

OPEN SESSION

BUSINESS

9. Request for variance to Sign Code – §184-7 Placement:
Falmouth Public Schools – Placement of temporary sign on
fence on Town property at 340 Teaticket Highway **(5 minutes)**

4/24/2023

Falmouth High School Theater Company:

Request for a variance to sign code §184-7 (Placement) to hang a temporary banner on a fence on town property for a civic event.

Location: School Administration Building fence, 340 Teaticket Highway.

Length of Time: 4/28/23 to 5/8/23.

Dimensions: 3' x 6'.

Diane Davidson

From: Paula Gerry
Sent: Thursday, April 13, 2023 8:49 AM
To: Diane Davidson; Phyllis Downey
Cc: Pamela Marshall; Jodie Zinna; Gary Street
Subject: Application number: 227798; Sign Permit; 340 TEATICKET HWY Falmouth Building Department

This application has been disapproved by zoning because it requests that the banner is affixed to a fence on Town property. As such, this application has to go before the Select Board on April 24, 2023 for a variance.

Chapter 184. Signs Article II. General Standards

§ 184-7. Placement.

- A. No person may erect a sign which is affixed to a fence, utility pole or tree.
- B. Signs shall not be mounted above the roof ridge line unless mounted on a parapet wall which extends above the roofline, in which case the sign may not extend above the top of said parapet.
- C. No projecting sign shall extend into a vehicular public or private way or be less than ten (10) feet above a pedestrianway.
- D. No freestanding sign, together with any supporting framework, shall extend to a height above eighteen (18) feet from the level of the center line of the street which is closest to the sign.
- E. Signs shall not cover architectural details, such as but not limited to arches, sills, moulding, cornices and transom windows. Hi Amy Gross-Kehoe,

You have just received a message from the Falmouth Building Department. Please log on and review it.

Address : 340 TEATICKET HWY
Applicant name : Amy Gross-Kehoe

To see this message and past messages from the Falmouth Building Department, log back into your account, and click on the chat bubble icon connected to this permit or application.

URL: <https://permiteyes.us/falmouth/loginuser.php>

Regards,
Falmouth Building Department

Quantity: Size (H x W): Unit Price:

0ft

1ft

2ft

3ft

4ft

5ft

6ft

MAMMA MIA!

May 5, 7pm

May 6, 2 & 7pm

May 7, 2pm



Falmouth High School

www.onthestage.tickets/show/falmouth-high-school-theatre-company

0ft

1ft

2ft

3ft

APPLICATION TO SIGN PERMIT

Please fill out completely all applicable areas - Please use link

APPLICATION DETAILS

Application #:	<i>S-23-227798</i>	Date Issued:		Permit #:		Date Paid:	
Fee Payable (\$):	<i>0.00</i>	Fee Paid (\$):	<i>0.00</i>	Receipt #:			

SECTION 1 - SITE INFORMATION

Street Name	<i>TEATICKET HWY</i>	Map Block Lot	<i>34 04 025 000</i>
Street Number	<i>340</i>	Zone	<i>PU</i>
Unit Number			

SECTION 2 - PROPERTY OWNER INFORMATION

Property Owner Name	<i>FALMOUTH TOWN OF</i>		
Street Number	<i>59</i>	Street Name	<i>TOWN HALL SQ</i>
City	<i>FALMOUTH</i>	State	<i>MA</i>
Telephone	<i>508-548-0151</i>	Zip Code	<i>02540-2761</i>
Property Owner Name 2	<i>FALMOUTH SCHOOLS Admin building</i>		
Street Number	<i>340</i>	Street Name	<i>Teaticket Hwy</i>
City	<i>E Falmouth</i>	State	<i>MA</i>
Telephone	<i>508-548-0151</i>	Zip Code	<i>02540</i>
		Email	<i>info@falmouth.k12.ma.us</i>

SECTION 3 - APPLICANT INFORMATION

Applicant Name **Amy Gross-Kehoe**

Street Number **108** Street Name **Edgewater Dr West**

City **E Falmouth** State **MA** Zip **02536**

Telephone **[REDACTED]** Email **agrosskehoe@falmouth.k12.ma.us**

SECTION 4 - MAILING ADDRESS

Street Number **[REDACTED]** Street Name **[REDACTED]**

City **E Falmouth** State **MA** Zip **02536**

SECTION 5 - WORK DETAILS

Name of Store of Development **Falmouth HS Theater Company**

Number of Signs **one** Percentage of aggregate coverage of front wall **not applicable.**

Approve by Design Site Review meeting on

Type of Sign Wall Free Standing Projecting Awning Banner
 Portable Sign Window Blade Off Premise/Variance

Is this a replacement of the same size Sign Yes No Historic District Yes No

Is the Sign(s) Illuminated? Yes No

Is the Sign a promotional sign? Yes No Date **04/05/23**

Dimensions of Sign(s)
 Length **6'** Width **3'** Height **3'** Area **18'**
 Length Width Height Area
 Length Width Height Area

Wall Linear Feet **To hang on Fence** Set back from Freestanding

Brief Description of Proposed Work

Simple Banner advertising the FHS production of the musical Mamma Mia (onstage May 5 - May 7. Designed to be viewed from far away, to hang on fence at split of Teaticket Hwy and Sandwich Rd.

SECTION 6 - CONTRACTOR INFORMATION

Name *AMy Groa- Kehoe - substitute teacher* Type

LIC No. *Not applicable* VERIFY NA Expiration Date

Business Name Type *Banner*

LIC No. Expiration Date *05/10/23*

Street Number Street Name

City State Zip

Telephone No. Alternate Tel. No.

Email

The owner/Licensee assumes responsibility for compliance with the state building code and all other applicable codes.

Owner/Licensee *AMy Groa- Kehoe*

SECTION 7 - ESTIMATED COST

Estimated Value of Work \$ *100.00*

SECTION 8 - PROPERTY OWNER AUTHORIZATION

I am the Owner Contractor / Agent

I, *FALMOUTH TOWN OF* as owner of the subject property hereby authorize *Amy Gross-Kehoe* to act on my behalf, in all matters relative to work authorized by this building permit application.

Property Owner's Email *info@falmouth.k12.ma.us* OR Copy of Signed Contract to be attached after submitting application

Telephone No. *508-548-0151*

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct. Date

SECTION 9 - DECLARATION

I, **Amy Gross-Kehoe** as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief. Signed under the pains and penalties of perjury.

I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date **04/05/23**

INSTRUCTIONS

Please review **Chapter 184** of the Town Of Falmouth Zoning By Laws for a **complete wording** regarding the requirements and restrictions for Signs within the Town Of Falmouth

What is needed to be submitted:

All Signs:

- All applications require plans with new sign(s) pictures and dimensions and pictures of all existing signs.

If you have obtained a Variance for the Sign(s), that recorded Variance must be submitted with this application.

OPEN SESSION

BUSINESS

10. Remote work policy – non-union employees **(5 minutes)**



TOWN OF FALMOUTH DRAFT REMOTE WORK POLICY

I. PURPOSE AND SCOPE

The Remote Work Policy (RWP) is a management tool that may be used to increase productivity and morale of employees, boost efficiency in the use of space, reduce operational costs, lessen the environmental impact of vehicle travel, and accommodate special needs of employees.

The Town of Falmouth encourages the use of the RWP where it will be to the mutual benefit of employees, the Town, and the Town's stakeholders. The RWP is not an employee benefit intended to be available to all Town employees. Rather, it is a work option used at the supervisor's discretion, such as flexible work schedules and alternate work schedules. The purpose of this program is to define remote work guidelines and procedures.

II. APPLICABILITY

This Policy applies to all full-time and regular part-time non-represented employees of the TOWN OF FALMOUTH (the "Town"), excluding those employees under the supervision and control of the School Committee. Employees subject to Collective Bargaining Agreements (CBAs) are subject to the policy only if adopted as specified in the CBA.

III. DEFINITIONS

AD HOC REMOTE WORK: Identified as occasional remote work from various locations.

OFFICIAL WORKSITE: The employee's primary non-remote work location as assigned by the employee's supervisor that is in most cases, if not all, located within a Town-owned building.

REGULAR OFFICE HOURS: The agreed upon set of hours during the day when the supervisor and co-workers can always communicate with the remote worker.

ROUTINE REMOTE WORK: Remote Work which is a regular and recurring part of an employee's work schedule.

REMOTE WORK: Mutually agreed upon work arrangement between the Town and the employee where the employee performs work at an alternate worksite on specified days and retains flexibility as necessary to meet the needs of the work unit.

REMOTE WORK AGREEMENT: A written agreement between the Town and the employee outlining the work schedule, duties, and performance standards for the remote working employee.

REMOTE WORK SITE: A workplace other than the employee's regular work location that is approved by the employee's supervisor as suitable for remote working.

IV. ELIGIBILITY

- (A) An employee is eligible for remote work with the approval of his/her supervisor and the Department Director, provided his/her job requires minimal direct supervision and face-to-face interaction or where such interaction can be scheduled successfully to permit remote working. Each remote work assignment should be reviewed for costs and benefits, such as the nature of the job, equipment requirements, and expected results. The remote work assignment should not create undue costs, risk, or hardship to the Town or Department's operations as determined by the Supervisor and Human Resources.
- (B) Supervisors shall use the following guidelines in selecting employees for remote work:
- 1) The employee can accomplish his/her job without being on the premises for an agreed upon portion of his/her regular work schedule without detrimental impact on the productivity of the work group.
 - 2) Clear work objectives can be set, tasks can be clearly defined, and results can be measurable.
 - 3) The employee shall have demonstrated, to the supervisor's satisfaction, his/her capability to work productively without direct supervision. Indicators include consistent high performance, a positive attitude toward assigned work, self-motivation, and no relevant discipline problems in the employee's work history.
 - 4) The employee shall have indicated a willingness to participate in remote work to the supervisor.
 - 5) The employee has completed any probation periods for his/her position or has demonstrated successful competency in the essential functions of his/her position.

V. POLICY

(A) Prior Authorization

Employees are not authorized to Ad Hoc Remote Work without prior approval of their supervisor. To engage in Routine Remote Work, employees must receive prior written approval from their Department Director and have a completed Remote Work Agreement on file prior to beginning the Routine Remote Work.

(B) Departmental Policies

Each Town department is responsible for determining the positions within the department that are appropriate for remote work and for developing department-specific practices on remote work to supplement this RWP as necessary.

(C) Remote Work Agreement for Routine Remote Work

- 1) Routine Remote Work will be permitted for employees only under the terms of a written Remote Work Agreement. The Remote Work Agreement may require modification by the Human Resources Department (HR) to fit individual employee circumstances.
- 2) Remote Work is not an employee right, nor do employees have any property interests in remote work. Remote Work Agreements shall be entered into voluntarily by both the employee and the Town. Either the Town or the employee may discontinue the remote work arrangement at any time and for any reason. In no circumstances are employees entitled to due process related to any Town decision on Remote Work issues, including approvals or denials, or a Town decision to discontinue a Remote Work Agreement, and all such decisions are not grievable.
- 3) The Remote Work Agreement must clearly outline the following:
 - (a) Remote Work schedule: The employee's work schedule shall be outlined and be in compliance with wage and hour laws, Town Personnel Policies, and any applicable collective bargaining agreement. Employees are expected to be available during core business hours unless otherwise specified.
 - (b) Location: The primary location of the remote work site must be stated in the Remote Work Agreement and include whether it is a home office or elsewhere. If the primary location changes, either permanently or temporarily, the employee must inform their supervisor and discuss any implications on accessibility or changes to work capability.
 - (c) The supervisor must consult with HR and the IT Department if there is any question regarding the appropriateness of the location as a remote work site.
 - (d) Accessibility: The means by which the employee can be reached during off-premises scheduled work hours.
 - (e) Evaluation: The criteria that will be used to evaluate the success of the remote work assignment and how often the remote work assignment will be evaluated. At a minimum, the Remote Work Agreement must be evaluated by the supervisor with the employee on an annual basis, but it is encouraged that the evaluation occur on a quarterly or monthly basis. This evaluation is in addition to the regular and consistent monitoring of the employee's remote work assignments.
 - (f) Use of Town resources: Any Town owned resources the employee will use off-premises and the terms and conditions under which such resources will be used.

(D) Ad Hoc Remote Work

- 1) In unplanned and temporary situations for short term accommodation, the Town/supervisor can exercise discretion in determining whether an employee can

accomplish at least some part of their duties from the remote work site in such a situation. Supervisors may approve Ad Hoc Remote Work to allow employees to work at home or other locations for reasons that are inclusive of the policy's purpose.

- 2) Ad Hoc Remote Work will be permitted with the authorization of the employee's supervisor. The terms of Ad Hoc Remote Work may be clarified in a written agreement.
- 3) If an employee performs remote work on a regular rather than on an occasional basis, the remote work then becomes Routine Remote Work, and a Remote Work Agreement must be entered into.

(E) Terms of Employment

- 1) Remote Work does not otherwise alter the basic terms and conditions of employment, including wages, overtime compensation, insurance benefits, paid leave, salary reviews, workers compensation, etc.
- 2) Town and departmental policies, rules, and practices shall apply at the remote work site.

(F) Work Hours and Accessibility

1) Work Hours and Scheduling

- (a) Remote Work arrangements must comply with any applicable collective bargaining agreement and any applicable state and federal laws including wage and hour laws which regulate the payment of overtime for non-exempt employees.
- (b) Employees must receive advance approval from their supervisor for any overtime work or flexing of their remote work schedule. Employees must also report to their supervisor any absences from duty during remote work hours in the same manner as if they were scheduled to be at their assigned duty station.
- (c) Employees will not be paid for travel between the remote work site and the employee's official workstation.

2) Adequate Time in Office

- (a) The amount of time spent remote working during a work week may vary according to each job, equipment needs, and the individual Remote Work Agreement. The remote work schedule must allow adequate regular office time for meetings, access to facilities and supplies, and communication with other employees and with customers.
- (b) In-person business meetings shall not be held at a remote work site.
- (c) Remote Work shall not adversely affect customer service or delivery, employee

productivity, or the progress of an individual or team assignment.

(d) Remote Workers may be requested to attend "short notice" meetings by telephone conference or video conferencing.

3) Accessibility

(a) Remote Workers will maintain accessibility via telephone, email, and/or text during agreed upon work hours or specific core hours of accessibility as required by the Town.

(b) The employee shall promptly notify the supervisor when unable to perform work assignments due to equipment failure or other unforeseen circumstances. Supervisors may reassign employees to another project and/or work location in the event of equipment failure.

(c) It is the employee's responsibility to ensure that he or she is fully accessible during work hours and able to complete work assignments on time.

(G) Town Owned Equipment

1) The employee must exercise the same reasonable care for the equipment as would be expected in any Town work site.

2) Town provided electronic devices and software shall not be used by other household members or any other non-Town employees. Town owned software may not be installed on personal devices.

3) A list of the Town issued equipment shall also be attached to the Remote Work Agreement and updated as needed.

(H) Remote Work Product and Records

1) Work done on behalf of the Town at the remote work site is considered official Town business. Products, documents, and records used by/or developed while remote working shall remain the property of the department and the Town and are subject to Department and Town rules regarding confidentiality, disclosure, and records retention requirements.

2) Release or destruction of any public records must only be done at the official workstation and only according to Town policy, or State statutes, and regulations. The remote worker must adhere to confidentiality requirements of all data and records.

3) Remote Workers must seek advance approval from their supervisor before removing supplies or equipment from Town premises to take to a remote work location. No documents containing sensitive personal or confidential records shall be removed from the

Official Worksite. To every extent possible, employees should use electronic versions of files when working remotely. Only copies of official public records should be taken to a remote work location. Original public records should remain in the office, and copies should be properly disposed of when no longer needed. Any such items should be promptly and securely returned to Town premises as soon as the remote worker has completed the assignment that required the usage of the item at the remote work site. Supervisors and remote workers are responsible for maintaining an inventory of items that remote workers remove from Town premises and take to a remote work site.

(I) Workplace Health and Safety

1) The Town's responsibility and accountability for employees' health and safety while working at a Remote Work Site is essentially the same as that when employees work in their assigned Town work location. For this reason, employees are required to maintain a designated work area at home or other approved Remote Work Site.

2) Ergonomic Training

(a) It is the responsibility of the employee to ensure proper ergonomic health while at a remote work site. Employees may contact Human Resources for general guidance on ergonomic health. If employees have concerns about being able to safely utilize their own office furniture or remote work site arrangement, they must notify their supervisor and immediately cease the remote work agreement until a solution can be identified.

3) Worker's Compensation

(a) Standard worker's compensation practices apply, and employees are covered by applicable laws for illness or injury occurring during the course and scope of work. If injured while working remotely, the remote worker must report the injury to the supervisor immediately, following standard Town reporting procedures.

(b) The Town does not assume responsibility for injury to any persons other than the employee at the employee's residence or alternate workspace within it, or any other Remote Work Site.

(c) Compensability of all workers' compensation claims are thoroughly investigated by the designated Third-Party Administrator. Depending on the nature and the severity of the injury, an on-site investigation may be initiated immediately upon notification. The on-site investigation will be performed by Human Resources staff or an investigative service provider acting under the control of the Third-Party Administrator.

(d) Employees are principally located in the Commonwealth of Massachusetts. Employees who remote work in another state follow standard Town reporting

procedures and file any claims in the State of Massachusetts, regardless of the state in which the illness or injury occurred.

(J) No Reimbursable Expenses

- 1) Any variable expenses accrued as a result of the employee choosing to remote work will be borne by the employee.
- 2) The Town will not reimburse an employee for expenses related to an internet connection for the remote work site. To the extent possible, employees should arrange their schedule to print documents while at their official workstation.
- 3) Supplies required to complete assigned work at the remote work site shall be obtained from the Town during the remote worker's in-office work periods.

(K) Employee Computer Security

- 1) Employees shall never put the Town at risk of security or data breaches due to a remote work agreement. If an employee knows of a potential security breach, they shall cease remote work and promptly notify their supervisor and IT.
- 2) If employees engage in remote work that is covered by HIPAA, they shall adhere to Town privacy and security policies, as well as any Department guidelines or procedures.

VI. PROCEDURES

- (A) The employee and his or her supervisor will collaborate to create a mutually suitable Remote Work Agreement including the tasks or scope of work to be completed at the remote work site, the time frames for completion, and how work will be reported and evaluated. Both parties sign the agreement and submit it to the Department Director or his/her designee. Once the agreement has received the necessary approval, a copy of the agreement will be placed in the employee's personnel file.
- (B) The supervisor shall contact the IT Department for any technical support needs of the remote worker.
- (C) Employees and supervisors who participate in a Remote Work Agreement are expected to educate themselves on what their responsibilities are regarding Remote Work.

VII. TERMINATION OR SUSPENSION OF A REMOTE WORK AGREEMENT

- (A) Remote Working is a privilege rather than a universal employee benefit or right. The Town has the right to offer remote work to an employee and to unilaterally terminate a Remote Work Agreement at any time. Employees do not have a property interest in Remote Work. In no circumstances are employees entitled to due process related to any Town decision on

Remote Work issues, including approvals or denials, or a Town decision to discontinue a Remote Work Agreement, and all such decisions are not grievable.

- (B) Remote Work is a voluntary program. Employees may decline remote work if the option is presented. The employee may also discontinue the arrangement at any time, unless otherwise specified in the Remote Work Agreement.
- (C) Remote Work may be temporarily suspended due to the Town's operational needs.
- (D) Supervisors should monitor the work environment for any negative effects a remote work assignment may have on the workload or morale of the co-workers of the remote worker and may need to suspend or terminate the remote work assignment to ensure equal workloads and harmonious relations amongst staff.

VIII. EXCEPTIONS

The Town Manager has the discretion to make exceptions to this Policy in the best interest of the Town, such as during declared emergencies or other unique situations mandating remote work outside of a pre-approved agreement.

Adopted:
Pages: Eight (8)



Town of Falmouth DRAFT Remote Work Agreement (RWA)

To Be Completed after Careful Review of the Remote Work Policy (RWP)

<u>Employee Information</u>			
Employee Name:			Position:
Group/ Bargaining Unit:	Employment Status: <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time: _____ hrs/wk	FLSA Status: <input type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt	
Department/ Division:	Direct Supervisor:	Dept Head (if different):	
<u>Remote Work Information</u>			
The terms of this Remote Work Agreement (RWA) will be: <input type="checkbox"/> Regular & Recurring <input type="checkbox"/> Temporary			
Begin Date:	End Date (if temp):		
Remote Work Address:			
RWA will be reviewed:	<input type="checkbox"/> Monthly <input type="checkbox"/> Bi-Annually <input type="checkbox"/> Quarterly <input type="checkbox"/> Other: _____	First RWA review date:	
<u>Hours of Work</u>			
Employees must schedule remote work within the regular work schedule for their position. Established deviations from regular working hours, or flexible work schedules, may only be authorized as per applicable Policies or Collective Bargaining Agreements. Such schedules must be reduced to writing, approved by the supervisor and filed in the employee's official personnel file with Human Resources.			
Is an approved flexible work schedule on file for this employee? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<u>Accessibility and Communication</u>			
The employee agrees to structure their time to ensure attendance at required meetings and events as designated by their supervisor. The employee further accepts the responsibility as a remote worker to facilitate communication with customers and colleagues while on a remote work schedule.			
The employee agrees to be available during scheduled work hours on remote workdays using the following methods (check all that apply):			
<input type="checkbox"/> Phone (Cell) <input type="checkbox"/> Phone (Landline) <input type="checkbox"/> Voicemail <input type="checkbox"/> Email <input type="checkbox"/> Text Message <input type="checkbox"/> Video Conference			
<input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____			
<u>Equipment used for remote work</u>			
	Town-Issued	Not Used	
Phone	<input type="checkbox"/>	<input type="checkbox"/>	
Computer	<input type="checkbox"/>	<input type="checkbox"/>	
Remote network access	<input type="checkbox"/>	<input type="checkbox"/>	
Office Furniture	<input type="checkbox"/>	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	

Performance Measures

The employee agrees to keep his/her supervisor regularly informed of his/her progress on remote work assignments and agrees to keep his/her supervisor informed of any problems experienced while remote working. The supervisor is responsible for evaluating employee work and ensuring high performance can be continued while working remotely.

List out (in bullets) the type of work the employee will perform while working remotely and how the supervisor will measure successful completion. Attach separate pages as necessary.

-

DRAFT

<u>Employee Acknowledgements</u>	
<p>I Agree <input type="checkbox"/></p>	<p><u>Reimbursement Information</u></p> <p>Generally, the Town of Falmouth does not reimburse costs associated with remote working and will not pay or reimburse the employee for:</p> <ul style="list-style-type: none"> • Time involved in travel between the official workstation and the remote work site. Purchasing computer equipment or internet service. • Any purchase, service charge, or cost related to remote work that is not specified in this agreement.
<p>I Agree <input type="checkbox"/></p>	<p><u>Town of Falmouth Property and Records:</u></p> <p>The employee agrees that documents or other records required to be retained and are used, developed, or revised while remote working will be securely transferred to the official workstation.</p> <p>The employee understands and agrees that all equipment, records, files, manuals, forms, materials, supplies, computer programs, and other materials furnished by the Town, or generated or obtained on behalf of the Town during the course of employment shall remain the property of the Town. The employee understands that he/she is the holder of this property for the sole use and benefit of the Town and will take all reasonable precautions to safely keep and preserve such property, as well as maintain confidentiality except as disclosure is required in normal business operations.</p>
<p>I Agree <input type="checkbox"/></p>	<p><u>Employee Owned Property and Equipment</u></p> <p>Any employee owned property and equipment used for Town business may subject to a public records request, subpoena, court or administrative order, or privacy/security violation investigation and may require the employee to provide the Town with full access to such equipment. If the equipment is a personal computer, the employee understands the Town may need to copy the contents of the hard drive.</p>
<p>I Agree <input type="checkbox"/></p>	<p><u>Employee Computer Security</u></p> <p>The employee understands he/she is responsible for following all security guidelines issued by the IT Director or his/her designee, including ensuring software and applications are currently updated with security patches, maintaining a personal firewall, secure WIFI, and updated anti-virus and anti-spyware programs, and keeping their operating system configured securely.</p>
<p>I Agree <input type="checkbox"/></p>	<p><u>Health, Safety and Ergonomics</u></p> <p>The employee understands she/he may request training and/or an assessment of their remote work area to provide strategies to improve the health, safety, and ergonomic well-being of the remote working employee.</p> <p>The employee acknowledges that his/her employment is principally located in the Commonwealth of Massachusetts. If the employee remote works in another state, then the employee agrees to follow standard Town reporting procedures and will file any claim in the Commonwealth of Massachusetts and not in any other state, regardless of the state in which the illness or injury occurred.</p>
<p>I Agree <input type="checkbox"/></p>	<p><u>Terms of Employment</u></p> <p>The employee understands that this Remote Work Agreement does not otherwise alter the basic terms and conditions of employment, including wages, overtime compensation, insurance benefits, paid leave, salary reviews, workers compensation, etc. The employee further understands that Town policies, rules, and practices shall apply at the remote work site, including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and/or services, and safety.</p> <p>The employee will be compensated according to applicable laws, Town policy and collective bargaining agreements for overtime work that has been requested by his/her supervisor and approved in advance. Employee understands that overtime work must be approved in advance by the supervisor. By signing this form, employee agrees that failing to obtain proper approval for overtime work may result in the termination of this remote work agreement and/or other appropriate actions.</p> <p>Employee must obtain supervisory approval before taking leave in accordance with established office procedures. By signing this form, the employee agrees to follow established procedures for requesting and obtaining approval of leave, including call-in procedures for unscheduled leave on remote workdays.</p>

<p>I Agree <input type="checkbox"/></p>	<p><u>Termination of Remote Work Agreement</u></p> <p>Remote Working is a privilege rather than a universal employee benefit or right. The Town, which includes the supervisor, department manager, Human Resources, or Town Manager, has the right to offer remote work to an employee and to unilaterally terminate a Remote Work Agreement at any time. Employees do not have a property interest in Remote Work. In no circumstances are employees entitled to due process related to any Town decision on Remote Work issues, including approvals denials, or a Town decision to discontinue a Remote Work Agreement, and all such decisions are not grievable.</p>		
<p>I Agree <input type="checkbox"/></p>	<p><u>Acknowledgement:</u></p> <p>I have read and understand this agreement and the remote work policy, and agree to abide by and operate in accordance with the terms and conditions described in both documents. I agree that the sole purpose of this agreement is to regulate remote work and that it constitutes neither an employment contract nor an amendment to any existing contract or Town policy.</p>		
<p><u>Employee:</u></p>		<p><u>Date:</u></p>	
<p><u>Supervisor:</u></p>		<p><u>Date:</u></p>	
<p><u>Department Manager</u> <u>(if different):</u></p>		<p><u>Date:</u></p>	
<p><u>Human Resources</u></p>		<p><u>Date:</u></p>	

Cc: Personnel File

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Application for a Class I License to Buy and Sell New and Second Hand Motor Vehicles (boats) – Flying Bridge Marina, LLC d/b/a Flying Bridge Marina to be exercised at 250 Scranton Avenue, Falmouth

Continued from April 3, 2023 to answer the following questions:

- 1. Is the license transferable? No. Please see email from Town Counsel, attached.**
- 2. What type of motor vehicles will be sold? Boats. Attached is an updated application form with the field added to ask what type of license (auto, boat, etc.). Also attached is a copy of the license showing the description of the business and sales.**

Diane Davidson

From: Peter Johnson-Staub
Sent: Tuesday, April 4, 2023 11:25 AM
To: Diane Davidson
Subject: FW: SB question Motor Vehicle License-transfer of license

From: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Sent: Tuesday, April 4, 2023 10:57 AM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Re: SB questions Motor Vehicle License

Phyllis,

I agree with the current practice. Similar to CV licenses, the term of a license to sell used vehicles is one year and there is no provision in the general laws that allows for a transfer of the license.

Maura

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, April 4, 2023 10:49 AM
To: Maura O'Keefe <maura.okeefe@falmouthma.gov>
Subject: SB questions Motor Vehicle License

Good morning Maura,

At their meeting last night, the Select Board had a question regarding the application by Flying Bridge Marina, LLC for a Motor Vehicle License – Class 1 for Sales of New and Used Motor Vehicles. May we please inquire whether the license can be transferred or otherwise moved to another location?

Our current practice is that, except liquor licenses that apply for a Transfer via the ABCC, licenses are not transferred. Changes to a license, except for an amendment such as change of hours, would require a new application, including Common Victualler Licenses.

Thank you,
Phyllis

Phyllis Downey
Town Administration
508-495-7325



Town of Falmouth
 Office of the Town Manager & Selectmen 59
 Town Hall Square, Falmouth, MA 02540
 508-495-7320 • licensing@falmouthma.gov

NEW APPLICATION - MOTOR VEHICLE DEALER LICENSE – Class I, II, III
 M.G.L. CHAPTER 140

BUSINESS NAME: D/B/A

ADDRESS:

TOWN: STATE ZIP CODE

MAILING ADDRESS: *(if different)*

TOWN: STATE ZIP CODE

OWNER OF PROPERTY:

NAME OF APPLICANT: TITLE:

HOME ADDRESS:

TOWN: STATE ZIP CODE

FID # EMAIL *(required)*

TELEPHONE # (BUSINESS) (HOME)

CLASS OF LICENSE: NUMBER OF VEHICLES:

DEALER/REPAIR PLATE #

TYPE OF LICENSE: *auto, boat, etc.*

ADDITIONAL DOCUMENTS REQUIRED:

- Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing motor vehicle sales
- Massachusetts Form 53 in duplicate - available at Select Board Office
- Public Hearing requiring abutter notification by Certified Return Receipt Mail *(Class III only)*
- Proof of Surety Bond in the amount of \$25,000 *(Class II only)*
- Copy of Manufacture's Agreement *(Class I only)*

Signature -OWNER or MANAGER of RECORD
 FEES:

DATE

CLASS I - TOTAL LICENSE FEE: \$110
 CLASS II - TOTAL LICENSE FEE: \$85
 CLASS III - TOTAL LICENSE FEE: \$60

Number:
004-CLI

Fee
\$100.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Flying Bridge Marina, LLC d/b/a Flying Bridge Marina
Devan Muttart, Manager
250 Scranton Avenue
Falmouth, MA 02540
is hereby granted this

Agent's or Seller's License - Class I
for the Sale of Second-Hand Motor Vehicles

An open boat yard with 31" x 34" garage. Used for parking, maintenance, boat storage, and sales. 30 slips one of which will occasionally be used to dock boats for sea-trial purposes.

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto the above named entity whose principal business is the sale of new motor vehicles or who has a signed contract as required by Section 58, Class I, is hereby licensed to purchase and sell, as incidental or secondary thereto, second-hand motor vehicles at the above located premises described as follows:

For the sale of Used Boats. Also, New Boat sales by Manufacturer Agreement with Inmar Marine Group. Business operates in the Marine District as described in Ch. 240-39 which stipulates "uses which are not directly dependent on access to marine and tidal waters will only be allowed if they are supportive to the principal use and granted by special permit."

Valid from: April 24, 2023

Valid until: December 31, 2023

By order of The Falmouth Board of Selectmen

April 24, 2023

This License Must be Posted in a Conspicuous Place upon the Premises

LICENSE APPLICATION REVIEW

Restaurant/Business: Flying Bridge Marina, LLC d/b/a Flying Bridge Marina

Address: 250 Scranton Avenue

License Type: Motor Vehicle Dealer Class 1 License

New or Transfer of License _____

or

Change of License _____

Police No Comment

Fire No Objections

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

. MES No issues

. _____

. _____

NOTES: The Inmar Marine Group boats the proposed licensee intends to sell at the marina are inflatable.



Town of Falmouth
 Office of the Town Manager & Selectmen 59
 Town Hall Square, Falmouth, MA 02540
 508-495-7320 • licensing@falmouthma.gov

NEW APPLICATION - MOTOR VEHICLE DEALER LICENSE – Class I, II, III
 M.G.L. CHAPTER 140

BUSINESS NAME: Flying Bridge Marina LLC. D/B/A Flying Bridge Marina

ADDRESS: 250 Scranton Avenue

TOWN: Falmouth STATE MA ZIP CODE 02540

MAILING ADDRESS: *(if different)* 367 main street

TOWN: Falmouth STATE MA ZIP CODE 02540

OWNER OF PROPERTY: Mark Bogosian

NAME OF APPLICANT: Mark Bogosian TITLE: owner

HOME ADDRESS: 33 waterside Avenue

TOWN: Falmouth STATE MA ZIP CODE 02540

FID # [REDACTED] EMAIL *(required)* ckvan@longfellowold.com

TELEPHONE # (BUSINESS) (774) 255-1709 (HOME) [REDACTED]

CLASS OF LICENSE: Class I NUMBER OF VEHICLES: 30

DEALER/REPAIR PLATE # na

- ADDITIONAL DOCUMENTS REQUIRED:**
- Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing motor vehicle sales
 - Massachusetts Form 53 in duplicate - available at Select Board Office
 - Public Hearing requiring abutter notification by Certified Return Receipt Mail *(Class III only)*
 - Proof of Surety Bond in the amount of \$25,000 *(Class II only)*
 - Copy of Manufacturer's Agreement *(Class I only)*

[Signature]
 Signature - OWNER or MANAGER of RECORD

3/13/23
 DATE

FEES:
 CLASS I - TOTAL LICENSE FEE: \$110
 CLASS II - TOTAL LICENSE FEE: \$85
 CLASS III - TOTAL LICENSE FEE: \$60

LEASE

1. PARTIES

Flying Bridge Restaurant Corp., a Massachusetts Corporation with a principal office located at 12 Washington Street, Wellesley, MA 02481 and William C. Roberts, Trustee of the Falco Nominee Trust, of 12 Washington Street, Wellesley, MA 02481, which expression shall include heirs, successors, and assigns where the context so admits (**collectively the "Landlord"**), does hereby lease to Flying Bridge Marina LLC, a Massachusetts Limited Liability Company having a principal office located at 367 Main Street, Falmouth, MA 02540 (**the "Tenant"**), which expression shall include successors, executors, administrators, and assigns where the context so admits.

The Landlord by this instrument ("**Lease**") hereby leases to Tenant the following described premises:

2. PREMISES

The Premises consist of the following parcels of real estate and the buildings and structures hereon:

Parcel One:

220 Scranton Avenue, Falmouth, Massachusetts, being the property shown as Lot 4 on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 352, Page 50, being the premises conveyed in a deed recorded at said Registry in Book 8328, Page 135.

and

Parcel Two:

250 Scranton Avenue, Falmouth, Massachusetts, being the property shown as Lot 5 on a plan recorded at Barnstable Registry of Deeds in Plan Book 358, Page 25, and being a portion of the premises conveyed in a deed recorded at Said Registry in Book 8748, Page 177.

The Premises include the buildings, structures, and improvements now thereon and the existing appurtenant licenses as may now or hereinafter exist, and the fixtures belonging to the SELLER and used in connection therewith.

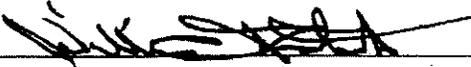
Handwritten initials "MB" and a signature.

_____ day of _____, 2021.

LANDLORD:

FLYING BRIDGE RESTAURANT CORP.

BY:



WILLIAM C. ROBERTS, PRESIDENT & TREASURER

FALCO NOMINEE TRUST

BY:

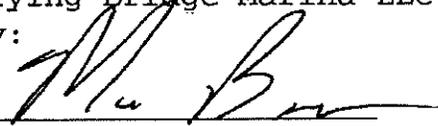


WILLIAM C. ROBERT, TRUSTEE

TENANT:

Flying Bridge Marina LLC

By:



MARK BOGOSIAN, Manager

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss.

_____, 20__

Then personally appeared before me the above-named _____, the _____ of _____ as aforesaid, who is personally known to me or proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed to the foregoing instrument, and acknowledged the foregoing to be his/her free act and deed, and the free act and deed of _____.

Notary Public

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss.



Dealer Agreement

1. RIGHTS GRANTED TO DEALER

1.1 Dealer Rights. Subject to the terms of this Agreement, Inmar hereby grants Dealer the non-exclusive rights, other than those specified within (Exhibit A)

- (1) To buy and resell at retail, in the ordinary course of Dealer's business, the Inmar Products, the types of which may be periodically revised by Inmar in its discretion upon notice to Dealer;
- (2) To identify itself as an authorized dealer of the Inmar Products utilizing approved signage solely at the Location; and
- (3) To use the name Inmar and the Inmar Marks in the advertising, promotion, sale and servicing of the Inmar Products from the Location in the manner provided in this Agreement.

No obligation exists on the part of Inmar to sell any Inmar products to Dealer other than as set forth in this Agreement. Inmar reserves the right to sell the Inmar Products to any customers, including retail customers, and to grant the privilege of using the name Inmar or the Inmar Marks to other dealers or entities, wherever they may be located.

2. RESPONSIBILITIES ACCEPTED BY DEALER

2.1 Dealer Responsibilities. Dealer accepts its appointment as an authorized Inmar dealer and agrees to:

- (1) Promote, advertise, market and sell the Inmar Products actively, aggressively, honestly and effectively, subject to the terms and conditions of this Agreement, in order to meet, and expand to the fullest extent possible, the demand for Inmar Products by retail customers that are generally located in the area of the Location;
- (2) Service the Inmar Products in the same manner, subject to the terms and conditions of this Agreement;
- (3) Establish and maintain satisfactory and attractive dealership facilities at the Location in accordance with the written guidelines, if any, established and amended from time to time by Inmar;
- (4) Make all payments to Inmar when due; and discharge all obligations under this Agreement.

3. PLACE OF BUSINESS

3.1 Location. Dealer shall operate its dealership, including showroom and sales, service and parts departments, only at the Location, and in a manner that is in compliance with Inmar's image requirements, facility standards and other guidelines, if any, established and amended by Inmar from time to time

3.2 Multiple Brands. Inmar recognizes that Dealer may be approved to sell or service other brands or line-makes of products at the Location which are competitive with the Inmar Products. In the event Dealer handles such competitive products, Dealer agrees to afford the Inmar Products at least as much effort as Dealer gives to competitive products handled by Dealer in terms of advertising, promotion and sale, floor space, inventory and service. Dealer shall also maintain equal or greater prominence as that afforded to competitive brands in the installation and display of Inmar logo signs and all other signage bearing the Inmar Marks.



Special Terms (Exhibit A)

1. Dealer Name, Location

FLYING BRIDGE MARINE
367 MAIN ST
FALMOUTH, MA 02540
774-238-9887

2. Minimum order requirements: Program based on Sales Volume

3. Warranty Labor Rates: \$95 hourly

4. Credit Line: \$100,000.00

Dealer must provide a Certificate of insurance for inventory coverage, and signed credit line guarantee in the name listed below for amount of the credit line requested. Certificate to be received no later than 30 days from date of agreement.

Global Marine Group, Inc
dba Inmar Boats
6020 Progressive Ave, Ste 800
San Diego, CA 92154

5. Term of agreement:

This agreement is effective as of March 3, 2023 and continues in effect through December 31, 2023 (the "Term"), unless earlier terminated as provided in section 11 of the agreement.

6. Incorporation by reference

This Exhibit A is made a part of the Dealer Agreement, between INMAR and Dealer (the "Agreement"). Upon execution by both parties, this Exhibit A is incorporated by reference into and is made part of the Agreement, and is subject to the terms and conditions of the Agreement.

Signed by: *D. Maffa* Print Name: Devan Maffa Title: Gm.
Date: 3/16/23

Inmar Marine Group, a division of Global Marine Group, Inc.
Legal Representative: Josh Palmer / CFO

Signed by: *J. Palmer* Date: 3/16/2023

Phyllis Downey

From: Noreen Stockman
Sent: Thursday, January 5, 2023 3:39 PM
To: Phyllis Downey
Cc: Ashley DeMello
Subject: RE: 250 Scranton Avenue-request for guidance

Hi Phyllis,
Under By-Law 240-39 (Marine District) A. (2) Boat sales is a permitted use. Therefore, there would not be a requirement for permitting from the ZBA.

Sincerely,
Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, January 5, 2023 3:02 PM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>
Cc: Ashley DeMello <ashley.demello@falmouthma.gov>
Subject: 250 Scranton Avenue-request for guidance

Good afternoon Noreen,

The procedure for applying for a Motor Vehicle (used car dealer) License requires a copy of the “**Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing use of the property for motor vehicle sales**” which Ashley and I worked on gathering in 2019. However, we very rarely have applications this type of application so the process may need to be tweaked in certain circumstances.

Longfellow Design Build is applying to sell new and used boats via a Class I Motor Vehicle License to be located at 250 Scranton Avenue which has land use code 384- Marina. They are asking if a special permit for motor vehicle sales is required for this location and zoning. May I please have your advice regarding how to respond? If you prefer to speak with Longfellow directly, please let me know.

Phyllis

Phyllis Downey
Town Administration
508-495-7325

OPEN SESSION

CONSENT AGENDA

1. Licenses

- b. Application for a Common Victualler License– ICA Pizza, LLC
d/b/a Simply Divine, located at 271 Main Street, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: ICA PIZZA, LLC d/b/a Simply Divine Pizza Co.

Address: 271 Main Street, Falmouth

License Type: _____

New or Transfer of License Common Victualler License

or

Change of License _____

Police No Objections

Fire No Concerns

Building _____

Health _____

Zoning No Comment, consistent with previously approved
Special Permit

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater Flow Neutral Required not required

NOTES:

The attached floor plan has been approved by the Building Commissioner both for seating for 102 and for Entertainment.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320 • licensing@falmouthma.gov

COMMON VICTUALLER & INNHOLDER LICENSE APPLICATION

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: **Branko Pishev** TITLE: **Manager**

HOME ADDRESS: **7 Longfellow Road**
Town: **East Falmouth** State: **MA** Zip code: **02536**

BUSINESS NAME: **ICA Pizza, LLC**

D/B/A if any: **Simply Divine Pizza Co**

BUSINESS ADDRESS: **271 Main Street (also known as the 261 Main St Bldg)**
Town: **Falmouth** State: **MA** Zip code: **02540**

MAILING ADDRESS (if different):
Town: State: Zip code:

FEDERAL ID #: MANAGER OF RECORD: **Branko Pishev**

EMAIL – required:

TELEPHONE – BUSINESS: **(508) 548-1222** ALTERNATE:

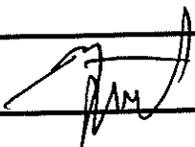
DAYS OF OPERATION: **Monday - Sunday**

HOURS OF OPERATION: **MON - WED: 11 AM - 9 PM, THURS - SAT: 11 AM - 10 PM, SUNDAY: 11 AM - 9 PM**

SEATING CAPACITY : 102

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

**DATE: 3/28/23



Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

- Food Service Establishment Permit – Health Department *IN PROCESS - OK ✓*
- Filing Fee \$10.00 due with application
- ~~License Fee \$60.00 due upon issue~~
- Business Structure Documents:
 - a. Copy of Articles of Organization (if corporation)
 - b. Copy of LLC Agreement (if limited liability company) ✓
 - c. Copy of Partnership Agreement (if partnership)
 - d. Copy of Certificate of Doing Business (if sole proprietorship)
- Copy of lease or deed ✓
- Copy of special zoning permits, if any ✓
- Copy of Floor Plan ✓
- Copy of Menu ✓
- Attend a hearing before the Board of Selectmen at a time and date designated *TBD ✓*

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is made and entered into as of the 28th day of February, 2023, between SALINE HOLDINGS, LLC a Massachusetts Company, having a mailing address at P.O. Box 223, Falmouth, Massachusetts 02541 (the "Landlord") and ICA PIZZA LLC having a principal address at 50 Bradford Street, Provincetown, MA 02657 (the "Tenant").

WITNESSETH:

ARTICLE I

Premises

Section 1.1 - Description. The Landlord hereby leases to the Tenant, and the Tenant hereby leases from the Landlord, upon and subject to the terms and provisions of this Lease, that property (which is hereinafter referred to as the "Leased Premises") consisting of: (a) that certain portion of the first floor of the building, containing approximately 2,890 square feet, located and being a portion of certain property owned by Landlord situated at 271 Main Street, Falmouth, Massachusetts ("Property"), and (b) all fixtures, installations, equipment affixed to walls, ceiling, roofs and flooring, mechanical systems, and all connections which are located within or service the Leased Premises.

Section 1.2 - Appurtenant Rights. Tenant shall have, as appurtenant to the Leased Premises, the right to use in common with others, subject to such reasonable rules and regulations as may be from time to time promulgated by Landlord, the following: (a) the common roadways and approaches necessary for access to the Leased Premises; (b) the roadways and approaches to the Property; and (c) the parking facilities of the Property.

Section 1.3 - Exclusions and Reservations. Subject at all times to the terms and conditions set forth in Section 8.1 below, the Landlord reserves unto themselves, their successors and assigns, the use of the Leased Premises, together with the right to install, maintain, use, repair and replace utility services located on the Leased Premises for the benefit of the Leased Premises and/or the Property, and the right of access to and through the Leased Premises for the purpose of the operation, maintenance, and repair of same and the Property.

Section 1.4 - Alteration of Leased Property. Landlord reserves the right to change the size, location, and dimensions of the structures and improvements on the Property, the number and locations of future expansions areas, and areas reserved for future development, the number of floors in the building, store dimensions, identity and type of other stores and tenancies, and the common areas and common facilities of the Property, provided, however, that in exercising any such rights reserved by Landlord, Landlord shall use commercially reasonable efforts to not interfere with Tenant and the operation of its business.

Section 12.15 – Representations.

(a) The Landlord represents and warrants that:

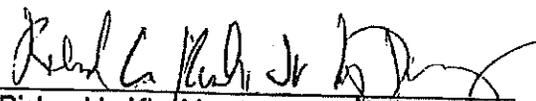
- (i) Landlord owns fee title to the Property and Landlord knows of no lien, restriction or encumbrance on the Property which would materially adversely affect Tenant's use and occupancy of the Leased Premises for uses of the Leased Premises set forth in Section 5.1; and
- (ii) Landlord has full right and authority to enter into this Lease with the Tenant without the consent or approval of any other party and this Lease is binding upon Landlord in accordance with its terms.

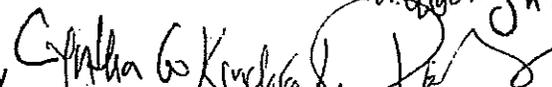
(b) The Tenant represents and warrants that:

- (i) Tenant is a limited liability company duly organized and validly existing under the laws of the Commonwealth of Massachusetts and has fully disclosed to Landlord the identity of all of its managers and members and its purposes in entering into this Lease:
- (ii) Tenant has full right and authority to enter into this Lease without the consent or approval of any other party and this Lease is binding upon the Tenant in accordance with its terms.

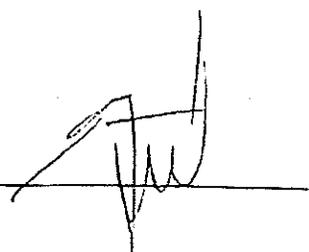
Witness the execution hereof, under seal, in any number of counterpart copies, each of which counterpart copies shall be deemed an original for all purposes, as of the date set forth on the first page of this Lease,

LANDLORD:
SALINE HOLDINGS LLC

By Richard L. Kinchla, Jr. 
Richard L. Kinchla, Jr. Manager

By Cynthia G. Kinchla 
Cynthia G. Kinchla Manager

TENANT:
ICA PIZZA LLC

By Branko Pishev 



Town Of Falmouth
59 Town Hall Square
Health Department
Falmouth, MA 02540
508-495-7485

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FALMOUTH
HEALTH DEPARTMENT

Number	FE-23-1098
Fee \$	\$200.00
DATE ISSUED	04/13/23

ICA Pizza LLC

Simply Divine Pizza

IS HEREBY GRANTED A FOOD ESTABLISHMENT PERMIT

For 271 Main St.

Establishment Type:- Annual or Seasonal Food Service Permit: Greater than 50 Seats

This permit is granted in conformity with the Statutes and ordinances relating thereto, and expires **12/15/23** unless sooner suspended or revoked.

Comment:

Scott McGann

For the Health Department

OPEN SESSION

CONSENT AGENDA

1. Licenses

- c. Application for a Change of Officers of an All Alcoholic Beverages Common Victualler License - 99 Restaurants of Boston LLC d/b/a 99 Restaurant & Pub- 30 Davis Straits, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: 99 Restaurant & Pub

Address: 30 Davis Straits, Falmouth

License Type: All Alcohol Common Victualler

New or Transfer of License _____

or

Change of License Change of Officer _____

- Police _____
- Fire _____
- Building _____
- Health _____
- Zoning _____
- Planning _____
- DPW _____
- Assessor _____
- Tax Collector _____
- _____
- _____
- _____

NOTES:

The ABCC has completed a preliminary review of the application per Ralph Sacramone's letter. This is an administrative action to change the corporate officers, no departmental review was requested.



***Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
95 Fourth Street
Chelsea, Massachusetts 02150***

March 29, 2023

LOCAL Boards

Andover, Auburn, Billerica, Braintree, Bridgewater, Barnstable, Boston, Chicopee, Dartmouth, Easton, Fairhaven, Falmouth, Framingham, Franklin, Greenfield, Haverhill, Hingham, Holyoke, Lowell, Lynnfield, Marlborough, No. Andover, Pembroke, Pittsfield, Plymouth, Quincy, Rockland, Somerville, Springfield, Stoneham, Tewksbury, Westfield, Westford, W. Springfield, Wilmington, Woburn, Worcester

The Alcoholic Beverages control Commission ("Commission") has received a request from 99 Restaurants of Boston, LLC for a change of Officers / Directors in the above noted cities and towns.

Due to the magnitude of these transactions, the Commission has received the information and documents provided by the licensee. The review was to determine whether the contemplated transaction is consistent with the provisions of M.G.L. c. 138. Based upon our review, we are satisfied that the transaction is consistent with the purposes of the law and would not result in the individual corporate licenses being deemed to be out of compliance with the applicable statute. Accordingly, this letter sets forth our recommended procedure for the processing of these applications.

Arrangements have been made for the Corporation to pay all of the \$200 application fees directly to the Commission. Therefore, no fee needs to be collected by the Local Licensing Authority.

The Commission has reviewed and accepted copies of the following documents and instruments:

1. Application for amendment
2. DOR Certificate of Good Standing
3. DUA Certificate of Good Standing
4. CORI Authorization
5. Vote authorizing the license amendment
6. List of exhibit's
7. Secretary of The Commonwealth Corporate Articles.

The applicant will contact you directly for processing the application. We will be processing this group filing differently than we have in the past due to the fact that these applications will be scanned into the e-licencing system.

The local Licensing Authority should send in the whole packet of the application and not just the local licensing review record that was done in the past. Should you or your town/city solicitor have any questions or require information or assistance , please contact Special Investigator Brad Doyle at (617) 908-8575.

Sincerely,



Ralph Sacramone
Executive Director

Cc: Fredrick Mahony, Chief Investigator
Ryan Melville, Licensing Coordinator
Joe Devlin, Esq.



APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

Change of Officers/ Directors/LLC Managers

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- CORI Authorization
- Vote of the Entity
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

Change of Stock Interest

(e.g. New Stockholders or Transfer or Issuance of Stock)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- CORI Authorization
- Financial Statement
- Vote of the Entity
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement (New Stockholder Only)*
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

Change of Ownership Interest

(e.g. LLC Members, LLP Partners, Trustees etc.)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- CORI Authorization
- Financial Statement
- Vote of the Entity
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement (New Stockholder Only)*
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

Non-Profit Club Change of Officers/ Directors

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the club signed by an approved officer
- Business Structure Documents -**Articles of Organization** from the Secretary of the Commonwealth

Management Agreement

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Management Agreement
- Vote of Entity

**If abutter notification and advertisement is required for transaction, please see the local licensing authority.*

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
99 Restaurants of Boston, LLC	Falmouth	00115-RS-0390

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

Wendy Harkness, Charles Noyes and Kurt Schnaubelt have left the company and are being removed as LLC Managers. Clint Lautenschlegar, Marjorie Nemzura, Phillip Purcell, Mark Spurgin, and Kara Jacobs are being added as new LLC Managers.

APPLICATION CONTACT

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

Name	Title	Email	Phone
Joseph H. Devlin	Attorney	jdevlin@ucdlaw.com	617-514-2828

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

2. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal	Residential Address	
W. Craig Barber	3803 Harding Place, Nashville, TN 37215	

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager, CEO, President	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	
Mark Spurgin	6533 Rolling Fork Drive, Nashville, TN 37205	

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	
Clinton Lautenschlegar	650 Gardenia Way, Murfreesboro, TN 37130	

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	
Marjorie Nemzura	814 Monroe Avenue, River Forest, IL 60305	

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager, Secretary	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	
Phillip Purcell	3145 Hunters Hill Road, Nashville, TN 37214	

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	
Kara Jacobs	922 Montrose Ave, Nashville, TN 37204	

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Additional pages attached? Yes No

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

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

APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

3. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Charles O. Noyes	LLC Manager, President	0%
Kurt Schnaubelt	LLC Manager, CFO	0%
Wendy Harkness	LLC Manager, CAO, Secretary	0%
W. Craig Barber	LLC Manager, CEO	0%
99 Restaurants of Massachusetts, LLC	LLC Member	100%

4. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
See Exhibit A			

5. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
See Exhibit B			

6 DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
	See Exhibit C		

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name

duly voted to apply to the Licensing Authority of
City/Town and the

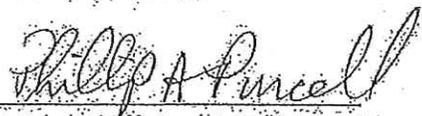
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- Change of Officers/Directors/LLC Manager
- Change of Ownership Interest (LLC Members, LLP Partners, Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Management/Operating Agreement
- Other

"VOTED: To authorize
Name of Person

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

A true copy attest;

Corporate Officer /LLC Manager Signature

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

OPEN SESSION

CONSENT AGENDA

1. Licenses

- d. Application for a Special One-Day Wine & Malt Beverages License – West Falmouth Library Annual Art Show – 575 West Falmouth Highway, West Falmouth – Friday, 7/21/23

LICENSE APPLICATION REVIEW

Restaurant/Business: West Falmouth Library

Address: 575 West Falmouth Highway, West Falmouth

License Type: _____

New or Transfer of License Special One-Day Liquor License
Annual Art Show, July 21, 2023

or

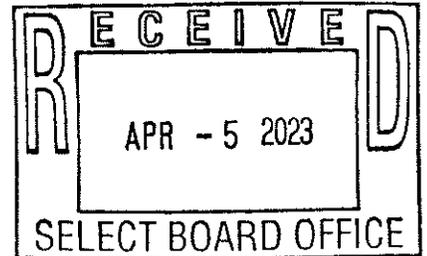
Change of License _____

- Police _____
- Fire NO ISSUE
- Building _____
- Health _____
- Zoning _____
- Planning _____
- DPW _____
- Assessor _____
- Tax Collector _____
- _____
- _____
- _____

NOTES: Departmental reviews may be in process.



APPLICATION



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

NAME OF APPLICANT: Susan Bergmann

ADDRESS OF APPLICANT: PO Box 1209

West Falmouth MA 02574
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: West Falmouth Library

MAILING ADDRESS: PO Box 1209, West Falmouth, MA 02474

TELEPHONE #: 508 548-4709 EMAIL: [REDACTED]

LOCATION TO BE LICENSED-ADDRESS: 575 West Falmouth Highway

West Falmouth MA 02574
TOWN STATE ZIP CODE

EVENT TITLE: Art Show Opening Reception APPROXIMATE # OF PEOPLE: 175

DATE(S) OF EVENT: July 21, 2023 HOURS OF EVENT: 5:00 - 7:00 pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Kathleen Bryson, board president

TYPE OF LICENSE:

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

REQUIREMENTS check list:

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

4/5/2023
DATE

Susan Bergmann
APPLICANT SIGNATURE

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

OPENING RECEPTION FOR ANNUAL ART SHOW
AT THE WEST FALMOUTH LIBRARY

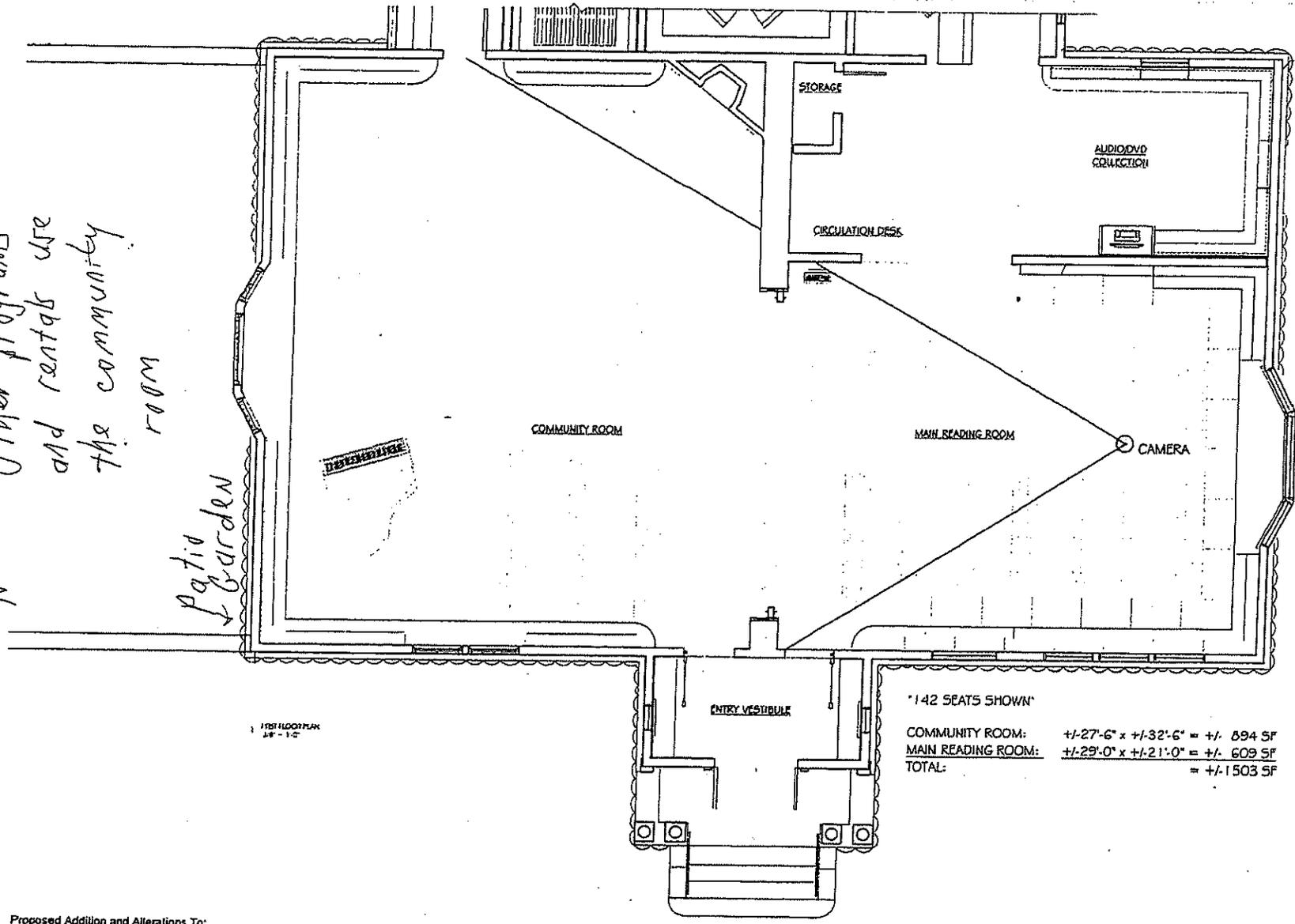
Every summer the West Falmouth Library holds a two-week long art show. This year it will run from July 22 – August 5. On the evening of July 21, the library will host an opening reception, which will include wine and beer, free of charge. This event will take place inside of the library and will run from 5:00 – 7:00 pm. We anticipate approximately 100 people will attend with the attendance fluctuating over the course of the two hours.

Other programs
and rentals use
the community
room

patio
garden

parking lot

5



142 SEATS SHOWN

COMMUNITY ROOM:	+/- 27'-6" x +/- 32'-6" = +/- 894 SF
MAIN READING ROOM:	+/- 29'-0" x +/- 21'-0" = +/- 609 SF
TOTAL:	= +/- 1503 SF

Proposed Addition and Alterations To:
West Falmouth Library
 575 West Falmouth Highway,
 West Falmouth, MA

OPEN SESSION

CONSENT AGENDA

1. Licenses

- e. Application for a Special One-Day Wine & Malt Beverages License – Sarah Annis for Mayflower Brewing – 5 Coonamessett Farm, 277 Hatchville Road, East Falmouth – Saturday and Sunday, 5/6 and 5/7/23

LICENSE APPLICATION REVIEW

Restaurant/Business: Sarah Annis for Mayflower Brewing

Address: Coonamesett Farm, 277 Hatchville Rd., East Falmouth

License Type: _____

New or Transfer of License Two Special One-Day Wine & Malt Beverages Licenses

or

Change of License _____

Police No concerns

Fire No issues

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

NOTES:

Application is for May Day Festival at Coonamesett Farm on May 6th & 7th.

Mayflower Brewing provided beverages to the May Day Festival in 2022.

PAID \$60 cash



APPLICATION

RECEIVED
APR - 5 2023
SELECT BOARD OFFICE

SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES

M.G.L.A. CHAPTER 138, SECTION 14

NAME OF APPLICANT: Sarah Annis

ADDRESS OF APPLICANT: 12 Resnik Rd

Plymouth MA 02360
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: Mayflower Brewing Company

MAILING ADDRESS: 12 Resnik Rd, Plymouth MA 02360

TELEPHONE #: 508-746-2674 EMAIL: Sarah@mayflowerbrewing.com

LOCATION TO BE LICENSED-ADDRESS: 277 Hatchville Road

E.Falmouth MA 02536
TOWN STATE ZIP CODE

EVENT TITLE: May Day Festival APPROXIMATE # OF PEOPLE: 200

DATE(S) OF EVENT: May 6th & 7th 2023 HOURS OF EVENT: 10am - 3pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Lyza Luke

TYPE OF LICENSE:

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

REQUIREMENTS check list:

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

4/4/2023
DATE

Sarah Annis
APPLICANT SIGNATURE

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

Narrative of Event to be held on May 6th and 7th of 2023 at Coonamessett Farm in East Falmouth.

Mayflower Brewing is seeking a special one day liquor license to sell and serve our beer at Coonamessett Farm's May Day Festival held at 277 Hatchville Road, E. Falmouth. Coonamessett Farm is a members only farm and is holding their May Day Festival Weekend on Saturday the 6th of May and Sunday the 7th from 10am to 3pm. We will be set up among local artists as a part of their artisan market underneath their main pavilion. The main pavilion, smaller pavilion located to the left of the main pavilion, and lawn area located behind the main pavilion will be alcohol consumption zones. This area will be roped off as you can see in the floor plan and "no alcohol beyond this point" signs will be posted. There will also be farm staff patrolling this area to make sure it is strictly enforced. A farm staff member will also be at the entrance directly next to the Mayflower Brewing booth (marked as the blue "X" on the floor plan) checking IDs as attendees enter. The Mayflower Brewing booth will be located in an alcove in the main pavilion with our table set up in the front with the enclosed space behind us. Both of the Mayflower staff working this event on each day are TIPS certified and will be checking IDs as attendees approach our booth. Our beer will be stored in an under counter "lowboy" two door fridge in our booth with overflow being stored in the buffet fridge located diagonally across the pavilion behind a closed door in a staff only room. We will only be selling and serving beer and the beers selected for this event range from 5-8% ABV per serving. Mayflower Brewing has done thousands of events over the 15+ years we have been a company and never have we ever served an underaged person or had any mishaps or issues.

OPEN SESSION

CONSENT AGENDA

1. Licenses

- f. Application for a Special One-Day Wine & Malt Liquor License – Michael Clark – Livin’ the Dream, Bean Bag Toss Tournament Fundraiser – The Conference Table parking lot, 205 Worcester Ct., Falmouth – Saturday, 5/13/23

Date: 4/24/23

ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM

Applicant: Michael Clark, The Conference Table

Event: Livin' the Dream - Bean Bag Toss Tournament Fundraiser

Location: The Conference Table, 205 Worcester Ct. - front parking lot

Date: Saturday, 5/13/23 **Time:** 11:00 a.m. - 5:00 p.m.

License Type: Wine & Malt Beverages or All Alcoholic Beverages

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

- Police _____
- Fire _____
- Health _____
- Building _____
- Communications _____
- M.E.S. _____
- DPW _____
- Recreation _____
- Beach _____
- _____

NOTES: The applications for this event and the one-day liquor license were discussed by the Internal Working Group for Special Events with the applicant at its meeting on Thursday, March 23, 2023.

The Special Events Working Group recommends approval.



PAID \$10.00 CK1335



APPLICATION

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

NAME OF APPLICANT: MICHAEL CLARK

ADDRESS OF APPLICANT: 6 Keele de Sac

FALMOUTH MA 02540
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: NORWOOD 77, INC DBA THE CONFERENCE TABLE

MAILING ADDRESS: 205 WORCESTER CT. FALMOUTH

TELEPHONE #: [REDACTED] EMAIL: [REDACTED]

LOCATION TO BE LICENSED-ADDRESS: 205 WORCESTER CT

FALMOUTH MA 02540
TOWN STATE ZIP CODE

EVENT TITLE: LIVIN THE DREAM APPROXIMATE # OF PEOPLE: 50

DATE(S) OF EVENT: 5/13/23 HOURS OF EVENT: 11-5

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: MICHAEL CLARK

TYPE OF LICENSE:
1. WINE & MALT FOR PROFIT
2. ALL ALCOHOLIC NON-PROFIT ORGANIZATIONS ONLY NON-PROFIT

REQUIREMENTS check list:

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

DATE: 5/13/23

APPLICANT SIGNATURE: [Signature]

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

From: TIM Wakefield [REDACTED]
Subject: Fundraiser
Date: March 20, 2023 at 6:48 PM
To: [REDACTED]

We are hoping to hold a fundraiser at the Conference Table on Saturday May 13th to support a Pan Mass Challenge Fundraising effort for Tim Wakefield. The PMC supports Dana Farber and consists of a 188 mile bike ride from Sturbridge to Provincetown and is held over the weekend of August 5th and 6th. All participants in the PMC must raise \$6000 to participate. I ride in honor of my late wife Sirkka, who passed away 10 years ago this December. The tournament will be a 1 day event of playing Baggo/Cornhole. There will be a silent auction and various raffles. Participants will be playing in a bracket style tournament, and it will be double elimination. There will be an entry fee of \$50 per team.

I realize we are asking for this permit on short notice, however it is for a worthy cause and every dollar raised goes along way in fighting this terrible disease.

Thank you for your consideration in helping with this worthy fundraising effort.

Tim Wakefield
[REDACTED]



- Parcels
- Road Ownership
 - <all other values>
 - COUNTY; TOWN
 - PRIVATE
 - STATE
 - Water Features
 - POND
 - STREAM



1" = 70 ft

Disclaimer
 The Town of Falmouth makes no claims, no representations and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and/or GIS products furnished by the Town, including the implied validity of any uses of such data. Parcel lines are graphic representations only.
 Planimetric features derived from 305 Aerials.
 Prepared by Falmouth G.I.S.

OPEN SESSION

CONSENT AGENDA

1. Licenses

- g. Application for a Special One-Day Wine & Malt Liquor License – Luke Vose, Crooked Coast – Coast Fest – Bandshell/Marina Park – Saturday, 8/5/23

Date: 4/24/23

ONE-DAY LIQUOR LICENSE APPLICATION REVIEW FORM

Applicant: Luke Vose, Crooked Coast

Event: Coast Fest Music Concert

Location: Band Shell / Marina Park

Date: Saturday, 8/5/23 Time: 3:00 p.m. - 10:00 p.m.

License Type: Wine & Malt Beverages or All Alcoholic Beverages

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

- Police _____
- Fire _____
- Health _____
- Building _____
- Communications _____
- M.E.S. _____
- DPW _____
- Recreation _____
- Beach _____
- _____

NOTES: The applications for this event and the one-day liquor license were discussed by the Internal Working Group for Special Events with the applicant at its meeting on Thursday, March 23, 2023.

The Special Events Working Group recommends approval of the one-day wine & malt liquor license with alcohol to be sold and consumed in a beer garden.



PAID
#35.00 CK#106



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

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

NAME OF APPLICANT: Luke Vose/Crooked Coast

ADDRESS OF APPLICANT: 42 Minot st. Falmouth, MA 02540

NAME OF ORGANIZATION: Crooked Coast

MAILING ADDRESS: 42 Minot st. Falmouth, MA 02540

EMAIL: TELEPHONE #: LOCATION TO BE LICENSED AND ADDRESS:

crookedcoast@gmail.com

**Falmouth Bandshell, Marine Park 180 Scranton Ave, Falmouth, MA
02540**

AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT: Luke Vose

TYPE OF EVENT: Music Concert

DATE(S) OF EVENT: August 6th

HOURS OF EVENT: 3 pm-10 pm

APPROXIMATE # OF PEOPLE: 2,500

TYPE OF LICENSE:

1. WINE & MALT NON-PROFIT FOR PROFIT X

2. ALL ALCOHOLIC (NON-PROFIT ONLY)

REQUIREMENTS:

Rec'd.

- ✓ 1. Narrative describing the event
- ✓ 2. Floor plan of area where alcohol will be served and consumed, and security plan
- N/A 3. Certificate of non-profit status (if your organization is non-profit)
- ✓ 4. Certificate of liquor liability insurance: \$1 million per occurrence/\$2 million in the aggregate
- 5. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
- 6. Application for Temporary Food Permit (Health Department)

APPLICANT'S SIGNATURE DATE

A handwritten signature in black ink, consisting of a large, stylized 'L' followed by a series of loops and a final flourish.

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

We'd like to apply for our third year producing Coast-Fest. The event has become a highlight of summer for us. We are really proud of the community/cultural experience we've been able to bring to Falmouth highlighting our local music, arts and food as well as hosting some world class national acts.

Working with local non profits like the Falmouth Service Center and Wings for Falmouth Families is also an important part of the event for us.

We strive to take our past experiences and make this year's event even better.

Thanks for your consideration.

Luke Vose

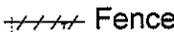


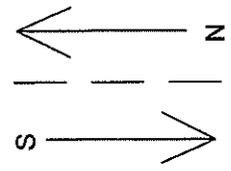
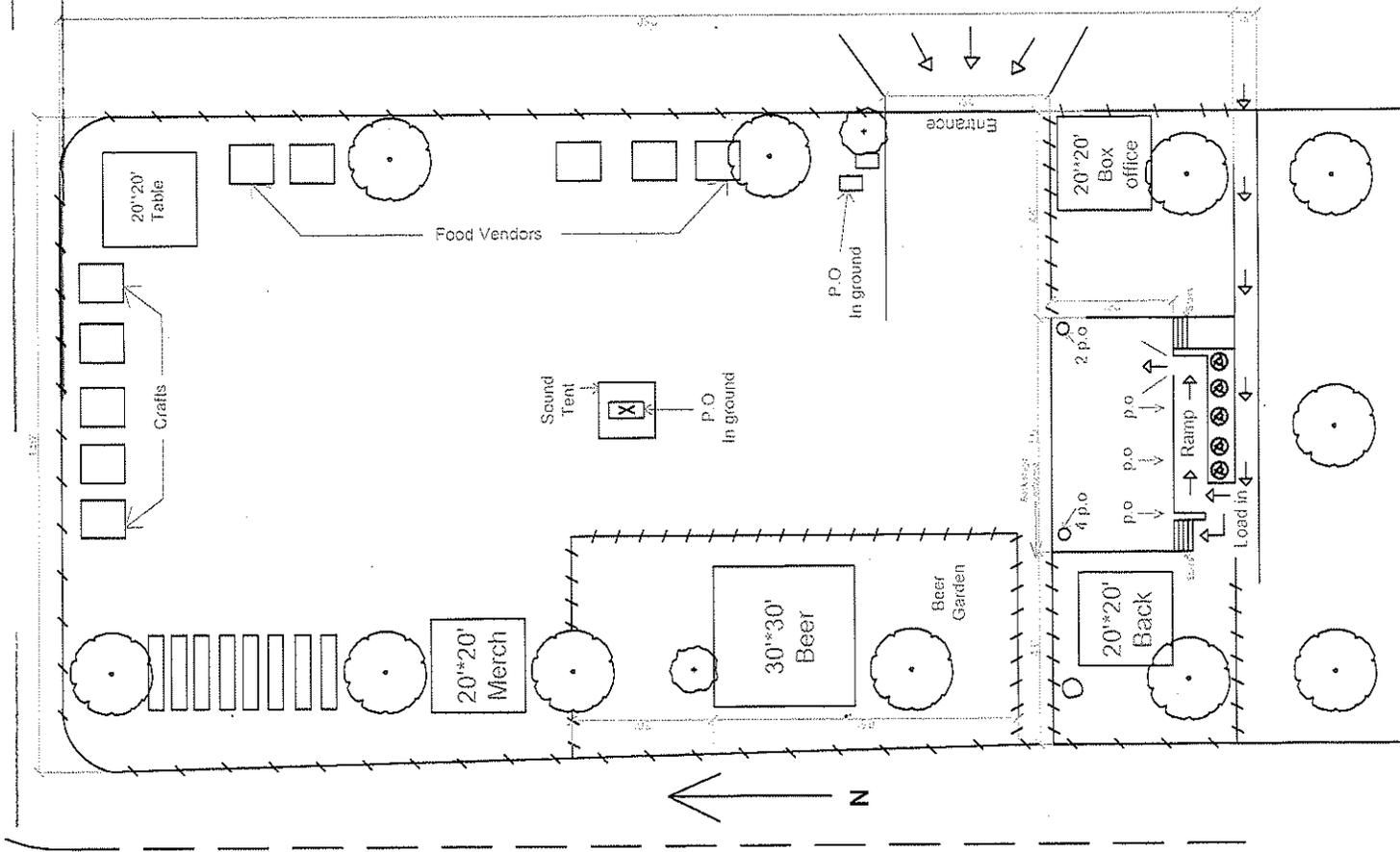
1/3/2023

Fence -Need 880' to cover (entire perimeter) Need (qo') to cover left+right of stage



Key - $\frac{1}{8}'' = 4'$

-  Fence
-  Bouse house
-  P.O Poweroutlet



OPEN SESSION

CONSENT AGENDA

1. Licenses

- h. Application for a Sunday Entertainment License – Barnstable County Agricultural Society – Barnstable County Fair – Cape Cod Fairgrounds – Sunday, 7/23/23

Annual application for 1-day Sunday entertainment for the Barnstable County Fair.

State Fee, \$ ~~10~~ 2.00
Municipal Fee, \$ ~~10~~ 5.00

THE COMMONWEALTH OF MASSACHUSETTS
Town _____ OF Falmouth _____



LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is BARNSTABLE County Agricultural Society in or on the property at No. 1220 Nathan Ellis Highway East Falmouth, MA 02536 (address)

The Licensee or Authorized representative, Wendy Brown 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
7.23.23	12pm-10pm	Rockwell Amusement
"	6pm-8pm	Bruce Springsteen tribute bands
"	"	Various Ground Acts

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

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Vote to approve warrant for the annual town election on
May 16, 2023



Town of Falmouth
Warrant For
Annual Town Election
MAY 16, 2023

BARNSTABLE, SS.

To either of the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the Annual Town Election to vote at:

- Precinct 1: Town Hall
- Precinct 2: Falmouth Community Veterans Center
- Precinct 3: Falmouth High School Gymnasium
- Precinct 4: St Anthony's Lodge
- Precinct 5: North Falmouth Congregational Church Hall
- Precinct 6: Falmouth High School Gymnasium
- Precinct 7: Waquoit Congregational Church Hall
- Precinct 8: Navigator Club
- Precinct 9: Jewish Congregation Community Center

on TUESDAY, the 17th OF MAY 2019, from 7:00a.m. to 8:00p.m. for the following purpose:

To cast their votes in the Town Election for the Candidates and Questions:

ELECT TOWN OFFICERS:

SELECT BOARD

- TRUSTEE OF PUBLIC LIBRARY
- SCHOOL COMMITTEE
- SCHOOL COMMITTEE
- PLANNING BOARD
- MUNICIPAL LIGHT BOARD
- MUNICIPAL LIGHT BOARD
- MUNICIPAL LIGHT BOARD

ELECT TWO

- ELECT TWO
- ELECT THREE
- ELECT ONE
- ELECT TWO
- ELECT TWO
- ELECT TWO
- ELECT TWO
- ELECT ONE

3 YEAR TERM

- 3 YEAR TERM
- 3 YEAR TERM
- 1 YEAR TERM
- 3 YEAR TERM
- 3 YEAR TERM
- 2 YEAR TERM
- 1 YEAR TERM

TOWN MEETING REPRESENTATIVES:

- PRECINCT 1
- PRECINCT 2
- PRECINCT 2
- PRECINCT 3
- PRECINCT 3
- PRECINCT 3
- PRECINCT 4
- PRECINCT 5
- PRECINCT 6
- PRECINCT 7
- PRECINCT 7
- PRECINCT 7
- PRECINCT 8
- PRECINCT 8
- PRECINCT 9

- ELECT NINE
- ELECT NINE
- ELECT ONE
- ELECT NINE
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- ELECT ONE
- ELECT ONE
- ELECT ONE
- ELECT NINE
- ELECT ONE
- ELECT NINE

- 3 YEAR TERM
- 3 YEAR TERM
- 1 YEAR TERM
- 3 YEAR TERM
- 1 YEAR TERM
- 2 YEAR TERM
- 3 YEAR TERM
- 3 YEAR TERM
- 3 YEAR TERM
- 3 YEAR TERM
- 1 YEAR TERM
- 2 YEAR TERM
- 3 YEAR TERM
- 2 YEAR TERM
- 3 YEAR TERM

QUESTION: Shall the Town of Falmouth be allowed to assess an additional \$950,000.00 in real estate and personal property taxes for the purposes of funding wages, benefits and expenses associated with hiring fourteen (14) firefighters for the fiscal year beginning July first, 2023?

Given under our hands this _____ day of _____ 2023.

Nancy R. Taylor, Chairman _____

Onjalé Scott Price, Vice Chairman _____

Samuel H. Patterson _____

Douglas C. Brown _____

Edwin P. Zylinski II _____

FALMOUTH SELECT BOARD

Barnstable, SS.

Falmouth, MA

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

Constable, Town of Falmouth

Date

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Vote to authorize the extension of temporary outdoor seating approvals from April 1, 2023 to April 1, 2024



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150
Tel. (617) 727-3040
Fax: (617) 727-1510*

Jean M. Lorizio, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY
REGARDING THE SECOND FURTHER EXPANSION OF PATIO SERVICE AND
TAKEAWAY/DELIVERY OF ALCOHOL BY ON-PREMISES LICENSEES**

On March 29, 2023, Governor Maura Healey signed into law “An Act making appropriations for the Fiscal Year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects.” The text of the legislation can be found [HERE](#).

An amendment to this Act extends permitting licensees for on-premises consumption to continue with (1) expanded patio service and (2) extends the ability to sell alcoholic beverages for takeaway and delivery:

Patios/Outdoor Expansions: licensees that have been approved for expanded patio/outdoor service may continue their outdoor operations until April 1, 2024.

Licensees that seek to continue patio/outdoor service after April 1, 2024, are encouraged to apply in the ordinary course for an alteration of premises with their local licensing authorities. Otherwise, these amended licenses automatically revert to the status prior to the approval of the expansion of outdoor service as of April 1, 2024.

Takeaway/delivery of alcohol: establishments licensed for on-premises consumption of alcohol may continue takeaway and delivery sales of alcohol until April 1, 2024. All alcohol sold for takeaway/delivery must be sold with food and at the same price as alcohol for on-premises consumption.

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to the ABCC Executive Director Ralph Sacramone at rsacramone@tre.state.ma.us or (617) 727-3040 x 731.

(Issued March 30, 2023)

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- c. Vote to designate elected members of the Falmouth Municipal Light Plant Board as Special Municipal Employees for the purposes of the Massachusetts conflict of interest law, M.G.L. c. 268A sec. 1(n).

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- d. Approve license agreement authorizing Woods Hole Oceanographic Institution to access Siders Pond



WOODS HOLE
OCEANOGRAPHIC
INSTITUTION

Chadlin M. Ostrander, *Postdoctoral Investigator*
266 Woods Hole Road, MS #52, Woods Hole, MA 02543
costrander@whoi.edu



11 April 2023

Dear Siders Pond Community,

Myself and some of my colleagues at Woods Hole Oceanographic Institution have been conducting research on Siders Pond since the summer of 2020. Many of you are well aware of this and have played a major facilitatory role in our research efforts. We are grateful of your assistance and look forward to our continued community collaboration!

You are receiving this letter as a notification of our intentions to deploy and moor a scientific pontoon on the pond between 2023 and 2025. Ideally, the pontoon will be deployed each year for the spring-summer-fall field season, from about early-April to mid-November. More information about the device can be found at: <https://www.ySI.com/pontoon-vertical-profiling-system>.

A picture of the scientific pontoon is provided below (image 1), as well as a picture of the approximate mooring location. The pontoon measures approximately 6 feet by 12 feet, and sounds emitted by the pontoon will not be heard from the shoreline. Each spring/fall, the pontoon will be deployed/retrieved from Ellis M. Lewis Park and the parking lot behind Town Hall.



Image 1: A stock photo of the YSI pontoon profiler.

This pontoon will collect a continuous stream of data that would otherwise be extremely difficult, if not impossible to collect. For example, large storm events have a dramatic impact on the dynamics of the pond but are difficult to assess because of the dangers associated with sampling the pond during hazardous storm conditions. We are interested in how the chemistry and biology



change across the spring to fall seasons, and how the different depths in the pond interact with each other. The research enabled by this profiling mooring will shed light on aspects including nitrogen cycling, harmful algal blooms (if they occur) and groundwater inputs, among many others.



Image 2: Desired mooring location for the YSI pontoon.

All data collected by the pontoon will be made available to the general public via a website created specifically for data dissemination. And the implications of these data will be presented to the general public annually. Some of you have attended our past virtual public presentations. We thank you for your attention and support!

On April 24th, our project plan will be voted upon by the Falmouth Select Board. If you have any questions or concerns about the project, please send an email to selectboard@falmouthma.gov or call 508-495-7320.

Thank you all for your hospitality to this point!

Sincerely,

Chadlin M. Ostrander

Chadlin M. Ostrander, on behalf of the entire WHOI Siders Pond research team



MAR 23 2023

Board of Assessors - Town of Falmouth

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: Chadlin Ostrander
Address of person requesting abutters list: 266 Woods Hole Road
Woods Hole, MA 02543
Phone: 702-403-5114

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: Siders Pond

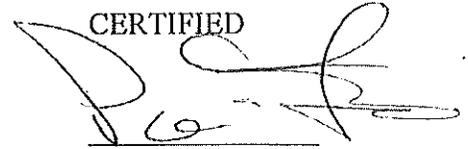
Check one:

- 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 _____

EMAIL costrander@whoi.edu

SIDERS POND PONTOON SITE

CERTIFIED


Patricia A Favulli
Director of Assessing
Town of Falmouth
MARCH 28, 2023

203 WALKER ST ASPEN HOLDINGS LLC 33 HYACINTH DR NASHUA, NH 03062	47 04 002 000 LUC: 101	93 BEEBE ACRES RD GABRIELLI TRUSTEE ALBERT A GABRIELLI TRUSTEE NANCY W 93 BEEBE ACRES RD FALMOUTH, MA 02540	47 04 012 008A LUC: 101	67 BEEBE ACRES RD MCDONALD ANDREW MCDONLAD JOY 112 FULTON ST 6B BOSTON, MA 02109	47 04 010 006 LUC: 101
240 MILL RD BALLIN ZACHARY BALLIN SERENA 229 GROVE ST CHESTNUT HILL, MA 02467	47 03 044 000C LUC: 101	208 MILL RD GOLDBERG ALFRED L GOLDBERG JOAN H 20 CHAPEL ST APT CPH1 BROOKLINE, MA 02446	47 03 042 018 LUC: 101	180 MILL RD NERKOWSKI SUSAN NERKOWSKI JOSEPH C 3 DICKINSON CIR SHREWBURY, MA 01545	47 03 041 002AU LUC: 102
48 POND RD BOUCHE TRUSTEE ANN CAMPION A C BOUCHE 2006 REVOC TRUST 48 POND RD FALMOUTH, MA 02540-2638	47 03 013 015 LUC: 101	26 POND RD GREGG TRUSTEE THOMAS F GREGG TRUSTEE VIRGINIA C 26 POND RD FALMOUTH, MA 02540-2638	47 03 012 013 LUC: 101	52 POND RD OSHAUGHNESSY JAMES S OSHAUGHNESSY ANDREA M 21 INDIAN HILL RD MEDFIELD, MA 02052	47 03 041A 000B LUC: 101
45 BEEBE ACRES RD CHARYK TRUSTEE WILLIAM R DEL RAY REALTY TRUST 7520 OLD DOMINION DR MCLEAN, VA 22102	47 04 008 004 LUC: 101	176 MILL RD HARRIS TRUSTEE NINA M HARRIS TRUSTEE BROOKS E 26 HUETTNER RD WOODS HOLE, MA 02543	47 03 041 001BU LUC: 102	15 FOWLERS LN PETERSON DAVID V PETERSON ANNE R 16 FOWLERS LN FALMOUTH, MA 02540-2608	47 03 043 003 LUC: 101
20 SALT POND RD DUFFY TRUSTEE PAUL C DUFFY TRUSTEE SHEILAGH H 20 SALT POND RD FALMOUTH, MA 02540	47 03 049 009B LUC: 101	178 MILL RD HOPKINS MARY 178 MILL RD #4C FALMOUTH, MA 02540	47 03 041 004CU LUC: 102	94 EMMONS RD PSYHOJOS ALYSSA PSYHOJOS GEORGE 26 BATTLE GREEN RD LEXINGTON, MA 02421-6724	47 03 009 010 LUC: 101
16 POND RD DUNN JANE 16 POND RD FALMOUTH, MA 02540	47 03 011 012 LUC: 101	176 MILL RD HUNT TRUSTEE NANCY P REVOCABLE TR OF NANCY HUNT 43 ONEIL ST HUDSON, MA 01749	47 03 041 004BU LUC: 102	200 MILL RD RAUSCH TRUSTEE KATHLEEN G K G RAUSCH REVOC TRUST 200 MILL RD FALMOUTH, MA 02540	47 03 042 016 LUC: 101
178 MILL RD ELIA-SHAOUL RONY R ELIA-SHAOUL TERRY I 178 MILL RD APT 3C FALMOUTH, MA 02540-2689	47 03 041 003CU LUC: 102	177 WALKER ST KLYCE JESSIE M GRAHAM STUART W 177 WALKER ST FALMOUTH, MA 02540-2723	47A 09 039 012 LUC: 101	160 MILL RD ROCKETT TRUSTEE C EDWARD ROCKETT TRUSTEE BARBARA E 250 WINCH ST FRAMINGHAM, MA 01701	47 03 041 001AU LUC: 102
180 MILL RD ERHARDT CAROL A 180 MILL RD UNIT A-3 FALMOUTH, MA 02540	47 03 041 003AU LUC: 102	178 MILL RD LEBOEUF LUCILLE R 178 MILL RD UNIT 1C FALMOUTH, MA 02540-2669	47 03 041 001CU LUC: 102	35 BEEBE ACRES RD ROSE CHARLES L ROSE JENNIFER R 35 BEEBE ACRES RD FALMOUTH, MA 02540-2677	47 04 007 003 LUC: 101
0 CEMETERY LN FALMOUTH TOWN OF 58 TOWN HALL SQ FALMOUTH, MA 02540-2761	47A 04 000 000 LUC: 953	4 POND RD LEVESQUE PETER LEVESQUE BERNADETTE M 15 DEBORAH LEE LN NORTH EASTON, MA 02356	47 03 010 011 LUC: 101	197 WALKER ST SKUDDER JOANNE 197 WALKER ST FALMOUTH, MA 02540	47 04 001 000 LUC: 101
81 BEEBE ACRES RD FOLKMAN PAULA P FOLKMAN MARJORIE 1601 BEACON ST APT 1105 BROOKLINE, MA 02446	47 04 011 007 LUC: 101	24 SALT POND RD MALKUS PER NIKLAS 3 REO RD MAYNARD, MA 01754	47 03 050 008B LUC: 101	55 BEEBE ACRES RD STEBBINS TRUSTEE JOHN W STEBBINS TRUSTEE LOUISE A 55 BEEBE ACRES RD FALMOUTH, MA 02540	47 04 009 005 LUC: 101

176 MILL RD 47 03 041 003BU

LUC: 102
SULLIVAN TRUSTEE JAMES A
SULLIVAN TRUSTEE DOROTHY F
7 MAIN ST
WESTFORD. MA 01888

215 WALKER ST 47 04 003 000

LUC: 101
TUCHMANN TRUSTEE ROBERT
TUCHMANN TRUSTEE NAOMI
38 PRINCE ST
WEST NEWTON. MA 02465-2811

178 MILL RD 47 03 041 002CU

LUC: 102
TYTELL MICHAEL
TYTELL FRANCES W
431 FLYNTVALLEY DR
WINSTON SALEM. NC 27104-2617

204 MILL RD 47 03 042 017

LUC: 101
VARDAC TRUSTEE A NICHOLAS
VARDAC TRUSTEE JANINE
8504 W BOULEVARD DR
ALEXANDRIA. VA 22308-1917

176 MILL RD 47 03 041 002BU

LUC: 102
WHITE JOEL E
ATKISSON MARY S
421 UNION ST
MILLIS. MA 02054

176 MILL RD 47 03 041 005BU

LUC: 102
WICKENS TRUSTEE JUSTIN H
WICKENS TRUSTEE JANE H
1489 TERRACE LN
CHARLOTTESVILLE. VA 22911

TEMPORARY GRANT OF ACCESS 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 the Woods Hole Oceanographic Institute (“WHOI”), with a business address of 266 Woods Hole Road, Woods Hole MA 02543, the following license to use certain portions of Town property located at 59 Town Hall Square, Falmouth MA 02540 and more commonly known as Ellis M. Lewis Park (the “Property”), as illustrated by the highlighted area in Exhibit A, attached hereto. For reference see deed dated May 3, 1904 and recorded with the Barnstable County Registry of Deeds as Book 268, Page 33 and deed dated May 6, 1904 recorded with said Deeds as Book 268, Page 34.

The Access License is given for the nonexclusive use of the Property to pass and repass by foot and motor vehicles for the purpose of access and egress to and from the bank of Siders Pond. The purpose of this Access License is to allow employees and agents of WHOI to enter Town property with a crane and a flatbed truck (the “Equipment”) in order to launch a pontoon onto Siders Pond to conduct research and to later retrieve the pontoon, as more fully described below.

This Access License is granted upon the following expressed conditions:

- a. The Term of this license shall commence upon execution by the Select Board and shall continue through the fall of 2025.
- b. The License allows WHOI, its employees and agents, to operate the Equipment on land at Ellis M. Lewis Park for the purpose of launching and retrieving a pontoon into Siders Pond. The Equipment will launch the pontoon in the spring of 2023, 2024 and 2025 and will also retrieve the pontoon in the fall of each year. The Equipment will only be operated on Town Property for as long as it takes to launch and retrieve the pontoon and will not otherwise remain on Town Property.
- c. One inch thick rubber mats will be placed on the lawn at Ellis M. Lewis Park to protect the grass and landscaping from the Equipment at all times during the operation of the Equipment on Town Property subject to this license.
- d. Following the launch and retrieval of the Equipment throughout the term of this License, WHOI shall be obligated to perform any landscaping remediation as may be required by the Town’s Parks Superintendent. All grass, shrubs, trees and soil that are disturbed or damaged during the deployment and retrieval of the vessel must be restored back to existing conditions, including maintenance and watering needs until full establishment.

- e. 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 filing the revocation notice with the Town Clerk;
- f. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove any equipment from the Town's property;
- g. If the licensee, and their successors and assigns, fails to remove said Equipment or perform any remediation required under this License, 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;
- h. Until such revocation, this license shall continue permissively;
- i. 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.
- j. 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
- k. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.
- l. This document shall be filed with the Town Clerk.

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

Onjalé Scott Price, Vice Chair

Samuel H. Patterson

Douglas C. Brown

Edwin P. Zylinski II

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- e. Authorize grant application for Lead Service Line Inventory

Diane Davidson

From: Peter Johnson-Staub
Sent: Tuesday, April 4, 2023 3:15 PM
To: Diane Davidson
Cc: Steven Cadorette
Subject: FW: Lead Service Line Inventory - SRF Application Signature Forms
Attachments: 3 Authority to File.pdf; 2 Signature Page.pdf

Hi Diane,

Please place this on the consent agenda for April 24: Authorize grant application for Lead Service Line Inventory

Thank you,
Peter

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

www.falmouthma.gov

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

From: Steven Cadorette <steven.cadorette@falmouthma.gov>
Sent: Friday, March 31, 2023 10:22 AM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>
Cc: Peter McConarty <peter.mcconarty@falmouthma.gov>; Michael Reghitto <michael.reghitto@falmouthma.gov>; Ryan Neyland <rneyland@tataandhoward.com>
Subject: FW: Lead Service Line Inventory - SRF Application Signature Forms

Peter and Maura:

The Lead Service Line Inventory required by the MassDEP funding mechanism has changed. The 100% Principal Forgiveness LSL SRF loan program to assist PWS with the development of LSL inventories and replacement programs has transitioned to a grant program. Information from MWWA is provided at the end of this email. T&H is proactively completing the application in advance of the April Town Meeting vote so the application is completed and can be submitted as soon possible after Town Meeting if the funding is approved. My understanding is T&H would complete the work and invoice the Town. The Town would submit for reimbursement. The Town Meeting funds will be used to fund T&H's lead service line inventory work.

Tata & Howard (T&H) has completed the revised LSL planning application on the Town's behalf. The two attached documents need to be signed as required. The 2 *Signature Page* must be signed by Peter. The 3 *Authority to File* form must be signed by the Select Board and the dates filled in. I don't know what the process is for the Select Board to sign this form in Falmouth. Please let me know what DPW needs to do to assist in getting the forms signed. Once the forms are signed, we will return them to T&H.

I apologize for not knowing what this process is in Falmouth. I am familiar with how we get this form completed in Somerset because as a member of the Water & Sewer Commission we are in the process of getting our Town Manager and Board of Selectman to complete these documents for our LSL planning application.

If you have any questions, please let me know.

New SRF Grant Program

Please be advised that the 100% Principal Forgiveness LSL SRF loan program to assist PWS with the development of LSL inventories and replacement programs has transitioned to a grant program.

The new SRF grant program will facilitate the funding of eligible projects by eliminating the requirement to obtain local authorization to borrow at town meeting and the associated paperwork that comes with incurring debt.

If you have already submitted a LSL planning application to MassDEP, there is nothing additional you need to do. If MassDEP or the Trust need additional information, Grantees will be contacted. If you have not yet applied and plan to, please use MassDEP's revised LSL planning application located [here](#).

This program change will not affect grant amounts or the payment requisition and reimbursement process.

For more information on the Lead Service Line Planning Program please visit [LSL Planning](#). Questions may be directed to Maria Pinaud, Director of Municipal Services, by email at maria.pinaud@mass.gov.



Steve Cadorette, P.E. | Deputy Director
Falmouth Department of Public Works
416 Gifford Street, Falmouth, MA 02540
P: 508.457.2543
C: 774-349-1322

From: Ryan Neyland <rneyland@tataandhoward.com>

Sent: Thursday, March 30, 2023 5:51 PM

To: Michael Reghitto <michael.reghitto@falmouthma.gov>; Steven Cadorette <steven.cadorette@falmouthma.gov>

Cc: Peter McConarty <peter.mcconarty@falmouthma.gov>

Subject: Lead Service Line Inventory - SRF Application Signature Forms

Hi Mike and Steve,

Attached are the two following forms which require signatures and dates so that we can submit the SRF application for funding for the Lead Service Line Inventory. We want to coordinate getting these forms completed so we are not waiting on them after Town Meeting appropriation is approved for this work or at least so we can submit soon after Town Meeting to SRF.

2 – Signature Page: This form should be signed and dated by the Town Manager at the bottom, this one is straight forward.

3 – Authority to File: These 2 forms essentially identify Peter Johnson-Staub as the Town's representative and indicates the Select Board has voted the Town Manager to represent the Town's interest and makes Peter the signatory. This is who would standardly represent the Town for SRF loan purposes (either a Town Administrator or Town Manager). Only the bottom of the 2nd page has to be signed and this is actually for someone on the Select Board to sign authorizing the Town Manager to represent the Town. Peter doesn't sign this form, but rather a Board member has to sign and date at the bottom. In addition to this signature and date, there technically has to be a "meeting" to select/vote the Town Manager as the Town's authorized representative. When is the next Select Board meeting? This is the date that gets filled in the middle of page 2 identifying when the vote occurred.

Thanks,

Ryan Neyland, P.E. (MA)

Vice President



TATA & HOWARD

67 Forest Street
Marlborough, MA 01752
D: (508) 232-6337
C: (508) 287-3700

Help save the environment: think before you print.

Confidentiality Notice: *This message, including any attachments is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to legal privileges. If you are not the intended recipient, you may not use, distribute, or copy any portion of or attachment to this message. If you have received this message in error, please notify the sender, delete the message, and destroy any copies. Thank you.*

Sample FORM

AUTHORITY TO FILE

Whereas, the Town of Falmouth, after thorough investigation,
(Applicant)

has determined that the work activity consisting of: lead water service line inventory

(describe project)

is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth (Chapter 21 and Chapter 29C) are authorized to make loans and grants to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects and Drinking Water Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan or grant application.

NOW, THEREFORE, BE IT RESOLVED by Falmouth Select Board

(Governing Body)

as follows:

1. That Town Manager is hereby authorized on behalf
(Title of Official)

of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;

2. That the purpose of said loan(s)/grant(s), if awarded, shall be to fund planning activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Sample FORM

CERTIFYING STATEMENT

I hereby certify that the Falmouth Select Board of

(Name of Governing Body)

the Town of Falmouth, Massachusetts

(Corporate Name of Local Government Unit)

(hereinafter referred to as the "Applicant"), at a meeting noticed and conducted in accordance with all applicable legal requirements, duly voted to authorize

Town Manager

(Title of Local Government Unit Official)

to act on behalf of the Applicant, as its agent, in filing applications for, executing agreements regarding, and performing any and all other actions necessary to secure for the Applicant such as grant(s) and/or loan(s) for planning or construction of Water Pollution Abatement Projects or Drinking Water Projects as may be made available to the Applicant pursuant to the provisions of the Massachusetts Clean Waters Act (M.G.L. c.21, section 27-33E, inclusive, as amended) and the Water Pollution Abatement Revolving Loan Program (M.G.L. c.29C) for the following project:

lead water service line inventory

(describe project)

I hereby certify that Peter Johnson-Staub is the present incumbent of the

(Name of Person)

position referenced above, and do hereby certify:

1. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the governing body held on the ____ day of _____, 20____, and duly recorded in my office:
2. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law, due and proper notice of such meeting was given; and a legal quorum was present throughout the meeting, and a legally sufficient number of members of the governing body voted in the proper manner and for the adoption of said resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of said resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; and that I am authorized to execute this certificate:
3. That if an impression of a seal has been affixed below, it constitutes the official seal of the Applicant and this certificate is hereby executed under such official seal; but if no seal has been affixed, the Applicant does not have an official seal:

IN WITNESS WHEREOF, I have hereunto set my hand this day of ____ day of _____, 20____.

Signature: _____ Title: _____
(Certifying Signatory)

Printed name: _____

AFFIX SEAL

Section A

Applicant Information and Certification Form

(Attach additional pages as necessary)

1. LOCAL GOVERNMENTAL UNIT (LGU)/PUBLIC WATER SUPPLIER (PWS)		
LGU/PWS Name: Town of Falmouth		
Unique Entity ID (UEI):	Dept. of Revenue ID No.:	FEIN 048-001-148
Authorized Representative: Peter Johnson-Staub		Title: Acting Town Manager
Street/P.O. Box: 59 Town Hall Square		
City: Falmouth	State: Massachusetts	Zip: 02540
Telephone: (508) 495-7320	Fax:	E-Mail: peter.johnson-staub@falmouth.ma.gov

2. LGU CONTACT PERSON (if different from item 1)		
Name: Peter M. McConarty, P.E., P.L.S.		Title: Director of Public Works
Mailing Address (if different from item 1) 418 Gifford Street		
Street/P.O. Box:		
City: Falmouth	State: Massachusetts	Zip: 02540
Telephone: (508) 457-2543	Fax:	E-Mail: peter.mcconarty@falmouthma.gov

3. ENGINEER OR CONSULTANT FIRM		
Firm/Agency: Tata & Howard, Inc.		FEIN 04-3169205
Contact Person: Ryan P. Noyland, P.E.		
Mailing Address		
Street/P.O. Box: 67 Forest Street		
City: Marlborough	State: Massachusetts	Zip: 01752
Telephone: (508) 232-6337	Fax:	E-Mail: rnoylan@tataandhoward.com

4. Planning Type:
Drinking Water Lead Service Line Inventories and Replacement Plans
Project Description: The work of this project generally consists of the collection of available records for both utility and privately owned sides of water service lines, development of a lead service line inventory database (which will be made available to the public), preparing a list of unknown service line materials, conducting home inspections of up to 30 properties to confirm material on either side of the meter, and providing a list of service lines categorized as lead, galvanized requiring replacement, or lead status unknown to the Town so that the property owners can be notified after completing the inventory.

5. AMOUNT OF ASSISTANCE REQUESTED \$
\$ 128,000

6. CERTIFICATION

In submitting this Application to MassDEP, the Applicant certifies that it shall comply with the following Project related conditions and understands that the Applicant's non-compliance with one or more of these conditions may preclude MassDEP's issuance of a Project Approval Certificate or entry into a Project Regulatory Agreement.

(1) The Borrower/Grantee shall comply with the (a) the Civil Rights Act of 1964, 42 USC s.2000(1) et seq., as amended, Section 13 of the Federal Water Pollution Control Act (FWPCA) of 1972; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, (b) the Equal Employment Opportunity requirements (Executive Order 11246), and all Executive Orders and regulations promulgated thereunder, and (c) the Affirmative Action and Minority/Women Business Enterprise ("M/WBE") requirements in the Regulations and the federal Disadvantaged Business (DBE) rule. The Borrower/Grantee shall ensure that any prime contracts or subcontracts for services, construction, goods, or equipment for the Project contain the DM/DWBE utilization goals of 4.2% D/MBE and 4.5% D/WBE.

(2) Prior to receiving final payment for the Project, the Applicant shall certify to MassDEP that the Project has been completed and performed in accordance with the Project Regulatory Agreement.

(3) The Applicant shall establish accounts for the Project which shall be maintained in accordance with generally accepted government accounting standards.

(4) The Applicant understands that if MassDEP issues a Project Approval Certificate for this project, such action does not constitute MassDEP's sanction or approval of any changes or deviation from any applicable state regulatory or permit standards, criteria, or conditions, or from the terms or schedules of state enforcement actions or orders applicable to the Project.

(5) The Applicant shall maintain all Project records for seven years after the issuance of final payment or until any litigation, appeal, claim, or audit that is begun before the end of the seven-year period is completed and resolved, whichever is longer.

(6) The Applicant agrees to provide any Project information and documentation requested by MassDEP.

(7) Any proposed change in Project-related contracts which substantially modifies the Project initially proposed shall be submitted to MassDEP for prior approval.

(8) The Applicant's implementation of the Project, including the procurement of related contracts, shall comply with all applicable requirements of state and local laws, ordinances, by-laws, rules, and regulations.

To the best of my knowledge and belief, data provided in this application is true and correct; the documentation has been duly authorized by the governing body of the applicant. Furthermore, the applicant certifies that it possesses the legal authority to apply for the loan\grant, and to finance and construct the proposed facilities. A resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application. The same resolution, motion, or similar action is directing and authorizing the person identified below as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required.

Name of Representative
(Type) Peter Johnson-Staub

Title
Acting Town Manager

Signature of Representative

Date

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- f. Vote to accept donation from Stephen and Nancy Weinstein in the amount of \$500.00 to the Falmouth Fire Rescue Department

From the Office of Fire Prevention

From: Joan L. Geggatt, Admin. Office Clerk-Fire Prevention

Sent: March 28, 2023

To: Board of Selectmen's Office

Subject: Donations

Attachments: Copy of Donation Check

I would like to respectfully request your approval for a donation check from Stephen and Nancy Weinstein in the amount of \$500.00 made payable to Falmouth Fire Rescue Department.

The generous donation enhances the fire and rescue capabilities to all citizens and visitors within our community.

Please place this request on your agenda for approval. If you should have any questions and or require additional information to support this request, please feel free to call 508-495-2531.

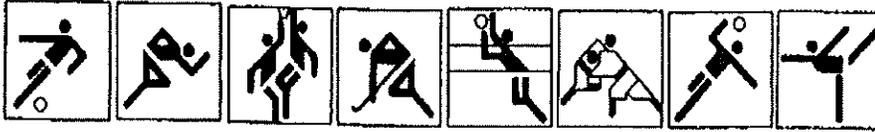
OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- g. Vote to accept donation of two Samsung flat screen TV's valued at \$2,500.00 to the Falmouth Recreation Department

Falmouth Recreation Department



GUS CANTY COMMUNITY CENTER

Joe Olenick

Recreation Director

5-4-2023

Dear Select Board,

The Recreation Department would like to have you accept a generous donation of 2 Samsung Flat Screen TV's (one 65", one 55"), donated by AVI-SPL. We will be able to use these TV's in either a meeting room that currently does not have a TV and or for our Summer Camp Game Room. Another possible option is to use one at the front desk as a video display of the Gus Canty Community Center schedule of room usage for each day or week.

These TV's are valued at \$2,500.

Respectfully Submitted,

Joe Olenick
Recreation Director
Town of Falmouth

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- h. Vote to accept FY23 Wellness Grant in the amount of \$600.00 from Cape Cod Municipal Health Group to the Personnel Department grant account

**CAPE COD MUNICIPAL HEALTH GROUP
FY 2023 WELLNESS GRANT APPLICATION**

Instructions: Please fill out the information below and e-mail to Maggie Downey at mdowney@capelightcompact.org. Grants are awarded based upon the number of full-time employees. 0-50 Employees \$150; 51-150 Employees \$250; 151-300 Employees \$400; 301-600+ Employees \$600.

UNIT NAME: Town of Falmouth

MAILING ADDRESS: 59 Town Hall Square / Falmouth, MA 02540

CONTACT'S NAME & TITLE: Cathy-Lynne Belair, Benefits Coordinator

TELEPHONE: 508-495-7333 **EMAIL:** cathy-lynn.belair@falmouthma.gov

NUMBER OF EMPLOYEES IN UNIT: Approximately 1200 between Town & School employees

DESCRIPTION OF HOW THE FUNDS WILL BE USED (PLEASE BE SPECIFIC):

We use the Grant funds for raffles and prizes for our Health & Benefits Fair attendees. In offering the prizes we hope they entice attendance to our employees so we can educate them on all the benefits offered as well as health screenings we have at our Fair. With our Health & Benefits Fair we hope to promote wellness with both Town of Falmouth & Falmouth School employees.

OUTLINE PROPOSED BUDGET: Use funds for different level raffle prizes as well as a grand prize for our Health & Benefits Fair on May 3, 2023.

GOALS FOR THE GRANT:

1. Acknowledge efforts to increase individual activity levels
2. Draw attention to and encourage participation in CCMHG Wellness Programs

----- FOR OFFICE USE ONLY -----

Approved By: Margaret Downey Date: 3/1/23
Margaret Downey, Wellness Committee Chair

Amount of Grant: \$ 600⁰⁰ Number of Unit's enrollees: 1200

OPEN SESSION

CONSENT AGENDA

3. License Renewals – 2023 Seasonal/Annual

LODGING HOUSE LICENSE

Captain's Manor Inn, 27 W. Main Street
Elizabeth Hathon, 165 North Falmouth Highway
Frederick William House, 594 Palmer Avenue
Heights House, 25 Harbor Avenue
Inn on the Sound, 313 Grand Avenue
Inn on the Square, 40 North Main Street
Woods Hole Inn, 28 Water Street, Unit D
Woods Hole Passage Bed & Breakfast Inn, 186 Woods Hole Rd.

SECOND-HAND DEALER LICENSE

Blooming Resale, 557 N. Falmouth Highway
Cape Cod Gold & Silver, 424 Main Street
Cape Kids Treasures, 15 Davis Straits
Cashpoint, 348 East Falmouth Highway
Falmouth Stamp & Coin, 11 Town Hall Square
Hand in Hand Thrift Shop, 141 Sandwich Road
Home Again, 93 East Falmouth Highway
Hope Restored, 75 County Road
St. Vincent de Paul Thrift Shop, 18A Davisville Road
Trendy Tots, 424 Main Street

BOWLING ALLEY/POOL TABLE LICENSE

King Cormac, Inc. d/b/a Grumpy's Pub, 29 Locust Street
Town Hall Partners, LLC d/b/a Timber, 23 Town Hall Square
Trade Center Bowl, 95 Spring Bars Road

MOVIE THEATER LICENSE

Falmouth Cinema, LLC d/b/a Falmouth Cinema Pub, 137 Teaticket Hwy.

April 24, 2023

LODGING HOUSE LICENSE.

Captain's Manor Inn, 27 W. Main Street
Elizabeth Hathon, 165 North Falmouth Highway
Frederick William House, 594 Palmer Avenue
Heights House, 25 Harbor Avenue
Inn on the Sound, 313 Grand Avenue
Inn on the Square, 40 North Main Street
Woods Hole Inn, 28 Water Street, Unit D
Woods Hole Passage Bed & Breakfast Inn, 186 Woods Hole Road

SECOND HAND DEALER LICENSE

Blooming Resale, 557 N. Falmouth Highway
Cape Cod Gold & Silver, 424 Main Street
Cape Kids Treasures, *pop-up consignment sales in Autumn, location to be determined, usually 15 Davis Straits*
Cashpoint, 348 East Falmouth Highway
Falmouth Stamp & Coin, 11 Town Hall Square
Hand in Hand Thrift Shop, 141 Sandwich Road
Home Again, 93 East Falmouth Highway
Hope Restored, 75 County Road
St. Vincent de Paul Thrift Shop, 18A Davisville Road
Trendy Tots, 424 Main Street

BOWLING ALLEY/POOL TABLE LICENSE

King Cormac, Inc. d/b/a Grumpy's Pub, 29 Locust Street
Town Hall Partners, LLC d/b/a Timber, 23 Town Hall Square
Trade Center Bowl, 95 Spring Bars Road

MOVIE THEATER LICENSE

Falmouth Cinema, LLC d/b/a Falmouth Cinema Pub, 137 Teaticket Highway

OPEN SESSION

MINUTES

1. Review and Vote to Approve Minutes of Meetings:

Public Session – March 6, 2023; March 27, 2023 and April 3, 2023

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, MARCH 6, 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.

Present: Nancy Taylor, Chair; Sam Patterson; Doug Brown; Scott Zylinski.

Absent: Onjalé Scott Price, Vice Chair.

Staff Present: Peter Johnson-Staub, Interim Town Manager.

1. Chair Taylor called the Open Session to Order at 6:30pm.
2. Pledge of Allegiance
3. Public Comment

Craig Martin, Precinct 9, expressed disappointment about the Select Board's decision a few weeks ago to end all freedom of dogs in Beebe Woods and Chapoquoit Beach. The Harbormaster's statement the "lawless" dogs running around was an unfair description. He hopes the Select Board reads the letters published in the Enterprise newspaper. This has been brought up in the past, it was decided it works as it is. He asked the Select Board to reconsider their decision.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson Staub reviewed his report in the packet.

1. Vote to approve the warrant for the April 10, 2023 Special Town Meeting
Mr. Johnson-Staub reported the 7:15 p.m. start time recommended by the Moderator.
Mr. Patterson moved to approve the warrant for the April 10, 2023 Special Town Meeting as submitted. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Absent-1.
2. Vote article recommendation for the April 10, 2023 Special Town Meeting
Mr. Johnson-Staub said the draft recommendation and explanation are in the packet. This is a recommendation of Select Board and not the Finance Committee.

Mr. Brown moved to vote to accept Owner's Project Manager's Report on Cost of Wastewater Treatment Facility Improvements Project and authorize application to Division of Local Services for determination of whether a second referendum is required due to the increase in cost for the Wastewater Treatment Facility Improvements Project. Mr. Patterson seconded the motion. Vote: Yes-4. No-0. Absent-1.

3. Presentation – Owner's Project Manager's Report on Cost of Wastewater Treatment Facility Improvements Project – Weston & Sampson

Mr. Zylinski works for a company that does business with Weston and Sampson, one of their many vendors.

Kent Nichols made a PowerPoint Presentation. During discussion of project cost, they came up with an independent cost estimate. Cost estimating point before Town Meeting was \$24 million, it passed through Town Meeting and a ballot vote. In April 2022 work continued on the design, more became known about the project being done, and allowed for better cost estimating. The updated cost estimate was done in January 2023 and was \$33.5 million. Mr. Nichols broke down the costs; the extra costs include increases in the construction costs. It is not unusual for this to occur. Goal of the cost estimate was to make sure the Town was prepared to have the right amount in place. Factors affecting the cost increase included

competition, schedule and risk, and construction/skilled labor shortages. Project costs are hard to predict, all you can do is build them into the estimate.

Mr. Nichols noted a certain amount of contingency was factored into it, their outside estimate for the project takes into account the unpredictability of the market.

Mr. Nichols said the actual costs will be determined when you issue the estimate, there are other mitigating factors in place, which include proper funding, including several million of specialized funding and principal forgiveness down the road. Local costs will be about \$10 million lower than anticipated.

Mr. Nichols explained the design is close to complete. According to Mr. Johnson-Staub the final Town Meeting will be in April 2023, about 4-5 months after they could have a contract in place. The contingency is dropped back after design, when complete and you can do a detailed estimate.

Mr. Patterson said he is nervous about cutting back on the contingencies with uncertainties on this being so high.

Mr. Brown asked if required to use sub-filed bids? Nichols said yes for vertical construction work, Ch. 149 MGL, a job of this size/cost requires the use of sub-filed bids. Not needed for pipeline work, road work, and other horizontal work that can be bid under Ch. 30.

Mr. Johnson-Staub will talk with Amy Lowell about having someone from Owner's Project Manager be in attendance at town Meeting.

Mr. Patterson noted the Robbins Road lift station, needed for mixed residential commercial overlay, is not included in the scope of this project.

Public Comment:

Marc Finneran, Grand Ave., stated prices increased for a number of reasons, construction materials have decreased. Is there any method to take back some money that is saved on materials?

Mr. Johnson-Staub said that anything not spent, depending on the authorization, the money will not be borrowed. At some point the Town would rescind the borrowing authorizations not used.

Mr. Zylinski asked about contractual prices and prices coming down. What happens to that?
Mr. Johnson-Staub said once the contract is awarded, we are bound to those prices. There is no way to recover that. The risk runs both ways, if prices go up, that is on the contractor.

According to Mr. Patterson, this is not a reimbursable contract. Mr. Nichols said once this is bid, the Select Board will sign a fixed cost amount for the contract. Value engineering with the contract for savings, it is not impossible to recover savings, but the nature of the materials in this project are heavy cost capital equipment and heavy building materials costs. This does not occur on projects very often. Best protection is to get more bidders and contractors come in with competitive bids with a sharper price.

Mr. Brown asked if there will be any more opportunities to value engineer this project before going out to bid. Mr. Nichols said they have been through it with the project team, this is close to the project they need. To save a significant amount of money, you would need to cut a significant amount of scope. The project wasn't fat to begin with. The Town needs to build the expansion of the plant in order to meet the flow.

Mr. Brown asked about the reduction in odor control capacity. Mr. Nichols said that the design engineer feels confident this will be the right number.

Mr. Brown asked if we were value engineering things out that will need to be put back in later. According to Mr. Nichols, they found another way to do that, here the Town is doing some preconstruction work and using their own forces so that they are able to save some money. Mr. Brown expressed concern about odor control, Mr. Nichols said odor control is taken seriously and have thought a lot about that in this approach.

Mr. Patterson asked if last April did they know about the reimbursement and ARPA money? Mr. Johnson-Staub noted those funds were unknown at that time.

4. Vote to accept Owner's Project Manager's Report on Cost of Wastewater Treatment Facility Improvements Project and authorize application to Division of Local Services for determination of whether a second referendum is required due to the increase in cost for the Wastewater Treatment Facility Improvements project.

Mr. Johnson-Staub noted this is a clarification requested by division of local services.

Mr. Brown motioned to accept Owner's Project Manager's Report on Cost of Wastewater Treatment Facility Improvements Project and authorize application to Division of Local Services for determination of whether a second referendum is required due to the increase in cost for the Wastewater Treatment Facility Improvements project. Mr. Patterson seconded the motion. Vote: Yes-4. No-0. Absent-1.

CONSENT AGENDA

1. Administrative Orders
 - a. Approve Falmouth Fire Rescue Department Application for FY2022 Emergency Management Planning Grant (EMPG)

Mr. Brown moved approval of the consent agenda. Mr. Zylinski seconded the motion. Vote: Yes-4. No-0. Absent-1.

MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – January 23, 2023
Mr. Patterson voted to approve and release for public access. Mr. Zylinski seconded the motion. Vote: Yes-4. No-0. Absent-1.

Mr. Brown moved to adjourn at approximately 7:10 p.m. Mr. Patterson seconded the motion. Vote: Yes-4. No-0. Absent-1.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, MARCH 27, 2023 – 2:00 – 5:00 P.M.
HERMANN ROOM
FALMOUTH PUBLIC LIBRARY
300 MAIN STREET, FALMOUTH, MA 02540

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

Select Board:

Present: Nancy Taylor, Chair; Onjalé Scott Price, Vice-Chair; Samuel Patterson; Douglas Brown; Edwin (Scott) Zylinski II

Absent: None

OPEN SESSION

Call to Order: By Chair Nancy Taylor at 2:00 p.m.

Pledge of Allegiance: Led by Select Board

Chair Taylor opened the meeting by saying that the purpose of the meeting was to interview the three finalists for the position of Town Manager, and that there would be no public comment at this meeting. She reminded the Board that interviews would be kept to 45 minutes to one hour.

INTERVIEWS

Peter Johnson-Staub

Mr. Zylinski: How will you spend your first six months in Falmouth and explain what your strategy will be on how you plan on implementing it. Please provide some thoughtful detail while being concise.

Mr. Johnson-Staub said one of his top priorities would be hiring an assistant town manager and would start that immediately while continuing to move forward on all fronts. He mentioned preparing for the upcoming April Town Meeting followed by the override vote, as well as the police chief search over the next couple of months. He said he would prepare for the planned workshop on policy issues followed by reviewing the goals set for strategic planning, and work with the new human resources director to fill vacancies and support her in her role. He would also prepare for the capital planning cycle and solicit and review department heads' requests.

Mr. Zylinski: How often are you planning on meeting with department heads?

Mr. Johnson-Staub said it would be different depending upon the department, but that he would meet with some department heads bi-weekly, some monthly, and some irregularly, depending upon needs. He said once fully staffed, he would look forward to spending more time with department heads and individual Select board members.

Mr. Zylinski: What happens on Day 1?

Mr. Johnson-Staub said that the first day would be business as usual since he has been largely doing the work for nine months, but that he would re-position himself with department heads in time. He said he looked forward to setting goals with department heads and holding them accountable for those goals.

Ms. Scott Price: Please describe your understanding of the culture of Falmouth in your own words.

Mr. Johnson-Staub said that Falmouth is the most highly engaged community he has worked for. He said it was diverse politically and economically, using the range of housing prices and levels of employment among the villages as examples of that diversity. He also said the Town has both progressive and conservative residents.

Ms. Scott Price: Could you comment on your understanding of the needs of an aging population?

Mr. Johnson Staub first said that the needs are many, from recreational to support services, and that the senior center is a resource that assists in all of them. He said over one-third of Falmouth's population is over the age of 65 and the trend is increasing, so meeting the needs of that population in terms of health care and housing prices will continue to be a challenge.

Ms. Scott Price: Can you comment on your experience making the community, workplace, etc. more equitable and inclusive?

Mr. Johnson-Staub said this is something he's very interested in. He said he has talked to many people about the diversity, equity, and inclusion job description and how best to shape that job description and what the process would look like. He said the process would require buy-in from the town manager and select board, and that he would look forward to communicating that to the staff and community. He said it's a process that starts ground-up, with the DEI officer leading the development of a strategic plan, and that he would look forward to working with that officer to incorporate diversity, equity, and inclusion goals in everything the Town does.

Ms. Scott Price: The Town has a Local Comprehensive Plan and annually the Select Board revises a shorter-term Strategic Plan. Please articulate your vision for Falmouth as it aligns with those plans, and if it does not align, where does it differ and why.

Mr. Johnson-Staub said the comprehensive plan regards land use and the strategic plan is more operational, and his role is not so much to have a vision for the Town as it is to work with and support the Select Board through research and analysis to help craft its vision for the Town. He said the policy-level work is an element of the job he most enjoys.

Mr. Brown: How did you prepare for this interview? Did you visit the Town? If you didn't visit, why not, and if you did, did you meet with anyone? What material did you review? What can you tell me about Falmouth from your search? You can modify that to your own experience.

Mr. Johnson-Staub said that he has been learning about Falmouth since his arrival 6 years ago, and that he has since spoken with the Board about its expectations for the job and his performance in interim capacity. He also spoke with staff and community members on a regular basis trying to learn and understand more. He said he is familiar with the Charter, and that part of his preparation was his work on the selection process itself. He also considered what he needed to do to prepare for and succeed in the role, and meet and even exceed the Board's expectations.

Mr. Brown: Please explain the importance of attracting, developing, and maintaining a professional and stable workforce that provides quality public services to the community.

Mr. Johnson-Staub said that recruiting and retaining a talented workforce with longevity and institutional knowledge of the community is hugely important but also very challenging because of cultural and economic forces at play. He also said Falmouth is an attractive employer and that qualified people want to work for the Town.

Mr. Brown: A) Can you identify the elements essential to accomplishing this goal and how you would implement this in the Town of Falmouth? B) How would you sell the costs and benefits of increased services to the public considering the financial issues facing the Town and considering it relies on \$1.6M of non-recurring revenue to fund its operating expenses and does not have a dedicated and recurring revenue source outside of debt to fund capital expenditures? C) What's the value of maintaining a competitive wage and benefits package for Town employees, and how do you successfully sell this concept to the taxpayers of the community?

Mr. Johnson-Staub said that the workforce challenge is one that the Town will need to address and work on. He said it needs to be understood that the large economic challenges, such as housing costs, Falmouth cannot solve. Offering a competitive wage/benefits package paid for without a tax increase would be a way to sell it to the community. He said it's the town manager's job to lay out the benefits/consequences to the Town of offering/not offering competitive wage packages.

Mr. Brown: Can you describe your method of developing a cooperative team approach among Town employees? Please explain how you would do this with department heads as well as the rank and file.

Mr. Johnson-Staub said that this is about spending the time to develop a relationship and establishing rapport. He emphasized the positive rather than the negative, and how best to align what the department is doing with the Strategic Plan and the priorities of the Select Board. He also mentioned the need to find ways to have fun while at work. He said the same method would apply to the rank and file, although time constraints make it more difficult to "face-time" with each employee. He said there is a need to look at a cultural shift where employees are looked at as valued assets and appreciated for their willingness to come to work and serve the Town. He said it's important to be respectful and look for ways to build comraderie.

Mr. Patterson: What do you consider to be the top 3 issues facing Falmouth?

Mr. Johnson-Staub said that there are three inter-related issues among the most important, but one is home-affordability, which he said is at crisis stage. He cited an example of the average price of a single-family home being out of reach for a household with two professional incomes. He said that issue interconnects with workforce, with the affordability issue affecting businesses as well as the municipality. Next, he mentioned wastewater and how a multi-decades, multi-pronged approach is needed to address water quality issues, including bringing sewers into areas of Falmouth, especially where lack of which is an impediment to multi-family-housing development. An additional identified issue, he said, is sea level rise/coastal resiliency.

Mr. Patterson: How do you motivate employees to achieve more and to suggest innovative ways to perform routine day-to-day operations? How do you build morale?

Mr. Johnson-Staub said that employees want to come to work and have a purpose. He said it is motivating to have employees not only meet but also understand the goals and priorities that the community has set for the work they do. He emphasized the importance of an appreciated culture, one that rewards good work, and one that provides the support and training to succeed.

Mr. Patterson: Explain how honest communications, honor, and integrity are related to developing a quality working relationship with the public, with committees, and Town employees, and provide an example if you can of each of these constituencies in which your honesty and integrity may have hurt or embarrassed them on a short-term basis, and how you tried to repair that.

Mr. Johnson-Staub said that it is essential that the Town Manager be honest and perceived as someone who has integrity. He said that there is a difference between an honest disagreement and disingenuousness. He said he did not know of having damaged his reputation or hurt the community by having a shortfall in that area. He said he prides himself on his integrity and believes he is known as a "straight shooter."

Chair Taylor: What have you learned about this current Select Board? What do you think will be your biggest challenges in working with this Board? How would you facilitate conflict between Board members?

Mr. Johnson-Staub said he has learned that the Board wants better support on policy decisions, meaning good research and analysis and marshalling the resources of the staff in order for the Board to make good decisions. Regarding operational issues, he said the Board wants to be able to rely on the manager to get necessary administrative and staff review done to make higher level policy decisions by the Board possible. Regarding the conflict question, he said once the assistant town manager is found, he would be able to spend more time with individual Board members and address conflict issues more fully should they arise. Managing conflict, he said, is about understanding where each member stands on a sensitive matter, navigating a way to avoid misunderstandings, and bring information forward to build consensus.

Chair Taylor: How do you build consensus among the Board, Town employees, and the citizens of Falmouth?

Mr. Johnson-Staub said it's about good communication, setting goals through strategic planning, understanding why the goals are what they are, and how a department's work fits into all of it. Developing consensus is about a

department's understanding what needs to be accomplished and the resources needed to accomplish it, and if there are disconnects, the town manager's role is to seek to understand the situation and to provide the resources to close the gap. Regarding the Select Board, he said it can mean managing their expectations when the expectations might outstrip the resources to achieve them.

Chair Taylor: It's your turn now to talk to us about you. What is it you would like us to know about you, your past experience, and about where you see yourself in the next 5 years?

Mr. Johnson-Staub thanked the Board for considering him a finalist and briefly listed many positive assets of the Town and several challenges the Town faces. He said he believes he has the knowledge, experience, and skill set for the job, noting his years of municipal experience in MA and on Cape Cod, as well as his experience in his Falmouth positions-assistant town manager and interim town manager. He said having worked in Falmouth for 6 years, he believes he can hit the ground running. He said there is still much to learn about the Town, and that he would plan to move to Falmouth if appointed to the position. He said he knows the Board seeks better support for policy decisions through improved research and analysis. He cited workshops involving strategic planning and budget despite being short-staffed at Town Hall, and noted his analysis and information assistance with the fire staffing issue that allowed the Board to make its informed decisions. He said he knows the Select Board wants progress formulating and implementing the strategic plan and cited strong working relationships with department heads to work on and deliver policy goals. He said the Board knows his temperament, that he is direct, that he has a respect for municipal government, that he is calm and professional, and believes he has earned respect from staff and the community.

Chair Taylor asked if there were follow-up questions from Board members.

Mr. Patterson: I would like to ask about the education department. Where do you fit in terms of how you balance the revenues the Town gets for infrastructure and operational municipal needs vs. the educational needs of the youth and adults in the community.

Mr. Johnson-Staub said he would need to spend time with the school superintendent and school finance director to understand their budget and specific needs. He said the education world is significantly shifting - the school-age population is going down, but the needs of that population are rising. He said from communication with the superintendent that he feels good about the current FY2023 budget and that they are very satisfied with the FY2024 proposed budget.

Mr. Brown: Do you feel like there is any fence-mending that needs to be done from any interactions with staff or department heads in your previous role as assistant town manager where there may have been budget or management decisions that may have been seen as unfavorable?

Mr. Johnson-Staub said there will always be a tension between department heads and the town manager, often due to difficult budget decisions where legitimate requests cannot be funded. He said he tries to have a process to understand difficult decisions that have to be made and to keep communicating about how departments can try to meet expectations despite limited resources.

Mr. Brown: When budget decisions are difficult, in the past, the decisions were not communicated to department heads in the best way, causing frustration and disappointment. Could you elaborate on how you might share the bad news?

Mr. Johnson-Staub said he hopes department heads have seen a shift in the way this issue has been handled in the past. He said he asks department heads to be more involved in the process and to identify department needs beyond the level-service budget, a process not used in over a decade. He said it's part of a process to fully know the needs of any department for longer-range planning purposes. He said he would set the bar higher in terms of communication regarding the budget.

Chair Taylor: So, to understand, when you ask department heads for their budget, knowing full well it may not be funded, you are using that information to plan 5 years out. They are basically telling you what they need moving forward even though it may not be funded in the next budget. Is this correct?

Mr. Johnson-Staub clarified that he asked for 1) a level-service budget, and 2) a separate request for needs outside a level-service budget. He said he wanted to see what departments' needs truly are so he has a longer-term view for future budget development.

Mr. Zylinski: Dovetailing on Mr. Brown's question, do you think you have examples of any fences that you have to mend going forward?

Mr. Johnson-Staub said he could think of a department head who asked for additional staff and didn't get it, and was disappointed, but said that after talking about it, that they still have good rapport and mutual respect.

Mr. Zylinski: So only one case you can remember?

Mr. Johnson-Staub said there were others who didn't get an asked-for budget increase, but that was the only person who expressed dissatisfaction to him.

Mr. Johnson-Staub then followed up on a previous question from Chair Taylor about what he thought might be the biggest challenge working with this Board. He said the biggest challenge of the job is volume – there is a lot to do. He said much of the job is like triage - what he must make time to do and what just isn't going to get done. He said he expects the Board's expectations to be high, but that there needs to be a mutual understanding of what is possible to do.

Chair Taylor: What happens when you and the Board disagree on the priorities? How do you manage that?

Mr. Johnson-Staub said spending time one-on-one, and through dialog, understanding where we disagree and why, and maintaining mutual respect that overarches disagreement.

Chair Taylor: Is there anything you would like to ask this Board?

Mr. Johnson-Staub: I would be interested to hear what my greatest strengths and areas for growth are.

- Mr. Brown: Giving a direct, concise, honest answer, even if it's not what I want to hear
- Mr. Patterson: Very impressed at your ability to communicate at Town Meeting with explanations that are direct, clear, and lucid. A weakness? You are not very photogenic. (laughter)
- Ms. Scott Price: Your great knowledge of Falmouth and how all its various pieces work together
- Mr. Brown: One weakness – he is not a very good baseball thrower (laughter)
- Ms. Scott Price: Spending more time to work with the Board – this would be a weakness - understanding how certain members feel about initiatives or goals – I think you could work on that
- Chair Taylor: I would say this as a challenge: try to keep active listening at the forefront all the time

Mr. Johnson-Staub thanked the Board for this opportunity.

Chair Taylor called for a 10-minute break.

Michael Renshaw

Chair Taylor introduced Mr. Renshaw and said that the interview would be kept to 45 minutes to an hour as needed.

Mr. Zylinski: How will you spend your first six months in Falmouth, and explain what your strategy will be on how you plan on implementing it. Please provide some thoughtful detail while being concise.

Mr. Renshaw, saying that the first 6 months is a critical time, said that his first goal would be to meet with department heads and staff to understand what the challenges and resources are, as well as strengths and limitations. In line with his passion for organizational development, he said it's important to "drill down" to gain deeper understanding of issues so as to enhance the strengths and address the weaknesses. He said he would propose an initiative he is currently using of implementing an employee engagement survey process encompassing 10 different characteristics to get a fuller knowledge of what works and what doesn't work in the Town. He said this practice would help with communication flow.

Mr. Zylinski: How often are you planning to meet with department heads?

Mr. Renshaw said he would meet weekly for 6 months and bi-weekly after that. He said he is a proponent of "ladder up – ladder down" methodology: the former is where information flows up from those who do the work, and the latter is used for disseminating information to staff. He said dialog and communication are important and on-going, and are facilitated by this method.

Mr. Zylinski: What happens on Day 1?

Mr. Renshaw said he uses the phrase "managing by walking around," where he can meet the people who work in the building and Town, introduce himself, and get to interact with them. This is what he would do on his first day.

Ms. Scott Price: Please describe your understanding of the culture of Falmouth in your own words.

Mr. Renshaw said that the culture of Falmouth is wonderfully diverse, engaged, and active. He said as he visited the villages that he saw the level of engagement in the community and was energized by it. He noted the spirit of volunteerism. He said he has experience with managing a coastal community, recognizing that each community is unique regarding its challenges. He said the breadth and depth of Falmouth's demographics make it a very exciting place.

Ms. Scott Price: Could you comment on your understanding of the needs of an aging population?

Mr. Renshaw briefly described Highlands Ranch, a community developed 40 years ago that he has recently managed, where he gained experience with an aging population through his work there with the design and construction of a senior center. He said he got a good understanding of the needs of an aging population through working with staff at that senior center, as well as from his 13 years in city/county management.

Ms. Scott Price: Can you comment on your experience making the community, workplace, etc. more equitable and inclusive?

Mr. Renshaw said that making people part of the decision-making process is very important. He said one of the strategies for doing that is the employee engagement survey where workers can anonymously have their voices heard. More, though, he said doing something with the input is necessary, actually putting into action the results of the study. He said using focus groups can be a good way for managers to engage with employees, but acting immediately upon the information is very important so that people know there is a plan in place. Regarding the equity component, he said that in his experience it hadn't been a focus, but said that career progression should be possible by all, and programs should be available and accessible to everyone.

Ms. Scott Price: The Town has a Local Comprehensive Plan and annually the Select Board revises a shorter-term Strategic Plan. Please articulate your vision for Falmouth as it aligns with those plans, and if it does not align, where does it differ and why.

Mr. Renshaw said that he has read the Town's plans and that something that seems to be missing is performance measurement in each department. Leaders/managers ask department heads to come up with 5 or 6 key performance indicators of what they do, most likely in a group activity where there can be discussion about progress. At quarterly meetings, information is shared. Mr. Renshaw clarified that performance measurement is a wrench, not a hammer, whereby adjustments can be made to meet strategic goals.

Mr. Brown: How did you prepare for this interview? Did you visit the Town? If you didn't visit, why not, and if you did, did you meet with anyone? What material did you review? What can you tell me about Falmouth from your search? You can modify that to your own experience.

Mr. Renshaw said he has visited Falmouth and is energized now to finish his career here. He said he has spent time on the MA Municipal Assoc. website, has spent hours reading through the handbook for committees, and familiarizing himself with the Town's website. He has also been informing himself of laws at the state and local level.

Mr. Brown: A) Can you identify the elements essential to accomplishing this goal and how you would implement this in the Town of Falmouth? B) How would you sell the costs and benefits of increased services to the public considering the financial issues facing the Town and considering it relies on \$1.6M of non-recurring revenue to fund its operating expenses and does not have a dedicated and recurring revenue source outside of debt to fund capital expenditures? C) What's the value of maintaining a competitive wage and benefits package for Town employees, and how do you successfully sell this concept to the taxpayers of the community?

Mr. Renshaw said that there is no more important role than to enhance and develop a trained work force. He said he is fiscally conservative and looks to get the greatest return on investment. As a manager, he said, one of his roles is to grow and train his replacement. He said he has worked in the field for 30 years and feels he has 10 years left. He outlined the strategy of what he called a Leadership Development Academy, a 12-week program of minimal cost, approximately \$15K, which he could put together immediately, which deals with recruitment, development, and training of leaders and managers. He said Colin Powell devised the program. He said it provides very good return vs. its cost.

Mr. Brown: What's the value of maintaining a competitive wage and benefits package for Town employees, and how do you successfully sell this concept to the taxpayers of the community?

Mr. Renshaw said that conducting a compensation study every 5 to 6 years allows an organization to get a pulse on how to be competitive with other similar organizations or neighboring municipalities. He said the cost of replacing and retraining an employee is tremendous, and that we should do what we can to maintain things up front to retain the employees. The employee engagement survey will help in this regard, he said. He said the compensation study will help explain the value of being competitive.

Mr. Brown: Can you describe your method of developing a cooperative team approach among Town employees? Please explain how you would do this with department heads as well as the rank and file.

Mr. Renshaw said that camaraderie is the heartbeat of an organization. He said it is fostered by public recognition of a job well done and employee appreciation events, such as cook-outs. He said the efforts of the manager to engage in these acknowledgments of employee performance are hugely important and provide a chance for employees to meet and get to know each other on a personal level. He also said bi-weekly meetings can also provide opportunities to engage more personally.

Mr. Patterson: What do you consider to be the top 3 issues facing Falmouth?

Mr. Renshaw said he had read issues of the Falmouth Enterprise, watched Select Board meetings, and read the local strategic plan, and from those he identified several issues. The first is lack of affordable workforce housing and how best to arrive at practical solutions. He said he knows that much of Falmouth's workforce travels elsewhere to live due to housing costs, and that is a primary concern. A second concern is organizational health and efficiency. A good organization should be able to grow, and if you're not doing things, you're falling behind. He said the role of a good leader is to foster a place where great ideas can happen. The last concern is coastal management/resilience, which he said he learned about during his working experience on the Outer Banks, NC. He said he recognizes the urgency of protecting the coastal resources of the Town.

Mr. Patterson: How do you motivate employees to achieve more and to suggest innovative ways to perform routine day-to-day operations? How do you build morale?

Mr. Renshaw said that one strategy for motivation is to get employees excited about coming to work. He said he believes we are all competitive and believes that using progress/action reporting among departments will break down the silo effect of working within a single department and foster a shared information approach. He said a program of nominal cost, an innovation rewards program, provides a way for employees to recommend or suggest ways to do a process more efficiently. If it became known that the suggestion succeeded, there would be some sort of reward to follow. He said in his experience the program has had great results and has provided good feedback. He said it is a good motivational tool.

Mr. Patterson: Explain how honest communications, honor, and integrity are related to developing a quality working relationship with the public, with committees, and Town employees, and provide an example if you can of each of these constituencies in which your honesty and integrity may have hurt or embarrassed them on a short-term basis, and how you tried to repair that.

Mr. Renshaw said that his word is his bond. That trust is earned. He said he is an advocate for engaging with a community. He said that in his experience there had been a Chamber of Commerce event where trust was broken because of a comment he made. He said he mistakenly revealed too much information regarding an economic development project and the result was damage to confidence and trust that had been built. He said he had to go back and apologize for his errant comment and begin to repair relationships with residents and Chamber of Commerce leadership.

Chair Taylor: What have you learned about this current Select Board? What do you think will be your biggest challenges in working with this Board? How would you facilitate conflict between Board members?

Mr. Renshaw said that he has learned that the Board seeks a facilitator. He said members are very collegial and deliberative in approach. He said that in his experience, when there has been conflict, he has been able to de-escalate, and to try to be a good consensus builder by identifying middle ground and work back and forth from there until agreement is possible. He said his 30 years of experience have shown him what strategies have worked to get to a solution that everyone can accept.

Chair Taylor: How do you build consensus among the Board, Town employees, and the citizens of Falmouth?

Mr. Renshaw said the key is to instill communication and dialog and to take transparency to the Nth degree. He said openness and transparency with the public are critical. He said from his city management days, he learned to avoid disconnect by immediately reporting decisions or actions that a government body has made, as well as reporting after any action has been taken. He said bi-weekly reports are posted to the website to achieve communication and transparency so all parties are informed.

Chair Taylor: What do you think will be your biggest challenges in working with this Board?

Mr. Renshaw said it would be getting up to speed quickly, learning how to work with a Board that has already been in place, and learning the governance of the Town. He said he is a quick study but acknowledges the challenge ahead.

Additional questions from Board members:

Mr. Patterson: I would like to ask about the education department. Where do you fit in terms of how you balance the revenues the Town gets for infrastructure and operational municipal needs vs. the educational needs of the youth and adults in the community.

Mr. Renshaw said that in NC, even though the county is the levying authority for the schools, he developed a working relationship with the school superintendent, especially for cooperation on a project. He said he used similar strategies of listening, communicating, collaborating, and providing access to learn how to work together on a project that affected the entire community. He said he maintained constant communication throughout the process.

Mr. Zylinski: You have spoken with reverence of all the places you've worked. Is that accurate?

Mr. Renshaw said he is proud of the breadth and depth of his experience, and all the locations have contributed to that experience.

Mr. Zylinski: Is there a benefit to having exit interviews with staff? Do you believe in that?

Mr. Renshaw said that yes, there is value in exit interviews. He said during such an interview, he just listens while the employee tells him the reasons why he/she is leaving. He said he also sees value in "stay interviews," where employees tell why they stay on the job. He said he also does onboarding interviews with all staff, which allow him a chance to communicate the core values of the institution.

Chair Taylor: You now have one minute to tell us who you are.

Mr. Renshaw referred to the breadth of his experience, also referring to the shortness of time in his recent positions. He said he is now applying forward-thinking values in looking for his last place to manage over the next 10 to 11 years. He said he has developed a passion for the community during the past 72 hours talking with people and would like his last place to be Falmouth.

Chair Taylor called for a 5-minute break.

Matthew Wojcik

Chair Taylor said she would try to keep the interview to between 45 minutes and 60 minutes.

Mr. Zylinski: How will you spend your first six months in Falmouth, and explain what your strategy will be on how you plan on implementing it. Please provide some thoughtful detail while being concise.

Mr. Wojcik said he had a long list of things to do that may sound very basic but are important, such as insurance coverages, deductibles, and claim histories, how compensation and overtime pay is calculated, and how people feel about where they work and are paid. He said he values good relationships with the finance director and legal counsel. He said he wanted to learn about the health of the organization in terms of infrastructure and the status of deferred maintenance, as well as the operational systems that run every day. He would also assess the financial side, what is free cash, what are the dedicated revenue streams, what is the capital budgeting process, how does prioritization work, and what are the overall assets of the Town.

Mr. Zylinski: How often are you planning to meet with department heads?

Mr. Wojcik said he would meet with all department heads as a group bi-weekly or once a month, but with most individually at least once or twice a week, sometimes 3 times, every week, depending upon circumstances.

Mr. Zylinski said he would forgo his third question because it had already been addressed in the first answer.

Ms. Scott Price: Please describe your understanding of the culture of Falmouth in your own words.

Mr. Wojcik said that looking at the Town from the outside, it is a wonderful, vibrant, engaged community. There is a wide diversity of people and well-argued positions, and residents want their Town to meet their needs. He said the Town appears wealthier than many and with many assets, and those assets are worth defending.

Ms. Scott Price: Could you comment on your understanding of the needs of an aging population?

Mr. Wojcik said he thinks about seniors all the time, and that where he works currently, the senior center has been renamed the social center because the needs of seniors have shifted over the years. Because seniors are living and staying active longer, their needs are changing and expanding, and services must adapt to meet those changing needs. He said accommodating practices to provide those expanded services is very important, in part because seniors are of great value to the community.

Ms. Scott Price: Can you comment on your experience making the community, workplace, etc. more equitable and inclusive?

Mr. Wojcik said that it is very important that people feel safe, and that an organization must know where people might not feel safe. He said a community must be safe and welcoming, and be a place where people feel valued. He said we want different perspectives in all that we do.

Ms. Scott Price: The Town has a Local Comprehensive Plan and annually the Select Board revises a shorter-term Strategic Plan. Please articulate your vision for Falmouth as it aligns with those plans, and if it does not align, where does it differ and why.

Mr. Wojcik said he had read the plan and pointed out a line in the comprehensive plan that he would take issue with that deals with economic development in Town and that there is no political leadership behind an effort to address it. He said leadership is about paying attention to all elements of a plan including economic development. He said his background centers around this. He said he would like to change the way people think about this. He also commented on the importance of finding funding for identified Select Board goals.

Mr. Brown: How did you prepare for this interview? Did you visit the Town? If you didn't visit, why not, and if you did, did you meet with anyone? What material did you review? What can you tell me about Falmouth from your search? You can modify that to your own experience.

Mr. Wojcik said he had been to Town 3 times and informally talked with and listened to residents. He said he decided to pursue the job aggressively after his first visit. He said he has watched community television and read the minutes of Select Board meetings. He estimated that he had spent 30 to 40 hours of preparation for the interview.

Mr. Brown: Please explain the importance of attracting, developing, and maintaining a professional and stable workforce that provides quality public services to the community. A) Can you identify the elements essential to accomplishing this goal and how you would implement this in the Town of Falmouth? B) How would you sell the costs and benefits of increased services to the public considering the financial issues facing the Town and considering it relies on \$1.6M of non-recurring revenue to fund its operating expenses and does not have a dedicated and recurring revenue source outside of debt to fund capital expenditures? C) What's the value of maintaining a competitive wage and benefits package for Town employees, and how do you successfully sell this concept to the taxpayers of the community?

Mr. Wojcik, referring to his work in Douglas, said that you can't promise people you will be competitive unless you have the funding to do it. He said you must budget revenue conservatively but always be looking at expenditures to understand what the cost drivers are. He said in Douglas he would address each source of growth, cost out operations, always looking for free cash. He gave details of a health insurance plan with other town around Douglas that helped save money for those towns. He also gave details of looking at office supply expenses and found a way to save on paper with one vendor while keeping the contract for everything else with WB Mason. He said he always listens to colleagues who have more experience than he does in any given area.

Mr. Brown: Can you describe your method of developing a cooperative team approach among Town employees? Please explain how you would do this with department heads as well as the rank and file.

Mr. Wojcik identified 3 major components: high standards, culture of learning, and culture of collaboration.

Mr. Patterson: What do you consider to be the top 3 issues facing Falmouth?

Mr. Wojcik said that as good as the financial planning has been, he would conduct a 5-year budget forecast and leverage all you can to address the Town's need. He said there is "low hanging fruit" out there that the Town is not taking advantage of. Another issue is planning for a changing environment in a coastal community. A third is how to address the concerns of property owners when the needs of the larger community bump up against their individual rights. He said there is a need to listen and balance legitimate private interest concerns with what may need to happen in a changing world.

Mr. Patterson: How do you motivate employees to achieve more and to suggest innovative ways to perform routine day-to-day operations? How do you build morale?

Mr. Wojcik said you must recognize achievement every time across the board and gave an example of recognizing accomplishments in his current town. He also said that incentives for training and other advanced education are possible.

Mr. Patterson: Explain how honest communications, honor, and integrity are related to developing a quality working relationship with the public, with committees, and Town employees, and provide an example if you can of each of these constituencies in which your honesty and integrity may have hurt or embarrassed them on a short-term basis, and how you tried to repair that.

Mr. Wojcik said that the only thing that matters is honesty and integrity, and that there is no substitute for being transparent. He also said that a manager has to be willing to change direction when called for. He gave an example from a previous work situation involving details of how a landfill was being run and that he angered people when he investigated and then spoke out about waste and inconsistencies in landfill records. He said it required courage to do that and that he had been called "every name in the book" because of it.

Chair Taylor: What have you learned about this current Select Board? What do you think will be your biggest challenges in working with this Board? How would you facilitate conflict between Board members?

Mr. Wojcik said he learned from watching meetings that the Board is well-rounded with many points of view, such as that of a builder, an engineer, a school superintendent, for example, revealing much depth in its members. He said he felt he would have a good chance for success with this Board. He said a good town manager knows how Board members work together and what are the most viable ways to compromise. He said if the town manager can facilitate parties on either side of an issue sincerely talking with each other, both sides can learn to accept a resulting decision.

Chair Taylor: How do you build consensus among the Board, Town employees, and the citizens of Falmouth?

Mr. Wojcik said he would do everything available to him from "soup to nuts": being accessible, asking questions, making people know they are being heard, listening to everybody. He said the highest quality information from all sources, including Town committees, must come efficiently and in an actionable format to the Select Board. He also suggested that there might be room for improving committee relationships. He said information should come to the Board having had research, analysis, pros and cons of options, and a recommendation for action.

Additional questions from Board members:

Mr. Patterson: I would like to ask about the education department. Where do you fit in terms of how you balance the revenues the Town gets for infrastructure and operational municipal needs vs. the educational needs of the youth and adults in the community.

Mr. Wojcik said that municipal government and schools are viewed as co-equals, that the schools have some autonomy and Town Meeting will support them. He then went into detail about a relationship he had with a school

superintendent in a previous position and how they worked out an arrangement involving some of the town's free cash being put toward schools' capital needs as much as possible in exchange for sharing ideas with the town how to save money in the school department budget. He said he had an on-going dialog with the superintendent and met with him 2/3 times a week reviewing budget details geared toward saving money.

Mr. Brown: Will you be asking us to waive the residency requirement?

Mr. Wojcik said he recognizes the importance of this issue and its fairness, but at the same time, there are co-realities. He said that this is his profession, and he takes it everywhere. He said that even though he doesn't live in Douglas, he has a commitment to the people there no matter where he lives. He asked the Board to be open-minded to his situation, that he has a big family and cannot move to a 2-bedroom house.

Mr. Zylinski: Would you agree that there is an ancillary benefit to the Town if you live here?

Mr. Wojcik agreed that it is a huge thing. He said he tries not to spend too much time in his office, that he is often out in the community being seen by the residents, engaging in informal conversation.

Chair Taylor: You have two minutes to tell us anything that we didn't get from you that you would like the Board to know about you.

Mr. Wojcik said he wanted to emphasize that the Board had gotten to know him well, that he has a good sense of humor, which is very important, and high standards. He said he views public service as an honor, and that he takes joy in doing a good job for the people he works for. He said he tries to bring joyfulness and optimism to his work and wants to be in a place where other people also want to work. He finished with, "And you need to crack a smile once in a while."

ADJOURN

Motion by Scott Zylinski: To adjourn Second: Sam Patterson Vote: Yes – 5 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, APRIL 3, 2023 – 6:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Select Board:

Present: Nancy Taylor, Chair; Onjalé Scott Price, Vice-Chair; Samuel Patterson; Douglas Brown; Edwin (Scott) Zylinski II

Absent: None

Others present: Peter Johnson-Staub, Interim Town Manager

OPEN SESSION

Call to Order: By Chair Nancy Taylor at 6:00 p.m.

EXECUTIVE SESSION

Chair Taylor called for a motion to go into Executive Session to discuss strategy with respect to collective bargaining with AFSCME Unit A - M.G.L. c.30A s.21(a)(3), and we will return to Open Session at 6:30 p.m.

Motion by Ms. Scott Price: So moved. Second: Mr. Zylinski

Roll call vote: Brown: Aye; Patterson: Aye; Scott Price: Aye; Zylinski: Aye; and Taylor: Aye

OPEN SESSION

Call to Order: Following Executive Session, Chair Taylor called to order the Open Session of the meeting, saying the Select Board had discussed strategy with respect to collective bargaining with AFSCME Unit A and agreed to the contract presented by Peter Johnson-Staub. Mr. Johnson-Staub said that they were happy to have the negotiations complete, that they went well, and that the contract will be for 3 years - FY23, FY24, and FY25. Chair Taylor thanked Mr. Johnson-Staub for his work on that.

Pledge of Allegiance: Led by Select Board

Proclamation – Arbor Day – Proclamation read out by Ms. Johnson-Price.

Motion by Ms. Scott Price: That we, the Select Board of the Town of Falmouth, do hereby proclaim Friday, April 28, 2023, as Arbor Day, in witness whereof we have hereunto set our hands and caused the Great Seal of the Town of Falmouth to be affixed this day, Monday, April 3, 2023 Second: Sam Patterson

Mr. Brown asked if there would be an Arbor Day celebration this year. Jeremiah Pearson, tree warden, said a celebration was being planned for April 28 at Goodwill Park and provided some details of the plans. Mr. Patterson asked if there were plans to re-plant trees in the clearing by the pump station. Mr. Pearson said some white oak saplings had been planted there by the church last year, but that he would take another look at the area.

Vote: Yes – 5 No - 0

Recognition - None

Announcements – Chair Taylor made customary pre-meeting announcements regarding cell phones and taping.

Public Comment –

Chair Taylor began with a “comment on Public Comment”: A recent state supreme court case has invalidated some of the restrictions on the department that our Town and many others had placed on speakers at the public comment period. We will continue to have our public comment, and I must continue to enforce the 2-minute time limitation on all speakers each time. I trust the good citizens of Falmouth who take advantage of this opportunity will continue to be civil.

Richard Dube, Blacksmith Shop Road – Mr. Dube said there was an article in “this week’s” Falmouth Enterprise containing statements made by Mr. Johnson-Staub about shotguns - focused on the difference between a “regular” shotgun and a short-barreled shotgun – said a regular shotgun can be transformed into a short-barreled gun with a regular hacksaw – said it appears that the Town’s position is that \$5,000 is the price for placing deadly weapons that

are unlikely to be used for nefarious purposes back in circulation – said approx. 2.8 million AR-15s entered circulation in the US last year – said he is certain that the dealer who sold the weapon to the national shooter thought it was highly unlikely that the purchaser would use the weapon to kill three 9-year-old children and three adults – said he is tired of appearing before the Board about the Town’s position on the disposition of firearms – said the Select Board seems more beholden to the police department than to citizens – said Article 13 passed with close to unanimous consent, which gives a strong indication of how the Town feels about purveyors of deadly weapons.

David Moriarty – said he is commenting on the article for Town Meeting – said only the Select Board, has the ability to grant the right to enter related to Town property – said Town Meeting does not have the authority to grant the right or entry to land under Select Board control – said the petition article is advisory only – said please do not allow any amendments to Article 15 as it has no standing and is advisory only.

Alison Leschen, Lantern Lane – said the Saturday discussion of a policy for the embarkation fund was a start but needs a clearer process for accessing the funds – said there is no process in place for who can access the funds or how – said no one seems to know – said there is no clear process for awarding funds or why – said there is over \$1M in the funds with the possibility of more if fees are tripled – said there are ways the monies could be used to mitigate the effect of the ferries – said Tisbury has an embarkation fee advisory committee and advocated something similar for Falmouth – said something like the CPC would work where requirements could be in place for how the finding would be spent based upon merit and priorities – said a transparent process is needed.

Sandra Faiman-Silva, Davis Road – said she was upset to see the clear cutting on Sandwich Road where the fire station is going to be – said not one shred of the mature forest that was there remains – said that it’s a loss and that we should preserve natural forest - said we need to be more attentive to the message of Arbor Day.

Noreen Cavanaugh, - said the Select Board seems more beholden to the FPD than to its citizens – said Article 15 passed with near unanimous consent – said we spend hundreds of thousands of dollars on pickleball courts and resurfacing tennis courts, but say it’s critical to save \$5,000 to place deadly weapons in the hands of unknown purchasers – said the Select Board has the authority to have dangerous shotguns destroyed – said the Select Board refuses to accept the mandate of the Town – said that if \$5,000 means taxes go up by \$1, it will be worth it to be able to sleep with a clear conscience – said that if you can’t protect the health and safety of the Town, step down – said the 2nd Amendment was passed in 1791 when the Founding Fathers were talking about muskets.

PUBLIC HEARINGS

Application for a New Entertainment License and Sunday Entertainment License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth, continued from 3/27/23

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager’s Preliminary Report for April 3, 2023* dated March 31, 2023 in the meeting packet.

Susan Bergmann was present to represent West Falmouth Library.

Public comment –

Debra Segal – said she lives on Friends Way and speaks for herself, husband, and neighbors – said the license is for entertainment but this is a library – said the issue is the unnecessarily amplified music and voices that carry into the house – cited the Town’s noise bylaw Chapter 150-1 and Chapter 156-11 and quotes sections that apply to prohibiting noise – said in addition to all the outdoor area noises, the library will be the latest example of disturbing and illegal noise in Town and respectfully asked the Select Board to deny the license.

Jim Gray – said that libraries have become community centers – said libraries host events and show support for all community activities – said the Town needs community centers and supports the West Falmouth Market and WFL engaging in community support events.

Mr. Brown noted the outdoor events in the application: one on June 16, one on July 27, one on Aug. 5, and partially on Dec. 5. Susan Bergmann gave some brief details about these events. Mr. Brown said that only the garden party event would have entertainment and it would be for two hours from 5 to 7 p.m. Mr. Johnson-Staub, answering a question from Mr. Zylinski about what the license actually allows, said that if the license is granted, the WFL can host all events listed in the application.

Susan Bergmann said that the West Falmouth Library is a private entity and must do fundraising to support its programs.

Public comment:

Sandra Faiman-Silva – said that libraries should have an open concept and host all sorts of activities exposing the people to different things – said that such exposure is a good thing – said she would support this.

Debra Segal – said the neighbors do not object to the library hosting the events, it's the amplification that is the problem – said if there could be a control on that, that would probably solve the problem – said the WFL does receive some funds from the Town.

Mr. Johnson-Staub confirmed there is a Town subsidy to the WFL but that it is a very small part of their total operating costs.

Chair Taylor called for a motion to close the hearing.

Ms. Scott Price: So moved Second: Mr. Zylinski

Mr. Brown commented that regarding the policy for entertainment licenses, the applicant is required to keep the music within the limits of the property.

Vote: Yes – 5 No - 0

Motion by Mr. Zylinski: To approve the application Second: Mr. Patterson Vote: Yes – 5 No - 0

Application to amend an Entertainment License and Sunday Entertainment License – 311 Gifford Street OpCo, LLC d/b/a Coonamessett Inn, located at 311 Gifford Street, Falmouth

Mr. Patterson disclosed that he is an abutter to this facility. He said that upon the advice of Town Counsel that this could affect the value of his property, he would recuse himself. He then left the meeting room.

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

John Norton, general manager, was present.

Mr. Brown asked about the previous incident with noise in 2019 and if the applicant had been unaware of the licensing requirement. Mr. Norton said that was correct. Mr. Brown referred to the previous hearing regarding noise limitations. He said there was a neighbor across the pond who said the music is really loud and headphones have to be used. Mr. Norton agreed that the outdoor music on the deck when they were notified to stop was too much.

Chair Taylor asked Mr. Johnson-Staub to review his recommendation; he said it is to consider setting specific hours for outdoor entertainment if the Board is inclined to approve outdoor entertainment. It was further clarified that the hours requested are on the application, not the existing license, and that there could be different hours for indoors and outdoors.

Mr. Brown said that the anti-noise bylaw becomes effective at 10:00, and that that would be a more appropriate time for the outdoor entertainment to move inside. Mr. Norton said that would be no problem.

Public comment:

Therese Marshall, Grasmere neighborhood - said she lives across the pond from the inn and loves the music – said she thinks the 10:00 time is a great idea – said the inn is a great asset for the neighborhood and complimented the new management – called the atmosphere festive and exciting and is fully in support.

Peter Joyal, Grasmere – lives across the pond and enjoys the music, but supports the 10:00 curfew – said when there is a wedding they open the windows and doors/sliders and that does get loud at night – he said the occasional wedding is fine – said he's not sure what the license will allow them to do and for how many days a week, but reiterated that when the doors are open, it does get loud.

Mr. Brown said that the application is for 7 days a week from 11:00 a.m. to 12:30 a.m. but they were agreeing on 10:00 for outdoors. Further comment was that Sundays are included. Ms. Scott Price asked if the Board could amend to 10:00 for outside and 11:00 for inside. Mr. Norton said that often Sunday holidays tend to be big wedding days, and they can go until 11:00. He said those Sundays are the only ones that he could see entertainment being offered after 8:00 p.m.

Chair Taylor called for a motion to close the hearing.
Ms. Scott Price: So moved Second: Mr. Brown

Mr. Brown clarified that the Board was now considering 10:00 for outside entertainment and 11:00 for inside, even on Sunday. In response, Mr. Norton said he was not requesting to amend the inside entertainment. He said 12:30 a.m. for New Year's and wedding parties is needed, but he would use due diligence to assure that windows and doors are all closed. He said the earlier hours would be a drastic change to his business. He said he would give neighbors his cell number. Mr. Brown said that 12:30 is pretty standard for this type of business. But 10:00 for outside. Mr. Zylinski said that the details can all be monitored for compliance.

Vote: Yes – 5 No - 0

Mr. Brown proposed amending the outdoor license to conclude at 10:00 p.m. and the indoor can remain at 12:30 a.m. with the understanding that the music is not supposed to travel beyond the property line if practical, and with the conditions that windows and doors must be closed after 10:00 p.m. when there is amplified entertainment.

Motion by Ms. Scott Price: To approve as amended Second: Mr. Zylinski. Vote: Yes – 4 No - 0

Mr. Patterson returned to the meeting room.

Application to Amend an Entertainment License – Ohog, Inc. d/b/a Quahog Republic Dive Bar, located at 97 Spring Bars Road, Falmouth

Ms. Scott Price read out the hearing notice. Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Thomas Hughes was present for the applicant. Brief Board discussion included comment that there appeared to be no concerns from abutters, and that the request was to start the music earlier.

Public comment: None

Chair Taylor called for a motion to close the hearing.
Ms. Scott Price: So moved Second: Mr. Zylinski. Vote: Yes – 5 No - 0

Motion by Ms. Scott Price: To approve the application Second: Mr. Zylinski. Vote: Yes – 5 No - 0

CONSENT AGENDA

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet. Regarding the Flying Bridge application to sell new and used boats, Mr. Johnson-Staub said that a question came in today about whether there is a parking compliance issue with that request. He said that the matter was reviewed today by the building commissioner and town planner and that since the retail space remains unchanged, there are no parking issues. He said it was considered a re-allocation of existing retail space, so there is no additional parking required.

Chair Taylor read out the Licenses and Administrative Orders. The 2023 License Renewals are as listed.

Mr. Zylinski held "Licenses, b." He asked Mr. Johnson-Staub if the license is transferable. Mr. Johnson-Staub said he believed so but was not sure. Mr. Zylinski said he was not voting until he got an answer to his question. Mr. Brown commented that he was surprised that it was a by-right use, but it is a marina front. Mr. Patterson said it was part of their business.

1. Licenses

- a. Application for three Special One-Day All Alcohol Liquor Licenses - Falmouth Theatre Guild - Highfield Theater, 58 Highfield Drive, Falmouth – 4/28 – 4/30, 5/5 – 5/7, 5/12 – 5/14/23
- b. Application for a Class I License to Buy and Sell New and Second Hand Motor Vehicles – Flying Bridge Marina, LLC d/b/a Flying Bridge Marina to be exercised at 250 Scranton Avenue, Falmouth
- c. Application for a Special One-Day Wine & Malt Beverages License – Noreen Cavanaugh – Unitarian Universalist Church of Falmouth, 840 Sandwich Road, East Falmouth – Saturday, 4/15/23

2. Administrative Orders
 - a. Approve administrative Change of Address of an All Alcoholic Beverages Common Victualler License – DJ's Holdings, Inc. d/b/a DJ's Family Sports Pub, located at 870 Main Street, Unit A, Falmouth

3. License Renewals – 2023 Seasonal/Annual
SEASONAL ALL ALCOHOL CLUB
 Seacoast Shores Assn., 7 Farview Lane

The Woods Hole Wharf, 71 Water Street

SEASONAL COMMON VICTUALLER
 Eulinda's, 634 West Falmouth Highway
 Village Café of West Falmouth, 634 West Falmouth Hwy.

ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Avenue
 Landfall Restaurant, 2 Luscombe Avenue
 Pier 37 Boathouse, 88 Scranton Avenue
 Shuckers, 91A Water Street
 The Woods Hole Wharf, 71 Water Street

SEASONAL ALL ALCOHOL COMMON VICTUALLER
 Falmouth Raw Bar, 56 Scranton Avenue
 Landfall Restaurant, 2 Luscombe Avenue
 Pier 37 Boathouse, 88 Scranton Avenue
 Shuckers, 91A Water Street

SUNDAY ENTERTAINMENT

Falmouth Raw Bar, 56 Scranton Avenue
 Landfall Restaurant, 2 Luscombe Avenue
 Pier 37 Boathouse, 88 Scranton Avenue
 Shuckers, 91A Water Street
 The Woods Hole Wharf, 71 Water Street

Chair Taylor: To ask the Board to move the consent agenda except for “b” which we will vote separately.
Vote: Yes – 5 No – 0

Chair Taylor: We will vote “b” separately for the application for a Class I License to Buy and Sell New and Second Hand Motor Vehicles – Flying Bridge Marina, LLC d/b/a Flying Bridge Marina to be exercised at 250 Scranton Avenue, Falmouth

Ms. Scott Price asked what Mr. Zylinski’s concerns were. First, he said, the terminology in the request uses “motor vehicles” and not “marine vehicles.” Second, he wants to know if the license is transferable to another location in common ownership. Mr. Johnson-Staub said that the correct statutory language for the license is “motor vehicles,” but there was general agreement on the Board that there was ambiguity surrounding the issue. Mr. Johnson-Staub said they could seek a commitment that the license is limited to boats and that it is location specific.

Motion by Mr. Brown: To hold “b” until there is further information from the Town Manager
Second: Mr. Zylinski **Vote:** Yes – 5 No – 0

Chair Taylor said that the Board would take the “Town Manager’s Supplemental Report” and the “Minutes” out of order, followed by BUSINESS.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported that he has appointed all but one of the police chief citizens advisory panel members, whose work will supplement the consultant’s work. He said a full-day assessment center would occur on Saturday, April 15. On Friday, April 14, the citizens panels will interview the 4 or 5 finalists for the police chief position.

There are 3 panels, each one having one staff member. Members are as follows:

Panel #1 – Susie Hauptmann, Human Resources Director
 Michael Kasparian, Chamber of Commerce Ex Director

Panel #2 - Henry St Germaine – School DEI officer
 Nan Logan – gun safety activist
 Lynn Rhodes – CC NAACP

Panel #3 - Peter McConarty – DPW Director
 Peggy Zuplatt – Town Meeting member, East Falmouth
 Amy Lenardi – Town Meeting member, Hatchville

Next, Mr. Johnson-Staub updated the Board on the issue of the Select Board agendas being posted in the Falmouth Enterprise. He said the office sends the agenda to the Enterprise for publication on the Wednesday before the Monday meeting, which is at no cost. The Enterprise editor explained that sometimes the timing is challenging with the Friday publication. Also, news content sometimes requires the space. He said that the open meeting law does not mandate posting in a local news outlet. Mr. Johnson-Staub said that residents can get the agendas on the Town's website and can also sign up for notifications by going to the home page and clicking on Alerts and then Notify Me.

Last, upcoming meetings: Town Meeting April 10 – Select Board will meet at 6:30 and then at 9:00 for a vote to place the override on the ballot consistent with the vote if the dollar amount changes. He said this will be coordinated with the moderator. Future Select Board meetings are 4/24, 5/1, and 5/22.

Mr. Zylinski asked for clarification on the issue of the agenda appearing in the Enterprise. He said there are many people in Town who are not computer savvy and rely on the agenda being in the paper. Mr. Johnson-Staub said the office always sends the agenda to the Enterprise, but that we can't control what the Enterprise does. He said the Town does not pay for this service and never has. Mr. Zylinski asked, if it's a matter of money, if we paid for it, would it get printed? Chair Taylor said that she and Mr. Johnson-Staub have discussed this issue before, acknowledging that some people in Town depend on it. Due to the Enterprise's issue of news space and not committing to the publishing of the agenda, she said she would like to cost it out with the Enterprise. Mr. Brown said that paying for dedicated space in the paper might be the next step. Mr. Johnson-Staub said that the cost per meeting would be approximately \$400-\$700 but said that was based upon the price of legal ads and was not a quote. He said he would price it out and get a formal quote, also considering where it would appear in the paper.

Review and Vote to Approve Minutes of Meetings
a. Public Session – September 12, 2022

Motion by Mr. Patterson: To approve Second: Ms. Scott Price Vote: Yes – 5 No - 0

BUSINESS

Application to Mass Housing for project eligibility - Acapesket Gardens, located at 0 Acapesket Road and 0 Old Bayberry Lane, East Falmouth

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet. The purpose was to seek Board input for the draft letter.

Board comment included a question on whether it could be considered a Local Initiative Project (It could be but that's not how it's applied for.), and the issue of denitrification septic systems for the project, which would increase the subsidy, Mr. Johnson-Staub said. He said FAHF funding has not been used for denitrification. Mr. Patterson said that the issue would have to be considered in terms of these few housing projects being compared with all the septic systems throughout Town.

There was general Board support of the application, Mr. Brown saying he was glad to see that all the units are rentals and affordable.

Application for a Change of Manager of an All Alcohol Common Victualler License – Town Hall Partners, LLC d/b/a Timber, located at 23 Town Hall Square, Falmouth

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Attorney Klauer, representing the applicant, introduced Edmund Reid, the new general manager of Timber. Mr. Reid said he is looking forward to working with the community. He said this would be his only management responsibility at this time.

Motion by Ms. Scott Price: To approve Second: Mr. Patterson Vote: Yes – 5 No - 0

Mr. Brown made a statement underscoring the responsibility that accompanies the manager's position regarding alcohol and who consumes it, which he attributed to Doug Jones, a former selectman.

Sustainability Coordinator job description

Mr. Johnson-Staub said the next two items were on the agenda in response to some concerns from advocates who had brought the job descriptions forward. Next, he orally reviewed the item referring to *The Town Manager's*

Preliminary Report for April 3, 2023, dated March 31, 2023, in the meeting packet, which gives a brief history of the issue. He said he was seeking the Board's input.

Input by the Board included these points:

- A job description is normally written by the town manager, even though this job was started at Town Meeting, so there might be a question of overstepping purview here.
- An idea to include might be to work to assure that the cost of energy to citizens is manageable.
- There are fine points to classifying the job properly: manager vs. coordinator, for example.
- There is a possibility that the job will grow in scope and that might create problems for the person hired for the original position.
- Future changes might require Town Meeting action and salary changes.
- The coordinator title now seems appropriate.

Public comment:

Judy Fenwick – credited the parties who made the sustainability position a reality – suggested expanding the focus to include more than energy conservation – suggested changing the energy committee's name to Sustainability and Energy Committee and expand the members from 5 to 7 – said to consult the organizational chart for the Town's governance structure and move toward creating a community development department where this committee and position would belong.

Lynn Chad on behalf of petitioners for article for sustainability director and member of beach committee – suggested starting at a level higher than coordinator – suggested increasing emphasis on coastal resiliency and plans for addressing it.

Dr. Ling – said she put her ideas in an email earlier – said the position should have broad responsibilities and functions – higher level would reflect the importance of the responsibilities – person should be tasked with expanding the sustainability position into what is appropriate given the complexity of the issue – please consider upgrading the position to attract and retain the right person.

Mr. Brown said the Board understands the huge task inherent in the position, and for this reason, favors folding the sustainability person into the 2024 budget, then working in coastal resiliency in the 2025 budget. He said the designation of coordinator is appropriate at this time, allowing adaptations in the positions to occur as needed. Mr. Patterson raised the issue of the difficulty and density of MA regulations regarding coastal and conservation issues, and said he supports keeping that element out of the description at this time.

The Board confirmed that Mr. Johnson-Staub had consensus support on the existing title and scope of the job description.

Diversity, Equity and Inclusion Officer job description

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet which gives a brief history of the issue. He also explained the rationale behind the ways in which he had narrowed the scope of the position as outlined in the preliminary report.

Mr. Brown asked if it were possible to include a way the public could find resources available to them through this position without adding too big a burden. Ms. Scott Price commented on past concerns regarding the legal authority of the position when dealing with community members and how the focus of the job description has changed.

Ms. Kapp – (reading from a lengthy statement containing the history of the issue for the past several years and current requests) - disagreed that there had been sufficient input or interaction in forming the job description – asked the Select Board to reinstate the DEI officer function as detailed in the original job description – said the position was for the community and schools, not Town employees, boards, and committees – disagreed with the change in focus – said the original detailed resident interactions with the DEI officer functioning as an advocate and serving as a liaison – said the new version removes residents and impacted groups with a new focus on Town personnel – said the community as a whole does not have direct access to DEI officer – said there was no team review or feedback provided – said it seems that the community as a whole has yet to be adequately notified of significant changes - asked the Select Board to reconsider accepting this significant change and restore transparency, community engagement, and communication features to produce a new version before implementing the 3/6 changes – said she seeks direct access and asked the Select Board to restore interaction between residents and the DEI officer.

Sandra Faiman-Silva, Precinct 2 – said the original article gained strong Town support – said she is very disappointed in what is going on this evening – said the Select Board should be working with the Town Manager in producing the job description – said the job has totally lost the vision and content that was described and passed at Town Meeting and now focuses on 350 people at Town Hall instead of the Falmouth community of 30,000 – said she sent an edited version of the job description to the Select Board (then detailed several changes she proposed in content and wording) – asked to put community engagement back into the job description and to pay attention to what Town Meeting passed – said she wished someone, such as the consultant, had contacted her for input – said that militancy against tolerance and acceptance must be addressed.

Mr. Brown asked Mr. Johnson-Staub what he thought about the proposed language changes. Mr. Johnson-Staub acknowledged he could have engaged better with the writers of the original job description. He said he met with Ms. Faiman-Silva and one other in his office to talk about it – (brief inaudible comment from audience member). He said the job description had changed from its original version and that he would return to that version if the Board wished, although he had concerns about potential difficulty in attracting qualified candidates and difficulties related to adjudicating conflict in the broader community.

What followed was a thorough Board discussion with Mr. Johnson-Staub of the job description, including but not limited to comments below:

- One community had a bad experience with the broader job description and had to narrow the description.
- There are two visions of the job: community organizer/activist and doing structural strategic work
- The person in the position can, in time, tell the Board what works and how to strengthen the system and perhaps change the way we do things.
- Combining the two versions into one isn't going to be successful.
- We want language that incorporates flexibility and doesn't mandate what to do next.
- Some of the community engagement can be identified as a goal instead of listed in the job description.
- The person could not be expected to organize and host community events or handle grievances, but could help institute systems where these things could happen.
- We could make a couple of key changes in the language to help incorporate community engagement.
- Why don't we improve the community involvement part of the process and engage portions of the community who are underrepresented?
- I disagree that further public input is needed on the job description.
- We already have a lot of feedback. We have to decide how far the person can be stretched.
- Was there an exit interview with the person who left? Why did the person leave?

Public comment:

Sandra Faiman-Silva – asked about the role Town government plays in raising peoples' consciousness. – said it's appropriate for the Town to host workshops, and that it must deal with problems in our communities.

Continued Board discussion reviewed ideas mentioned. Mr. Johnson-Staub said he could add community education to the job description, but noted there is a difference between that and adjudicating. (inaudible comment from the audience) The Board moved toward agreement that language changes could be added to the description, and then discussed how best to do that given the Town Meeting deadline and what was allowable on Town Meeting floor. They said they could amend a job description after Town Meeting as long as it didn't change the classification and salary of the job. The Board agreed that the language changes and feedback obtained would be incorporated by Mr. Johnson-Staub and the revised description posted on the website.

[Approve request from ArtsFalmouth, Inc. for a waiver/reduction of the special event permit fee for the Arts Alive Festival on the Library Lawn, Peg Noonan Park and Shore Street Extension on Friday, 6/16, Saturday, 6/17 and Sunday, 6/18/23](#)

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Mr. Brown raised issue of the number of fee waiver requests that have come in. Ms. Scott Price asked if data could be obtained on how many waiver requests there are compared with total permits, and which are non-profits.

Motion by Ms. Scott Price: To approve Second: Mr. Patterson Vote: Yes – 5 No – 0

Approve request from John Wesley United Methodist Church for a waiver/reduction of the special event permit fee for Sunday Worship Services at Surf Drive Beach from 7/2/23 – 9/3/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Motion by Mr. Patterson: To approve Second: Mr. Zylinski Vote: Yes – 5 No - 0

Request for variance to Sign Code – §184-30 (C) Special Events: John Wesley United Methodist Church, 270 Gifford Street

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Motion by Mr. Patterson: To approve Second: Mr. Zylinski Vote: Yes – 5 No - 0

Approve request from Falmouth Art Market and Falmouth Cultural Council for a waiver/reduction of the special event permit fee for the Falmouth Art Market at Marina Park on Tuesdays from 6/27/23 – 8/29/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Motion by Mr. Patterson: To approve Second: Ms. Scott Price Vote: Yes – 5 No - 0

Approve request from Dawna Hammers for a waiver/reduction of the special event permit fee for the Earth Day Concert at the Bandshell/Marina Park on Saturday, 4/22/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Dawna Hammers was present and passed out material to the Board. She explained her need for the waiver and requested the full, not partial, waiver.

Motion by Ms. Scott Price: To approve Second: Mr. Zylinski Vote: Yes – 5 No - 0

Request for variance to Sign Code – §184-32 Off-Premise Signs: Buzzards Bay Coalition – Buzzards Bay Watershed Ride on Saturday, 10/1/23

Mr. Johnson-Staub orally reviewed the item referring to *The Town Manager's Preliminary Report for April 3, 2023*, dated March 31, 2023, in the meeting packet.

Motion by Mr. Patterson: To approve Second: Ms. Scott Price Vote: Yes – 5 No - 0

Chair Taylor called for a 5-minute break.

Vote to appoint Town Manager

Chair Taylor began by reading remarks, including a summary of the selection process. She noted that the consultant said he contacted 39 women managers, assistants, and municipal professionals, which was down from 50, the number he had originally used. She said written feedback and emails from the community had been received during the process. She also listed the various qualifications the Board was looking for in a candidate. She said the discussion would be among Board members, and that at the conclusion of the discussion, she would ask members to identify their first and runner up candidates.

What followed was an extended discussion lasting approximately 1 hour and 15 minutes. It began with each Board member speaking, individually reviewing what he/she had done to prepare to arrive at a decision. Discussion evolved from general comment on the process into support for one candidate over another.

Below are representative comments from the first portion of the discussion:

Mr. Patterson:

(Passed out a document to members on organizational effectiveness, including his findings.)

- From my work in organizational management, there is a difference between talking the talk and walking the walk.
- The focus should be on what the organization needs and how to achieve goals.
- Should consider the number of times there is a job change because rapid change affects the ability to form relationships, which takes a longer period of time, as well as affects the management of people.

Ms. Scott Price:

- Reviewed emails and communication for general themes in what the Town seeks in a town manager.
- Asked questions in the individual interviews of each candidate, such as how he demonstrated a commitment to DEI in a former role, how he would work with volunteers and committees, how he would envision supporting the Select Board, and how he would build trust and camaraderie.
- Regarding my questions about finance, one person in Colorado said that Mr. Renshaw was not involved due to structural systems but thought that after one and a half years, Mr. Renshaw had not fully grasped the nuances of Colorado law.
- In Georgia, Mr. Renshaw played a huge part in the leadership and development of all staff.
- In Yarmouth, Mr. Johnson-Staub was thought of as the “go-to” person on all matters regarding budget and warrant articles, and that he had a deep knowledge on an array of subjects.

Mr. Zylinski:

- I was very frank with each candidate about the basic function of the Town.
- Tried to lead them into telling me how they interacted with the Town.
- When I followed up on my assignment, everyone had good reports, but there are different levels of good.
- People in the South were very willing to talk to me.
- People in Douglas had glowing reports about Mr. Wojcik.
- Police chief in Yarmouth had very nice things to say about Mr. Johnson-Staub; did not talk to local police chief due to on-going issues with the department, and I didn't want to complicate that.
- Received very positive comments about one candidate and his performance, but all candidates were very good.

Mr. Brown:

- From interviews with 3 DPW directors, no negativity, all positive remarks.
- In Georgia, one comment was about how the person had changed his methods as a result of working with Mr. Renshaw.
- In Douglas, very enthusiastic about Mr. Wojcik.
- Mr. McConarty was very encouraged about the future and working with Mr. Johnson-Staub.
- I used personal interviews to get to know candidates better on a personal level and see how they would do business here in Falmouth.
- Job change affects the ability to effectively assess the effectiveness of programs.
- Good references are not unusual when dealing with movement in municipal government employment and must be viewed cautiously.

Chair Taylor

- Used individual interviews to dig into leadership/management styles.
- Regarding schools in Yarmouth, Mr. Johnson-Staub was responsible and available, and any differences didn't affect relationships.
- In Georgia, Mr. Renshaw didn't work with schools, but a member of a board who worked with Mr. Renshaw as county manager found him helpful, knowledgeable, and pleasant. There had been 4 county managers in 4 years.
- In Douglas, Mr. Wojcik held the purse strings, balanced the needs of all staff, was found to be bright, intelligent, articulate, and understood finance and politics.
- Regarding schools in Douglas, Mr. Wojcik restructured the teachers' contract for a higher raise.
- Nothing negative emerged from research.

At this point, the issue of rapid job change of one candidate became a discussion point. Mr. Brown suggested that good references in municipal employment are not unusual and should be viewed with caution. Mr. Zylinski asked for evidence behind that comment. Mr. Brown said not particularly in this situation, more that the practice was generally accepted as common courtesy. Ms. Scott Price said she had asked about the job change during her individual interview and said that the most recent change with one candidate was one that she understood and could empathize with. Mr. Brown again said that he was not referring to a specific reason, only that it is a practice to be aware of.

Working backwards from third to first, Ms. Scott Price complimented Mr. Wojcik, but said that scaling up to manage a town the size of Falmouth would be a challenge. She said she was also concerned about the loss of institutional knowledge that has been occurring in Falmouth. She said Mr. Wojcik was her third choice. Mr. Zylinski agreed.

Mr. Brown said Mr. Wojcik was his second choice largely due to his enthusiasm. Mr. Renshaw was his third choice. The job changes are concerning, he said, and although he is likeable and professional, not a good fit for Falmouth. The learning curve would be steep, he said, and questioned Mr. Renshaw's approach to break things down and re-structure. Chair Taylor said that she didn't see Mr. Renshaw as wanting to change everything so much as wanting to see how everything works, how the system is set up, learn how it works, and how things might be made to work better. Mr. Brown then said he sees Mr. Johnson-Staub as his first choice; he is absolutely prepared for the job and has earned it.

Approximately 35 minutes into the general discussion, the Board began to focus on two candidates, Mr. Johnson-Staub and Mr. Renshaw, weighing pros and cons of each. Remarks became, at times, pointed. Salient features from this portion of the discussion appear below:

Mr. Brown began with strengths for Mr. Johnson-Staub and why he is a good person for the job, pointing out his experience in Falmouth for 6 years, budget knowledge, workshops and planning sessions, and fire dept. issue among other things. He said he would be happy to work with him. Mr. Zylinski asked if Mr. Brown didn't sense a disconnect between Mr. Johnson-Staub and the community. When Mr. Brown said no, Mr. Zylinski pressed the point, saying he has talked with a lot of people who are dissatisfied with the way things are. He went on to praise Mr. Renshaw as collaborative, creative, excelling at his leadership program, having history with veterans' rights, experience as a police officer, and community involvement in a Southern state. He said he does not view job change as a negative; rather, he has continuously climbed the ladder. Mr. Zylinski went on to say the same people in Falmouth make decisions for the Town, but what about the rest of the community? He said he doesn't want business as usual, which was Mr. Johnson-Staub's answer to what he would do on Day One.

Chair Taylor, referring to Mr. Patterson's earlier remark about "talking the talk," said she didn't see things that way. She saw Mr. Renshaw engage the community during the meet-and-greet. She said she is looking for someone who can inspire. She said she is not hearing the same positive comments about how Town Hall is functioning that Mr. Brown is hearing. She said she is looking for someone who can manage and lead.

Mr. Patterson said that Falmouth is a unique community regarding issues it faces compared with the experiences of the other two candidates. He said people he respects support Mr. Johnson-Staub. Regarding leadership, he said Mr. Johnson-Staub shows it when he asks questions others wouldn't think of. Mr. Zylinski then said he didn't need a lecture on what leadership looks like. Mr. Patterson took issue with that characterization of his comments.

Next, Ms. Scott Price shared her observations about both remaining candidates, positive and negative. First, she said she thought Mr. Renshaw could do the job but was concerned about the steep learning curve. Next, after highlighting pros and cons, said that in weighing the two candidates, she said it seems to be about what is important now vs. what is important in the next 5 years. Mr. Zylinski focused on committees and Town Counsel, and how valuable they would be in bringing a new person up to speed. He said good leadership is about delegating and not doing everything yourself. Chair Taylor said that Mr. Renshaw was very interested in the 30+ committees in Town and saw them as an opportunity for community engagement.

The final portion of the Board's discussion focused on individual Board member's advocacy for either Mr. Johnson-Staub or Mr. Renshaw. Comment continuously went back and forth and included the following topics:

- How the public was perceiving the performance of Mr. Johnson-Staub
- How to regard job change
- What good leadership is and who could best demonstrate it
- That there is a risk to bringing a new person on board now
- The importance of exit interviews and Mr. Johnson's handling of them, and if he was even asked to conduct them
- What the Town needs and who is best suited to provide it
- Performances of candidates during the various interviews
- Agreement that either candidate can do the job but disagreement over who would make the better choice
- Agreement over the importance of communication skills but disagreement over who possesses them
- That a decision should not be made over whether someone would leave as a result of it

Final comments made by Board members appear below:

Ms. Scott Price said that Mr. Renshaw could come to Falmouth to do the job but that the learning curve concerned her and wondered how long it would take to come up to speed. She said the lack of institutional knowledge “genuinely concerns me.” With Mr. Johnson-Staub, the expressed concerns are manageable.

Mr. Zylinski said that Mr. Johnson-Staub does a lot of things well but not everything. Some of that is instinctive in leadership, he said, and that he recognizes leadership when he sees it. He said if you can motivate and communicate with people, you can do great things.

Mr. Patterson said what he admired is Mr. Johnson-Staub’s communication skills, evidenced by the nuance and understanding contained in the memos he writes. The skill, he said, is also contained in his presentations, which are very direct and informative. He also later said that he was impressed by Mr. Johnson-Staub’s ability to do the job of multiple people.

Chair Taylor said that she thinks Mr. Johnson-Staub is great, that she has enjoyed working with him and he has done a really nice job, but she thinks the Town can go a step higher, and that Mr. Renshaw is the person. She said she has never felt like she needs to make a decision based upon someone else’s potential decision. She said the organization will continue, even allowing for more time to come up to speed. She said she thinks Mr. Renshaw is the one.

Mr. Brown said over the years of knowing Mr. Johnson-Staub, that when someone points out a mistake or an error of judgment, he is always willing to revisit it, think carefully, and change course and correct it. He also said he thinks passing Mr. Johnson-Staub over “hurts us as a Board.” He said Mr. Johnson-Staub has shown he can do the job and has earned the respect and the position, and he thinks it would be detrimental to the Board going forward to overlook this gentleman who has done so well for the Town.

At this point, Mr. Johnson-Staub entered the meeting room. After requesting to address the Board, he said he would like to help them with their situation.

Mr. Johnson-Staub: “I don’t want to accept the position without the support of two of your members. I’ve seen a 3/2 vote tear a community apart and I would like to withdraw my candidacy at this time.” He then left the meeting room.

Chair Taylor commented that this was unfortunate because the Board hadn’t voted. After up to a minute of silence, Chair Taylor asked, “What is the preference of the Board?”

**Mr. Zylinski: Madame Chair, I make the motion to appoint Mike Renshaw to the position of Town Manager
Second: Ms. Scott Price**

Roll call vote:

Brown: I guess it’s “Brown – Aye” because we just lost our town manager

Patterson: No

Scott Price: Aye

Taylor: Aye

Zylinski: Aye

Motion by Mr. Patterson: To adjourn. Second: Mr. Zylinski. Vote: Yes – 5. No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary