

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, MARCH 11, 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) – To discuss strategy with respect to collective bargaining – AFSCME C
2. M.G.L. c. 30A s. 21(a)(1) – To discuss an Open Meeting Law Complaint filed by Bill Enos, III against the Select Board

6:30 p.m. OPEN SESSION

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

6:40 p.m. BUSINESS

1. Update/presentation on the Old Burying Ground study (15 minutes)
2. Discuss and vote to approve the movement of the existing Oscar Wolf plaque presently situated on the front facing of the Lin Whitehead Bandshell (5 minutes)
3. Discuss and vote to approve a letter to the Commission on Energy Infrastructure Siting and Permitting opposing the removal of local control and regional oversight for the siting of renewable energy facilities (5 minutes)
4. Discuss and vote to approve a letter to the Massachusetts Environmental Policy Act Office related to the Steamship Authority's Request for Advisory Ruling (5 minutes)

7:10 p.m. CONSENT AGENDA

1. Licenses
 - a. Application for three Special One-Day Wine & Malt Liquor Licenses – Holy Ghost Society of Fresh Pond – Portuguese Festivals – 408 Carriage Shop Road – Sunday, May 19, 12:00 pm-7:00 pm; Saturday, June 22, 4:00 pm-11:00 pm; Sunday, June 23, 12:00 pm-7:00 pm; and Saturday, August 17, 2024, 3:00 pm-11:00 pm
 - b. Application for three Special One-Day Wine & Malt Liquor Licenses – West Falmouth Library – Jazz Concerts – 575 West Falmouth Highway – Sunday, March 17; Sunday, June 30; and Saturday, July 6. All events from 4:00 pm-6:00 pm
2. Administrative Orders
 - a. Approve Intermunicipal Agreements with the Towns of Brewster, Yarmouth and Mashpee for sale of surplus intermediate oysters

7:15 p.m. MINUTES

- I. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – February 12, 2024 and February 26, 2024

7:20 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

7:25 p.m. SELECT BOARD REPORTS

7:35 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

BUSINESS

1. Update/presentation on the Old Burying Ground study (**15 minutes**)

March 11, 2024



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 1.

ITEM TITLE: Update/presentation on the Old Burying Ground study

MEETING DATE: 3/11/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: PowerPoint Presentation

PURPOSE:

Present a summary of the Old Burying Ground GPR Survey report

BACKGROUND/SUMMARY:

- The Town used Community Preservation Funding to retain Heritage Consultants to complete a ground penetrating radar (GPR) survey of the Old Burying Ground.
- Heritage completed historical background research as preparation for the GPR survey.
- Their GPR survey identified 805 marked burials, 826 probable unmarked burials, and three potential unmarked burials were identified for a total of 1,634 burials.
- The Heritage GPR Survey report is available on the Town website on the Historical Commission webpage.

DEPARTMENT RECOMMENDATION:

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

Michael Renshaw

Town Manager

3/6/2024

Date

OLD BURYING GROUND

GROUND PENETRATING RADAR SURVEY

WHERE IS
THE OLD
BURYING
GROUND?

ENTRANCE
IS ON MILL
ROAD

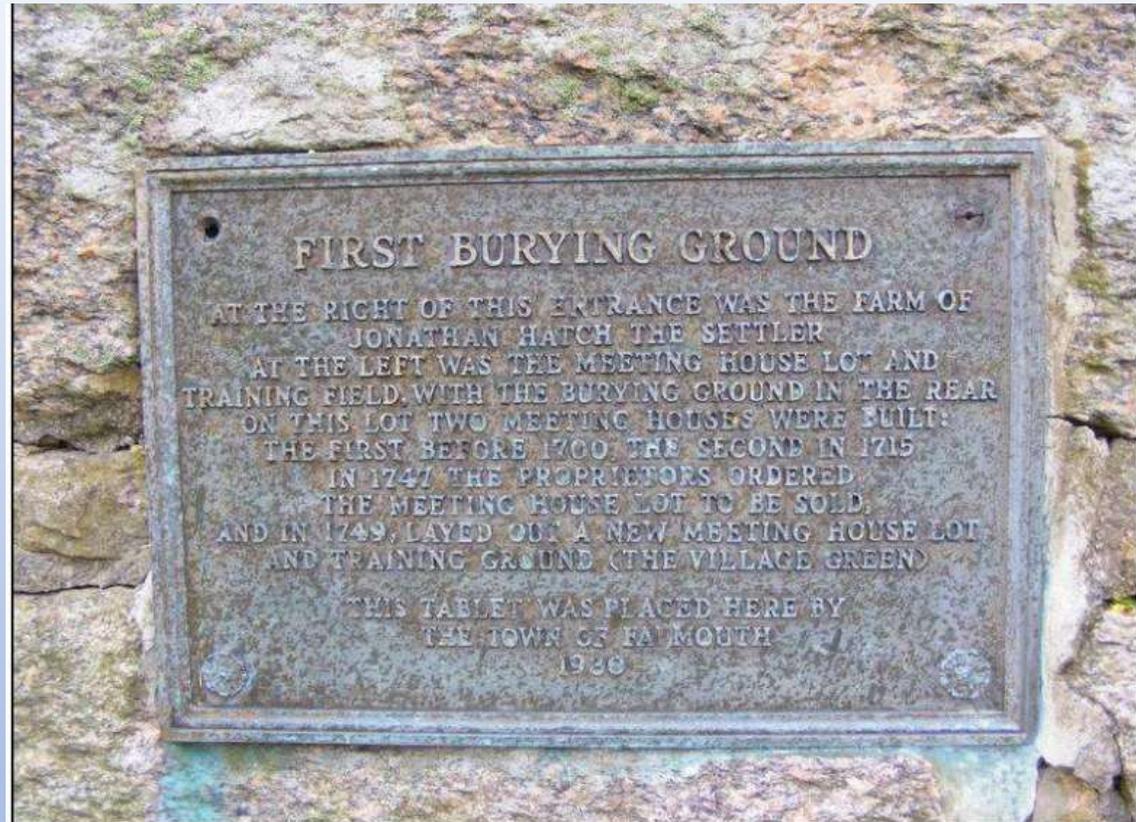


Photo 1: Detail of plaque placed at the entrance of the Falmouth Old Burying Ground (Kowal 2011).

GPR SURVEY REPORT

REPORT

JANUARY 2024

GROUND PENETRATING RADAR SURVEY OF THE FALMOUTH OLD BURYING GROUND, FALMOUTH, MASSACHUSETTS



PREPARED FOR:



59 TOWN HALL SQUARE,
FALMOUTH, MASSACHUSETTS 02540



830 BERLIN TURNPIKE
BERLIN, CONNECTICUT 06037

GPR REPORT SCOPE OF WORK

- Task 1. Background research and a detailed review of available primary and secondary sources, maps, and aerial photographs of the property
- Task 2. Establishing 10 systematic GPR survey grids within the project area.
- Task 3. Complete a non-invasive GPR prospection survey of the entire study area.
- Task 4. Review the GPR, background, and imagery data to systematically assess the survey area for soil anomalies, and to make informed decision about the nature of these soil anomalies (i.e., grave shafts, landscaping, utilities, etc.)
- Task 5. Produce a comprehensive technical report, inclusive of detailed summaries of all facets of research, methodology, survey results, and recommendations.

OLD BURYING GROUND HISTORY

- Four acres for a burying ground were laid out in 1661.
 - Oldest surviving gravestone is from 1705.
 - Stone walls constructed around the cemetery in the eighteenth century.
 - Cemetery maps were made in 1903 by Smythe and in 1989 by town engineer John Henrikson.
- 

Oldest
Gravestone –
Desire
Bourne 1705



Figure 8: Textured digital model of the oldest extant marked headstone in the cemetery, assembled with Agisoft Metashape.

GPR SURVEY

- GPR is a well-established remote sensing method for prospecting for marked and unmarked historical period burials, as well as historical period archaeological features.
- A total of 10 grids were surveyed to collect GPR data during the fieldwork effort.
- These grids were then grouped into 3 areas for display purposes. Grids 1 - 3 comprise Area 1 (western third), Grids 4 - 6 make up Area 2 (middle), and Area 3 consists of Grids 7-10 (eastern third).

GPR SURVEY EQUIPMENT

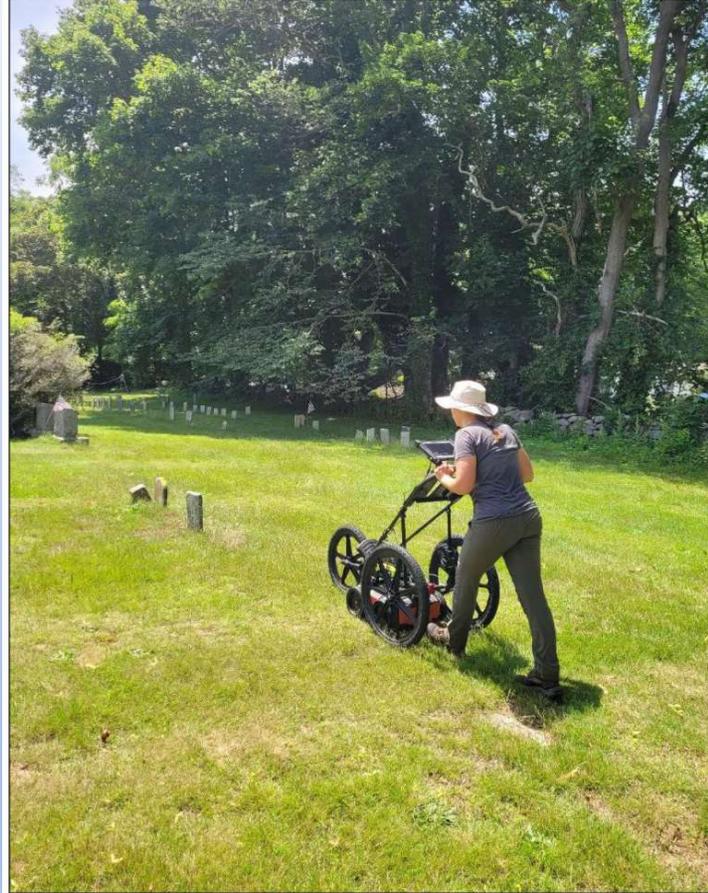


Photo 2: GPR data collection by Sarah Castleberry in Grid 1, looking southwest to the pauper section of the cemetery.

GPR SURVEY GRIDS



Figure 32: GPR Survey Grids 1 through 10 within the Falmouth Old Burying Ground overlaid on satellite imagery and orthomosaic.

GPR IMAGES - ARCHEOLOGICAL FEATURES

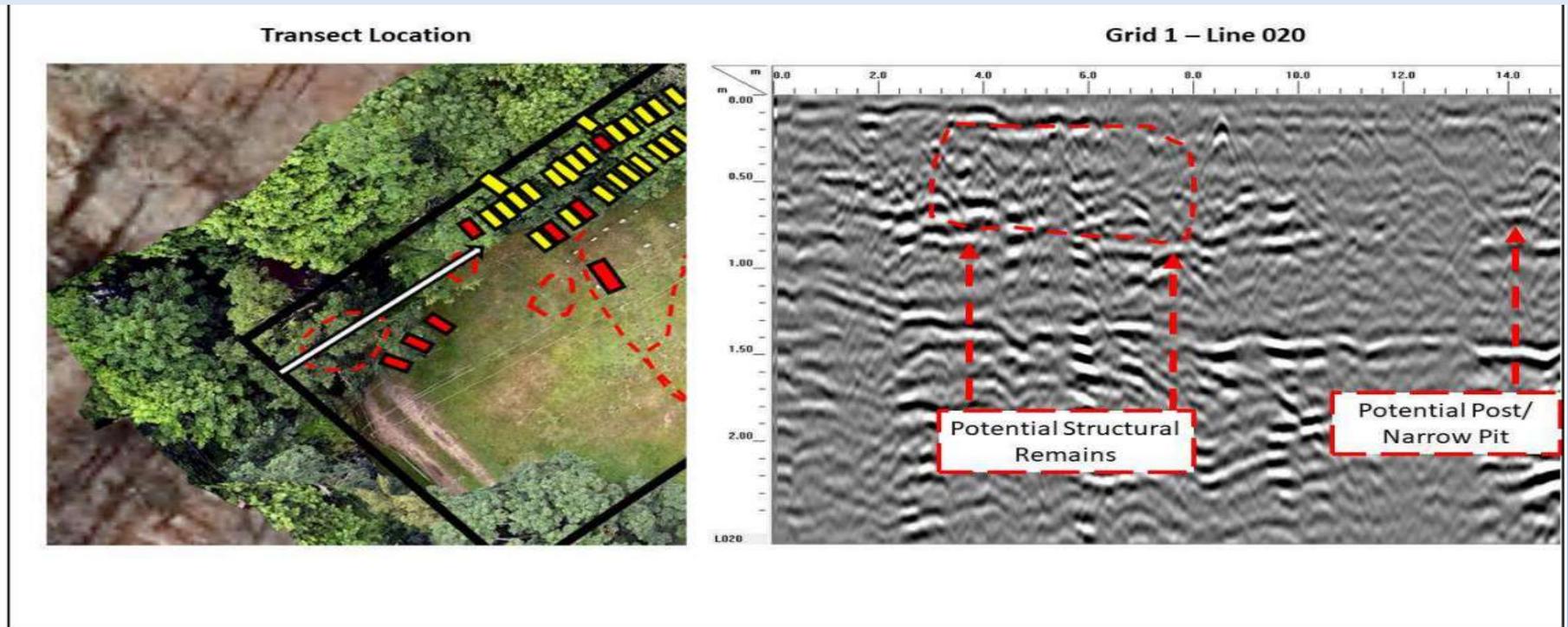
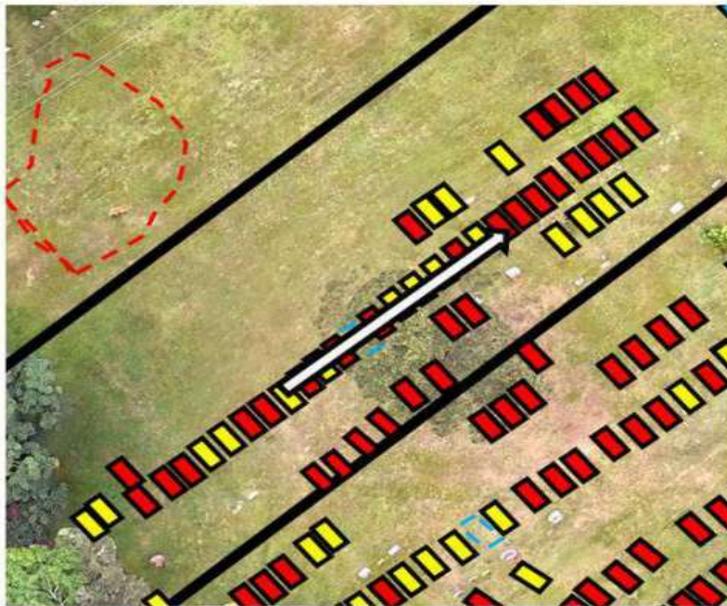


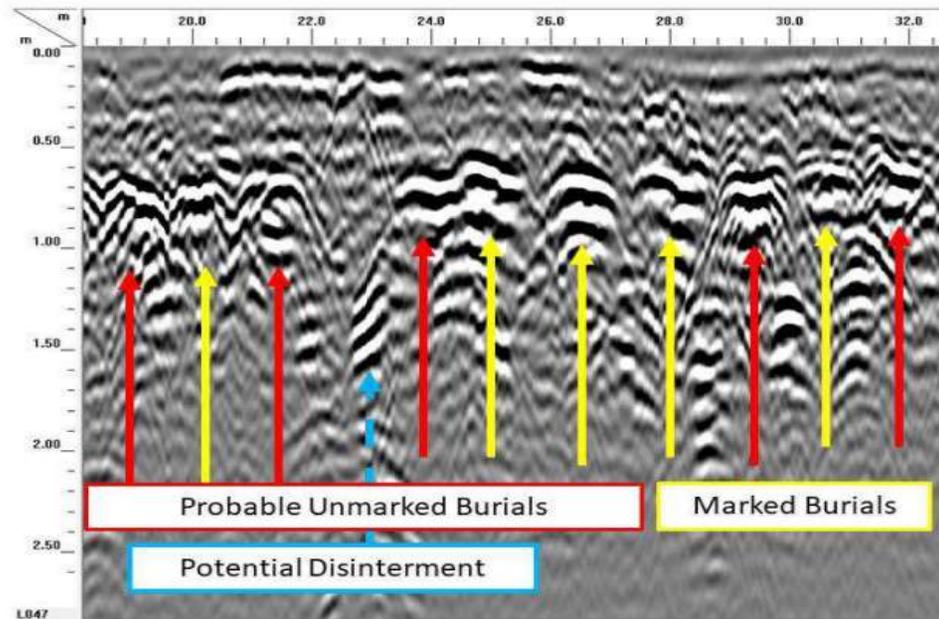
Figure 131: Selected GPR profile within Survey Grid 1. The position of the radar profile is indicated by the white arrow in the left plan view map. The positions of potential archaeological features are given by the red dashed lines in the radargram on the right

GPR IMAGES - MARKED AND UNMARKED GRAVES

Transect Location



Grid 2 - Line 047



GPR SURVEY FINDINGS

- A total of 805 marked burials, 826 probable unmarked burials, and 3 potential unmarked burials were identified.
- The total number burials identified during the survey is therefore 1,634.
- Six potential archaeological features were also identified and were almost entirely within Grid 1.
- These features may relate to outbuildings, the original meeting house, pre-contact or contact era indigenous houses, or some other cultural features.

GPR IMAGES - AREA 1 WESTERN PORTION



Figure 146: Final GPR interpretations for Grids 1-3, making up Survey Area 1.

GPR IMAGES - AREA 2 MIDDLE

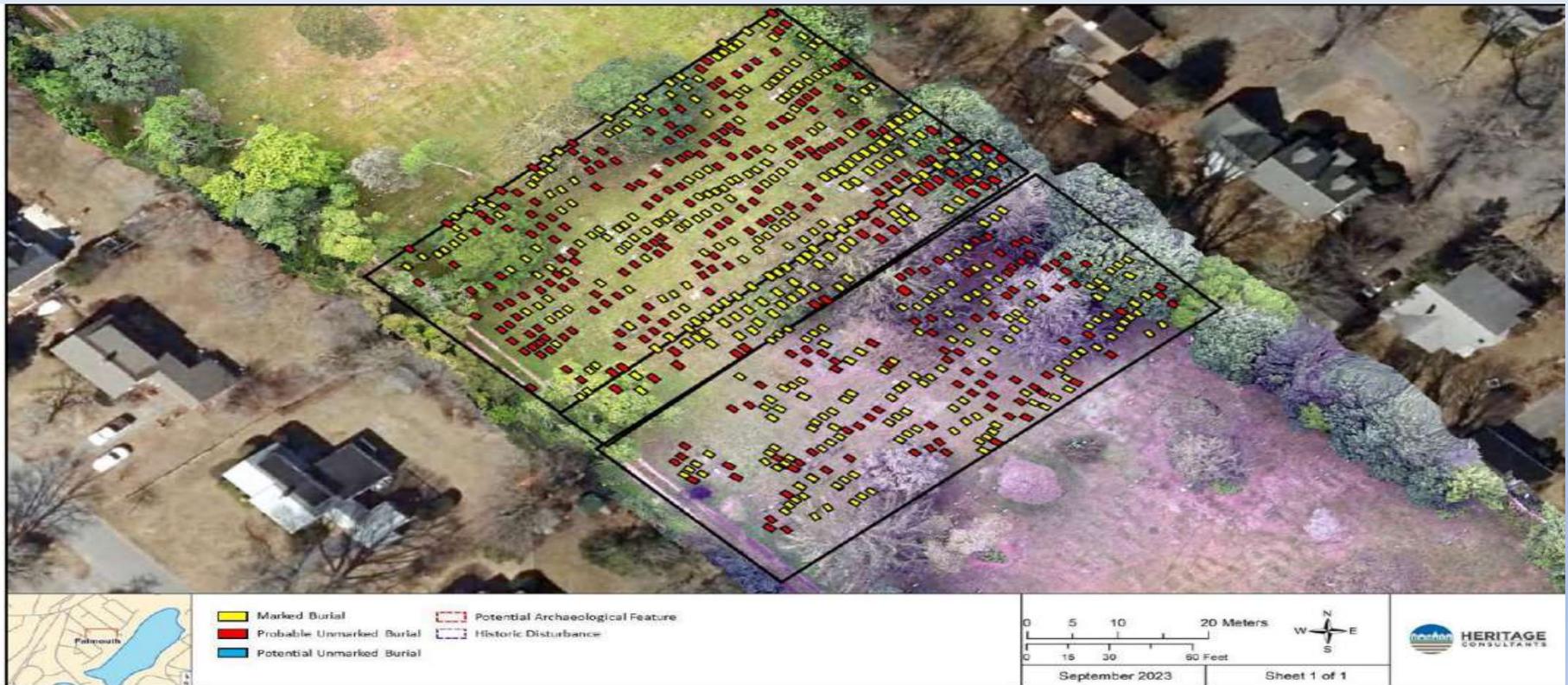


Figure 151: Final GPR interpretations for Grids 4-6, making up Survey Area 2.

GPR IMAGES - AREA 3 EASTERN PORTION



Figure 152: Final GPR interpretations for Grids 7-10, making up Survey Area 3.

WHERE
CAN YOU
FIND THE
GPR
SURVEY
REPORT

Create a Website Account - Manage notification subscriptions, save form progress and more.

 **Falmouth**
Cape Cod Massachusetts

COVID-19 Departments Boards & Committees Services

Home > Boards & Committees > Committees D - O > Historical Commission > Projects, Plans, and Studies

Projects, Plans, and Studies

Maps and Documents

Forms, Regulations, and Deadlines

Applications Currently Under Review

Thinking of Demolition? ▶

Remote Public Meetings & Hearings

Projects, Plans, and Studies

Historic Resources Inventory (Phases 1-4)

Phase 1

- [Falmouth Survey Final Property List](#)
- [Survey Lists per Village](#)

Phase 2

- [3579 Falmouth Phase IV Final Report](#)
- [Falmouth Survey Final Property List](#)

Phase 3

- [Phase 3 Property List](#)

Phase 4

Old Burying Gound

- [Ground Penetrating Radar Survey of the Falmouth Old Burying Ground - January 2024](#)

Historic Preservation Plan

- [Town of Falmouth Historic Preservation Plan \(PDF\)](#)

Historic District Planning Study

- [CCC WH Historic District Planning Study May 22nd 2018](#)
- [Woods Hole Report Sept 2018](#)
- [Memoranda of Agreement with Cape Code Commission \(CCC\) Woods Hole \(WH\)](#)

NEXT PHASES

- **VISUAL ASSESSMENT TO:**
 - **ASSESS MARKER
CONDITIONS**
 - **IDENTIFY APPROPRIATE
CONSERVATION
METHODS**
- **CONSERVATION EFFORTS**

OPEN SESSION

BUSINESS

2. Discuss and vote to approve the movement of the existing Oscar Wolfe plaque presently situated on the front facing of the Lin Whitehead Bandshell **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 2.

ITEM TITLE: Discuss and vote to approve the movement of the existing Oscar Wolf plaque presently situated on the front facing of the Lin Whitehead Bandshell

MEETING DATE: 3/11/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Email request from J. Whitehead; photograph of Oscar Wolf plaque

PURPOSE:

The Select Board is being requested to consider allowing the movement of an existing plaque bearing the name of Oscar Wolf and dedication/rededication dates of August 10, 1972 and August 25, 1994 respectively, to another suitable location on the bandshell.

BACKGROUND/SUMMARY:

- The Bandshell was originally dedicated on August 10, 1972 in the name of Oscar Wolf; the Oscar Wolf Bandshell was subsequently rededicated on August 25, 1994.
- By the mid-1990s, the original structure named in recognition of Oscar Wolf and bearing a plaque in his name was deemed too small and had begun to deteriorate, and as a result plans were put in place to replace it with the existing structure.

- On January 8, 2024 the Select Board approved re-naming the bandshell the Lin Whitehead Bandshell.
- The Whitehead family would like to place a new plaque bearing the name of Lin Whitehead on the front facing of the band shell and would also like to continue to recognize Oscar Wolf and his contributions by re-attaching the plaque in his name to another location on the structure.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve moving the plaque bearing the name of Oscar Wolf to another suitable location on the bandshell to continue to commemorate his contributions to the construction of the original band shell in 1972. It is further recommended that staff from the Department of Public Works be responsible for the removal of the Oscar Wolf plaque and its transfer to another suitable location on the structure.

OPTIONS:

- Motion to approve the movement of the existing plaque bearing the name of Oscar Wolf to another suitable location on the bandshell to continue to commemorate his contributions to the construction of the original band shell in 1972, and to require that Department of Public Works staff be responsible for the removal and transfer of the plaque.
- Motion to deny approval of the movement of the existing plaque bearing the name of Oscar Wolf to another suitable location on the bandshell.
- Some other Board specified option.

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 moving the plaque bearing the name of Oscar Wolf to another suitable location on the bandshell to continue to commemorate his contributions to the construction of the original band shell in 1972. It is further recommended that staff from the Department of Public Works be responsible for the removal of the Oscar Wolf plaque and its transfer to another suitable location on the structure.

Michael Renshaw

Town Manager

3/7/2024

Date

Diane Davidson

From: John A Whitehead [REDACTED]
Sent: Wednesday, February 28, 2024 6:00 PM
To: Falmouth Selectboard
Cc: Michael Renshaw
Subject: Movement of Oscar Wolf Plaque
Attachments: old bandshell plaque.jpeg

Dear Selectboard members,

I would like to ask permission for the Oscar Wolf plaque, presently is situated on the front of the bandshell, (Please see attachment) to be transferred to the side of the wooden building of the shell, or perhaps on the concrete, facing the street.

In addition, we would like to add a small plaque above or beside this stating, "This plaque was placed on the former bandshell to honor Oscar Wolf".

I have been in touch with a Falmouth company that will supply, move, and install the plaques. Once this question is decided, we will be ready to move forward.

Again, thank you so much for your support of the naming of "The Lin Whitehead Bandshell"!

Yours truly,
Jack Whitehead (Dr. John A.)



OSCAR WOLF BANDSHELL

BUILT 1972

DEDICATED AUGUST 10, 1972

REDEDICATED AUGUST 25, 1994

OPEN SESSION

BUSINESS

3. Discuss and vote to approve a letter to the Commission on Energy Infrastructure Siting and Permitting opposing the removal of local control and regional oversight for the siting of renewable energy facilities **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Discuss and vote to approve a letter to the Commission on Energy Infrastructure Siting and Permitting opposing the removal of local control and regional oversight for the siting of renewable energy facilities

MEETING DATE: 3/11/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Draft letter to the Commission on Energy Infrastructure Siting and Permitting

PURPOSE:

The Select Board will discuss and consider the approval of a letter to the Commission on Energy Infrastructure Siting and Permitting outlining its opposition to the removal of local control and regional oversight for the siting of renewable energy facilities.

BACKGROUND/SUMMARY:

- In September 2023 Governor Healy established the new Commission on Energy Infrastructure Siting and Permitting to explore ways to accelerate the responsible deployment of clean renewable energy infrastructure through siting and permitting reform and to facilitate community input into the siting and permitting process.
- The Commission on Energy Infrastructure Siting and Permitting is currently seeking public input through March 15 on questions related to the siting of clean energy infrastructure.

- The public is invited to comment on four questions related to siting and permitting clean energy infrastructure:
 - How should Massachusetts balance the need to accelerate deployment of clean energy, ensure communities have input into the siting and permitting process, and ensure the benefits of the clean energy transition are shared equitably?
 - How should the above be accomplished while also protecting health, safety, and community livability, particularly for vulnerable or under-resourced populations?
 - How should we accomplish the above while also protecting the environment?
 - Who should have a seat at the table when decisions are made about where to locate clean energy infrastructure and what restrictions apply?
- A 44-question online survey (<https://www.mass.gov/info-details/commission-on-energy-infrastructure-siting-and-permitting>) also seeks input on several more specific questions covering topics related to the siting and permitting processes.
 - Topics include the definition of clean energy infrastructure, state- and local-level permitting reforms, environmental impacts, community engagement, community benefit agreements, and processes under the Massachusetts Environmental Policy Act and the Energy Facilities Siting Board.
- One of the questions asked in the survey concerns whether the creation of a consolidated state-level permitting structure would be supported; because Town governments know best the local needs, appropriate locations, and permitting procedures that best protect public health and safety, it is important to retain as much of the existing local permitting control as possible.

DEPARTMENT RECOMMENDATION:

Following discussion, the Town Manager recommends that the Select Board approve the attached draft letter to the Chair of the Commission on Energy Infrastructure Siting and Permitting to oppose any erosion of local control and regional oversight for the siting and permitting of renewable energy facilities, and to authorize the Chair to sign the letter.

OPTIONS:

- Motion to approve the attached draft letter to the Chair of the Commission on Energy Infrastructure Siting and Permitting to oppose any erosion of local control and regional oversight for the siting and permitting of renewable energy facilities, and to authorize the Chair to sign the letter.

- Motion to deny approval of the attached draft letter to the Chair of the Commission on Energy Infrastructure Siting and Permitting to oppose any erosion of local control and regional oversight for the siting and permitting of renewable energy facilities, and to authorize the Chair to sign the letter.

- Motion to approve and send a revised letter to the Chair of the Commission on Energy Infrastructure Siting and Permitting to oppose any erosion of local control and regional oversight for the siting and permitting of renewable energy facilities, 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:

Following discussion, the Town Manager recommends that the Select Board approve the attached draft letter to the Chair of the Commission on Energy Infrastructure Siting and Permitting to oppose any erosion of local control and regional oversight for the siting and permitting of renewable energy facilities, and to authorize the Chair to sign the letter.

Michael Renshaw

Town Manager

3/8/2024

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

March 11, 2024

Commission on Energy Infrastructure Siting and Permitting
Honorable Mike Judge, Undersecretary of Energy, Executive Office of Energy and
Environmental Affairs, Chair of the CEISP
100 Cambridge Street, 9th Floor
Boston, MA 02114

Re: Town of Falmouth Comments in Opposition to the Removal of Local Control and Regional
Oversight for the Siting and Permitting of Renewable Energy Facilities

Dear Chairman Mike Judge,

While the Town of Falmouth Select Board places great emphasis on the transition and greater use of clean and renewable energy sources and understands the importance of identifying ways to be more responsible in the deployment of clean energy infrastructure, the Falmouth Select Board respectfully opposes any effort via recommendations from the Commission on Energy Infrastructure Siting and Permitting that would have the effect of diluting local and regional control over the siting of renewable energy facilities and infrastructure.

With respect to the question as to whether the Town of Falmouth supports the creation of a consolidated state permitting structure for renewable energy infrastructure and facilities, we do not support a consolidated state permitting structure that would supersede local control over siting and permitting. The Falmouth Select Board supports retaining the current local permitting framework with little or no changes. Town governments know best the local needs, appropriate locations, and permitting procedures that best protect public health and safety, while also fostering the development of renewable energy facilities. Home rule has been the backbone of local government in our state, and that should not be eliminated or weakened in any way.

Further, we strongly oppose the imposition of any prescriptive timelines that create the potential for the granting of de facto Constructive Approvals. Timelines at the local level should not be subject to a defined term after which summary approval is applied. However, a process that allows for greater coordination, and thus efficiency, between local and state approvals could speed up the overall permitting process.

To better assist municipalities in their reviews of renewable energy projects, we recommend that regional planning agencies be provided with the funding they need to provide technical assistance and resources to local boards. Let municipalities – the majority of which have already proven their commitment as Green Communities – choose how they want to participate in a clean energy future.

Commission on Energy Infrastructure Siting and Permitting
Page Two
March 11, 2024

Encourage municipal boards and residents to employ their accumulated years of knowledge of local development patterns, master and open-space plans, and general and zoning bylaws and ordinances to guide appropriate energy-facility siting in their locales.

Very respectfully,

Nancy Robbins Taylor
Town of Falmouth Select Board, Chair

DRAFT

OPEN SESSION

BUSINESS

4. Discuss and vote to approve a letter to the Massachusetts Environmental Policy Act Office related to the Steamship Authority's Request for Advisory Ruling **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business #4.

ITEM TITLE: Letter to Executive Office of Energy and Environmental Affairs RE:
Steamship Authority Parking

MEETING DATE: 3/11/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Draft letter to MEPA, 06/15/2023 letter from Assistant Secretary of Executive Office of Energy and Environmental Affairs (EEA), 01/18/2024 Steamship Authority letter to EEA

PURPOSE:

The Board is asked to consider approving a letter to the Assistant Secretary of the Executive Office of Energy and Environmental Affairs addressing the environmental impact of the Steamship Authority's operational changes to the use of its parking lots.

BACKGROUND/SUMMARY:

- The Assistant Secretary issued an advisory opinion to the Steamship Authority on June 15, 2023 stating that the Steamship Authority's changed use of a parking lot in Cataumet is a material change to the proposal that had been reviewed and approved by the Executive Office of Energy and Environmental Affairs (EEA).
- The Steamship Authority response to this letter from the EEA seeks to avoid preparing an Environmental Impact Report.

- The Board is asked to consider approving a letter to EEA which requests a full Environmental Impact Report be required so the impact of the changed use of parking lots can be thoroughly evaluated.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends approval of the draft letter.

OPTIONS:

- 1) Approval of the letter with, or without, amendments;
- 2) Take no action on this matter;

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

NA

TOWN MANAGER COMMENTS:

The Town Manager recommends approval of the draft letter.

Michael Renshaw

Town Manager

3/8/2024

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

March 11, 2024

By email to tori.kim@state.ma.us

Tori T. Kim
Assistant Secretary/ MEPA Director
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Steamship Authority Request for Advisory Ruling regarding MEPA review

Dear Assistant Secretary Kim,

At a meeting on March 11, 2024, the Town of Falmouth Select Board discussed the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority ("SSA") Request for Advisory Ruling of January 18, 2024 addressed to your attention. For the reasons discussed below, the Select Board submits its opposition to the SSA's Request for an Advisory Ruling that the operational changes to the use of its parking lots since 2011, including the Cataumet Lot in Bourne, are insignificant in terms of their environmental impact.

In an Advisory Opinion dated June 15, 2023, the Executive Office of Energy and Environmental Affairs (EEA) determined that the continued use of the Cataumet Lot by the SSA is a material change to the SSA parking proposal reviewed under EEA # 14559 requiring the filing of a Notice of Project Change, or in the alternative, a Request for an Advisory Opinion that the changes are insignificant as to environmental impacts. In the Advisory Opinion at page 3, the EEA directed the SSA to submit a filing to address the following:

1. The use of the Cataumet Lot and any other surrounding lots used by the SSA since 2011, including any future use;
2. For those lots that the SSA intends a reduced use for ferry operations, specify the means by which the reduced usage of the lots would be enforced or verified;
3. Identify any traffic impacts resulting from the use of the lots including a revised traffic study in consultation with the MassDOT and local transportation officials;
4. Describe any mitigation measures that might be needed;
5. Confirm that there are no future plans to develop Parcels 2 and 4; and
6. Provide an update on the use of Lot 10 for parking.

The SSA's response to the above directives was lacking in several areas, as illustrated below.

1. The SSA described the current use of the Cataumet lot, as well as the lots at 1 Cowdry Rd., 286 Palmer Ave., and 590 Thomas B. Landers Rd. As for the Cataumet lot, the SSA makes clear that intends to use this lot for the foreseeable future, contrary to the information provided during the last MEPA review in 2011 (EEA #14559). The only mention of the Ice Arena Lot (also known as Lot 10) is found in a footnote in which the SSA states that it "leases an additional 300 parking spaces seasonally during the summer months" with no other details provided.

2. The SSA provided no information about how reduced usage of its lots would be enforced or verified.
3. The SSA simply declined to commit to obtaining any traffic studies.
4. The SSA failed to mention mitigation measures in its response.
5. The SSA stated that it has no plans to develop Parcel 2.
6. The SSA failed to provide an update on the use of Lot 10 beyond the minimal statement in footnote 1.

The Select Board submits that it is impossible to determine whether or not the use of the parking lots, including the Cataumet lot, has a significant impact on the environment such that MEPA review is required without all of the information requested by the EEA.

When making this determination, it is important to note that the number of passengers transported by the SSA from its parking lots to the ferry grew by 7% from 2010 to 2022¹. The number of daily fee parking permits reported by the SSA in its letter to you grew by 6% from 2011 to 2023. The resulting vehicular traffic has a considerable environmental impact on the Falmouth community. As such, we ask that the EEA require that the SSA complete an Environmental Impact Report that addresses the Authority's parking lot expansion history over the past 20 years and the impacts of this expansion. The aforementioned letter submitted by the SSA provides parking counts but these counts are not supported by engineered plans or aerial images documenting the number of parking spaces in each lot. We ask that the SSA be required to provide documentation of the change in parking counts over the past 20 years so the impacts of its parking operations can be confirmed and properly evaluated. Moreover, the Select Board asks that the EEA hold the SSA accountable for complying with MEPA reporting thresholds going forward.

For the above reasons, the SSA's submission is insufficient and unresponsive to the EEA's order. The EEA explicitly asked for a thorough report as to the use of its parking facilities to make a determination about their possible environmental consequences. The SSA failed to respond as directed, and therefore, the EEA must deny the Request for an Advisory Ruling that a project change is insignificant and require the SSA to file a Notice of Project Change in order to conduct a complete and accurate MEPA review.

Thank you for your consideration.

Sincerely,

Nancy Robbins Taylor
Falmouth Select Board Chair

¹ Cape Cod Times July 28, 2023: *Population growth during COVID cited in Steamship Authority rider, revenue increases*



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Maura T. Healey
GOVERNOR

Kimberley Driscoll
LIEUTENANT GOVERNOR

Rebecca L. Tepper
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
<http://www.mass.gov/eea>

June 15, 2023

By E-mail

Nathaniel Trumbull
SMART Citizens Task Force
11 Church Street
Woods Hole, MA 02543
E-mail: smartcitizenstaskforce@gmail.com

Re: Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (SSA)

Dear Mr. Trumbull:

On behalf of Secretary Rebecca Tepper, I write to respond to your letter of February 26, 2023 ("February 26 letter"), in which you requested reconsideration of a prior advisory ruling issued by this Office on February 24, 2023 (and corrected on February 27, 2023) (the "February 24 ruling") in relation to operations of Woods Hole, Martha's Vineyard and Nantucket Steamship Authority.¹ The February 26 letter was sent on behalf of the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force. At your request, further consultation was conducted with the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority ("SSA" or "the Authority"), SMART, and this Office on March 30, 2023. Supplemental information was provided by SSA on March 8 and April 21, 2023, and a response from you was sent on May 21, 2023. Your letter also required consultation with the Massachusetts Department of Transportation (MassDOT).

¹ After issuing the advisory ruling on February 24, 2023, I received your February 26 letter noting two technical errors, namely, the reference to SSA (not SMART) in connection with the input from Mr. Edward DeWitt and an erroneous reference to inches (not feet) in footnote 4. These errors were corrected prior to publication in MEPA's Recent Decisions webpage (<https://eeaonline.eea.state.ma.us/EEA/MEPA-eMonitor/recentDecisions>) on February 27, 2023; the ruling also appeared in the March 8, 2023 Environmental Monitor (<https://eeaonline.eea.state.ma.us/EEA/MEPA-eMonitor/home>). Your February 26 letter included a request that I withdraw this advisory ruling in light of additional facts; your letter was treated as a request for reconsideration, to which this ruling responds.

Background

Your February 26 letter continues to seek a ruling that certain operations of the SSA are subject to review under the Massachusetts Environmental Policy Act (“MEPA”) and implementing regulations at 301 CMR 11.00.

As indicated in prior correspondence from you dated November 27, 2022 (the “November 27 letter”), you have asserted that SSA operations “have grown to be a public nuisance in the form of excessive noise, traffic volume, pollution, and threats to public safety.” While the SSA operates ferry service between Woods Hole and Martha’s Vineyard, and between Hyannis and Nantucket, your letter indicated concern with the former route. The November 27 letter stated that SMART has advocated for the opening of an “off-Cape freight port” to transport provisions, supplies, and fuel to Martha’s Vineyard and Nantucket (collectively, “the Islands”), and made note of Executive Order 425 (2000), which created a task force to study the potential for expanding ferry service from off-Cape locations such as New Bedford. The task force produced a report with recommendations in 2001.²

The November 27 letter asserted that SSA has made certain operational changes since 2001, which have increased traffic along a six-mile long SSA ferry corridor in Falmouth. Such changes included lengthening/widening vessels to carry more passengers and vehicles, replacing smaller ferries with larger ferries, and expanding off-site parking availability. However, as indicated in the February 24 ruling, the statistics provided with your November 27 letter failed to demonstrate that SSA’s operational changes have resulted in an increase in average daily trips (adt) corresponding to any MEPA review thresholds, including those in 301 CMR 11.03(6) (Transportation).

Your February 26 letter continues to assert that SSA’s operations have resulted in traffic increases that exceed MEPA review thresholds, noting, in particular, traffic counts performed at certain roadway segments in the vicinity of the SSA ferry terminal. Your letter also discusses changes in parking availability at off-site lots. In its March 8, 2023 response, the SSA indicated that parking improvements implemented by the Authority were previously reviewed by MEPA (EEA #14559), and received a Certificate on a Final Environmental Impact Report (FEIR) on October 28, 2011. However, the SSA acknowledged during the March 30, 2023 consultation meeting that the use of the Cataumet Lot continued after completion of the 2011 MEPA review, and provided more details about use of the lot in supplemental information provided on April 21, 2023.

Determination

MEPA review is required if there is “Agency Action” for a Project, and one or more review thresholds in 301 CMR 11.03 are triggered. See 301 CMR 11.01(2)(a)-(b). As defined in 301 CMR 11.02, “Agency Action” consists of either an Agency directly undertaking a Project, or, if the Project is undertaken by a Person, any action that “grants a Permit, provides Financial Assistance, or closes a Land Transfer.” MEPA jurisdiction is broad (or “full scope”) when a Project is undertaken by an Agency or involves Financial Assistance. 301 CMR 11.01(2)(a).

² <https://smartmassachusetts.files.wordpress.com/2017/11/2001-task-force-report.pdf>

As previously stated in the February 24 ruling, while the SSA acknowledges that it is an “Agency” under MEPA, prior correspondence from you failed to demonstrate that SSA’s operations have resulted in an increase in adt that exceeds applicable MEPA review thresholds at 301 CMR 11.03(6)(a)6. and 11.03(6)(b)13. & 14. While your February 26 letter provides traffic counts at certain roadway segments, it provides no information to demonstrate that the increase in traffic at those locations is attributable to operations of the SSA. Your May 21 response continues to assert that actions taken by SSA to increase capacity of the ferry terminal should be considered a form of “induced demand” for new vehicular traffic. However, correspondence with MassDOT confirms that ferry terminal operations are not associated with standard “land use code” (LUCs) that provide trip generation estimates by land use types. And, in any event, the actions challenged here amount to modest changes to schedules and vessel sizes, and do not alter the overall capacity of the terminal as a whole.

With regard to parking, MEPA review thresholds acknowledge that an increase in parking may result in potential environmental impacts. For this reason, SSA’s prior parking proposal was reviewed by MEPA (EEA #14559), as it exceeded mandatory EIR thresholds at 301 CMR 11.03(1)(a)2.: *creation of 10 or more acres of impervious area* and 11.03(6)(a)7.: *construction of 1,000 or more New parking spaces at a single location*. The SSA has acknowledged that it has continued its use of the Cataumet Lot since 2011, notwithstanding indications to the contrary in the FEIR Certificate for EEA #14559. While SSA’s April 21 response states that use of the lot was limited to the summer months and has been suspended since 2019, it notes that the lot has a total capacity of 900 spaces and that SSA renewed its lease for the space in 2019. Under these circumstances, I find that SSA’s continued use of the Cataumet Lot is a material change to the project reviewed under EEA #14559, and requires the filing of a Notice of Project Change (NPC). Under amended 301 CMR 11.10(6) effective January 6, 2023, the SSA may request an advisory opinion under 301 CMR 11.01(6) that a project change is insignificant in terms of its environmental consequences, such that an NPC filing would not serve the purpose of MEPA review and should not be required. The Secretary retains discretion to publish any such request for advisory ruling for public comment.

* * * * *

Based on the foregoing, the SSA is directed to file an NPC or request for advisory ruling to disclose the environmental impacts associated with changes to SSA’s utilization of parking lots since issuance of the FEIR Certificate for EEA #14559. The filing should discuss the use of the Cataumet Lot and any other surrounding parking lots by the SSA since 2011, as well as any future plans for use. To the extent SSA intends to make reduced use of any lots to support ferry operations (for instance, on a seasonal basis), it should specify the means by which any such reduced use would be enforced or verified, identify any traffic impacts that would result from such use including through a revised traffic study conducted in consultation with MassDOT and/or other local transportation officials, and describe any mitigation measures that may be warranted. Consistent with the FEIR Certificate for EEA #14559, the SSA should confirm that it has no plans for future development on Parcels 2 and 4, and should provide an update on its usage of Lot 10 for parking.

Aside from the requirement to file an NPC or request for advisory ruling, I hereby affirm my prior ruling that MEPA review is not required for any of the operational changes (except parking utilization) identified by your November 27 and February 26 letters because, while there is Agency Action, the changes identified do not meet or exceed any MEPA review thresholds. As previously noted,

traffic impacts are also well within the scope of impacts that were foreseen when the 1998 amendments to 301 CMR 11.00 were promulgated; accordingly, fail-safe review does not appear to be warranted under 301 CMR 11.04(1)(b)1.

If you have any questions regarding this determination, please contact the MEPA Office at MEPA@mass.gov.

Sincerely,

/s/ *Tori T. Kim*
Tori T. Kim
Assistant Secretary

cc: Terence G. Kenneally, SSA General Counsel



Re: Steamship Authority Needs to Properly Account for Parking Operations

February 25, 2024

Dear Assistant Secretary Kim,

The tone and tenor of the Steamship Authority's January 18, 2024 letter is that 1) the Authority is the best judge of its environmental impacts, 2) it is a waste of time for MEPA to review its actions particularly related to parking, and 3) MEPA thresholds do not apply to the Authority. There is no apology for claiming the same mitigation (abandonment of certain parking lots) for multiple projects and never carrying out the mitigation (abandonment). There is no explanation why the Authority failed to notify MEPA of its change in mitigation strategy (at a minimum a Notice of Project Change). There is no remorse. There is no explanation why it took the Authority so long to respond to the June 15, 2023 MEPA decision. There is no legal authority cited for the Authority's position or behavior.

The MEPA thresholds related to parking are clear and unambiguous:

Addition of 1,000 new parking spaces at a single location requires an ENF and mandatory EIR. 310 CMR 11.03 6. (a)(7);

Addition of 300 new parking spaces at a single location requires an ENF and potential additional review if the Secretary requires. 310 CMR 6. (b)(14).¹

The Authority's actions have also been clear and unambiguous:

The Authority twice relied on abandonment of the Cataumet parking lot as mitigation in exchange for favorable environmental review. The Authority never abandoned the lot and instead of letting its lease simply expire, it

¹ The number of new parking spaces threshold is reduced to 150 if certain ADT parameters are crossed. 310 CMR 6.(b)(13). Based on the previous review, the Authority does not effectively track ADT.



extended the lease and acquired an option to purchase the property. At a minimum, a Notice of Project Change was/is required.

The Authority also relies on abandonment of Gifford Street as past mitigation. As noted in the Authority's letter the Gifford Street lot remains a parking lot for trucks, construction equipment, and materials. That is not abandonment and requires, at a minimum, a Notice of Project Change.

The Authority parking space numbers are and have never been consistent. The number for Palmer Avenue as far back as 2015 was 1,800 spaces and not 1,508 spaces as claimed in its letter. "After Phase 2 is completed in May 2014, the Steamship Authority will have up to 1,800 spaces at its Palmer Avenue parking lot, representing an overall increase of approximately 350 spaces." (*Steamship Authority 2013 Annual Report*, page 8). No ENF could be found for the 350 additional spaces at Palmer Avenue. The 350 additional spaces at Palmer Avenue required at a minimum an ENF.

In its pending request, the Authority has used footnotes to avoid counting actual parking spaces from Table 1 in its letter. The Ice Arena (footnote 1) is an Authority lot. According to Table 2 in the Authority's letter more than 26,886 people have parked at that lot. The 300 spaces at the Ice Arena required at a minimum an ENF. SMART believes it is listed as a footnote because it reaches a MEPA threshold.

The Cowdry Road (Woods Hole) entry in Table 1 omits the short-term and queuing parking spaces.² Those areas are also parking spaces.

In 2000, the number of parking spaces in Falmouth was 3,400.³ SMART calculates the current number as not less than 4,301 in 2024. This is a 26.5 percent increase in spaces with essentially no environmental review.

The Authority cannot be relied upon or trusted to provide an accurate picture of its parking operations. Because of this fact, SMART can only report on the total number of parking spaces as being not less than 4,301 in Falmouth and not less

² Short-term and queuing parking have a major impact on ADT.

³ *Falmouth Enterprise*, July 21, 2000, page 8. The article goes into detail about the use of various Authority parking lots.



than 900 at Cataumet.⁴ The Falmouth numbers, by SMART's calculations, do not include Gifford Street or the short-term and queuing areas in Woods Hole.

Based on the totality of facts in the records before MEPA related directly or indirectly to parking, Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force requests that the Authority be directed to complete and file an EIR that addresses 1) the history and expansion of parking lot operations over the past 20 years, 2) all of the Authority's past lapses in MEPA compliance, 3) the impact of the Authority's parking lot operations on ADT, 4) parking lot stormwater management, 5) MEPA threshold adherence moving forward, and 6) management actions to address MEPA compliance.

The Authority prefers that MEPA look at the Cataumet lot in isolation. As noted in these comments there is a systematic ignoring of MEPA thresholds across the entire spectrum of the SSA's parking operations. MEPA needs to send a very strong message to the Authority. SMART asks you to grant our requested relief.

Sincerely,

A handwritten signature in blue ink that reads "Nathaniel S. Trumbull".

Nathaniel Trumbull
SMART Citizens Task Force
nat@teia.org, 508 540 0308

⁴ The actual number of spaces at the Cataumet lot is difficult to measure because spaces are not marked. The Authority has consistently used the number 900 plus. It is likely that the lot actually falls into the 1,000 plus spaces category. Reactivation required an EIR.



Cc:

Falmouth Select Board Chair Nancy Taylor and Select Board members

Falmouth Town Manager Mike Renshaw

Maura O'Keefe, Falmouth Town Counsel

Robert Davis, Steamship Authority General Manager

Terence Kenneally, Steamship Authority General Counsel

SSA Board Chair Robert Jones and Board members

Senator Susan Moran

Representative Dylan Fernandes

Ed DeWitt



Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

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General Manager

MARK K. ROZUM
Treasurer/Comptroller

TERENCE G. KENNEALLY
General Counsel

January 18, 2024

By email to tori.kim@state.ma.us

Tori T. Kim
Assistant Secretary / MEPA Director
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: **Request for Advisory Ruling in Response to Your Letter of June 15, 2023**

Dear Assistant Secretary Kim,

Woods Hole, Martha's Vineyard and Nantucket Steamship Authority ("Authority") acknowledges receipt of your above-referenced letter of June 15, 2023, and submits a Request for Advisory Ruling that the Authority's foreseeable limited use of its Cataumet Lot in Bourne, Massachusetts, is insignificant in terms of its environmental consequences and a Notice of Project Change (NPC) filing would not serve the purpose of MEPA review and should not be required.

Current Vehicle Parking Situation for Woods Hole to Martha's Vineyard Route

At the present writing, the Authority operates four (4) separate mainland parking lots for its passenger ferry service between Woods Hole, Massachusetts, and the island of Martha's Vineyard. The parking lot locations and their vehicle space capacities are set forth in **Table 1**.

The Authority also owns a vacant (former parking) lot located at 677 Gifford Street in Falmouth, which is currently being used as a storage and "laydown" facility for its ongoing Woods Hole terminal reconstruction project. The Gifford Street Lot is not currently utilized for parking customers' vehicles and was last used for parking customers' vehicles in 2015.

Table 1

Address	Town	Capacity/Spaces
1 Cowdry Rd.	Falmouth (Woods Hole)	324
286 Palmer Ave.	Falmouth (Palmer)	1,508
590 Thomas B Landers Rd.	East Falmouth (TBL)	1,927 ¹
1251-1255 Rte. 28A (Sandwich Road)	Bourne (Cataumet)	900 ²

The Authority offers daily fee parking and permit parking to its customers. Permit parking is offered on an annual basis at the Authority's Woods Hole Lot and its Palmer Avenue Lot. Daily fee parking is offered at the Authority's Woods Hole Lot, its Palmer Avenue Lot and during the spring through fall seasons at its TBL Lot and the Cataumet Lot. The number of annual permits at the Authority's Woods Hole Lot is currently 252 and 1,497 permits at its Palmer Avenue Lot. All other parking is daily fee with customers coming and going and paying upon their departures from the lots. Table 2 summarizes the Authority's daily fee parking data from 2011 through 2023.

Table 2

YEAR	MAIN/TOWN LOT	PALMER LOT	GIFFORD LOT	SUN LOT	CATAUMET LOT	FALMOUTH HIGH	ICE ARENA LOT	THOMAS B. LANDERS	TOTAL FALMOUTH
2011	3,266	70,928	14,176	15,636	11,086	1,880	11,770	420	129,150
2012	3,669	85,062	14,716	16,099	12,713	1,711	209	435	134,604
2013	4,211	83,199	14,633	15,463	12,603	2,621	-	1,029	133,659
2014	5,032	90,132	12,447	13,042	11,646	1,818	-	771	134,888
2016	2,949	93,100	1,347	789	3,890	-	-	38,511	140,586
2016	2,117	94,266	-	-	1,927	-	797	46,076	145,183
2017	169	85,043	-	-	2,227	-	2,122	64,369	143,930
2018	107	81,967	-	-	971	-	4,804	52,424	140,373
2019	94	79,921	-	-	1,870	-	4,280	49,270	135,435
2020	27	60,937	-	-	-	-	-	20,593	81,557
2021	26	80,287	-	-	-	-	255	42,481	123,049
2022	34	83,447	-	-	-	-	1,626	45,549	130,656
2023	26	89,985	-	-	-	-	922	45,323	136,258
TOTALS	21,707	1,078,272	57,319	61,029	58,933	7,930	26,885	397,251	1,709,326

¹ The Authority leases an additional 300 parking spaces seasonally during the summer months at the neighboring Falmouth Ice Arena property. This property is the original Lot 10 referenced in the FEIR/NPC certificate dated October 28, 2011

² Cataumet Lot is used only as an overflow lot during busy summer periods i.e. Fourth of July holiday period.

1 Cowdry Road, Falmouth a.k.a. Woods Hole Lot

In October 2015, the Authority entered a five (5) year agreement with the Town of Falmouth to lease the Woods Hole Lot, which provides vehicle parking that is located near the Authority's Woods Hole terminal and the village of Woods Hole.

In September 2016, the Authority and the Town agreed to amend the lease agreement (1st Amendment). This amendment extended the period in which the Authority leased a portion of its property to the Town for metered parking. The amendment was necessary because the metered spaces leased by the Town were moved from the Authority's terminal site to the Woods Hole parking lot to accommodate the construction of the Authority's new temporary terminal building. The parties designated forty-five (45) parking spaces within the Woods Hole Lot for the Town's use. As a result of this amendment, the Authority realized a significant decrease in the number of its daily fee parking customers at the Woods Hole Lot as illustrated in the 2017 figures in **Table 2**.

In July 2020, the Authority and the Town approved a one-year renewal of the lease agreement (2nd Amendment) because the agreement's term was set to expire on December 31, 2020.

In December 2021, the Authority and the Town approved a two-year renewal of the lease agreement (3rd Amendment), extending the term of the lease by two (2) additional years to an expiration date of December 31, 2023. The amendment also increased the number of parking spaces designated as "Village Permit" spaces in the Woods Hole Lot from forty-five (45) to sixty (60) spaces without any other changes to the lease.

On December 18, 2023, the Town's Select Board voted in support of a one-year extension of the lease, which now expires on December 31, 2024. This amendment also decreased the number of parking spaces designated as "Village Permit" spaces in the Woods Hole Lot from sixty (60) spaces to fifty (50) spaces. If the lease of the Woods Hole Lot is not renewed by the parties as of January 1, 2025, the Authority's current 252 permit parking customers and its daily fee parking capacity of approximately twenty-five (25) spaces will need to be transferred to the Authority's remaining parking lots.

286 Palmer Avenue, Falmouth a.k.a. Palmer Avenue Lot

For decades, the Authority has operated a parking lot and shuttle bus service to its Woods Hole Terminal from its Palmer Avenue Lot. In October 2016, the Authority approved the construction of its new administration office building at the Palmer Avenue Lot location. In February 2018, the Authority moved its administrative staff offices from Woods Hole to the newly constructed office building at the Palmer Avenue Lot and began reconstruction of its marine ferry terminal in Woods Hole. Relocating the Authority's administrative staff offices from Woods Hole resulted in approximately sixty (60) employee vehicles that previously parked at the Woods Hole Terminal being designated at the Palmer Avenue Lot as well as spaces for the vehicular traffic related to visitors to the administrative offices being accommodated at the Palmer Avenue Lot.

The Palmer Avenue Lot has thirty-four (34) spaces available for customers with accessibility needs, nine (9) spaces for charging electric vehicles (EVs), fifteen (15) spaces for oversized vehicles, i.e. buses (including electric buses), RVs, twenty-five (25) spaces designated for car rentals, and 1,425 spaces designated for daily fee parking and permit parking.

The Authority is currently reviewing whether the Palmer Lot is a suitable location for installing solar canopies and battery storage and additional electric vehicle charging stations.

590 Thomas B. Landers Road, Falmouth a.k.a. TBL Lot & Falmouth Ice Arena Lot

Within EEA #14559, the Authority set forth the purchasing details of the TBL Lot and its intention to purchase certain parcels of land to create an approximately 1,900-space parking lot and consolidate the then-existing parking lot operations within Falmouth. In May 2015, the TBL Lot and its approximately 1,900 parking spaces became operational. Since 2015, the Authority has operated its parking and bus shuttle service seasonally from the TBL Lot because it is now the primary overflow lot when the Palmer Avenue Lot fills to its capacity.

In October 2021, following the completion of a feasibility study, the Authority awarded a contract to NextGrid, Inc. and Madison Energy Partners of Bedford, Massachusetts, to lease the TBL Lot for a solar development project. The project calls for maintaining the parking lot operation while installing solar canopies throughout the lot with the potential for battery storage and electric vehicle charging stations. Since 2021, NextGrid has been developing the TBL Lot's solar project. To date, construction has not begun as the required permits are being pursued.

The Authority also leases an additional 300 parking spaces seasonally during the summer months at the neighboring Falmouth Ice Arena property. In 2019, the Authority utilized the Ice Arena lot a total of sixteen (16) days during the summer months. In 2020, the Authority did not utilize the Ice Arena lot during the summer. In 2021, the Ice Arena lot was utilized for only one (1) day. In 2022 and 2023, the Authority utilized the Ice Arena lot for only seven (7) days each year.

In October 2023, NextGrid advised that the Cape Transmission Study was expected to be approved by ISO New England in November 2023, but the Cape Distribution Study has yet to be approved by the Massachusetts Department of Public Utilities (DPU). Eversource has confirmed that the DPU has yet to rule on the Cape study capital investment project (CIP) fee, which allocates upgrade costs to construct the solar systems involved to developers and ratepayers. Until those fees are formally allocated, the projects in the study, including the TBL Lot project, are on hold. Accordingly, the Authority and NextGrid have agreed to extend the TBL Lot solar project's development period until December 31, 2024, with an option to further extend the period an additional twelve (12) months. The full impact of the TBL Lot solar project's construction delay upon the Authority's parking lot operations is also under review.

1251-1255 Rte. 28A (Sandwich Road), Bourne a.k.a. Cataumet Lot

Within EEA #14559, the Authority advised that it intended to sell the Gifford Street Lot and stop leasing the 900-spaced Cataumet Lot. As noted above, the Authority continues to own and utilize the Gifford Street Lot as a storage facility, but it has not been used for parking customers' vehicles since 2015. See Table 2.

In January 2019, the Authority approved and executed a new lease agreement with Gary W. Wing, the trustee of the properties comprising the Cataumet Lot. The lease's term ends November 30, 2028. The future sale and demise of the property is subject to a separate agreement of first refusal held by the Authority.

The Authority last utilized the Cataumet Lot for parking customers' vehicles in 2019. The Cataumet Lot was utilized from 2015 through 2019 primarily between the months of July and August with a total number of cars parked of 10,885 over that five (5) year period. See Table 2. The Lot was used for daily fee parking only during the Fourth of July Weekend and during the Martha's Vineyard Agricultural Society Livestock Show & Fair, which is held over the course of four (4) days in August every year. Since 2019, the Authority has not used the Cataumet Lot for customer parking or any other use because of reduced parking demand. The Cataumet Lot's capacity is underutilized, but it does provide traffic relief for the Town of Falmouth during the busy summer months of July and August when or if the need arises. If the Cataumet Lot's capacity becomes unavailable for customer parking, there is a good likelihood that customers will drive to Falmouth and/or Woods Hole seeking parking alternatives. If the Woods Hole Lot lease is not renewed by the Town of Falmouth and the Authority as of January 1, 2025, then additional customers will be seeking parking alternatives within the Town.

With passenger counts steadily returning to pre-COVID-19 pandemic levels and the potential impacts that the construction of the TBL Lot solar project may have on parking capacities, the Authority anticipates the need to direct customer vehicle traffic to the Cataumet Lot for daily fee parking during the busy summer months of July and August. Accordingly, the Authority intends to continue to fund its lease of the Cataumet Lot for the foreseeable future.

Traffic Impacts

Because of the delays associated with DPU's review of the Cape Distribution Study and the resulting delays in constructing the TBL Lot solar project and the very recent developments with the lease amendment concerning the Woods Hole Lot, the Authority has not committed to a traffic study concerning its foreseeable, but likely limited, use of the Cataumet Lot in lieu of the TBL Lot.

Following its review of the factual circumstances set forth in this letter, the Authority discerns very few, if any, material environmental impacts stemming from its limited use of the Cataumet Lot during its utilization between 2015 and 2019.³ Furthermore, the Authority has no

³ For example, the number of daily cars parked at the Cataumet Lot in 2019 (1,870) was approximately 1.4% of the total number of daily cars parked in Falmouth (& Bourne) (135,345). See Table 2.

Tori T. Kim
Assistant Secretary / MEPA Director
January 18, 2024
Page 6 of 6

current plans to develop Parcel 2 that is located on Research Road adjacent to the Falmouth Ice Arena property. Parcel 4, referenced in your June 2023 letter and within EEA #14559, was a parcel on the west side of Research Road that was the subject of an intergovernmental land swap requested by the Town of Falmouth in 2011. The Authority and the Town of Falmouth entered into a land swap agreement in August 2011 whereby the Town took Parcel 4 and the Authority received "Lot 18," which was acreage on the east side of Research Road that was subsumed into Parcel 2.

In light of the above information, the Authority requests that your office provide an advisory ruling that the Authority's foreseeable limited use of the Cataumet Lot is insignificant in terms of its environmental consequences and a Notice of Project Change filing would not serve the purpose of MEPA review and should not be required.

If you have any questions or concerns about this response, please contact me at (508) 289 4301 or by email me at tkenneally@steamshipauthority.com.

Very truly yours,



Terence G. Kenneally
General Counsel

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Application for three Special One-Day Wine & Malt Liquor Licenses – Holy Ghost Society of Fresh Pond – Portuguese Festivals – 408 Carriage Shop Road – Sunday, May 19, 12:00 pm-7:00 pm; Saturday, June 22, 4:00 pm-11:00 pm; Sunday, June 23, 12:00 pm-7:00 pm; and Saturday, August 17, 2024, 3:00 pm-11:00 pm.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.a.

ITEM TITLE: Application for three Special One-Day Wine and Malt Liquor Licenses- Holy Ghost Society of Fresh Pond- Portuguese Festivals- 408 Carriage Shop Road- Sunday, May 19, 12:00 PM- 7:00 PM; Saturday, June 22, 4:00 PM-11:00 PM; Sunday, June 23, 12:00 PM-7:00 PM; and Saturday, August 17, 2024, 3:00 PM-11:00 PM

MEETING DATE: 3/11/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form, Special One-Day Liquor License Applications for the Sale of Alcoholic Beverages dated February 21, 2024; Site and Security Plan; TIPS Certificates

PURPOSE:

The Select Board will consider the approval of three Special One-Day Wine and Malt Liquor Licenses- Holy Ghost Society of Fresh Pond- Portuguese Festivals- 408 Carriage Shop Road- Sunday, May 19, 12:00 PM- 7:00 PM; Saturday, June 22, 4:00 PM-11:00 PM; Sunday, June 23, 12:00 PM-7:00 PM; and Saturday, August 17, 2024, 3:00 PM-11:00 PM.

BACKGROUND/SUMMARY:

- Applicant William Valadao submitted the three (3) applications for Special One-Day License for the Sale of Alcoholic Beverages on February 21, 2024.

- The event, titled Portuguese Festival, will be held on May 19, 2024 (12:00 PM to 7:00 PM), on June 22, 2024 (4:00 PM to 11:00 PM) and June 23, 2024 [consecutive days] (12:00 PM to 7:00 PM, and August 17, 2024 (3:00 PM to 11:00 PM); approximately 225 people are expected to attend each day event.
- The Fire Rescue Department has reviewed the application and advised they have no objections.
- The Police Department has reviewed the applications and has no objections.
- The applicant states that a Temporary Food Service application has been applied for and is pending.
- Bartenders will obtain identification from each patron, and a Certificate of Liquor Liability Insurance is pending.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the three Special One-Day Wine and Malt Liquor Licenses- Holy Ghost Society of Fresh Pond- Portuguese Festivals- 408 Carriage Shop Road- Sunday, May 19, 12:00 PM- 7:00 PM; Saturday, June 22, 4:00 PM-11:00 PM; Sunday, June 23, 12:00 PM-7:00 PM; and Saturday, August 17, 2024, 3:00 PM-11:00 PM as presented.

OPTIONS:

- Motion to approve the three Special One-Day Wine and Malt Liquor Licenses- Holy Ghost Society of Fresh Pond- Portuguese Festivals- 408 Carriage Shop Road- Sunday, May 19, 12:00 PM- 7:00 PM; Saturday, June 22, 4:00 PM-11:00 PM; Sunday, June 23, 12:00 PM-7:00 PM; and Saturday, August 17, 2024, 3:00 PM-11:00 PM as presented, and contingent upon the applicant providing the Temporary Food Service permit and the Certificate of Liquor Liability Insurance.
- Motion to deny approval of the approve the application for the three Special One-Day Wine and Malt Liquor Licenses- Holy Ghost Society of Fresh Pond- Portuguese Festivals- 408 Carriage Shop Road- Sunday, May 19, 12:00 PM- 7:00 PM; Saturday, June 22, 4:00 PM-11:00 PM; Sunday, June 23, 12:00 PM-7:00 PM; and Saturday, August 17, 2024, 3:00 PM-11:00 PM as presented.

➤ 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 approve the three Special One-Day Wine and Malt Liquor Licenses- Holy Ghost Society of Fresh Pond- Portuguese Festivals- 408 Carriage Shop Road- Sunday, May 19, 12:00 PM- 7:00 PM; Saturday, June 22, 4:00 PM-11:00 PM; Sunday, June 23, 12:00 PM-7:00 PM; and Saturday, August 17, 2024, 3:00 PM-11:00 PM as presented.

Michael Renshaw

Town Manager

3/7/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Holy Ghost Soc. Of Fresh Pond

Address: 395 Sandwich Road

License Type: _____

New or Transfer of License Special One-Day Wine & Malt Beverages *three licensees applied for*

or

Change of License _____

Police No Issues

Fire No Issues

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

. Wastewater _____

. _____

. _____

NOTES:

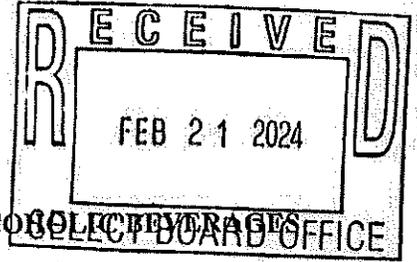
Applicant William Valadao states a Temporary Food Service application has been applied for and is pending. Bartenders will obtain identification from each patron. A Certificate of Liquor Liability Insurance is pending.

Dates:	Sunday, May 19 th	Noon to 7:00 pm
	Saturday, June 22 nd	4:00 pm to 11:00 pm
	Sunday, June 23 rd	Noon to 7:00 pm
	Saturday, August 17 th	3:00 pm to 11:00 pm



APPLICATION

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



NAME OF APPLICANT: William Valverde

ADDRESS OF APPLICANT: 395 Sandwich Rd

E. Falmouth MA 02536
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: Holy Cross Society of Falmouth

MAILING ADDRESS: P.O. Box 2204 Truroct MA 02536

TELEPHONE #: [REDACTED] EMAIL: [REDACTED]

LOCATION TO BE LICENSED-ADDRESS: 405c Manning Club Rd

E. Falmouth MA 02536
TOWN STATE ZIP CODE

EVENT TITLE: Postcourse FESTIVAL APPROXIMATE # OF PEOPLE: 225

DATE(S) OF EVENT: Aug 17th HOURS OF EVENT: 3PM - 11PM

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: William Valverde

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

REQUIREMENTS check list:

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

2-21-24
DATE

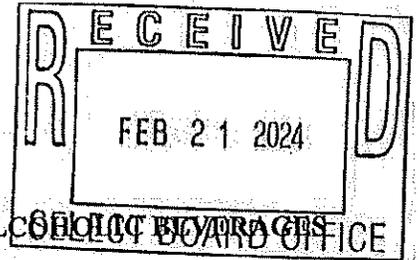
William Valverde
APPLICANT SIGNATURE

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



APPLICATION

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



NAME OF APPLICANT: William Valadao

ADDRESS OF APPLICANT: 395 Sandwick Rd

E Falmouth MA 02536
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: Holy Ghost Society of Falmouth

MAILING ADDRESS: P.O. Box 2204 Falmouth MA 02536

TELEPHONE #: [REDACTED] EMAIL: [REDACTED]

LOCATION TO BE LICENSED-ADDRESS: 405 Cottage Way Rd

E Falmouth MA 02536
TOWN STATE ZIP CODE

EVENT TITLE: Portuguese Festival APPROXIMATE # OF PEOPLE: 225

DATE(S) OF EVENT: June 22-23 HOURS OF EVENT: 4Am to 11Pm Noon - 7Pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: William Valadao

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

REQUIREMENTS check list:

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

2-21-24
DATE

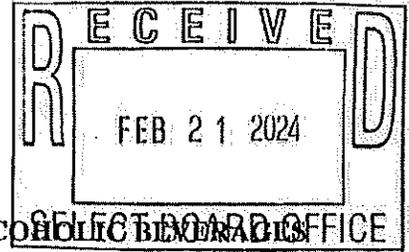
William B. Valadao
APPLICANT SIGNATURE

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



APPLICATION

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



NAME OF APPLICANT:

WILLIAM VALADAO

ADDRESS OF APPLICANT:

395 SANDWICH RD

E FALMOUTH

TOWN

MA

STATE

02536

ZIP CODE

NAME OF ORGANIZATION:

Holy Ghost Society of Fresh Pond

MAILING ADDRESS:

PO BOX 2204 TEATUCKET MA 02536

TELEPHONE #:

[REDACTED]

EMAIL:

[REDACTED]

LOCATION TO BE LICENSED-ADDRESS:

408 CARROLL ST RD

E FALMOUTH

TOWN

MA

STATE

02536

ZIP CODE

EVENT TITLE:

PONTIAC FESTIVAL

APPROXIMATE # OF PEOPLE:

225

DATE(S) OF EVENT:

MAY 19th

HOURS OF EVENT:

12PM - 7PM

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT:

William Valadão

TYPE OF LICENSE:

1. WINE & MALT

FOR PROFIT

2. ALL ALCOHOLIC

NON-PROFIT ORGANIZATIONS ONLY

NON-PROFIT

REQUIREMENTS check list:

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

2-21-24

DATE

William Valadão

APPLICANT SIGNATURE

FEE: \$25.00 PER DAY

\$10.00 FILING FEE

Fence Area

Backyard.

Garage

4 FT WALL
BEER WINE
4 FT WALL
10 X 12
BAR
CUBIC
4 FT WALL
4 FT WALL

BACK DOOR

FRESH POND
HALL

EST 1900

MEETS
FOOD

LOBBY
FOOD

FENCE

BACK DOOR

CONCESSION STAND
SODA WATER
FOOD

FRONT DOOR

FRONT YARD

Parking Area

DRIVEWAY

Fence Area

Fence Area

Fence Area

Fence Area

408 CARRIAGE SHOP Rd

Portuguese Festival

Serving Ethnic Food

Security ON Premises
WILL BE DONE BY
MEMBERS OF HolyHost Society

Certificate OF Liquor Liability
WILL BE PROVIDED UPON
RECEIVING Liquor Permit

Food Permit WILL BE PROVIDED
UPON RECEIVING Liquor Permit

OUT DOOR COVERED BAR
12X10 SECURED AREA
WALLS ARE 4' HIGH ON TWO SIDES
& 2 FULL WALLS.

BEER & WINE ARE ON
ICE & COOLERS.

OPEN SESSION

CONSENT AGENDA

1. Licenses

- b. Application for three Special One-Day Wine & Malt Liquor Licenses – West Falmouth Library – Jazz Concerts – 575 West Falmouth Highway – Sunday, March 17; Sunday, June 30; and Saturday, July 6. All events from 4:00 pm to 6:00 pm.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.b.

ITEM TITLE: Application for three Special One-Day Wine and Malt Liquor Licenses- West Falmouth Library located at 575 West Falmouth Highway, West Falmouth- Sunday, March 17; Sunday, June 30, 2024; and Saturday, July 6, 2024; all events from 4:00 PM to 6:00 PM.

MEETING DATE: 3/11/2024

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form, Emails from Reviewers, Special One-Day Liquor License for the Sale of Alcoholic Beverages applications dated February 20, 2024; Letter from applicant dated February 20, 2024; Tax Exempt Letter; Certificate of Liability Insurance; TIPS Certification Cards; Site Plan

PURPOSE:

The Select Board will consider the approval of three applications for Special One-Day Wine and Malt Liquor Licenses- West Falmouth Library located at 525 West Falmouth Highway, West Falmouth- Sunday, March 17, 2024; Sunday, June 30, 2024; and Saturday, July 6, 2024; all events from 4:00 PM to 6:00 PM.

BACKGROUND/SUMMARY:

- Applicant Suzy Bergmann submitted the Special One-Day License applications for the Sale of Alcoholic Beverages on February 20, 2024.

- The events, titled Jazz Concerts, will be held on March 17, 2024, June 30, 2024, and July 6, 2024 (all events from 4:00 PM to 6:00 PM) and approximately 80 people are expected to attend each event.
- The Police and Fire Rescue Departments have reviewed the application and have no objections or concerns with the event.
- The applicant states that all food will be packaged and plated in the Library's certified kitchen.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the applications for three Special One-Day Wine and Malt Liquor Licenses- West Falmouth Library located at 575 West Falmouth Highway, West Falmouth- Sunday, March 17; Sunday, June 30, 2024; and Saturday, July 6, 2024; all events from 4:00 PM to 6:00 PM.

OPTIONS:

- Motion to approve the applications for three Special One-Day Wine and Malt Liquor Licenses- West Falmouth Library located at 575 West Falmouth Highway, West Falmouth- Sunday, March 17; Sunday, June 30, 2024; and Saturday, July 6, 2024; all events from 4:00 PM to 6:00 PM.
- Motion to deny approval of the applications for three Special One-Day Wine and Malt Liquor Licenses- West Falmouth Library located at 575 West Falmouth Highway, West Falmouth- Sunday, March 17; Sunday, June 30, 2024; and Saturday, July 6, 2024; all events from 4:00 PM to 6:00 PM.
- 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 approve the applications for three Special One-Day Wine and Malt Liquor Licenses- West Falmouth Library located at 575 West Falmouth Highway, West Falmouth- Sunday, March 17; Sunday, June 30, 2024; and Saturday, July 6, 2024; all events from 4:00 PM to 6:00 PM.

Michael Renshaw

Town Manager

3/8/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: West Falmouth Library

Address: _____

License Type: _____

New or Transfer of License Special One-Day Wine & Malt Beverages three licensees applied for

or
 Change of License _____

Police No Issues

Fire No Issues

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Wastewater _____

NOTES:

The applicant states all food will be packaged and plated in the library's certified kitchen.

Dates for three Jazz Concerts:

Sunday, March 17th 4:00 pm to 6:00 pm

Sunday, June 30th 4:00 pm to 6:00 pm

Saturday, July 6th 4:00 pm to 6:00 pm



APPLICATION

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

NAME OF APPLICANT: **Suzy Bergmann**

ADDRESS OF APPLICANT: **41 Cachalot Lane**

Falmouth **MA** **02540**
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: **West Falmouth Library**

MAILING ADDRESS: **PO Box 1209, West Falmouth, MA 02574**

TELEPHONE #: **508 548-4709** EMAIL: **suzybergmannwfl@gmail.com**

LOCATION TO BE LICENSED-ADDRESS: **575 West Falmouth Highway**

Falmouth **MA** **02540**
TOWN STATE ZIP CODE

EVENT TITLE: **Jazz Concert** APPROXIMATE # OF PEOPLE: **80**

DATE(S) OF EVENT: **3/17/2024** HOURS OF EVENT: **4 pm - 6 pm**

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: **Suzy Bergmann**

TYPE OF LICENSE:

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

REQUIREMENTS check list:

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

2/20/2024
DATE

Suzy Bergmann
APPLICANT SIGNATURE

FEE: \$25.00 PER DAY

\$10.00 FILING FEE

The West Falmouth Library



February 20, 2024

The West Falmouth Library is applying for a Special One-Day Liquor License for the sale of alcoholic beverages on March 17, 2024. The purpose of the license is for an event for a maximum of 80 guests. The event will take place from 4:00 pm until 6:00 pm. This will take place in the community room at the library and all food will be prepackaged and plated in our certified kitchen.

Sincerely yours,
Suzy Bergmann
Director of Community Programs, Events and Outreach



APPLICATION

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

NAME OF APPLICANT: Suzy Bergmann

ADDRESS OF APPLICANT: 41 Cachalot Lane

Falmouth MA 02540
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: West Falmouth Library

MAILING ADDRESS: PO Box 1209 West Falmouth, MA 02574

TELEPHONE #: 508 548-4709 EMAIL: suzybergmannwfl@gmail.com

LOCATION TO BE LICENSED-ADDRESS: 575 West Falmouth Hwy
Falmouth MA 02540
TOWN STATE ZIP CODE

EVENT TITLE: Jazz Concert APPROXIMATE # OF PEOPLE: 80

DATE(S) OF EVENT: 6/30/2024 HOURS OF EVENT: 4 pm - 6 pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Suzy Bergmann

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

REQUIREMENTS check list:

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

2/20/2024
DATE

Suzy Bergmann
APPLICANT SIGNATURE

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

The West Falmouth Library



February 20, 2024

The West Falmouth Library is applying for a Special One-Day Liquor License for the sale of alcoholic beverages on June 30, 2024. The purpose of the license is for a concert for approximately 80 guests. The event will take place from 4:00 pm until 6:00 pm. This will take place in the community room in the library and all food will be prepackaged and plated in our certified kitchen.

Sincerely yours,
Suzy Bergmann
Director of Community Programs, Events and Outreach



APPLICATION

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

NAME OF APPLICANT: Suzy Bergmann

ADDRESS OF APPLICANT: 41 Cachalot Lane

Falmouth MA 02540
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: West Falmouth Library

MAILING ADDRESS: PO Box 1209 West Falmouth, MA 02574

TELEPHONE #: 508 548-4709 EMAIL: suzybergmannwfl@gmail.com

LOCATION TO BE LICENSED-ADDRESS: 575 West Falmouth Hwy

Falmouth MA 02540
TOWN STATE ZIP CODE

EVENT TITLE: Jazz Concert APPROXIMATE # OF PEOPLE: 80

DATE(S) OF EVENT: 7/6/2024 HOURS OF EVENT: 4 pm - 6 pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Suzy Bergmann

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

REQUIREMENTS check list:

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

2/20/2024
DATE

Suzy Bergmann
APPLICANT SIGNATURE

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

The West Falmouth Library



February 20, 2024

The West Falmouth Library is applying for a Special One-Day Liquor License for the sale of alcoholic beverages on July 6, 2024. The purpose of the license is for a concert for approximately 80 guests. The event will take place from 4:00 pm until 6:00 pm. This will take place in the community room in the library and all food will be prepackaged and plated in our certified kitchen.

Sincerely yours,
Suzy Bergmann
Director of Community Programs, Events and Outreach

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Approve Intermunicipal Agreements with the Towns of Brewster, Yarmouth and Mashpee for sale of surplus intermediate oysters



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Administrative Orders 2.a.

ITEM TITLE: Intermunicipal Agreements for Sale of Shellfish to Mashpee, Yarmouth and Brewster

MEETING DATE: 3/11/2024

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

SUBMITTED BY: Chuck Martinsen

ATTACHMENTS: Intermunicipal agreements

PURPOSE:

MES seeks the Falmouth Select Board's approval of proposed intermunicipal agreements for each of the Town of Brewster, Town of Yarmouth, and Town of Mashpee for the sale of surplus intermediate oysters.

BACKGROUND/SUMMARY:

- The Town of Falmouth has developed efficient and productive methods for growing shellfish. The program has been so successful that at times we have a surplus of shellfish. This surplus of oysters can be made available for sale to other communities' recreational shellfish programs. Massachusetts Division of Marine Fisheries only allows our shellfish to be sold to other government agencies. The money received from previous sales has been reinvested into purchasing more seed and growing gear for the local shellfish program through the Shellfish Revolving Account.
- In 2022 Falmouth was approached by the Barnstable County Cooperative Extension about further developing the sales of shellfish to other communities, based on interest from other

towns. The Cooperative Extension requested that Falmouth develop an intergovernmental document to manage the sales of shellfish in the future in place of the previously used sealed bid process.

- These three intermunicipal agreements are the same as the one used last year (Brewster). The proposed agreements for 2024 include Brewster, as well as two other towns (Yarmouth and Mashpee). The intermunicipal agreement for all three towns is the same document used in the sale to Brewster last year.

DEPARTMENT RECOMMENDATION:

MES recommends Option 1 below, vote to approve the proposed intermunicipal agreements with the Towns of Brewster, Yarmouth, and Mashpee. Should the agreements for the proposed sales be approved, Falmouth will have provided shellfish to 6 other municipalities, for a total of \$69,793.00 in municipal shellfish sales.

OPTIONS:

Briefly state the options the Select Board should consider.

There will usually be a minimum of three options:

- 1) vote to approve the proposed intermunicipal agreements with the Towns of Brewster, Yarmouth, and Mashpee, generating \$11,650.00 revenue to the Shellfish Revolving Account;
- 2) vote to deny the proposed intermunicipal agreements with the Towns of Brewster, Yarmouth, and Mashpee;
- 3) Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

APPROVE THE PROPOSED AGREEMENTS AS PRESENTED.

Michael Senohaw

Town Manager

Click or tap to enter a date.

Date *3/8/2024*

**Intermunicipal Agreement
Shellfish Sales and Purchase
Terms and Conditions by and between the following:**

**Marine & Environmental Services
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02360**

**Natural Resources
Town of Brewster
2198 Main Street
Brewster, MA 02631**

THIS INTERMUNICIPAL AGREEMENT is made pursuant to General Laws Chapter 40 §4A, this _____ day of _____, 20____ by and between the Town of Falmouth ("Falmouth") and the Town of Brewster (the "Town"), collectively the "Parties".

The Intermunicipal Agreement ("Agreement") Terms and Conditions and any agreed upon changes thereto included in any Amendments shall take precedence over any additional or conflicting terms and conditions as may be included in any other document attached hereto.

NOW THEREFORE, Falmouth and the Town do mutually agree as follows:

1. **Employment of Falmouth.** Falmouth hereby agrees to perform the services hereinafter set forth in the Scope of Services and the Town agrees to pay for said services as set forth below.
2. **Scope of Services.** Falmouth shall perform the scope of services to the Town in the sale of intermediate oyster seed.
 - A. Falmouth will provide pathology reports and growing area history for sold oyster seed.
 - B. All oysters sold will have been grown in classified Approved areas, per Massachusetts Division of Marine Fisheries.
 - C. Falmouth will provide size data for sold oyster seed.
 - D. Falmouth bears no responsibility of mortality of oyster seed after delivery.
3. **Amendments.** Any amendment to this Agreement must be made and approved in writing by Falmouth and the TOWN.
4. **Time of Performance.**

_____ Start Date

_____ End Date

5. **Notification of availability.** Falmouth shall notify the Town of the availability of desired quantities of oyster seed by _____ day of _____, 20____.

6. **Pickup of oyster seed.** Oyster seed will be picked up by the Town by the 24th day of March, 2024.

7. **Responsible Officials:** The Falmouth Official and Department exercising managerial control for this Contract shall be: Falmouth Marine & Environmental Services

8. Payment:

A. The Town shall compensate Falmouth for the services rendered at the rate of:

\$ 0.17 per oyster

B. In no event shall Falmouth be reimbursed for time other than that spent providing the described service(s).

C. Payment will be made to "Town of Falmouth - Shellfish Revolving Account" upon submittal and approval of Falmouth's Invoice(s).

Upon acceptance of Falmouth's invoice, payment will be made within thirty (30) days. If an invoice is not accepted by the Town within fifteen (15) days, it shall be returned to Falmouth with a written explanation for the rejection. At the end of each fiscal year, Falmouth must submit any outstanding invoices for services performed or delivered during the fiscal year (July 1-June 30) to the Town no later than July 31st of the year when the services were performed. Falmouth shall submit invoices within sixty (60) days of completing the work.

9. Termination or Suspension of Agreement for Cause. If through any sufficient cause, Falmouth shall fail to fulfill or perform its duties and obligations under this Agreement, or if either party shall violate or breach any of the provisions of this Agreement, either party shall thereupon have the right to terminate or suspend this Agreement, by giving written notice to the other party of such termination or suspension and specifying the effective date thereof. Such notice shall be given at least fifteen (15) calendar days before such effective date.

10. Termination for Convenience of the Town. The Town shall have the right to discontinue the work of Falmouth and cancel this Agreement by written notice to Falmouth of such termination and specifying the effective date of such termination. In the event of such termination or suspension of this Contract, Falmouth shall be entitled to just and equitable compensation for satisfactory work completed, for services performed and for reimbursable expenses necessarily incurred in the performance of this Contract up to and including the date of termination or suspension.

11. Indemnification. FALMOUTH and the Town agree that each shall be responsible for their own insurance and that neither party is entitled to indemnification or defense from the other.

12. Employee liability. The Parties agrees that employees of Falmouth shall not be held personally or contractually liable by or to the Town under any term or provision of this Contract because of any breach thereof.

13. Choice of Law. This Contract shall be construed under and governed by the laws of the Commonwealth of Massachusetts. The Town and the agents thereof, agree to bring any federal or state legal proceedings arising under this Contract, in which Falmouth are a party, in a court of competent jurisdiction within the Commonwealth of Massachusetts. This paragraph shall not be construed to limit any rights a party may have to intervene in any action, wherever pending, in which the other is a party. All parties to this contract and covenant agree that any disputes be litigated in the District or Superior courts in Barnstable County.

14. Force Majeure. Neither party shall be liable to the other nor be deemed to be in breach of this Contract for failure or delay in rendering performance arising out of causes factually beyond its control and without its fault or negligence. Such causes may include but are not limited to: acts of God or the public enemy, wars, fires, floods, epidemics, strikes, or unusually severe weather. Dates or times of performance shall be extended to the extent of delays excused by this section, provided that the party whose performance is affected notifies the other promptly of the existence and nature of such delay.

15. **Headings, Interpretation and Severability.** The headings used herein are for reference and convenience only and shall not be a factor in the interpretation of the Contract. If any provision of this Contract is declared or found to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under that provision. The remainder of the Contract shall be enforced to the fullest extent permitted by law.

16. **Amendments.** Falmouth may, from time to time, require changes in the Scope of Services to be performed hereunder. Such changes, including any increase or decrease in the amount of Falmouth costs, which are mutually agreed upon by Falmouth and the Town, shall be incorporated in written amendments to this Contract.

17. **Entire Agreement.** The Parties understand and agree that this Contract and its attachments or amendments (if any) constitute the entire understanding between the Parties and supersede all other verbal and written agreements and negotiations by the Parties relating to the services under this Contract.

18. **Notice.** Unless otherwise specified, any notice hereunder shall be in writing addressed to the persons and addresses indicated below (Name, postal address, phone, email address):

To Falmouth: _____

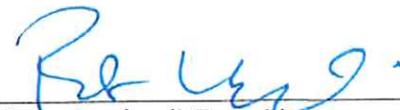
To the Town: _____

IN WITNESS WHEREOF, Falmouth and the Town have executed this Agreement this date: _____

FOR Falmouth

Marine & Environmental Services
Town of Falmouth

FOR the Town :


Peter Lombardi, Town Manager

2/27/24
Date

Mashpee

**Intermunicipal Agreement
Shellfish Sales and Purchase
Terms and Conditions by and between the following:**

**Marine & Environmental Services
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02360**

**Natural Resources
Town of Mashpee
16 Great Neck Road North
Mashpee, MA 02649**

THIS INTERMUNICIPAL AGREEMENT is made pursuant to General Laws Chapter 40 §4A, this _____ day of _____, 20____ by and between the Town of Falmouth ("Falmouth") and the Town of Mashpee (the "Town"), collectively the "Parties".

The Intermunicipal Agreement ("Agreement") Terms and Conditions and any agreed upon changes thereto included in any Amendments shall take precedence over any additional or conflicting terms and conditions as may be included in any other document attached hereto.

NOW THEREFORE, Falmouth and the Town do mutually agree as follows:

1. **Employment of Falmouth.** Falmouth hereby agrees to perform the services hereinafter set forth in the Scope of Services and the Town agrees to pay for said services as set forth below.
2. **Scope of Services.** Falmouth shall perform the scope of services to the Town in the sale of intermediate oyster seed.
 - A. Falmouth will provide pathology reports and growing area history for sold oyster seed.
 - B. All oysters sold will have been grown in classified Approved areas, per Massachusetts Division of Marine Fisheries.
 - C. Falmouth will provide size data for sold oyster seed.
 - D. Falmouth bears no responsibility of mortality of oyster seed after delivery.
3. **Amendments.** Any amendment to this Agreement must be made and approved in writing by Falmouth and the TOWN.
4. **Time of Performance.**

_____	_____
Start Date	End Date
5. **Notification of availability.** Falmouth shall notify the Town of the availability of desired quantities of oyster seed by _____ day of _____, 20____.
6. **Pickup of oyster seed.** Oyster seed will be picked up by the Town by the 15th day of February, 2024.
7. **Responsible Officials:** The Falmouth Official and Department exercising managerial control for this Contract shall be: Falmouth Marine & Environmental Services

8. Payment:

A. The Town shall compensate Falmouth for the services rendered at the rate of:

\$ 0.20 per oyster

B. In no event shall Falmouth be reimbursed for time other than that spent providing the described service(s).

C. Payment will be made to "Town of Falmouth - Shellfish Revolving Account" upon submittal and approval of Falmouth's Invoice(s).

Upon acceptance of Falmouth's invoice, payment will be made within thirty (30) days. If an invoice is not accepted by the Town within fifteen (15) days, it shall be returned to Falmouth with a written explanation for the rejection. At the end of each fiscal year, Falmouth must submit any outstanding invoices for services performed or delivered during the fiscal year (July 1-June 30) to the Town no later than July 31st of the year when the services were performed. Falmouth shall submit invoices within sixty (60) days of completing the work.

9. Termination or Suspension of Agreement for Cause. If through any sufficient cause, Falmouth shall fail to fulfill or perform its duties and obligations under this Agreement, or if either party shall violate or breach any of the provisions of this Agreement, either party shall thereupon have the right to terminate or suspend this Agreement, by giving written notice to the other party of such termination or suspension and specifying the effective date thereof. Such notice shall be given at least fifteen (15) calendar days before such effective date.

10. Termination for Convenience of the Town. The Town shall have the right to discontinue the work of Falmouth and cancel this Agreement by written notice to Falmouth of such termination and specifying the effective date of such termination. In the event of such termination or suspension of this Contract, Falmouth shall be entitled to just and equitable compensation for satisfactory work completed, for services performed and for reimbursable expenses necessarily incurred in the performance of this Contract up to and including the date of termination or suspension.

11. Indemnification. FALMOUTH and the Town agree that each shall be responsible for their own insurance and that neither party is entitled to indemnification or defense from the other.

12. Employee liability. The Parties agrees that employees of Falmouth shall not be held personally or contractually liable by or to the Town under any term or provision of this Contract because of any breach thereof.

13. Choice of Law. This Contract shall be construed under and governed by the laws of the Commonwealth of Massachusetts. The Town and the agents thereof, agree to bring any federal or state legal proceedings arising under this Contract, in which Falmouth are a party, in a court of competent jurisdiction within the Commonwealth of Massachusetts. This paragraph shall not be construed to limit any rights a party may have to intervene in any action, wherever pending, in which the other is a party. All parties to this contract and covenant agree that any disputes be litigated in the District or Superior courts in Barnstable County.

14. Force Majeure. Neither party shall be liable to the other nor be deemed to be in breach of this Contract for failure or delay in rendering performance arising out of causes factually beyond its control and without its fault or negligence. Such causes may include but are not limited to: acts of God or the public enemy, wars, fires, floods, epidemics, strikes, or unusually severe weather. Dates or times of performance shall be extended to the extent of delays excused by this section, provided that the party whose performance is affected notifies the other promptly of the existence and nature of such delay.

15. **Headings, Interpretation and Severability.** The headings used herein are for reference and convenience only and shall not be a factor in the interpretation of the Contract. If any provision of this Contract is declared or found to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under that provision. The remainder of the Contract shall be enforced to the fullest extent permitted by law.

16. **Amendments.** Falmouth may, from time to time, require changes in the Scope of Services to be performed hereunder. Such changes, including any increase or decrease in the amount of Falmouth costs, which are mutually agreed upon by Falmouth and the Town, shall be incorporated in written amendments to this Contract.

17. **Entire Agreement.** The Parties understand and agree that this Contract and its attachments or amendments (if any) constitute the entire understanding between the Parties and supersede all other verbal and written agreements and negotiations by the Parties relating to the services under this Contract.

18. **Notice.** Unless otherwise specified, any notice hereunder shall be in writing addressed to the persons and addresses indicated below (Name, postal address, phone, email address):

To Falmouth: _____

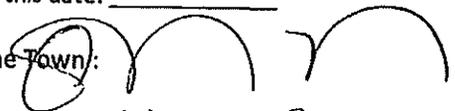
To the Town: _____

IN WITNESS WHEREOF, Falmouth and the Town have executed this Agreement this date: _____

FOR Falmouth

Marine & Environmental Services
Town of Falmouth

FOR the Town:


Mashpee Natural Resources
Town of Mashpee
Mashpee Town Manager
Rodney G. Collins

1/26/24
Date

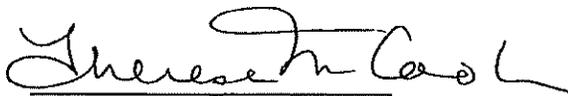

Director of Mashpee
Natural Resources
1/26/24

MASSACHUSETTS NOTARY ACKNOWLEDGMENT

THE COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Barnstable

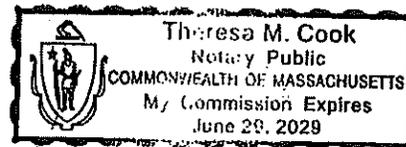
On this 1/26/2024, before me, Theresa M. Cook, Rodney C. Collins personally appeared and proved to me through satisfactory evidence of identification, which were personally known by me to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



Theresa M. Cook

Notary Public Signature

My Commission Expires
June 29, 2029



(Seal)

yarmouth

Intermunicipal Agreement
Shellfish Sales and Purchase
Terms and Conditions by and between the following:

Marine & Environmental Services
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02360

TOWN OF YA
DIV. OF NATU
424 Route 28, 2nd Floor
West Yarmouth, MA 02673-4713

THIS INTERMUNICIPAL AGREEMENT is made pursuant to General Laws Chapter 40 §4A, this 29
day of JAN., 20 24 by and between the Town of Falmouth ("Falmouth") and the Town of
Yarmouth (the "Town"), collectively the "Parties".

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included in any Amendments shall take precedence over any additional or conflicting terms and conditions as
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Fisheries.
 - C. Falmouth will provide size data for sold oyster seed.
 - D. Falmouth bears no responsibility of mortality of oyster seed after delivery.
3. **Amendments.** Any amendment to this Agreement must be made and approved in writing by Falmouth and
the TOWN.

4. **Time of Performance.**

Start Date

End Date

5. **Notification of availability.** Falmouth shall notify the Town of the availability of desired quantities of oyster
seed by _____ day of _____, 20____.

6. **Pickup of oyster seed.** Oyster seed will be picked up by the Town by the 24th day of March, 2024.

7. **Responsible Officials:** The Falmouth Official and Department exercising managerial control for this
Contract shall be: Falmouth Marine & Environmental Services

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To Falmouth: _____

To the Town: Bill Bonatti, 424 RT 28, West Yarmouth, MA, 02673

bbonatti@yarmouth.ma.us (508) 760-4800, CASANDRA HEALY 508-294-2453
chealy@yarmouth.ma.us

IN WITNESS WHEREOF, Falmouth and the Town have executed this Agreement this date: _____

FOR Falmouth

Marine & Environmental Services
Town of Falmouth

FOR the Town :

William Bond
Cassandra Healy

1/29/2024

Date

8. Payment:

A. The Town shall compensate Falmouth for the services rendered at the rate of:

\$0.17 per oyster $\times 15,000/1''-2''$

B. In no event shall Falmouth be reimbursed for time other than that spent providing the described service(s).

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OPEN SESSION

MINUTES

1. Review and vote to approve minutes of meetings
 - Public Session – February 12, 2024 and February 26, 2024

March 11, 2024

Open session minutes – February 12, 2024

March 11, 2024

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
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.

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

Staff Present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel.

1. Chair Taylor called the open session to order at 6:00 p.m. Ms. Scott Price made a motion to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – Review and discuss proposed workers' compensation settlements for town employees because to not go into executive session could prejudice ongoing negotiations. Mr. Zylinski seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Mr. Mascali, aye; Mr. Brown, aye; Ms. Scott Price, aye; Mr. Zylinski, aye; Chair Taylor, aye.

1. Chair Taylor reconvened the open session at 6:30pm.

2. Pledge of Allegiance

3. Recognition

Delivery of citations to the Cape Cod Wheelchair Curlers

Mr. Renshaw received notice from Senator Moran to that this item was cancelled and would be held another day.

4. Announcements

Ms. Scott Price read a proclamation in the packet: February, 2024 Black History Month.

Mr. Mascali said Cape Cod Regional Transit Authority (CCRTA) announced free fares for people with disabilities and seniors through June 30, 2024.

Mr. Brown is participating in an event on Broadband tomorrow at the Museums on the Green at 7pm.

5. Public Comment

Michael Palmer, Silver Beach Avenue, MBL Community Action League, asked about the proposed projects, stating it is important to have representatives at the Planning Board Meetings and other board meetings. If the Town calls it a priority, the Town should treat it as such.

Marc Finneran, Grand Ave., requested an update on the issue around town where the sewer has been installed, it is causing water to back up into people's basements. One individual needs to have a sixth water pump installed. There are three people he knows of having difficulties with their basements since the sewer was installed in their area. This should be investigated before we have other problems.

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members

- a. Constable – Ahmed A. Mustafa
Mr. Mustafa was present.

Ms. Scott Price made a motion to appoint Mr. Mustafa to a term ending 6/30/24. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

6:45 p.m. PUBLIC HEARINGS

1. Request to dedicate the beach side of the Menauhant Bridge to Bruce G. Mogardo

Mr. Zylinski read the hearing notice.

Joe Netto, Precinct 9, put forth this request per Select Board Policy a year ago. Mr. Netto provided some personal history about him and Mr. Mogardo. Mr. Mogardo worked for the Beach Department every summer from 1963-2022, he started in the Maintenance Department and moved onto other positions. Most of the dunes built on the Town's public beaches were built by Mr. Mogardo. He was a Falmouth Public Schools Teacher, coach, and his passion was the beaches. Mr. Netto is proposing the beach side of the bridge be named in Mr. Mogardo's name.

The Beach Committee approved. The bridge was to be named in another person's name, the other family was contacted and had no problem sharing the name of the bridge with Mr. Mogardo.

Mr. Zylinski said Mr. Mogardo taught him and others about integrity. Mr. Mogardo always did what he felt was right.

Public Comment:

Peter McConarty, Director of Public Works. Mr. Mogardo was always active with the DPW, he made sure all beaches were well maintained.

The naming will happen now and carry over to the new bridge.

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

Board Discussion:

There were a number of letters of support received by the Select Board.

Mr. Zylinski made a motion to grant the name of the beach side of the new bridge in the name of Bruce G. Mogardo. Ms. Scott Price seconded the motion. Vote: Yes-5. No-0.

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

Mr. Zylinski read the hearing notice.

Tara Burke, Co-executive Director of Highfield Hall and Gardens. They subcontract out to Murphy's Liquors for catering alcohol service. Alcohol service is in a contained area.

Public Comment: none.

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

Discussion:

Mr. Zylinski said the events are well run and Mr. Brown noted it is a benefit to the Town.

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

BUSINESS

1. Presentation on Broadband MLP's – Gigi Sohn, American Association for Public Broadband

Gigi Sohn, Executive Director of the American Association for Public broadband. Ms. Sohn urged the Select Board to own Falmouth's future and stated that access to high speed, affordable broadband is necessary. The private sector served with the greatest return. Some things broadband enabled: telehealth, telework, online schooling. This increases home values, attracts businesses, tourists, and enables us to become a SMART community. Improves the quality of life, attracts businesses, and helps provide better government service to the public. There are multiple ways to have broadband network, the community can control how this is done. The technology has been around for 25 years, if the Town's cable/internet provider wanted to offer community broadband, they would have done so by now.

2. Resilient Woods Hole Presentation

Leslie Ann McGee, works at WHOI, was joined by Joe Famely of the Woods Hole Group. Resilient Woods Hole--WHOI, MBL, National Oceanic and Atmospheric Administration, fisheries, and the Woods Hole Group are active partners in this group and are committed to preserve direct access to the sea which is threatened by climate affects. Provided an update on the project, the initiative, and made a PowerPoint presentation.

Ms. McGee and Mr. Famely reviewed the mission of the initiative. They would like to develop and apply strategies to address climate change in Woods Hole. Working with the nine neighborhoods within Woods Hole. Those involved include WHOI, MBL, NOAA Fisheries, WH Group, and MA Coastal Zone Management. Steering Committee was reviewed and includes the Town of Falmouth, Coastguard, US Geological Survey, Steamship Authority, Town Planner, Sea Education Association, and others.

Ms. McGee reviewed the effect of the storm in December 2023. This impacts the institutions, businesses, neighborhoods, and they are trying to make this everyone's plan. WHOI is the second largest employer on the Cape. Reviewed the projected still water surface elevation. Outlined steps taken, community involvement and outreach to date. Reviewed the reports.

They would like to have a workshop to engage municipal leaders in late April 2024.

Mr. Renshaw feels Falmouth should become more active participants in this initiative.

The Select Board appreciates the opportunity to work together and noted they are seeking funding at Town Meeting this year to hire a Coastal Resilience position.

3. Presentation of Petition Articles for the April 2024 Annual Town Meeting

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

Ms. Maingay thanked those who supported this project of urine diversion.

Mr. Barnhart explained why they want this diversion project.
Read a letter of support.

b. Petition Article 23 – Wayne Lingafelter

Mr. Mascali is a member of the EDIC and will not take action on anything related to this issue.

Mr. Lingafelter made a computer presentation. EDIC owns Lot #21, Town has an easement, it holds the Town water tank. They want to reconfigure the easements on the parcel to create a buildable lot for future development, the area was reviewed via computer presentation. This would

reduce the size of the drainage easement, there is a deep and low spot on the site, this easement and the easement to the water tank was something they worked on with the DPW. They propose to reconfigure the water tower easement. Reviewed a diagram of the proposed area. The Town benefits from a dedicated and titled drainage easement plan, DPW approved, the size of the water tower easement is unchanged, and a buildable land parcel will be created for future industrial development in the Town. EDIC will have a marketable parcel of property.

- c. Petition Article 24 – Nathaniel Trumbull
Phil Logan, Precinct 1, they would like to change areas of concern along the freight corridor. The Traffic Advisory Committee concurred with some changes; 35 mph and 25 mph in critical areas. There is a 40 mph stretch. He handed a packet to the Select Board and then reviewed it.

4. Discuss disposal of surplus firearms

Chair Taylor noted this is the first time the Select Board has seen this idea. The Select Board needs to determine whether it is legally viable. Town Counsel prepared a concept plan, the details are not included, there is a question of whether this concept has merit and if the Select Board will give Mr. Renshaw permission to look into it further.

Mr. Zylinski started this inquiry. The public could donate funds for this purpose, the FPD surplused about thirty guns, they are still in FPD custody, and were going to trade them for a reduced cost for replacement shotguns. Town Counsel noted more information is needed. Mr. Zylinski spoke with the Town Finance Director who spoke with the Town Accountant. The Select Board may not directly solicit private funds, the Select Board is not under obligation to destroy public property. He is asking for direction and if the Select Board see donating into the revolving fund as a viable idea.

The fiduciary duty is they are spending public funds and how they are expended is important.

Mr. Renshaw noted it does not have to be a nonprofit and the Town would not be in charge of setting up a nonprofit.

Ms. Scott Price supports further investigation.

Town Counsel noted the fiduciary duty, is the will of the people enough to balance out the fiduciary duty and if there needed to be a financial offset in addition to the will of the people.

Public Comment:

Nan Logan, Woods Hole Road, is excited to hear this conversation again. We have fiduciary responsibility and for safety. She referred to a Hawaii News Now report: Honolulu will destroy \$500,000 worth of old police guns in an effort to keep them off the street.

The Town Manager has responsibility to determine the disposition, Falmouth Gun Safety Coalition supports paying the full price for replacement weapons. Ms. Logan read a statement.

Reverend (retired) Deborah Warner, thanked the Select Board for letting them share this information. Reverend Warner is willing to work with the Town. Reverend Warner read a statement and asked what is the cost of allowing surplus fire arms going back in circulation, we can raise funds, we cannot raise the lives of those sacrificed when they are seriously injured or killed.

Tom Stone, Precinct 6, if residents raise these funds, the guns would be totally destroyed, excess funds returned to contributors, and the destruction witnessed.

Matthew Hanley, Thomas Landers Rd., has experience in repurposing surplus vehicles for fire departments. Manufacturers supplying government entities, how the surplus items will be destroyed of, how they will be transported. If the path is breached, it could affect our buying price at the next contract. Fine details need to be looked at. What is the cost of destroying those items, with the program now they are exchanging the weapons for new weapons.

Chair Taylor noted there are many details.

The task in front of the Select Board: do they support directing the Town Manager to continue looking into this concept.

Target value, accept a donation in that amount.

Third party funding cost of the trade in value or fiduciary responsibility they are woven together.

Chair Taylor asked if the Select Board wants to direct the Town Manager to look into it.

Consensus of the Select Board is to have Town Manager look into this and bring information back to the Select Board.

Marc Finneran, Grand Ave., stated that one of the most law abiding demographics are licensed gun owners. There has been a trend nationwide to go to constitutional carry, and in Ohio, this has resulted in a drop in crime in major cities.

Mr. Zylinski stated he is a high threat security operator and is aware of the dangers. It is the Select Board's job is to come up with a responsible idea to help the community come together.

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

The Town Manager explained process began in May 2023, just concluded it and is seeking Select Board approval prior to Town Meeting.

Mr. Johnson-Staub explained three related actions asking the Select Board to consider.

1. Cost of living adjustment (COLA) for this group; 57 positions in this category. For the 2025 fiscal year, 5 of 9 unions settled with COLA of 2%. There are frequently compensation adjustments and benefit changes that include more than the COLA.
2. Recommended changes for the position classification plan, in order to change the pay classification for a full time position, a Town Meeting vote is required. A study was done by an outside consultant and they conducted a classification review; are we grouping positions within the right paygrade within a group. Began with a job assessment questionnaire to the impacted employees, consultant interviewed them, then made a recommendation. There was then a dialogue with management staff regarding factors unique to the Town, including the labor market. The classification changes in the packet. 21 positions increase in their paygrade classification, cost to implement this plan, market adjustment of about a 15% increase was made this year. Cost of the plan is estimated to be \$50,000 to be implemented for fiscal year 2025 and would be paid for by a wage adjustment article at Town Meeting. If supported by the Select Board, next steps would be at the next Select Board meeting these would be included in the warrant article and wage adjustment article.

They are not evaluating existing employees, looking at the position as if it were vacant; experience value, education value, are all considered.

The Select Board approved conflict of interest disclosures on Mr. Johnson-Staub and Susan Lumpington's positions, which are included.

3. Susan Lumpington reviewed benefits and personnel policy, improve recruitment efforts, consider retention, and asked employees for input. Bring policies in line with best practices. She highlighted changes in fiscal year 2025, include vacation benefits, increased long term benefits, uniforms and safety boots for some positions, increase to sick leave payout at retirement for those who used less than half their sick leave benefits. Tuition reimbursement offering with payback position if employee separates from service within three years. Cost is about \$100,000, about 1.7% base wages for these employees. Cost can be funded by the wage settlement article proposed in the April Town Meeting.

The Select Board supports this plan. This has not happened in a long time.

Ms. Scott Price made a motion to approve 2% Cost of Living Adjustment (COLA) for Technical Administrative and Management Positions for FY2025. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

Ms. Scott Price made a motion to approve the changes to benefits and personnel policies for Technical Administrative and Management positions as submitted subject to funding appropriation. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

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

6. Discuss and vote on Real Estate Transfer Fee provisions

Copy of presentation in the packet at 11/9/23 meeting.

Mr. Renshaw reviewed the information in the packet.

Article in the warrant.

Mr. Renshaw recommends the Select Board vote to approve the threshold \$1million, 2%, and seller pays the fee.

Mr. Mascali asked by when does Town Manager need this direction so he can prepare a home rule petition. Mr. Mascali is uncomfortable making the decision tonight. Mr. Renshaw said the direction is needed by the Select Board Meeting on 2/26/24, that would be final vote.

Mr. Brown asked to consider graduated scale as the price of the house goes up. Consider 5% on a \$500,000 house, then \$1 million would go to 1%, then \$1.5 million would be 1.5%, then over \$2 million would be 2%. Mr. Brown suggested the buyer and seller split the cost.

Mr. Mascali said that this is what is in Governor Healey's proposal.

Town Counsel noted this is mirroring the Governor's plan. There is room for movement with the terms, but in the end the purpose of this exercise is to push the legislature to act. Submitting this lets the legislature know this is important.

Mr. Mascali said the buyer is paying it because the seller negotiates the price based on the fee. When they go to the registry, someone makes sure the payment is made. He would hold it as the seller paying it.

Ms. Scott Price asked if the legislature has the same language, can we adjust our home rule later.

Town Counsel said that if the legislature passes something, their numbers become the Town's numbers.

The Select Board discussed the details and support.

Public Comment:

Dave Garrison, Chair Affordable Housing Committee, procedural matter. The idea of the proposal is that we send forward to Town Meeting an approach that is as close as possible that will come out of the Governor's proposal. When the Governor's proposal is enacted, the Town would be able to proceed ahead with the transfer fee program without having a version approved by Town Meeting. Could go ahead with the transfer fee right away. If it lines up properly, his understanding is that it could happen. It matters if we try different approaches and ensures the Town will then have to go through the process again once the legislature acts and we would lose about a year. At the 2% fee level, estimate \$2.4 million would be available using the 2023 data. This is underestimated, it does not include private sales, only information from realtors. \$2.3 million is the gross. If the fee is changed, the number is changed. The Housing Coordinator has told him that there is \$7.8 million in the affordable housing fund, there is \$8 million in que

of projects that are coming. If we are burning \$7-8 million a year in affordable housing funding, with only \$3 million coming in each year, we need more money. That is why the 2% is important. This is important to the Affordable Housing Committee.

Mr. Mascali asked if the Governor's proposal meets what Falmouth's proposal says, what has Town Meeting approved? If the Governor's proposal goes through, it gives authority to the Town.

Governor's bill is a local option law, if enacted, Town Meeting would decide whether to accept the local option.

Mr. Mascali noted some people raised valid concerns about million dollar houses. We owe it to our constituents to hear their input.

Mr. Brown asked to continue graduated increase of 2% when you get up to the higher value homes.

Mr. Garrison said entry level threshold either \$1 million or area median sale price, whichever is higher. The Governor's proposal is to give a range.

Marc Finneran, Grand Ave., Mr. Brown's proposal at \$500,000 would hit almost everyone in Town, median price is about \$700,000. \$8 million in the affordable housing fund, \$3 million coming every year, he does not see that being spent in the next year. Why not write a letter in support of the Gov's proposal instead?

According to Mr. Johnson-Staub, the Governor is specifically asking communities to go through this process to put more pressure on the legislature. The Select Board could vote to send a letter but does that have the same impact as a home rule petition.

Mr. Zylinski likes it the way it is written and then we have time to dissect it after.

Chair Taylor said go with the home rule petition, if the Governor's bill goes through, it will come back to the Town to go to Town Meeting.

Town Counsel said that this is all about getting this in front of the legislature. The legislature will see the strength in numbers, it will be a local action statute, and it will be whatever the legislature decided.

Ms. Scott Price supports the existing plan.

Mr. Mascali feels there is substantial concern in the community.

Chair Taylor disagrees with the \$500,000 but agrees with the graduated over \$1 million.

Ms. Scott Price noted this is going to come back to us, some opposition does not believe there is an affordable housing crisis. Only 20 people showed up to the meeting. We need to do something tonight, have options in front of us that have been vetted, and this will come back if passed by the legislature.

Town Counsel believes whatever the legislature passes will be a statute in their terms and we can accept or not accept.

Mr. Johnson-Staub noted the local option statute may allow for ranges, could be fixed, that could come around again for another opportunity for community input.

The Select Board wants to support the home rule petition.

Ms. Scott Price asked if there is time and opportunity for this to happen for us to take a vote at our next meeting for Town Meeting? Mr. Renshaw said they could have numbers to show the comparison, but the Select Board's language tonight is needed in order to draft the language.

Mr. Brown wants to include the split of cost between the buyer and seller.

Mr. Mascali motioned to direct the Town Manager to draft home rule petition with a graduated scale starting at \$1 million - \$1.5 million (1% of excess), \$1.5 million - \$2 million (1.5% of excess), above \$2 million (2% of excess), payable by the seller. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

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

Ms. Scott Price made a motion to approve a Letter of Support be sent to the Steamship Authority in support of the Island Freight Lines' request to renew, extend, and modify its Freight Truck Transportation Service Agreement to allow service to Martha's Vineyard for the Fish Island Terminal in New Bedford on an on-demand basis. Mr. Brown seconded the motion. Vote: Yes-5. No-0.

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

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

MINUTES

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

Mr. Brown made a motion to approve as presented. Mr. Zylinski seconded the motion. Vote: Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Comment about getting packets out earlier to the Select Board, they will work towards that and are trying to implement a more automated process. Requested the Select Board members send questions to Mr. Renshaw prior to the meeting.

Mr. Mascali noted he would like the public to have the materials sooner.

Chair Taylor explained that this has come up before, with the current system we may not be able to do that. There are things that come up at the last minute. This is not a new concept, the Town Manager is looking at new software and she asked that the Select Board give the Town Manager more leeway on this.

The packet is posted on the Town website on Friday, the same day that it is sent to the Select Board.

SELECT BOARD REPORTS

Mr. Brown:

Attended a coastal workshop on what information is needed going forward for training workshops and how to be better informed about what other towns are doing.

Planning Board: ready to talk about ideas for zoning. Mr. Brown will continue be involved in this conversation.

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

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

Open session minutes – February 26, 2024

March 11, 2024

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, FEBRUARY 26, 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.

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; Maura O’Keefe, Town Counsel

6:00 p.m. OPEN SESSION (Select Board Meeting Room)

Call to Order: By Chair Nancy Taylor

Chair Taylor called for a motion to go into Executive Session.

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

Roll call vote:

Mascali: Aye

Brown: Aye

Scott Price: Aye

Zalinski: Aye

Taylor: Aye

Chair Taylor said the Board would return to Public Session at around 6:30.

6:00 p.m. EXECUTIVE SESSION (CPC Conference Room)

1. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to litigation - Lawrence School Pickleball courts
2. M.G.L. c. 30A s. 21(a)(1) – To discuss an Open Meeting Law Complaint filed by Adam Smith against the Select Board
3. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to collective bargaining – Falmouth Library Association contract renewal

6:30 p.m. OPEN SESSION (Select Board Meeting Room)

Call to Order: Chair Taylor called to order the open session of the meeting saying that in Executive Session the Board had come to an agreement on an MOA with collective bargaining for the Falmouth Library Association contract renewal.

Pledge of Allegiance: Led by Select Board

Recognition:

Ms. Scott Price recognized the great work of the DPW during the last snowstorm.

Announcements: None

Public Comment

Richard Duby, Blacksmith Shop Rd. – said he watched the previous Board meeting and it made him sad that in a budget of approximately \$150 million, there was a debate over \$2,375.91, the difference between the \$30,736 to

cover the warrant article and the \$33,111.91 invoice for the shotgun procurement package – said he was sad that Town Counsel said it would be best for citizens to create a 501(c)(3) to cover this amount when there are already department donation funds – said the police dept. has over \$12,000 in theirs as of November – said it was sad that an overwhelming voice of the people at Town Meeting voting to destroy these weapons was not enough – said the sides in this issue as defined by a Board member were those who want things and those who have to pay for them – said that statement has divided the Town – said the Board didn't question over \$46,000 of an overage that a police department article created – asked where the Board's fiduciary responsibility was – quoted Mr. Patterson's saying that many people who get into Town leadership are only interested in exercising their own egos and having power - said that was sad. (Mr. DUBY submitted papers to the Board for reference.)

Tammy Gilbert, 26 Hawks Way – said she spoke for 1,445 residents who signed a petition to protect access to Black's Beach – said they had received a response from the Town Manager who said confidentiality was required while the appeal process took place, but that the Town's goal would always be to take any action possible to preserve the public's right of access to Black Beach – asked if Town action shouldn't be independent of MassDEP and CONCOM – said any conditions of gate approval are secondary to its legality – said even if the gate is rejected the problem is not solved – said she has researched the situation and said history is repeating itself - said 20 years ago costly lawsuits resulted in a 30-year covenant where no barrier to access could be built in that spot – said the ultimate responsibility resides with the Town to assure that the situation does not occur again by formally establishing a right-of-way or to formally establish and own prescriptive rights for the public to pass through by foot or bicycle – said she recognized all the work the Board does but asked if it has a plan for protecting public access to Black Beach – asked for an update on any steps it may be considering.

COMMITTEE INTERVIEWS - Interview, vote and appoint committee members

Board of Health

Jed Goldstone – said he is seeking an open position – said he has served on the BOH for 9 years, 3 as chair and 2 as vice-chair – said he has a PhD in chemical oceanography, and master's and bachelor's degrees in chemistry – said he has been a toxicologist at WHOI for over 20 years – said he is a Town Meeting member from Precinct 2.

Motion by Mr. Brown: To appoint Jed Goldstone Second: Mr. Mascali

Mr. Brown sought clarification that the position was for a term ending 6/30/2024. Mr. Goldstone said that vacancy was created when a board member moved out of town.

Vote: Yes – 5 No – 0

Chair Taylor said that if there were no objection from the Board, she would take up the Consent Agenda at this time because it was too early to hold the hearing.

CONSENT AGENDA

1. Licenses

- a. Application for Special One-Day Wine & Malt Liquor License – Food Truck Festivals of America LLC – Cape Cod Food Truck & Craft Beer Festival – Cape Cod Fairgrounds – Saturday, 8/10/24

2. Administrative Orders

- a. Approve the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install one (1) new JO Pole to be labeled 69/77-5 approximately 50' (feet) east of existing pole #69/77 on Menauhant Rd. This work is necessary for new Eversource equipment.
- b. Request for variance to Sign Code – §184-32 Off-Premise Signs: Rotary Club of Falmouth – Day of Play on Saturday, 7/6/24. **Hold – Mr. Mascali**
- c. Request for variance to Sign Code – §184-32 Off-Premise Signs: Rotary Club of Falmouth Craft Fair on Saturday, 8/31/24 and Sunday, 9/1/24. **Hold – Mr. Mascali**
- d. Request for variance to Sign Code – §184-32 Off-Premise Signs: Buzzards Bay Coalition – Buzzards Bay Watershed Ride on Sunday, 10/6/24

- e. Request for variance to Sign Code – §184-7 Placement and §184-32 Off-Premise Signs: Falmouth Commodores – flags on Main Street light poles and Guv Fuller Field light poles – June 7-August 14, 2024 **Hold – Mr. Mascali**
- f. Request for variance to Sign Code – §184-32 Off-Premise Signs: Falmouth Commodores Baseball Clinics – late-April through August 14, 2024
- g. Request for variance to Sign Code – §184-32 Off-Premise Signs: Falmouth Commodores Game Day Signs – mid-June to August 14, 2024
- h. Approve Freshwater Ponds Advisory Committee mission statement

Holds on Administrative Orders b, c, e by Mr. Mascali.

Chair Taylor asked for a motion to move the Consent Agenda excluding Administrative Orders b, c, and e

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

Motion by Ms. Scott Price: To approve Administrative Orders “2 b” Second: Mr. Brown
Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)

Motion by Ms. Scott Price: To approve Administrative Orders “2 c” Second: Mr. Brown
Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Mascali)

Regarding Administrative Orders 2 e, Mr. Mascali questioned the dates the flags would be on the light poles because the event would occur sooner than the end date of August 14. Mr. Renshaw said he had used the dates provided on the application for this item. Mr. Mascali said he assumed the flags would be taken down after the event on July 27. Mr. Renshaw said he would contact the Commodores to make the necessary adjustments.

Chair Taylor asked for a motion to approve Administrative Order “2 e” with authorization to the Town Manager to amend as necessary.

Motion by Mr. Brown: So moved Second: Mr. Mascali Vote: Yes – 5 No - 0

Chair Taylor said she would now take up the Minutes out of order.

MINUTES - Review and vote to approve minutes of meetings
Public Session – February 12, 2024

Ms. Scott Price noted the Board vote recorded on p. 7 and the discussion that follows it. She asked if that is the correct order of those elements. Mr. Mascali said he believed there was discussion following the vote. Chair Taylor said she would like to hold the minutes to clarify the correct order of those two things in the minutes.

PUBLIC HEARINGS

Updates to Chapter 275 Shellfish and Herring regulations

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Public Hearings 1 – Update to Chapter 275 Shellfish and Herring Regulations* in the Select Board packet. He said the item dealt primarily with updating obsolete and contradictory language contained in the regulations. He recommended approval of the updates.

Chuck Martinsen, Shellfish Constable and Deputy Director of Marine Environment, said he was joined by members of the shellfish advisory committee and some commercial fishermen in preparing the drafted updates. He also thanked Town Counsel Maura O’Keefe for her assistance. He also said there had been community dialogs before the shellfish advisory committee during the process of preparing the updates. Instead of going through the edits line by line, Mr. Martinsen asked if the Board had any questions about the draft or process.

Mr. Brown said there had been ample outreach and his questions had been answered already. Ms. Scott Price said she, too, had no questions. Mr. Mascali asked about the process of having the regulations adopted by the constable. Town Counsel Maura O'Keefe answered by explaining the difference between *rules* and *regulations*, and how those differences would apply to this action. She said no public notice was required in this situation. She said this document provided a way for Mr. Martinsen to react on a daily basis to what the state was regulating. She said the rules he implements must fit within the state regulations.

Mr. Brown asked how the local fishermen would know what the rules are when they change. Mr. Martinsen said the advisory committee does a good job of publicizing information, and that the changes would be posted on the website. He said the committee could advertise if the Board wished it. Mr. Brown said that posting the changes in a regular public place for fishermen to find before they go out is the important thing. Mr. Martinsen listed the locations of such regular postings, such as Town Hall and the library, in addition to the online postings.

Mr. Mascali asked about commercial reporting, citing §275-16. He asked what the time frame was for the reporting. Mr. Martinsen said he would have to be notified before it happened. He explained the purpose of the rule, which was to address the practice of digging out shellfish in an area where a dock would be going in, thereby not triggering the shellfish regulations under conservation, which he said had been an issue. He said that is what they are trying to avoid.

Town Counsel O'Keefe made one addition. She said state regulation requires a date the regulations would go into effect. Under §275-26, *Adoption; effective date*, she proposed the effective date be March 15, 2024.

Public Comment: None

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

**Motion by Ms. Scott Price: To approve updating Chapter 275 Shellfish and Herring regulations, as proposed by MES, the shellfish advisory committee, and reviewed by Town Attorney effective March 15, 2024
Second: Mr. Mascali Vote: Yes – 5 No – 0**

Application by M.Z. Enterprises, Inc. d/b/a Falmouth Food Mart & Liquor for a Change of Officers/Directors/LLC Managers and a Change of Stock Interest of its All-Alcoholic Beverages Package Store License located at 424 East Falmouth Highway, Unit A6, East Falmouth

Mr. Zylinski read out the hearing notice.

Attorney Jeff Nickerson was present on behalf of the applicant, Mingma Sherpa. He summarized the details of the request per the application. He said he is seeking Board approval, followed by its going to the ABCC for approval.

Mr. Brown asked if this requires TIPS certification. Atty. Nickerson said he is not certain, but that Mr. Sherpa is the manager and will remain the manager. There is no outward change in any of those roles.

Public comment: None

Motion by Mr. Zylinski: To close the hearing Second: Ms. Scott Price Vote: Yes – 5 No – 0

**Motion by Mr. Brown: To approve the application by M.Z. Enterprises, Inc., d/b/a Falmouth Food Mart & Liquor for a Change of Officers/Directors/LLC Managers and a Change of Stock Interest of its All-Alcoholic Beverages Package Store License located at 424 East Falmouth Highway, Unit A6, East Falmouth
Second: Ms. Scott Price Vote: Yes – 5 No – 0**

BUSINESS

Authorize borrowing for wastewater plant upgrades

Mr. Renshaw asked Ed Senteio, Finance Director to lead the presentation. He thanked Mr. Senteio and staff for their work, which he said would save the Town a significant amount of money. Mr. Senteio, in turn, thanked Amy Lowell and Patty O'Connell for all their work on the loan forgiveness plan. His brief presentation provided the Board with the specific financial information contained in the packet.

Motion by Ms. Scott Price: To vote to sign off on the interim loan notes for the upgrade of the Blacksmith Shop Road Wastewater Treatment Facility based on the language indicated in the “Vote of the Select Board” documents
Second: Mr. Mascali **Vote: Yes – 5 No - 0**

Present draft Housing Production Plan (HPP)

Housing Coordinator Kim Fish, along with Town Planner Jed Cornock, Alexis Lanzillotta from Barrett Planning Group, and Jeff Davis from Horsley Witten Group, oversaw the presentation of the approximately 112-page draft HPP. The purpose of the presentation was to review the draft plan and take questions from the Board. Ms. Fish also provided the Board with the upcoming schedule for finalizing the plan. The 21-minute presentation included topics such as the history of community meetings and outreach, goals, regulatory strategies, capacity building strategies, affordable housing strategies, finance and subsidy strategies, and next steps.

Mr. Brown asked if there were any options for the Town regarding obtaining a sewer connection for a project that was to be located outside the sewered area. Mr. Johnson-Staub said this could possibly be done but not easily. He said expanding the sewer districts would involve a multi-year, detailed plan and process that would ultimately have to go before the DEP, and would have to take into account discharge limitations, which have become onerous.

Mr. Mascali asked about the March 1 date and if it could be extended to allow for more public review time. Mr. Davis said there was no statutory reason to end it on March 1 but said that the current HPP has expired, so being back in compliance was the reason for the expedited process.

Mr. Mascali also referred to the project description which says that although the primary focus of the HPP is to move the community to its 10% statutory minimum, it also addresses the creation of attainable housing for the community. He said he did not see much in the presentation about what we’re referring to as attainable housing. Ms. Lanzillotta explained that there are funding sources that may go higher than what is allowed for affordable housing trusts or the Community Preservation Act. She said that is one of the finance strategies that has more nuanced detail to it, and that they can look at that to make sure it is clearly addressed. Mr. Davis said that not all funding strategies will result in housing that is eligible for the SHI. Mr. Mascali said that meeting the need for attainable housing is not apparent when looking at the document itself and asked if that could be tied in a little better.

Mr. Mascali also said that regarding the strategy for the special needs population, the connotation of the term “special needs” is people with disabilities. He said the term special needs might not be the best term to use for the homeless population. He suggested using a different descriptor or phrase for the homeless population referred to in the plan.

Mr. Brown asked how to keep dealing with the moving target of average median income, or AMI. He suggested a lower percentage (40% or 60% rather than 80%) to qualify in order to help the people who really need it. Mr. Davis said some of the funding strategies address how to deepen the subsidies, and suggested using the FAHF to help with this.

Chair Taylor said the final plan would come back to the Board for a vote on March 25.

Mr. Mascali again asked about moving the March 1 date. Mr. Renshaw said the draft plan has been posted for about two weeks and recommended keeping the schedule as is. He said there would be public announcements to go to the website to review it by March 1. Mr. Brown said that any comments the Board has received will be forwarded to the presenters.

Vote to endorse 17 Walker Street Local Initiative Program (LIP) application

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 3 – Vote to endorse 17 Walker Street Local Initiative Program (LIP)* in the Select Board packet. He introduced Attorney Laura Moynihan who would present the project.

Atty. Moynihan, representing the developer, Stuart Rothman, said the purpose of tonight’s item is to obtain a letter of support for the LIP application to the state for project eligibility. She described the building and number of units, existing conditions, project details, map of the area, photo and map of site, floor plans and parking, and various other relevant diagrams of the project.

Mr. Mascali asked if there would be an elevator. Atty. Moynihan said yes. Mr. Brown asked about the need for a subsidy from the FAHF. Atty. Moynihan said they would apply. Chair Taylor said that tonight's purpose is the letter of support and it would be best to keep funding questions separate. At this point, Mr. Renshaw said that he had been emailed over the weekend, had had a meeting with the housing coordinator, and that his understanding was that interested parties had agreed not to have a subsidy amount (\$175,000) included in the LIP application. He said any future request for funding would be a separate detailed process. Mr. Brown said that because a figure had appeared in background documents, he did not want to give the impression that the Board was approving that figure. Chair Taylor clarified again that tonight's action was to endorse a letter of support for the project. Mr. Renshaw said that the draft letter of endorsement is included in the packet.

Motion by Mr. Zylinski: That the Board endorse a LIP application for 17 Walker Street, LLC, to construct an 11-unit rental housing project located at 17 Walker Street by sending a letter outlining their approval to the Executive Office of Housing and Livable Communities, and direct the Town Manager to sign the LIP application

Second: Ms. Scott Price Vote: Yes – 5 No - 0

Vote to approve Morse Pond School roof project Massachusetts School Building Authority (MSBA) Statement of Interest

Mr. Renshaw said that Stephanie Madsen, Sustainability Coordinator, and Paul Dart from Morse Pond would be presenting the item. He commented briefly on the purpose of and need for the project.

Mr. Dart said the item tonight was a simple authorization to allow the superintendent to continue with the application process to the Mass School Building Authority to receive grant funding for a replacement roof at Morse Pond. He provided details of the roof and its need for replacement, as well as future steps for the entire project.

Motion by Chair Taylor: To authorize the school superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 26, 2024, for the Morse Pond School located at 323 Jones Rd., Falmouth, MA 02536, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. Morse Pond qualifies for Priority #5: "Replacement, renovation, or modernization of school facility systems such as roofs, windows, boilers, heating and ventilation systems to increase energy conservation and decrease energy-related costs in a school facility." Specifically, the Morse Pond School, located in an Environmental Justice Community (EJC), needs extensive roof repair as the ages of roof sections range from 28 to 63 years old. Repair to the roof will increase energy efficiency and allow for post solar installation which will decrease energy-related costs.

Second: Ms. Scott Price Vote: Yes – 5 No - 0

Sustainability Coordinator presentation and updates

Stephanie Madsen, hired in late September, 2023, narrated a presentation of approximately 16 screens, covering such topics as her experience working in the field, goals for the Town, the Green Communities (GC) Program, GC grant projects and future applications, solar renewable energy and feasibility analysis, solar challenges, EV charging stations, and sustainability next steps.

Mr. Brown asked how fast the fast chargers are. Ms. Madsen said 45 minutes will provide a 300-mile range. Ms. Scott Price asked about one of the listed challenges regarding the solar overlay bylaw limitations to 250kwDC, and because the wastewater treatment plant was not within that range, how best to address that. Ms. Madsen said the best way to address that challenge was to change the bylaw.

Mr. Renshaw praised the passion and commitment of Ms. Madsen in her role as sustainability coordinator.

Historic District Markers – Presentation by Ed Haddad, Chairman of the Historical Commission

Mr. Haddad updated the Board on the historical commission's historic district signage project, including funding (less than \$25,000) and installation. The plan is for 11 signs throughout the 7 historic districts. Mr. Haddad had models of the signs up for consideration.

Mr. Brown asked about a QR code appearing on the signs, which led to information about where the signs would be located for each district.

Mr. Renshaw said he was glad to see the project underway and that he could see it as a capital plan item for November TM.

Vote to approve a letter to MassDOT requesting “Lines and Signs” improvements along Route 28A/West Falmouth Highway

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 7 – Vote to approve a letter to MassDOT requesting “Lines and Signs” improvements along Route 28A/West Falmouth Highway* in the Select Board packet.

Mr. Brown said he was familiar with the issue through the West Falmouth Village Assn.’s newsletter and supported it.

Peter McConarty, Director of Public Works, briefly detailed the nature of the project, mentioning short-term actions such as line signs, tree canopy trimming at intersections, speed limit signs, and replacing street signs. He also explained the review process for achieving the final list of actions, again saying if they could focus on the signage and sight lines, that would be good for the short-term.

Motion by Ms. Scott Price: To approve submitting a letter to MassDOT requesting the listed “Lines and Signs” improvements along Route 28A/West Falmouth Highway Second: Mr. Zylinski
Vote: Yes – 5 No - 0

After the vote, Ms. Scott Price again thanked Mr. McConarty for the good work of the DPW after the last snowstorm.

Vote article recommendations for April 2024 Annual Town Meeting

Mr. Renshaw orally introduced the item for the Board, referring to the document entitled *Agenda Item Summary Sheet*, Item number and Title: *Business 8 – Vote article recommendations for April 2024 Annual Town Meeting* in the Select Board packet. He thanked Mr. Johnson-Staub and Ms. Susan Lumping for their work on this item.

Mr. Renshaw recommended approval of Articles 4, 23, 24, 25, 26, and 27 as submitted. Regarding Article 33 (real estate transfer fee), he said there was also a revised red-line version in front of Board members tonight. By way of explanation, he referred to prior Board discussion on Feb.12 and an ensuing discussion with Mr. Mascali that clarified the intent of the article, which he said is very important to get right.

At this point, Mr. Johnson-Staub began a presentation on Article 4. He reviewed the listed 36 positions he said the Town is seeking to change the pay grade classification for and described the process to determine this change, with internal equity, organizational structure, and market realities being important tools for analysis by consultants and staff. He also explained how to interpret the chart included in the packet. Two new positions (deputy finance director and solid waste coordinator) are also part of the article.

Answering Mr. Brown’s question about the solid waste coordinator’s position at 37.5 hrs. per week, Mr. Johnson-Staub said that is the standard for technical administrative management positions in that pay grade range.

The Board had no questions on Articles 23 – 27.

Regarding Article 33 (real estate transfer fee), Mr. Renshaw referred to the two versions Board members had in front of them: the red-line version prepared by Town Counsel and Mr. Renshaw on Friday, and the version presented and discussed this morning between Mr. Renshaw and Mr. Mascali. He said both versions accomplish the same thing. He then read aloud from the red-line version up to the semicolon in line 4 after the phrase *of the sales price*. He then read aloud the amended language resulting from discussion with Mr. Mascali.

Ms. Scott Price asked if it were possible to include examples of these situations in the explanation for the article. Mr. Renshaw said it could be done, and that he had prepared examples but did not have his notes with him at the meeting. He said he would verify the math in his examples.

Mr. Brown said he was surprised to see the multiple cumulative math in the amended language. He said this language not only graduates the triggers of 1.5 million and 2 million, but also the way the fee is calculated. He said

Select Board Open Meeting Minutes of February 26, 2024 Page 7 of 9

Mr. Brown reported on the following:

- Beach committee – the superintendent is moving along quickly with hiring and we are better positioned this year than last
- Zoning Board had a Saxon Partners meeting last week where project changes regarding buffers were discussed, and will meet again next week

Mr. Zylinski reported on the following:

- Had the second CCMPO meeting today and will continue to see how this develops

ADJOURN

Motion by Ms. Scott Price: To adjourn Second: Mr. Mascali

Vote: Yes – 5 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary

OPEN SESSION

TOWN MANAGER'S SUPPLEMENTAL REPORT

March 11, 2024



TO: Select Board
FROM: Mike Renshaw, Town Manager
SUBJECT: Supplemental Report
DATE: March 11, 2024

Update on Urine Diversion Pilot Project: Potential MASSTC Partnership

On March 7th the Assistant Town Manager and I had a productive meeting with the director of the Massachusetts Alternative Septic System Test Center (MASSTC), Brian Baumgaertel and Environmental Project Assistant Bryan Horsley. The purpose of the meeting was to discuss MASSTC's potential interest in carrying out a scope of work-based study to research and answer some of the unanswered questions that were raised by the Finance Committee during its review of April Town Meeting's Petition Article 22, Fund Urine Diversion Pilot Project.

MASSTC will be working with the Town Manager's office to draft a scope of work and potential inter-municipal agreement with the Town. The idea is to gather further information on the feasibility of the urine diversion concept before a formal request for funding is made to Town Meeting. The earliest we might reasonably expect to have some of the key questions answered would be mid-September 2024 which would put us on track for the November Town Meeting.

2023-2024 Dredging Status Update

The Town's Marine and Environmental Services Department has a 10-year comprehensive dredge permit covering areas typically dredged for navigational purposes. Our previous Army Corps of Engineers (ACOE) permit expired on October 31, 2022. The Town applied for a timely renewal of our permits as follows:

- May 2022: NOI, Chapter 91 Waterways, 401 Water Quality Certification (WQC) and ACOE's renewal permit request filed.
- May 2022: Order of Conditions Issued
- October 2022: 401 WQC Issued (state)
- January 2023: Chapter 91 License Issued (state)
- February 2023: CZM Federal Consistency Issued (state)
- December 2023: ACOE's Permit Issued (federal)

The ACOE's and State permits are virtually identical. To get the federal ACOE permit, even as late as it was, required intervention by Senators Markey and Warren and Congressmen Keating's staff.

Our original plan was to dredge Great Pond Channel, Great Pond Inlet, Green Pond Inlet and Bournes Pond in December given the following time of year (TOY) dredge restrictions that are in place:

**Key Species
Time-of-Year Restriction**

Winter Flounder 1/15 - 5/31

Diadromous Fishes: Alewife 4/1 - 6/15

Diadromous Fishes: Blueback Herring 4/1 - 6/30

Diadromous Fishes: Perch 4/1 - 6/15

Horseshoe Crab Dredging: 5/1 - 6/30 , Filling: 5/1 - 7/31

Shorebirds 4/1 - 8/1

Barnstable County had equipment in Falmouth and ready to go in November 2023. They waited as long as they could and then had to move the dredge to Harwich for planned dredging there that also had a January 15 Time of Year (TOY) restriction. A week after they left, the ACOE finally issued the last permit the Town needed.

Due to subsequent inclement weather and mechanical breakdowns with Cod Fish II, dredging in Sesuit Harbor was not completed until March 7th.

Knowing we would not be able to dredge before January 15th, MES applied for a TOY waiver from the DEP and ACOE's. The Town was able to secure a waiver based in part on how long it took the ACOE to issue their permit. DMF wanted our embayment dredging (Great Pond Interior) done first. We did receive permission from DEP to dredge inside the TOY restriction provided we intended to start in February. This turned out not to be possible given the delays the county had in Sesuit and Harwich. The latest correspondence with the DEP indicated they want the work completed now by March 31st.

The County dredge update from March 10th indicated that the Cod Fish II was moved from Sesuit to the Sandwich Marina on Saturday heading to Falmouth. By the time the equipment arrived at Sandwich, the current had shifted to the east preventing the transit to Monument Beach. Based on forecasts, the next good weather day for moving the rest of the way is Wednesday and we are hopeful mobilization will take place then and dredging can begin by the end of this week. We are allowed a total of 6 dredging days to complete Great and Green Ponds. Bournes Approach does not have a fish TOY so dredging there must be completed by April 1 (shorebirds).

Upcoming Meetings:

- Select Board Meeting, March 25
- Select Board Meeting, April 1
- April Town Meeting, April 8
- Select Board Meeting, April 22