

OPEN SESSION

BUSINESS

3. Acting as Trustees of the Falmouth Affordable Housing Fund, vote to grant \$177,293.96 to Megansett Crossing, LLC to supplement funding for 10 affordable deed restricted rental units at Megansett Crossing **(10 minutes)**

Recommended Motion:

"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund, grant \$177,293.96 to Megansett Crossing, LLC to supplement funding for 10 affordable deed restricted rental units at Megansett Crossing and authorize the Interim Town Manager to execute a commitment letter and grant agreement setting forth the terms of the financial award to Megansett Crossing, LLC."



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

TO: Select Board
FROM: Peter Johnson-Staub, Interim Town Manager
SUBJECT: Michael Galasso – Megansett Crossing
Supplemental Request to Falmouth Affordable Housing Fund (FAHF)
DATE: May 16, 2023
CC: Kimberly Fish, Housing Coordinator

The FAHF received an application from Michael Galasso requesting supplementary funding in the amount of \$177,293.96 for Megansett Crossing, 676 North Falmouth Highway.

This request is in addition to the amount authorized by the Select Board as Trustees of the Falmouth Affordable Housing Fund on November 19, 2018 in the amount of \$650,000 for the purpose of securing an affordable housing restriction in perpetuity on all 10 affordable units, consisting of 7 units at 80% AMI and 3 units at 100% AMI.

I received a favorable recommendation from the majority of the FAHF Working Group on April 5, 2023 with the following conditions:

- Receipt of DHCD's final report regarding the Cost Examination of Megansett Crossing, as described in the Regulatory and Use Agreement;
- Confirmation from DHCD that the profit limits for the project have not been exceeded;
- Confirmation from the certified report submitted to DHCD that the total project expenditures are consistent with the estimates submitted with this application for supplemental funding; and
- Receipt of invoices for work beyond Substantial Completion submitted as sited in "Falmouth Affordable Housing Fund Funding Request Cost Overrun" attached to the application (last page).

On May 11, 2023, the Community Preservation Committee voted to make a recommendation in support of supplemental funding subject to the conditions outlined above by the FAHF Working Group.

I recommend the Select Board support this application.

Recommended Motion:

"I move that the Board, acting as Trustees of the Falmouth Affordable Housing Fund, grant \$177,293.96 to Megansett Crossing, LLC to supplement funding for 10 affordable deed restricted rental units at Megansett Crossing and authorize the Interim Town Manager to execute a commitment letter and grant agreement setting forth the terms of the financial award to Megansett Crossing, LLC."

ATTACHMENTS:

- Application dated March 9, 2023
- Grant Agreement dated December 15, 2021
- CPC Recommendation Memo dated May 15, 2023

FALMOUTH AFFORDABLE HOUSING FUND

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

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

AFFORDABLE HOUSING FUND APPLICATION Calendar Year 2022

General Information

Project Name: Megansett Crossing

Project Location and Parcel ID#: 676 North Falmouth Highway // PIN: 02 06 003 005

Type of Project: 100% Affordable Housing at 80% and 100% AMI

Applicant(s) name/ Organization: Megansett Crossing LLC

Contact Person: Michael Galasso & Jacob Palmer

Mailing Address: 107 Lakeview Avenue, Falmouth, MA 02540

Telephone Number: (619) - 316 - 5985 // (508) - 776 - 2001

Email Address: mbgalasso@baronegalasso.com // jpalmer@thecapecompanies.com

Property Ownership

Legal Property Owner of Record: Megansett Crossing LLC

Is the owner the applicant? Yes

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

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

Development Team

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

See attached developer bios

Project Information

Describe the proposed project including:

Project Style: Townhome-Style Duplexes

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

Total Number of Units: 10

Number of Market Units: 0

Number of Affordable Units: 10

Proposed Sale Prices/Rents: _____

Proposed Condo Fees: _____

Number of BRs: 0

Number of BRs: 25

Market: _____

Market: _____

Affordable: \$1,783 - \$2,626

Affordable: _____

Proposed % of AMI target beneficiaries: 80-100% AMI

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

This project was designed to fulfill an unmet need for middle income earners in town. We received over 200 inquiries for the project and were 100% pre-leased before we received our Certificates of Occupancy. As of today the project is 100% leased and is largely occupied by single mothers who live and work in town with children who attend Falmouth Public Schools.

Site Information

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

The site is approximately 2 acres in North Falmouth off Route 28-A. The development matches the local characteristics of the neighborhood. There are no zoning, environmental, or regulatory requirements/constraints. The project has been entitled, permitted, and is largely completed.

Building:

Five duplex buildings, roughly 2600 square feet each.

Zoning:

ZBA-Approved 40-b

Health:

No concerns. Fully approved

Conservation:

No concerns. Fully approved

Infrastructure:

No concerns. Fully Approved

Total Project Cost: \$5,087,806.96

Amount of FAHF Request: Current Request -- \$177,293.96 Cumulative Request -- \$827,293.96

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

We have \$650,000.00 in funding already approved by the FAHF and \$1,360,513.00 from DHCD. We are requesting an additional \$177,293.96 to cover project overruns, additional ZBA requests, final landscaping features, & the amenity spaces

Project Feasibility

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

Community Outreach

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

We had several meetings with the surrounding neighborhood at North Falmouth Elementary School and gave a presentation to the North Falmouth Village Association.

Development Schedule

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

The townhomes are substantially complete. We will finish all landscaping, hardscaping, & amenity construction in the spring of this year.

List of Attachments

Developer Biographies, Development Budget, & FAHF Funding Request

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

Project Applicant Name: Michael Galasso Title: Manager of Megansett Crossing LLC

Applicant Signature:  Date: 3.9.23

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

ATTACHMENT B PROJECT SCHEDULE

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

Milestones (Month/Year):

- A. Project Start (Month/Year): February 2022
- B. Procurement Documents Submitted to FAHF (Month/Year): March 2023
- C. Project Construction/Professional Contract Submitted FAHF (Month/Year): December 2021
- D. Project/Construction Start (Month/Year): February 2022
- E. 50% Project Completion (Month/Year): August 2022
- F. 100% Project Completion (Month/Year): June 2023
- G. Close-Out Complete (Month/Year): June 2023

Comments:





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

MEMO

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

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

Cc: Russell Robbins, CPC Chair

Re: CPC Recommendation – FAHF Application – Megansett Crossing

Date: May 15, 2023

On Thursday, May 11, 2023, the Community Preservation Committee (CPC) voted to make a recommendation to the FAHF Trustees in support of supplemental funding for the Megansett Crossing affordable housing project in the amount of \$177,293.96, subject to the conditions outlined by the FAHF Working Group.

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

FALMOUTH AFFORDABLE HOUSING FUND
FALMOUTH, MASSACHUSETTS

GRANT AGREEMENT

THIS GRANT AGREEMENT (this "Agreement") is entered into on this 15th day of December, 2021 by and among the Falmouth Affordable Housing Fund having its usual place of business c/o Town Hall, 59 Town Hall Square, Falmouth, MA 02540 (the "FUND") and Megansett Crossing, LLC, a Massachusetts limited liability company having a usual place of business at 107 Lakeview Avenue, Falmouth, Massachusetts 02540 ("Megansett"), collectively the "Parties."

WHEREAS, Megansett intends to construct 10 units of moderate income (the "Project") on property located at 676 North Falmouth Highway, Falmouth, Barnstable County, Massachusetts (the "Property");

WHEREAS, on November 2, 2018, Megansett submitted a request to the FUND for funds in the amount of \$650,000 to assist in the construction of the Project on the Property;

WHEREAS, the FUND voted on November 19, 2018, to appropriate the sum of \$650,000 (the "Falmouth AHT Funds") to expend for the purpose of securing a perpetual affordable housing restriction approved by the Department of Housing and Community Development ("DHCD") in accordance with G.L. c. 184 Section 31 on 10 units of rental housing on the Property from Megansett;

NOW THEREFORE, the Parties hereby mutually agree to the following terms and conditions:

Agreement

1. Subject Matter: This Agreement sets forth the terms and conditions by which Megansett shall receive the Falmouth AHT Funds for the Project in the amount of \$650,000 solely for the Work for purposes of developing affordable housing on the Property.

2. The Work. The Work consists of the work in connection with Project and shall be disbursed in accordance with the deadlines and Project milestones set forth in Exhibit A attached hereto.

3. Commencement Date. The Work shall be commenced upon the effective date of any and all permits required for the construction of the project including the expiration of any and all appeals.

4. Disbursements of Falmouth AHT Funds.

Disbursements shall be made by the FUND in accordance with a requisition request submitted to it by Megansett in substantially the form attached hereto as Exhibit B. The FUND

hereby approves the first disbursement in the amount of \$50,000 to Megansett for preliminary expenses associated with engineering, testing, site clearing, construction of the driveway and installation of underground utilities. Subsequent requisition requests shall be submitted to the FUND for approval with approved payments to be made as directed within thirty (30) days of the submission.

5. Final Release. The final ten percent (10%) of the Falmouth AHT Funds shall not be disbursed until such time as Megansett gives notice to the FUND that the Project is substantially complete and provides to the FUND proof of the recording of a permanent affordable housing deed restriction running to the FUND as well as the following; (i) a certificate of substantial completion from Megansett's architect; (ii) copies of certificates of occupancy for all 10 units to be created by the Project; and (iii) other materials as required by Section 3.3(F) of that certain Loan Agreement of even date by and between Megansett and The Commonwealth of Massachusetts, acting by and through the Department of Housing and Community Development under the Affordable Housing Trust Fund Statute, M.G.L. c.121D, by the Massachusetts Housing Finance Agency, as administrator for itself and as agent for the FUND (the "MassDocs Loan Agreement").

6. Monitoring. Megansett agrees to monitor, on behalf of the FUND, the installation of all roadways, driveways, utilities and other infrastructure performed by Megansett to ensure that said installation is undertaken and completed in accordance with this Agreement. Such monitoring shall not be deemed to relieve Megansett from compliance with the review and approval requirements included in the Comprehensive Permit and by any other permits issued by the Town of Falmouth.

7. Recordkeeping. Megansett shall keep such records with respect to the utilization of the Falmouth AHT Funds as are kept in the normal course of business and such additional records as may be required by the FUND. These records shall be made available to the FUND upon request.

8. Binding Agreement. This Agreement is binding upon the parties hereto, their successors, assigns, and legal representatives.

9. Termination: In the event that Megansett fails to fulfill its obligations under the terms of this Agreement as determined by the FUND, the FUND shall have the right, in its sole discretion, to terminate this Agreement upon written notice to Megansett. Upon receipt of such notice, Megansett shall refund all undisbursed Falmouth AHT Funds to the FUND.

10. General Provisions: Megansett agrees to the following general provisions:

(a) Contact: The contact person responsible for administration of the Project for Megansett shall be Peter Johnson-Staub, or such other person designated in writing to the FUND by Megansett. The contact person for review of Megansett's submissions to the FUND shall be Peter Johnson-Staub, Assistant Town Manager, Town of Falmouth.

(b) Independent Status: Megansett acknowledges and agrees that it is acting in the capacity of an independent contractor, and shall not be considered an employee or agent of the FUND for any purpose.

(c) Mechanics Liens: Megansett shall not permit any mechanics' liens, or similar liens, to remain upon the Property for the Project for labor and material furnished to Megansett or claimed to have been furnished to Megansett in connection with work of any character performed or claimed to have been performed at the direction of Megansett, and Megansett shall cause any such lien to be released of record forthwith without cost to Megansett and/or the FUND.

(c) Compliance with Applicable Laws: Megansett shall comply with all applicable laws, ordinances or codes of federal, state and/or local governments, in performing any of the work covered under this Agreement, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, consents, and approvals required in connection with the use of the Property for the Project. Megansett shall indemnify and hold the FUND harmless for and against any and all fines, penalties or monetary liabilities incurred by the FUND as a result of the failure of Megansett to comply with the previous sentence, which obligation shall survive the expiration or termination of this Agreement.

(d) Notice: Any and all notices, or other communications required or permitted under this Agreement shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the Parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one Party to the other Party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

(e) Severability: If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both Parties would be substantially or materially prejudiced.

(f) Governing Law: This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, and Megansett submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

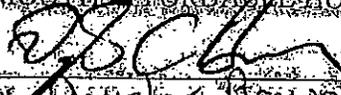
[Signature Page Attached]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day written above:

MRCATHE CROSSING, LLC

By: 
Name: Michael [Redacted]
Title: Manager

BALMOUTH AFFORDABLE HOUSING FUND

By: 
Name: Douglas Brown
Title: Chair, duly authorized

Approved as to Form:


Kathleen O'Donnell, Special Counsel
Date: 11/15/21

Approved as to Funding Availability:

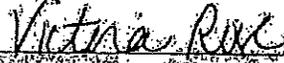

Victoria Rose, Town Accountant
Date: 11/15/21

EXHIBIT A

DESCRIPTION OF WORK AND DISBURSEMENT SCHEDULE

\$650,000

<u> </u> Design and permitting		\$ 50,000
<u> </u> Commencement of construction		\$ 90,000
<u> </u> Final driveway and landscaping		\$ 195,000
<u> </u> Substantial Completion		\$ 250,000
<u> </u> Certificates of Occupancy, Restriction, etc.	(10%)	\$ 65,000

EXHIBIT B

REQUISITION FORM

Requisition Certificate attached as Exhibit I to MassDocs Loan Agreement

EXHIBIT I: FORM OF REQUISITION CERTIFICATE

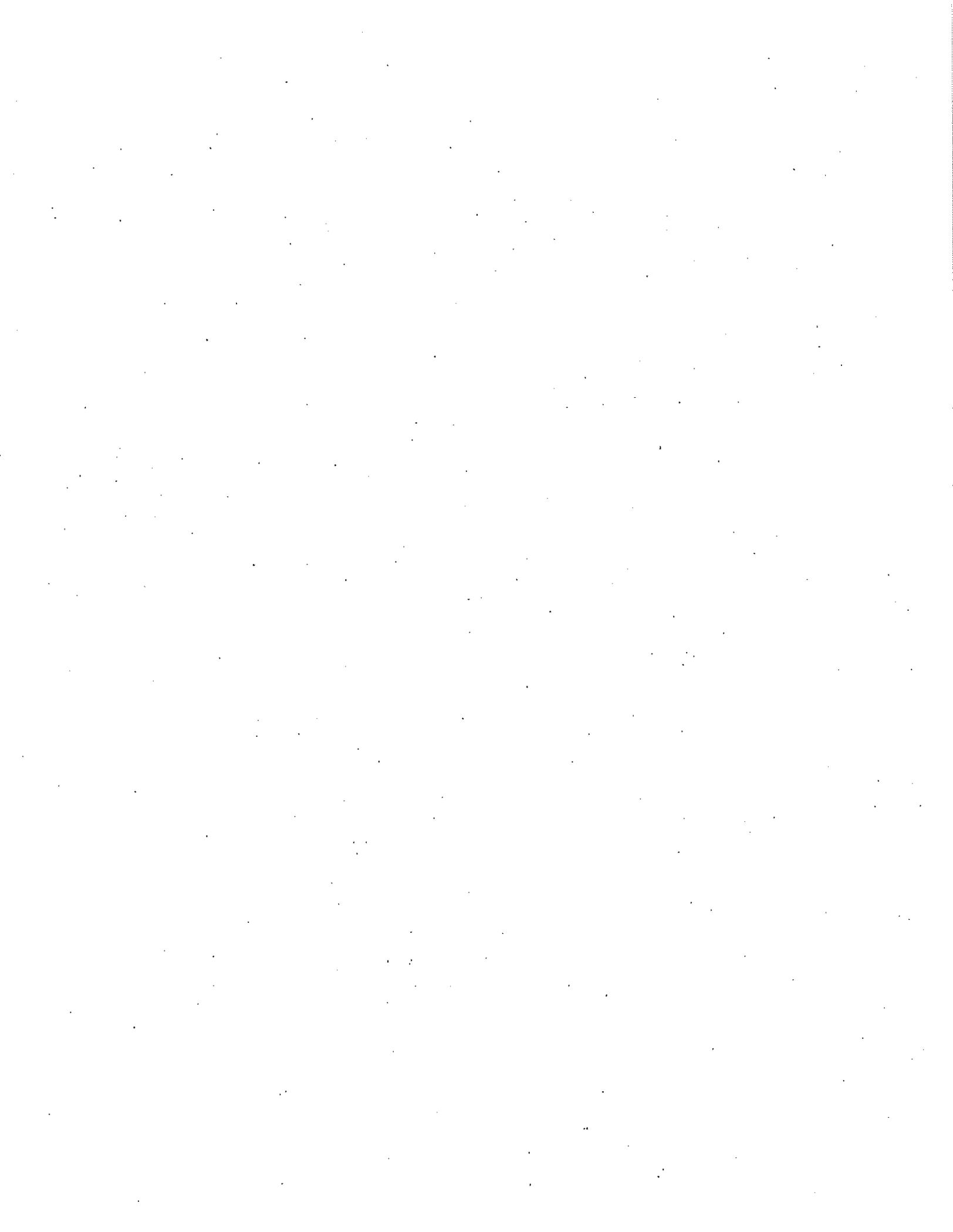
TO: The Commonwealth of Massachusetts acting by and through the Department of Housing and Community Development under the Affordable Housing Trust Fund Statute, M.G.L. c. 121D, by its administrator Massachusetts Housing Finance Agency; and Falmouth Affordable Housing Fund (the "Participating Lenders"))

FROM: Megansett Crossing, LLC (the "Borrower")

RE: 676 North Falmouth Highway, Falmouth, MA ("Project")

DATE: As of _____, 20__

1. The undersigned has requested Advance No. ____ in the amount of \$_____, and does hereby certify to the Participating Lenders as set forth below. All terms used herein, but not defined herein, shall have the meanings set forth in the Loan Agreement, as hereinafter defined.
2. The Borrower has satisfied in full all conditions precedent and other requirements applicable to this advance as set forth in the Loan Agreement dated as of December 22, 2021 by and between the Borrower and The Commonwealth of Massachusetts, acting by and through the Department of Housing and Community Development under the Affordable Housing Trust Fund Statute, M.G.L. c.121D, by the Massachusetts Housing Finance Agency, as administrator (the "Loan Agreement") on behalf of the Participating Lenders.
3. No changes have been made in any respect to the construction contract for the Project (the "Construction Contract") or the plans and specifications for the Project, except such as have had the Participating Lenders' prior approval, as may be required under the Loan Agreement, and the prior approval of the holder(s) of the Other Loans, as may be required under the documents relating to the Other Loans.
4. Construction of the Project has been and/or will be in every respect performed in accordance with the Construction Contract and the plans and specifications and any such approved changes and in compliance with all applicable building and zoning codes.
5. The proceeds of the Loan to be advanced hereunder, together with the aggregate outstanding balance, if any, of the Loan, the Other Loans and/or any other funds available for the Project, as set forth in the Project Sources and Uses, remaining to be advanced, will provide sufficient funds for the completion of the Project in accordance with the Construction Contract and the plans and specifications;
6. All monies requisitioned by the Borrower and disbursed by the Participating Lenders under previously approved requisitions (if any) have been expended for the purposes for which they were requisitioned.
7. The representations and warranties made in the Loan Agreement are true, correct and complete as of the date hereof with the same effect as if made on this date.
8. The undersigned represents and warrants that it is not in default of any of its obligations under any of the Loan Documents, the Construction Contract, any of the documents relating to the Other Loan, or any of the Borrower's other organizational documents or any other agreement or instrument in connection with the Project, and no event has occurred, which,



with the giving of notice and/or the passing of time, or otherwise, would constitute a default under any one or more of the foregoing documents or other instruments.

BORROWER:

MEGANSETT CROSSING, LLC

By: _____

Michael Galasso

Its: Manager

Megansett Crossing
Fact Sheet

Owner/ Developer: Megansett Crossing, LLC
Managing Member Michael Galasso
Members Jacob Palmer
Matthew Alfonso

General Contractor: The Valle Group
Joseph and Christina Valle

Architect: Christopher (Kit) Wise

Civil Engineers: Holmes and McGrath, Inc.
Michael McGrath

Project Locations: 676 North Falmouth Highway
North Falmouth, MA

Current Use: 10 Townhouse Apartments

Project Description: Development of 10 affordable workforce housing apartments. Five two-bedroom and five three-bedroom apartments with attached garages. Three apartments at 80% AMI and seven at 100% AMI.

Project Amenities: Constructed to meet Energy Star for Homes requirements, 100% all electrical buildings with no fossil fuels and electric car charges in each tenants garage children's play area, community garden, transit / school bus stop shelter.

Financing: Eastern Bank Construction Loan converted to a Term Loan for 20 years fixed rate.
Town of Falmouth Affordable Housing Fund
DHCD/ Mass Housing
Owners/ Developer's Equity

Approvals: Approved 40 b from Mass Housing / DHCD and Falmouth ZBA

MEGANSETT CROSSING

10 TOWNHOUSE APARTMENTS

688 NORTH FALMOUTH HIGHWAY
N. FALMOUTH, MA 02556

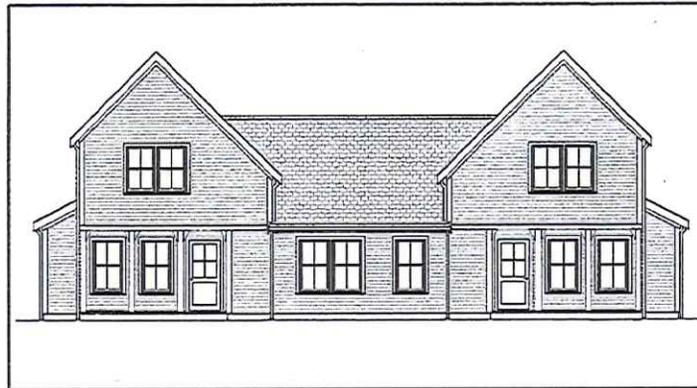
PROJECT DATA

ZONING

ZONING DISTRICT: RB	ZONING BYLAW REQUIREMENT	PROPOSED
FRONT YARD SETBACK	35'	35' (31' TO PUBLIC SIDEWALK)
SIDE AND REAR YARD SETBACK	10'	35'
LOT COVERAGE BY STRUCTURE	25%	17%
LOT COVERAGE BY STRUCTURE, PARKING AND PAVING	42%	41%
PARKING SPACES	24	25 (10 GARAGES)

BUILDINGS

EACH OF 5 BUILDINGS	UNIT NET SQ. FT.	BLD. FOOTPRINT W/ DECKS, GARAGES
2 UNITS/BLDG.		
(1) 2 BEDROOM	1,061 SF	2,604 SF
(1) 3 BEDROOM	1,312 SF	
TOTALS FOR 5 BUILDINGS		
10 UNITS	11,270 SF	13,220 SF
(5) 2 BEDROOM		
(5) 3 BEDROOM		



PROJECT TEAM

OWNER DEVELOPER: MEGANSETT CROSSING, LLC
267 MAIN ST.
FALMOUTH, MA 02540

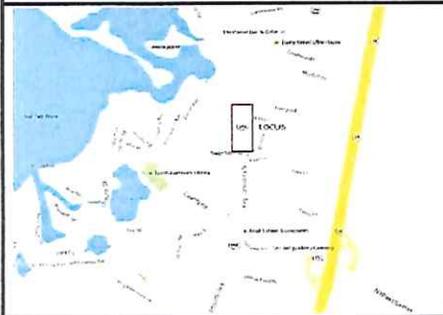
ARCHITECT: CHRISTOPHER T. (KIT) WISE
103 SUMMIT AVENUE
PROVIDENCE, RI 02906

LANDSCAPE ARCHITECT: LISA SWANSEY LANDSCAPE ARCHITECTURE
537 UPPER COUNTY ROAD
SOUTH DENNIS, MA 02580

CIVIL ENGINEER: HOLMES & McGRATH, INC.
205 WORCESTER COURT, SUITE 4
FALMOUTH, MA 02540

ENERGY CONSULTANT: DARTMOUTH RESIDENTIAL
ENERGY CONSULTING
P.O. BOX 80161
S. DARTMOUTH, MA 02748

LOCUS PLAN



SYMBOLS & ABBREVIATIONS

ABBREVIATIONS

A - AND	PT - PRESURE TREATED
B - AT	RD - ROUGH OPENING
C - CENTERLINE	SF - SQUARE FEET
T - TOLERANCE	SK - SINK
AD2 - ADJUSTABLE	T&G - TONGUE AND GROOVE
APP - APPLICATED FINISHED FLOOR	US - UNLESS OTHERWISE NOTED
ARM - ARM HARDWARE UNIT	US - UTILITY SINK
CB - CABINET	WC - WATER CLOSET
CON - CONCRETE MASONRY UNIT	
CONC - CONCRETE	
CT - CERAMIC TILE	
DWG - DRAWING	
EA - EACH	
EQ - EQUAL	
EW - EACH WAY	
FIN - FINISH	
FL - FLOOR	
GALV - GALVANIZED	
DWG - EXPOSED WALL BOARD	
HP - HOLE	
HVAC - HEATING, VENTILATING & COOLING	
LAV - LAVATORY	
MAX - MAXIMUM	
MIN - MINIMUM	
MO - MASONRY OPENING	
NET - NET AREA/SQ. FT.	
NOT IN CONTRACT	
NOT TO SCALE	
OC - OUTLET	

SYMBOLS

(B)	DETAIL NUMBER
(A-0)	DRAWING NUMBER
(E)	SECTION NUMBER
(A-1)	DRAWING NUMBER
(A-1)	DETAIL NUMBER, SAME DRAWING
(W)	WALL TYPE
(D)	DOOR NUMBER
(D)	DOOR NOMENCLATURE
(W)	WINDOW NUMBER

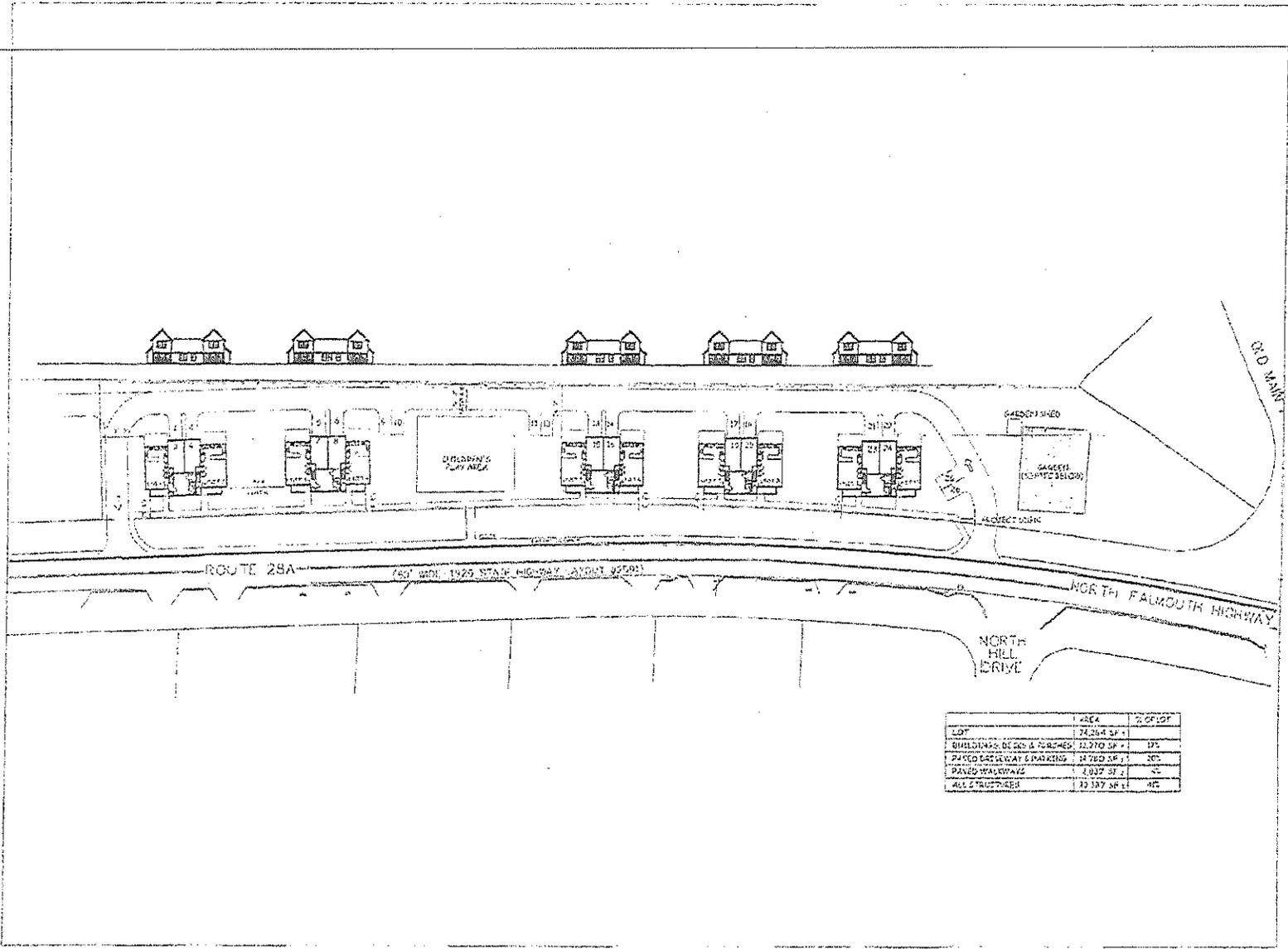
DETAIL LEGEND

[Pattern]	GYPSUM BOARD
[Pattern]	SHAW FOAM INSULATION
[Pattern]	PLASTER
[Pattern]	PAINT JOINT
[Pattern]	FINISH (VACUUM)
[Pattern]	SUPPERIOR WOOD TRIM
[Pattern]	LOW DENSITY POLYETHYLENE FLOOR
[Pattern]	PARTICLE BOARD
[Pattern]	CEILING
[Pattern]	ROOF INSULATION
[Pattern]	CONCRETE
[Pattern]	BATH TUB
[Pattern]	WYCKED STONE
[Pattern]	LEADING BOARD
[Pattern]	AREA OF OVERLAY
[Pattern]	BATT INSULATION
[Pattern]	ASPHALT ROOF MEMBRANE
[Pattern]	STONE FINISH

DRAWINGS

- 1 of 7 LAYOUT PLAN
 - 2 of 7 EXISTING CONDITIONS PLAN
 - 3 of 7 GRADING, DRAINAGE & UTILITIES PLAN
 - 4 of 7 SOIL DESCRIPTION SYSTEM DETAILS
 - 5 of 7 SEPTIC SYSTEM DETAILS
 - 6 of 7 DRAINAGE & PAVEMENT DETAILS
 - 7 of 7 WATER & SITE DETAILS
 - 1-2-D LANDSCAPE PLAN
 - 1-2-D LANDSCAPE DETAILS
 - A-01 FOUNDATION/BASEMENT PLAN
 - A-02 FIRST FLOOR PLAN
 - A-03 SECOND FLOOR PLAN
 - A-04 ROOF PLAN
 - A-05 FRONT & LEFT ELEVATIONS
 - A-06 REAR & RIGHT ELEVATIONS
 - A-07 (DELETED)
 - A-08 SECTIONS A, B, C, D
 - A-09 SECTION 5, FIRST FLOOR FRAMING PLAN
 - A-10 SECOND FLOOR FRAMING PLAN
 - A-11 ROOF FRAMING PLAN
 - A-12 WALL SECTIONS - 1
 - A-13 WALL SECTIONS - 2
 - A-14 SCHEDULES, INTERIOR DETAILS
 - A-15 MISCELLANEOUS DETAILS
 - A-16 GRADING NOTES
 - B-01 FIRST FLOOR ELECTRICAL
 - B-02 SECOND FLOOR ELECTRICAL
 - B-03 BASEMENT PLUMBING
 - B-04 FIRST FLOOR PLUMBING
 - B-05 SECOND FLOOR PLUMBING
- HVAC drawings and specifications are provided separately

VE SET - FEB. 5, 2021



	AREA	% OF LOT
LOT	34,264 SF ±	
BUILDINGS, DECKS & PORCHES	11,270 SF ±	33%
PAVED DRIVEWAY & PARKING	14,780 SF ±	43%
PAVED WALKWAYS	1,037 SF ±	3%
ALL STRUCTURES	17,087 SF ±	49%

ALL DIMENSIONS SHOWN
 ARE APPROXIMATE
 AND SHOULD BE
 VERIFIED BY THE
 APPLICANT
 BEFORE CONSTRUCTION

SHEET PLAN
 NO. 1
 OF 1

L-1









OPEN SESSION

BUSINESS

4. Authorize update to the non-union wage plan for Technical Administrative and Management employees **(5 minutes)**

Wage Adjustment

**Technical Administrative Management (TAM)
Non-Union Positions**

TAM Composition

1. 53 Non-Union Positions
2. 13 Pay Grades
3. Includes some hourly, overtime eligible positions
4. Most positions salaried, not eligible for overtime
5. Includes: Department Heads, Assistant Department Heads, confidential administrative staff, IT positions

Compensation Survey

- 13 Communities Surveyed
- 40 Positions Surveyed out of 53
- Falmouth wage rates 12.7% below the 60th percentile target, average of all positions
- Falmouth and neighboring communities having difficulty filling some positions
 - Finance positions, Water Superintendent, Building Commissioner, Town Planner, Social Worker, IT Positions

Wage Proposal

- Increase wage rates by 15% effective July 1, 2023
- Increase differential between steps from 3% to 3.4%
- Most employees would receive between 4.5% and 6.3% increase including COLA for FY2024
- Cost is within budget
- Future Consideration
 - Evaluate individual job descriptions and pay grades, consider potential changes for FY2025
 - Consider changes to benefits for FY2025

Proposed Motion:

- Move to authorize the FY2024 Wage Rates for Technical Administrative and Management Employees as submitted

Town of Falmouth

Technical, Administrative, Management (TAM)

FY24 Proposed: FY23 Salary Table + Proposed Market Adjustment (15% Increase with 35% Spread) + 2% COLA

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
M-12	\$ 62.77	\$ 64.90	\$ 67.11	\$ 69.39	\$ 71.75	\$ 74.19	\$ 76.71	\$ 79.32	\$ 82.02	\$ 84.81
M-11	\$ 58.41	\$ 60.40	\$ 62.45	\$ 64.57	\$ 66.77	\$ 69.04	\$ 71.39	\$ 73.82	\$ 76.33	\$ 78.93
M-10A	\$ 53.59	\$ 55.41	\$ 57.29	\$ 59.24	\$ 61.25	\$ 63.33	\$ 65.48	\$ 67.71	\$ 70.01	\$ 72.39
M-10	\$ 50.80	\$ 52.53	\$ 54.32	\$ 56.17	\$ 58.08	\$ 60.05	\$ 62.09	\$ 64.20	\$ 66.38	\$ 68.64
M-09	\$ 47.24	\$ 48.85	\$ 50.51	\$ 52.23	\$ 54.01	\$ 55.85	\$ 57.75	\$ 59.71	\$ 61.74	\$ 63.84
M-08	\$ 42.30	\$ 43.74	\$ 45.23	\$ 46.77	\$ 48.36	\$ 50.00	\$ 51.70	\$ 53.46	\$ 55.28	\$ 57.16
M-07	\$ 40.89	\$ 42.28	\$ 43.72	\$ 45.21	\$ 46.75	\$ 48.34	\$ 49.98	\$ 51.68	\$ 53.44	\$ 55.26
M-06	\$ 38.96	\$ 40.28	\$ 41.65	\$ 43.07	\$ 44.53	\$ 46.04	\$ 47.61	\$ 49.23	\$ 50.90	\$ 52.63
M-05	\$ 37.13	\$ 38.39	\$ 39.70	\$ 41.05	\$ 42.45	\$ 43.89	\$ 45.38	\$ 46.92	\$ 48.52	\$ 50.17
M-04	\$ 32.28	\$ 33.38	\$ 34.51	\$ 35.68	\$ 36.89	\$ 38.14	\$ 39.44	\$ 40.78	\$ 42.17	\$ 43.60
M-03A	\$ 30.15	\$ 31.18	\$ 32.24	\$ 33.34	\$ 34.47	\$ 35.64	\$ 36.85	\$ 38.10	\$ 39.40	\$ 40.74
M-03	\$ 28.04	\$ 28.99	\$ 29.98	\$ 31.00	\$ 32.05	\$ 33.14	\$ 34.27	\$ 35.44	\$ 36.64	\$ 37.89
M-02	\$ 24.42	\$ 25.25	\$ 26.11	\$ 27.00	\$ 27.92	\$ 28.87	\$ 29.85	\$ 30.86	\$ 31.91	\$ 32.99
M-01	\$ 21.20	\$ 21.92	\$ 22.67	\$ 23.44	\$ 24.24	\$ 25.06	\$ 25.91	\$ 26.79	\$ 27.70	\$ 28.64

QUESTIONS?

OPEN SESSION

BUSINESS

5. Transportation Management Committee Recommendations
(10 minutes)



Transportation Management Committee Recommendations

Progress Report
Select Board Meeting – June 26, 2023

History

Committee reformed in 2019

- Focused on making improvements in downtown

Improving Access to Downtown Report – February 2021

- Approach included stakeholder interviews, a public survey, and the Transportation Master Plan for Route 28/Main St.
- Several recommendations (parking, signage, connectivity, information, deliveries, etc.)

Select Board Meeting – June 7, 2021

- Covered the detail of each recommendation
- ***Select Board supported 6 recommendations***

Recommendations Supported by Select Board

Improve Parking Management

- 1) Officially designate nearby parking lots. Formalize the use of school parking areas when school is not in session. With TMC facilitation, engage with churches and other private entities in an attempt to formalize parking agreements.
- 2) Direct the Town Manager to investigate incentives for employees to (voluntarily) use alternative transportation (CCRTA, ride sharing, bicycling and walking) or nearby/remote parking.

Recommendations Supported by Select Board

Improve Connectivity

- 3) Direct the DPW to begin design process for a crossing light at Katharine Lee Bates Rd. to enable safer access between SSBW and downtown. This process involves MassDOT and can be lengthy – all the more reason to get going now.
- 4) Direct the DPW to include separated bicycle lanes/multi-use path in any changes/improvements made to KLB Rd. or Main St. heading east.

Recommendations Supported by Select Board

Improve Information and Signage

- 5) Direct DPW to install “P” and other signage at and directing to downtown lots, with open hours is appropriate.
- 6) Begin public process, with input from TMC (and Sign Committee), to develop sign graphics, sizes, wording, for consistency and efficacy for different applications and audiences. Direct the IT department to develop a website with parking information consistent with report recommendations. Link to/supplement/greatly expand current Police Department web info.

Town Actions – *Improve Parking Management*

1) Officially designate nearby parking lots. Formalize the use of school parking areas when school is not in session. With TMC facilitation, engage with churches and other private entities in an attempt to formalize parking agreements.



Created a
Downtown
Parking Map

Town Actions – *Improve Connectivity*

- 3) Direct the DPW to begin design process for a crossing light at Katharine Lee Bates Rd. to enable safer access between SSBW and downtown. This process involves MassDOT and can be lengthy – all the more reason going now.
- 4) Direct the DPW to include separated bicycle lanes/multi-use path in any changes/improvements made to KLB Rd. or Main St. heading east.

GPI Greenman - Pedersen, Inc.
Engineering and Construction Services

Ref. MAX-2016118.15
June 1, 2022

Mr. James McLoughlin, P.E., Town Engineer
Department of Public Works Building
416 Gifford Street
Falmouth, MA 02540

SUBJECT: Task Order No. 15
Katharine Lee Bates Road Bike Path
Post Office Road to Palmer Avenue (Route 28)

Dear Mr. McLaughlin:

As requested, Greenman-Pedersen, Inc. (GPI) is pleased to submit this original and one (1) copy of our Scope of Services to be provided as set forth in detail under Section 1. When executed, this document will serve as a contract between the Town of Falmouth (Town) and GPI (Consultant) for the Consultant to complete the work outlined in the Scope of Services presented herein.

SECTION 1 – Scope of Services

As requested by the Town, GPI has prepared this Scope of Services to provide engineering design services for a proposed bike path along Katharine Lee Bates Road, from Post Office Road to Palmer Avenue (Route 28). The scope and fee for this Task Order have been developed based on future construction being advertised and funded by the Town of Falmouth. The construction is not anticipated to be funded through the MassDOT TIP program. Should TIP funding be required for construction, an amendment to this Task Order will be necessary to include additional design submissions and materials as required by MassDOT.

The following provides a brief overview of the general work anticipated under each task and notes any assumptions and/or exceptions.

Task 1 – Survey and Base Plan Development

GPI will perform an existing conditions and topographic field survey of Katharine Lee Bates Road from 50 feet beyond the intersection with Palmer Avenue (Route 28) to 75 feet beyond the intersection with Post Office Road, a distance of approximately 1,850 linear feet. The survey will include features 25 feet beyond the Right of Way of Katharine Lee Bates Road. The survey will also extend 50 feet along the intersecting Palmer Avenue (Route 28).

The following survey subtasks will be performed:

- **Survey Control:** Pairs of primary horizontal and vertical control will be established by GPI at the ends of Katharine Lee Bates Road via GPS observations referencing the MACORS RTK Network. All survey will be based upon MA State Plan Coordinates – Mainland Zone NAD83 and the vertical datum will reference NAVD88. GPI will then establish the main line traverse from the primary control and establish secondary control ensuring that there is adequate coverage for use in data acquisition and processing, and also for use during boundary retracements. Benchmarks will be set along the roadway for future reference during construction.

181 Ballardvale Street, Suite 202, Wilmington, MA 01887 Tel: (978) 570-2999 Fax: (978) 658-3044
www.gpinet.com
An Equal Opportunity Employer

Survey and design of projects are underway

Falmouth Complete Streets

Home Background What is a Prioritization Plan? Existing Conditions Public Suggestions Final Priorities Public Survey 2

Priority Projects Cape Cod Commission public engagement tool

Find address or place

This FINAL list of priority projects was developed based on project suggestions received during the public comment period in January 2021 and in January and February 2022. In consultation with Town of Falmouth staff and public feedback received, projects were prioritized based on criteria in the areas of safety, mobility access, ease of implementation, and project support.

A expanded project description and the project rank can be found by clicking on each project.

The priority list, in rank order, can be found by clicking on the bookmarks icon. The bookmarks can also be used to navigate to individual projects.

Bookmarks help navigate priority projects

Please provide your feedback on the draft priority projects by filling out the survey. Comments will be accepted through February 16, 2022.

For questions on this project, please contact Colleen Medeiros at colleen.medeiros@capecodcommission.org or 508-744-1226

Katherine Lee Bates shared use path (Rank: 1)
Convert existing sidewalk into a shared use path. Upgrade the Route 28 crossing with a RRPB. This will meet the limits of the recent Katharine Lee Bates sidewalk upgrade from Mullen Hall school.

Zoom to

Legend

Falmouth Complete Priorities

Falmouth Business Activity Sites

Falmouth Community Activity Sites

Shivericks Pond

Falmouth

MassGIS, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS

Town Actions – *Improve Information and Signage*

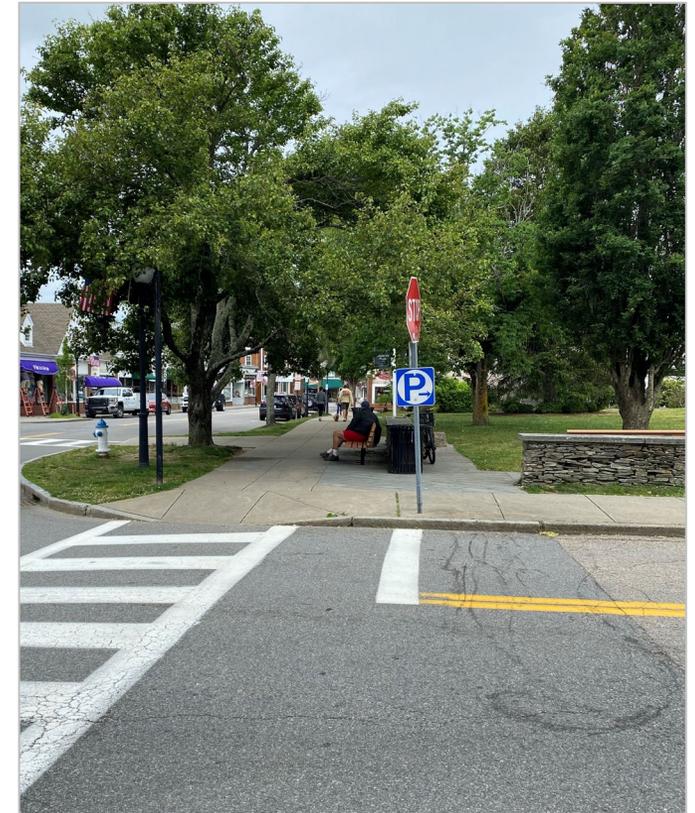
5) Direct DPW to install “P” and other signage at and directing to downtown lots, with open hours is appropriate.



Town Hall Square Lot



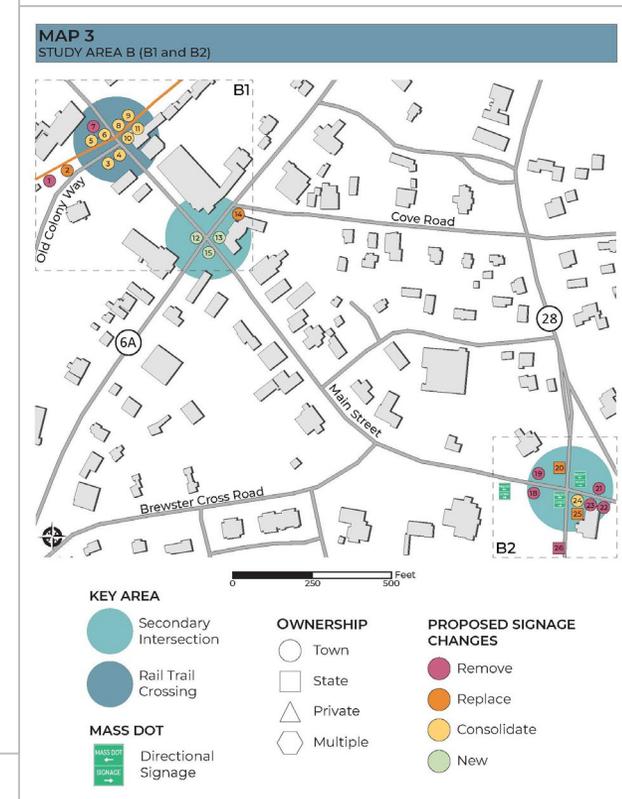
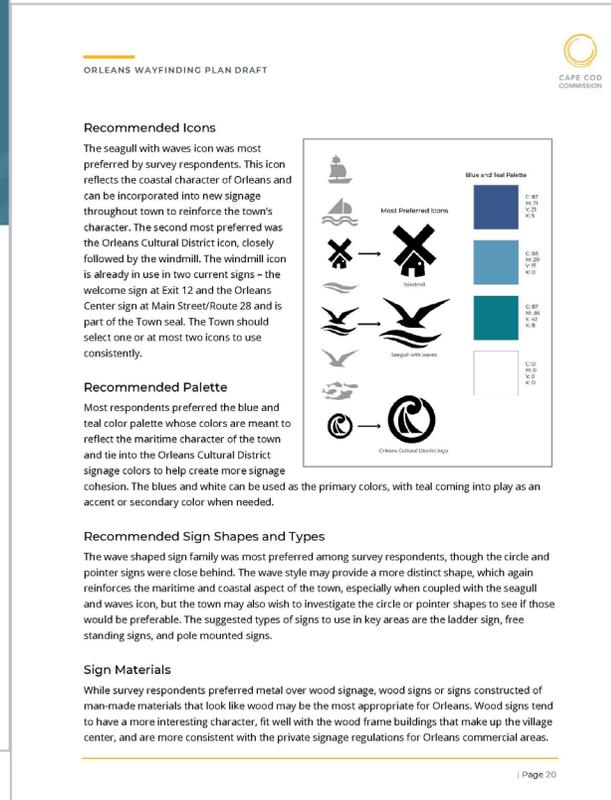
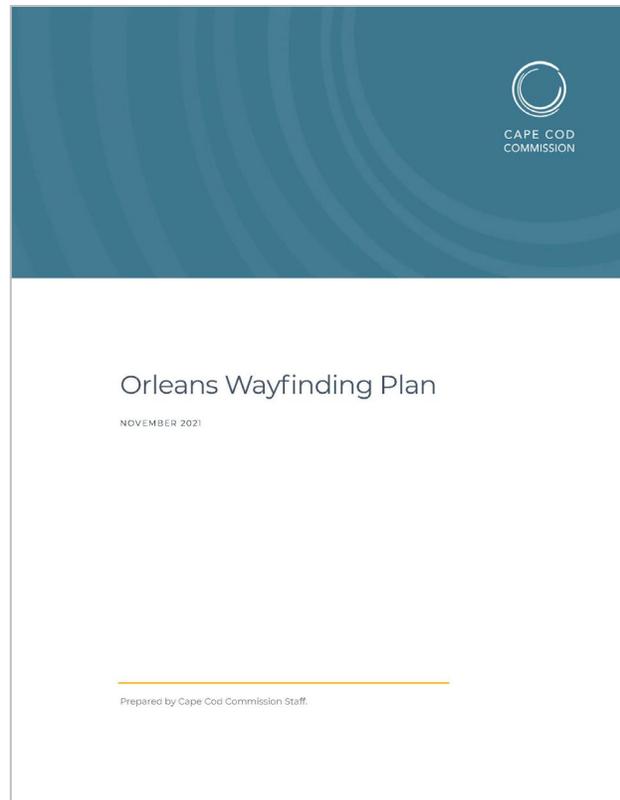
Martha's Vineyard Savings Bank Lot



Peg Noonan Lot

Town Actions – *Improve Information and Signage*

6) *Begin public process, with input from TMC (and Sign Committee), to develop sign graphics, sizes, wording, for consistency and efficacy for different applications and audiences. Direct the IT department to develop a website with parking information consistent with report recommendations. Link to/supplement/greatly expand current Police Department web info.*



Future project with CCC – “Falmouth Wayfinding Plan”

Next Steps

Improve Parking Management

- 1) Officially designate nearby parking lots. Formalize the use of school parking areas when school is not in session. With TMC facilitation, engage with churches and other private entities in an attempt to formalize parking agreements.

Approach the School Committee and School Department to formalize the use of the school parking areas in the summer season.

Next Steps

Improve Parking Management

- 2) Direct the Town Manager to investigate incentives for employees to (voluntarily) use alternative transportation (CCRTA, ride sharing, bicycling and walking) or nearby/remote parking.

Town Manager's office will work with the Human Resources Department to investigate these options.

Overall Summary

- 4 of the 6 recommendations have either been acted on or are in the process
- Team effort (Town Manager's office, Department of Public Works, and Planning Department)

Note: In June, the Planning Department applied for a grant to develop a Downtown Parking Management Plan. This effort was a recommendation in the 2016 Transportation Master Plan for Route 28/Main St. report.



Questions / Comments?

OPEN SESSION

BUSINESS

6. Embarkation Fund policy **(10 minutes)**



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

TO: Mike Renshaw, Town Manager
FROM: Peter Johnson-Staub, Assistant Town Manager
SUBJECT: Embarkation Fund Policy
DATE: June 23, 2023

The attached policy has been prepared at the request of the Select Board to clarify how funds received via the ferry passenger fees are managed. The policy has been reviewed by Town Counsel Maura O'Keefe for compliance with applicable statute – Chapter 55 of the Acts of 2003.

The funds must be used for costs related to the impact of the ferry services per the above enabling legislation. We have evaluated the financial impacts of the ferry services on Town budgets and identified more than \$872,443 in annual cost impacts as outlined below.

For each of the past 5 years, we have received over \$400,000 per year in embarkation fees with the exception of FY2020 when passenger trips were reduced due to the pandemic. There is an uncommitted balance in the fund of over \$1 million.

Since the inception of this fund in 2003, the town has allocated \$350,000 to offset the impact of ferry service passengers on the Police and Fire Department budgets. The policy we drafted recommends that the Town continue to allocate at least \$350,000 toward existing operating budgets in order to avoid creating a “hole” in future budgets. This leaves a balance of funds that you can consider allocating toward specific capital projects or services aimed at mitigating the impact of the Steamship Authority on Woods Hole or Falmouth Harbor which is used by the Island Queen.

Ferry Passenger Cost Impacts:

Finance Director Ed Senteio has analyzed the operating costs of Police Department, Fire Department and Emergency Communications Department including direct costs, benefit costs and other costs which are appropriated separately from the respective department budgets. The total direct and indirect costs for these three departments is estimated to be \$31,018,283 for FY2024. This cost does not include annual capital costs for vehicles and facility repairs nor a full accounting of insurance and information technology costs.

The ferries have a considerable impact on the number of visitors to Falmouth. In FY23, there were 907,256 ferry trips on the Steamship Authority and Island Queen combined. This amounts to an average of 2,485 passengers per day which represents approximately 2.6% of the total estimated summer population of 95,000. Applying 2.6% to the above annual public safety operating costs yields a ferry impact estimate of \$811,580 per year.

The MES Director estimates the annual cost of dredging specifically related to the ferries to be approximately \$19,000 per year. The annual capital spending for roads and sidewalks this year is \$1,600,000. Applying 2.6% to this annual cost yields another \$41,863. In total, Ferry impacts are estimated to be \$872,443 per year. This estimate does not include any allowance for wear and tear on roadways and sidewalks or the cost of maintaining traffic signals.

CC: Maura O'Keefe, Town Counsel
Ed Senteio, Finance Director

//Embarkation Fund Cost analysis 06-23-2023

**TOWN OF FALMOUTH
EMBARKATION FUND POLICY
DRAFT June 26, 2023**

Background:

Ferry traffic has a considerable impact on the number of visitors to Falmouth. In FY23, there were 907,256 ferry trips on the Steamship Authority and Island Queen combined. This influx has both direct and indirect impacts on operations of the Town's public safety departments, and the Town regularly incurs expenses in connection with dredging, road and sidewalk repair that are readily attributed to the increased seasonal population related to ferry service.

It is estimated that ferry passengers have a direct financial impact to the operating costs of the Police Department, MES, Fire Department and Emergency Communications Department in excess of \$850,000 per year.

The purpose of this policy is to ensure that funds received to the Town's Embarkation Fund are appropriated, in a manner that is consistent with the language of the law, for the purpose of mitigating the impacts of ferry service to the Town's infrastructure and ability to protect public safety.

The Embarkation Fund:

Pursuant to Chapter 55 of the Acts of 2003, the Town of Falmouth receives an embarkation fee of \$0.50 per passenger ferry trip. Section 11 (d) of the enabling act provides the funds are to be used as follows:

Any city or town which receives monies from this section shall deposit them in a special fund, to be solely appropriated for the purpose of mitigating the impacts of ferry service on the city or town. Monies deposited may be appropriated for services including, but not limited to, providing harbor services, public safety protection, emergency services or infrastructure improvements within and around the harbor of any city or town which receives monies from this section.

Accounting:

The monies collected from this fee shall continue to be deposited to a 'receipts reserved for appropriation' account so that deposits into the fund and appropriations out of the fund can be tracked separately from the general fund.

Uses of Embarkation Funds:

1. Any expenditure from this fund requires a Town Meeting appropriation. Expenditures must be consistent with the statutory purposes described above.

2. The Town Manager will allocate a lump sum of not less than \$350,000 per year from the Ferry Embarkation Fund toward Police Department, Fire Department, Emergency Communications Department, and Marine & Environmental Services operating budget expenses.
3. The Town Manager may allocate additional sums to capital projects or operating costs directly connected to Ferry impacts in Woods Hole. Any such allocations will follow the procedures outlined in the Town Charter for review and approval of capital and operating budget spending proposals.
4. Advisory Committees may propose spending from the Embarkation Fund by submitting a proposal to the Select Board with a copy to the Town Manager.

SECTION 11. [Chapter 46 of the acts of 2003](#) is hereby amended by striking out section 129 and inserting in place thereof the following section:-

Section 129. (a) Notwithstanding any general or special law to the contrary, any city or town within the counties of Barnstable, Nantucket, Dukes and Bristol which accepts this section pursuant to subsections (b) and (c) may impose an embarkation fee upon all passenger ferry trips, excluding those ferry boats that are licensed to transport not more than 100 passengers, originating from a port located within such city or town, at a rate of \$.50 per passenger per departing trip.

(b) The local appropriating authority, as defined in [section 21C of chapter 59](#) of the General Laws, in each city and town with a port may submit to the voters at the next city or town election the following question, which the city or town clerk shall cause to be printed on the municipal ballot: Shall the (city or town) accept the law that allows the (city or town) to impose an embarkation fee of \$.50 per passenger per departing ferry trip?" If a majority of votes cast on this question is in the affirmative, the city or town shall have accepted this section, but not otherwise.

(c) The operator of the ferry service shall pay the embarkation fee imposed under this section to the commissioner of revenue on a quarterly basis. The operator shall keep records on the number of passengers subject to the embarkation fee departing from each port that has accepted this section, and forward the records to the commissioner of revenue at the time of payment of the fee in order to determine how the money is to be distributed to each participating port municipality. The commissioner shall credit 100 per cent of the monies to a city or town which has accepted this section and does not share any harbor with any other city or town. If a city or town has no ferry service but shares a harbor with a city or town which has accepted this section, 25 per cent shall be paid to that city or town, and the remaining 75 per cent shall be distributed to the city or town which voted to accept this section. All sums received by the commissioner under this section as embarkation fees, penalties or forfeitures, interest, costs of suit and fines shall be distributed, credited and paid by the state treasurer at least quarterly upon certification of the commissioner to each city or town that has accepted this section.

(d) Any city or town which receives monies from this section shall deposit them in a special fund, to be solely appropriated for the purpose of mitigating the impacts of ferry service on the city or town. Monies deposited may be appropriated for services including, but not limited to, providing harbor services, public safety protection, emergency services or infrastructure improvements within and around the harbor of any city or town which receives monies from this section.

(e) Commuter excursion fares and school-related rates shall be exempt from the embarkation fee. For the purposes of this section, "commuter fare" shall mean any fare paid for through the purchase of a book of multiple tickets or through the Steamship Authority's Islands Preferred Excursion Program.

(f) This section shall take effect in a city or town on January 1 of the calendar year following its acceptance of subsections(b) and (c).

Diane Davidson

From: Peter Johnson-Staub
Sent: Thursday, May 25, 2023 5:27 PM
To: Diane Davidson
Subject: FW: [EXTERNAL] - Embarkation Fee Policy
Attachments: Letter to Select Board - Embarkation Fee (2023-04-23).docx

Hi Diane,

I have penciled in for the June 26 agenda: Embarkation Fund policy but it may well be deferred. Could you please include this email and the attached letter in the packet for this agenda item.

I would like to notify Tom Crane when the agenda item is confirmed for the agenda.

Thanks,
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: tom.crane [REDACTED]
Sent: Monday, April 24, 2023 12:29 PM
To: Falmouth Selectboard <selectboard@falmouthma.gov>
Cc: Falmouth Town Manager <townmanager@falmouthma.gov>; Falmouth Town Counsel <towncounsel@falmouthma.gov>
Subject: [EXTERNAL] - Embarkation Fee Policy

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

Please see attached letter. Thank you for considering my views. Tom Crane

Thomas S. Crane
35 Juniper Point Road
Woods Hole, MA 02543

[REDACTED]

THOMAS S. CRANE
35 JUNIPER POINT RD
WOODS HOLE, MA 02543

April 24, 2023

BY ELECTRONIC MAIL ONLY

Dear Select Board,

I am pleased the Board has directed the Acting Town Manager to develop a draft policy for the town's use of Embarkation Fee monies, which I hope will be circulated for public comment prior to final adoption. For the following reasons, however, I urge the Board and staff to seek guidance from Town Counsel on the limits and scope of the town's authority to spend these funds.

This request comes from my past concerns about prior spending, and my concern from the Board's April 1st discussion. Specifically, in my view, Acting Town Manager did not fully advise the Board of the statute's limitations placed on how these funds are to be used. He did accurately quote from the second sentence of the authorizing statute's subsection (d): "Monies deposited may be appropriated for services including, but not limited to, providing harbor services, public safety protection, emergency services or infrastructure improvements within and around the harbor of any city or town which receives monies from this section." However, Town Counsel guidance would be particularly useful in advising staff and the Board that rules of statutory construction require that any provision must be read in the context of nearby related text. Here, one only needs to read the sentence of the law immediately above: "Any city or town which receives monies from this section shall deposit them in a special fund, to be *solely* appropriated for the purpose of mitigating the impacts of ferry service on the city or town." (Emphasis added)

Thus, rules of statutory construction lead to the conclusion that a reading of this *entire* subsection (d) requires the town to spend these funds solely for mitigating the impacts of the ferry services in town, and that the various mitigation uses include harbor services, public safety protection, emergency services, and infrastructure improvements. A similar statutory construction analysis would suggest that the meaning of the language "including, but not limited," is cabined to use solely for mitigation, and not a generalized spending authority. These standard analytic techniques suggest that subsection (d) is clear that any spending from the Embarkation funds that is unhinged from mitigation is inconsistent with this authorizing legislation and would be struck down, if challenged.

Knowing how the bureaucracies of Inspectors' General office operate, and given its decision not to issue a negative report, I understand that they would not want to put anything in writing. Once a written record is found to be needed – even a limited suggestion to create a policy -- it is very difficult to imagine how negative findings would not be included. Given my suggested reading

of the statute, the past uses of mitigation funds, which I submit were improper, and the awkwardness of the IG putting its findings in writing, I am by no means surprised by Selectman Brown's repeated comments that he felt the IG believed this was a "very sensitive subject" and it was giving the town a "reprieve" or "warning."

Seeking out the guidance from Town Counsel is also important because of the Board's April 1st discussion was not fully guided as discussed above, and therefore much of the discussion veered off into directions that it might be permissible, for example, "to move that revenue somewhere else." Again, I believe such spending unhinged to mitigation is impermissible.

A final important reason for involving Town Counsel is that she could help guide the Board as to perhaps the most difficult issue: what level of factual analysis town managers or citizens need to provide to make the linkage between a proposed expenditure and the required mitigation impact. I note here that nowhere does the statute require the funds be used "directly" for mitigation, indicating that indirect uses may be appropriate. This suggests to me that Town Counsel could offer guidance on whether town managers may be able to make a simple good-faith estimate, for example, of what percentage of their employee staff budget is used on mitigating ferry impact. So, it would seem worthwhile to obtain counsel's view as to how the police and fire chief can develop a reasonable estimate of employee FTEs and fire runs related to mitigation.

In closing, I suggest that another positive benefit of expending funds pursuant to a thoughtfully developed, publicly vetted town policy is that such spending is more likely to be supported by courts, if there should be a legal challenge, if the spending is consistent with such policy.

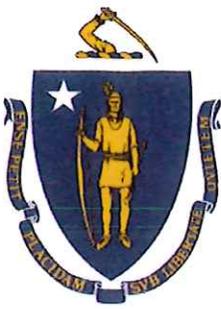
Thank you for considering my suggestions,

Respectfully submitted,

/x/

Thomas S. Crane

CC: Peter Johnson-Staub
Maura O'Keefe, Esq.



JEFFREY S. SHAPIRO
INSPECTOR GENERAL

The Commonwealth of Massachusetts
Office of the Inspector General

JOHN W. McCORMACK
STATE OFFICE BUILDING
ONE ASHBURTON PLACE
ROOM 1311
BOSTON, MA 02108
TEL: (617) 727-9140
WWW.MASS.GOV/IG

May 25, 2023

First Class Mail

Town of Falmouth
Nancy R. Taylor, Chair, Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Re: Ferry Embarkation Fees Fund

Dear Chair Taylor and Members of the Falmouth Select Board:

The Office of the Inspector General (Office) has conferred with the Town of Falmouth (Town), and at the present time is satisfied that the Town has addressed the Office's concerns regarding the Town's use of ferry embarkation fees. The Office understands that during its April 1, 2023 meeting the Select Board voted to create written policies regarding the use of ferry embarkation fees. The Office commends the Select Board for taking this action.

At this time, based on our review of the Town's collection and use of ferry embarkation fees, the Office will not take any further action.

Please be advised, if the Office receives any additional allegations of fraud, waste or abuse regarding the Town's use of ferry embarkation fees, the Office may revisit this matter.

Thank you again for your attention to this matter. If you have any questions, please do not hesitate to contact the Office.



Sincerely,

A handwritten signature in blue ink that reads "George A. Xenakis".

George A. Xenakis
Director of Investigations

cc: Peter Johnson-Staub, Acting Town Manager

OPEN SESSION

BUSINESS

7. Vote to approve a request from Seacoast Shores Association, Inc. for a grant of license to allow the transport of beach sand over the Bayside Drive right-of-way **(5 minutes)**

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 Seacoast Shores Association, Inc. (the "Association") with a business mailing address of P.O. Box 768, Falmouth MA 02536, the following license to use certain portions of Town property located at Bayside Drive, Falmouth MA 02536 (the "Property"), as illustrated by the highlighted area in Exhibit A, attached hereto. For reference see Order of Taking for the Layout of Bayside Drive dated May 1, 1975 and recorded with the Barnstable County Registry of Deeds as Book 2177, Page 61.

The Access License is given for the nonexclusive use of the Property to pass and repass by foot and appropriate motor vehicles for the purpose of access and egress to and from land owned by the Association located at 0 Edgewater Drive East and recorded with the Barnstable Registry of Deeds at Book 2430, Page 81. The purpose of this Access License is to allow members, employees and agents of the Association to enter Town property with such equipment as may be necessary to conduct beach nourishment in conformity with an Order of Conditions issued by the Falmouth Conservation Commission, recorded with said Registry of Deeds at Book 35005, Page 289, and 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 until the expiration of the Order of Conditions on March 7, 2025.
- b. The License allows members of the Association, its employees and agents, to pass and repass over the Property to conduct beach nourishment at 0 Edgewater Drive East.
- c. As a condition of this Temporary License, members of the Association, its employees and agents are required to adhere to all terms, conditions, and requirements of the Order of Conditions. Failure to adhere to the terms, conditions and requirements of the Order of Conditions will result in revocation of this License.
- d. Throughout the term of this License, the Association shall be obligated to perform any landscaping or grading remediation as may be required by the Falmouth Department of Public Works and the Falmouth Conservation Commission. All grass, shrubs, trees, dirt and soil that are disturbed or damaged during the term of this license must be restored back to existing

conditions, including maintenance and watering needs until full re-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 interests 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

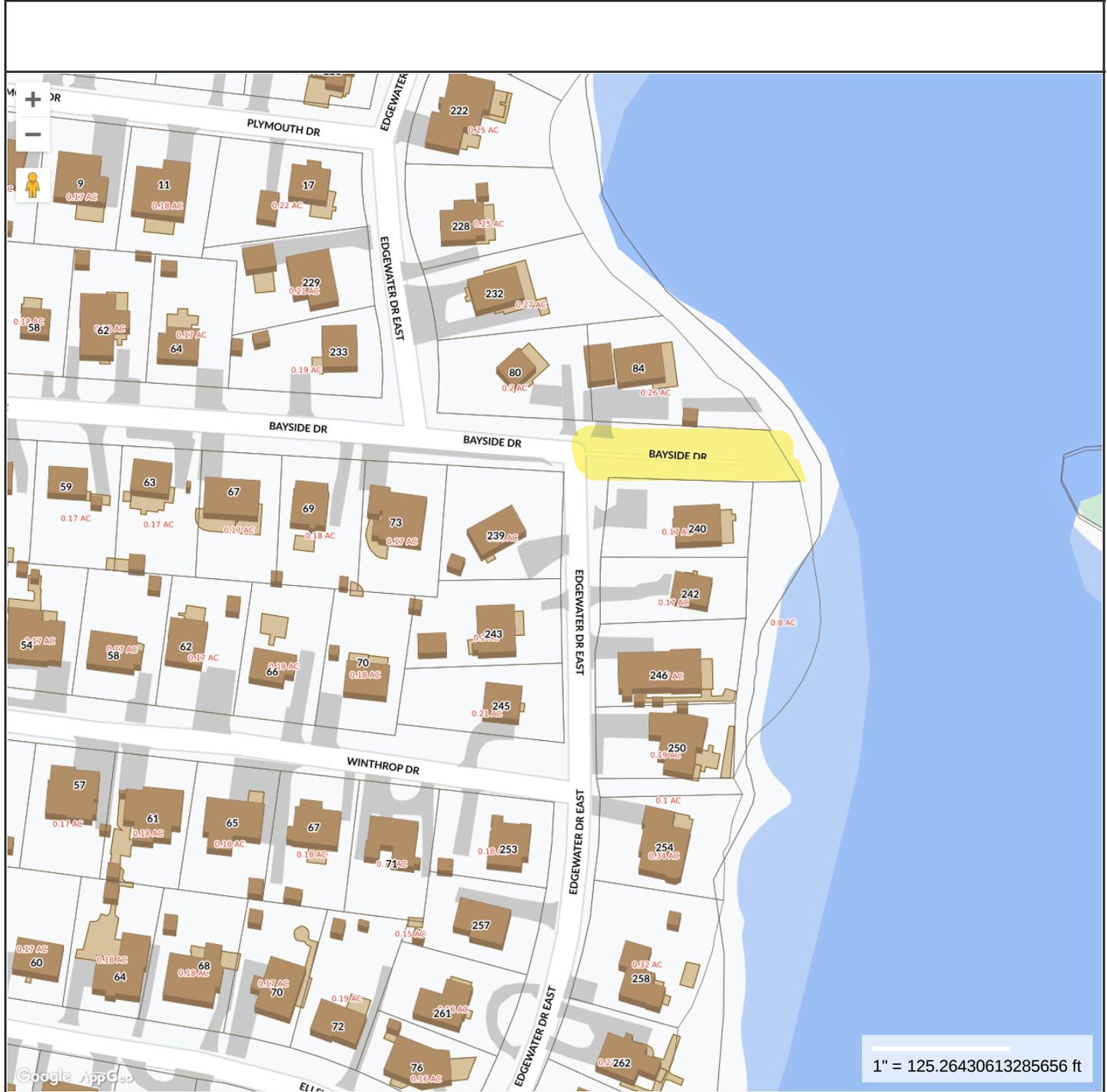
Nancy Robbins Taylor, Chair

Edwin P. Zylinski II, Vice Chair

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali



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

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

Geometry updated 01/03/2023
Data updated 07/21/2022

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

June 23, 2023

Ms. Nancy Robbins Taylor Chair
Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

RE: Seacoast Shores Association, Inc.
Grant of License

Dear Madame Chair

On behalf of the Seacoast Shores Association, Inc. (SSAI), I respectfully request a Grant of License to allow the transport of beach sand over the Bayside Drive Right of Way, including the public beach area within said Right of Way, to the abutting SSAI beach.

The Seacoast Shores Association currently has rights to access their beach from the Right of Way and, through the recommendation of the Town Manager's Office, we therefore make this submittal.

The proposed work involves bringing in off-site beach sand through the Bayside Drive Right of Way to the SSAI beach. This beach nourishment work is funded by the SSAI membership and has received approvals from the Falmouth Conservation Commission (MassDEP File 25-4708), the MassDEP Waterways (Permit WW01-0000190) and the U.S. Army Corp. of Engineers (File NAE-2022-01699).

The attached Exhibit is the approved site plan for the Order of Conditions issued by the Falmouth Conservation Commission. The plan is entitled **Site Plan for Seacoast Shores Beach Nourishment**, and dated December 3, 2021 with the most recent revision date of February 26, 2022.

If you have any questions, please contact me at 781-760-8341.

Sincerely,



Mark P. Ryan

Property and Ownership Information

Property Location
0 Edgewater Drive East
Assessor's Parcel Map 41 Lot 1A

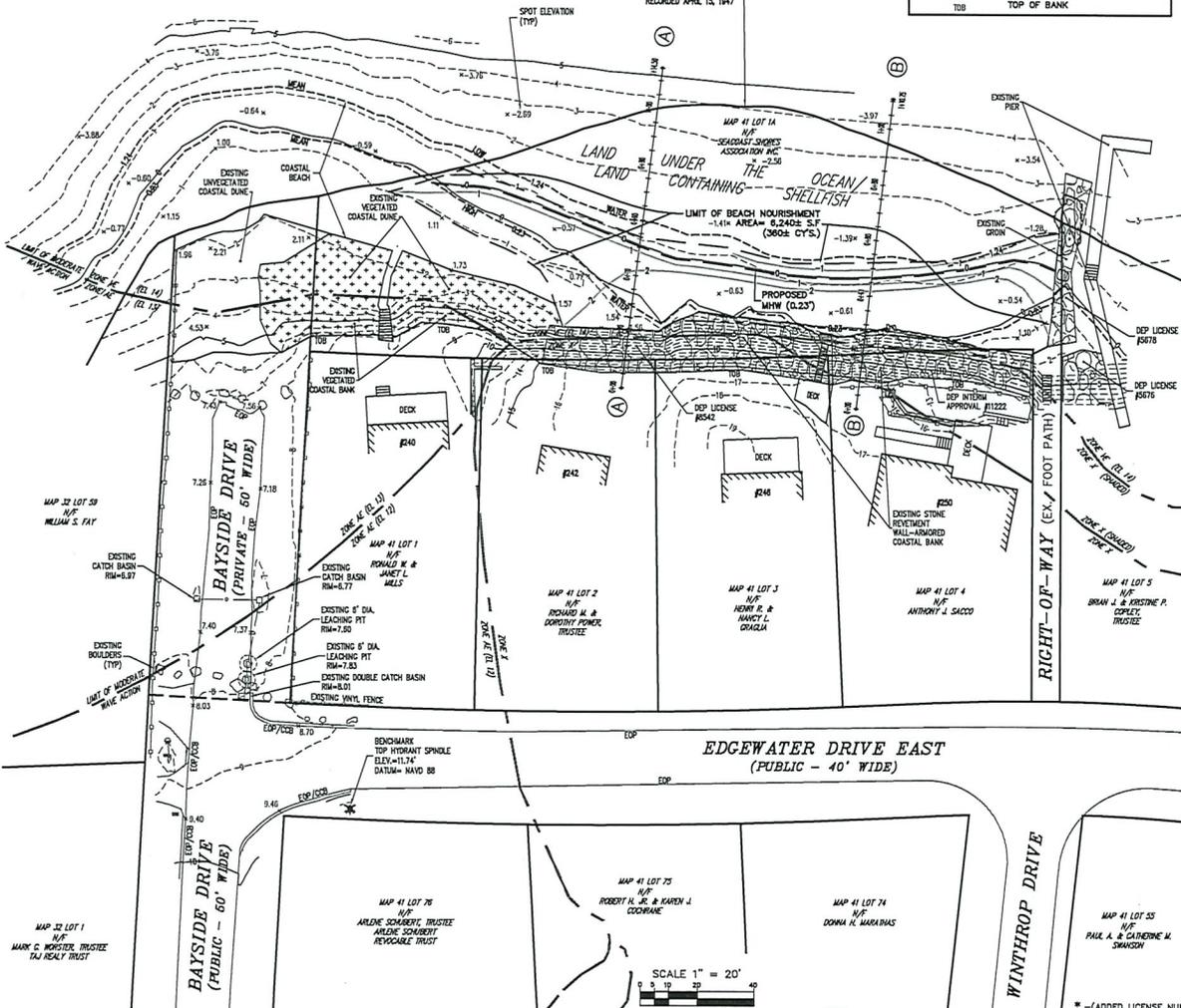
Property Ownership
Seacoast Shores Association, Inc.
P.O. Box 768
East Falmouth, MA 02536



EEL POND

LEGEND	
---	EXISTING EDGE OF PAVEMENT
---	EXISTING EDGE OF PAVEMENT W/CAPE COD BERM
- - - -	EXISTING 1 FOOT CONTOUR LINE
- - - -	EXISTING 5 FOOT CONTOUR LINE
o	EXISTING SPOT ELEVATION
o	EXISTING WOOD FENCE
o	EXISTING DRAINAGE LINE
o	EXISTING UTILITY POLE W/GUY WIRE
o	EXISTING MAILBOX
o	EXISTING HYDRANT
o	TOP OF BANK

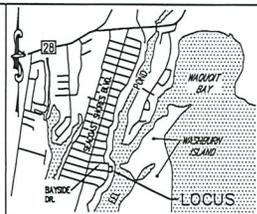
APPROXIMATE PROPERTY LINE PER PLM BOOK 77, PAGE 123 RECORDED APRIL 15, 1947



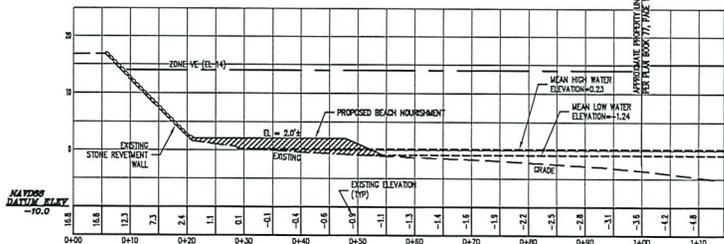
SCALE 1" = 20'

GENERAL NOTES:

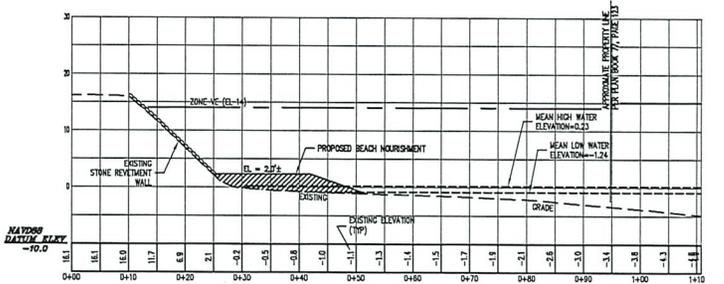
- RECORD OWNER(S): MAP 41, LOT 1A, SEACOAST SHORES ASSOCIATION, INC. P.O. BOX 768 EAST FALMOUTH, MASSACHUSETTS 02536 BOOK 02430 PAGE 0081
- THE SUBJECT PROPERTY IS SHOWN AS LOT 1A, ASSESSOR MAP 41 BASED UPON A REVIEW OF THE TOWN OF FALMOUTH ONLINE GIS DATABASE.
- THE PROPERTIES SHOWN LIE WITHIN SINGLE RESIDENCE C ZONING DISTRICT (RC) BASED UPON A REVIEW OF THE TOWN OF FALMOUTH GEOGRAPHIC INFORMATION SYSTEM (GIS).
- THE PROPERTY LINES SHOWN HEREIN ARE BASED UPON A FIELD SURVEY BY ATLANTIC DESIGN ENGINEERS, INC. IN OCTOBER OF 2013.
- THE EXISTING CONDITIONS SHOWN HEREIN ARE BASED UPON A FIELD SURVEY BY ATLANTIC DESIGN ENGINEERS, INC. IN OCTOBER OF 2013 AND JULY OF 2021. ELEVATIONS SHOWN ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- THE PROPERTIES LIE WITHIN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ZONE X (SHADED), AREAS OF 0.2% ANNUAL CHANCE FLOOD, ZONE AC (EL. 12 & 13), BASE FLOOD ELEVATIONS DETERMINED AND ZONE 1E (EL. 14), COASTAL FLOOD ZONE WITH VELOCITY HAZARD (NAWK ACTION) BASED UPON A REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER 2500C0733A EFFECTIVE DATE JULY 18, 2014. ELEVATIONS REFERENCED ABOVE AS SHOWN ON MAP NUMBER 2500C0733A ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- THE PROPERTIES DO NOT LIE WITHIN A ZONE I WATER SUPPLY PROTECTION AREA BASED UPON A REVIEW OF THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM.
- THE PROPERTIES DO NOT LIE WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN BASED UPON A REVIEW OF THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM.
- THE PROPERTIES DO NOT LIE WITHIN AN ESTIMATED AND HABITAT OF RARE WILDLIFE AND A PRIORITY HABITAT OF RARE SPECIES BASED UPON A REVIEW OF THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM MAPS OBSERVED ON THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM.
- MEAN LOW WATER AND MEAN HIGH WATER ELEVATIONS ARE BASED UPON "TIDAL FLOOD PROFILES, NEW ENGLAND COASTLINE" PREPARED BY THE HYDRAULICS AND WATER QUALITY SECTION, NEW ENGLAND DIVISION, U.S. ARMY CORPS OF ENGINEERS, DATED SEPTEMBER 1900.



LOCUS MAP SCALE: 1" = 2,000'



SECTION A-A



SECTION B-B HORIZONTAL SCALE: 1"=10' VERTICAL SCALE: 1"=10'



Atlantic DESIGN ENGINEERS, INC.
 P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282

Designed by: _____
 Drawn by: _____
 Checked by: _____
 Survey date by: _____
 Approved by: _____

SCALE AS NOTED



NO.	BY	DATE	REVISION
2	MJ	2-26-22	DATUM CHANGED FROM NVD029 TO NAVD88
1	SHG	1-25-22	PER CONSOBMM COMMENTS*

OWNER AND APPLICANT:
SEACOAST SHORES ASSOCIATION, INC.
 P.O. BOX 768
 EAST FALMOUTH, MASSACHUSETTS 02536

SITE PLAN FOR
SEACOAST SHORES BEACH NOURISHMENT
 0 EDGEWATER DRIVE EAST, FALMOUTH, MASSACHUSETTS
 DECEMBER 3, 2021

Sheet 1 of 1
 JOB NUMBER 2750.01

EXHIBIT

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Approve the application for an Automatic Amusement Device License – Shipwrecked, LLC d/b/a Shipwrecked located at 263 Grand Avenue, Falmouth

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

To: Members of the Falmouth Select Board and
Peter Johnson-Staub, Acting Town Manager
From: Maura O'Keefe, Town Counsel 
Date: June 8, 2023
RE: Automatic Amusement Devices

Question Presented:

Whether the Select Board may place conditions or restrictions on a license to operate automatic amusement devices?

Discussion:

The Select Board is the licensing authority of the Town. Falmouth Charter § C3-7(B). Under this authority, the Select Board may "attach conditions and impose such restrictions it considers to be in the public interest" on any license the Board issues. Id. In addition, the Select Board is authorized to impose "any other reasonable requirements which they may from time to time make with respect to licenses issued pursuant to M.G.L. c. 138 §§ 12, 14 or 15 (restaurant, temporary one-day or retail licenses). M.G.L. c. 138 § 23; see also RK&E Corp. v. ABCC, 97 Mass.App.Ct. 337 (2020)(the licensing authority may place conditions on the operation of automatic amusement devices through its power to grant a license to sell alcohol).

Among the several licenses issued by Select Board are those for the operation of automatic amusement devices. M.G.L. c. 140 § 177A. This license permits the holder to operate video games or skills devices such as pinball machines. M.G.L. c. 140 § 177A(2). The statute is silent as to any standard for the imposition of conditions or restrictions.

Conclusion:

Given the above framework, the Select Board enjoys broad authority under the Charter to place conditions or restrictions on any license issued by it in order to further the public interest. It also has similar authority, through the Liquor Control Act, to place conditions or restrictions on a license for automatic amusement devices upon any restaurant with a license to sell alcohol.

M.G.L. c. 138 § 23.

LICENSE APPLICATION REVIEW

Restaurant/Business: Shipwrecked, LLC d/b/a Shipwrecked

Address: 263 Grand Avenue

License Type: Automatic Amusement Device License

New or Transfer of License _____

or

Change of License _____

Police _____

Fire No Concerns

Building No issues

Health _____

Zoning No comment

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

The applicant intended to lease games but has not been able to complete a lease and is now endeavoring to purchase used games such as a Miss Pac-Man, a Pinball game, a Race Car Game, and Perhaps a claw machine.

The amusement devices will be placed in the restaurant building in the old restaurant/hotel office and shown on the floor plan in red. The office has moved across the courtyard into the hotel building.



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

APPLICATION - AUTOMATIC AMUSEMENT DEVICE LICENSE

Includes: Video, Pinball, Electronic Games & Juke Boxes per M.G.L. Chapter 140, Section 177A
 Does NOT apply to Bowling Alleys or Pool Tables

All Fields are outlined in red are required.

BUSINESS NAME: Shipwrecked LLC D/B/A Shipwrecked

BUSINESS ADDRESS: 263 Grand Ave.

TOWN: Falmouth STATE: MA ZIP CODE: 02540

MAILING ADDRESS:
(if different)

TOWN: STATE: ZIP CODE:

MANAGER/OWNER: Rob Loewen TITLE: Manager

TELEPHONE #: 508-540-9600 ALTERNATE PHONE #:

EMAIL: (required) info@shipwreckedfaln

DAYS OF OPERATION: 7 days HOURS OF OPERATION: 11:30am - 9pm
(maximum)

ANNUAL: or SEASONAL:

NUMBER OF AMUSEMENT DEVICES: (Video, Pinball, Electronic Games) 3

NUMBER OF JUKEBOXES: 0

OWNER OF MACHINES: Leased

LOCATION OF MACHINES ON PREMISES: In the old hotel check-in area.

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

5/6/2023

Signature - OWNER or MANAGER

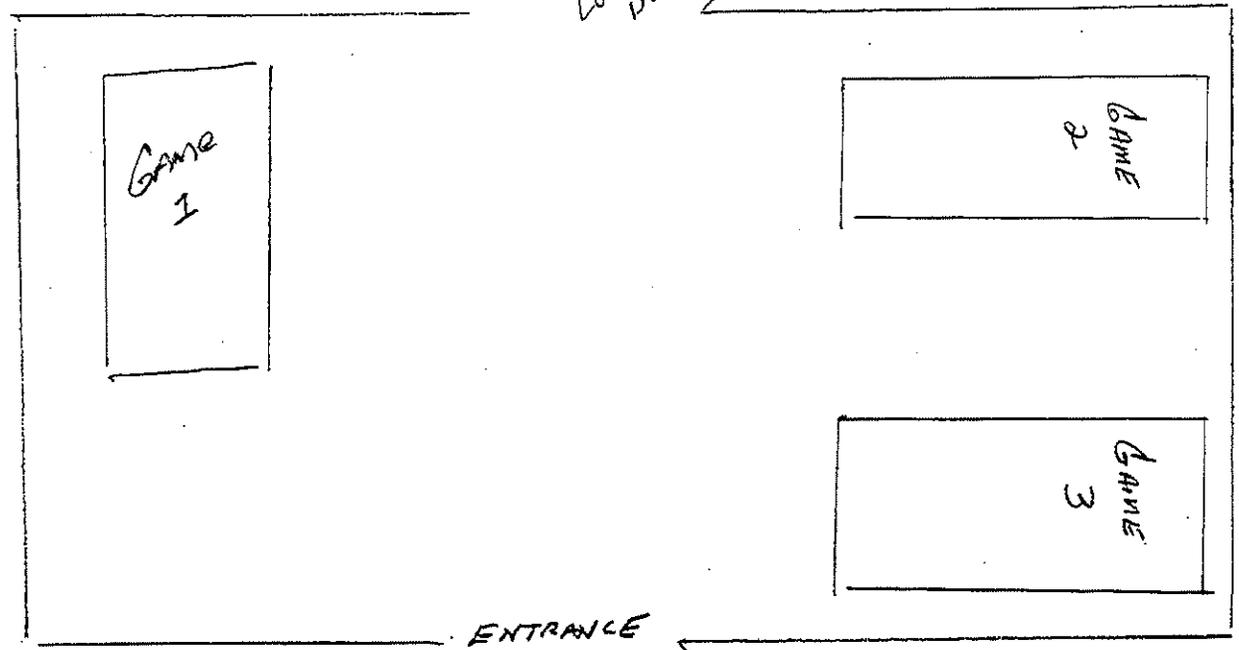
Date

Fees payable to Town of Falmouth

- Filing Fee: \$10
- Annual License: \$100 per Amusement Device
- Seasonal License: \$75 per Amusement Device
- Annual or Seasonal License: \$75 per Juke Box

LAUNDRY ROOM

LOCKED DOOR



7.5

7.5

ENTRANCE

11 FT

COURTYARD

OPEN SESSION

CONSENT AGENDA

1. Licenses

- b. Approve application for a Common Victualler License – Vine Food and Restaurant, Inc. d/b/a/ The Vine located at 824 Main Street, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: Vine Food and Restaurant, Inc.

Address: 824 Main Street, Falmouth

License Type: Common Victualler

New or Transfer of License New

or

Change of License _____

Police No Objection

Fire No objection to the approved plan

Building _____

Health A complete application has been received

Food Service Permit - pending

Zoning _____

Planning _____

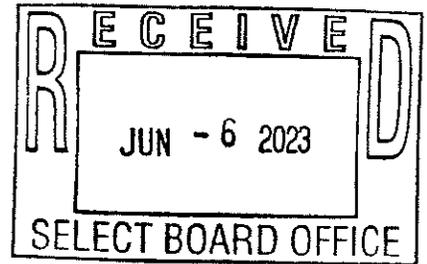
DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES: The applicant intends to open for food service only while an anticipated liquor license application is in process.
The Building Commissioner has approved the floor plan for both Common Victualler License under review and the liquor license when it is submitted.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

RETAIL LICENSE APPLICATION – includes Common Victualler & Innholder Licenses

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: TATIANA NOBRE TITLE: OWNER

HOME ADDRESS: 429 CAPN LIZAH'S RD

Town: CENTERVILLE State: MA Zip code: 02632

BUSINESS NAME: VINE FOOD AND RESTAURANT INC

D/B/A if any: THE VINE

BUSINESS ADDRESS: 824 MAIN ST

Town: FALMOUTH State: MA Zip code: 02540

MAILING ADDRESS (if different):

Town: State: Zip code:

FEDERAL ID #: MANAGER OF RECORD: Tatiana Nobre

EMAIL – required:

TELEPHONE – BUSINESS: HOME:

DAYS OF OPERATION: MONDAY - SUNDAY

HOURS OF OPERATION: 12 PM TO 11 PM

SEATING CAPACITY :

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

**DATE:

Signature: OWNER or MANAGER of RECORD

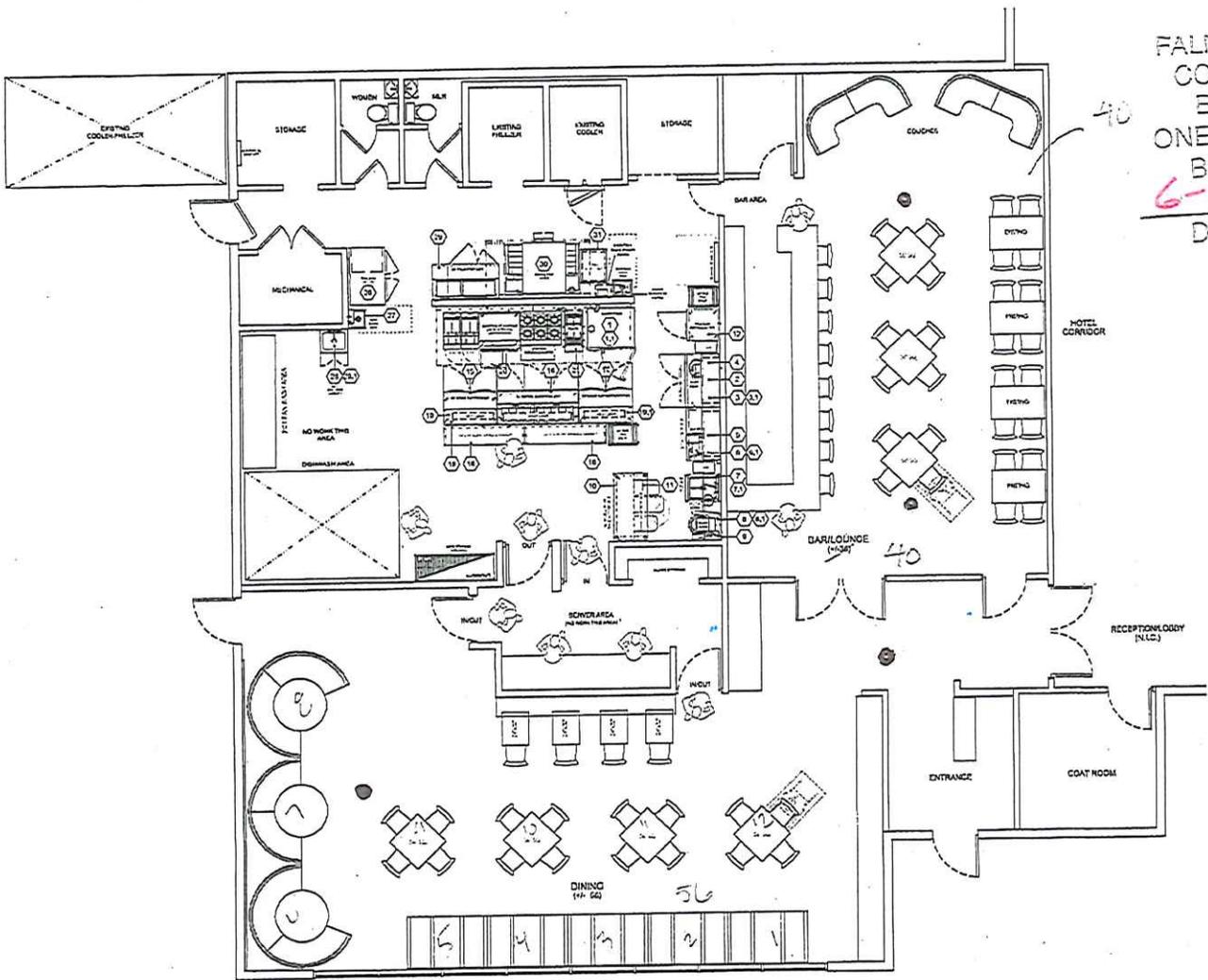
APPLICATION REQUIREMENTS :

- Food Service Establishment Permit – Health Department
- 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

DRAWINGS REVIEWED BY
 FALMOUTH BUILDING DEPARTMENT
 CONSTRUCTION SUBJECT TO MA
 BUILDING CODE COMPLIANCE
 ONE SET OF STAMPED PLANS SHALL
 BE KEPT AT THE BUILDING SITE

6-8-23
 DATE

[Signature]
 BUILDING OFFICIAL



EQUIPMENT SCHEDULE		
ITEM NO	QTY	EQUIPMENT CATEGORY
1	1	COMBI OVEN, ELECTRIC, WITH STAND & WATER FILTER "NATIONAL" BCP 6-HALF E 1
2	1	48" WORKTOP FREEZER
3	1	18" X 48" SHELVING, WALL MOUNTED
3.1	1	18" X 48" SHELVING, WALL MOUNTED W/TENSIL BAR/HOOKS
4	1	8-ORT, CTR, TOP PLANETARY MIXER
5	1	30" X 48" WORK TABLE, STAINLESS STEEL TOP
8	1	18" X 48" SHELVING, WALL MOUNTED
6.1	1	18" X 48" SHELVING, WALL MOUNTED W/TENSIL BAR/HOOKS
7	1	ONE (1) COMPARTMENT SINK
8	1	18" X 60" SHELVING, WALL MOUNTED
6.3	1	18" X 60" SHELVING, WALL MOUNTED W/TENSIL BAR/HOOKS
9	1	60-ORT, PLANETARY MIXER
10	1	30" X 60" MOBILE WORK TABLE, STAINLESS STEEL TOP
11	3	MODULAR REFRIGERANT DRN
12	1	REACH-IN REFRIGERATOR
13	-	=SPACE NOT USED=
14	-	=SPACE NOT USED=
15	1	48" REACH-IN, WORK TOP FREEZER w/OVERSHelves
16	1	72" SANDWICH / SALAD PREPARATION REFRIGERATOR w/OVERSHelves
17	1	48" REACH-IN, WORK TOP REFRIGERATOR w/OVERSHelves
18	2	18" X 72" DISH STORAGE CABINET
19	1	60" HEAT LAMP
19.1	2	58" HEAT LAMP
20	1	36" REFRIGERATED CHEF DAGE W/DRAWING
21	1	PASTA COOKER, CAG
21.A	1	CAG CONNECTOR HOSE KIT / ASSEMBLY
21.B	1	SWIRL HOSE WATER SUPPLY UNCS & FITTINGS
22	-	=SPACE NOT USED=
23	-	=SPACE NOT USED=
24	-	=SPACE NOT USED=
25	-	=SPACE NOT USED=
26	1	MOP SINK CABINET
26.1	1	EDWICE FAUCET, WALL MOUNT
27	1	WALL MOUNT HAND SINK
28	3	2-DOOR REACH-IN FREEZER
29	1	60" PIZZA PREPARATION REFRIGERATOR
30	1	CONVEYOR OVEN, CAG
31	1	24" X 30" WORK TABLE, STAINLESS STEEL TOP

* INDICATED FUTURE ITEMS, TO BE VERIFIED BY OWNER

PROJECT:
 THE VINE Restaurant
 824 Main Street
 Falmouth, MA 02540



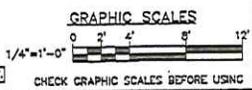
Rev. No.	Date	Description

FOOD SERVICE EQUIPMENT
 LAYOUT & SCHEDULE

K-1

1 3

NOTE: UTILITIES FOR ALL EQUIPMENT NOT PROVIDED BY KFC NEED TO BE VERIFIED BY CONTRACTOR
 NOTE: NOT FOR CONSTRUCTION, FOR REFERENCE ONLY.



Menu

SALADS

CAESAR SALAD -

Romaine hearts, parmesan cheese , croutons, garlic, lemon pepper chicken and creamy caesar

Salmon Salad -

Green mix, cherry tomatoes , Parmesan crostini, garlic, grilled salmon and yogurt cream sauce.

STEAK tips SALAD -

Romaine lettuces, grape tomatoes, red onion, zucchini croutons and steak tips.

ADD

GRILLED CHICKEN -

FRIED CALAMARI -

GRILLED SALMON -

GRILLED SHRIMP

SOUP

1. Capeletti in brodo -

Small pasta dumplings with a savoury meat stuffing and served in a rich broth.

APPETIZERS

1. Trio of bruschetta

Caponata

Italian antipasto

zucchini

Grilled zucchini antipasto

Caprese

Fresh mozzarella , tomato confit and pesto

2. Garlic Parmesan Crostini:

Sides: butter, tomato confit, pepper jelly and Parmesan sauce.

3- Mozzarella Caprese

made of sliced fresh mozzarella, tomatoes, and sweet basil, seasoned with salt, and olive oil

Fried calamari -

Fried mozzarella -

P A S T A

Homemade Lasagna -

Layers of pasta, mozzarella, ricotta and parmesan cheese, and ground beef topped with marinara sauce and melted mozzarella

Cheese Ravioli -

Pasta filled with ricotta and parmesan cheese topped with mozzarella in a zesty marinara sauce.

Pasta Trio -

Lasagna, fettuccine Alfredo , and cannelloni topped with melted mozzarella and marinara sauce

Fettuccine Alfredo -

Fettuccine pasta in a creamy alfredo sauce

- Add Chicken -
- Add Shimp -

Eggplant Parmigiana -

Breaded, deep fried, and topped with melted mozzarella and marinara sauce served with

spaghetti

Spaghetti Carbonara -

Guanciale, pecorino romano, served in an egg cream sauce.

RISOTTO

1. Seafood risotto with breaded shrimp -
2. Gorgonzola with filé mignon grelhado -
3. Mushrooms with fish tips -

STEAK

Filet Mignon Parmigiana -

Breaded, deep fried, and topped with melted mozzarella and marinara sauce served with spaghetti

Mousseline Ossobuco

Veal shank braised with red wine, broth, and vegetables over Mousseline and onion crisp.

Ossobuco

Veal shank braised with red wine, broth, and vegetables over roasted garlic risotto with Parmesan risoto

T-bone

Mousseline with bacon and cheese, steamed rice.

CHICKEN

Chicken Marsala

Chicken breast sautéed with mushrooms, onions, and marsala wine

Chicken Parmigiana

Chicken breast breaded and topped with mozzarella cheese and marinara sauce

Chicken Cacciatore

Chicken breast sautéed with green onion, roma tomatoes, mushrooms, red wine, and marinara sauce

VEAL

Veal Marsala

Veal sautéed with mushrooms, onions, and marsala wine

Veal Parmigiana

Veal breaded and fried, topped with mozzarella cheese and marinara sauce

SEAFOOD

Lobster Ravioli

Lobster filled ravioli with tomato cream sauce, topped with shrimp

SHRIMP ALFREDO

Shrimp & fettuccine covered w/ alfredo sauce

SHRIMP & CHICKEN ALFREDO

Sautéed chicken, gulf shrimp, fettuccine, alfredo.

BURGERS

Smoked Brisket

Baguete, tomato, barbecue, cheese

The Vine

Bibb lettuce • caramelized onion •
• bacon • homemade garlic mayo • mozzarella cheese

Sweet polpettone

polpettone • chimichurri aioli • bibb lettuce • tomato • honey

DESSERTS

CRÈME BRÛLÉE

vanilla bean custard with raw sugar crust

PUDDING

vanilla, condensed milk, egg yolk and milk

TIRAMISU

Zabaglione cream folded with a sweet mascarpone cream.

Layered with lady fingers soaked in espresso and crème de cacao liquor. Finished with cocoa powder.

OPEN SESSION

CONSENT AGENDA

1. Licenses

- c. Application for a Special One-Day Wine & Malt Beverages License – Silver Beach Improvement Association to be located at 6 West Avenue, North Falmouth – Saturday, 8/26/23

LICENSE APPLICATION REVIEW

Restaurant/Business: Silver Beach Improvement Assn. - End of Year Cookout

Address: 6 West Avenue, North Falmouth

License Type: Special One-Day Wine & Malt Beverages License

New or Transfer of License New

or

Change of License _____

Police Recommendation to try the association's security plan for 2023 and then reevaluate

Fire No issues

Building No Issues

Health _____

▪ Temporary Food Service Permit – **not applied for to date**

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

The Acting Police Chief reviewed the proposed security plan submitted with the application which requests relief from hiring professional security and recommended the club be permitted to provide its own security for this year only. License conditions for future years would depend on the success of this year's security plan.

Temporary Food Service Permit is outstanding.



DAID

\$35
CK# 1142



APPLICATION

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

NAME OF APPLICANT: Ronald Fernandes, Treasurer

ADDRESS OF APPLICANT: 192 Crystal Spring Ave. #792

No. Falmouth MA 02556
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: Silver Beach Improvement Association

MAILING ADDRESS: PO Box 792, No. Falmouth, MA 02556

TELEPHONE #: 508-254-0978 **EMAIL:** newsilverbeach@gmail.com

LOCATION TO BE LICENSED-ADDRESS: 6 West Ave.

No. Falmouth MA 02556
TOWN STATE ZIP CODE

EVENT TITLE: Year-end Annual Cookout **APPROXIMATE # OF PEOPLE:** 150

DATE(S) OF EVENT: 08/26/23 **HOURS OF EVENT:** 6:00 PM to 10:00 PM

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Carolyn Halloran

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)

06/12/23
DATE

Ross V. Fisher
APPLICANT SIGNATURE

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

Silver Beach Improvement Association

Request for 1 day liquor license on 8/26.

8/26 - Annual End of Year cookout. Family event. Hamburgers and Hot dogs served. DJ type music provided.

Alcohol security - The only people attending our events are members and their guests. We hold this event at our enclosed tennis courts area. We check ID's at the entrance to insure everyone's a member. There is someone at the entrance/ exit to insure that no one leaves our court with any alcohol. At this family event, we will give bracelets to adults in order to buy alcohol at the cash bar.

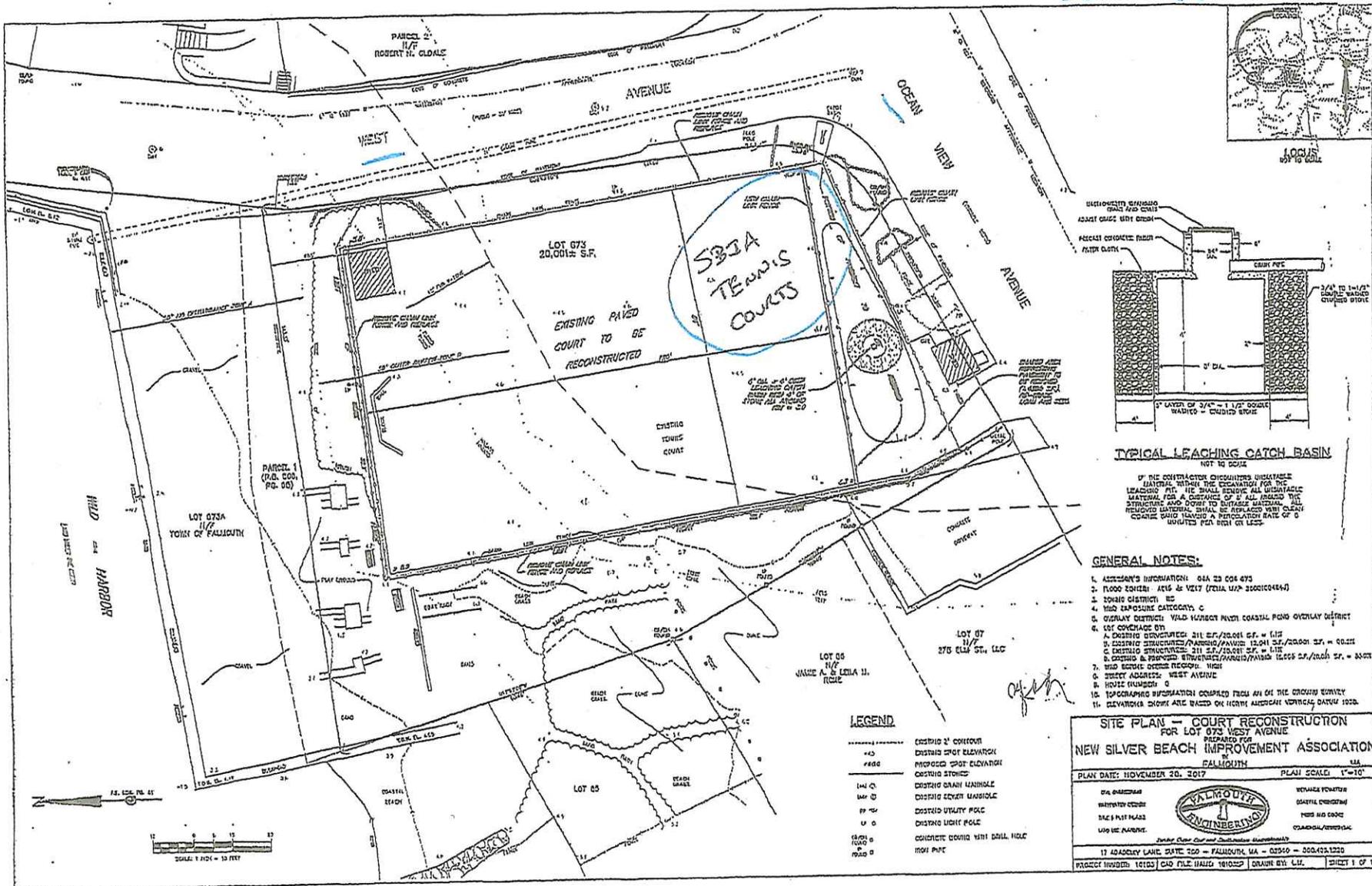
We inform/remind our members of the event via "email blasts". We will note and remind our members that alcohol can not leave our tennis courts area. Second, we will have a member stationed at our entrance/exit gate to insure no one leaves our tennis courts with any alcohol.

PRIVATE SECURITY - We are requesting that we will not be required to hire paid private security for our event this season.

We have put in stringent security precautions that no one leaves our courts area with any alcohol.

We are a small neighborhood organization that does many kids and family events. The private security that we were required to have at our 2 alcohol events, last year, was very costly.

PLACE EVENTS HELD AT: TENNIS COURTS BETWEEN WEST AVE AND OCEAN VIEW AVE OUTDOORS



TYPICAL LEACHING CATCH BASIN
NOT TO SCALE

IF THE CONTRACTOR DISCOVERS UNSATURATED MATERIAL WITHIN THE EXCAVATION FOR THE LEACHING PIT, HE SHALL REMOVE ALL UNSATURATED MATERIAL FOR A DISTANCE OF 2' ALL AROUND THE STRUCTURE AND COVER TO SUITABLE MATERIAL. ALL REMOVED MATERIAL SHALL BE REPLACED WITH CLEAN CRUSHED SAND HAVING A PERCOLATION RATE OF 0' UNLITERS PER HOUR OR LESS.

GENERAL NOTES:

1. ASSUMED'S INFORMATION: 08A 23 036 673
2. FLOOD ZONING: A15 & V21 (FEMA MAP 22000C0464)
3. ZONING DISTRICT: R2
4. WAD EXPOSURE CATEGORY: C
5. OVERLAY DISTRICT: VAD SUBJECT RIVER COASTAL POND OVERLAY DISTRICT
6. LOT COVERAGE BY:
 - A. EXISTING STRUCTURES: 311 SF / 20,001 SF. = 1.1%
 - B. EXISTING STRUCTURES: 11,000 SF / 20,001 SF. = 55.0%
 - C. EXISTING STRUCTURES: 211 SF / 20,001 SF. = 1.1%
 - D. EXISTING & PROPOSED STRUCTURES: 11,211 SF / 20,001 SF. = 56.1%
7. WAD WETLAND DETERMINATION: NONE
8. TRACT ADDRESS: WEST AVENUE
9. HOUSE NUMBER: 0
10. TOPOGRAPHIC INFORMATION OBTAINED FROM AN OF THE GROUND SURVEY
11. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTIC DATUM 1988.

LEGEND

- EXISTING 2' CONTOUR
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION
- EXISTING STORM
- EXISTING DRAIN MANHOLE
- EXISTING EJECTOR MANHOLE
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- CONCRETE BOUNDARY WITH DRAIN HOLE
- IRON PIPE

SITE PLAN - COURT RECONSTRUCTION
FOR LOT 673 WEST AVENUE
PREPARED FOR
NEW SILVER BEACH IMPROVEMENT ASSOCIATION
FALLMOUTH MA
PLAN DATE: NOVEMBER 20, 2017 PLAN SCALE: 1"=10'

VALMOUTH ENGINEERING
17 ADAMS LANE, SUITE 200 - FALLMOUTH, MA - 02740 - 508.454.1230
PROJECT NUMBER: 10103 CAD FILE: HALLS 1010303 DRAWN BY: CLJ SHEET 1 OF 1

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Vote to accept donation in the amount of \$892.80 from the Old Stone Dock Association to the Beach Donations Account, 28-632-5655-4830, to fund the 16 window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive installed on Wednesday, 5/24

Diane Davidson

From: Maggie Clayton
Sent: Sunday, June 11, 2023 4:36 PM
To: Diane Davidson
Cc: Peter Johnson-Staub; Brooke McMillan; president@oldstonedock.com; Terry Saunders
Subject: Beach Donation - Old Stone Dock 2023

Hi, Diane:

This is a written request to the Select Board to add an item on an upcoming meeting's Agenda to include (1) vote to approve a donation in the amount of \$892.80 from the Old Stone Dock Association to the Beach Donations Account, 28-632-5655-4830, to fund the 16 window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive installed on Wednesday, 5/24 and (2) vote to expend those funds for paying the Soares Flower Garden Nursery invoice dated 5/15 for 48 New Guinea impatiens, 32 scavola, and planting services.

Thank you in advance for your consideration of these requests.

Best,

Maggie Clayton
Beach Superintendent
Town of Falmouth
(774)392-6900

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Vote to expend those funds from the Beach Donations Account to pay the Soares Flower Garden Nursery invoice dated 5/15 for 48 New Guinea impatiens, 32 Scavola, and planting services

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Thank you in advance for your consideration of these requests.

Best,

Maggie Clayton
Beach Superintendent
Town of Falmouth
(774)392-6900

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- c. Vote to accept donation in the amount of \$500.00 from David's Old Silver Swim, Inc. c/o Robert Catalano to the Beach Donations Account, 28-632-5655-4830, to fund the Dr. David Garber "Dare to be Great" Award given to a lifeguard during our annual banquet

Diane Davidson

From: Maggie Clayton
Sent: Sunday, June 11, 2023 4:31 PM
To: Diane Davidson
Cc: Peter Johnson-Staub; Brooke McMillan; Robert Catalano; Sue Harvey
Subject: Beach Donation - David's Old Silver Swim, Inc. 2023

Hi, Diane:

This is a written request to the Select Board to add an item on an upcoming meeting's Agenda to include (1) vote to approve a donation in the amount of \$500.00 from David's Old Silver Swim, Inc. c/o Robert Catalano to the Beach Donations Account, 28-632-5655-4830, to fund the Dr. David Garber "Dare to be Great" Award given to a lifeguard during our annual banquet.

Thank you in advance for your consideration of this request.

Best,

Maggie Clayton
Beach Superintendent
Town of Falmouth
(774)392-6900

OPEN SESSION

MINUTES

1. Review and Vote to Approve Minutes of Meetings:
 - a. Public Session – April 1, 2023; May 1, 2023

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
SATURDAY, APRIL 1, 2023 – 9:00 A.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

THIS IS A WORKSHOP MEETING – THERE WILL BE NO PUBLIC COMMENT.

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

Staff Present: Peter Johnson-Staub, Interim Town Manager; Attorney Maura O’Keefe, Town Counsel; Brian Tobin, Associate Town Counsel.

OPEN SESSION

1. Call to Order at 9:00 a.m. by Chair Taylor.

BUSINESS

1. Policies Discussions:

- a. Embarkation fund usage

Mr. Johnson-Staub explained the Embarkation Fund is a revenue source for port towns that host certain ferry services, including the Woods Hole Steamship Authority (SSA). They are required to treat the revenue as special revenue--it is earmarked and tracked separately from the General Fund and there are limited purposes for which the funds can be used. The Town has complied by depositing to a dedicated account and appropriating \$350,500 in funds and allocating them to police and fire since it began in 2004.

The Select Board asked for the discussions. The Transportation Management Committee policy draft is in the Select Board packet. Mr. Johnson-Staub does not support the recommendation for a policy on the use of the fund. Compliance is fine, the MA Office of the Inspector General (IG) looked at it and provided a response under the prior Town management to the IG and the IG is not looking further at this time. There is revenue in this account beyond what has been allocate each year, the fund is now about \$1.3 million, the Town will pull out \$350,000 at Town Meeting. The Transportation Management Committee asked about using the funds for Complete Streets, smart signs, and the DPW needs an increase in budget to maintain the signs and was unable to be funded. The fund could be sued for that purpose. Mr. Johnson-Staub suggested not adopting a policy and plan for as they have future discussions about budget.

Mr. Brown noted a complaint by a member of the Transportation Management Committee regarding Falmouth inappropriately using the funds. The Inspector General made the determination that there wasn't sufficient indication that he needed to take action, and he declined to take action but in his opinion it would be wise for the Select Board to make a policy. Mr. Brown received this response in a phone call from Philip Mantyla of the Inspector General's Office. Mr. Mantyla said he was not going to put this response in a letter and that Mr. Brown could relay this response to the Board. Funding is going to potentially triple with the new fee rate, the policy should say a certain portion will be saved to do improvements on the corridor.

Mr. Johnson-Staub said that Nantucket does not have a formal policy, there is a separate article each year for which they appropriate money for parking enforcement. Yarmouth does not have a formal policy, they allocate for public safety.

Ms. Scott Price asked what authority they have to do some things on the State road they do not own, such as lights and monitoring.

Mr. Johnson-Staub said the transportation corridor is not limited to that one road, Woods Hole Road, The Police Department has authority to enforce traffic on every road including State highways. Can do Transportation enhancements that relate to the Woods Hole area, parking lots on Palmer Ave the Island Queen and Pied Piper, and the downtown area are also covered by the embarkation fee.

Chair Taylor does not see or hear a reason to actually have a policy if the Select Board can discuss how the money is spent. Why isn't the account spent each year?

Mr. Johnson-Staub said that is the part of the pattern of fiscal conservatism that can go too far; they reached a point to discuss what to do with the million dollars in the account. Mr. Johnson-Staub can craft a policy if it is the will of the Select Board. The town wants to leave things flexible. Tension is between having a plan and allowing flexibility so it can be adjusted as circumstances change. They should assume no tripling of the fee until it actually occurs.

Mr. Zylinski feels a policy would be appropriate, the Town should stop being ambiguous how the money is spent.

Chair Taylor supports Mr. Johnson-Staub's recommendation.

Mr. Brown said there is a need for policy that dedicates what type of actions/items might be included in funding requests. Various community members had various ideas. He feels a lack of a policy was the roadblock.

Mr. Johnson-Staub said the financial management of the Town, includes engagement and dialogue on those processes and policy discussion and strategic planning feed those processes.

Mr. Brown motioned to ask Mr. Johnson-Staub to craft a policy that would be broad and flexible and include parameters for how to access the fund. Mr. Zylinski seconded the motion. Vote: Yes-3 (Mr. Zylinski, Mr. Brown, Mr. Patterson). No-2. (Chair Taylor and Ms. Scott Price.)

Mr. Johnson-Staub stated his view and is happy to craft a policy that says how it will be treated and potential uses, he is hesitant to talk about how the funds are accessed. There is a Town Charter and structure for how these decisions are made.

b. Fiscal policy update

Mr. Johnson-Staub noted this addresses the discrete issue of how to treat room excise taxes. The Select Board agreed to language in the fiscal year 2024 operating budget policy and discussion putting similar language in the fiscal policy. The rooms excise tax is applied to hotels and motels, then several years ago it broadened to include short-term rentals. Base rate of the room excise tax was changed twice, from 4%, raised to 5%, then raised to 6% effective July 1, 2022. The Select Board has had many discussions, the most recent agreement was that we would take \$1 million of new revenue and split it between affordable housing and schools, each would receive \$500,000. Base rate increase to 6% was initiated by the Affordable Housing Committee, approved at Town Meeting with language that the additional revenue goes to Affordable Housing. The Fiscal Year 2024 operating policy said that funding is to go towards the Falmouth Affordable Housing Fund and the School Department operating budget, each receiving \$500,000. Mr. Johnson-Staub proposes to use that as a baseline and allow the Select Board flexibility going forward. Mr. Johnson-Staub drafted the language in the Select Board packet.

Mr. Johnson-Staub read the proposed language for a long-range plan: "Town Manager's proposed budget shall allocate to affordable housing the greater of: 1/6th of estimated rooms excise tax revenue consistent with the explanation provided to Town Meeting for article 15 of the November Town Meeting of 2021; or \$850,000".

Mr. Brown motion approval of the adjustment to the fiscal policy. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

c. Short-term rental regulation

Maura O'Keefe, Town Counsel, with Jed Cornock, Town Planner; and the Associate Town Counsel, Brian Tobin, made a PowerPoint presentation.

They discussed where the Select Board wants the Town to go in regard to short-term rentals, the law now and where it can go.

Specific regulations are not on the books but it is practical that they address the differences between short and long term rentals and the effect on the community.

Mr. Brown is concerned about seeing the same corporation renting many short term rentals. Is there a way to allow residents or voters to retain these rights going forward, but put a commercial accommodation restriction on corporations?

Brian Tobin, Associate Town Counsel, said that there is, Section 14 MGL 64G, allows a Town to define who the operator can or cannot be. The Attorney General's Office (AGO) said that an outright ban on corporations is okay and restrictions on limited liability companies to require they are individuals.

Ms. Scott Price is concerned with people who have someone who lives, works, has kids attend school and their landlord kicks them out in May and allows them to return in September so the landlord can rent in the more expensive summer market. Is there a way to manage that? Chair Taylor noted they need a definition of what is a short term rental.

Mr. Brown asked if action would be taken by the Select Board or another entity to authorize controls as used in Great Barrington, they may need to be put through a Town Meeting Vote.

Mr. Brown motion to authorize the Town Manager to work with staff to develop that preparation for Town Meeting and return to the Select Board for modification prior to closing of the warrant.

Attorney O'Keefe said this is just part of the bylaw, there needs to be significant policy development and more conversation needs to take place before anything is drafted.

Attorney O'Keefe asked, do you want to limit to certain districts for the purpose of regulating them at all? We do not have enough information, but that corporate concern will be part of the draft.

Chair Taylor suggested defining the goals first, then bring the Building Department and Board of Health into the conversation. Mr. Patterson suggested including the Cape Cod Commission.

Ms. Scott Price would like a backwards timeline provided to the Select Board, she would like to see something on the November 2023 Warrant. When is the bylaw needed to be completed? How to have iterations back and forth? It is critical to have the Building Department and Board of Health on board. We have to figure out where the money will come from to develop this with staff. She would like another workshop on this policy and what it would look like.

Chair Taylor would like to see other Towns' policies as well.

Mr. Zylinski said that they should go to the community to determine what is important to them, have key points so they are not overlapping among the Select Board. Chair Taylor feels that is a way to structure it. The Select Board needs to establish goals and then come up with a plan to develop the goals.

Mr. Brown would like to prevent housing stock from becoming a corporate source of income.

Mr. Johnson-Staub said the Select Board has given direction for next steps. Attorney O'Keefe said this is just the beginning and would like to get the Select Board thinking about where they want to be.

Chair Taylor would like a Saturday workshop to dive into this and likes the seeds because it gives them a place to jump from.

Ms. Scott Price feels it's important to think about the people who want to live here year round, many are kicked out for the summer because landlords make a lot of money. She knows people who have left the Cape and will not come back, it is important to move on this and do something.

Chair Taylor would like to work with Ms. Scott Price on a design and try to come up with a date for the next workshop, so they can put together a timeline.

Mr. Brown asked if they get bogged down and are not prepared for November 2023, is there a temporary moratorium on these until some regulations are in place. Attorney O'Keefe does not know how that would be enforceable, she can look at it, but we do not know how to enforce what is existing.

Mr. Brown asked if all rental platforms require tax identification? Mr. Johnson-Staub said all owners of short term rentals need to register with the State. Mr. Johnson-Staub said that there are resources to ensure those renting are complying with excise tax by: 1) the State provides the Town with a list of properties that have registered as short term rentals and, 2) the Town has budgeted money for a service to look at who is advertising short term rentals and be able to compare that to the State list.

Ms. Scott Price motioned to adjourn at approximately 10:12 a.m. Mr. Brown seconded the motion. Vote: Yes-5, No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

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.

DRAFT

TOWN OF FALMOUTH
SELECT BOARD
Open Session
MONDAY, MAY 1, 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.

Present: Nancy Robbins Taylor, Chair; Onjalé Scott Price, Vice Chair; Samuel Patterson; Douglas Brown; Scott Zylinski.

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

1. Chair Taylor called the open session to order at 6:00 p.m. Mr. Zylinski motioned to convene the executive session under M.G.L. c. 30A s. 21(a)(2) - To discuss strategy with respect to contract negotiations with non-union personnel (Town Manager) because to not go into executive session could prejudice ongoing negotiations. Ms. Scott Price seconded the motion. It was followed by a roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Ms. Scott Price, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Zylinski, aye; Chair Taylor, aye.
2. Chair Taylor reconvened the open session.
3. Pledge of Allegiance
4. Proclamations:
 - a. Police Week – May 14 - 20, 2023
Mr. Patterson read the proclamation in the packet as a motion. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.
 - b. Falmouth Community Television (FCTV) Month – June 2023
Ms. Scott Price read the proclamation in the packet as a motion. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.
5. Recognition
Ms. Scott Price recognized Mr. Patterson for many years on the Select Board and the Select Board thanked Mr. Patterson for his commitment to the Town, his work with housing, schools, and renewable energy, and noted it was a pleasure to serve with Mr. Patterson.

Mr. Patterson thanked the citizens for the opportunity to serve them in School Committee and Select Board. Mr. Patterson hopes to have brought constructive change and guidance as part of his tenure in this special place.

Chair Taylor motion recess for ten minutes to celebrate Mr. Patterson. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Chair Taylor reconvened the open session.

6. Announcements

Ms. Scott Price announced that due to a structural issue in the Woods Hole Aquarium, it will be closed for three months while it is repaired.

7. Public Comment

Dr. Barbara Schneider said that 12 years ago they opened the Falmouth Dog Park and the park has seen about 35,000 dog visits per year. She thanked the donors and businesses that support it.

Dave Moriarty, Falmouth resident, said that the Department of Public Energy Facility Siting Board gave an update to public utilities recently, and the Town is still negotiating with the cable company. He feels an update is necessary and would like the Town to form a citizen committee. He is concerned this company is not being accurate, and the Town should stay ahead of this to be proactive.

Paula Madore, Cutty Drive, E. Falmouth, asked for an explanation of election day and the times. The major elections are held the first Tuesday in November. This year the School Board and Select Board elections are 5/16/23; they are held the second Tuesday of May each year. Chair Taylor invited her to call a Select Board member or the Town for more information.

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
 - a. Affirmative Action Committee

Milene Chioatto

Ms. Chioatto is a Social Worker at the Community Health Center, Falmouth office, and has been a resident since 1998. She is a member of the Falmouth Human Services Committee. She serves the Spanish population at the health center.

Ms. Scott Price motioned to approve Ms. Chioatto for the unexpired term ending 6/30/24. Second Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Amy Bower

Ms. Bower is a scientist at WHOI, resident since 1988, she has had opportunities to learn about diversity, equity, and inclusion issues in her professional experience. She has led in hiring, has been a department Chair, and is interested in sharing her experience with the Town to make it a better place. She raised a child of color in Falmouth and is personally aware of issues facing people of color and identified herself as a blind person.

Ms. Scott Price motioned to approve Ms. Bower for a term ending June 30, 2025. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Chinna Mapp

Ms. Mapp has been a resident since 2021 and would like to do her part.

Ms. Scott Price motioned to approve Ms. Mapp for a term ending June 30, 2025. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

BUSINESS

1. Water rate study (or tax lien sale)

Mr. Johnson-Staub noted there will be treatable and potable water rate changes based on the costs. The slides used in the Select Board Packet were updated from those in the packet. They are seeking feedback from the Select Board for Water Board hearing as soon as May 22, 2023.

Peter McConarty, Director of Public Works, reported a presentation of the capital efficiency plan that outlined the work that needs to be done for efficiency. Mike Schrader; Steve Cadorette, DPW Deputy Director; and Steve Rafferty, former Water Superintendent will discuss water at this time. They are looking to change the structure of billing so it is standardized with other cities and towns. They are not looking to change the sewer rates at this time.

Mike Schrader, Tighe & Bond, made a PowerPoint presentation. The Town has come up with about \$50 million worth of projects/repairs. They developed two funding scenarios, looked at a rate structure, and how to fund it.

Ed Senteio, Finance Director, is seeking Select Board's guidance, on budget funding and what the tolerance of the citizens may be and talk with constituents about what they feel is equitable. He noted that a tiered structure with higher rates for higher users would lighten the load for light users.

Mr. Patterson asked if they go to an enterprise fund, would the Water Department have more discretion to raise rates. Mr. Senteio said they could look at all the rates. Another community looked at the full cost of the Water Department, half related to rate activities, so they covered 50% of the costs. This is an enterprise analysis; the general fund subsidizing the Water Department by millions to make the operation go. There could be an Enterprise Fund, then transfer money from the General Fund to the Enterprise Fund.

Mr. Brown said it looks like the water rates will need to be doubled to catch up with the system and its needs. He would like to fully fund the Water Department but is not sure about the capital part of it because historically that is funded in November through the capital plan. Excluding the cost of the water main replacements of \$3 million, it would be funded in the capital budget in November. Mr. Senteio said that would result in \$3 million budgeted to the Water Department and \$5 million budgeted to the rest of the Town.

Chair Taylor questioned whether they would meet all the Town needs with taking \$3 million out of the capital budget.

Scenario one would result in increase of 42%, scenario 2 would result in an increase of 5%.

Ms. Zylinski noted the information will be available on the website, and the Finance Director will be available for questions.

Mr. Patterson said it will still cost the Town, but do not see it as a transition limited to the Water Department. Enterprise Fund makes it transparent.

Mr. Senteio said in 2016 there was a rate study, but no changes were made. If the study done in 2016 was enacted, there would be minimal rate increases now. Unless the rates go up to 42%, the Town will be funding the Water Department, since 2007 the Water Department has been subsidized by the General Fund.

Special Revenue Fund could have subsidies from the General Fund; so, either the Special Revenue or Enterprise Fund would be appropriate.

Mr. Johnson-Staub said this is not a small issue and wishes there was more optimistic news; the Town really needs to invest in water main replacements, they can fund by reducing other capital expenses or increasing water rates. We have had low water rates and have an old system, need to make investments.

Mr. Zylinski would like to speak with constituency about this and get more information.

Chair Taylor would like a conversation with Mr. Senteio.

Mr. Rafferty explained the 5/8 inch meter pays fixed cost and get so many units of water, beyond that you pay a fixed rate. Still pay the one rate for every unit of water you use over your allowance.

Mr. Johnson-Staub said half the users are not using the water that they pay for, so they subsidize the larger users. The new structure will have better incentives, whatever water you use you pay for; it is a more rational approach that will incentivize conservation.

The Select Board would like more time before a rate hearing is held another time.

Mr. McConarty said the goal is to have a format for rates and be able to appropriate funds in November 2023. This has been kicked down the road, we are at a crossroads having spent so much time and dollars updating the treatment facilities, now we have to put it into the infrastructure that carries water to the community. Residentials get biannual billing, two staff do the readings. They are looking at doing it quarterly with automatic reads and reading software.

The Select Board stated they could commit to a June hearing.

Mr. Brown asked if they should consider a larger project than \$3 million and if there should be a debt exclusion. Mr. McConarty said only so many contractors on Cape do this type of work, the \$3 million will bring them to where they want to be and give a good start for phase one. The contractors may not be able to do more work than can be done for \$3 million.

2. Authorize Water Superintendent to amend water usage restrictions as needed based on drought conditions.

Mr. Johnson-Staub explained water use restrictions are in place now, they were voted August 2022 by the Select Board. They are looking to follow MA Department of Environmental Protection (MA DEP) and State guidelines; if there are flow problems, they would like to make those restrictions without having to come back to the Select Board annually.

Ms. Scott Price motioned to amend by lifting the water use restrictions recommended by the Water Department and implemented by the Falmouth Select Board on 8/8/2022 as needed based on drought conditions. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

3. Update – Nobska Light land disposition
Rescheduled.

4. Beach Committee mission statement

The mission statement was brought forward, in the packet is the mission statement and one element of the statement Mr. Johnson-Staub is recommended, that is changing item 5 to make clear when Beach Committee members are serving as volunteers out there doing something, under the Charter operations is under the Town Manager. He suggested the mission statement make clear any volunteer activities they do is authorized by the Beach Superintendent. Change to “Serving as Beach Department volunteers under the Beach Superintendent”.

Barbara Schneider said they do not have in Town full time year round Beach Department staff and there are times the Beach Committee is serving as representatives at job fairs or meetings, always with the knowledge of the Superintendent of Beaches. They are being representatives, they do not have someone here full time who can do some things, but they see this as so important that they take this on. Other Towns have full time Beach Superintendents year round.

Mr. Johnson-Staub noted it would be sufficient so as long as it says under the direction of the Beach Superintendent. Mr. Patterson suggested the language “under the supervision of the Beach Superintendent.”

Ms. Scott Price motioned to amend the item one to include serving as volunteers and representatives for Falmouth beaches under the direction of the Beach Superintendent. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

5. Approve mission statement for disposable plastic regulation committee.

Mr. Johnson-Staub noted the name of the committee is up to the Select Board and the draft is in the packet. The Board of Health (BOH) would adopt and enforce the regulations. The Select Board is appointing the committee, the BOH will communicate with the Select Board, but ultimately the recommendations will be given to the BOH.

Scott McGann, Health Agent, said the regulations make it easy because things may change and he feels the way this is written is good.

Chair Taylor said it will go on the website and then they will appoint 7 members.

Diana Molloy said the BOH is willing to work with the committee.

Alan Robinson, Solid Waste Advisory Committee Chair, said the statement drafted by Mr. Johnson-Staub is consistent with the recommendation they would have made.

Ms. Scott Price motioned approval of the mission statement and change of the name to the Plastic Reduction Advisory Committee and the committee will sunset once the BOH has acted on the Committee’s recommendation. Second Mr. Zylinski. Vote: Yes-5. No-0.

6. Police vehicle replacement policy

The Select Board previously adopted a fuel efficient vehicle and idling policy to qualify as a Green Community, as available and practicable.

The Falmouth Police Department (FPD) has concerns with hybrid patrol vehicles which recently became available, question of reliability, low clearance when operated on unpaved roads. The Select Board packet has cost and mileage for several vehicle options. Does the Select Board want to make an exception to the fuel policy; is it practicable for FPD to continue purchasing hybrid patrol vehicles? Options include to continue with gas version of the Interceptor or go with Chevrolet Tahoe, a worse mileage and more expensive vehicle.

Mr. Johnson-Staub said this is an interpretation, we have been purchasing hybrid vehicles, and this is appropriate to bring to this to the Select Board for transparency.

FPD Captain Brian Loewen reported that the FPD has twelve patrol vehicles, two of which are for supervisor, ten for patrol, of which eight are hybrid models. The FPD is looking to replace the last gas vehicles, which are more reliable. They tried to buy them last fall; however, Ford had difficulty getting them on the lot, canceled this a year ago, but about a week or so ago the FPD was notified that Ford has the hybrids on the lot. The hybrids go to the shop often for repairs.

Chair Taylor feels the way this is written gives them the leverage depending on how it is interpreted.

Mr. Zylinski noted that reliable vehicles are important and supporting this helps in turnover, reliability, and staffing.

Mr. Patterson said this is not the area that is producing the majority of carbon impact, this is not the place to focus our conservation efforts.

Mr. Johnson-Staub noted the language is fine, the amendment makes it clearer that they have some discretion.

Mr. Brown motioned to amend the language in the policy. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

Richard Duby, Blacksmith Shop Road, understands the Captain's position, hybrids are considered more dependable than internal combustible engines. Increased brake life, longer maintenance intervals, the problem with the vehicles is real, and questioned whether it is the problem with the Ford model. Is it possible for the FPD to look at hybrid models other than these Fords so they get a reliable vehicle and meet the standards we are trying to meet.

Mr. Zylinski noted there is budgetary restraint to this as well.

Captain Loewen said that other manufacturers are working on making hybrid models available. The Ford Interceptor has had historical issues, until we have something to meet our needs they will investigate it but he does not believe there is anything else out there.

Mr. Johnson-Staub explained patrol vehicles are very different, specifically designed for police standards and equipment.

7. Acting as Trustees of the Falmouth Affordable Housing Fund, Discussion and Vote on application from Falmouth Housing Trust for \$500,000 for affordable housing project at on Mr. Patterson Turner Road
Mr. Brown motioned approval. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

8. Residential occupancy deed restriction
Mr. Brown motioned approval to send letter of support to enable residential deed restriction. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

CONSENT AGENDA

1. Licenses

- a. Approve application for a Second-Hand Dealer License – Divine Consignments, located at 419 Palmer Avenue

- b. Approve a change of date of an approved Special One-Day All Alcohol Liquor License – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – Thursday, 5/11/23 (previously approved for Saturday, 4/29/23)
2. Administrative Orders
- a. Vote to approve request to spend up to \$1,250.00 from the Recreation Department donation account for the upcoming spring dances and to purchase ice cream from Sea Scoops
 - b. Vote to accept donation from Nancy L. Erikson and John S. Erikson in memory of Jack Erikson in the amount of \$500.00 to the Falmouth Fire Rescue Department

Chair Taylor read the consent agenda.

Mr. Zylinski motioned approval. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

MINUTES

- 1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – April 10, 2023 (meetings 1 and 2)
 - Meeting 1
 - Mr. Patterson motion to approve as edited and release for public access. Second Ms. Scott Price. Vote: Yes-5. No-0.**
 - Meeting 2
 - Ms. Scott Price motioned to approve and release for public access. Mr. Brown seconded the motion. Vote: Yes-4. No-0. Abstain-1. (Mr. Patterson Abstained).**

TOWN MANAGER’S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reviewed the report. Three finalists for police chief are FPD Captain Brian Reid, FPD Lt. Sean Doyle, and Westboro Police Chief Jeffrey Lourie. The final round of interviews was this morning, then reference checks, and will be subject to background check.

SELECT BOARD REPORTS

Mr. Brown:

Attended today’s Water Quality Management Committee (WQMC) meeting and provided a brief summary. The committee asked Kristen Rathjen to take a look at the sewerage proposal by the proposed 300-unit housing developer. Taking a look at reclassifying of two harbors, Megansett Harbor and Quissett Harbor, degradation because of nitrogen in winds but is now much less because winds are shifting so not coming over us. Pursuit of Town-wide fertilizer band and letter regarding their position on Article 25. Mr. Brown spoke with Southcoast Wind Representative Kelsey Perry and asked her to provide an update regularly. The Fresh Water Ponds Working Group agenda item was on the WQMC agenda; the WQMC is not positioned to take on a new initiative. It may be time to form another committee to look at the Town’s fresh water ponds.

Ms. Scott Price:

Attended the Green Center to discuss a pilot project that came up at Town Meeting, they want to bring information to the November Town Meeting. Spoke to Dave Calhoun and will follow up with him as well.

Chair Taylor:

Requested a presentation by WQMC in combination with Amy Lowell for an update.

Michael Stone spoke at Town meeting about wind and solar power.

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

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

OPEN SESSION

MINUTES

1. Review and Vote to Approve Minutes of Meetings:
 - b. Executive Session – April 3, 2023

June 26, 2023

OPEN SESSION

TOWN MANAGER'S SUPPLEMENTAL REPORT

June 26, 2023



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

TO: Select Board
FROM: Mike Renshaw, Town Manager
SUBJECT: Supplemental Report
DATE: June 26, 2023

Creation of Working Group to Explore Beach Department Facility Replacement Options:

The existing Surf Drive Bathhouse is subject to flooding and requires significant cleaning and maintenance efforts to make the facility usable each season. Similarly, the facilities at Old Silver Beach have become extremely worn and therefore present added maintenance concerns. Obviously, all of these coastal facilities are very vulnerable to storm damage.

I want to applaud Assistant Town Manager Johnson-Staub for his vision and efforts to devise what I feel is an outstanding action plan that will involve the establishment of a working group comprised of staff members and a representative of the Beach Committee. This working group will be tasked with identifying viable options for the replacement of these facilities, as well as drafting a scope of work for a needed feasibility study and cost-benefit analysis to evaluate each option.

We intend to request funds for this feasibility study at the November Town Meeting. The feasibility study will put us in a position to better determine the best long-term solution to this issue. Going forward, the solutions might include mobile units, food trucks, and possibly relocating Beach Department offices to a new location.

Confirmed Start Date for New Police Chief Jeff Lourie:

We're very excited to announce that Chief Jeff Lourie's official start date is July 1. Assistant Town Manager Johnson-Staub and I had an opportunity to visit with Chief Lourie recently, and I left that visit extremely impressed with his long-term vision for the Falmouth Police Department.

Newly Revised Title V and Watershed Permit Regulations Effective July 7, 2023:

The MassDEP recently promulgated new Title V and Watershed permit Regulations that will go into effect on July 7, 2023 (refer to attached email from DEP received June 21). Barring any significant increase in State funding, these regulations will add significant pressure on the Town to complete the sewer extension and other nitrogen mitigation measures and water quality management plans much sooner than what our tax neutral timeline (presented to the Select Board in February 2023) would allow for. Further study and planning will be required to

determine what actions the Town may need to take and what the financial impact on property owners might be.

Upcoming Meetings:

- July 10
- July 24
- August 5 (Select Board Strategic Planning Session)
- August 7
- August 21
- August 28
- September 11