

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**REVISED AGENDA**  
**MONDAY, FEBRUARY 12, 2024 – 6:00 P.M.**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

**6:00 p.m. OPEN SESSION**

**6:00 p.m. EXECUTIVE SESSION**

1. M.G.L. c.30A s.21(a)(3) – Review and discuss proposed workers’ compensation settlements for town employees

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

1. Call to Order
2. Pledge of Allegiance
3. Recognition - Delivery of citations to the Cape Cod Wheelchair Curlers
4. Announcements
5. Public Comment

**6:35 p.m. COMMITTEE INTERVIEWS**

1. Interview, vote and appoint committee members
  - a. Constable – Ahmed A. Mustafa

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

1. Request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo **(10 minutes)**
2. Application for an Annual Entertainment License and Sunday Entertainment License for Historic Highfield d/b/a Highfield Hall and Gardens, 56 Highfield Drive **(5 minutes)**

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

1. Presentation on Broadband MLP’s – Gigi Sohn, American Association for Public Broadband **(10 minutes)**
2. Resilient Woods Hole Presentation **(15 minutes)**
3. Presentation of Petition Articles for the April 2024 Annual Town Meeting **(5 minutes each)**
  - a. Petition Article 22 – Earle Barnhart, Hilda Maingay, Kim Comart, Ron Zweig, Green Center Inc. and Others
  - b. Petition Article 23 – Wayne Lingafelter
  - c. Petition Article 24 – Nathaniel Trumbull
4. Discuss disposal of surplus firearms **(15 minutes)**
5. Vote to approve pay classification changes, benefits changes, and 2% Cost of Living Adjustment (for non-union Technical, Administrative, and Management (TAM) positions) **(15 minutes)**
6. Discuss and vote on Real Estate Transfer Fee provisions **(5 minutes)**
7. Discuss and consider the approval of a Letter of Support for the 41 North Offshore LLC’s proposal to the Steamship Authority to provide on-demand truck freight service to Martha’s Vineyard from the Fish Island Terminal in New Bedford **(5 minutes)**

**8:20 p.m. CONSENT AGENDA**

**1. Administrative Orders**

- a. Vote to opt in to in-person early voting for the May 21st Annual Town Election
- b. Sign Warrant for Presidential Primary on Tuesday, March 5, 2024
- c. Request for variance to Sign Code – §184-30 (C) Special Events: St. Barnabas Church, 91 Main Street
- d. Accept a donation from the Falmouth Commodores for an in-kind donation with an estimated value of \$10,000 (for Fuller Field bleacher repairs)
- e. Water Main Easement Acceptance for 1061 East Falmouth Highway and 4 Edgewater Drive West
- f. Approve a Letter of Support to raise the Ferry Embarkation Fee from \$0.50 to \$2.00
- g. Accept the Executive Office of Public Safety and Security and Department of Fire Services (DFS) FY2024 Firefighter Safety Equipment Grant in the amount of \$18,715.90

**8:25 p.m. MINUTES**

1. Review and vote to approve minutes of meetings
  - a. Public Sessions – January 8, 2024 and January 29, 2024

**8:30 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT**

**8:35 p.m. SELECT BOARD REPORTS**

**8:45 p.m. ADJOURN**

Nancy Robbins Taylor, Chair  
Select Board

## **OPEN SESSION**

### 4. Recognition

- Delivery of citations to the Cape Cod Wheelchair Curlers

## **OPEN SESSION**

### **COMMITTEE INTERVIEWS**

1. Interview, vote and appoint committee members
  - a. Constable – Ahmed A. Mustafa



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Committee Interviews 1.a.

**ITEM TITLE:** Interview, vote and appoint committee members: Constable- Ahmed A. Mustafa

**MEETING DATE:** 2/12/2024

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

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

**ATTACHMENTS:** Select Board Constable Appointment Policy as revised November 20, 2017; Application Form; List of Town Committee Vacancies

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### **PURPOSE:**

The Select Board is requested to conduct an interview and vote on the appointment of applicant Ahmed A. Mustafa as Constable.

### **BACKGROUND/SUMMARY:**

- In accordance with MG.L. Chapter #41, Section #9JB, the office of Constable shall be filled only by appointment of an application hereunder who is found by the appointing authority, after investigation as aforesaid, to be a person of good repute and character and qualified to hold said office.
- There are eight (8) Constables who each serve three-year terms.
- There are currently two vacancies with terms expiring June 30, 2024.

- Mr. Mustafa submitted the proper application on September 19, 2023.
- The application was reviewed by the Police Department and the Department has no issues or concerns.

**DEPARTMENT RECOMMENDATION:**

Following the interview, the Town Manager recommends that the Select Board vote to appoint applicant Ahmed A. Mustafa as Constable with a term expiring on June 30, 2024.

**OPTIONS:**

- Motion to appoint Mr. Ahmed A. Mustafa as Constable with a term ending June 30, 2024;
- Motion to deny the appointment of Mr. Ahmed A. Mustafa as Constable with a term ending June 30, 2024.

**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 appoint applicant Ahmed A. Mustafa to the position of Constable with a term expiring on June 30, 2024.

*Michael Renshaw*

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Town Manager

2/9/2024

Date

Constable (8 constables) (3-year terms)

Two vacancies:

- One unexpired term ending 6/30/24
- One vacancy with a term ending 6/30/24

One applicant:

- Ahmed A. Mustafa

Board of Selectmen  
Constable Appointment Policy

Adopted June 28, 2010  
Revised November 20, 2017

Section 3C-6A(5) of the Falmouth Home Rule Charter and G.L. c.41, s. 91A authorize the Board of Selectmen to appoint constables in the Town of Falmouth. This policy, adopted by the Board of Selectmen on June 28, 2010 shall apply to all appointments to the office of constable within the town hereafter.

1. The Board of Selectmen shall from time to time determine the number of constables necessary for public convenience and necessity and may appoint qualified applicants to the office of constable as vacancies occur.
2. Vacancies shall be announced and publicized in accordance with the procedure of section C7-1A of the Falmouth Home Rule Charter which applies to vacancies on multi-member appointed bodies insofar as it may be applied to attract a diverse and qualified applicant pool.
3. Any person seeking appointment as a constable shall file a written application approved by the Director of Personnel. The application shall contain a) a statement of reasons for desiring such appointment; b) such information as the board may from time to time require relative to the applicant's fitness for office; c) authorization to search and review the applicant's criminal offender record information (CORI); and d) a statement as to the moral character of the applicant signed by five reputable citizens, one of whom shall be an attorney at law.
4. The board shall cause to be investigated the reputation and character of every applicant and the applicant's fitness for office. The chief of police shall upon request of the board render all possible assistance in making such investigation. The board shall not appoint any person to the office of constable who shall not be qualified to receive a firearms license under G.L. c. 140, s. 131, but such a license shall not be a requirement to hold the office of constable.
5. The board shall make a finding that the applicant is a person of good repute and character and qualified to hold the office of constable.
6. Persons appointed to the office of constable shall serve for a term of three years and may be appointed to such additional three-year terms as the board determines subject to a subsequent determination by the board that the person remains a person of good repute and character and remains qualified to hold the office of constable. All constables shall be a resident of Falmouth at the time of original appointment and at all subsequent reappointments. The board may remove a constable from office for just cause, for malfeasance or misfeasance in office or for neglect of duty.
7. A constable shall serve all warrants and process directed to them by the board for notifying town meeting and by the board or any other town official or board for other purposes. A constable may serve any other civil warrants and process and criminal process as authorized by the Massachusetts General Laws.

8. A constable shall not serve any civil process until the constable has given a bond to the town clerk as required by G.L. c. 41, s. 92. A constable shall comply with the civil process fee reporting requirements of G.L. c. 41, s. 95A and S. 95B. Failure to comply with the statutes may be grounds for removal from office.
9. A constable shall not wear any uniform to give the appearance of a police officer. A badge or other form of identification shall clearly state CONSTABLE and shall not give the appearance of membership in a police department.
10. Constables appointed by the board are not employees of the Town of Falmouth, but are considered special municipal employees for purposes of G.L. C. 268A, s. 1 et seq., the Conflict of Interest Law.
11. The Board of Selectmen reserves the right and authority to appoint municipal employees as Constables for specific purposes and to determine the terms, conditions and limits of their appointments.



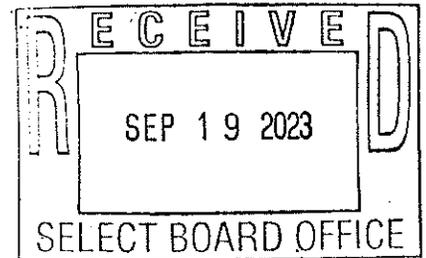
# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573



## Application for Constable Position

- 1) These forms must be typewritten or printed in blue or black ink by the applicant himself/herself.
- 2) All questions must be answered, if applicable. If not applicable, indicate N/A.
- 3) Failure to answer any questions truthfully, accurately or completely shall result in the applicant's disqualification, or, if discovered after an individual is appointed revocation of appointment.
- 4) If the space provided is not sufficient for complete answers, or you wish to make additional comments, attach sheets the same size as these forms and indicate to which question those sheets pertain.
- 5) It is essential that you follow instructions specifically as directed. Make sure all dates and information are absolutely accurate.
- 6) All applicants must submit the following documents with their applications.
  - a) One certified copy of your High School Diploma or Equivalency Certificate.
  - b) One certified copy of your higher education diploma (if applicable).
  - c) One certified copy of your birth certificate.
  - d) A copy of your social security card.
  - e) A copy of your driver's license.
  - f) A copy of Military Record (DD-214), if applicable.
- 7) A Criminal Offender Record Information (CORI) check will be performed on each applicant who submits an application for an appointment as a Constable.



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## Constable Application Cover Sheet

Name: AHMED A. MUSTAFA

Address: 530 CARRIAGE SHOP RD

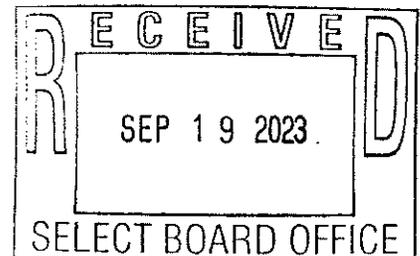
EAST FALMOUTH, MA 02536-1420

Mailing address (if different): \_\_\_\_\_

Email: \_\_\_\_\_

Email (for constable business): SAME

Phone (for constable business): \_\_\_\_\_



I have read and understand the above instructions and hereby request an appointment as a Constable for the Town of Falmouth for a term of three (3) years from the date of appointment, in accordance with M.G.L. Chapter #41, Section #91.

My reasons for desiring such an appointment are as follows:

TO SAVE PAPERS FOR THE TOWN, NOT AVAILABLE FOR TOWN MEETINGS  
FOR I AM A TOWN MEETING MEMBER

M.G.L. Chapter #41, Section #91B... The office of Constable shall be filled only by appointment of an application hereunder who is found by the appointing authority, after investigation as aforesaid, to be a person of good repute and character and qualified to hold said office.

List qualifications including, but not limited thereto, experience, training and education relating to law enforcement, right of arrest, probable cause, general laws, and liability.

I WAS A FALMOUTH POLICE OFFICER, THEN A REGISTRY OF MOTOR  
VEHICLES OFFICER AND RETIRED AS A LIEUTENANT FROM THE  
MASSACHUSETTS STATE POLICE

Applicant: Charles A. Muntz

This application will be held on file for a period of one (1) year.

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

### Town Committee Vacancies

The Falmouth Select Board announces the following vacancies on Town committees:

Committee	Term Until
Affirmative Action Committee (1 position)	6/30/26
Board of Health (1 position) (Preference date to apply: 1/26/24.)	6/30/24
Board of Survey (2 positions)	6/30/24
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (3 positions)	6/30/24, 6/30/25, 6/30/26
Cape Cod Regional Transit Authority (1 position)	6/30/26
Commission on Disabilities (4 positions)	6/30/24 (2), 6/30/25 (2)
Community Preservation Committee (1 position) (Preference date to apply: 1/26/24.)	6/30/26
Conservation Commission (3 alternate positions)	6/30/25 (2), 6/30/26
Constable (2 positions)	6/30/24 (2)
Council on Aging (1 position) (Preference date to apply: 1/19/24.)	6/30/24
Cultural Council (2 positions)	6/30/24 (2)
Edward Marks Building Advisory Committee (1 position)	12/31/24
Energy Committee (1 position)	6/30/25
Falmouth Housing Authority (1 position) (Preference date to apply: 1/19/24.)	Next annual Town election

Applications are available on the Town website <https://ma-falmouth.civicplus.com/647/Town-Committees>. Please submit applications to the Office of the Town Manager and Select Board, or email to [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov).

## **OPEN SESSION**

### **PUBLIC HEARINGS**

1. Request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Public Hearings 1.

**ITEM TITLE:** Request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

**MEETING DATE:** 2/12/2024

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

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

**ATTACHMENTS:** Naming Policy for Public Facilities and Places, Support Emails

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### PURPOSE:

The Select Board will conduct a Public Hearing the purpose of gathering input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

### BACKGROUND/SUMMARY:

- In October 2022, a request was made to the Select Board for their consideration to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo, who worked for the Town of Falmouth Beaches from 1963 until his passing in 2021, having risen to the position of Beach Superintendent.
- At its November 7, 2022 Board meeting, the Select Board voted to initiate the renaming process as outlined in the Naming Policy for Public Facilities and Places; the one year waiting period has now passed.

- At its November 20, 2023 regular meeting, the Select Board voted to designate Select Board member Robert Mascali to seek input from the Beach Committee concerning the naming

**DEPARTMENT RECOMMENDATION:**

Following the public hearing, the Town Manager recommends that the Select Board vote to approve the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo in honor and recognition of his exemplary service to the Town.

**OPTIONS:**

- Motion to formally dedicate the beach-side of the Menauhant Bridge to Bruce G. Mogardo.
- Motion to deny dedicating the beach side of the Menauhant Bridge to Bruce. G. Mogardo.

**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 the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo in honor and recognition of his exemplary service to the Town.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

2/7/2024

Date

NOTICE OF PUBLIC HEARING

The Select Board of the Town of Falmouth will hold a public hearing as required by the Select Board Naming Policy for Public Facilities and Places to solicit comments from the public on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo. Comments may be sent via email to [selectboard@falmouthma.gov](mailto:selectboard@falmouthma.gov).

The public hearing will be held on Monday, February 12, 2024 at 6:45 p.m. in the Select Board meeting room, Town Hall, Falmouth, MA 02540.

Nancy Robbins Taylor, Chair  
Select Board

*Publication date: Friday, February 2, 2024; Falmouth Enterprise.*

**Town of Falmouth**  
**Select Board**  
**NAMING POLICY FOR PUBLIC FACILITIES AND PLACES**  
Adopted February 13, 2023

**Policy:**

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

**Guidelines:**

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

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

The Board shall consider naming based upon:

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

**Procedure:**

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

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

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

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

**Eligibility:**

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

**Exceptions:**

Exceptions to this policy shall be made for:

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



**SUSAN L. MORAN**  
*Plymouth and Barnstable District*

*The Commonwealth of Massachusetts*  
**MASSACHUSETTS SENATE**

STATE HOUSE  
BOSTON, MA 02133-1053  
TEL: (617) 722-1330  
FAX: (617) 722-1010  
[SUSAN.MORAN@MASENATE.GOV](mailto:SUSAN.MORAN@MASENATE.GOV)  
[WWW.MASENATE.GOV](http://WWW.MASENATE.GOV)

January 22, 2024

Falmouth Select Board  
59 Town Hall Square  
Falmouth, MA 02540

Dear Members of the Falmouth Select Board,

On January 29<sup>th</sup>, the Select Board will consider naming the new bridge at Bourne's Pond and Menauhant Beach. I am writing to express my support for naming the beach side of the bridge in memory of Bruce G. Mogardo, as petitioned by Joe Netto. As you know, Bruce worked for the town of Falmouth for 58 years in beach maintenance and as a lifeguard, assistant Superintendent of beaches, and Superintendent of beaches. He passed away in October 2021.

Mr. Mogardo set high standards for children, lifeguards, and anyone who worked for the beaches. It is Bruce who worked hard to build a culture of camaraderie and teamwork and made the department a success.

As the State Senator representing the coastal community of Falmouth, I humbly request the Board vote in favor of naming the new Menauhant Beach bridge in honor of Bruce G. Mogardo.

If you have any questions or concerns, please do not hesitate to reach out to me or a member of my staff.

Sincerely,

A handwritten signature in blue ink that reads "Susan L. Moran".

Susan L. Moran  
State Senator  
Plymouth & Barnstable

**OPEN SESSION**

**BUSINESS**

6. Designate member of the Select Board to seek input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo **(5 minutes)**

*B.M. Masrati*



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 6.

**ITEM TITLE:** Designate member of the Select Board to seek input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

**MEETING DATE:** 11/20/2023

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

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

**ATTACHMENTS:** Naming Policy for Public Facilities and Places, Support Emails

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### **PURPOSE:**

The Select Board will consider the designation of a Board member to meet with the Beach Committee for the purpose of gathering input on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

### **BACKGROUND/SUMMARY:**

- In October 2022, a request was made to the Select Board for their consideration to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo, who worked for the Town of Falmouth Beaches from 1963 until his passing in 2021, having risen to the position of Beach Superintendent.
- At its November 7, 2022 Board meeting, the Select Board voted to initiate the renaming process as outlined in the Naming Policy for Public Facilities and Places; the one year waiting period has now passed.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board vote to designate a member to seek input from the Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

**OPTIONS:**

- Motion to designate \_\_\_\_ to seek input from the Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.
  
- Motion to deny designating a member to seek input from the Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce. G. Mogardo.

**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 designate a member to seek input from the Beach Committee on the request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo.

*Michael Renshaw*

\_\_\_\_\_

**Town Manager**

11/16/2023

**Date**

## CONSENT AGENDA

### 1. Administrative Orders

- c. Initiate naming process to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo

*One-year waiting period - 11/7/23.*

## Diane Davidson

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**From:** Joe Netto [REDACTED]  
**Sent:** Friday, October 7, 2022 8:51 AM  
**To:** Doug Brown; Nancy Taylor  
**Cc:** Peter Johnson-Staub; Greg Souza; Diane Davidson; Jessica Mogardo; Falmouth Selectboard  
**Subject:** Re: Menhant Bridge-reply

Chairperson Taylor;

Sorry for the delay but I am just returning from Maine, where I do not have any internet connectivity.

I feel that something should be done to commemorate Bruce's' life long devotion to the Town of Falmouth, 1963-2021. In 1963 he started working "for the beaches" and in 1969 became a teacher/coach in the Falmouth Public School system school system. Bruce did not work for any other entity! Naming something associated with the "beaches", to me, would be ideal. The bath house is already named and I would not propose renaming a beach for Bruce. The inlet to Bourne Pond is going to be widened and a new bridge will be built. The current bridge was named for "our best shellfish warden ever" George Souza. George also was a very remarkable man who dedicated his life to the shellfish industry of Falmouth. Seeing as a bridge has "2" sides then I would like to propose that when the new bridge is built the the pond side still remain dedicated to George and the the beach side be dedicated to my life long friend Bruce G. Mogardo.

I would appreciate the BOS take a positive recommendation on this proposal.

From the land of the retired  
Joe Netto



Falmouth Board of Selectmen  
59 Town Hall Square  
Falmouth MA 02540

Dear Board,

I am writing today as a lifelong resident of the town of Falmouth. There are times where we can honor the dedication of certain people who have stepped up and helped the town. In one case Bruce Mogardo had stepped up and dedicated himself to the towns beaches. We all know we have many visitors who come to the town to see what we have called the "Pearl of Falmouth" in our beaches. Bruce dedicated himself for decades to make sure our beaches were ready and maintained properly for each summer season and beyond. I am asking your consideration, to name the future Menauhant Bridge in his name. By doing this, future generations will know the dedication and perseverance Bruce put forth to show his love for our coastline. Thank you for your consideration

David Braga  
24 Nancy Ave  
E Falmouth MA 02536

**Diane Davidson**

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**From:** Joe Netto [REDACTED]  
**Sent:** Saturday, August 20, 2022 8:56 AM  
**To:** Falmouth Selectboard  
**Subject:** dedication

To the Honorable Board of Selectmen;

Since the passing of my lifelong friend ,Bruce Mogardo , last October I have been contemplating on finding something that could be dedicated to his lifelong commitment to the Town of Falmouth. Bruce worked for the "beaches" since 1963 until his passing in 2021. He was a teacher/coach in Falmouth from 1969 until his retirement in 2003.

The Town is going to replace and widen the bridge at Bourne's Pond and Menauhant beach starting in the fall of 2023. I would like your Board to consider naming this bridge " The Bruce Mogardo Memorial Bridge" in honor of Bruce.

Your consideration of this matter is greatly appreciated.

From the land of the retired  
Joe Netto

## **OPEN SESSION**

### **PUBLIC HEARINGS**

2. Application for an Annual Entertainment License and Sunday Entertainment License for Historic Highfield d/b/a Highfield Hall and Gardens, 56 Highfield Drive **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Public Hearings 2.

**ITEM TITLE:** Application for an Annual Entertainment License and Sunday Entertainment License for Historic Highfield d/b/a Highfield Hall and Gardens, 56 Highfield Drive

**MEETING DATE:** 2/12/2024

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

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

**ATTACHMENTS:** Notice of Public Hearing dated February 2, 2024; License Application Review Form; Entertainment License Application; Floor Plans; Event Calendar

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### PURPOSE:

The Select Board will conduct a public hearing regarding an application for an Annual Entertainment License and Sunday Entertainment License for Historic Highfield d/b/a Highfield Hall and Gardens, 56 Highfield Drive.

### BACKGROUND/SUMMARY:

- Historic Highfield d/d/a Highfield Hall and Gardens submitted their complete application for an Annual Entertainment License and Sunday Entertainment License.
- The applicant's annual entertainment licenses had been discontinued during the pandemic; this application restores that practice.

- The Police Department, Fire Resue Department, and Building Commissioner has reviewed the application and had no objections.
- The Building Commissioner has approved the applicant's floor plans as submitted (attached).

**DEPARTMENT RECOMMENDATION:**

Following the public hearing, and based upon the individual department reviews and recommendations, the Town manager is recommending that the Select Board approve the application for an Annual Entertainment License and Sunday Entertainment License for Historic Highfield d/b/a Highfield Hall and Gardens, 56 Highfield Drive

**OPTIONS:**

- Motion to approve the application for an Annual Entertainment License and Sunday Entertainment License for Historic Highfield d/b/a Highfield Hall and Gardens, 56 Highfield Drive as presented.
- Motion to deny approval of the application for an Annual Entertainment License and Sunday Entertainment License for Historic Highfield d/b/a Highfield Hall and Gardens, 56 Highfield Drive 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:**

The Town manager is recommending that the Select Board approve the application for an Annual Entertainment License and Sunday Entertainment License for Historic Highfield d/b/a Highfield Hall and Gardens, 56 Highfield Drive as presented.

*Michael Renshaw*

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**Town Manager**

2/9/2024

**Date**



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

[townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

## TOWN OF FALMOUTH SELECT BOARD NOTICE OF PUBLIC HEARING

Notice is hereby given under Chapter 140 Section 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amendments thereto, that Highfield Hall and Gardens located at 56 Highfield Drive, Falmouth, MA has applied for an Annual Entertainment License and an Annual Sunday Entertainment License.

A hearing on the above application will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, February 12, 2024, at 6:45 pm.

Comments may be sent to [selectboard@falmouthma.gov](mailto:selectboard@falmouthma.gov).

Per order of the Select Board

### LICENSING BOARD

Nancy Robbins Taylor

Edwin (Scott) P. Zylinski, II

Douglas C. Brown

Onjalé Scott Price

Robert P. Mascali

*Publication date: Friday, February 2, 2024; Falmouth Enterprise*

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Highfield Hall & Gardens

Address: 56 Highfield Drive

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

New or Transfer of License Annual Entertainment and Sunday Entertainment Licenses

\_\_\_\_\_ or

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

Police No objections

Fire No objections

Building \_\_\_\_\_

Health \_\_\_\_\_

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

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

Wastewater \_\_\_\_\_

**NOTES:** The applicant's annual entertainment licenses were discontinued during the pandemic. This application restores that practice.

The Building Commissioner has approved the Floor Plans.

A list of scheduled events is available and included with the application.



Town of Falmouth

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

ENTERTAINMENT LICENSE APPLICATION

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

Required fields are outlined in red.

NAME OF BUSINESS: Historic Highfield D/B/A Highfield Hall & Gardens
ADDRESS: 56 Highfield Drive
TOWN: Falmouth STATE: MA ZIP CODE: 02540
NAME OF OWNER/MANAGER: Town of Falmouth
TELEPHONE #: 508-495-1878 EMAIL: tburke@highfieldhall.org
MAILING ADDRESS: PO BOX 494, Falmouth MA 02541
LOCATION OF ENTERTAINMENT ON PREMISES: Tent and/or inside the house

DAYS OF ENTERTAINMENT: list attached
HOURS OF ENTERTAINMENT: Weddings = 4 - 10:30/ Music = 4 - 6 pm

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

List of functions, music and/or community events are attached and example layouts. Please note these are examples only and have not received final layouts for individual weddings. Music is the same set up for each event.

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT REQUESTED:
SUNDAY ENTERTAINMENT: NO [ ] YES [x] (if YES, complete a separate Sunday Entertainment application - contact Select Board office)
1. DANCING By Patrons [x] No Dancing [ ]
2. MUSIC Recorded [ ] Live [x] Amplified [ ] Acoustic [x] Other [ ]

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

DATE see attached X [Signature: Jan K. Burke]
Signature - OWNER or MANAGER

Total Town Fees: \$110
Filing Fee: \$10
License Fee: \$100
Fees payable to Town of Falmouth

THE COMMONWEALTH OF MASSACHUSETTS  
OF



State Fee, \$ 50  
Municipal Fee, \$ 75

# LICENSE

For  
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Historic Highfield in or on the property at No. 56 Highfield Drive, Falmouth, MA 02540 (address)

The Licensee or Authorized representative, Tara Burke in

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

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
		See attached list

Hon. \_\_\_\_\_ Mayor/ Chairman of Board of Selectman, \_\_\_\_\_ (City or Town)

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

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

Do not write in this box

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

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



Entertainment License applications must be reviewed by the Building Department  
before the application is submitted to the Select Board

APPLICANT:

ADDRESS:

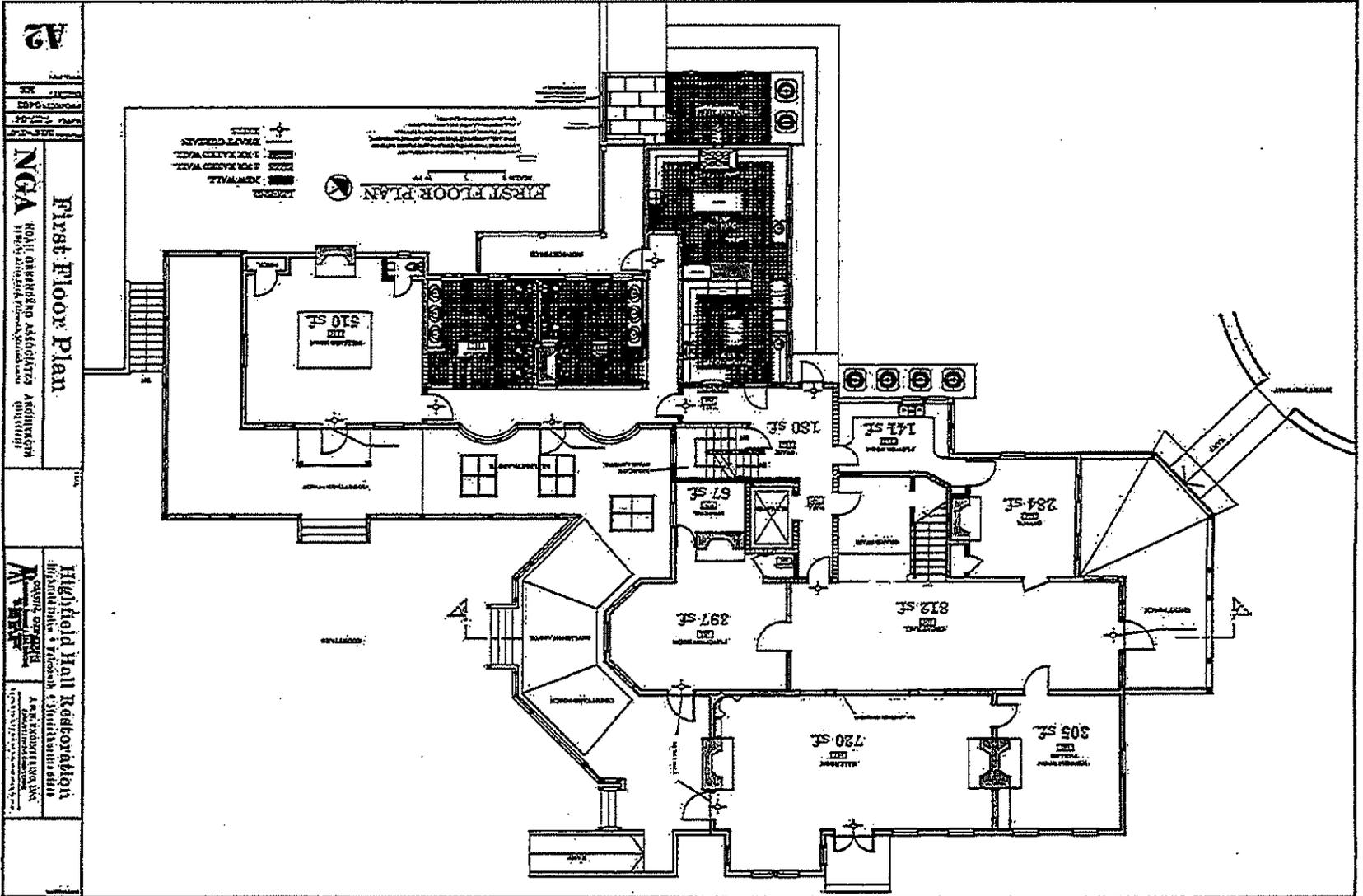
LICENSE OR LICENSE CHANGE APPLIED FOR:

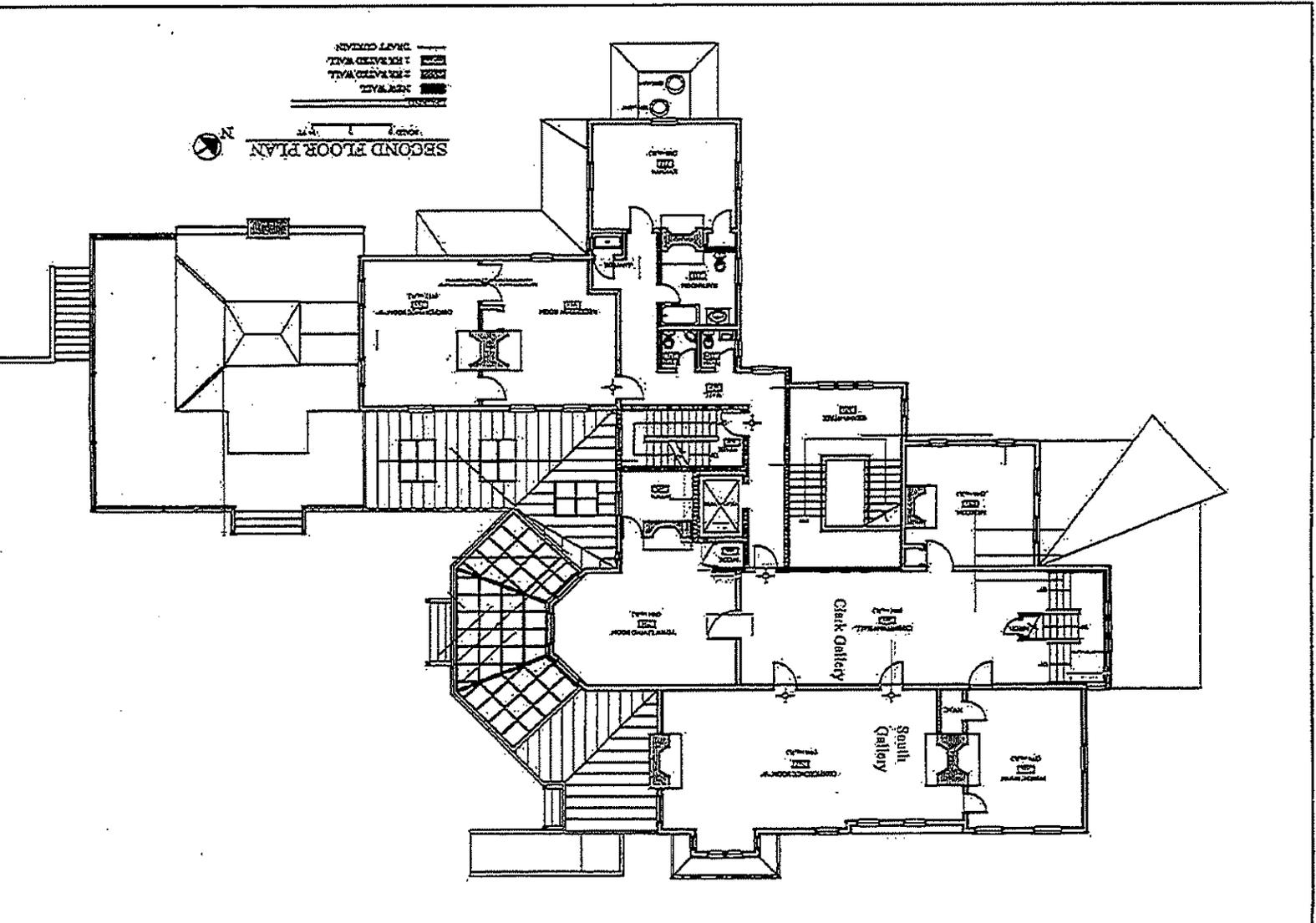
The attached application has been reviewed by the Building Commissioner's  
Office with the following supporting documents:

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

Building Department sign-off: X

DATE: 8-17-23



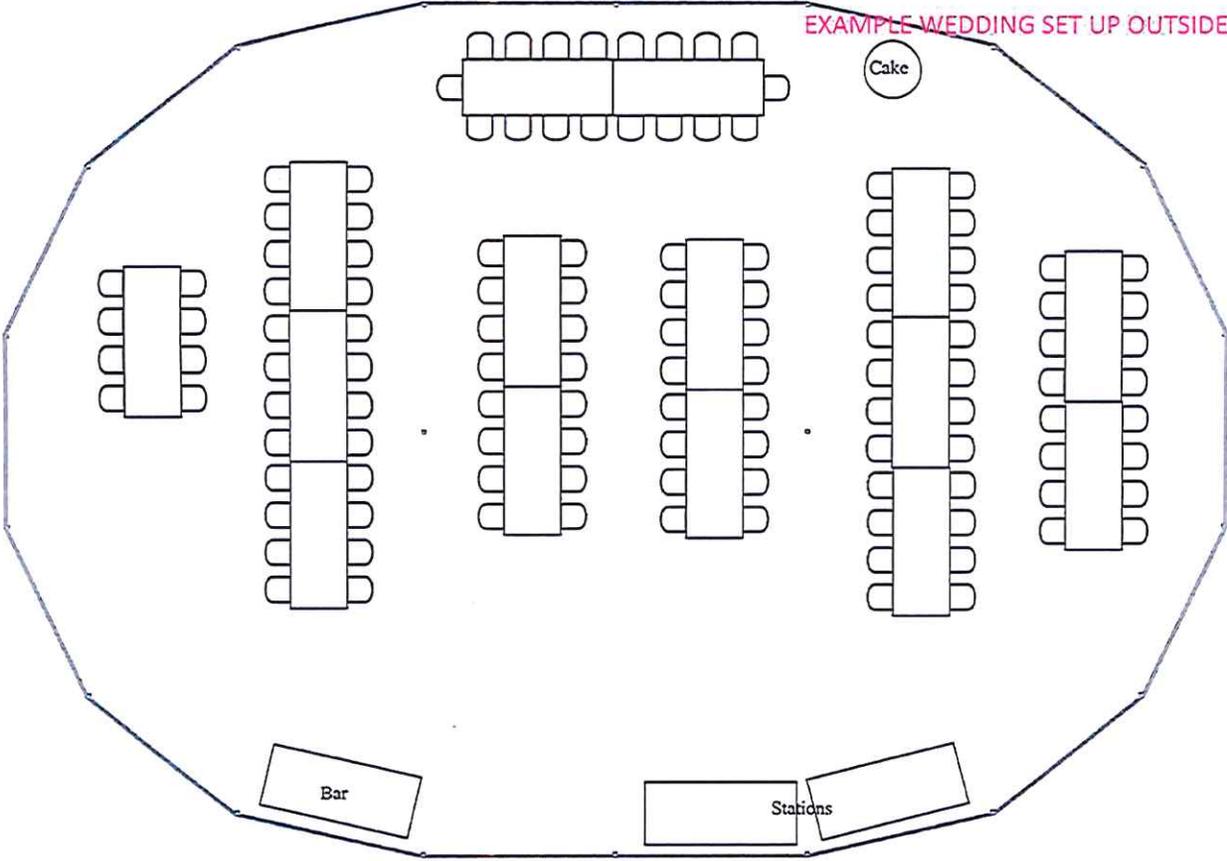


<b>A3</b>	<b>Second Floor Plan</b>		<b>Highfield Hall Restoration</b>	
1/4" = 1'-0"	1/8" = 1'-0"		1/16" = 1'-0"	
1/32" = 1'-0"	1/64" = 1'-0"		1/128" = 1'-0"	
1/256" = 1'-0"	1/512" = 1'-0"		1/1024" = 1'-0"	
1/2048" = 1'-0"	1/4096" = 1'-0"		1/8192" = 1'-0"	
1/16384" = 1'-0"	1/32768" = 1'-0"		1/65536" = 1'-0"	
1/131072" = 1'-0"	1/262144" = 1'-0"		1/524288" = 1'-0"	
1/1048576" = 1'-0"	1/2097152" = 1'-0"		1/4194304" = 1'-0"	
1/8388608" = 1'-0"	1/16777216" = 1'-0"		1/33554432" = 1'-0"	
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1/4787855794403293521871863538940704" = 1'-0"	1/957574971520055217217519872" = 1'-0"		1/19151499430400110431443519744" = 1'-0"	
1/383028463552263481749749083115256" = 1'-0"	1/7660479943040055217217519872" = 1'-0"		1/153209598860800110431443519744" = 1'-0"	
1/3064227708418				

PARKING LOT

HIGHFIELD HALL & GARDENS

EXAMPLE WEDDING SET UP UNDER TENT



HOUSE - SOUTH FACING

Powered by







Complete prior to applying for:  
New Liquor License  
Transfer of Liquor License  
Alteration of Premises  
Annual Entertainment/Sunday Entertainment License

APPLICANT: Highfield Hall & Gardens

ADDRESS: 56 Highfield Drive, Falmouth, MA 02540

LICENSE APPLIED FOR: Entertainment License

The attached plan or plans described below have been approved by the Building Commissioner's Office as appropriate for this application:

- a. A Floor Plan completed and stamped by an *Engineer or Architect* to the Building Commissioner's office. The Plan must include all seating, parking, and the occupancy load calculation.
- b. For outdoor seating, submit a plot plan or site plan completed by a *Certified Land Surveyor*.

NOTES: Example layouts are for visual and not the exact number of seats shown. Please refer to the list of events and number of expected attendance for individual events.

Building Commissioner: X

DATE: 1-24-24

TYPE	TITLE	ARTIST	DATE	TIME	WHERE	ATTENDANCE	
MUSIC	Irish Music	Golden Lane	3/10/2024	4-6 pm	Ballroom	75	
MUSIC	Sing/Jazz	<i>Andrea Terrio?</i>	(Friday) 4/5/2024	4-6 pm	Ballroom	75	**tentative**
MUSIC	Jazz (Falmouth Jazz)	Tim Ray Trio	4/7/2024	4-6 pm	Ballroom	75	
MUSIC	Jazz (Falmouth Jazz)	Bill Charlap	4/21/2024	2-3:30 pm	Ballroom	75	
MUSIC	Folk, Funk & Bluegrass Fusion	Cold Chocolate	5/5/2024	4-6 pm	Ballroom	75	
MUSIC	TBD	TBD	5/12/2024	4-6 pm	Ballroom	75	**tentative**
PRIVATE EVENT	Wedding	dj	5/18/2024	4 - 10:30 pm	Tent/House	100	
MUSIC	TBD	TBD	5/19/2024	4-6 pm	Tent up 5/18?	100	**tentative**
PRIVATE EVENT	Rehearsal Dinner	pianist	5/24/2024	5 - 9 pm	Ballroom	75	
MUSIC	Jazz (Falmouth Jazz)	Rossano Sportiello, Harry Allen, Drummer	5/26/2024	4-6 pm	Ballroom	75	
PRIVATE EVENT	Wedding	DJ	6/8/2024	4 - 10:30 pm	Tent/House	100	
MUSIC	Blue Grass	Sandy Ridge Boys	6/9/2024	4-6 pm	Tent up 6/8	125	
PRIVATE EVENT	Wedding	DJ	6/15/2024	4 - 10:30 pm	Ballroom	60	
MUSIC	Blue Grass	Southern Rail Band	6/16/2024	4-6 pm	Ballroom ; Tent <i>not up 6/15 need to extend?</i>	75	
COMMUNITY	JUNETEENTH CELEBRATION	tbd	6/19/2024	10 - 1 pm	tent (tbd)	75	
PRIVATE EVENT	Highfield Donor Appreciation Night	Pianist	6/20/2024	5-8 pm	Ballroom/backyard	100	
PRIVATE EVENT	Wedding	DJ	6/22/2024	4 - 10 pm	Tent/House	100	
COMMUNITY	Hounds of Highfield	no music	6/24/2024	11 - 4 pm	Grounds	250	
MUSIC	TBD	TBD	6/30/2024				**tentative**
PRIVATE EVENT	Rehearsal Dinner	pianist	7/12/2024	5 - 9:30 pm	Tent/House	75	**tentative**
MUSIC	TBD (show tunes; align with CLOC?)	TBD	7/14/2024	4-6 pm	Ballroom	75	**tentative**
MUSIC	TBD (was previously a FJ date)	<i>Stephanie Miele?</i>	7/21/2024	4-6 pm	Ballroom	75	**tentative**
MUSIC	Classical	Curtis on Tour (7/21 might also be possible)	(Monday) 7/22/2023	4-6 pm	Ballroom	75	**tentative**
PRIVATE EVENT	Wedding	DJ	7/27/2024	4 - 10:30 pm	Tent/House	100	
MUSIC	Jazz	Black Eagles	7/28/2024	4-6 pm	Tent up 7/27?	125	
PRIVATE EVENT	Highfield Celebrates Fundraiser	Auctioneer	8/2/2024	5 pm - 9pm	Tent	125	
PRIVATE EVENT	Quissett Yacht Club Annual Dinner	tbd _ jazz trio	8/3/2024	5 - 9 pm	tent	140	
PRIVATE EVENT	Wedding	DJ	8/4/2024	4 - 10:30 pm	Tent/House	140	
PRIVATE EVENT	Wedding	DJ	8/10/2024	5 - 9 pm	Tent	150	
MUSIC	Jazz (Falmouth Jazz) Jazz/Swing	<i>Duke Robbilard?</i>	8/11/2024	4-6 pm	Tent up 8/10?	125	
MUSIC	American Lyricism	<i>John Murrelle?</i>	8/18/2024	4-6 pm	Ballroom	75	**tentative**
PRIVATE EVENT	Wedding	DJ	8/31/2024	4 - 10:30 pm	Tent/House	140	
PRIVATE EVENT	Wedding	dj	9/7/2024	4- 10:30 pm	Tent/House	125	
PRIVATE EVENT	Cape Symphony Fundraiser	DJ (?)	9/12/2024	5 - 9 pm	Tent/House	140	
PRIVATE EVENT	Wedding	DJ	9/15/2024	4-10:30 pm	Tent/House	125	
PRIVATE EVENT	Wedding	DJ	9/21/2024	4 10:30 pm	tent/House	125	
PRIVATE EVENT	Wedding	DJ	10/19/2024	4-10:30 pm	Tent?House	100	
MUSIC	Jazz Lecture with Falmouth Jazz: Bill Mikowsky	Bill Mikowsky	9/22/2024	4-6 pm	Ballroom	75	
COMMUNITY	Wampanoag Cultural Celebration	native songs	9/29/2024	11 - 4 pm	Outside	300	**tentative**
MUSIC	TBD	<i>Falmouth Chorale?</i>	10/6/2024				**tentative**
MUSIC	Jazz (Falmouth Jazz)	TBD	10/20/2024	4-6 pm			
MUSIC	Classical	ASMI Chamber Ensemble with Emil Altschuler	10/27/2024	4-6 pm	Ballroom	75	

## **OPEN SESSION**

### **BUSINESS**

1. Presentation on Broadband MLP's – Gigi Sohn, American Association for Public Broadband **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 1.

**ITEM TITLE:** Presentation on Broadband MLPs and the National Context

**MEETING DATE:** 2/12/2024

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

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

**ATTACHMENTS:** None

---

### PURPOSE:

The Select Board will hear a 10-minute presentation from Ms. Gigi Sohn concerning the importance of broadband Internet access within communities and discuss the national context.

### BACKGROUND/SUMMARY:

- Ms. Sohn was a senior advisor on the staff of the Federal Communications Commission Chairman Wheeler during the Obama Administration.
- Ms. Sohn now heads the American Association for Public Broadband, which is an organization that is supportive of efforts like the Town's Municipal Light Plant in exploring ways to make broadband Internet accessible to all.
- She regularly testifies before the United States Congress on matter of rights, justice, and equity with regards to the use of and access to technology.

**DEPARTMENT RECOMMENDATION:**

This presentation is being provided for informational purposes only; no formal action is requested.

**OPTIONS:**

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

**TOWN MANAGER COMMENTS:**

This presentation is being provided for informational purposes only; no formal action is requested.

*Michael Renshaw*

\_\_\_\_\_

**Town Manager**

2/9/2024

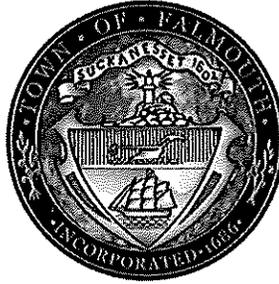
**Date**

**OPEN SESSION**

**BUSINESS**

2. Resilient Woods Hole Presentation **(15 minutes)**

February 12, 2024



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 2.

**ITEM TITLE:** Resilient Woods Hole Presentation

**MEETING DATE:** 2/12/2024

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

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

**ATTACHMENTS:** PowerPoint Presentation

---

### PURPOSE:

Leslie-Ann McGee, Director of Special Projects, Marine & Facilities Operations at the Woods Hole Oceanographic Institution, will provide the Select Board with an update concerning the activities of the Resilient Woods Hole

### BACKGROUND/SUMMARY:

- While the initiative draws upon and engages a wide variety of stakeholders, ResilientWoodsHole is led by a collaboration between WHOI, MBL, and NOAA Fisheries. The Town of Falmouth, the Massachusetts Office of Coastal Zone Management, and the Woods Hole Group are active partners in this initiative.
- It is an initiative 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.
- As a key stakeholder, it is important going forward that the Town of Falmouth become an active participant in the dialogue, community outreach, and planning activities or the Resilient Woods Hole initiative.

**DEPARTMENT RECOMMENDATION:**

This report is for informational purposes only, no formal action is requested.

**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:**

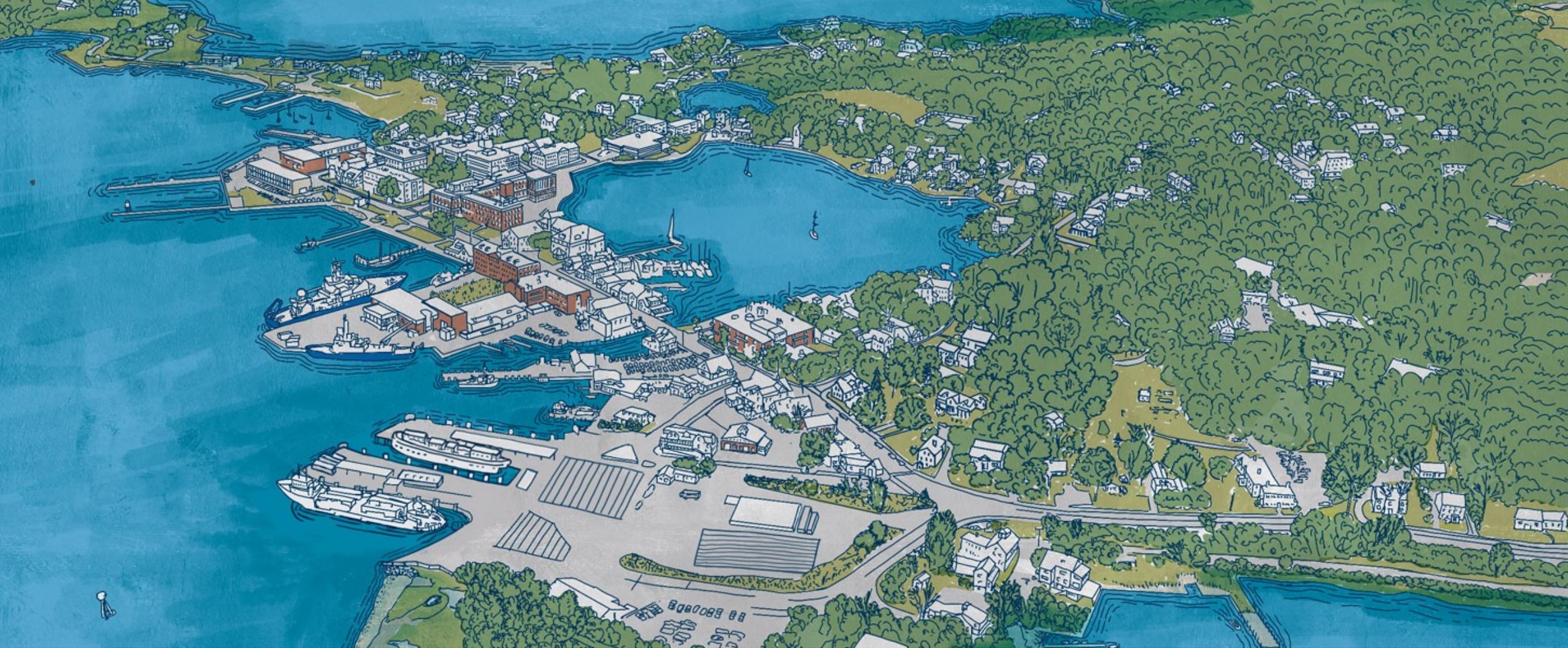
This report is being provided for informational purposes only; no formal action is requested.

*Michael Renshaw*

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

2/8/2024

Date



**RESILIENT** WOODS  
HOLE



# Agenda

- Introduction to *ResilientWoodsHole* initiative
- The problem and the opportunity
- *ResilientWoodsHole* progress to date
- Upcoming work
- Next steps and request for collaboration

# What is ResilientWoodsHole?



## MISSION:

ResilientWoodsHole is a **private-public** initiative to ensure that the vibrant and productive village of Woods Hole prospers well into the future with the advent of major climate impacts.

## GOAL:

Lead the way in developing and applying strategies for increasing coastal resiliency in Woods Hole and serve as model for other like-initiatives.



# Who is involved?

## LEADERSHIP TEAM:

WHOI

MBL

NOAA Fisheries

Woods Hole Group

MA CZM

## STEERING COMMITTEE:

**Town of Falmouth:** Town Manager, Conservation Agent,  
Town Planner, Wastewater Superintendent

USCG Woods Hole

Steamship Authority

USGS, Woods Hole Business Association

Neighborhood Representatives (3)

Woods Hole Community Association

Woodwell Climate Research Center

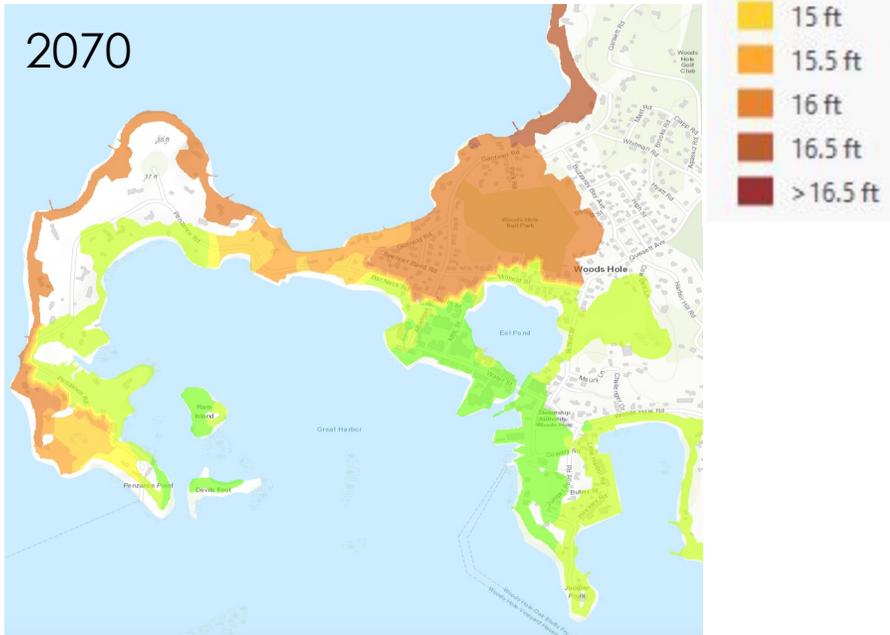
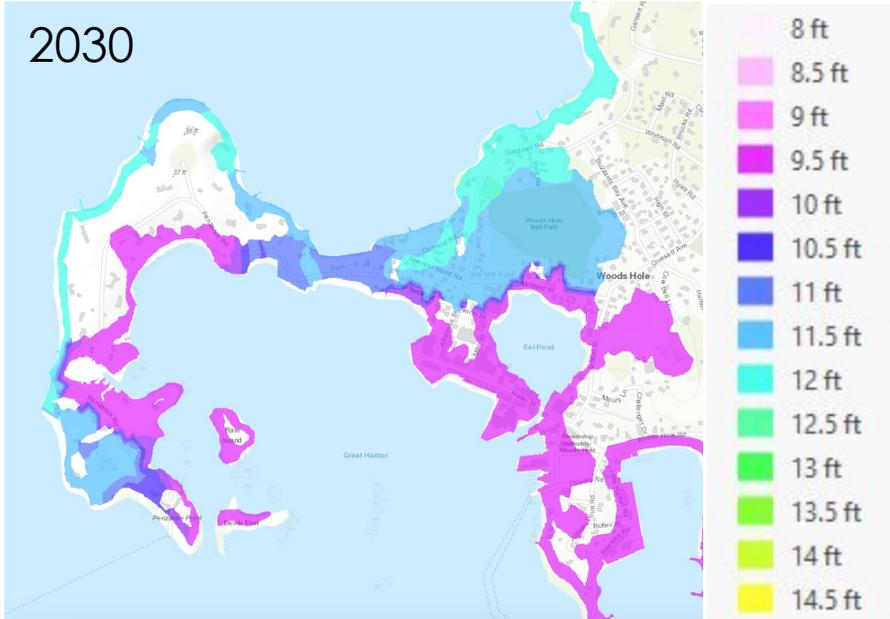
Barnstable County Floodplain

Sea Education Association

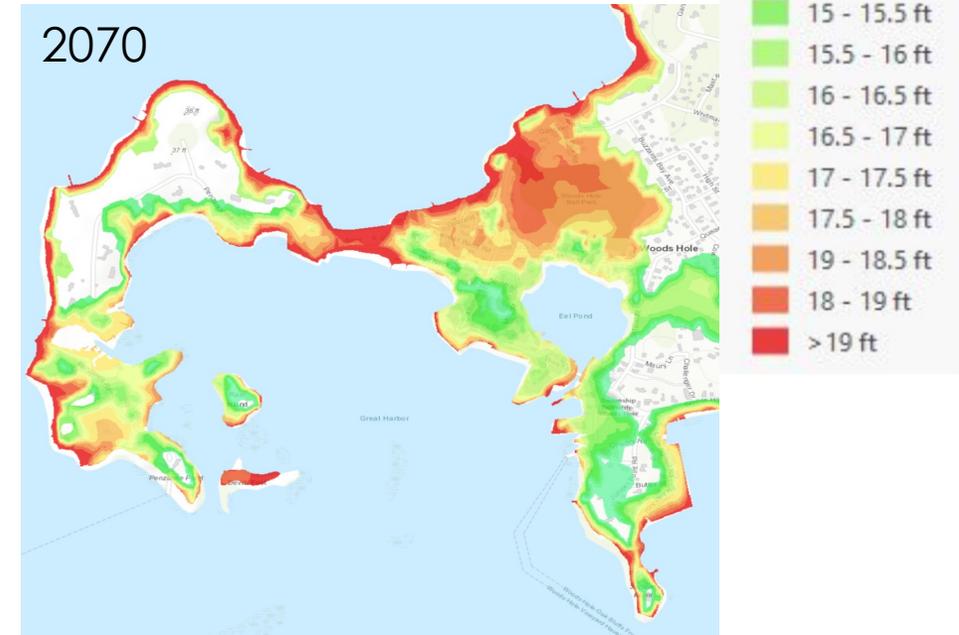
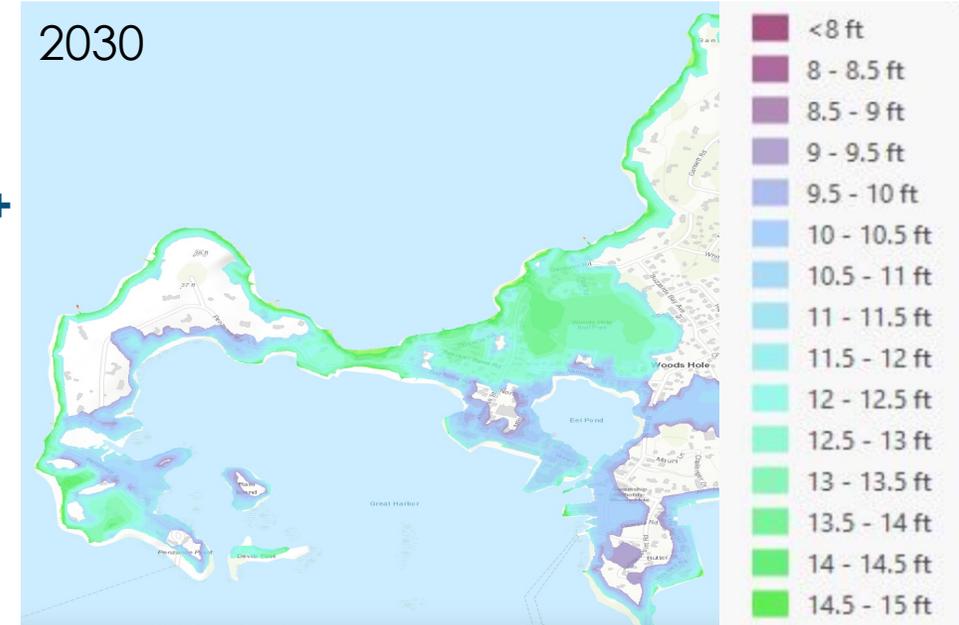
# The problem and the opportunity



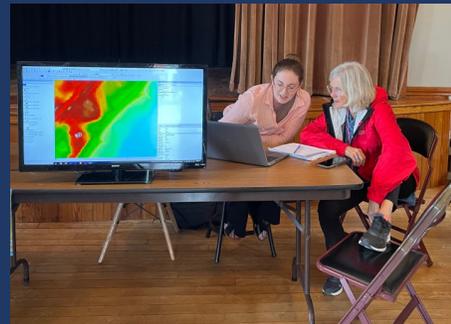
# Projected still water surface elevation



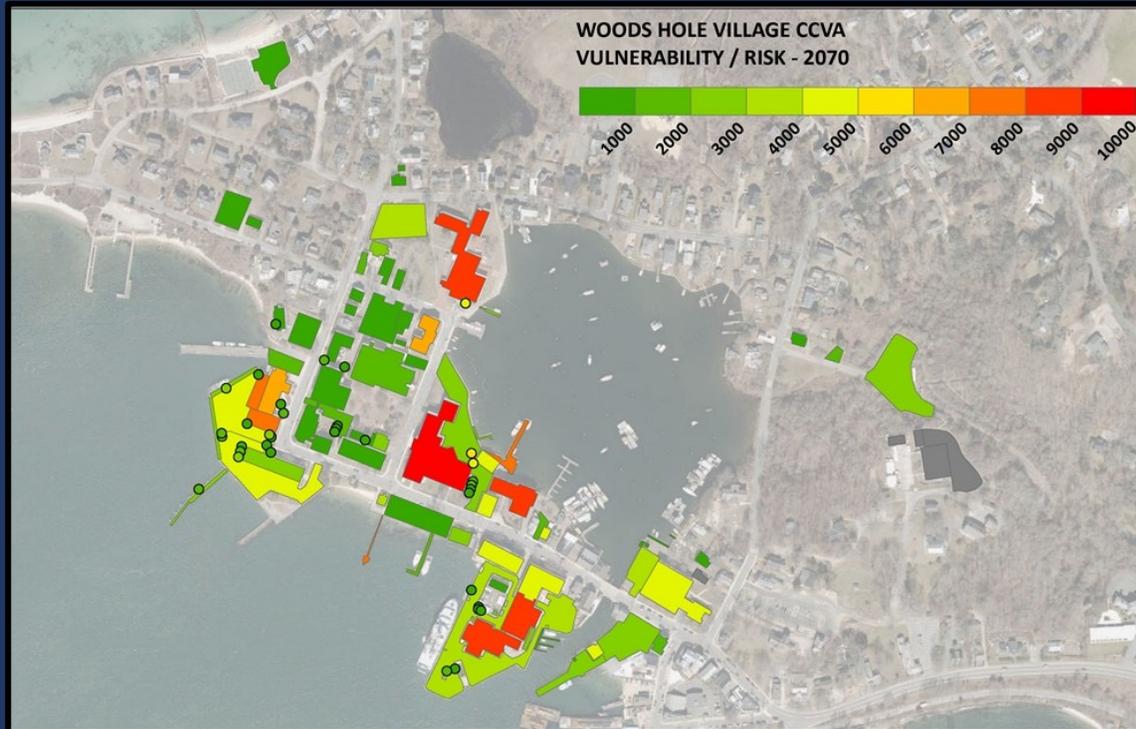
# Projected still water surface elevation + waves



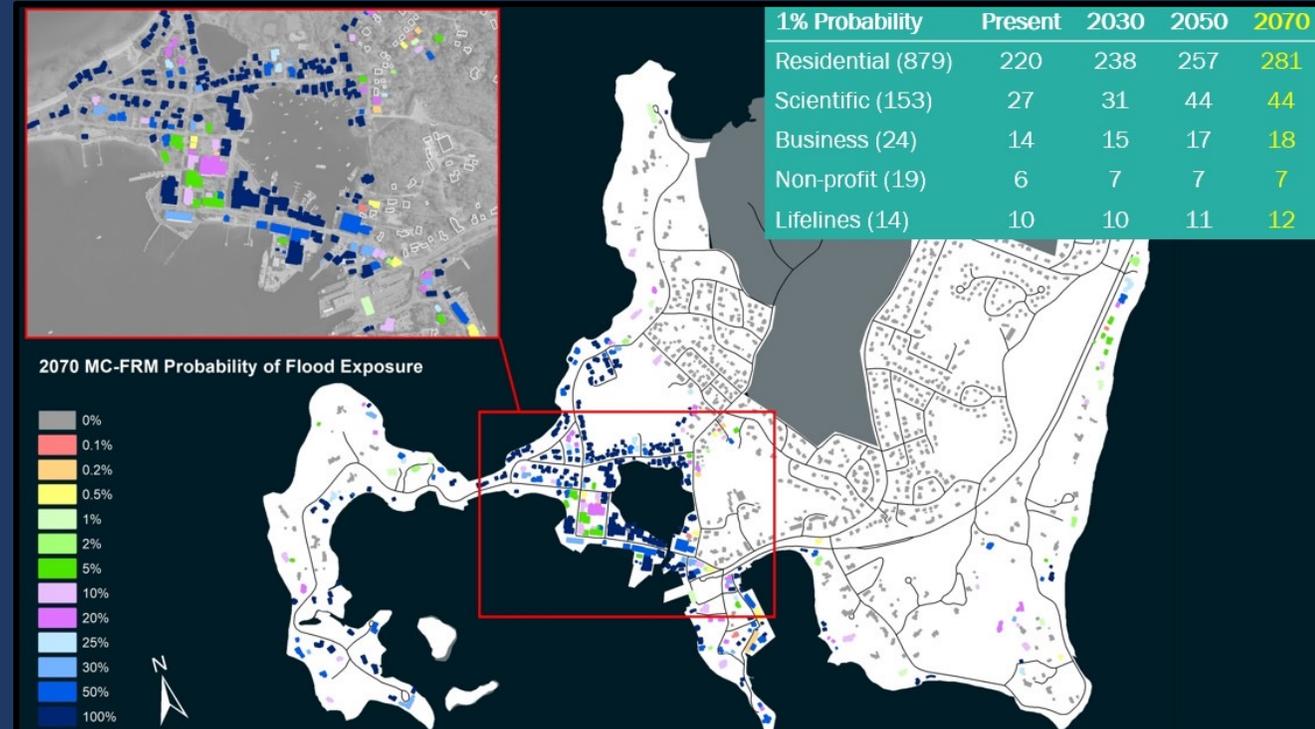
# PROGRESS TO DATE



# Phase 1 and Phase 2



**Phase 1:** Woods Hole Climate Change Vulnerability Assessment (WHOI/MBL/NEFSC)  
January – September 2020



**Phase 2:** Extended vulnerability assessment (Woods Hole residences/businesses/lifelines)  
October 2020 – October 2021

# Phase 3

October 2021 – June 2022

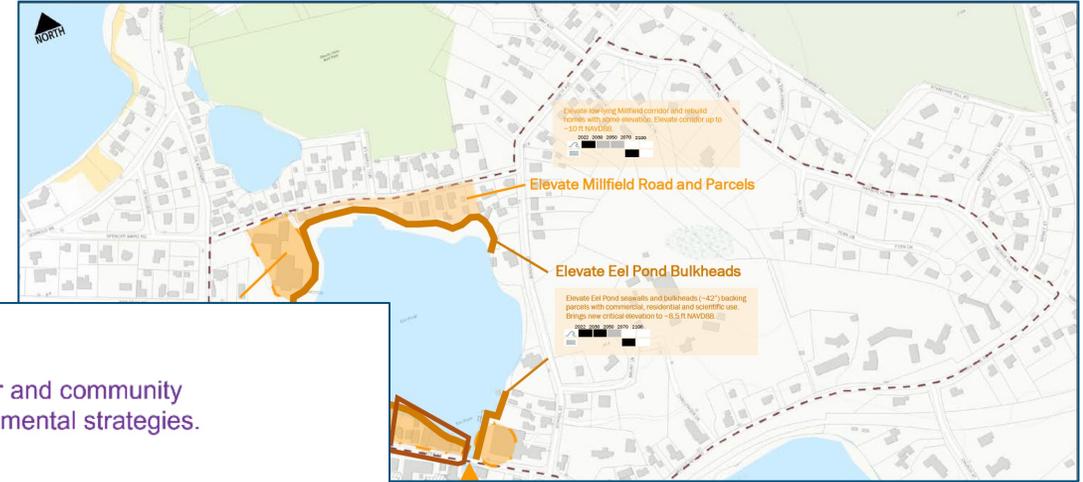
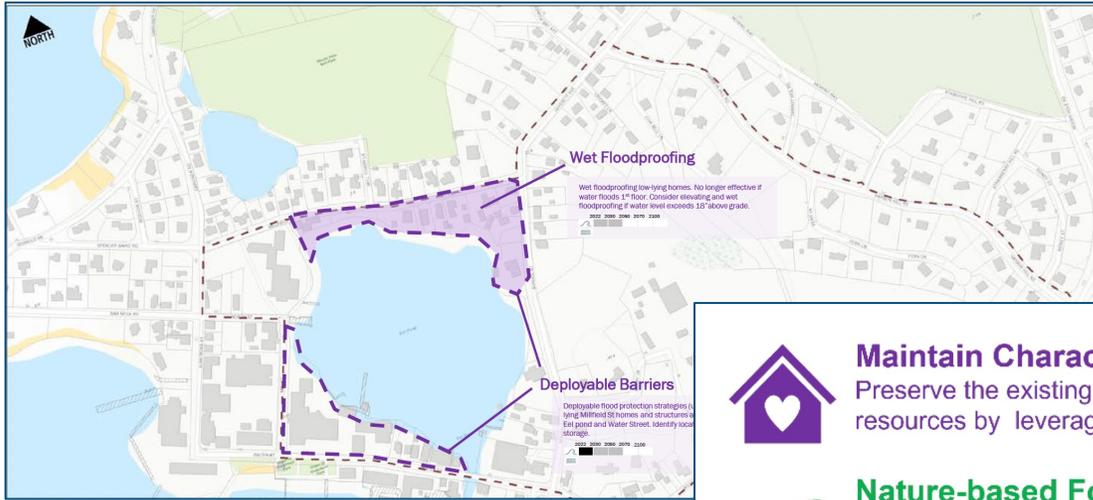


## OBJECTIVES:

- Engage the local community in a dialogue about coastal flooding risks
- Identify village flood pathways and vulnerabilities
- Discuss long-term protective strategies
- Analyze and detail regulatory hurdles for climate resiliency actions

# Community Involvement and Outreach

- Public Symposiums (Sept. '20, Nov. '21)
- Restore America's Estuary Session (Oct. '20)
- Falmouth Select Board Presentations (Dec. '20, Feb '24)
- Steering Committee Mtgs (10/21, 12/21, 3/22, 5/22, 1/23, 6/23)
- Stakeholder Interviews
- Public Workshop (Feb '22)
- Online Interactive Data Portal Launch
- Focus Groups + Survey
- Public Workshop (May '22)
- One Cape Summit Presentation (August '22)
- Neighborhood Working Group Meetings (Mar. '23, Jun. '23)
- Neighborhood Working Group Workshop (Aug. '23)
- WH Children's School of Science Presentation (Jun. '22, Aug. '23)
- Woods Hole Science Stroll (Aug. '23)
- Woods Hole Community Association Annual Meeting (Aug. '23)
- RWH Climate Walking Trail Launch (Oct. '23)
- WaterWorks Event (Jan '24)

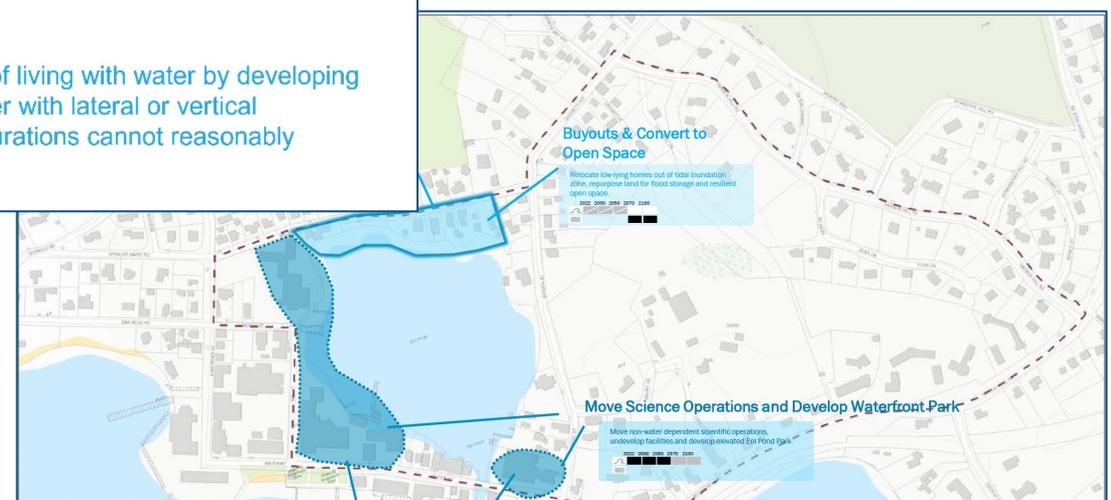
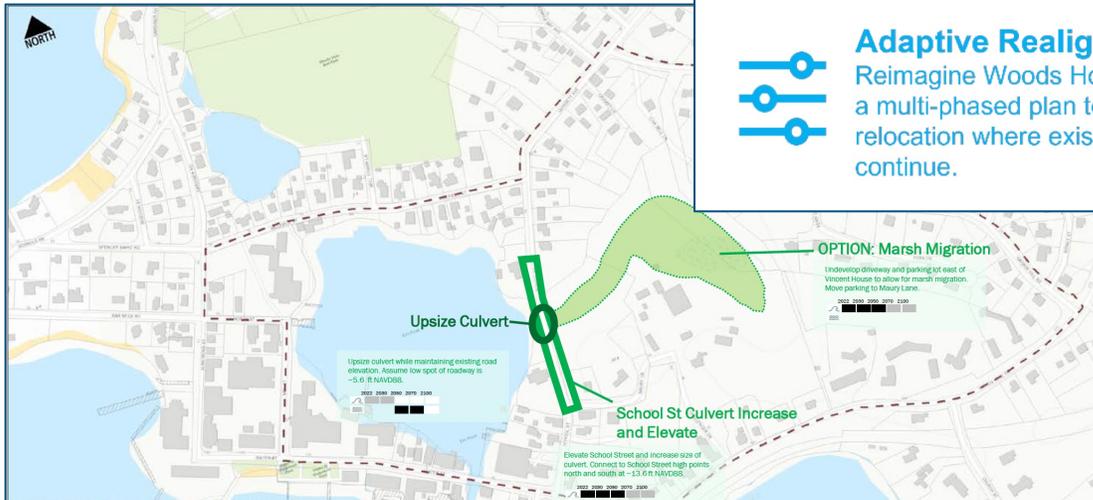


**Maintain Character**  
Preserve the existing uses, historic character and community resources by leveraging moderate and incremental strategies.

**Nature-based Focus**  
Use nature-based solutions to enhance resiliency and ecosystems services by extending the effectiveness and potential longevity of coastal green infrastructure and open space.

**Protect/Connect**  
Emphasize protection and maintenance of existing infrastructure and ensure vital connectivity by using hard and/or hybrid solutions to reduce exposure of important features and preserve critical accessways.

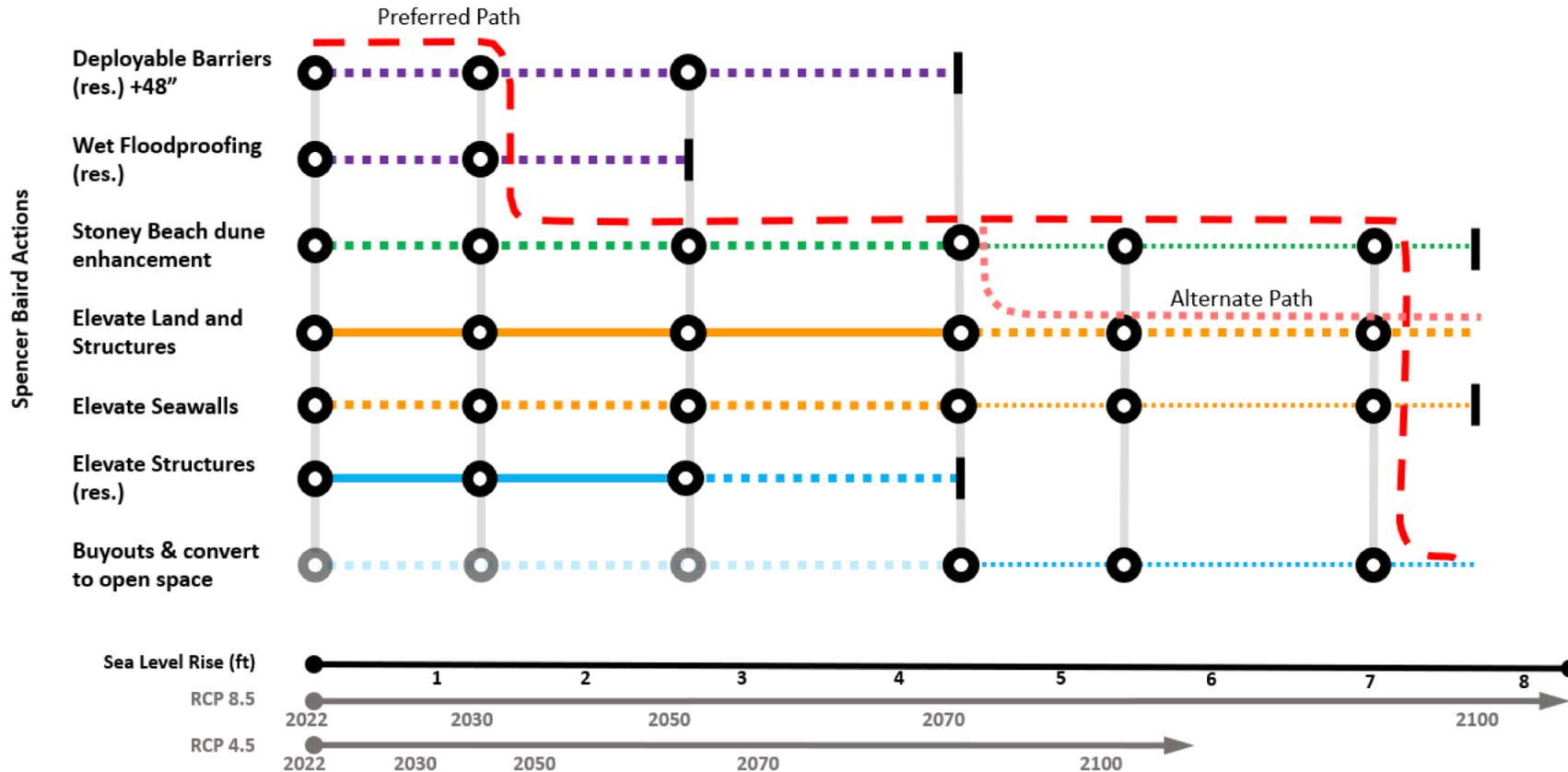
**Adaptive Realignment**  
Reimagine Woods Hole through the lens of living with water by developing a multi-phased plan to accommodate water with lateral or vertical relocation where existing uses and configurations cannot reasonably continue.



# Neighborhoods to Identify Preferred Paths

## Spencer Baird Area

For example only



# Phase 4

October 2022 – present



## Near-term Action

Design/procure/deploy scientific facility floodproofing solutions.

## Mid-term Action

Feasibility and Alternatives Assessment for a Nature-Based Flood Resiliency Project at Stoney Beach.

## Long-term Action

Strengthen public/private partnership through Management Area Working Groups, social media outreach, and development of podcasts and a self-guided tour focused on climate resiliency.

## ResilientWoodsHole Phase 4

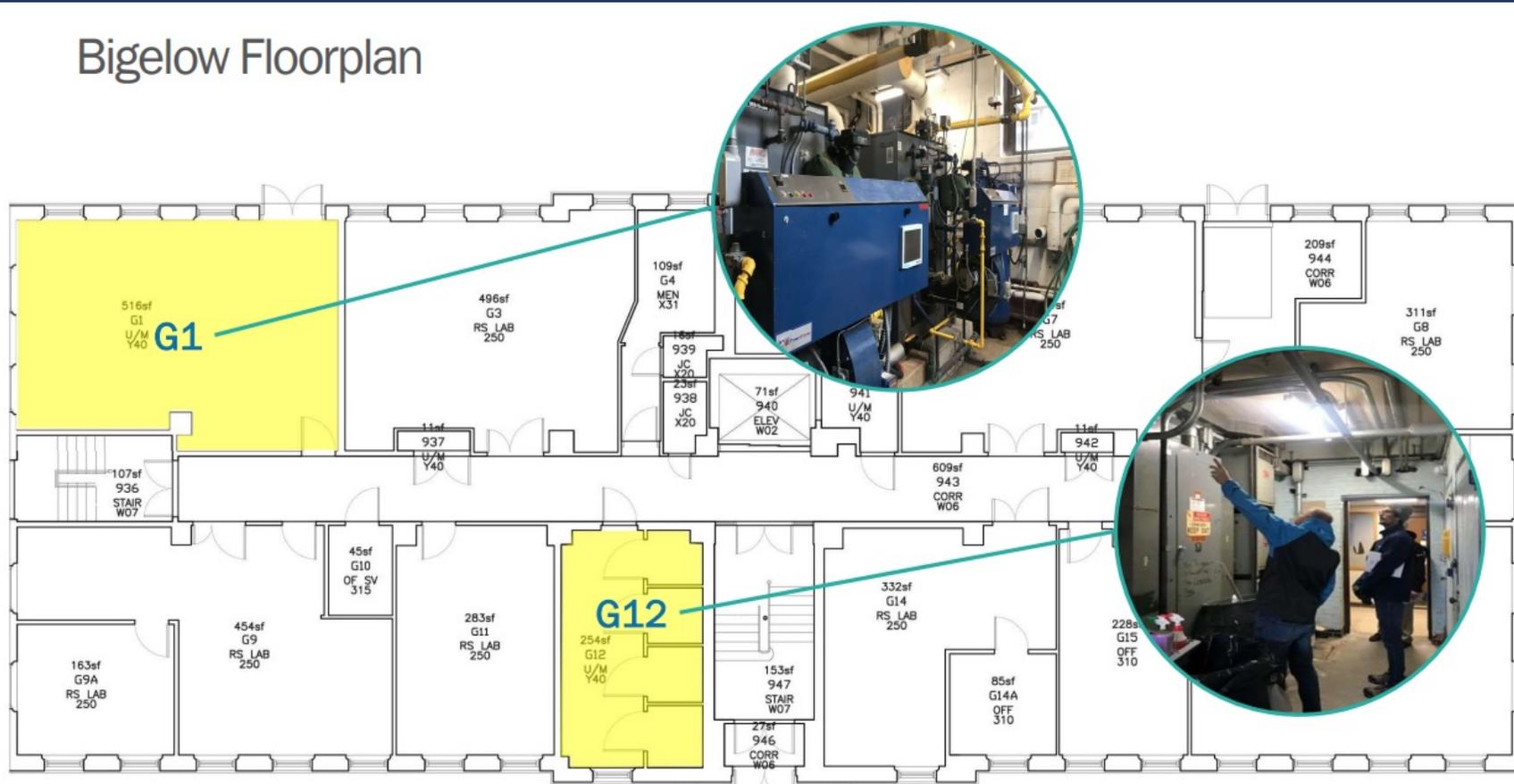
How can we work together to ensure the future of our vibrant and productive seaside community?

**Comprehensive phased strategy for Woods Hole Village that integrates resilient design concepts and community visioning.**

# Phase 4

## Work Area 1: Floodproofing Demonstration Projects at Bigelow and Lillie Lab

Bigelow Floorplan



**Dry Floodproofing**

### Custom Door & Window Flood Barrier

FRA FLOOD PANEL

**A custom-engineered barrier that protects any sized opening against intrusion & flood water damage.**

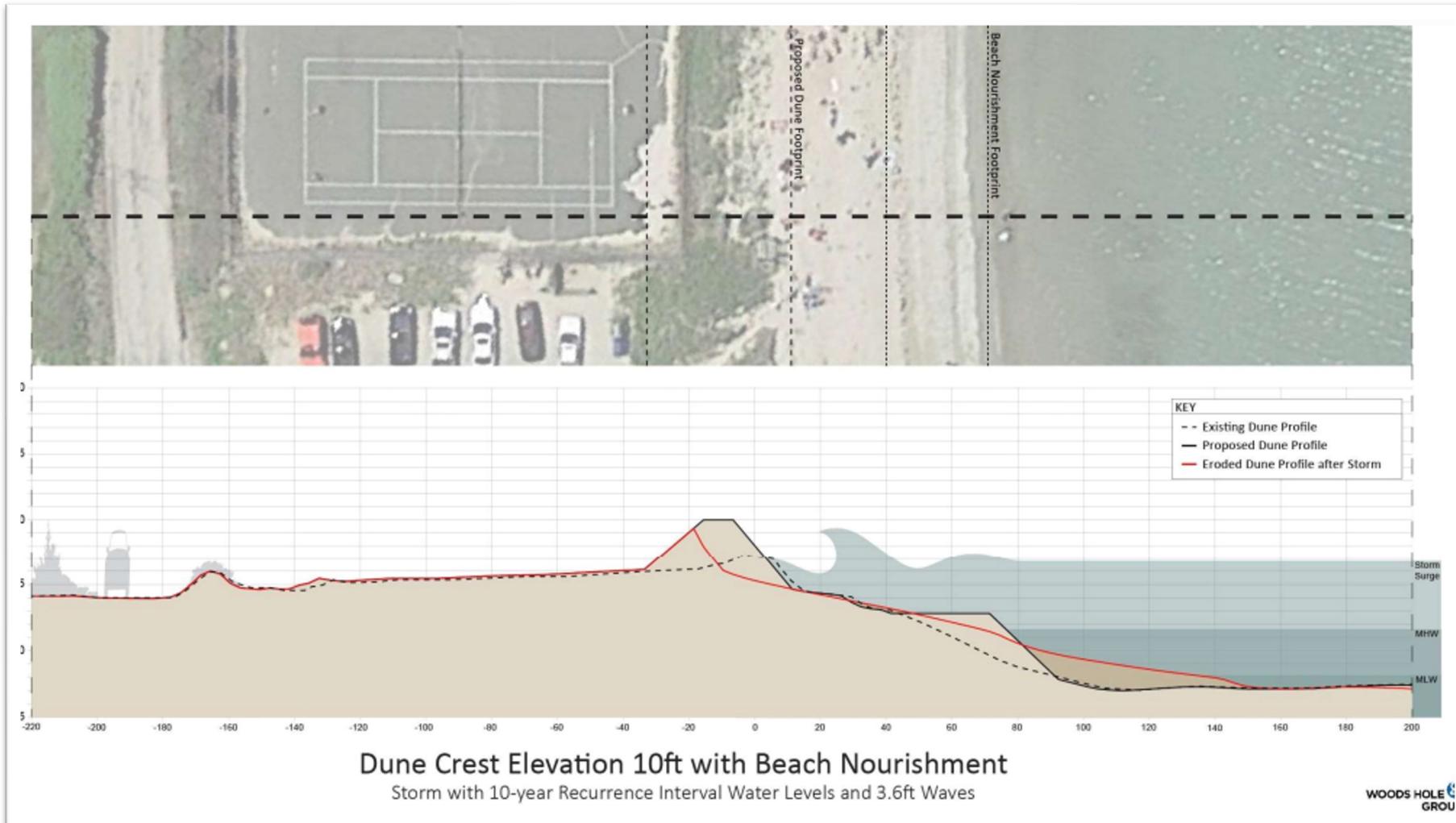
The Flood Risk America (FRA) Flood Panel uses sustainable flood-seal technology to protect any opening against flood water & is highly resistant to heavy impact forces. Each panel is custom-engineered to meet individual installation requirements & job-specific demands. It is easy to install, deploy, & remove.

**Applications**  
Storefronts | Windows/Doors | Vehicle Access Points | Drain Covers

info@floodproofng.com | 1 (800) 507 0865

# Phase 4

## Work Area 2: Feasibility Study at Stoney Beach



Performance Modeling  
Alternative 3B:  
Dune Crest Elevation 10 ft with nourishment

# Phase 4

## Work Area 3: Outreach and Engagement Initiatives



ABOUT OUR WORK EVENTS, NEWS, REPORTS GET INVOLVED CONTACT US



PRIVATE-PUBLIC INVESTMENT TO ENSURE THE FUTURE OF A SEASIDE COMMUNITY AND BLUE ECONOMY VILLAGE

### Neighborhood Working Groups

#### Overview:

The ResilientWoodsHole neighborhood working groups (NWG) met three times over 2023 to discuss climate change impacts, sea level rise and flooding projections, adaptation strategies and areas within their neighborhood that are of concern.

Each NWG was made up of 1-2 neighborhoods in Woods Hole, as shown in Figure 1, and comprised of 5-15 residents. The goal of each meeting was to gather input from the community on the different adaptation strategies, vision for the future of Woods Hole, and generally the RWH initiative. These meetings were also an opportunity for community members to get together and discuss projects for collective action.

#### You can read the summary of each meeting here:

- » [NWG Meeting 1](#)
- » [NWG Meeting 2](#)
- » [NWG Meeting 3](#)



Figure 1. Neighborhoods in Woods Hole



# Phase 4

## Work Area 3: Outreach and Engagement Initiatives



Twitter profile for ResilientWoodsHole. The profile picture shows a map of Woods Hole, MA, with the Resilient Woods Hole logo (a blue 'R' with a wave and 'WH' below it) overlaid. The bio reads: "Working to secure the future of the vibrant seaside village of Woods Hole, MA, in the face of major climate impacts". The website link is [resilientwoodshole.org](https://resilientwoodshole.org). The location is Woods Hole, MA, and it was joined in February 2023.



Instagram post from resilientwoodshole. The image shows two people holding a large board covered in colorful sticky notes. The board has the text "What do you love about Woods Hole?" and "What do you love about Woods Hole?". The caption reads: "We had a great turnout for last weekend's Woods Hole Science Stroll. Dozens of people of all ages stopped by our booth on the @whoiocean dock to learn more about our climate resiliency work. We asked the big question: What do you love about Woods Hole? I'm sure we agree on many of the answers: - Ice cream".

Follow us on social media!

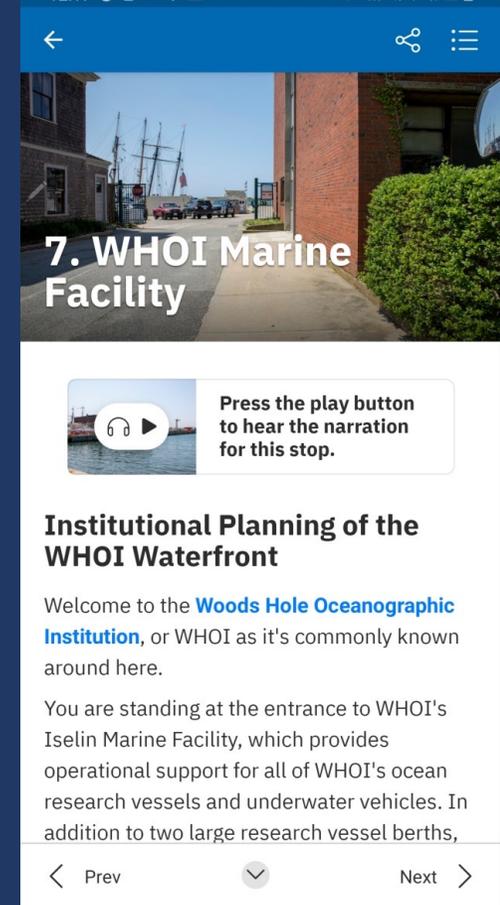
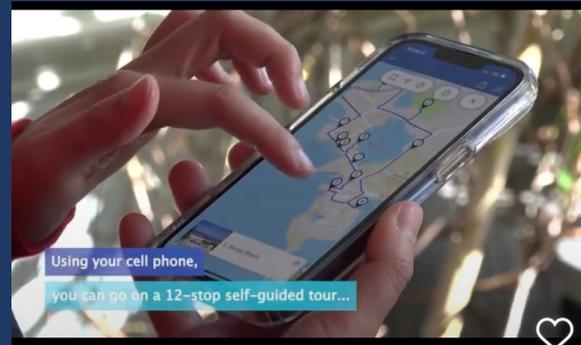
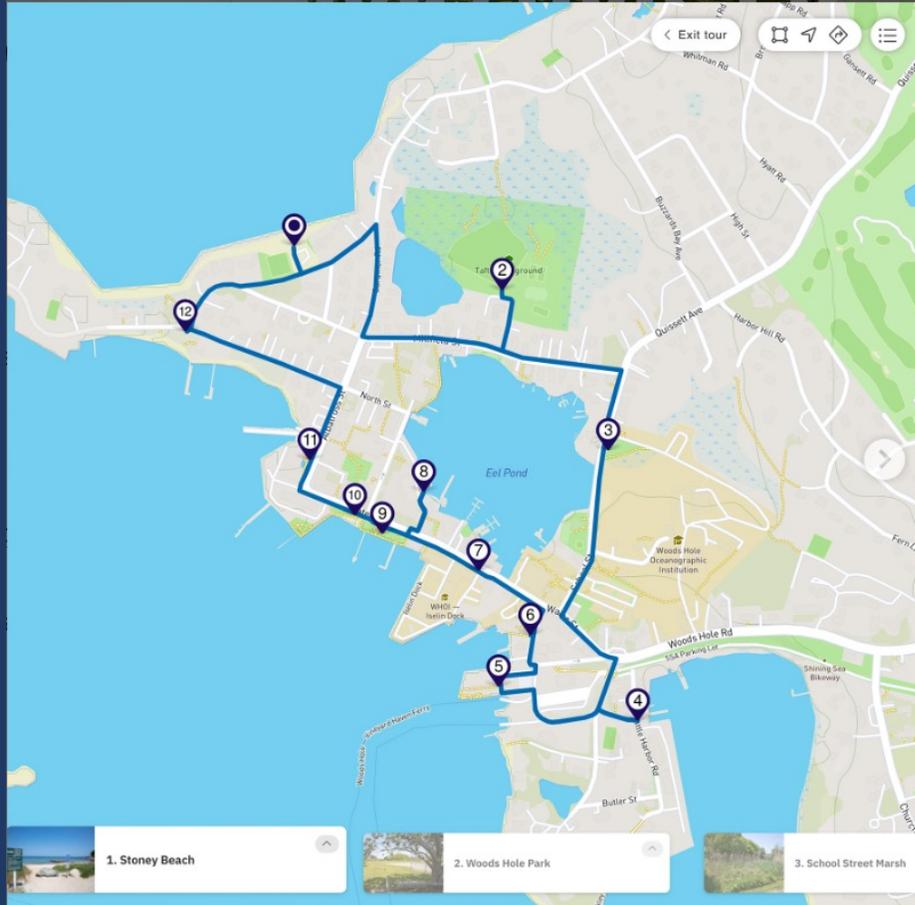
FB: @resilientwoodshole

Instagram :  
@resilientwoodshole

Twitter/X :  
@ResilientWdHole

# Phase 4

## Work Area 3: Climate Walking Trail





# By the Numbers

- 110 Community Members involved
- 740 Visitors to Climate Walking Trail (since October)
- 402 Followers on Social Media
- 90 Students Engaged
- 8<sup>th</sup> Grade Curriculum Inclusion

**What do you worry about most with respect to sea level rise and storms in Woods Hole?**

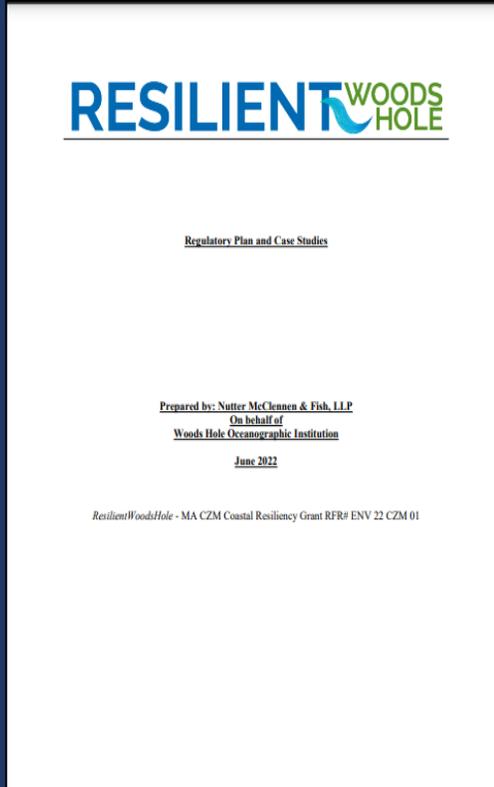
Sticky notes include:

- Future of Woods Hole Science (and org)
- Sewers
- The Costs of a local mitigation program for households
- Roads being unusable (level of hours or more)
- Being stranded cut off
- Losing connection in the storm (no backup comm?)
- Life
- unaffordable flood insurance - total destruction
- Protecting Nobska Beach
- Loss of property value
- PP1 won't decommission damaged infrastructure (I will just rebuild "normal")
- Protecting Stoney Beach (my neighborhood)
- sewer backups pond/ocean flooding bedroom etc.
- Utilities ramp up maintenance
- Protecting long term property value in a highly volatile market
- Stoney Water St. Boat Ramp
- Restore dune @ Stoney Beach
- Stoney Beach why?

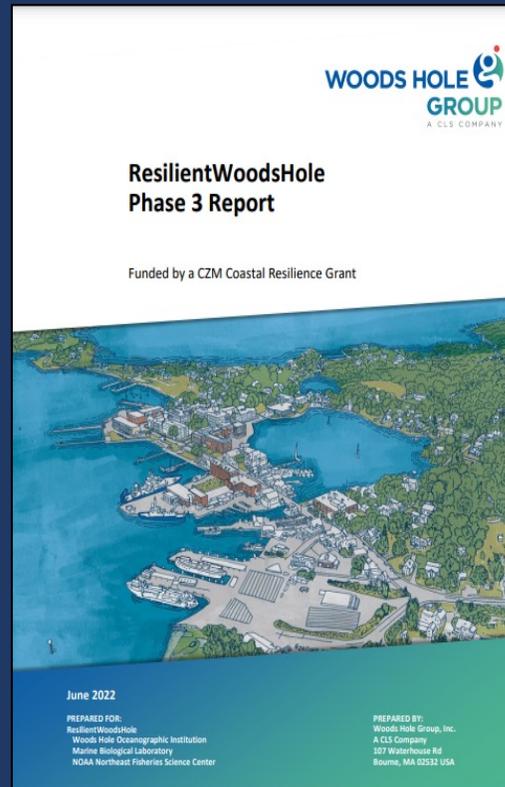
**RESILIENT WOODS HOLE**

# ResilientWoodshole Deliverables

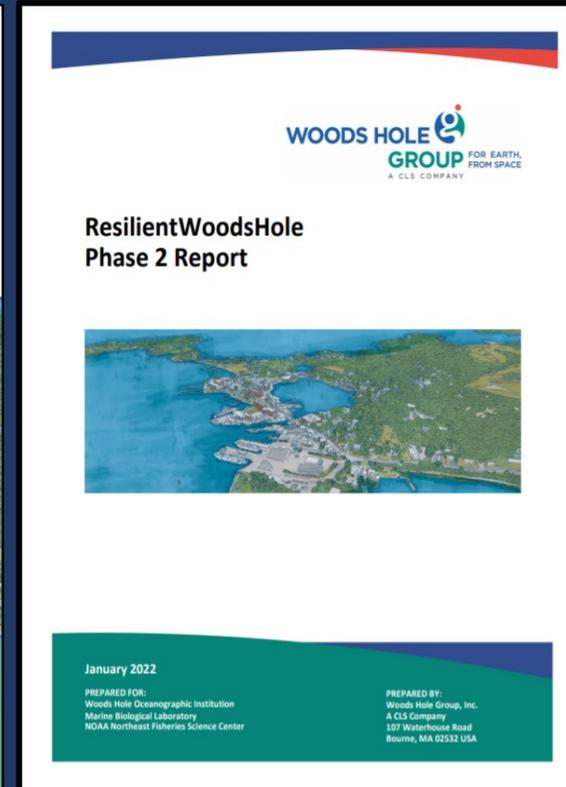
Coming  
Soon  
Phase 4



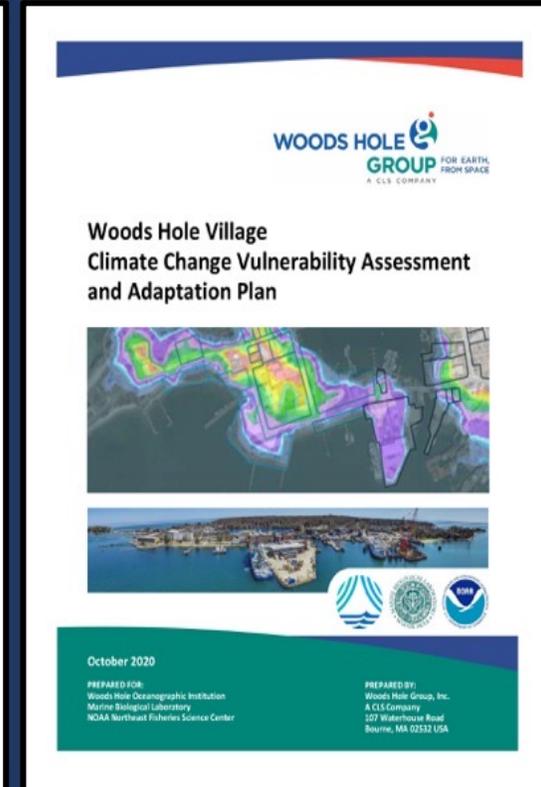
Nutter Regulatory Report



Phase 3 Report



Phase 2 Report



Phase 1 Report

[www.resilientwoodshole.org/reports/](http://www.resilientwoodshole.org/reports/)



PRIVATE-PUBLIC INVESTMENT TO ENSURE THE FUTURE OF A SEASIDE COMMUNITY AND BLUE ECONOMY VILLAGE



## Take the RWH Climate Walking Trail!

Take a tour around Woods Hole Village and learn more about climate change impacts and resilience initiatives in the village. You can take the RWH Climate Walking Trail in-person via the RWH app or online via the tour platform.

[LEARN MORE](#)



# Upcoming work

- Steering Committee meeting (Feb. or Mar. '24)
- Facilitated Visioning Study (WHI/USI) (June-Aug. '24)
- Multiple grant applications (state and federal)
  - MA CZM Coastal Resiliency for Stoney Beach design and permitting
  - National Fish and Wildlife Federation
  - Other Federal and State Grants
- Exhibits
  - Nobska Museum featured seasonal exhibit
  - Woods Hole Historical Museum permanent exhibit
- Activation of RWH Climate Walking Tour for Spring-Fall '24
- Various public engagement and educational opportunities



# Next Steps

TOWN WORKSHOP: Engaging Municipal Leaders

Late April 2024

## Objectives:

1. Raise the understanding and literacy of the Town Staff and Board members on the science, data and projections for sea level rise and storm surge in the pilot area of Woods Hole (WHG and State Tools)
2. Development of public policy initiatives that provide flexibility to homeowners and businesses to become climate resilient through accepted adaptation practices (Nutter Regulatory Report Findings)
3. Commitment to working with *ResilientWoodsHole* as full participants on the Steering Committee that will develop Master and Economic Development Plans for Woods Hole with a focus on ensuring resilient infrastructure well into the future. (Case Study)



Thank you...

On behalf of  
ResilientWoodsHole

Leslie-Ann McGee  
lmcgee@whoi.edu

[www.resilientwoodshole.org](http://www.resilientwoodshole.org)  
[@resilientwoodshole](https://twitter.com/resilientwoodshole)



## **OPEN SESSION**

## **BUSINESS**

3. Presentation of petition articles for the April 2024 Annual Town Meeting **(5 minutes each)**
  - a. Petition Article 22 – Earle Barnhart, Hilda Maingay, Kim Comart, Ron Zweig, Green Center Inc. and Others
  - b. Petition Article 23 – Wayne Lingafelter
  - c. Petition Article 24 – Nathaniel Trumbull



**ITEM NUMBER:** Business 3.  
**ITEM TITLE:** Presentation of Petition Articles for the April 2024 Annual Town Meeting  
**MEETING DATE:** 2/12/2024  
**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**   
**SUBMITTED BY:** Mike Renshaw, Town Manager  
**ATTACHMENTS:** April Town Meeting Calendar; Draft Warrant with Articles

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**PURPOSE:**

Petitioners for each of the three (3) Petition Articles will be provided five minutes each to make presentation on Articles 22, 23, and 24.

**BACKGROUND/SUMMARY:**

N/A

**DEPARTMENT RECOMMENDATION:**

No formal action is requested of the Select Board; the presentations are for information purposes only.

**OPTIONS:**

No formal action is requested of the Select Board; the presentations are for information purposes only.

**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:**

*Michael Renshaw*

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**Town Manager**

2/9/2024

**Date**



**TOWN OF FALMOUTH**

**APRIL 2024 ANNUAL TOWN MEETING**

Select Board Announce Annual Town Meeting Schedule ..... Monday, December 4, 2023

Close Warrant ..... Friday, January 12, 2024

Select Board Vote Articles & Execute Warrant.....Monday, January 29, 2024

Publish Articles Only ..... Friday, February 2, 2024

Petition Article Presentations.....Monday, February 12, 2024

Select Board Vote Article Recommendations.....Monday, February 26, 2024

Send Warrant with Recommendations to Printer and Newspaper.....Monday, March 4, 2024

Publish Warrant with Recommendations and Mail Warrant Booklets ..... Friday, March 15, 2024

Town Meeting.....Monday, April 8, 2024

**ANNUAL TOWN MEETING**  
**April 8, 2024**

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

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

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

<b>Title</b>	<b>Amount</b>
Moderator	\$1,500
Town Clerk	\$111,583
Select Board Members	\$5,000
Chair of Select Board	\$6,000

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

**ARTICLE 4:** To see if the Town will vote to amend the Town's Position Classification Plan. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 5:** To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2025 and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 6:** To see if the Town will vote to appropriate a sum of money from the Special Education Stabilization Fund for the purpose of funding costs associated with the provision of Special Education, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

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

**ARTICLE 8:** To see if the Town will vote to appropriate a sum of money to the Debt Stabilization Fund for the purpose of managing the cost of Capital improvements, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 9:** To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 10:** To see if the Town will vote to transfer the balance in the Health Insurance Stabilization Fund to the Other Post Employment Trust Fund (OPEB) and vote to terminate the Health Insurance Stabilization Fund. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 11:** To see if the Town will vote to raise and appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 12:** To see if the Town will vote to terminate the Energy Stabilization Fund. Or do or take any other action on the matter. On request of the Select Board. Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 13:** To see if the Town will vote to transfer a sum of money within the Fiscal Year 2024 budget to make necessary adjustments thereto. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 14:** To see if the Town will vote to appropriate an additional sum of money for the purpose of school capital articles and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 15:** To see if the Town will vote to appropriate a sum of money to supplement the funding for school capital projects, and any other costs incidental or related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 16:** To see if the Town will vote to appropriate a sum of money from the Special Education Stabilization Fund for the purpose of funding costs associated with the provision of Special Education services for Fiscal Year 2024, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 17:** To see if the Town will vote to rescind an amount of unissued borrowing. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 18:** To see if the Town will vote to authorize continued use of the following Revolving Funds for certain Town departments under M.G.L. c. 44 § 53E½ for the fiscal year beginning July 1, 2024, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Line	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	Fiscal Year 2025 Spending Limit	Disposition of Fiscal Year 2025 Fund Balance
1	Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$40,000	Available for expenditure
2	Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$20,000	Available for expenditure
3	Shellfish Propagation	Conservation Commission	Mitigations and Donations	Purchase of Shellfish Seed	\$15,000	Available for expenditure
4	Shellfish and Aquiculture	Marine & Environmental Srvcs	Rental Equipment	Propagation & Aquaculture	\$150,000	Available for expenditure
5	Senior Services	Senior Services Director	Fees	Activities	\$500,000	Available for expenditure
Total Spending					\$725,000.00	

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

**ARTICLE 19:** To see if the Town will vote to appropriate a sum of money for capital and other spending and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 20:** To see if the Town will vote to appropriate a sum of money to fund the engineering, design and construction of the wastewater collection system for the northeastern part of the Maravista peninsula and the Teaticket Path peninsula, the booster pump stations and force main to convey the wastewater to the Town's Main Wastewater Treatment Facility, and the improvement and, if necessary, the expansion of the Town's existing northernmost open sand beds for discharge of treated wastewater (Great Pond Phase 1 Sewer Project), including, without limitation, all costs incidental and related thereto, to determine whether this amount shall be raised by borrowing or otherwise, and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 21:** To see if the Town will vote to appropriate a sum of money to fund the engineering, design and replacement of the North Falmouth Elementary School Roof, including gutters, drainage areas and catch basins, fascia, repairs to front entranceway and canopy, masonry work, exterior painting, and loading dock driveway reconfiguration to allow for better drainage, interior damage from leaks including but not limited to floors, ceiling tiles, wall repairs, painting, and insulation replacement. The project scope also includes architectural, engineering and HVAC evaluation of cost for future addition of air conditioning and possible addition of solar energy panels and including costs incidental and related

thereto, to determine whether this amount shall be raised by borrowing or otherwise, and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 22:** To see if the Town will vote to appropriate \$1,900,000 for the purpose of financing a provisional pilot project, consistent with any recommendations by the Massachusetts Department of Environmental Protection, to evaluate urine diversion as a method for effectively reducing the amount of nitrogen and phosphorus entering Town waters in support of the Town's comprehensive wastewater management plan, and to determine how the same will be raised and by whom expended. Or do or take any action on the matter. On petition of Earle Barnhart, Hilda Maingay, Kim Comart, Ron Zweig, Green Center Inc. and Others. Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 23:** To see if the Town will vote to Authorize the Selectmen to modify the shape and area of the existing Town water tower easement more particularly described in that certain Easement filed with the Barnstable County Registry District of the Land Court as Document 371,731, as affected by that certain Modification of Easement filed with the Barnstable County Registry District of the Land Court as Document 1,007,776 over a portion of the land owned by the Falmouth Economic Development and Industrial Corporation at 64 Technology Park Drive, Falmouth Assessors Parcel 15-04-027A-021. On petition of Wayne Lingafelter.

**ARTICLE 24:** SMART (Southeast Massachusetts Regional Transportation Task Force) requests that the Select Board petition the State Traffic Engineer for speed limit changes along the so-called ferry corridor in Falmouth pursuant to General Law chapter 90 section 18 as recently amended by Chapter 358 of the Acts of 2022. Maps outlining the existing conditions and proposed changes are attached.\* On petition of Nathaniel Trumbull.

**ARTICLE 25:** To see if the Town will vote to authorize the Select Board to lease certain portions of land or buildings owned by the Town as further described below for the installation of solar photovoltaic energy facilities and supplying solar energy, for a term up to thirty (30) years, on terms acceptable to the Select Board, and on such other terms and conditions and for such consideration as the Select Board deems appropriate; and to authorize the Select Board to enter into such leases and to grant such access, utility, and other easements in, on and under said land as may be necessary or convenient to construct, operate and maintain such solar photovoltaic energy facilities and supply solar energy, and to authorize the Select Board to take any actions and execute any documents necessary to accomplish the foregoing; and further to authorize the Town Manager to enter into any power purchase agreements with any lessee of such property to purchase all or a portion of the electricity produced. Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 26:** To see if the Town will vote to authorize the Select Board to grant certain easements to NStar Electric Company dba Eversource Energy in connection with the construction of an electric vehicle charging station on, in, over, under and across certain Town property, including but not limited to:

1. The municipal parking lot located at 20 Academy Lane, Peg Noonan Parking Lot;

Said easements to be for the purpose of the installation and maintenance of underground power supply to the electric vehicle charging station upon such terms and conditions as the Select Board deems reasonable and proper. Or do or take any other action on the matter. On request of the Select Board.

**ARTICLE 27:** To see if the Town will vote to authorize the Select Board to lease for a term up to thirty (30) years, on terms acceptable to the Select Board, and for such consideration as the Select Board deems appropriate, portions of one or more of the town-owned parcels currently used for the Golf Course and facilities.

Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 28:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for the Trotting Park Old Skatepark Rehabilitation project located at 545 Gifford Street; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

**ARTICLE 29:** To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN two conservation restrictions, restricting in perpetuity in accordance with M.G.L. c. 44B, § 12 and M.G.L. c. 184, §§ 31-33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by LTC, LLC (c/o Ruth and Steven Augusta) on Benjamin Nyes Lane and Quaker Road in Falmouth, Barnstable County, Massachusetts identified as 48 Benjamin Nyes Lane (Parcel ID# 05 02 022 004) and 0 Quaker Road (Parcel ID# 05 01 085 002), being two parcels of vacant land, together containing 49.69-acres as further described in a deed from Cape Properties Nominee Trust I to LTC, LLC, dated June 8, 2023, said conservation restrictions to be administered by the Conservation Commission for open space and passive recreational purposes and such other uses as may be permitted under the conservation restrictions, the forms of which shall be subject to approval by the Conservation Commission and the Select Board and subject to all necessary statutory and regulatory approvals.

And, further, to appropriate the sum of Three Million (\$3,000,000.00) Dollars from the Community Preservation Fund for the purposes of this article to be expended under the jurisdiction of the Select Board.

And, further, that the Town Manager and/or Conservation Commission, be authorized to file, on behalf of the Town, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, including under the Massachusetts Local Acquisitions for Natural Diversity (LAND) Program, the Massachusetts Land and Water Conservation Fund (LWCF) and/or any other sources deemed necessary under the Self-Help Act, M.G.L. c. 132A, § 11, and/or any others in any way connected with the scope of this Article, and the Town and Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchases, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisitions within the scope of this Article, said grants or reimbursements to be deposited in the Town's Community Preservation Fund, or take any other actions relative thereto. Or do or take any action on the matter. On request of the Select Board and the Community Preservation Committee.

**ARTICLE 30:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the First Congregational Church of Falmouth for the steeple rehabilitation project located at 68 Main Street; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

**ARTICLE 31:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the Falmouth Affordable Housing Fund; to determine how the same

shall be raised and by whom expended. Or do or take any action on the matter. On the request of the Community Preservation Committee.

**ARTICLE 32:** To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

**ARTICLE 33:** To see if the Town will vote to authorize the Select Board to petition the General Court for a special act that would impose a real estate transfer fee to be used by the Town for the purposes acquiring, creating, preserving, rehabilitating, restoring and supporting affordable housing in the Town. Or do or take any action on the matter. On request of the Select Board.

**ARTICLE 34:** To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth, Article 3, Definitions, by 1) deleting certain definitions from Section 240-3.3, Definitions, and inserting the text of the deleted definitions into their subject specific sections for the purpose of creating convenience and ease of use, 2) deleting all category titles from Section 3.3, Definitions, and reformatting the definitions to be in alphabetical order, and 3) deleting Section 240-3.2, Index of Defined Terms, in its entirety. The proposed amended bylaw shall read as shown in the appendix, with the deletions and insertions made as follows:

Amend Section 240-7.5C by deleting the text in its entirety and inserting in its place the definitions for the Mixed Residential and Commercial Overlay District from Section 240-3.3.

Amend Section 240-7.7A(3) by deleting the text in its entirety and inserting in its place the definitions for the Water Resource Protection Overlay District from Section 240-3.3.

Amend Section 240-9.6B by deleting the text in its entirety and inserting in its place the definitions for Marijuana Treatment Centers from Section 240-3.3.

Amend Section 240-9.8C by deleting the text in its entirety and inserting in its place the definitions for Wind Energy Systems from Section 240-3.3.

Amend Section 240-14.3C by deleting the text in its entirety and inserting in its place the definitions for Landscaping from Section 240-3.3.

Amend Section 240-14.4D by deleting the text in its entirety and inserting in its place the definitions for "Farm" and "Farm Related Business" from Section 240-3.3.

Delete from Section 240-3.3, Definitions, the definitions for the following categories: Mixed Residential and Commercial Overlay District, Water Resource Protection Overlay District, Marijuana Treatment Centers, Wind Energy Systems, and Landscaping.

Delete from Section 240-3.3, Definitions, Agriculture & Farm Related Terms, the definitions for "Farm" and "Farm Related Business".

Delete category titles from Section 3.3, Definitions, by deleting the following phrases: "Accessory Related Terms", "Adult Related Terms", "Agriculture & Farm Related Terms", "Automobile, Motor Vehicle & Trailer Related Terms", "Building & Structure Related Terms", "Day-Care & Child Related Terms", "Drive-Thru

Related Terms", "Environmental Related Terms", "Home Occupation Related Terms", "Industrial Related Terms", "Kennel Related Terms", "Landscape Related Terms", "Lodging Related Terms", "Lot & Yard Related Terms", "Marijuana Treatment Centers Related Terms", "(MRCOD) Mixed Residential and Commercial Overlay District Terms", "Residential / Dwelling / Housing / Family Related Terms", "Restaurant Related Terms", "Streets, Roads & Driveways Related Terms", "Use Related Terms", "Waterfront Related Terms", "Water Resource Protection Related Terms", and "Wind Energy System Related Terms".

Delete Section 240-3.2, Index of Terms, in its entirety.

Alphabetize all definitions and otherwise reformat definitions and references thereto as may be appropriate.

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

Approval of this Article requires a 2/3 Town Meeting vote.

**ARTICLE 35:** To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth by 1) deleting Section 240-6.7 Senior Care Retirement District in its entirety and inserting the text below in its place; 2) amending the Official Zoning Map by deleting the phrase "Senior Care Retirement District" and inserting "Senior Care Retirement and Workforce Housing District" in its place and expanding said District to include both the Senior Care Retirement Subdistrict (SCRSD), as well as the Workforce Housing Subdistrict (WHSD); and 3) deleting the phrases "Senior Care Retirement" or "SCR" throughout the bylaw and inserting the phrases "Senior Care Retirement and Workforce Housing" or "SCRWH" in their place wherever they appear in other provisions of the Zoning Bylaw.

Deletions and insertions are made as follows:

1) The proposed amended bylaw will read as follows, and a redlined version of the deletions and insertions appears in the appendix along with the revised map.

#### 240 – 6.7 Senior Care Retirement and Workforce Housing District 240 – 6.7A PURPOSE

The purpose of this district is to allow for alternative housing for senior citizens in a setting that provides them with personal and health-related services and programs and allows for their maximum independence in compliance with Fair Housing Laws. The additional purpose of this district is to encourage the creation of Workforce Housing as a separate and distinct housing community option within the district, which is not restricted as to age, to offer an intergenerational residential environment and to provide housing opportunities, including opportunities to those whose incomes are too high to qualify for affordable housing and are not sufficient for market rate housing.

For the purposes of Section 240-6.7 et. al., Fair Housing Laws shall include Federal Fair Housing Act, 42 USC Section 3607(b), as amended, the regulations promulgated thereunder at 24 CFR Section 100.300 et seq., Subpart E—Housing For Older Persons, as amended, and MGL c. 151B, Section 4.

#### 240 – 6.7B DEFINITIONS

Workforce Housing - Housing that is affordable to a household of one or more persons whose maximum income does not exceed 140 percent of the area median income, adjusted for household size, as

published by the US Department of Housing and Urban Development. Workforce Housing is designed to incorporate a range of affordability, and may include units which may qualify for the Town's Subsidized Housing Inventory (SHI). Workforce Housing Units are not restricted as to age, and such units shall be separately operated from any housing facility or community that contains Senior Care Retirement Community (SCRC) units.

240 – 6.7C USE TABLE

N = Not allowed

Y = Allowed by-right

SP-Z = Zoning Board of Appeals Special Permit SP-P = Planning Board Special Permit

Uses	Standards	Senior Care Retirement Subdistrict (SCRSD)	Workforce Housing Subdistrict (WHSD)
<b>Permitted Uses</b>			
Bank		Y	N
One family detached dwelling		Y	N
Medical clinic, medical and allied health office		Y	N
Professional office		Y	N
Public or nonprofit housing for seniors, subject to the requirements of § 240 – 11.6D		Y	N
Restaurant, Class I or II		Y	N
Religious institution	including a residence for the institution	Y	Y
Child day care center		Y	Y
<b>Special Permit Uses</b>			
Senior Care Retirement Community (SCRC)	(See § 240 – 6.7D below)	SP-P	N
Workforce Housing Community (WHC)	(See § 240 – 6.7D below)	N	SP-P

240 - 6.7D SCRC and WHC SPECIAL PERMIT STANDARDS

1. SCRC DESCRIPTION – A SCRC contains one or more residential buildings with living units described below, that provides residences that must be occupied by at least one person 55 years of age or older (consistent with Fair Housing Laws), and which includes common areas and community dining facilities. The SCRC provides personal services such as social, psychological,

- educational, and health-related programs and services, designed to allow residents to safely "age in place" with maximum independence and with skilled caregivers available continuously on-site.
2. **SCRC UNITS** – A SCRC may include independent living units (ILUs) for persons who may not require regular assistance with daily living, as well as assisted living units (ALUs) for persons in need of daily assistance from skilled caregivers, and may include skilled nursing rooms (SNRs), as defined by the Massachusetts Department of Public Health. For the purposes of this Bylaw, ILUs, ALUs and SNRs shall be known as "SCRC" units.
  3. **STAFF HOUSING** – A SCRC may also include staff housing units (Staff Housing units), provided that the number of Staff Housing units shall not exceed 10% of the SCRC units. No unit in a SCRC may contain more than 2 bedrooms. Assisted living units shall be no less than 350 square feet but no greater than 800 square feet in size. Each skilled nursing room may contain no more than 2 beds.
  4. **WHC UNITS** – A WHC shall include Workforce Housing units as defined above. Workforce Housing units shall: (a) not be restricted as to age; (b) consist of multifamily dwellings; (c) be a separate community from non-Workforce Housing units; and, (d) not include Staff Housing units, or supportive services except for a resident service/leasing coordinator office available to meet any needs of residents. Any Workforce Housing units must be constructed in the Workforce Housing Subdistrict (WHSD) and be built in conjunction with the creation of a Senior Care Retirement Community (SCRC).
  5. **DENSITY** – For purposes of compliance with density requirements under this district, SCRC units, Staff Housing units, and/or WHC units shall be collectively included within the overall permitted density per acre for the entire district property regardless of the subdistrict, which shall not exceed six units per acre unless density bonus requirements are approved up to 8 units per acre as provided under Subsection (14) below. Although a SCRC and WHC are separate and distinct communities, they may be included on the same or separate lots, and access or utilities are permitted to serve all uses throughout the district.
  6. **DIMENSIONAL COMPLIANCE** – For purposes of compliance with dimensional requirements under this district, a SCRC and WHC may be located on one or more parcels, and if not located on the same lot, shall be required to separately comply with applicable dimensional requirements. A SCRC and WHC shall comply with dimensional requirements of the Zoning Bylaw unless otherwise waived by the Planning Board under unique circumstances and on a limited basis as a part of the special permit. Moreover, the dimensional requirements identified under Article 11 for SCRC shall also apply to a SCRC and WHC, and to the extent the dimensional requirements of this § 240-6.7. directly conflict with the requirements of Article 11, the provisions of § 240-6.7. shall control.
  7. **LOT AREA, FRONTAGE & OPEN SPACE** – A SCRC shall have a minimum total area of 15 acres and a WHC shall have a minimum of 5 acres. Lot frontage shall be a minimum of 100 feet. In calculating the minimum total area the provisions of § 240-9.7E(2)a shall apply. At least 65% of the total area must be set aside as open space consistent with § 240-9.7H. Up to ½ or 5 acres of the required open space, whichever is greater, may be located off-site at the discretion of the Planning Board.
  8. **SETBACKS** – Front yard building setbacks shall be a minimum of 50 feet. Side and rear yard building setbacks shall be a minimum of 25 feet. The Planning Board may require greater setbacks, up to 100 feet for front yard and up to 50 feet for rear and side yard setbacks where needed to provide screening and buffer from the street or adjacent properties. Redevelopment of existing buildings may maintain existing setbacks at the discretion of the Planning Board. Redevelopment does not include the voluntary demolition of an existing building and subsequent rebuilding.
  9. **HEIGHT** – The maximum building height of any SCRC and WHC building shall not be more than 3 stories and not more than 35 feet as defined for community service uses. The Planning Board

in its discretion may increase this height to 45 feet, upon good cause shown by the applicant, provided that for every one-foot increase in height all minimum setbacks shall be increased by 2 feet.

10. **ACCESSORY FACILITIES** – The development may incorporate, within a residential building, accessory facilities intended solely for the use or benefit of the residents and staff of the development, such as banking and recreational facilities. The development may also incorporate accessory uses and structures not attached to residential or other structures which may be shared among lots within the district for the purposes of wastewater treatment, community maintenance, a child day care center, and a clubhouse facility as limited and approved by the Planning Board.
11. **IMPACTS** – The Planning Board, in order to approve the special permit for a SCRC or WHC, shall find that the overall impacts in terms of traffic, wastewater, nutrient loading, and fiscal impact to the Town have been adequately mitigated, and that the proposed uses are in harmony with the general purposes and intent of the district as described under § 240-6.7A. Speculative uses, such as applications made under G.L. c. 40B, shall not be considered in making the comparison of cumulative impacts. The Planning Board may require the applicant to provide specialized studies or information as necessary in order to make such a finding.
12. **WASTEWATER** – The Planning Board shall not approve a SCRC or WHC unless tertiary treatment of wastewater is provided. To enhance treatment capabilities, a wastewater treatment facility and related sewer line improvements may be shared by a SCRC and WHC if approved with a groundwater discharge permit issued by the Massachusetts Department of Environmental Protection (DEP). Tertiary treatment shall include enhanced nitrogen removal when a SCRC or WHC is located in a Coastal Pond Overlay District.
13. **PLANNING BOARD REVIEW** – The Planning Board may require the applicant to reduce the size, including the height, of any residential structure or to adjust its placement on the lot to reduce impacts on neighborhood visual character, including views or vistas. The Planning Board, in order to approve the special permit for an SCRC or WHC, shall make a positive finding under § 240-9.7A(1)g., Planned Residential Development, and 4 or more of the purposes of § 240-9.7A. The Planning Board may require or allow that the development be constructed in phases if necessary to minimize neighborhood impacts or to meet financing or regulatory requirements.
14. **PARKING** – Parking shall be located in side or rear yards behind the front facade line of the building, except that parking may be allowed in front of the building line at the discretion of the Planning Board if appropriately screened or landscaped as determined by the Planning Board. The number of parking spaces for SCRC units shall be determined according to the following: one space per independent living unit; one-half space per assisted living unit; one space per employee. The number of parking spaces for WHC units shall be determined according to the following: one and one-half spaces for dwelling units having fewer than 2 bedrooms; and, two spaces per dwelling unit having 2 or more bedrooms. The number of parking spaces required for other allowed uses within the district shall be as provided under § 240-14.1E. The Planning Board may apply parking reductions for uses allowed under this district as provided for in § 240-14.1F as part of the special permit.
15. **DENSITY BONUS** – Section 240-6.7D(2) & (3) & (4) & (5) notwithstanding, a density bonus may be allowed at the sole discretion of the Planning Board as part of the special permit process for a SCRC and/or WHC. The Board may allow up to 8 units per acre, if the applicant provides at least 15% of the SCRC units (not including staff units) as affordable, subject to the requirements below, and one or more of the following: a) tertiary treatment of wastewater that achieves an annual average nitrogen reduction to a level of nine mg/l or less, or; b) the application results in no net increase in nitrogen loading or; c) the SCRC is tied into the municipal sewer system.

As a condition of any density bonus the applicant shall be required to execute an affordable housing restriction and regulatory agreement for recordation at the Registry of Deeds, consistent with the requirements of the Massachusetts Executive Office of Housing and Livable Communities, for qualification of the affordable units towards the Town's subsidized housing inventory (SHI). Notwithstanding anything to the contrary in Article 3, the WHC Units are not required to qualify as affordable units for purposes of the SHI, but the Board may allow for a density bonus to eight units per acre if at least 25% of the WHC units in the Workforce Housing Subdistrict qualify as affordable units for purposes of the SHI, subject to the execution of a workforce housing restriction and regulatory agreement approved as to form by Town Counsel, for recordation at the Registry of Deeds.

2) Amend the Official Zoning Map by renaming the "Senior Care Retirement District" as the "Senior Care Retirement and Workforce Housing District" and by expanding said District to include both the Senior Care Retirement Subdistrict (SCRSD), as well as the Workforce Housing Subdistrict (WHSD), as they are more particularly shown on a map entitled "Proposed Senior Care Retirement and Workforce Housing District, Town of Falmouth Zoning Map Amendment" dated December 18, 2023. This map, as it may be amended from time to time, is hereby made part of the Town Zoning Bylaw and is on file at the office of the Town Clerk.

3) Amend the Zoning Bylaw by replacing the words "Senior Care Retirement" or "SCR" with the words or phrases "Senior Care Retirement and Workforce Housing" or "SCRWH" respectively wherever they appear in other provisions of the Zoning Bylaw, and amend the Official Zoning Map Legend to rename said district as "Senior Care Retirement and Workforce Housing."

Or do or take any other action on this matter. On request of the Planning Board. Approval of this Article requires a simple majority Town Meeting vote.

**ARTICLE 36:** To see if the Town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth by deleting certain language related to the Conversion of a Dwelling in Section 240-6.2B, Business District Use Table, Section 240-6.5A, Public Use District Use Table, and Section 240-6.6B, Single Residence District Use Table and by inserting and adding language as shown below. The proposed amended bylaw will read as follows, with deletions shown in ~~strikethrough~~ and replacement and additional language shown in red:

240 – 6.2B Business District Use Table

Uses	Standards	B-1	B-2	B-3	BR
<b>Special Permit Uses</b>					
Conversion of a dwelling unit	<p>May be converted to not more than 4 dwelling units if:</p> <ol style="list-style-type: none"> <li>1. the dwelling was in existence as of January 1, 2000 as of January 1, 1980;</li> <li>2. there is no material change to the exterior of the existing dwelling building; and</li> <li>3. the Board of Appeals determines that the size of the dwelling and the lot are suitable for the conversion remodeling</li> </ol>	SP-Z	SP-Z	SP-Z	N

Section 240-6.5A Public Use District Use Table

Uses	Standards	Public Use District
<b>Special Permit Uses</b>		
Conversion of a dwelling	<p>May be converted to not more than 4 dwelling units if:</p> <ol style="list-style-type: none"> <li>1. the dwelling has been in existence as of January 1, 2000 an existing dwelling on a lot as of January 1, 1980, into not more than 4 units if the conversion involves;</li> <li>2. there is no material change to the exterior of the existing dwelling; and</li> <li>3. if the Board of Appeals determines that the size of the dwelling and the lot are suitable for the conversion</li> </ol>	SP-Z

Section 240-6.6B Single Residence District Use Table

Uses	Standards	SR-AA	SR-A	SR-B	SR-C	GR
<b>Special Permit Uses</b>						
<p>Conversion of a dwelling unit into multiple units</p>	<p>May be converted into not more than 4 dwelling units if:</p> <ol style="list-style-type: none"> <li>1. In the GR District, the Zoning Board of Appeals finds that:                             <ol style="list-style-type: none"> <li>a. the dwelling was in existence as of January 1, 2000; <del>lot was in existence as of January 1, 1980;</del></li> <li>b. there is no material change to the exterior of the existing dwelling, including architectural features; and</li> <li>c. the size of the dwelling and the lot are suitable for the <u>conversion remodeling;</u></li> <li>d. <u>all resulting rental dwelling units shall have a minimum one year rental period</u></li> </ol> </li> <li>2. <del>May be converted into not more than 4 dwelling units</del> in the SR-AA, SR-A, SR-B and SR-C Districts, if the Zoning Board of Appeals finds that:                             <ol style="list-style-type: none"> <li>a. the <u>dwelling was in existence as of January 1, 2000;</u> <del>lot was in existence as of January 1, 1980;</del></li> <li>c. there is no material change to the exterior of the existing dwelling, including architectural features; the conversion will not increase the gross floor area of the dwelling as it existed on January 1, 2000;</li> <li>d. there are no additional bedrooms above the number in existence in the dwelling as of January 1, 2000;</li> </ol> </li> <li>3. <del>there are no additional bedrooms above the number in existence in the dwelling as of January 1, 1980;</del> <ol style="list-style-type: none"> <li>e. there are no home occupations or taking of boarders;</li> <li>f. all resulting rental dwelling units shall have a minimum one year rental period; and</li> <li>g. if the dwelling to be converted is located within the Water Resources Protection Overlay District or within a Coastal Pond Overlay District, the minimum lot size is 15,000 square feet for one additional dwelling unit; 20,000 square feet for 2 additional dwelling units; and 25,000 square feet for 3 additional dwelling units.</li> </ol> </li> <li>3. The Zoning Board of Appeals may grant the following exceptions in approving a special permit:                             <ol style="list-style-type: none"> <li>a. Affordable units, as defined in Article 3, need not comply with the additional square footage requirements in subsection (2)g above as long as the minimum lot size is 15,000 square feet.</li> <li>b. Preexisting conversions performed without the benefit of a special permit under this section shall be exempt from the requirements of subsection (2)g above if an application to obtain a special permit under this section is received by the Board of Appeals within one year of the effective date of the bylaw and the special permit is subsequently approved.</li> </ol> </li> </ol>	SP-Z	SP-Z	SP-Z	SP-Z	SP-Z

Or do or take any other action on this matter. On request of the Planning Board. Publications: 12.22.23, 12.29.23

Approval of this Article requires a simple majority Town Meeting vote.

**ARTICLE 37:** To see if the Town will vote to authorize the Board of Library Trustees of the Falmouth Public Library to apply for, accept, and expend Massachusetts Public Library Construction Program ("MPLCP") grant funds if approved, and vote to appropriate the sum of \$150,000, or any other sum if said MPLCP grant is approved, for the purpose of funding the assessment, planning, feasibility and/or design related to construction of the East Falmouth Library, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Library Trustees.

**OPEN SESSION**

**BUSINESS**

3. Presentation of petition articles for the April 2024 Annual Town Meeting **(5 minutes each)**

a. Petition Article 22 – Earle Barnhart, Hilda Maingay, Kim Comart, Ron Zweig, Green Center Inc. and Others

Moved that the WQMC recommends that the Select Board support Article 22, a citizen petition for a provisional pilot project, consistent with any recommendations by the Massachusetts Department of Environmental Protection (DEP) for a urine diversion project with the purpose of gathering sufficient data from a minimum of 50 homes over a minimum three-year period with the express purpose of obtaining DEP approval of urine diversion as an approved innovative/alternative nitrogen reducing technology that can be utilized within the nitrogen sensitive zones designated by the DEP as part of the Town's 14 watershed plans that will be developed concurrently during the pilot period for urine diversion.

**OPEN SESSION**

**BUSINESS**

3. Presentation of petition articles for the April 2024 Annual Town Meeting **(5 minutes each)**

- b. Petition Article 23 – Wayne Lingafelter

# **Select Board Presentation**

Petitioner's Article #23 – Lot 21 FTP

April Town Meeting

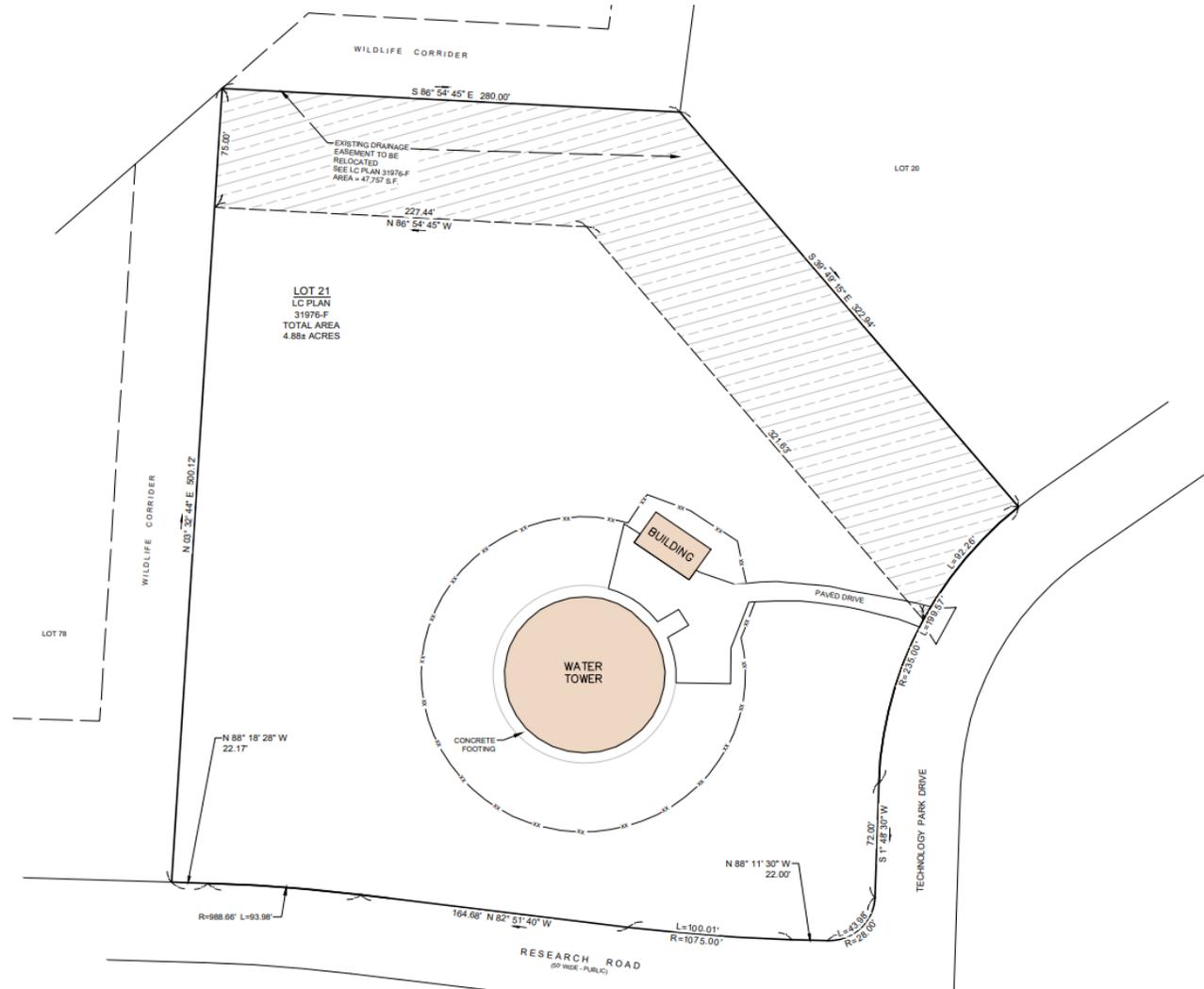
Wayne Lingafelter

Executive Director, Falmouth EDIC

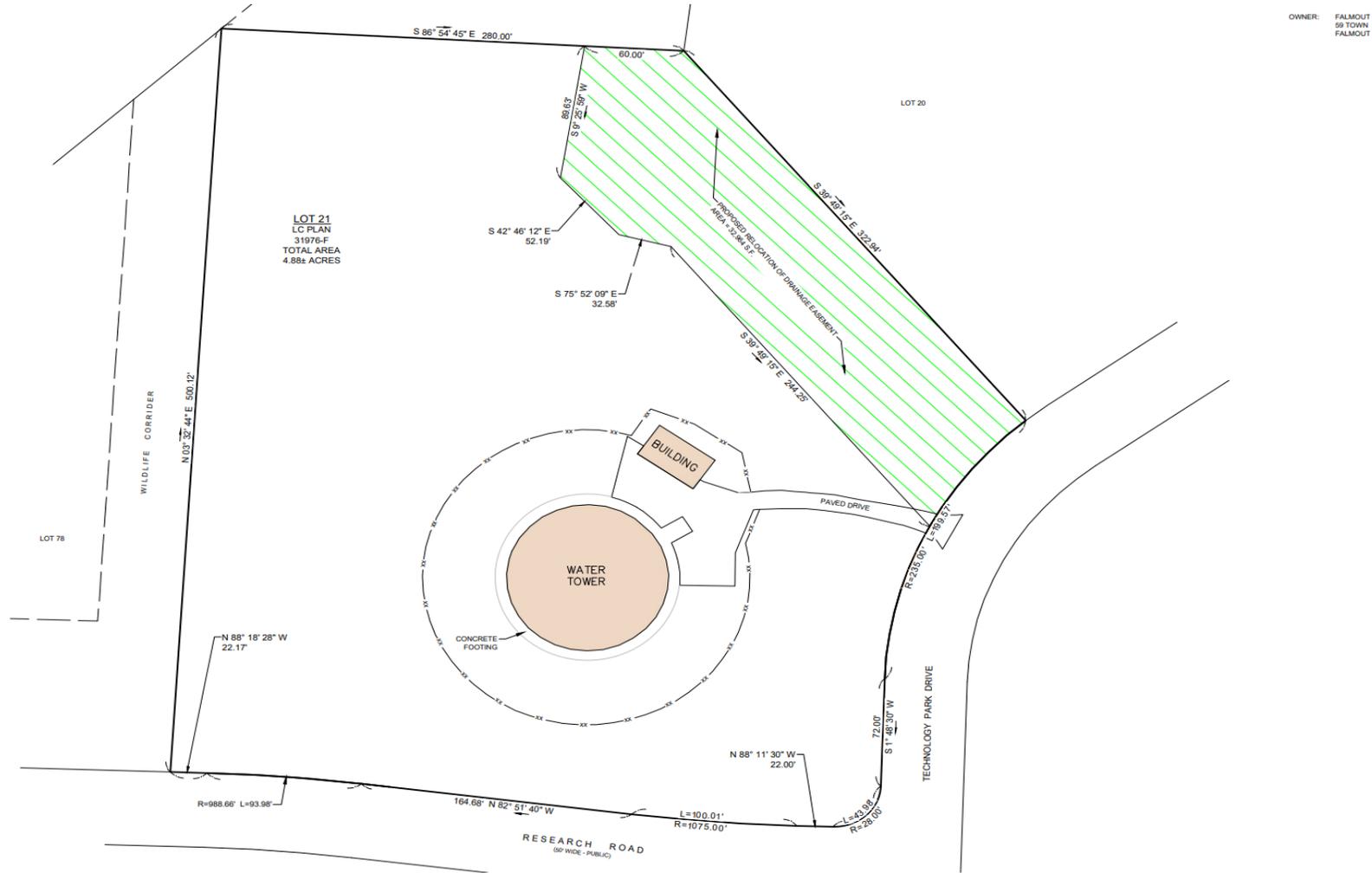
# Article #23 Objective

- The EDIC owns Lot #21 in the Falmouth Technology Park which totals 4.88 acres.
- The Town of Falmouth has an easement on the property for the Town water tank. This current easement is 2.34 acres.
- The objective of the Petitioner's Article is to reconfigure the easements on the parcel to create a buildable lot for future industrial development while securing the water tank and its drainage needs.
- The EDIC has also made application for a ANR plan which will subdivide the lot into two parcels.

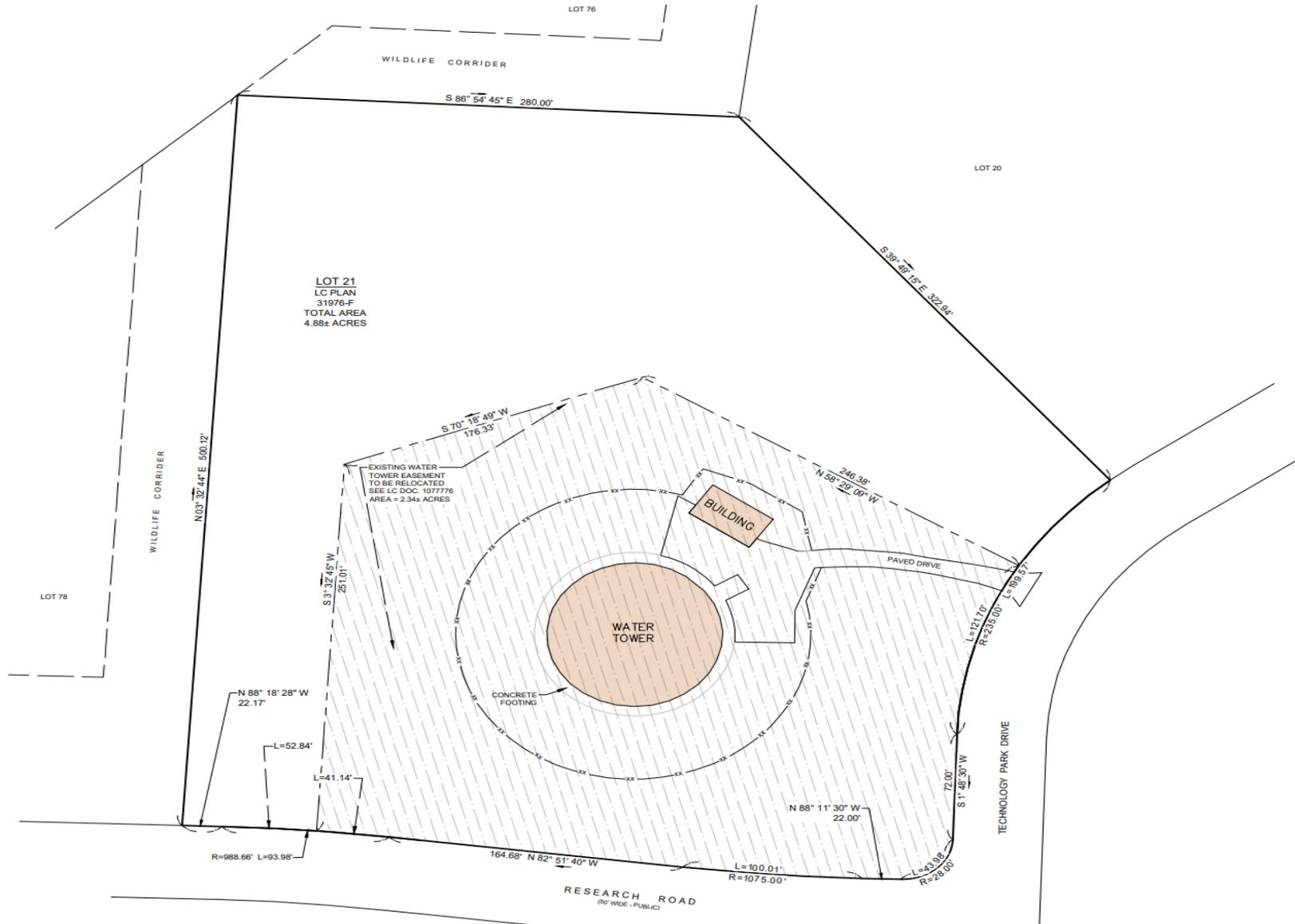
# Existing Drainage Easement – 1.1 acres



# Proposed Drainage Easement - .75 acre



# Existing Water Tower Easement – 2.34 acres



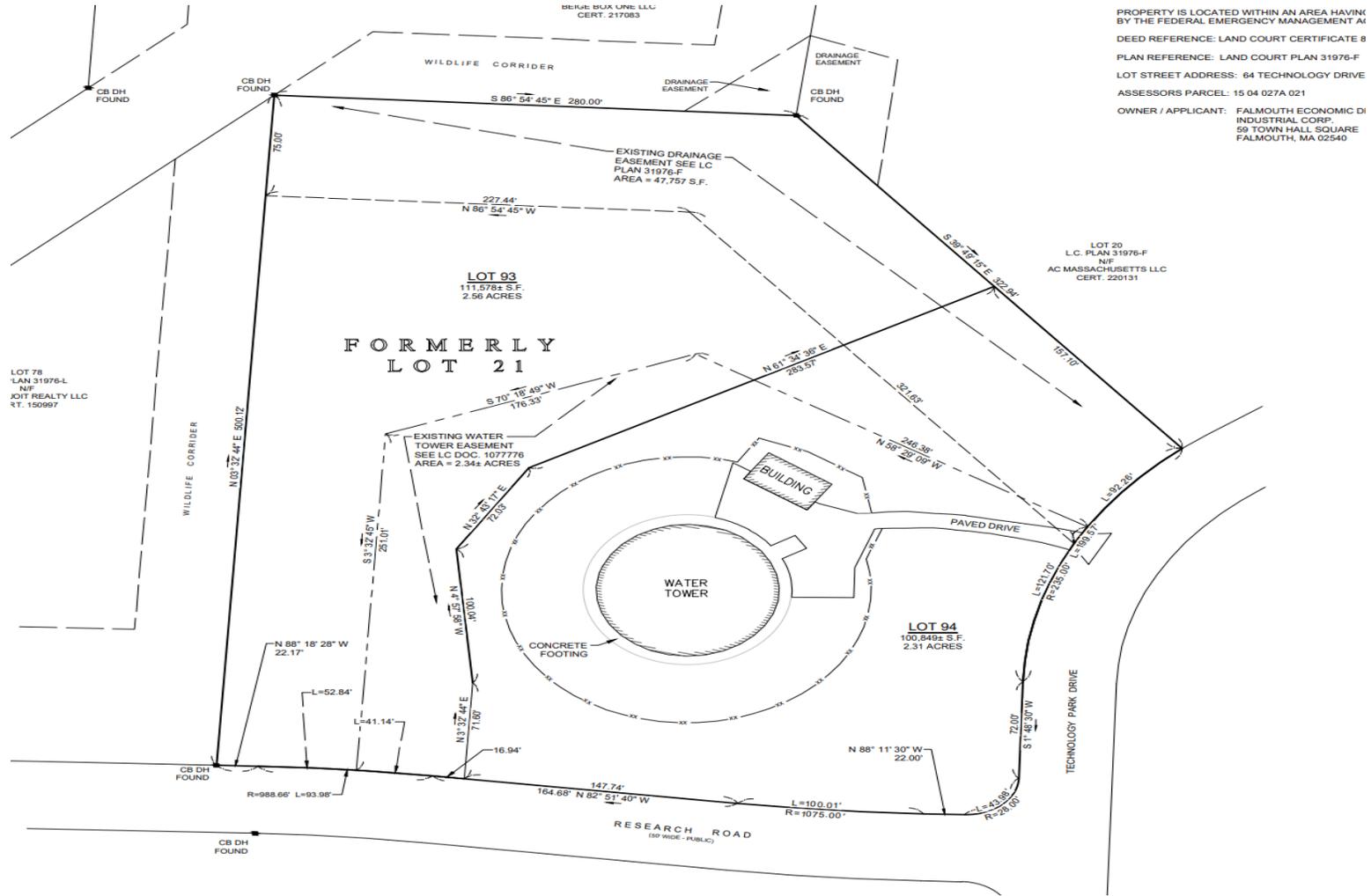




# **Summary – Easement Reconfigurations of Lot #21**

- The Town will benefit from a dedicated and titled drainage easement plan.
- DPW has reviewed and approved the reshaped Water Tower Easement and Drainage Easement.
- The size of the Water Tower Easement is essentially unchanged.
- A buildable land parcel will be created for future industrial development in the Town.
- The EDIC will have a marketable parcel of property.
- Proposed revisions will be submitted to Planning Board for ANR plan approval.

# Final ANR Plan Submittal



**OPEN SESSION**

**BUSINESS**

4. Discuss disposal of surplus firearms **(15 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 4.

**ITEM TITLE:** Discuss disposal of surplus firearms

**MEETING DATE:** 2/12/2024

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

**SUBMITTED BY:** Maura O'Keefe, Town Counsel

**ATTACHMENTS:** None

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### PURPOSE:

The purpose of this submission is to support the ongoing discussion of the disposal of surplus firearms.

### BACKGROUND/SUMMARY:

- In an effort to balance the desire of members of the public to destroy surplus firearms against the fiduciary duty that the Select Board and Town Manager owe the Town in their administration of municipal funds, the Select Board seeks information about how to carry out their obligations.
  
- If members of the public wish to counterbalance the financial loss to the Town caused by the destruction of municipally owned goods, the public could donate funds for this purpose.

- Consultation with the Finance Department to determine the appropriate method for donation, whether as a gift or to a revolving account for example, is recommended.
  
- It is important to note that:
  - the Select Board may not directly solicit private funds for the purpose of offsetting the loss of municipal funds, and
  
  - the Select Board is under no obligation to destroy municipal property even if members of the public donate funds for this purpose.

**DEPARTMENT RECOMMENDATION:**

If this is an option that the Select Board is interested in further exploring, it is recommended that further dialogue occur between the Town Manager's office, Town Counsel, the Chief of Police, and the Finance Department to further work out the details and bring a formal proposal back to the Board.

**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:**

If this is an option that the Select Board is interested in further exploring, it is recommended that further dialogue occur between the Town Manager's office, Town Counsel, the Chief of Police, and the Finance Department to further work out the details and bring a formal proposal back to the Board.

*Michael Renshaw*

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**Town Manager**

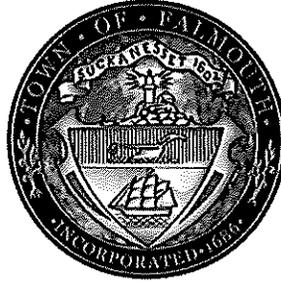
2/8/2024

**Date**

## **OPEN SESSION**

### **BUSINESS**

5. Vote to approve pay classification changes, benefits changes, and 2% Cost of Living Adjustment (for non-union Technical, Administrative, and Management (TAM) positions) **(15 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business #5

**ITEM TITLE:** Benefit, Pay Classification and Cost of Living Adjustment for Non-union Technical Administrative and Management (TAM) Positions

**MEETING DATE:** 2/12/2024

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

**SUBMITTED BY:** Mike Renshaw, Town Manager and Peter Johnson-Staub, Assistant Town Manager

**ATTACHMENTS:** FY2025 Salary Table, Summary of Benefit Changes, TAM Classification Plan, Classification Study – GovHR

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### PURPOSE:

The Select Board will be asked to consider three actions

1. Approval of 2% Cost of Living Adjustment (COLA) Technical Administrative and Management (TAM) positions;
2. Approval of changes to benefits and personnel policies subject to appropriation of funds;
3. Recommend Town Meeting approval of changes to the Town Position Classification Plan for TAM positions and one AFSCME Unit A position;

### BACKGROUND/SUMMARY:

1. Cost of Living Adjustment (COLA) for TAM positions:

- Four of the 9 union contracts are settled for FY2025 to date. All union contracts settled to date include a 2% Cost of Living Adjustment among other changes to compensation and benefits.
- The FY2025 proposed budget includes a 2% COLA for TAM positions.
- In light of the 15% market adjustment adopted for FY2024, the Town Manager is not proposing an additional market adjustment for these positions for FY2025.
- The Board is asked to approve a 2% COLA for TAM positions for FY2025. The proposed salaries for each position and pay grade are identified in the TAM Salary Table.

## 2. Changes to benefits and personnel policies

- It has been many years since the benefits and personnel policies for TAM positions have been updated. The attached Summary of Benefit Changes identifies a number of proposed changes.
- One purpose of these changes is to improve retention by making some modest adjustments to vacation benefits, increasing longevity payments, provision of uniforms for certain positions, and increasing sick leave pay out at retirement.
- A tuition reimbursement benefit has been added to promote professional development.
- There are also changes to policies that reduce accrued benefit liability and reduce staff time required to process benefits.
- The cost of all of these benefit changes is estimated to be approximately \$100,000 (1.7% of base wages) before accounting for any savings in connection with reduced benefit liability and reduced staff time for benefit administration.
- This cost can be funded from the wage settlement article proposed for the April Town Meeting subject.

## 3.A Town Position Classification Plan for TAM positions effective FY2025 - July 1, 2024

- The Town retained a consultant, GovHR, to evaluate all TAM positions and recommend changes to the Position Classification Plan. The purpose of the review, and the Classification Plan generally, is to group positions into pay grades based on:
  - Internal equity
  - Organizational structure
  - Labor market realities
- The review process is designed to be as objective as possible and included:
  - Job assessment questionnaire completed by employees
  - Consultant interviews of employees
  - Initial assignment of positions into pay grades

- Adjustments for organizational structure, labor market and aspects unique to Falmouth based on dialog with management staff
- We acknowledge there is no such thing as a perfect classification plan that achieves all of the organization's objectives perfectly. We do believe the proposed plan is an equitable assignment of pay grades and it represents a modest investment in making wage rates more competitive within budget constraints.
- Of the 57 employees included in TAM, 21 will be placed in a higher pay grade.
- The proposed implementation plan limits the cost of these changes by placing each individual at the step which is closest to, but not less than, their current pay rate. Of those employees whose position is placed at a higher pay grade, most will receive a modest increase of less than 2%. In aggregate, the cost of implementing this plan is estimated to be approximately \$50,000 which represents an increase of 0.8% over base salaries.
- This cost can be funded from the wage settlement article proposed for the April Town Meeting subject.

### 3.B. New Positions

- The proposed TAM classification plan includes these new positions:
  - Deputy Police Chief
  - Senior Project Manager, Wastewater
  - Coastal Resilience Coordinator
  - Assistant Human Resources Director
  - Solid Waste Coordinator (currently part-time)
  - Deputy Finance Director
- The Deputy Finance Director position is a recent addition and has not previously been discussed with the Select Board. We seek to create this position to create some options for succession planning for the Finance Director, Treasurer/Collector, Town Accountant, and Town Assessor positions. This is a novel approach in that we are not proposing that this position be funded on a long-term basis in addition to these existing positions. The intent is to advertise the Finance Director position after Town Meeting, hopefully, approves the new pay classification. If a Finance Director is hired, we would not immediately plan to fill the Deputy Finance Director position. If we are unable to recruit a fully qualified Finance Director, we might fill the Deputy Finance Director instead of the Finance Director position. That individual would take on a portion of the Finance Director duties and be provided with professional development so that she/he might be promoted to the Finance Director position within a year or two at which time the Deputy position would remain vacant.

Another potential use of the Deputy Finance Director position would be to fill it some 6 months before an anticipated retirement in one of the Finance Division Head positions -- Treasurer/Collector, Assessor, Town Accountant. The individual would take on special projects and some of the duties of the retiring Division Head and be well prepared to take over the duties of the Division Head position when the incumbent retires, at which time his/her title would change to the Division Head title and the Deputy Finance Director would be left vacant.

### 3.C. Classification Change for AFSCME A - Electrician

- The Electrician position, which is a union position included in AFSCME Unit A, has been advertised twice and despite offering the top of the pay range we have not attracted qualified candidates. The Board will recall we are seeking to hire a second Electrician to be trained by the incumbent who is retiring in June. We are proposing to change the pay classification from Grade 10 to Grade 12 effective on the date of Town Meeting approval and subject to collective bargaining.

Electrician Current:                   AFSCME A, Grade 10, \$30.34 - \$ 38.38  
Proposed Effective April 2024:       AFSCME A, Grade 12, \$34.73 - \$43.93

### **DEPARTMENT RECOMMENDATION:**

The Town Manager recommends approval of the following *three separate* motions:

- Move to approve a 2% Cost of Living Adjustment (COLA) for Technical Administrative and Management positions for FY2025.
- Move to approve the changes to benefits and personnel policies for Technical Administrative and Management positions as submitted subject to funding appropriation.
- Move to recommend Town Meeting approval of changes to the Town Position Classification Plan for Technical Administrative and Management positions and one AFSCME Unit A position;

**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 approval of the following *three separate* motions:

- Motion to approve a 2% Cost of Living Adjustment (COLA) for Technical Administrative and Management positions for FY2025.
- Motion to approve the changes to benefits and personnel policies for Technical Administrative and Management positions as submitted subject to funding appropriation.
- Motion to recommend Town Meeting approval of changes to the Town Position Classification Plan for Technical Administrative and Management positions and one AFSCME Unit A position;

*Michael Renshaw*

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**Town Manager**

2/9/2024

**Date**

**Town of Falmouth**  
**Technical, Administrative, Management (TAM) Salary Table**  
**Proposed to be Effective 6/30/24 for FY25 Subject to Select Board and Town Meeting Approval**  
**2% COLA + Reclassifications**

GRADE	POSITION TITLE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
<b>M-13</b>	Assistant Town Manager	\$ 64.03	\$ 66.21	\$ 68.46	\$ 70.79	\$ 73.20	\$ 75.69	\$ 78.26	\$ 80.92	\$ 83.67	\$ 86.51
	Director of Public Works										
	Finance Director										
	Town Counsel										
<b>M-12</b>	Deputy Police Chief	\$ 59.58	\$ 61.61	\$ 63.70	\$ 65.87	\$ 68.11	\$ 70.43	\$ 72.82	\$ 75.30	\$ 77.86	\$ 80.51
<b>M-11</b>	Deputy DPW Director	\$ 54.66	\$ 56.52	\$ 58.44	\$ 60.43	\$ 62.48	\$ 64.60	\$ 66.80	\$ 69.07	\$ 71.42	\$ 73.85
	Human Resources Director										
	IT Director										
<b>M-10</b>	Associate Town Counsel	\$ 51.82	\$ 53.58	\$ 55.40	\$ 57.28	\$ 59.23	\$ 61.24	\$ 63.32	\$ 65.47	\$ 67.70	\$ 70.00
	Building Commissioner										
	Collector/Treasurer										
	Library Director										
	Police Captain										
	Town Accountant										
	Town Engineer										
	Wastewater Superintendent										
	Water Superintendent										
<b>M-09</b>	Conservation Administrator	\$ 48.18	\$ 49.82	\$ 51.51	\$ 53.26	\$ 55.07	\$ 56.94	\$ 58.88	\$ 60.88	\$ 62.95	\$ 65.09
	DEI Officer										
	Emergency Communications Director										
	Fleet Services Manager										
	Highway Superintendent										
	Human Services Director										
	Parks/Forestry Superintendent										
	Recreation Director										
	Senior Services Director										
	Town Planner										
<b>M-08</b>	Assistant Library Director	\$ 43.15	\$ 44.62	\$ 46.14	\$ 47.71	\$ 49.33	\$ 51.01	\$ 52.74	\$ 54.53	\$ 56.38	\$ 58.30
	Coastal Resilience Coordinator										
	Housing Coordinator										
	Network Administrator										
	Senior Project Manager - Wastewater										
	Sustainability Coordinator										

Grade	Position Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
<b>M-07</b>	Assistant Human Resources Director	\$ 41.71	\$ 43.13	\$ 44.60	\$ 46.12	\$ 47.69	\$ 49.31	\$ 50.99	\$ 52.72	\$ 54.51	\$ 56.36
	Clinical Social Worker										
	GIS Coordinator										
	IT Systems Analyst										
	Police Social Worker										
<b>M-06</b>	Assistant Town Planner	\$ 39.74	\$ 41.09	\$ 42.49	\$ 43.93	\$ 45.42	\$ 46.96	\$ 48.56	\$ 50.21	\$ 51.92	\$ 53.69
	Business Systems Manager										
	Community Development Planner										
	IT Systems Administrator										
	Outreach Coordinator - Senior Services										
<b>M-05</b>	IT Support Specialist II	\$ 37.87	\$ 39.16	\$ 40.49	\$ 41.87	\$ 43.29	\$ 44.76	\$ 46.28	\$ 47.85	\$ 49.48	\$ 51.16
	Office Manager to the Town Manager and Select Board										
<b>M-04</b>	Administrative Assistant to the Fire Chief	\$ 32.93	\$ 34.05	\$ 35.21	\$ 36.41	\$ 37.65	\$ 38.93	\$ 40.25	\$ 41.62	\$ 43.04	\$ 44.50
	Administrative Assistant to the Police Chief										
	Benefits Administrator										
	Paralegal/Administrative Assistant to Town Counsel's Office										
<b>M-03</b>	Administrative Assistant to the Town Manager	\$ 28.60	\$ 29.57	\$ 30.58	\$ 31.62	\$ 32.70	\$ 33.81	\$ 34.96	\$ 36.15	\$ 37.38	\$ 38.65
	Human Resources Assistant										
	IT Support Specialist I										
<b>M-02</b>		\$ 24.91	\$ 25.76	\$ 26.64	\$ 27.55	\$ 28.49	\$ 29.46	\$ 30.46	\$ 31.50	\$ 32.57	\$ 33.68
<b>M-01</b>		\$ 21.62	\$ 22.36	\$ 23.12	\$ 23.91	\$ 24.72	\$ 25.56	\$ 26.43	\$ 27.33	\$ 28.26	\$ 29.22

**TOWN OF FALMOUTH**  
**SUMMARY OF BENEFIT CHANGES**  
Proposed to be Effective 7/1/24 Subject to Select Board Approval for  
**Technical, Administrative, and Management (T.A.M.) Employees**

A TAM Handbook is being prepared that will comprehensively describe the terms of employment, wages, and benefits for all TAM employees. This document contains a proposed summary of substantial changes to be effective July 1<sup>st</sup>, 2024 in advance of the complete TAM Handbook.

**1. Longevity**

Effective July 1, 2024, the annual longevity payment for eligible regular full-time employees will increase as follows:

<u>Length of Continuous, Full-Time Service</u>	<u>Annual Amount Effective 1/1/14</u>	<u>Annual Amount Effective 7/1/24</u>
After 5 years, but not over 10 years	\$300	\$300
After 10 years, but not over 15 years	\$350	\$500
After 15 years, but not over 20 years	\$400	\$750
After 20 years	\$500	\$1,000
After 25 years	\$600	

The annual longevity payments above will be paid in full in the first paycheck of December each year, and employees will be eligible for the payment if they have completed at least five (5) years of full-time service as of November 30<sup>th</sup> of that year. No additional longevity payments will be made outside of the first paycheck of December.

Effective July 1<sup>st</sup>, 2024, the Town will no longer offer to contribute \$1.54 per pay period (\$40 per year) to eligible employees' Town 457(b) plans and will no longer offer to roll the annual longevity payment of those employees into their 457(b) account. However, employees may continue to change their 457(b) contribution amount at any time, and the change will take effect in the month following the business day that the change request is received. For example, if the change request is received on any business day during the month of May, the change will take effect in a June paycheck.

**2. Vacation Accrual**

Regular full-time employees shall earn and accrue vacation as follows:

<u>Original</u>	<u>Effective 7/1/25 (FY26)</u>
1 week after 6 months of service	1 week after 6 months of service
1 week after 1 year of service	1 week after 1 year of service
3 weeks after 5 years of service	3 weeks after 5 years of service
4 weeks after 10 years of service	3 weeks + 1 day after 6 years of service
4 weeks + 1 day after 16 years of service	3 weeks + 2 days after 7 years of service
4 weeks + 2 days after 17 years of service	3 weeks + 3 days after 8 years of service
4 weeks + 3 days after 18 years of service	3 weeks + 4 days after 9 years of service
4 weeks + 4 days after 19 years of service	4 weeks after 10 years of service

5 weeks after 20 years of service

4 weeks + 1 day after 16 years of service

4 weeks + 2 days after 17 years of service

4 weeks + 3 days after 18 years of service

4 weeks + 4 days after 19 years of service

5 weeks after 20 years of service

Effective no later than July 1, 2024, there will be a standard method for submitting vacation requests to the employee's supervisor with a copy to Human Resources. Vacation leaves of more than two (2) continuous weeks (or ten consecutive workdays) require Town Manager approval and may only be approved in an extenuating circumstance.

Employees must work or be out on approved paid leave (vacation, sick, personal, or comp time) for at least 10 business days in order to earn a vacation accrual for that month.

Employees will not be permitted to take vacation as paid leave after the employee's final day actually worked. Any vacation balance remaining after the employee's final day performing their duties shall be paid as compensation.

### **3. Annual Vacation Buyback**

TAM employees who experienced an extenuating circumstance that prevented their use of vacation time may explain such circumstance in a written request to buy back up to one (1) week of vacation time in the final paycheck of the fiscal year. Such a request must first be approved by the employee's Department Head. Final authorization must be given by the Town Manager and documentation provided to Human Resources.

### **3. Sick Leave Accrual**

Effective July 1<sup>st</sup>, 2024, TAM members of the Senior Management Team\* and all non-union employees hired on or after July 1<sup>st</sup>, 2024 shall accrue one (1) day of sick leave per month, which equates to twelve (12) sick days per year. All other employees hired prior to July 1<sup>st</sup>, 2024 shall continue to accrue one and one-quarter (1 ¼) days of sick leave per month, which equates to fifteen (15) days of sick leave per year.

\*Assistant Town Manager, Town Counsel, DPW Director, Finance Director, Human Resources Director, and IT Director.

Employees must work or be out on approved paid leave (vacation, sick, personal, or comp time) for at least 10 business days in order to earn a sick accrual for that month.

### **4. Family Sick Leave**

An employee may use up to five (5) days of his/her accrued sick time per fiscal year to care for a sick member of his/her immediate family defined as spouse, child, parent, or any family member who lives in the employee's household.

If an employee is on an approved FMLA leave to care for an eligible family member, he/she may first use family sick leave until he/she has reached his/her fiscal year maximum of five (5) days.

Upon exhaustion of eligible family sick time, the employee may use vacation, comp, and personal time. If the employee has exhausted their family sick time limit and his/her vacation, comp, and personal time accruals, then the employee may use regular sick time for the remainder of the approved FMLA leave to care for an eligible family member.

### **5. Sick Leave Payout at Retirement**

For those active employees who provide written notice of their superannuation retirement to the Human Resources Director at least thirty (30) days in advance, the Town will pay the employee 25% of the unused sick leave that he/she earned during his/her service on a per-day basis, provided that he/she has not used more than 50% of the sick leave he/she earned during employment with the Town. This payment shall not exceed \$2,000.00, and the rate of pay will be the employee's hourly rate as of his/her last day worked. If the employee used more than 50% of his/her sick leave that was earned during his/her employment, then he/she shall not be entitled to any payment.

For those active employees who provide written notice of their superannuation retirement to the Human Resources Director at least 120 days in advance, the Town will pay the employee 25% of the unused sick leave that he/she earned during his/her service on a per-day basis, provided that he/she has not used more than 50% of the sick leave that he/she earned during employment with the Town. This payment shall not exceed \$5,000.00, and the rate of pay will be the employee's hourly rate as of his/her last day worked. If the employee used more than 50% of his/her sick leave that was earned during his/her employment, then he/she shall not be entitled to any payment.

### **6. Tuition Reimbursement**

Full-time TAM employees who have been employed by the Town for at least one year may be reimbursed for courses completed satisfactorily that lead to a degree or specialty certificate at an accredited college or university at the discretion of the employee's Department Head and Human Resources Director and subject to available funding. The coursework must be directly related to the employee's current position or the employee's future career-related goals within the Town of Falmouth, and the employee must receive documented approval from his/her Department Head and the Human Resources Director prior to registering for the course.

If the employee's course has been approved, and he/she provides documentation of a grade of C or better, tuition will be reimbursed at 50% of the documented cost, to a maximum of \$2,000 per fiscal year per employee. Reimbursement shall be for tuition, books, and registration fees.

All reimbursements are subject to available funding by the Town. Each year, a budgetary limit will be established. An employee's participation is based upon the timing of the submission of the request on a first-come, first-served basis.

Should an employee voluntarily terminate their employment, the employee will be required to repay the Town 50% of any reimbursement received within the three years preceding the termination date.

### **7. Safety Shoes**

The following positions will be provided the safety shoes that they are required to wear in the field:

Building Commissioner  
Public Works Director  
Deputy DPW Director  
Fleet Services  
Highway Superintendent  
Parks and Forestry Superintendent  
Town Engineer  
Wastewater Superintendent  
Water Superintendent

The specific shoe and cost are subject to the approval of the Department Head. It is preferred that employees in these positions obtain their safety shoes from the annual Boot Truck or that the Town directly orders the shoes for the employees. However, with prior approval from their Department Head, they may be reimbursed for the purchase of eligible safety shoes after submitting a reimbursement request and the original receipt.

### **8. Uniform Reimbursement**

The Town will provide the uniforms required for the following positions:

Building Commissioner  
Business Systems Manager  
Deputy DPW Director  
Deputy Police Chief  
Fleet Services  
Highway Superintendent  
Parks and Forestry Superintendent  
Police Captains  
Public Works Director  
Town Engineer  
Wastewater Superintendent  
Water Superintendent

### **9. Overtime**

#### *Non-Exempt Positions:*

It is expected that non-exempt/hourly employees will routinely be able to complete their duties without working in excess of their regularly scheduled 37.5 or 40 hours per work week. Any overtime must be for a specific purpose and be authorized by the employee's Department Head prior to the actual performance of the work. Department Heads should consider their available budget prior to authorizing any overtime work. If the employee's Department Head does provide advance authorization for him/her to work more than the regularly scheduled 37.5 or 40 hours in a work week to complete a specific assignment, the Department Head and the employee may

mutually agree to compensate the employee with compensatory (comp) time instead of monetary compensation.

Overtime will be paid at the following rates:

Between 37.5 and 40 Hours for an Employee with a Regular Workweek of 37.5 Hours:

The hours worked between 37.5 and 40 in a work week are compensated at straight time (the employee's base hourly rate for monetary compensation or an hour earned for each hour worked for a comp time accrual). The hours worked are to be recorded in 15-minute (0.25 hour) increments.

Over 40 Hours:

The hours worked in excess of 40 hours in a workweek are compensated at time and a half (1.5 times the base hourly rate for monetary compensation or 1.5 hours earned for each hour worked for a comp time accrual). The hours worked are to be recorded in 15-minute (0.25 hour) increments.

The employee must have worked or have paid time for their entire regularly scheduled workweek in order to qualify for overtime pay. Any unpaid time during the regularly scheduled workweek will offset any overtime worked.

Comp time must be used within the same fiscal year in which it is earned and may not be carried over from one fiscal year to the next. However, comp time earned between June 1<sup>st</sup> and June 30<sup>th</sup> may be carried into the next fiscal year with Department Head approval and if authorized by the Town Manager.

Exempt Positions:

Exempt/salaried positions are exempt from earning overtime and/or compensatory (comp) time. However, employees in these positions may adjust their schedule due to after-hours meetings or other requirements with their Department Head's approval. Department Heads should notify the Town Manager's Office if their schedule adjustment will result in their absence for a significant portion of the standard workday.

Town of Falmouth, MA

TAM Positions - Table 1 - Comprehensive Table

Position:	Current Grade	Current Grade with New Numbering	Proposed New Grade
Assistant Town Manager	M-11	M-12	<b>M-13</b>
Director of Public Works	M-11	M-12	<b>M-13</b>
Finance Director	M-11	M-12	<b>M-13</b>
Town Counsel*	M-12	M-13	<b>M-13</b>
Deputy Police Chief*	M-11	M-12	<b>M-12</b>
Deputy DPW Director*	M-10A	M-11	<b>M-11</b>
Human Resources Director	M-9	M-9	<b>M-11</b>
IT Director	M-10	M-10	<b>M-11</b>
<i>*Due to the renumbering of former Grade 10A to Grade 11, these positions are in a new grade but were not reclassified.</i>			
Associate Town Counsel	M-10	M-10	<b>M-10</b>
Building Commissioner	M-9	M-9	<b>M-10</b>
Collector/Treasurer	M-9	M-9	<b>M-10</b>
Deputy Finance Director	NA	NA	<b>M-10</b>
Library Director	M-10	M-10	<b>M-10</b>
Police Captain	M-10	M-10	<b>M-10</b>
Town Accountant	M-9	M-9	<b>M-10</b>
Town Engineer	M-10	M-10	<b>M-10</b>
Wastewater Superintendent	M-10	M-10	<b>M-10</b>
Water Superintendent	M-10	M-10	<b>M-10</b>
Conservation Administrator	M-8	M-8	<b>M-9</b>
DEI Officer	M-9	M-9	<b>M-9</b>
Emergency Communications Director	M-7	M-7	<b>M-9</b>
Fleet Services Manager	M-8	M-8	<b>M-9</b>
Highway Superintendent	M-9	M-9	<b>M-9</b>
Human Services Director	M-9	M-9	<b>M-9</b>
Parks/Forestry Superintendent	M-9	M-9	<b>M-9</b>
Recreation Director	M-8	M-8	<b>M-9</b>
Senior Services Director	M-8	M-8	<b>M-9</b>
Town Planner	M-9	M-9	<b>M-9</b>
Assistant Library Director	M-8	M-8	<b>M-8</b>
Coastal Resilience Coordinator	M-8	M-8	<b>M-8</b>
Housing Coordinator	M-6	M-6	<b>M-8</b>
Network Administrator	M-7	M-7	<b>M-8</b>
Senior Project Manager - Wastewater	M-8	M-8	<b>M-8</b>
Sustainability Coordinator	M-8	M-8	<b>M-8</b>
Assistant Human Resources Director	M-7	M-7	<b>M-7</b>
Clinical Social Workers (including Police Social Workers)	M-6	M-6	<b>M-7</b>
GIS Coordinator	M-6	M-6	<b>M-7</b>
IT Systems Analyst	M-6	M-6	<b>M-7</b>

Town of Falmouth, MA

TAM Positions - Table 1 - Comprehensive Table

Position:	Current Grade	Current Grade with New Numbering	Proposed New Grade
Assistant Town Planner	M-6	M-6	<b>M-6</b>
Business Systems Manager	M-6	M-6	<b>M-6</b>
Community Development Planner	M-6	M-6	<b>M-6</b>
IT Systems Administrator	M-6	M-6	<b>M-6</b>
Outreach Coordinator - Senior Services	M-4	M-4	<b>M-6</b>
IT Support Specialist II	M-5	M-5	<b>M-5</b>
Office Manager to the Town Manager and Select Board	M-4	M-4	<b>M-5</b>
Administrative Assistant to the Fire Chief	M-3A	M-3A	<b>M-4</b>
Administrative Assistant to the Police Chief	M-3A	M-3A	<b>M-4</b>
Benefits Administrator	M-3	M-3	<b>M-4</b>
Paralegal and Administrative Assistant to Town Counsel's Office	M-4	M-4	<b>M-4</b>
Administrative Assistant to the Town Manager	M-3	M-3	<b>M-3</b>
Human Resources Assistant	M-2	M-2	<b>M-3</b>
IT Support Specialist I	M-3	M-3	<b>M-3</b>
Solid Waste Coordinator	NA	NA	<b>M-3</b>
<i>No Positions in Grade</i>	M-2	M-2	<b>M-2</b>
<i>No Positions in Grade</i>	M-1	M-1	<b>M-1</b>



**Town of Falmouth**  
**CLASSIFICATION STUDY**  
**FOR TECHNICAL, ADMINISTRATIVE, MANAGEMENT**  
**(TAM) POSITIONS**

**DRAFT FINAL REPORT**

**January 2024**



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Table 1: Classification Plan

Appendix A: Job Analysis Questionnaire

## I. INTRODUCTION

GovHR USA, LLC (GovHR) is pleased to have had the opportunity to work with the Town of Falmouth on this Classification Study for its Technical, Administrative, and Management (TAM) positions. GovHR previously assisted the Town with a Compensation Study, and this Classification Study is a significant component that supports and concludes the full Study.

Human resource management is a significant concern as governmental services continue to increase in cost and complexity, and the resources to fund local governments are constrained. Day-to-day operations present challenging administrative problems in planning, organizing, and directing human resource functions in order to achieve maximum efficiency and effectiveness in the delivery of municipal services. A properly developed and administered Classification Plan forms the foundation for meeting these challenges. It helps to ensure that the Town can not only recruit the best and brightest employees but can also retain those employees, even in a competitive marketplace. By retaining qualified, experienced employees the Town avoids the costs of re-recruitments and lost productivity, while maximizing the benefits of the investments it has made in employees and the institutional and community knowledge acquired by those employees over their tenures.

GovHR understands the high expectations that have been established in Falmouth for service delivery and competitiveness in recruiting and retaining excellent employees. These factors have been taken into consideration in the analysis and reflected in the Study results. The scope of work called for GovHR to carry out the following:

### **Job Evaluation Analysis and Job Classification System**

Below is a list of tasks included in this component of the Study (listed in the order that the work was performed):

- **Study preparation and project meetings.** Met with Town Administration to discuss Study methods and expectations, and to review the current Classification and Compensation Plan and organizational structure. Determined problem areas, answered questions, and reviewed the scope and schedule of work.
- **Material distribution.** Prepared a presentation of explanation, which was distributed to employees. Held meetings with employees to discuss the Job Analysis Questionnaire (JAQ) and to explain the scope and purpose of the Study. Employees were allowed about ten (10) days to complete the questionnaire. The completed questionnaires were then reviewed by each employee's Supervisor and/or Department Head and Town Administration. The JAQs were returned to GovHR within approximately three (3) weeks of distribution.

- **Job Evaluation Analysis and Establishment of a Classification Plan.** Upon return of the JAQs by the Town, GovHR performed the following:
  - Read each JAQ and corresponding Job Description in its entirety.
  - Conducted virtual interviews with at least one (1) employee in each position covered by the Study to further understand the scope of duties and responsibilities of the position.
  - Applied a measurement system of Job Evaluation Factors to all positions, which formed the basis for internal rankings (equity) of positions.
  - Upon completion of the Job Evaluation measurements, a new Classification Plan was developed. The measurement system is a management tool used for developing initial recommendations and GovHR does not recommend that these scores be distributed.
  - Other factors such as organizational structure, current labor market and aspects unique to the Town were also taken into consideration during the process.

#### **Draft and Final Report Preparation**

- A preliminary analysis of the data and recommended Classification Plan was shared with the Town. Feedback from Town Administration was reviewed and incorporated into the recommendations.
- This draft report has been prepared by GovHR and sent electronically to the Town.

## II. JOB EVALUATION

The Study developed a new Classification Plan for fifty (50) TAM positions in the Town. To complete this task, the Consultant completed a Job Evaluation. The Job Evaluation included the completion of a questionnaire by all employees covered in the Study and interviews with at least one (1) employee working in each position covered by the Study (see Appendix A). Upon the completion of those tasks, the Consultants assigned a numerical value to each position so that like positions within the organization would be grouped together in a classification to produce an internal equity hierarchy.

GovHR's approach to Job Evaluation involves a quantitative point and factor comparison method, which cross-compares all positions in the organization against numerous factors such as educational requirements, experience, work conditions, etc. Therefore, all jobs in each organizational unit (e.g., Administration, Police, Finance, etc.) may be compared against each other, based upon the same factors.

In conducting the Job Evaluation exercise, it must be emphasized that the position, and not the incumbent's qualifications, performance, or years of service in the position, is evaluated. An incumbent employee may feel they should be placed in a higher level (i.e., receive more points) because the individual performs well, has a long tenure with the organization, and/or has additional education or skills not required to perform that job, or may feel they do more tasks than a similar employee in another Department, but these are not valid determinants for a position.

Before reviewing the results of the evaluation of the positions, it is important to note that the purpose of a Job Evaluation is to identify whether a job is more or less advanced than, or equal to, other jobs in the organization, based on nine (9) objective factors. While these factor definitions are guidelines, they are constructed to allow limited flexibility of interpretation while at the same time providing a strict framework and structure for comparison. The nine (9) factors used for the evaluation of Falmouth's positions are as follows:

- 1) Preparation and Training
- 2) Experience Required
- 3) Decision Making and Independent Judgment
- 4) Responsibility for Policy Development
- 5) Planning of Work
- 6) Contact with Others
- 7) Work of Others (Supervision Exercised)

- 8) Working Conditions
- 9) Use of Technology/Specialized Equipment

As part of the Job Evaluation process, the duties, responsibilities, and qualification requirements for each position were reviewed via a thorough reading of the incumbent's current job description and a Job Analysis Questionnaire (JAQ) completed by each employee (Appendix A). In addition, GovHR conducted interviews with at least one (1) employee in each of the positions covered by the Study. Points were then assigned to each factor by selecting the description that best fit the appropriate level of compliance. In other words, a position that requires a master's degree would receive more points under the "Preparation and Training" factor than positions that did not require this advanced degree. Points for each factor were then totaled for each position. Using this method, the positions were found to fall into distinguishable Job Factor Analysis (JFA) scores.

It should be noted that individual position scores are an internal management tool. The scores are not shared or disclosed to individual positions. Instead, they are an internal management tool that allows human resources to effectively score new positions or current positions and place them appropriately into the Classification Plan. Lastly, during the classification process, other factors such as organizational structure, current labor market and aspects unique to the Town were also taken into consideration.

Table 1 contains the Classification Plan, including the proposed New Grade for the evaluated positions.

### **III. THE CLASSIFICATION PLAN**

A Classification Plan provides for a systematic arrangement of positions into classifications. A position, often referred to as a job (e.g., Administrative Assistant), contains a specific set of duties and responsibilities and that is the objective of the classification process – not the person currently holding that job. A classification is a grouping of positions which have similar levels of knowledge, skills and abilities needed to perform the job. The positions are also similar in nature of work, level of work difficulty and responsibilities. Positions allocated to the same classification are sufficiently similar with respect to the types of factors enumerated above to permit them to be compensated at the same general level of pay. The positions do not have to be identical, they can be in different departments, dealing with different subject matters and performing different duties.

It is this arrangement of positions and resulting classification structure that forms the basis for the Classification Plan. As noted in the previous section, a Job Evaluation and Classification Plan is not intended to assess individual performance. To that end, a position that belongs in a certain classification is not entitled to be placed in a higher classification simply because the individual performs with a high degree of success and efficiency, nor is it placed in a lower classification simply because the incumbent performs with low competence or productivity. Variations in individual performance are not recognized by differences in classifications, instead they are management issues. Similarly, there is a tendency in some work forces to use the Classification Plan to reward longevity, even though the duties and responsibilities of individual positions may not have changed over time. Longevity is not a classification factor and the Classification Plan should not be used in this manner.

As an assessment of duties performed and of responsibilities exercised, a Classification Plan is an exceedingly useful managerial tool. It provides the fundamental rationale for the Compensation Plan and helps management identify positions which have taken on (or in some cases reduced) duties and responsibilities. Through proper maintenance of the Classification Plan, employees are assured of management's continuing concern about the nature of work that they carry out and its reward in the form of appropriate pay levels and relationships. The Classification Plan also provides the basis for recruitment, screening, and selection of employees in direct relationship to job content. Promotional ladders as well as opportunities for lateral career development are also evidenced by the logical grouping of allied occupational classifications and hierarchies.

#### **IV. Classification Plan Recommendations**

The Classification Plan for the TAM positions consist of 13 Grades. M-1 through M-13. Each of the fifty (50) positions that were reviewed as part of the process fell into one (1) of the thirteen (13) grades. Table 1 shows each position, along with the Skill Level, Current Grade, and New Grade.

**Note:** The original Classification Plan consisted of 12 Grades (1, 2, 3, 3A, 4, 5, 6, 7, 8, 9, 10, 10A, 11, and 12). Grade 3A was removed and Grade 10A was renamed Grade 11. Grade 11 was subsequently renamed Grade 12, and Grade 12 renamed as 13.

## **Future Administration of the Classification Plan**

The administration of a Classification Plan is an ongoing process. It must be recognized that it is not static and is not intended to affix positions permanently into classifications. Instead, the Plan must be administered continually to adapt it to changing conditions.

Three (3) specific types of changes in the Plan itself are possible: abolition of a position, creation of a position, or a revision of a position.

- 1) When a position in a classification is eliminated or when a position has significantly changed work duties and responsibilities to the extent that the position becomes inappropriate or inaccurate, the position should be abolished.
- 2) New positions should be created when new work situations arise that are not covered by the established positions. However, caution should be exercised in this respect, particularly to assure that new positions are justified, are not merely duplicating established positions, cannot be accommodated through changes in existing positions, and reflect substantially permanent rather than temporary situations.
- 3) The adjustment or revision of a position should be done when there are substantial changes to the requirements of the position or to the nature and complexities of the duties being performed. In this instance, a position may need to be re-scored and move up or down into a new classification.

All changes should be thoroughly evaluated for their effect on the integrity of the classification relationships established in the Classification and Compensation Plan. Town Administration has been provided with the Job Analysis Questionnaire as well as the Job Factor Scoring Sheet, enabling the Town to grade a newly created or revised position. GovHR provides scoring assistance in such cases free of charge for one (1) year after the delivery of this report.

## **Appreciation**

GovHR has appreciated the opportunity to work with the Town of Falmouth on this Classification and Compensation Study. A special thank you to the employees for all of the information provided to allow for the analysis and to the Town Administration for the significant amount of work and support dedicated to the project.

Town of Falmouth, MA  
TAM Positions - Table 1 - Comprehensive Table

Position:	Current Grade	Current Grade with New Numbering	Proposed New Grade
Assistant Town Manager	M-11	M-12	<b>M-13</b>
Director of Public Works	M-11	M-12	<b>M-13</b>
Finance Director	M-11	M-12	<b>M-13</b>
Town Counsel*	M-12	M-13	<b>M-13</b>
Deputy Police Chief*	M-11	M-12	<b>M-12</b>
Deputy DPW Director*	M-10A	M-11	<b>M-11</b>
Human Resources Director	M-9	M-9	<b>M-11</b>
IT Director	M-10	M-10	<b>M-11</b>
<i>*Due to the renumbering of former Grade 10A to Grade 11, these positions are in a new grade but were not reclassified.</i>			
Associate Town Counsel	M-10	M-10	<b>M-10</b>
Building Commissioner	M-9	M-9	<b>M-10</b>
Collector/Treasurer	M-9	M-9	<b>M-10</b>
Library Director	M-10	M-10	<b>M-10</b>
Police Captain	M-10	M-10	<b>M-10</b>
Town Accountant	M-9	M-9	<b>M-10</b>
Town Engineer	M-10	M-10	<b>M-10</b>
Wastewater Superintendent	M-10	M-10	<b>M-10</b>
Water Superintendent	M-10	M-10	<b>M-10</b>
Conservation Administrator	M-8	M-8	<b>M-9</b>
DEI Officer	M-9	M-9	<b>M-9</b>
Emergency Communications Director	M-7	M-7	<b>M-9</b>
Fleet Services Manager	M-8	M-8	<b>M-9</b>
Highway Superintendent	M-9	M-9	<b>M-9</b>
Human Services Director	M-9	M-9	<b>M-9</b>
Parks/Forestry Superintendent	M-9	M-9	<b>M-9</b>
Recreation Director	M-8	M-8	<b>M-9</b>
Senior Services Director	M-8	M-8	<b>M-9</b>
Town Planner	M-9	M-9	<b>M-9</b>
Assistant Library Director	M-8	M-8	<b>M-8</b>
Coastal Resilience Coordinator	M-8	M-8	<b>M-8</b>
Housing Coordinator	M-6	M-6	<b>M-8</b>
Network Administrator	M-7	M-7	<b>M-8</b>
Senior Project Manager - Wastewater	M-8	M-8	<b>M-8</b>
Sustainability Coordinator	M-8	M-8	<b>M-8</b>
Assistant Human Resources Director	M-7	M-7	<b>M-7</b>
Clinical Social Workers (including Police Social Workers)	M-6	M-6	<b>M-7</b>
GIS Coordinator	M-6	M-6	<b>M-7</b>
IT Systems Analyst	M-6	M-6	<b>M-7</b>
Assistant Town Planner	M-6	M-6	<b>M-6</b>
Business Systems Manager	M-6	M-6	<b>M-6</b>
Community Development Planner	M-6	M-6	<b>M-6</b>
IT Systems Administrator	M-6	M-6	<b>M-6</b>
Outreach Coordinator - Senior Services	M-4	M-4	<b>M-6</b>
IT Support Specialist II	M-5	M-5	<b>M-5</b>
Office Manager to the Town Manager and Select Board	M-4	M-4	<b>M-5</b>

Position:	Current Grade	Current Grade with New Numbering	Proposed New Grade
Administrative Assistant to the Fire Chief	M-3A	M-3A	<b>M-4</b>
Administrative Assistant to the Police Chief	M-3A	M-3A	<b>M-4</b>
Benefits Administrator	M-3	M-3	<b>M-4</b>
Paralegal and Administrative Assistant to Town Counsel's Office	M-4	M-4	<b>M-4</b>
Administrative Assistant to the Town Manager	M-3	M-3	<b>M-3</b>
Human Resources Assistant	M-2	M-2	<b>M-3</b>
IT Support Specialist I	M-3	M-3	<b>M-3</b>
<i>No Positions in Grade</i>	M-2	M-2	<b>M-2</b>
<i>No Positions in Grade</i>	M-1	M-1	<b>M-1</b>

# APPENDIX A



## EMPLOYEE JOB ANALYSIS QUESTIONNAIRE (JAQ)

Falmouth, MA

NAME:	DATE:
YEARS OF EXPERIENCE WITH EMPLOYER:	JOB TITLE:
YEARS OF EXPERIENCE ON THIS JOB:	YOUR JOB IS: FULL TIME <input type="checkbox"/> PART TIME <input type="checkbox"/>
YOUR YEARS OF EXPERIENCE IN THIS FIELD:	YOUR EDUCATION: <input type="checkbox"/> High Sch. <input type="checkbox"/> Assoc. Deg. <input type="checkbox"/> Bach. Deg. <input type="checkbox"/> Mas. Deg.
NAME OF IMMEDIATE SUPERVISOR:	HIS/HER TITLE:

### INSTRUCTIONS

The purpose of this questionnaire is to obtain additional information about your job that may not be included in your current job description. Please answer each question thoughtfully and frankly. After you have finished your portion of the questionnaire, give it to your immediate supervisor, who will complete his/her section.

**General Summary:** In three or four sentences, please summarize the major purpose or primary function of your job.

Please indicate if you have reviewed your current job description.

If you have any changes to your current job description, please mark them on the JD and attach it to this JAQ, or indicate changes here:

If you do not have a job description available to review, please list your job duties. Try to place your duties in order of importance and group "like" tasks together (e.g., "clerical duties including word processing, opening mail, filing, etc." or "front desk responsibilities including greeting visitors, answering telephones and routing calls, etc."). Job duties:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

Feel free to add more numbers/duties if necessary.

---

**FACTOR 1. Education & Training:** In your opinion, what kind of education and training is necessary to perform your job?

- LEVEL 1: Level of knowledge that is below what is normally attained through high school graduation.
- LEVEL 2: High school diploma (GED) or equivalent.
- LEVEL 3: High school, plus elementary technical training, acquired on the job or through one year or less of technical or business school.
- LEVEL 4: Extensive technical or specialized training such as would be acquired by an Associate's Degree or two years of technical or business school.
- LEVEL 5: Completion of four-year college degree program.
- LEVEL 6: Additional professional level of education beyond a four-year college program, such as a CPA or Professional Engineer (P.E.) training.
- LEVEL 7: Completion of graduate coursework equal to a Master's Degree or higher.

What specific degree/coursework is NECESSARY?

What specific degree/coursework is PREFERRED?

If a specific certificate or license is mandated by an outside agency to perform your duties, name the certificate or license:

What special skills, knowledge, and abilities are required to perform your job? Please list:

---

**FACTOR 2. Years of Experience:** How much previous work experience do you feel is necessary to perform your job?

- LEVEL 1:                      LEVEL 2:                      LEVEL 3:                      LEVEL 4:                      LEVEL 5:
- Less Than 1 Year     1 to 3 Years     4 to 6 Years     7 to 10 Years     More than 10 Years

What is the minimum number of years required?

What specific experience is necessary?

---

**FACTOR 3. Independent Judgment and Decision Making**

**Part 1:** How much discretion do you have in making decisions with or without the input or direction of your supervisor?

- LITTLE: Little discretion or independent judgment exercised.
- SOME: Some discretion or judgment exercised, but supervisor is normally available.
- OFTEN: Job often requires making decisions in absence of specific policies and/or guidance from supervisors, but some direct guidance is received from supervisors.
- HIGH: High level of discretion with decisions restricted only by Departmental policies and little direct guidance from supervisors.
- VERY HIGH: Very high level of discretion with decisions only restricted by the broadest policies of the Organization.

**Part 2:** If you make an erroneous decision, what impact would this decision have on your work unit, department, and/or the Organization?

- MINOR: Some inconvenience and delays but minor costs in terms of time, money, or public/employee good will.
- MODERATE: Moderate costs in time, money, or public/employee good will would be incurred. Delays in important projects/schedules likely.
- SERIOUS: Important goals would not be achieved and the financial, employee, or public relations posture of the Organization would be seriously affected.
- CRITICAL: Critical goals and objectives of the Organization would be adversely and very seriously affected. Error could likely result in critical financial loss, property damage, or bodily harm/loss of life.

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**FACTOR 4. Responsibility for Policy Development:** Does your job require you to participate in the development of policies for your unit/division/department/the Organization?

- LEVEL 1: Position involves only the execution of policies or use of existing procedures.
- LEVEL 2: May provide some input to supervisor when policies and procedures are updated.
- LEVEL 3: Position involves some development of policies/procedures for the Department and/or the interpretation or explanation of departmental policies for others in the organization or residents.
- LEVEL 4: Position involves significant or primary responsibility for the development of policies and procedures for a division or organizational component of a department, as well as the interpretation, execution and recommendation of changes to department policies.
- LEVEL 5: Position involves significant or primary responsibility for the development of policies and procedures for an entire department, plus occasional participation in the development of policies which affect other departments in the organization.
- LEVEL 6: Position involves the primary responsibility for the development of departmental policies and procedures and regular participation in the development of policies that affect other departments and occasionally involves participation in the development of organization-wide policies.

Give some examples of the types of policies you've written or been a part of creating:

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**FACTOR 5. Planning:** How much latitude do you have to set your own daily work schedule and priorities for a given workday?

- LEVEL 1: Position requires that my daily work load and activities are assigned to me by my supervisor.
  - LEVEL 2: Position requires that I plan my own daily work load and work independently according to established procedures or standards.
  - LEVEL 3: Position requires that I plan my own daily work load and those of others in the department (first-level supervision).
  - LEVEL 4: Position requires an above average ability to analyze data and develop departmental plans, including plans where a number of difficult, technical and/or administrative problems must be addressed (Manager/Division level planning).
  - LEVEL 5: Position requires a high level of analytical ability to develop plans for a department or complex situation, including plans that involve integrating/involving/impacting other departments (Department Head level planning).
- 

**FACTOR 6. Contacts with Others:** In the course of performing your job, what contacts with people in your department, other departments within the organization, and/or people from outside the organization are you required to make?

- LEVEL 1: Position involves interaction with fellow workers on routine matters with relatively little public contact.
- LEVEL 2: Position involves frequent internal and external contact, but generally on routine matters such as furnishing or obtaining information.
- LEVEL 3: Position involves frequent internal contact and regular contact with outsiders generally on routine matters, including contacts with irate outsiders which require some public relations skill for taking complaints for others to follow up upon.
- LEVEL 4: Position involves frequent internal and external contacts which require public relations skills in handling complaints. Contacts involve non-routine problems and require in-depth discussion and/or persuasion in order to resolve the problem. Handles more difficult contacts that are referred by front line employees.
- LEVEL 5: Position involves frequent internal and external contacts which require skill in dealing with, and influencing others, and initiating changes in policy/procedures to address the issue so as to avoid having to deal with the issue again in the future.
- LEVEL 6: Position involves frequent internal and external contacts in which I act as the spokesperson for the department and am authorized to make commitments of significant resources on behalf of the department.
- LEVEL 7: Position involves frequent internal and external contacts where I represent the entire organization and am authorized to make commitments in matters of broad or critical interest to the entire organization.

With which internal individuals or groups do you have the most contact?

With which external individuals or groups do you have the most contact?

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**FACTOR 7. Supervision Given:**

Do you supervise or assign work to other employees?  Yes  No

If yes:

- LEVEL 1: Position is regularly responsible for assigning work to an employee or employees, without acting in a supervisory role. To whom does this position assign work?
- LEVEL 2: Position is responsible for the supervision of one full time or several part time employees.

- LEVEL 3: Position is responsible for the supervision of two to five full time (or full time equivalent) employees.
- LEVEL 4: Position is responsible for the supervision of six to 15 full time (or full time equivalent) employees.
- LEVEL 5: Position is responsible for direct and/or indirect supervision of 16 to 29 full time (or full time equivalent) employees.
- LEVEL 6: Position is responsible for direct and/or indirect supervision of 30 to 50 full time (or full time equivalent) employees.
- LEVEL 7: Position is responsible for direct and/or indirect supervision of more than 51 full time (or full time equivalent) employees.

Actual number of full-time (or full-time equivalent) employees supervised:

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**FACTOR 8. Physical Demands:** Please describe any physical demands required to perform your job.

Demand	No	Yes	How often? (Rarely, Occasionally or Daily)
Lifting to 20 pounds	<input type="checkbox"/>	<input type="checkbox"/>	
Lifting 20-50 pounds	<input type="checkbox"/>	<input type="checkbox"/>	
Lifting 50+ pounds	<input type="checkbox"/>	<input type="checkbox"/>	
Climbing	<input type="checkbox"/>	<input type="checkbox"/>	
Walking	<input type="checkbox"/>	<input type="checkbox"/>	
Kneeling	<input type="checkbox"/>	<input type="checkbox"/>	
Crouching	<input type="checkbox"/>	<input type="checkbox"/>	
Crawling	<input type="checkbox"/>	<input type="checkbox"/>	
Bending	<input type="checkbox"/>	<input type="checkbox"/>	
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	
Prolonged Standing	<input type="checkbox"/>	<input type="checkbox"/>	
Prolonged Visual Concentration	<input type="checkbox"/>	<input type="checkbox"/>	

**Unpleasant or Hazardous Conditions:** Please describe any unpleasant or hazardous conditions you are exposed to in performing your job and how often you are exposed to those conditions. Include only those conditions which are directly related to your work rather than specific work area conditions.

Condition	No	Yes	How Often? (Rarely, Occasionally or Daily)
Lighting-dimness or brightness	<input type="checkbox"/>	<input type="checkbox"/>	
Dust	<input type="checkbox"/>	<input type="checkbox"/>	
Heat	<input type="checkbox"/>	<input type="checkbox"/>	
Cold	<input type="checkbox"/>	<input type="checkbox"/>	
Odors	<input type="checkbox"/>	<input type="checkbox"/>	
Noise	<input type="checkbox"/>	<input type="checkbox"/>	
Vibration	<input type="checkbox"/>	<input type="checkbox"/>	
Wetness/Humidity	<input type="checkbox"/>	<input type="checkbox"/>	
Toxic Agents	<input type="checkbox"/>	<input type="checkbox"/>	
Electrical Currents	<input type="checkbox"/>	<input type="checkbox"/>	
Heavy Machinery	<input type="checkbox"/>	<input type="checkbox"/>	
Violence	<input type="checkbox"/>	<input type="checkbox"/>	
Disease	<input type="checkbox"/>	<input type="checkbox"/>	
Smoke	<input type="checkbox"/>	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	

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**FACTOR 9. Use of Technology/Specialized Equipment:** Please check the level of technology or specialized equipment use needed for you to perform your job.

- LEVEL 1: Position has no responsibility for, or use of, technology.
- LEVEL 2: Position has some basic use of computers for data entry and some use of the telephone, copier, etc.
- LEVEL 3: Position has daily use of computers for data entry and use of the telephone, fax machine, copier, etc. Position has daily use of light equipment such as push mowers, weed whackers, pole saws, custodial equipment, etc.
- LEVEL 4: Position has daily use of computers, the Internet, Smartphones, etc. to create databases, spreadsheets, or reports. Position designs and creates customized reports, presentations, and/or documents using advanced software skills.
- LEVEL 5A: Position provides routine consultation and technology support for everyday computer programming and/or software requests/questions to others in the organization; is an applications super user; or uses specialized software such as GIS, SCADA or telecommunications software.
- LEVEL 5B: Position uses, troubleshoots, and/or repairs various pieces of specialized equipment such as HVAC, lighting, gas flares, blowers, engines, heavy equipment, diagnostic equipment, large vehicles (vacuum trucks, street sweepers, fire apparatus) and/or medical or public safety equipment.
- LEVEL 6: Position is responsible for advanced computer programming, system security, maintenance, training, and purchasing of items such as computers, printers, scanners, etc., for the computer system for the organization (IT personnel).
- LEVEL 7: Position is responsible for the overall direction and supervision of the staff that are responsible for the computer and technology needs of the organization, including responsibility for developing technology policies for the organization (IT personnel).

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**10. Comments/Additional Information:** Feel free to add additional information below. If using a printed copy of this form, use the back of the form to add your comments.

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Type your name and the date below, then save this form as a Word document with the file name of "JobTitle.LastName.FirstName" and email it to your Department Head and if you are a Department Head email it to the Town Manager. If using a printed copy of this form, sign and date it and then deliver to your supervisor.

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**EMPLOYEE'S SIGNATURE OR TYPED NAME**

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**DATE**

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**THIS SECTION TO BE COMPLETED BY DEPARTMENT HEAD OR TOWN MANAGER:**

Please provide your comments below. If using a printed copy of the form and additional space is needed, please use the back of this form or attach an additional sheet. **Please do not mark in employee's portion of the questionnaire.**

1. Do you agree with the employee's answers to all of the above questions? If not, please explain.
2. List any job duties or assignments which the employee performs which are in addition to those listed on the job description or this form.
3. How long has this employee worked for you?

4. Additional comments from the employee's immediate supervisor:

Type your name and the date below, then email this form to your Department Head. Department Head should email to the Town Manager. If using a printed copy of this form, sign and date it before forwarding.

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***SUPERVISOR'S SIGNATURE OR TYPED NAME***

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***DATE***

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**IMPORTANT DATES:**

**May 31<sup>st</sup> – June 16<sup>th</sup>**

Non-Department Head employees complete and submit their JAQs to their Department Head.

Department Heads complete and submit their JAQs to the Town Manager.

Please save file as follows:

JobTitle.LastName.FirstName.

**June 19<sup>th</sup> – June 23<sup>rd</sup>:**

Department Heads review the JAQs that have been submitted to them and then submit the JAQs to Human Resources.

**June 26<sup>th</sup> – July 7<sup>th</sup>:**

Human Resources/Town Administration reviews and then submits the JAQs to GovHR USA.

**Week of July 17<sup>th</sup>:**

GovHR USA conducts virtual interviews with employees.

**OPEN SESSION**

**BUSINESS**

6. Discuss and vote on Real Estate Transfer Fee provisions **(5 minutes)**



**ITEM NUMBER:** Business 6.

**ITEM TITLE:** Discuss and vote on Real Estate Transfer Fee provisions

**MEETING DATE:** 2/12/2023

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

**SUBMITTED BY:** Kimberly Fish, Housing Coordinator and Mike Renshaw, Town Manager

**ATTACHMENTS:** 1. Public Comment Report, 2. Emails from the public regarding the Real Estate Transfer Fee, 3. Slide shows from January 16, 2024 public outreach meeting

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**PURPOSE:**

The purpose of this item is to provide a brief overview and report summarizing the public input received at the January 16, 2024 public outreach meeting as well as emails received after the meeting concerning the real estate transfer fee program.

The Select Board is asked to vote what the threshold of the fee would be, the percentage of the fee, and who would pay the fee. These details will be added to the recommendation for the Real Estate Transfer Fee article for the April 2024 Town Meeting.

**BACKGROUND/SUMMARY:**

- At its regular meeting on November 9, 2023 the Falmouth Affordable Housing Committee authorized the Chair to send a recommendation of support to the Select Board for a future real estate transfer fee.

- The transfer fee is a fee of a certain percentage, yet to be determined (between 0.5% - 2%), of the purchase price upon the transfer of any real property situated in Falmouth over a certain amount.
- The threshold amount is to be determined (not less than one million dollars). The funds collected would be deposited into the Falmouth Affordable Housing Fund.
- The Home Rule Petition is a request from Falmouth to the General Court to give Falmouth the authority to enact the transfer fee.
- A Home Rule Petition needs to be approved by Town Meeting.
- The Town's ability to generate additional affordable housing units will be improved by maintaining a larger balance of funds in the Falmouth Affordable Housing Fund so that opportunities are not lost due to lack of funding or delayed action on funding applications.
- On December 4, 2023, Dave Garrison, Chair of the Affordable Housing Committee gave a presentation regarding the Real Estate Transfer Fee.
- At that time, the Affordable Housing Committee, through the Chair gave a recommendation to the Select Board that they move forward with the Real Estate Transfer Fee and add it to the April 2024 Town Meeting as a Home Rule Petition.
- The Falmouth Affordable Housing Committee recommends that the Select Board vote the threshold to be a million dollars, the percentage be 2% and the seller pay the fee (seller paying the fee aligns with Governor Healey's proposal in her Housing Bond Bill).
- At the December 4, 2023 Select Board meeting, the Select Board approved putting the Real Estate Transfer Fee on the Spring Town Meeting and to hold a community outreach meeting.
- On January 16, 2024, a community outreach meeting was held at the Senior Center. Kim Fish, Housing Coordinator, Dave Garrison, Chair Affordable Housing Committee, Wayne Lingafelter, EDIC, State Rep. Dylan Fernandes and Tucker Holland, Nantucket Housing Director (former) spoke on the matter. After the presentations it was opened to the public for their comments. There were twenty people in attendance. Eight people spoke. Four in support, two in support, but had some suggestions and two spoke in opposition.
- Kim Fish, Housing Coordinator requested the public (in attendance and also those who could not attend but were watching the FCTV recording) to email any comments they had that they would like the Select Board to see to [housing@falmouthma.gov](mailto:housing@falmouthma.gov) (please see Public Comment Report attached hereto).

- There were eighteen emails received (one email had 30 “signatures” of support). Thirty-six in support, two in support, but with suggestions and nine in opposition (please see emails attached hereto).

**DEPARTMENT RECOMMENDATION:**

The Affordable Housing Committee (AHC) has recommended that the threshold be a million dollars, the percentage of the fee be 2% and that the seller pay the fee.

**OPTIONS:**

- Motion to direct the Town Manager to include the following details into the recommendation for Article 33 of the April 2024 Annual Town Meeting Warrant: threshold be set at one million dollars; the percentage of the fee be 1% and the seller pay the fee.”
- Motion to direct the Town Manager to include the following details into the recommendation for Article 33 of the April 2024 Annual Town Meeting Warrant: threshold be set at one million dollars; the percentage of the fee be 2% and the seller pay the fee.”
- Some other Select 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:**

The Town Manager recommends that the Select Board vote to approve setting the following details into the Recommendation section of Article 33: that the value threshold be set at \$1 million, that the percentage of the fee be 2%, and that the seller pays the fee.

*Michael Renshaw*

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2/9/2024

**Town Manager**

**Date**

**REAL ESTATE TRANSFER FEE PUBLIC COMMENT REPORT**

**January 16, 2024 – February 7, 2024**

**January 16<sup>th</sup> Community Outreach Meeting**

Total number people that attended: 20

Total number of people that spoke: 8

Support: 4

Support but with suggestions: 2

Opposed: 2

**Phone Calls**

Total number of phone calls: 2

Support: 0

Opposed: 2

**Via Email**

Total number of emails received: 18

Support: 7 (1 email had 30 "signatures" of support)

Support but with suggestions: 2

Opposed: 9

This is an outline of the comments we received at the community outreach meeting held January 16, 2024 and from the email received after the meeting. For convenience, they are separated into two categories: "Support" and "Opposition". For full details of the comments, please see copies of the emails provided in the Select Board packet and also see FCTV video of January 16, 2024 community outreach meeting posted on the housing page <https://www.falmouthma.gov/1461/Real-Estate-Transfer-Fee-Information>

**Support:**

- Support Real Estate Transfer Fee, but would like to include commercial sales.
- Have different percentages of fee for residential v. commercial properties.
- The fee will not stop people from selling or buying real estate in Falmouth, it will become part of the process like the documentary tax stamps.
- Support Real Estate Tax Transfer Fee, but would like to see it the buyer pay it since the seller is already being hit with an increase of fees like higher interest rates and higher cost of houses.
- More funding needs to flow into the Falmouth Affordable Housing Fund since subsidy is greatly needed with the rise in construction costs. This is just one tool in the toolbox, it won't fix everything, but we desperately need to have younger families and workers in our community.
- Support, but 2% is too high, .5% would be more appropriate. Suggested threshold be 2 million.
- Support, but feels a million-dollar threshold is too low. A lot of homes are now at the million-dollar amount, and it is the only asset some homeowners have, it does not mean they are "rich".
- Support, but buyer should pay, seller should not have to pay "exit fee".
- Falmouth has a recognized unmet need for permanent affordable housing that has grown into a workforce crisis.
- Many states and localities around the country have enacted similar transfer fees to address housing issues.
- Falmouth has a low tax base compared to other towns.
- Many of the homes that would be taxed are not primary residence, but secondary residence.
- This is a good way to "pay it forward".
- Excellent solution to finding resources to ensure that our town remains vibrant and diverse.
- It would help the Town meet its target under state law and thus avoid the divisive Chapter 40B developments.
- If citizens of a community refuse to participate responsibly in maintaining the viability of their community, it will deteriorate and eventually fail.
- Falmouth has a lack of workforce housing, wealthy people are buying up moderate houses and converting them to much larger summer houses, corporations buying property to convert to short term rentals. We need to assist with retaining the workforce.

**Opposition:**

- Everyone should be taxed the same, not one group.
- Commercial should be included.
- There are too many taxes already on real estate transactions.
- It should be indexed for inflation.
- Too much tax in general already in Massachusetts.
- They do not believe there is a housing crisis.
- We should not fund affordable housing, if people can't afford to live here, they should move.
- Just because homes are valued high, does not mean the owners are wealthy.
- Unfair wealth tax.
- Funds should come from the town budget, not a tax.
- Would be a burden on waterfront property.
- If Massachusetts keeps instituting new taxes more people are going to move away.
- Instead of new fees, remove roadblocks that housing projects run into.
- The infrastructure of Falmouth is inadequate, adding more dwellings will add to these issues.
- Donations to the affordable housing fund should not be a mandated tax.
- Instead of levying a new tax, the town should eliminate tax breaks homeowners currently enjoy.
- Some of the tax already garnered from highly valued properties should be used for the Falmouth Affordable Housing Fund, not enact a new fee.
- People who own pricier homes in town already pay the highest property taxes.
- People that own pricier homes typically don't have children in schools or use most of the services in town, but they pay for them like everyone else. How is it fair to ask them to pay more.

**Kim Fish**

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**From:** Dave Garrison [REDACTED]  
**Sent:** Wednesday, January 17, 2024 11:26 AM  
**To:** Kim Fish  
**Subject:** RETF comment

Kim,

I found this note with comments on the RETF in the AHC email stack. You'll want to include this in the public comment data you are assembling. I sent the writer a thank you note for having shared his thoughts.

Thanks.

Dave

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**From:** Jim Durocher [REDACTED]  
**Sent:** Monday, December 4, 2023 2:22 PM  
**To:** Falmouth Affordable Housing Committee <[ahc@falmouthma.gov](mailto:ahc@falmouthma.gov)>  
**Subject:** Proposal for new tax on homes sales over 1 million

In regards to the proposal to tax home sale proceeds over 1 million to fund the affordable housing fund I wanted to express my opinion.

I applaud the work of the town and the committee in working to provide affordable housing in our community. I am not opposed to the additional tax but feel 2% is much to high and candidly unfair. A .5% surtax would be more appropriate and more reasonable.

A million dollar home in Falmouth is quite common and in no way makes you wealthy. If I were to sell my home to downsize and live off some of the proceeds in my later years I would still have to buy another home in Falmouth and asking me to pay 10K to 20K in additional taxes as a single individual is to much!. Happy to help, Love the work your doing but lets please be reasonable.

Jim and Teresa Durocher  
380 Quissett Ave  
Falmouth, MA 02540

Kim Fish

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From: Kevin M Brown [REDACTED]  
Sent: Thursday, January 18, 2024 1:06 PM  
To: Falmouth Housing  
Subject: Real Estate Transfer Fee

Ms. Fish,

I attended last Tuesday evening's meeting on the Real Estate Transfer Fee proposal and I have put together some items I think need to be considered before moving forward with this is

- Any income over \$1 million (to include asset sales, stocks, real estate sales, taxable earnings, gross wages) is subject to the additional 4% surcharge (called a surtax) by the Commonwealth of Massachusetts.
- The Federal government has a 3.8% surcharge in addition to the Massachusetts tax. This 3.8% surtax was enacted in 2010 to help fund the Affordable Care Act, also known as Obamacare. It took effect in 2013.
- So now we are at a 7.8% tax above and beyond the normal revenue sales taxes, real estate taxes, Federal capital gains taxes.
- In addition, there is the Massachusetts real estate tax stamp which is \$4.56 per thousand dollars of the home's sales price. A homeowner selling a home for \$1 million in Massachusetts will pay \$4,560.
- The Falmouth town tax rate is \$6.92 per thousand dollars of the homes assessed value. A homeowner with a home assessed at \$1 million pays \$6,920 annually.
- The Massachusetts income tax rate is 5%.
- Barnstable real estate transfer tax is \$2.85 per \$500. If my math is correct, the real estate transfer tax on selling a \$1 million home in Barnstable County is \$5,700.
- As you can see, homeowners are ALREADY paying significant taxes, particularly on real estate.

Now, specific to this Real Estate Transfer Fee, here are some things to consider:

- I keep hearing and reading about a "housing crisis" here in Falmouth. What is the crisis? The document "Community Housing in Crisis: A Funding Enhancement Plan for the Town of Falmouth" produced by the Falmouth Affordable Housing Committee or FAHC (dated August 27, 2021) states "The availability of affordable housing for our workforce in Falmouth is a crisis." Additionally, the document states "...Affordable housing on Cape Cod, and in Falmouth specifically, is in a crisis of undersupply. The underlying economic realities of Cape housing construction costs, extremely limited supply and the unique impacts of the COVID-19 pandemic have contributed to this crisis. According to the 2019 Falmouth Housing Production Plan, Falmouth needs to produce *at least* 74 affordable housing units annually to meet production goals."
- This FAHC document never goes any farther to identify why this is a crisis. Why is the Town of Falmouth and the taxpayers of Falmouth responsible for providing affordable housing? There doesn't appear to be a glut of empty houses in Falmouth. There does not seem to be an excess of abandoned houses in Falmouth that decrease the value of existing homes. So why can't the market determine where people buy and sell homes and where the workforce for cities and towns live? There are cities and towns across the country where workers in and for those towns cannot afford to live in the community they work in. These people travel over 30 miles (or more) to and from work each day. What makes Falmouth different? Why does Falmouth need to be involved in social engineering, particularly at the expense of its residents?
- It was mentioned more than a couple of times that police officers, fire fighters, nurses and teachers can not afford to live in Falmouth. This may very well be true. But I can find no citation in town online documents that

Kim Fish

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**From:** Carrie [REDACTED]  
**Sent:** Friday, January 19, 2024 8:58 AM  
**To:** Falmouth Housing  
**Subject:** Comment on Affordable Housing tax

Hello,

My husband grew up in Falmouth, and I've been a Falmouth resident for 33 years. We bought our first starter home in downtown Falmouth in 1994, and we took out some equity to buy our current home, and kept our first home, renting it annually to tenants primarily working at the Woods Hole science institutions (NOT making it an Air B&B) because of ties to WHOI and MBL, and we know how difficult it is for these scientists to find reasonable housing here.

That home is now worth CLOSE to \$1 million because of its prime location in the downtown area. We are NOT rich millionaires. A LOT of homes that people bought for under \$300K 10-30 years ago are now selling for over a million. We can't help the real estate inflation, we didn't want to flee Cape Cod like so many younger people have (in part, due to lack of affordable housing.) We lived on a tight budget for decades to hang onto that house to have a retirement investment.

I support a tax to go into the Affordable Housing fund, but \$1 million is TOO LOW. It hurts people who were in the middle income range 20-30 years ago, but who managed to stretch to buy a home here, and who aren't wealthy EXCEPT for their home values. We need and deserve every penny of the profit when/if we sell our homes. That profit will support us in our retirement and allow us to stay in the town we love (as opposed to having to move to a lower cost/lower tax state or community.)

We feel strongly that the tax is more appropriately levied on home sales over \$2 million. More of the homes in THAT range are actually owned by wealthy people with a lot of money, not residents whose wealth is concentrated in the value of their homes.

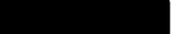
Thank you,  
Carrie ODell  
Shady Lane  
Hatchville

Sent from Carrie's iPad

In 2022 143 homes were sold in Falmouth for \$1 million or more. One of them was my parents' longtime home in North Falmouth. My sisters and I sold the home after they passed away. It would not have been a burden on us to pay a 2% transfer fee on the amount above \$1 million. I used my share of the proceeds to buy a home in Falmouth. If, by the time I am ready to sell, I am fortunate enough to see that home appreciates to more than \$1 million dollars, I will view the 2% transfer fee as a way to "pay it forward" — a fair and modest contribution to future health and well-being of the Falmouth community that my family has been fortunate to enjoy.

Thank you in advance for your thoughtful consideration of these comments.

Barbara Samuels

  
Sharon Ann Lane  
PO Box 931  
East Falmouth 02536

Kim Fish

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**From:** Brian Gray [REDACTED]  
**Sent:** Sunday, January 21, 2024 12:04 PM  
**To:** Falmouth Housing  
**Subject:** Housing Transfer Fee Comments

Hello,

Here are my Housing Transfer Fee Comments;

I am against the Real Estate Transfer Fee as currently being discussed.

My Reasons are as follows:

1. Home values are high, no doubt. But that doesn't mean the owners are wealthy, or that they even made money on their homes? I have been a homeowner in Falmouth since 1984 and have seen the values significantly retrench 3 times during that period. It will happen again. So, someone who sells for \$1M, may have bought at \$1.5M. Ouch! It that fair?
2. The average home in Falmouth is about \$750K, why is \$1M wealthy? This is an unfair wealth tax. Why not put a fee on all homes that transfer like the CPF? Probably because the proposed new law does not allow it? Why not add it to the town budget? Probably because it requires a Prob 2 ½ override. Wouldn't pass.
3. Seems like it would be a burden on waterfront property owners and their higher percentage of out-of-town property owners? Is this a stick it to the 2<sup>nd</sup> homeowners. While not intended, that is my believe.
4. The discussion on Nantucket makes no sense. They are a total aberration and with an average home value of \$3.3M and their demographic can't compare with Falmouth. What is Bourne and Sandwich doing?
5. Finally, please find a way for equity here. Increase the tax burden on all! Reduce our costs by closing some schools (this is our largest cost by far.) The school population is dropping and will continue to do so. Please get ahead of that. Forget about the public internet and fix the beaches. Hire Policemen and Firemen as the money is there. Pay our public employees more money so they can more readily afford to live here. If its Prob 2 ½ so be it. Please don't push another unfair fee (really a tax) on the governed through this end around approach.

Thank You for all that you do.

Brian Gray

Sandcastle Dr

E. Fal

Kim Fish

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From: Ronald Tracy [REDACTED]  
Sent: Monday, January 22, 2024 10:42 AM  
To: Falmouth Housing

I wanted to follow up on the conversation regarding the new tax to build "affordable housing".

To an extent, I understand your position; housing is expensive. Not everyone can afford to live where they might want to. It doesn't mean that someone else has to subsidize them.

It seems as if the "governmental solution" is to throw more money at a problem. Typically, people are not particularly careful with "free money".

As a concerned citizen and business owner, my solution to problems is to look for the most cost-effective way to accomplish a goal. This can be accomplished by carefully evaluating a problem and studying the available ways to solve that problem. I have found that it is usually easier to save money than to generate more. You can only spend it once.

If the town truly desires more workforce housing, make it easier. Remove roadblocks as most of these projects will eventually be done following the 40B route. Fighting an inevitable outcome wastes time, effort, and money.

Will it be difficult to accomplish changes in the way the town handles these projects? Undoubtedly. However, just because something is difficult is no excuse for not doing it.

If it is the desire of a majority of the population to fund or subsidize these projects with a new tax, then everyone should be subject to the tax. A smaller percentage but on every real estate sale or a flat fee on every sale. Everyone should have a fiscal stake in the system. It is desirable to avoid the "Tyranny of the Majority" (James Madison, The Federalist Papers). A more colloquial way to view it is 3 wolves and a sheep voting on who is for dinner.

If these dwellings are going to be sold at a discount, how will the beneficiaries be able to afford to maintain them? The data I looked at stated about \$5000 per year for a "typical" home in the U.S. My experience on the Cape is about double that. Without continuous maintenance, these homes will deteriorate quite rapidly. (The last estimate to paint the exterior of my office was \$7000. This is a simple one story 1000 square foot building. I opted to side it for triple that to decrease future maintenance). These things add up if someone is on the margin of affording a house. Will there be a program to aid in maintenance?

If someone sells one of these houses, what happens to the profit? There should be an obligation to reimburse the subsidy fund to allow for additional construction of additional subsidized homes.

If someone does a cash out refinance, what happens to the money? When there is another downturn, can they just walk away?

What will happen when someone defaults on the mortgage or doesn't pay the property tax.

Will these be taxed the same as adjacent non-subsidized dwellings?

Is there/will there be a requirement for full-time work?

Perhaps given the shortage of willing workers, the beneficiaries of these subsidized houses should be required to donate some time to the building of the homes. 10 to 15 hours a week cleaning the job site, assisting the various tradesmen, helping the landscapers, etc. If someone has put his own labor into something, they will have the opportunity to learn about construction and it will aid them in maintenance. Additionally, it will enhance the value of the property to them.

Is there/will there be priority for U.S. citizens? For veterans?

Kim Fish

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From: Deborah [REDACTED]  
Sent: Monday, January 22, 2024 3:47 PM  
To: Falmouth Housing  
Subject: Real Estate Transfer Fee

Dear Committee:

I write in strong support of a transfer tax to be deposited into the Affordable Housing Fund. If citizens of a community refuse to participate responsibly in maintaining the viability of their community, it will deteriorate and eventually fail. The health of our community is more important than the so-called "rights" of individuals, particularly when so many such individuals can afford to contribute their fair share.

Sincerely,  
Deborah Siegal  
50 Friends Way, West Falmouth  
Town Meeting Member Precinct 6

## Kim Fish

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**From:** David Garrison  
**Sent:** Wednesday, January 24, 2024 10:41 PM  
**To:** Kim Fish  
**Subject:** Fw: Additional letter re: RETF

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**From:** David Garrison <David.Garrison@falmouthma.gov>  
**Sent:** Wednesday, January 17, 2024 10:35 AM  
**To:** [REDACTED]  
**Subject:** Fw: Proposal for new tax on homes sales over 1 million

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**From:** Jim Durocher [REDACTED]  
**Sent:** Monday, December 4, 2023 2:22 PM  
**To:** Falmouth Affordable Housing Committee <ahc@falmouthma.gov>  
**Subject:** Proposal for new tax on homes sales over 1 million

In regards to the proposal to tax home sale proceeds over 1 million to fund the affordable housing fund I wanted to express my opinion.

I applaud the work of the town and the committee in working to provide affordable housing in our community. I am not opposed to the additional tax but feel 2% is much too high and candidly unfair. A .5% surtax would be more appropriate and more reasonable.

A million dollar home in Falmouth is quite common and in no way makes you wealthy. If I were to sell my home to downsize and live off some of the proceeds in my later years I would still have to buy another home in Falmouth and asking me to pay 10K to 20K in additional taxes as a single individual is too much. Happy to help, Love the work you're doing but let's please be reasonable.

Jim and Teresa Durocher  
380 Quissett Ave  
Falmouth, MA 02540

**Kim Fish**

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**From:** Grayson, Edward [REDACTED]  
**Sent:** Thursday, January 25, 2024 8:58 AM  
**To:** Falmouth Housing  
**Subject:** "Mansion Tax"

I have lived in Falmouth since 1975. My children are 4th generation kids raised in Falmouth and I would certainly like them to continue to be able to live in Falmouth. Adding another tax to real estate does not allow them to afford to remain.

While I understand the need for affordable housing, the fact is adding a new tax accomplishes the opposite. Owners will simply add this on to their listing price. Further, this is not a "mansion fee" as Dylan Fernandez puts it, but a tax on most homes in West Falmouth, WH, and Quissett. Personally, I have already been priced out of West Falmouth when our family home sells.

Donations to the affordable housing fund should not be a mandated tax to residents.

Sincerely  
Edward Grayson Jr.  
211 Chapoquoit Rd.  
West Falmouth

[Get Outlook for IOS](#)

Kim Fish

---

From: Christopher Smallis [REDACTED]  
Sent: Friday, January 26, 2024 3:20 PM  
To: Falmouth Housing  
Subject: Affordable Housing Tax

Greetings

I am writing to express my opposition to the Affordable Housing Tax as currently proposed, and supported by Rep. Dylan Fernandes.

When this topic was addressed by Mr. Fernandes in earlier forums, he stated something to the effect that such a tax would be considered little more than a "rounding error" by both buyers and sellers of such properties. While this may be true with respect with someone who has a personal net worth of 8 figures (or more) and purchases a 7- or 8-figure property, it is not true for someone such as myself, who only reached a personal net worth just barely in 7 figures, and only after property value appreciation, in the 7+ years I have resided in Falmouth.

If such an imposition were to be imposed, then I would consider a levy on all property sales, in the range of some fraction of a percent. If one currently owns a home in Falmouth, then it can be assumed that every homeowner is "wealthy" enough to "contribute" to the pool that would create housing for those in the 100-150 percent of median income range.

Falmouth MA 02540



6. Perhaps, give some consideration from a property tax collection point of view to what happens when a new home in town is built. Ten years ago, we bought a piece of property in town with a small ranch home. The home and the land were both derelict - vacant for several years - and bona fide eyesores. We built a new home; we preserved all but one of the 24 oak trees on the 2/3-acre lot; and today we pay six times more in property taxes than the town received previously from the property. We are retired and directly use almost no town services. And we both volunteer within our adopted community that we love. For the record, with property value run-ups, we could not afford the house we now have, not by a long shot. It is not a good idea, in my opinion, to create differential tax rates for different groups. It's easy, as Mr. Fernandes said, to believe we're all multimillionaires with Benjamins coming out of our ears. We are not.

7. In conclusion, the need for affordable housing is a town-wide issue and its resolution should be a townwide effort. As it is, property owners benefit from the expansion of the tax base (with new businesses or new pricey homes) in that it helps keep all property taxes relatively low. Singling out one group to bear all the water in this effort to raise additional, sustainable funds seems unfair and not in keeping with a broader sense of equity. Falmouth doesn't need class warfare.

Bill Laberis



Dear Select Board/Housing Coordinator,

We are writing in support of the proposed Real Estate Transfer Fee, with the proposed tax on homes over \$1 million contributing to the town's affordable housing fund. This real estate transfer fee is a good way to generate revenue from the most expensive homes for the most needed year-round housing, and we enthusiastically support this measure. We hope that you keep Falmouth's workforce in mind and choose to endorse this "Affordable Housing Tax."

Thanks,

Kelly McKeon  
Brynnydd Hamilton  
Noah Germolus  
Jeanne Bloomberg  
Hannah Mark  
Jonas Kaare-Rasmussen  
Glenn Liu  
Daniel Lowenstein  
Sarah Messenger  
Lilli Enders  
Katelyn McPaul  
Emily Burdige  
Mariya Galochkina  
Ciara Dooley  
Katherine Squires  
Bjorn Larson  
Molly Moynihan  
Gjendine Voss  
Sarah Merolla  
Mallory Kastner  
Kylene Cooley  
Yaamini Venkataraman  
Avery Fulford  
Annaliese Meyer  
Alan Gaul  
Katie Halloran  
Maxim Jahns  
Caroline Rzucidlo  
Evie Fachon  
Elena Perez

# Real Estate Transfer Fee Overview

- ***Dave Garrison – Chairman AHC***
- ***Wayne Lingafelter – Falmouth EDIC***

# What is a real estate transfer fee?

- It is a fee charged on the transfer of residential real estate.

# What are the proposed exceptions?

- The fee would be charged ONLY on sales of residential property exceeding \$1 million and ONLY on the amount in excess of this threshold.
- Several other exceptions would be required such as the fee would not apply to property transfers in divorce settlements and transfers to government or non-profits organizations.

## How much would the fee be?

- The fee could be anywhere from 0.5% to 2% of the amount above the threshold. The amount would be set by the locality.
- The Falmouth Affordable Housing Committee recommends that the fee be set at 2%.

# What would the revenue from the fee be used for?

- The revenue from the fee would go directly into the Falmouth Affordable Housing Fund.

# 2022 & 2023 Residential Home Sales Data for Falmouth

(Source: Cape & Islands MLS including Single Family and Condominiums sales)

<b>Sales Value of Home</b>	<b>2022 Units</b>	<b>2022 Volume</b>	<b>2023 Units</b>	<b>2023 Volume</b>
<b>Above \$2M</b>	<b>22</b>	<b>\$ 75,536,000</b>	<b>33</b>	<b>\$118,613,000</b>
<b>Above \$1M</b>	<b>121</b>	<b>\$212,678,000</b>	<b>126</b>	<b>\$243,506,000</b>

# Hypothetical 2023 Gross Annual Transfer Fee Proceeds for Falmouth\*

	Threshold Value (\$)	
Rate of Transfer Fee (%)	\$1,000,000	\$2,000,000
2%	\$2,350,127	\$1,052,260
1%	\$1,175,060	\$526,130
.5%	\$587,530	\$263,065

*\*These estimates make no adjustments for exclusions to the transfer fee as contemplated by proposed bill or the benefit of private sales not captured in Realtors database.*

# How much revenue would a 2% fee produce in a year?

- In 2023, there were 126 residential real estate sales in Falmouth that exceeded \$1 million. If a 2% transfer fee had been in effect in that year, it would have raised \$2.35 million for the Falmouth Affordable Housing Fund.
- For example, a house that sold last year for \$1.5 million would have paid a fee of \$10,000.
- $(\$1,500,000 - \$1,000,000) = \$500,000 \times 2\% = \$10,000$

# Who would pay the fee?

- In theory, a fee of this sort could be paid by either the buyer or seller or a combination of the two. Governor Healey's proposal is that the seller pay the fee. The Falmouth Affordable Housing Committee recommends that Falmouth follow the Governor's lead and have the seller pay the fee.

# How has the proposal for a transfer fee come before the Select Board?

- Authority for localities to have the option to enact a real estate transfer fee has been requested of the state legislature by Governor Healey.
- The Falmouth Affordable Housing Committee recommends that our Town approve a Home Rule petition to set up a residential transfer fee and send it to the legislature. The AHC hopes that having the Town approve a petition this spring prior to the legislature acting on the Governor's proposal will make it possible for Falmouth to opt into the program more quickly once it is authorized.

# What are the next steps in the consideration of this proposal?

- The Select Board has agreed to put a place holder for a transfer fee proposal on the list of warrant articles for the April Town Meeting. The Board will consider the comments received from the public at this meeting along with its review of the elements of such a program. The Board will likely make its decision in February or early March.

# Have other localities in Massachusetts sent in Home Rule Petitions asking for this authority?

- Seventeen Massachusetts localities have submitted petitions, including on the Cape Chatham, Provincetown, Truro, Wellfleet, Nantucket and the several villages that comprise Martha's Vineyard.

# Does Falmouth really need such a fee?

- For our Town to meet the serious challenge posed by the lack of affordable housing, it must have sufficient resources on hand to provide subsidies for qualifying projects.
- To incentivize the development community, we need to have regular, recurring flows of revenue into the Affordable Housing Fund.
- **A transfer fee program would be an important tool in the revenue toolbox for affordable housing projects.**

## **OPEN SESSION**

### **BUSINESS**

7. Discuss and consider the approval of a Letter of Support for the 41 North Offshore LLC's proposal to the Steamship Authority to provide on-demand truck freight service to Martha's Vineyard from the Fish Island Terminal in New Bedford **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 7.

**ITEM TITLE:** Discuss and consider the approval of a Letter of Support for the 41 North Offshore LLC's proposal to the Steamship Authority to provide on-demand truck freight service to Martha's Vineyard from the Fish Island Terminal in New Bedford.

**MEETING DATE:** 2/12/2024

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

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

**ATTACHMENTS:** Draft Letter of Support; Letter from Islands Freight Line to the Steamship Authority dated October 23, 2023

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### PURPOSE:

The Select Board will discuss and consider the approval of sending a Letter of Support to the Woods Hole, Martha's Vineyard & Nantucket Steamship Authority supporting a recent proposal by trucking company 41 North Offshore, LLC d/d/a Island Freight Line to provide truck freight service between New Bedford and Martha's Vineyard.

### BACKGROUND/SUMMARY:

- In October 2023 the firm 41 North Offshore LLC d/b/a Island Freight Line submitted a proposal to the Steamship Authority to modify its existing Freight Truck Transportation Service License Agreement to provide truck freight service between New Bedford and Martha's Vineyard (the current license agreement includes Nantucket but specifically excludes Martha's Vineyard).

- According to Island Freight Line, service demand to Martha’s Vineyard has steadily increased, and this increased demand has been sharp enough to justify the request that their license be modified and expanded to include Martha’s Vineyard.
- If the expansion and modification of the license was granted by the Steamship Authority, service to both Nantucket and Martha’s Vineyard would be on an on-demand basis between the Fish Island Terminal in New Bedford.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the attached Letter of Support to be sent to the Steamship Authority in support of the Island Freight Line’s request to renew, extend, and modify its Freight Truck Transportation Service Agreement to allow service to Martha’s Vineyard from the Fish Island Terminal in New Bedford on an on-demand basis.

**OPTIONS:**

- Motion to approve a Letter of Support be sent to the Steamship Authority in support of the Island Freight Line’s request to renew, extend, and modify its Freight Truck Transportation Service Agreement to allow service to Martha’s Vineyard from the Fish Island Terminal in New Bedford on an on-demand basis.
- Motion to deny approval to send a Letter of Support to the Steamship Authority in support of the Island Freight Line’s request to renew, extend, and modify its Freight Truck Transportation Service Agreement to allow service to Martha’s Vineyard from the Fish Island Terminal in New Bedford on an on-demand basis.

**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 approve the attached Letter of Support to be sent to the Steamship Authority in support of the Island Freight Line’s request to renew,

extend, and modify its Freight Truck Transportation Service Agreement to allow service to Martha's Vineyard from the Fish Island Terminal in New Bedford on an on-demand basis.

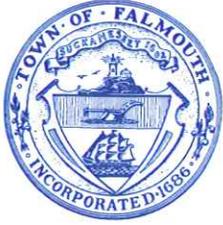
*Michael Renshaw*

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**Town Manager**

2/9/2024

**Date**



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

[townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

February 12, 2024

Mr. Robert Davis  
Woods Hole, Martha's Vineyard & Nantucket Steamship Authority  
P.O. Box 284  
Woods Hole, MA 02543

RE: Letter of Support for Island Freight Line's request to Renew, Extend, and Modify its Freight Truck Transportation Services License Agreement

Dear Mr. Davis,

The Town of Falmouth Select Board voted during its February 12, 2024 meeting to approve and transmit this letter in support of 41 North Offshore, LLC's d/b/a Island Freight Line request to modify its license agreement with the Steamship Authority to allow service to Martha's Vineyard from the Fish Island Terminal in New Bedford on an on-demand basis.

The burden of freight trucks on Falmouth neighborhoods has steadily increased, therefore having a negative impact on our roads and our neighborhood quality of life. The operation of a freight route for trucks out of New Bedford could help to reduce the continuing growth of freight truck traffic and congestion on the Bourne and Sagamore bridges. Furthermore, the environmental impact of Martha's Vineyard-bound freight trucks that already pass through New Bedford on I-195 would be significantly less by loading or unloading those trucks on a barge or vessel in New Bedford rather than driving all the way to Woods Hole.

We urge the Steamship Authority to grant 41 North Offshore, LLC's request for a modification to its service license agreement that would allow it to service Martha's Vineyard from the Fish Island Terminal in New Bedford on an on-demand basis.

Sincerely,

Nancy Robbins Taylor, Chair  
Falmouth Select Board



7 Fish Island | New Bedford, MA 02740  
(774) 202-9292

October 23, 2023

Mr. Robert Davis  
Woods Hole, Martha's Vineyard & Nantucket Steamship Authority  
P.O. Box 284  
Woods Hole, MA 02543

Ref.: Freight Truck Transportation Service License Agreement

Subject: Request for License Agreement Renewal, Modification & Extension

Dear Mr. Davis:

41 North Offshore, LLC's d/b/a Island Freight Line (41N), Freight Truck Transportation Service License Agreement (the "License"), dated May 16, 2023 is scheduled to expire on December 31, 2023. During the current License period, 41N has seen sustained and new demand for barge based marine transportation to and from Nantucket and Martha's Vineyard. The nature of the requests 41N is receiving are better suited to travel on 41N's barge than Steamship Authority vessels. 41N requests a renewal and extension of its current License to December 31, 2026. In addition to the renewal and extension request, 41N requests a modification to the restriction on the License that limits it to Nantucket and requests that the License be expanded to include Martha's Vineyard.

41N's service has been utilized by customers who were either unable to travel with the Steamship Authority due to the Steamship Authority's boats being full on the day the customer needed to travel, or who needed to move multiple units to or from Nantucket as a group for a scheduled or emergency event (i.e. construction projects, weddings, etc.).

As 41N's service moved through its second year, inquiries for service to Martha's Vineyard steadily increased. The demand for service to Martha's Vineyard has been strong enough to drive the request that the License be expanded to include Martha's Vineyard.

Service to both Nantucket and Martha's Vineyard would be provided on an on-demand basis from the Fish Island Terminal in New Bedford, MA. Operational details of the existing Nantucket and proposed Martha's Vineyard services are:

Nantucket

For the existing Nantucket service, 41N and the Steamship Authority jointly developed operational details to ensure that the service did not interrupt or impact the Steamship Authority's own operation in Nantucket. 41N requests that a renewal of the License maintain the same operational details developed under the current License. Specifically, 41N requests the following:

<i>License Period:</i>	Year round
<i>On-Demand Service:</i>	Monday – Friday of each week
<i>Excluded Dates:</i>	Holidays, as defined by the Steamship Authority
<i>Early Morning Window:</i>	0645 – 0715
<i>Late Morning Window:</i>	0930 – 1100
<i>Afternoon Window:</i>	1545 – 1630

On trips when 41N utilizes the Steamship Authority's Nantucket terminal to offload and/or reload in one or both morning windows and needs to utilize the terminal in the afternoon window, 41N's tug and barge would depart the Nantucket terminal following the morning offload / reload and not return until the afternoon window.

## Martha's Vineyard

For the proposed Martha's Vineyard service, 41N requests dockage and landside access at the Vineyard Haven terminal. 41N would work with the Steamship Authority's Vineyard Haven Terminal Manager to develop operational details to ensure that the service did not interrupt or impact the Steamship Authority's own operation. Subject to review and concurrence by the Steamship Authority, 41N has preliminarily identified and requests the following:

<i>License Period:</i>	Year round
<i>On-Demand Service:</i>	Monday – Friday of each week
<i>Excluded Dates:</i>	Holidays, as defined by the Steamship Authority
<i>Morning Window:</i>	0535 – 0605
<i>Afternoon Window:</i>	1720 – 1740

Service to Martha's Vineyard would be operated the same as service to Nantucket with respect to truck drivers, offloading and reloading. Specifically:

- Drivers would not ride on the barge and would need to make other accommodations to get to/from Martha's Vineyard.
- For trucks going to Martha's Vineyard, drivers would be responsible to meet the barge in Vineyard Haven and drive the truck off the barge and immediately from the Steamship Authority terminal.
- For trucks departing Martha's Vineyard, drivers would be directed to arrive at the terminal at a specific time and direct load onto the barge, without pre-staging at the terminal.

On trips when 41N utilizes the Steamship Authority's Vineyard Haven terminal to offload and/or reload in both the morning and afternoon windows, 41N's tug and barge would depart the Steamship Authority terminal and Vineyard Haven inner harbor following the morning offload / reload and not return until the afternoon window.

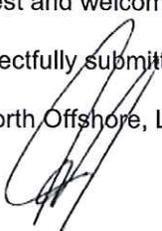
## Dual Island Service

Most trips to Nantucket or Martha's Vineyard would be direct to one island, with a return trip to New Bedford. The timing for the proposed Martha's Vineyard "Morning Window" and Nantucket "Late Morning Window" is such that there may be trips where 41N's barge would first stop in Martha's Vineyard, offload/reload during the "Morning Window" and then proceed to Nantucket and offload/reload during the "Late Morning Window". Other than both islands being serviced on the same day, all other operational details and times would be the same as if only one island was being serviced.

41N appreciates the Steamship Authority's consideration of this renewal, extension and modification request and welcomes an opportunity to discuss further.

Respectfully submitted,

41 North Offshore, LLC, d/b/a Island Freight Line

  
Jonah Mikutowicz, Manager

Cc.: Terence Kenneally | Woods Hole, Martha's Vineyard & Nantucket Steamship Authority  
Matthew Fisher | 41 North Offshore, LLC

**OPEN SESSION**

**CONSENT AGENDA**

**1. Administrative Orders**

- a. Vote to opt in to in-person early voting for the May 21<sup>st</sup>  
Annual Town Election



**ITEM NUMBER:** Consent Agenda – Administrative Orders 1.a.

**ITEM TITLE:** Vote to Opt In to In-Person early voting for the May 21st Annual Town Election

**MEETING DATE:** 2/12/2024

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

**SUBMITTED BY:** Michael Palmer, Town Clerk

**ATTACHMENTS:** Letter to Nancy Taylor, Chairperson Select Board RE: Opting into In-Person Early Voting

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**PURPOSE:**

Select Board Vote opting into In-Person Early Voting.

**BACKGROUND/SUMMARY:**

- The Voting Act passed in 2022 has made several changes to how Elections are conducted. The major change is the availability of Early Voting.
- State Elections require Early Voting In-Person and Early Voting by Mail.
- Municipal Elections on the other hand allow Towns to opt out of Early Voting by Mail and opt into Early Voting In-Person.
- To remain consistent for all Elections, the Town Clerk is requesting the Select Board vote to opt into Early Voting In-Person.

**DEPARTMENT RECOMMENDATION:**

The Town Clerk recommends that the Select Board vote to opt into Early Voting In-Person.

**OPTIONS:**

- Motion to opt-in to early voting in-person as recommended by the Town Clerk.
- Motion to deny opting into early voting in-person as recommended by the Town Clerk.

**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 opt into Early Voting In-Person as requested by the Town Clerk.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

2/9/2024

Date



# *Town of Falmouth*

**MICHAEL PALMER  
TOWN CLERK**

59 Town Hall Square, Falmouth, Massachusetts 02540  
(508) 495-7353 Fax (508) 457-2511

Nancy Taylor, Chairperson Select Board  
59 Town Hall Square  
Falmouth, MA 02540

RE: Opting into In-Person Early Voting

Dear Nancy,

The Voting Act passed in 2022 has made several changes to how Elections are conducted. The major change is the availability of Early Voting. State Elections require Early Voting in Person and also Early Voting by Mail. Municipal Elections on the other hand allow Towns to opt out of Early Voting by Mail and opt into Early Voting in Person.

I believe we have the opportunity to impact turnout at our Municipal Election by opting into Early Voting in Person. I would staff the Old Water Dept. with two election workers Saturday May 11<sup>th</sup> and Monday May 13<sup>th</sup> through Friday May 17<sup>th</sup> 10 am to 2 pm total of 24 hours.

The Select Board would need to vote to opt in. I am requesting you include this on an upcoming agenda. The motion should be "I move that the Town vote to opt in to Early Voting in Person for the May 21st Annual Town Election to be held Saturday May 11<sup>th</sup> and Monday May 13<sup>th</sup> through Friday May 17<sup>th</sup> 10 am to 2 pm at Town Hall."

I would be happy to attend the Select Board meeting if any explanation is necessary. Please don't hesitate to contact me if you have any questions.

Regards,

**Michael Palmer, CMC/CMMC**  
Falmouth Town Clerk  
508-495-7353

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Administrative Orders**

- b. Sign Warrant for Presidential Primary on Tuesday, March 5, 2024



**ITEM NUMBER:** Consent Agenda – Administrative Orders 1.b.  
**ITEM TITLE:** Sign Warrant for Presidential Primary on Tuesday, March 5, 2024  
**MEETING DATE:** 2/12/2024  
**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**   
**SUBMITTED BY:** Michael Palmer, Town Clerk  
**ATTACHMENTS:** Warrant for Presidential Primary

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**PURPOSE:**

The Select Board is being requested by the Town Clerk to vote and sign the warrant for the Presidential Primary.

**BACKGROUND/SUMMARY:**

- Massachusetts General Law requires that all Primaries and Elections are held pursuant to the issuing of a warrant signed by the Select Board, directing a Constable to post a copy of the warrant in Town Hall and a public place in each precinct in the Town at least seven (7) days prior to the date and time of the Primary or Election.

**DEPARTMENT RECOMMENDATION:**

The Town Clerk recommends that the Select Board sign the warrant for the Presidential Primary.

**OPTIONS:**

- Motion to sign the warrant for the Presidential Primary as presented.
  
- Motion to deny executing the warrant for the Presidential Primary 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:**

The Town Manager recommends that the Select Board sign the warrant for the Presidential Primary as requested by the Town Clerk.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

2/9/2024

Date

**COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH**

**WARRANT FOR PRESIDENTIAL PREFERENCE PRIMARIES**

**Barnstable SS.**

To either of the Constables of the Town of Falmouth

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Primaries to vote at

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

on **TUESDAY, THE FIFTH DAY OF MARCH, 2024**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primaries for the candidates of political parties for the following offices:

**PRESIDENTIAL PERFERANCE  
STATE COMMITTEE MAN  
STATE COMMITTEE WOMAN  
TOWN COMMITTEE**

**FOR THE COMMONWEALTH  
PLYMOUTH AND BARNSTABLE DISTRICT  
PLYMOUTH AND BARNSTABLE DISTRICT  
TOWN OF FALMOUTH**

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

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.  
(month)

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

Select Board of: the Town of Falmouth

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Falmouth by posting an attested copy of this warrant in Town Hall and a public place in each precinct

\_\_\_\_\_, 2024.  
Constable (month and day)

**OPEN SESSION**

**CONSENT AGENDA**

**1. Administrative Orders**

- c. Request for variance to Sign Code - §184-30 (C) Special Events: St. Barnabas Church, 91 Main Street

St. Barnabas Episcopal Church:

Request for promotional signs in excess of days permitted under Section 184-30 (C) Special Events of the Sign Code.

Location: St. Barnabas Church, 91 Main Street.

Lawn in front of the church, set back from the street, placed next to the driveway entrance.

Events: Summer at St.B's, Strawberry Festival, Lobster on the Lawn, Christmas Fair, Woods Hole Clothing Sale, Epiphany, Lent, Easter, Pentecost, Advent, Christmas, other special events and worship services. (Exceeds 30 days per calendar year.)

Size: 6' x 10', displayed on temporary 4' x 4' wooden posts (in excess of 32 square feet).

If variance is approved, a sign permit from the Building Department will be required.



January 22, 2024

Ms. Diane S. Davidson, Office Manager/Licensing  
Office of the Town Manager and Select Board  
Town of Falmouth  
59 Town Hall Square, #1  
Falmouth, MA 02540

Subject: Sign Variance – Temporary Promotional Signs

Dear Ms. Davidson,

The Parish of Saint Barnabas Falmouth requests approval from the Select Board of a variance to the Town Sign Code Section 184-30 (C) Special Events to display temporary promotional signs in excess of the number of days permitted and for temporary signs in excess of the number of days permitted, and for temporary signs in excess of 32 square feet, as follows:

Location: Saint Barnabas's Memorial Episcopal Church, 91 Main Street  
(In front of the church, set back from the street, and placed next to the driveway entrance to the Saint Barnabas's campus.)

Dimensions: 6 ft. x 10 ft, displayed on temporary 4 ft. x 4 ft. wooden posts.

Events: Summer @ StB's, Strawberry Festival, Lobster on the Lawn, Christmas Fair, Woods Hole Clothing Sale, Epiphany, Lent, Easter, Pentecost. Advent, Christmas, and other special events and worship services.

The attractive professionally produced signs are vital to inviting residents of and visitors to the Town of Falmouth to the beautiful church campus, and will not impede or interfere with pedestrian or vehicular traffic. Having the ability to erect tastefully designed signs temporarily on the front lawn of the church that invite and welcome community participation in the offerings of Saint Barnabas 's is critical to sustaining the parish and its diverse ministries.

We respectfully request the Select Board for the Town of Falmouth granting to The Parish of Saint Barnabas Falmouth the requested variance as outlined above.

Very truly yours,

The Rev. W. (Will) H. Mebane, Jr., Rector

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Administrative Orders**

- d. Accept a donation from the Falmouth Commodores for an in-kind donation with an estimated value of \$10,000 for Fuller Field bleacher repairs



**ITEM NUMBER:** Consent Agenda – Administrative Orders 1.d.

**ITEM TITLE:** Accept a donation from the Falmouth Commodores for Fuller Field Bleacher repairs in the amount of \$10,000

**MEETING DATE:** 02/12/2024

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

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

**ATTACHMENTS:**

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**PURPOSE:**

To repair the existing bleachers on Fuller Field due to safety concerns with a donation of approximately \$10,000 from the Falmouth Commodores. The bleachers are well used during the summer for Falmouth Commodore home games.

**BACKGROUND/SUMMARY:**

- The Fuller Field Bleachers for the past 10 years have been in a state of disrepair; there have been a small number of injuries related to their condition.
- There have been discussions of removing the Bleachers since the Senior Center was built but they remain in place.
- The Falmouth Commodores have been awarded the 2024 League All Star Game; in order for the Commodores to be able to host the game the bleachers need to be repaired, and safe to use, as the All Star game could bring in 5-6,000 spectators.

- The Commodores have offered to pay (donation of approximately \$10,000) for the supplies that are needed to make the bleachers safe for use during the All Star game and beyond.
- The Town Manager intends to add the deconstruction of the bleachers to the Capital Improvement Plan (CIP); it anticipated that the bleachers, once repaired, would remain usable for a period of approximately 5 years, after which time they would be programmed for removal.

**DEPARTMENT RECOMMENDATION:**

The Falmouth Recreation Department and the Recreation Committee believe the repair of the bleachers is a necessary project for the following reasons:

- Safety
- The Commodores are scheduled to host the 2024 League All Star game, and the event will require the seating capacity provided by these bleachers.
- Provides time for the Town to plan for future use of the area.

The Recreation Department therefore recommends that the Select Board accept the donation from the Falmouth Commodores for the purchase of materials to effect necessary repairs to the Fuller Field bleachers in the amount of \$10,000.

**OPTIONS:**

- Motion to accept the donation from the Falmouth Commodores in the amount of \$10,000 for the purpose of repairing the Fuller Field bleachers as presented.
- Motion to deny the acceptance of a donation from the Falmouth Commodores in the amount of \$10,000 for the purpose of repairing the Fuller Field bleachers as presented.

**BUDGET INFORMATION:** Applicable:  Not Applicable: X 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 accept the donation from the Falmouth Commodores in the amount of \$10,000 for the purpose of repairing the Fuller Field bleachers as presented

*Michael Renshaw*

02/09/24

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Town Manager

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Date

**OPEN SESSION**

**CONSENT AGENDA**

**1. Administrative Orders**

- e. Water Main Easement Acceptance for 1061 East Falmouth Highway and 4 Edgewater Drive West



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Administrative Orders 1.e.

**ITEM TITLE:** Water main easement acceptance for 1061 East Falmouth Highway and 4 Edgewater Drive West

**MEETING DATE:** 2/12/2024

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

**SUBMITTED BY:** MATT LANEN, DPW WATER DIV.; BRIAN TOBIN, ASSOC. TOWN COUNSEL

**ATTACHMENTS:** Easement for Select Board Signature of Acceptance

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### PURPOSE:

For the Select Board to Vote to accept and sign the enclosed easement already executed by the abutters of a paper street that is a private way where the water division will be installing a new water main extension.

### BACKGROUND/SUMMARY:

- The water division is installing a new water main on a portion of Edgewater Drive West that is a paper street as it exists on a recorded plan only (no physical street extension at that location).
- Two properties directly abut this paper street and both property owners are signing off on granting the Town permission in perpetuity to, among other things, install, maintain, repair and replace a town water main in the easement area.
- The HOA for this area has a different structure of property rights/chain of title so as an added measure at a later date a separate instrument will be executed and recorded by them.

- It is important to record this easement right away though because after receiving the executed copy of this easement one of the two abutting properties was listed as pending on MLS.
- The closing attorney for the prospective purchaser has actual written notice of this executed easement and is aware it will be recorded shortly. It is still best to record before that closing.

**DEPARTMENT RECOMMENDATION:**

The Department of Public Works/Water Division recommends that the Board vote to accept this easement and then after accepting it sign the agreement.

While the Town has certain protections under MGL c. 187 s.5, the execution of this easement will provide additional important protection for this Water Division project on account of the abutters' consent to it. The abutters gladly signed and were also made aware of the possible benefit to their properties in the event they need to replace their existing water lines in the future. They may be able to connect to the new water main in such an occasion.

**OPTIONS:**

- Motion to approve and accept the water main easement for 1061 East Falmouth Highway and 4 Edgewater Drive West as presented, and to sign the easement.
- Motion to deny approval and acceptance of the water main easement for 1061 East Falmouth Highway and 4 Edgewater Drive West 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:**

The Town Manager recommends that the Select Board vote to approve and accept the water main easement for 1061 East Falmouth Highway and 4 Edgewater Drive West as presented, and to sign the easement.

*Michael Renshaw*

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**Town Manager**

2/9/2024

**Date**

1061 East Falmouth Highway, Falmouth, MA 02536  
4 Edgewater Dr. West, Falmouth, MA 02536

WATER MAIN EASEMENT AND AGREEMENT  
OLD SUBDIVISION PRIVATE WAY

We, Joan M. Holman, a single woman of 1061 East Falmouth Highway, Falmouth, MA 02536 (“Grantor”), and Rau Alexander a single man of 4 Edgewater Drive West, Falmouth, MA 02536 (“Grantor”) (collectively referred to as (Grantor(s)) grant to the Town of Falmouth (the “Town” or “Grantee”), a municipal corporation, of 59 Town Hall Square, Falmouth, Barnstable County Massachusetts 02540, regarding that portion of a Private Way known as Edgewater Drive West in Falmouth, Barnstable County, Massachusetts, abutting those parcels of land known and numbered as 1061 East Falmouth Highway, Falmouth, MA 02536 and 4 Edgewater Drive West, Falmouth, MA 02536

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(s) and others from time to time entitled to use the same, those strips of land lying within the shaded area labelled proposed 200’ x 40’ UTILITY EASEMENT AREA = 8000 SF bordered by lines “L1” through “L4” on the sketch entitled “Exhibit Plan Proposed Utility Easement East Falmouth, MA dated September 27, 2023 by Town of Falmouth Department of Public Works Engineering Division, attached here as Exhibit A (“Utility Easement Area” or “Private Way”), and showing a parcel bordering line L3 as now or formerly owned by Joan Holman 1061 East Falmouth Highway Parcel ID: 32 10 000A 002, a parcel bordering line L4 as now or formerly of Alexander Rau 4 Edgewater Drive East Parcel ID: 32 10 000A 085, as well as a paper street shown as an extension of the way labeled “Edgewater Drive West Variable Width – Public” that constitutes said Utility Easement Area and is now or formerly of Joseph H. Joubert 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 Private Way in which the water main extension herein provided for is laid.

The Grantor(s) for itself (or themselves) and its (or their) respective successors in the record title covenant and agree 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. Grantor understands Grantee has or will, without any cost or expense to the Grantors, 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 said portion of Edgewater Drive West, in, through, under, across and along the Private Way shown on the plan attached hereto as Exhibit A.
3. This paragraph is intentionally blank.
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 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 Private Way 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 Private Way after the water main has been laid and installed as herein contemplated or provided, that the undersigned Grantor(s), 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 Private Way.
6. Grantor will not authorize nor permit to be laid any existing or proposed wastewater 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

Private Way within five (5) feet of any water main laid in said Private Way. However, the provisions 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. If and when any waste management system or components thereof cross with the Water Main Extension, or vice versa, then such crossing shall comply with the Department of Public Works' then current Utilities Standards and shall in no case be spaced less than eighteen inches apart vertically. 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. This paragraph is intentionally blank.
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 continually through said water main extension to said premises that title to 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. Grantee shall only take title to those portions of the Water Main Extension running from the curb stop(s) to the main and Grantor and its successors in record title shall keep title to and remain responsible for those portions of the Water Main Extension running from the curb stop to the structure(s) it services, including, without limitation, the service line running from the curb stop to the meter, the meter, the shut off valves, and the spigot shut off valves.
9. This paragraph is intentionally blank.
10. The Town is hereby authorized to maintain, repair or replace the Water Main or place lights, signs, and barricades in said portion of the Private Way.
11. To the fullest extent of Grantor's lawful rights and ability, including, without limitation, any and all such rights authorized under MGL c. 187 § 5, Grantor further grants to Grantee, acting by and through its Water Division, permission to enter upon said private way in its entirety or other private ways to place, install, repair, or relocate pipes, conduits, manholes, and other necessary appurtenances for the transmission of water. The Parties agree that the decision to exercise said permission with respects to the private way in its entirety or other private ways shall remain in the sole discretion 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.

*Signature pages to follow.*

For title reference of Rau Alexander deed recorded at the Barnstable County Registry of Deeds Book 29659, Page 219. Rau Alexander certifies that no one is entitled to homestead rights in the above described property.

IN WITNESS WHEREOF, the undersigned ALEXANDER RAU being \_\_\_\_\_, the owner of record of 4 Edgewater Drive West, Falmouth, MA. 02536 has signed, sealed, acknowledged and delivered this instrument on behalf of Seacoast Shores Association, Inc. this 24 day of , 2024.

By [Signature]  
Rau Alexander

Commonwealth of Massachusetts

County of Barnstable

On JANUARY 24, 2024 before me, the undersigned notary public personally appeared ALEXANDER RAU, proved to me on the basis of satisfactory evidence of identification which was LICENSE 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) free act and deed.

WITNESS my hand and official seal.

Signature of Notary Public: Peter M. McConarty  
Print Name: PETER MCCONARTY  
My Commission Expires: APRIL 13, 2029



For title reference of Joan M. Holman see deed recorded at the Barnstable County Registry of Deeds Book 28339, Page 277. Joan M. Holman certifies that no one is entitled to homestead rights in the above-described property.

IN WITNESS WHEREOF, the undersigned Joan M. Holman being \_\_\_\_\_, the owner of record of 1061 East Falmouth Highway, Falmouth, MA 02536 has signed, sealed, acknowledged and delivered this instrument on behalf of Seacoast Shores Association, Inc. this 19 day of January, 2024

By: Joan M. Holman  
Joan M. Holman

Commonwealth of Massachusetts

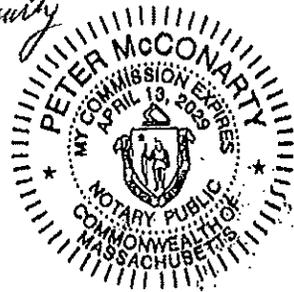
County of Barnstable

On JAN. 19, 2024 before me, the undersigned notary public personally appeared Joan M. Holman proved to me on the basis of satisfactory evidence of identification which was PERSONALLY KNOWN 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) free act and deed.

WITNESS my hand and official seal.

Signature of Notary Public: Peter M. McConarty  
Print Name: PETER M. MCCONARTY  
My Commission Expires:

APRIL 13, 2029



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 P. Zylinski II, Vice Chair

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

\_\_\_\_\_  
Onjalé Scott Price

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

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

**Exhibit A**

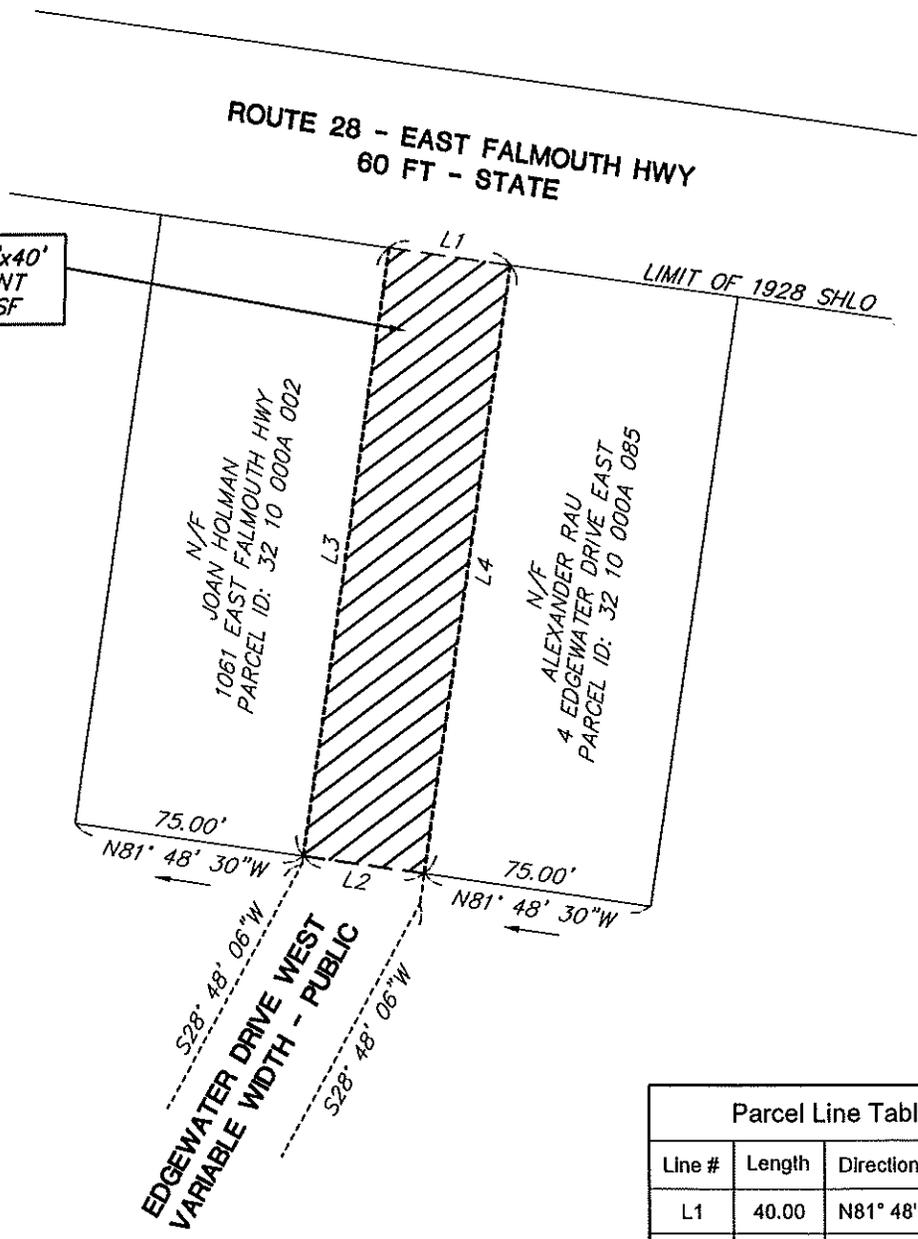
Water Easement Plan

[See Attached]



ROUTE 28 - EAST FALMOUTH HWY  
60 FT - STATE

PROPOSED 200'x40'  
UTILITY EASEMENT  
AREA = 8000 SF



Parcel Line Table		
Line #	Length	Direction
L1	40.00	N81° 48' 30.00"W
L2	40.00	S81° 48' 30.00"E
L3	200.00	S8° 11' 30.00"W
L4	200.00	S8° 11' 30.00"W

Scale: 1" = 60'



DATE	BY	REVISION

TOWN OF FALMOUTH  
DEPARTMENT OF  
PUBLIC WORKS  
ENGINEERING DIVISION  
416 GIFFORD STREET  
FALMOUTH, MA 02540  
508-457-2543



EXHIBIT PLAN  
PROPOSED UTILITY EASEMENT  
EAST FALMOUTH, MA 02536

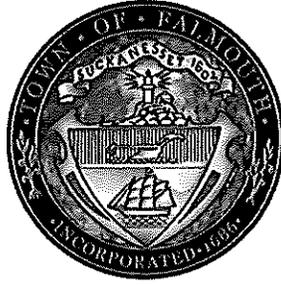
DESIGN: TOF	DATE : SEPT. 27, 2023
DRAWN: NAC	SCALE: AS NOTED
CHECKED: JEM	SHEET 1 OF 1
DRAWING : RA\WAT\2023\EASE.DWG	

**OPEN SESSION**

**CONSENT AGENDA**

**1. Administrative Orders**

- f. Approve a Letter of Support to raise the Ferry Embarkation Fee from \$0.50 to \$2.00



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Administrative Orders 1.f.

**ITEM TITLE:** Approve a Letter of Support to Raise the Ferry Embarkation Fee from \$0.50 to \$2.00

**MEETING DATE:** 2/12/2024

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

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

**ATTACHMENTS:** DRAFT Letter of Support dated February 12, 2024; Previous Letter of Support dated January 9, 2023

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### PURPOSE:

The Select Board is being requested to consider the approval of a Letter of Support concerning current proposed legislation that would have the effect of raising the ferry embarkation fee from \$0.50 to \$2.00.

### BACKGROUND/SUMMARY:

- The Town Manager's office was contacted by the Chair of the Tisbury Finance and Advisory Committee, Nancy Gilfoy, concerning whether the Town of Falmouth would be supportive of generating a letter of support to the Joint Committee on Revenue to raise the embarkation fee from the current \$0.50 to \$2.00.

- In January 2023 the Falmouth Select Board previously sent a Letter of Support (attached), as did Tisbury and Oak Bluffs, in support of legislation at that time that would have raised the fee to \$1.50; according to Ms. Gilfoy with the Town of Tisbury, this version of the letter is now being supported for the first time by additional port towns.
- The bill has been tied up in the Joint Revenue Committee for over a year now, and the port towns feel a further showing of collective support for the increase to \$2.00 is important.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board vote to approve a Letter of Support to raise the ferry embarkation fee from \$.0.50 to \$2.00, and to authorize the Chair to sign the letter.

**OPTIONS:**

- Motion to approve a Letter of Support to raise the ferry embarkation fee from \$.0.50 to \$2.00, and to authorize the Chair to sign the letter.
- Motion to deny approval of a Letter of Support to raise the ferry embarkation fee from \$.0.50 to \$2.00, and to authorize the Chair to sign the letter.

**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 a Letter of Support to raise the ferry embarkation fee from \$.0.50 to \$2.00, and to authorize the Chair to sign the letter.

*Michael Renshaw*

\_\_\_\_\_

2/9/2024

Town Manager

Date



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

[townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

February 12, 2024

Senator Susan Moran  
Representative Mark Cusack  
Chairs of the Joint Committee on Revenue  
26 Beacon Street  
Boston, MA 02133

Dear Senator Moran and Representative Cusack:

Senator Cyr's office has initiated Bill No. SD 451 amending Section 11 of Chapter 55 of the Acts of 2003, as amended by Sections 44-47 of Chapter 65 of the Acts of 2004 (the "Act"), which would increase the embarkation fee (the "Fee") applicable to ferry passengers leaving certain port towns, from \$.50, to \$2.00. The Town of Falmouth urges you to review and approve the Bill in your Committee as quickly as possible as the \$.50 fee has been in place for over 20 years and an increase is long overdue.

The Fee was designed to offset some of the additional costs incurred by port Towns because of hosting ferry service. The need for additional public safety services - police, fire, and ambulance - due to being a port town is a substantial expense for municipal budgets. The ferries themselves cause dredging issues in our harbors, wear and tear on our jetties and seawalls and other infrastructure. The increased car traffic requires additional repairs to roads. 20 years is too long for a fee to remain static when the costs that fee defrays have increased exponentially during that same time. In addition, those costs will be further exacerbated due to inevitable increased usage and the real pressures of climate change.

An increase in the embarkation fee is long overdue. Increased operating and capital costs for the taxpayers of port towns have been substantial and will continue to increase to keep up with issues related to inflation and climate change. Sharing the added costs with the people who use these ports is fair and will ensure that the port towns remain safe and welcoming for years to come. Please pass this Bill as expeditiously as possible.

Sincerely,

Nancy Robbins Taylor, Chair  
Falmouth Select Board



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

[townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov)

January 10, 2023

Senator Julian Cyr  
24 Beacon Street, Room 312-E  
Boston, MA 02133

Senator Susan Moran  
24 Beacon Street, Room 506  
Boston, MA 02133

Representative Dylan Fernandes  
24 Beacon Street, Room 472  
Boston, MA 02133

Representative David Vieira  
24 Beacon Street, Room 167  
Boston, MA 02133

Subject: Tisbury and Oak Bluffs Embarkation Fee Memorandum

Dear Senators and Representatives,

During its meeting on Monday, January 9, 2023, the Falmouth Select Board unanimously voted to support the Fee Embarkation Memorandum submitted by the Towns of Tisbury and Oak Bluffs, and the Town of Falmouth joins Tisbury and Oak Bluffs in the request for an amendment to the ferry fee acts in order to increase the embarkation fee to a mutually agreed upon amount of \$1.50.

We appreciate your efforts and thank you for your assistance in addressing the concerns and needs of our communities.

Respectfully,

On behalf of the Falmouth Select Board

Nancy R. Taylor, Chair  
Falmouth Select Board

Enclosure: Tisbury and Oak Bluffs Embarkation Fee Memorandum



**Joint letter from  
the towns of  
Tisbury and Oak Bluffs**



December 22, 2022

Senator Julian Cyr  
24 Beacon Street  
Room 312-E  
Boston, MA 02133

Representative Dylan Fernandes  
24 Beacon Street  
Room 472  
Boston, MA 02133

Re: Tisbury and Oak Bluffs Embarkation Fee Memorandum

Gentlemen,

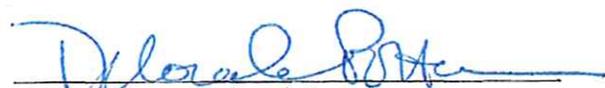
At both the Tisbury Selectboard's and Oak Bluffs Selectboard's meetings of December 21, 2022, both Selectboards unanimously voted to approve the attached Embarkation Fee Memorandum and forward it to our State Legislators for action.

As noted in the memo, both Towns are respectfully requesting an amendment to the ferry fee acts in order to increase the embarkation fee to a mutually agreed upon amount of \$1.50 which we feel is reasonable to address various issues that our town face.

We appreciate your efforts and thank you for your assistance and cooperation in addressing the concerns and needs of our communities.

Respectfully,

  
John Grande  
Town Administrator  
Town of Tisbury

  
Deborah Potter  
Town Administrator  
Town of Oak Bluffs

Encl: Tisbury and Oak Bluffs Embarkation Fee Memorandum



**Tisbury and Oak Bluffs  
Embarkation Fee  
Memorandum**



The Towns of Tisbury and Oak Bluffs respectfully request an amendment to Section 11 of Chapter 55 of the Acts of 2003, as amended by Sections 44-47 of Chapter 65 of the Acts of 2004 (the "Act"), in order to increase the \$.50 embarkation fee (the "Fee") applicable to ferry passengers leaving those Towns to \$1.50. We are not asking for any other amendments to the Act. We understand the Fee is applicable to other port towns and welcome their participation in this process.

The Fee charged for embarkation from Tisbury and Oak Bluffs has been in effect for 19 years (since 2003), yielding Tisbury, on average, \$248,000 per year and Oak Bluffs, on average, approximately \$200,000 per year. It was designed to reimburse the Towns for the added costs of hosting ferry service. The Steamship Authority expects to move more than 2,000,000 ferry passengers, 428,000 automobiles and 146,000 trucks through Tisbury and Oak Bluffs on the Steamship Authority alone in 2023. Thousands of additional passengers will embark from Oak Bluffs via the Hy-line and the Island Queen ferries.

The costs of additional police, fire, traffic and infrastructure demands on the port towns are substantial. The ferries themselves cause dredging issues in our harbors, wear and tear on our jetties and seawalls, damage to our roads and other infrastructure needs. 19 years is too long for a fee to remain static when the costs that fee is supposed to cover have increased exponentially during that same time. In coming years, those costs will be further exacerbated by the infrastructure needs of the Towns due to inevitable increased usage and climate change.

**Justifications for a Fee Increase:**

**Tisbury:**

In 2006 Tisbury established a committee to review projects that fit within the parameters established for the embarkation funds and to recommend a number of these for Town Meeting votes each year.

The majority of the projects funded by embarkation fees have come from the departments responsible for public safety, infrastructure, the maintenance of downtown Vineyard Haven, and the harbor. Since 2006, these department budgets have increased significantly:

- Ambulance 497%
- Fire 417%
- Harbor 222%



## Tisbury and Oak Bluffs Embarkation Fee Memorandum



- Police 213%
- Department of Public Works (DPW) 197%

These increases have been reflected in the cost of some of the recurring expenses funded through embarkation:

- The cost of dredging the back channel of Vineyard Haven Harbor was \$293,000 in 2014 and is estimated to be \$380,000 in 2022. Dredging behind the breakwater is estimated at \$430,000 in 2022
- The cost for summer police officer salaries and uniforms nearly doubled from \$50,000 in 2021 to \$94,250 in 2022
- The yearly contribution to the dredging stabilization fund has grown from \$50,000 in 2016 to \$100,000 in 2022
- The membership fee for the Martha's Vineyard Tactical Response Team rose from \$2,500 in 2014 to \$5,750 in 2022.
- Upkeep of downtown related to ferry traffic increased from \$10,000 in 2010 to \$25,000 in 2022

### *Tisbury's Future*

Tisbury conducted a Municipal Vulnerability Preparedness Workshop in 2018/2019. The goals of the workshop were to identify hazards Tisbury faces that are being exacerbated by climate change and to prioritize actions the town can take to prepare for the identified hazards. Infrastructure issues in the waterfront were identified as top priorities to be addressed, including:

- Development of a comprehensive stormwater management plan for flooding which is particularly severe in Five Corners, the exit from the steamship terminal;
- Identification and initiation of harbor improvement (breakwater extensions) to protect downtown areas and the harbor;
- Initiation of roadway improvements to improve resiliency to coastal flooding, storm surge and sea level rise.

There are no cost estimates for these projects as yet -- as a benchmark, the recent 1 1/2" overlay paving of less than a mile of pavement cost \$242,000. Jetty extensions and seawall improvements will be in the millions. These are all major capital expenses necessary to preserve the town's ability to serve as the year-round port for residents and visitors alike. An increase in the Fee could be used, for example, to help build up the town's existing infrastructure stabilization fund or to provide matching funds for state and federal grants, allowing the town to be proactive in protecting the waterfront.

### **Oak Bluffs:**

Oak Bluffs has primarily used the Fees to offset the cost of police salaries, such usage voted on at Town Meeting.



**Tisbury and Oak Bluffs  
Embarkation Fee  
Memorandum**



The police budget has gone up 124% from 2004-2023. In addition to that increase, police salaries in Oak Bluffs will be rising substantially as they are currently under market and the availability of special officers and community service officers has been decreasing or has been eliminated. Emergency Medical Services, another usage of the Fees, is up 387% since 2003.

In addition, Oak Bluffs has, and continues to have, significant capital costs relating to its port town status:

- In Oak Bluffs, the ferries which come into the Harbor have contributed to the disintegration of the Harbor jetties. The costs to repair those jetties was estimated to be \$5,000,000 prior to the most recent inflation pressures.
- The North Bluff seawall and beach in Oak Bluffs had to be repaired recently at a cost to Oak Bluffs of \$1,700,000.
- The North Bluff Seaview Avenue in Oak Bluffs also requires reconstruction to better serve the needs of visitors at a cost in excess of \$1,000,000.
- Periodic dredging caused by boat turbidity costs Oak Bluffs \$5,000 on average per year.

In contrast to the above escalating figures, the embarkation fee has remained the same for 19 years and the amount received by the Vineyard port towns has stayed relatively flat.

An increase in the embarkation fee is long overdue. Increased operating and capital costs of port-related towns have been substantial and will increase with inflation and climate change. Sharing the added costs with the people who come to enjoy this beautiful Island is fair and will ensure that the port towns remain safe and welcoming for years to come.

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Administrative Orders**

- g. Accept the Executive Office of Public Safety and Security and Department of Fire Services (DFS) FY2024 Firefighter Safety Equipment Grant in the amount of \$18,715.90



**ITEM NUMBER:** Consent Agenda - Administrative Orders 1.g.  
**ITEM TITLE:** FY 2024 Firefighter Safety Equipment grant approval  
**MEETING DATE:** 2/12/2024  
**WORK SESSION**  **REGULAR MEETING**  **PUBLIC HEARING**   
**SUBMITTED BY:** Falmouth Emergency Management Division  
**ATTACHMENTS:** Memo to the Town Manager, EMPG Notice of Funding Opportunity, Grant Application

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**PURPOSE:**

The Falmouth Fire Rescue Department is seeking the Selectboard's approval of accepting the Executive Office of Public Safety and Security and the Department of Fire Services FY 2024 Firefighter Safety Equipment grant.

**BACKGROUND/SUMMARY:**

- This grant is awarded by the Executive Office of Public Safety through the Department of Fire Services' FY24 Firefighter Safety Equipment Grant program for the purchase of firefighter safety equipment in accordance with the Acts of 2020 chapter 151 2D, the Department of Fire Services Earmark and Grants policy and procedures, and CMR 815, 2.00 State Grant Regulations.
- The primary objective of the project is to equip all front-line responding apparatus with adequate PPE for the number of responders on each vehicle. Funds will be used to purchase ballistic equipment that will make up kits to include protective armor, trauma kits, and patient transport gear.

**DEPARTMENT RECOMMENDATION:**

The Falmouth Fire Rescue Department is seeking the Selectboard's approval of accepting the Executive Office of Public Safety and Security and the Department of Fire Services FY 2024 Firefighter Safety Equipment grant.

**OPTIONS:**

Please consider approval of accepting the FY 2024 Firefighter Safety Equipment grant.

**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**

Click or tap to enter a date.

**Date**



OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
STATE HOUSE BOSTON, MA 02133  
(617) 725-4000

MAURA T. HEALEY  
GOVERNOR

KIMBERLEY DRISCOLL  
LIEUTENANT GOVERNOR

February 6, 2024

Chief Timothy Smith  
Town of Falmouth  
399 Main Street  
Falmouth, MA 02540

Dear Chief Smith,

Congratulations! I am pleased to inform you that the Executive Office of Public Safety and Security and the Department of Fire Services (DFS) has awarded the Town of Falmouth Fire Department \$18,715.90 in State Fiscal Year 2024 funding for the Firefighter Safety Equipment Grant Program.

With each new challenge, the fire service in Massachusetts demonstrates its ability to adapt, overcome, and continue providing the excellent level of services that the citizens of the Commonwealth have come to expect. Please know how thankful I am for this, and how grateful I am to be able to provide your department with this important equipment.

The contract, terms and conditions, and other award documents for this program will be provided to you by DFS. Please contact Tim Moore at DFS with any questions about this award at 978-567-3721 or [Timothy.Moore@mass.gov](mailto:Timothy.Moore@mass.gov).

Sincerely,

A handwritten signature in blue ink that reads "M. T. Healey".

GOVERNOR MAURA T. HEALEY

A handwritten signature in blue ink that reads "Kim Driscoll".

LT. GOVERNOR KIMBERLEY DRISCOLL



**EXECUTIVE OFFICE OF PUBLIC SAFETY & SECURITY  
DEPARTMENT OF FIRE SERVICES**



**FY24 FIREFIGHTER SAFETY EQUIPMENT GRANT PROGRAM**

**Application Narrative**

**Project Summary**

**Please explain all equipment being requested, quantities, and how it will be deployed/managed. Include details on installation, maintenance plans, how cost estimates were obtained, accessories to be included, and any other relevant information.**

The Falmouth Fire Rescue Department is a medium-sized fire and EMS department located in a large coastal community on Cape Cod. The department consists of close to 100 members and responds to roughly 9,000 fire and EMS emergencies annually. Falmouth is home to the Woods Hole Oceanographic Institute. Woods Hole is also the main port access to the island of Martha's Vineyard via the Massachusetts Steamship Authority. The town of Falmouth has a summertime population often in excess of 125,000 and hosts several popular events, including the Falmouth Road Race, which attracts over 12,000 runners and 75,000 spectators annually. The 4th of July fireworks display in Falmouth is considered one of the top displays in the country and attracts many thousands of visitors. The Barnstable County Fairgrounds, located in Falmouth, also attract over 70,000 visitors annually. The Falmouth Fire Rescue Department has responded to multiple active shooter events over the past several years including the shooting of two Falmouth police officers in 2018, the shooting of multiple victims including a police officer in Bourne in 2015 and the kidnapping of multiple victims in 2022.

The Falmouth Fire Rescue Department has recently committed to increasing the size of the department with additional staffing and the buildout of an additional fully staffed 6th fire/EMS station. We are seeking funds to complete the outfitting of additional engines and ambulances with active shooter protective gear. The goal of the project is to equip all front-line responding apparatus with adequate PPE for the number of responders on each vehicle. Funds will be used to purchase items listed in the budget detail sheet that will make up the kits, including protective armor, trauma kits, and patient transport gear. Response kits will be maintained on an annual basis during annual gear and PPE inspection. Cost estimates were obtained via qualified vendors through the Massachusetts state bid list.

**Project Need**

**Please explain the reason grant funding is needed to purchase this equipment and connect it to one of the Purchase Justification options listed in the Notice of Funding Opportunity (i.e. There are 10 firefighters on my department without a compliant second set of turnout gear, my department has one thermal imaging camera which was purchased in 2012 and no longer functions properly, etc.).**

Due to the Falmouth Fire Rescue Department's recent expansion, including an increase in fleet size and the addition of a new station, there is an immediate need to increase the level of personal protective equipment (PPE) available to on-duty members.

## **OPEN SESSION**

### **MINUTES**

1. Review and vote to approve minutes of meetings
  - a. Public Sessions – January 8, 2024 and January 29, 2024

February 12, 2024

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Open Session**  
**MONDAY, JANUARY 8, 2024 – 6:30 P.M.**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

Present: Nancy Robbins Taylor, Chair; Edwin (Scott) P. Zylinski II, Vice Chair; Douglas C. Brown; Robert P. Mascali.

Present via telephone: Onjalé Scott Price.

Staff Present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order by Chair Taylor at 6:30 pm.
2. Pledge of Allegiance
3. Proclamation
4. Recognition

Mr. Brown recognized the Fire Department who did a good job at knocking down the Fire and thanks to other communities that assisted.

Mr. Mascali recognized the DPW and what a good job they did clearing the streets of the first snow of the season.

5. Announcements:
  - a. Falmouth Housing Authority Board – Extension of application deadline to January 19, 2024  
Joint meeting with the Falmouth Housing Authority will be held on 1/29/24.
  - b. Department of Conservation and Recreation (DCR) Notice of Proposed Land Acquisition  
Looking for 120 day waiver of the notice period and asked the Select Board to grant that waiver.

Chair Taylor read the waiver in the packet.

**Mr. Zylinski made a motion to approve. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

6. Public Comment

Lynn Rhodes, Deputy Captain for Precinct 8, thanked the Select Board for the FHA application extension deadline for the housing authority Board.

Steven Cohen, 597 West Falmouth Highway, and Todd Taylor, 611 West Falmouth Highway acknowledged the great work of the Falmouth Fire Department (FFD) in knocking down the fire in Downton Falmouth. The FFD is a well-developed team of firefighters with good equipment and backed up by their community fire department support. Incidents like this often result in the building being knocked down and replaced with a parking lot, but because of the good work of the FFD, the building will be able to be restored and continue to benefit the community.

Ben Weis, 175 Lake Shore Drive, is excited about the project with the nursing home on Main Street and he hopes to see other similar projects move forward in the future.

Mr. McConarty, Director of DPW, recapped previous coastal storms over the holidays. Surf Drive and Menhaunt Beach, Menhaunt Road, and Surf Drive sustained significant damage. The dune was taken away from Menhaunt west and eroded a portion of the parking lot. Last week they brought sand in to replenish the sand. With the bridge replacement project, realignment of the groins, and beach replenishment they hope to protect the beach. Hoping to put the bridge project out to bid after Labor Day 2024.

Dave Moriarty, Falmouth resident, passed out a document to the Select Board. The Community Planning Board meeting is tomorrow night at 6pm and has to do with the Wind Systems Bylaw that actually works. Planning Board is planning to change that, if you have property along the proposed cable and electric projects, he suggested attending the meeting.

Close to the Wind Summit in Hyannis is at the end of the month; Mr. Moriarty encouraged local elected officials to attend.

Bobbi Richards, Falmouth Housing Authority, thanked Mr. Renshaw for walking the properties recently, they appreciated it.

Dan Perea, Lawrence School Teacher, commented regarding the budget for fiscal year 2025. Chair Taylor stated he would need to wait until this agenda item to make comment.

#### COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members: Cape Cod Commission – John L. Druley  
Mr. Druley, member of Planning Board, said it would be great to have a representative on the Cape Cod Commission that is also on the Planning Board.

Mr. Mascali made a motion to appoint Mr. Druley to a term ending 4/24/24. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

The Select Board will reappoint Mr. Druley at a subsequent meeting and that appointment will carry through to 4/24/27.

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

1. Request to add a plaque to the band shell on the Falmouth Music and Arts Pavilion naming the band shell "The Lin Whitehead Band Shell"  
Mr. Zylinski read the hearing notice.

Jack Whitehead was present, Lin is his wife. The Town awarded a plaque to Oscar Wolf that went up there and he recommends that plaque be put on the side of the structure which was just being completed in the 1970's.

Chair Taylor noted the Recreation Department recommended this item be approved.

Public comment:

Dr. Rod McClain said that he was the Band Manager when the new bandshell was constructed. Ms. Whitehead worked hard to get that bandshell.

Mr. Zylinski made a motion to close the hearing. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

Chair Taylor made a motion to approve. Mr. Zylinski seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

2. Application for an Alteration of Premises of its Wine and Malt Beverages Restaurant License – Seafood Sam's Falmouth, Inc. d/b/a Seafood Sam's located at 356 Palmer Avenue, Falmouth  
(Taken out of order. )

Mr. Mascali reported that he shares an office with Attorney Lebherz.

Mr. Zylinski read the hearing notice.

Attorney Christopher Lebherz, 99 Town Hall Sq, requested continuance. This project has been long in the making, a number of plans drawn and revised. They hoped for picnic tables. Mr. Borselli has gone through 3-4 drafts of plans. Last Friday Attorney Lebherz learned the Falmouth Police Department (FPD) has concern, new ABCC guidelines include a direct sightline from the building and where the alcohol will be served. Everyone signed off positively, taking seats out of the restaurant and putting them outside during the season. He would like to review with Mr. Borselli, and requested 60 days in his letter, however 30-45 days may work.

**Mr. Brown made a motion to authorize the continuance for 60 days.**

Town Counsel advised the matter has to be within a 30-day period.

Attorney Lebherz hopes to revise the plans, meet with the FPD to review, and hopefully that will be acceptable.

**Mr. Brown amended motion his to a 30-day continuation to January 29, 2024. Mr. Zylinski seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

3. Wetlands/Dock Hearing – Michael Tanionos – application to construct a fixed pier that will extend approximately 72 feet seaward of mean high water into Childs River, located at 86 Edgewater Drive East, East Falmouth

Mr. Zylinski read the hearing notice.

Michael Borselli, Falmouth Engineering, represents the applicant. The Conservation Commission issued an order of conditions. Showed an aerial photo of the location, pointing out the other existing piers, overall width of the pond is 300 feet. Goal is to make the new pier more environmentally standard, extension is minor but are aware that they cannot extend more than 25% over the water way, the plan proposed does not. Showed the drawn diagram of the property and pier. The existing pier is supported by posts, new one will then be supported by timber pilings and a T at the end for the boat to tie. Extension is 17 feet from the end of the existing pier, allows for deeper water. They reviewed the plan with the Harbor Master, who issued a memo and Mr. Borselli shared via overhead computer. The pier is entirely fixed and elevated. Boat would tie at the end parallel to shore. There are no significant shellfish in the area. This meets all requirements and standards. If they receive a positive vote, they will move forward with the next step in permitting.

According to Mr. Borselli, this is one of the wider sections of the waterway.

Public Comments: none

**Mr. Zylinski made a motion to close the hearing. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

Discussion:

Mr. Brown only questioned whether the pier was within the 25% rule.

**Mr. Brown made a motion to approve as presented. Mr. Zylinski seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

## **BUSINESS**

1. Update on County grants and programs available to Falmouth homeowners upgrading septic systems in line with state Title 5 regulations

Dan Gessen, Sippewissett Road and Representative to the County Assembly. Here to talk about the Aquifund and some other County resources for homeowners dealing with septic replacement. Reviewed resources for homeowners in need, what is available is not enough and we should continue coming up with programs to help homeowners. Mr. Gessen made a computer presentation.

The Aquifund replaces the Community Septic Management Loan Program. The new Title V regulations that were passed 6 months ago, mandate that homeowners in impacted areas upgrade their septic system or connect to sewers. Hooking up or upgrading can cost from \$10,000 to \$36,000 per home. The Aquifund provides low to 0% interest loans for septic system upgrade or sewer connection, based on household income, prioritizes year-round homeowners, and can be paid back over 20 years. Apply directly at [capecod.gov](http://capecod.gov).

When approving new infrastructure at Town Meeting, the community can rest assured that residents have somewhere to turn.

Mr. Brown noted tax rules have changed, you can write off \$18,000 off your taxes.

[Capecod.gov](http://Capecod.gov) is the best place to learn more.

According to Mr. Gessen, the old program was only for failing septic systems, when it got rebranded as the Aquifund, it now includes upgrades to sewer and Title V.

The Select Board members thanked Mr. Gessen for his work.

2. Approve Conservation Commission application to the Community Preservation Committee for Community Preservation Act (CPA) funds

Mr. Brown made a motion to approve the application to the Community Preservation Committee for Community Preservation Act for funding in the amount of \$3 million for the purchase of two conservation restrictions on the proposed North Falmouth Woodland property being acquired by The 300 Committee Land Trust. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott-Price, aye; Chair Taylor, aye. Abstained: Mr. Zylinski.

Jennifer Lincoln, Conservation Administrator, introduced items 2, 3, 4, and 5.

Jessica Whritenour and Leonard Johnson Board Member made a computer presentation.

The 56-acre property located abutting the North Falmouth Elementary School and near the bike path was identified as a priority for conservation in the 1970's. Permanent conservation of about 50 acres with 7.5 acres to be set aside for affordable housing and will be sold to Habitat for Humanity. Reviewed a map of the area, it is a sensitive and fragile sight, one endangered species in the area is the Box Turtle. The state would like to see extended outreach letting the community know of this project so folks know there will be a warrant article. Presented a map showing natural resources on the property. Looking to permanently protect about 30% of Falmouth's land area, we have about 23% protected at this time. Seeking public funding of \$3,000,000, and explained how funds are used.

The 7.5 acre parcel was shown, it has access off of Benjamin Nye Lane and there is an existing residential use structure there.

Mr. Brown hopes they can make this a model going forward.

Mr. Johnson, Member of 300 Committee Board, 49 year resident of North Falmouth. Tonight, they are asking about the open space, 7.5 acres will be used for affordable housing. The State has looked at this project, and he expects the State funding to be in hand.

3. Approve Conservation Commission grant application to Land and Water Conservation Fund (5 minutes)

Chair Taylor read the motion in the packet to approve the Conservation Commission's request to make application to the land and water conservation grant fund in the amount of \$1 million for the purposes of reimbursing the Community Preservation Act.

**Mr. Brown made a motion to approve the motion read by Chair Taylor. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

4. Approve Conservation Commission application to Local Acquisitions for Natural Diversity (LAND) Grant Program (5 minutes)

**Mr. Brown made a motion to authorize and approve the Conservation Commission to submit two applications to the Local Acquisitions for Natural Diversity (LAND) Grant Program for grant funding in the amount of \$500,000 each in order to reimburse the Community Preservation Act, only to be submitted in the event its application to the Land and Water Grant Fund for the amount of \$1 million is unsuccessful. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

5. Request from The 300 Committee for a Conservation Restriction for a 1.9-acre portion of land on the property owned by Catherine Truman at 78 Benjamin Nyes Lane, North Falmouth (5 minutes)

Mr. Renshaw gave background, the Conservation Commission issued a letter of support, he recommends Select Board approval.

Kelly Grant, Land Protection Specialist, reported this is a separate property.

**Mr. Mascali made a motion to approve. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

6. Application for a new Second-Hand Dealer License – Boutique on the Buy Way, located at 47 North Main Street, Falmouth

Mr. Renshaw reported that the owner was not aware of the need for a second-hand dealer license. The Town background check is pending.

**Mr. Brown made a motion to approve the license contingent on a satisfactory background check. Second Zylinski. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

The applicant thanked the Select Board.

7. Vote to adopt FY2025 budget and submit it to the Finance Committee

Mr. Renshaw thanked the group for putting together a strong proposed and recommended budget. It is balanced, inflation has created a significant challenge and he reviewed the increases of costs. This addresses multiple Select Board strategic goals and is representative of the cost of operating. The Solid Waste Coordinator position was removed, he would like to address the plan that will fund from part time to full time status for that position. We have access to grant source, identified a potential funding source, and the grant opportunity will allow them to fully fund the full time position for a period of five years. This may be extended for five years with a slight change to the job description. They will also look at ways to leverage ways the incumbent can identify reduction in costs associated with waste management.

Purpose of tonight's meeting is to move the FY 2025 budget to forward to the Finance Committee.

Ms. Scott Price reported sending in questions to the Town Manager and Assistant Town Manager, she was pleased with the information they provided.

The Select Board consensus was to move the budget forward.

Dan Perea appreciates what the Town has done, he hopes to see the schools supported and he hopes that we can pull something together before June to make sure we can retain teachers.

Chair Taylor suggested he bring his comments to the School Committee. The Town gave the Falmouth Public Schools \$200 million in the budget; the School Committee determines how those funds are spent.

**Mr. Zylinski made a motion to submit the fiscal year 2025 budget to the Finance Committee. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

8. Approve annual license renewals for 2024

**MOTOR VEHICLE CLASS II**

Excel Auto Sales & Repair, 94 East Falmouth Highway

**AUTOMATIC AMUSEMENT DEVICE**

Shipwrecked, 263 Grand Avenue

Mr. Renshaw recommend approval.

**Mr. Zylinski made a motion to approve the licenses as posted and reviewed. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

**CONSENT AGENDA**

1. Licenses

- a. Application for a Special One-Day Wine & Malt Beverages License – West Falmouth Library at 525 West Falmouth Highway, West Falmouth – Wednesday, 1/31/24 – 6:00 – 8:00 p.m.
- b. Application for Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild at 58 Highfield Drive, Falmouth – Friday-Sunday, February 2-4; Friday-Saturday, February 9-10; and Friday-Sunday, February 16-18, 2024.

2. Administrative Orders

- a. Vote project eligibility letter for 24-unit housing proposal at 19 North Falmouth Highway
- b. Accept grant award from Falmouth Road Race, Inc. in the amount of \$2,350.00 to the Harbor Master's Office to purchase a replacement Automated External Defibrillator (AED)
- c. Accept grant award from Falmouth Road Race, Inc. for the purchase of an All-Terrain Vehicle (ATV) to be used and maintained by the Public Works Water Division  
Held by Mr. Brown who thanked Falmouth Road Race for funding these items.
- d. Accept donation from Hilton Railey in the amount of \$1,050.00 to the Falmouth Cultural Council  
Chair Taylor thanked Hilton Railey for the donation.
- e. Application for Coastal Zone Management Coastal Resilience Grant for FY25 Eel River Inlet widening

**Mr. Zylinski made a motion to approve the consent agenda. Mr. Brown seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.**

**MINUTES**

1. Review and vote to approve minutes of meetings: Public Session – December 18, 2023

Mr. Zylinski made a motion to approve. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Chair Taylor, aye. Abstain: Ms. Scott Price.

#### **TOWN MANAGER'S SUPPLEMENTAL REPORT**

No place for Hate Rev. Martin Luther King Jr. holiday breakfast 1/15 9-11am, at the Seacrest, tickets may be purchased at the No Place for Hate Falmouth website.

The second public meeting to gather input regarding the Housing Production Plan will be held at the Falmouth High School Cafeteria A on 1/10/24 from 6:30-8:30 pm. There will be a presentation, then attendees will be encouraged to ask questions.

Community Outreach meeting at the Senior Center on 1/16/24 from 5:00 – 6:30 p.m. to discuss the real estate transfer fee. There will be a presentation followed by public comment and questions.

The Select Board Planning Workshop will be on 3/2/24.

#### **SELECT BOARD REPORTS**

Mr. Brown attended a Common Start workshop at the Cape Cod Chamber of Commerce regarding efforts to get a bill passed to support early daycare/education. People reported waiting 1-2 years on a waitlist for their children to attend.

Looking into an electric trolley tour on the North Falmouth tracks, "bud cars" could be used to help connect the Bourne and Shining Sea bike trails.

Chair Taylor asked the Select Board members to provide any items they would like to discuss at the workshop.

Mr. Zylinski reported that he will start attending the Metropolitan Planning Organization meetings this month.

Zylinski made a motion to adjourn. Mr. Mascali seconded the motion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Mr. Zylinski, aye; Ms. Scott Price, aye; Chair Taylor, aye.

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary



**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Open Meeting Minutes - DRAFT**  
**MONDAY, JANUARY 29, 2024 – 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.*

**Select Board:**

**Present:** Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice-Chair; Douglas C. Brown; Onjalé Scott Price; Robert P. Mascali

**Absent:** None

**Others present:** Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

**OPEN SESSION**

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

**Pledge of Allegiance:** Led by Select Board, accompanied by Police Detail

**Proclamations:** None

**Recognitions:** Chair Taylor introduced Police Chief Jeff Lourie to present the brief program.

**Nominations for Life Savings Award**

Officer David Massi and Officer Sean Flaherty were honored with brief narrations of the situations wherein each showed professionalism, compassion, and composure, as well as excellent police work, which resulted in two lives saved.

**Introduction of Police Department Social Workers**

Chief Lourie then introduced Stephanie Doherty and Molly Marshall, two clinicians who will fill social work positions addressing mental health needs in the community, and who will be part of a Law Enforcement Crisis Intervention Team working across the Cape. Chief Lourie summarized the background and academic/professional credentials of each.

**Swearing in of Police Officers**

Chief Lourie introduced the new officers who would be sworn in, providing brief background information on each. He said he himself would also be sworn in with this group. The following officers were sworn in by Town Clerk Michael Palmer and pinned by an individual of their choosing: Cooper Chapman; Anthony Fusaro; David McGraw; Rohan Kirlew; Andrew Roy; and Jeff Lourie.

Chair Taylor thanked Chief Lourie for his service in Falmouth since his appointment to the position and urged him to continue his excellent support for the department and the community going forward.

**Announcements**

Ms. Scott Price announced that the Woods Hole Black History Month Committee has upcoming events for Black History Month beginning this week, and that more information could be found at [woodsholediversity.org](http://woodsholediversity.org).

**Public Comment**

Molly Moynihan, postdoctoral researcher at MBL and chair of MBL's housing action committee – said the housing crisis continues to be an urgent situation needing to be top priority – said young working people are forced to put together piecemeal solutions for housing needs, which can include living in a car or boat – said the never-ending search for housing sends needed workers away - urged the Board to implement creative solutions for the ongoing housing need, such as those proposed in the housing production plan, to meet the needs of the community.

Dave Buzanoski, president of the Falmouth Heights Maravista Neighborhood Association – said he had two topics related to South Coast Wind – said they are still in a holding pattern regarding extending with the EFSB – said the 45-day report refers to being engaged with the town – said he is unaware of any such engagement – said he received a Christmas card and notice of philanthropic activity, but does not consider that engagement and does not know of any engagement with the town – second, he said he attended a wind summit in Barnstable organized by local groups facing the same issue of cables and where they would be placed – said more enlightening was an off-shore presentation by New England fishermen and a Rhode Island doctor (at this point, Chair Taylor said the two minutes was up) – thanked Mr. Mascali and Mr. Brown for their attendance at the summit – said he would like the video of the summit to be made available to Falmouth citizens.

#### COMMITTEE INTERVIEWS

Joint Meeting – Falmouth Housing Authority Board of Commissioners and Select Board – Interview, vote and appoint member to the Falmouth Housing Authority Board of Commissioners

- a. Lynne Rhodes
- b. John Saari

Chair Taylor said this joint meeting could not take place because the candidates were not available to be interviewed.

#### PUBLIC HEARINGS

Fee Hearing – Discuss and vote proposed fee changes for 2024

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Public Hearings 1 – Discuss and vote to approve proposed fee changes for 2024* in the Select Board packet, explaining why the fee changes are on tonight’s meeting agenda. He recommended a vote to approve as presented.

Chair Taylor clarified that it has been 5 years since the last raise, and that this would put Falmouth on the same level as other towns.

Mr. Mascali asked what the current revenues are from ambulance fees. He also said he would like to know more about the waiver policy that Chief Smith referred to in his letters. Mr. Renshaw was able to ask Mr. Senteio if he had the current revenue figure. Mr. Senteio said that current revenues were 2.7 to 2.8 million, which includes Medicare and other insurers. Mr. Mascali wanted to know how much other than Medicare we are talking about. Mr. Senteio said he would have to look up the precise figure. He also said that the chief decides who is entitled to fee waivers and provided a brief explanation of how that would work. He also said again that this increase would put Falmouth on a level with other Cape towns.

Chair Taylor said that in the past there have not been a lot of ambulance fees waived and that Chief Smith is very approachable and willing to look at that.

Public comment: None

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

Motion by Mr. Brown: To approve and adopt the 2024 revised Fire and Rescue Department ambulance rates as presented      Second: Ms. Scott Price      Vote: Yes – 5    No - 0

Application for an Alteration of Premises of its Wine and Malt Beverages Restaurant License – Seafood Sam’s Falmouth, Inc. d/b/a Seafood Sam’s, located at 356 Palmer Avenue, Falmouth (continued from January 8, 2024)

Mr. Renshaw orally reviewed the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and title: *Public Hearings 2 – Application for an Alteration of Premises of its Wine and Malt*

*Beverages Restaurant License – Seafood Sam’s Falmouth, Inc. d/b/a Seafood Sam’s, located at 356 Palmer Avenue, Falmouth* in the Select Board packet, explaining the letter of withdrawal of the application in the packet materials and its significance regarding future action for the applicant. He recommended that the Board accept the withdrawal without prejudice.

**Motion by Mr. Brown: To accept the withdrawal of the application without prejudice**

**Second: Mr. Zylinski                      Vote: Yes – 5    No – 0**

**Motion by Ms. Scott Price: To close the hearing    Second: Mr. Zylinski    Vote: Yes – 5    No - 0**

Chair Taylor said that the Board would await the reapplication.

## **BUSINESS**

### **Affirm appointment of Communications Director**

Mr. Renshaw began by summarizing the impressive qualifications, credentials, and experience of Mr. James Thomas, the new Emergency Communications Director. He highlighted Mr. Thomas’s passion for professional development in working with staff to encourage them to become better communications officers. He also asked that the Board consider waiving the residency requirement since Mr. Thomas lives in East Sandwich.

Mr. Thomas spoke briefly, explaining what he currently does and that he is looking forward to his position in Falmouth. He said he did not realize how much Falmouth has already done in this area, and looks forward to setting a standard regionally with the Falmouth Communications Center.

**Mr. Renshaw recommended that the Board affirm the appointment of Mr. James Thomas to be appointed as the Emergency Communications Director and that the Select Board waive the residency requirement.**

**Motion by Mr. Zylinski: To mimic the motion made by the Town Manager on both points    Second: Ms. Scott Price                      Vote: Yes – 5    No - 0**

Mr. Brown and Chair Taylor thanked Susan Lumping for her continuous work on filling much needed positions for the Town.

### **Update - Housing Production Plan**

Town Planner Jed Cornock and Housing Coordinator Kim Fish presented their update by orally summarizing approximately 12 screens outlining the components of the HPP, how it was compiled, and how it would be used. Information covered topics such as defining the housing production plan, community meetings in November and January, strategies covering finances, subsidies, zoning, and affordable housing, and where affordable housing could be situated in Town. The presentation concluded with a timeline for completion and approval at the necessary levels.

Chair Taylor asked Mr. Cornock and Ms. Fish to think about where or why the Town keeps getting stuck with housing projects. She said the Town needs to move housing projects forward. She said “we can’t keep having a top priority (housing) and then not have the projects move forward.”

Mr. Mascali commended Mr. Cornock and Ms. Fish for “looking at the 81 and up” and including it in the plan, saying it was a huge need that we need to address. Mr. Brown commented that the Town would need to fund that on its own, which would be a big challenge.

Mr. Zylinski commended the presenters for making the meetings available on the website.

Mr. Brown sought clarification from the presenters on the expiration of the current HPP (Jan. 10, 2024) and if it were still applicable (it can still be used but not for certain regulatory processes).

Ms. Scott Price complimented the public meetings and how effectively good public input had been gathered. She said she looks forward to seeing how it all comes together.



Mr. Brown asked if the Board would have an opportunity to discuss specific items at a regular meeting, such as the property transfer fee and the solar array idea with the leasing vs. buying. It was determined that Mr. Brown would like more information on the solar. Mr. Johnson-Staub said they would be happy to delve into it further at upcoming meetings.

Mr. Johnson-Staub made one edit to Article 13. He asked that "FY2024" be inserted into the text before the word "budget" to read as follows: "Article 13: To see if the Town will vote to transfer a sum of money within the Fiscal Year 2024 budget to make necessary adjustments thereto."

**Motion by Mr. Brown: To vote the articles and execute the warrant for the April 2024 Annual Town Meeting as amended for Article 13 (insert *FY2024* before the word *budget*)** Second: Mr. Zylinski

Mr. Mascali said that he would abstain from a vote on Article 23 due to his membership on the EDIC.

**Vote: Yes – 5 No – 0 Abstain on Article 23 only: 1 (Mr. Mascali)**

Chair Taylor reiterated that there was one abstention on Article 23, with the rest unanimous in favor.

## CONSENT AGENDA

### 1. Licenses

- a. Approve administrative address correction – Silver Lounge, Inc., 412 North Falmouth Highway
- b. Approve application for a One-Day Entertainment License – The Portuguese, 424 East Falmouth Highway, Unit B101, East Falmouth – Saturday 2/10/24

### 2. Administrative Orders

- a. Approve request to use \$5,401.66 of the Road Race Donation originally intended for the new playground behind the Recreation Center to pay for needed parts to complete the installation of the playground at Sandwich Road
- b. Approve Falmouth Fire Rescue Department Application for FY2023 Emergency Management Planning Grant (EMPG)
- c. Approve 2024 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission
- d. Approve request from Ament Klauer LLP on behalf of David A., Edward M. and Jeanne M. Pagani, managers of 352 Scranton LLC, and owners of both 227 Clinton Ave. and 352 Scranton Ave., to apply to the Conservation Commission and to the Board of Health relative to work within the road layout of Clinton Ave.
- e. Approve Letter of Support for the Town of Mashpee's Ashumet Pond Aluminum Sulfate Project

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

## TOWN MANAGER'S SUPPLEMENTAL REPORT

Mr. Renshaw orally presented his report, referring to the memo entitled Supplementary Report and dated January 29, 2024, in the Select Board packet. The report included the Simpson's Landing bulkhead project, the notice of public review and comment for the Transportation Improvement Program Amendment 1, and upcoming Select Board meetings through March.

## **SELECT BOARD REPORTS**

**Mr Mascali reported on the following:**

- Attended the Martin Luther King breakfast at the Seacrest
- Attended the Mass Municipal Association Meeting on Friday

**Mr. Brown reported on the following:**

- Attendance at the MMA meeting and a meeting with the lieutenant governor
- Attended a meeting related to the wind turbines and raised concerns over significant negative environmental impacts resulting from that project

**Mr. Zylinski reported on the following:**

- Began duties as representative for Sub-region A (four towns) for the MPO this past week

## **ADJOURN**

**Motion by Ms. Scott Price: To adjourn    Second: M. Zylinski    Vote: Yes – 5    No - 0**

Respectfully submitted,  
Carole Sutherland, Recording Secretary