

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, AUGUST 21, 2023 – 6:30 P.M.**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

**6:30 p.m. OPEN SESSION**

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Suicide Prevention Month – September 2023
4. Recognition
5. Announcements
6. Public Comment

**6:40 p.m. BUSINESS**

1. Vote to accept a water main easement for the condominium project at 213 North Falmouth Highway (10 minutes)
2. Discuss the 2023-2027 Strategic Plan Status Report (5 minutes)
3. Vote to approve Select Board support for the Resilient Woods Hole Walking Trail Project (10 minutes)
4. Application for Special One-Day Wine and Malt Liquor License – On the Water, LLC – Striper Fest – Bandshell/Marina Park – Saturday, 9/23/23 (rain date Sunday, 9/24/23) (5 minutes)
5. Vote to adopt the FY25 Operating Budget Policy (10 minutes)
6. Vote to reverse the All Alcoholic Beverages Restaurant License from Peppercorn Restaurant LLC to Olive Restaurants, Inc. d/b/a Shiverick's Café and Bar at 285 Main Street (5 minutes)

**7:25 p.m. CONSENT AGENDA**

1. Licenses
  - a. Application for a Common Victualler License – The Portuguese – 424 East Falmouth Highway, Unit B101, East Falmouth
2. Administrative Orders
  - a. Request from Recreation Department to spend \$2,000 from the Falmouth Road Race Donation for the Community Center Playground for the Sound Study for the Trotting Park Pickleball Complex
  - b. Accept donation of excess water main pipe valued at approximately \$2,000 from Michael Solimando to the Water Department
  - c. Approve withdrawal from the Beach Donations Account in the amount of \$500.00 for the Dr. David Garber “Dare to be Great” award to be given to a lifeguard during the annual banquet

**7:30 p.m. MINUTES**

1. Review and Vote to Approve Minutes of Meetings
  - a. Public Session – March 27, 2023

**7:35 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT**

**7:40 p.m. SELECT BOARD REPORTS**

**7:50 p.m. DISCUSSION OF FUTURE AGENDA ITEMS**

**8:00 p.m. ADJOURN**

Nancy Robbins Taylor, Chair  
Select Board

**OPEN SESSION**

3. Proclamation – Suicide Prevention Month – September 2023



## PROCLAMATION

WHEREAS; With September being recognized as "Suicide Prevention Awareness Month", the Cape and Islands Suicide Prevention Coalition invites our communities, mental health advocates, prevention organizations, survivors and allies to join us in helping to destigmatize mental health and take proactive action toward suicide prevention. We seek to raise awareness and visibility of mental health and suicide prevention resources in our communities and help connect individuals with the appropriate support services; and

WHEREAS; According to the American Foundation for Suicide Prevention (A.F.S.P.), suicide is the second leading cause of death among individuals between the ages 10 and 34 with more than 48,000 people dying by suicide annually in the United States; and

WHEREAS; With an average of 132 suicide deaths daily and each one directly impacting 100 additional people, including friends, service members, family, social media connections, and neighbors we know a significant number of individuals have been impacted by suicide;

WHEREAS; Barnstable County's suicide rate is 1.5 times higher standing at 14.2 per 100,000 vs. the Commonwealth of Massachusetts' suicide rate of 9.5 per 100,000, we recognize the need to create hope through action locally;

WHEREAS; Our local Cape and Islands Suicide Prevention Coalition works hard to spread the word about prevention, awareness, education and action;

WHEREAS; Falmouth, Massachusetts publicly places its full support behind those who work in the field of mental health, education, and law enforcement; and

WHEREAS; We encourage all residents to take time to understand mental health through education and recognize that we need to take care of our mental health while we take care of each other.

**NOW, THEREFORE**, be it resolved that we, Nancy Robbins Taylor, Edwin (Scott) P. Zylinski II, Douglas C. Brown, Onjalé Scott Price and Robert P. Mascali do hereby **proclaim the month of September 2023, as National Suicide Prevention and Action Month** in the Town of Falmouth.

IN WITNESS THEREOF, we have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed on this 21<sup>st</sup> day of August, 2023.

\_\_\_\_\_  
Nancy Robbins Taylor, Chair

\_\_\_\_\_  
Onjalé Scott Price

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

\_\_\_\_\_  
Robert P. Mascali

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

\_\_\_\_\_  
SELECT BOARD

## Diane Davidson

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**From:** Allaire, Sue <sallaire@capecod.edu>  
**Sent:** Wednesday, July 19, 2023 10:10 AM  
**Subject:** 4Cs Suicide Prevention Awareness Proclamation  
**Attachments:** Towns Proclamation 2023 (2).docx; Ribbon Ceremony and Trainings.pptx

July 19, 2023

Dear Board of Selectmen:

Each year, we lose more than thirty-five Cape & Island residents to suicide. For each of these suicide deaths, it is estimated more than thirty people are affected. Suicide is a public health issue in our communities; and we need your help to help us reduce the rate of suicide on the Cape and Islands which stands at 14.2% per 100,000; 1.5 times higher than the suicide rate of the state of Massachusetts which stands at 9.5% per 100,000.

In recognition of National Suicide Prevention Month, the Cape & Islands Suicide Prevention Coalition is once again seeking to have September recognized as Suicide Prevention Month in all of the towns on Cape Cod and the Islands.

We aim to recognize this painful and often hidden part of our communities, to demonstrate our commitment to suicide prevention, and to send a message of hope to those struggling, grieving, or affected in any way by suicide. We know that by decreasing the stigma that surrounds suicide, we increase the likelihood that someone will reach out for help.

Please accept this proclamation request for the selectman's agenda for a September meeting (Sample proclamation wording is attached) we appreciate your consideration for this request, and look forward to hearing from you.

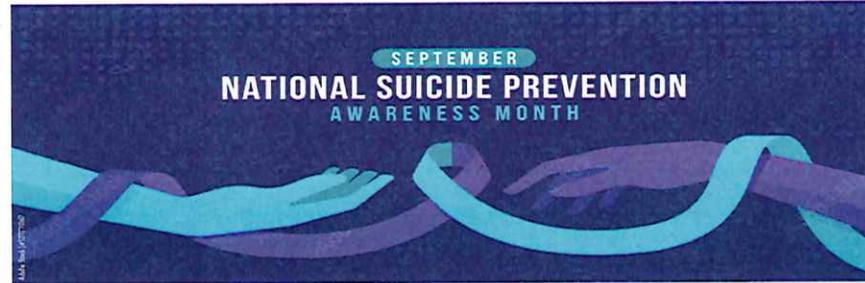
The signed proclamation can be emailed to us at [capeandislandspc@gmail.com](mailto:capeandislandspc@gmail.com) or mailed to us at: Cape and Islands Suicide Prevention Coalition, P.O. Box 119, Barnstable, MA 02630.

We invite you all to attend and/or spread the word about the September 14<sup>th</sup> Suicide Prevention Ribbon Ceremony at 1pm at Cape Cod Community College, Tilden Library Steps when this proclamation will be read publicly by Cape Cod Community College's President John Cox . I have attached the flyer.

Trainings on Suicide Prevention are available for town employees at no or low cost through the The Institute for Mental Health at Cape Cod Community College. If you are interested in scheduling a training, please see the attached flyer for more information.

Warm Regards,

Dr. Maura Weir and Sue Allaire  
Co-Chairs,



### Ribbon Ceremony and Lunch

*Please join us as we hang ribbons of remembrance for those we have lost to suicide and support the many survivors of suicide loss for National Suicide Prevention Month.*



Cape Cod Community College  
Inner Courtyard, Tilden Library Steps

1:00-2:00 pm

September 14, 2023

All are welcome to attend the Cape and Islands Suicide Coalition General Membership meeting following the ribbon ceremony and lunch from 2:00-3:00pm, in person or virtual <https://capecod.zoom.us/j/98375687504?from=addon>



@capecodcc



/CapeCodCommunityCollege



/School/CapeCodCommunityCollege



@capecodcomcol



capecod.edu

## The Institute for Mental Health Training Offerings

**QPR**, a 1-1/2 hour training, stands for Question, Persuade, and Refer — the 3 simple steps anyone can learn to help save a life from suicide. Just as people trained in CPR and the Heimlich Maneuver help save thousands of lives each year, people trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help.

**SafeTALK** is a half-day training program that teaches participants to recognize and engage persons who might be having thoughts of suicide and to connect them with community resources trained in suicide intervention. SafeTALK stresses safety while challenging taboos that inhibit open talk about suicide. Training must be held in person.

**Mental Health First Aid** is a 6-7 hour skills-based training course that teaches participants to identify, understand and respond to mental health and substance-use issues. Training can be a blended format of virtual and in person.

**ASIST** Applied Suicide Intervention Skills Training (ASIST) is a two-day interactive workshop in suicide first aid. ASIST teaches participants to recognize when someone may have thoughts of suicide and work with them to create a plan that will support their immediate safety. Although ASIST is widely used by healthcare providers, participants don't need any formal training to attend the workshop—anyone 18 or older can learn and use the ASIST model. Training must be held in person.

*For more information, or to schedule a training, please contact Maura Weir, Chief Wellness Officer, Cape Cod Community College and Co-Chair Cape and Islands Suicide Prevention Coalition, [capeandislandsSPC@gmail.com](mailto:capeandislandsSPC@gmail.com)*



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## **OPEN SESSION**

## **BUSINESS**

1. Vote to accept a water main easement for the condominium project at 213 North Falmouth Highway **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 1.

**ITEM TITLE:** Vote to accept a water main easement for the condominium project at 213 North Falmouth Highway

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** DPW Water through Associate Town Counsel

**ATTACHMENTS:** 1) Std Water Main Easement for 213 N. Falmouth Highway Condo 2) Grantor's Counsels Opinion Letter as to Title and 3) Certificate of Good Standing

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### PURPOSE:

For the Select Board to accept on behalf of the Town a Water Main Easement on a New Condominium Development pursuant to Town of Falmouth By-Law § 65-3, as well as authorize Town Counsel's Office to take reasonably necessary steps to ensure it's proper recording. The Condominium Project is located at 213 North Falmouth Highway. Peter McConarty, Mike Reghitto, and Brian Tobin available to discuss past policy and answers questions on the importance of consistent application.

### BACKGROUND/SUMMARY:

- Current easement for acceptance
  - In-line with Town Policy for New Condominium Developments, Private Parcels and Private driveways.
  - Based on standard form (see below).
  - Reviewed by Water Division & Town Counsel's Office.

- Reviewed by applicant's attorney who also provided an title opinion letter and certificate of good standing, among other things, to be in line with best practices.

➤ General Policy:

- Town of Falmouth By-Law § 65-3 allows select board to accept water and sewer easements for nominal, non-monetary consideration without a TMV.
- There is a Town Policy to accept easement for Water Mains on private property and private ways.
- Purpose of easement is to ensure Town rights to access water mains on private property, e.g. in the case of an emergency or a main break.
- Purpose is also to make clear relative rights and responsibilities up front of Town and property owner.
- Form utilized by prior Town Counsel's Office.
- Slight differences in the structure of the easement based on property type and history.
- Minor adjustments made to separate form on this basis and reflect current standards allows for ease of consistent application.
- Consistent application of policy creates administrative economies of scale, reduces time constraints on town officials, mitigates likelihood of future problems, and ensures equity among applicants.

**DEPARTMENT RECOMMENDATION:**

Water Division recommends acceptance of the easement. Further recommendation is to affirm importance of consistent application of the current policy with streamlined updates/current standards, moving future acceptances to the administrative agenda.

**OPTIONS:**

Briefly state the options the Select Board should consider.

- 1) approval of your recommended action or request;
- 2) denial of your recommended action or request;
- 3) Board defined alternative.

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A.

**TOWN MANAGER COMMENTS:**



Town Manager

7/20/2023

Date

WATER MAIN EASEMENT  
New Condominium Development

JayeMac Construction, LLC, a Massachusetts limited liability company, with an address of 150 Timothy Bourne Cartway, E. Falmouth, MA 02536 (“Grantor”), hereby grants to the Town of Falmouth (the “Town” or “Grantee”), a municipal corporation, of 59 Town Hall Square, Falmouth, Barnstable County Massachusetts 02540, regarding a Common Driveway known as “Existing Driveway Under Construction” (as shown on the plan referenced below), in Falmouth, Barnstable County, Massachusetts 02556, located on that parcel of land known and numbered as 213 North Falmouth Highway, Falmouth, MA 02556

for nominal, non-monetary consideration,  
the receipt and sufficiency of which is herein acknowledged,

the perpetual right, privilege, and easement, to use in common with the Grantor and others from time to time entitled to use the same, those strips of land lying within the areas labelled “Existing Driveway Under Construction” and the land within ten (10) feet of the sidelines of such Driveway shown on a plan entitled “Water Easement Plan for #213 North Falmouth Highway Prepared for Wild Harbor Condominium, LLC in Falmouth” dated July 7, 2023 by Falmouth Engineering, recorded with said Deeds in Plan Book 701, Plan 13, (the “Common Driveway”) for underground water lines, including, without limitation, the right to use said strips for the purpose of laying, installing, maintaining, operating, constructing, re-constructing, removing, replacing, re-laying, inspecting, patrolling, servicing and using water mains, drains, pipes, hydrants, shut-offs, back flow devices, and related equipment and appurtenances, with the necessary manholes or conduits (all of which, water mains and related equipment, and conduits shall remain the property of the persons installing the same) in, through, under, across and upon said premises within the Common Driveway in which the water main extension herein provided for is laid.

213 North Falmouth Highway, Falmouth, MA 02556

With respect to said right and easement hereby conveyed, the Grantor hereof for itself or themselves and their respective successors in the record title thereto hereby covenant(s) and agree(s) as follows:

1. The Grantor shall have the right to use and enjoy the foregoing right and easement for the purposes stated in common with the Grantee and others legally entitled thereto, subject to the terms and conditions expressed herein, but water usage shall be separately metered and paid by the party using the same.
2. The Grantor has or will, without any cost or expense to said Town of Falmouth, lay, construct, make, furnish, supply and install an extension of the existing water main of the Town of Falmouth, according to specifications approved by the Water Division and to its entire approval and satisfaction, from the existing water main on [insert road or way], in, through, under, across and along the Common Driveway shown on the plan attached hereto as Exhibit A.
3. It is agreed that during such constructions and laying of the water main as contemplated herein and hereby, the Water Division, and its duly appointed agents or representatives, shall have the right to inspect and to determine whether or not the rules and regulations and specifications of said Town of Falmouth are hereby complied with.
4. Grantor shall not perform, nor authorize or permit anyone to perform, any laying, installation, construction, maintenance, repairs or replacement of said water main without providing at least five (5) days written Notice to the Water Division and scheduling the supervision of an authorized agent of the Water Division onsite at all times. Under no circumstances shall Grantor use, improve, or perform work on, including, without limitation, repairs, nor authorize or permit anyone to Grantor use, improve, or perform work on, including, without limitation, repairs, any hydrants without the express written approval and direct supervision of the Water Division.
5. It is further agreed and understood that there will be no change in the grade of said Common Driveway in which said water main is laid without the prior written approval of the Water Division and that in the event that there is any change made to the grade of the Common Driveway after the water main has been laid and installed as herein contemplated or provided, that the undersigned Grantor, and/or their successors in the record title thereto, will pay the entire costs of relocating any water mains or pipes or other equipment or appurtenances that may become necessary by virtue of any such change in the grade of such Common Driveway.
6. Grantor will not authorize nor permit to be laid any existing or proposed waste water management system or components thereof, including, without limitation, gravity sanitary or storm sewer, septic tank, or subsoil treatment system within 10 feet horizontally from the Water Main. Grantor will also not authorize nor permit to be laid any other utilities, including, without limitation, underground telephone or electric wires or cables in said

Common Driveway within five (5) feet of any water main laid in said Common Driveway. However, the immediately preceding provision in this Paragraph 6 will apply only to parallel lines and not to lines crossing said water main and/or lines leading into homes in the development. In the event of any violation of the covenant(s), in this Paragraph 6, any such offending installation shall be moved without any cost or expense to the Town of Falmouth.

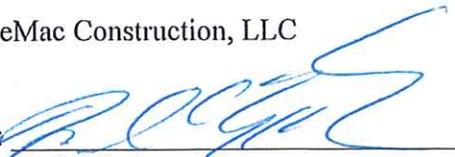
7. If in connection with the installation of utilities or otherwise any excavations are made in said strips or the "Existing Driveway Under Construction" and the land within ten (10) feet of the sidelines of such Driveway the party making such excavation shall forthwith restore said strips and the surfaces thereof to their prior condition. If said party is anyone other than Grantee or their successors in the record title, then Grantor or their successors in record title shall be responsible for ensuring compliance with this Paragraph 7.
8. It is further agreed that upon the completion of the aforementioned water main extension as herein provided, to the approval and satisfaction of the Water Division as evidenced by water being furnished through said water main extension to said premises that all such water mains, pipes, hydrants and appurtenances and equipment shall become, and remain, a part of the Town of Falmouth water supply system and shall be subject to all of the rules and regulations of the Water Division; and that the said Town of Falmouth may connect other water pipes or water mains or other connections thereto, whether on land of the undersigned or otherwise, without obtaining the consent or approval of any person or persons, or corporation who may at that time own said premises or any portion thereof, and without the cost of this water main extension being considered in determining any water guarantee or other charges or conditions that may then be required by the Town of Falmouth.
9. This Easement creates rights for the Town of Falmouth and nothing in this Easement is intended to create a duty or responsibility of any kind whatsoever for the Town of Falmouth to lay, install, maintain, operate, construct, re-construct, remove, replace, re-lay, inspect, patrol, service and use water mains, drains, pipes, hydrants, shut-offs, back flow devices, and related equipment and appurtenances, with the necessary manholes or conduits, for the water main extension contemplated herein. Grantor has not and shall not convey any rights in said extension, to anyone other than the Town of Falmouth as contemplated herein or The Condominium Association and Unit Owners pursuant to Condominium Documents contemplated by the Grantor's Comprehensive Permit No. 020-19 (as modified of record) and dated November 21, 2019. The limitation in the immediately preceding sentence shall apply to the water main extension as a whole, including, without limitation, its mains, lines, improvements, appurtenances drains, repairs and replacement.
10. The Town is hereby authorized to maintain, repair or replace the Water Main if the Grantor fails to make or undertake with due diligence maintenance, repair or replacement of said Water Main within ten days after it is given written notice of such failure from anyone; provided, however, that in case of emergency where, in the sole opinion of the Water Superintendent or any Town Official temporarily acting in the Water Superintendent's stead during his or her absence or a vacancy of the role, delay would cause serious loss or

damages, or a hazard or inconvenience to the public or any combination thereof, the Water Division may maintain, repair or replace the Water Main or place lights, signs, and barricades without prior notice to said Grantor. Said Grantor shall pay any and all costs arising out of or relating to any and all maintenance, repairs, or replacement of the water main, whether performed by the Water Division or not, including, without limitation, legal fees, expenses and costs.

For title reference see deed recorded at the Barnstable County Registry of Deeds Book 34861, Page 145.

IN WITNESS WHEREOF, the undersigned Daniel C. Maclone being the manager, real estate signatory, and duly authorized agent of JayeMac Construction, LLC has signed, sealed, acknowledged and delivered this instrument on behalf of JayeMac Construction, LLC this 24<sup>TH</sup> day of July, 2023.

JayeMac Construction, LLC

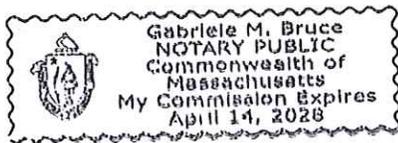
By:   
Daniel C. Maclone,  
Its Manager, Real Estate Signatory, and duly-authorized agent

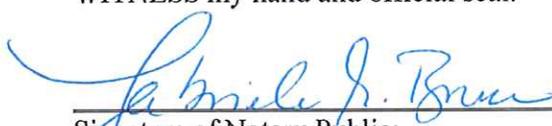
Commonwealth of Massachusetts

County of Barnstable

On July 24, 2023, before me, the undersigned notary public personally appeared Daniel C. Maclone \_\_\_\_\_, Manager, Real Estate Signatory, and duly-authorized agent proved to me on the basis of satisfactory evidence of identification which was personal knowledge to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me this instrument is (his)(her) voluntary, free act and deed as Manager and Authorized Signatory of JayeMac Construction, LLC.

WITNESS my hand and official seal.



  
Signature of Notary Public:

Print Name: Gabriele M. Bruce

My Commission Expires: 4-14-26

We the undersigned Select Board of the Town of Falmouth hereby accept this Easement on behalf of the Town of Falmouth under authority of Ch. 65, § 3 of the Code of Falmouth.

Town of Falmouth  
By its Select Board

\_\_\_\_\_  
Nancy Robbins Taylor, Chair

\_\_\_\_\_  
Edwin (Scott) P. Zylinski II, Vice Chair

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

\_\_\_\_\_  
Onjalé Scott Price

\_\_\_\_\_  
Robert P. Mascali

Date: \_\_\_\_\_

Exhibit A

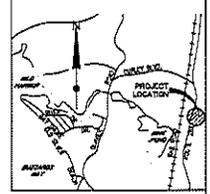
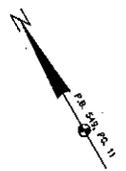
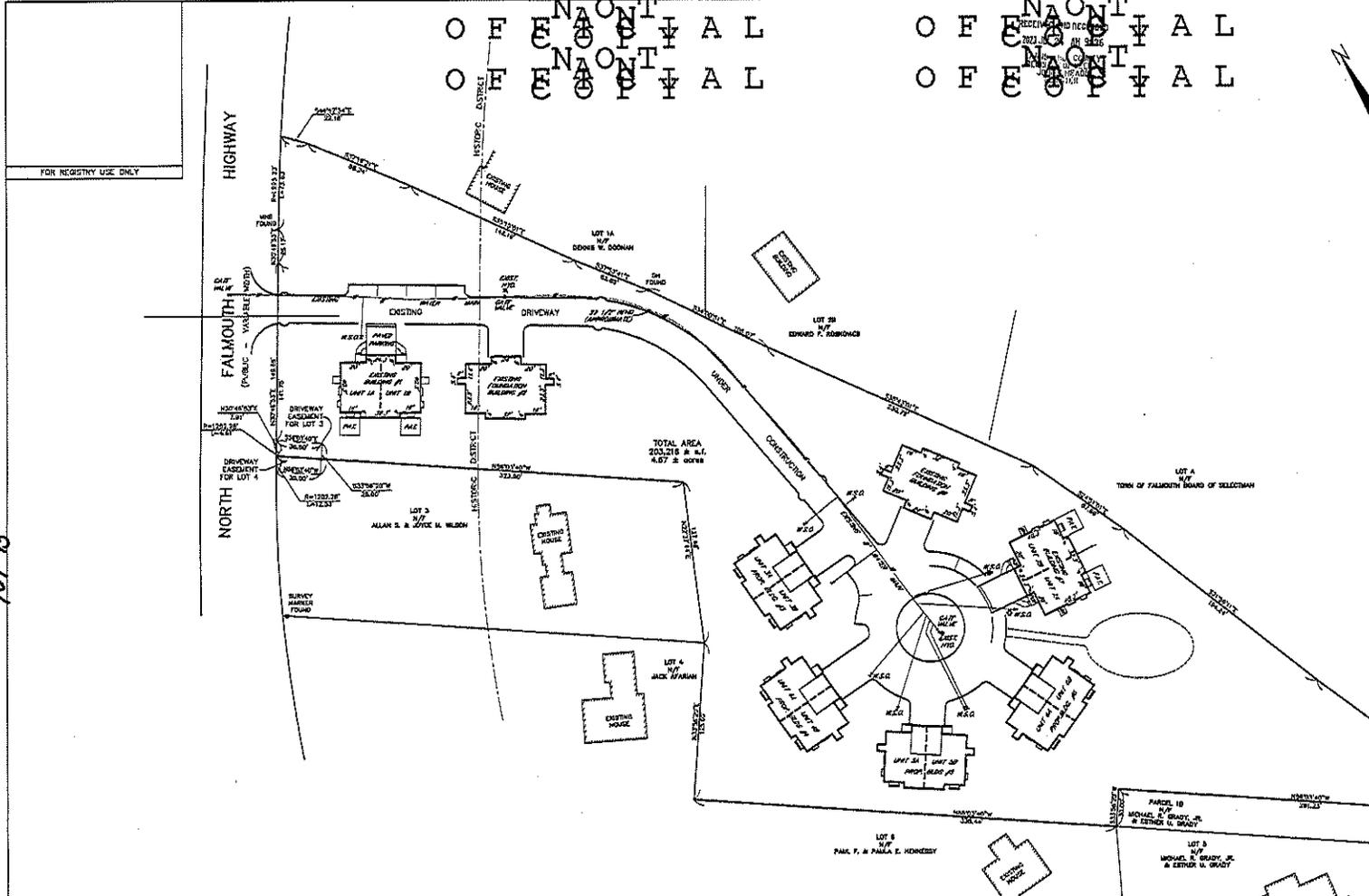
Water Easement Plan

[See Attached]

701 13

701 13

OFFICIAL OFFICIAL OFFICIAL OFFICIAL



LOCUS NOT TO SCALE

GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 12 08 007 001A & 12 08 007 004
2. FLOOD ZONE: X (FEMA MAP 25007C0313)
3. ZONING DISTRICT: RD

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERERS OF DEEDS.

7/21/23  
 DATE  
  
 REGISTERED PROFESSIONAL LAND SURVEYOR

NOTE: THIS PLAN IS BASED ON AN ON THE GROUND INSTRUMENT SURVEY.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING COASTING OWNERSHIP, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF COASTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

7/21/23  
 DATE  
  
 REGISTERED PROFESSIONAL LAND SURVEYOR



7/20/23	REV 02 1/2" BEND
DATE	REVISION
<b>WATER EASEMENT PLAN</b> FOR #213 NORTH FALMOUTH HIGHWAY PREPARED FOR <b>WILD HARBOR CONDOMINIUM, LLC</b> IN FALMOUTH MA	
PLAN DATE: JULY 7, 2023	PLAN SCALE: 1" = 40'
CIVL DESIGNING WATERWAY DESIGN TITLE & PLAT PLANS LAND USE PLANNING	 W/CDMS PERMITTING COASTAL DESIGNERS PERS AND DOCS COMMERCIAL/RESIDENTIAL
<small>Survey Done Civil and Southampton Massachusetts</small> 17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225	
PROJ. NUMBER: 18284 CAD FILE NAME: 1808-WATER DRAWN BY: M.B./J.L. SHEET 1 OF 1	

**AMENT KLAUER LLP**

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39 Town Hall Square  
Falmouth, MA 02540

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Kevin P. Klauer II, Esq.  
Matthew M. Terry, Esq.

Telephone (508) 540-6555  
Fax (508) 457-1293  
Website: [www.amentklauer.com](http://www.amentklauer.com)

July 25, 2023

Town of Falmouth  
59 Town Hall Square  
Falmouth, MA 02540  
(the "Town")

Re: 0 and 213 North Falmouth Highway, Falmouth, MA (the "Premises"); Water Main Easement

Dear Ladies and Gentlemen:

This opinion is furnished to you, the above-referenced Town of Falmouth, a municipal corporation located in the County of Barnstable, in connection with the execution and delivery of that certain Water Main Easement (the "Water Easement") by and between the Town and JayeMac Construction LLC (the "LLC") covering a portion of the Premises and permitting entrance onto the Premises by the Town to repair and replace certain water mains and lines.

In acting as counsel to the LLC, we have examined the Water Easement.

In addition, we have reviewed the following documents relating to the formation of the LLC (hereinafter collectively referred to as the "Formation Documents"):

- (a) The Certificate of Formation of the LLC;
- (b) Most Recent Annual Report of Borrower, dated January 19, 2023 and Certificate of Amendment dated January 26, 2023; and
- (c) The Certificate of Good Standing issued by the Massachusetts Secretary of State's Office on July 20, 2023 and attached hereto.

We have also examined such other documents, as we have deemed necessary in order to enable us to render this opinion, including, without limitation, the records of the Barnstable County Registry of Deeds and the title search performed on the Premises on or about July 25, 2023.

This opinion is rendered with the intention that it benefit the Town. The LLC acknowledged, and we hereby acknowledge, that (i) this opinion is requested directly by the Town; (ii) the LLC has caused this opinion to be rendered directly to the Town; and (iii) as a result, there is privity between the Town and us. We acknowledge that the Town is relying on the conclusions rendered in this opinion and would be harmed if they were incorrect.

Based on the foregoing, we are of the opinion of and do hereby certify that:

1. The LLC is a limited liability company duly organized, validly existing and in good standing under the laws of the Commonwealth of Massachusetts. The Formation Documents have not been amended or modified and are in full force and effect.

2. The LLC is the sole Owner of Record of the Premises.

3. The LLC has full power, authority and legal right to execute, deliver, and grant to the Town of Falmouth, the Water Main Easement, as well as to perform and observe the provisions of the Water Easement and all other instruments required to be delivered by the LLC.

4. The LLC's full power, authority, and legal right referenced in the immediately preceding paragraphs, includes, without limitation, the ability to grant to the Town of Falmouth, the perpetual right privilege and easement to lay, relay, repair, replace, maintain and operate, remove, and inspect water mains, sewer pipes, storm drains, service pipes and appurtenances thereto, in, through, under, across and over within the Common Driveway located on the Assessor's Parcels identified as (i) 12 8 007 001A and (ii) 12 08 007 004 and more commonly known as or located at 213 North Falmouth Highway, Falmouth, MA 02556.

5. To my actual knowledge, the LLC is not in default under any judgment, order, decree, rule or regulation of any court, arbitrating body, administrative agency or other governmental authority to which the LLC is or may be subject.

6. To my actual knowledge there are no actions, proceedings or investigations pending or threatened against or affecting the LLC (or any basis therefor known to us) which, if decided adversely to the LLC would adversely affect (i) the LLC's ability to perform and observe the terms, covenants and provisions contemplated by the Water Easement; or (ii) the Premises.

7. To my actual knowledge, the Premises has been inspected and a determination has been made that it is not subject to any quasi easements, implied grants, reservations or restrictions, including, without limitation, an easement by necessity, that would in any way affect or limit the LLC's ability to grant the Water Main Easement.

8. To my actual knowledge, there are no unrecorded easements, agreements, licenses or instruments of any kind, that would in any way affect or limit the LLCs ability to grant the Water Main Easement.

9. As of the date hereof, the LLC is the fee record owner of the Premises, as evidenced by the Quitclaim Deed dated December 13, 2021 and recorded with the Barnstable County Registry of Deeds at Book 34861, Page 145. As the fee owner, the LLC has the authority and ability to encumber the Premises through the execution, delivery and recording of the Water Easement.

Town of Falmouth  
July 25, 2023  
Page 2

10. The enforceability of the Water Easement is subject to (i) applicable bankruptcy, insolvency and similar laws and court decisions affecting the rights of creditors generally; and (ii) general equitable principles (regardless of whether such enforceability is considered in a proceeding in equity or at law). As of the date hereof, the Town of Falmouth has not provided or received any notices or other correspondence with respect to the subject matters set forth in the preceding sentence.

Further, the LLC represents and warrants that it will cause any Condominium Documents, including, without limitation the Master Deed or any and all Unit Deeds, executed or recorded with respects to the Premises to reference the Water Main Easement.

Ament Klauer, LLP



Matthew M. Terry, Esq.

MMT/mmt



*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

William Francis Galvin  
Secretary of the  
Commonwealth

July 20, 2023

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

**JAYEMAC CONSTRUCTION, LLC**

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **January 10, 2022.**

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation; that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156C, § 70 for said Limited Liability Company's dissolution; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **DANIEL C. MACLONE, ADAM FENDER**

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **DANIEL C. MACLONE, ADAM FENDER**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **DANIEL C. MACLONE, ADAM FENDER**



In testimony of which,  
I have hereunto affixed the  
Great Seal of the Commonwealth  
on the date first above written.

*William Francis Galvin*

Secretary of the Commonwealth

## **OPEN SESSION**

## **BUSINESS**

2. Discuss the 2023-2027 Strategic Plan Status Report **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 2.

**ITEM TITLE:** Discuss the 2023-2027 Strategic Plan Status Report

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** None

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### PURPOSE:

The purpose of this agenda item is to provide a very brief discussion of the results of the August 5, 2023 Select Board Strategic Planning Workshop as well as discuss briefly the next steps towards implementing the plan.

### BACKGROUND/SUMMARY:

- On October 24, 2022 the Select Board formally adopted the FY2023-FY2027 Strategic Plan, which contains the below listed seven Strategic Priority Areas and their respective goals and objectives:
  - Housing
  - Energy & Water Conservation and Sustainability
  - Financial and Economic Stability
  - Health and Public Safety
  - Management of Coastal/Natural Resources & Infrastructure
  - Organizational Effectiveness & Community Engagement
  - Water, Wastewater & Solid Waste Management

- As a result of the discussion during the workshop concerning the current interior and exterior condition of the Police Station and concerns of its habitability and impact on officer morale, the Select Board directed the Town Manager to develop an action plan that will address the more immediate facility needs as well as to pursue the use of a portion of funds that had previously been allocated in 2022 to renovating the existing facility to be used to fund an evaluation, feasibility and space needs study for the design and construction of a new Police Department facility.
- Based upon the workshop discussion and guidance provided by the Select Board, a revised and updated FY23-FY27 Strategic Plan will be brought before the Board at an upcoming meeting for review and adoption.
- The Town Manager's Office will be requesting funds at the November Town Meeting for the purchase and implementation of a strategic planning project management software platform that will provide enhanced tracking and reporting of progress being made at the department level in accomplishing the goals and objectives of the Strategic Plan in the coming years.

**DEPARTMENT RECOMMENDATION:**

This item is presented for information and discussion purposes only. No formal action is required.

**OPTIONS:**

N/A

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

This item is presented for information and discussion purposes only. No formal action is required.

*Michael Renshaw*

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**Town Manager**

8/18/2023

**Date**

## OPEN SESSION

## BUSINESS

3. Vote to approve Select Board support for the Resilient Woods Hole Walking Trail Project **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 3.

**ITEM TITLE:** Vote to approve Select Board Support for the Resilient Woods Hole Walking Trail Project

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Project Summary Document and Email

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### PURPOSE:

Resilient Woods Hole is seeking Select Board approval to install a self-guided walking trail, to include the installation of interpretive signposts on three Town-owned sites. The trail as designed will have 12 total stops containing smartphone/tablet/ accessible QR coding.

### BACKGROUND/SUMMARY:

- The project design and installation are fully funded by a MA CZM Coastal Resiliency Grant, and the aim of the project is to allow for more intense outreach and community engagement that will ensure long-term community action and momentum.
- The walking trail story posts will have links to the Resilient Woods Hole website for more information on current and future expected impacts of rising sea levels, regular nuisance flooding, and storm-related flooding.
- The walking trail will be based on the Gloucester HarborWalk model, involving a set map through Woods Hole, with posts at various points as illustrated in the Board's packet.

- If approved, Resilient Wood Hole will be responsible for all costs associated with design and implementation, and the Town will assume no responsibility for ongoing maintenance of the posts or other elements of the trail.
- The materials being used in the construction of the signposts are anticipated to maintain their appearance for a 15-20 year period.
- In the event of damage to the signposts or they are determined by the Town to be in disrepair, Resilient Woods Hole will be requested to remove the damaged elements at their cost.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board vote to approve support to allow the installation of these interpretive signposts in Woods Hole, and specifically upon the Town-owned sites at Woods Hole Park, Bar Neck Road at Penzance Point, and near the sewer lift station as presented.

**OPTIONS:**

- 1) Approve the Town Manager's recommendation to vote to approve support to allow the installation of Resilient Woods Hole signposts along the self-guided walking trail;
- 2) Approve a variation of the Town Manager's recommendation with stipulated changes;
- 3) Deny approval of the Town Manager's recommendation.

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board vote to approve support to allow the installation of these interpretive signposts in Woods Hole, and specifically upon the

Town-owned sites at Woods Hole Park, Bar Neck Road at Penzance Point, and near the sewer lift station as presented.

*Michael Renshaw*

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**Town Manager**

8/17/2023

**Date**

## Diane Davidson

---

**From:** Peter Johnson-Staub  
**Sent:** Monday, August 7, 2023 5:28 PM  
**To:** lmcgee@whoi.edu; rmunier@whoi.edu  
**Cc:** Michael Renshaw; Peter McConarty; Phyllis Downey; Diane Davidson; Jim McLoughlin  
**Subject:** ResilientWoodsHole Climate Walking Tour Installation  
**Attachments:** ResilientWoodsHole Walking Trail 07.25.23.pdf

Hello Leslie and Rob,

After consideration and some internal discussion, we have decided that these informational posts can be installed on Town property without a license agreement given that the Town is a member of the ResilientWoodsHole collaborative. You have documented in the attachment the coordinates identifying the precise locations at which these three posts will be installed on Town property. The Public Works Department has vetted these locations and does not need to observe the installation.

We do want to reiterate that the Town will not be responsible for any maintenance or replacement of these informational posts. With the ever growing demands on the Town's resources we are cautious about taking on new maintenance responsibilities. You indicated the posts are anticipated to have a useful life of 15-20 years. It is our expectation that the installation will be removed when the posts are damaged or fall into disrepair and they will not be replaced unless ResilientWoodsHole is able to pay for the cost of replacement.

Please consider this email a final approval to proceed with the installation.

Thank you for your patience with our review.

Best Regards,  
Peter

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

[www.falmouthma.gov](http://www.falmouthma.gov)

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

**From:** Leslie-Ann McGee <lmcgee@whoi.edu>  
**Sent:** Wednesday, July 26, 2023 1:24 PM  
**To:** Phyllis Downey <phyllis.downey@falmouthma.gov>  
**Cc:** Michael Renshaw <mike.renshaw@falmouthma.gov>; Rob Munier <rmunier@whoi.edu>  
**Subject:** FW: RWH: Walking Trail

Hello Phyllis,

Per Mike's request under separate cover and the information provided by the Town Planner below, can you please accept this email as a request for a Grant of License for the three stops/waypoints on the ResilientWoodsHole Climate Walking Tour and include it on the August 7 Select Board consent agenda.

Please note the complete package found in the Dropbox link below.

The three stops for which we need approval (see Page 6 for all stops) are:

1. Woods Hole Park
2. Sewer Pump Station
3. Bar Neck Road ROW/Penzance Point

[https://www.dropbox.com/s/v74ju106ptha1yz/RWH\\_walking\\_trail\\_summary\\_document%20v2.pdf?dl=0](https://www.dropbox.com/s/v74ju106ptha1yz/RWH_walking_trail_summary_document%20v2.pdf?dl=0)

Please note:

1. This is in support of ResilientWoodsHole as funded by a MA Office of Coastal Zone Management Coastal Resiliency Grant
2. Information on ResilientWoodsHole, as administered by WHOI, can be found at [www.resilientwoodshole.org](http://www.resilientwoodshole.org)
3. CambridgeSeven designed the posts. Information on local precedents are include in the package. Posts are being fabricated in the WHOI Shops.
4. The tour will be hosted on the STQRY platform. [www.stqry.com](http://www.stqry.com)
5. Approval for other stop/waypoint locations have been received from property owners.
6. The NAVD88 Elevations have already been surveyed by Woods Hole Group and will be included on each post (as shown in design) for educational purposes. They are extremely location specific so movement of waypoints in limited.

Thank you!  
Leslie-Ann



**Demonstrating the Power of a Private-Public Blue Economy  
Village Partnership in Implementing Community Climate Resiliency Solutions.**

## Summary:

ResilientWoodsHole is developing a self-guided walking trail around Woods Hole. Available via smartphone, tablet or desktop computer, the trail has 12 stops that will have to house the walking trail (<https://rwh.stqry.app/1>)

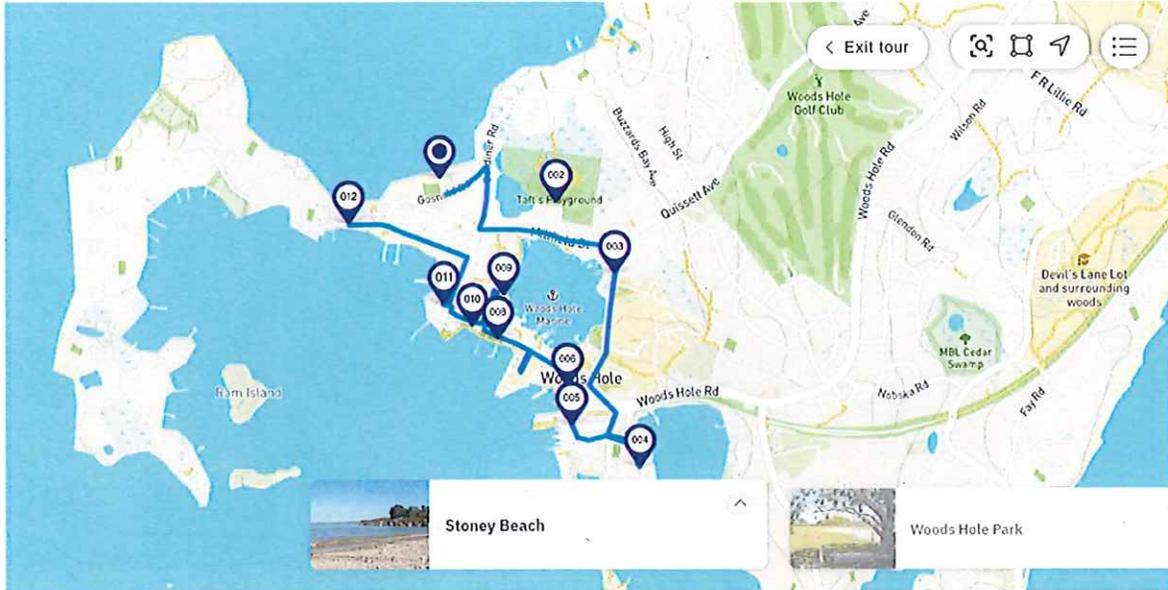
Funded by a MA CZM Coastal Resiliency Grant, to ensure long-term community action and momentum, moving beyond admiring the problem to action, the ResilientWoodsHole alliance will be strengthened by more intense outreach and engagement activities to engender buy-in and forward progress on making Cape Cod's only deep-water port and premier blue economy village less susceptible from climate impacts. As such here is the description of one funded sub-project included in this package:

Task 3.4: Produce an Accessible Woods Hole Climate Walking Tour for All Visitor Types to Physically Connect with the Urgent Climate Resilience Needs and Opportunities

Work to be Completed: Develop an independent guided walking tour around Woods Hole that illustrates the current and future expected impacts of rising sea levels, regular nuisance flooding and storm-related flooding. The tour will link to the responsive website [www.resilientwoodshole.org](http://www.resilientwoodshole.org) and other blue economy and climate initiatives in the region.

Methods: The tour will include story posts that have links to the RWH website for more information. The walking tour will be based on the Gloucester HarborWalk outline, where there is a set map through Gloucester, with posts at various points. The independent walking tour will have physical waypoints/stops identified with a link to the responsive website for additional content with relevant information such as current and future expected impacts of sea level rise, other climate change impacts, adaptation strategies explored by RWH, and ways to stay involved. Each waypoint will have a theme, either a type of adaptation strategy (nature-based, retreat) or location-based (boat house, library).

## Map of the RWH Walking Trail

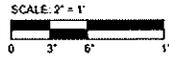
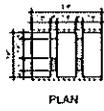
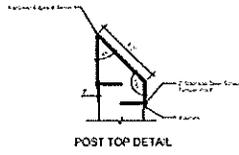


## Post locations

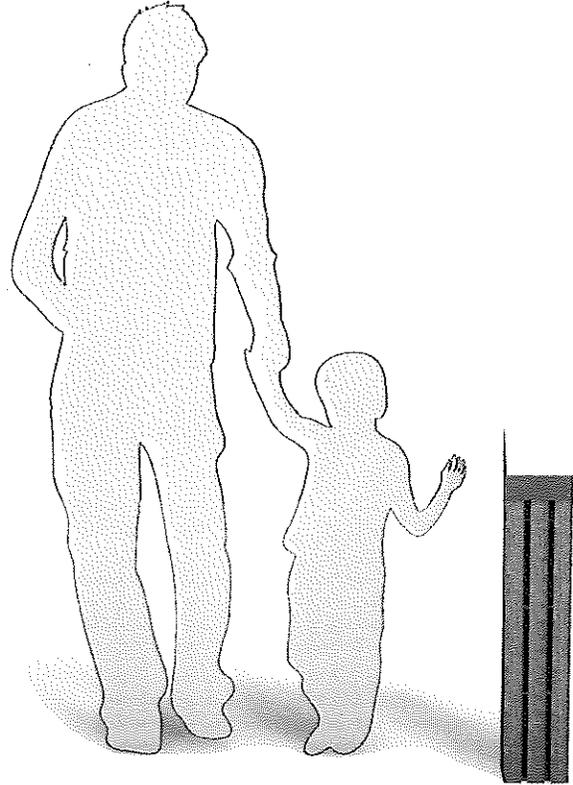
Summary Table for RWH Walking Trail				
Stop	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Waterfront Park	41.524958, - 70.672524	8.00	8.00	On lawn near stone marker
WHOI dock	41.5244447, - 70.6707291	7.2	7.2	Eastern corner of the hedge
Landfall	41.523535, - 70.669754	7.5	7.5	By the fence near Landfall sign
Steamship Authority	41.52368333, - 70.66961389	9.6	9.6	Entrance to the northern passenger boarding area
USCG	41.522333, - 70.667732	4.6	4.6	Near the blue and white USCG sign
School St marsh	41.5261360, - 70.6682890	5.4	5.4	On the lawn next to the yellow crosswalk
Woods Hole Park	41.5283893, - 70.6702802	7.5	7.5	Next to fence and "Park Closes at 8pm" sign
Stoney Beach	41.5290097, - 70.6741731	5.2	5.2	Next to the Stony Beach Rules sign
Penzance Point	41.5278057, - 70.6762112	4.5	4.5	By the telephone poll to the left of Bar Neck Rd entrance
NOAA aquarium	41.5258200, - 70.6739595	6.6	6.6	Between the sidewalk and building next to the aquarium
Sewer pump station	41.5252259, - 70.6730409	7.6	7.6	Next to Expedition Blue post
Lillie Lab	41.525553, - 70.6717522	4.8	4.8	Back side of Lillie near docks

## Post Size

### Resilient Woods Hole Interpretive trail Details

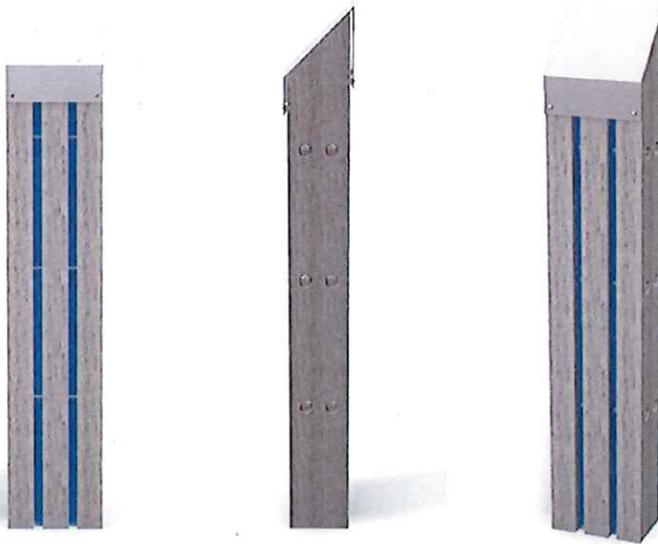


CambridgeSeven | June 9, 2023



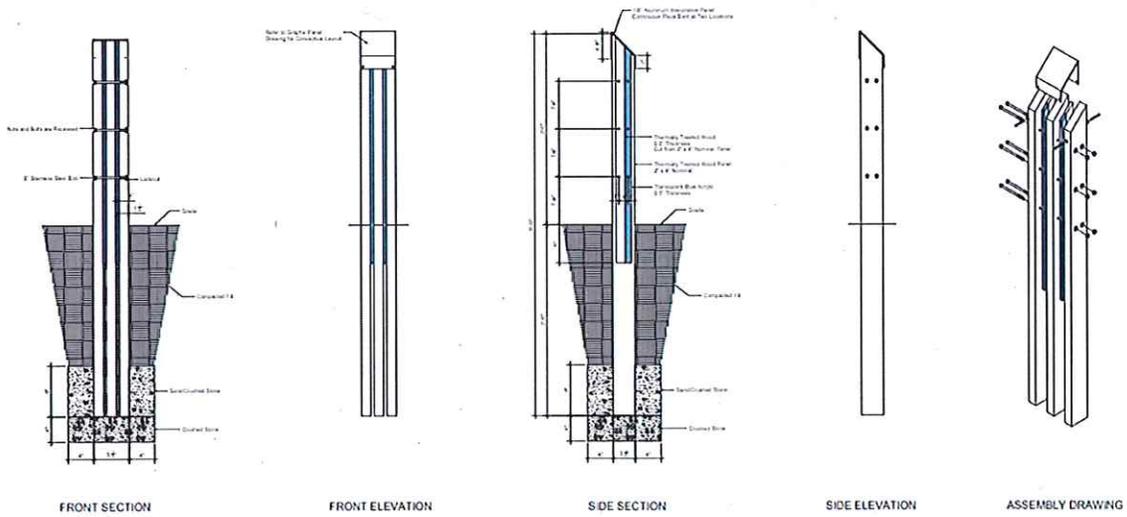
# Post Design

## Resilient Woods Hole Interpretive trail Views



CambridgeSeven | June 9, 2023

## Resilient Woods Hole Interpretive trail Sections and Elevations

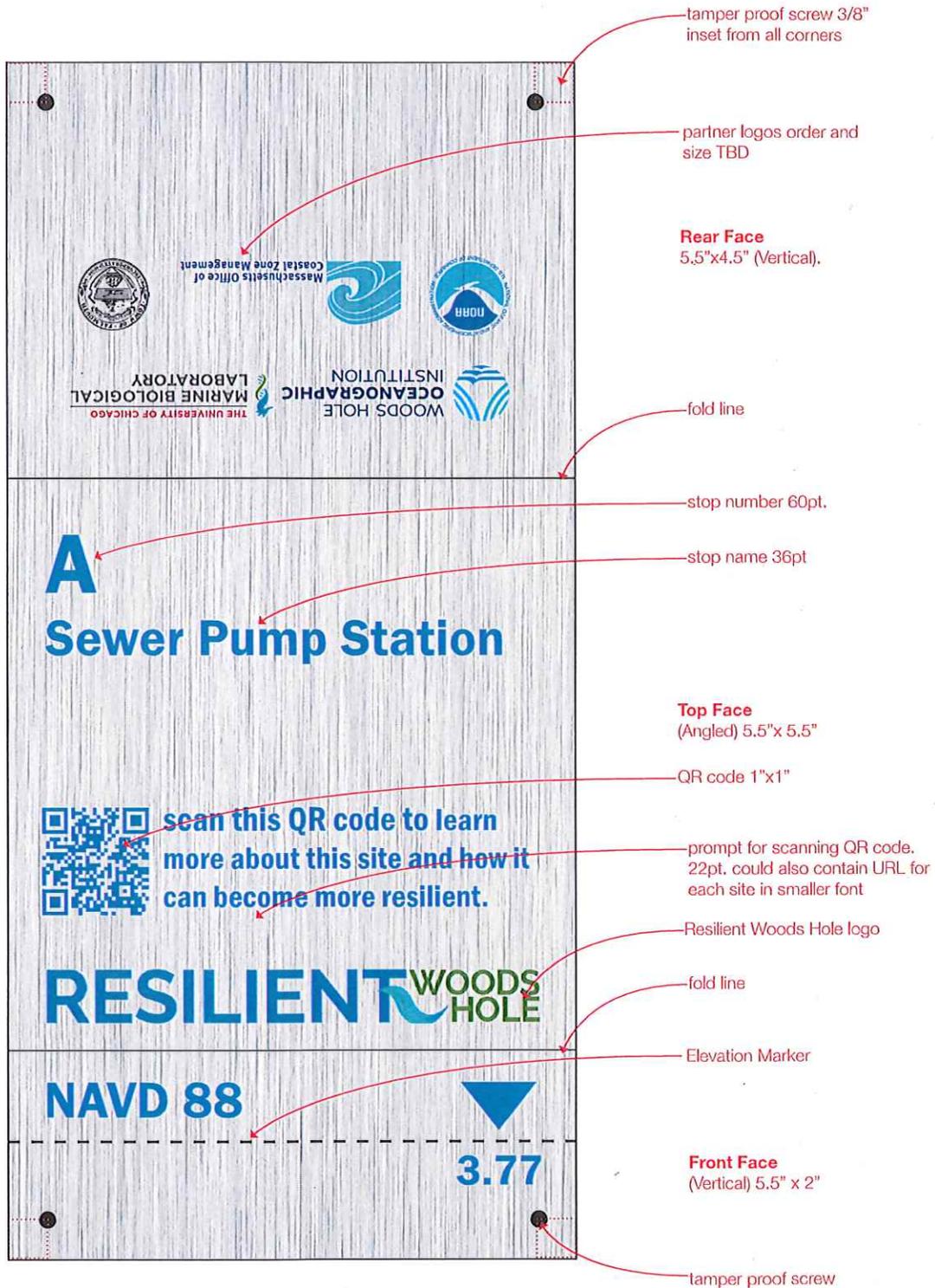


CambridgeSeven | June 9, 2023



# Resilient Woods Hole Interpretive trail

## Typical Graphic Panel Layout (unfolded)



### Typical Graphic Panel Layout (unfolded)

1. substrate is mill finished aluminum
2. all printing is single color RWS brand blue unless multi-color print process is desired.
3. all body copy is in RWS brand standard font, preferably medium to bold. Franklin Gothic Demi Condensed shown for reference of "look & feel".
4. front face can be extended to accommodate partner logos as needed
5. minimum point size for type is 22pt
6. coordinate clearance for screw attachment points and radiused fold line

# Platform Exploration

## Front Page:



### ResilientWoodsHole GPS Guided Walking Tour

9.11 km • 8 stops • 45m • 52 m

- A collaboration between three major science institutions in Woods Hole, Massachusetts, and key local stakeholders, including the business, residential and science communities, and the Town of Falmouth, MA.
- A goal to ensure the vibrant and productive village of Woods Hole prospers well into the future with the advent of major climate impacts such as sea level rise, coastal flooding, shoreline loss, and associated challenges.
- A commitment to preserving direct access to the sea, which is fundamental to each institution's mission, and is threatened by climate impacts.
- A first-of-its-kind pooling of resources, intellectual horsepower, and management skills to support the collaborators' mutual interests and those of the greater community.

Start Tour

Walking Tour | Stop | Services | Start Here | Settings

## Walking Trail Stop

Stoney Beach

### Coastal Processes at Stoney Beach

Welcome to Stoney Beach. Stoney beach is the only publicly accessible beach in Woods Hole

< Prev    CLOSE    Next >

Exit tour

Map controls: Street View, Full Screen, Location, Search, Menu

Map labels: Eel Pond, Taft Playground, Woods Hole Oceanographic Institution, Woods Hole Golf Club, Buzzards Bay Ave, High St, Dutton Ave, Parker Hill Rd, Ferry Ln, Sibley St, Hyatt Rd, Breaker Rd, Clapp Rd, Main Rd, Watson Rd, Garscott Ave

### Coastal Processes at Stoney Beach

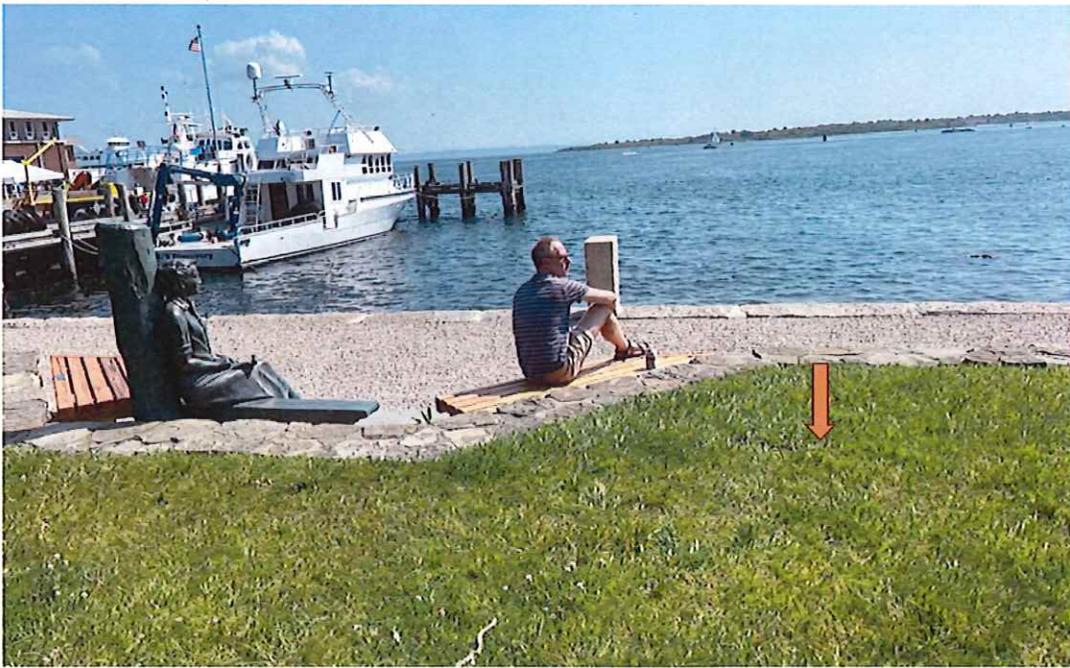
Welcome to Stoney Beach. Stoney beach is the only publicly accessible beach in Woods Hole and is owned by the Marine Biological Laboratory. During the summer the town of Falmouth provides lifeguards and oversees the parking at the beach. Stoney is an extremely popular location in the village both for community members and visitors who enjoy the clear shallow waters.

Over time, storm-induced erosion and foot traffic has left the dunes in disrepair. The dune line is narrow and crossed by lower elevation paths. Walking towards the beach, you can see on either side residential properties sitting at a higher elevation than the dunes themselves. There is also the

< Prev      CLOSE      Next >

< Exit tour      [Map Controls]

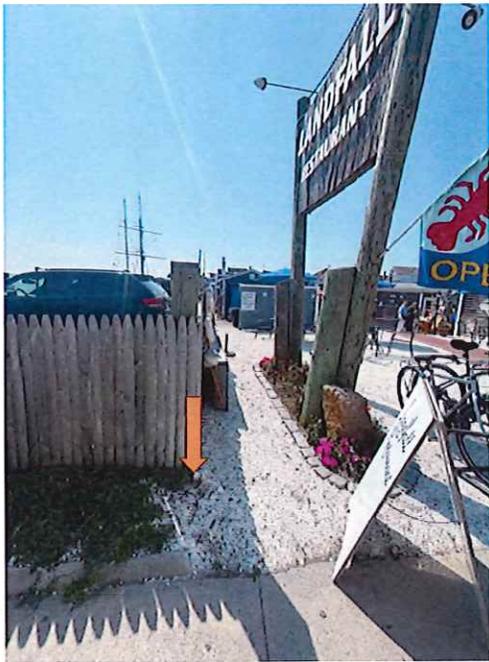
You can check out the current draft [here](#). This page is constantly being updated.



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Waterfront Park	<a href="#">41.524958, -70.672524</a>	7.9941	7.99	In Woods Hole Waterfront Park, 5ft NW of the N corner of the stone bench alcove with the Rachel Carson statue



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
WHOI Dock	<a href="#">41.5244447, -70.6707291</a>	7.1916	7.19	At the eastern corner of the hedge in front of the Smith building.



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Landfall	<a href="#">41.523535, -70.669754</a>	7.5111	7.51	At the corner of the fence bordering the southeastern corner of the Landfall property



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Steamship Authority	<a href="#">41.52368333</a> , <a href="#">-70.66961389</a>	9.6158	9.62	At the second- southernmost metal bollard at the entrance to the northern passenger boarding area



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Coast Guard Station	<a href="#">41.522333, -70.667732</a>	4.6124	4.61	3ft to the left of the blue and white coast guard station sign on Little Harbor Road



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
School Street	<a href="#">41.5261360, -70.6682890</a>	5.4352	5.44	4.4ft to the east of the southernmost speed table on school street



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Woods Hole Park	<a href="#">41.5283893, -70.6702802</a>	7.4841	7.48	Next to the eastern leg of the "Park Closes at 8pm" sign



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Stoney Beach	<a href="#">41.5290097, -70.6741731</a>	5.1853	5.19	At the base of the dune on the left side of the main access path, landward of the place where the path splits and the Stony Beach Rules sign



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Penance Point	<a href="#">41.5278057, -70.6762112</a>	4.4767	4.48	5ft East of the "private no entry" sign on the telephone pole on Bar Neck Road



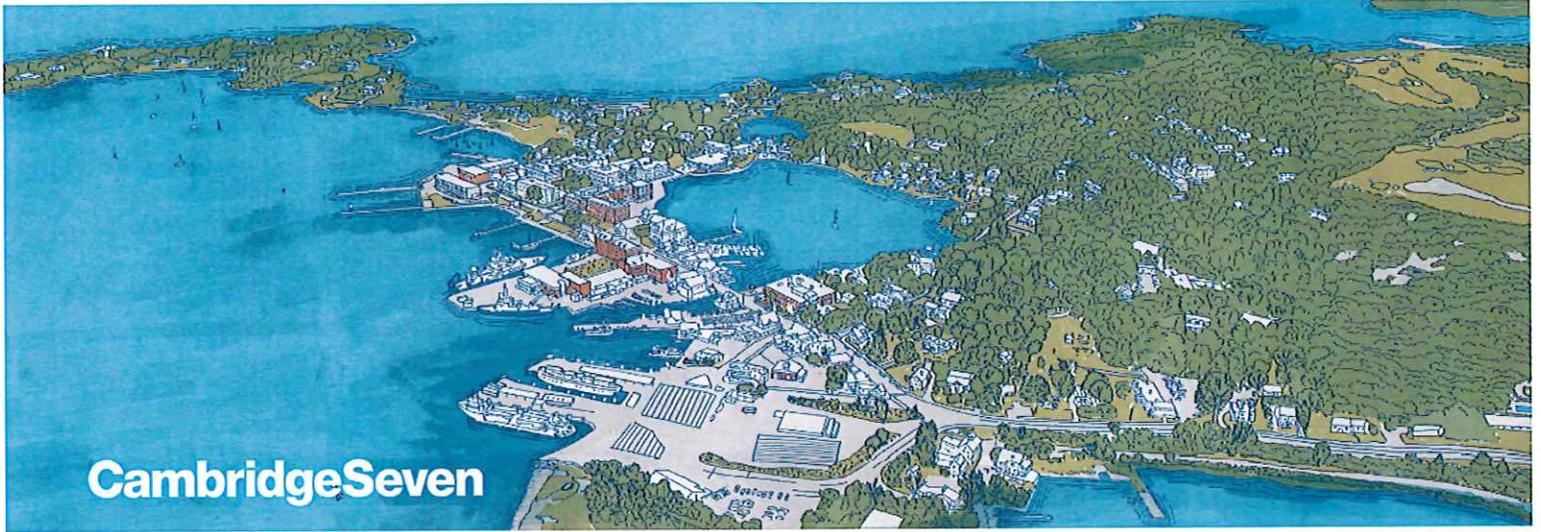
Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
NOAA Aquarium	<a href="#">41.5258200, -70.6739595</a>	6.6046	6.6	Between the sidewalk and building just north of the crosswalk on albatross street. Still south of the building corner.



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Sewer Pump Station	<a href="#">41.5252259, -70.6730409</a>	7.6142	7.61	Next to the black pole in the park east of the pump station building.



Name	Coordinates	Elevation (ft NAVD88)	Nominal Elevation	Description
Lille Lab	<a href="#">41.525553, -70.6717522</a>	4.8091	4.81	In the lot behind the Lille building, at the northeastern edge of the southernmost parking space in the row of spaces closest to Eel pond.



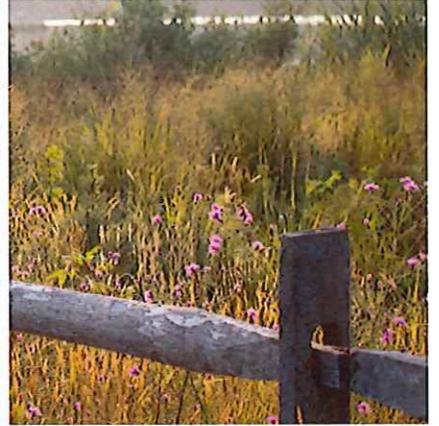
# Interpretive Precedents & Research

Resilient Woods Hole

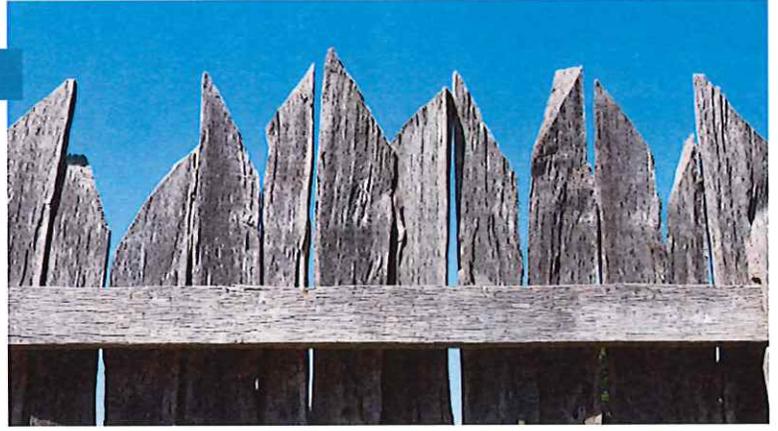
June 1, 2023

**RESILIENT** WOODS HOLE

Cape Cod fence types: split rail



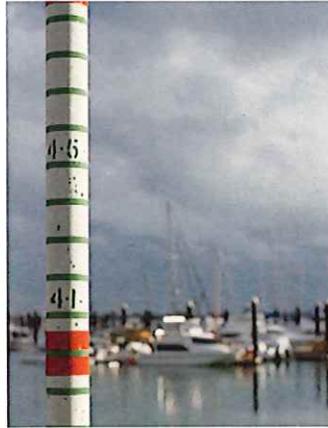
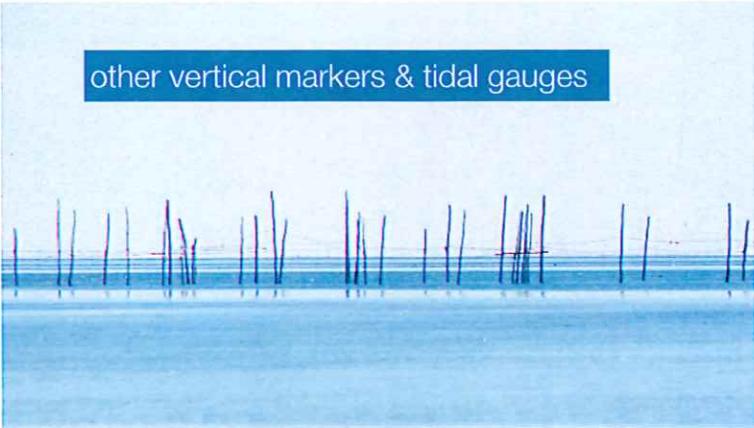
Cape Cod fence types: chamfered top & square



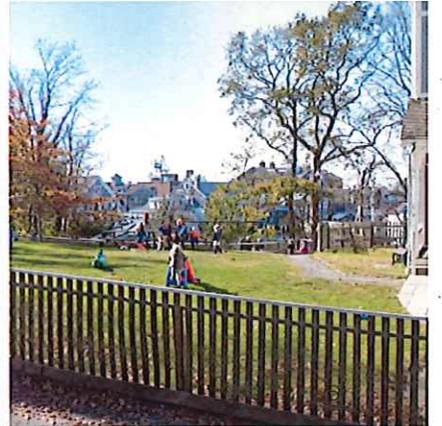
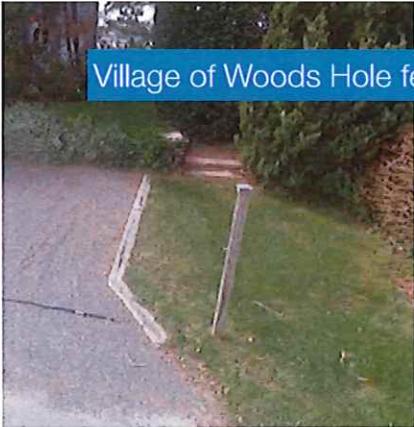
Cape Cod fence types: white picket



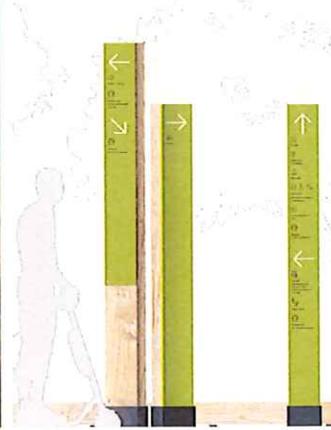
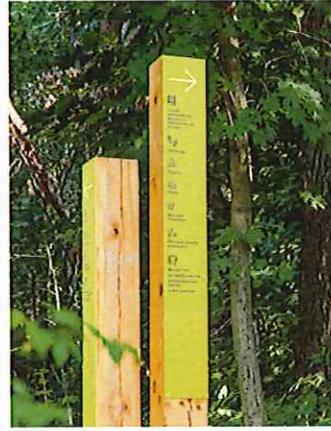
other vertical markers & tidal gauges



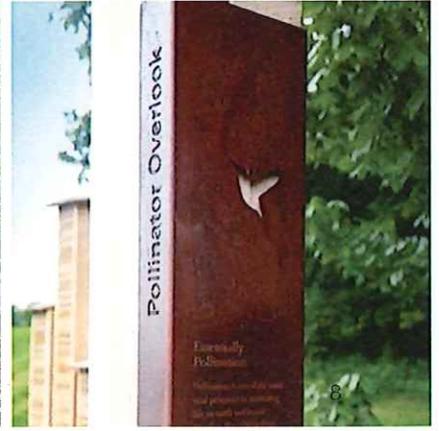
Village of Woods Hole fence types



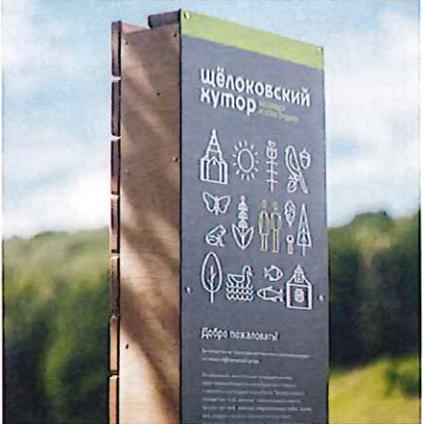
interpretive post precedents p1



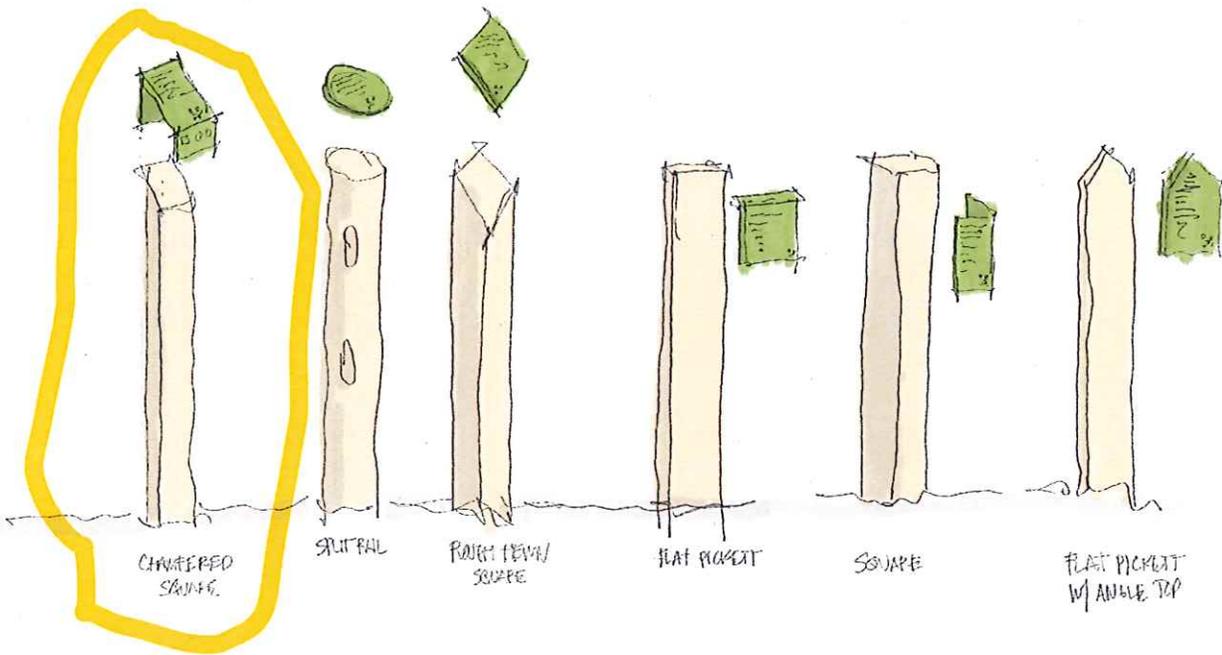
interpretive post precedents p2



interpretive post precedents p3



fence types observed on Cape Cod & potential interpretive add-ons



## **OPEN SESSION**

## **BUSINESS**

4. Application for Special One-Day Wine and Malt Liquor License –  
On the Water, LLC – Striper Fest – Bandshell/Marina Park –  
Saturday, 9/23/23 (rain Date Sunday, 9/24/23) **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 4.

**ITEM TITLE:** Application for Special One-Day Wine and Malt Liquor License- On the Water, LLC- Striper Fest- Bandshell/Marina Park- Saturday, 9/23/23 (rain date 9/24/23)

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Application Review Form, Special One Day Liquor License Application

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### PURPOSE:

This item was tabled from the August 7 Select Board Meeting due to some concern raised over the use of tents.

### BACKGROUND/SUMMARY:

- According to the application, both beer and wine will be served at four (4) stations, each of which will be manned by at least 2 On the Water staff and volunteers (the On the Water staff member at each station is TIPS certified.)
- The applicant proposes using eight (8) security guards during the event, half of which would remain in the area around the beer/wine stations, and the other four would circulate.
- As in the past year's events, the venue is entirely fenced in.
- During the review process, the Police Department and Fire Rescue indicated there were

no objections or concerns, and the Building Office also had no objections however indicated that tent and electrical permits would be required.

**DEPARTMENT RECOMMENDATION:**

Based upon department review and comments, the Town Manager is recommending that the Select approve the application as presented.

**OPTIONS:**

- 1) Motion to approve the application for Special One-Day Wine and Malt Liquor License to On the Water, LLC as presented;
- 2) Motion to approve an amended application with modifications specified;
- 3) Motion to deny the approval of the application.

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

Based upon department review and comments, the Town Manager is recommending that the Select approve the application as presented.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

8/18/2023

Date





PAID \$35.00 CK# 23460



### Town of Falmouth

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



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

NAME OF APPLICANT: On The Water, LLC  
 ADDRESS OF APPLICANT: 707 Teaticket Highway, E. Falmouth, 02536  
 NAME OF ORGANIZATION: On The Water  
 MAILING ADDRESS: 707 Teaticket Highway, E. Falmouth, 02536  
 EMAIL: val@onthewater.com TELEPHONE #: (508) 548-4705 ext.212  
 LOCATION TO BE LICENSED AND ADDRESS: 180 Scranton Avenue, Falmouth  
Marina Park  
 AUTHORIZED MANAGER/OFFICER OF ESTABLISHMENT: Chris Megan  
 TYPE OF EVENT: Fishing Festival & Awards Ceremony  
 DATE(S) OF EVENT: 9/23/23  
 HOURS OF EVENT: Noon - 6pm  
 APPROXIMATE # OF PEOPLE: 3,000 over course of the day

TYPE OF LICENSE:

- 1. WINE & MALT
- 2. ALL ALCOHOLIC
- NON-PROFIT  FOR PROFIT
- Donation to Wings*
- (NON-PROFIT ONLY)

REQUIREMENTS:

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

APPLICANT'S SIGNATURE *Christy L. Megan*

DATE 6/20/23

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

## StriperFest 2023

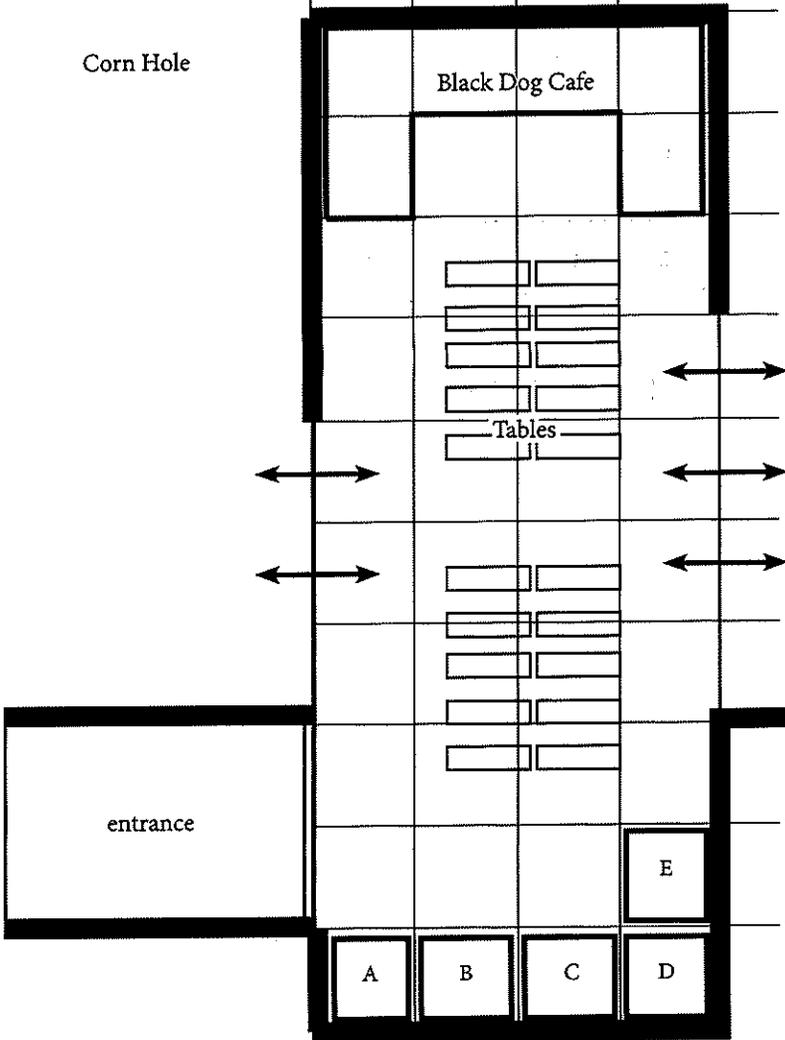
Beer and wine will be served at 4 stations, each manned by at least 2 OTW staff and volunteers. The OTW staff member at each table is TIPS certified. We use 8 security guards during the event, half of which remain in the area around the beer/wine stations; the other half circulate throughout the venue and assist at the entrances, watching for anyone attempting to leave with alcohol. We also hire a police officer to work the event in case of any issues.

As in past years, the entire venue is fenced in.

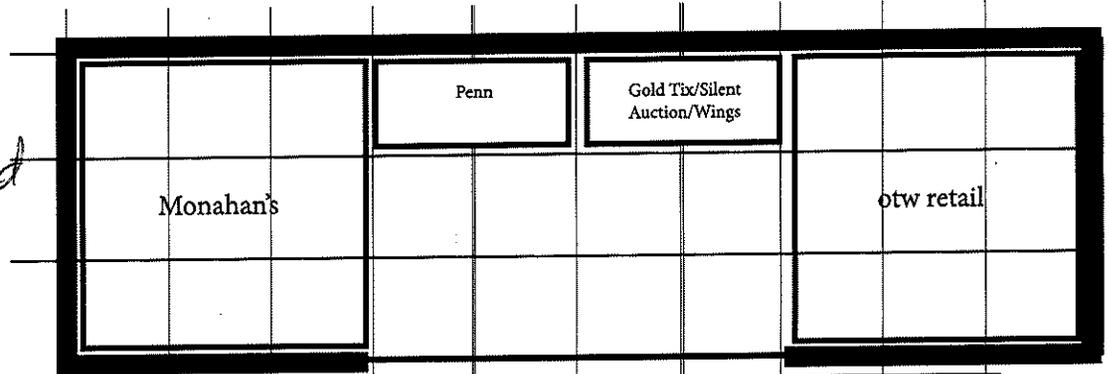
Falmouth Harbor

Entire venue is enclosed with fencing

Corn Hole



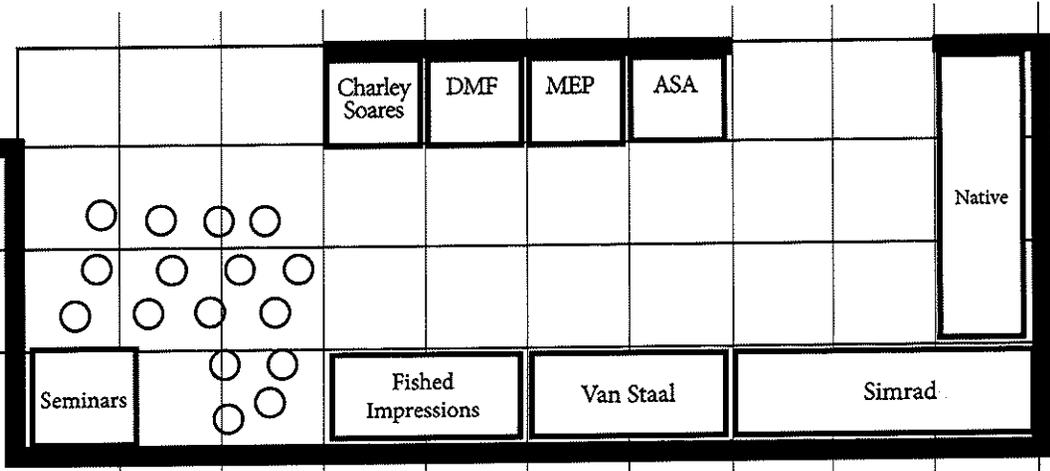
tent 1 (40' x 100')



Ocean Born cast tank

tent 3 parking lot (30' x 100')

Costa



tent 2 (40' x 100')

Stage

# Certificate of Completion

This Certificate of Completion of  
**eTIPS On Premise 3.1**  
For coursework completed on September 8, 2022  
provided by Health Communications, Inc.  
is hereby granted to:

**Robert Potter**

Certification to be sent to:

[Redacted] USA



HEALTH COMMUNICATIONS, INC.

This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.



**This is your official TIPS certification card. Carry it with you as proof of your TIPS certification.**

**Congratulations!**

This card certifies that you have successfully completed the TIPS (Training for Intervention ProcedureS) program. We value your participation and dedication to the responsible sale, service, and consumption of alcohol.

By using the techniques you have learned, you will help to provide a safer environment for your patrons, peers, and colleagues and reduce the tragedies resulting from intoxication, underage drinking, and drunk driving.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-438-8477.

ID#: 5808069 Name: Richard Watts

Exam Date: 8/30/2022 Expiration Date: 8/30/2025

**TIPS** eTIPS Concessions 3.0

**CERTIFIED**

Issued: 8/30/2022

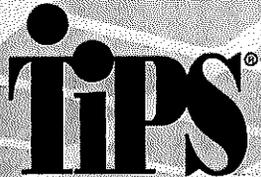
Expires: 8/30/2025

ID#: 5808069

Richard Watts

[Redacted]

For service visit us online at [www.gettips.com](http://www.gettips.com)



A 360 TRAINING COMPANY

**This is your official TIPS certification card. Carry it with you as proof of your TIPS certification.**

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If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-438-8477.



A 360TRAINING COMPANY

ID#: 5787656 Name: Valerie Watts  
Exam Date: 8/10/2022 Expiration Date: 8/10/2025



**CERTIFIED**

eTIPS Concessions 3.0

Issued: 8/10/2022

Expires: 8/10/2025

ID#: 5787656

Valerie Watts  
On the Water  
707 Teaticket Hwy  
Teaticket, MA 02536-5845

For service visit us online at [www.gettips.com](http://www.gettips.com)

**This is your official TIPS certification card. Carry it with you as proof of your TIPS certification.**

**Congratulations!**

This card certifies that you have successfully completed the TIPS (Training for Intervention Procedures) program. We value your participation and dedication to the responsible sale, service, and consumption of alcohol.

By using the techniques you have learned, you will help to provide a safer environment for your patrons, peers, and colleagues and reduce the tragedies resulting from intoxication, underage drinking, and drunk driving.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 800-438-8477.



A 360TRAINING COMPANY

ID#: 5796218 Name: Zachary Taylor Zeytoonjian  
Exam Date: 8/18/2022 Expiration Date: 8/18/2025



**CERTIFIED**

eTIPS Concessions 3.0

Issued: 8/18/2022

Expires: 8/18/2025

ID#: 5796218

Zachary Taylor Zeytoonjian  
On the Water  
707 Teaticket Hwy  
Teaticket, MA 02536-5845

For service visit us online at [www.gettips.com](http://www.gettips.com)



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
05/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Almeida & Carlson Insurance PO BOX 554 79 DAVIS STRAITS FALMOUTH, MA 02541-0554	<b>CONTACT NAME:</b> (A/C, No, Ext): 508-540-6161      FAX (A/C, No): 508-457-7660	
	<b>E-MAIL ADDRESS:</b> rallietta@almeidacarlson.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> Great American Insurance Company <b>NAIC #</b> 16691	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
<b>INSURED</b> SPORTS AND RECREATION PROVIDERS ASSOCIATION (PURCHASING GROUP) AND ITS PARTICIPATING MEMBERS:  <b>On The Water, LLC</b> 707 TEACKTICKET HWY East Falmouth, MA 02536-5845	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:** GAS111901      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	<b>GENERAL LIABILITY</b>			PAC 4725034	09/23/2023 12:00 AM	09/24/2023 12:01 AM	EACH OCCURRENCE	\$1,000,000	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$300,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$10,000	
	GENL. AGGREGATE LIMIT APPLIES PER:							PERSONAL & ADV INJURY	\$1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE	\$2,000,000	
								PRODUCTS - COMP/OP AGG	\$2,000,000
	<b>AUTOMOBILE LIABILITY</b>						COMBINED SINGLE LIMIT (Ea accident)		
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)		
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)		
	<input type="checkbox"/> HIRED AUTO	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)		
	<b>UMBRELLA LIAB</b>						EACH OCCURRENCE		
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE		
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$								
A	Professional Liability			PAC 4725034	09/23/2023 12:00 AM	09/24/2023 12:01 AM	EACH OCCURRENCE	\$1,000,000	
							AGGREGATE LIMIT	\$1,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Covered Activities: Striper Fest 2023  
Scheduled Activities Exclusion Applies-Please Refer to Named Insured Member Certificate of Coverage

<b>CERTIFICATE HOLDER</b> Proof of Insurance	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Almeida &amp; Carlson Insurance</i>



Administrative Offices  
 301 E 4th Street  
 Cincinnati OH 45202-4201  
 513 369 5000 ph

F.36270 (Ed. 05/18)

**CERTIFICATE OF COVERAGE**

This certificate of coverage, together with the attached master policy and any endorsement(s) constitute the policy issued to the Certificate Holder. Any coverage listed below is subject to the terms, conditions and limitations set forth below and in the master policy referenced.

**POLICYHOLDER NAME AND ADDRESS:**

Sports and Recreation Providers Association  
 1776 South Naperville Road, Building B  
 Wheaton IL 60189

**CERTIFICATE HOLDER NAME AND ADDRESS:**

On The Water, LLC  
 707 TEACKTICKET HWY  
 East Falmouth, MA 02536-5845

**DESCRIPTION OF OPERATIONS:**

Striper Fest 2023

**ITEM 1. COVERAGE PERIOD:** Effective: 09/23/2023 To: 09/24/2023  
 At 12:01 A.M. Standard Time at The Address of the Certificate Holder  
**CERTIFICATE NUMBER:** GAS111901

**ITEM 2. INSURER**  
**INSURER** Great American Insurance Company **MASTER POLICY NUMBER** PAC 4725034

**ITEM 3. AGENTS NAME AND ADDRESS**  
 Francis L. Dean & Associates, LLC  
 12800 University Drive, Suite 125  
 Fort Myers, FL 33907

**ITEM 4. SCHEDULE OF CHARGES**  
**Total Premium (If Applicable):**  
 Premium: \$369.34 Charged By Insurance Company

Disclosure Regarding Shared Limits. Members Do Not Share Limits And Each Member Is Provided With Its Own Policy &/Or Certificate of Coverage.  
 Disclosure Pursuant To Federal Law Regarding Purchasing Groups [U.S.C. 15 3901, Et Seq.] PG Is A "Purchasing Group," As Defined Under Federal Law, Formed To Purchase Liability Insurance On A Group Basis For Its Members To Cover The Similar Or Related Liability Exposure(s) To Which The Members Of PG Are Exposed By Virtue Of Their Related, Similar, Or Common Business Or Service. Members Do Not Share Limits And Each Member Is Provided With Its Own Policy &/Or Certificate of Coverage.

**ITEM 5. SCHEDULE OF CASUALTY COVERAGE AND LIMITS OF INSURANCE:**

**COMMERCIAL GENERAL LIABILITY COVERAGE FORM**  
 General Aggregate Limit (Other Than Products Completed Operations) \$2,000,000.00  
 Products-Completed Operations Aggregate Limit \$2,000,000.00  
 Personal and Advertising Injury Limit \$1,000,000.00  
 Each Occurrence Limit \$1,000,000.00  
     Damage to Premises Rented to You Limit \$300,000.00 (Any One Premises)  
     Medical Expenses Limit \$10,000 (Any One Person)

**LIQUOR LIABILITY COVERAGE FORM**  
 Aggregate Limit Not Covered  
 Each Common Cause Limit Not Covered

**ABUSE OR MOLESTATION COVERAGE FORM**

Aggregate Limit	Not Covered
Each Act of Abuse	Not Covered

**PROFESSIONAL LIABILITY**

Aggregate Limit	\$1,000,000.00
Each Act, Error or Omission	\$1,000,000.00

**HIRED AND NON-OWNED AUTO**

Liability Limit	Not Covered
-----------------	-------------

**ITEM 6. MASTER POLICY FORMS & ENDORSEMENT SCHEDULE****Interline Business Forms and Endorsement Schedule:**

IL 70 01 Business PRO Policy Common Dec  
 IL 00 17 Common Policy Conditions  
 IL 00 21 Nuclear Energy Liability Exclusion  
 IL 01 18 Illinois Changes  
 IL 01 47 Illinois Changes -- Civil Union  
 IL 01 62 Illinois Changes -- Defense Costs  
 IL 02 84 Illinois Changes-Cancellation and Nonrenewal  
 IL 70 69 Exclusion -- Asbestos  
 IL 71 25 Named Insured Endorsement  
 IL 72 68 In Witness Clause  
 IL 72 73 Loss Prevention Services  
 IL 73 24 Economic and Trade Sanctions Clause  
 IL 73 68 Disclosure Pursuant to Terrorism Risk Insurance Act  
 IL 74 05 Risk Purchasing Group Endorsement

**Commercial General Liability Coverage Form**

CG 74 00 General Liability Declaration Page  
 CG 00 01 General Liability Coverage Form  
 CG 02 00 Illinois Changes -- Cancellation and Nonrenewal  
 CG 20 01 Primary and Noncontributory -- Other Insurance Condition  
 CG 21 01 Exclusion -- Athletic or Sports Participants  
 CG 21 06 Exclusion -- Access or Disclosure of Confidential or Personal Information and Data-Related Liability -- With Limited Bodily Injury Exception  
 CG 21 47 Employment Related Practices Exclusion  
 CG 21 50 Amendment of Liquor Liability Exclusion  
 CG 21 67 Fungi or Bacteria Exclusion  
 CG 21 71 Exclusion of Other Acts of Terrorism Committed Outside the United States; CAP on Losses from Certified Acts of Terrorism  
 CG 21 76 Exclusion of Punitive Damages Related to Terrorism  
 CG 24 26 Amendment of Insured Contract Definition  
 CG 74 01 Supplemental Schedule  
 CG 77 94 Exclusion-Liability Arising Out of Lead  
 CG 82 24 Social Service Agency General Liability Broadening Endorsement  
 CG 83 61 Silica or Related Dust Exclusion  
 CG 83 66 Nuclear, Biological, or Chemical Exclusion  
 CG 90 82 Exclusion -- Professional Services  
 CG 90 83 Exclusion -- Abuse, Molestation, Harassment or Sexual Conduct  
 CG 91 26 Increased Deductible for Injuries to Certain Participants  
 CG 91 27 Failure to Provide Waiver and Release Sublimit  
 CG 91 48 Designated Special Events, Operations or Locations Exclusion  
 CG 91 49 Limitation of Coverage to Designated Operations or Locations  
 CG 91 69 Medical Payments at Your Request Endorsement  
 CG 92 22 Exclusion -- Organic Pathogens

**Professional Liability Coverage**

CG 87 11 Professional Liability Declarations  
 CG 87 10 Professional Liability Coverage  
 CG 87 21 Illinois Changes

**ITEM 7. IMPORTANT COVERAGE NOTES & ADDITIONAL TERMS, CONDITIONS & EXCLUSIONS:**

The "Certificate Holder" must notify us if there is a change in operations or exposures, which increases the insurance company's risk of loss.

In consideration of the premiums paid by the "Certificate Holder", this policy provides coverage as set forth in the Certificate of Coverage. Coverage only applies to "Certificate Holders" for whom coverage has been placed in this program and by whom the premiums have been paid. Coverage does not apply to the "Policyholder".

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**EXCLUSION - ATHLETIC OR SPORTS PARTICIPANTS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

**Description Of Operations:**

If CG 21 01 – Exclusion – Athletic or Sports Participants is listed as an exclusionary endorsement on the Certificate Holder's Certificate of Coverage, Athletic or Sports Participants are excluded arising out of any and all operations of the Certificate Holder.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 2. Exclusions of Section I - Coverage A - Bodily Injury And Property Damage Liability:

With respect to any operations shown in the Schedule, this insurance does not apply to "bodily injury" to any person arising out of practicing for or participating in any sports or athletic contest or exhibition that you sponsor.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" involved practicing for or participating in any sports or athletic contest or exhibition that you sponsor.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**DESIGNATED SPECIAL EVENTS, OPERATIONS OR LOCATIONS EXCLUSION**

This endorsement modifies insurance provided under the following:

- ABUSE OR MOLESTATION COVERAGE FORM
- COMMERCIAL GENERAL LIABILITY COVERAGE FORM
- LIQUOR LIABILITY COVERAGE FORM
- PROFESSIONAL LIABILITY INSURANCE

**SCHEDULE**

Description of Designated Events or Operations:

The ownership, operation, maintenance arising out of the use of inflatable recreational devices or inflatable amusement devices of any kind.  
Any use, event or display arising out of fireworks, or any other use of pyrotechnics including any firework sales.  
Any use, handling, or storage of any firearms, ammunition, or explosives.  
Any operations involving bungee devices (except for indoor bungee fitness), carnival rides, corn cannons, organized equine racing contests, organized equine vaulting or jumping contests, leasing of horses, jumping pillows, knocker ball, bubble soccer, Zorb ball, mechanical bucking devices including multi-ride attachments, aerial activities above 12 feet, rock climbing activities, activities involving permanent or mobile rock wall climbing structures, zip lines, pumpkin launching devices, rope challenge courses, water skiing, surfing, white water rafting or kayaking, tackle football, ATV/UTV, tracked or trackless train rides, trampolines, bike related trick or stunt activities or contests, Zippy Pets, haunted houses, haunted trails or haunted boats or barges, demolition derbies of any kind, independent security services other than a contracted public law enforcement officer

Specified Location (If Applicable):

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

This insurance does not apply to any injury or damage arising out of an event or operation listed in the above schedule, regardless of whether such event or operation is conducted by you or on your behalf, or whether the event or operation is conducted for yourself or for others.

If a specific location is designated in the Schedule of this endorsement, this exclusion applies only to events and operations conducted at that location.

For the purpose of this endorsement, location means premises involving the same or connecting lots, or premises whose connection is interrupted only by a street, roadway, waterway or right-of-way of a railroad.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**LIMITATION OF COVERAGE TO DESIGNATED OPERATIONS OR LOCATIONS**

This endorsement modifies insurance provided under the following:

- ABUSE OR MOLESTATION COVERAGE FORM
- COMMERCIAL GENERAL LIABILITY COVERAGE FORM
- LIQUOR LIABILITY COVERAGE FORM
- PROFESSIONAL LIABILITY INSURANCE

**SCHEDULE**

Description of Designated Operations or Locations:

Limitation of Coverage Endorsement is Used for the Following Operations: Striper Fest 2023

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

This insurance only applies to injury or damage:

1. caused by the operations identified in the schedule above; or
2. occurring at a location identified in the schedule above.

## Diane Davidson

---

**From:** Brian Reid <brian.reid@falmouthpolicema.gov>  
**Sent:** Thursday, August 3, 2023 12:53 PM  
**To:** Diane Davidson; Sean Doyle  
**Cc:** Jeff Lourie  
**Subject:** RE: One-Day Liquor License Application - On the Water - Striper Fest

No objection from Police.

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

---

**From:** Diane Davidson <diane.davidson@falmouthma.gov>  
**Sent:** Thursday, August 3, 2023 12:01 PM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>  
**Subject:** FW: One-Day Liquor License Application - On the Water - Striper Fest

Capt. Reid,  
Lt. Doyle,

Please provide your recommendations on this application for a special one day wine and malt liquor license for Striper Fest on Saturday, 9/23 at Marina Park.

This request is scheduled on the Select Board agenda this Monday, 8/7.

Thank you,

Diane

---

**From:** Diane Davidson  
**Sent:** Tuesday, July 18, 2023 11:15 AM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>; Eleanor MacKay <eleanor.mackay@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>  
**Subject:** One-Day Liquor License Application - On the Water - Striper Fest

To all,

Attached please find an application for a Special One-Day Wine and Malt Liquor License for Striper Fest, scheduled for Saturday, September 23, 2023 (with a rain date of Sunday, September 24, 2023) from 12:00 noon to 6:00 p.m. Please review and provide your recommendations. Attached, for your reference is a copy of the approved special event permit.

Please let me know if you have any questions.

Thank you,

## **Diane Davidson**

---

**From:** Boyd Demello <boyd.demello@falmouthfirema.gov>  
**Sent:** Tuesday, July 18, 2023 11:22 AM  
**To:** Diane Davidson; Brian Reid; Sean Doyle; Gary Street; Eleanor MacKay; Scott McGann  
**Subject:** RE: One-Day Liquor License Application - On the Water - Striper Fest

Fire Rescue has no objections to this application.

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

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

**From:** Diane Davidson <diane.davidson@falmouthma.gov>  
**Sent:** Tuesday, July 18, 2023 11:15 AM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>; Eleanor MacKay <eleanor.mackay@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>  
**Subject:** One-Day Liquor License Application - On the Water - Striper Fest

To all,

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Please let me know if you have any questions.

Thank you,

Diane

*Diane S. Davidson*  
*Office Manager/Licensing*  
*Office of the Town Manager and Select Board*  
*Town of Falmouth*  
*59 Town Hall Square*  
*Falmouth, MA 02540*  
[diane.davidson@falmouthma.gov](mailto:diane.davidson@falmouthma.gov)  
*(508) 495-7321*

**Diane Davidson**

---

**From:** Gary Street  
**Sent:** Tuesday, July 18, 2023 2:29 PM  
**To:** Diane Davidson  
**Subject:** RE: One-Day Liquor License Application - On the Water - Striper Fest

Diane,

No objections. Tent and electrical permits will be needed.

Respectfully,

*Gary Street*

Gary Street CBO  
Building Commissioner and Zoning Enforcement Officer  
Town of Falmouth  
[Gary.Street@Falmouthma.gov](mailto:Gary.Street@Falmouthma.gov)  
(508)495-7470

---

**From:** Diane Davidson <diane.davidson@falmouthma.gov>  
**Sent:** Tuesday, July 18, 2023 11:15 AM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>; Eleanor MacKay <eleanor.mackay@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>  
**Subject:** One-Day Liquor License Application - On the Water - Striper Fest

To all,

Attached please find an application for a Special One-Day Wine and Malt Liquor License for Striper Fest, scheduled for Saturday, September 23, 2023 (with a rain date of Sunday, September 24, 2023) from 12:00 noon to 6:00 p.m. Please review and provide your recommendations. Attached, for your reference is a copy of the approved special event permit.

Please let me know if you have any questions.

Thank you,

Diane

*Diane S. Davidson*  
*Office Manager/Licensing*  
*Office of the Town Manager and Select Board*  
*Town of Falmouth*  
*59 Town Hall Square*  
*Falmouth, MA 02540*  
[\*diane.davidson@falmouthma.gov\*](mailto:diane.davidson@falmouthma.gov)  
*(508) 495-7321*

**TOWN OF FALMOUTH**  
**TOWN MANAGER'S INTERNAL STAFF WORKING GROUP FOR SPECIAL EVENTS**  
**REVISED AGENDA**

**TUESDAY, FEBRUARY 7, 2023 - 9:30 A.M.**

**Select Board Meeting Room**

**59 Town Hall Square, Falmouth, MA 02540**

9:30 a.m.      Convene

Review applications for special events:

Recurring:

1. Seagull Six Spring Classic Road Race – Sunday, 3/26/23  
Falmouth Running Club, Jack Afarian. Start/Finish Woods Hole Community Center, Water Street.
2. Earth Day 2023 Beach Clean-Up – Saturday, 4/22/23  
Keith Ritchie. Start/Finish Marina Park/Bandshell side.
3. Women Run Cape Cod 5K – Sunday, 5/14/23  
Falmouth Running Club, Mary Tolland. Start/Finish at Town Hall Square.
4. Surf Drive Mile – Sunday, 5/21/23  
Falmouth Running Club, Jack Afarian. Surf Drive, Surf Drive lot.
5. Walk for Hope – Sunday, 5/21/23  
Housing Assistance Corp., Deanna Bussiere. Start/Finish Peg Noonan Park.
6. Falmouth Farmer's Market – Thursdays, 5/25/23 – 10/5/23 + 11/21/23 (rain date 10/12/23)  
Falmouth Farmers Market, Lindsey Close. Marina Park (behind bandshell).
7. Falmouth Classic Car Show – Sundays: 6/11/23, 7/16/23 and 8/13/23  
Falmouth Classic Car Club, Mike Valliere. Marina Park.
8. Falmouth Art Market – Tuesdays, 6/27/23 – 8/29/23  
Jane Parhiala. Marina Park (behind bandshell).
9. Harbor Light Illumination Concert Series & Night Market – Saturdays, 7/1/23, 7/22/23 and 8/19/23  
New England Festivals Inc., Lillian Kazanis. Bandshell, Marina Park.
10. 4<sup>th</sup> of July Bike Parade – Tuesday, 7/4/23  
Falmouth Village Association. Main Street between St. Barnabas Church and Mullen-Hall playground.
11. Falmouth 4<sup>th</sup> of July Fireworks – Tuesday, 7/4/23 (rain date Wednesday, 7/5/23)  
Falmouth Fireworks Committee. Falmouth Heights Ballfield.
12. Falmouth Sprint Triathlon – Sunday, 7/9/23  
New England Endurance Events, Kathleen Walker. Surf Drive Beach.
13. Falmouth Village Street Fair – Wednesday, 7/12/23 (rain date Thursday, 7/13/23)  
Falmouth Village Association. Main Street closure from Post Office Lane to Shore St. Ext. Peg Noonan Park.

14. Movies Under the Stars – Wednesdays, 7/19/23 – 8/30/23  
Falmouth Village Association. Library Lawn.
15. Coast Fest Concert – Saturday, 8/5/23  
Luke Vose, Crooked Coast. Marina Park/Bandshell.
16. Food Truck & Craft Beer Festival – Saturday, 8/5/23  
Food Truck Festivals of America LLC, Michelle Buckley. Cape Cod Fairgrounds. (1-day liquor license)
17. Bands for Badges – Saturday, 8/12/23  
Bands for Badges, Inc. Cape Cod Fairgrounds. (1-day liquor license)
18. The Falmouth Walk – Saturday, 8/19/23  
Tom Walrath. Sidewalks, Town Hall Square to St. Barnabas.
19. Falmouth Road Race – Sunday, 8/20/23  
Falmouth Road Race, Inc., Jennifer Edwards. Woods Hole to Falmouth Heights.
20. ZOOMA Cape Cod – Sunday, 9/10/23 (rain date Monday, 9/11/23)  
Be Inspired Events, Sarah Ratzlaff. Old Silver Beach lots, bike path, North Falmouth.
21. The Ride for Homes – Sunday, 9/17/23  
Habitat for Humanity of Cape Cod, Adrienne Wytas. Shining Sea Bike Path.
22. Striper Fest – Saturday, 9/23/22 (rain date Sunday, 9/24/22)  
On the Water, Valerie Watts, Chris Megan. Marina Park and Bandshell.
23. Buzzards Bay Watershed Ride – Sunday, 10/1/23  
Buzzards Bay Coalition, Jonah Guerin. Shining Sea Bike Path to Swope Center, MBL, Woods Hole.
24. MassJam2023 (Boy Scout Camporee) – Friday - Monday, 10/6 – 10/9/23  
Mass Jam, John (Jack) Terrill. Cape Cod Fairgrounds.
25. Cape Cod Marathon Weekend – Saturday, 10/7/23 and Sunday, 10/8/23  
Falmouth Running Club, Jack Afarian. Start/Finish Town Hall Square.

New:

1. Wedding – Menauhant Beach – Saturday, 6/24/23  
Kasandra Gaudet. Setup: 4:00 p.m. Event: 4:30 – 5:00 p.m.
2. Wedding – Old Silver Beach (Public Side) – Saturday, 6/3/23  
Rabakah Leighton. Setup: 4:00 p.m. Event: 4:30 – 6:30 p.m.
3. Wedding – Old Silver Beach – Saturday, 5/13/23  
Kate Youngstrom. Setup: 1:00 p.m. Event: 2:00 - 3:00 p.m.

Schedule next working group meeting.

Adjourn.

### Town Manager's Working Group Review Form

Meeting/Review Date: Tuesday, February 7, 2023  
 Event Name: Striper Fest  
 Applicant: On the Water LLC, Chris Megan, Valerie Watts  
 Location: Marina Park and Bandshell  
 Date of Event: Saturday, September 23, 2023 Time: 12:00 noon to 6:00 pm  
 Rain Date: Sunday, September 24, 2023  
 Set-up Date: 9/21/23 Time: midday Breakdown Date: 9/24/23 Time: morning  
 Number of Attendees: 3,000  
 Recurrence/# Years at Site: Recurring event.  
 One-Day Liquor License? Y/N Yes Food/Beverages? Y/N Yes  
 Signs: Y/N Yes How Many: \_\_\_\_\_ Where: \_\_\_\_\_  
 Tents: Y/N Yes How Many: \_\_\_\_\_ Size: \_\_\_\_\_ Where: \_\_\_\_\_  
 Parking Plan: 500+ vehicles over the course of the day. Island Queen, former Cape Cod Five lot, grassy area by park, shuttles from Lawrence School.  
 Entertainment: Yes, background band.

Reviewers/Sign In:	Name	Comments	Written Referral	
Department of Public Works:	<u>WORK WITH JOHN CADIZO RE: ELECTRICAL CONDUIT</u>		<input type="checkbox"/>	<input type="checkbox"/>
Parks Department	_____		<input type="checkbox"/>	<input type="checkbox"/>
Highway Department	_____		<input type="checkbox"/>	<input type="checkbox"/>
Engineering	_____		<input type="checkbox"/>	<input type="checkbox"/>
Police Department	_____		<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	_____		<input type="checkbox"/>	<input type="checkbox"/>
Emergency Communications	_____		<input type="checkbox"/>	<input type="checkbox"/>
Recreation Department	_____		<input type="checkbox"/>	<input type="checkbox"/>
Inspectional Services	_____		<input type="checkbox"/>	<input type="checkbox"/>
Health Department	_____		<input type="checkbox"/>	<input type="checkbox"/>
Beach Department	_____		<input type="checkbox"/>	<input type="checkbox"/>
Marine & Environmental Svcs.	<u>THRS. NIGHT SPARES FOR TENT LEFT OF HARBOR MASTER</u>		<input type="checkbox"/>	<input type="checkbox"/>
Zoning Enforcement Officer	_____	<u>OFFICE.</u>	<input type="checkbox"/>	<input type="checkbox"/>
Bicycle & Pedestrian Committee	_____		<input type="checkbox"/>	<input type="checkbox"/>
Other	_____		<input type="checkbox"/>	<input type="checkbox"/>

Does this Event Meet the Minimum Requirements of the Special Events Policy? – Yes/No  
 If No, what are the shortfalls of the application that must be addressed?

Yes. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Special Events Approved or Requested on this Date or Weekend:**

Event	Location	Date
None.	_____	_____
_____	_____	_____
_____	_____	_____

**Known Private Events on this Date or Weekend:**

_____	_____	_____
_____	_____	_____

**Additional Requests:**

Use of public restrooms at Harbor, will also provide porta-potties.

Use of electricity at bandshell.

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**Special Consideration – Events Proposed on Main Streets of Villages**

What measures/conditions are recommended for the Board to consider to respond to potential parking and traffic congestion in proposed area:

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**Conditions, comments, recommendations:**

Apply for one-day wine & malt liquor license.

Apply for temporary food permit - Health Department

Apply for tent permit - Building Department

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**Solid Waste & Recycling Plan:**

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**Correspondence Received:**

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\_\_\_\_\_  
*Initial/Town Manager*

**Fees:**

Fee Waiver Request: Yes/No No. \_\_\_\_\_

To Select Board for Approval:

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_

If approved, terms:

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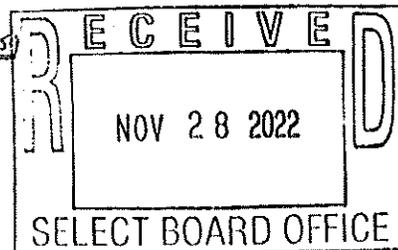
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**Town of Falmouth**  
Office of the Town Manager & Select Board  
59 Town Hall Square • Falmouth, MA 02540



**PAID**  
\$ 10.00 (11/23/22)



**Application for Special Events**

**CONTACT INFORMATION**

Applicant's Name: On The Water  
Mailing Address: 707 Teaticket Hwy.  
Phone: (508) 548-4705 ext. 217 Cell Phone: \_\_\_\_\_  
E-Mail: val@onthewater.com

**EVENT DETAILS**

Name of Event: Striper Fest  
Type of Event: Festival and Awards ceremony  
Event Day & Date: Sat., 9/23/23  
Rain Date: Sun., 9/24/23  
Event Hours: From: Noon To: 6 PM  
Setup Date: 9/24/23 Time: Midday Breakdown Date: 9/24/23 Time: A.M.

**Location Requested:**

1<sup>st</sup> Choice: Marina Park & Band shell  
2<sup>nd</sup> Choice: \_\_\_\_\_

Number of Attendees: ~ 3,000 Number of Vehicles: 500+ over course of the day

Parking Plan: Island Queen, former CCS lot, grassy area by park, shuttles from Lawrence School

- Will event include chairs, barriers, tents?  Yes or  No (tent permit application, if necessary)
- Will event include signs?  Yes or  No (sign permit application, if necessary)
- Will event be a road race?  Yes or  No (a. include route map, b. see reverse side for road race rules, and sign)
- Will event include use of Shining Sea Bike Path?  Yes or  No (see reverse side for bike path rules, and sign)
- Will event include food or beverages?  Yes or  No (temporary food permit application)
- Will event include alcoholic beverages?  Yes or  No (one-day liquor license application)
- Will event include entertainment?  Yes or  No What type? Background band

**ADDITIONAL INFORMATION:** (Use of restroom facilities, electricity, etc.) (Attach a narrative describing the event.)

Requesting reservation of park & band shell from Thurs, 9/21/23 thru Sun, 9/24/23 to allow sufficient time for setup; breakdown. Requesting use of park restrooms, though we will have portable potties too.

Applicant's Signature: Valerie Watts Date: 11/21/22

- References:
1. Steve Spitz, Cape Cod 5
  2. Bill Hough, The Enterprise
  3. Dan Pucillo, The Black Dog

**SELECT BOARD**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Town of Falmouth

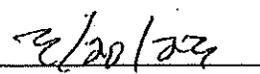
Office of the Town Manager and Select Board  
59 Town Hall Square · Falmouth, MA 02540  
(508) 495-7320 · [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

### SPECIAL EVENT PERMIT

Event Name	Striper Fest
Type of Event	Fishing festival and awards ceremony
Applicant Name	On the Water, LLC – Valerie Watts, Chris Megan
Mailing Address	707 Teaticket Highway, East Falmouth, MA 02536
Event Day & Date	Saturday, September 23, 2023
Rain Date	Sunday, September 24, 2023
Event Location	Marina Park and Band Shell
Event Hours	Noon to 6:00 p.m.
Set-Up	Thursday, 9/21 – Noon
Break Down	Sunday, 9/24 – Morning
Number of Attendees	3,000
Number of Vehicles	500+ over course of the day
Parking Plan	Island Queen, former Cape Cod 5, grassy area by park, shuttles from Lawrence School
Signs	Yes
Tents	No <i>YES</i>
Food / Beverages	Yes
Alcohol	Yes. (One-day wine & malt liquor license required.)
Entertainment	Yes. Background band.
Additional Details	Request use of public restrooms at Harbormaster building. Organizer will also provide porta-potties.
Standard Conditions	<ol style="list-style-type: none"> <li>Contact the following Town Departments 30 days prior to event: <ul style="list-style-type: none"> <li>Police Detail Sergeant for public safety requirements. Recommend two (2) detail officers to clear traffic and buses on Scranton Ave. &amp; Main St.</li> <li>Fire Department requires a site plan that indicates tent sizes and locations. Will also need to know locations of any grills or propane tanks.</li> <li>Inspectional Services for tent in excess of 400 sq. ft., permit and inspection.</li> <li>Health Department for temporary food permit and to schedule inspection.</li> <li>Recreation Department before event to obtain key to access electricity at band shell.</li> </ul> </li> <li>Follow the "Recycling Instructions for Special Events", attached.</li> <li>Check location following event to clean up any litter or debris.</li> </ol>
Special Conditions	None.
Insurance Certificate	Naming the Town of Falmouth as additional insured.
Fees	Filing: \$10.00 · Permit: \$800.00 · Deposit: \$300.00 (separate check)

APPROVED:

  
Town Manager

  
Date

**OPEN SESSION**

**BUSINESS**

5. Vote to adopt the FY25 Operating Budget Policy **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 5.

**ITEM TITLE:** Vote to adopt the FY25 Operating Budget Policy

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Proposed FY25 Operating Budget Policy

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### **PURPOSE:**

In accordance with the Town Charter, the Select Board is required to issue a policy statement relating to the budget for the next fiscal year. The Town Manager, in consultation with the Assistant Town Manager and Finance Director, is submitting the FY25 Operating Budget Policy for consideration and adoption by the Select Board.

### **BACKGROUND/SUMMARY:**

- In accordance with Chapter C Falmouth Home Rule Charter and section C8-3 Submission of budget and budget message, on or before the first day of October of each year, the Town Manager is required to request and receive from all financial officers the estimated revenues for the next fiscal year.
- Section C8-3 also requires that on or before the first day of November of each year, the Select Board shall issue a policy statement relating to the budget for the next fiscal year, and that this statement shall establish the outer limits of possible budget growth for the Town.

- As a result of consultations with the Finance Director and Assistant Town Manager, the Town Manager has prepared the attached FY25 Operating Budget Policy document for Select Board consideration.
- The operating budget policy attached for the Select Board's review and consideration recognizes and reinforces the existing financial policies of the Town and further clarifies strategies for meeting the goals contained within those policies.
- This policy also recognizes the importance of future strategic planning workshops in identifying and prioritizing new initiatives and projects within projected revenue constraints.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board adopt the FY25 Operating Budget Policy as presented.

**OPTIONS:**

- 1) Motion to adopt the FY25 Operating Budget Policy document as presented.
- 2) Motion to adopt an FY25 Operating Budget Policy document with specified changes.

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board adopt the FY25 Operating Budget Policy presented.

*Michael Renshaw*

\_\_\_\_\_

8/18/2023

**Town Manager**

**Date**



**TOWN OF FALMOUTH  
SELECT BOARD  
Fiscal Year 2025  
Operating Budget Policy  
DRAFT August 21, 2023**

**INTRODUCTION**

The Town of Falmouth Select Board hereby establishes the following Fiscal Year 2025 (FY2025) budget policy to maintain financial stability and meet the needs of our community.

This policy recognizes and reinforces the existing financial policies of the Town and clarifies strategies for meeting the goals contained therein. The FY2025 Budget Policy is intended to establish guidelines to ensure the strong fiscal health of the Town of Falmouth as we continue to follow the sound management practices that have enabled us to meet the Town's financial goals and promote quality of life for Falmouth residents.

The FY2025 budget shall be based on conservative and achievable estimates of available revenues. The FY2024 budget established a baseline for municipal services offered within a sustainable operating budget. Recommended expenses shall continue to be analyzed within a framework of local revenues. Early action shall be taken to address projected shortfalls to ensure that the Town is providing service levels that can be sustained with our anticipated revenue stream over the next few years.

The Town of Falmouth will seek to establish a level service budget which limits increases in order to maintain operations within the proposition 2½ levy limit. The Town will not rely on the use of non-recurring revenues such as free cash, stabilization or other one-time revenues to support the operating budget. The Town's management staff will continue to monitor the stream of recurring revenues with

the ongoing goal of identifying additional local revenues to support and enhance service levels in our community. Through the Capital / Free Cash request process, items which may have started as one-time trials that are now annual items will be moved into the operating budget (e.g. Annual Field Maintenance). The net effect will be reducing Free Cash generated to be offset by not needing to fund the items with Free Cash.

In establishing a budget ceiling for the coming fiscal year, the Select Board adopts a maximum tax revenue growth of 2.5% above the FY2024 levy and an estimated new growth component of \$800,000. A more comprehensive estimate of total revenue growth will be made available in October.

The operating budget is supported by four major revenue sources: tax levy, state aid, local receipts and other available funds. Among those, the tax levy is the only source of revenue that predictably increases each year. Revenue growth shall be allocated to operating budgets primarily for fixed costs and approved wage rate increases.

The Town will fund appropriations to the Capital Projects Fund and Other Post Employment Benefits (OPEB) funds in the amount of \$1,500,000 from recurring revenues. In accordance with the Select Board Fiscal Policy, the Town Manager shall allocate the greater of 1/6<sup>th</sup> of estimated rooms excise tax, or \$850,000, to affordable housing.

Some individual line items may require an increase to address uncontrollable costs or strategic priorities, and other individual line items may need to be reduced in order to stay within the overall budget increase.

To assist the Town Manager and our Department Managers as they develop an operational budget for the Select Board's review, the following policies will apply:

## **REVENUE POLICY**

### **Local Estimated Receipts**

The Town will continue to maintain the goal of conservatively budgeting local estimated receipts to responsibly avoid any future revenue deficits and to help meet the Town's goals for financial stability. We will continue to monitor local receipts and anticipate a modest increase for FY2025 may be warranted.

### **State Revenues**

The State recently adopted the FY2024 budget which reversed some of the increase received by

the Falmouth School Department in FY2023. At this early stage, the FY2025 budget will assume level funding for all State aid categories.

### **Property Taxes**

The Town will present an operating budget that is consistent with the revenues available within the levy limit established under Proposition 2 ½ to support FY2025 operations. Considering the \$950,000 general override to fund additional firefighters approved for FY2024, the Board will not propose a general override to support the operating budget for FY2025. A debt exclusion for one or more capital projects may be proposed at the April 2024 Annual Town Meeting.

### **APPROPRIATION POLICY**

To protect the Town's conservative budget strategy, appropriations shall be limited to the existing programs and fixed cost increases. Town Departments shall endeavor to limit any significant increase in requested budgets unless there is a fixed cost increase required to support a current service that the Town offers. Department Heads will submit budgets that include only approved wage rate increases and expense increases that are required to continue level services. Any additional wages, positions or expenses will require justification and the approval of the Town Manager.

Among the challenges to be addressed in balancing the FY2025 budget are:

1. Funding a portion of the cost to add 14 additional Fire Department personnel that was not covered by the \$950,000 Proposition 2 ½ general override;
2. Wage rate increases approved for union and non-union employees are somewhat greater in FY2025 than they have been in prior years;

### **Strategic Priorities**

To further guide the Town Manager in the development of the FY2025 Budget, the Select Board will hold periodic strategic planning workshops to identify specific policy priorities for the FY2025 budget. Consideration of any new positions and other new initiatives must be prioritized and will likely be constrained by available revenues.

### **Reserves**

This section addresses three separate reserves: General Stabilization Fund, Capital Stabilization Fund and the OPEB Trust Fund. The General Stabilization Fund balance is \$7,599,245 which exceeds the overall policy goal of 5% of the previous year's operating budget not including exempt debt. The Town will continue to appropriate \$500,000 to the Other Post Employment Benefit Trust Fund .

The Town will allocate the same fixed amount to the Capital Stabilization Fund that has been allocated for many years - \$1,032,079. This amount was initially established based on 75% of the meals tax and an amount from the tax levy. After assessing basic service needs, the Town will continue to review revenue growth along with long range Capital needs and will make recommendations as necessary to responsibly increase reserves.

## **OPEN SESSION**

## **BUSINESS**

6. Vote to reverse the All alcoholic Beverages Restaurant License from Peppercorn Restaurant LLC to Olive Restaurants, Inc. d/b/a Shiverick's Café and Bar at 285 Main Street **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 6.

**ITEM TITLE:** Vote to reverse the All Alcoholic Beverages Restaurant License from Peppercorn Restaurant LLC to Olive Restaurants, Inc. d/b/a Shiverick's Café and Bar 285 Main Street

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** Licensing Authority Certification, August 10, 2023 Letter from Law Offices of Theodore Schilling

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### PURPOSE:

The purpose of this item is for the Select Board to consider reversing the issuance of a previous All Alcoholic Beverages License from Peppercorn Restaurant LLC back to Olive Restaurants, INC d/b/a Shiverick's Cafe and Bar located at 285 Main Street.

### BACKGROUND/SUMMARY:

- On July 18, 2023 the Select Board approved an All Alcoholic Beverages License transfer from the owners of Shiverick's Café and Bar to the potential new ownership group Peppercorn Restaurant, LLC.
- On July 28 the Town Manager's office received a letter from the attorney representing Peppercorn Restaurant, LLC indicating that the buyer had been hospitalized and that a Power of Attorney agent would return the All Alcoholic Beverages License due to the sale not going through.

- On August 10, 2023 the Town Manager's office received a letter from the law firm representing Shiverick's Café and Bar requesting that the All Alcoholic Beverages License transaction be reversed from Peppercorn Restaurant, LLC to Olice Restaurants, Inc. d/b/a Shiverick's Café and Bar.
- To effect the reversal of the License, the Alcoholic Beverages Control Commission requires that the Select Board vote to approve the attached Licensing Authority Certification form.

**DEPARTMENT RECOMMENDATION:**

Based upon the fact that the sale of the establishment did not materialize, The Town Manager is recommending that the Select Board approve the reversal of the All Alcoholic Beverages License and approve the attached Licensing Authority Certification.

**OPTIONS:**

- 1) Motion to approve the reversal of the All Alcoholic Beverages Restaurant License from Peppercorn Restaurant, LLC. to Olice Restaurants, Inc. d/b/a Shiverick's Café and Bar as presented.
- 2) Motion to deny approval of the reversal of the All Alcoholic Beverages Restaurant License from Peppercorn Restaurant, LLC. to Olice Restaurants, Inc. d/b/a Shiverick's Café and Bar as presented.

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

Based upon the fact that the sale of the establishment did not materialize, The Town Manager is recommending that the Select Board approve the reversal of the All Alcoholic Beverages License and approve the attached Licensing Authority Certification.

*Michael Renshaw*

\_\_\_\_\_

8/18/2023

Town Manager

Date



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

06952-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee  DBA

Street Address  Zip Code

Manager

Granted under Special Legislation? Yes  No

If Yes, Chapter  of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

One Floor of approximately 611 Sq. Ft. with bar to the left of the main dining area. Additional, smaller dining area past the bar towards the rear exit. Four rooms on the finished first floor. Full basement consisting of two rooms & a walk-in cooler for prepping ingredients, dish-washing & storage. SUNDAY HOURS 8 AM TO 11 PM.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date  Time

Advertised Yes  No  Date Published  Publication

Abutters Notified: Yes  No  Date of Notice

Date APPROVED by LLA  Decision of the LLA

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

For Transfers ONLY:  
Seller License Number:  Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LAW OFFICES OF  
**THEODORE A. SCHILLING, P.C.**

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12 PARKER ROAD, OSTERVILLE, MASSACHUSETTS 02655  
TELEPHONE: (508) 775-0700; FAX: (508) 775-0792; MOBILE: (508) 237-2988  
EMAIL: [tas@lawcapecod.com](mailto:tas@lawcapecod.com)

August 10, 2023

To: Town of Falmouth Board of Select

Massachusetts Alcoholic Beverages Commission

RE: Reverse Transaction from Peppercorn Restaurant LLC to Olive Restaurants Inc.

Please be advised that the Purchase and Sale transaction transferring the All Alcoholic Beverages Restaurant License from Olive Restaurants, Inc. to Peppercorn Restaurant, LLC was not completed and will not be rescheduled due to the hospitalization of the Buyer, Charles Withers.

Olive Restaurants, Inc. located at 285 Main Street, Falmouth, MA, will continue to operate as Shiverick's Café & Bar license number #06952-RS-0390.

Elias Gregoriadis, Owner, Olive Restaurants, Inc.

Charles N. Withers by Carla Raffo  
Charles N. Withers Owner, by Carla Raffo his Attorney in fact

## **OPEN SESSION**

## **CONSENT AGENDA**

### **1. Licenses**

- a. Application for a Common Victualler License – The Portuguese – 424 East Falmouth Highway, Unit B101, East Falmouth



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** 1. a. Licenses

**ITEM TITLE:** Application for a Common Victualler License- The Portuguese- 424 East Falmouth Highway, Unit B101, East Falmouth

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** Mike Renshaw, Town Manager

**ATTACHMENTS:** License Application Review Form, Common Victualler & Innholder License Application

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### PURPOSE:

The Select Board is being requested to consider the issuance of a new Common Victualler License to The Portuguese located at 424 East Falmouth Highway.

### BACKGROUND/SUMMARY:

- The property owner is in the process of drafting a new lease agreement for the proposed licensee, The Portuguese; the letter of agreement is between the current lessee, Bite on the Go owned by Valerio Destefani, and the applicant.
- The application packet was reviewed by the Police, Fire, Building, and Health Department and no concerns or objections were raised.

**DEPARTMENT RECOMMENDATION:**

Based upon the review performed by staff and no issues or objections being noted, The Town Manager recommends that the Select Board approve the application for a Common Victualler License to The Portuguese located at 424 East Falmouth Highway as presented.

**OPTIONS:**

- 1) Motion to approve the application for a Common Victualler License to The Portuguese located at 424 East Falmouth Highway as presented;
- 2) Motion to approve the application for a Common Victualler License to The Portuguese with specified Select Board modifications;
- 3) Motion to deny approval approve the application for a Common Victualler License to The Portuguese.

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

N/A

**TOWN MANAGER COMMENTS:**

Based upon the review performed by staff and no issues or objections being noted, The Town Manager recommends that the Select Board approve the application for a Common Victualler License to The Portuguese located at 424 East Falmouth Highway as presented.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

8/18/2023

Date

**LICENSE APPLICATION REVIEW**

Restaurant/Business:     The Portuguese    

Address:     424 East Falmouth Highway, Unit B101    

License Type: \_\_\_\_\_

New or Transfer of License     New Common Victualler    

or

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

Police     No objection    

Fire     No Concerns    

Building     No Concerns    

Health     No objection    

**Food Service Permit - Issued**

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Tax Collector \_\_\_\_\_

Wastewater \_\_\_\_\_

**NOTES:** The Building Commissioner's Office has approved the Floor Plan.

The Property Owner is in the process of drafting a new lease for the proposed licensee, The Portuguese. The letter of agreement is between the current lessee, Bite on the Go owned by Valerio Destefani, and the applicant.



## TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320 • [licensing@falmouthma.gov](mailto:licensing@falmouthma.gov)

### COMMON VICTUALLER & INNHOLDER LICENSE APPLICATION

CHECK THE APPROPRIATE LICENSE

Common Victualler

Annual License

Innholder

Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: Celia Braga TITLE: Owners

HOME ADDRESS: [REDACTED] RD

Town: Falmouth State: MA Zip code: 02540

BUSINESS NAME: The Portuguese LLC

D/B/A if any:

BUSINESS ADDRESS: 424 East Falmouth Hwy, Unit B101

Town: East Falmouth State: MA Zip code: 02536

MAILING ADDRESS (if different):

Town:  State:  Zip code:

FEDERAL ID #: [REDACTED] MANAGER OF RECORD: Celia Braga

EMAIL - required: ThePortuguese01@gmail.com

TELEPHONE - BUSINESS: 774-3927390 ALTERNATE: [REDACTED]

DAYS OF OPERATION: 7 days

HOURS OF OPERATION: 7am - 9pm

SEATING CAPACITY : 39

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

\*\*DATE: 08/03/23

Olivia BACZ

Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

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

Name: Valerio Destefani

Street Address: PO Box 1720

City: Vineyard Haven State: MA

Zipcode: 02601

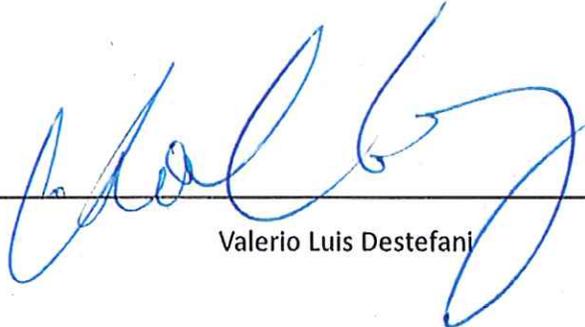
Phone number: (508) 250-3233

August 4, 2023

To Whom This May Concern,

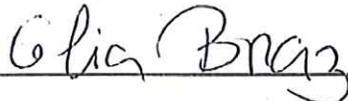
I, Valerio Luis Destefani, hereby grant permission for Celia Do Rosario Braz to occupy the premises and operate the restaurant on the address 424 East Falmouth Highway, Unit B101, East Falmouth MA 02536.

Sincerely,



---

Valerio Luis Destefani



---

Celia Do Rosario Braz

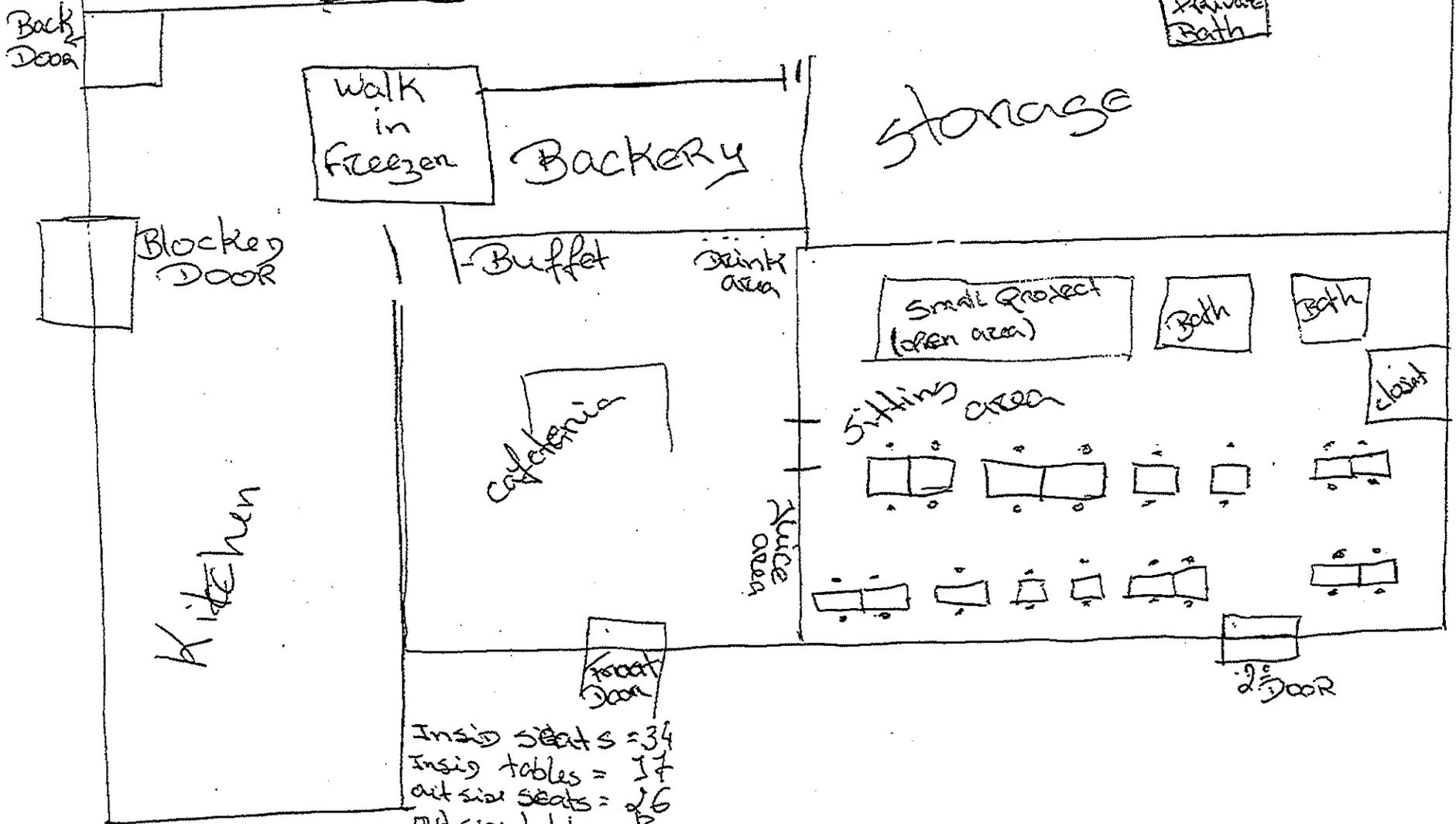
DRAWINGS REVIEWED BY  
FALMOUTH BUILDING DEPARTMENT  
CONSTRUCTION SUBJECT TO MA  
BUILDING CODE COMPLIANCE  
ONE SET OF STAMPED PLANS SHALL  
BE KEPT AT THE BUILDING SITE

0/9/23

DATE

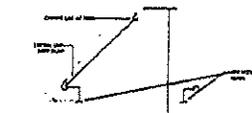
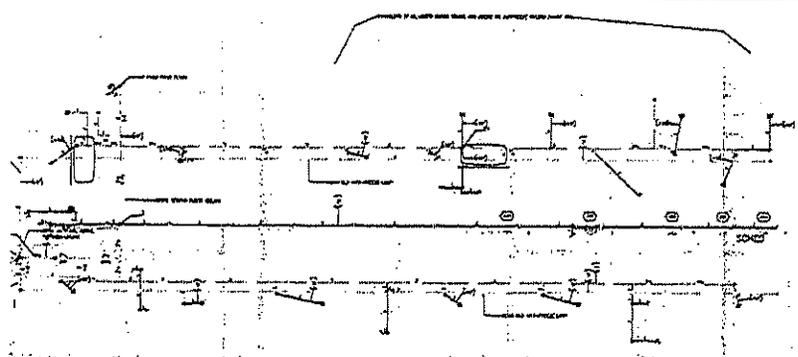
*[Signature]*  
BUILDING OFFICIAL

# Access to second floor

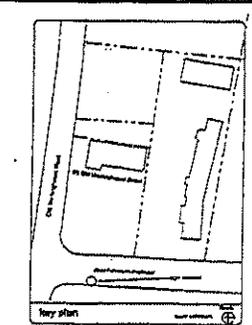


Inside seats = 34  
Inside tables = 17  
outside seats = 26  
outside tables = 8

PROPOSED PHASE TWO  
SECOND FLOOR



SECTION A



FLOW TEST:  
8-28-19  
STATIC 73  
RESIDUAL 69  
FLOW 1280  
HYDRANT ELEVATION 1'-6" ABOVE FIRST FLOOR

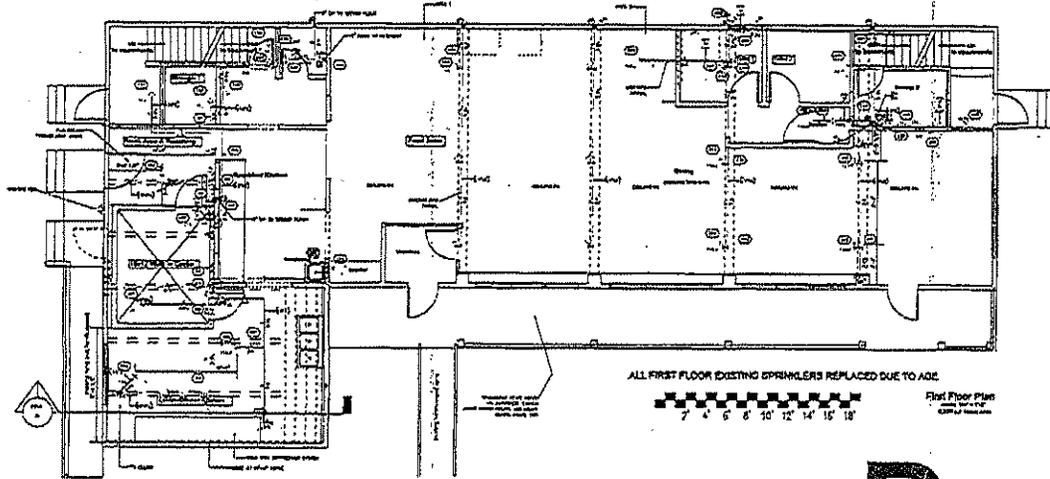
GENERAL NOTES:  
PHASE 1 IS THE RESTAURANT ONLY  
PHASE ONE WORK IS JUST RELOCATING A FEW HEADS AND ADDING A FEW  
THE RISER WORK WILL BE DONE IN PHASE TWO, INCLUDING NEW BACKFLOW, EXPANSION CHAMBER FOR ANTI-FREEZE SYSTEM ETC. AN RPZ DETECTOR CHECK HAS BEEN INCLUDED IN THIS CALCULATIONS.  
ALL NEW PIPE 1.25 INCH AND UP WILL BE SCH 10.  
1" PIPE WILL BE SCH 40.  
ALL EXISTING PIPE IS SCH. 40  
ALL NEW PIPE TO BE HUNG PER NFPA 13

NO.	DATE	DESCRIPTION
1	02/25/2020	ISSUED FOR PERMIT
2	02/25/2020	REVISIONS
3	02/25/2020	REVISIONS
4	02/25/2020	REVISIONS
5	02/25/2020	REVISIONS
6	02/25/2020	REVISIONS
7	02/25/2020	REVISIONS
8	02/25/2020	REVISIONS
9	02/25/2020	REVISIONS
10	02/25/2020	REVISIONS
11	02/25/2020	REVISIONS
12	02/25/2020	REVISIONS
13	02/25/2020	REVISIONS
14	02/25/2020	REVISIONS
15	02/25/2020	REVISIONS
16	02/25/2020	REVISIONS
17	02/25/2020	REVISIONS
18	02/25/2020	REVISIONS
19	02/25/2020	REVISIONS
20	02/25/2020	REVISIONS

ALL FIRST FLOOR EXISTING SPRINKLERS REPLACED DUE TO AGE

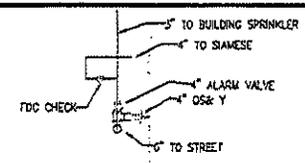
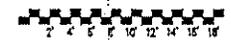


First Floor Plan



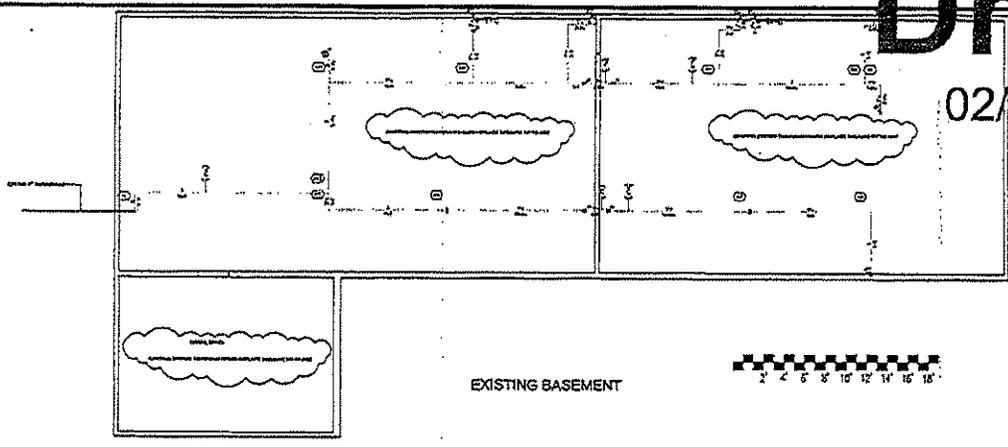
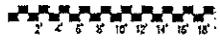
# Draft Print

02/25/2020 4:28:29 PM



EXISTING RISER DETAIL

EXISTING BASEMENT



PROJECT NO. 2019-001  
 PHASE 1  
 DATE: 02/25/2020  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

**BITE ON THE GO**  
 5 METON HOUSE RD  
 FALMOUTH, MA

**GANNON FIRE SPRINKLERS**  
 35 BEARDS CROFTILL ROAD  
 Fall River, MA 02713  
 508-962-3111  
 Spalding Contractors, Inc. 210TH ST. 3-20-20

### BREAKFAST SANDWICHES

Your choice of:  
Croissant, bagel, English muffin, Portuguese roll,  
white or whole wheat toast

With Butter or cream Cheese	\$4.99
Grilled Cheese	\$5.99
Bacon, Egg & Cheddar	\$6.49
Sausage, Egg & Cheddar	\$6.49
Canadian Ham, Egg & Cheddar	\$6.49
Sausage, Bacon, Egg & Cheddar	\$7.49

### SANDWICHES

With lettuce, Tomato & Fries

Hot Dog Simple	\$12.99
Portuguese Hot Dog	\$13.99
Brazilian Hot Dog	\$14.99
American Hot Dog	\$10.99
BLT on White or Whole Wheat toast	\$13.99
Fried Chicken & Cheese on a Bun	\$13.99
Chicken Salad on a Bun	\$12.99
Chicken, Bacon & Cheese on a Bun	\$14.99
Fried Fish on a Bun With tartar sauce	\$14.99
Steak & Cheese	\$14.99
Grilled Pork	\$16.99
Grilled Beef	\$17.99

### BURGERS

With Lettuce, Tomato, Pickles, Onion & Fries

Veggie Burger	\$12.99
Cheeseburger	\$13.99
Bacon Cheeseburger	\$14.99
Egg Cheeseburger	\$14.99
Bacon Egg Cheeseburger	\$15.99
Portuguese Burger	\$17.99
(Double burger, egg, bacon & cheese)	

### FRIED FOOD

French Fries	\$10.99
Chicken Wings (With fries)	\$13.99
Chicken Fingers (With fries)	\$13.99
Fish & Chips	\$17.99

BEFORE PLACING YOUR ORDER, PLEASE  
INFORM YOUR SERVER IF YOU OR  
SOME IN YOUR TABLE HAS A FOOD  
ALLERGY

### APPETIZERS

Shrimp Patties	\$13
(A delicious pastry stuffed with shrimp cream fried in boiling oil). 4 units per order.	
Cod Pastries	\$11
(Dumplings made with potato, cod, onion, and parsley). 4 units per order.	
Carrots with Olives	\$7
(Carrots cooked with olives seasoned with garlic and parsley and vinegar).	
Three Cheeses	\$12
(3 different types of Portuguese cheeses (cheese may change based on availability).	
linguica	\$11
(Homemade linguica roasted in alcohol)	
Pica-Pau	\$12
(Small strips of pork steak fried in olive oil and white wine with garlic, black olives).	
Bulhão - Pato Clams	\$18
(Open clams with garlic and coriander, lemon, and white wine).	
Shrimp w/ garlic	\$19
(Shrimp sautéed in olive oil and butter with garlic, parsley and mustard flamed with whiskey)	

### SOUPS

Chicken Rice	\$5.50
(White rice with shredded chicken flavored w/ mint & lemon w/ small pieces of Portuguese linguicas)	
Kale Soup	\$5.50
(kale, potatoes, beans, Portuguese linguica, celery, carrots)	
Cabbage and Beans Soup	\$5.50
(Cabbage potatoes, beans, Portuguese linguica, celery, carrots & pulled pork)	
Cassava Soup	\$5.50
(cassava, bacon, fresh chives, sausage)	

WE ARE OPEN VERY DAY FROM 7am TO  
9pm



# ME NU

774-392-7390

508-388-7591

[www.theportuguese.net](http://www.theportuguese.net)  
[theportuguese01@gmail.com](mailto:theportuguese01@gmail.com)

424 East Falmouth Hwy,  
East Falmouth MA, 02536

### SALADS

Caesar salad \_\_\_\_\_ \$10 / \$17  
(lettuce, cherry tomato, parmesan cheese and sauce served on the side of your choice)

Montanheira Salad \_\_\_\_\_ \$10  
(tomatoes, onions, green peppers, cucumbers, all finely chopped vegetables, in a vinegar and oil sauce, flavored with oregano and served with small ice cubes)

Chicken Salad \_\_\_\_\_ \$10 / \$17  
(lettuce, cherry tomatoes, green peppers, cucumber, onion grated carrot and strips of grilled chicken breast with sauce served on the side of your choice)

Tuna Salad \_\_\_\_\_ \$10 / \$17  
(lettuce, cherry tomatoes, green peppers, cucumber, onion and tuna paste with sauce served on the side of your choice)

Feta Salad \_\_\_\_\_ \$10 / \$17  
(lettuce, cherry tomatoes, green peppers, cucumber, grated carrot onion, boiled egg and feta cheese with sauce served on the side of your choice)

Shrimp salad \_\_\_\_\_ \$12 / \$19  
(lettuce, cherry tomato, shrimp served with cocktail sauce)

### SEAFOOD

Seafood Cataplana \_\_\_\_\_ \$34 / \$59  
(a delicious wine stew with tomatoes, red and green peppers, onions and garlic, with scallops, shrimp, clams, mussels and squid, and parsley, all cooked in a cataplana pan)

Algarvia Cataplana \_\_\_\_\_ \$38 / \$60  
(a delicious stew with red and green peppers, onion, garlic, white wine and red pepper sauce, diced pork, clams, medium-sized prawns, cooked in a cataplana pan)

Paella \_\_\_\_\_ \$34 / \$59  
(Rice, small and large shrimp, squid and octopus, mussels, diced chicken breast, onions, tomatoes, red pepper, garlic, saffron, peas, carrots, parsley, olive oil and pepper)

Seafood Rice \_\_\_\_\_ \$34 / \$57  
(stewed rice with tomatoes, onions, peppers with squid, shrimp, mussels and scallops flavors)

Bacalhau á Braz \_\_\_\_\_ \$28  
(Tasty sautéed onion and garlic in olive oil, codfish, straw potatoes, egg, and fresh parsley with black olives accompanied by lettuce and tomato)

Bacalhau Á Gomes Sá \_\_\_\_\_ \$28  
(Bacalhau á Gomes Sá is a cod casserole, sliced onion and potatoes, olive oil, eggs, coriander, bay leaf, black olives and goes to the oven to brown)

Bacalhau com Todos \_\_\_\_\_ \$30  
(cooked cod fillet with vegetables (cabbage or broccoli, potatoes, carrots, egg and chickpeas), served with olive oil and vinegar or lemon)

### STEAK

Steak W/ salad, french fries and egg \_\_\_\_\_ \$29  
(a juicy steak with garlic, bay leaf, salt, and white wine, served with fries, salad, and egg)

Steak with mixed pepper sauce \_\_\_\_\_ \$29  
(Grilled steak cooked to your preferred temperature topped with a creamy pepper sauce and it's served with french fries, rice)

Steak with mushrooms \_\_\_\_\_ \$29  
(a delicious steak with garlic, bay leaf, cream, fresh mushrooms, black pepper, mustard, olive oil and butter served with rice)

Terra e Mar \_\_\_\_\_ \$33  
(Steak 1 tiger prawn, garlic Butter, lemon juice and pepper, served with French fries.)

### PORK

Pork steak w/ egg and fries \_\_\_\_\_ \$27  
(With french fries and egg. - grilled pork with an egg on top accompanied with french fries)

Pork á Alentejana \_\_\_\_\_ \$34  
(Traditional Portuguese combination of pork and clams, w/ fried cubed potatoes, pickles, olives, and Coriander)

Portuguese pork \_\_\_\_\_ \$27  
(pork cooked in a skillet w/ white wine & garlic, peppers, Served with fried cubed potatoes, pickles and black olives)

### CHICKEN

Chicken with mushrooms and cream \_\_\_\_\_ \$27  
(Grilled chicken breast steak in a white cream sauce w/ sauteed mushrooms served w/ french fries)

Chicken with shrimp \_\_\_\_\_ \$32  
(Grilled chicken breast steak with garlic and shrimp drizzled w/ white wine & topped with parsley)

Chicken with shrimp & Pickles \_\_\_\_\_ \$32  
(Grilled chicken breast steak with garlic and shrimp drizzled w/ pickled vinegar & topped with pickles & parsley)

### BRAZILIAN BUFFET

<u>MONDAY</u>	<u>TUESDAY</u>
Beef Stew	Beef Ox Tails & Yucca
Chicken & Okra	BBQ Pork Spareribs
Grilled Pork Chops	Chicken Stroganoff
Spaghetti & Meatballs	Tilapia with Parmesan
Fried Fish Filet	Grilled Beef Steak & Onions
Fried Yucca with Sausage	Cole Slaw
Vegetables Spring Rolls	Mashed Potatoes
Macaroni Salad with Ham	Sweet Potatoes
Polenta	<u>THURSDAY</u>
<u>WEDNESDAY</u>	Roasted Pork Spareribs
Fried Fish Filet	Roasted Chicken Drumstick
Roasted Boneless Beef	Grilled Calf Liver
Pork Ribs & Corn Grits	Beef Tripe w/ Pork Kielbasa
Roasted Duck & Sage	Fried Fresh Fish
Chicken Lasagna	Penne Alfredo w/ Chicken Scalloped
Chicken Salad with Ham	Potatoes and Bacon
Whole Grain Rice	Quinoa w/ Vegetables
Butternut Squash	Tropeiro (kidney beans, bacon, eggs, onions)
Fried Cauliflower	Avocado Salad
<u>FRIDAY</u>	<u>SATURDAY</u>
Tilapia Stew	Farofa
Beef Ox Tails & Yucca	Braised Lamb Leg
Grilled Chicken Breast	Feijoada (Black Beans, Pork, Corned Beef)
Stuffed Pork Loin	Beef Stew
Meatloaf Wrapped in Bacon	Roasted Chicken Drumstick
Spaghetti & Bacon	Collard Greens
Whole Grain Rice	Fried Plantain
Mashed Potatoes	
Shrimp Bobo	
Fried Plantain	

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **2. Administrative Orders**

- a. Request from Recreation Department to spend \$2,000 from the Falmouth Road Race Donation for the Community Center Playground for the Sound Study for the Trotting Park Pickleball Complex



**ITEM NUMBER:** 2. a. Administrative Orders

**ITEM TITLE:** Select Board Approval for Road Race Playground Donation Account \$2,000 use for a Sound Study for the Pickleball Complex at the Trotting Park Fields.

**MEETING DATE:** 8-7-2023? Or 8-21-2023

**WORK SESSION**  **VOTING SESSION**  **PUBLIC HEARING**

**SUBMITTED BY:** Joe Olenick-Recreation Director

**ATTACHMENTS:** Letter from the Falmouth Road Race giving approval to use requested funds for a sound study for the Trotting Park Pickleball Courts.

---

**PURPOSE:** The Recreation Department would like to conduct a Sound Study for the New Pickleball Court Complex at the Trotting Park Fields. This sound study will be an in depth look at how the sound of Pickleball will travel around the complex and if it will affect any of the homes in the surrounding area.

**BACKGROUND/SUMMARY:** The Recreation Department is in the process of having Design and Engineering completed on Town owned land behind the Old Skate Park for the purpose of constructing 12-16 Pickleball Courts. With recent noise complaints in Falmouth and other Towns around the United States we want to be certain that this location for the Pickleball Complex will not affect any of the homes in the area. We will schedule the study as soon as the funds become available. I have read one of the Sound Studies by the Company we are looking at to do the study and it is very thorough and complete.

**DEPARTMENT RECOMMENDATION:** The Recreation Department recommends approval of this request as it is an important aspect for the success of this Pickleball project.

- **OPTIONS:** Please approve this request.
- If the request is denied it may result in delaying the project.
- The Recreation Department recently requested \$20,000 from this account be used for other use as well. We thank the Falmouth Road Race for their generous donations and flexibility with these funds. They have been a great help to the Recreation Department.

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
Road Race Playground Donation Account	Recreation	280-3570-5632	\$45,000	\$25,000	\$2,000	\$23,000

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

**TOWN MANAGER COMMENTS:**

  
\_\_\_\_\_  
Town Manager

  
\_\_\_\_\_  
Date



*August 2023*

*To the Falmouth Board of Select*

*The Falmouth Road Race grants the Recreation committee permission to reallocate grant funds from the Recreation playground project that went unspent. The majority is still to be used to enhance the playground but a portion of the funds can be used for a sound study for the Trotting Park Pickleball project. The estimated cost is \$2000.*

*Sincerely,*

*Scott Ghelfi*

*President*

*Falmouth Road Race, Inc*

***Falmouth Road Race Mission Statement***

*The Falmouth Road Race, Inc. is committed to positively impacting individuals and businesses in Falmouth through consistent involvement with the community and annual philanthropic giving. The organization promotes health and fitness through community programs and its annual internationally recognized road race that has provided an iconic course, enjoyed by elite and recreational runners since 1973.*

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **2. Administrative Orders**

- b. Accept donation of excess water main pipe valued at approximately \$2,000 from Michael Solimando to the Water Department



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** 2. b. Administrative Orders

**ITEM TITLE:** Donation of Water Main Pipe

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** Michael Reghitto

**ATTACHMENTS:** Email chain offering to donate pipe

---

### **PURPOSE:**

Michael Solimando from 511 Brick Kiln Road would like to donate excess water main pipe he purchased for his new development to the town.

### **BACKGROUND/SUMMARY:**

The Water Department received a phone call followed by a follow up email offering to donate water main pipe to the Water Department that was left over from a project located at 511 Brick Kiln Road. There are two 12" pipes and one 8" pipe available for donation. Each pipe is 20' long are brand new. The total value of the donated pipe is roughly \$2000.00

If accepted by the Town, the Water Department will work with Mr. Solimando to go pick up the pipe.

**DEPARTMENT RECOMMENDATION:**

I recommend the town accept the donation of the three length of pipe.

**OPTIONS:**

- 1) approval of your recommended action or request;
- 2) denial of your recommended action or request;
- 3) Board defined alternative.

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

**TOWN MANAGER COMMENTS:**

---

Town Manager

Date

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **2. Administrative Orders**

- c. Approve withdrawal from the Beach Donations Account in the amount of \$500.00 for the Dr. David Garber "Dare to be Great" award to be given to a lifeguard during the annual banquet



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** 2. c. Administrative

**ITEM TITLE:** Dr. David Garber "Dare to be Great" Award

**MEETING DATE:** 8/21/2023

**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**

**SUBMITTED BY:** Maggie Clayton, Beach Superintendent

**ATTACHMENTS:** n/a

---

### PURPOSE:

This is a written request to the Select Board for permission to withdraw \$500 from Beach Donations Account (28-632-5655-4830) for the Dr. David Garber "Dare to be Great" Award given to a lifeguard during our annual banquet.

### BACKGROUND/SUMMARY:

- In 2013, an award was created to honor Dr. David Garber, a former Falmouth Lifeguard and lifelong town resident, now suffering from A.L.S. This should be awarded to a lifeguard that exemplifies the ideals of Garber's mantra "Dare to be Great" through their everyday enthusiasm, spirit on the job, and excellence in lifeguarding.
- The funds for this award from David's Old Silver Swim, Inc. c/o Robert Catalano were approved for deposit by the Board on 6/13/2023.
- The Beach Department Senior Staff voted on the recipient of the award for 2023 last week, Molly Plunkett. Molly is a rising Freshman at Tulane University. She is in her 3<sup>rd</sup> year working for the Town of Falmouth Beach Dept. and has been the Head Lifeguard at Surf Drive for Summer 2023.

**DEPARTMENT RECOMMENDATION:**

That the Town of Falmouth honors the recipient Molly Plunkett with the \$500 donation from David's Old Silver Swim/CCALS as voted by Beach Dept. Senior Staff.

**OPTIONS:**

- 1) approval of the above recommended request;
- 2) denial of the above recommended request;
- 3) Select Board defined alternative

**BUDGET INFORMATION:** Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
DONATIONS	Beach Dept.	28-632-5655-4830		\$13,678.32	\$500.00	\$13178.32

**FINANCE DIRECTOR COMMENTS (IF APPLICABLE):**

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board approve the use of \$500 from the Beach Donations Account for the purpose of recognizing and awarding Head Lifeguard Molly Plunkett with the 2023 Dare to be Great Award, as presented.

*Michael Renshaw*

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Town Manager

8/16/2023

Date

## **OPEN SESSION**

### **MINUTES**

1. Review and Vote to Approve Minutes of Meetings:
  - a. Public Session – March 27, 2023

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, MARCH 27, 2023 – 6:30 P.M.**  
**HERMANN ROOM**  
**FALMOUTH PUBLIC LIBRARY**  
**300 MAIN STREET, FALMOUTH, MA 02540**

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

**6:30 p.m. OPEN SESSION**

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment

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

1. Interview, vote and appoint committee members
  - a. Commission on Substance Use – Rabbi Elias Lieberman
  - b. Economic Development & Industrial Corporation (EDIC) – Colin Reed

**6:45 p.m. PUBLIC HEARINGS**

1. Fee Hearing – Fee for Recycling at the Waste Management Facility (10 minutes)
2. Application for a New Entertainment License and Sunday Entertainment License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth (5 minutes)

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

1. Request for variance to Sign Code - §184-32 Off-Premise Signs: Commission on Disabilities – Wellness Fair and Falmouth Community Blood Drive on April 22, 2023 at the Recreation Center (5 minutes)
2. Discussion of Town Manager candidates. No appointment vote will be taken. (15 minutes)

**7:20 p.m. CONSENT AGENDA**

1. Licenses
  - a. Application for Special One-Day Wine & Malt Liquor License – Slow No Wake – Earth Day Beach Cleanup – Marina Park – Saturday, 4/22/23 (rain date 4/23/23) – 12:00 p.m. - 2:30 p.m.
  - b. Approve a change of date of an approved Special One-Day Wine and Malt Liquor License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth – Tuesday, 4/18/23 (previously approved for Wednesday, 3/15/23) – 6:00 p.m. - 7:30 p.m.
2. Administrative Orders
  - a. Vote to opt in to Early Voting in Person for the May 16th Annual Town Election
  - b. Approve request to withdraw up to \$14,000 from the Manduano Gift Account (28-632-5657-5780) to finish funding the construction of 5 parking attendant booths, as discussed on December 5, 2022, using the updated design by Jill Neubauer Architects Inc.
  - c. Approve request to spend over \$500 from the Fire Rescue Department donation account for the purchase of CPR mannequins and parts for the free CPR certification program at the Falmouth Fire Rescue Department
  - d. Approve Letter of Support for Falmouth Housing Corporation’s Response to Falmouth Housing Authority’s Section 8 Project Based Voucher Program Bid

**7:25 p.m. MINUTES**

1. Review and Vote to Approve Minutes of Meetings
  - a. Public Session – November 21, 2022; March 13, 2023

**7:30 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT**

**7:35 p.m. ADJOURN**

Nancy R. Taylor, Chair  
Select Board

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

**MONDAY, MARCH 27, 2023 – 6:30 P.M.**  
**HERMANN ROOM**  
**FALMOUTH PUBLIC LIBRARY**  
**300 MAIN STREET, FALMOUTH, MA 02540**

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

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

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

1. Chair Taylor called the open session to order at 6:30pm.
2. Pledge of Allegiance
3. Recognition  
Mr. Brown recognized the Town Manager screening committee who brought three candidates forward. Mr. Zylinski acknowledged the public who were involved at the public meeting.
4. Announcements-none.
5. Public Comment

Richard Duby, Blacksmith Shop Road, provided information on the surplus Falmouth Police Department (FPD) rifles, noting the article in the Falmouth Enterprise and lack of tracking the resale of the rifles. After receiving Mr. Johnson-Staub's email to Mr. Duby, Powderhorn provided information that three rifles were sold to law enforcement officers. Mr. Duby has since discovered that Powderhorn is at the top of the list to sell firearms to the FPD and are being considered for another Town contract. Command Officers said they have an excellent relationship with Powderhorn, even though Mr. Johnson-Staub did not get the information from Powderhorn in a timely manner. The Select Board has asked to exclude Powderhorn with cause from any contracts with the Town.

Kerry Miller, Main Street, the fire at Estia restaurant last week should give all a wakeup call on overcrowding and fire risk. When the trucks responded to Estia, primary access to Main Street was precluded. Mr. Miller had a conversation about blocking access in the rear of the building with a FPD Officer who was securing the perimeter. Property rights should be protected by the Select Board, this is an area of mixed use and residential use. Resident abutters do not feel their rights have been protected. If there is a conflict of interest by the Planning Board, the member should be recusing themselves.

Joanne Treistman, 1 Triumph St., acknowledged the three students and teachers killed today. She supports the Diversity, Equity, and Inclusion (DEI) Officer to be responsive to community members. The Affirmative Action (AA) Committee has no way to adjudicate, they are able to notify the Select Board, but the community needs an advocate. The Town Human Resources Director handles situations with employees and the DEI Officer could assist. The Enterprise letters to the editor tell us about acts in the community, but then what happens? A DEI officer who supports our community and those marginalized and expand efforts of volunteers in the community. Where does the Affirmative Action Committee refer someone with a complaint?

Deb Berglin, Hatchville, Co-Chair Diversity Committee, supports the DEI Officer position. Systemic and institutional change is needed and recommends the position be full time and a higher salary. Concern that the community was not consulted about this position. The Town received more than 50 responses, two recommendations were made for active outreach and meaningful engagement, and creation of a mechanism for confidential reporting. Versions were worked into the position, but the most recent position does not include community access to the DEI Officer. She feels this is a lack of respect for the community. The person in the DEI position should get to know the community and be an accessible resource no matter

where the concerns come from. Ms. Berglin urged the Select Board at the 4/3/23 meeting to add the language that includes community engagement and access to the DEI officer. Priorities of the position are misplaced if the Town feels the DEI officer would be overwhelmed with community complaints and needs.

Dr. Sandra Faiman-Silva, Davis Rd., acknowledged the tragedy this morning and urged the Select Board to look at the job description and revise it for the DEI position. She made the motion in 2000 that voted to adopt the DEI position and formalize hiring. She believes the position as currently described is not the job description envisioned when passed at Town Meeting. It addresses Town Hall needs, but not the community needs. She provided an edited job description with features that would make this a robust job description that works out of Town Hall but also advocates for the community.

Maureen Harlow-Hawkes, 9 Old Dock Road, asked the Select Board to support the West Falmouth Fire Station (West). The Falmouth Fire Rescue Department (FFD) is required to staff all five stations, why do they always take from West and shut it down?

## COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members
  - a. Commission on Substance Use – Rabbi Elias Lieberman  
Rabbi Lieberman, Hatchville Rd., substance use has impacted his congregation, his extended family, it speaks to him, and he welcomes the opportunity.

Mr. Zylinski made a motion to appoint Rabbi Lieberman to a term ending 6/30/25. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

- b. Economic Development & Industrial Corporation (EDIC) – Colin Reed

Collin Reed, Rogers Rd., has been a resident for seven years and would like to give back to the community.

Mr. Patterson commented that Mr. Reed brings representation of the Woods Hole Community to the EDIC.

Mr. Patterson made a motion to appoint Mr. Reed to a term ending 6/30/23. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

## PUBLIC HEARINGS

1. Fee Hearing – Fee for Recycling at the Waste Management Facility (10 minutes)  
Ms. Scott Price read the hearing notice.

Peter McConarty, DPW Director, wants a recycling area up at the facility to give residents another option to dispose of their recyclables. A sticker will be required to dispose of recyclables. The fee does not cover the cost of DPW employees and equipment, it only covers the cost for the contractor to transport. The Recycling Coordinator position, is included with the request this year and will be requested this coming year. It is currently a part time position and they are looking to make it full time.

Public Comment: none.

Ms. Scott Price made a motion to close the hearing. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.

Discussion:

The Select Board wants to consider the position going full time and acknowledged the importance of this position.

Mr. McConarty said that the trash and recycling at the beaches becomes contaminated because people throw trash in recycling and recycling in the trash, once recyclables are contaminated, it cannot then be recycled.

**Mr. Zylinski made a motion to reopen the hearing. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.**

Mr. McConarty said concern is that when we bring recycling with trash in it to Bourne to the hauler, they randomly check the trash, and if more than 5% is contaminated, the Town of Bourne will check the beach trucks, and then Town of Falmouth receives a letter with a fine of \$5 from Bourne.

Public Comment:

Alan Robinson, Chair Solid Waste Advisory Committee, agrees that separate recycling at the beaches does not work. They would like to do it, but there are always people that will put the wrong thing into the recycling. The Committee supports recycling being restored at the facility; with mandatory recycling, it is an important option. The Committee will host an information session Wednesday at 9am, and the public is welcome to attend.

**Ms. Scott Price made a motion to close the hearing. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

**Mr. Brown made a motion to close the hearing. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.**

2. Application for a New Entertainment License and Sunday Entertainment License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth

Ms. Scott Price read the hearing notice.

The hearing was advertised before the change in the hearing venue. The hearing will be continued to 4/3/23. The Select Board apologized for the error.

**Ms. Scott Price made a motion to continue the hearing to 4/3/23. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.**

## BUSINESS

1. Request for variance to Sign Code §184-32 Off-Premise Signs: Commission on Disabilities – Wellness Fair and Falmouth Community Blood Drive on April 22, 2023 at the Recreation Center (5 minutes)

List of places for promotional signs are in the packet, along with the size and what they look like.

Mr. Johnson-Staub said this is a recurring event, it is a variance for lawn signs.

**Ms. Scott Price made a motion to approve. Mr. Patterson seconded the motion. Vote: Yes-5. No-0.**

2. Discussion of Town Manager candidates. No appointment vote will be taken.

Mr. Johnson-Staub recused himself.

Mr. Patterson provided the Select Board with a document that he created with characteristics he feels are important for the position. Chair Taylor will ask Town Counsel to review the document and provide feedback to the Select Board.

Chair Taylor reported there were 37 cover letters and resumes received by the screening committee. Of the ten candidates interviewed by the screening committee, two were black males and one was a woman, the Select Board may bring any other candidates in front of the steering committee. The consultant, Rick White, reached out to fifty women in the Commonwealth to try to convince them to apply for this position.

The Select Board was in agreement that there are no other candidates they want to bring forward.

Chair Taylor assigned each Select Board member to one of five areas: Mr. Zylinski - public safety, current public safety issue and previous district of the candidates; Mr. Brown - DPW and Department Chairs; Ms. Scott Price – Finance; Mr. Patterson - governing bodies; and Chair Taylor - School related functions,

including interaction with the School Committee. Chair Taylor suggested the members list questions, comments, and information they receive from the various sources. The Select Board feels this was a fair part of the process, Mr. Patterson cautioned the Select Board to be judicious on how they approach this and to stay away from personal issues. This is to be done ASAP. The Select Board will look to appoint the new Town Manager on 4/3/23. The consultant is available to review the questions the Select Board members have developed prior to their making contact with sources.

Ms. Scott Price said that when initial concern came up regarding the lack of applications received from women and people of color, the Select Board asked Rick White to reach out. Ms. Scott Price contacted multiple people and noted that this is not an easy community to live in as a person of color and to ask someone to come in and be the leadership with the Town is a hard sell for anyone, even more difficult for someone who does not feel they have the support of the community. Ms. Scott Price reported that the people she spoke with were more inclined to apply for the Assistant Town Manager position, which would give an opportunity to get to know the community. The affordability is also an issue for people looking to relocate to the Town.

Mr. Patterson asked about relocation expenses and what kind of offer can be made to offset the cost of moving here. Chair Taylor noted that this will be part of the contract negotiations with the chosen candidate.

## CONSENT AGENDA

Mr. Johnson-Staub returned to the meeting.

### 1. Licenses

- a. Application for Special One-Day Wine & Malt Liquor License – Slow No Wake – Earth Day Beach Cleanup – Marina Park – Saturday, 4/22/23 (rain date 4/23/23) – 12:00 p.m. - 2:30 p.m.

The applicant has withdrawn the application.

- b. Approve a change of date of an approved Special One-Day Wine and Malt Liquor License – West Falmouth Library – 575 West Falmouth Highway, West Falmouth – Tuesday, 4/18/23 (previously approved for Wednesday, 3/15/23) – 6:00 p.m. - 7:30 p.m.

### 2. Administrative Orders

- a. Vote to opt in to Early Voting in Person for the May 16th Annual Town Election  
Held by Price to read the recommended motion.

Ms. Scott Price made a motion that the Town vote to opt in to early voting in person for the May 16<sup>th</sup> Annual Town Election, said voting to be held Saturday, May 6<sup>th</sup> and Monday, May 8<sup>th</sup> through Friday May 12<sup>th</sup> from 10am to 2pm at Town Hall. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

- b. Approve request to withdraw up to \$14,000 from the Manduano Gift Account (28-632-5657-5780) to finish funding the construction of 5 parking attendant booths, as discussed on December 5, 2022, using the updated design by Jill Neubauer Architects Inc.
- c. Approve request to spend over \$500 from the Fire Rescue Department donation account for the purchase of CPR mannequins and parts for the free CPR certification program at the Falmouth Fire Rescue Department
- d. Approve Letter of Support for Falmouth Housing Corporation's Response to Falmouth Housing Authority's Section 8 Project Based Voucher Program Bid

Ms. Scott Price made a motion to approve the Consent Agenda. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

## MINUTES

1. Review and Vote to Approve Minutes of Meetings
  - a. Public Session

November 21, 2022

Mr. Patterson made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5.  
No-0.

March 13, 2023

Mr. Patterson made a motion to approve. Ms. Scott Price seconded the motion. Vote: Yes-5.  
No-0.

#### TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Johnson-Staub reported that he has written confirmation from Powderhorn that they sold and transferred eighteen surplus AR 15 rifles to local law enforcement officers. The three remaining are short-barreled rifles, and Powderhorn is awaiting federal paperwork to complete those transactions.

Current replacement of Police Department shotguns, received funding for 33 new shotguns, and 29 are being replaced. Mr. Johnson-Staub needs to make a decision very soon on purchasing the weapons, due to the Falmouth Police Department before May annual certification. They are awaiting the Inspector General's (IG) investigation results, no idea of the timeline or findings of the IG. Short-barreled shotguns are more highly regulated, they present more danger due to wide spray of pellets. Mr. Johnson-Staub said the plan is to destroy the 3 short-barreled rifles and trade in the shotguns, so not to waste Town resources. He would like to make the decision in a couple of days. The Select Board supports Mr. Johnson-Staub's decision.

Police chief process: narrowing pool to 4 to 5, who will be interviewed by a citizen advisory panel, then a full day assessment on 4/15/23 with police chiefs. After background check, Mr. Johnson-Staub will bring the candidate forward for Select Board approval.

Mr. Johnson-Staub reviewed the schedule of meetings and Town Meeting through 4/24/23.

7:35 p.m. ADJOURN

Ms. Scott Price motion to adjourn. Second by Doug Brown. All aye.

Nancy R. Taylor, Chair  
Select Board

**OPEN SESSION**

**TOWN MANAGER'S SUPPLEMENTAL REPORT**

August 21, 2023



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

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TO: Select Board  
FROM: Mike Renshaw, Town Manager  
SUBJECT: Supplemental Report  
DATE: August 21, 2023

**Capital Budget Preparation Updates:**

For the past several weeks, department staff have been extremely busy preparing their capital budget requests in preparation for presentation to the Select Board on August 28, and ultimately transfer to the Finance Committee in preparation for Town Meeting on November 13.

The departmental presentations to the Town Manager's office were completed during the week of August 7. There are several new capital requests being made, to include the request for the purchase and implementation of a much needed modern and integrated financial management system. Since that time, the Town Manager, Assistant Town Manager, and Finance Director have been meeting to further discuss department requests in order to prepare a final recommended capital budget that will utilize the least amount of free cash as possible.

**Recent External Meetings Attended:**

On August 9th I attended the Emerald Properties Community Forum which took place at the East Falmouth Elementary School. The purpose of the meeting, as was the purpose of several previous meetings, was to gather feedback from community members on a proposed plan to construct attainable workforce housing on a site owned by the Town along Davisville Road, as well as an all-inclusive playground amenity. There were over 250 people in attendance.

The room was warm that evening, and the PA system didn't perform exceptionally well for us, however our Town Planner and Housing Coordinator did what I consider to be an outstanding job in their presentation of the information.

Where I became disappointed was in the manner in which some of the crowd behaved towards an individual who had an opinion that was different from the majority in the room that evening. I understand the passion and the emotions that show themselves in a public setting; however, I do hope that as we have more of a need to have similar meetings about this and other projects in the future, and make no mistake we will continue to have that need to gather public input, that participants can treat each other in a more civil way.

More importantly, and the reason I bring this subject up, is the subsequent discourteous and extremely uncivil treatment being experienced by our Housing Coordinator, Ms. Kim Fish, days after the August 9 meeting by a few community members while Ms. Fish is off duty and going about her business in the community that she both works for and resides in. To be very clear, affordable workforce housing is the highest priority of the Select Board's seven adopted Strategic Priority Areas. Our 2023-2027 Strategic Plan is the roadmap that as Town Manager I use to ensure that the Town resources are being allocated in a manner that will accomplish the Select Board's goals and objectives contained with the Strategic Plan. I am judged and held accountable by the Select Board to implement the Plan, and I will motivate and lead Town staff to take steps to bring the goals and objectives of the Select Board to fruition. So to the members of the community that might disagree with a particular project that Town staff has been directed to pursue, I would ask that you contact me directly rather than demotivating staff that are simply doing their job.

**Upcoming Meetings:**

- August 28
- September 11
- October 2
- October 16
- October 30
- November 6