

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, FEBRUARY 13, 2023 – 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**

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Black History Month
4. Recognition
5. Announcements – Volunteers in Public Schools
6. Public Comment

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

**6:40 p.m. COMMITTEE INTERVIEWS**

1. Interview, vote and appoint committee members
  - a. Beach Committee – Gerard Cogliano, Trisha Herlihy, Susan DiPasquale

**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, 1/30/23. (10 minutes)
2. Approve an application by the Portuguese American Association of Falmouth, Inc. to amend its Entertainment License and Sunday Entertainment License to be exercised at 55 Ashumet Road, East Falmouth (5 minutes)

**7:00 p.m. BUSINESS**

1. Update on the Town Manager Hiring Process (15 minutes)
2. Police Department Staffing Update (10 minutes)
3. Funding Plan for Capital Borrowing Projects (10 minutes)
4. Wastewater Capital Project Updates – Treatment Facility Improvements and Design of Sewer System Extension to Teaticket-Acapesket Area (20 minutes)
5. Presentation of Petition Articles for April 2023 Town Meeting (5 minutes each)
  - a. Present Petition Article #15 – Rosemary Carey
  - b. Present Petition Article #16 – Patricia P. Johnson
  - c. Present Petition Article #17 – Patricia P. Johnson
  - d. Present Petition Article #18 – Philip Alexander Gessen
  - e. Present Petition Article #19 – Sandra Faiman-Silva
6. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on application from the Affordable Housing Committee for funds in the amount of \$9,500 to retain Brian Switzer Video to create an affordable housing video (5 minutes)

7. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on application from the Affordable Housing Committee to request funding in the amount of \$30,000 to hire a consultant to update the Housing Production Plan (5 minutes)
8. Discussion on Sustainability Coordinator Job Description (5 minutes)

**8:35 p.m. CONSENT AGENDA**

1. Administrative Orders
  - a. Approve a Grant of License to William and Carol Brenner to maintain an existing post and rail fence along the eastern edge of the property which encroaches onto the road layout at 3 Ruth Terrace.
  - b. Approve application to the Cape Cod Commission for 2023 District Local Technical Assistance (DLTA) funding for the Town's Open Space and Recreation Plan
  - c. Vote to amend Select Board Naming Policy
  - d. Affirm seasonal wage schedule for calendar year 2023

**8:40 p.m. MINUTES**

1. Review and Vote to Approve Minutes of Meetings
  - 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**

**9:05 p.m. ADJOURN**

Nancy R. Taylor, Chair  
Select Board

## **OPEN SESSION**

### **3. Proclamation – Black History Month**

February 13, 2023



## PROCLAMATION

Whereas, Black History Month was first celebrated nationally in 1976 during the United States Bicentennial; and

Whereas, Black History Month has a rich cultural history throughout the United States, symbolizing the enduring strength and significance of civil rights pioneers including Martin Luther King, Jr., Rosa Parks, Phillis Wheatley, and Frederick Douglass; and

Whereas, The Town of Falmouth must continue to move towards equality, recognizing the barriers faced by the Black community and addressing structural racism and social, political, and economic inequalities; and

Whereas, Black History Month is an opportunity to recognize the many contributions and achievements by Black leaders and members of our community in the Town of Falmouth throughout the course of our history; and

Whereas, This year's Black History Month theme is "Black Resistance", bringing awareness to the historically underserved Black community through oppression in various forms. "Black Resistance" recognizes the achievements and progress that the Black community has made through opposition to racial constructs and prejudices as is evident through the passage of the Civil Rights Act of 1964, the Voting Rights Act, and increased representation in government and politics; and

Whereas, Black History Month is a time to celebrate and acknowledge the significant history and contributions of the Black community throughout the Town of Falmouth, the Commonwealth of Massachusetts and the United States, as well as to bring awareness to the challenges faced by the Black community and the methods in which they have tirelessly worked to conquer such adversity;

Now, Therefore, We, Nancy R. Taylor, Onjalé Scott Price, Samuel H. Patterson, Douglas C. Brown and Edwin (Scott) P. Zylinski II members of the Falmouth Select Board, do hereby proclaim **February 2023** to be,

### **Black History Month**

in the Town of Falmouth, and urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

We have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 13<sup>th</sup> day of February, 2023.

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Nancy R. Taylor, Chair

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Douglas C. Brown

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Onjalé Scott Price, Vice Chair

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Edwin (Scott) P. Zylinski II

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Samuel H. Patterson

## **OPEN SESSION**

### **4. Announcements – Volunteers in Public Schools**

**OPEN SESSION**

**TOWN MANAGER'S PRELIMINARY REPORT**

February 13, 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 February 13, 2023  
DATE: February 10, 2023

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**Hearings:**

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

This hearing was continued from January 30<sup>th</sup>. The applicant has submitted a proposal from a contractor describing acoustical panels that could be installed to mitigate the sound leaving the building.

2. Amend Entertainment License – Portuguese American Association, 55 Ashumet Rd, East Falmouth:

The applicant seeks approval for outdoor entertainment. Staff have reviewed the application and raised no concerns. The site is well buffered. The Police Department reports they have not received any noise complaints related to this property. This office has not received any complaints or concerns related to this application to date.

**Business:**

1. Update on Town Manager Hiring Process:

I will recuse myself from this discussion.

2. Police Department Staffing Update:

Chief Dunne will update the Board on the ongoing challenges the Department faces filling vacant positions. There are presently 10 vacant patrol positions and 3 additional positions anticipated to become vacant in the months ahead.

3. Funding Plan for Capital Borrowing Projects:

Finance Director Ed Senteio and I will give a presentation on a funding plan for large capital projects that require borrowing. We will explain how the recently approved projects, and the projects proposed for Town Meeting this April, can be accommodated without a tax increase. We will illustrate the extent to which additional projects for future years might be undertaken without a tax increase. The analysis shows there is quite a bit of borrowing capacity available within the next 15 years but we would not be able to undertake all of the projects identified by Town Departments without securing additional, or alternative, funding sources. Ed Senteio has prepared what I characterize as a 'concept plan' to illustrate the amount of borrowing we can take on without a tax increase. This concept plan is not a proposal. There is a lot more work that needs to be done before we decide how to move forward with the individual capital borrowing projects identified. This agenda item is intended as the beginning of an ongoing dialog to set priorities for future capital projects.

4. Wastewater Capital Projects Update:

Wastewater Superintendent Amy Lowell will give a presentation on the two wastewater capital projects that are on the April 2023 Annual Town Meeting warrant. Article 24 is supplemental funding for the Wastewater Treatment Facility upgrades approved last April. Town Meeting approval is required to authorize the additional spending. A second election ballot vote is likely not required to exempt the borrowing costs from the limits of Proposition 2 ½ because the cost increase is not caused by a change in the scope of the project. The Select Board will be required to authorize an application to the Department of Revenue to seek approval to not require a second debt exemption ballot vote. We anticipate the application will be completed in time for the February 27<sup>th</sup> Select Board meeting. The additional \$9.5 million cost fits within the debt drop-off and will not require a tax increase.

Article 25 is for design of a sewer system extension in the Teaticket Acapesket Sewer Area (TASA). This \$4.5 Million can also be accommodated without a tax increase. We are not proposing to seek a debt exemption for this borrowing.

5. Petition Article Presentations:

The petitioners for each of the 5 petition articles have been invited to give a presentation of no more than 5 minutes. Traditionally, the Board defers voting its recommendations on these articles until the following meeting. We will provide the Board with draft explanations for the Town Meeting booklet prior to the February 27<sup>th</sup> meeting.

6. Falmouth Affordable Housing Fund Application for educational video:

The Affordable Housing Committee submitted an application seeking funds to produce an educational video outlining affordable housing issues in our community and to present possible solutions. The video would be used as a tool during the FAHC Affordable Housing Summit planned in April 2023 and other various outlets to promote awareness of the current housing crisis. I recommend approval of \$9,500 for this purpose. Below is a proposed motion:

*"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund, approve an expenditure of \$9,500 from the Fund to retain the services of Brian Switzer to create a video outlining the affordable housing issues in our community and authorize the Interim Town Manager to expend said funds for this purpose."*

7. Falmouth Affordable Housing Fund Application:

The Massachusetts Department of Housing and Community Development (DHCD) requires municipalities to submit an updated Housing Production Plan every 5-years in order to retain eligibility for relief from MGL 40B provisions. The Plan requirements are extensive and beyond the capacity of staff to prepare without the assistance of a consultant. I recommend approval of \$30,000 for this purpose. Below is a proposed motion:

*"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund approve an expenditure of \$30,000 from the Fund to retain the services of a consultant to update the Housing Production Plan and authorize the Interim Town Manager to expend said funds for this purpose."*

**8. Sustainability Coordinator Job Description:**

I drafted the attached job description for the Sustainability Coordinator after reviewing similar job descriptions from several other communities. I also sought input from Jennifer Lincoln and consultants at the Woods Hole Group. As you will see, the essential functions focus on implementing environmental sustainability and energy efficiency initiatives for municipal facilities and programs. This includes obtaining and administering grants and overseeing renewable energy projects. This purpose is consistent with those outlined in the non-binding petition article approved last year though it is somewhat more narrow in scope. I have attempted to align the scope and qualifications of the position with the salary budgeted for the position – up to \$94,000. Select Board approval of the job description is not required but I want the Board to be familiar with what I am proposing and welcome your input before the job description is finalized. I will also be seeking input from the Energy Committee and of course Susan Lumpkin will review the job description for format and best practice.

**Consent Agenda:**

There are four items on the consent agenda.

- a) The owners of 3 Ruth Terrace have an existing fence that encroaches on Town property. The Town Engineer has reviewed this request and raised no concerns.
- b) Town Planner Jed Cornock seeks approval to submit a grant to retain a consultant to update Falmouth's Open Space and Recreation Plan (OSRP). The plan will consider conservation goals, demographic trends, and incorporate public input to set goals for the future. Additionally, an expired Open Space and Recreation Plan makes the town ineligible for important state grant funding for the future preservation of open space and creation of recreational resources.
- c) The Select Board Naming Policy serves an important purpose to ensure the Board follows a deliberate process before assigning a name to a facility that may last in perpetuity. The current policy as written is somewhat cumbersome and places a significant burden on two Board members. The existing policy requires a separate hearing held by two Board members. After consulting with the Chair, I have suggested a few edits to the policy so the Board can hold a hearing at a regular meeting and then make a decision.
- d) I am seeking a second vote on the seasonal wage schedule to clarify the effective date. We would like for the seasonal wage schedule to be adopted effective immediately through the end of calendar year 2023. There are no changes to the rates approved by the Board last week.

## **OPEN SESSION**

### **COMMITTEE INTERVIEWS**

1. Interview, vote and appoint committee members
  - a. Beach Committee – Gerard Cogliano, Trisha Herlihy, Susan DiPasquale

Beach Committee (7 full members) (3-year terms)

One vacancy:

- Unexpired term ending 6/30/24

Three applicants:

- Gerard Cogliano
- Trisha Herlihy
- Susan DiPasquale

**Town of Falmouth  
Town Committee Vacancies**

The Falmouth Select Board announces the following vacancy on a town committee:

<u>Committee</u>	<u>Term Until</u>
Beach Committee (1 position)	6/30/24

Applications are available on the Town web site <https://www.falmouthma.gov/647/Town-Committees>. Please submit applications to the Office of the Town Manager/Select Board, or email to [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov). The deadline for applications is Friday, February 3, 2023.

*Publication date: Friday, January 20, 2023; Falmouth Enterprise.*

*Account #: 2056.*



**TOWN OF FALMOUTH**

**BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM**

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

Name: Gerard Cogliano  
Address: 49 Elain Ave Village: E Fal ZIP: 02536

Mailing Address: Same as above Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 16 (date: 7/1/07) / Taxpayer 16 (date: 7/1/07)

Amount of time you are available to give: 10 to 20 hrs a week

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

1. Beach Committee
2. \_\_\_\_\_
3. \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

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

Relevant affiliation and work and personal experiences: I been associated with Falmouth since 1962. Recently retired from Base Cape Cod working for 16 years in the Enviromental and Safety Office.

Town offices held in Falmouth or elsewhere and dates of years served: Recently elected as a Town meeting member for precinct 7.

Briefly describe the particular skills you feel you will add to the committee or board: My work in the  
Enviromental Safety Officie allowed me to work with Mass laws dealing the protection of  
water and handling of hazourdus materials. I have lived in other beach communities so  
I am vewry aware of the challenges ahead for the town to protect one of our most important  
resources. I bring 40+ years of experince working with others.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Margie Mitchell</u>		<u>[REDACTED]</u>
2.	<u>Scott Williamson</u>		<u>[REDACTED]</u>
3.	<u>Brenda Swain</u>		<u>[REDACTED]</u>

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

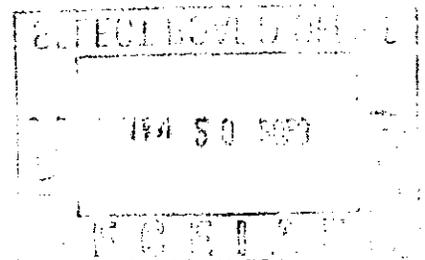
I have received a copy of the Select Board's Appointment Policy and read the material provided.

1/20/23

DATE

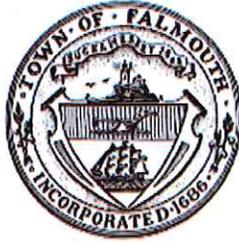
  
APPLICANT'S SIGNATURE

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



Gerard R Cogliano

I retired 26 February 2022 from USCG Base Cape Cod as the OSHA Safety Manager and Fire Marshall after 19 years. We live in Falmouth, MA with my spouse Sharon between us we have four children, Paula, Leah, Catherine, Gerard Jr who are employed and living on their own. I graduated from Xaverian Brothers High School and Norwich University Class of 78 with a BS degree in Business Administration and have a MBA from Anna Maria College at Boston University. I retired from the US ARMY October 1999 after 24 years at the Rank of LTC/05 with an Honorable discharge. I attended the US Army War College, Command and General Staff Course, Nuclear and Chemical Targeting School, and others. Among all of my medals and awards; Army Accommodation 4 Oak Leaf Cluster, Army Achievement 5 Oak Leaf Clusters, the Legion of Merit was the highest. I had numerous military assignments throughout the US (Ft Ord, Ft Sill, Ft Bragg, Ft Knox, Ft Devens and the Pentagon which are highlighted with; Command of Head Quarters Battery 7<sup>th</sup> Infantry Division Artillery, Commander of Alpha Battery 3/84 FA 56<sup>th</sup> Brigade (Pershing 1A), West Germany, USAEUR, and culminating with Department of Defense In-Service Recruiting Division Chief, Personal Command, VA. I had numerous overseas deployments, West Germany, S Korea, and Panama. After retirement from active duty I worked at a software company, Storage Networks for three years as their Asset Manager responsible for US and international data storage system deployments, taught math at Mashpee High School for one year and then accepted a position with the USCG to retirement. In the past nineteen years of government employment I have received personnel ratings of Exceed every rating period and received the following civilian awards; Air Station Cape Cod Employee of the Year 2012, Greater Boston Federal Administrative Employee of the year 2013, Base Cape Cod Civilian of the Quarter Employee 2104, received a Quality Step Increase in 2015 for exceeding expectations at work and the Civilian Service Commendation Medal upon retirement in 2022.



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM

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Name: Trisha Herlihy

Address: 8 Esker Place Village: East Falmouth ZIP: 02536

Mailing Address: 8 Esker Place Village: East Falmouth ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident  (date: 1986) / Taxpayer  (date: 2005) present

Amount of time you are available to give: Monthly meetings + sub committee work

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

1. Falmouth Beach Committee
2. \_\_\_\_\_
3. \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

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

Relevant affiliation and work and personal experiences: \_\_\_\_\_

Worked 5 years as a Falmouth Lifeguard/Swim Instructor 1978-1982  
Worked 1 year as Staff/Swim Instruction Program Director 1986  
for Falmouth Beach Committee

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

Served as member on the board of Falmouth Housing Trust 2005-2010

Served as member of the Falmouth Affordable Housing Committee  
2015 - 2019

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

My lifelong addiction to salt water fuels my enthusiasm to serve as a member of the Falmouth Beach Committee. I am eager to work with a team passionate about finding solutions to the pressing problems created by climate change and erosion of our precious coastline and beaches. I am very familiar with all ten beaches and use them almost every day of the year and will work tirelessly to meet the challenges faced by the committee for benefit of all who enjoy Falmouth beaches.

You may attach a resume to this application.

List three (3) references:

Name	Title	Phone
1. Barbara Schneider	Chair - Falmouth Beach Committee	[REDACTED]
2. Addie Drolette	President Falmouth Housing Trust	[REDACTED]
3. Karen Bissonette	Director Falmouth Housing Trust	[REDACTED]

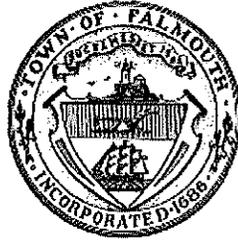
I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

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

February 3, 2023  
DATE

  
APPLICANT'S SIGNATURE

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



TOWN OF FALMOUTH  
BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM

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

Name: Susan DiPasquale  
Address: 53 Rosemary Lane Village: East Falmouth ZIP: 02536

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

Telephone: [REDACTED] Email [REDACTED]

How long have you been a Resident 15yrs (date: 7/2007) / Taxpayer 20 (date: 2/2002)

Amount of time you are available to give: days off and weekends, can work my schedule out

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

1. Beach Committee
2. \_\_\_\_\_
3. \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

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

Relevant affiliation and work and personal experiences: I have never worked on a beach committee, however, I have always loved the beach and I have a strong leadership quality that I know will assist your committee in accomplishing its mission. I love Falmouth and want to be a part of solutions not problems.

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

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

As stated previously, I do not have particular skills that address enviromental effects of beach erosion, but I have a passion to see Falmouth improve its largest quality, our beaches.

I want to see our community take care of what we have a pleasure to enjoy and preserve it for future generations. I understand each beach has its own character and would like to see improvement of conditions on any issues Falmouth has. I see myself as a fresh set of eyes, someone that loves the process of turning good ideas into solid practice. I am just a concerned citizen that has a desire to help our town grow.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Kate Jackson</u>	<u>Friend</u>	<u>[REDACTED]</u>
2.	<u>Stacey Pinardi</u>	<u>Boss</u>	<u>[REDACTED]</u>
3.	<u>Philip DiPasquale</u>	<u>Husband</u>	<u>[REDACTED]</u>

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

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

28 Sept. 2022

DATE

Susan DiPasquale Digitally signed by Susan DiPasquale  
Date: 2022.09.28 12:30:04 -04'00'

APPLICANT'S SIGNATURE

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

## **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, 1/30/23 **(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](mailto: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

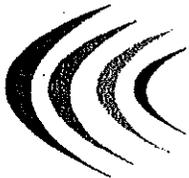
Onjalé Scott Price

Samuel H. Patterson

Douglas C. Brown

Edwin (Scott) P. Zylinski II

*Publication date: Friday, December 30, 2022; Falmouth Enterprise  
Acct. #2056*



# NEW ENGLAND SOUNDPROOFING

## PROPOSAL

All home improvement contractors and subcontractors engaged in home improvement contracting, unless specifically exempt from registration by Provisions of Chapter 142A of the general laws, must be registered with the Commonwealth of Massachusetts. Inquiries about registration and status should be made to the Director, Home Improvement Contract Registration, One Ashburton Place, Room 1301, Boston, MA 02108 (617) 727-8598.

Home Improvement Contractor Registration: 124384  
Construction Supervisor License: CS 69158, CS 111739, RI 41214  
Proposal Number: 02012023MM

Mike Mueller  
Timber Axe Bar & Bowl  
23 Town Hall Square  
Falmouth, MA 02540

Date: February 1, 2023

This report/quote summarizes the site inspection performed by New England Soundproofing (NES) for Timber Axe Bar & Bowl as well as the resultant recommendations. NES was contacted by Mike Mueller to assess mitigation options for controlling the transmission of sound out of the building.

### Existing Conditions

Timber Axe Bar & Bowl is currently receiving noise complaints from a neighboring condo building when they have live music. The current assembly of the exterior wall facing the condo building varies, however, in certain sections layers of sheetrock and wood finish is visible. There is currently a drop ceiling installed throughout the entirety of the bar.

### Proposal

NES recommends the following be done to help mitigate transmission out of the bar as well as control the acoustics within the bar when live music is being played.

### Phase 1

During the site inspection, it was noticed that the reverberation within the bowling alley portion of the bar is higher than the rest of the bar. This also happens to be where the stage for live music is located. NES recommends that free standing acoustical panels be placed around the stage when it is setup. This will help to control the acoustics within the bar at the immediate reflection points of the sound generated by the live bands before it reverberates and amplifies throughout the bowling alley. The mitigation of the amplification of the noise source will help lower the pressure of the sound which will mitigate the level of sound that is transmitting through the exterior wall.

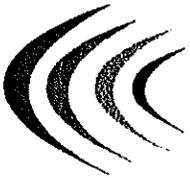
Timber has agreed to move forward with the proposed plan contingent on the approval of an entertainment license by the select board: Client: Mike Mueller NES Consultant: Dylan Cournoyer

Note: We agree to apply the consultation fee as a credit toward any purchase or combined purchases, including labor and materials, over \$2,000.00. The pricing in this proposal reflects any applicable credits. This quote and any applicable credits



Joseph Drago  
Owner  
40 Norfolk Ave  
Boston, MA 02375

PHONE (781) 710-1261  
EMAIL JDrago@NewEnglandSoundproofing.com  
WEB SITE www.NewEnglandSoundproofing.com



## NEW ENGLAND SOUNDPROOFING

expire 60 days from the date at the top of this proposal. A surcharge may be assessed for certain fabrics. Installation is to be completed during regular business hours unless otherwise specified. Due to the varying circumstances of each individual project, we do not guarantee 100% soundproofing results, but rather a noise reduction.

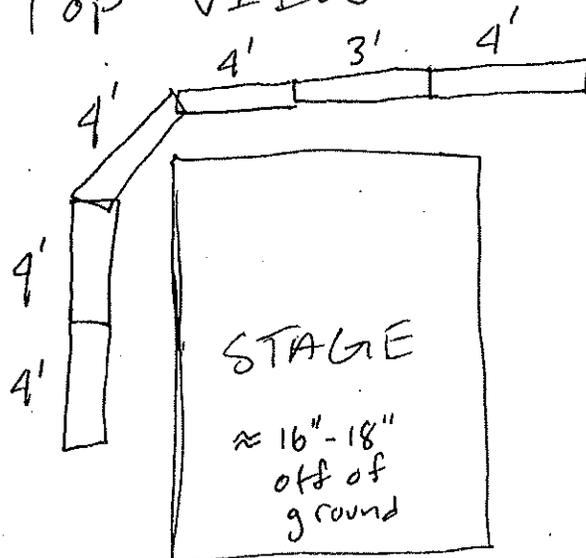


Joseph Drago  
Owner  
40 Norfolk Ave  
Easton, MA 02375

PHONE (781) 710-1261  
E-MAIL [JD@NewEnglandSoundproofing.com](mailto:JD@NewEnglandSoundproofing.com)  
WEB SITE [www.NewEnglandSoundproofing.com](http://www.NewEnglandSoundproofing.com)

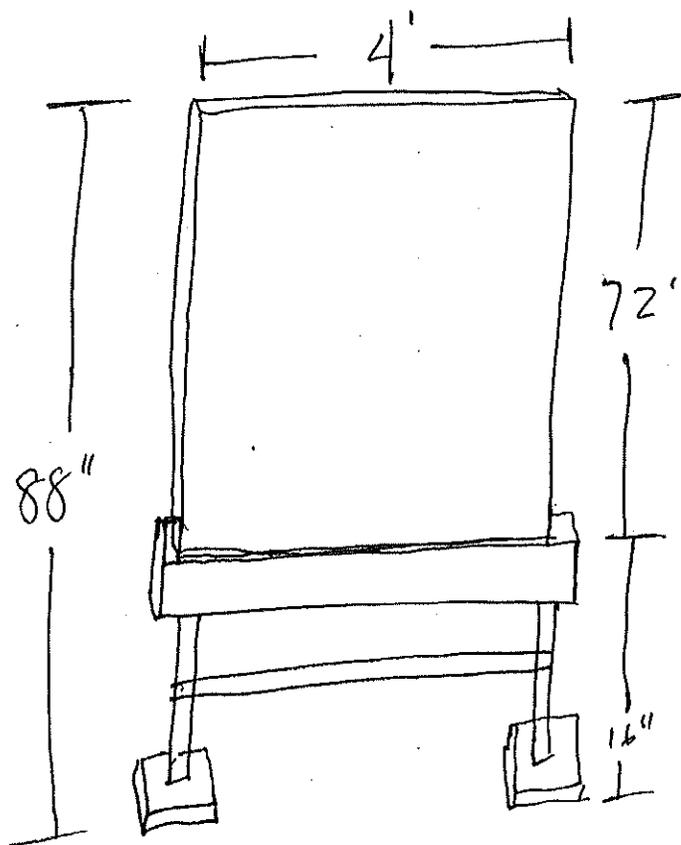
# TIMBER

TOP VIEW



16" HIGH STANDS  
PANELS ARE ALL  
6' TALL  
TOTAL HEIGHT OFF  
OF THE FLOOR IS 88"

INDIVIDUAL PANELS



**Application from hearing on January 9, 2023.**

February 13, 2023

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

**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

December 30, 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

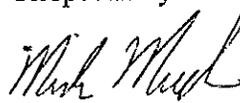
Dear Mr. Johnson-Staub,

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.

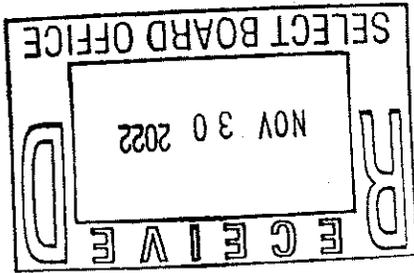
This was a misunderstanding on our part, and I apologize. In order to address and rectify this error, attached hereto please find a completed application for an entertainment license.

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

Respectfully Submitted,

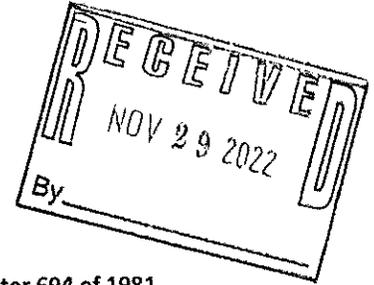


Michael Mueller, Co-Owner  
Timber Axe Bar Bowl



**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 # [REDACTED] 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  THR  FRI  SAT

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: \_\_\_\_\_

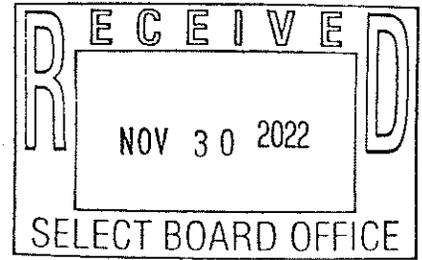
I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted 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 Michael Mueller  
 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:

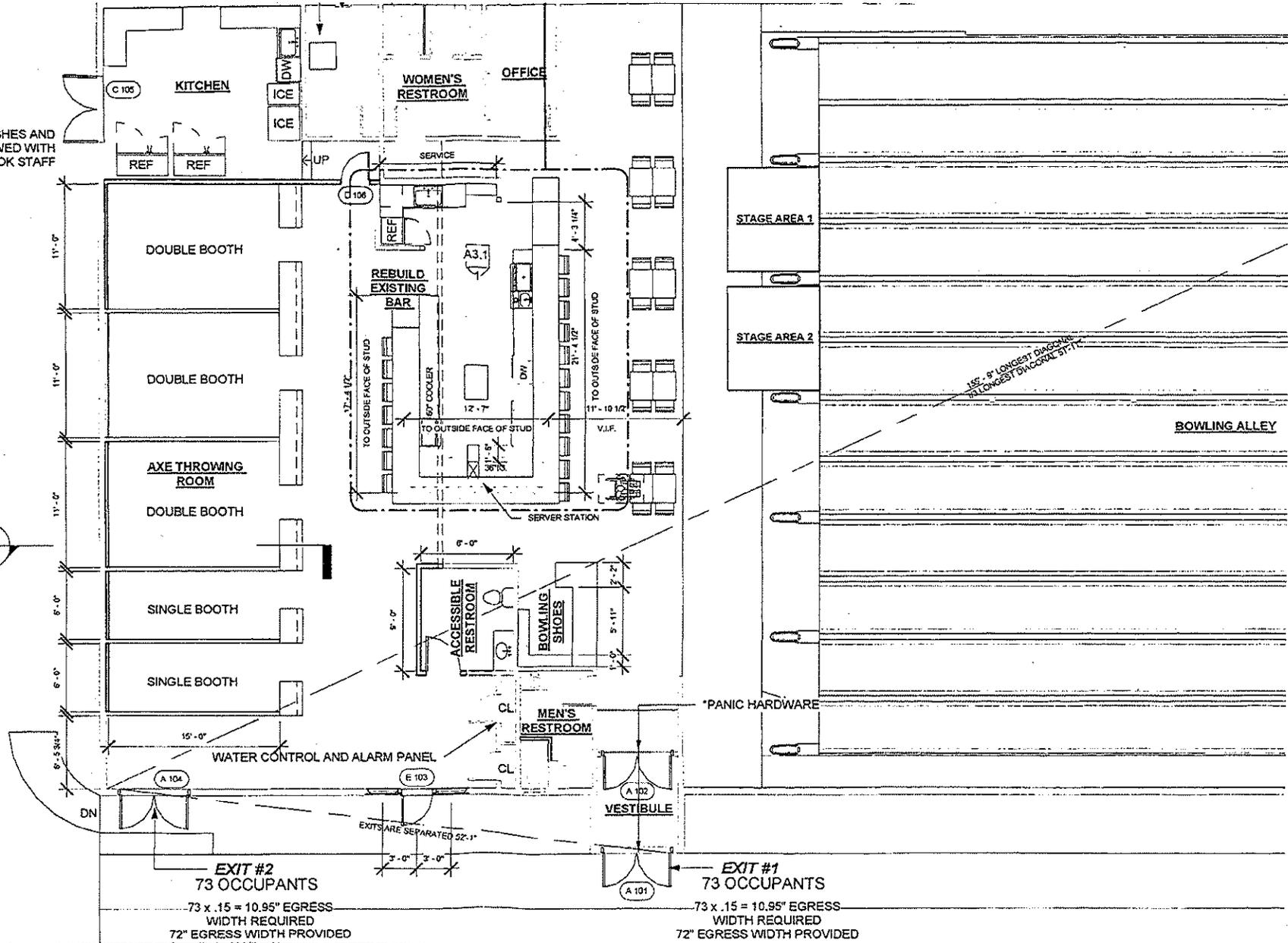
- a. A seating plan completed and stamped by an Engineer or Architect and showing the occupancy load calculation.
- b. If any outdoor seating, a plot plan, or site plan by a certified land surveyor. Must include parking

Building Department sign-off: X 

DATE: 11-30-22

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

2  
A3.1



**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

15' - 8" LONGEST DIAGONAL  
TO LONGEST DIAGONAL 57'-11"

\*PANIC HARDWARE



RECEIVED

NOV 8 0 2022

Board of Assessors, Town of Falmouth

RECEIVED *JM*

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

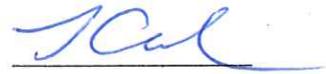
Check one:

- 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

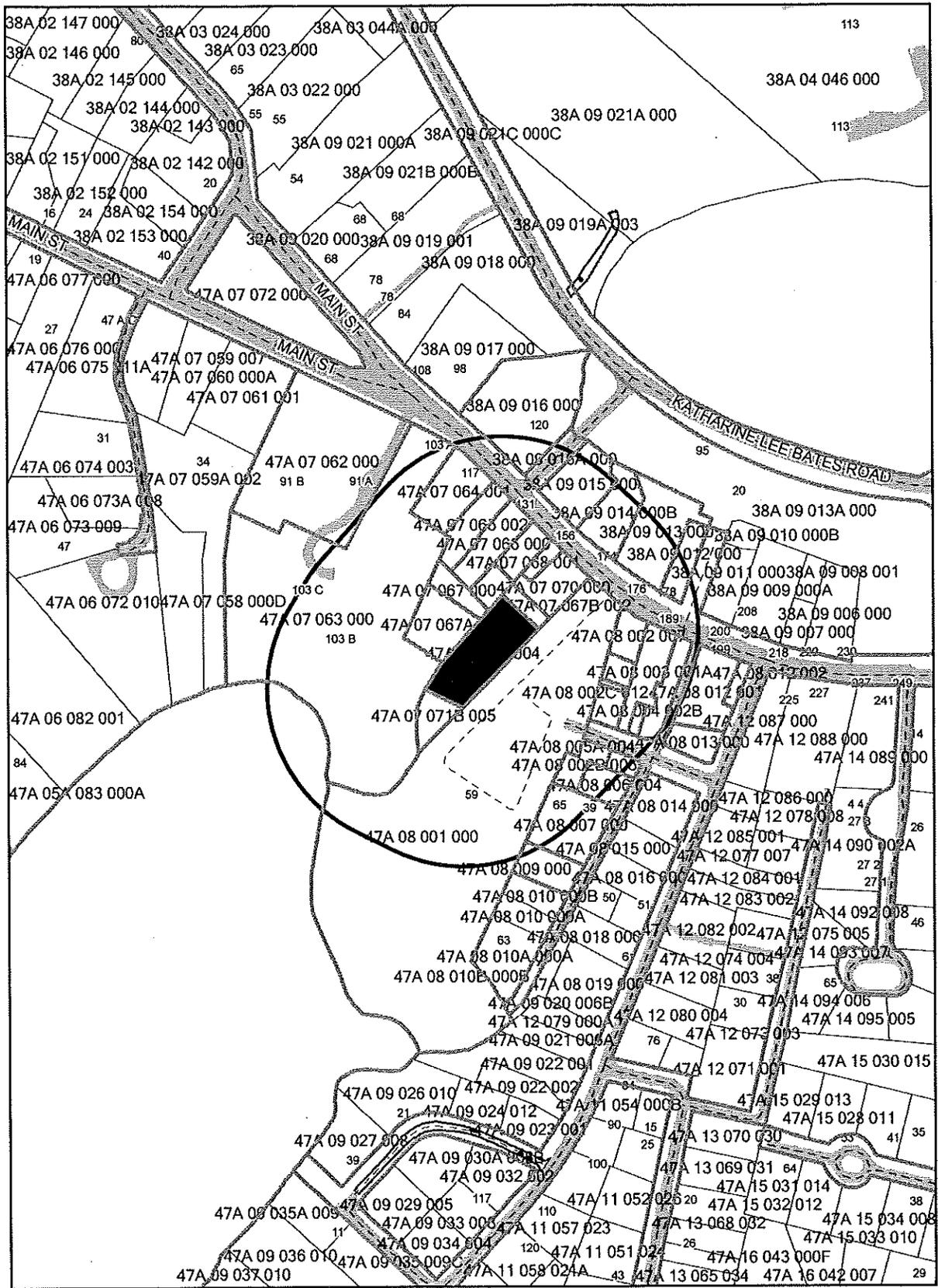
**23 TOWN HALL SQUARE**

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: 328	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 RICH 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

## **Public Comments.**

## Diane Davidson

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**From:** Richi Mehta  
**Sent:** Wednesday, February 8, 2023 9:34 AM  
**To:** Falmouth Selectboard; Linda Tsimortos  
**Subject:** Timber Axe Bar Entertainment License

Dear Members of Select Board,

My name is Richi Mehta, and I am the Owner at 137 Main St. Where Linda Tsimortus resides. I am writing a letter of concern regarding the details from the Select Board meeting on January 30th, 2023, in concern to the entertainment application for Timber Axe Bar. I will not be able to attend the meeting Feb 13, 2023

Before Timber Axe Bar, it was a Ryan's family amusement, As the name says it was more of a family establishment. It had been around for decades; I can remember going there as a young kid myself. That building is going on 75 years old, my apologies for not having the exact date . The building was not built or intended to be a bar/ nightclub.

I restate: It does not have the proper Insulation and soundproofing to meet the needs of its new use, we support the applicant's success, all that we are asking is that they, or the building owner do what's necessary to bring that space up to Code with how it is being used now. The current owner of the building, owns one of the largest building companies in Falmouth

Unfortunately, at the time of the meeting the applicant did not have any plans to submit to the board or to the public. We appreciate the applicants' efforts made; we are concerned that setting up a backdrop for live entertainment may be a Band-Aid approach. I have not had a chance to review how that plan will address higher volumes being played through a PA system We would be extremely satisfied if this resolution solved the problem but would be **terrified** if it does not.

For Linda Tsimortus, it has become a nightmare. Her Bedroom window is 15-20 feet from the back wall of Timber ( I will work on suppling a photo ) Please Take a moment, Imagine going to sleep in your bed and you hearing thumping music, You now can't fall asleep; it makes you dwell and feel anxious. You then finally fall asleep and wake up out of sorts. Then the next day you must go through it all over again.

### **This is an older building that was never intended to be handle a P/A System and Live Music**

We appreciate the schedule that timber is applying for, and our concern is how to manage the knights that it is on until 11:00 o'clock Again, we are wishing the applicant the utmost success, but we do believe with the way the business is now using the property that it must be brought up to a level that can accommodate its current use without being noxious to the neighborhood.

I ask the board if there is any ruling to be made with conditions. If it does not satisfy the noise issue, it be revisited in a prompt manner.

Again, our fear is that we will have to wait a whole year when the entertainment license comes up for renewal to discuss if there are any issues.

We are hoping that we can come to a resolution,

So that we can continue the way we have for the last **12 years**,

and that Timber Axe Bar can run its operation with many years of success.

Sincerely

Richi Mehta

137 Main St.

Falmouth MA 02540

## Diane Davidson

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**From:** Meg Maggio  
**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 ambulance. "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  
137 Main Street, Unit 1  
Falmouth, MA 02540

## Diane Davidson

---

**From:** Richi Mehta  
**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

Sent from my iPad

Begin forwarded message:

**From:** Linda Tsimortos  
**Date:** December 8, 2022 at 4:02:21 PM EST  
**Subject:** Reply to letter sent to MegMaggio and RichiMehta regarding TimberAxeBowIBAR

My name is Linda Tsimortos, I live at 137 Main, Fal, Ma, condo approx 25-30 ft directly behind the infamous TimberBar, so close, that if I threw a stone out my powder room window, it would hit the back of Timber... RichiMehta and I both financially invested in 137, although only Richi's name appears on deed... I live here, and have for almost 12 yr now, he does not... we closed on this unit Dec of 2021... I previously rented from Charlie and Kerrie Marzot... Kerrie does not recall ever being notified as now former owner and abutter of Timber becoming what it has become, changing from Ryan Amusements, now a property of Mr Bogasian aka LongfellowDesign aka I don't follow the rules...

I say this because since approx June of this year I have repeatedly called non-emergency police line to report that the music, whether piped in or live has my wall shaking, only to be told by officers after visiting the site that Timber is operating within the parameters of their entertainment license and can blare music til 1am, it is not considered a violation unless it can be heard 150 ft away, ridiculous, I am practically in their lap, so to speak, and to make matters worse, it has now been discovered that they never applied for entertainment license... craziness... I have reached out to selectboard, spoken to Jonathan Dickson, and Gary Street before this was discovered, my quality of life has been affected, so much so, that it has caused me to reach out to my Dr for anti-anxiety meds... I when this all first began spoke to Devon, the bar mgr and to Michael Mueller, one of the owners only to be placated and yes Ed to death, and so it goes, on and on... I was sent a email from Diane at Peter Johnson-Staub office telling me about the fact of no license all this time, and that they will be filing, which they now have

As u know, they hav applied to change hours, wed til 9:30, thur til 9 and the worst offenders fri and sat 8-11... 1-5 musicians, guitars, piano, drums "AMPLIFIED"... this is my home, my sanctuary... Mr Mueller mentioned soundproofing as a possibility when addressing Ms Downey, in an email when they where notified early Nov to stop all live music, but no mention of that was indicated in their request to tow boards since... after all, Longfellow is construction, and certainly has the resources to do that.....

I beg of you not to grant entertainment license til 1am, 11pm on fri, sat is reasonable, but, please, restrictions on VOLUME... please... now.. town boards know we exist here at 137, this is our neighborhood, please, for peace of mind... make a wrong, right

Respectfully, Linda Tsimortos

PS.. I will be front and center at selectboard hearing for Timber entertainment license review on Dec 19 of this month...

Sent from my iPad

**Diane Davidson**

---

**From:** Brian Foley  
**Sent:** Monday, October 24, 2022 12:57 PM  
**To:** Falmouth Selectboard  
**Subject:** Music Distrubance -- 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  
141 Main Street

--  
**Brian**

## Diane Davidson

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**From:** Linda Tsimortos  
**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

MadameChairwoman 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 BlleMoonSeaGrille at159 MainSt. 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 hav 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 r tied,because I reside to 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 hav spoken to one of the owners,MichaelMueller 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 MrBogasian,Longfellow Design,he may also be a partner in bar which explains a lot,mr exempt from rules,so it seem. 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 r up for renewal soon,Jan of2022and.

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

Aug11th 9:45pm and10:24pm. Aug12th 11:36pm. Aug 19th 11:09pmAug 20th12:12am. Aug26 11:50pm. sept10th 10:09pm Sept16th made 3 calls 9:18pm,10:18pm and10:48pm. Oct7th made 2 calls 9:00pm and10:32pm. Oct8th9:16pm. Oct13th,made 2 calls7:12pm and7:51pm...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.

BestRegards  
Linda Tsimortos...

## OPEN SESSION

## PUBLIC HEARINGS

2. Application from the Portuguese American Association of Falmouth, Inc. to amend its Entertainment License and Sunday Entertainment License – 55 Ashumet Road, East Falmouth **(10 minutes)**

To include the existing 40' x 90' outdoor patio on the Entertainment and Sunday Entertainment licenses.

(The outdoor patio has been an approved part of the licensed premises of the All Alcohol Club License.)



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

[townmanager@falmouthma.gov](mailto: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 the Portuguese American Association of Falmouth, Inc. has applied to amend its Entertainment License and Sunday Entertainment License to be exercised at 55 Ashumet Road, East Falmouth MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, February 13, 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, February 3, 2023; Falmouth Enterprise*

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Portuguese American Assn. of Falmouth Inc.

Address: 55 Ashumet Road, East Falmouth

License Type: All Alcohol Club License

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

or

Change of License Entertainment Licenses & Sunday  
Entertainment Amendment

Police \_\_\_\_\_

Fire No issues

Building Amendment does not imply an increase in Building Occupancy

Health No Objection

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTES:



PAID  
\$110.00 (1/19/23)



**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 Portuguese American Association of Falmouth Inc.

d/b/a \_\_\_\_\_

ADDRESS 55 Ashumet Rd TOWN East. Falmouth STATE MA ZIP 02536

MAILING ADDRESS 55 Ashumet Rd TOWN East Falmouth STATE MA ZIP 02536

NAME OF OWNER/MANAGER Michael Duarte Jr.

HOME ADDRESS 40 North Ockway Rd TOWN East Falmouth STATE MA ZIP 02536

TELEPHONE # [REDACTED] EMAIL paaoffalmouth@gmail.com

NARRATIVE DESCRIBING ENTERTAINMENT Live Bands, Dj, dancing,

\*LOCATION OF ENTERTAINMENT outside patio 40'x90', First Floor Function Room, Second floor Function Room

\*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  THR  FRI  SAT

HOURS OF ENTERTAINMENT: 10am to 1am

SUNDAY ENTERTAINMENT: Y/N Y (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 Y  
2. MUSIC: Recorded: Y/N Y Live: Y/N Y No. of Musicians up to 6 Amplification: Y/N Y

Type of Instruments guitar, drums,

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 1/10/2023

X [Signature]  
SIGNATURE - OWNER OR MANAGER

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

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Falmouth



State Fee, \$ 100  
Municipal Fee, \$ 150

LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Portuguese American Association of Falmouth, Inc. in or on the property at No. 55 Ashumet Road, East Falmouth MA 02536 (address)

The Licensee or Authorized representative, Michael Duarte, Jr. in

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

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
		<u>Outside patio 40' x 90', First Floor Function Room, Second Floor Function Room</u>
	<u>10am to 1:00 am</u>	<u>10:00 am to 1:00 am</u>

Hon. Nancy Taylor Mayor/ Chairman of Board of Selectman, Town of Falmouth (City or Town)

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

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

Do not write in this box

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

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



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

Name of person requesting abutters list:

Phyllis Downey

Address of person requesting abutters list:

X 7325

Phone: \_\_\_\_\_

Abutters to (subject property):

Map 17 Section 01 Parcel 038 Lot 000B ✓  
Map \_\_\_\_\_ Section \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_  
Map \_\_\_\_\_ Section \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Lot size of subject property: \_\_\_\_\_

Location of subject property: 55 Ashumet Road ✓

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

RECEIVED

JAN 31 2023

Board of Assessors, Town of Falmouth

55 ASHUMET RD

CERTIFIED



Bruce Cabral  
Assistant Assessor  
Town of Falmouth, MA  
February 7, 2023



1095 SANDWICH RD 18 01 005 000  
COMMONWEALTH OF MASS LUC: 928  
DIV OF CAPITAL PLAN & OPER  
1 ASHBURTON PL  
BOSTON, MA 02108-1518

0 HAYWAY RD 17 01 038 000G  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

0 NATHAN S ELLIS HWY 10 04 007 031  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

83 BOXBERRY HILL RD 17 01 031 037  
NEW CAPE COD COUNTRY CLUB INC LUC: 380  
4 FRIEL GOLF RD  
HUDSON, NH 03051-5247

30 ASHUMET RD 17 01 029 040  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

1096 SANDWICH RD 17 01 037 002A  
NSTAR ELECTRIC COMPANY LUC: 424  
PO BOX 270  
C/O PROPERTY DEPARTMENT  
HARTFORD, CT 06141

40 ASHUMET RD 17 01 029 041  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

46 ASHUMET RD 17 01 029 042  
PLANT MICHAEL J LUC: 101  
PLANT LORI A  
46 ASHUMET RD  
E FALMOUTH, MA 02536

54 ASHUMET RD 17 01 029 043  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

55 ASHUMET RD 17 01 038 000B  
PORTUGUESE AMERICAN ASSOC OF FALMOUTH LUC: 101  
PO BOX 70  
FALMOUTH, MA 02541-0070

58 ASHUMET RD 17 01 029 044  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

80 ASHUMET RD 17 01 045 334  
PYPEC STANLEY M LUC: 101  
PYPEC NANETTE B  
80 ASHUMET RD  
E FALMOUTH, MA 02536-4219

66 ASHUMET RD 17 01 029 045  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

SANDWICH RD 17 01 031 038  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

531 HAYWAY RD 17 01 038 000E  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

43 ASHUMET RD 17 01 038 000F  
FALMOUTH TOWN OF LUC: 932  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH, MA 02540

## **BUSINESS**

1. Update on the Town Manager Hiring Process **(15 minutes)**

**OPEN SESSION**

**BUSINESS**

2. Police Department Staffing Update **(10 minutes)**

FALMOUTH POLICE DEPARTMENT  
STAFFING LEVELS

**BUDGETED**

SWORN PERSONNEL	65
CHIEF	1
CAPTAINS	2
LIEUTENANTS	4
SERGEANTS	6
PATROL	52
<b>TOTAL</b>	<b>65</b>

**CIVILIAN PERSONNEL**

CLINICAL SOCIAL WORKER	2
BUDGETED IN FY24	

**ACTUAL**

SWORN PERSONNEL	
CHIEF	1
CAPTAINS	2
LIEUTENANTS	4
SERGEANTS	6
PATROL	33
ACADEMY	1
LOD	4
MILITARY	3
FMLA	1
OPEN	10
<b>TOTAL</b>	<b>65</b>

RETIRING 3/19/23	1
LATERAL (TBD)	2

\*BRING OPEN PATROL POSITIONS TO 13)

**OPEN SESSION**

**BUSINESS**

**3. Funding Plan for Capital Borrowing Projects (10 minutes)**



# FINANCING LARGE CAPITAL PROJECTS

SELECT BOARD PRESENTATION FEBRUARY 13, 2023



## PRESENTATION OVERVIEW

- Projects under \$2,000,000 generally financed from available funds (i.e. “cash” not borrowing);
- Focus is on projects that require borrowing > \$2,000,000;
- Identify proposed and potential projects;
- What projects can be financed without a tax increase?
- What projects might be financed from sources other than tax levy?

## CAPITAL NEEDS

- Wastewater – Multiple projects to implement Comprehensive Wastewater Management Plan
- Hatchville Fire Station – borrowing approved
- School Roofs – design funds requested April 2023
- Water Main Replacements – annual program needed
- Recreation facilities – pickleball courts, skate park
- Other – Beach facilities, Marina bulkhead, Main Library roof, NW Fire Station, Broadband, etc.

## DEBT PLAN FOR ILLUSTRATION AND DISCUSSION

- Purpose of the following debt plan is to confirm that approved and proposed projects can be funded without a tax increase;
- Capital projects identified beyond 2024 are concept level plans only;
  - Further due diligence required;
  - Further community engagement and Select Board input required;
- Debt forecast illustrates rough order of magnitude – how much can be spent without requiring a tax increase?

## ASSUMPTIONS – RISKS AND OPPORTUNITIES

- Project Costs are early concept level estimates only
- Interest Rates
- Borrowing term i.e. # of years
- Level Debt vs Level Principal
- MA Clean Water Trust (SRF) Subsidized Rates
- MA Clean Water Trust Principal Forgiveness
- Cape & Islands Water Protection Fund @ 25% Subsidy
- Use of Debt Stabilization
- Grants
- New Revenue Sources
- DEP regulations – accelerated wastewater projects

## APPROVED & PROPOSED PROJECTS CAN BE FUNDED WITHOUT TAX INCREASE

Project	Date for Town Meeting Approval	Amount
Hatchville Fire Station	2022	\$10,000,000
Wastewater Treatment Facility	2022 & 2023	\$24,000,000 + \$9,500,000
Bridge Construction – Menauhant Rd	2014	\$10,000,000
Sewer Extension – Teaticket Acapesket Phase I Design	2023	\$4,500,000
School Roofs	2024	\$10,000,000
Sewer Extension – Teaticket Acapesket Phase I Construction	2025	\$55,000,000

## PROPOSED PROJECTS – CONCEPT PLAN CAN BE FUNDED WITHOUT TAX INCREASE

<b>Project</b>	<b>Date for Town Meeting Approval</b>	<b>Amount</b>
Woods Hole Sewer Force Main	2025	\$2,000,000
Trunk River Sewer Force Main & Lift Station	2025	\$18,000,000
Jones Rd Sewer Force Main	2026	\$2,000,000
Teaticket Acapesket Sewer Phase 2 Construction	2028	\$70,000,000
Wastewater Outfall Pipe	2030	\$80,000,000
Future Projects TBD 2037	2036	\$25,000,000
Future Projects TBD 2040	2039	\$20,000,000

## ADDITIONAL CAPITAL NEEDS WOULD REQUIRE TAX INCREASE OR OTHER FUNDING SOURCES

- Water Main Replacements – annual spending program needed
- Recreation facilities – pickleball courts, skate park
- Other – Beach facilities, Marina bulkhead, Main Library roof, NW Fire Station, Broadband, etc.
- Select Board may choose to prioritize above over other projects in concept plan

## CONCLUSION

- Projects previously approved, and those proposed for April 2023 Annual Town Meeting will not require a tax increase;
- Depending on interest rates and other factors, roughly \$200 Million can be authorized within the next 16 years;
- More review, design, planning and Board input on priorities required to firm up plans beyond this year;

## OPEN SESSION

## BUSINESS

4. Wastewater Capital Project Updates – Treatment Facility Improvements and Design of Sewer System Extension to Teaticket-Acapesket Area **(20 minutes)**

# Wastewater Related Warrant Articles - April 2023 Town Meeting

Select Board Meeting February 13, 2023  
Amy Lowell, Wastewater Superintendent



Article 24 :  
Supplemental Appropriation  
for Wastewater Treatment  
Facility Improvements



# Wastewater Treatment Facility (WWTF) Improvements - Background -

- WWTF Improvements required to accommodate Teaticket-Acapesket area (TASA) flow as well as new flow from existing service areas, while continuing to meet groundwater discharge permit limits
- Appropriated \$24M for construction in April 2022
- Designed in 2022 using ARPA funds
- Hired an independent cost estimating firm to estimate cost based on final design
- New estimate of project cost is \$9.5M more than the amount appropriated in 2022

# Falmouth WWTF Improvements Estimated Project Cost

Item	Previous Cost Estimate	Current Cost Estimate
Sequencing Batch Reactor	\$4,000,000	\$7,500,000
Sludge Processing	\$5,800,000	\$8,400,000
Operations Buildings	\$4,400,000	\$6,600,000
Influent Equalization	\$1,100,000	\$2,100,000
Ultraviolet Disinfection	\$900,000	\$1,600,000
Electrical Service	\$400,000	\$400,000
Subtotal	\$16,600,000	\$26,600,000
Contingency (25%, then 10%)	\$4,200,000	\$2,700,000
Subtotal	\$20,800,000	\$29,300,000
Construction Engineering	\$3,100,000	\$4,200,000
<b>Overall Total</b>	<b>\$24,000,000</b>	<b>\$33,500,000</b>

# Material Cost Increases 2020-2022

Period	Diesel	Gasoline	Portland Cement	Steel
Dec 2020 to Dec 2022	93%	51%	25%	83%

## Sources:

- 1) For Gas, Diesel, Cement – Massachusetts Department of Transportation Highway Division contract price adjustments
- 2) For Steel – U.S. Bureau of Labor Statistics, Producer Price Index Commodity data for metals and metal products

# Other Similar Municipal Projects Bid in the Past Year

Project	Bid Opening	Engineer's Pre-Bid Estimate	Low Bid	% Higher
Mashpee New WWTF	Jun-22	\$19.3M	\$26.7M	38%
Hull WWTF Improvements	Apr-22	\$8.5M	\$15M	76%
Barnstable New Sewer Pump Station	Apr-22	\$6.5M	\$8M	23%

# Department of Revenue Review

- A debt exclusion for this project passed on the ballot in May 2022.
- Owner's Project Manager is preparing a report for Department of Revenue outlining the cost increase and the inflationary circumstances.
- Report will be provided to the Select Board for review/vote to accept.
- Department of Revenue will review and make a determination whether or not an additional debt exclusion vote is required.
- Anticipate that an additional ballot vote will not be required because the scope of the project has not changed.

## - Funding Support -

- State Revolving Fund (SRF) Loan
  - 0% interest loan anticipated
  - Minimum 3.3% loan forgiveness
- Up to 25% Grant from the Cape Cod and Islands Water Protection Fund

**MassDEP** Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

**Department of Environmental Protection**  
One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Kathleen A. Theoharides  
Secretary

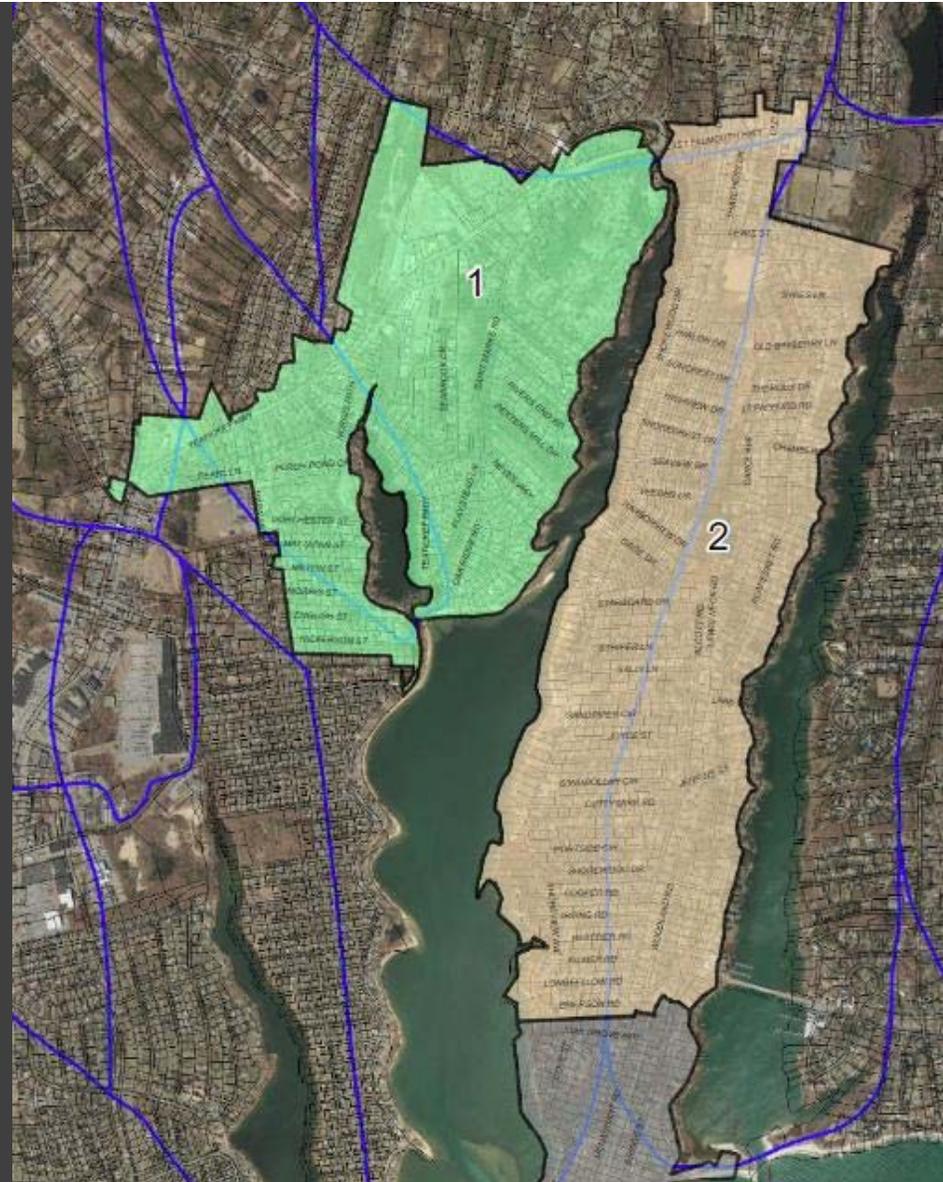
Karyn E. Polito  
Lieutenant Governor

Martin Suuberg  
Commissioner

**FINAL 2022 INTENDED USE PLAN**  
**For the**  
**CLEAN WATER STATE REVOLVING**  
**FUND**  
**May 9, 2022**



Article 25 April 2023  
Town Meeting:  
Design and Permitting  
Teaticket-Acapesket Sewer  
Area – Phase 1





# Teaticket-Acapesket Sewer Area – Phase 1

## - Design -

- Subsurface soil borings
- Surveys
- Permitting – including Groundwater Discharge, MassDOT, Massachusetts Historical Commission
- Financing Application (State Revolving Fund)
- Design of phase 1 collection system, booster lift station, force main and effluent recharge bed expansion

## Teaticket-Acapesket Sewer Area – Phase 1 Schedule in approved Great Pond TWMP:

- Design Appropriation - April Town Meeting 2023
- Construction Appropriation \$60M – April Town Meeting 2024
- Bid - Spring 2025
- Construction begin - Summer 2025

## Article 33 April 2023 Town Meeting: Update of Flow Neutral Bylaw

- To meet the “land use control” requirement for the 0% interest State Revolving Fund loan

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.

## **OPEN SESSION**

## **BUSINESS**

5. Presentation of Petition Articles for April 2023 Town Meeting (**5 minutes each**)
  - a. Present Petition Article #15 – Rosemary Carey
  - b. Present Petition Article #16 – Patricia P. Johnson
  - c. Present Petition Article #17 – Patricia P. Johnson
  - d. Present Petition Article #18 – Philip Alexander Gessen
  - e. Present Petition Article #19 – Sandra Faiman-Silva



**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 Recommendations .....Monday, February 27, 2023
- Publish Warrant with Recommendations and Mail Warrant Booklets ..... Friday, March 17, 2023
- Town Meeting.....Monday, 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 Srvcs	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

2<sup>nd</sup> Offense: \$150 fine

3<sup>rd</sup> 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 Wessagusett (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 400<sup>th</sup> 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 sewerred 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

6. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on application from the Affordable Housing Committee for funds in the amount of \$9,500 to retain Brian Switzer Video to create an affordable housing video **(5 minutes)**

#### Recommended Motion:

**"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund, approve an expenditure of \$9,500 from the Fund to retain the services of Brian Switzer to create a video outlining the affordable housing issues in our community and authorize the Interim Town Manager to expend said funds for this purpose."**



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

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**TO:** Select Board  
**FROM:** Peter Johnson-Staub, Interim Town Manager  
**SUBJECT:** Falmouth Affordable Housing Committee – Video Production  
Application to Falmouth Affordable Housing Fund (FAHF)  
**DATE:** February 10, 2023  
**CC:** Community Preservation Committee  
Kimberly Fish, Housing Coordinator

The FAHF received an application from Kerry Walton, Chair of the Falmouth Affordable Housing Committee (FAHC), requesting funding to retain Brian Switzer Video to create a video outlining the affordable housing issues in our community and to present possible solutions. The video would be used as a tool during the FAHC Affordable Housing Summit planned in April 2023 and other various outlets to promote awareness of the current housing crisis.

The FAHF Working Group met on December 7, 2022 and gave a favorable recommendation for non-CPA funds in the amount of \$10,000. Funds would be disbursed by the Town directly to the vendor upon delivery of the video. The Community Preservation Committee met on January 12, 2023 and recommended approval of \$10,000.

Subsequent to the above recommendations, it came to our attention that a contract of \$10,000 or more would require a quotation process in which the award must be made to the bidder that submits the lowest price. In this circumstance, the qualifications and knowledge of the videographer is critically important to the value of the video being produced. The recommended vendor has knowledge of Falmouth and housing issues and initially proposed a price that was well below \$10,000. I recommend the Select Board support this request in the amount of \$9,500.

**Recommended Motion:**

"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund, approve an expenditure of \$9,500 from the Fund to retain the services of Brian Switzer to create a video outlining the affordable housing issues in our community and authorize the Interim Town Manager to expend said funds for this purpose."

**ATTACHMENTS:**

- Application dated November 14, 2022
- CPC Recommendation dated January 19, 2023

# FALMOUTH AFFORDABLE HOUSING FUND

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

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

## AFFORDABLE HOUSING FUND APPLICATION Calendar Year 2022

### General Information

Project Name: Affordable Housing in Falmouth

Project Location and Parcel ID#: NA

Type of Project: Video please see attached Brain Switzer Video Proposal

Applicant(s) name/ Organization: Kerry Walton /Falmouth Affordable Housing Committee

Contact Person: Kerry Walton

Mailing Address: 4 Sidney Street, Woods Hole, MA 02543

Telephone Number: 718-514-1068

Email Address: [Kerry.walton@gmail.com](mailto:Kerry.walton@gmail.com)

### Property Ownership This section is not applicable

Legal Property Owner of Record:    

Is the owner the applicant?                     

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

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

### Development Team

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

### Project Information

Describe the proposed project including:

Project Style: NA

Type of Units (condo ownership, fee simple ownership, rental, etc.): NA

Total Number of Units: \_\_\_\_\_  
Number of Market Units: \_\_\_\_\_ Number of BRs: \_\_\_\_\_  
Number of Affordable Units: \_\_\_\_\_ Number of BRs: \_\_\_\_\_  
Proposed Sale Prices/Rents: \_\_\_\_\_ Market: \_\_\_\_\_ Affordable: \_\_\_\_\_  
Proposed Condo Fees: \_\_\_\_\_ Market: \_\_\_\_\_ Affordable: \_\_\_\_\_

Proposed % of AMI target beneficiaries: NA

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

To meet Falmouth's needs for affordable housing everyone must be a part of the solution. One of the first steps is to help people understand the problem and the role that they can play in bringing housing to Falmouth. The video will be appropriate to be shown at the Affordable Housing Summit planned for April 2023 and at the Spring Town Meeting. It will be made available on the AHC website, on social media (Fabulous Falmouth) and to those speaking about affordable housing in Falmouth to clubs and other organizations.

**Site Information** This section is not applicable

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

Building:  
Zoning:  
Health:  
Conservation:  
Infrastructure:

Total Project Cost: On proposal \$7,200.00

Amount of FAHF Request: \$ 10,000

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

**Project Feasibility** The section, as described, is not applicable.

Attach project budget information on the included Attachment A –OneStop 2000 Affordable Housing Finance Application Sections 3: Sources and Uses and Section 4: Budget Pro Forma together with at least one bank letter of reference.

**Community Outreach**

Provide a description of the applicant efforts to engage the community members through outreach, meetings, and other educational initiatives.

This is the purpose of the project as described above.

**Development Schedule**

Describe the timeframe for the proposed project and how it will be implemented. Provide a timeline for all project milestones included as *Attachment B – Project Schedule*.

December 2022-April 2023

**List of Attachments**

1. Brain Switzer Proposal
2. Description of Brian Switzer’s work and testimonials

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

Project Applicant Name: Kerry Walton

Title: Chair, Falmouth Affordable Housing Committee

Applicant Signature: \_\_\_\_\_ Date: November 14, 2022

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

**ATTACHMENT B PROJECT SCHEDULE**

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

**Milestones (Month/Year):**

- A. Project Start (Month/Year): December, 2022
- B. Procurement Documents Submitted to FAHF (Month/Year):
- C. Project Construction/Professional Contract Submitted FAHF (Month/Year):
- D. Project/Construction Start (Month/Year):
- E. 50% Project Completion (Month/Year):
- F. 100% Project Completion (Month/Year):
- G. Close-Out Complete (Month/Year): April, 2023

**Comments:** Parts B-F are not applicable

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# BRIAN SWITZER VIDEO PROPOSAL

## OVERVIEW

### Falmouth Affordable Housing Committee

The video will focus on the many levels of affordable housing and the crisis situation the town finds itself in presently. Both the present situation and possible solutions will be included.

- Topics will include, but are not limited to:
  - o Highlighting the present issues with the lack of affordable housing in Falmouth.
  - o Illustrating where Falmouth will be in 10 years if the town doesn't act now.
  - o Speaking to Kim Fish and others about the issues and solutions.
  - o Highlighting new zoning laws and the need for creative ways to solve the problems.
  - o Highlighting worker shortages, impact on businesses, and other crisis level issues.
  - o Showing that solutions are available and the path forward is attainable.
  - o A strong and positive message that highlights the emotions and solutions of this major town issue.

## PRODUCTION

Brian Switzer Video will produce said video in consultation with Kerry Walton and Michael Kasperian. The work done by Brian Switzer Video will include, but is not limited to the following:

1. Consulting with Kerry and Michael on all phases of the production.
2. Coordinating meeting times for interviews and video shoots.
3. Filming all of the scenes required.
4. Professionally editing the video.
5. Delivering final product in a format suitable for online and other viewing.

**TIMELINE FOR EXECUTION:** December 2022 - April 2023

**SUPPLIED MATERIAL:** Brian Switzer will provide technical and creative materials and produce the finished product.

**PRICING:** \$7200.00 (This includes any copyright licenses needed)

I look forward to working with The Affordable Housing Committee and the Chamber to create this video.

If you have questions on this proposal, please contact me. (Cell – 774-392-1761 / Email: bswit@comcast.net)

Thank you,

Brian Switzer  
November 4, 2022

\_\_\_\_\_  
Date  
Kerry Walton (Falmouth Affordable Housing)

\_\_\_\_\_  
Date  
Brian Switzer (Brian Switzer Video)

## Description of Brian Switzer's work and Testimonials

Video production services are available for a variety of project needs. We specialize in communicating your core message to prospective clients and target demographics.

As well as standard videography, we also offer DRONE VIDEO services. Brian Switzer is a certified FAA commercial drone pilot

Key production elements include transparent communication regarding video direction and visual messaging, as well as project mapping and pre-production visualization. Cost and project time frames are determined on a case-by-case basis.

### Testimonials

*"Brian's ability to tell our story through video was amazing. In the world of social media, Brian knows how to capture an audience and effectively deliver a message to a wide array of viewers."*

**Chuck Martinsen**

**Deputy Director, Marine and Environmental Services Falmouth, MA**

*"Brian Switzer took a concept I had been kicking around in my head and brought it to life! I wanted to bottle the essence of my father into a 10 minute video for his 71st Birthday. Brian determined the best approach and crafted a beautiful homage to my father with precision and artistry. He was collaborative, creative and dedicated as he captured and spun together many heartwarming moments into a visually compelling piece. At various points, the story arch has you laughing, tearing up and leaves you feeling inspired. My father and family will treasure this work of art for years to come."*

**Julia Kemp, Associate Director**

**Arthur Rock Center for Entrepreneurship**

**Harvard Business School**

*Brian Switzer has the ability to see the concept of a project through the clients eyes and make it develop into a journey of education for the viewer. His work is precise and clean. The video that he created for Recovery Without Walls took a difficult subject and made it hopeful. He conveyed a message that has taken me years to get across to the public. To date our video has received over a hundred and fifty thousand views in twenty-two countries.*

**Bill Dougherty, Executive Director**

**Recovery Without Walls**

*"I asked Brian to make a video about a vaccine. The project required creating a story with powerful visual and textual elements which would appeal to an audience between ages 15-45. This was all to be done in a 1 – 1.5 minute video. It was a very tall order. But Brian more than pulled it off. Everyone who has seen the video has been amazed: It is poignant, succinct, and persuasive; exactly what we were looking for."*

**Dr. Michael Fishbein**

**Cape Cod Healthcare**

*I hired Brian to help my organization produce a video to give a message of hope to mothers with histories of substance use during pregnancy. He was a pleasure to work with, finished the project on schedule and showed genuine sensitivity to the story we wanted told. He is a true artist. I hope we will be able to work together again.*

**Jean Talbert**

**Mothers and Infants Recovery Network Inc.**

From

<https://www.brianswitzervideo.com/brianswitzervideo>



**Community Preservation Committee**  
59 Town Hall Square, Falmouth, MA 02540  
508-495-7436

**MEMO**

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**To:** Peter Johnson-Staub, Interim Town Manager  
Kimberly Fish, Housing Coordinator

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

**Cc:** Russell Robbins, CPC Chair

**Re:** **CPC Recommendation – FAHF Application – AHC Housing Crisis Video**

**Date:** January 19, 2023

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On Thursday, January 12, 2023, the Community Preservation Committee (CPC) voted to make a recommendation to the Trustees in support of the Affordable Housing Committee's application to create a housing crisis video in the amount of \$10,000.

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

## **OPEN SESSION**

### **BUSINESS**

7. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on application from the Affordable Housing Committee to request funding in the amount of \$30,000 to hire a consultant to update the Housing Production Plan **(5 minutes)**

#### **Recommended Motion:**

**"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund approve an expenditure of \$30,000 from the Fund to retain the services of a consultant to update the Housing Production Plan and authorize the Interim Town Manager to expend said funds for this purpose."**



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

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**TO:** Select Board  
**FROM:** Peter Johnson-Staub, Interim Town Manager  
**SUBJECT:** Falmouth Affordable Housing Fund (FAHF) - Housing Production Plan Update  
**DATE:** February 10, 2023  
**CC:** Community Preservation Committee  
Kimberly Fish, Housing Coordinator

Housing Coordinator Kim Fish seeks the Board's approval to spend up to \$30,000 from the FAHF to retain a consultant to prepare an updated Housing Production Plan. The MA Department of Housing and Community Development (DHCD) requires Towns to update the Housing Production Plan (HPP) ever five years in order to retain eligibility to qualify for relief from MGL 40B provisions -- 760 CMR 56.03(4). Specifically, if the Town meets its annual goal for production of affordable housing units as stated in the HPP, (about 74 units per the most recent calculation), the ZBA would be able to deny or condition 40B applications without being overturned by the MA Housing Appeals Commission. For example, if the Town qualified for this relief, the ZBA could require that more than 25% of the proposed housing units be affordable.

An HPP is a proactive strategy for planning and developing affordable housing and must meet the requirements of the state regulations in order to be certified by DHCD. The term of a Plan is five years. Falmouth's current certified HPP was drafted in 2018 and is due to expire December 2023.

We will need to retain the services of a consultant to prepare a new HPP. The fees for a consultant range from \$25,000 to \$30,000. The FAHF Working Group has recommended that \$30,000 be allocated for this purpose. The Community Preservation Committee voted to recommend this request at their January 12, 2023 meeting.

I recommend the Select Board approve this request.

**Recommended Motion:**

"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund approve an expenditure of \$30,000 from the Fund to retain the services of a consultant to update the Housing Production Plan and authorize the Interim Town Manager to expend said funds for this purpose."

**ATTACHMENTS:**

- CPC Recommendation dated January 19, 2023



**Community Preservation Committee**  
59 Town Hall Square, Falmouth, MA 02540  
508-495-7436

**MEMO**

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**To:** Peter Johnson-Staub, Interim Town Manager  
Kimberly Fish, Housing Coordinator

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

**Cc:** Russell Robbins, CPC Chair

**Re:** **CPC Recommendation - FAHF Application - Housing Production Plan**

**Date:** January 19, 2023

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On Thursday, January 12, 2023, the Community Preservation Committee (CPC) voted to make a recommendation to the Trustees in support of the Housing Production Plan update in the amount of \$30,000.

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

**OPEN SESSION**

**BUSINESS**

8. Discussion on Sustainability Coordinator Job Description (**5 minutes**)

**DRAFT ONLY February 8, 2023**  
**SUSTAINABILITY COORDINATOR – JOB DESCRIPTION**  
**GRADE M-8, EXEMPT POSITION**  
**COMMUNITY SERVICES DEPARTMENT**  
**TOWN OF FALMOUTH, MA**

**Primary Purpose**

Under the direction of the Assistant Town Manager, the Sustainability Coordinator leads efforts to develop, enhance and implement environmental sustainability and energy efficiency initiatives for municipal facilities and operations. Conducts research and analysis to identify, develop and manage innovative and effective programs to reduce energy consumption, to reduce fossil fuel consumption, generate renewable energy, reduce solid waste, conserve water, and generate budgetary savings and new revenue. Obtains grant funding and administers grant programs related to sustainability work. Collaborates with staff across all municipal departments to identify and support sustainability initiatives.

**Essential Functions**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

1. Leads the development and implementation of municipal sustainability initiatives consistent with Select Board strategic plan and the resolution adopted by the Annual Town Meeting under article of September 14, 2020 recognizing the climate emergency.
2. Evaluates opportunities to conserve energy for Town facilities and programs with input from department staff, consultants, and/or Capel Light Compact.
3. Evaluates renewable energy opportunities with input from department staff, consultants, Capel Light Compact and/or Cape Vineyard Electric Cooperative.
4. Supports conversion of municipal vehicle fleet to electric vehicles and to install charging stations for Town staff and the public.
5. Puts in place system to monitor municipal greenhouse gas and carbon emissions with support from department staff and/or vendor.
6. Promotes initiatives to conserve water and reduce solid waste in partnership with department staff.
7. Prioritizes conservation and renewable energy projects based upon energy savings, carbon emission reductions, and revenue generation.
8. Identifies opportunities for sustainability-related program funding and coordinates efforts with Town staff and other partners to solicit funding, develop project scopes, timelines and budgets.
9. Writes grant applications with input and support of staff for the department that has jurisdiction over applicable facility or program. Administers related grants including Green

Communities.

10. Acts as project manager, or supports staff team, for energy and sustainability-related capital projects.
11. Conducts periodic meetings with employees to share information, ideas, and feedback, plan for future projects and advance sustainability initiatives.
12. Attends seminars, workshops, training sessions, and staff meetings to remain knowledgeable and current on proper procedures and methods of operation.
13. Available for high priority issues, system maintenance, and to meet project deadlines during off hours.
14. Performs other duties as assigned.

### **Supervision**

The Sustainability Coordinator works under the administrative direction of the Assistant Town Manager and works independently in accordance and consistent with municipal objectives. This position may engage in discussions with employees. ~~Interactions may include matters that are sensitive in nature and that could affect the reputation of the employee.~~ Must maintain confidentiality when appropriate.

### **Work Environment**

Work is generally performed in typical office conditions. Use of standard office equipment is required. Fieldwork requires site visits. The work environment is moderately paced, and the noise level in the work environment is usually moderate. At times, this position may be required to work outside of normal business hours and is periodically on call to respond to emergency situations. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Desired Minimum Qualifications**

#### *Education, Training, and Experience:*

Bachelor's degree in environmental sciences, environmental policy, business administration, or related field; Five years related professional experience including energy conservation or renewable energy project management, grant writing, cost benefit analysis, local government, or a Master's degree and three years related professional experience, or any equivalent combination of education, training, or experience which demonstrates possession of the required knowledge, skills, and abilities necessary to perform the essential functions of the position.

#### *Knowledge, Skills, and Abilities:*

Knowledge of environmental management, energy efficiency, and renewable energy principles preferred or gained through on the job learning. Requires ability to gain content knowledge through independent study and networking with professionals in related fields. Requires strong analytical to evaluate costs, benefits, and revenues of potential projects. Requires strong writing skills to prepare grant applications.

Effective verbal and written communication skills, attention to detail and initiative are required. Demonstrated ability to work independently and with minimal supervision, assume responsibility, prioritize and resolve problems, work under pressure, and coordinate and manage complex projects. Must have the ability to work in a highly collaborative environment and maintain effective working relationships with vendors, consultants, nonprofit partners, and with employees at all levels of the organization.

Ability to research, analyze and synthesize complex information, develop and present recommendations and prepare concise written reports, correspondence and recommendations. Some attendance at evening meetings required. Requires proficiency with Microsoft Office suite including MS Excel.

This job is an FLSA exempt position not eligible for overtime.

### **Physical Requirements**

While performing the duties of this job, the employee is regularly required to operate a computer and phone ~~use hands to operate, lift, and move equipment~~. The employee is ~~occasionally~~ required to ~~walk, sit, reach with hands and arms, and~~ talk and hear. Employee is required to travel to different work sites within Falmouth. ~~The employee must occasionally lift and/or move up to 40 pounds~~. Specific vision abilities are required for this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of this position.

*(This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.)*

Adopted:

Pages: Three (3)

## **CONSENT AGENDA**

### **1. Administrative Orders**

- a. Approve a Grant of License to William and Carol Brenner to maintain an existing post and rail fence along the eastern edge of the property which encroaches onto the road layout at 3 Ruth Terrace.

## GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to William Brenner and Carol Brenner the following license to use certain portions of town road known as Ruth Terrace adjacent to property known as 3 Ruth Terrace, Falmouth, MA. For reference see deed recorded with the Barnstable County Registry of Deeds as Book 33509, Page 156.

The license is given to maintain a fence within the layout of Ruth Terrace, as more fully described in a sketch plan of the approved location of the licensed area, attached hereto.

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove all encroaching improvements from the Town's Road and restore any disturbed area to its original condition;
- c. If the licensee, and their successors and assigns, fails to remove said encroachment, all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the licensee, and their successors and assigns, to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor;
- d. Until such revocation, this License shall continue permissively;
- e. The licensee and their successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License.

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations; and
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.
- h. This document shall be recorded at grantee's expense with the Barnstable County Registry of Deeds.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Select Board, hereto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SELECT BOARD OF  
THE TOWN OF FALMOUTH

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

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

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

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

\_\_\_\_\_  
Edwin (Scott) P. Zylinski II

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022 before me the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission expires:

**LEGEND**

○	Water Shutoff
—○—	Existing Contour
—○—	Existing Water Service
—○—	Existing Electric Service
—○—	Proposed Contour
—○—	Proposed Deviation

**LOT COVERAGE**

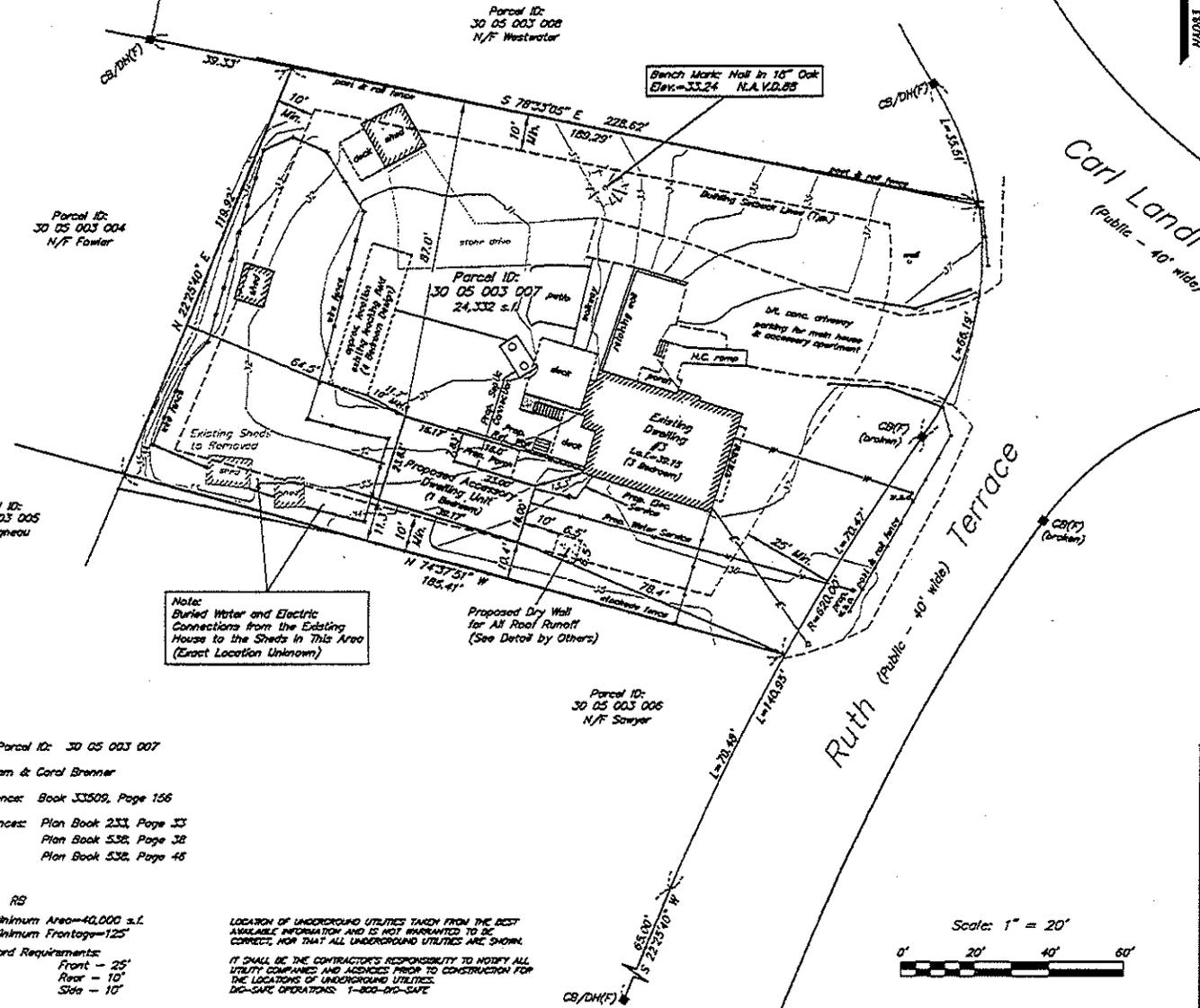
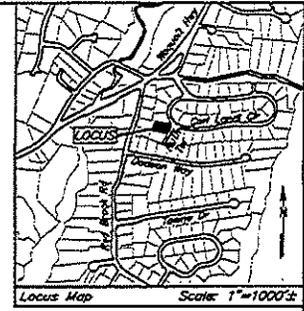
	Existing	Proposed
Structures	6.4%	8.8%
Structures/Pavement	16.2%	18.6%

The property is located in a Flood Zone X (Area of Minimal Flood Hazard) as shown on FEMA Flood Map 25001C0704L.

The property is located within the Coastal Pond Overlay District.

The property is not located within the High Wind Area of the Wind Storms Debris District.

The property is classified as a Wind Exposure Category "B".



Parcel ID: 30 05 003 008  
N/F Westwater

Parcel ID: 30 05 003 004  
N/F Fowler

Parcel ID: 30 05 003 005  
N/F Vigneau

Parcel ID: 30 05 003 006  
N/F Sawyer

Note:  
Buried Water and Electric Connections from the Existing House to the Sheds in This Area (Exact Location Unknown)

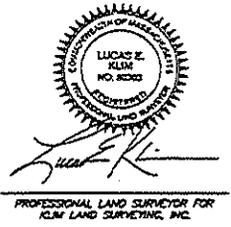
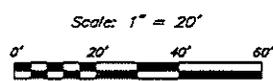
Proposed Dry Wall for All Roof Runoff (See Detail by Others)

Branch Mark: Nail in 18" Oak Elev.=33.24 N.A.V.D.85

Assessor's Parcel ID: 30 05 003 007  
Owner: William & Carol Branner  
Deed Reference: Book 33509, Page 156  
Plan References: Plan Book 233, Page 33  
Plan Book 538, Page 38  
Plan Book 538, Page 48

Zone: RS  
Minimum Area=40,000 s.f.  
Minimum Frontage=125'  
Yard Requirements:  
Front - 25'  
Rear - 10'  
Side - 10'

LOCATION OF UNDERGROUND UTILITIES TAKEN FROM THE BEST AVAILABLE INFORMATION AND IS NOT GUARANTEED TO BE CORRECT. NOR THAT ALL UNDERGROUND UTILITIES ARE SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES AND AGENCIES PRIOR TO CONSTRUCTION FOR THE LOCATIONS OF UNDERGROUND UTILITIES. Dig-Safe Operations: 1-800-DIG-SAFE



**Building Permit Plan**  
3 Ruth Terrace  
East Falmouth, MA

Prepared For:  
Backyard ADUs  
247 Coombs Road  
Brunswick, ME

**KLUM** 340 Manley Street, Unit 3  
West Bridgewater, MA 02379  
508-386-0524

Date: 7/6/2022 Scale: 1"=20'  
Revised Thru: 8/19/22 JN\_807

1.31.23

*William and Carol Brenner*

*3 Ruth Terrace*

*East Falmouth MA 02536*

[REDACTED]

[REDACTED]

[REDACTED]

*This letter is requesting a license to maintain the post and rail fencing that runs parallel to Ruth Terrace that is in the public right of way. See the attached site plan for the specific sections of fence. The fence was pre-existing when we purchased the property in November 2020. We became aware of it intruding onto the ROW during the ZBA process for the detached accessory apartment on our property. We plan on maintaining the fence-both the sections on our property and those that are in the public right of way.*

*Please let us know if you need further information.*

*Thank you,*

*Carol & Bill Brenner*

**LEGEND**

- s.a.s. Water Shutoff
- 72- Existing Contour
- 75x5 Existing Elevation
- W- Existing Water Service
- E- Existing Electric Service
- 100 Proposed Contour
- 100 Proposed Elevation

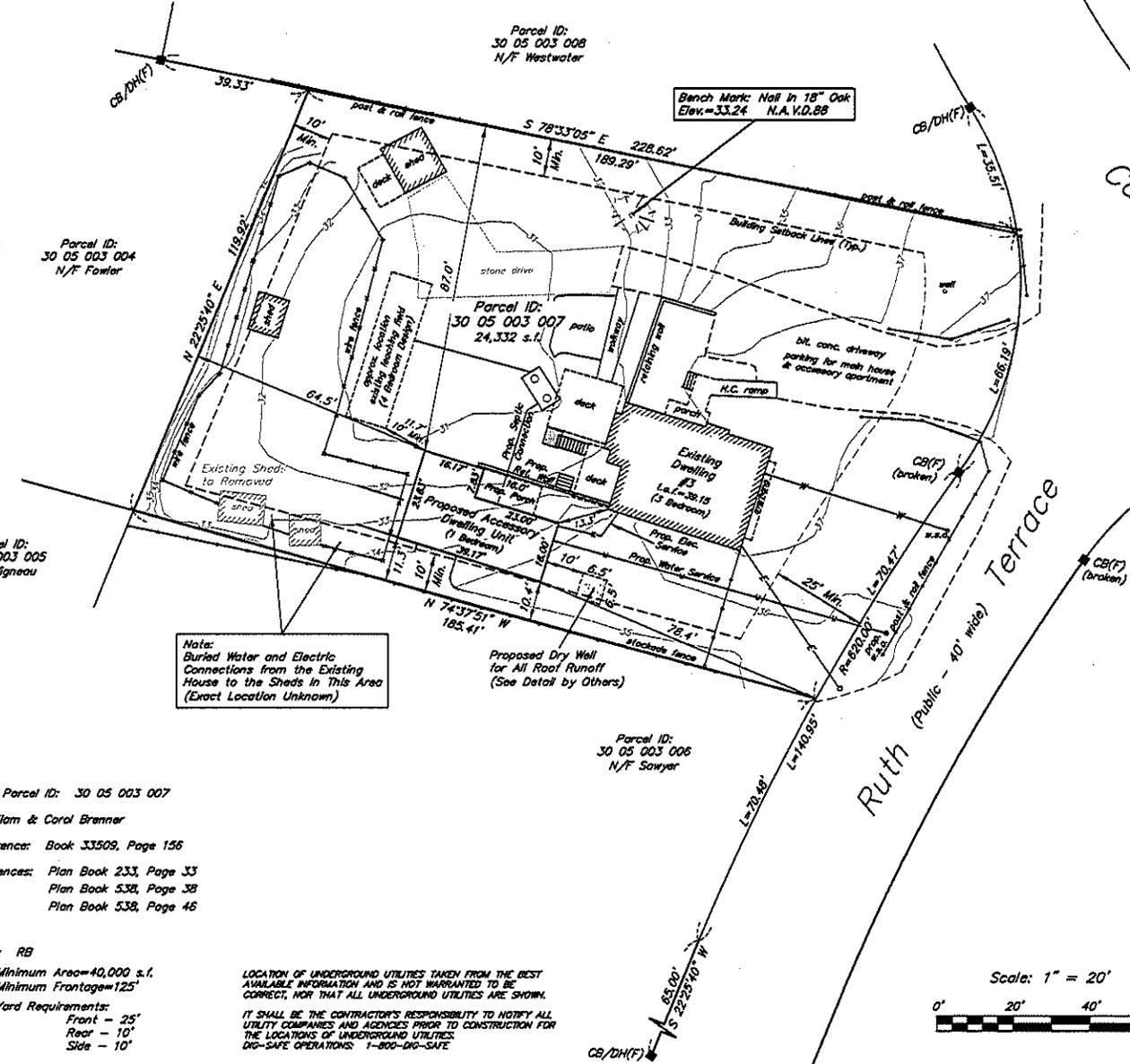
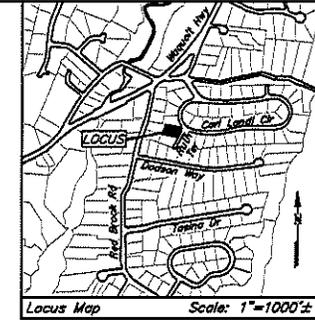
LOT COVERAGE		
	Existing	Proposed
Structures	6.4%	8.8%
Structures/Pavement	16.2%	18.6%

The property is located in a Flood Zone X (Area of Minimal Flood Hazard) as shown on FEMA Flood Map 25001C0734J.

The property is located within the Coastal Pond Overlay District.

The property is not located within the High Wind Area of the Wind Borne Debris District.

The property is classified as a Wind Exposure Category "B".



**Note:**  
Buried Water and Electric Connections from the Existing House to the Sheds in This Area (Exact Location Unknown)

Proposed Dry Well for All Roof Runoff (See Detail by Others)

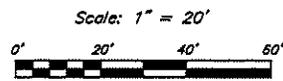


PROFESSIONAL LAND SURVEYOR FOR KLUM LAND SURVEYING, INC.

Assessor's Parcel ID: 30 05 003 007  
 Owner: William & Carol Branner  
 Deed Reference: Book 33509, Page 156  
 Plan References: Plan Book 233, Page 33  
 Plan Book 538, Page 38  
 Plan Book 538, Page 46

Zone: RB  
 Minimum Area=40,000 s.f.  
 Minimum Frontage=125'  
 Yard Requirements:  
 Front - 25'  
 Rear - 10'  
 Side - 10'

LOCATION OF UNDERGROUND UTILITIES TAKEN FROM THE BEST AVAILABLE INFORMATION AND IS NOT WARRANTED TO BE CORRECT, NOR THAT ALL UNDERGROUND UTILITIES ARE SHOWN.  
 IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES AND AGENCIES PRIOR TO CONSTRUCTION FOR THE LOCATIONS OF UNDERGROUND UTILITIES.  
 DIG-SAFE OPERATIONS: 1-800-DIG-SAFE



Building Permit Plan 3 Ruth Terrace East Falmouth, MA	
Prepared For: Backyard ADUs 247 Coombs Road Brunswick, ME	
	340 Manley Street, Unit 3 West Bridgewater, MA 02379 508-386-0624
Date: 7/8/2022	Scale: 1"=20'
Revised Thru: 8/19/22	JN_807

## Diane Davidson

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**From:** Phyllis Downey  
**Sent:** Thursday, February 2, 2023 9:04 AM  
**To:** Diane Davidson  
**Subject:** SB Agenda 2/13/23

Hi Diane,

May we please add the following to the consent Agenda for February 13<sup>th</sup>?

- a. Approve a Grant of License to William and Carol Brenner to maintain an existing post and rail fence along the eastern edge of the property which encroaches onto the road layout at 3 Ruth Terrace.

Maura is composing the license and might tweak the verbiage.

Thank you,  
Phyllis

Phyllis Downey  
Town Administration  
508-495-7325

## Phyllis Downey

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**From:** Jim McLoughlin  
**Sent:** Thursday, February 2, 2023 8:16 AM  
**To:** Phyllis Downey; Maura O'Keefe; Noreen Stockman  
**Subject:** RE: Grant of License request-3 Ruth Terrace

**Follow Up Flag:** Follow up  
**Due By:** Thursday, February 2, 2023 3:30 PM  
**Flag Status:** Flagged

Hi Phyllis,  
We have no objection to the license.  
Thanks,  
Jim

**From:** Phyllis Downey <phyllis.downey@falmouthma.gov>  
**Sent:** Wednesday, February 1, 2023 1:08 PM  
**To:** Maura O'Keefe <maura.okeefe@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Jim McLoughlin <james.mcloughlin@falmouthma.gov>  
**Subject:** Grant of License request-3 Ruth Terrace

Good morning,

Attached please find a Grant of License request for 3 Ruth Terrace, East Falmouth, asking to maintain an existing post and rail fence that extends into the town right-of-way on both sides of the driveway on the property.

Please let me know if further information is required or there are recommendations to the Select Board. If a review is possible by Thursday, February 9<sup>th</sup>, the Select Board will vote on the request on February 13<sup>th</sup>. The next available date for the Board's review would be February 27<sup>th</sup>.

Thank you,  
Phyllis

Phyllis Downey  
Town Administration  
508-495-7325

## **CONSENT AGENDA**

- b. Approve application to the Cape Cod Commission for 2023 District Local Technical Assistance (DLTA) funding for the Town's Open Space and Recreation Plan

February 6, 2022

Kristy Senatori, Executive Director  
Cape Cod Commission  
3225 Main Street  
Barnstable, MA 02630

**RE: 2023 District Local Technical Assistance Application**

Dear Ms. Senatori,

I am writing to formally apply for 2023 District Local Technical Assistance (DLTA) funding to help the town finalize the Open Space and Recreation Plan update project that was commenced last year using 2022 DLTA funds. Specifically, those funds allowed the town to hire a consultant to begin the update process of the town's 2014 plan, develop and distribute a public survey, and facilitate the initial public meeting.

As required by your DLTA program, the town submitted all the draft deliverables that were completed using these funds to the Commission in December 2022. That submittal included a draft version of the new plan inclusive of all of the updated maps, tables, and graphs; the public engagement program announcements and notices; results of the public survey; and the summary of the initial public meeting.

The remaining work includes completing the Americans with Disabilities (ADA) Transition Plan, holding a second public meeting, and finalizing the draft document for submittal to the Division of Conservation Services. To that end, the town is requesting \$12,500 of 2023 DLTA funds to hire a consultant to complete the work as described and included in the enclosed scope of work.

Thank you for providing this opportunity and I look forward to hearing from you soon.

Sincerely,

Peter Johnson-Staub  
Falmouth Interim Town Manager

cc: Falmouth Select Board

Enclosure

**TOWN OF FALMOUTH**  
**Open Space & Recreation Plan Update Assistance**  
**Scope of Work**

Start Date: May 1, 2023  
Completion Date: December 31, 2023  
Contract Amount: \$12,500

**SUMMARY OF REQUEST**

The Town of Falmouth is seeking a consultant to assist with the completion of the town's Open Space and Recreation Plan (OSRP) update project. The current draft document was completed in December 2021 using funding from the Cape Cod Commission's 2022 District Local Technical Assistance (DLTA) program; however, more work is needed in order for submittal to the Division of Conservation Services.

In a collaborative effort with the town, the consultant will complete the required Americans with Disabilities Act (ADA) Transition Plan, lead the refinement efforts necessary to finalize the draft plan, organize and facilitate a final public meeting to present the final plan, and provide the town with the final deliverables that meet the Commonwealth's submittal requirements.

**WORK PROGRAM: CONSULTANT**

The consultant's work program will include a total of three (3) tasks as outlined here:

**TASK 1: PUBLIC ENGAGEMENT PROGRAM**

With the guidance from the Town of Falmouth Planning and Conservation Departments, the consultant will:

- Organize and facilitate a public meeting to introduce and discuss the final updated Open Space and Recreation Plan.
- Create all of the advertisements, announcements, and notifications for the public meeting.

**TASK 2: DATA COLLECTION, FORMATTING, and EVALUATIONS**

Working with the Town of Falmouth Planning and Conservation Departments, the consultant will confirm the list of Conservation Commission and Recreation Department owned properties and complete the associated ADA evaluations using the town provided worksheets. The consultant will supplement the evaluations with any additional supporting graphics and materials as needed. This draft list properties includes approximately 20 to 25 locations.

### TASK 3: PLAN WRITING

The consultant will refine and finalize the current draft Open Space and Recreation Plan document in accordance with the requirements for approval and certification by the Commonwealth. In writing the final plan, the Town of Falmouth anticipates the following:

- An initial meeting with the consultant and the Town of Falmouth Planning and Conservation Departments to identify and confirm the sections which need to be modified, updated, or refined.
- To the greatest extent possible, the consultant will make use of data and information from the town's existing planning documents as well as the 2014 OSRP document.
- Periodic update meetings with the consultant during the document finalization.

### **WORK PROGRAM: TOWN OF FALMOUTH**

The Town of Falmouth's work program will include a total of three (3) tasks as outlined here:

#### TASK 1: PUBLIC ENGAGEMENT PROGRAM

In collaboration with the consultant, the Town of Falmouth Planning and Conservation Departments will:

- Distribute the final Open Space and Recreation Plan (both the digital and traditional paper form) to the residents and key stakeholders of the community.
- Participate in the public meeting that will introduce and discuss the final updated Open Space and Recreation Plan.
- Distribute any public engagement program advertisements, announcements, and notifications created by the consultant.
- Coordinate and seek input from other Town Departments as necessary.

#### TASK 2: DATA COLLECTION, FORMATTING, and MAPPING

In collaboration with the consultant, the Town of Falmouth Planning and Conservation Departments will provide any additional information as needed to aid in the creation of this final Open Space and Recreation Plan.

#### TASK 3: PLAN WRITING

The Town of Falmouth Planning and Conservation Departments will review the final updated Open Space and Recreation Plan document provided by the consultant and will return questions, comments, and edits within a two (2) week period prior to the end of the contract.

**TIMELINE**

The timeline for this project includes the period from May 1, 2023 to December 31, 2023.

NO.	TASK	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
<b>PUBLIC ENGAGEMENT PROGRAM</b>									
S1	Distribute information & materials for public meeting								
M2	Public Meeting: Final Plan Presentation & Input								
<b>DATA COLLECTION, FORMATTING, MAPPING</b>									
D1	Review list of CCC and RD properties								
D2	Complete ADA evaluations								
D3	Create any maps, photos, tables, etc.								
<b>PLAN WRITING</b>									
P2	Final Plan								

**DELIVERABLES**

The Town of Falmouth anticipates the following final deliverables.

DRAFT DELIVERABLES

The following three (3) draft deliverables are anticipated:

1. All completed ADA evaluations for review by the town.
2. Final tables, charts, and graphs for review by the town.
3. A Final Draft Open Space and Recreation Plan document for review by the town.

FINAL DELIVERABLES

The following four (4) final deliverables, inclusive of the comments received on the draft versions are anticipated:

1. A Final Open Space and Recreation Plan document in MS Word and Adobe PDF formats.
2. All of the updated tables, graphs, and charts in MS Excel format.
3. All of the final mapping files in ArcMap shapefile or geodatabase formats and the final maps in Adobe PDF format.
4. All of the public engagement advertisements, announcements, and notifications in either JPEG or Adobe PDF formats.

## **CONSENT AGENDA**

- c. Vote to amend Select Board Naming Policy

**Town of Falmouth  
Select Board  
NAMING POLICY FOR PUBLIC FACILITIES AND PLACES**

Adopted, ~~December 6, 2010~~ 2023

**Policy:**

This policy is adopted pursuant to the naming of public facilities and places in honor and/or in memory of those who served the greater Falmouth community.

**Guidelines:**

It is the policy of the Town of Falmouth, that the naming of public facilities and places is a significant event and should be done rarely, and only in accordance with the following guidelines:

Public facilities or places shall be considered for naming or renaming by written request, accompanied by background information and rationale, to the Select Board;

The Board shall consider naming based upon:

- Persons who were residents or town employees of excellent character and reputation who made significant contributions to the town. Attributes include:
  - Unusually effective and dedicated service to or on behalf of the town;
  - Efforts to sustain the high quality of life and service within the community;
  - Demonstrated understanding and activities within the essential functions of town government;
  - Service in the defense of freedom or other examples of effective citizenship;
- A geographic or functional name related to the facility or area;
- Names provided as part of trust arrangements, donations, bequests or other related activities;
- Tradition;
- Some combination of the above mentioned attributes.

**Procedure:**

In order to avoid personal or collective prejudice, favoritism, political pressure and/or temporary popularity, the Board shall take no action on an application to name a public facility or place for a period of at least one (1) year following submission of said application;

After the waiting period has elapsed, a ~~subcommittee member~~ of ~~two (2) selectmen~~ the Select Board shall be designated to seek the input and advice of whichever department, board, committee, or commission oversees the public facility or place to be named or renamed, and report back to the full Board. The Select Board will then advertise and hold a public hearing to seek input from the community.

~~The recommendation of~~Following the subcommittee shall be considered and voted by hearing, the full Select Board in an open regular meeting. Naming may vote to name the public facility or place shall require as requested. A vote of four (4) members of the Select Board; shall be required to approve a naming request.

Changing the name of a public facility or place already named shall require a vote of four (4) members of the Select Board AND a two-thirds vote of Town Meeting.

**Eligibility:**

All public facilities and places under the jurisdiction of the Select Board and/or any of its direct and indirect appointees are eligible to be named. These facilities and places include, but are not limited to: town buildings or parts thereof, undeveloped parcels of land, recreation areas, intersections, streets and roads, and other landmarks.

**Exceptions:**

Exceptions to this policy shall be made for:

- The Memorial Bench Policy;
- Where state or national laws, or regulations pertaining thereto, require that a facility or place be named in any manner inconsistent with this policy. For example, the Massachusetts LAND grant program requires that property acquired with these funds be named before they will reimburse the town for said purchase;
- Where naming is utilized as part of a capital campaign to raise funds. For example, the capital campaign which supported the 2007 renovation of the main branch of the Falmouth Public Library.

**Town of Falmouth**  
**Select Board**  
**NAMING POLICY FOR PUBLIC FACILITIES AND PLACES**  
Adopted, \_\_\_\_ 2023

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  - Efforts to sustain the high quality of life and service within the community;
  - Demonstrated understanding and activities within the essential functions of town government;
  - Service in the defense of freedom or other examples of effective citizenship;
- A geographic or functional name related to the facility or area;
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In order to avoid personal or collective prejudice, favoritism, political pressure and/or temporary popularity, the Board shall take no action on an application to name a public facility or place for a period of at least one (1) year following submission of said application;

After the waiting period has elapsed, a member of the Select Board shall be designated to seek input and advice of whichever department, board, committee, or commission oversees the public facility or place to be named or renamed and report back to the full Board. The Select Board will then advertise and hold a public hearing to seek input from the community.

Following the hearing, the Board may vote to name the public facility or place as requested. A vote of four (4) members of the Select Board shall be required to approve a naming request.

Changing the name of a public facility or place already named shall require a vote of four (4) members of the Select Board AND a two-thirds vote of Town Meeting.

**Eligibility:**

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- Where naming is utilized as part of a capital campaign to raise funds. For example, the capital campaign which supported the 2007 renovation of the main branch of the Falmouth Public Library.

## **CONSENT AGENDA**

d. Affirm seasonal wage schedule for calendar year 2023

February 13, 2023

**Calendar Year 2024 Seasonal Salary Schedule - 15% Increase**

Grade	TITLE	step 1	step 2	step 3	step 4	step 5
2	Parking Attendant - Beach Clerk 1	\$16.39	\$17.21	\$18.07	\$18.97	\$19.92
3	Clerk II Head Parking Lot Attendant - Beach Parking Lot Security - Beach Camp Counselor - Recreation Waterways Assistant	\$17.05	\$17.90	\$18.80	\$19.74	\$20.73
4	Lifeguard - Beach Senior Waterways Assistant Harbor Assistants Sailing Instructor	\$18.24	\$19.15	\$20.11	\$21.12	\$22.18
5	Water Safety Inst. / Asst. Head Guard - Beach Pump Out Boat Operator - Harbormaster Certified Sailing Instructor	\$19.52	\$20.50	\$21.53	\$22.61	\$23.74
6	Head Guard - Beach Assistant Animal Control Officer	\$20.89	\$21.93	\$23.03	\$24.18	\$25.39
7	Clerk III Staff Guard/Supervisor Assistant Harbormaster - Constable Seasonal Police Officer Laborer Shellfish Technician	\$22.35	\$23.47	\$24.64	\$25.87	\$27.16
8	Swim Program Director - Beach Assistant Harbormaster - Dockmaster Maintenance Foreman - Beach	\$23.91	\$25.11	\$26.37	\$27.69	\$29.07
9	Assistant Superintendent of Beaches	\$25.58	\$26.86	\$28.20	\$29.61	\$31.09
11	Superintendent of Beaches	\$29.16	\$30.62	\$32.15	\$33.76	\$35.45

Election Workers

Inspector	\$15.00
Election Clerk	\$15.76
Deputy Warden/Deputy Clerk	\$15.76
Election Warden	\$16.83

## **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](http://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 Victualler 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

- I. 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

**OPEN SESSION**

**TOWN MANAGER'S SUPPLEMENTAL REPORT**

February 13, 2023



## TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

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**TO:** Select Board  
**FROM:** Peter Johnson-Staub, Acting Town Manager  
**SUBJECT:** Supplemental Report 02/13/2023  
**DATE:** February 12, 2023

### **SAFER Grant:**

FEMA recently posted a notice of funding opportunity announcing that SAFER grants will be accepted from February 13<sup>th</sup> to March 17<sup>th</sup> of this year. As the Board is aware, this federal grant - Staffing for Fire and Emergency Response – provides grant funds for three years to offset the cost of hiring additional fire department personnel. The grant does not provide a long-term funding source for the recurring annual cost of the added positions but it allows the Town to gradually build the cost into the budget over three years. The notice states that FEMA will begin to issue grant award notices on June 2<sup>nd</sup> of this year and that all award decisions will be made by September 30, 2023. This means we will not know whether or not we might receive a grant until well after Town Meeting and the Town election. However, since we are planning to appropriate only a portion of the total cost to hire 14 firefighters, my intent is to apply for a grant for the unfunded balance. The override amount voted by the Board is \$950,000 and the estimated cost of wages and benefits for 14 firefighters is approximately \$1.5 Million. We may be able to apply for a grant for approximately \$550,000. I have asked Chief Smith to review the eligibility requirements and begin preparing an application for a grant to pay for 6 of the 14 firefighters that we plan to hire so we can be prepared to submit a grant by the March 17<sup>th</sup> deadline. I plan to seek a Select Board vote to approve submission of the grant application at the next meeting on February 27<sup>th</sup>.

### **Mayflower/SouthCoast Wind:**

I would like to offer some clarification on where the Town stands with respect to the SouthCoast Wind project formerly known as Mayflower Wind. The Select Board recently voted not to approve an access agreement which SouthCoast sought to perform preliminary investigations, including soil sampling, to prepare more detailed plans for the proposed electric cable landfall. SouthCoast Wind representatives have indicated to me that they are continuing to move forward with their plans for a landfall in Falmouth. They plan to hold one or more public forums, not sponsored by, or involving, the Town, and they intend to file updated plans with the Massachusetts Energy Facilities Siting Board (EFSB) sometime this spring. They did not indicate how the Select Board denial of the access agreements impacts these efforts. I want to make clear that staff will continue to monitor this project and occasionally communicate with SouthCoast representatives so the Town is informed of the status of the project. However, neither staff nor the Select Board is actively engaged in any negotiation of a potential host agreement at this time. The Select Board has not yet taken a position to oppose or support the project. I suggest future Select Board discussion will be needed after SouthCoast submits an updated plan to the Town and/or the EFSB to determine whether the Board wishes to actively oppose or support EFSB approval of the project application.

## **Upcoming Meetings:**

- February 27<sup>th</sup> – vote article recommendations, Emerald properties
- March 13<sup>th</sup> – Options for expanding tax exemptions and abatements
- March 27<sup>th</sup>
- April 1<sup>st</sup> – Saturday workshop: Discussion of selected policies; Board training
- April 10<sup>th</sup> – Annual Town Meeting

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