal log and the communications center print out regarding ACO calls from 11/1 to 1/23. The show one report of a complaint filed regarding dogs off leash on beaches during those times.

Thanks,
Gregg

-----Original Message-----

From: Falmouth Scans <scan@falmouthma.gov>
Sent: Friday, January 27, 2023 8:41 AM
To: Gregg Fraser <gregg.fraser@falmouthma.gov>
Subject: Scan from MES Savin 2500

This E-mail was sent from "MES-2500" (IM C2500).

Scan Date: 01.27.2023 08:41:22 (-0500)
Queries to: scan@falmouthma.gov

Scanned Image



Log

2022-11-01 - 2023-01-25

Type	Shared	Category	Location	Officer	Time	Notes
Call to Service Animal Control	No	Lose Dog(s)	Mr	Long, Mattie	2022-11-15 15:10 PM	Auto-assigned on SAVE LD 2022-1 asked Mr. Summers to put his dog on Summers if he lived on Black Beach, I claimed I was "harassing" him and sai
Call to Service Animal Control	No	Dog on Beach	Mr	Gow, Jessica	2022-11-16 16:05 PM	Auto-assigned on SAVE DOB 2022 observed no dogs within sight.
Call to Service Animal Control	No	Dog on Beach	Mr	Gow, Jessica	2022-11-22 09:35 AM	Auto-assigned on SAVE DOB 2022 stayed in the area until approximately
Call to Service Animal Control	No	Complaint Barking	Mr	Gow, Jessica	2022-12-03 12:28 PM	Auto-assigned on SAVE CBK 2022- observed no dogs outside and heard i
Call to Service Animal Control	No	Lose Dog(s)	Mr	Gow, Jessica	2022-12-30 14:05 PM	Auto-assigned on SAVE LD WNW" Australian Shepherds from 72 Golelet Drive I, ACO Gow, did not observe an
Call to Service Animal Control	No	Complaint Barking	Mr	Gow, Jessica	2022-12-30 14:13 PM	Auto-assigned on SAVE CBK CIT" 12/30/2022 ACO Gow, received a m on her cell phone and advised her the advised her that Antone would be rec
Call to Service Animal Control	No	Lose Dog(s)	Mr	Gow, Jessica	2023-01-03 10:20 AM	Auto-assigned on SAVE LD WNW" Day and we just had the golden retriev again; there were at least 2 of them in want to have to deal with this again ar
Call to Service Animal Control	No	Lose Dog(s)	Mr	Gow, Jessica	2023-01-11 12:36 PM	Auto-assigned on SAVE LD CIT" 1 EST > To: Falmouth Animal Control > We have done everything you have at ongoing issue for the past 6 months a
Call to Service Animal Control	No	Lose Dog(s)	Mr	Gow, Jessica	2023-01-17 14:05 PM	Auto-assigned on SAVE LD CIT" 1 Falmouth Animal Control Paul Hoagla you will see he lunges and barks at m of MA and town leash laws by the ovr
Call to Service Animal Control	No	Complaint Barking	Mr	Gow, Jessica	2023-01-20 14:37 PM	Auto-assigned on SAVE CBK CIT" message from Allen stating that there no answer. I left a voicemail advising t
Incident	No	Incident - Shellfish	△	Dockmates	2022-12-07 09:33 AM	17-110334-22 17 96 2022-12-07 Ryan, manager of cape cod oyster co grant via boat. While in rout to the gra in the area in question. I followed Fod
Incident	No	Incident - Natural Resources	△	Buckner, Collin	2022-11-22 10:07 AM	13-109074-22 13 97 2022-11-22 disposal area near the Falmouth Dog
Incident	No	Incident - Natural Resources	△	Buckner, Collin	2022-11-22 12:00 PM	15-109090-22 15 97 2022-11-22 gallons in total) of motor oil next to the
Incident	No	Incident - Natural Resources	△	Buckner, Collin	2023-01-19 15:07 PM	15-111798-23 15 97 2023-01-19 home to be able to see the ocean son 63c9a27ea3150.jpg;63c9a283f1f61.jp
Incident	No	Incident - Marina/Dockage	△	Cushman, Paula	2022-11-14 13:34 PM	15-107481-22 15 MAD 2022-09-2 Captain Eric Crampton sleeping on t dolphins located at the end of the lsh
Notes Alerts	No	Maintenance	♀	Dockmates	2022-11-15 13:59 PM	2 2022-08-09 199 MNT Stenciled w
Notes Alerts	No	Marina/Dockage	♀	Cushman, Paula	2022-11-04 09:54 AM	3 2022-11-02 199 MAD RI 2379 x In issue citation - gf Update, still in slip 1 explained how to go forward. Remove
Notes Alerts	No	Harbormaster	♀	Dockmates	2022-11-03 15:14 PM	2 2022-11-03 208 HBM Report of sa
Notes Alerts	No	Maintenance	♀	Dockmates	2022-11-03 15:10 PM	2 2022-11-03 0 MNT MES-2 returne
Notes Alerts	No	Maintenance	♀	Anglin, Chris	2022-11-07 13:03 PM	2022-11-07 0 MNT Water departm
Notes Alerts	No	Natural Resources	♀	Anglin, Chris	2022-11-07 13:05 PM	2022-11-07 0 NAT George Botelhc
Notes Alerts	No	Maintenance	♀	Dockmates	2022-11-08 15:46 PM	2022-11-08 0 MNT ACO office doc
Notes Alerts	No	Harbormaster	♀	Fraser, Gregg	2022-11-10 09:32 AM	2022-11-10 202 HBM Rec'd report
Notes Alerts	No	Maintenance	♀	Dockmates	2022-11-21 10:55 AM	2 2022-11-10 0 MNT Blowing out we splgot will be needed for Green Pond,
Notes Alerts	No	Maintenance	♀	Fraser, Gregg	2022-11-16 10:54 AM	2022-11-16 198 MNT report float c
Notes Alerts	No	Miscellaneous	♀	Dockmates	2022-11-21 12:42 PM	2 2022-11-21 0 MSC Green pond, E
Notes Alerts	No	Harbormaster	♀	Fraser, Gregg	2022-12-02 08:31 AM	2 2022-11-29 203 HBM An abandon Rapoza 9/21/40 Box 916, E Falmouth
Notes Alerts	No	Harbormaster	♀	Anglin, Chris	2022-12-01 13:33 PM	2022-12-01 0 HBM 104 pulled anc
Notes Alerts	No	Natural Resources	♀	Fraser, Gregg	2022-12-05 10:54 AM	2022-12-05 0 NAT Rec'd report of aggressive animals it could result in t
Notes Alerts	No	Natural Resources	♀	Fraser, Gregg	2022-12-05 11:38 AM	2022-12-05 0 NAT Dispatch report
Notes Alerts	No	Harbormaster	♀	Anglin, Chris	2022-12-22 13:00 PM	2022-12-22 199 HBM 106 pulled e
Notes Alerts	No	Natural Resources	♀	Dockmates	2022-12-24 11:14 AM	2 2022-12-24 0 NAT worked with Bri

Type	Shared	Category	Priority	Assigned By	Date	Logged	Version	Data
Notes Alerts	No	Maintenance	Q1	Dockmales	2022-12-29 11:03 AM		2	2022-12-28 199 MNT Tides missir
Notes Alerts	No	Miscellaneous	Q1	Dockmales	2022-12-30 12:56 PM			2022-12-30 199 MSC Keith Engsl 63af21f05bc6f.jpg;63af21f42c690.jpg;
Notes Alerts	No	Harbormaster	Q1	Cushman, Paula	2023-01-03 11:25 AM			2023-01-03 201 HBM MS40489BI
Notes Alerts	No	Harbormaster	Q1	Cushman, Paula	2023-01-03 15:10 PM			2023-01-03 199 HBM James Bren
Notes Alerts	No	Natural Resources	Q1	Anglin, Chris	2023-01-09 14:32 PM			2023-01-09 0 NAT Boards pulled c
Notes Alerts	No	Natural Resources	Q1	Anglin, Chris	2023-01-09 14:33 PM			2023-01-09 0 NAT Unable to local
Notes Alerts	No	Maintenance	Q1	Dockmales	2023-01-09 15:51 PM			2023-01-09 0 MNT F-350 new tire
Notes Alerts	No	Maintenance	Q1	Dockmales	2023-01-17 12:07 PM			2023-01-17 0 MNT ACO Transit v
Notes Alerts	No	Maintenance	Q1	Fraser, Gregg	2023-01-25 08:38 AM			2023-01-25 198 MNT Check LHW
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Joseph, M	2022-11-03 12:36 PM		5	23191 Cushman, Paula Would it be you need. Also, I was trying to setup a payment is set to trigger additional 75
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Joseph, M	2023-01-02 13:15 PM		3	23191 Cushman, Paula Could you LIST where pid = 46 and fid=116;
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2022-12-29 14:37 PM			23191 Cushman, Paula I have tried \$2.50/lu201d of \$50.00? Even when active, and the vessel length had char
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2022-12-29 14:38 PM			23191 Cushman, Paula I seeing mc charges. The example below was the and 2023740573 LR L 23191 9
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2022-12-30 15:50 PM		2	23191 Cushman, Paula Could you 23191 9 Cushman, Paula Hi, Wo Too Long The requested URL's length
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2022-12-30 14:25 PM			Private Mooring, then filtering the ema http://mooringinfo.com/uploads/Famoi
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2023-01-04 13:01 PM		3	21117 Fraser, Gregg Wall list requ have to try to find them to ensure we c
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2023-01-10 12:49 PM		2	23191 Cushman, Paula Hi, Daniel 40005 LR L 23191 9 We've rem
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2023-01-04 14:55 PM			23191 Cushman, Paula Hi, Both ac these accounts and then reinstate the
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2023-01-09 17:27 PM			23191 Cushman, Paula Hi, Could y
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Liz	2023-01-10 12:47 PM		2	23191 Cushman, Paula Hi, Could y
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Joseph, M	2023-01-13 11:48 AM		2	23191 Cushman, Paula lu2019m m to our new processor Square. Instead have moved to Square where we hav
(Technical Support) : MooringInfo	No	Closed	Q1	Romanowski, Joseph, M	2023-01-20 14:12 PM			23191 9 Cushman, Paula Hi, Both these accounts and then reinstate the

Call Reason Breakdown

<u>Call Reason</u>	<u>Self</u>	<u>Disp</u>	<u>Total</u>	<u>%</u>	<u>Avg. Arrive</u>	<u>Avg. Time @ Scene</u>
ANIMAL COMPLAINT	0	93	93	100	8.03	8.77
TOTAL	0	93	93	100	8.03	8.77

NOV 1 - JAN 17

93 ACO CALLS

0 Dogs off leash @ Beaches

Diane Davidson

From: [REDACTED]
Sent: Thursday, January 26, 2023 2:50 PM
To: Falmouth Selectboard; Falmouth Town Manager
Subject: Fwd: Regarding Chapoquoit Beach

I am forwarding this email which I wrote almost two years ago and to which I received the following reply at that time, as you attempt to address the situation of the dog park at Chapoquoit Beach. Note it was written in April, 2021. It is now nearly two years later and as you plan a public meeting agenda item to discuss this concern, two years later, you must understand the frustration felt by those who have done as requested.....by writing repeated letters and emails, shared photos and made phone calls to all sorts of various departments in town where we were directed. Absolutely nothing has changed. It is not our responsibility, as town residents, to be expected to continue to repeatedly cover the same ground and to be present at a public meeting two whole years later, to become subject to retribution and abuse on social media, by those who want Chapoquoit Beach to remain a dog park, when it is the town's responsibility to find a solution to address this problem. Please just find a way to enforce the regulations we have in place as we, as citizens, deserve. Regarding Mr. Johnson-Staub's reply almost two years ago, I would like to know if there is a log kept of fines and warnings issued over the past two years. If warnings are issued, how are they followed up with repeat offenders, who at some point need to be fined? This year I have been told that the part time dog officer made an attempt to issue verbal warnings on a few occasions and was responded to in a belligerent and threatening manner by some dog owners who simply ignored her. This staff position needs to be supported if we hope to have an animal control officer who can be effective.

Respectfully,
[REDACTED]

Sent from my iPad

Begin forwarded message:

From: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Date: April 15, 2021 at 4:53:22 PM EDT
To: [REDACTED]
Cc: Falmouth Town Manager <townmanager@falmouthma.gov>, Gregg Fraser <gregg.fraser@falmouthma.gov>, Maggie Clayton <maggie.clayton@falmouthma.gov>
Subject: RE: Regarding Chapoquoit Beach

Dear [REDACTED],

Thank you for writing us to express your concerns about dogs at Chapoquoit Beach. MES Director Gregg Fraser reports that there were 4 written warning issued for dogs on the beaches last season and a larger number of issues were handled by the seasonal Assistant Animal Control Officer (ACO) with verbal warnings, particularly at Chapoquoit Beach. The Assistant ACO shift typically begins at 3:00pm and a priority other than dispatch calls was to visit the beaches regularly around the time the Lifeguards get off duty. The practice has been to issue verbal warnings or written warnings for first offenses. By copy on this message, I am asking the Acting Beach Superintendent and Mr. Fraser to consider whether additional signage might be considered as an added deterrent.

Respectfully,
Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

www.falmouthma.gov - The Town of Falmouth website has a new look and a new address!

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

-----Original Message-----

From: [REDACTED]
Sent: Thursday, April 15, 2021 4:26 PM
To: Falmouth Town Manager <townmanager@falmouthma.gov>
Subject: Regarding Chapoquoit Beach

I am writing because I have brought up these concerns in person and via phone calls for the past several years, to no avail. I am writing to ask that there be clearly established and publicized regulations for dogs at our public beaches and that they be ENFORCED. In nice weather, Chapoquoit Beach has become the social gathering place for people who want to socialize without the burden of walking their dogs on leash for exercise. These groups can range from a few people on a cold, wintry day, to 20-30 people gathered on a nice sunny day. Some of these people bring more than one dog. There is a man who has begun to come possibly with other relatives, lately, and they have been arriving together and have 7 dogs. They bring them in little carrying cages and turn them loose, no attempt to leash them, as soon as they set the cages on the beach. They seem to enjoy all the attention garnered to their "cute little dogs". This is in blatant violation to stated beach regulations and in the past there has been a sign, just as you step onto the beach, clearly stating that all dogs are to be leashed and that dogs are NOT permitted on the beach between certain dates.

Last year, with covid, the beaches were unusually busy, the parking lots were full and distancing was difficult enough without having dog owners arrive as soon as the lifeguards left in the afternoon. Fortunately, some of these owners do cease to come and turn their dogs loose once they are prohibited, but others completely ignore the regulations and know when the beach crew leaves and arrive after that time. I generally like to go to the beach early in the morning and in the late afternoon to avoid the midday sun for health reasons. It's extremely frustrating to see people throughout May and June, until the beaches are staffed, using Chapoquoit beach as a dog toilet to exercise their dogs for them. There are now plastic bags containing the dog poop which they feel compelled to pick up sometimes if someone is watching and then discard as soon as no one is looking. These appear on the side streets all over town now and the beaches are no exception. Sadly, though this does not apply to all dog owners, of which I've been one for many years, it does represent enough to make the practice disgusting and environmentally unconscious!

This past week, there was a large photo in the Enterprise of two large dogs romping on Chapoquoit Beach with a happy caption about these dogs playing on the beach. There were no

owners nearby , only the group of people waking in the distance and elderly people or people recovering from injuries should not have to be reluctant to walk on the public beaches for fear of getting careened into by large, loose dogs romping in groups. What should be appearing on town social media and in the printed news at this time in the spring should instead be articles , more than once, reminding people that we do have dog rules, that they should expect them to be enforced and stating the fines and the dates and times the rules are in effect. Finally, they then need to be enforced, which leads to my essential question. Who, when and how are these regulations to be enforced? When I have brought these concerns to your office, or to selectmen in years past, I see absolutely no change in behavior , no attempt at enforcement and complete reliance on the notion, by these dog owners, that the rules are never enforced. This is making a group of people who gather and socialize at Chapoquoit Beach emboldened and I feel quite certain that if the \$ 50 fine , which used to be posted until just recently when it seems the sign has disappeared, were levied for instance of violation 3 days in a row, word would travel quite quickly that the rules are , in fact, being enforced . Instead, in addition to the picture of romping dogs on Chapoquoit Beach, someone newly arrived from NY wrote an inquiry on the Fabulous Falmouth page stating they had just bought a house on Rt. 28 in W. Falmouth and would like suggestions of where there were good hiking trails or places to walk their dog. There were a number of replies from friendly Falmouth residents suggesting Beebe Woods, the bike path, and last but definitely NOT least, Chapoquoit Beach, where it was stated that many people go to walk their dogs and let them loose and that no one minds if the dogs are off leash most of these places if the dogs were under control. Well, as you can see, clearly, from the Enterprise photo, these dogs were hardly “under control” ...All of us know that once two dogs are together playing, control is non-existent. AS you can tell from the well-meaning replies, as I stated early, one man arrives at Chapoquoit with 7 dogs. To a new resident from NYC making an inquiry, the perception is that Chapoquoit Beach is there for the dog owners and there will be no enforcement of regulations there.

I have lived in Falmouth for over 50 years and last year, esp. in a covid year, I was looking forward to the beach close to my house being one place to perhaps meet friends and enjoy some outdoor social time. The year before my friend and I sat there in our chairs on more than one occasion when dogs (after 4:00 in summer or before the beaches started being manned in July) arrived with owners and proceeded to defecate right nearby. We both found it disgusting after it had happened on more than one occasion. We both marveled that there was a clearly posted sign, that social dog walkers purposely walked past and just stood and chatted with their backs to their dogs, pretending not to see what had just happened.

As I mentioned, but want to emphasize, there are many conscious dog owners who regularly pick up after their dogs, would never think of leaving dog poop encased in plastic on the beach or street and do not take their dogs to the beach during prohibited times of the year. . They are as offended by these egregious abuses as anyone is because they fear the blatant abuse will necessitate stronger and longer regulations for all dogs. So far, that has NOT been the case, thus emboldening the abusers. We have a beach committee, an environmental officer, a police department and a town manager and a board of selectmen. Where does the enforcement responsibility lie? Quite honestly, I’m tired of feeling like I need to keep taking MY TIME to keep bringing up this issue because it is being just ignored....look the other way and pretend it doesn’t exist because it seems like a difficult problem to solve is the feeling I’m getting. . As I said, someone there, levying the \$50 posted fine 3 nice, warm , sunny days around 4:00 would assure that the word would spread that the beach regulations regarding dogs is going to be enforced

I would like to see the sign replaced if it has been removed by someone, I would like to see

someone appear to enforce these regulations at random times and would like to be able to enjoy the beach nearby after hours in the summer without it feeling like a dog toilet. . As you could easily tell from the number of respondents to the person from NY who had recently moved here, Chapoquoit Beach is the unstated, but understood place to take your dog for exercise and socialization. There was no mention in the replies that the beaches are off limits to dogs between certain months of the year. If the Enterprise can publish a large photo of large dogs romping on Chapoquoit Beach, it would seem as a first step and basic too of addressing this problem, that the town could get the Enterprise and perhaps other local outlets to publish a reminder , just as boldly , that we have a leash law and also have restricted dates during which dogs are not allowed on the beaches. PERIOD. Other towns have these laws, Sandwich has beach dog laws and the people I know there who have dogs simply don't take their dogs to the beach in the summer. Clearly, the messaging has been more effective in some towns.

I would appreciate a response to learn what is being done and by whom to address these continued , summer after summer, egregious abuses. I purchased a beach sticke last summer and did not use it once. I will not be purchasing one this year until the beaches are serving the residents of this town as they should be. OUt of towners should KNOW that we have rules in place and certainly would not know from the patterns they see as they pull into the parking lot, especially at Chapoquoit.....and don't even start on Black Beach.

Thank you for your attention to my concern . This had been an ongoing issue and I would appreciate a reply.

[REDACTED]

Diane Davidson

From: [REDACTED] on behalf of [REDACTED]
Sent: Thursday, October 20, 2022 6:31 PM
To: Falmouth Selectboard
Subject: Chapoquoit Beach is the new Dog Park - it's unsafe for citizens and a health hazard

[Download full resolution images](#)
[Available until Nov 19, 2022](#)

It is a shame that I have to continue to write these emails and encourage the town to step up to a very serious matter - in the off season (and in the summer season after the lifeguards leave) Chapoquoit Beach has become the dog park in Falmouth. People are on the beach every day, with packs of dogs off leash. They get out of their car with no leash and let them run. They join up with other dogs while the owners chat and ignore the dogs while they run rampant across the dunes, defecate on the beach and accost little dogs on leashes as well as humans just trying to enjoy a walk on the beach.

Yesterday - AGAIN - I was simply trying to take a walk on the beach at 9:30 AM on a Wednesday and I was attacked by two large dogs when their owners were casually walking toward (only one had a leash in her hand) and the off leash dogs were running at me and then jumped up toward my face and all over me repeatedly while the owners did NOTHING. The more agitated I got in trying to protect myself, the more aggressive the dogs got. There was no where for me to go to avoid these untrained, unleashed dogs while the owners did NOTHING. I then had a serious anxiety attack which I have never had before and still have the fear and upset as a result. The owners could have cared less and went on their way.

Due to this incident and the many other times I have had dogs jump on me from the front, from behind when I didn't even know they were there, tear my clothes, leave dog spray and sand all over me, I now have an incredible fear of dogs that I NEVER had before.

I'm told to call the Dog Officer when this happens. First of all they aren't there to answer a phone and by the time anyone would arrive the violators are gone. I went to the police station to file a complaint and was told don't bother because it's not in the moment, there is nothing they can do.

This is NOT the solution. The issue is that there is no supervision of the beach that has become the place that everyone goes to let their dogs run free. There is a sign in the parking lot that says \$300 fine for unleashed dogs. Who is enforcing this? No one. I have never seen any dog officer ever on Chappy or Black Beach.

The email below says "Chappy Beach is monitored quite frequently, however we can certainly increase our patrols of that area". I sent that email in January of 2022. I have NEVER seen any presence of any "patrols". I would like to see a report of who did "patrol" and what they reported.

I am now changing my life and my plans and AFRAID to be able to do something as simple as walk on the beach. I just wrote another big check for my property taxes but cannot enjoy my home or neighboring beach which is the reason we bought our home here. As tax paying residents we should not feel we can't use our beach because no one is enforcing the laws. And I am certainly not the only one.

I am asking the SelectBoard to get involved and take this seriously and hold people accountable. Cc'ing the Dog Control and others in the town on emails has done nothing in the past. See below.

Run a public service announcement in the enterprise and on social media saying that these are the rules for dogs in the off season and we will be enforcing them.

Have the dog officer show up on nice weekend days and after 4 PM at sunset and give out some tickets to those who don't comply. Word will get out pretty quickly.

Do spot checks and drive bys and cite people who are off leash.

Send a dog officer to Black Beach which is where the worst offenses are because even if they pretend to keep their dog on leash at Chappy, once they cross the first jetty they are totally off leash and that is where the dogs get most aggressive. I manage security in our neighborhood and can get anyone who needs it access to parking at the end of the road.

Something has to change now. I am not the only one who feels this way, maybe just one of the few who are willing to speak up. It is only a matter of time before someone is seriously hurt or maimed by an unruly unleashed dog - or yet, a pack of dogs. Small children, elderly people should be able to enjoy and walk the beach in peace. It is Chapoquoit Beach, not the dog park.



By the way I left a lengthy voicemail for the dog officer yesterday and have heard nothing back.

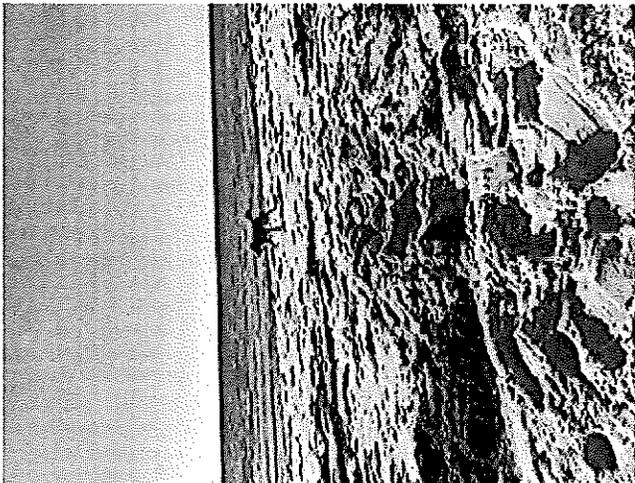
Begin forwarded message:

From: [Redacted]
Date: October 19, 2022 at 6:22:52 PM EDT
To: [Redacted]

[Click to Download](#)

IMG_1959.MOV
25 MB

Sent from my iPhone





Begin forwarded message:

From: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>

Subject: RE: Chapoquoit Beach

Date: January 11, 2022 at 2:09:22 PM EST

To: Jenna Silva <jenna.silva@falmouthma.gov>, [REDACTED]

Cc: Gregg Fraser <gregg.fraser@falmouthma.gov>, Doug Brown <doug.brown@falmouthma.gov>, Julian Suso <julian.suso@falmouthma.gov>, Jessica Gow <jessica.gow@falmouthma.gov>

Hi Jenna,

Point taken, I sent the attached to the individual who contacted the Select Board with her concern.

Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

www.falmouthma.gov

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

From: Jenna Silva <jenna.silva@falmouthma.gov>

Sent: Tuesday, January 11, 2022 1:26 PM

To: [REDACTED]

Cc: Gregg Fraser <gregg.fraser@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Doug Brown <doug.brown@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Jessica Gow <jessica.gow@falmouthma.gov>

Subject: Chapoquoit Beach

Good afternoon,

Thank you for bringing this matter to our attention. **Chapoquoit Beach is monitored frequently, however, we can certainly increase our patrols of that area.**

In the future, please also call our office to report any issues so that we can address the problem **at the time that it is occurring, rather than afterwards.**

The Animal Control office number is 508-457-2550 ext. 3

If this issue is happening outside of our normal office hours, please report it to the Falmouth Police Department, and we will follow up with them.

Jenna Silva

Animal Control Officer

Ph. (508) 457-2550 ext. 3

On Jan 10, 2022, at 4:46 PM, [REDACTED] wrote:

To the Select Board:

I am writing to express my concern about Chappy and Black Beach being consistently overrun by dogs off leash. All day, every day. I (used to) enjoy walking on the beach and do not like strange dogs accosting me, slobbering on my clothes and jumping all over me. I have had my clothes snagged and torn, covered in drool and dog hair and recently a dog that ran at me several times jumping all over me while the owner did nothing except say "it's a puppy" with a sneer, like that's OK. It was an untrained dog off leash. Once I turned away to walk on it then ran up behind me and jumped on my back causing me to stumble and almost fall. Again, the owner did nothing.

When I see dogs coming toward me off leash I now walk as far up toward the dunes as I can but then they spot me and come running at me, and often the owners are standing around talking to others and are not paying attention.

Recently, I was coming from Black Beach toward Chappy behind the houses on Drift Road and a woman had a large dog off leash and it spotted me and came running hard at me. I was scared and waving at her to make it stop so she finally called her dog back just before it got to me and put it on a leash. When she passed me she snidely said "You're welcome". I said "Excuse me?". She thought I should thank her for doing what she is supposed to be doing which is leash her dog. I told her I am tired of unleashed dogs scaring me and jumping on me and that there is a leash law and she said "everyone takes their dog off leash here - where else are we supposed to go?". I said just because everyone does it doesn't make it right or legal and where do you take your dog the other 6 months when they aren't allowed here. I said I just want to walk

peacefully on the beach and am tired of dogs off leash accosting me and she said "then why do you come here?". I said because this is NOT a dog park, I have a home in this neighborhood and I have every right to walk on the beach and not be harassed". As I then went to leave I noticed that she'd left a bag of dog poop down the beach and asked if it was hers. She said "yes, I left it there because I was so busy leashing my dog for you". Like she did me a favor. She didn't pick it up and just walked on.

This has gotten out of control. I seriously get anxious now thinking about walking on the beach. People pull up in their cars and don't even leash the dogs in the parking lot and they are tearing up and down the beach and in the dunes where they should not be. And sometimes the dogs run in packs which is even scarier when they come at you.

I would like to suggest that the dog officer start to come out, especially on nicer days and monitor the beach especially toward Black Beach and start handing out \$50 tickets to those who have dogs off leash. I am sure I am not the only person who has now become afraid of dogs who are unleashed, people bring little children to the beach and elderly people walk as well.

Chappy has now become the new dog park in the off season - it's not fair for the rules to not be reinforced.

[REDACTED]

[REDACTED]

[REDACTED]

[Click to Download](#)

Mail Attachment.eml

25 KB

OPEN SESSION

BUSINESS

3. **Vote Override for Fire Department Wages and Expenses and Fire Department Stabilization Fund (15 minutes)**

Recommended Motion:

I move that the Select Board place an operating override on the May 16, 2023 election ballot which reads as follows:

Shall the Town of Falmouth be allowed to assess an additional \$600,000 in real estate and personal property taxes for the purpose of hiring fourteen (14) additional firefighters and an additional (\$900,000 or \$350,000) to be deposited into the Stabilization Fund for Fire Department wages and expenses for the fiscal year beginning July 1, 2023?

FIRE DEPARTMENT STAFFING OVERRIDE:

SELECT BOARD – JANUARY 23, 2023

**FIRE DEPARTMENT STAFFING NEEDS:
PERSONNEL AT START OF SHIFT**

	5 Stations – Minimum Required	6 Stations – With Hatchville - Minimum Required	6 Stations - Preferred
Headquarters Station	6	6	6
Woods Hole Station	2	2	2
North Falmouth Station	2	2	2
West Falmouth Station	2	2	2
East Falmouth Station	4	4	4
New Hatchville Station	NA	2	4
TOTAL	16	18	20

FIRE STAFFING NEEDS

- 14 additional positions will result in improved fire and emergency medical services whether operating 5 or 6 stations.
- Department could function without these positions under a 5 station model.
- 14 additional Fire Department positions become a necessity if we are to staff 6 stations in a consistent, sustainable manner.

COST OF 14 FF/EMT

	FY24
Salary	61,589
Pension Assessment	16,215
Holiday Pay	3,850
Educational Incentive - Associates	1,000
Health Insurance Family Plan	21,348
Uniform	850
Other (Medicare, Insurance)	1,602
Subtotal Recurring Costs/FF:	106,454
TOTAL Cost @ 14 FFs	1,490,357

- **Recurring annual costs included**
- **One-time training and equipment cost excluded**
- **Staffing plan includes creation of 4 new Lt positions at cost of approx. \$14,000.**

TIMING ISSUES

- Hatchville Fire Station construction could be completed Spring 2024 at the soonest. Late 2024 or early 2025 more likely.
- Optimistic Hiring Timeline:
 - 7 Firefighters hired by November 2023, Fully trained November 2024
 - 7 Firefighters hired by November 2024, Fully trained November 2025
 - These are educated guesses only

**DILEMMA: HOW TO SECURE FUNDING NOW THAT IS NEEDED IN
FY25 AND FY26?**

- **Solution: Fire Department Stabilization Fund**
- Begin appropriating funds into Fire Department Stabilization Fund in FY24
- Draw on Stabilization Fund to supplement FD budget in future years to allow more time to fit full cost of 14 FFs into the budget

FUNDING PLAN OPTION 1: OVERRIDE \$1,500,000

	FY24	FY25	FY26
Cost per 'optimistic' assumptions	600,000	1,380,000	1,591,350
Override FY24 Only	1,500,000	1,537,500	1,575,938
Surplus/Deficit to FD Stabilization Fund	900,000	162,500	-15,413
FD Stabilization Fund Balance	900,000	1,062,500	1,047,088

- Pros:
 - Full funding guaranteed with no risk
 - Maintains maximum budget flexibility to address challenges and priorities in future years
- Cons:
 - Greater tax impact
 - Increased chance override is not approved?

FUNDING PLAN OPTION 2: OVERRIDE \$950,000 – CORRECTED

01/27/2023

	FY24	FY25	FY26
Cost per 'optimistic' assumptions	600,000	1,380,000	1,591,350
Override FY24 Only	950,000	973,500	998,094
Surplus to FD Stabilization Fund	350,000	0	0
Other Revenue Sources Needed	0	406,250	593,256

- Pros:
 - Reduced tax impact
 - Gives us 3+ years to prepare plan to secure recurring funding source for remaining \$650,000
 - Reduced override = Better chance override is approved?
- Cons:
 - Reduced budget flexibility for FY25 and beyond

STABILIZATION FUND PLAN OPTION 2: OVERRIDE \$950,000

	FY24	FY25	FY26
Cost per 'optimistic' assumptions	600,000	1,380,000	1,591,350
Revenues:			
Override FY24 Only	950,000	973,500	998,094
Increase Other Revenues	600,000	?	?
Subtotal New Revenues	1,550,000	?	?
Stabilization Fund Balance	950,000	?	?

TAX IMPACT

	Override \$1,500,000	Override \$950,000
Proposed Tax Rate Impact Per \$1,000:	\$0.09	\$0.06
Proposed New Tax Rate Per \$1,000 (Estimated New):	\$7.01	\$6.98
FY 2023 Average Single Family Assessed Value (Current):	\$761,884	\$761,884
FY 2023 Average Single Family Tax Bill (Current):	\$5,272	\$5,272
FY 2023 Average Single Family Tax Bill Impact (Estimated New):	\$68.57	\$45.71

Municipality	Single Family Tax Bill	Rank
Dennis	3,242	336
Yarmouth	4,160	287
Barnstable	4,843	237
Eastham	4,920	229
Falmouth	5,080	216
Brewster	5,091	215
Mashpee	5,151	210
Harwich	5,162	208
Chatham	5,164	207
Bourne	5,295	199
Wellfleet	5,389	194
Truro	6,401	137
Sandwich	6,547	127
Orleans	6,703	120
Provincetown	8,085	70

QUESTIONS & DISCUSSION

OPEN SESSION

BUSINESS

4. Vote Articles and Execute Warrant for the April 2023 Annual Town Meeting **(30 minutes)**



**Warrant for the Annual Town Meeting
Monday, April 10, 2023
TOWN OF FALMOUTH
Select Board**

BARNSTABLE, SS. To the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet at Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth on Monday, April 10, 2023 at 7:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 30th day of January, 2023.

Nancy R. Taylor, Chair

Onjalé Scott Price, Vice Chair

Samuel H. Patterson

Douglas C. Brown

Edwin (Scott) P. Zylinski II

FALMOUTH SELECT BOARD

Barnstable, SS.

Falmouth, MA

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town Of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

Constable, Town of Falmouth

Date



APRIL 2023 ANNUAL TOWN MEETING

Select Board Announce Annual Town Meeting Schedule Monday, December 5, 2022

Close Warrant Friday, January 13, 2023

Select Board Vote Articles & Execute Warrant.....Monday, January 30, 2023

Publish Articles Only Friday, February 3, 2023

Presentation on Petition Articles.....Monday, February 13, 2023

Select Board Vote RecommendationsMonday, February 27, 2023

Publish Warrant with Recommendations and Mail Warrant Booklets Friday, March 17, 2023

Town MeetingMonday, April 10, 2023

Article

- 1 Choose Town Officers
- 2 Hear Reports from Committees and Town Officers
- 3 Fix Salaries of Elected Officials
- 4 Fund: FY2024 Operating Budget
- 5 Authorize: Stabilization Fund for Fire Department Wages and Expenses
- 6 Fund: Override for Fire Department Wages and Expenses and Fire Department Stabilization Fund
- 7 Fund: Capital Improvement Stabilization Fund
- 8 Fund: Other Post Employment Benefits Trust Fund
- 9 Authorize: FY2023 Budget Transfers
- 10 Fund: FY2023 Supplemental Budget Appropriations
- 11 Authorize: Rescind Borrowing Authorizations
- 12 Authorize: Revolving Funds
- 13 Authorize: Retiree COLA Calculation Adjustment
- 14 Authorize: Rescind Acceptance of Civil Service for Police and Fire
- 15 Petition: Authorize Access to Conduct Testing for Wind Energy Landfall
- 16 Petition: Amend Town Code Leaf Blower Regulation
- 17 Petition: Amend Town Code Noise Violations and Penalties
- 18 Petition: Amend Town Code Plastic Reduction Bylaw
- 19 Petition: Resolution to Support Change to State Flag
- 20 Fund: Union settlements and Non-union wage adjustments
- 21 Fund: Various items from free cash
- 22 Fund: School capital items
- 23 Fund: School design and owner's project manager services for three roof replacements
- 24 Fund: Supplemental Appropriation for Wastewater Treatment Facility Improvements
- 25 Fund: Design and Permitting of sewer system extension to Teaticket-Acapesket and related sewer system improvements
- 26 Fund: Water Service Line Lead Inventory
- 27 Fund: Water Supply Testing - unregulated contaminants
- 28 Fund: Evaluation of Ashumet Well & Fresh Pond Well Treatment Locations
- 29 Amend: Position Classification Plan
- 30 Amend: Town Code Section 156-17 Fingerprint-Based Background Checks
- 31 Amend: Town Code Section 280-12 Vehicle for Hire Permit, Insurance Certification
- 32 Amend: Town Code Section 180-53 Flow Neutral Bylaw
- 33 Amend: Town Code Sections 83-1 - 83-12 Stable Regulations
- 34 Accept: MGL Chapter 41, Section 110A calculating legal deadlines for filing matters with Town Clerk
- 35 Authorize: Nstar d/b/a Eversource Electric Company Easement
- 36 CPC: Fund Upper Coonamessett River Restoration

Article

- 37 CPC: Fund Little Pond Conservation Area improvements
- 38 CPC: Fund Edward Marks Building exterior improvements
- 39 CPC: Fund Old Burying Ground ground penetrating radar survey
- 40 CPC: Fund Preservation of Francis Wicks House and historical artwork rehabilitation, 55 Palmer Ave
- 41 CPC: Fund Preservation of Highfield Hall, 56 Highfield Drive
- 42 CPC: Fund Falmouth Affordable Housing Fund
- 43 CPC: Fund Administrative Expenses

ARTICLE 1: To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

ARTICLE 2: To hear reports of Committees and Town Officers and act thereon.

ARTICLE 3: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator	-----	\$1,500
Town Clerk	-----	\$102,622
Select Board Members	-----	\$5,000
Chair of Select Board	-----	\$6,000

And further, the Town Clerk is authorized to receive a Cost of Living Adjustment on the same terms and conditions of Technical Administrative and Management (TAM) employees. Or do or take any other action in the matter. On request of the Select Board.

ARTICLE 4: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2024 and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 5: To see if the Town will vote to establish a stabilization fund pursuant to M.G.L. c. 40 § 5B to pay for Fire Department Wages and Expenses including, but not limited to, costs associated with training, equipment, wages, overtime, and benefits for fourteen (14) additional firefighter positions. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 6: To see if the Town will vote to appropriate a sum of money to pay for the wages, benefits and expenses associated with hiring fourteen (14) additional firefighters and to appropriate a sum of money for the Stabilization Fund for Fire Department Wages and Expenses contingent upon voter approval of a proposition 2½ override ballot question. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 8: To see if the Town will vote to appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 9: To see if the Town will vote to transfer a sum of money within the FY 2023 budget approved by Article 10 of the April 4, 2022 Annual Town Meeting to make necessary adjustments thereto, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 10: To see if the Town will vote to appropriate a sum of money to supplement the FY 2023 budget approved by Article 10 of the April 4, 2022 Annual Town Meeting, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 11: To see if the Town will vote to rescind certain amounts of unissued borrowing. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 12: To see if the Town will vote to authorize continued use of the following Revolving Funds for certain Town departments under M.G.L. c. 44 § 53E½ for the fiscal year beginning July 1, 2023, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY24 Spending Limit	Disposition of FY23 Fund Balance
Emerald House	Town Manager	Payments in Lieu of Rent	Maintenance of Building	\$28,000	Available for expenditure
Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$40,000	Available for expenditure
Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$7,500	Available for expenditure
Shellfish Propagation	Conservation Commission	Mitigation and Donations	Purchase Shellfish Seed	\$13,000	Available for expenditure
Shellfish and Aquaculture	Marine and Environ Svcs	Rental Equipment	Propagation and Aquaculture	\$150,000	Available for expenditure
Senior Services	Senior Services Director	Fees	Activities	\$500,000	Available for expenditure
TOTAL SPENDING				\$738,500	

Or do or take any action on the matter. On request of the Select Board.

ARTICLE 13: To see if the Town will vote, in accordance with M.G.L. c. 32 §103(j), to increase from \$14,000 per year to \$16,000 per year the maximum base amount upon which the annual cost-of-living-adjustment (COLA) for a retiree is calculated. Said increase is to be effective July 1, 2023. Or do or take any other action on the matter. On request of the Falmouth Contributory Retirement Board.

ARTICLE 14: To see if the Town will vote to rescind its acceptance of Section 48 of Chapter 31 of the General Laws (Tercentenary Edition)(Civil Service for fire and police forces), which acceptance was done pursuant to Article 54 of the February 12, 1936 Town Meeting. Provided, however, that such rescission shall not affect any contractual rights or civil service rights already in existence and will only apply to the civil service rights of successor employees, reserving any collectively bargained rights. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 15: To see if Town Meeting will vote in favor of allowing offshore wind developers the right of entry to conduct soil investigations and studies to assess the feasibility of horizontal directional drilling in Town-owned parcels. This right of entry to conduct physical investigation agreements will grant offshore wind developers only temporary access to conduct said investigations and studies. Any offshore wind electric cable landing on or siting of facilities on any other Town-owned property must be approved by the Select Board or other Town bodies with jurisdiction over such matters.

The Agreement will allow the Town to better assess the feasibility of an interconnection with offshore renewable energy projects that would facilitate the decarbonization of the Massachusetts electric grid and assist the Commonwealth in achieving net-zero greenhouse gas emissions by 2050 consistent with state climate law and the Climate Emergency declared by the Town of Falmouth in 2020.

On petition of Alessandro Bocconcelli, Linda Bowers, Rosemary Carey, Eleanor Ling, David Mark Welch, Scott Mueller, Matthew Patrick.

ARTICLE 16: To see if Town Meeting will vote to adopt the following as a general bylaw into Chapter 150 of the Code of the Town of Falmouth, establishing seasonal restrictions on the use of gas-powered leaf blowers. Or do or take any other action on the matter.

Section 150-5, Leaf Blower Restrictions

- 1) No leaf blower may be operated in the Town of Falmouth at a noise level higher than 67 decibels, as rated by the manufacturer. To comply with this section, leaf blowers must bear a manufacturer's label documenting a noise rating of 67 dBs or less and said label may not be altered or concealed. All leaf blowers shall meet current EPA standards for leaf blowers.
- 2) Subject to the additional restrictions below, permitted hours of use for all leaf blowers are limited to 7:00 a.m. to 5:00 p.m. at all times during the year, including Sundays and legal holidays.
- 3) Seasonal ban: Gas-powered leaf blowers may only be used from March 1 through May 31 and from October 1 through December 31.
- 4) Electric or battery powered leaf blowers may be used year round.
- 5) The Director of the DPW, in their sole discretion, may suspend enforcement of this bylaw after a declared weather emergency for an amount of time to be determined by the Director.
- 6) This bylaw may be enforced by the Falmouth Police Department.

The Town shall be exempt from all restrictions in this bylaw.

Section 150-6 Violations

Violations of this section are subject to civil ticketing pursuant to M.G.L. c. 40 section 21D and may be punishable by a fine of \$50.00.

These bylaws will become effective on January 1, 2024. On petition of Patricia P. Johnson and others.

ARTICLE 17: To see if the Town will vote to amend Chapter 1, General Provisions, Article I, Section 1-2C of the Code of Falmouth regarding noncriminal disposition as follows:

a) Amend Chapter 150, Noise, so as to read:

Chapter/Part/ Article Section	Subject Enforcing Official	Fine
Ch. 150, Section 6 Leaf Blowers	Police	\$50.00

Or do or take any other action on the matter. On petition of Patricia P. Johnson and others.

ARTICLE 18: To see if the Town will vote to amend the Town's General Bylaw by inserting a new bylaw entitled, Plastic Reduction, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

CHAPTER ____: PLASTIC REDUCTION

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the Town.

Effective Date

This Bylaw shall take effect on September 1, 2024

Purpose and Intent

Plastic food containers and single-use utensils form a significant portion of the solid waste stream going into landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost. Plastic food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries. If incinerated the toxins in plastic are linked to cancer and threaten our air quality. Appropriate alternative and sustainable products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible. Thus, elimination of plastic food containers and utensils is in the best interest of the health and welfare of Town inhabitants.

Definitions

"Disposable Food Service Container" means single-use disposable products for serving or transporting prepared, ready-to-consume food. This includes plates, bowls, trays, hinged or lidded containers, and utensils.

"Food Establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for purposes of this Bylaw.

"Plastic" is defined as any type of plastic resin, which may contain recycled material, and may be sold as recyclable, biodegradable, or compostable. The material is commonly categorized in terms of #1, #2, #3, #4, #5, #6, #7; plastic as referenced includes all categories.

"Prepared Food" means any food or beverage prepared for consumption on the Food Establishment's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

"Town Facility" means any building, structure, land, or park owned or operated by the Town of Falmouth, its agents and departments.

"Town Facility Users" means all persons, societies, associations, organizations, or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events, and food services provided at the Town's expense.

Prohibition

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers and utensils made from Plastic.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Plastic and providing utensils made from Plastic.

Administration and Enforcement

This Bylaw is enforced by the Town Administrator, or any committee appointed by them. Any Food Establishment or Town Facility User which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense: Written warning

2nd Offense: \$150 fine

3rd Offense and Subsequent Offenses: \$300 fine

Any such fines collected shall be payable to the Town of Falmouth. Each day the violation continues constitutes a separate violation. After detection of an initial violation, the designated inspection authority will be required to verify subsequent compliance until compliance with this bylaw is established. All businesses will be routinely inspected until the Town Administrator deems the inspection to be no longer be required. On petition of Philip Alexander Gessen.

ARTICLE 19: Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the Commonwealth of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the Commonwealth of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, at Wessagussett (now Weymouth) in April of 1623, barely two years after the Pilgrims arrived;

Whereas the Colonial broadsword held by a white hand above the head of the indigenous person on the Massachusetts Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the proportions of the body of the Indigenous person on the Flag and Seal were taken from the skeleton of an Indigenous person unearthed in Winthrop, the bow modeled after a bow taken from an Indigenous man shot and killed by a colonist in Sudbury in 1665, and the facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in the winter of 1675, the enslavement of Indigenous people in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Indigenous men, women and children in Massachusetts beginning in 1686;

Whereas Indigenous people were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that Colonial law was finally repealed;

Whereas the 400th anniversary of the landing of the Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate government policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

Whereas the land area now known as the Town of Falmouth, shares a rich Native history with modern tribal Nations such as the Wampanoag, who have inhabited this area long before the first colonial settlers arrived in 1660;

Now, therefore, BE IT RESOLVED that the Town of Falmouth hereby adopts this resolution in support of the work of the Special Commission on the Official Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and in support of a new flag and seal for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Susan Moran, Rep. Dylan Fernandes, and Rep. David Vieira, with the request that they continue their strong support for the work of the aforementioned Special Commission and their advocacy for a new flag and seal for the Commonwealth; and take any additional action pertaining thereto. On Petition of Sandra Faiman-Silva.

ARTICLE 20: To see if the Town will vote to appropriate a sum of money for the purpose of wage adjustments for union settlements and non-union employees of the Town, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 21: To see if the Town will vote to appropriate a sum of money from free cash for the following purposes, and to determine by whom the same shall be expended.

- To support opioid use disorder treatment, harm reduction and other purposes outlined in the "Statewide Opioid Settlements";
- To support the Falmouth Fireworks Celebration;
- To fund consultant services to conduct independent reviews of one or more Town departments;

Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 22: To see if the Town will vote to appropriate a sum of money for the purpose of repairing the Lawrence School elevator and replacing the Morse Pond School fire alarm, and any other costs incidental or related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 23: To see if the Town will vote to appropriate a sum of money for the purpose of funding the design, permitting and construction for phase one of the roof replacement projects for the East Falmouth Elementary, North Falmouth Elementary, and Morse Pond schools, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 24: To see if the Town will vote to appropriate an additional sum of money for the purpose of funding the design and construction of improvements, which costs have increased due to inflation, to the Town's Wastewater Treatment Facility on Blacksmith Shop Road, originally approved and authorized by Article 14 of the April 4, 2022 Town Meeting, including costs incidental and related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 25: To see if the Town will vote to appropriate a sum of money to fund the engineering, design and permitting of the collection and transmission system and expanded treated wastewater discharge area for Phase 1 of the Teaticket-Acapesket Service Area, including costs incidental and related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 26: To see if the Town will vote to appropriate a sum of money for the purpose of funding the costs of engineering/inspection services for a lead service line inventory project, including the payment of costs incidental or related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action in the matter. On request of the Select Board.

ARTICLE 27: To see if the Town will vote to appropriate a sum of money for the purpose of complying with the United States Environmental Protection Agency (USEPA) Unregulated Contaminant Monitoring Rule (UCMR5) sampling and reporting requirements, and any other costs incidental or related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Select Board.

ARTICLE 28: To see if the Town will vote to appropriate a sum of money for the purpose of evaluating locations for treatment of the raw water from the Ashumet Well and the Fresh Pond Well, pursuing the reactivation of the Ashumet Well, and evaluating the treatment alternatives for combined production from the Ashumet Well and Fresh Pond Well, including permitting and pilot treatment studies and any other costs incidental or related thereto, and to determine how the same shall be raised and by whom expended. Provided however, that the funds appropriated hereunder shall not be expended until the Town and the United States Air Force execute an agreement for reimbursement for all costs of the permitting and pilot treatment studies related to the wells being located within the PFAS plume. Or do or take any action on the matter. On request of the Select Board.

ARTICLE 29: To see if the Town will vote to amend the Town's Position Classification Plan as follows:

	Title	Employee Group	Grade	Wage Rate (FY23)
Delete	Diversity Equity and Inclusion Coordinator	Technical Administrative Management	Grade 8	\$36.06 - \$47.77
Add	Diversity Equity and Inclusion Officer	Technical Administrative Management	Grade 9	\$40.27 - \$52.56
Add	Sustainability Coordinator	Technical Administrative Management	Grade 8	\$36.06 - \$47.77

Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 30: To see if the Town will vote to amend the Code of Falmouth Section 156-17, Applicant's submission to fingerprinting by Police Department required, by deleting the words in section 156-17(A)(1) "Manager of alcoholic beverage license." and inserting a new section (B) as follows: "Any new applicant for a manager of an alcoholic beverage license shall submit a full set of fingerprints taken by the Falmouth Police Department as in section A above. Managers are then required to resubmit fingerprints every five years from the anniversary of the last submission. Submittal of yearly fingerprints with annual license renewal applications is not required.", and renumbering the remaining sections. The proposed amended bylaw Section 156-17 shall read as follows, with the new language in **bold**:

§ 156-17 Applicant's submission to fingerprinting by Police Department required.

A. Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Falmouth Police Department within ten (10) days.

of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

- (1) Hawker and peddler.
- (2) Owner or operator of public conveyance.
- (3) Dealer of secondhand articles.
- (4) Ice cream truck vendor.

B. Any new applicant for a manager of an alcoholic beverage license shall submit a full set of fingerprints taken by the Falmouth Police Department as in section A above. Managers are then required to resubmit fingerprints every five years from the anniversary of the last submission. Submittal of yearly fingerprints with annual license renewal applications is not required.

C. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records.

Or do or take any action on the matter. On request of the Select Board.

ARTICLE 31: To see if the Town will vote to amend the Code of Falmouth Section 280-12(B), Vehicles for Hire Permit, by deleting the words "a vehicle for hire license holder shall purchase a combined coverage of property and liability insurance in the amount of one million dollars (\$1,000,000.)" and adding in their place "the Town Manager may require additional insurance in amounts consistent with industry standards". The proposed amended bylaw Section 280-12(B) shall read as follows with the new language in **bold**:

§ 280-12(B). In addition to insurance coverage mandated by Massachusetts General Laws, **the Town Manager may require additional insurance in amounts consistent with industry standards.**

Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 32: To see if the Town will vote to amend the Code of Falmouth Sections 180-53(B) and (C), Determination of wastewater flow in sewer service areas, as follows: in Section (B) by deleting the words "as of January 1, 2014" and inserting in their place "for treatment at the Blacksmith Shop Road Wastewater Treatment Plant"; by deleting Section (B)(1) in its entirety and replacing it with the following Section (B)(1): "Areas sewered prior to the Town's 2013 Comprehensive Wastewater Management Plan: 450,000 gallons per day (excluding the Service Areas listed below)."; in Section (B)(2) by deleting the words "subject to approved CWMP"; by adding the following new Section (B)(3): "Teaticket-Acapesket Service Area: 360,000 gallons per day."; in Section (C) by deleting the letter "s" from the second word of the section; further in Section (C) by deleting the words "environmental impact reports for the 2001 West Falmouth Harbor Facilities" and inserting in their place "a comprehensive wastewater management plan". The proposed amended bylaw Sections 180-53(B) and (C) shall read as follows, with the new language in **bold**:

B. The flow allocations for present and future sewer service areas for treatment at the Blacksmith Shop Road Wastewater Treatment Plant are as follows:

(1) Areas sewered prior to the Town's 2013 Comprehensive Wastewater Management Plan: 450,000 gallons per day (excluding the Service Areas listed below).

(2) Little Pond Sewer Service Area: 260,000 gallons per day.

(3) Teaticket-Acapesket Service Area: 360,000 gallons per day.

- C. These flow allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved comprehensive wastewater management plans, (2) approved notice of project change to a **comprehensive wastewater management plan**, or (3) approval from MA Department of Environmental Protection.

For reference, the following represents the deletions and insertions of the proposed amended bylaw:

§ 180-53 Determination of wastewater flow in sewer service areas

- B. The flow allocations for present and future sewer service areas for treatment at the Blacksmith Shop Road Wastewater Treatment Plant as of January 1, 2014, are as follows:

(1) Blacksmith Shop Road Wastewater Treatment Plant: 570,000 gallons per day (excluding Little Pond Sewer Service Area). Areas sewered prior to the Town's 2013 Comprehensive Wastewater Management Plan: 450,000 gallons per day (excluding the Service Areas listed below).

(2) Little Pond Sewer Service Area: 260,000 gallons per day (subject to approved CWMP).

(3) Teaticket-Acapesket Service Area: 360,000 gallons per day.

- C. These flows allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved comprehensive wastewater management plans, (2) approved notice of project change to a comprehensive wastewater management plan environmental impact reports for the 2001 West Falmouth Harbor Facilities, or (3) approval from MA Department of Environmental Protection.

Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 33: To see if the Town will vote to delete Chapter 83, Sections 1 and 3 through 12, Stable Regulations, and renumber the remaining section accordingly. Provided however, that this repeal shall take effect on January 1, 2024, all as set forth below.

The following sections of the existing bylaw to be deleted:

§ 83-1 License required for use.

Under the authority of MGL c. 111, § 155, no person shall erect, occupy or use for a stable any building or land for the housing of horses and/or ponies in the Town of Falmouth unless such use is authorized and licensed by the Board of Health.

§ 83-3 License required for construction.

No stable may be constructed within the Town of Falmouth unless a stable license is first obtained from the Board of Health. The construction of stables shall be in conformity with the Falmouth Building Code.

§ 83-4 General requirements.

Stables will conform to the following:

- A. There shall be at least two (2) windows in every stable.
- B. There shall be adequate ventilation in every stable.
- C. Each stall shall be of adequate size so that any horse and/or pony shall have room to comfortably lie down or stand up.

D. There shall be adequate drainage, either natural or artificial, for urine or waste matter in every horse or pony stall.

E. All flooring in any stable shall be acceptable to the Board of Health and meet with the acceptance of the Massachusetts Society for the Prevention of Cruelty to Animals (M.S.P.C.A.) upon inspection by either party.

§ 83-5 Fencing.

Land on which horses or ponies are pastured shall be fenced in such a manner so as to prevent any damage to abutting property, trees or shrubbery.

§ 83-6 Location restrictions.

No person, company or corporation shall erect, occupy or use a building for a livery or horse or pony stable for the keeping of horses or ponies unless such stable or building is more than two hundred (200) feet from a church or school building and is more than fifty (50) feet from a building that is used as a dwelling or home.

§ 83-7 Cleaning of waste matter; disposition.

Owners of stables housing horses or ponies must clean the manure from the stable at least once a day. Commensurate with the area in which horses and/or ponies are pastured, waste matter shall be disposed of periodically at the discretion of the Board of Health.

§ 83-8 Pasturing restrictions.

No horse or pony shall be allowed to be pastured on any land unless said area is fifty (50) feet from a home or dwelling.

§ 83-9 Proper shelter required.

Any owner or keeper of a horse or pony must provide stabling facilities for same. No horse or pony shall be allowed to remain out of doors at all times without having access to proper shelter.

§ 83-10 Slaughtering license required.

Any person, company or corporation engaged in or desiring to engage in the business of slaughtering horses for the purpose of rendering them shall apply to the Board of Health for a license as required by the MGL c. 111, § 154.

§ 83-11 Decisions on health problems.

The Falmouth Board of Health and the M.S.P.C.A. reserve the right to make any decision on situations or problems that arise in regard to health.

§ 83-12 Violations and penalties.

Under MGL c. 111, § 157, anyone who violates the provisions of these regulations shall be punished by a fine of five dollars (\$5.) for each day such violation continues. The Falmouth Board of Health also reserves the right to suspend or revoke licenses previously issued if continued violations of these regulations occur.

The new bylaw will read as follows:

§ 83-1 License fee.

The license fee shall be five dollars (\$5.) for each horse and/or pony, effective July 1, of each calendar year.

Or do or take any other action on the matter. On petition of the Board of Health.

ARTICLE 34: To see if the Town will vote to accept the provisions of M.G.L. c. 41 Section 110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday

for purposes of calculating the time frame for filing matters in that office. Or do or take any other action on the matter. On request of the Town Clerk.

ARTICLE 35: To see if the Town will vote to authorize the Select Board to grant certain easements to NStar Electric Company dba Eversource Energy in connection with its proposed additional underground power supply cables to Martha's Vineyard on, in, over, under and across certain Town property, including but not limited to:

1. The Municipal parking lot located at #0 and #66 Depot Avenue; and

further authorize the Select Board to assent to the grant of a similar easement by MassDOT in any state-owned portions of the same location; said easements to be for the purpose of the installation and maintenance of underground power supply cables for reliability for Martha's Vineyard and Falmouth upon such terms and conditions as the Select Board deems reasonable and proper.

Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 36: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund for open space preservation and rehabilitation purposes a sum of money for the Upper Coonamessett Restoration project on Town-owned property located at 170 Hatchville Road and 0 Thomas B. Landers Road; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 37: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund for open space rehabilitation and restoration purposes a sum of money for the Little Pond Conservation Area Public Access Improvement project located on Town-owned property at 89 Spring Bars Road; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 38: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund for historic rehabilitation purposes a sum of money to make exterior building improvements to the historic Edward Marks Building located on Town-owned property at 744 Main Street; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 39: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund for historic rehabilitation purposes a sum of money for a ground penetrating radar survey at the Old Burying Ground located on Town-owned property at 0 Cemetery Lane; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 40: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant for historic rehabilitation purposes to the Falmouth Historical Society for the Dr. Francis Wicks House and historical artwork rehabilitation project located at 55 Palmer Avenue; and to authorize the Select Board to enter into a grant agreement upon such terms and conditions as they shall deem appropriate, and further to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 41: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant for historic rehabilitation purposes to Historic Highfield, Inc. to make exterior building improvements to Highfield Hall located at 56 Highfield Drive; and to authorize the Select Board to enter into a grant agreement upon such terms and conditions as they shall deem appropriate, and further to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 42: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the Falmouth Affordable Housing Fund; to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On the request of the Community Preservation Committee.

ARTICLE 43: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

OPEN SESSION

BUSINESS

5. Police Chief Selection Process **(10 minutes)**

January 30, 2023

DRAFT ONLY

Chief of Police Town of Falmouth, Massachusetts

The Town of Falmouth is seeking a community-oriented, experienced professional to serve as its new Chief of Police.

Falmouth is a historic shoreline Town located on the Southwest tip of Cape Cod, with an approximate year-round population of 32,000 and a seasonal population of more than 105,000. Falmouth covers 54.4 square total miles (44.1 land and 10.3 water) and ranks as the second largest town on Cape Cod and the 17th largest town in Massachusetts. Bordered by ocean bays on its west and south facing coasts, there are 10.3 square miles of harbors, saltwater inlets and freshwater ponds.

The Police Chief is appointed by the Town Manager, subject to the approval of the Select Board. The Police Chief shall have the responsibility for the administration and operation of the Falmouth Police Department. The Chief will plan and direct the internal and external activities of the Police Department in the enforcement of laws, regulations, and Town By-laws. The Chief will also establish realistic strategic planning goals, provide motivational leadership and direction to department staff. The ideal candidate will have a proven record of professionalism, integrity, transparency, cross cultural competency, and community engagement.

As a Town leader, the Police Chief will embody the core value of community policing. The Chief will engage in public events and outreach initiatives and respond to all inquiries, complaints, and grievances in a timely and professional manner. The Chief will be responsible for establishing and maintaining effective and productive working relationships with appointed and elected officials, Department Heads, Federal, State and Local Agencies, Community Stakeholders, Businesses and Falmouth Residents. The

The Falmouth Police Department is a full-service agency consisting of approximately 60 Police Officers, 5 Civilian Personnel and 2 embedded social worker positions (to be filled), 7 seasonal Community Service Representatives, with a FY23 budget of approximately \$6.9 Million.

RECOMMENDED QUALIFICATIONS

- Education: Bachelor's Degree in law enforcement, criminal justice or a related field, Master's Degree preferred. Familiarity and experience with the Massachusetts Police accreditation process; familiarity and experience with community-oriented policing process; or an equivalent combination of education and experience. Graduates of major policing executive development programs including FBI National Academy, Police Executive Research Forum Senior Management Institute for Police or Police Executive Leadership Institute are encouraged to apply.
- Experience: A minimum of fifteen years of progressively responsible police experience, with at least five to seven years in a significant command and supervisory capacity. Proven experience working with labor unions required. Candidates must be active in the law enforcement field and hold a minimum rank of Lieutenant to apply.

- Leadership: The ability to motivate department members to achieve community and department goals. Ability to recruit and inspire officers of diverse backgrounds. Possess the skills to build trust within the Department and Community.
- Experience in coastal/resort community preferred.
- Possession of or ability to obtain a valid Massachusetts driver's license.
- Must have a valid Massachusetts Firearms License or the ability to obtain one upon hire.
- Applicants must be a graduate of the Commonwealth of Massachusetts Municipal Police Training Committee (MPTC) Basic Recruit Officer Academy (or eligible for a Permanent Exemption by the MPTC) and must satisfy all requirements set forth by the Massachusetts Peace Officer Standards and Training Commission for certification as a Police Officer in the Commonwealth of Massachusetts.

SALARY: Salary range of \$180,000+ commensurate with qualifications.

Interested applicants should send a cover letter and résumé, as a single PDF file, via email to the Falmouth Director of Human Resources, Susan Lumping at susan.lumping@falmouth.gov. Cover letters and Resumes should be received by 4:00 P.M. on Friday, March 17, 2023.

The town of Falmouth is an equal opportunity employer, Women and Minority candidates are encouraged to apply.

OPEN SESSION

BUSINESS

6. Licenses

- a. Application for a Change of Officers/Directors and a Change of Manager – Cape Verdean Club of Falmouth, Inc., located at 126 Sandwich Road, East Falmouth **(5 minutes)**

Note:

The new Manager of this All Alcohol Club License has been invited to the meeting.

LICENSE APPLICATION REVIEW

Restaurant/Business: Cape Verdean Club of Falmouth, Inc.

Address: 126 Sandwich Road

License Type: All Alcohol Club License

New or Transfer of License _____

or

Change of License Change of Manager and Change of Officers

Police No objection

Fire No objection

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

NOTES: Officers for this club have no beneficial interest, they are volunteers, therefore no advertisement is required for these amendments.



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR MULTIPLE AMENDMENTS

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

00059-CL-0390

ENTITY/ LICENSEE NAME

Cape Verdean Club Falmouth Inc

ADDRESS

126 Sandwich Road

CITY/TOWN

Teaticket

STATE

MA

ZIP CODE

02536

For the following transactions (Check all that apply):

- | | | | |
|---|--|---|---|
| <input 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 checked="" 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 checked="" type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other | <input type="checkbox"/> Change of DBA | |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



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

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Cape Verdean Club Falmouth, Inc	Falmouth	00059-CL-0390

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.

Non-profit club providing entertainment and cultural education to members and guest

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Corrie Green	President-elect	capeverdeanclubfalmouth@gmail.com	

2. AMENDMENT-Change of License Classification

<input type="checkbox"/> Change of License Category All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	
	Requested New License Category	
<input type="checkbox"/> Change of License Class Seasonal or Annual	Last-Approved License Class	
	Requested New License Class	
<input type="checkbox"/> Change of License Type* i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Last-Approved License Type	
	Requested New License Type	

3. AMENDMENT-Change of Business Entity Information

<input type="checkbox"/> Change of Corporate Name	Last-Approved Corporate Name:	
	Requested New Corporate Name:	
<input type="checkbox"/> Change of DBA	Last-Approved DBA:	
	Requested New DBA:	
<input type="checkbox"/> Change of Corporate Structure LLC, Corporation, Sole Proprietor, etc	Last-Approved Corporate Structure	
	Requested New Corporate Structure	

4. AMENDMENT-Pledge Information

<input type="checkbox"/> Pledge of License	To whom is the pledge being made:	
<input type="checkbox"/> Pledge of Inventory		
<input type="checkbox"/> Pledge of Stock		

5. AMENDMENT-Change of Manager

Change of License Manager

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

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 Last-Approved License Manager

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
10/30/1996	current	Command Support Staff	102nd Intelligence Wing	Joel Lewandowski

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

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

Change of Officers/Directors **Change of Ownership Interest (LLC Managers/LLP Partners, Trustees)** **Change of Stock (E.g. New Stockholder/ Transfer or Issuance of Stock)**

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
Correnia Green	46 Highland Street Mashpee, MA 02649	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
President	NA	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Cynthia Rodriques	492 East Falmouth Highway East Falmouth, MA 02533	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Vice President	NA	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Philomena Gilbert	19 Wheelhouse Circle East Falmouth MA 02536	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Clerk	NA	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Doreen Monteiro	18 Fresh Pond Road East Falmouth MA 02536	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Treasurer	NA	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Rosalind Edwards	100 Teaticket Highway Apt 1207 Teaticket MA 02536	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Asst Clerk	NA	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Andrea Diggs	410 Caswell Street E Taunton, MA 02718	[REDACTED]	[REDACTED]
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Director	NA	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
MA Resident			<input checked="" 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

MANAGEMENT AGREEMENT
 Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement. Yes No

CONSENT AGENDA

1. Licenses

- a. Approve administrative Change of Address of an All Alcoholic Beverages Retail Package Store License – Falmouth Food Mart & Liquors, located at 424 East Falmouth Highway, Unit A6, East Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: MZ Enterprises, Inc. d/b/a Falmouth Food Mart & Liquors

Address: 424 East Falmouth Hwy., Unit A6

License Type: All Alcoholic Beverages Package Store

New or Transfer of License _____

or

Change of License Administrative address change

- Police _____
- Fire _____
- Building _____
- Health _____
- Zoning _____
- Planning _____
- DPW _____
- _____
- _____
- _____
- _____
- _____

NOTES: All Departments have been advised of the address change



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00088-PK-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter of the Acts of (year)

Type (i.e. restaurant, package store) Class (Annual or Seasonal) Category (i.e. Wines and Malts / All Alcohol)

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

Additional remarks or conditions (E.g. Days and hours)

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

TO: Mingma N. Sherpa
M.Z. Enterprises, Inc. d/b/a Falmouth Food Mart & Liquor
424 East Falmouth Highway, Unit A6
East Falmouth, MA 02536

FROM: Phyllis Downey
Select Board Office
508-495-7325

DATE: January 9, 2023

SUBJECT: Address Correction Falmouth Food Mart & Liquor - Parcel # 33 20 007 000

Dear Mingma N. Sherpa,

The Town Engineer's Office has updated addresses at 424 East Falmouth Highway, parcel #33 20 007 000 because they do not conform to the Town's address policy. The policy requires each parcel to be assigned a street number, and the buildings within parcels to be assigned unit letters. If there is more than one business within a structure, the business is assigned a unit letter with a number, such as A6.

The new address change for M.Z. Enterprises, Inc. d/b/a Falmouth Food Mart & Liquor is:

NEW ADDRESS:

424 East Falmouth Highway, Unit A6, East Falmouth MA 02536

The Select Board Office will update the address with the Alcoholic Beverages Control Commission, and the Town Engineer's Office has informed the property owner. *A new license will be issued and mailed to you upon approval by the ABCC.*

Attached please find a copy of the address assignment which was sent out to all the agencies listed on the form and a change of address checklist you may find useful in advising your contacts of the change.

Please have the new address number posted on the building as soon as possible as required by Town Code Ch. 99-§1, a copy of which we have also included (this is a safety concern). The corrected address should be used on licensing forms and other correspondence. Please contact me if you have any questions or if I can be of assistance.

Sincerely,

Phyllis A. Downey

cc: Building Commissioner, Gary Street
Police Chief, Edward Dunne
Fire Chief, Timothy Smith
Health Agent, Scott McGann

*Town of Falmouth, MA
Friday, January 6, 2023*

Chapter 99. Buildings, Numbering of

[HISTORY: Adopted by the Town of Falmouth Special Town Meeting 5-11-1971, Art. 6, Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 95.

§ 99-1. Affixing of legible numbers required; time limit for compliance.

Each premises used as a dwelling or place of business shall maintain in a conspicuous place legible from the street that street number assigned to it by the Town Engineer, who shall assign such number upon application for and prior to issuance of a building permit, or upon request of the owner, occupant or any public official in case of existing buildings. Such numbers, with numerals at least three (3) inches high, shall be affixed by the owner within three (3) months of notification of assignment in the case of existing buildings. Any preexistent conflicting numbers shall be moved within the same time limit.

§ 99-2. Premises for which building permits have been issued.

Any premises for which a building permit has been issued shall forthwith be identified by either a permanent street number, as above, or by a temporary number of comparable size and visibility.

§ 99-3. Enforcement.

This chapter shall be enforced by the Building Commissioner.

§ 99-4. Violations and penalties.

Whoever violates any of the provisions of this chapter shall be punished by a fine. For penalty, see Chapter 1, General Provisions, Article I, Penalties.



Town of Falmouth

Department of Public Works - Engineering Division

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

Jim McLoughlin, P.E., Town Engineer

Jim.McLoughlin@falmouthmass.us

House Number Assignment/Change

***NOTE: VACANT LOTS MUST HAVE A VALID BUILDING PERMIT IN ORDER TO BE ASSIGNED A HOUSE NUMBER**

Date: **12/9/2022**

From: Engineering Division

To:	Assessors Department	Gis Department	Planning
	Building Department	Combined Dispatch Center	Fire Prevention
	Board of Appeals	Notify911	United States Postal Service

Parcel ID(s) (Use separate sheet if required): **33 20 007 000**

Owner's Name: **Darmalle Corp**

Old Address(es) (Use separate sheet if required):
Various East Falmouth Highway & Old Meeting House Road

New Address(es) (Use separate sheet if required):
424 East Falmouth Highway, Buildings A-F (see attached figures)

This road is: PUBLIC PRIVATE STATE

A Driveway Permit IS REQUIRED AND IS ON FILE WITH ENGINEERING Permit #:
 IS NOT REQUIRED

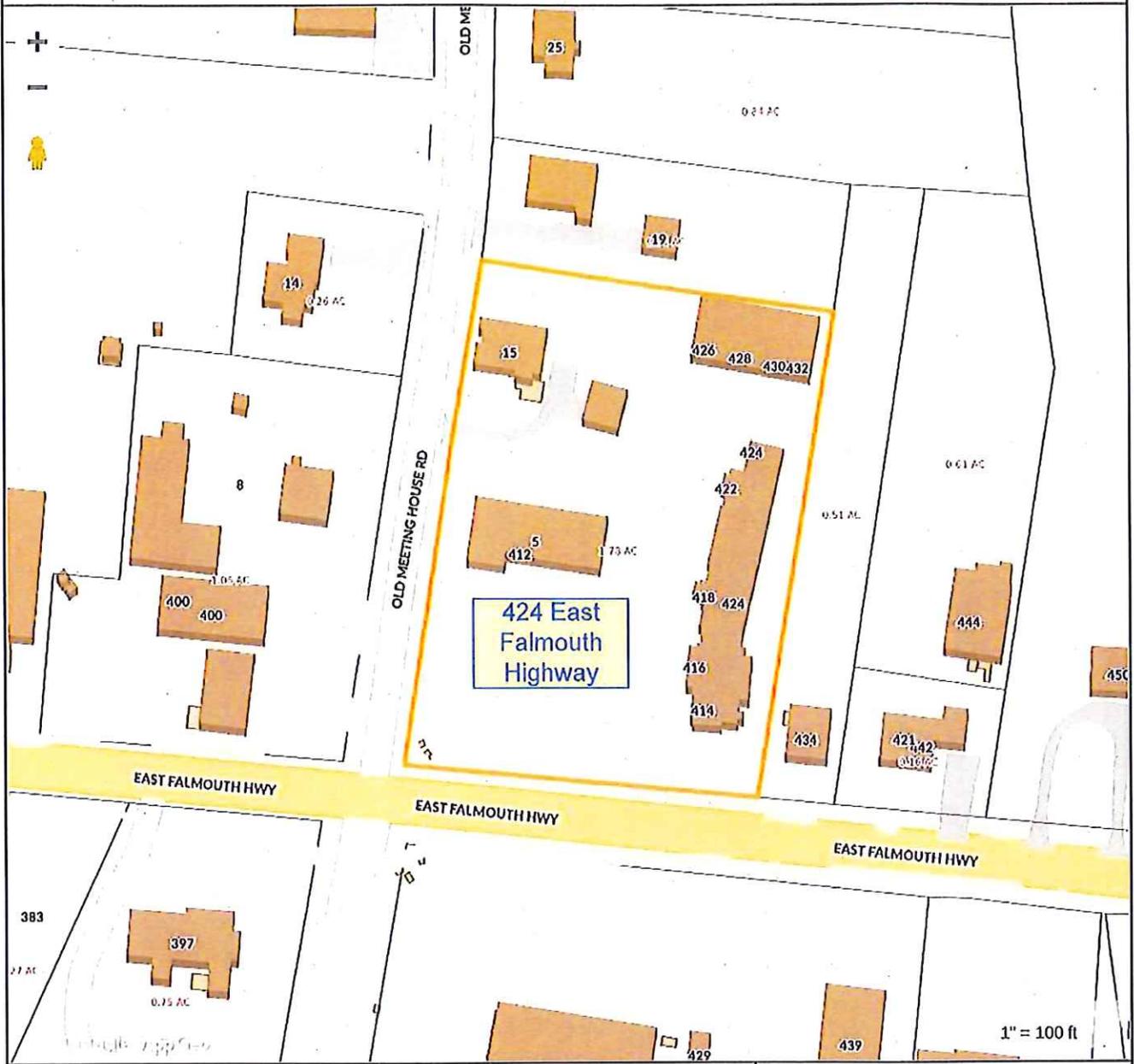
Falmouth Fire Rescue Approved YES NOT APPLICABLE

Assigned by: Scott Schluter, P.E.

Notes:
Building permit for new residential permits on this lot triggers compliance for entire lot.

THIS FORM IS INFORMATIONAL ONLY.
 ADDRESS CHANGES ARE OFFICIAL WHEN ASSESSING PUTS IT IN THEIR SYSTEM.

424 East Falmouth Highway



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

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

Geometry updated 05/05/2022
Data updated 07/21/2022

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

Parcel building designations

Post building letters visible from the street and parking lot, multiple posts may be required.



Addresses to Assign

- 424 East Falmouth Highway Unit A1
- 424 East Falmouth Highway Unit A2
- 424 East Falmouth Highway Unit A3
- 424 East Falmouth Highway Unit A4
- 424 East Falmouth Highway Unit A5
- 424 East Falmouth Highway Unit A6

Post unit designations
at front and rear doors
of each unit.



Falmouth Taxi

Star Nails

Le Bon Jour

Little Anchor Boutique

Mermaids & Minnows

Falmouth Foodmart & Liquors

X-Entrance

Building A
Single story building

CONSENT AGENDA

2. Administrative Orders

- a. Vote to petition the Massachusetts General Court to approve removal of Fire Department from Civil Service

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Town of Falmouth

PETITION
TO
THE GENERAL COURT

We, the undersigned members of the Select Board of the Town of Falmouth, in the County of Barnstable and Commonwealth of Massachusetts, hereby submit this petition to the General Court to adopt the special legislation as approved by Article 6 of the November 14, 2022 Annual Town Meeting which authorizes the Select Board to Petition the Massachusetts General Court for a special act to remove all personnel of the Falmouth Fire Department from the provisions of Massachusetts General Laws Chapter 31, § 1 et seq. the Civil Service Law. Further the Board authorizes the General Court to make minor changes upon the recommendation of legislative counsel to effectuate or improve upon the stated purposes of the Town Meeting vote.

Attachments:

1. Article 6 November 14, 2022 Annual Town Meeting
2. Explanation for Article 6
3. Draft legislation

Dated this _____ day of January, 2023

Town of Falmouth
By its Select Board

Nancy R. Taylor
Chair, Select Board

Onjalé Scott Price, Vice Chair

Samuel H. Patterson

Douglas C. Brown

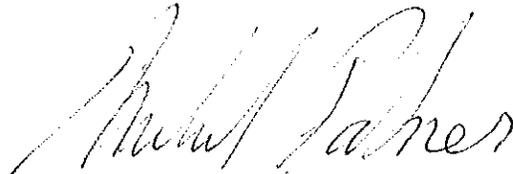
Edwin (Scott) P. Zylinski II

**ARTICLE 6
AND THE VOTE THEREON AT
THE ANNUAL TOWN MEETING
CONVENED IN FALMOUTH, MASSACHUSETTS
NOVEMBER 14, 2022**

ARTICLE 6: To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for a special act to remove all personnel of the Falmouth Fire Department, including the Fire Chief, from the provisions of Massachusetts General Laws, Ch. 31, s. 1 et seq., the Civil Service Law, or do or take any action on the matter. On request of the Select Board.

VOTED: By a unanimous vote, a quorum being present on Monday, November 14, 2022 the Town voted Article 6 as printed.

A TRUE COPY ATTEST

A handwritten signature in cursive script, appearing to read "Michael Palmer", is written over the printed name.

**MICHAEL PALMER, TOWN CLERK
FALMOUTH, MASSACHUSETTS**

**DRAFT LEGISLATION
RELATIVE TO
FALMOUTH FIRE DEPARTMENT**

An Act providing that officers in all positions of the Falmouth Fire Department subject to Chapter 31 of the General Laws shall be exempt from the civil service law.

Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, officers in all positions of the fire department of the Town of Falmouth subject to chapter 31 of the Generals Laws shall be exempt from the civil service law.

SECTION 2. Section 1 shall not impair the civil service status of an officer employed on a permanent basis in a civil service position in the fire department of the Town of Falmouth on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

OPEN SESSION

MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - Public Session – October 24, 2022

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, OCTOBER 24, 2022 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. At the discretion of the Chair, agenda items may be taken out of order.

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to contract negotiation with non-union personnel (Interim Town Manager, Peter Johnson-Staub)

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment
6. Affirm Appointment of Human Resources Director

7:05 p.m. TOWN MANAGER'S PRELIMINARY REPORT

7:10 p.m. COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee member
 - a. Solid Waste Advisory Committee – Kristine Copley
 - b. Zoning Board of Appeals – Frank Duffy

7:15 p.m. PUBLIC HEARINGS

1. Flow Neutral Bylaw – Evaluation of Request for Variance – New Creek LLC – 13 Davis Straits, Falmouth (parcel 39 15 049D 004), continued from August 22, 2022, September 26, 2022 (15 minutes)
2. Application for an Alteration of Premises of an All Alcoholic Common Victualler License – Buca Corp. d/b/a Bucatino Restaurant & Wine Bar, 7 Nathan Ellis Highway (10 minutes)
3. Wetlands/Dock Hearing – Falmouth Holdings Corp. – Replace failing and outdated piers and bulkhead, improve marina facilities, capture storm runoff, in the waters of Falmouth Inner Harbor, located at 278 Scranton Avenue, Falmouth (15 minutes)

7:55 p.m. BUSINESS

1. Licenses
 - a. Application for a Change of Manager of an All Alcohol Club License – Falmouth Post 70 Inc. Amvets – 336 Palmer Avenue, Falmouth (5 minutes)
2. Report – Veterans Council Committee (15 minutes)
3. Report – Falmouth Road Race (10 minutes)
4. Acting as Trustees of Falmouth Affordable Housing Fund, act on application from Falmouth Housing Authority for \$100,000 to obtain a comprehensive assessment of building conditions for 303 existing affordable units (10 minutes)

5. Adopt Strategic Plan (10 minutes)

8:45 p.m. CONSENT AGENDA

1. Licenses

- a. Approve application for an Amendment to a Package Store License - Change of LLC Manager – OSJL Spirits, LLC d/b/a Ocean State Job Lot, 50 Teaticket Highway, East Falmouth
- b. Approve application for an Entertainment License – Olive Restaurant, Inc. d/b/a/ Shiverick's Café & Bar, 285 Main Street, Falmouth
- c. Approve application for an additional day to a Special One-Day Wine and Malt Liquor License – WM Cycling Events, Inc. – Pan-American Cyclo Cross Championships – Cape Cod Fairgrounds – Friday, November 4, 2022

2. Administrative Orders

- a. Approve Eversource petition to install one (1) new handhole labelled 31/8 at the base of existing pole 31/8 and to install approximately 24' (feet) of conduit and cable under the town road easterly starting at new handhole 31/8. This work is necessary to provide new electric service to 13 Abbies Lane.
- b. Vote to Approve Warrant for the 2022 State Election on November 8, 2022
- c. Vote to re-appoint Peter Johnson-Staub as the Falmouth representative to Cape and Islands Water Protection Fund Management Board
- d. Initiate renaming process to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Linda Dow Whitehead Band Shell"
- e. Vote to confirm the Charter Review Committee work is concluded and committee is disbanded
- f. Authorize expenditure from the D.A.R.E. donations account in the amount of \$1,438.35 for the purpose of Halloween bags for the elementary students of Falmouth Public Schools
- g. Authorize expenditure from the D.A.R.E. donations account in the amount of \$127.09 for the purpose of supplies for the RAD Kid's Class

3. Committee Appointments:

- a. Golf Advisory Committee – Richard Boles, Recreation Committee Representative
- b. Community Preservation Committee – Robert Brown, Recreation Committee Representative

8:50 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings

- a. Public Session – September 26, 2022; October 1, 2022
- b. Executive Session – March 22, 2022; March 29, 2022; May 17, 2022; May 23, 2022; June 9, 2022; June 21, 2022; and October 3, 2022

8:55 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

9:00 p.m. SELECT BOARD REPORTS

9:10 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

9:20 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, OCTOBER 24, 2022 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

OPEN SESSION

Present: Nancy R. Taylor, Chair; Onjalé Scott Price, Vice Chair; Samuel H. Patterson, Douglas C. Brown, Edwin (Scott) P. Zylinski II

Others present: Peter Johnson-Staub, Acting Town Manager

1. Call to Order by Chair Taylor at 6:30 p.m.

Chair Taylor entertained a motion to convene the Executive Session at 6:30 p.m. under M.G.L. c.30A s.21(a)(3) – to discuss a strategy with respect to contract negotiation with non-union personnel, Interim Town Manager Peter Johnson-Staub and declared that to not go into Executive Session could put the deliberations into jeopardy. Ms. Scott Price so moved. Mr. Zylinski Seconded the motion. Roll call vote: Dr. Taylor: aye; Ms. Scott Price, aye; Mr. Patterson, aye; Mr. Zylinski, aye.

The Select Board returned to Open Session at approximately 7:00 p.m.

2. Pledge of Allegiance

Chair Taylor reconvened the public session at approximately 7:00 p.m. She announced that the Select Board came to a contractual agreement with Peter Johnson-Staub to be Interim Town Manager, and at a later date, the contract will be on the Agenda to execute.

3. Recognitions: Ms. Scott Price had the pleasure of spending the day with the Falmouth Police Department and thanked all the officers and people in the department who welcomed her into the Department for the day. A few people took her on tours and she went along on a couple of ride-alongs.

Mr. Brown announced that today is a Hindu holiday: Diwali.

4. Announcements:

Ms. Scott Price announced that there is a Cape Cod Climate Change Collaborative Program speakers for the annual Net Zero 2020 conference online on February 28, 2023 from 8:30 a.m. to 1:30 p.m.

Ms. Scott Price announced that Halloween in the Hole will be happening in Woods Hole on Saturday, October 29 from 2:00 p.m. - 5:00 p.m. More information available at www.woodshole.com.

Ms. Scott Price announced that on Thursday, November 3, 8:00 a.m. - 11:30 a.m. the Housing Assistance Corporation is hosting the Housing to Protect Cape Cod Summit at the Cape Codder Hotel in Hyannis. More information may be obtained at the HAC website. It is believed that this is offered via Zoom as well.

Mr. Johnson-Staub announced that the Town is updating its Open Space and Recreation Plan being led by the Planning Department. They are holding a virtual workshop on November 3 from 6:00 p.m. – 7:30 p.m. Flyers are being circulated and it is advertised on the Town website.

Chair Taylor announced that the International Persons with Disabilities Day is being held on December 3, from 10:30 a.m.-12:30 p.m. at our Recreation Center.

5. Public Comment: none

6. Affirm Appointment of Human Resources Director

Mr. Johnson-Staub announced that it is his pleasure to introduce Susan Lumping as his appointment for Human Resources Director, and he seeks the Board's affirmation of his appointment tonight. Susan is very well qualified, and she presently works for the Human Resources Department of the Town of Mashpee. All of the interview panels were impressed by her knowledge, aptitude and passion for the field as demonstrated by her professional development. Her references were outstanding and we are excited to welcome her aboard.

Chair Taylor invited Ms. Lumping to the podium.

Ms. Susan Lumping thanked Mr. Johnson-Staub and the Board for consideration of her appointment.

Mr. Johnson Staub stated he will not be requesting an exemption from the residency requirement because Susan is a Falmouth resident.

Mr. Patterson thanked Ms. Lumping for her school system support and noted that it was nice that she was already invested.

Mr. Zylinski motioned to affirm the appointment of Ms. Lumping as Human Resources Director.
Second: Mr. Patterson. Vote: Yes: 5 No: 0.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub reviewed the town manager's preliminary report, copy found in the Select Board packet.

COMMITTEE INTERVIEWS

a. Solid Waste Advisory Committee – Kristine Copley

Ms. Copley summarized her background and reasons behind why she applied for this vacancy.
Ms. Scott Price moved to appoint Ms. Copley to the Solid Waste Advisory Committee.
Seconded by Mr. Zylinski. Vote: Yes: 5 No: 0.

b. Zoning Board of Appeals – Frank Duffy

Mr. Duffy summarized his background with the Town over the past years and that he has represented the Board in Court for many times. He has retired as Town Counsel. He also noted that there have been questions regarding a possible conflict of interest. He did contact the State Ethics Commission and was told there is no conflict of interest on being a member of this Board. However, he stated that he has been a member of the Falmouth Housing Board of Directors since 1996. If the Housing Board comes before the Zoning Board he stated that he will recuse himself. He doesn't anticipate this occurring for at least two years.

Ms. Taylor moved to appoint Mr. Duffy to a Full Member position of the Zoning Board of Appeals with an expiration date of June 30, 2023. Seconded by Mr. Zylinski. Vote: Yes: 5 No: 0.

PUBLIC HEARINGS

Since the Flow Neutral Bylaw hearing is noticed for 7:30 p.m., the Select Board started with Falmouth Holdings Corporation Wetlands/Dock Hearing.

3. Wetlands/Dock Hearing – Falmouth Holdings Corp. – Replace failing and outdated piers and bulkhead, improve marina facilities, capture storm runoff, in the waters of Falmouth Inner Harbor, Located at 278 Scranton Avenue, Falmouth

Ms. Scott Price read the public hearing notice, found in the Select Board packet, into the record.

Chair Taylor: Welcome and we have slated you for 15 minutes.

Mr. Raul Lizardi-Rivera from Cape Cod Engineering, representing the applicant, and in the audience are Atty. Bob Ament, representing the applicant, and Brian Davin, site manager with the applicant. This project is for a special permit for reconstruction of the bulkhead on the Inner Harbor and reconstruction and replacement of the existing piers. The site has been a commercial marina since the 1940's and it has had licenses for the bulkheads and the piers since that time, 1960's, 1970's 1980's and 1990's and the 2000's. The last special permit was issued by this Board in 2008 for some modifications to the marina. What they are proposing is to reconstruct the bulkhead. The existing bulkhead is a timber construction and it has lasted over the life span of about 30 years and now is showing a lot of deterioration, so they are proposing to remove the timber and replace with vinyl or composite sheet piles. The majority of the work is happening within an area called a reconfiguration zone. After all of the local permits, this project must go through the State level for a Chapter 91 and what the State is allowing them to do is to set aside an area where the floating piers can be re-positioned as long as the square footage remains the same. The proposed piers once approved may be shifted around. The usage of the site does not change; it will still be a commercial facility. One of fixed proposed fixed piers will service the Ferry that is currently being serviced at the site. The ticket booth at the site will be relocated on shore instead of being on the wharf. Proposed on the northern side closest to where the Ferry will be re-positioned. All work is happening within the western shores of the Inner Harbor and requires a special permit as has been done in the past. The entire bulkhead and pier system will have a new license. The project was presented to the Conservation Commission, and it received an Order of Conditions. There were positive comments from the Harbormaster, as well as from the Shellfish Constable and there was a letter from the State Marine Fisheries because the project is taking place in the water, there is a time of year restriction, and the Order of Conditions and the Conservation Commission acknowledge this, and the applicant will have to abide by it.

Mr. Brown asked: What is the floating pier secured to during storm events? How secure?

Mr. Lizardi-Rivera responded: The top of piles are typically cut higher than the flood elevation, based on 100 year float event. The intent is that the piles are cut at a height that could take the floating piers. The entire site is in the Flood Plain, should an event happen, most of the inner harbor surrounding properties will be under water.

Mr. Zylinski asked about the new sheet piles. Do they go in front of the old structure and then remove old structure?

Mr. Lizardi-Rivera responded: There is a combination: the majority of the proposed sheet pile will be installed behind the existing one. The contractor can keep existing one and use as a buffer to the inner harbor. There is another section as far back as 10 feet behind existing one and another section going in with same alignment as existing one. The existing one will have to be demolished and removed to use the same area to drive the new sheet piles. There is a silt boom in the Harbor that will be positioned and the secondary boom to be installed as needed and may be moved as needed.

Mr. Patterson stated that the Marine and Environmental Services director Gregg Fraser said that there is an Army Corp of Engineers requirement for a 30-ft, buffer and he says no set back from southern abutter, all activity falls outside this requirement. He wanted to make sure that this is included.

Mr. Lizardi-Rivera showed the Plan and that it indicates the Army Corp channel with the 30 foot setback.

Mr. Brown stated concern that this is the entrance to the Harbor with all of the floating piers and the fact that they could be dislodged during a storm is concerning and the securing of the floats. Is there any other attachment?

Mr. Brian Davin, the general manager at Falmouth Marine, explained that they have two different contractors that are assembling proposals for the floating piers and each of them require that not only the piers are attached to the pilings but there will be a float that goes along the bulkhead and attached to that will be finger piers. Each finger will have a V connection with significant galvanized steel pipe connections to secure. Not only to

Raul's point, there will be the piling structures that are secured but each of those will have steel structures and the fingers themselves have a steel inner core so there is no chance to these breaking in half.

Mr. Brown asked if they rise above the pile in height but remain attached. Mr. Davin confirmed that this is correct.

Chair Taylor: Asked for public comment – none. Asked for a motion to close the hearing. Ms. Scott Price: So moved. Mr. Patterson: Second. All those in favor: Vote: Yes-5. No-0. Mr. Patterson: I move that we approve this application as conditioned. Ms. Scott Price: Second In favor: Vote: Yes-5. No-0.

1. Flow Neutral Bylaw Public Hearing: Ms. Scott Price read the public hearing notice, found in the Select Board packet, into the record.

Chair Taylor entertained a motion to continue this Hearing until November 7. Mr. Patterson: made a motion that at the request of the applicant the Hearing be continued to November 7. Mr. Zylinski: Second. All those in favor: Vote: Yes-5. No-0.

2. Application for an Alteration of Premises of an All Alcoholic Common Victualer License – Buca Corp.

Ms. Scott Price read the public hearing notice, found in the Select Board packet, into the record.

Mr. Zylinski made a declaration that he sat on Buca's last special permit for increased parking, and he wanted to make the Board aware of it.

Mr. Jon Aieta, Esq., the applicant's attorney introduced Mr. Robert Jarvis, the owner of Bucatino Restaurant, and Ms. Jennifer Jarvis, the co-owner of Bucatino Restaurant. The application for alteration of premise is borne out of the pandemic as people became accustomed to eating outside with the temporary extension, a lot of their clientele asked Mr. and Ms. Jarvis to expand this on a more permanent basis. We are requesting a few changes: The first part is to build an outdoor bar (permanent roofed structure). It would seat 16 patrons outside. In addition, there is an outdoor patio area that would seat 32 patrons--for a total of 48 additional seats outside. To accommodate that, they are not looking to increase the overall seating allowed on the premise, but they are taking the seats away from the inside. The total amount of seating would remain at 256 seats. What it does inside, it alleviates things, makes a better flow for the customers to get around. Finally, they are constructing an extension of the kitchen to give additional room in the kitchen for prep and to accommodate staff needs.

Chair Taylor asked if there were any questions from the Board.

Mr. Zylinski asked the applicant if he made the same accommodations that he made with the abutters as in the past? Are the abutters fully aware?

Atty. Aieta said, yes. Mr. Jarvis had meetings on site. He met with all of the neighbors and did add the fencing. He did not anticipate any issues.

Mr. Patterson asked if this includes any entertainment. Atty. Aieta said, no entertainment.

Chair Taylor asked for public comment-none. Chair Taylor entertained a motion to close the hearing. Ms. Scott Price: So moved. Mr. Patterson: Second. All those in favor: Vote: Yes-5. No-0.

Chair Taylor asked for discussion among the Board-none.

Mr. Brown made a Motion to Approve. Ms. Scott Price: Second. All those in favor: Vote: Yes-5 No-0.

BUSINESS

3. Report: Falmouth Road Race 2022

Scott Ghelfi, President of the Board of Directors of the Falmouth Road Race presented the report on how the race went, the subsequent wrap up and their plans to proceed.. He introduced Bob Antonucci, Vice President of the Falmouth Road Race. Mr. Ghelfi revisited that the Road Race appealed to the Select Board in the Spring the Special Event Working Group's decision to cut the field size from the ten-year constant 12,800 registrants to 10,000. The Road Race accepted this vote to allow 10,000 runners with the hope that they could work more closely with the public safety team to host a safe and efficient race and in doing so, return to their field size in 2023.

One concern this past Spring was because of the pandemic deferrals, there was a chance that there would not be enough available spots for Falmouth residents, but luckily, there were enough spots for Falmouth residents to register. Once the numbers of Falmouth residents, charity runners and sponsors were fulfilled, they only had about 650 entries available for the random selection process from which 7,000 applied. The traditional attrition rate of about 12% was seen again this year. They had 8,764 runners start the race and 8,610 finish. Doors closed on the last bus at 7:50 a.m. and left Katharine Lee Bates Road at 7:55 a.m. The medical team of about 300 professionals and volunteers in place from Woods Hole to Falmouth Heights were prepared. 105 runners were seen in the medical tent, mostly ice baths to reduce their body temperature. Six were transported to the Hospital and all were released. The last finisher crossed the line at 11:55 a.m., and the roads were reopened at 12:55 p.m. Mr. Ghelfi listed the various events held during the road race weekend and the highlights.

In late September, they had a post-race debrief with their public safety team and went through the event in its entirety. Their medical Director Chris Troyanos, Fire Chief Smith and Police Chief Dunne were in attendance plus several representatives from each. They all reported on their areas of responsibility, positives and negatives were brought forth and solutions were discussed. The consensus from our operations team was that this was our best race ever.

One challenge that they encountered this year is that expenses have risen by an exorbitant amount. They did increase the entry fee but it did not keep pace with inflation and the general cost of doing business. In addition to registration fees, they depend on donations, sponsorships and merchandise sales to offset expenses. With 2,800 fewer runners allowed, their bottom line has certainly been affected.

Mr. Ghelfi stated that the road race will continue its collaboration and efforts to minimize the impact on the neighbors in the Heights. They look forward to continuing to work with the Town, the businesses, the neighborhoods and other stake holders as we plan for future events. The Road Race plans on meeting with public safety in the coming weeks to begin planning for 2023. Capt. Brian Loewen has volunteered to be the liaison from the Falmouth Police Department on our organizing committee and thinks that this will go a long way in bridging that communication gap. We have also added Lt. Col. Jason Connelly to their Board of Directors who has experience with public safety, the Race and the Town. Mr. Ghelfi stated that they are grateful for the ongoing support of the Select Board, the Special Events Committee, the Police and Fire Departments, the Emergency Communications Team, the DPW, the Beach Committee, Chamber of Commerce, Public Schools, the Neighborhood Associations and the resident teams who volunteer at the Race itself.

Chair Taylor thanked Mr. Ghelfi for his report.

2. Veterans Council Committee Report. This committee's meeting has been postponed.

4. Acting as Trustees of Falmouth Affordable Housing Fund, act on application from Falmouth Housing Authority for \$100,000

Ms. Bobbi Richards, Executive Director of Falmouth Housing Authority (FHA), thanked the FHA Commissioners Steven Patton and Michael Galasso for coming out in support of the application to the Falmouth Affordable Housing Fund with a request for \$100K. The Housing Authority is challenged with the age of its portfolio. This Authority was established in 1948. The oldest building is 238 Lakeview Ave., which was built in 1957. The Authority has three properties that were built prior to 1978 so they want to look at those buildings in terms of needs assessment. Some of the aging systems were discovered, and they are looking to do a very thorough comprehensive needs assessment to determine how they can modernize, better use green efficiencies

and reduce some of the redundancies in those buildings. They are also looking to address tenant concerns regarding the age of their units. The FHA wants to create a reconditioning plan based on an outside opinion. The FHA learned that their State funding does not cover any type of needs assessment.

Mr. Brown asked if the assessment of the buildings is really about the material repairs to the buildings itself.

Ms. Richards said it is, and what they are looking for is a needs assessment that will assist them in going out and finding more funds to fix their buildings.

Ms. Scott Price moved that the Board, acting as Trustees for the Falmouth Affordable Housing Fund, grant \$100,000 to the Falmouth Housing Authority to retain the services of a consultant to perform a needs assessment on current affordable housing units and authorize the Acting Town Manager to execute a commitment letter and grant agreement setting forth the terms of the financial award to the Falmouth Housing Authority. Mr. Zylinski: Second. Vote: Yes-5. No-0.

Ms. Richards offered to present an annual (fiscal year) update to let the Board know what the challenges and successes have been for that year for the Falmouth Housing Authority.

5. Adopt Strategic Plan

Chair Taylor referred the Board members to a copy of the updated Strategic Plan in the packet, and asked if there were any comments.

Mr. Johnson-Staub referred to page 5 and asked the Board if they would consider changing the title from Sustainability Director to Sustainability Coordinator? He raised this point because Director implies oversight of additional staff which is, at this point, not contemplated.

Mr. Brown thought that the coastal resiliency position should be included in the Coastal section rather than in the sustainability section.

Mr. Brown made a comment that the clinician positions be implemented right away into the police department.

Mr. Johnson Staub confirmed and said that we are seeking to move forward in this fiscal year. We just must make sure that the job description falls within the same pay grade as our existing Social Worker job descriptions, otherwise Town Meeting approval would be required. In which case, we could pursue that in April 2023. We are seeking to move this forward and implement this fiscal year.

Mr. Brown said that he would like to keep the language in our Strategic Plan that we need to identify waste water discharge locations, because even though the comprehensive wastewater management committee is working on that, I think that this is something that should be important in front of us. That's a big decision we will have to make, whether or not we consider an outfall or land-based discharge. I think it should be identified under Wastewater.

Mr. Johnson-Staub summarized the following wording to be included in the Strategic Plan under ongoing goals within the strategic planning area, determine discharge sites to implement the comprehensive wastewater management plan.

Mr. Patterson said it may not be sites, it could be methods. Mr. Brown agreed: sites or methods.

Chair Taylor asked for a motion to move approval of the Strategic Plan with the edits that were mentioned.

Mr. Patterson: Motioned to move approval of the Strategic Plan with the edits. Second: Mr. Brown. Vote: Yes-5. No-0.

Chair Taylor thought that the Board did a very good job of working on Saturdays. The Board had some spirited discussions, which is always a good thing, and thought that the Board came up with a document that will not be sitting on the shelf.

CONSENT AGENDA

1. Licenses

- a. Approve application for an Amendment to a Package Store License – Change of LLC Manager-OSJI Spirits, LLC d/b/a Ocean State Job Lot, 50 Teaticket Highway, East Falmouth.

Mr. Patierno introduced himself as a Falmouth resident for twenty plus years, and he is now the Commander at Amvets local. He is a U.S. Navy veteran, served in the Gulf War, and as of May, took over as Commander.

Chair Taylor thanked Mr. Patierno for his service. She asked if there were questions from the Board?

Mr. Patterson asked Mr. Patierno if he is TIPS certified? And that he understands that he is responsible for all the service activity at that location?

Mr. Patierno responded, yes and that he has a team of qualified people.

Ms. Scott Price: Motioned approval. Second: Mr. Zylinski. Vote: Yes: 5 No: 0.

- b. Approve application for an Entertainment License – Olive Restaurant, Inc. d/b/a Shiverick's Café & Bar, 285 Main Street, Falmouth. **Hold.**
- c. Approve application for an additional day to a Special One-Day Wine and Malt Liquor License-WM Cycling Events, Inc. Pam American Cyclo Cross Championships – Cape Cod Fairgrounds, Friday, November 4, 2022.

2. Administrative Orders

- a. Approve Eversource petition to install one (1) new handhole labelled 31/8 at the base of existing pole 31/8 and to install approximately 24' (feet) of conduit and cable under the town road easterly starting at new handhole 31/8. This work is necessary to provide new electric service to 13 Abbies Lane.
- b. Vote to Approve Warrant for the 2022 State Election on November 8, 2022.
- c. Vote to reappoint Peter Johnson-Staub as the Falmouth representative to Cape and Islands Water Protection Fund Management Board.
- d. Initiate renaming process to add a plaque to the bank shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell".
- e. Vote to confirm the Charter Review Committee work is concluded and the committee is disbanded.
- f. Authorize expenditure from the D.A.R.E. donations account in the amount of \$1,438.35 for the purpose of Halloween bags for the elementary students of Falmouth Public Schools.
- g. Authorize expenditure from the D.A.R.E. donations account in the amount of \$127.09 for the purpose of supplies for the RAD Kid's Class

3. Committee Appointments

- a. Golf Advisory Committee – Richard Boles, Recreation Committee Representative
- b. Community Preservation Committee – Robert Brown, Recreation Committee Representative

Chair Taylor asked for a Motion to approve the Consent Agenda while holding 1 (b). Mr. Brown: So Moved. Second: Mr. Patterson. Vote: Yes-5. No-0.

1. Licenses

- b. Approve application for an Entertainment License – Olive Restaurant, Inc. d/b/a Shiverick's Café & Bar, 285 Main Street, Falmouth. Continued from above (on hold).

Mr. Johnson-Staub held this item and said in retrospect it should have been on the Business agenda to begin with because it is a new entertainment license. There are some residential apartments abutting the property, and he wanted to make sure that the Board is aware of that and if the applicant is here, to have a dialogue about the potential impact that noise from the entertainment license might have.

Mr. Zylinski asked if there were abutter notices sent out to those addresses. Mr. Johnson-Staub replied, no, as it is not part of the entertainment license process. Ms. Scott Price felt like it should be, and Mr. Zylinski agreed.

Mr. Zylinski said that the Board has been receiving much correspondence from other businesses with the same component. Why wouldn't we adjust our policy to that at least to give the public some opportunity to speak? Mr. Johnson-Staub explained that liquor licenses require a hearing, but entertainment licenses do not require a formal hearing process. It has always been an agenda item request to the Board. Mr. Zylinski requested if the Select Board could make it a part of the application process? Mr. Johnson-Staub said, yes, the Board can certainly make a policy decision and change the process.

Chair Taylor said that the Board will not take action tonight.

Mr. Patterson asked the applicant about amplification.

Mr. Gregoriadis said he does not plan to amplify beyond the small capacity of that building, and would probably have a one- or two-piece instrumental band.

Chair Taylor moved to hold it, notify abutters and have lengthy conversation before voting on it.

Ms. Scott Price thought that before this is placed on a future agenda, the Board must notify the applicant what is expected from him. Mr. Johnson-Staub asked the Board members if they want to ask for changes in the application or does the Board wish to notify abutters and have the application come back in exactly the same form it is in now. Mr. Zylinski thought that the abutters' input could help dictate what that mediation could be. Mr. Patterson expressed the need to be consistent with other businesses in that area so that the Board has a consistent policy for anyone else who may come forward. Mr. Brown said it may not be 100% consistent since some licenses have been existing, and some are farther from residents.

Public Comment:

Mr. Marc Finneran, speaking as a citizen, said there is a license down the street and there are residential apartments within the building, and asked the Board to consider all of that. He has known Mr. Gregoriadis for decades and said he is hard working and dedicated.

Chair Taylor thanked the applicant and announced that the Board is going to hold this item it and put it on another agenda.

MINUTES

1. Review and Vote to Approve Minutes of Meetings

- a. Public Session –

September 26, 2022

Mr. Patterson moved approval as edited the Minutes of September 26, 2022. Second: Ms. Scott Price. Vote: Yes-5. No-0.

October 1, 2022

Ms. Scott Price moved approval as edited the Minutes of October 1, 2022. Second: Mr. Patterson. Vote: Yes-5. No-0.

b. Executive Session –

March 22, 2022:

Mr. Patterson moved to approve the Executive Session minutes of March 22, 2022 and that they not be released to the Public. Ms. Scott Price seconded. Vote: Yes-5. No-0.

March 29, 2022

Mr. Patterson moved to approve the Executive Session minutes of March 29, 2022 as edited and that they not be released to the Public. Ms. Scott Price seconded. Vote: Yes-5. No-0.

Mr. Johnson-Staub offered a suggestion that if there are any edits for Executive Session minutes, perhaps submit them in writing then hold until a future meeting.

Chair Taylor indicated that she thought that was a good idea.

May 17, 2022

Mr. Patterson moved to approve the Executive Session minutes of May 17, 2022 and not release them to the Public. Ms. Scott Price seconded. Vote: Yes-5. No-0.

May 23, 2022

Mr. Patterson moved to approve the Executive Session minutes of May 23, 2022 with one edit and not release them to the Public. Ms. Scott Price seconded. Vote: Yes-5. No-0.

June 9, 2022

Mr. Patterson moved to approve the Executive Session minutes of June 9, 2022 with one edit and not release them to the Public. Ms. Scott Price seconded. Vote: Yes-5. No-0.

June 21, 2022

Mr. Patterson had one edit he would suggest.

Chair Taylor asked to hold the minutes of June 21, 2022 and bring back.

October 3, 2022

Mr. Patterson moved to approve the Executive Session minutes of October 3, 2022 and not release them to the Public. Ms. Scott Price seconded. Vote: Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub read the Town Manager's Supplemental Report dated October 21, 2022, and found in the Select Board packet.

Mr. Patterson mentioned that he will be able to get to the Precinct meeting on Wednesday, November 3. Chair Taylor could do Precinct 1, 2 and 3. Mr. Brown could do Precinct 5 and 6. Ms. Scott Price could do Precinct 8 and 9. Mr. Zylinski could do Precinct 4 and 7.

SELECT BOARD REPORTS

Mr. Patterson

Attended meetings of the EDIC and the Cape and Islands Municipal Leader's Association. What came up with the Towns was the challenges that Towns are having replacing staff including Town Managers. Of course housing is a great part of that challenge. The staff throughout the entire town are challenged with finding housing. The hiring process is nowhere near straight forward.

Mr. Brown

Also attended the Cape and Islands Municipal meeting, and Mr. Johnson Staub attended remotely. There was input from town managers who mentioned the importance of leadership of the Select Board to say thank you to staff in appreciation of staff achievements with goals and milestones. The Municipal Leader's meeting in November may be focused on affordable housing and potentially the short-term rental issue. That meeting will be at the Family Table in Yarmouth. The one in December is tentatively scheduled to be at the Sea Crest and might be a legislative update as well.

Ms. Scott Price

Spent the day with the Police Department. She got to wear a bullet proof vest. It was great to see how the department works, to talk with people and really get a feel for the type of work that they actually do. She really enjoyed that.

Also spent a day with the Department of Public Works (DPW). She met and talked with Department heads and discussed all of the work that they do. It is a fantastically run Department. She will be recognizing the team next meeting.

Attended the Affordable Housing Committee meeting. Kim Fish was there representing the Town really well and had a lot of updates and good information. She and Kim signed up for a Habitat for Humanity build in December, and once confirmed, she hopes that Board members and other Town employees might want to participate on that day, and she will give more updates to the Board.

Mr. Zylinski

Mentioned that he will be out of town beginning tomorrow and back on Saturday of next week.

DISCUSSION OF FUTURE AGENDA ITEMS

Ms. Scott Price suggested potentially establishing an entertainment license policy or adjusting said policy.

Mr. Brown would like to revisit policies; and there were a couple they never got to.

Mr. Patterson would like an update on the status of the lift station on Robbins Road. We would like to get it done as quickly as possible. It would be nice to have a progress report because it is costly to hold up these projects.

Chair Taylor suggested another Saturday workshop and invite the Chair and Vice Chair of the Finance Committee to really take a deep dive into funding streams, how they work, what does "override" mean. Also, assess where we are at and how we could move forward and get everything that we want in terms of positions and the fire station. The Board would not take public comment at this workshop.

Someone in the audience off mic asked about Cape Cod Church sign variance.

Chair Taylor said that this cannot be discussed; it is not on this agenda, and to check with Mr. Johnson-Staub.

Motion by Ms. Scott Price to adjourn at approximately 9:00 p.m. Second: Mr. Patterson. Vote: Yes: 5. No-0.

Respectfully submitted,

Diane S. Davidson
Recording Secretary