

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, NOVEMBER 4, 2024 – 6:30 P.M.**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

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

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

**6:35 p.m. JOINT MEETING WITH THE PLANNING BOARD**

1. Interview, vote and appoint committee member – Planning Board
  - a. Katherine Gray Sturrock
  - b. Gregory Baldwin
  - c. Thomas Zine
  - d. Charles McCaffrey

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

1. Fee Hearing – Discuss, consider and vote proposed fee changes for 2025 (10 minutes)

**6:55 p.m. BUSINESS**

1. Report – Commission on Substance Use (15 minutes)
2. Report – Agricultural Commission (15 minutes)
3. Consider a vote to approve a groundwater discharge assignment agreement between the Town and the Cape Cod YMCA (10 minutes)
4. Discuss and consider the approval of a purchase and sale agreement for 599 Brick Kiln Road, West Falmouth (10 minutes)
5. Consider Approval of non-union wage rates (10 minutes)
6. Consider approval of an application for a Change of Manager of an All-Alcoholic Beverages Club License - Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth (5 minutes)
7. Consider submitting a Letter of Support to the U.S. Secretary of Transportation for the Cape Cod Bridges-Bourne Bridge Funding (10 minutes)

**8:10 p.m. CONSENT AGENDA**

1. Licenses
  - a. Consider approval of an application for three Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – November 8-10; 15-17; and 22-24. Friday and Saturday, November 8-9; 15-16; and 22-23 from 6:30 p.m. to 10:00 p.m. Sunday, November 10, 17, and 24 from 1:00 p.m. to 4:00 p.m.

- b. Consider approval of an application for a Special One-Day Wine & Malt Liquor License – EXIT Cape Realty – Spread Joy, Give Generously – EXIT Cape Realty office, 660 North Falmouth Highway – Sunday, November 17, 2024 – 2:00 p.m. to 6:00 p.m.
- c. Consider approval of the resubmission of an application filed by Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc., 140 Palmer Avenue, Falmouth, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License

2. Administrative Orders

- a. Consider request to accept a donation from Rockland Trust in the amount of \$500.00 to go towards the purchase of a mascot costume for the Police Department
- b. Consider request to accept a donation from Rotary Club of Falmouth, Cape Cod in the amount of \$3,000.00 to go towards the purchase of a drone for the Police Department
- c. Consider request from the Police Department Community Engagement Team to expend \$1,343.00 of the funds remaining from a D.A.R.E. grant
- d. Consider request from the Fire Rescue Department to accept a donation from the family of the late Dr. Evan Weinstein in the amount of \$20,000.00 and a donation from the Falmouth Road Race in the amount of \$8,946.00 to support the purchase of a custom street ready (registered) medical cart

**8:15 p.m. MINUTES**

1. Review and Vote to Approve Minutes of Meetings
  - a. Public Session – June 3, 2024

**8:20 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT**

**8:25 p.m. SELECT BOARD REPORTS**

**8:35 p.m. ADJOURN**

Nancy Robbins Taylor, Chair  
Select Board

## **OPEN SESSION**

### **JOINT MEETING WITH THE PLANNING BOARD**

1. Interview, vote and appoint committee member – Planning Board
  - a. Katherine Gray Sturrock
  - b. Gregory Baldwin – withdrew application for Planning Board
  - c. Thomas Zine
  - d. Charles McCaffrey

**Town of Falmouth  
Town Committee Vacancies**

The Falmouth Select Board has announced the following vacancy on a Town committee:

<b>Committee</b>	<b>Term Until</b>
Planning Board (1 position)	Next Annual Election - May 2025

Applications are available on the Town website <https://www.falmouthma.gov/647/Town-Committees-Commissions-and-Boards>, or in the Office of the Select Board, 59 Town Hall Square, Falmouth. Please include a resume with your application. The deadline for applications is Friday, October 18, 2024.

*Publication Date: Friday, October 4, 2024 and Friday, October 11, 2024, Falmouth Enterprise.*

a. Katherine Gray Sturrock

November 4, 2024



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** 1.a. Interview, vote and appoint committee member – Planning Board

**ITEM TITLE:** Interview, vote and appoint committee member- Planning Board- Katherine Gray Sturrock

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Town of Falmouth Town Committee Vacancy Advertisement dated October 11, 2024; Application form dated October 13, 2024; Qualification Profile

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### PURPOSE:

The Select Board and members of the Planning Board will conduct a joint meeting for the purpose of interviewing Katherine Gray Sturrock to fill the current vacancy and serve the remaining term on the Planning Board.

### BACKGROUND/SUMMARY:

- The current Planning Board vacancy was properly advertised in the Falmouth Enterprise on October 4 and 11, 2024.
- The applicant, Katherine Gray Sturrock, submitted their application on October 11, 2024.

- The applicant has been a resident of Falmouth since 2015, and has experience working with commercial real estate development projects and various conservation organizations as well as serving on non-profit boards.

**DEPARTMENT RECOMMENDATION:**

Following the completion of all interviews, the Town Manager recommends that the Select Board Chair ask each member of both the Select Board and the Planning Board for whom they vote and ask that each member respond by voice vote.

The Select Board Chair then tallies the votes and announces the new appointee.

**OPTIONS:**

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

N/A

**TOWN MANAGER COMMENTS:**

Following the completion of all interviews, the Town Manager recommends that the Select Board Chair ask each member of both the Select Board and the Planning Board for whom they vote and ask that each member respond by voice vote.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

10/31/2024

Date



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to the Select Board, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540, or email it to [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov). Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: [www.falmouthma.gov](http://www.falmouthma.gov).

Name: Katherine Gray Shurrock

Address: 16 Streeter Hill Rd Village: North Falmouth ZIP: 02556  
MA

Mailing Address: same as above Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: [Redacted] Email: [Redacted]

How long have you been a Resident  (date: 2013) / Taxpayer \_\_\_\_\_ (date: \_\_\_\_\_)

Amount of time you are available to give: as much as needed to satisfy requirements of position

Town Committee, Board or Commission you are interested in serving on:

1. Planning Board
2. \_\_\_\_\_
3. \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

Have you attended any meetings of the committee for which you are applying? yes

Relevant affiliation and work and personal experiences: (see resume)

When I served on the Montgomery Village Foundation, we worked closely with Montgomery County (MD) in charge to the Master Plan.

I have testified numerous times before Montgomery County Planning Board on various commercial projects (cont. next page)  
Town offices held in Falmouth or elsewhere and dates of years served: BOD - 2004-2008

Montgomery Village Foundation - Elected office one of largest Planned Urban Developments in U.S. located in Montgomery County MD Population 40,000.

Briefly describe the particular skills you feel you will add to the committee or board: (see resume)

• Work with commercial real estate development projects.

• Work with various conservation organizations.

• special interest in balancing various interests in developing "best outcomes".

• Have served on various non-profit boards in the Maryland area

• Graduated from Leadership Montgomery

[My grandmother owned and donated property in Palmdale]

extensive experience working with attorneys and documentation in closing complex corporate banking transactions.

Personal note.

You may attach a resume to this application.

List three (3) references:

Name	Title	Phone
1. <u>Bob Hydorn</u>	<u>MR.</u>	[REDACTED]
2. <u>Margaret SURBQ</u>	<u>MS</u>	[REDACTED]
3. <u>W. Brooks Harris</u>	<u>MR.</u>	[REDACTED]

(all three know me and have or are currently serving in elected offices.)

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

10/13/24  
DATE

[Signature]  
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

**KATHERINE GRAY STURROCK**

16 Streeter Hill Road,  
North Falmouth, MA 02556

**QUALIFICATION PROFILE**

*Extensive corporate banking experience, with expertise in achieving relationship profitability through risk identification, mitigation, and seasoned negotiation skills. Uniquely qualified to pursue positions in: Credit Services, Real Estate Acquisition and Development, and Special Projects.*

**PROFESSIONAL EXPERIENCE**

**Santander**

**Braintree, MA**

**Nov. 2015 – March 2017**

*Vice President / Relationship Manager*

- Provided customized solutions to existing and prospective clients in the \$5-50 million revenue range, with loan transactions ranging to \$10 million in the aggregate. Provided comprehensive commercial and real estate solutions.
- Called on businesses in the South Shore and South Coast MA area.
- Solicited referrals from accountants used by my clients, in addition to conventional sources. Identified significant cross-sell opportunities in my existing portfolio that had been overlooked previously, particularly in cash management and F/X.
- Worked with credit partners to insure that portfolio met bank policy and that documentation reflects approvals. Provided full credit analysis to expedite credit approvals.
- Depending on size and complexity of transaction, assisted with underwriting and structure.
- Developed and execute a customized strategic credit plan for each client on an annual basis.
- Provided "deal screens" to identify risks and mitigants for transactions that I supported.
- Introduced profitability models for all clients where none previously existed.

**Citizens Bank**

**Plymouth, MA**

**2015**

*Vice President / Relationship Manager*

- Relationship Banker calling on companies with revenues between \$2-25MM.

**PNC Bank**

**Gaithersburg, MD**

**2006 - 2015**

*Vice President / Commercial Relationship Manager*

- As a Commercial Relationship Banker, managed existing and called on prospect companies with revenues of \$10 million - \$75 million, with average loans ranging in size from \$1-20 million.
- Managed a portfolio of loan outstandings in excess of \$75 million.
- Transitioned clients through three bank mergers, retaining more than 80%.
- Clients valued my proactive approach to business solutions and knowledge, not just of lending products and credit, but also of treasury management, trust services, investment real estate, and capital markets offerings, as reflected in high client satisfaction scores.
- Provided "deal screens" to identify risks and mitigants for transactions that I supported.
- Created profitability models for all clients and prospective clients.

**The Columbia Bank** Rockville, MD

**2000 – 2006**

*Vice President / Commercial Team Leader/Senior Underwriter*



b. Gregory Baldwin – withdrew application for Planning Board

November 4, 2024

c. Thomas Zine

November 4, 2024



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** 1.c. Interview, vote and appoint committee member – Planning Board

**ITEM TITLE:** Interview, vote and appoint committee member- Planning Board-  
Thomas Zine

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Town of Falmouth Town Committee Vacancy Advertisement dated October 11, 2024; Application form dated October 17, 2024; Resume

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### PURPOSE:

The Select Board and members of the Planning Board will conduct a joint meeting for the purpose of interviewing Thomas Zine to fill the current vacancy and serve the remaining term on the Planning Board.

### BACKGROUND/SUMMARY:

- The current Planning Board vacancy was properly advertised in the Falmouth Enterprise on October 4 and 11, 2024.
- The applicant, Thomas Zine, submitted his application on October 17, 2024.

- The applicant has been a resident of Falmouth since 1979 and has experience in building and energy codes and holds a Construction Supervisor License; the applicant also has served on multiple boards and committees.

**DEPARTMENT RECOMMENDATION:**

Following the completion of all interviews, the Town Manager recommends that the Select Board Chair ask each member of both the Select Board and the Planning Board for whom they vote and ask that each member respond by voice vote.

The Select Board Chair then tallies the votes and announces the new appointee.

**OPTIONS:**

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

N/A

**TOWN MANAGER COMMENTS:**

Following the completion of all interviews, the Town Manager recommends that the Select Board Chair ask each member of both the Select Board and the Planning Board for whom they vote and ask that each member respond by voice vote.

The Select Board Chair then tallies the votes and announces the new appointee.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

10/31/2024

Date



**TOWN OF FALMOUTH  
BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM**

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to the Select Board, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540, or email it to [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov). Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: [www.falmouthma.gov](http://www.falmouthma.gov).

Name: Thomas Zine  
Address: 36 Captain Bohnenberger Lane Village: East Falmouth ZIP: 02536

Mailing Address: SAME Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 45 yrs (date: 1979) / Taxpayer 24 yrs (date: 2000)

Amount of time you are available to give: As much time as needed to complete the tasks.

Town Committee, Board or Commission you are interested in serving on:

1. Planning Board
- \_\_\_\_\_
- \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

Have you attended any meetings of the committee for which you are applying? Yes

Relevant affiliation and work and personal experiences: I have my Construction Supervisor License and receive continuing education in Building and Energy Codes. I understand the importance of planning, I serve on multiple committees and coached sports for 30 years.

Town offices held in Falmouth or elsewhere and dates of years served: \_\_\_\_\_

Recreation Committee, June 2017 to Present.

Pickleball Working Group supervised by  
the Town Manager, August 2023 to Present.

Briefly describe the particular skills you feel you will add to the committee or board: \_\_\_\_\_

- Excellent attendance record.
- Studies and prepares ahead of meetings.
- Worked hands on in the construction field.
- Good listener and communicator.
- Pays attention to detail.

You may attach a resume to this application.

List three (3) references:

Name	Title	Phone
1. Scott Ghelfi	- Falmouth Road Race - Business Owner Ghelfies Candies	[REDACTED]
2. Sandy Cury	- Falmouth Together We Can - Community Preservation - Recreation Committee	[REDACTED]
3. Robert Brown	- Law Offices of Brown & Barbosa	[REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

October 17, 2024  
DATE

  
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

**Thomas Zine**  
36 Captain Bohnenberger Lane  
East Falmouth, MA 02536

1995 - Present

Falmouth Police Department  
**Traffic Control Officer**

Plymouth County Sheriff's Office  
**Deputy Sheriff**

Town of Falmouth  
**Constable**

Massachusetts State Police attached to the District Attorney's Office  
**Homicide Detective**

Falmouth Police Department  
**Officer**

1983 - 1995

U.S. Army  
**Army Helicopter Pilot, Chief Warrant Officer**

Additional Duties Included:

- Alcohol & Drug Abuse Prevention and Control Officer
- Assistant Safety Officer
- Aviation Life Support Equipment Officer
- Military Color Guard

Awards Included:

- |   |                          |
|---|--------------------------|
| -Professional Development Leadership Ribbon | -Aviator Wings           |
| -Good Conduct Medal                         | -Parachutist Badge       |
| -Army Commendation Medal                    | -Air Assault Badge       |
| -National Defense Service Ribbon            | -Rifle and Pistol Expert |

Other:

- Recreation Committee Board Member
- Pickleball Working Group assigned by the Town Manager
- East Falmouth Village Association Board Member
- Amvets Board Member
- Elks Lodge Member
- Construction Supervisor License (C.S.L.)
- Military: S.B.I. Top Secret Clearance
- 30 years High School and Youth Sports Coach
- Small Business Owner
- Administered over 10,000 RMV Road Tests
- Substitute School Teacher and Volunteer
- Law Enforcement: Crisis Negotiator; Train the Trainer; Breathalyzer Technician;
- Law Enforcement: Drill and Ceremony Last Man Standing Award
- Awarded the State Police Superintendent's Commendation
- Western New England College, 2001, M.S. in C.J. Administration

d. Charles McCaffrey

November 4, 2024



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** 1.d. Interview, vote and appoint committee member – Planning Board

**ITEM TITLE:** Interview, vote and appoint committee member- Planning Board- Charles McCaffrey

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Town of Falmouth Town Committee Vacancy Advertisement dated October 11, 2024; Application form dated October 30, 2024

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### PURPOSE:

The Select Board and members of the Planning Board will conduct a joint meeting for the purpose of interviewing Charles McCaffrey to fill the current vacancy and serve the remaining term on the Planning Board.

### BACKGROUND/SUMMARY:

- The current Planning Board vacancy was properly advertised in the Falmouth Enterprise on October 4 and 11, 2024.
- The applicant, Charles McCaffrey, submitted his application on October 30, 2024.

- The applicant has been a resident of Falmouth since 2005 and holds a master’s degree in urban planning and 50 years of experience in the field of urban planning; he has also served on multiple boards and committees, and is a Town Meeting member.

**DEPARTMENT RECOMMENDATION:**

Following the completion of all interviews, the Town Manager recommends that the Select Board Chair ask each member of both the Select Board and the Planning Board for whom they vote and ask that each member respond by voice vote.

The Select Board Chair then tallies the votes and announces the new appointee.

**OPTIONS:**

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

N/A

**TOWN MANAGER COMMENTS:**

Following the completion of all interviews, the Town Manager recommends that the Select Board Chair ask each member of both the Select Board and the Planning Board for whom they vote and ask that each member respond by voice vote.

The Select Board Chair then tallies the votes and announces the new appointee.

*Michael Renshaw*

\_\_\_\_\_

10/31/2024

Town Manager

Date



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to the Select Board, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540, or email it to [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov). Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: [www.falmouthma.gov](http://www.falmouthma.gov).

Name: Charles McCaffrey

Address: 31 Glen Ave Village: N. Falmouth ZIP: 02556

Mailing Address: same Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 19 yrs (date: July '05) / Taxpayer 52 yrs (date: 1972)  
summer resident since 1947

Amount of time you are available to give: as much as needed, at least 2 days a week

Town Committee, Board or Commission you are interested in serving on:

1. Planning Board
2. \_\_\_\_\_
3. \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

Have you attended any meetings of the committee for which you are applying? yes

Relevant affiliation and work and personal experiences: I have served served on several relevant town committees (see below). I have a master's degree in Urban Planning. My 50 year career in urban planning has primarily involved advising cities and towns on transportation, economic development, and, for the last 40 years coastal zone management. I have also served non profit boards focused on cultural resources

Town offices held in Falmouth or elsewhere and dates of years served: Town meeting member, Falmouth, present

& see over

Falmouth representative Cape Cod Commission c. 2014 to 2020  
 Coastal Resiliency Action Committee, Chair 2017-2022  
 Charter Review Committee, 2018-2023  
 Coastal Pond Management Committee, Chair c. 2007-2016  
 Shellfish Advisory Committee

Briefly describe the particular skills you feel you will add to the committee or board: \_\_\_\_\_

I am a professional urban planner, with more than fifty years experience, primarily working with cities and towns on managing coastal resource and areas. I have been substantially engaged with the issues affecting Falmouth's physical development since I moved permanently to Falmouth in 2005 through my town committee assignments and civic involvement.

I have substantial experience in drafting land use regulations and comprehensive plans. I am particularly focused on assuring that public actions adhere to adopted municipal plans.

You may attach a resume to this application.

List three (3) references:

Name	Title	Phone
1. James Callahan	Town Mtg Member	[REDACTED]
2. Mary Harris	" " " "	[REDACTED]
3. Elizabeth Craig	resident	[REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

October 30, 2024  
 DATE

Charles J. Mc Caffrey, Jr.  
 APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

## **OPEN SESSION**

### **PUBLIC HEARINGS**

1. Fee Hearing – Discuss, consider and vote proposed fee changes for 2025 **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Public Hearings 1.

**ITEM TITLE:** Fee Hearing- Discuss, consider, and vote to approve proposed fee changes for 2025

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Public Hearing Notice of Fee Changes, Current MES/Harbor Master/Waterways Fee Schedule and Proposed Changes

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### **PURPOSE:**

The Select Board will first conduct a Public Hearing regarding proposed new fees for 2025 as proposed by the Department of Marine and Environmental Services/Harbor Master/Waterways.

Following the hearing, the Select Board will deliberate and potentially vote to approve and adopt the 2025 fee changes as presented.

### **BACKGROUND/SUMMARY:**

- Toward the end of each calendar year, Town departments are directed to review their existing fee schedules and analyze whether the fees are adequate or if they need to be adjusted.

- The result of the departmental reviews and subsequent fee revision requests are then published in the local paper as a Public Hearing Notice, with a side-by-side comparison of present fees alongside any new proposed fee.
- Following the public hearing, and if approved and adopted by the Select Board, the new fee schedule will be effective on January 1, 2025.
- The proposed 2025 fees submitted by the Department of Marine and Environmental Services (MES) reflect modest increases in slip and moorings fees.
- The fees charged by Barnstable County for dredging services have more than doubled for FY25. The fees increased from \$12.00/CY to \$26.50/CY not including the pre and post dredge surveys that are required (those are \$2500-\$5000 per dredge location).
- The fee increases as proposed would increase the average mooring permit by \$15.00 per year and the average seasonal wharfage fee by \$60.00 per year.
- MES is also proposing to increase some transient wharfage fees based upon their research through Dockwa which indicates that our fees are lower than most marinas in the area; even with the proposed transient increases we will continue to be on the low end.
- Wharfage fee increases were discussed and approved by the Waterways Committee on September 4, 2024.

**DEPARTMENT RECOMMENDATION:**

The Department of Marine and Environmental Services recommends that the Select Board approve the proposed 2025 fee changes as presented.

**OPTIONS:**

- Motion to approve and adopt the 2025 revised Marine and Environmental Services Harbor Master/Waterways fees as presented.
- Motion to deny approval and adoption of the revised Marine and Environmental Services Harbor Master/Waterways fees.
- Some other 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:**

Following the Public Hearing, the Town Manager is recommending that the Select Board approve and adopt the Marine and Environmental Services Harbor Master/Waterways 2025 fee changes as presented.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

10/31/2024

Date

**TOWN OF FALMOUTH  
SELECT BOARD  
PUBLIC HEARING NOTICE**

As provided under Chapter 119, of the Code of Falmouth, a Public Hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on MONDAY, NOVEMBER 4, 2024 at 6:45 PM to establish and promulgate fees, which are EFFECTIVE AS OF JANUARY 1, 2025 to be charged by Town Departments and agencies, except as provided by M.G.L., School Department, Planning Board, Library, Town Clerk, Town Treasurer and Collector of Taxes.

The proposed changes in fees are listed below:

Nancy Robbins Taylor, Chair  
SELECT BOARD

<u>DEPARTMENT</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>
<b><u>MARINE AND ENVIRONMENTAL SERVICES</u></b>		
<b><u>HARBOR MASTER/WATERWAYS</u></b>		
<b><u>MOORINGS (by boat size)</u></b>		
Private/Individual		
Under 15' (was under 14')	\$105.00	\$120.00
15' to 19'	\$110.00	\$125.00
20' to 29' (was 20' to 28')	\$115.00	\$130.00
30' to 39' (was 29' and over)	\$45.00 +\$2.50/ft.	\$145.00
40' and over	\$45.00 +\$250/ft.	\$155.00
Commercial Yacht Club	\$140.00	\$155.00
Commercial Boat Yard	\$225.00	\$240.00
Wait list application fee*	\$10.00	\$25.00
Wait list renewal fee, deadline March 15 <sup>th</sup> *	\$10.00	\$25.00
<b><u>SLIPS/WHARFAGE</u></b>		
<b><u>Transient Slips (per day rates):</u></b>		
May (minimum fee \$45.00)	\$1.50/ft.	Delete
May (minimum fee \$60.00)	Add	\$2.00/ft.
June (minimum fee \$60.00)	\$2.00/ft.	Delete
June (minimum fee \$75.00)	Add	\$2.50/ft.
July & August	\$3.00/ft.	Delete
July (minimum fee \$120.00)	Add	\$4.00/ft.
August (minimum fee \$105.00)	Add	\$3.50/ft.
September (minimum fee \$45.00)	\$1.50/ft.	Delete
September (minimum fee \$60.00)	Add	\$2.00/ft.
<b><u>Seasonal Slips (April 15<sup>th</sup> to Nov. 15<sup>th</sup>):</u></b>		
<b><u>Main Marina &amp; Davis Floating Dock Section</u></b>		
Resident	\$165.00/ft.	\$167.00/ft.
Non-Resident	\$188.00/ft.	\$190.00/ft.
<b><u>Charter Boat Section</u></b>		
Resident	\$165.00/ft.	\$167.00/ft.
Non-Resident	\$188.00/ft.	\$190.00/ft.
<b><u>Green Pond</u></b>		
Resident	\$151.00/ft.	\$153.00/ft.
Non-Resident	\$172.00/ft.	\$174.00/ft.
(-5% No parking space provided)		
<b><u>Power Charges (Seasonal Slips All Areas):</u></b>		
30 amp/110V	\$450.00/season	\$500.00/season
50 amp/220V	\$1,000.00/season	\$1,100.00/season

*Falmouth Enterprise: Friday, October 25, 2024*

# Critics & Supporters Sound Off On Question 5

By MICHAEL J. RAUSCH

A strong push is on, from both sides of the issue, relative to Question 5 on the state ballot for next month's General Election. Question 5, otherwise known as the Minimum Wage for Tipped Employees Initiative, has drawn support and criticism from local to national politicians, including a former First Lady.

**What Is The Proposal?**  
Passage of Question 5 would gradually increase the minimum hourly wage an employer must pay a tipped worker over the course of five years. Employers would be required to pay tipped servers 64 percent of the state minimum wage on January 1, 2025; 73 percent of minimum wage on January 1, 2026; 82 percent on January 1, 2027; 91 percent on January 1, 2028; and 100 percent on January 1, 2029.

Approval of Question 5 would also require employers to pay tipped workers the difference between the state minimum wage, currently \$15 an hour, and the total amount a tipped worker receives in hourly wages plus tips—through the end of 2028.

The proposed law allows employers who pay workers an hourly wage that meets the state minimum wage to administer a "tip pool." The tip pool would combine all the tips given by customers and distribute them among all employees, including non-tipped workers.

**Who Is Backing Question 5?**  
One Fair Wage Plus Tips MA is leading the campaign in support of Question 5. State Representative Tricia Farley-Bouvier (D-2nd Berkshire District) and state Senator Patricia D. Jehlen (D-2nd Middlesex District) have endorsed the measure.

On its website, One Fair Wage claims that "thousands of tipped workers in Massachusetts are

leaving the restaurant industry and are not willing to return without One Fair Wage." The group also notes that "nearly 250 Massachusetts employers are now paying One Fair Wage to recruit staff and seek a level playing field."

One Fair Wage also claims that, since the onset of the COVID-19 pandemic, "restaurant workers have been leaving the industry in droves." The group's research indicates that 53 percent of

**"I can tell you pretty much any waiter or waitress that you talk to, in any restaurant, wants to keep (things as they are), no changes," said Mr. Harrington, owner of Green Pond Yacht Club.**

restaurant workers surveyed are considering leaving the industry, while 70 percent cite low wages and tips as their primary reason for leaving.

In addition, they claim, 78 percent say the only reason they would continue to work in the industry is if they received a livable wage, plus tips. One Fair Wage also asserts that "thousands of restaurants nationwide have raised their wages to get workers to attract and retain staff."

"We are focusing on raising wages for tipped workers so that the 1 million restaurant workers who have left since the onset of the pandemic can return to an industry that fairly compensates essential workers in the group."

This week, Question 5 was endorsed by former first lady and US Secretary of State Hillary R. Clinton. Ms. Clinton said women will benefit the most from the initiative.

"I had a short experience living on tips when I was a law school student, but there are people in Massachusetts who have lived on tips for decades," Ms. Clinton said. "Tipped workers are mostly women, and they're working hard, not only to make a living, but to overcome, sadly, the harassment and economic barriers that stand in their way."

**What Does The Opposition Say?**  
The ballot measure has been greeted equally with fierce opposition from servers, bartenders and restaurant owners.

EJ Cubelli, longtime owner of the Mesa Luna restaurant in Bourne's Bay, suggested a strong likelihood of price increases if Question 5 is passed. Mr. Cubelli argued that the measure will result in customers going to restaurants in neighboring states, which will force Bay State businesses to close.

"It's really a bad idea, and I'm praying for everybody in this business that it does not go through," he said.

Mr. Cubelli also argued that customers will be less inclined to tip their servers. Additionally, servers will have little to no incentive to provide exceptional service to earn a substantial tip, he said. He warned that passage of Question 5 would be "devastating for the hospitality industry."

"From what I understand, servers, bartenders don't really want \$15 an hour," he said. "They just want to come in and do their job, do a good job, and get rewarded by the customer for doing a good job. To take that away from them is going to take their livelihood away from them."

All Thomas has worked at Anjo Mexican Bistro on Falmouth's Main Street for a decade, spending eight of those years as a server. She shared Mr. Cubelli's take on the ballot question, saying this week that "it's really scary to sit and think about this actually passing, because I genuinely love what I do."

"Literally all of the menu prices will skyrocket, people will stop going out to eat together," she said. "Us servers and bartenders will leave if it passes. The quality of service that you do receive will go way down, way less personable service. We make way more than \$15 an hour as it is right now with the tips that we do receive, because we're giving good service."



The channel into Little Pond

GENE M. MARCHANT/ENTERPRISE

Ms. Thomas added that over the past week, more patrons have been asking about Question 5, "which I really appreciate."

Cape Cod Canal Region Chamber of Commerce President and CEO Marie J. Oliva echoed servers "like the ways things are now." Ms. Oliva said there is unanimous support among the 27 restaurant owners who are chamber members, and their servers, to keep the current system in place.

"Lower wage, tips," she said. "They make \$15 an hour anyway. They don't need a law, government regulation, to hurt these restaurants."

According to the group Committee to Protect Tips, which opposes Question 5, all Massachusetts workers, including tipped employees, are guaranteed to earn at least the current minimum of \$15 an hour. If, after wages and tips, an employee does not earn \$15 per hour, the employer must pay the difference. In addition, restaurant owners pay all the contributory taxes, FICA, FUTA and SUTA on both tipped wages paid and the tips received from patrons.

Kevin B. Harrington Jr., who owns Green Pond Yacht Club in East Falmouth, confirmed it is his responsibility to fill the gap between wages and tips, and the state minimum wage for his tipped employees.

"If they're not making enough money," he said, "you have to ensure that they're making \$15 an hour. That's why everybody's for the same law. It's already in place that they're going to be treated fairly, and they actually make more money the way it is now."

He added that his employees, as well as servers in general, oppose Question 5.

"I can tell you pretty much any

waiter or waitress that you talk to, in any restaurant, wants to keep (things as they are), no changes," he said.

Tara Riggs has tended bar at The Lobster Trap on Shore Road in Bourne for eight years. Ms. Riggs has spent the majority of her adult life working in the service industry. Her résumé includes the Ritz-Carlton Hotel in Boston, the Capital Grille and Rubi's Chris Steak House, among others. Her experience ranges from leading bar to hosting to managing.

During a recent telephone interview Ms. Riggs said she makes good money as a bartender, and the money she makes "is directly related to the service that I give." In her opinion the current system is not broken. "So I can't understand why some group is trying to meddle with it."

"I love the service industry. I love hospitality," she said. "I make a very high percentage of tips, which is because I have a lot of experience and I'm good at what I do."

A mother of five sons, three of whom work in the restaurant industry, Ms. Riggs said she does not know anyone in the business who supports Question 5. She said the skill set people develop as a server is transferable to any restaurant, and the better the skills, the better the rewards.

"You are your own boss, you're a salesperson," she said. "Your personality is part of what makes it so that you make money."

Mr. Ryan said she believes that passage of Question 5 and forcing restaurant owners to meet the state's minimum wage will "devastate the restaurant industry."

"Having a minimum wage for

the way that the restaurant and service industry is now would only increase the prices of everything that people are buying," she said. "I feel it would disincentivize people to come out to restaurants and even have restaurants be open."

At its Facebook page, JD's Burger Co. & Sushi urged people to vote no on Question 5. The Sandwich eatery noted that tipped workers there are already required to be paid \$15 an hour if wages and tips fall short of that mark.

"By voting yes on 5, you will be taking substantial \$\$\$ out of your favorite servers and bartenders' pockets and you will most likely lose them and will then see more automated ordering devices on your tables and/or price increases," the FB post said.

The Massachusetts Restaurant Association opposes the initiative. The Association's president and CEO, Stephen Clark, warned that passage will impact servers who will make less money, owners who will face higher payroll costs of as much as \$10,000 per tipped employee and higher prices for customers.

State Representative Matthew J. Muratore, the Republican candidate for the state senate seat in the Plymouth & Barnstable district, and state Representative Steven G. Xiabrus (R-5th Barnstable district) have both voiced their opposition to Question 5. The measure, Rep. Muratore said, "threatens the wages of seasonal workers, it would put many servers and bartenders out of a job, and it would close the doors of so many beloved institutions in our community."

The initiative's fate will be decided on Tuesday, November 5.

## Falmouth Fishermen Speaker To Discuss Titanic

The Falmouth Fishermen's Association will hold its next meeting on Tuesday, November 5, at the Weary Travelers Club in Monument Beach. Club member and speaker Tom Pillitz will discuss his volunteer work at Woods Hole Oceanographic Institution digitizing the RMS Titanic Discovery Collection in advance of the 40th anniversary of the discovery of Titanic's sunken location on September 1, 2025.

Mr. Pillitz has been working at WHOI's Data Library and Archive for several years. His presentation will cover an overview of the Titanic vessel, its maiden voyage, its sinking, the search and discovery, the effects of the discovery and some little-known facts about the deadliest peacetime marine disaster. The meeting will be held upstairs at the Weary Travelers

Club, at 77 Valley Barr Road in Monument Beach. A social hour will start at 6 PM, followed by the preordered meal at 6:30 PM and commencement of the meeting at 7 PM. The talk will run until about 9 PM. Admission is free and the meeting is open to the public.

"This is the club's final meeting for the year; in December the club will gather for the members Christmas Party. Anyone wishing to become a member can sign up at the meeting. Membership is \$30 a year; membership runs from January to the end of December. Nonmembers can receive the Zoom invitation by emailing falmouthfishermen@gmail.com.

Members will receive the Zoom invitation in the monthly private club newsletter. To learn more about the club, visit www.falmouthfishermen.org.

## Second Write-In Candidate Runs For Assembly Of Delegates

By TAO WOOLFE  
A second Bourne resident has stepped forward to become a write-in candidate for a soon-to-be vacant seat on the Barnstable County Assembly of Delegates.

Paul Alfano, who is a financial services manager and a Democrat, said he wants to serve "not as a Democrat, but as a citizen of Bourne."

He will be running against write-in candidate A. Wayne Sampson, an Independent, former police chief and member of several Bourne advisory boards.

Both men are running for the seat that will become vacant when Bourne representative George G. Slade finishes his term with the Assembly of Delegates this year.

Mr. Alfano, who has not served on community boards, but who has helped manage the campaigns of others, said he is well-versed in politics and considers it almost a hobby.

He is married to Kathleen Fox Alfano, a Democrat, realtor and affordable housing advocate who is running for state representative for the 3rd Barnstable District. She is running against incumbent Republican David Vieira.

"Like many of you, before I was asked to submit my name for consideration, I knew little of the Assembly of Delegates, but I have talked with other delegates, and

with our outgoing representative, George Slade, and members of our select board. I believe I would be a good representative for Bourne on the assembly," Mr. Alfano said in a press release.

In a telephone interview on Wednesday, Mr. Alfano expanded on his reasons for wanting to run. He said Bourne should be taking advantage of all the county has to offer to the towns. He also said he believes he can be a stabilizing influence in helping the assembly and the County Commission improve their sometimes adversarial relationship.

"I would work to make sure Bourne is getting its fair share of county resources, and that my fellow citizens are aware of what resources they can take advantage of beyond the most visible one like the Cape Cod RTA bus," Mr. Alfano wrote in his press release.

"I also know I can work with the other delegates as well as the three commissioners for the good of the County," he said.

He was reluctant to talk about himself, explaining that he is a behind-the-scenes man who would rather be touting a candidate other than himself.

"I have always been involved in town affairs, quietly in the background, and now, closer to retirement, I can become more actively involved," he wrote. "My role

models in government have always been the late Democratic Congressman Joe Moakley and Republican state Representative Andrew Caputo," he said, describing both as having integrity and who cared about and listened to the people they represented.

Mr. Alfano said he is a client success manager for a Boston-based financial services company serving large companies in Massachusetts and across the country.

He received his bachelor of arts in political science from College of the Holy Cross in Worcester.

Mr. Alfano and his wife live in Bourne's Gray Gables neighborhood. The couple has one grown child.

In his spare time, Mr. Alfano said he enjoys photographing the big ships that sail down the Cape Cod Canal, reading history books and shopping yard sales.

The Barnstable County Assembly of Delegates is the legislative branch of county government and works in tandem with the executive branch—the Barnstable County Regional Board of County Commissioners.

The 15-member assembly is responsible for adopting new legislation, and maintaining checks and balances over the County Commission. Write-in candidates run for



Paul Alfano

office without filing nomination papers and their names do not appear on the ballot, according to the Massachusetts Secretary of State's website.

For each office on the ballot, there is a write-in space below the list of candidates. Voters can write the candidate's name and address in the space for the office they are seeking.

The secretary of state's office recommends that candidates let local election officials know if they plan to run a write-in campaign so they can prepare the election workers who will be counting the votes.

TOWN OF FALMOUTH PUBLIC HEARING NOTICE		
As provided under Chapter 116C of the Code of Falmouth, a Public Hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on MONDAY, NOVEMBER 4, 2024 at 6:45 PM to establish and promulgate fees, which are EFFECTIVE AS OF JANUARY 1, 2025 to be charged by Town Departments and agencies, except as noted below. Select Board Department Planning Board, Library, Town Clerk, Town Treasurer and Collector Offices.		
The proposed changes being considered below:		
Nancy Robinson Taylor, Chair SELECT BOARD		
DEPARTMENT	PRESENT FEE	PROPOSED FEE
<b>MAINTENANCE AND REPAIRS SERVICES</b>		
<b>WATER MAINS REPAIR SERVICE</b>		
<b>WATER MAINS REPAIR</b>		
1/2" to 4" Individual	\$100.00	\$100.00
Under 12" (over 14")	\$110.00	\$125.00
15" to 18"	\$130.00	\$130.00
20" to 24" (over 20" to 24")	\$135.00	\$130.00
24" to 30" (over 24" and over)	\$140.00 to \$230.00	\$145.00
42" and over	\$450.00 to \$525.00	\$155.00
Common-Use Trench Cut	\$140.00	\$155.00
Common-Use Trench Box	\$220.00	\$240.00
Water Application Fee	\$10.00	\$25.00
With late arrival fee, deadline March 15th	\$10.00	\$25.00
<b>SEWERAGE</b>		
<b>Trench Sewer Pipe Installation</b>		
May Installation fee \$41.00	\$150.00	Delist
May Installation fee \$65.00	\$160.00	Delist
June Installation fee \$62.00	\$150.00	Delist
June Installation fee \$73.00	\$150.00	Delist
July Installation fee \$120.00	\$160.00	Delist
July Installation fee \$120.00	\$160.00	Delist
August Installation fee \$165.00	\$160.00	Delist
September Installation fee \$43.00	\$150.00	Delist
September Installation fee \$40.00	\$150.00	Delist
Special Allowance (See 15.03.01.01.01)	\$65.00	\$100.00
<b>MANHOLE &amp; OPEN TRENCH PIPE SECTION</b>		
Resident	\$455.00P.	\$180.00P.
Non-Resident	\$485.00P.	\$190.00P.
<b>CHASE HOUSING SECTION</b>		
Resident	\$163.00P.	\$163.00P.
Non-Resident	\$182.00P.	\$182.00P.
<b>Green Fund</b>		
Resident	\$121.00P.	\$121.00P.
Non-Resident	\$125.00P.	\$125.00P.
(1% No parking space provided)		
<b>Board Changes (Seasonal) 2024 Fee</b>		
10 am to 11 AM	\$600.00/season	\$600.00/season
10 am to 12:00 PM	\$1,000.00/season	\$1,100.00/season

Visit Our Website  
capenews.net

## Diane Davidson

---

**From:** Gregg Fraser  
**Sent:** Thursday, September 5, 2024 7:13 AM  
**To:** Diane Davidson  
**Cc:** Gregg Fraser; Paula Cushman  
**Subject:** 2025 MES Proposed Fee Changes.docx  
**Attachments:** 2025 MES Proposed Fee Changes.docx

Hi Diane,

Attached are the 2025 proposed fee changes for MES.

Red = changed fee

Black = no change

Basically,

Moorings fees increased by \$15.00 for all categories including wait lists.

Transient Slip fees increased by 50 cents per foot for most except July which increased by \$1.00/foot.

Seasonal Slips increased by \$2.00/ft for all

Seasonal Power increased by \$50.00/season.

I will send over some background information to be included in the SB packet as we get closer to the hearing.

Thank you,

Gregg

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT  
ANIMAL CONTROL**

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Pick-up Fee	\$25.00
Pick-up Fee, subsequent time in same calendar year	\$35.00
Care and Custody Fee	\$15.00
Care and Custody Fee, subsequent time in same calendar year	\$25.00
No. I.D. Tag or Microchip Identifying Owner	\$5.00
Dead Animal Disposal, Up to 49 Lbs.	\$25.00
Dead Animal Disposal, 50 Lbs. and Over	\$50.00

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT  
HARBOR MASTER / WATERWAYS**

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MOORINGS (by boat size)

Private/Individual	
<b>Under 15'</b>	<b>\$120.00</b>
<b>15' to 19'</b>	<b>\$125.00</b>
<b>20' to 29'</b>	<b>\$130.00</b>
<b>30' to 39'</b>	<b>\$145.00</b>
<b>40' and over</b>	<b>\$155.00</b>
Commercial (flat fee)	
<b>Commercial Yacht Club</b>	<b>\$155.00</b>
<b>Commercial - Boatyard</b>	<b>\$240.00</b>
Demand / Late Fee	\$50.00
Mooring Tackle Removal Fee	\$100.00
Permit Reinstatement	\$50.00
<b>Wait list application fee*</b>	<b>\$25.00</b>
<b>Wait list renewal fee, deadline March 15<sup>th</sup>*</b>	<b>\$25.00</b>
(*See chapter 269-3A (3) & (6))	
Mooring Permit Transfer/Change Fee	\$100.00
Dingy Rack	\$25.00

SLIPS / WHARFAGE

Transient Slips (per day rates)

Total number of transient slip rental nights may not exceed 30 (excludes Oct & Nov)  
(30-foot slip minimum payment applies May through September)

April (no minimum fee required)	\$1.00/ft.
<b>May (minimum fee is \$60.00)</b>	<b>\$2.00/ft</b>
<b>June (minimum fee is \$75.00)</b>	<b>\$2.50/ft.</b>
<b>July (minimum fee is \$120.00)</b>	<b>\$4.00/ft</b>
<b>August (minimum fee is \$105.00)</b>	<b>\$3.50/ft</b>
*25% discount for Tides Bulkhead applies in July & August only	
<b>September (minimum fee is \$60.00)</b>	<b>\$2.00/ft</b>
October (no minimum fee required)	\$1.00/ft.
Credit Card transient processing transaction fee	\$5.00/each

Power Charges (for transient)	
30 amp cord/110V	\$25.00/day
50 amp cord/220V	\$40.00/day
100 amp cord	\$90.00/day

Seasonal Slips (April 15<sup>th</sup> to Nov. 15<sup>th</sup>)

Wait list application fee*	\$25.00
Wait list renewal fee, deadline March 15 <sup>th</sup> *	\$25.00
(*See chapter 231-6)	

Main Marina & Davis Floating Dock Section:

Resident	\$167.00/ft.
Non-Resident	\$190.00/ft

Charter Boat Section:

Resident	\$167.00/ft.
Non-Resident	\$190.00/ft.

Green Pond:

Resident	\$153.00/ft.
Non-Resident	\$174.00/ft.
(-5% No parking space provided)	

Power Charges (Seasonal Slips All Areas):

30 amp/110V	\$500.00/season
50 amp/220V	\$1100.00/season
100 amp per cord	\$2000.00/season

Simpson's Landing (Loading and Unloading Area Only):

Contract rate (yearly)	\$1,000.00
Fueling Truck (yearly)	\$2,500.00

Tide's Bulkhead (Loading and Unloading Area):

Contract rate (yearly)	\$1,000.00
Fueling Truck (yearly)	\$2,500.00
Fueling Vessel (per event)	\$100.00
Transient Commercial Fishing (monthly)	\$250.00

\*No passengers for hire

Eel Pond Dock Outhauls:

Contract April 15 <sup>th</sup> to Nov. 15 <sup>th</sup>	\$300.00
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Great Harbor Woods Hole Commercial Fishing Dock (Year Round):

Transient Dockage / per night	\$ .50/ft.–min. \$30.00/night
Annual rate for self propelled	\$20.00 / ft. – Resident
Annual rate for self propelled	\$40.00/ft. – Non-Resident
Loading and Unloading	\$600.00/month or \$4,500.00/yr.
Per load over one ton	\$100.00/load
3 hour tie-up (crew change, loads under one ton)	No Charge
*No passengers for hire or sailboats.	

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT  
SHELLFISHING LICENSES**

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Commercial	\$300.00
Non-Resident Recreational	\$100.00
Resident/Tax Payer Recreational	\$30.00
Senior Resident	\$6.00
Replacement of Lost Permits	\$5.00

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT  
AQUACULTURE RENTAL FEES**

---

<u>Rented Equipment/Supplies</u>	<u>Unit</u>	<u>Fee per 1,000 Oysters Landed</u>
Upweller	Upweller	\$14.00
Field Gear	Site	\$8.00
Overwintering Facility	Tote	\$8.00
Work Float	8'x20' Float	\$9.00
Gear Storage	2,000 sq. ft. space	\$3.00
Floating Bags	Bag	\$28.00

## Diane Davidson

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**From:** Gregg Fraser  
**Sent:** Wednesday, September 11, 2024 10:56 AM  
**To:** Diane Davidson  
**Cc:** Gregg Fraser  
**Subject:** MES 2025 Fee Back Up information  
**Attachments:** 20240911110824822.pdf

Hi Diane,

Attached is some back up documentation for justification of the fee increase requests.

Also, the county dredge cost has more than doubled for FY25.

FY24 was \$12.00/CY now FY25 is \$26.50/CY

Gregg

-----Original Message-----

**From:** Falmouth Scans <scan@falmouthma.gov>  
**Sent:** Wednesday, September 11, 2024 11:08 AM  
**To:** Gregg Fraser <gregg.fraser@falmouthma.gov>  
**Subject:** Scan from MES Savin 2500

This E-mail was sent from "MES-2500" (IM C2500).

Scan Date: 09.11.2024 11:08:24 (-0400)  
Queries to: scan@falmouthma.gov

Scanned Image

Transient Wharfage Comparisons for July						
30 Foot Minimum Payment		July 1-July 2 used for comparisons				
Does not include power charges						
Price was calculated via DOCKWA						
<b>Falmouth Harbor:</b>		Per Foot	Total	2025 Proposed for July		August
Town Marina	\$ 3.00	\$ 90.00	\$ 4.50	\$ 135.00		
MacDougalls	\$ 8.00	\$ 240.00				same
Falmouth Marine	\$ 12.00	\$ 360.00				same
<b>Other Cape</b>						
Parker's BY	\$ 4.00	\$ 120.00				same
P-Town Marina	\$ 6.50	\$ 195.00				same
Sandwich Marina	\$ 3.50	\$ 105.00	(must be approved by ACOE's)			same
Fiddlers Cove NF	\$ 7.13	\$ 214.14				same
Kingman's Marina	\$ 5.50	\$ 165.00				135
Hyannis Marina	\$ 5.00	\$ 150.00				same
<b>Islands Marinas</b>						
Cuttyhunk Marina	\$ 4.66	\$ 140.00				same
Tisbury Wharf	\$ 7.25	\$ 217.50				same
Black Dog Wharf	\$ 7.88	\$ 236.25				same
Oak Bluffs Marina	\$ 5.05	\$ 151.50				same
Menemsha Marina	\$ 3.50	\$ 105.00				same

Town	Marina	Resident	Non-Res	Commercial
Falmouth	Main Marina			
	A1-A6, R1-R8	\$ 4,075.00	\$ 4,650.00	none
	All others	\$ 163.00	\$ 186.00	same
	Green Pond	\$ 149.00	\$ 170.00	none
MadDougals Cape CM	All	\$375.00 to \$425.00	same	same
Woods Hole Marine	All	\$4500 to \$7000.00	same	none
Barnstable	Bismore Park	\$ 187.00	\$ 213.75	same
	Barnstable Harbor	\$ 171.00	\$ 196.75	same
	Gateway Marina	\$ 2,607.00	\$ 2,999.00	none
	Price Cove Marina	\$ 177.25	\$ 207.25	none
Harwich	Saquatucket	\$92.00 to \$173.00	same	\$92.00 to \$302.00
Mashpee	Little River BY	188.00 or \$10,000	\$ 188.00	Unk
	Mashpee Neck Marina	\$339.00	same	same
Bourne	Taylor Point	Non Elect 112.00	Elect 133.00	same
	Monument Beach	Non Elect 112.00	Elect 117.00	same
	Pocassett River	Non Elect 92.00	none	none

**2024 Mooring Fees by Town**

	<b>Falmouth</b>	<b>Mashpee</b>	<b>Barnstable</b>	<b>Marion</b>	<b>Harwich</b>	<b>Dennis</b>	<b>Bourne</b>
under 14	\$ 105.00	\$ 200.00	135-175	\$115 plus \$8/ft	\$ 146.00	\$ 185.00	\$ 100.00
15-19	\$ 110.00	\$ 200.00	same	same	\$ 146.00	same	same
20-28	\$ 115.00	250-300	same	same	146-260	same	same
29+	120-130	\$ 400.00	same	same	260-330	same	same

	<b>Scituate</b>	<b>Tisbury</b>	<b>Orleans</b>	<b>P-Town</b>	<b>Plymouth</b>	<b>Chilmark</b>	<b>Duxbury</b>
under 14	112	117	120	50	50	200	12-15/ft
15-19	120-152	same	same	100	same	same	same
20-28	160-224	193	same	150-250	same	same	same
29+	232 +	270-424	same	250-300	same	same	same

**Chatham**

\$40 plus \$8.50/ft

same

same

same

**Dartmouth**

90

same

same

same

**OPEN SESSION**

**BUSINESS**

1. Report – Commission on Substance Use **(15 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 1.

**ITEM TITLE:** Report- Commission on Substance Use

**MEETING DATE:** 11/4/2024

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

**SUBMITTED BY:** Suzie Hauptmann on behalf of Commission on Substance Use (FCSU)

**ATTACHMENTS:** FCSU annual report, Supporting docs: Spreadsheet on Falmouth allocations through 2038, FCSU Comm. Engagement Summary Report, County report on Community Engagement Model Practice

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### PURPOSE:

The Falmouth Commission on Substance Use will be presenting its annual report to the Select Board with special emphasis on the Community Engagement work completed last year and the first grant solicitation and distribution of Falmouth's Municipal Opioid Abatement Funds.

### BACKGROUND/SUMMARY:

- To date, Falmouth has received \$774,133.71 in funds to mitigate the impacts of the opioid crisis in accordance with the guidelines set forth by the state State-Subdivision Agreement for distribution of these funds. \$34,733.33 has been spent to date.
- To identify areas of greatest need, the Commission, along with the Human Services Department, engaged a series of community outreach events in 2023 to assess the

various needs of the Falmouth community and determine where funding should be directed.

- In March 2024 the Town, through the Human Services Department, began its solicitation of opioid abatement funding applications and received 8 applications. Each application was reviewed and scored by a 5-member Opioid Abatement Working Group which included the Human Services Director, two members of the Human Services Committee, and two members of the Substance Use Commission resulting in 5 recommendations that were determined to strongly align with our community's needs. Total in opioid grants distribution for 9/2024-8/2025 = \$93,500. See FCSU annual report for more information on grant awards.
- The spending of the Opioid Abatement funds falls under the jurisdiction of the Town Manager.
- Total funds to be received through 2038 is approx. \$2.5 million. If averaged and spread over the next 15 years it would be approximately \$166,965.76. These funds do not expire and do not need to be spent within the fiscal year in which they are received or appropriated. The funds will remain in a budget line item for the expressed purpose of mitigating the impacts of the Opioid epidemic.

**DEPARTMENT RECOMMENDATION:**

Feedback welcome. No vote requested.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
Opioid Abatement	TM			\$749,122.71		

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

N/A

**TOWN MANAGER COMMENTS:**

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

*Michael Renshaw*

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**Town Manager**

10/29/2024

**Date**

## **Falmouth Commission on Substance Use (FCSU)**

### **Mission statement:**

To prevent substance abuse among Falmouth's citizens, provide information and education to the community and to promote the development and availability of a continuum of substance abuse services for all Falmouth residents.

### **Members:**

- Beverly Costa-Ciavola
- Samantha Bauer
- Richard Corey, Jr.
- Rabbi Elias Lieberman
- Dennis Lyons, Chair

### **Major responsibility of FCSU:**

The FSUC is engaged in several areas relating to the prevention of substance misuse and abuse in Falmouth. One of the most important efforts is advising on the distribution of statewide abatement funding to organizations providing substance use recovery services, harm reduction, prevention, and access to treatment for residents of the Town and other members of the Falmouth community.

As of the end of this fiscal year 2024 the town has received \$339,318 in funds to mitigate the impacts of the opioid crisis and further the mission of the Commission and the guidelines set forth by the state approved State-Subdivision Agreement for distribution of these funds.

To identify areas of greatest need, the Commission, along with the Human Services Department, engaged a series of community outreach events in 2023 to assess the various needs of the Falmouth community and determine where funding should be directed. In June 2023 a large Community Conversation was held followed by 6 smaller focus groups in the late summer and Fall of 2023. The purpose of these events was to obtain input and feedback from the community on how they, and the community at large, have been impacted by the opioid crisis and how Falmouth's opioid abatement funds should be used. The Commission collected information based on the lived and living experiences of residents and perspectives of the community. All of this led to meaningful community input well worth the time and effort spent, and critical to determining the most appropriate use of the abatement funding.

A summary of last year's Community Engagement process can be found on the Town's website <https://www.falmouthma.gov/DocumentCenter/View/16363/FCSU-Comm-Engagement-Summary>

### **Grant process:**

In March 2024 the Town, through the Human Services Department, began its solicitation of opioid abatement funding applications and received 8 applications. Each application was reviewed and scored by a 5-member Opioid Abatement Working Group which included the Human Services Director, two members of the Human Services Committee, and two members of the Substance Use Commission. A scoring rubric provided with the application materials was used to evaluate each application.

Subsequently, the Working Group convened in person to discuss the strengths and weaknesses of each application. These discussions were thorough and deliberate, resulting in 5 recommendations that they determined strongly aligned with our community's needs.

Subsequently, the Commission voted unanimously to support the Working Group's recommendation that the Town fund the following agencies/projects:

### **Grantee summary:**

- WellStrong - \$25,000 for a Peer Wellness Coaching Program. A SAMHSA developed evidence-based program to support individuals in recovery from substance use disorder.

- **Behavioral Health Innovators: APG/Recovery Build - \$18,500** to support their outpatient treatment and recovery after-school program for youth age 13-18.
- **Duffy Health Center - \$25,000** to support their mobile outreach program R.E.A.C.H (Respectful, Equitable, Access to Compassionate Healthcare). This program has 3 staff members: A Recovery Support Navigator, Case Manager, and Harm Reductionist.
- **Parents Supporting Parents - \$25,000** for Sober Living Scholarships and Support Services Program for Falmouth residents.
- **Aids Support Group of Cape Cod - \$25,000** to support their community-based harm reduction services which includes community Narcan training and distribution, Sober/recovery home Narcan training and distribution, Fentanyl and Xylazine test strip education and training, HIV/HCV screening and linkages to care, mobile outreach, short term health navigation, POST= post overdose support team, and stocking and monitoring municipal SamBoxes (opioid overdose rescue boxes).
- **Total rewarded \$ 118,500**

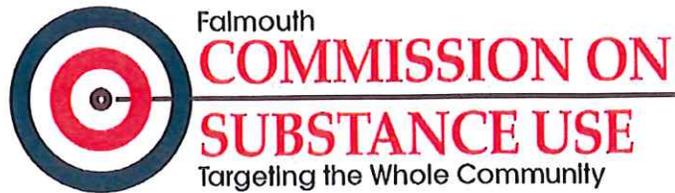
**Events:**

The FCSU also sponsored the annual International Overdose Awareness event in Falmouth on August 31, 2023 on the Falmouth Village Green. The event is an opportunity to remember and honor lives lost to substance use disorder, and to acknowledge those who all too often remain unseen members of our community. The Commission aims to make this a yearly sponsored event and went on to host again on August 31, 2024 which was attended by some 60 advocates, parents, family members and friends of those who had passed away in our community from substance use disorder.

**Recognition:**

The Commission wishes to thank outgoing Chairperson Beverly Costa-Ciavola for her 7 years of leadership on the Commission.

Respectfully submitted,  
Dennis G. Lyons RPh  
Chairman



## **Voices Heard: A Community Engagement Project on the Falmouth Opioid Crisis**

### **Introduction**

In preparation for the distribution of Opioid Settlement Funds, the Falmouth Commission on Substance Use facilitated a community engagement process to understand the impacts of the opioid crisis on the Falmouth community and to listen to those who have been directly impacted by the opioid crisis. This process included a large, facilitated community conversation, 5 focus groups, and 2 workshops with the Commission on Substance Use and was done to assist the Town in determining where these funds would best be allocated.

Substance misuse and the Opioid Epidemic have greatly impacted Cape Cod, particularly the Falmouth community. Much has been done to build the strength of the community to prevent substance use disorder as well as respond to the needs of those affected. The Falmouth Commission on Substance Use is a Town advisory committee, appointed by the Select Board, whose mission is to prevent substance misuse among Falmouth's citizens, provide information and education to the community and to promote the development and availability of a continuum of substance use services for all residents. This commission brings a range of expertise to this work, including the membership of longstanding community members and advocates, a new energy and commitment to this work, and a desire to do more to address this issue in the community. As advisors on the distribution of the Opioid Settlement Funds, the commission is poised to provide informed recommendations to Town leadership that will have a positive and lasting impact on the well-being of Falmouth's residents and the community at large.

### **Background on Massachusetts State Opioid Recovery and Remediation Funds**

Thanks to the tireless efforts of the Massachusetts Attorney General's office, led by our now Governor Maura Healy, the state of Massachusetts secured a Statewide opioid settlement with multiple opioid manufacturers and distributors. Secured in 2021, these funds, in the amount of \$500 million, were then distributed between the state and municipalities. 60% of the settlement funds go to the state's Opioid Recovery and Remediation Fund and 40% to the state's municipalities. MA municipalities are eligible to receive direct payments to be used to supplement and strengthen resources for prevention, harm reduction, treatment and recovery. These newly available funds provided in the Opioid Settlement Fund have led to a process by which Falmouth is exploring how those funds will be used to support projects that will directly impact and respond to the needs and concerns of the Falmouth community regarding the opioid crisis. At the municipal level, these abatement funds will be distributed annually over the next 17 years.

Total Falmouth Allocation: As of April 2024 the expected allocation to Falmouth will be \$2,500,499 through the year 2036. There is still pending litigation and that figure is likely to increase. More information can be found at the Attorney General's website through the following link:

<https://www.mass.gov/service-details/learn-about-the-ags-statewide-opioid-settlements-with-opioid-industry-defendants>

### **Community Engagement Purpose and Process**

This Community Engagement process focused on reaching out to those members of the community who have been directly affected by the opioid crisis, with the purpose of rooting the findings in the voices of Falmouth residents with lived experiences. The Commission's goal was to ensure that this process informs how the Town moves forward in its distribution of Opioid Abatement funds. As the Town moves forward to address the needs of our community, this process is a tool that is available to return to in working with, and engaging the community, in years ahead as needed.

As the Commission began its community engagement it became apparent that it would be helpful to have an independent consultant/facilitator with an outside perspective to remove bias, help to design, and lead the process. Having a consultant also allowed the town staff members, Commission members and other interested residents to participate and contribute to the conversation themselves and not have to engage with the nuts and bolts of the process. To involve Falmouth community members in the process, the Commission sent an invitation to participate in a facilitated community conversation. The fliers read "Join us at the table to talk about the opioid epidemic in Falmouth". This was followed by gathering focus groups targeting specific members of the community. For both portions, questions were asked such as "How have you seen our community be impacted?" In terms of response, what has worked and what isn't working? What are the gaps? After participating in the process, many Falmouth residents with lived experience shared their gratitude: "Thank you for bringing us to the table to listen to our voices and to hear our opinions and concerns." This process is not only valuable for this topic and area of focus, it is also effective in engaging community members on any topic. The work put in to hear from our community was well worth the effort, resulting in rich and meaningful information and experience that that we were able to take away.

### Timeline

- June 22, 2023: Commission hosted Community Conversations
- September 18, 2023: Focus Group of family members of folks with Substance Use Disorder
- September 19, 2023: Focus Group of family members or loved ones who have lost someone to opioid use disorder
- September 27, 2023: Focus Group of parents in recovery or seeking recovery
- September 28, 2023: Focus Group of a few men in recovery
- September 27, 2023: Focus Group of Falmouth Schools Staff Group
- October 12, 2023: Reflecting Back Session- commission reported back learnings to the community
- November 6, 2024 - Presentation to Select Board

### Next Steps

The Commission and Town Staff have been developing a plan for distributing these municipal abatement funds that is reflective of the findings of this project. Materials and information about an application process will be distributed in the coming months.

## **Findings**

Overall, the findings of this project have been organized into three categories:

1. Themes
2. Circles of Control, Influence and Concern
3. What Are We Still Curious About?

Further, the findings will be discussed in terms of the 4 domains, mandated by the MA State-Subdivision Agreement for Opioid Settlements, in addressing substance use in our community: Prevention, Harm Reduction, Treatment, Recovery.

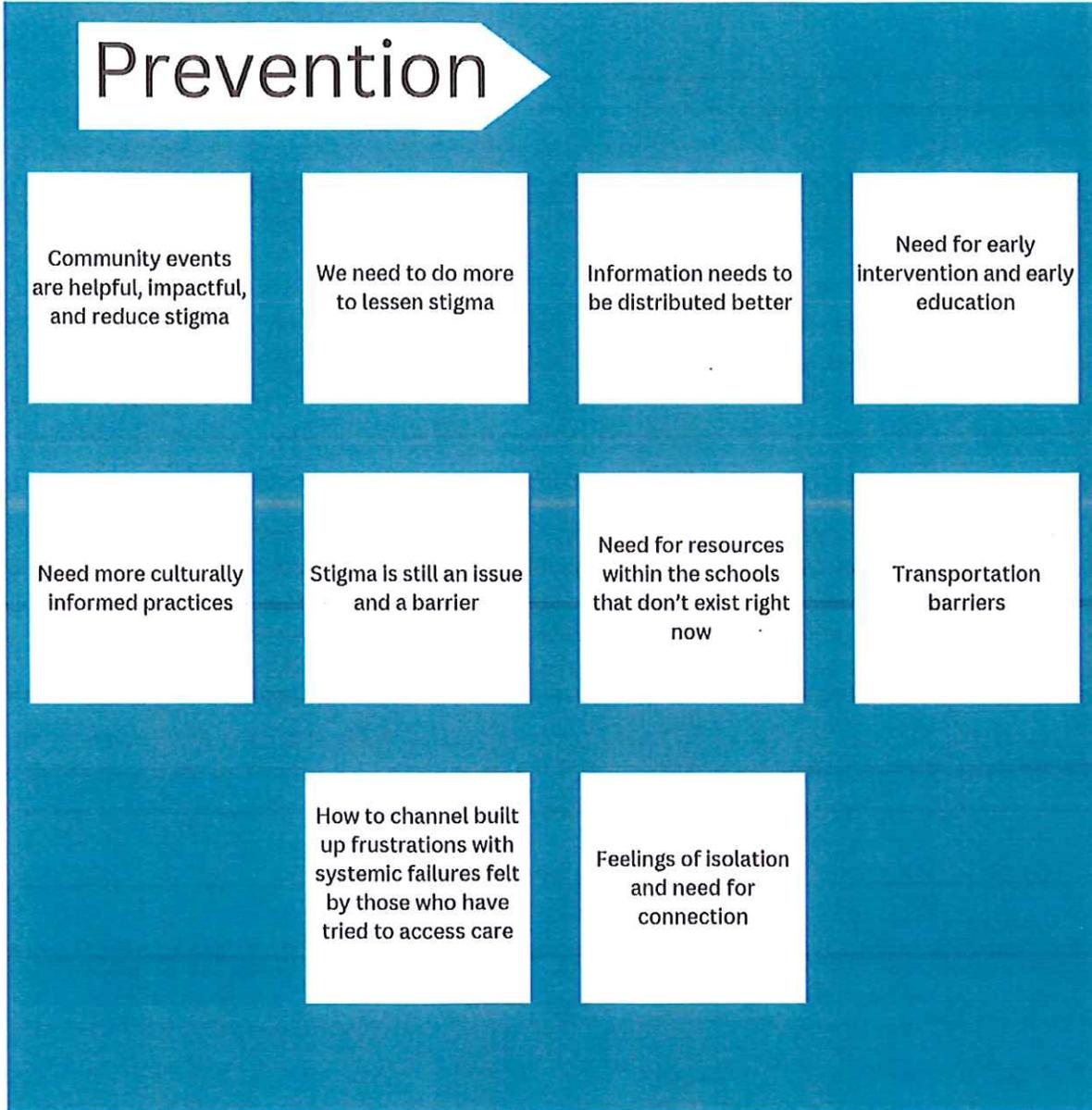
The findings are direct reflections that emerged in our focus groups and community conversations. They reflect the perspectives, needs, opportunities, concerns, challenges and lived experience of the Falmouth community.

## **I. Themes**

### **Description**

In the engagement process, various themes emerged. Below, they are demonstrated and categorized by the four domains in addressing the opioid crisis (Prevention, Harm Reduction, Treatment and Recovery). What the findings show is that some themes are specific to a particular aspect of this issue. For example, early intervention and early education fall under things we might do in the area of prevention. However, some themes spanned all categories and may be applicable in addressing substance use at any stage in the process. Transportation is an issue that arose and is relevant in all four domains, as well as the need for culturally informed practices. Another key theme that emerged is that isolation and the need for connection are central challenges faced by our community members.

Graphic I:



# Treatment

Need more culturally informed practices

Sober/recovery homes need more oversight, mgmt, and regulation

Need better insurance coverage and better reimbursements

Education for first responders and Cape Cod Healthcare

More needs to be done to treat dual diagnosis

Treatment still seems to be inadequate

Need for an accessible SUD resource inventory

Need improved access to rehab

Need for more treatment navigators

Not enough treatment available

More support with basic needs upon discharge from treatment

Better early recovery support navigation

Transportation barriers

Need more support for early trauma

# Harm Reduction

Need for an accessible resource inventory

Need more culturally informed practices

Need Cape Cod Healthcare to be a part of the conversation

Need for an accessible SUD resource inventory

Feelings of isolation and need for connection

Education for first responders and Cape Cod Healthcare

The loss of supports and resources for parents and children

Transportation barriers

# Recovery

Need for an accessible SUD resource inventory

Need more support for bereaved families

Reduce stigma around relapse

More help with basic needs of people in early recovery

Need for more grief support of all kinds

Celebrating recovery while acknowledging addiction

Need more culturally informed practices

Transportation barriers

Things that work well: Wellstrong, Rocky's, community of support

Feelings of isolation and need for connection

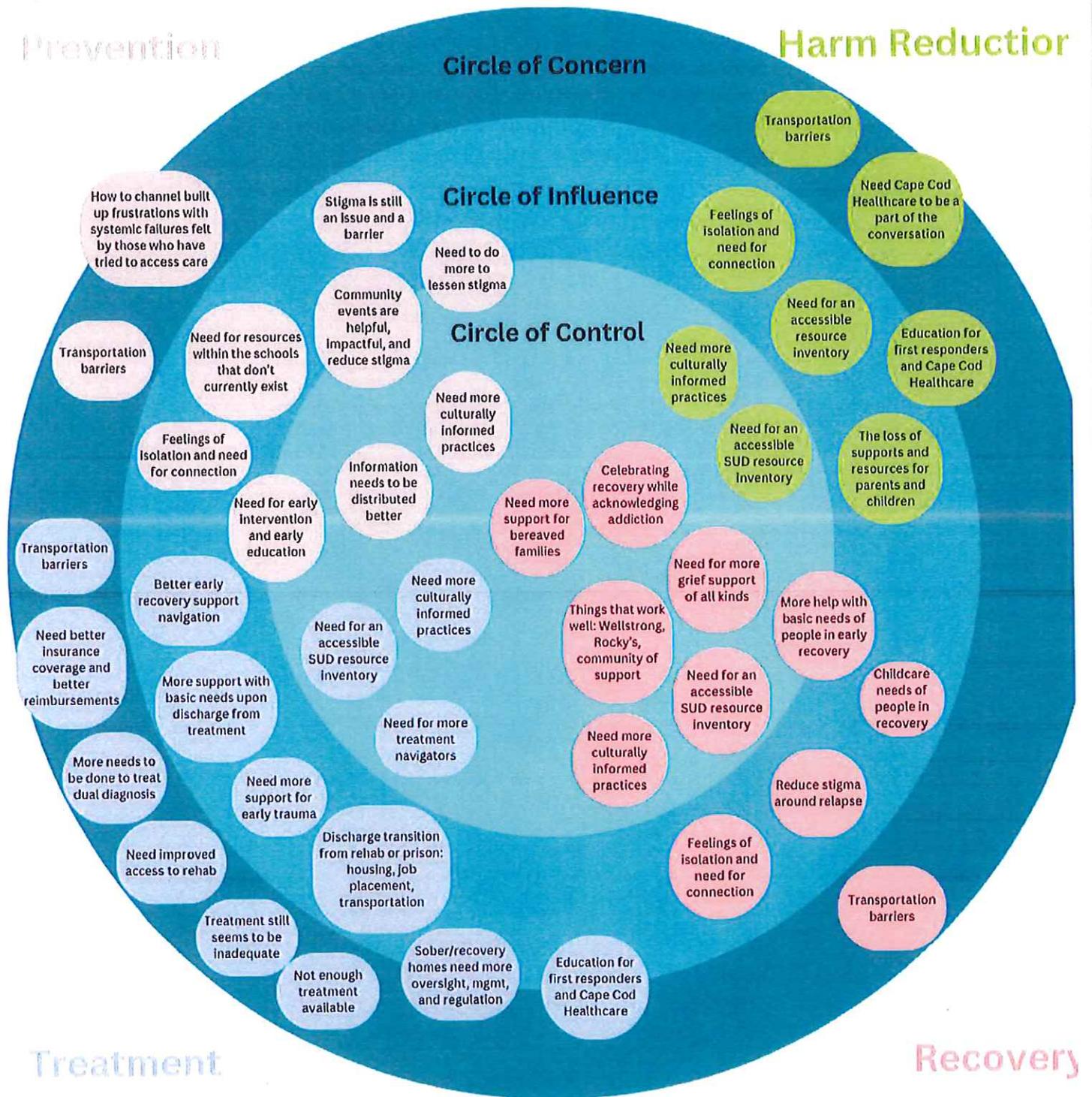
Childcare needs of people in recovery

## **II. Circles of Control/Influence/Concern**

### **Description**

In this graphic, the findings demonstrated in the previous graphic are broken down by Circles of Control, Circles of Influence, and Circles of Concern. Further, it is organized to reflect where the themes fall in the four domains of Prevention, Harm Reduction, Treatment and Recovery, within the context of the three circles. Here, the categories are meant to inform what we as a Town have the ability to control, what we have some influence over and what falls under the category of concern. Here concern means that we care about this, find it relevant and will keep in mind, but it is not necessarily in our power to change at the local level, although, it could conceivably be an area of local and regional advocacy efforts. This provides information about what came out of the engagement work that can be addressed directly as well as what can be taken into consideration more broadly.

Graphic II:



### III. What Are We Still Curious About?

**Description:**

This area is focused on capturing things that came up in the process that we can not directly execute, but that we may still have influence on or want to consider for the future. Members of the commission and participants of the focus groups raised questions worth further exploration. Keeping these points of curiosity in mind will help us to continue to reach back to the community and continue to be informed by the voices of those impacted directly by the opioid crisis in Falmouth.

Graphic III:



## **Conclusion**

It is the goal of the Town of Falmouth to have the voices and experiences of residents impacted by the opioid crisis reflected in future spending of Opioid Settlement Funds and that the funds be used to support projects that will directly benefit people with substance use disorder and their loved ones. The findings collected and summarized serve as a guidepost for how and where to move forward, particularly in informing the distribution of funds to address the needs and concerns of the Falmouth Community. With these findings, the Commission has suggested that the Town initiate a process to begin dispersing funds in a way that is reflective of what has been learned. This will serve to inform those applying for funds about key categories and areas of needed impact. It also serves as a summary and guide for addressing substance use in the Falmouth community moving forward. It is the intent of the Commission that this process will continue to inform community work.

Hopefully, this process will continue to be used in engaging the community on a variety of topics and needs. By testing this method, the Commission has demonstrated the usefulness and impact of this process and its efficacy in gathering significant and relevant input from the community. It worked well insofar as the Commission collected information based on real lived experience and perspectives of the community that the Commission and the Town are here to serve. All of this has led to rich and meaningful outcomes, well worth the time and effort spent, and is useful and important in engaging community members on any topic.

The Falmouth Commission on Substance Use meets monthly in an open, public meeting held in the Trustee's Room at the Falmouth Public Library at 300 Main Street Falmouth. There is sometimes a Zoom option. To receive meeting alerts and other news of the Commission visit the Town's Alerts (Notify me) page to sign up. <https://www.falmouthma.gov/list.aspx>. The Commission's page on the Town website is <https://www.falmouthma.gov/470/Substance-Use-Commission-on> and the email address is [substanceusecomm@falmouthma.gov](mailto:substanceusecomm@falmouthma.gov).



# OPIOID RECOVERY & REMEDATION FUNDS COMMUNITY ENGAGEMENT MODEL PROCESS

**Authors:**

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Kate Lena, Substance Use Prevention Program Manager, Barnstable County Department of Human Services  
Sky Freyss-Cole, Facilitator and Consultant, Independent Contractor

**Key Collaborators:**

Town of Falmouth  
Falmouth Commission on Substance Use



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## Introduction and Acknowledgements

This report has been created to capture and share a pilot process of authentic community engagement in the decision-making process about Opioid Recovery and Remediation Fund settlement spending. The following describes efforts undertaken in collaboration by the Town of Falmouth, the Falmouth Commission on Substance Use, consultant & facilitator Sky Freyss-Cole and Barnstable County Department of Human Services (BCDHS).

In mid-2022, Massachusetts provided guidelines for the expenditure of municipal opioid settlement recoveries which included: incorporating community input from those directly affected by the opioid epidemic; addressing service disparities to increase access and equity in treatment and services for OUD, prevention, and harm reduction relating to opiates; leveraging existing state, city, town, and community opiate use disorder, mental health disorder, and behavioral health disorder programming and services. Municipalities were further encouraged to innovate and collaborate in developing opioid abatement fund strategies.

Barnstable County does not have a role in the distribution of funds and no rights or responsibilities to dictate how the funds are used by municipalities. Despite this, in late-2022 BCDHS began receiving a multitude of requests for guidance and technical assistance regarding how to implement the state's guidelines. In response to this need, in mid-2023 BCDHS partnered with Cape Cod's representative to the State Opioid Recovery and Remediation Fund Advisory Council and Falmouth Human Services Director to create a model practice for towns to engage stakeholders and community members impacted by substance use disorder in the decision making on how to spend ORRF settlements. The collaborative work done during this approximately nine-month process has resulted in this model practice and is being shared for the benefit of all.

For more information about the contents herein, please contact Deputy Director of Barnstable County Department of Human Services Mandi Speakman ([mandi.speakman@capecod.gov](mailto:mandi.speakman@capecod.gov), 508-470-4936 ).

## Section 1: Background Information

### Section 1.1: Opioid Settlements

On July 21, 2021 Massachusetts Attorney General Maura Healey announced a \$26 billion settlement agreement with opioid distributors and Johnson & Johnson, which will provide more than \$500 million to the Commonwealth and its cities and towns for **prevention, harm reduction, treatment, and recovery** across Massachusetts. More information can be found on [the Attorney General's website](#).

This settlement holds accountable several corporations that contributed to the over-prescription of opioids in Massachusetts and brings needed relief to people struggling with substance use disorder. The settlement agreement includes pharmaceutical distributors Cardinal, McKesson, and AmerisourceBergen as well as Johnson & Johnson, which manufactured and marketed opioids. Resolutions with Walmart, Teva, Allergan, CVS and Walgreens are pending.

The settlement also requires significant industry changes that are designed to prevent this from happening again. The Attorney General's Office supports the settlement and has been laying the groundwork for its implementation in Massachusetts and has created the Opioid Recovery and Remediation Fund (ORRF). More information on ORRF can be found on the [ORRF Advisory Council website](#). Per information distributed from [the Attorney General's office](#), under the state's approved State-Subdivision Agreement, 40% of abatement funds coming into the Commonwealth under statewide opioid settlements will be allocated to the state's municipalities. 60% of the abatement funds will be allocated to the Opioid Recovery and Remediation Fund to further be dispensed into the community through Department of Public Health grants. Municipalities that completed the Subdivision Settlement Participation Form by March 31, 2022, and agree to use the payments to abate the opioid crisis in their communities will be receiving a portion of the settlement funds directly in the form of annual payments through 2038.

### Section 1.2: State Guidelines For Municipalities

According to the State-Subdivision Agreement, abatement funds allocated to municipalities shall be used to implement the strategies set forth below. Municipalities are encouraged to pool abatement funds to increase their impact, including by utilizing the [Office of Local and Regional Health's \(OLRH\) Shared Service infrastructure](#). Municipal abatement funds shall not be used to fund care reimbursed by the state, including through MassHealth and the Bureau of Substance Addiction Services (BSAS), although local or area agencies or programs that provide state-reimbursed services can be supported financially in other ways that help meet the needs of their participants. The sectors in which settlement funds may be spent include:

1. Opioid Use Disorder Treatment
2. Support People in Treatment and Recovery
3. Connections to Care
4. Harm Reduction
5. Address the Needs of Criminal-Justice-Involved-People
6. Support Pregnant or Parenting Women and their Families, Including Babies with Neonatal Abstinence Syndrome

## 7. Prevent Misuse of Opioids and Implement Prevention Education

See Appendix A for expanded guidelines for municipal funding put forth by the Attorney General's office.

### Section 1.3: Cape Cod Regional Substance Addiction Council Recommendations

The purpose of the Regional Substance Addiction Council (RSAC) is to establish a communication infrastructure across towns, providers, organizations, and individuals on Cape Cod. This allows us as a region to identify and address gaps and disparities in the service system, maximize interagency collaboration and to maximize funding and resource opportunities. Barnstable County will have a coordinated and comprehensive regional approach to substance use across the continuum of prevention, treatment, intervention, and recovery. After many meetings with the group, a list of general recommendations was developed as follows:

1. Pool funds and collaborate with area municipalities
2. Involve people impacted by substance use disorder in the conversation of how to spend the funds, ie: people in recovery, people who are actively using substances, family members, town substance use coalitions
3. Create evidence-based plans for spending
4. Spend funds on substance use-related projects that will directly impact people with substance use disorder and their loved ones

## Section 2: Community Engagement

### Section 2.1 Why Start with Community Engagement?

Decades of research shows us the importance of community engagement, especially in the public health field. The World Health Organization defines community engagement as “a process of developing relationships that enable stakeholders to work together to address health-related issues and promote well-being to achieve positive health impact and outcomes”<sup>1</sup>. Addiction, opioid use, and overdose are deeply personal topics and issues that require the input and buy-in of community members in the development of programs and spending of funds.

Focusing on community engagement ensures that important decisions will not be made in a vacuum. Because the settlement funds will be distributed over many years, engaging those who are most impacted by the opioid epidemic is an investment in the long-term value these funds can have in our community. It may be tempting as town staff members or elected officials to take on the decision-making of how funds will be utilized yourselves, but we suggest that it is far more useful if you shift the perspective of your role away from expert, and toward convener. There is great value in asking ourselves, *How might we ask the questions and hold the space for conversation so that we may amplify the voices of those most affected?*

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<sup>1</sup> Substance Abuse and Mental Health Services Administration (SAMHSA). *Community Engagement: An Essential Component of an Effective and Equitable Substance Use Prevention System*. SAMHSA Publication No. PEP22-06-01-005. Rockville, MD: National Mental Health and Substance Use Policy Laboratory. Substance Abuse and Mental Health Services Administration, 2022.

Taking this process approach results in more community buy-in, stronger relationships, and a longer-lasting impact of the efforts put forth. We all have experience working on projects where there was tremendous effort up front, plans were made, and proposals were delivered. And only after the fact, were the results shared with others for feedback and input. In some cases, waiting to gather this input at the end might have delayed the project, or in other cases, completely derailed it. Often it can necessitate going completely back to the drawing board.

Taking the time at the start to listen and centralize community voices in this effort can lead to initiatives unfolding more smoothly down the road. We go slowly at first, so that we may move with more speed in the future. We lay a foundation. In the case of the opioid abatement fund process, the foundation is based on real perspectives from community members and not just leaders telling the community what they need. "Nothing about us without us" is a slogan from the ADA advocacy community that has been adopted within the recovery community. It communicates the idea that no policy should be decided by any representative without the participation of members of the groups affected by that policy.

## Section 2.2: Goals of Community Engagement

1. To engage with the community, increasing awareness around settlement funds and other town opportunities for involvement
2. To involve people with substance use disorder and other lived experience in decision-making processes
3. To be as inclusive as possible
4. To be thoughtful and intentional with the process and to not create more harm for community members

## Section 3: Process

### Section 3.1: How to Begin

When designing a community engagement process to determine the best use of your town's settlement funds, there is no one-size-fits-all approach. The insights in this document are drawn from a process conducted in Falmouth, MA in 2023, with similar efforts now being tailored to the unique needs of Barnstable and Sandwich, MA. We offer these learnings to support other communities in Barnstable County and beyond as they navigate similar decisions.

A successful community engagement process is one that is built upon curiosity, collaboration, and the willingness to adapt and learn as you go. Whether you work with an external facilitator/consultant or not, we suggest beginning with reflecting upon and answering a series of strategic questions and continuing to keep these questions in mind as you go:

- *Why are we doing this? Always start with the why. Get very clear on the need, your purpose, and intent.*
- *Who are the players? Who is most impacted? Who are the decision-makers? What groups are established in our community? Who is not currently sitting at the table and why not? Who are the individuals and groups we want to make every effort to invite and include?*
- *What are we hoping to achieve? What does success look like?*
- *What structure and process best supports the above?*

- *Who’s missing? What’s missing? What assumptions might we be making? How can we adapt and improve?*

### Section 3.2: Timeline

In Falmouth, the process of developing a plan for community engagement was not a linear one. It took many months and an acknowledgment that they would be “building the plane while flying it” to begin making headway. While guidance and support from the State level has increased over time, at the start it can be daunting to figure out how to approach this opportunity. In Falmouth, many conversations were had before the blank canvas in front of them started to take shape. Engaging with an external facilitator and exploring the framing questions above led to a structure and process that was ultimately mapped to the following timeline:

<b>MONTH(S)</b>	<b>ACTION(S)</b>
MARCH-Month (1)	Form a Design Team
APRIL-Month (2)	Align around goals and general process overview, Coordinate with the Advisory Group
APRIL/MAY-Months (2-3)	Stakeholder analysis, Design, Communication/Outreach and Planning for the first workshop
JUNE-Month (4)	Host a large public multi-stakeholder “World Café”-style facilitated workshop to gather community input and share information
JUNE-Month (4)	Debrief the workshop
JULY/AUGUST-Months 5-6)	Identify Community Co-hosts and Plan for smaller group sessions
SEPTEMBER-Month (7)	Hold five focus group sessions within the community
SEPTEMBER/OCTOBER-Months (7-8)	Gather and synthesize input, Prepare for sharing with project participants
OCTOBER-Month (8)	Hold a “Reflecting Back” session for all participants to update them to share what was gathered and to provide an opportunity for additional feedback before the preparation of a final summary/report
NOVEMBER-Month (9)	Final synthesis and presentation to Select Board
NOVEMBER-Month (9)	Design Team Debrief and Project Wrap-up

### Section 3.3: Partners

This effort was led by the Town of Falmouth's Human Services Department and Commission on Substance Use (FCSU) in partnership with the Barnstable County Department of Human Services (BCDHS). The Commission operates with 5 appointed members. The mission of the Commission is: *"To prevent substance abuse among Falmouth's citizens, provide information and education to the community, and to promote the development and availability of a continuum of substance abuse services for all Falmouth residents."*

The Commission also has a diverse and committed Advisory Group whose members participate regularly in Commission meetings and who have been an important part of Falmouth's opioid abatement fund community engagement effort. Many of the Advisory Group members are individuals in recovery, loved ones of individuals with Opioid Use Disorder and/or service providers in the community.

The Falmouth Human Services Department works closely with the Commission and its Director, who also served as the Cape Cod Representative to the State Opioid Recovery and Remediation Fund Advisory Council, serves as the liaison between the two. *"Since 1975 the Town of Falmouth's Human Services Department has been supporting and empowering Falmouth residents and strengthening the community as a whole through advocacy, broad community participation, and ensuring access to a comprehensive range of community-based health and human services."*

In order to work efficiently and effectively, a Design Team was formed to oversee and guide the Falmouth opioid abatement fund process. This team was made up of the Chair of the FCSU, the Director of Human Services/Cape Cod representative to the state Opioid Recovery and Remediation Fund Advisory Council, and the Barnstable County Substance Use Prevention Program Manager. The Design Team also included two community members with lived experience and strong personal and professional connections in the recovery community who provided their insights and participated in planning meetings as their schedules allowed. They were especially involved in community outreach and helping to illuminate any blind spots in the planning process.

Falmouth hired consultant/facilitator, Sky Freyss-Cole to help design the overall project and to lead the engagement sessions. Freyss-Cole worked very closely with the Design Team members to plan and carry out each step along the way. Choosing to hire an external consultant allowed the Design Team, Commission, and Advisory Group members to be able to participate in the process and/or observe, depending on the need at any given time. Freyss-Cole's expertise in process design combined with Design Team members' subject matter expertise and local knowledge resulted in a solid and effective team effort.

This work is deeply valuable, and it can be quite time-consuming. It is important to set expectations clearly about the commitment it will take and also to right-size the ask for the individual. Be flexible and accommodating where you can be while also maintaining consistency and moving the process forward. Some of the folks involved will be doing so as paid employees, others will be volunteering their time and participating outside of their work schedule and other commitments. In order to make sure that you are engaging all key voices in the planning process, be mindful of this as you schedule meetings and form teams. Also know that you may need to make adjustments along the way. This was the case in Falmouth, and it was very helpful to have various opportunities for folks to be involved and share their insights as the process was being designed.

## Section 3.4: The Workshops

### **Community Workshop**

The first workshop held was a large multi-stakeholder community gathering structured around the [World Café](#) format. Participants representing all different stakeholder groups within the community participated in a series of rounds of conversation to share how they, and the community, have been impacted by the opioid epidemic. Together they identified what was working in terms of responding to the opioid epidemic in Falmouth as well as what was missing and what the priorities were moving forward. This three-hour workshop was held on a weekday evening. It was well attended and contributed a great deal of insights and energy to the overall community engagement initiative.

### **Focus Groups**

Following the community workshop, focus groups were held. Based on learnings from the first gathering, the Design Team identified groups whose voices they thought needed to be heard and/or amplified. For example: Parents in recovery or seeking recovery from Opioid Use Disorder, Loved ones who have lost someone to Opioid Use Disorder, Family members of those in active addiction and in recovery, Falmouth Black, Indigenous and People of Color impacted by the Opioid Epidemic, Falmouth Schools staff and administration and Young people in recovery or impacted (24 and under). Falmouth started by hosting five groups, knowing that it would be a work in progress and that they could continue to reach out to additional folks as needed and as they were able. It was challenging in some cases to bring a group together. The outreach took great effort and partnering with community members was essential. The focus groups were held in venues that were inviting and easily accessible. Each session was hosted in collaboration with a Community Co-Host: a member of the Falmouth Community who was also a member of the group to be gathered. This individual helped to reach out to potential participants and supported the effort. The facilitated sessions were two hours long and provided ample time for arriving, sharing experiences and input, and for decompression and connecting at the end.

### **Reflecting Back Session**

Once the information gathered from the community workshop and the focus groups had been compiled, a Reflecting Back Session was held. Folks who had participated in any of the previous sessions were invited to join. Commission members and Advisory Group members were also in attendance. During this workshop, the Design Team shared both the raw data collected thus far as well as a summary of key themes. They invited everyone present to share their feedback. This provided further input for the Commission and Advisory Group to incorporate in the final synthesis phase of the project.

### **Working Sessions with FCSU and Advisory Group**

In preparation for presenting to the Falmouth Select Board, Sky Freyss-Cole facilitated two working sessions with the Falmouth Commission on Substance Use and the Advisory Group so that they could hone in on their key messages and next steps. These sessions allowed all Commission and Advisory Group members to fully participate and discuss the content gathered during the community engagement process. Together they were able to align around how they would move forward with establishing the structures and parameters for the distribution of settlement funds in Falmouth.

### Section 3.5: Sharing the Findings

#### Report to the Select Board

In November the Human Services Director and the FCSU presented their summary of the [community engagement process](#) to the Falmouth Select Board. Throughout the process, the Design Team valued transparency and wanted to include and inform the Falmouth Community. This presentation was a culmination of those efforts. Themes gathered during the community engagement process were shared as well as insights and learnings gained along the way. The Human Services Director and the FCSU proposed how they would move forward, guiding the process of the distribution of abatement funds. The Select Board was invited to share feedback and questions.

### Section 3.6: Distributing the Funds

#### Getting the money out into the community

Once the FCSU presented the findings of the community engagement process to the Town of Falmouth, the Department of Human Services continued to work together with the FCSU to design the process for how the Opioid Settlement Funds would be distributed. A great deal of thought was put into the creation of the application and the review process for those applications. It was decided to issue one-year grants of up to \$25,000 with an option to renew for two additional years. The applications and supporting information can be found on the Opioid Abatement Funds subpage of the [Town of Falmouth website](#). The Human Services Director then convened a five-member Opioid Abatement Working Group, which included representatives of the Commission. They were tasked with the application review process and are moving forward with both the state guidance on appropriate areas of funding as well as rich community input put forward by the voices of those most impacted by the epidemic.

Getting to this point in the process has required a tremendous amount of work and dedication from both town employees and volunteers in Falmouth. Falmouth's existing capacity in Substance Use work, and the ability to quickly engage an identified group, allowed for an efficient process. For communities without existing capacity, establishing a Commission on Substance Use may be an option. Alternatively, communities may explore departments or public bodies already established who may best assume these responsibilities. Recognizing that these funds will be distributed over many years, it is important to consider where best to assign these duties to best serve the interests of your community. Who should be seated at the table guiding decisions? How can you do everything possible to continue to ensure that the voices of those most impacted are represented?

Another consideration as you move towards this phase in the process is how you plan to check back in with your community periodically. With the funds being distributed through 2038 it will be important to consider how you will remain responsive to your town's needs as time goes on. There will surely be challenges and hurdles along the way. Build into your process plenty of opportunities for capturing learnings and course correcting. Set the expectation with yourselves and others that you will be asking regularly: *Are we on track? Do we need to make adjustments? Have there been any new developments we need to consider? What are the voices of our community saying now? Is it time for another conversation?*

One thing that is wonderful about taking this type of approach in your town is that you are building a foundation of relationships and a process around how you can talk about this crisis. That way, if parts

and pieces of these efforts need to be replicated in the future to ensure the funds are being allocated in the most valuable ways, you have some solid experience and connections to build upon. This is designed to be an approach that supports learning and building capacity for having these conversations in your community. The impacts stretch far beyond the information you gather.

## Section 4: Key Takeaways

### Section 4.1: It's Worth it

The experience had in Falmouth was rich in learning. The first of the takeaways was that it's worth it. Facilitating a community engagement process takes a significant investment of time, energy, human, and financial resources. However, without that investment, the ultimate decision-makers in Falmouth would have had little to back up their recommendations or decisions related to the distribution of funds. Not only did the process result in data that could be shared and utilized, it resulted in a richness of connection and strengthened relationships within the community of those most impacted by Opioid Use Disorder and committed to creating positive change. This work centers the opioid crisis and follows the abatement strategies best practices and guidelines:

- Incorporate community input from those directly affected by the opioid epidemic.
- Address service disparities to increase access and equity in treatment and services for OUD, prevention, and harm reduction relating to opiates.
- Leverage existing state, city, town, and community opiate use disorder, mental health disorder, and behavioral health disorder programming and services.

The process in Falmouth will be ongoing and the FCSU and Town of Falmouth are committed to learning and adapting along the way.

### Section 4.2: Be Inclusive

Throughout the community engagement process, the FCSU members heard folks sharing about how in the past people had not been asked for their input or hadn't been included. Those individuals felt this experience represented a shift in the Town's approach and were grateful to be heard. The importance of including the voices of the community and those with lived experience in this process cannot be stressed enough. Also, beyond simply engaging those with lived experience in conversation, look at the makeup of your advisory groups and decision-making bodies. *How many people at the table have been impacted by OUD? How much of your community's lived experience is represented?* We recognize that in this type of work we must expect a certain level of incompleteness. At the same time, while there is no way to reach every individual and stakeholder group there is immense value in putting forward the effort and determination to do so.

### Section 4.3: Listen and Mean it

This is extremely important work. When we open up the conversation, it is crucial that we truly listen and do the best we can to represent the wishes of our communities. It is our responsibility to make sure we're honoring the needs and perspectives of those who have spoken up. This is one way to

authentically support those who are impacted. The state, municipalities, and stakeholders want to ensure that these dollars are put to work in ways that are deeply effective and reflective of what's been learned.

#### Section 4.4: Focus the Lens

One aspect of this work that proved to be somewhat daunting is that many of the needs presented are larger than the town of Falmouth. And while the town is receiving funds, some of the needs that have surfaced take much larger amounts of money to be adequately addressed. That's a challenge. The Commission found itself grappling with the following questions: How do we understand what our limitations are and how *do we acknowledge and value those limitations? In addition, how do we better understand our opportunities?*

Educator and author, [Stephen Covey](#) speaks in his work about circles of influence and circles of concern. Creating awareness around these different areas can lead to proactive behavior instead of simply reacting to areas where one may have little control. The FCSU used this framework to explore what the vast concerns were, what they might have direct control over, as well as where they may be able to focus in order to exert and expand their influence. In areas where the town doesn't have direct control, they are thinking about how they can [mobilize their community, and their voices so that they can be a part of the greater conversation](#).

#### Section 4.5: Adapting to Your Community

You may be reading this and thinking "We don't have the resources to conduct a large half-year community engagement process". That is ok, this is not a one-size-fits-all solution. This model is being offered as a source of inspiration and information to help communities create the bespoke process that works for them. However, the principles remain applicable. Listen, reach out to those who are most impacted. Do not make decisions in a vacuum or behind closed doors. Include voices of members of your community who have lived experience in every step of the process. They are the experts. Pay attention to what they have to say and take care in the way you ask and how you listen. Perhaps hold one workshop at first and then reassess to see what more you can do. See this as an opportunity to be responsive to your community. Get curious and think about this as an ongoing effort to learn, respond, repair, and improve.

As you begin engaging your community, be mindful of the fact that neighboring towns will likely be doing something similar. This is ever more reason to make the process your own. Know that as you host individuals with lived experience, service providers, community groups, elected officials, local activists, and other concerned citizens, that there may be some overlap between what you are inviting them to engage in and what they have participated in with other nearby towns. It is important that each community intentionally reflects about this topic and gathers input about how these funds should be allocated. At the same time, it is important to acknowledge that Opioid Use Disorder and its impacts are not limited to town boundaries. Acknowledge who is in the room, and what conversations they may have been a part of already and again, make sure that your community engagement process reflects your town and its needs.

The amount of Opioid Abatement funds distributed varies greatly by town. Because of this and in order to maximize the impact, rural towns may consider partnering up with neighboring communities to

pool resources. It is encouraged to explore all possibilities and to open up the Opioid Abatement Funds conversation not just within your town but also within your area, region, and county.

#### Section 4.6 An Investment

Engaging our communities in meaningful conversation about the impact of the opioid epidemic and identifying what is working and where the gaps are, is worth the effort it takes. As municipal employees and representatives, it is our responsibility to allocate these funds wisely. What better way to inform that process than together, in collaboration with our community members? This is a transparent, inclusive, and effective way to meet the needs of those we serve. Taking this approach requires a commitment of time, energy, and financial resources. Ultimately, we see this as a long-term investment in those from whom the opioid epidemic has taken so much and an investment in our future.

### Section 5: Resources

#### **CARE MASSACHUSETTS: THE OPIOID ABATEMENT PARTNERSHIP:**

<https://www.caremass.org>

Care Mass provides resources and technical assistance to help communities implement public health strategies that are both impactful and equitable.

#### **GUIDANCE FOR MUNICIPALITIES UTILIZING OPIOID SETTLEMENT ABATEMENT PAYMENTS:**

<https://www.mass.gov/info-details/guidance-for-municipalities-utilizing-opioid-settlement-abatement-payments>

- [Regional Community Engagement Assistance](#)
- [Statewide Opioid Settlement Recoveries](#)
- [Guidelines for Expenditure of Municipal Opioid Settlement Recoveries](#)
- [Municipal Abatement Funds & State Procurement Laws](#)
- [Chapter 77 Acts of 2023 – Opioid Settlement Receipts](#)
- [Statewide procurements for opioid-related programs and services](#)
- [Reporting Requirements for Municipalities](#)
- [Municipal Opioid Settlement Funding Expenditure Dashboard](#)
- [Additional Resources](#)

#### **LEARN ABOUT THE ATTORNEY GENERAL'S STATEWIDE OPIOID SETTLEMENTS WITH OPIOID INDUSTRY DEFENDANTS:**

<https://www.mass.gov/info-details/learn-about-the-ag's-statewide-opioid-settlements-with-opioid-industry-defendants>

### Section 6: Appendix

- A. Sample Agendas:
  - a. Community Workshop sample agenda
  - b. Focus Group sample agenda
  - c. Reflecting Back Session sample agenda
- B. Falmouth Opioid Abatement Funding Application

## APPENDIX A

### Appendix: Sample Agenda Guide

The following are sample agendas for the Community Workshop, the Focus Groups, and the Reflecting Back Session that were held in Falmouth. It is not recommended to lead a process or workshop solely using sample agendas. It is important to make the experiences your own and to design them in a way that best serves your community. These sample agendas are meant to serve as inspiration for possible starting points. What is most important is thoughtfully exploring the format, process, questions, and approach that will best serve your community and your specific needs.

On a more practical note, when hosting these events, we recommend using spaces that are inviting, easily accessible, well-lit, and spacious. We recommend providing food/refreshments at all gatherings. If the resources are available, you might also consider offering payment and/or gift cards as an appreciation for participation.

## ORRF Community Workshop Sample Agenda

START TIME	DURATION	ACTIVITY	DESCRIPTION/TALKING POINTS
3:30	1 hour 45 minutes	Workshop organizers/hosts arrive and set-up	Set-up the space. Round tables spread out with approximately 5-6 chairs at each. Welcome table for sign-in. Projector and screen for slides. Food/refreshments table. Resources table.
5:15	15 minutes	Welcome early arrivals	Folks may start arriving a little early. Have welcome table prepared by 5:15.
5:30	12 minutes	Sign-in and arrival	Sign in. Make sure to share email address if you want to be kept in the loop. Get a nametag (first names only). Grab some bites, find a seat.
5:42	18 minutes	Welcome and introduction	<p>Welcome and introductions:</p> <ul style="list-style-type: none"> <li>- Thank you for coming.</li> <li>- Why we're here and why we've invited you.</li> <li>- Some info about the funds, our overall process, the focus groups, today we are sharing about impact as well as identifying what's working and what the gaps are.</li> <li>- We invite you to share honestly, any notes captured this morning will be unattributed.</li> <li>- Set the tone (Be mindful of biases. We're not here to blame. We're not here to debate. Our focus tonight is on how you and our community has been impacted vs. "this is how I'd use this money".)</li> <li>- Include: Who your hosts are. Invite all organizers to stand up. Please take care of yourself and ask for support if needed.</li> </ul>
6:00	5 minutes	Participant Introductions: Who is in the room and why?	<p>Turn to your neighbor, introduce yourselves:</p> <ul style="list-style-type: none"> <li>- Why did you commit the time and energy to being here this evening? Why did you say yes?</li> </ul> <p>A way to settle into the room, everyone engaged but not having to share publicly.</p>
6:05	8 minutes	Plenary share	Get a sense of who is in the room. A few volunteers to share their voices in the whole group.
6:13	5 minutes	Process introduction	Share an overview of the process and how folks will be engaging in conversation this evening.

6:18	18 minutes	Café Round One: How have you been impacted by the opioid epidemic and/or how have you seen our community be impacted?	Key takeaways are captured.
6:36	8 minutes	Share, switch and recap	Captured notes are gathered by the facilitator at the end of the recap.
6:44	18 minutes	Café Round Two: In terms of how we respond to the opioid epidemic here in Falmouth: What's working well now? What has worked well in the past?	Key takeaways are captured.
7:02	8 minutes	Share, switch and recap	Captured notes are gathered by the facilitator at the end of the recap.
7:10	18 minutes	Café Round Three: – Part 1: Reflect on the conversations you've had so far. What's missing? Where are the gaps? – Part 2: What hasn't been said? What needs to be named now?	Key takeaways are captured.
7:28	8 minutes	Share, switch and recap	Captured notes are gathered by the facilitator at the end of the recap.
7:36	15 minutes	Break	Invite folks to get more food, use the restroom, and get some fresh air.
7:51	14 minutes	Café Round Four (return to your last table): What is staying with us? What do we want to be sure to carry forward from this conversation?	The synthesis round. So what? What are we taking with us? Capture takeaways in the provided template.
8:05	10 minutes	Report Out	One minute from each table. Making collective meaning and surfacing themes.
8:15	5 minutes	Capture any additional reflections	Capturing those themes and personal reflections on a flip chart.
8:20	8 minutes	Wrap-up, Next steps, Upcoming opportunities to engage, Thank you	<ul style="list-style-type: none"> <li>– Let folks know there are multiple ways to be heard.</li> <li>– There is a suggestion box at the sign in table, invite them to share their email addresses so that they can receive a follow-up feedback form and additional information throughout the process.</li> </ul>
8:28	2 minutes	Check-out	Ask folks to capture on a post-it note one word that summarizes this experience for them. Have them place it on a flip chart as they leave.
8:30		End/Clean-up	

### ORRF Focus Group Sample Agenda

START TIME	DURATION	ACTIVITY	DESCRIPTION/TALKING POINTS
4:45	30 minutes	Set up the space	Facilitator, Design Team Representative and Community Co-host arrive and set-up.
5:15	15 minutes	Early arrival	Participants may arrive early. Be ready to welcome them into the room.
5:30	10 minutes	Welcome and introduction	Thank folks for coming. Share the purpose of the meeting and the agenda for your time together.
5:40	15 minutes	Check-in round	Invite folks to share their names and what brought them here this evening.
5:55	15 minutes	What's working well? What has worked well in the past?	Break folks into small groups to discuss and then share back in the plenary to capture output.
6:10	15 minutes	What's missing? What's not working well?	Mix up the small groups, discuss and share back in the plenary. Capture output.
6:25	10 minutes	Break	
6:35	10 minutes	What would you like to see more of?	If there is time, as folks to focus in on what they would highlight.
6:45	10 minutes	Check-out: What's staying with you?	Have participants reflect upon what's staying with them from this session.
6:55	5 minutes	Wrap	Thank folks for coming. Share information about what's happening next in the process. End the conversation well.
7:00	30 minutes	Open Space/Decompression time	
7:30		End	

### ORRF Reflecting Back Session Sample Agenda

START TIME	DURATION	ACTIVITY	DESCRIPTION/TALKING POINTS
5:00	30 minutes	Design team and advisory group members arrive for set up	Set-up room, refreshments etc.
5:30	10 minutes	Sign-in and arrival	Sign in, make sure to share email address if you want to be kept in the loop. Get a nametag (first names only), Grab some bites, find a seat.
5:40	10 minutes	Welcome and introduction	<ul style="list-style-type: none"> <li>- Thank you for coming.</li> <li>- Why we're here and why we've invited you.</li> <li>- Some info about the funds, our overall process.</li> <li>- What has taken place so far.</li> <li>- What will be happening after this evening.</li> <li>- What we will be focusing on this evening is reflecting on some of what we have heard. We would love to hear your feedback.</li> <li>- We also want to thank you for your participation and interest in this important work in our community.</li> </ul> <p>We invite you to share honestly, any notes captured this morning will be unattributed.</p>
5:50	10 minutes	Name Round/Check-in	Share what you feel comfortable sharing (name/role(s)). What brought you here this evening?
6:00	10 minutes	Reflecting back	<ul style="list-style-type: none"> <li>- The Design Team shares content and themes captured from the gatherings this year.</li> <li>- Themes/word clouds, who we met with, and the Design Team's general takeaways so far.</li> <li>- Provide printed copies of the compiled raw data for the participants to review.</li> </ul>
6:10	5 minutes	Scan through the material. What do you see?	<p>The intention isn't to read every word. It wouldn't be possible! What jumps out at you as you look through the material?</p> <ul style="list-style-type: none"> <li>- Provide highlighters and pens for taking notes.</li> </ul>

6:15	10 minutes	Discuss in small groups	<ul style="list-style-type: none"> <li>- What did you hear or do you see?</li> <li>- What reflections do you have?</li> <li>- What resonates/stands out?</li> </ul>
6:25	10 minutes	Sharing and capturing of reflections	Capture output on a flip chart.
6:35	5 minutes	Discuss in small groups: What else?	<ul style="list-style-type: none"> <li>- What more might we add?</li> <li>- What do we want to amplify and/or not miss?</li> <li>- If Falmouth were to do this process again, what might we consider? (Questions to ask, things to do differently?)</li> </ul>
6:40	10 minutes	Report Out	1 min of sharing from each group. Capture output.
6:50	5 minutes	Appreciations	Thank you!
6:55	5 minutes	Wrap-up, Next steps	What's happening next?
7:00		End/Clean-up	

APPENDIX B



TOWN OF FALMOUTH

2024

**Opioid Abatement Funding Application Information**

The Town of Falmouth, acting through the Human Services Department and Commission on Substance Use, is requesting applications for Opioid Abatement funding from public or private, state and federally recognized nonprofit organizations, agencies, partnerships, or other interested parties to provide services, programs, or initiatives that will mitigate the impacts of the Opioid epidemic on the residents and community of Falmouth.

**Introduction & Background:**

On July 21, 2021, Massachusetts Attorney General Maura Healey announced a \$26 billion settlement agreement with opioid distributors and Johnson & Johnson, which will provide more than \$500 million to the Commonwealth and its cities and towns for prevention, harm reduction, treatment, and recovery across Massachusetts. (More information can be found at the Attorney General's website: <https://www.mass.gov/service-details/learn-about-the-ags-statewide-opioid-settlements-with-opioid-industry-defendants>)

Under the state's approved State-Subdivision Agreement, 40% of abatement funds coming into the Commonwealth under statewide opioid settlements will be allocated to the state's municipalities. 60% of the abatement funds will be allocated to the Opioid Recovery and Remediation Fund to further be dispensed into the community through Department of Public Health grants. Municipalities that completed the Subdivision Settlement Participation Form and agree to use the payments to abate the opioid crisis in their communities will be receiving a portion of the settlement funds directly in the form of eighteen (18) payments over the next seventeen (17) years.

Municipal abatement funds shall not be used to fund care reimbursed by the state, including through MassHealth and the Bureau of Substance Addiction Services (BSAS), although local or area agencies or programs that provide state-reimbursed services can be supported financially in other ways that help meet the needs of their participants. The settlement funds must be spent on services and initiatives across the continuum of Substance Use Disorder:



**Community Engagement Process:**

During 2023 the Falmouth Commission on Substance Use hosted a community engagement process to solicit input from residents, service providers, and community stakeholders who have been directly impacted by the opioid crisis. This process included a large, facilitated community conversation, 5 focus groups, and 2 workshops with the Falmouth Commission on Substance Use. The input received through this will be incorporated into funding decisions.

## GRANT TIME FRAME AND CONDITIONS FOR RENEWALS AND EXTENSIONS:

The Town of Falmouth will issue one-year grants of up to \$25,000 with an option to renew for up to two additional years. The Town of Falmouth reserves the right to determine if multiyear grants will be issued based on the scope and expected impact of the project and the organization's history of delivering similar projects.

Organizations selected for funding will enter into a contract with the Town of Falmouth to deliver the programs and services outlined in the application. The contractual start date is expected to be August 1, 2024.

The Town of Falmouth, at its sole discretion, may choose to renew a contract for up to two additional years if deliverables and benchmarks are achieved.

## SCOPE OF SERVICES:

Public agencies, state and federally recognized non-profit organizations, or other interested parties may submit applications for funding. Funding proposals from collaborative partnerships are encouraged if there is a lead organization who will be responsible for project delivery and reporting requirements. Proposals that are accepted and receive funding must provide programs and services in the following areas:

- ❖ Opioid Use Disorder (OUD) Treatment
- ❖ Harm Reduction services and programs.
- ❖ Support for people in treatment and recovery from opioid and other substance use disorders.
- ❖ Support and resources for families and loved ones impacted by others' OUD.
  - Grief support
  - Support and resources for kinship care (i.e. grandparents raising grandchildren)
- ❖ Connections to care for those seeking support for substance use disorder.
  - Treatment and recovery support navigation
  - Access to and assistance with basic needs in early recovery
  - Recovery Coaching
- ❖ The needs of criminal justice-involved people and their loved ones.
- ❖ Support for pregnant or parenting women and their families, including babies with Neonatal Abstinence Syndrome
- ❖ Prevent the misuse of opioids.
- ❖ Substance Use Prevention Education and early intervention programs for children and youth.

For a more detailed outline of approved strategies please visit: <https://www.mass.gov/doc/massachusetts-abatement-terms/download>

A Zoom Drop-In hour will be offered to answer Applicant questions on Wednesday, April 17<sup>th</sup> at 3 pm. Zoom link: <https://us06web.zoom.us/j/87977868746?pwd=F88Pth6UDwdOQJpHjc1xTaMO8YvxC.1>

## REPORTING REQUIREMENTS:

A mid-year report is due by January 31, 2025. The brief summary should include: Details of the project or services provided to date, the number and demographics of Falmouth residents served to date (age, race, ethnicity), barriers encountered, and any adjustments made as a result. Lastly, include any plans for sustaining the project/program or service if renewal funds are available.

A year-end or project close report is due no later than June 30, 2025. The summary report should include the project details and services provided throughout the year, the number and demographics of Falmouth residents served, how you have engaged minority members of the community and those with lived or living experiences related to substance use disorder, all other deliverables, benchmarks, or outcomes attained, and barriers encountered. Requests for renewal funding can be included in the year-end report and will be considered for up to 2 renewal years.

Upon request of the Falmouth Commission on Substance Use, attendance of an appropriate designee of your organization at a Commission Meeting will be required.



## Town of Falmouth OPIOID FUNDING APPLICATION

Check the category for which funding is requested:

- Prevention/Education
- Harm Reduction
- Treatment
- Recovery

### Funding Request Summary:

---

Project/Program Name: \_\_\_\_\_

- Existing project
- New project

Amount Requested: \_\_\_\_\_

(Minimum of \$1,000 and up to \$25,000. Less than \$1,000 refer to small grant application)

Total Project Budget: \_\_\_\_\_

### Narrative (attach 3-5 pages):

---

**1.) Project/Program Description (All projects must serve the Falmouth community):**

Please provide a complete description of your project and include the following:

- Describe all aspects of the project/program.
- Describe your organization and its capacity to deliver this project/program and any history in successfully delivering similar projects.
- Describe the need that your project addresses, including any data you have that supports the need, and how it addresses opioid-related impacts to the Falmouth community and residents.
- Describe who this project will benefit and how many people you anticipate will be served by this project.
- Describe the project timeline for planning and implementation. Include a start/end time if applicable.
- Provide an organization chart and list of Board of Directors

**2.) Goals of Project:**

- Describe the goals and objectives of the project and the strategies you will use to meet those goals and objectives. Include any evidence-based or evidence-informed strategies that will be utilized.

**3.) Impact, Outcomes and Evaluation:**

- Please describe the anticipated impact of your project for Falmouth residents, or the Falmouth community at large, and how it mitigates the impacts of the opioid crisis.
- Describe how you will evaluate and measure the impact and outcomes of your project.

**4.) Collaboration:**

Does your project involve collaboration with another organization or entity? For example, a community organization, healthcare organization, school, peer non-profit, faith-based organization, town department, etc.?

- If yes, please describe this collaboration and the roles of each collaborator. Please attach all Memorandums of Understanding.

**5.) Sustainability:**

- Is this a short-term or long-term project? Describe how you might plan to sustain, or enhance, this project/program in years 2 and 3 if renewal funds are available.
- Include any other pending, secured, or prospective funding sources for this project and describe the vision for long-term funding and sustainability.

**6.) Diversity, Equity, Inclusion, and Belonging:**

The Town of Falmouth is interested in strengthening our community's diversity, equity, inclusion, and belonging efforts. How does your proposal support these values?

---

**Financials/Budget:**

**Submit the Budget Worksheet** (see Appendix B)

**Submit the Budget Narrative** (see Appendix C) to include descriptions of expenses and income for this project sufficient to meet the goals of the project.

Is this project using a fiscal sponsor? (*A fiscal sponsor is a nonprofit that provides fiduciary oversight, financial management, and other administrative services to build the capacity of charitable initiatives. In a fiscal sponsorship, a sponsor organization accepts donations and grants on behalf of another group.*)

If yes, please include:

- Fiscal Sponsor Name
- Fiscal Sponsor Acknowledgement – Include a letter signed by the head of the organization acting as fiscal sponsor accepting responsibility for any funds received.

---

**Submission Deadline:**

Application is due by **May 31, 2024**, at 4:00 pm at Falmouth Human Services Office: 744 Main Street Falmouth, MA 02540. Or via email at [opioidabatement@falmouthma.gov](mailto:opioidabatement@falmouthma.gov).

**Completed Application Checklist:**

To ensure that your proposal receives all due consideration, please be sure to include all requested information and supplementary materials. Incomplete applications or missing supplementary materials may cause your application to be removed from consideration for funding.

- Completed Cover Sheet on agency letterhead (Appendix A)
- Completed Program Narrative
- Completed Budget and Budget Narrative sheets (Appendix B & C)
- State Taxes Certificate Clause (Appendix D)
- Completed Signature Page on agency letterhead (Appendix E)
- Organizational chart and list of Board of Directors (if applicable)
- Attachments – MOUs, any letters of support (not required)

## Town of Falmouth - APPENDIX A:

### On Agency Letterhead

#### COVER SHEET

- ❖ **Organization/ Partnership Name:**
  - Address:
  - City, State, Zip:
  - Phone:
  - Fax:
  
- ❖ **Lead Administrator (Responsible for contract and reports):**
  - Organization:
  - Name/Title:
  - Phone:
  - Fax:
  - E-mail:
  
- ❖ **Financial Administrator (Responsible for invoices):**
  - Name/Title
  - Phone:
  - Fax:
  - E-mail:
  
- ❖ **Federal Tax ID Number:**
  - Attach a copy of your tax-exempt certificate

**Town of Falmouth**

**APPENDIX B:**

**BUDGET WORKSHEET**

Name of Organization or Collaborative: \_\_\_\_\_

Name of Project: \_\_\_\_\_

TOTAL AMOUNT NEEDED FOR PROGRAM: \$ \_\_\_\_\_

TOTAL AMOUNT REQUESTED FROM TOWN OF FALMOUTH: \$ \_\_\_\_\_

Are you seeking additional funding, and/or do you currently have other financial support for this program? Yes  No

Will your organization/partner agencies contribute financial support for this program? Yes  No

*Organizations should include all prospective, pending or secured sources of funding in the table below and in the narrative.*

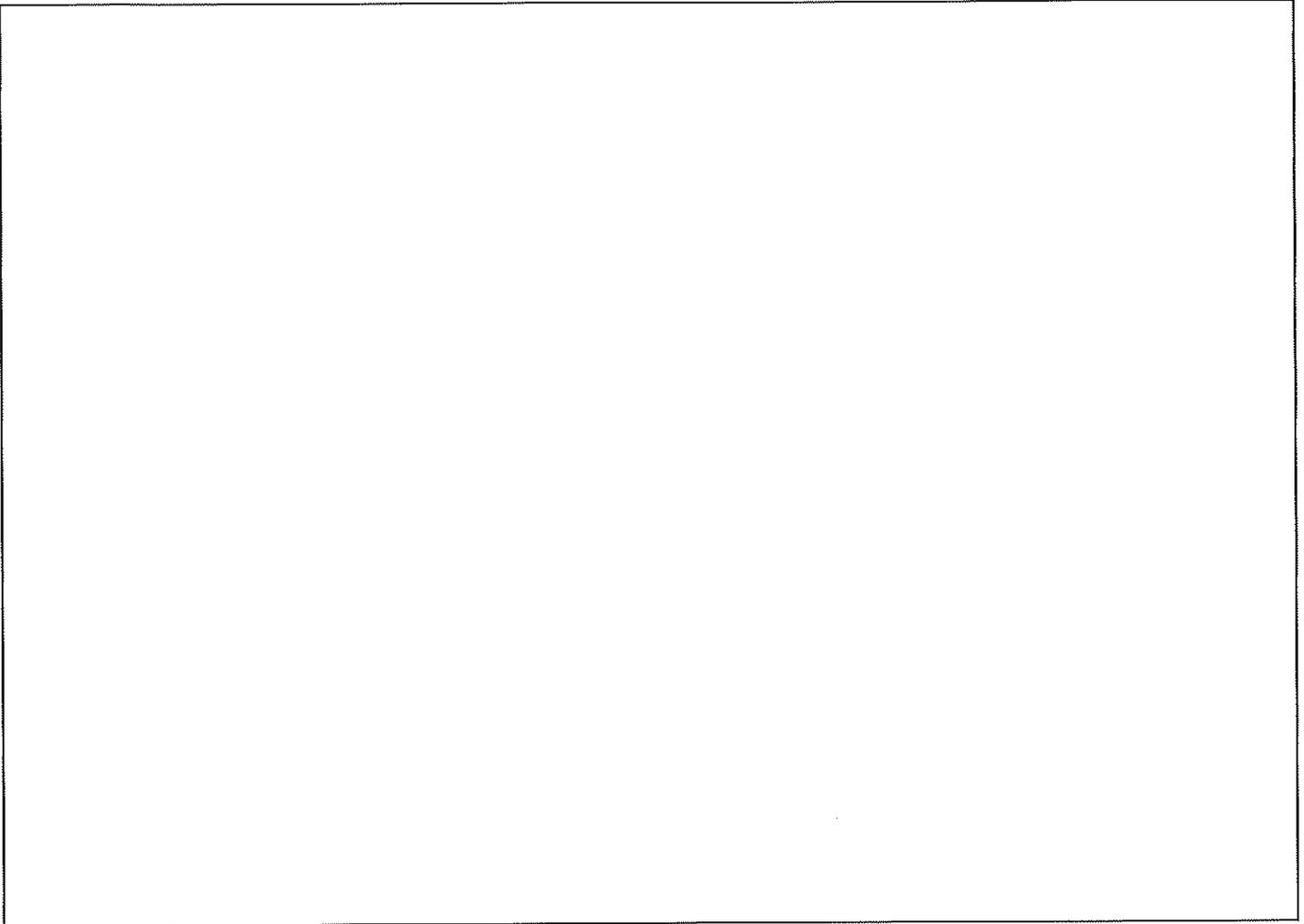
**Instructions:**

- Capital expenses must be limited and shown to be necessary to the development and delivery of programs and services.
- Include the financial contributions that the applicant's organization(s) will allocate to the proposed project in column (D) in the detailed expense category. If the program is entirely dependent on outside funding, please leave column (D) blank.

DETAILED EXPENSE CATEGORIES	(A) TOTAL PROGRAM EXPENSE	(B) TOWN OF FALMOUTH REQUEST	(C) REQUESTED/ RECEIVED FROM OTHER SOURCES	(D) OWN ORGANIZATION/ COLLABORATIVE CONTRIBUTION
Personnel Expenses:	\$	\$	\$	\$
Consultants/Contract Services:	\$	\$	\$	\$
Equipment/Supplies:	\$	\$	\$	\$
Travel:	\$	\$	\$	\$
Administrative/Overhead Expenses:	\$	\$	\$	\$
<b>Total Expenses:</b>	\$	\$	\$	\$

**Town of Falmouth APPENDIX C:**

**BUDGET NARRATIVE**

A large, empty rectangular box with a thin black border, occupying the central portion of the page. It is intended for the user to provide a narrative for the budget.

Please provide a narrative to include details and justification for expenditures as well as details of project income sufficient to meet the goals of the project.

**Town of Falmouth APPENDIX D:**

**On Agency Letterhead**

**STATE TAXES CERTIFICATE CLAUSE**

I, certify under the penalties of perjury that I, to my best knowledge and belief, have filed all State (Commonwealth of Massachusetts) tax returns and paid all State (Commonwealth of Massachusetts) taxes under law.

By: \_\_\_\_\_

\*Signature of Individual or Corporate Name

**Town of Falmouth**  
**APPENDIX E:**

**On Agency Letterhead**

**SIGNATURE PAGE**

I/we hereby certify that this proposal is submitted in good faith and the information contained herein is true and accurate to the best of my ability.

---

Signature

---

Date

---

Print Name and Title (Lead Administrator)

**Town of Falmouth Review of Applications/Selection of Applications for Funding**

Applications will be reviewed and rated by a five-member screening committee led by the Human Services Director and will include 2 members of the Human Services Committee and 2 members of the Commission on Substance Use. Based on the review and recommendations of the screening committee, applications will be selected to move on to the next round of review with the Full Commission on Substance Use in an open public meeting of the Commission. The Commission will make recommendations for funding to the Human Services Director and put them forth to the Town Manager for final approval. The following evaluation criteria and scoring system will be used:

<i>Evaluation Criteria</i>	<i>Description</i>	<i>Points</i>
Organization and Project Description	The application provides a clear and full description of the organization and project/program. Each component of the project/program is clearly defined. The application provides relevant and supporting data that documents the opioid-related impacts and needs in Falmouth and how the project will benefit the Falmouth community and residents.	20
Capacity	The Organization, and other partnering organizations, demonstrate clear capacity and staffing to deliver the proposed project/program. The application shows a commitment to and capability of delivering a quality program that will positively impact the community.	20
Goals and Strategies	The application provides clearly defined goals for the project/program and includes strategies to achieve and meet those goals. Evidence-based or evidence-informed strategies are utilized.	15
Outcomes and Evaluation	The broadly anticipated impact of the project for Falmouth residents, or the Falmouth community at large, and how it mitigates the impacts of the opioid crisis is described. A plan is offered for evaluating and measuring the impact and outcomes of the project.	15
Community Collaborations	Community collaborations and roles are evident and clearly defined. MOU's are included in the application. Strong community partnerships are evident.	10
Future Sustainability	The application offers a plan for future growth and sustainability and describes future additional funding plans.	10
Budget	The requested funds are reasonable, cost-effective, and clearly connected to the project objectives. Matching funds or in-kind services are being used to support the project/program	20
Diversity Equity Inclusion and Belonging	The application demonstrates a commitment to incorporating the perspectives of the population served in the program design and delivery. The application demonstrates a commitment to serving underserved and marginalized members of the community.	10

FALMOUTH Allocation of Municipal Opioid Abatement Funds by Settlement per MA AG website

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	TOTAL Estimated	
Distributors	\$ 99,352.46	\$ 50,910.32	\$ 91,768.33	\$ 63,721.48	\$ 63,721.48	\$ 24,277.88	\$ 74,944.14	\$ 74,944.14	\$ 74,944.14	\$ 62,998.11	\$ 62,998.00	\$ 62,998.00	\$ 62,998.00	\$ 62,998.00	\$ 62,998.00	\$ 62,998.00	\$ 62,998.00	\$ 1,122,568.48	
Johnson & Johnson	\$ 206,056.00	\$ 12,121.00	\$ 12,121.00	\$ 12,121.00	\$ 3,260.66	\$ 3,260.66	\$ 3,260.66	\$ 4,151.33	\$ 4,151.33	\$ 4,151.33								\$ 264,654.97	
Allergan	\$ -		\$ 37,235.15	\$ 18,623.69	\$ 18,623.69	\$ 18,623.69	\$ 18,623.69	\$ 18,623.69	\$ 18,623.69	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 130,353.60
Teva	\$ -		\$ 33,652.93	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ 16,832.74	\$ -	\$ -	\$ -	\$ 218,813.07
CVS	\$ -	\$ 20,699.89	\$ 16,503.00	\$ 32,979.85	\$ 32,979.85	\$ 32,979.85	\$ 32,979.85	\$ 31,332.17	\$ 29,658.33	\$ 29,658.33	\$ 29,658.33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 289,429.45
Walgreens			\$ 40,315.92	\$ 16,030.20	\$ 16,030.20	\$ 16,030.20	\$ 16,030.20	\$ 16,030.20	\$ 24,285.72	\$ 24,285.72	\$ 24,285.72	\$ 24,285.72	\$ 24,285.72	\$ 24,285.72	\$ 48,571.44	\$ -	\$ -	\$ -	\$ 314,752.68
Walmart	\$ -		\$ 163,914.22					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 163,914.22
<b>TOTAL</b>	<b>\$ 305,408.46</b>	<b>\$ 83,731.21</b>	<b>\$ 395,510.55</b>	<b>\$ 160,308.96</b>	<b>\$ 151,448.62</b>	<b>\$ 112,005.02</b>	<b>\$ 162,671.28</b>	<b>\$ 161,914.27</b>	<b>\$ 149,872.26</b>	<b>\$ 137,926.23</b>	<b>\$ 133,774.79</b>	<b>\$ 104,116.46</b>	<b>\$ 104,116.46</b>	<b>\$ 104,116.46</b>	<b>\$ 111,569.44</b>	<b>\$ 62,998.00</b>	<b>\$ 62,998.00</b>	<b>\$ 2,504,486.47</b>	
<b>Average spread across remaining years:</b>	<b>\$ 166,965.76</b>	<b>\$ 2,504,486.47</b>																	
Spent:	\$ (15,983.33)																		
Remaining:	\$ 150,982.43																		

Source: <https://www.mass.gov/lists/municipal-abatement-payments>

**OPEN SESSION**

**BUSINESS**

2. Report – Agricultural Commission **(15 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 2.

**ITEM TITLE:** Report- Agricultural Commission

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Report

---

### PURPOSE:

The Agricultural Commission will present its annual report to the Select Board.

### BACKGROUND/SUMMARY:

- The mission of the Agricultural Commission is to represent the Town of Falmouth's agricultural community and interests.
  
- The Agricultural Commission's activities include:
  - Acting as mediators, advocates, educators, and/or negotiators in an advisory capacity on farming issues for established Town Committees and Departments.
  - Promoting agriculture-based economic opportunities for the Town.
  - Pursuing all initiatives appropriate to creating a sustainable agriculture community.
  - Serving as facilitators for encouraging the pursuit of agriculture in Falmouth.

- Working for the preservation of agriculture lands owned by the Town.

**DEPARTMENT RECOMMENDATION:**

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

**OPTIONS:**

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

N/A

**TOWN MANAGER COMMENTS:**

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

*Michael Renshaw*

\_\_\_\_\_

Town Manager

10/29/2024

Date

## Agriculture Commission

The Agriculture Commission began the year out on the West Thompson Bog clearing brush and overgrowth off the bog in hopes of favorable growing conditions and a plan to open it for community cranberry picking come the fall.



The weather was with us and the morning when we opened for picking there were some folks already there ready to pick. Our ongoing plan is to keep the overgrowth cut back and to do what we can to improve the health of the vines. Thanks to the DPW for chipping the piles of brush we generated.

While not on the bog, members created two trifold pamphlets. One contained an overview of agriculture in Falmouth and the local groups promoting and assisting growers. The second pamphlet contains a listing of the local farms and the sources in town where one can purchase locally grown and produced farm products. We crowd funded an initial small printing run and placed them in what we felt were a few key locations to meet the demand. We plan to use that information to develop a printing budget. Along with the pamphlets, we have decided on a sign design identifying Falmouth as "Right to Farm" Town. We would like to place these signs on a few major roads leading into Town.

Having Care and Control oversight of Andrews Farm we continue to monitor all that goes on there. We worked with the Three Hundred Committee to update some of the dates and items in the Land Management Plan as well as clarifying the language in the Plan making it easier to return Fields 3,4, and 5 to active cultivation and use for more community gardens.

The Commission has been asked to hold a Conservation/Agriculture Restriction for Farming Falmouth on a parcel they are looking to purchase for their work in promoting sustainable small-scale agriculture. We have been working with them to ensure that the CR not only serves their needs but also works for the benefit of the Town.

The Commission continues to work on ways to slow the loss of good agriculture land to development. Toward this end we have participated with the USDA/ NRCS in identifying "Soils of Local Importance". These would be soils that have not received a designation as "Prime" soils but still hold agricultural significance. Though the designation holds no regulatory clout, it would help make the case for a CR if that was ever applied for. Along with that we continue to brainstorm ways, at the least, to slow the loss of prime agriculture land to 40B development. No magic wand there.

We do have a full Commission at this time but always welcome extra perspectives and potential new members as vacancies arise.

With gratitude for all the work and dedication of the members of the Agriculture Commission: Warren Collins, Amy Vickers, Karen Schwalbe, Jane Vose, Jack Simonds, Matt Churchill our recording secretary April Merriam and our Selectboard Liaison Doug Brown.

Stan Ingram, Chair

## **OPEN SESSION**

### **BUSINESS**

3. Consider a vote to approve a groundwater discharge assignment agreement between the Town and the Cape Cod YMCA **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 3.

**ITEM TITLE:** Consider a vote to approve a groundwater discharge assignment agreement between the Town and the Cape Cod YMCA

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Draft Assignment of Groundwater Discharge Rights agreement

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### **PURPOSE:**

The Select Board will consider the approval of an Assignment of Groundwater Discharge Rights Agreement between the Town and the YMCA Cape Cod.

### **BACKGROUND/SUMMARY:**

- On October 7, 2024 the Cape Cod YMCA and Attorney Kevin Klauer provided an update to the Select Board on the Cape Cod YMCA project and current design.
- YMCA Attorney Kevin Klauer presented the YMCA's request for the Town to consider a land credit contribution via an Assignment of Groundwater Discharge Rights involving the Town-owned parcel at 0 Brick Kiln Road.

- Following this presentation and discussion, the Select Board directed the Town Manager to work with Town Counsel and YMCA Attorney Klauer to prepare a draft Assignment of Groundwater Discharge Rights Agreement for the Board's consideration.
- The attached draft Agreement has been prepared in collaboration with Town Counsel and YMCA Attorney Klauer.
- If approved by the Select Board, the signed agreement will be held in escrow until all required permits have been secured; in this way, if the project shifts in a way that requires adjustments to the assignment of rights, the Select Board can revisit it.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the groundwater discharge assignment agreement between the Town and the YMCA Cape Cod as presented.

**OPTIONS:**

- Motion to approve the Assignment of Groundwater Discharge Rights Agreement as presented.
- Motion to deny approval of the Assignment of Groundwater Discharge Rights Agreement.
- Some other 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 Assignment of Groundwater Discharge Rights Agreement between the Town and the Cape Cod YMCA as presented.

*Michael Renshaw*

---

Town Manager

10/29/2024

Date

## ASSIGNMENT OF GROUNDWATER DISCHARGE RIGHTS

The Town of Falmouth, a municipal corporation, having a principal office located at 59 Town Hall Square, Falmouth, MA 02540, being the owners of a parcel of land known as and numbered 0 Brick Kiln Road, Falmouth, Massachusetts (Falmouth Assessor Parcel ID No. 26 02 024 000), being shown on a plan of land recorded at the Barnstable Registry of Deeds in Plan Book 448, Page 44, and being further described in a deed recorded at said Registry in Book 6942, Page 157 (hereinafter the "Facility Parcel"), said parcel being 865,537 s.f., more or less,

Hereby grants this Assignment of Groundwater Discharge Rights (the "Assignment" or "Agreement") for the sole purpose of assigning all of its rights and any credit it may have in the Water Resource Protection Overlay District (the "WRPOD"), calculated pursuant to §240-7.7B(6) of the Falmouth Zoning Bylaw, being the equivalent of 6,491 gallons per day,

To Cape Cod Young Men's Christian Association, Inc., a Massachusetts non-profit corporation with a 2245 Iyannough Road, West Barnstable, Massachusetts 02668, being the owner of the property shown as Lot **2B** on a plan of land entitled "Approval Not Required Plan located at 485 Brick Kiln Road, Falmouth, MA prepared for YMCA of Cape Cod", prepared by Green Seal Environmental LLC., which plan is duly recorded in Barnstable County Registry of Deeds in Plan Book \_\_\_\_, Page \_\_\_\_, (hereinafter the "Credit Parcel"), in accordance with the following provisions:

WHEREAS, the YMCA wishes to purchase the Credit Parcel, located within the WRPOD, for the purpose of constructing, operating and maintaining a recreational facility, and the YMCA acknowledges that this proposed use at the Credit Parcel will cause sewage flow per diem in an amount that exceeds the maximum allowances under §240-7.7 of the Falmouth zoning code pertaining to the WRPOD; and

WHEREAS, the Town of Falmouth owns the Facility Parcel and accepted the conveyance of the deed for said Facility Parcel with a dedication for use as open space or recreational purposes; further, since acceptance of the deed with said dedication, the land has remained undeveloped, unimproved and has consistently been used as open space; and

WHEREAS, the Facility Parcel is also located within the WRPOD and as such, the Town of Falmouth enjoys certain groundwater discharge rights under the bylaws and is entitled to credit for such rights to allow for 6,941 gallons per day of sewage flow; and

WHEREAS, the Town of Falmouth wishes to transfer its rights to said credit, and the YMCA wishes to accept the rights to said credit for their benefit to utilize in the calculation of sewage flow for the Credit Parcel under the WRPOD bylaws; and

WHEREAS, the Parties acknowledge that the assignment of groundwater discharge rights under this Agreement is made to serve the purpose of and ensure adherence with the protections of the WRPOD, and the groundwater discharge rights granted herein shall not be

used for any other reason except for the calculations as to sewage flow under the WRPOD bylaws.

NOW THEREFORE, to affect such assignment of groundwater rights and a transfer of the credit to allow for 6,941 gallons per day of sewage flow from the Town of Falmouth and the Facility Parcel to the YMCA and the Credit Parcel, the Parties hereto agree as follows:

1. Prohibitions. The Town of Falmouth agrees to continue to use the Facility Parcel as open space and to continue to restrict development of the Facility Parcel so as to not incur any additional sewage flow on said premises.
2. Credit Transfer. The Town of Falmouth hereby assigns to the YMCA, for the benefit of the Credit Parcel, its groundwater discharge rights and credit of the Facility Parcel to allow the YMCA an additional 6,941 gallons per day of sewage flow. The effect of such assignment is to credit the existing square footage area of the Credit Parcel so that it will be considered to contain a total of 26.03 acres of land area (being 1,133,867 square feet of land), and therefore entitled, pursuant to §240-7.7B(6) of the Zoning Bylaw, to discharge up to approximately 8,943 gallons per day of sewage flow.
3. Breach; Termination of Agreement. This Assignment shall remain in full force and effect so long as the YMCA continues to own and operate the recreational facility on the Credit Parcel in accordance with any special permits, building permits or other permits or licenses issued by the Town of Falmouth. In the event that the YMCA ceases to operate a recreational facility on the Credit Parcel or in the event that the YMCA shall convey or lease the Credit Parcel to another entity without the a mutually agreed upon amendment to this Agreement executed by both Parties, the cessation of operations and/or the conveyance or lease of the Credit Parcel shall be considered a breach of the terms and conditions of this Assignment, and the Town of Falmouth shall be entitled to terminate the Assignment. Upon such termination, any rights to groundwater discharge or credit attributable to the Facility Parcel shall revert to the Town of Falmouth.

The cessation of operations under this paragraph 3 shall mean any time that the YMCA ceases to operate the business at the Credit Parcel as a recreational facility in accordance with any special permit, building permit, or any other permit or license issued by the Town of Falmouth for longer than thirty (30) days without notice to and approval from the Falmouth Town Manager, which approval shall not be unreasonably withheld.

4. Limitations. By this Assignment, the Town of Falmouth does not convey or intend to convey any title or interest in the Facility Parcel to the YMCA.
5. Severability. If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provisions shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event the invalidated provision is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never

been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

6. Recording and Filing. The YMCA shall record and register this agreement with Barnstable County Registry of Deeds concurrently with the deed to the Credit Parcel.

7. Term. This agreement is intended to conform to M.G.L. c. 184, §26, as amended and as may be applicable.

8. Effective Date. This agreement shall become effective upon its recordation and registration with the Barnstable County Registry of Deeds.

For title to the Facility Parcel, see deed recorded in Barnstable County Registry of Deeds Book 6942, Page 157.

For title to the Credit Parcel, see deed recorded in Barnstable County Registry of Deeds herewith.

(The remainder of this page has been intentionally left blank)

In witness whereof, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Select Board, hereto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

BOARD OF SELECTMEN OF  
THE TOWN OF FALMOUTH, LICENSOR

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

\_\_\_\_\_  
Edwin P. Zylinski II, Vice Chair

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

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

\_\_\_\_\_  
Heather M. H. Goldstone

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, and to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My commission expires:

In witness whereof, the seal of the Cape Cod Young Men's Christian Association, Inc., is affixed hereto and these presents executed and delivered in its name, hereto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Cape Cod Young Men's Christian Association, Inc.

\_\_\_\_\_  
By: Stacie Peugh, President and CEO

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared Stacie Peugh, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, and to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as President and Chief Executive Officer of the Cape Cod Young Men's Christian Association, Inc.

\_\_\_\_\_  
Notary Public:  
My commission expires:

## **OPEN SESSION**

## **BUSINESS**

4. Discuss and consider the approval of a purchase and sale agreement for 599 Brick Kiln Road, West Falmouth **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 4.

**ITEM TITLE:** Discuss and consider the approval of a purchase and sale agreement for 599 Brick Kiln Road, West Falmouth

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Draft Purchase and Sale Agreement between The 300 Committee Land Trust, Inc. and The Town of Falmouth; maps

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**PURPOSE:**

**BACKGROUND/SUMMARY:**

- In the Spring of 2024, representatives of the Jeannette Ann Robichaud Revocable Trust (the Trust) contacted The 300 Committee to express interest in selling the family's 1.98 acre property at 599 Brick Kiln Road; the Committee's Land Acquisition Committee screened the property and determined that it had a high conservation value in regards to the protection of Long Pond and the drinking water supply.
  
- An appraisal of the property valued the land at approximately \$262,000.

- The property lies entirely within the Zone B Surface Water Supply Protection Area to Long Pond, which is defined as an area of land which must be protected to ensure clean drinking water.
- The Town's Department of Public Works reviewed the site along with members of The 300 Committee and concurred that acquisition of the property would further enhance the Town's ability to protect the drinking water supply.
- Because the Trust desires to close on the sale of the property by end of the 2024 calendar year and the fact that the Town must obtain Town Meeting approval for property acquisition in May 2025 and also intends to apply for Community Preservation Act funding as well as for funding through the State Drinking Water Protection Grant Program, The 300 Committee has offered to the Town to make the initial offer to the Trust with the ability to assign the right to purchase to the Town.
- The Town's purchase of the subject parcel numbered 599 Brick Kiln Road from The 300 Committee, Inc. is contingent on approval of Town Meeting and Community Preservation Act funding in the Spring of 2025.
- Town Counsel has worked with The 300 Committee's legal counsel to draft the attached Purchase and Sale Agreement.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board vote to approve the Purchase and Sale Agreement for the property at 599 Brick Kiln Road as presented.

**OPTIONS:**

- Motion to approve the Purchase and Sale Agreement for the property at 599 Brick Kiln Road as presented.
- Motion to deny approval of the Purchase and Sale Agreement for the property at 599 Brick Kiln Road.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board vote to approve the Purchase and Sale Agreement for the property at 599 Brick Kiln Road as presented.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

10/31/2024

Date

**PURCHASE AND SALE AGREEMENT**

This \_\_\_\_ day of \_\_\_\_\_, 2024.

1. PARTIES AND MAILING ADDRESSES      **The 300 Committee Land Trust, Inc.**, a Massachusetts non-profit corporation having a principal office located at 13 Thomas B. Landers Road, East Falmouth, Massachusetts 02536, hereinafter called the SELLER, agrees to SELL and

**Town of Falmouth**, acting by and through its Select Board, a Massachusetts municipality, in the County of Barnstable, having an address of 59 Town Hall Square, Falmouth, Massachusetts 02540, hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:
2. DESCRIPTION      The property known as and numbered **599 Brick Kiln Road, West Falmouth, Massachusetts**, being shown as **Lot 6A** on a plan of land recorded at the Barnstable County Registry of Deeds in **Book of Plans 608, Plan 66**, and being more particularly described in a deed recorded at said Registry in **Book 30411, Page 263**, and subsequent Deed to The 300 Committee Land Trust, Inc. to be recorded in December of 2024 (hereinafter "Premises"). Also see **Town of Falmouth Assessor's Parcel ID 26 02 022 006A**.
3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES      Included in the sale as a part of said Premises are the buildings, structures, and improvements now thereon, and the fixtures.
4. TITLE DEED      Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except

  - (a) Provisions of existing building, zoning, health and environmental laws;
  - (b) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
  - (c) Any liens for municipal betterments assessed after the date of this agreement;
  - (d) Easements, restrictions, and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises.
5. PLANS      Not applicable.
6. REGISTERED TITLE      Not applicable.
7. PURCHASE PRICE      The agreed purchase price for said Premises is **Two Hundred Sixty-Two Thousand and 00/100 Dollars (\$262,000.00)**, of which:

\$ 262000.00 are to be paid at the time of delivery of the deed by Closing Attorney's IOLTA check or wire transfer to SELLER.

**\$ 262,000.00 TOTAL**
8. TIME FOR PERFORMANCE; DELIVERY OF DEED      Such deed is to be delivered at **12:00 noon on the 11<sup>th</sup> day of August, 2025**, at the office of **Falmouth Town Counsel, located at 157 Locust Street, Falmouth, Massachusetts 02540**, unless otherwise agreed upon in writing. Time is of the essence as to each provision of this agreement. Neither SELLER nor SELLER'S counsel shall be required to attend the Closing so long as mutually acceptable arrangements have been made for delivery of the customary SELLER documents to the closing attorney prior to Closing.

9. POSSESSION AND CONDITION OF PREMISES Full possession of said premises is to be delivered at the time of delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, (b) not in violation of said building, zoning, health and/or environmental laws, and (c) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled personally to inspect said premises prior to delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause. **The interior and exterior of the structures on the premises shall be delivered in broom-clean condition at the time of closing, free of all trash, debris, exterior solid waste and personal property.**
10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of up to thirty (30) days or such shorter time as is required to bring the property into compliance with the terms of this agreement. Reasonable efforts shall be deemed not to require expenditure of more than \$1,310.00 inclusive of attorney's fees but exclusive of the discharge of monetary encumbrances.
11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc. If at the expiration of the extended time the SELLER shall have failed to so remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.
12. BUYER'S ELECTION TO ACCEPT TITLE The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to said premises in their then condition and to pay therefor the purchase price without deduction, in which case the SELLER shall convey such title.
13. ACCEPTANCE OF DEED The acceptance and recording of a deed by the BUYER or their nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.
14. USE OF MONEY TO CLEAR TITLE To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed, except a discharge of any institutional mortgage may be obtained and recorded promptly after closing according to customary conveyancing practice.
15. INSURANCE Until the delivery and recording of the deed, the SELLER shall maintain any present fire and extended coverage insurance on said premises. All risk of loss to remain with SELLER until recording of the deed.

16. ADJUSTMENTS Real estate taxes for the then current fiscal year, shall be apportioned and adjusted as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. SELLER and/or their representative shall provide documents required for any such adjustment no less than ten (10) days prior to the date of the closing.
17. ADJUSTMENT OF UNASSESSED AND ABATED TAXES If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall there-after be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.
18. BROKER'S FEE Not applicable, there are no brokers.
19. BROKER(S) WARRANTY Not applicable, there are no brokers.
20. DEPOSIT All funds paid by the Buyer shall be held by **Kelley Law, LLC** as escrow agent in a federally insured, non-interest bearing account, subject to the terms herein. In the event of any disagreement between the parties concerning to whom escrowed funds should be paid, the escrow agent shall retain said deposit pending written instructions mutually given by the Buyer and Seller or by final decree of a Court of competent jurisdiction.
21. BUYER'S DEFAULT; DAMAGES If the BUYER shall fail to fulfill the BUYER's agreements herein, all of the deposit money paid hereunder by the BUYER shall be paid over to and retained by the SELLER as liquidated damages. This shall be SELLER's exclusive remedy at law or in equity. The parties acknowledge and agree the SELLER has no other adequate remedy in the event of BUYER's default. SELLER and BUYER agree that the deposit made under the Purchase and Sale Agreement is a reasonable estimate of the loss SELLER would incur if BUYER were to breach this Purchase and Sale Agreement, including, without limitation, any losses which could result from SELLER's inability to resell the premises for the same or different agreed price due to any number of any presently indeterminable factors, whether or not any such losses are actually incurred by SELLER. The parties agree said deposit represents damages and not a penalty against BUYER.
22. RELEASE BY HUSBAND OR WIFE If applicable, the SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises. SELLER shall execute and deliver recordable affidavit(s) reasonably requested by BUYER's counsel to assure that the premises are not subject to homestead rights at the time of sale.
23. BROKER AS PARTY Not applicable.
24. LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc. If the SELLER or BUYER executed this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s): **None.**
26. CONSTRUCTION OF AGREEMENT This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.
27. LEAD PAINT LAW Not applicable.
28. SMOKE DETECTORS AND CARBON MONOXIDE ALARMS Not applicable.
29. From and after the date of this Agreement, SELLER agrees to permit BUYER and its designees, including but not limited to contractors, lenders, appraisers and the like, reasonable access, limited to three (3) visits exclusive of the final walkthrough, at reasonable times, to the said Premises. Said right of access shall be only after reasonable prior notice, considered at least twenty-four (24) hour notice, either written or oral, to the SELLER or SELLER's broker.
30. Notice: All notices required or permitted to be given hereunder shall be given in writing by registered or certified mail, proper postage prepaid, return receipt requested, and deposited with the United States Postal Service, or hand delivered, or sent by receipted facsimile transmission or email with read receipt confirmation, and shall be deemed given and effective when so mailed or hand delivered, or sent by receipted facsimile transmission or email with read receipt confirmation, evidenced by a transmission receipt evidencing a successfully completed transmission thereof, addressed to SELLER or BUYER's representative, as the case may be, at the following addresses:

In the case of SELLER: Paula M. Kelley, Esq.  
Kelley Law, LLC  
205 Worcester Court, Suite B-2  
Falmouth, MA 02540  
Telephone: 774-255-1425  
Facsimile: 774-255-1298  
Email: [Paula@kelleylaw-llc.com](mailto:Paula@kelleylaw-llc.com)

In the case of BUYER: Maura O'Keefe, Esq.  
Town of Falmouth  
157 Locust Street  
Falmouth, MA 02540  
Telephone: 508-548-8800  
Facsimile: 508-540-0881  
Email: [towncounsel@falmouthma.gov](mailto:towncounsel@falmouthma.gov)

31. Title and Practice Standards: Any matter which is the subject of a Title Standard or Practice Standard of the Massachusetts Real Estate Bar Association at the time of the delivery of the Deed shall be governed by said Title Standard or Practice Standard to the extent applicable.
32. Delivery of Documents: SELLER shall execute and deliver simultaneously with the delivery of the deed, and when required shall on oath swear to the truth of the matters therein set forth, to the best of SELLERS' knowledge and belief, such documents as may reasonably and customarily be required by BUYER's attorney, including, without limiting the generality of the foregoing, certifications or affidavits with respect to: (i) persons or parties in possession of the premises; (ii) facts or conditions which may give rise to mechanic's or materialmen's liens; (iii) tax reporting information; and (iv) a settlement statement (Closing Disclosure, ALTA Statement and/or Form HUD-1).
33. IRC Section 1445(b)(2): SELLER hereby warrants and represents that (i) SELLER is not a "foreign person" as defined by the Internal Revenue Code ("IRC"), Section 1445, and (ii) SELLER shall execute and deliver to BUYER at closing an affidavit or certificate in compliance with IRC Section 1445(b)(2) and the applicable regulations thereunder.
34. Notwithstanding anything to the contrary contained herein, the net proceeds received at the closing shall be held in escrow by SELLER's counsel until the BUYER's attorney has completed a final rundown of title to insure compliance herewith and has recorded the Deed at the Barnstable Registry of Deeds, which recording shall occur no later than the close of business of the day of closing.
35. The property is sold "AS IS" and as shown with all faults and defects, and no representations or warranties have been made by the SELLER with regard to its condition except those expressly contained in this agreement, if any, and the BUYER and SELLER agree that they have incorporated in this Agreement their entire understanding and no oral statement or prior written statement made by either of them or by any other person, extrinsic to this Agreement shall have any force and effect. BUYER hereby acknowledges that BUYER has had ample opportunity to conduct any and all inspections of the Property BUYER desired. This provision shall survive the Closing and the recording of the deed.
36. SELLER and BUYER warrant to each other that each has dealt with no real estate broker, salesperson, finder, or other person entitled to a commission or fee in connection with this transaction and each agrees to hold the other harmless from and against all damages, claims, losses and liabilities, including legal fees, incurred by the other as a result of the failure of this warranty. This paragraph shall survive delivery of the deed.
37. **Limited Power of Attorney**: BUYER and SELLER hereby authorize their respective attorneys (as the case may be) to execute on their behalf any extensions to the time for performance or to mortgage financing under this Agreement and any change of location and/or time for delivery of the deed. The BUYER and SELLER shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge before the execution or other consent to such extensions, that either party has disclaimed the authority granted herein to bind them. For purposes of this Agreement, facsimile signatures shall be construed as original.
38. This Agreement may be executed in multiple counterparts, and may initially be executed by facsimile signature with an original signature to follow, and as so executed shall constitute one document.
39. **Mechanics' Liens**. SELLER represents that no work has been done that would give rise to a mechanics' or materialmen's lien. SELLER agrees that if any mechanics' or materialmen's liens with respect to work done on the Premises on SELLER's behalf are recorded after the delivery of the Deed, SELLER will promptly cause such liens to be duly discharged of record. SELLER agrees to indemnify and hold BUYER harmless from and against any cost, loss, damage or expense, including reasonable attorneys' fees, if any, arising out of or relating to any such liens being placed on said Premises. The provisions of this paragraph shall survive the closing hereunder.
40. No notice of written communication, not heretofore rectified, has been received by SELLER to the best of SELLER'S actual knowledge (or its management agent) from (i) any public authority that a) the Premises are not zoned for their present use, or (b) there exists with respect to the Premises any condition which violates any municipal, state or federal law, rule or regulation, or (ii) any insurance carrier of the Premises regarding any dangerous, illegal or other condition requiring any corrective action.

41. Good and Clear Record; Marketable Title: It is understood and agreed by the parties that the premises shall be in compliance with the provisions of this Agreement only if:

- (a) No building, structure or improvement of any kind belonging to any other person or entity shall encroach upon or under the said premises, unless pursuant to validly recorded easement;
- (b) The premises shall abut a public way or a private way to which BUYER shall have both pedestrian and vehicular access, and if a private way, that such private way in turn has satisfactory access to a public way; which public way is duly laid out or accepted as such by the City or Town where the premises are located;
- (c) The Premises do not violate the zoning ordinances of the Town of Falmouth (the "zoning ordinances") or the provisions of Massachusetts General Laws Chapter 40A ("Chapter 40A") or the Falmouth Wetland Regulations ("FWR") or that the Premises are validly nonconforming in accordance with said zoning ordinances, Chapter 40A and/or FWR.

42. The SELLER represents that the following information is true and accurate as of the date of this Agreement, to the best of Seller's knowledge, and shall remain true and accurate as of the date of Closing. The SELLER shall immediately notify BUYER if, between the date of closing and execution of the Purchase Agreement, SELLER becomes aware of any matter that would change the accuracy of any representation, whereupon BUYER shall have the right to terminate this Agreement:

- (a) There are no underground oil storage tanks or related apparatus (including piping) for fuel oil, waste oil or other petroleum products located on or under the Premises and the SELLER has not removed such tanks or apparatus from the Premises and has no knowledge of any releases into the soil from any such tanks or apparatus;
- (b) Other than reasonable quantities of normal household products, there has been no release of any toxic or hazardous substances (as same is contemplated by MGL Ch. 21E) and no such toxic or hazardous substances have been used, released, generated, stored, treated, disposed of, or otherwise deposited, in, on, about or from the Premises, including without limitation oil, asbestos and/or chlordane;
- (c) There is no pending bankruptcy, mortgage foreclosure, or other proceeding which might in any material way impact adversely on SELLER's ability to perform under this Agreement;
- (d) There are no leases, rental arrangements, option to purchase agreements or purchase and sale agreements (other than this Agreement) involving the Property which will be binding upon the Purchaser after the Date of Closing or would have an adverse effect on the Property or SELLER's ability to consummate the transactions contemplated hereby;
- (e) There are no lawsuits currently pending or threatened which will in any way affect title to the Premises.
- (f) SELLER has no knowledge of any conditions of the Premises which constitute a violation of the provisions of any municipal, county, state or federal codes, ordinances, statutes or regulations relating to zoning, building, environmental or health matters (other than the septic system), which representation shall be deemed to have been repeated at the time and by virtue of delivery of the deed, but which representation shall not constitute a warranty against the existence of such conditions about which SELLER has no knowledge, nor representation or warranty against the discovery or occurrence of such conditions after the delivery of the deed;
- (g) SELLER has no knowledge of any municipal betterments affecting the Premises approved, pending, proposed or contemplated by the Municipality which is likely to result in an assessment against the Premises;
- (h) That at the time of the Closing, there will be no contracts, oral or in writing, involving the Premises which will be binding upon BUYER or affect the Premises in any manner.

- 43. Errors and Omissions. If any errors or omissions are found to have occurred in any calculations or figures used in the settlement statement signed by the parties (or would have been included if not for any such error or omission) and notice hereof is given within three months of the date of delivery of the deed to the party to be charged, then such party agrees to make a payment to correct the error or omission.
- 44. In the event that any deadline or date for performance or providing notice contained herein (including, without limitation, any contingencies or extensions of the time for performance under this Agreement), falls on a Saturday, Sunday or legal holiday, as the case may be, such deadline or other date shall be automatically extended to the immediately following business day.
- 45. **Seller and Buyer's obligations under the terms of this agreement are contingent upon The 300 Committee Land Trust, Inc. taking title to the property which they are currently under agreement to purchase on or around December 27, 2024. If The 300 Committee Land Trust, Inc. does not take title to the property on or around December 27, 2024, the Seller may terminate this agreement by written notice to the Buyer as herein provided prior to 5:00 p.m. on December 31, 2024, whereupon any payments made under this agreement shall be forthwith refunded to Buyer and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.**
- 46. **Buyer's obligations under the terms of this agreement are contingent upon a successful vote of Town Meeting, at the Spring 2025 Town Meeting, to appropriate Community Preservation Act funds to purchase or otherwise acquire the Premises.**

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

BUYER:

SELLER: The 300 Committee Land Trust, Inc.

\_\_\_\_\_  
 Town of Falmouth  
 By: Nancy Robbins Taylor, Chair  
 Falmouth Select Board

\_\_\_\_\_  
 By: Jo Ann Muramoto, President

\_\_\_\_\_  
 By: Richard Dotson, Treasurer

CERTIFICATE OF COMPLIANCE WITH TAX LAWS

Pursuant to Commonwealth of Massachusetts General Laws, Chapter 62C, Section 49A, I certify under the pains and penalties of perjury that, The Three Hundred Committee Land Trust, Inc. has filed all Commonwealth of Massachusetts state tax returns, has complied with all Commonwealth of Massachusetts laws relating to taxes, and has paid all Commonwealth of Massachusetts State Taxes required under law.

THE THREE HUNDRED COMMITTEE LAND TRUST, INC.

\_\_\_\_\_

By: \_\_\_\_\_

Federal Tax I.D. No. \_\_\_\_\_

Disclosure Statement for  
Transaction with a Public Agency Concerning Real Property  
M.G.L. c. 7C s. 38 (formerly M.G.L. c. 7, s. 40J)

INSTRUCTION SHEET

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

Section (1): Identify the real property, including its street address, and city or town. If there is no street address, then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Section (2): Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Section (3): Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

Section (4): Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Section (5): Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Section (6): List the names and addresses of every legal entity and every natural person that has or will have a direct or indirect beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

Section (7): Check "NONE" in the box if none of the persons mentioned in Section 6 is employed by DCAMM or an official elected to public office in the Commonwealth of Massachusetts. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM or an official elected to public office.

Section (8): The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

Section (9): Make sure that this Disclosure Statement is signed by all required parties. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

DCAMM's acceptance of a statement for filing does not signify any opinion by DCAMM that the statement complies with applicable law.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate  
Division of Capital Asset Management and Maintenance  
One Ashburton Place, 15th Floor, Boston, MA 02108

**Disclosure Statement for  
Transaction with a Public Agency Concerning Real Property  
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40)**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) REAL PROPERTY:

(2) TYPE OF TRANSACTION, AGREEMENT, or DOCUMENT:

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:

(5) ROLE OF DISCLOSING PARTY (Check appropriate role):

\_\_\_\_\_ Lessor/Landlord                      \_\_\_\_\_ Lessee/Tenant  
\_\_\_\_\_ Seller/Grantor                        \_\_\_\_\_ Buyer/Grantee  
\_\_\_\_\_ Other (Please describe): \_\_\_\_\_

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME:

RESIDENCE:

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

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

(7) None of the above-named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (Check "NONE" if NONE):

NONE

NAME:

POSITION:

\_\_\_\_\_

\_\_\_\_\_

**Disclosure Statement for  
Transaction with a Public Agency Concerning Real Property  
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

(8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

(9) This Disclosure Statement is hereby signed under penalties of perjury.

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PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

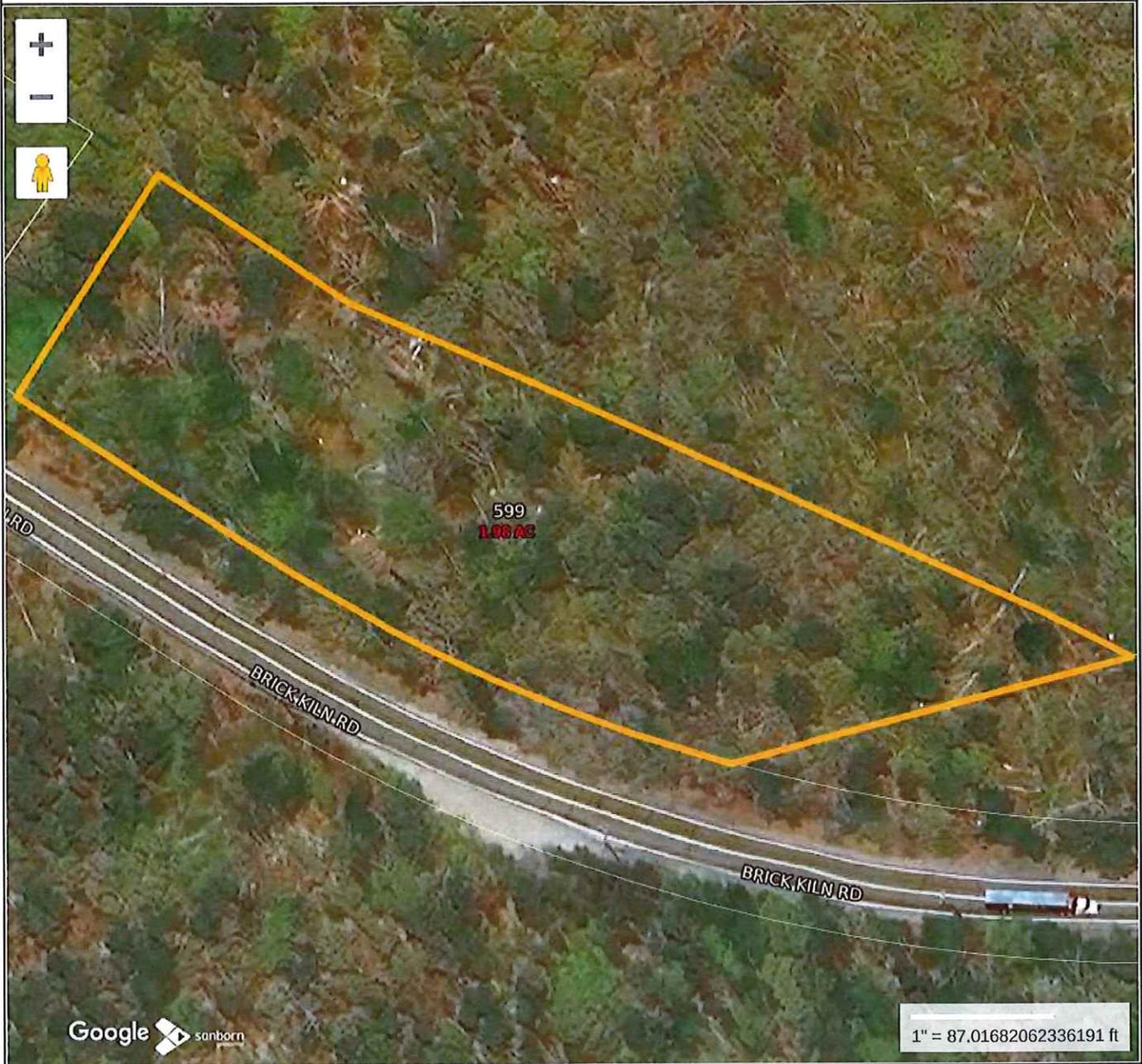
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AUTHORIZED SIGNATURE of DISCLOSING PARTY DATE (MM / DD / YYYY)

---

PRINT NAME & TITLE of AUTHORIZED SIGNER

### 599 Brick Kiln Rd Aerial



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

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

Geometry updated 10/10/2023  
Data updated 03/08/2024

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

### 599 Brick Kiln Lane Locus



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

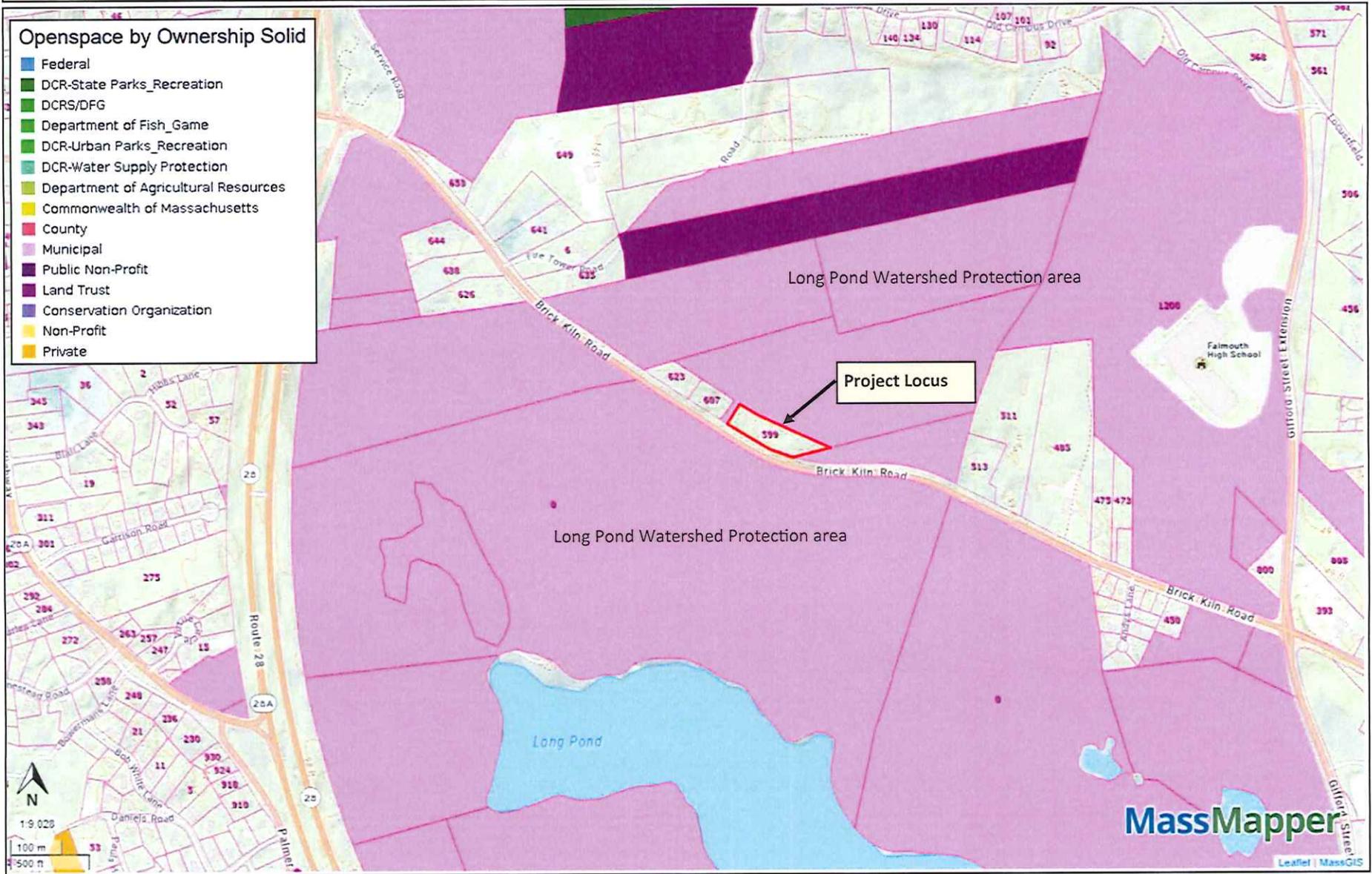
Town of Falmouth, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/10/2023  
Data updated 03/08/2024

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

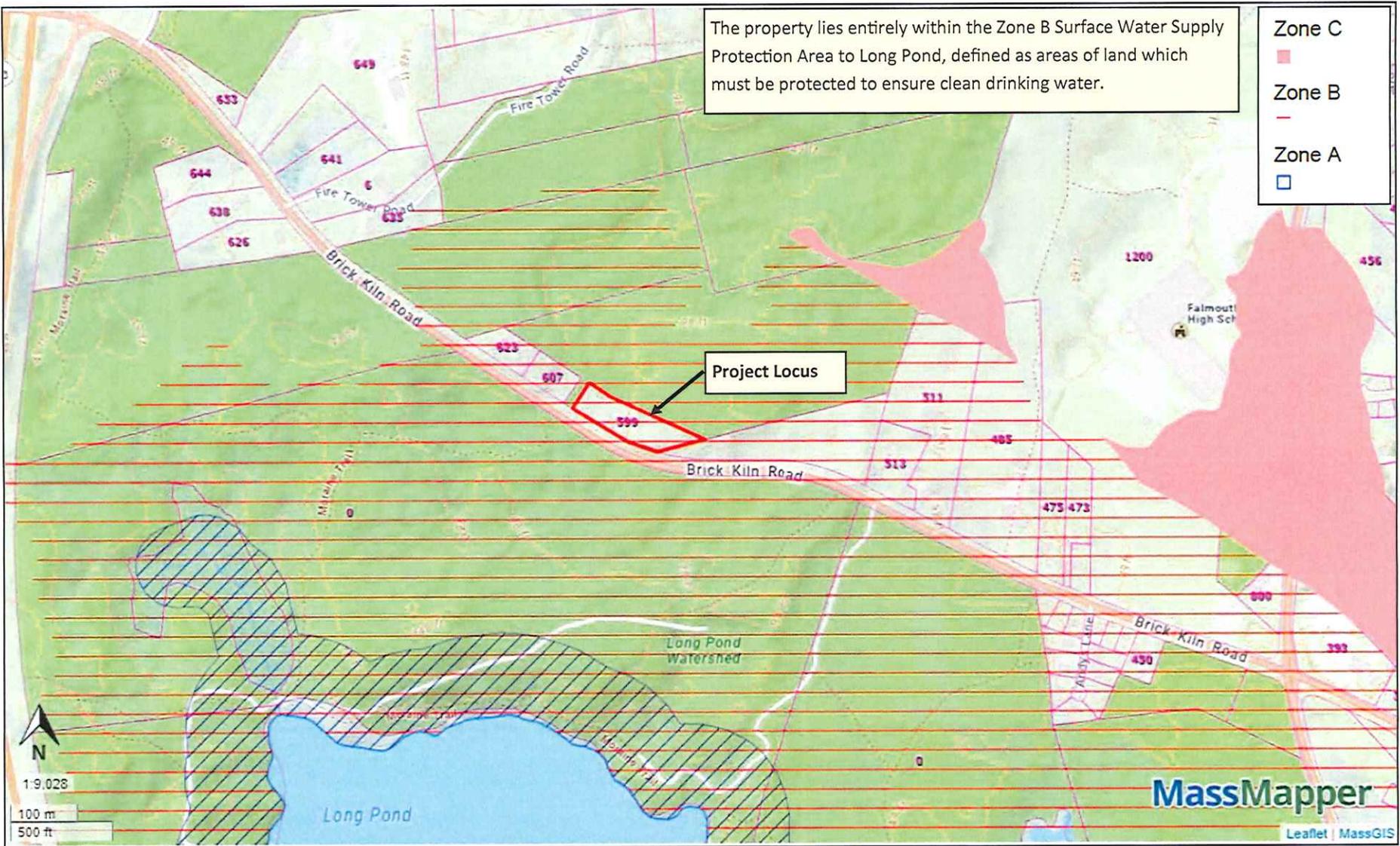
# 599 Brick Kiln Road Water Supply Protection Project

## Existing Open Space



# 599 Brick Kiln Road Water Supply Protection Project

## Surface Water protection Areas

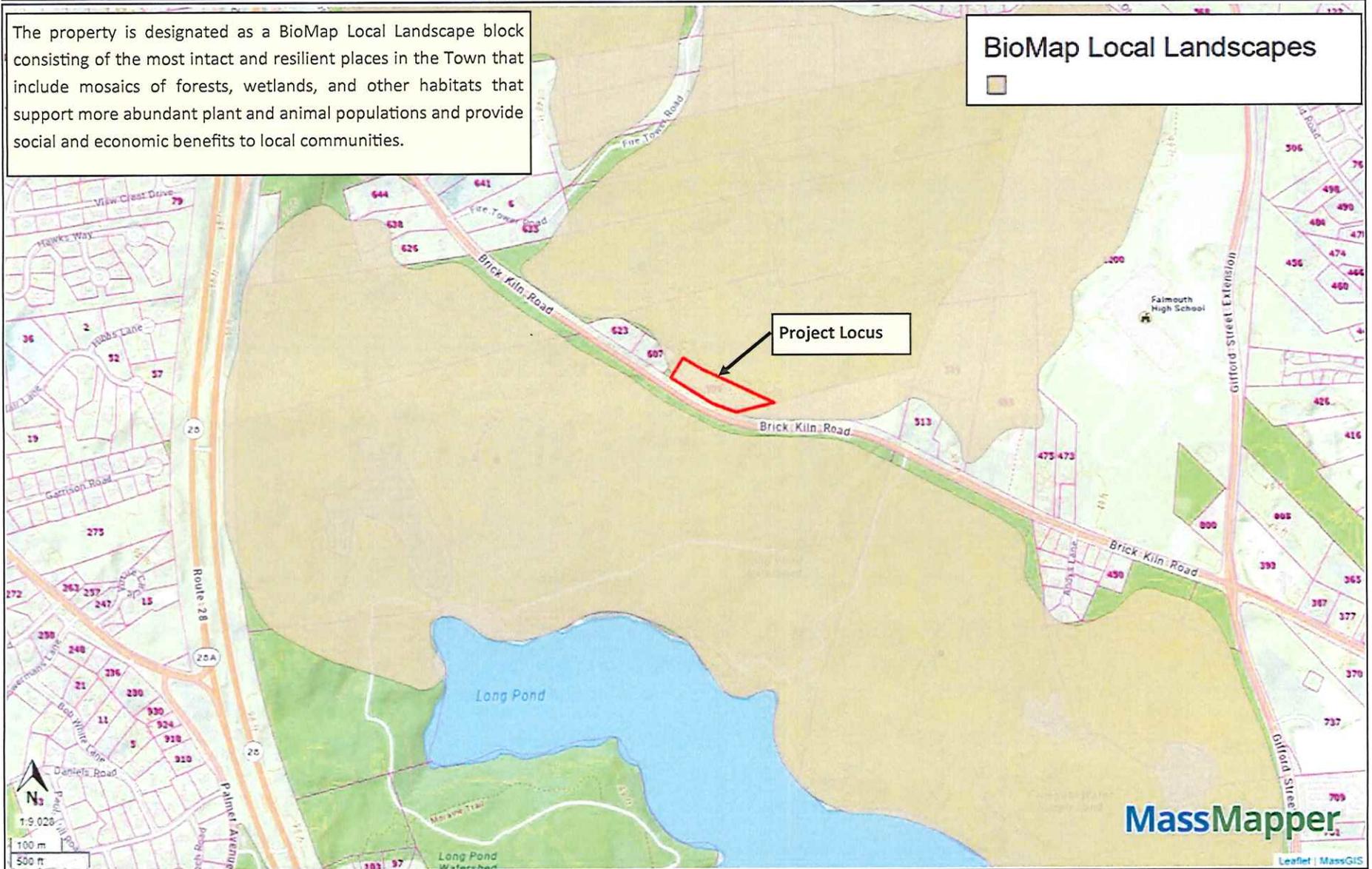


# 599 Brick Kiln Road Water Supply Protection Project

## BioMap Local Landscapes

The property is designated as a BioMap Local Landscape block consisting of the most intact and resilient places in the Town that include mosaics of forests, wetlands, and other habitats that support more abundant plant and animal populations and provide social and economic benefits to local communities.

### BioMap Local Landscapes



# 599 Brick Kiln Road Water Supply Protection Project

## Prime Forest Land

The property is designated almost entirely as USDA Natural Resources Conservation Service Prime 3 Forest Land, the protection of which will promote healthy soils and healthy soils practices.

### Prime Forest Land

- Prime 1
- Prime 2
- Prime 3
- Statewide Importance
- Local Importance
- Prime 3 Wet
- Statewide Importance Wet
- Local Importance Wet
- Unique Wet
- Non-Forested Land

Project Locus



1:2,257

30 m  
100 ft

MassMapper

Leaflet | MassGIS

# Unofficial Property Record Card - Falmouth, MA

## General Property Data

Parcel ID **26 02 022 006A** Account Number **WEST FALMOUTH**  
Prior Parcel ID **--**  
Property Owner **ROBICHAUD TRUSTEE JEANETTE ANN** Property Location **599 BRICK KILN RD**  
**J A ROBICHAUD REV TRUST** Property Use **LAND-R**  
Mailing Address **48 WALKER ST** Most Recent Sale Date **4/10/2017**  
Legal Reference **30411-263**  
City **FALMOUTH** Grantor **ROBICHAUD,JEANETTE ANN**  
Mailing State **MA** Zip **02540** Sale Price **1**  
ParcelZoning **AGAA** Land Area **1.986 acres**

## Current Property Assessment

Card 1 Value Building Value 0 Xtra Features Value 0 Land Value **199,200** Total Value **199,200**

## Building Description

Building Style	Foundation Type	Flooring Type <b>N/A</b>
# of Living Units <b>0</b>	Frame Type	Basement Floor <b>N/A</b>
Year Built <b>N/A</b>	Roof Structure	Heating Type <b>N/A</b>
Building Grade	Roof Cover	Heating Fuel <b>N/A</b>
Building Condition <b>Average</b>	Siding	Air Conditioning <b>0%</b>
Finished Area (SF) <b>N/A</b>	Interior Walls <b>N/A</b>	# of Bsmt Garages <b>0</b>
Number Rooms <b>0</b>	# of Bedrooms <b>0</b>	# of Full Baths <b>0</b>
# of 3/4 Baths <b>0</b>	# of 1/2 Baths <b>0</b>	# of Other Fixtures <b>0</b>

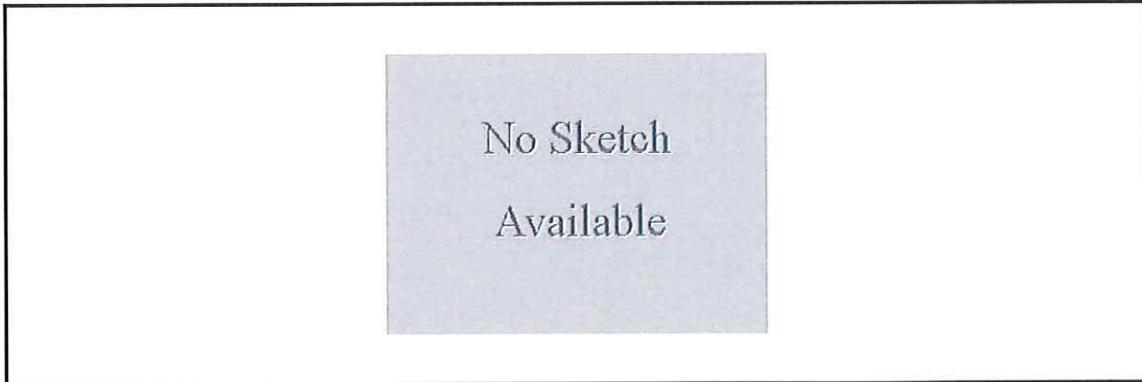
## Legal Description

PARENT LOT 26 02 022 005 /PLAN 608/66'06

## Narrative Description of Property

This property contains 1.986 acres of land mainly classified as LAND-R with a(n) style building, built about N/A , having exterior and roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

## Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

### QUITCLAIM DEED

I, **JEANETTE ANN ROBICHAUD**, of 48 Walker Street, Falmouth, County of Barnstable, Massachusetts, for consideration paid of **One Dollar (\$1.00)**, grant and convey to **JEANETTE ANN ROBICHAUD, TRUSTEE OF THE JEANETTE ANN ROBICHAUD REVOCABLE TRUST** of July 17, 2006, of 48 Walker Street, Falmouth, County of Barnstable, Massachusetts,

with Quitclaim Covenants:

A certain parcel of land, together with any buildings thereon, located in that part of Falmouth, Massachusetts, known as West Falmouth off Brick Kiln Road and being described as Lot#6A on a plan of land entitled "Plan of Land located in Falmouth - Mass. Prepared for Arthur Robichaud, Scale 1" = 40 Feet, January 9, 2006, Ferreira Associates 161A Worcester Court, Falmouth, Massachusetts 02540" and said plan being duly recorded in the Barnstable County Registry of Deeds in Plan Book 608, Page 66.

Containing 86,581 square feet of land according to said plan.

For my title see deed of Arthur W. Robichaud, 2<sup>nd</sup>, and Dorothy A. Robichaud to me recorded in the Barnstable Registry of Deeds in Book 30064, Page 246.

The Property Address is 599 Brick Kiln Road, Falmouth, Massachusetts 02540.

Witness my hands and seal this sixth day of March, 2017.

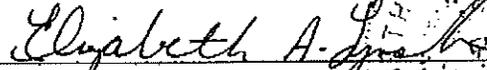
  
JEANETTE A. ROBICHAUD

COMMONWEALTH OF MASSACHUSETTS

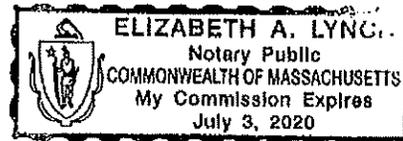
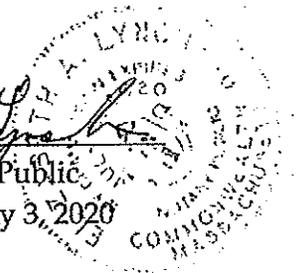
Barnstable, ss

March 6, 2017

On the sixth day of March, 2017, before me, the undersigned notary public, personally appeared Jeanette Ann Robichaud, who proved to me through satisfactory evidence of identification, which was a current Massachusetts Driver's License, to be the person who signed the preceding Quitclaim Deed before me and who acknowledged to me that she signed it voluntarily for its stated purpose.



Elizabeth A. Lynch, Notary Public  
My commission expires: July 3, 2020



BARNSTABLE REGISTRY OF DEEDS  
John F. Meade, Register

RECEIVED AND RECORDED

1 2006 MAY -1 A 10: 20

BARNSTABLE COUNTY  
REGISTRY OF DEEDS  
JOHN F. HEADE

LOCATION MAP  
SCALE: 1" = 2000'

APPROVAL NOT REQUIRED UNDER  
SUBDIVISION CONTROL LAW  
FALMOUTH PLANNING BOARD

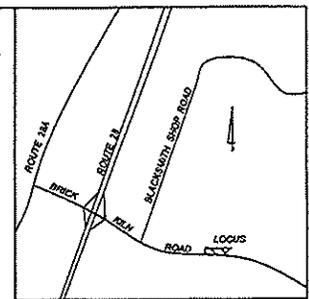
DATE: 2-7-06

*Richard Ferreira*

"I CERTIFY THAT THIS PLAN CONFORMS TO THE  
RULES AND REGULATIONS OF THE REGISTERS  
OF DEEDS."

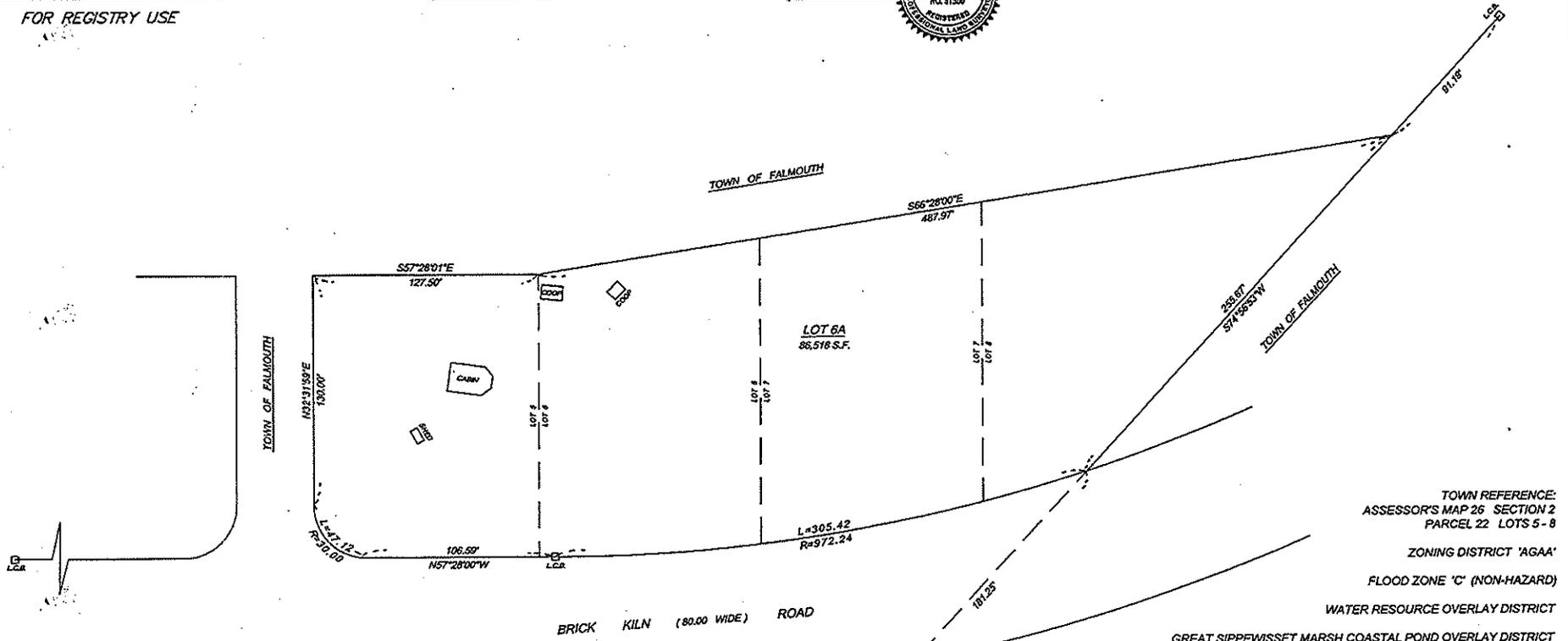
DATE: JANUARY 9,

*Richard Ferreira*



FOR REGISTRY USE

608-66



TOWN REFERENCE:  
ASSESSOR'S MAP 26 SECTION 2  
PARCEL 22 LOTS 5-8

ZONING DISTRICT 'AGAA'

FLOOD ZONE 'C' (NON-HAZARD)

WATER RESOURCE OVERLAY DISTRICT

GREAT SIPPEWISSET MARSH COASTAL POND OVERLAY DISTRICT

OWNER OF RECORD:  
ARTHUR & JEANETTE ROBICHAUD  
48 WALKER STREET  
FALMOUTH, MA 02540

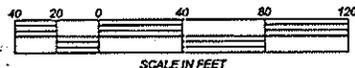
PLAN REFERENCE:  
BARNSTABLE REGISTRY OF DEEDS  
PLAN BOOK 266 PAGE 12

DEED REFERENCE:  
BARNSTABLE REGISTRY OF DEEDS  
DEED BOOK 13150 PAGE 98

PLAN OF LAND  
LOCATED IN  
FALMOUTH - MASS.  
PREPARED FOR  
ARTHUR ROBICHAUD

SCALE: 1" = 40 FT.	N.B. NO. N/A
DATE: JAN. 9, 2006	DWG. NAME: CADD
PLAN NO. BK5thru8	LDT PROJ: BrickKiln5-8

FERREIRA ASSOCIATES  
161A WORCESTER COURT  
FALMOUTH - MASS. 02540



**OPEN SESSION**

**BUSINESS**

5. Consider approval of non-union wage rates **(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 5.

**ITEM TITLE:** Consider Approval of non-union wage rates for FY2026

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Proposed Wage Rates for Technical Administrative and Management Positions (FY26), Non-Aligned Positions (FY26), Seasonal Positions (Calendar 2025)

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### PURPOSE:

The Select Board is asked to approve wage rate adjustments for non-union positions.

### BACKGROUND/SUMMARY:

- The Town maintains wage schedules for three categories of non-union positions.
  - *Technical Administrative and Management (TAM)*: This group is comprised of year-round, mostly full-time positions such as administrative assistants, information technology personnel, social workers, and most division heads and department heads. There are 55 positions in this group.
  - *Non-Aligned*: This group includes 20 year-round part-time positions and library substitutes.
  - *Seasonal*: This group contains positions that do not work year-round including positions in the Beach, Marine Environmental Services, Recreation and Public Works. There are over 150 positions in this group.

- The following factors were considered in developing proposed wage rates:
  - Ability to fill vacancies in prior years;
  - Step placement for recent new hires – i.e. were we able to fill positions at a step 4 or lower;
  - Market adjustments provided to these non-union positions in the current year and prior years;
  - Market adjustment received by other Falmouth employee groups for next year;
  - Ability to pay for wage rate increases within available budget for FY2026;
  
- Internal compensation comparisons: FY2026 Union contracts have been approved for six unions. These unions received market adjustments of 1.5% or more for at least two of the three years for these 3-year contracts. For instances when no market adjustment was awarded, there was a larger market adjustment of 10% or more within the 3-year contract.
  
- TAM positions received no market adjustments for many years until FY2024 when a 15% adjustment was approved following a compensation study. For FY2025, TAM positions received a 2% COLA and no market adjustment. Most vacant TAM positions have been filled over the past year. In some instances, the starting step rate has been above step 4. To avoid repeating past mistakes and falling behind on wage rates, a market adjustment of 1.5% is proposed.
  - ***The proposed TAM wage rates for FY2026 include a 2% COLA and a market adjustment of 1.5%.***
  - The cost of this 3.5% combined increase is estimated to be approximately \$225,000.
  
- Similar to TAM, Non-Aligned wage rates were not adjusted for many years. These wage rates were increased by 10% in FY2024 and 5% in FY2025. The Town has recently had success filling these positions. To maintain competitive wage rates, a market adjustment of 1.5% is recommended.
  - ***The proposed Non-Aligned wage rates for FY2026 include a 2% COLA and a 1.5% market adjustment.***
  - The cost of this 3.5% combined increase is estimated to be less than \$10,000.
  
- Falmouth wage rates for Seasonal positions were below market for several years resulting in many positions going unfilled prior to calendar year 2024. A 15% increase plus retention bonuses for Beach positions were implemented for 2023. A 3% increase was approved for calendar year 2024 -- this was the total increase received with no distinction between COLA and market adjustment. Most of the seasonal positions were filled this year. For lifeguard positions, the Town had more

applicants than positions available for the first time in many years. A 2% total increase is recommended for calendar year 2025 and retention bonuses for Beach staff are proposed to remain at \$400, and \$200 for parking attendants.

- *The proposed Seasonal wage rates for calendar year 2025 include a 2% increase (COLA and market combined).*
- The cost of the proposed increase is estimated to be approximately \$40,000.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends approval of the non-union wage rates as presented.

**Motion:**

Motion to vote to adopt the following wage rate adjustments:

- *Apply a 2% COLA and a 1.5 % market adjustment to the Technical Administrative and Management pay plan effective June 29, 2025.*
- *Apply a 2% COLA and a 1.5 % market adjustment to the Non-Aligned pay plan effective June 29, 2025.*
- *Apply a 2% increase to the Seasonal pay plan effective December 29, 2024.*

**OPTIONS:**

- Motion to approve the pay plans as presented.
- Motion to approve the pay plans with Board defined amendments.
- Some other 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 approval of the non-union wage rates as presented.

*Michael Renshaw*

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Town Manager

10/31/2024

Date

**Town of Falmouth**  
**Proposed Calendar Year 2025 Seasonal Salary Table - 2% COLA**  
**Proposed to be Effective December 29, 2024**

GRADE	POSITION TITLE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
S-11	Beach Superintendent	\$30.63	\$32.16	\$33.77	\$35.47	\$37.24
S-09	Assistant Beach Superintendent	\$26.88	\$28.22	\$29.63	\$31.11	\$32.67
S-08	Assistant Harbormaster/Dockmaster	\$25.12	\$26.38	\$27.69	\$29.08	\$30.54
	Beach Coordinator					
	Beach Maintenance Foreman					
	Swim Program Director					
S-07	Assistant Harbormaster/Shellfish Constable	\$23.48	\$24.65	\$25.89	\$27.18	\$28.54
	Beach Maintenance Equipment Operator					
	Beach Clerk Supervisor					
	<i>Head Summer Counselor</i>					
	<i>Herring Technician</i>					
	Lifeguard Supervisor					
	Parking Attendant Supervisor					
	Seasonal Police Officer					
	Shellfish Technician					
S-06	Assistant Animal Control Officer	\$21.95	\$23.05	\$24.20	\$25.42	\$26.69
	Beach Maintenance Laborer					
	Community Service Representative					
	<i>Conservation Technician</i>					
	Head Lifeguard					
	Seasonal Parks Laborer					
S-05	Assistant Head Lifeguard	\$20.51	\$21.54	\$22.62	\$23.76	\$24.94
	Certified Sailing Instructor					
	Pump Out Boat Operator					
	Swim Instructor					
S-04	Harbor Assistant	\$19.17	\$20.12	\$21.13	\$22.20	\$23.31
	Head Beach Clerk					
	Lifeguard					
	Sailing Instructor					
S-03	Beach Clerk	\$17.91	\$18.81	\$19.75	\$20.74	\$21.78
	Head Parking Attendant					
	Parking Lot Security - Beach Collateral Duty					
	Summer Counselor					
S-02	Parking Attendant - Day Shift	\$17.22	\$18.08	\$18.98	\$19.93	\$20.93
	Parking Attendant - Sunset Shift					
	Election Warden	\$17.68				
	Deputy Warden/Deputy Clerk	\$16.55				
	Election Clerk	\$16.55				
	Inspector	\$15.76				

Town of Falmouth  
DRAFT FY26 Non-Aligned PT Non-Union Salary Table  
2% COLA + 1.5% Market Adjustment  
Proposed to be Effective June 29, 2025

GRADE	POSITION TITLE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
NA-11	Community Preservation Committee (CPC) Coordinator	\$ 33.31	\$ 34.64	\$ 36.03	\$ 37.47	\$ 38.97	\$ 40.53	\$ 42.15
	Senior Services Kitchen Supervisor							
NA-10		\$ 31.11	\$ 32.35	\$ 33.64	\$ 34.99	\$ 36.39	\$ 37.85	\$ 39.36
NA-09		\$ 29.08	\$ 30.24	\$ 31.45	\$ 32.71	\$ 34.02	\$ 35.38	\$ 36.80
NA-08		\$ 27.17	\$ 28.26	\$ 29.39	\$ 30.57	\$ 31.79	\$ 33.06	\$ 34.38
NA-07	Senior Services Volunteer Coordinator	\$ 25.40	\$ 26.42	\$ 27.48	\$ 28.58	\$ 29.72	\$ 30.91	\$ 32.15
NA-06	Recreation Front Desk Receptionist	\$ 23.73	\$ 24.68	\$ 25.67	\$ 26.70	\$ 27.77	\$ 28.88	\$ 30.04
	Library Assistant							
	Substitute Library Assistant							
NA-05	Senior Services Laborer	\$ 22.20	\$ 23.09	\$ 24.01	\$ 24.97	\$ 25.97	\$ 27.01	\$ 28.09
	Senior Services Receptionist							
NA-04		\$ 20.71	\$ 21.54	\$ 22.40	\$ 23.30	\$ 24.23	\$ 25.20	\$ 26.21
NA-03	DPW Bridge Tender	\$ 19.36	\$ 20.13	\$ 20.94	\$ 21.78	\$ 22.65	\$ 23.56	\$ 24.50
	Library Aide							
NA-02		\$ 18.10	\$ 18.82	\$ 19.57	\$ 20.35	\$ 21.16	\$ 22.01	\$ 22.89
NA-01		\$ 16.91	\$ 17.59	\$ 18.29	\$ 19.02	\$ 19.78	\$ 20.57	\$ 21.39

**Town of Falmouth**  
**DRAFT FY26 Technical, Administrative, Management (TAM) FT Non-Union Salary Table**  
**2% COLA + 1.5% Market Adjustment**  
**Proposed to be Effective June 29, 2025**

GRADE	POSITION TITLE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
M-13	Assistant Town Manager	\$ 66.29	\$ 68.54	\$ 70.87	\$ 73.28	\$ 75.77	\$ 78.35	\$ 81.01	\$ 83.76	\$ 86.61	\$ 89.55
	Director of Public Works	\$ 137,883.20	\$ 142,563.20	\$ 147,409.60	\$ 152,422.40	\$ 157,601.60	\$ 162,968.00	\$ 168,500.80	\$ 174,220.80	\$ 180,148.80	\$ 186,264.00
	Finance Director										
	Town Counsel										
M-12	Deputy Police Chief	\$ 61.68	\$ 63.78	\$ 65.95	\$ 68.19	\$ 70.51	\$ 72.91	\$ 75.39	\$ 77.95	\$ 80.60	\$ 83.34
		\$ 128,294.40	\$ 132,662.40	\$ 137,176.00	\$ 141,835.20	\$ 146,660.80	\$ 151,652.80	\$ 156,811.20	\$ 162,136.00	\$ 167,648.00	\$ 173,347.20
M-11	Deputy DPW Director	\$ 56.59	\$ 58.51	\$ 60.50	\$ 62.56	\$ 64.69	\$ 66.89	\$ 69.16	\$ 71.51	\$ 73.94	\$ 76.45
	Human Resources Director	\$ 117,707.20	\$ 121,700.80	\$ 125,840.00	\$ 130,124.80	\$ 134,555.20	\$ 139,131.20	\$ 143,852.80	\$ 148,740.80	\$ 153,795.20	\$ 159,016.00
	IT Director										
M-10	Associate Town Counsel	\$ 53.65	\$ 55.47	\$ 57.36	\$ 59.31	\$ 61.33	\$ 63.42	\$ 65.58	\$ 67.81	\$ 70.12	\$ 72.50
	Building Commissioner	\$ 111,592.00	\$ 115,377.60	\$ 119,308.80	\$ 123,364.80	\$ 127,566.40	\$ 131,913.60	\$ 136,406.40	\$ 141,044.80	\$ 145,849.60	\$ 150,800.00
	Collector/Treasurer										
	Library Director										
	Police Captain										
	Town Accountant										
	Town Engineer										
	Wastewater Superintendent										
	Water Superintendent										
M-09	Conservation Administrator	\$ 49.88	\$ 51.58	\$ 53.33	\$ 55.14	\$ 57.01	\$ 58.95	\$ 60.95	\$ 63.02	\$ 65.16	\$ 67.38
	DEI Officer	\$ 103,750.40	\$ 107,286.40	\$ 110,926.40	\$ 114,691.20	\$ 118,580.80	\$ 122,616.00	\$ 126,776.00	\$ 131,081.60	\$ 135,532.80	\$ 140,150.40
	Emergency Communications Director										
	Fleet Services Manager										
	Highway Superintendent										
	Human Services Director										
	Parks/Forestry Superintendent										
	Recreation Director										
	Senior Services Director										
	Town Planner										

Grade	Position Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
M-08	Assistant Library Director	\$ 44.67	\$ 46.19	\$ 47.76	\$ 49.38	\$ 51.06	\$ 52.80	\$ 54.60	\$ 56.46	\$ 58.38	\$ 60.36
	Coastal Resilience Specialist	\$ 92,913.60	\$ 96,075.20	\$ 99,340.80	\$ 102,710.40	\$ 106,204.80	\$ 109,824.00	\$ 113,568.00	\$ 117,436.80	\$ 121,430.40	\$ 125,548.80
	Housing Coordinator										
	Network Administrator										
	Senior Wastewater Project Manager										
	Sustainability Specialist										
M-07	Assistant Human Resources Director	\$ 43.18	\$ 44.65	\$ 46.17	\$ 47.74	\$ 49.36	\$ 51.04	\$ 52.78	\$ 54.57	\$ 56.43	\$ 58.35
	Clinical Social Worker	\$ 89,814.40	\$ 92,872.00	\$ 96,033.60	\$ 99,299.20	\$ 102,668.80	\$ 106,163.20	\$ 109,782.40	\$ 113,505.60	\$ 117,374.40	\$ 121,368.00
	GIS Coordinator										
	IT Systems Analyst										
	Police Social Worker										
M-06	Assistant Town Planner	\$ 41.14	\$ 42.54	\$ 43.99	\$ 45.49	\$ 47.04	\$ 48.64	\$ 50.29	\$ 52.00	\$ 53.77	\$ 55.60
	Business Systems Manager	\$ 85,571.20	\$ 88,483.20	\$ 91,499.20	\$ 94,619.20	\$ 97,843.20	\$ 101,171.20	\$ 104,603.20	\$ 108,160.00	\$ 111,841.60	\$ 115,648.00
	Community Development Planner										
	IT Systems Administrator										
	Outreach Coordinator - Senior Services										
M-05	IT Support Specialist II	\$ 39.21	\$ 40.54	\$ 41.92	\$ 43.35	\$ 44.82	\$ 46.34	\$ 47.92	\$ 49.55	\$ 51.23	\$ 52.97
	Office Manager to the Town Manager and Select Board										
M-04	Administrative Assistant to the Fire Chief	\$ 34.09	\$ 35.25	\$ 36.45	\$ 37.69	\$ 38.97	\$ 40.29	\$ 41.66	\$ 43.08	\$ 44.54	\$ 46.05
	Administrative Assistant to the Police Chief										
	Benefits Administrator										
	Paralegal/Administrative Assistant to Town Counsel's Office										
M-03	Administrative Assistant to the Town Manager	\$ 29.61	\$ 30.62	\$ 31.66	\$ 32.74	\$ 33.85	\$ 35.00	\$ 36.19	\$ 37.42	\$ 38.69	\$ 40.01
	Human Resources Assistant										
	IT Support Specialist I										
	Solid Waste Coordinator										
M-02		\$ 25.79	\$ 26.67	\$ 27.58	\$ 28.52	\$ 29.49	\$ 30.49	\$ 31.53	\$ 32.60	\$ 33.71	\$ 34.86
M-01		\$ 22.38	\$ 23.14	\$ 23.93	\$ 24.74	\$ 25.58	\$ 26.45	\$ 27.35	\$ 28.28	\$ 29.24	\$ 30.23

## **OPEN SESSION**

### **BUSINESS**

6. Consider approval of an application for a Change of Manager of an All-Alcoholic Beverages Club License – Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth **(5 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 6.

**ITEM TITLE:** Consider approval of an application for a Change of Manager of an All-Alcoholic Beverages Club License- Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** License Application Review form; Retail Alcoholic Beverages License Application- Amendment- Change of Manager dated August 30, 2024; TIPS Certificate; Staff review emails

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### PURPOSE:

The Select Board is requested to review and approve an application for a Change of Manager of an All-Alcoholic Beverages Club License- Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth.

### BACKGROUND/SUMMARY:

- The applicant, Falmouth Yacht Club, submitted the proper Retail Alcoholic Beverages License Application Amendment- Change of Manager form (attached, dated August 30, 2024).
- The proposed new manager's name is Michael Ceku.

- The Falmouth Police Department, Fire Rescue Department, and Health Department have reviewed the application and have no objection to its approval.
- The proposed new manager has successfully completed the required background check.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the application for a Change of Manager of an All-Alcoholic Beverages Club License- Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth as presented.

**OPTIONS:**

- Motion to approve the application for a Change of Manager of an All-Alcoholic Beverages Club License- Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth as presented.
- Motion to deny approval of the application for a Change of Manager of an All-Alcoholic Beverages Club License- Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth.
- Some other 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 application for a Change of Manager of an All-Alcoholic Beverages Club License- Falmouth Yacht Club located at 290 Clinton Avenue, Falmouth as presented.

*Michael Renshaw*

---

Town Manager

10/29/2024

Date

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Falmouth Yacht Club

Address: 290 Clinton Avenue

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

New License \_\_\_\_\_

Transfer of License \_\_\_\_\_

Change of License Chage of Manager

Police No objections

Fire No objections

Building \_\_\_\_\_

Health No issues

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

**NOTES:**



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

**AMENDMENT-Change of Manager**

**Change of License Manager**

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Falmouth Yacht Club	Falmouth	00006-CL-0390

**2. APPLICATION CONTACT**

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

Name	Title	Email	Phone
Michael Ceku	General Manager	gm@falmouthyc.com	[REDACTED]

**3A. MANAGER INFORMATION**

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	Michael Ceku	Date of Birth	[REDACTED]
Residential Address	5 Ridgehill Lane, Sagamore Beach, MA 02562		
Email	gm@falmouthyc.com	Phone	[REDACTED]
Please indicate how many hours per week you intend to be on the licensed premises	60	Last-Approved License Manager	Arianne Damon

**3B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?  Yes  No \*Manager must be U.S. citizen  
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.  
 Have you ever been convicted of a state, federal, or military crime?  Yes  No  
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

**3C. EMPLOYMENT INFORMATION**

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

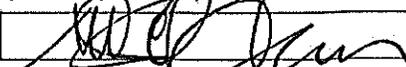
Start Date	End Date	Position	Employer	Supervisor Name
03/20/24	08/30/24	Manager	Flying Bridge Restaurant	Tyler Hyes
12/27/21	10/13/23	Clubhouse Manager	Sacconnesset Golf Club	Charlie Passios

**3D. PRIOR DISCIPLINARY ACTION**

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date **8/30/2024**

## APPLICANT'S STATEMENT

I, Michael Richards the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

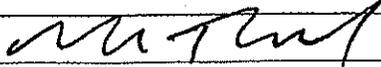
of Falmouth Yacht Club  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

9/2/24

Title:

Commordore

**ENTITY VOTE**

The Board of Directors or LLC Managers of  Entity Name  
duly voted to apply to the Licensing Authority of  City/Town and the  
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on  Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

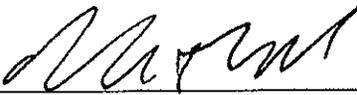
"VOTED: To authorize  Name of Person

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

"VOTED: To appoint  Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

  
Corporate Officer /LLC Manager Signature

Michael Richards  
(Print Name)

For Corporations ONLY

A true copy attest,

\_\_\_\_\_  
Corporation Clerk's Signature

\_\_\_\_\_  
(Print Name)



eTIPS On Premise 3.1

**CERTIFIED**

Issued: 12/11/2021

Expires: 12/11/2024

ID#: 5613895

Michael M Ceku

[REDACTED]  
Sagamore Beach, MA 02562-2544

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

**Background Check - Michael Ceku of Falmouth Yacht Club  
Manager of Alcoholic Beverage License**

An administrative background check has been completed by the Falmouth Police Department of the municipal license applicant listed below:

**Michael Ceku of Falmouth Yacht Club**

The department did not locate anything that may disqualify this municipal license applicant.

Sincerely,

**Phyllis Downey**

---

**From:** Brian Reid <brian.reid@falmouthpolicema.gov>  
**Sent:** Thursday, October 24, 2024 11:00 AM  
**To:** Falmouth Licensing; Sean Doyle; Jeff Lourie; Ryan Hergt; Boyd Demello; Craig O'Malley; Falmouth Health Department; Gary Street  
**Cc:** Pam Marshall; Paula Gerry; Jodie Zinna  
**Subject:** Re: Falmouth Yacht Club - Change of Manager application

No objection from Police.

Respectfully,



Brian L. Reid  
Captain of Operations  
Falmouth Police Department  
774-255-4527 ext. 4502

---

**From:**

Falmouth Licensing <licensing@falmouthma.gov>  
**Sent:** Friday, October 18, 2024 3:43 PM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Falmouth Health Department <health@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>  
**Cc:** Pamela Marshall <pamela.marshall@falmouthma.gov>; Paula Gerry <paula.gerry@falmouthma.gov>; Jodie Zinna <jodie.zinna@falmouthma.gov>  
**Subject:** Falmouth Yacht Club - Change of Manager application

Good afternoon,

Attached please find an application by Falmouth Yacht Club for a Change of Manager. The proposed manager Michael Ceku has completed the Town background check. Please provide your recommendations to the Select Board by Monday October 28.

Thank you,  
Phyllis  
**Phyllis Downey**  
Town Manager & Select Board Office  
59 Town Hall Square  
Falmouth MA 02540  
508-495-7325

## Phyllis Downey

---

**From:** Morgan Cardoso  
**Sent:** Thursday, October 24, 2024 12:40 PM  
**To:** Falmouth Licensing  
**Cc:** Scott McGann  
**Subject:** RE: Falmouth Yacht Club - Change of Manager application

No issues from health.



**Morgan Cardoso**  
*Health Inspector*  
(508) 495-7486 | [morgan.cardoso@falmouthma.gov](mailto:morgan.cardoso@falmouthma.gov)

**Town of Falmouth Health Department**  
59 Town Hall Square, Falmouth, MA 02540

**Please Note:**

The Town of Falmouth Health Department has rolled out PermitEyes (online permitting system). Please see the links below to register, apply or for Public View. .

Applicant Registration Page : <https://permiteyes.us/falmouth/userregistration.php>

Applicant Side Login Page : <https://permiteyes.us/falmouth/loginuser.php>

Public View Site (no login required): <https://permiteyes.us/falmouth/publicview.php>

---

**From:** Falmouth Licensing <[licensing@falmouthma.gov](mailto:licensing@falmouthma.gov)>  
**Sent:** Friday, October 18, 2024 3:44 PM  
**To:** Brian Reid <[brian.reid@falmouthpolicema.gov](mailto:brian.reid@falmouthpolicema.gov)>; Sean Doyle <[sean.doyle@falmouthpolicema.gov](mailto:sean.doyle@falmouthpolicema.gov)>; Jeff Lourie <[Jeff.Lourie@falmouthpolicema.gov](mailto:Jeff.Lourie@falmouthpolicema.gov)>; Ryan Hergt <[ryan.hergt@falmouthpolicema.gov](mailto:ryan.hergt@falmouthpolicema.gov)>; Boyd Demello <[boyd.demello@falmouthfirema.gov](mailto:boyd.demello@falmouthfirema.gov)>; Craig O'Malley <[craig.omalley@falmouthfirema.gov](mailto:craig.omalley@falmouthfirema.gov)>; Falmouth Health Department <[health@falmouthma.gov](mailto:health@falmouthma.gov)>; Gary Street <[gary.street@falmouthma.gov](mailto:gary.street@falmouthma.gov)>  
**Cc:** Pam Marshall <[pamela.marshall@falmouthma.gov](mailto:pamela.marshall@falmouthma.gov)>; Paula Gerry <[paula.gerry@falmouthma.gov](mailto:paula.gerry@falmouthma.gov)>; Jodie Zinna <[jodie.zinna@falmouthma.gov](mailto:jodie.zinna@falmouthma.gov)>  
**Subject:** Falmouth Yacht Club - Change of Manager application

Good afternoon,

Attached please find an application by Falmouth Yacht Club for a Change of Manager. The proposed manager Michael Ceku has completed the Town background check. Please provide your recommendations to the Select Board by Monday October 28.

Thank you,  
Phyllis

**Phyllis Downey**  
Town Manager & Select Board Office  
59 Town Hall Square  
Falmouth MA 02540  
508-495-7325

## Phyllis Downey

---

**From:** Boyd Demello <boyd.demello@falmouthfirema.gov>  
**Sent:** Thursday, October 24, 2024 4:02 PM  
**To:** Phyllis Downey; Craig O'Malley  
**Subject:** RE: Reminder: Falmouth Yacht Club - Change of Manager application

Fire Rescue has no objections

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

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

---

**From:** Phyllis Downey <phyllis.downey@falmouthma.gov>  
**Sent:** Thursday, October 24, 2024 16:00  
**To:** Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>  
**Subject:** Reminder: Falmouth Yacht Club - Change of Manager application

Good afternoon Boyd & Craig,

This is just a reminder that this application will be reviewed by the Select Board on Monday, November 4<sup>th</sup>. Please forward this any recommendations your office may have.

Thank you,  
Phyllis

**Phyllis Downey**  
508-495-7325

---

**From:** Falmouth Licensing  
**Sent:** Friday, October 18, 2024 3:44 PM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Falmouth Health Department <health@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>  
**Cc:** Pam Marshall <pamela.marshall@falmouthma.gov>; Paula Gerry <paula.gerry@falmouthma.gov>; Jodie Zinna <jodie.zinna@falmouthma.gov>  
**Subject:** Falmouth Yacht Club - Change of Manager application

Good afternoon,

## **OPEN SESSION**

### **BUSINESS**

7. Consider submitting a Letter of Support to the U.S. Secretary of Transportation for the Cape Cod Bridges-Bourne Bridge Funding  
**(10 minutes)**



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Business 7.

**ITEM TITLE:** Consider submitting a Letter of Support to the U.S. Secretary of Transportation for the Cape Cod Bridges-Bourne Bridge Replacement Funding

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** Letter of Support

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### **PURPOSE:**

The Select Board will consider the approval and submission of a Letter of Support to U.S. Secretary of Transportation Pete Buttigieg for the Cape Cod Bridges-Bourne Bridge Replacement Funding.

### **BACKGROUND/SUMMARY:**

- The United States Department of Transportation has allocated approximately \$1.7 billion in funding for Phase 1 of the Cape Cod Bridges Program for the replacement of the Sagamore Bridge (coupled with \$700 million in funding provided by the Commonwealth).
- On September 25, 2024, the Barnstable County Commissioners submitted a Letter of Support for Phase 2 of the Cape Cod Bridges Program, which involves the replacement of the Bourne Bridge.

- The Bourne Bridge, owned and maintained by the U.S. Army Corps of Engineers, serves as the gateway for over 250,000 Cape and Islands residents and millions of visitors each year.
- With over 35 million vehicle crossings each year, the Bourne Bridge is a critical asset for the economic health of Cape Cod and the surrounding communities.
- Applications were made in May and August of 2024 for a Multimodal Project Discretionary Grant (MPDG) and Bridge Investment Program (BIP) respectively, and the total amount of funding being requested for Phase 2 is on the same scale of the Phase 1 request of over \$1 billion and would be a significant step towards funding the replacement of the Bourne Bridge.
- A draft Letter of Support similar to that which was submitted by the Barnstable County Regional Board of Commissioners is attached for the Select Board's review and consideration.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the submittal of the attached Letter of Support to the U.S. Secretary of Transportation for the Cape Cod Bridges-Bourne Bridge Replacement Funding.

**OPTIONS:**

- Motion to approve and submit the attached Letter of Support to the U.S. Secretary of Transportation for the Cape Cod Bridges-Bourne Bridge Replacement Funding.
- Motion to deny the approval and submission of the attached Letter of Support to the U.S. Secretary of Transportation for the Cape Cod Bridges-Bourne Bridge Replacement Funding.
- Some other 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 submittal of the attached Letter of Support to the U.S. Secretary of Transportation for the Cape Cod Bridges-Bourne Bridge Replacement Funding.

*Michael Renshaw*

---

**Town Manager**

10/30/2024

**Date**



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

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

November 4, 2024

Secretary Pete Buttigieg  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Subject: Cape Cod Canal Bridges – Bourne Bridge Funding

Dear Secretary Buttigieg,

On behalf of the residents of the Town of Falmouth, we are writing to express our continued and strong support for federal funding to replace the Cape Cod Canal Bridges and we are in strong support of the most recent application for federal funding to replace the Bourne Bridge.

First, we would like to thank you and the entire Biden-Harris Administration and United States Department of Transportation (USDOT) for providing federal resources for the Sagamore Bridge Project, which is Phase 1 of the Cape Cod Bridges Program. The approximately \$1.7 billion in federal funding that has been made available is crucial to ensuring that this critical project continues to move forward. Coupled with the \$700 million commitment from the Commonwealth, these funds are essential to advancing this critical project.

With respect to Phase 2, the replacement of the Bourne Bridge, we want to convey our very strong support for the joint applications from Massachusetts Department of Transportation (MassDOT)/United States Army Corps of Engineers (USACE) for the Multimodal Project Discretionary Grant (MPDG) and Bridge Investment Program (BIP).

The Bourne Bridge, currently owned and maintained by the USACE, is a vital asset for the Cape Cod economy and surrounding communities and serves as a gateway to Cape Cod for more than 250,000 Cape and Islands residents and millions of visitors annually. With more than 35 million vehicles crossing the canal each year, the Bourne bridge is a vital access point for vehicular traffic to and from Cape Cod and serves as an essential route for access to the islands of Martha's Vineyard and Nantucket.

The pending federal grant requests to undertake Phase 2 (Bourne Bridge) include a Multimodal Project Discretionary Grant (MPDG) submission in May 2024 and an application to the Bridge Investment Program (BIP) that was submitted in August 2024. While these grant requests are pending the amounts are not typically shared. We understand the requests are on the same order of magnitude as the Phase 1 request for over \$1 billion and would represent a significant step forward toward the second phase of the Cape Cod Bridges Program—the replacement of the Bourne Bridge.

We also want to express our strong confidence and support for the Healy-Driscoll Administration's plans to implement both these projects. The Administration has helped in several ways to get this project moving in a very short time. We also appreciate their commitment to provide state funds to augment the federal support.

Once again, we thank you for your funding support for the Phase 1 of the Cape Cod Bridges Program. We urge you to support the Commonwealth's efforts to get Phase 2 funded and approve the pending grant applications that are now before you and the U.S. Department of Transportation.

These bridges are critical to the economy, public safety and future of Cape Cod as they provide the sole vehicle crossings to the region and are a vital connection to Nantucket and Martha's Vineyard. The importance of the bridges to the residents, businesses, and visitors to the Cape and Islands cannot be overstated.

We are very grateful for your support and look forward to our continued partnership.

Thank you for your consideration.

Sincerely,

Falmouth Select Board

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Nancy Robbins Taylor, Chair

---

Robert P. Mascali

---

Edwin P. Zylinski II, Vice Chair

---

Heather M. H. Goldstone

---

Douglas C. Brown

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Licenses**

- a. Consider approval of an application for three Special One-Day All-Alcoholic Beverages Licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – November 8-10; 15-17; and 22-24. Friday and Saturday, November 8-9; 15-16; and 22-23 from 6:30 p.m. to 10:00 p.m. Sunday, November 10, 17, and 24 from 1:00 p.m. to 4:00 p.m.



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Licenses 1.a.

**ITEM TITLE:** Application for Three Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- November 8-10; 15-17; and 22-24. Friday and Saturday, November 8-9; 15-16; and 22-23 from 6:30 PM to 10:00 PM; Sunday, November 10, 17, and 24 from 1:00 PM to 4:00 PM

**MEETING DATE:** 11/4/2024

**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 dated October 1, 2024; Floor plan; TIPS Certification Cards; Insurance Certificate

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### PURPOSE:

The Select Board will consider the approval of an application for three Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- November 8-10; 15-17; and 22-24. Friday and Saturday, November 8-9; 15-16; and 22-23 from 6:30 PM to 10:00 PM; Sunday, November 10, 17, and 24 from 1:00 PM to 4:00 PM.

### BACKGROUND/SUMMARY:

- Applicant Tomas McCahill, Director-at-Large of the Falmouth Theatre Guild, submitted the Special One-Day License for the Sale of Alcoholic Beverages on October 1, 2024.

- The application is associated with nine (9) musical performances of “RENT” beginning on November 8 and running three consecutive weekends through November 24.
- Approximately 200 people are expected per night/show.
- As reflected on the application form, office staff have verified that all required documents (TIPS certificates, floor plans, etc.) have been submitted by the applicant and are on file.
- The Police Department has reviewed the application and has no objections or concerns with the events.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the application for three (3) Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- November 8-10; 15-17; and 22-24. Friday and Saturday, November 8-9; 15-16; and 22-23 from 6:30 PM to 10:00 PM; Sunday, November 10, 17, and 24 from 1:00 PM to 4:00 PM, as presented.

**OPTIONS:**

- Motion to approve the application for three Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- November 8-10; 15-17; and 22-24. Friday and Saturday, November 8-9; 15-16; and 22-23 from 6:30 PM to 10:00 PM; Sunday, November 10, 17, and 24 from 1:00 PM to 4:00 PM, as presented.
- Motion to deny approval of three Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- November 8-10; 15-17; and 22-24. Friday and Saturday, November 8-9; 15-16; and 22-23 from 6:30 PM to 10:00 PM; Sunday, November 10, 17, and 24 from 1:00 PM to 4:00 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 application for three (3) Special One-Day All Alcoholic Beverages Licenses- Falmouth Theatre Guild- Highfield Theater located at 58 Highfield Drive, Falmouth- November 8-10; 15-17; and 22-24. Friday and Saturday, November 8-9; 15-16; and 22-23 from 6:30 PM to 10:00 PM; Sunday, November 10, 17, and 24 from 1:00 PM to 4:00 PM, as presented.

*Michael Renshaw*

\_\_\_\_\_

Town Manager

10/31/2024

Date

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Falmouth Theatre Guild

Address: 58 Highfield Drive

License Type: Special One-Day All Alcoholic Beverages License

New License \_\_\_\_\_

Transfer of License \_\_\_\_\_  
\_\_\_\_\_

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

Police No objections  
\_\_\_\_\_

Fire \_\_\_\_\_  
\_\_\_\_\_

Harbormaster \_\_\_\_\_

Health \_\_\_\_\_

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

**NOTES:**

Three Special One-Day All Alcoholic Beverages Licenses to be executed at Highfield Theater, 58 Highfield Drive on the weekends of November 8-10; 15-17; and 22-24.

- Matinee service will be on Sunday November 10, 17, and 14 from 1:00 pm to 4:00 pm
- Evening performances to be on Friday and Saturday November 8-9; 15-16; and 22-23 from 6:30 pm to 10:00 pm.



APPLICATION

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

Apply at least 30 days prior to Select Board hearing.

NAME OF APPLICANT:

ADDRESS OF APPLICANT:

TOWN STATE ZIP CODE

NAME OF ORGANIZATION:

MAILING ADDRESS:

TELEPHONE #:  EMAIL:

LOCATION TO BE LICENSED-ADDRESS:

TOWN STATE ZIP CODE

EVENT TITLE:  APPROXIMATE # OF PEOPLE:

DATE(S) OF EVENT:  HOURS OF EVENT:

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT:

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

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

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

APPLICANT SIGNATURE

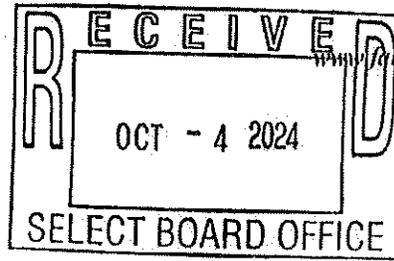
*200 flow*



**Falmouth Theatre Guild**  
 Bringing you the best in Community Theater since 1958

Falmouth Theatre Guild  
 P.O. Box 383  
 Falmouth MA, 02541  
[www.falmouththeatreguild.org](http://www.falmouththeatreguild.org)  
 (508) 548-0400

**PAID**  
 \$235  
 ck# 193814



October 1, 2024

**Board of Directors**

- Brett Baird
- Joan Baird
- Ashley Bolbrock
- Rob Bowerman
- Jodi Edwards
- Davien Gould
- Cathy Lemay
- Carol Marasa
- Tom McCahill
- Cindy McDonald
- Dan McSweeny
- Liz Moakley
- Todd Sadler
- Victoria Santos
- Tom Stackhouse
- Jakob White

Application for Special One Day Liquor License:  
 Falmouth Theatre Guild  
 for the musical performance "RENT"  
 November 8-10, 15-17, and 22-24 (9 days)

Dear Town of Falmouth,

Please find attached a completed application requesting special one-day liquor licenses covering the nine (9) performances we have scheduled for the musical performance "RENT" running Fridays-Sundays November 8-10, 15-17, and 22-24 2024 (7:30 PM on Fridays and Saturdays and 2:00PM on Sundays).

We would like to sell alcoholic beverages to our patrons for 60 minutes before each performance and for 30 minutes during intermission. This would be 6:30 PM-10:00 PM for the 6 evening performances and 1:00 PM-4:00 PM for our 3 matinee performances. As we have done in years past, alcoholic beverages would be served from our concessions stand where we also offer cans of soda and seltzer, boxed/canned water, and prepackaged snacks and candy. There is no food preparation at our concessions stand.

There is always a trained TIPS certified server at our concessions to serve any alcoholic beverages (see the attached photocopies of all our active certified servers), and all beverages will be consumed on premises before and during the performance. The attached floor plan shows the location and layout of the outdoor patios, concessions stand ("bar service area"), and audience where beverages and concessions will be consumed.

If you have any questions, please do not hesitate to contact me by phone or by email.

Thank you,

Tomas McCahill, Director-at-Large





# Falmouth Theatre Guild

TIPS certifications for servers

**TIPS** Concessions **CERTIFIED**

Issued: 12/15/2022 Expires: 12/14/2025  
Certificate #: 603027341695

Tomas McCahill  
Tonticket MA 02536

**TIPS** eTIPS Concessions 3.0 **CERTIFIED**

Issued: 01/16/2022 Expires: 01/16/2025  
ID#: 5632067

Mathew Gould  
Falmouth, MA 02540-3323 USA

**TIPS** eTIPS On Premise 3.1 **CERTIFIED**

Issued: 12/24/2021 Expires: 12/24/2024  
ID#: 5621694

Russell T Sadler  
East Falmouth, MA 02536-3931

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

**TIPS** eTIPS Concessions 3.0 **CERTIFIED**

Issued: 03/16/2022 Expires: 03/16/2025  
ID#: 5671608

Brian Buczkowski  
Tonticket, MA 02536-5008 USA

**TIPS** TIPS Concessions **CERTIFIED**

Issued: 11/16/2022 Expires: 11/15/2026  
ID #: 27185298

Elizabeth Moakley  
Falmouth MA 2541

**COMMON POLICY DECLARATIONS**  
**Hospitality Mutual Insurance Company**

RENEWAL DECLARATIONS

POLICY NO: CPP2001018

NAMED INSURED AND MAILING ADDRESS	AGENT AND MAILING ADDRESS
Falmouth Theatre Guild, Inc. PO BOX 383 FALMOUTH, MA 02541-0383	XS Brokers Insurance Agency, Inc. 13 Temple Street Quincy, MA 02169

Agent Code: 1786-MA

POLICY PERIOD: FROM 09/01/2024 TO 09/01/2025 AT 12:00 AM STANDARD TIME  
 AT THE INSURED'S MAILING ADDRESS SHOWN ABOVE

DESCRIPTION OF BUSINESS: Theater  
 FORM OF BUSINESS: Corporation

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE  
 AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.	
LIQUOR LIABILITY COVERAGE PART	\$1,078
<b>TOTAL</b>	<b>\$1,078</b>

LIQUOR LIABILITY COVERAGE  
DECLARATIONS PAGE (Continued)

DESCRIPTION OF BUSINESS				
LOCATION NUMBER:	1			
LOCATION ADDRESS:	58 HIGHFIELD DR, FALMOUTH, MA, 02540			
LOCATION DESCRIPTION:	Theater			
LIMITS OF INSURANCE				
Per Person Occurrence Limit				\$1,000,000
Per Occurrence Limit				\$1,000,000
Aggregate Limit				\$2,000,000
CLASSIFICATION	CODE	PREMIUM BASE	EXPOSURE	PREMIUM
Bar/Taverns	31	Liquor Sales	\$19,956	\$1,078
Coverage				Premium
Liquor Liability				\$1,078
Total Location Premium				\$1,078
This premium includes the following modifications: Early Closing Discount Loss Free Discount Alcohol Awareness Discount				

LOCATION FORMS AND ENDORSEMENTS

Number	Edition	Description
LL 208	05 19	Assault and/or Battery Exclusion
LL 218	2023	Exclusion - Contractors, Subcontractors And Entertainers
LL 215	2023	Exclusion - Third Party or Contracted Security

## Phyllis Downey

---

**From:** Brian Reid <brian.reid@falmouthpolicema.gov>  
**Sent:** Friday, October 4, 2024 1:45 PM  
**To:** Phyllis Downey; Ryan Hergt; Jeff Lourie; Boyd Demello; Craig O'Malley  
**Subject:** Re: One-Day Liquor Licenses for November-Falmouth Theatre Guild

No objections from Police.

Respectfully,



Brian L. Reid  
Captain of Operations  
Falmouth Police Department  
774-255-4527 ext. 4502

---

**From:**  
Phyllis  
Downey

<phyllis.downey@falmouthma.gov>

**Sent:** Friday, October 4, 2024 1:13 PM

**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>

**Subject:** One-Day Liquor Licenses for November-Falmouth Theatre Guild

Good afternoon,

Attached please find an application by Falmouth Theatre Guild for three Special One-Day All Alcoholic Beverages Licenses to be executed at Highfield Theater, 58 Highfield Drive on the weekends of November 8-10; 15-17; and 22-24.

- Matinee service will be on Sunday November 10, 17, and 14 from 1:00 pm to 4:00 pm
- Evening performances to be on Friday and Saturday November 8-9; 15-16; and 22-23 from 6:30 pm to 10:00 pm.

May we please request your recommendations by October 25<sup>th</sup>?

Thank you,  
Phyllis

**Phyllis Downey**  
Town Manager & Select Board Office  
59 Town Hall Square  
Falmouth MA 02540  
508-495-7325

## OPEN SESSION

## CONSENT AGENDA

### 1. Licenses

- b. Consider approval of an application for a Special One-Day Wine & Malt Liquor License – EXIT Cape Realty – Spread Joy, Give Generously – EXIT Cape Realty office, 660 North Falmouth Highway – Sunday, November 17, 2024 – 2:00 p.m. to 6:00 p.m.



## AGENDA ITEM SUMMARY SHEET

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

**ITEM TITLE:** Consider approval of an application for a Special One-Day Wine and Malt Liquor License- EXIT Cape Realty- Spread Joy, Give Generously- EXIT Cape Realty office, 660 North Falmouth Highway- Sunday, November 17, 2024- 2:00-6:00 PM

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** One Day Liquor License Application Review Form; Town Manager's Working Group Review Form; Emails from Reviewers; TIPs Certificates; Special One-Day Liquor License Application dated October 9, 2024; Event narrative; Emails from staff

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### PURPOSE:

The Select Board will consider the approval of an application for Special One-Day Wine and Malt Liquor License- EXIT Cape Realty- Spread Joy, Give Generously- EXIT Cape Realty office, 660 North Falmouth Highway- Sunday, November 17, 2024- 2:00-6:00 PM.

### BACKGROUND/SUMMARY:

- Applicant Dave Harris, representing EXIT Cape Realty, submitted a Special One-Day Liquor License for the Sale of Alcoholic Beverages application on October 9, 2024.

- The event, titled Spread Joy, Give Generously to Benefit Homeless for the Holidays, will be held on Sunday, November 17, 2024, from 2:00 to 6:00 PM and over 200 people are expected to attend the event.
- The event is to be conducted in the EXIT Cape Realty offices at 660 North Falmouth Hwy.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine and Malt Liquor License- EXIT Cape Realty- Spread Joy, Give Generously- EXIT Cape Realty office, 660 North Falmouth Highway- Sunday, November 17, 2024- 2:00-6:00 PM.

**OPTIONS:**

- Motion to approve the application for a Special One-Day Wine and Malt Liquor License- EXIT Cape Realty- Spread Joy, Give Generously- EXIT Cape Realty office, 660 North Falmouth Highway- Sunday, November 17, 2024- 2:00-6:00 PM as presented.
- Motion to deny approval of the application for a Special One-Day Wine and Malt Liquor License- EXIT Cape Realty- Spread Joy, Give Generously- EXIT Cape Realty office, 660 North Falmouth Highway- Sunday, November 17, 2024- 2:00-6:00 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 application for a Special One-Day Wine and Malt Liquor License- EXIT Cape Realty- Spread Joy, Give Generously- EXIT Cape Realty office, 660 North Falmouth Highway- Sunday, November 17, 2024- 2:00-6:00 PM.

*Michael Renshaw*

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**Town Manager**

10/31/2024

**Date**

**LICENSE APPLICATION REVIEW**

Restaurant/Business: EXIT Cape Realty

Address: 660 North Falmouth Highway

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

New License \_\_\_\_\_

Transfer of License \_\_\_\_\_

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

Police No objection

Fire No objection

Building \_\_\_\_\_

Health No issues

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

**NOTES:**

Applicant is hosting Spread Joy, Give Generously as a fundraiser for Homeless for the Holidays.

Applicant has applied for a Raffle Permit with the Town Clerk's office.



APPLICATION

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

Apply at least 30 days prior to Select Board hearing.

NAME OF APPLICANT: Dave Harris

ADDRESS OF APPLICANT: 4527 Falmouth Road

Cotuit Ma 02635  
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: EXIT Cape Realty

MAILING ADDRESS: 4527 Falmouth Road, Cotuit, Ma 02635

TELEPHONE #: 508-499-2200 EMAIL: events@exitcaperealty.com

LOCATION TO BE LICENSED-ADDRESS: 660 North Falmouth Hwy  
North Ma 02556  
TOWN STATE ZIP CODE

EVENT TITLE: Spread Joy, Give Generously to benefit Homeless For The Holidays APPROXIMATE # OF PEOPLE: 200

DATE(S) OF EVENT: November 17 2024 HOURS OF EVENT: 2pm - 6pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Erik Christensen / Pour & Bites LLC

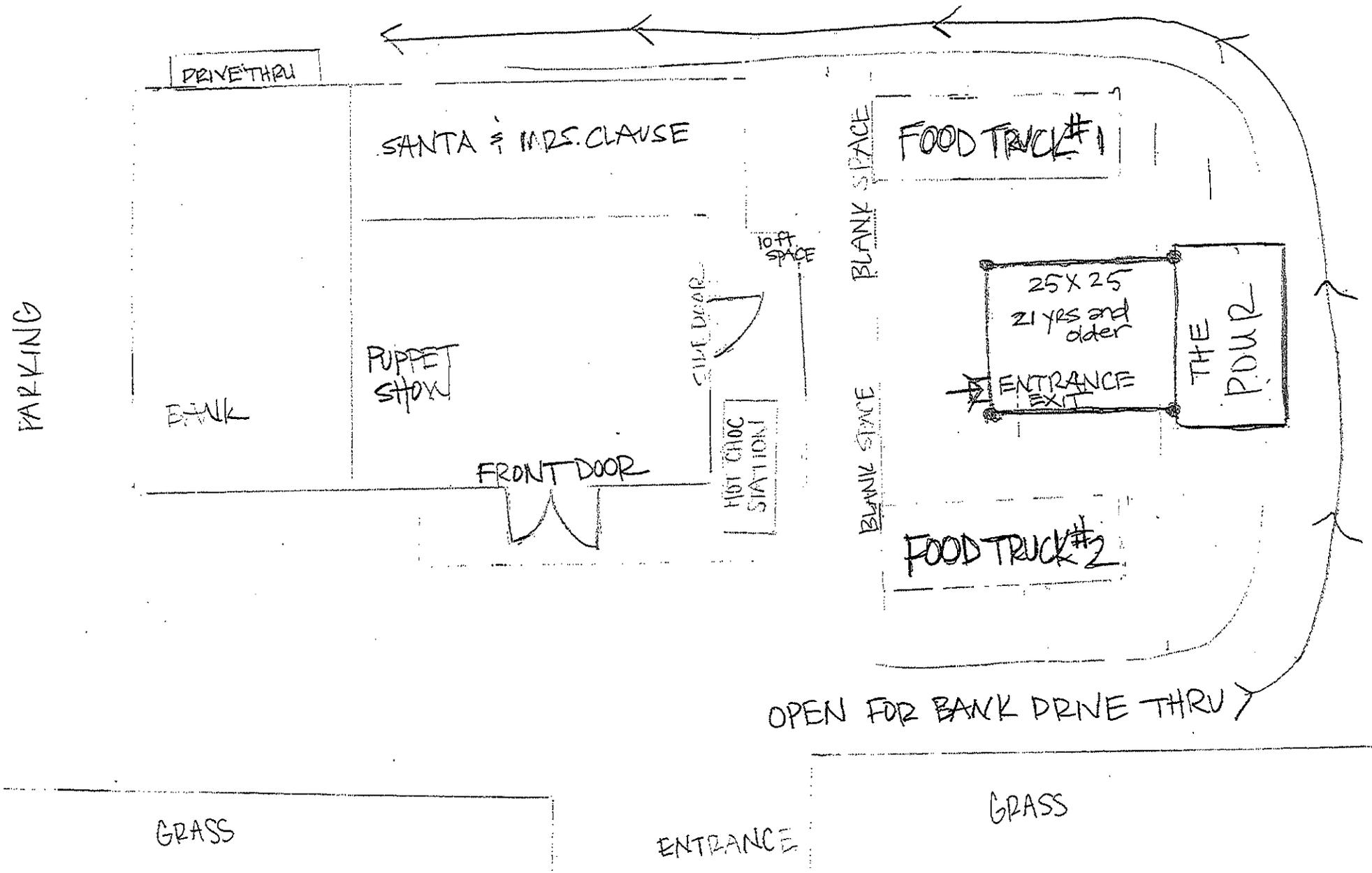
TYPE OF LICENSE:  
1. WINE & MALT  FOR PROFIT   
2. ALL ALCOHOLIC  NON-PROFIT ORGANIZATIONS ONLY NON-PROFIT

- 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)

10/9/2024  
DATE

Dave Harris  
APPLICANT SIGNATURE

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



DRIVETHRU

SANTA & MRS. CLAUSE

PARKING

BANK

PUPPET SHOW

FRONT DOOR

CUBE DOOR

HOT CHOC STATION

10 FT SPACE

BLANK SPACE

FOOD TRUCK #1

25 X 25  
21 yrs and older

ENTRANCE  
EXIT

THE  
POUR

BLANK SPACE

FOOD TRUCK #2

OPEN FOR BANK DRIVE THRU

GRASS

ENTRANCE

GRASS



October 10, 2024

Town of Falmouth  
Board of Selectmen  
59 Town Hall Square  
Falmouth, MA 02540

Dear Board of Selectmen,

On behalf of EXIT Cape Realty, I would like to share the details of an upcoming community event we are planning and seeking your support.

EXIT Cape Realty Spread Joy, Give Generously, is scheduled to host a kickoff event to the giving season at our North Falmouth office located at 660 North Falmouth Highway on Sunday November 17th from 2 PM to 6 PM. The goal is to bring the community together to support those less fortunate. We have chosen Homeless for the Holidays, a 501(c)(3) organization, as our beneficiary. Founded in 2002 by Craig Poirier, a retired Bourne Firefighter/Paramedic, this wonderful cause collects new, unwrapped toys, non-perishable food items, and cash donations to help families in need. Homeless for the Holidays is now in its 22nd year, with upwards of 17 Police and Fire stations across Cape Cod participating. We hope this will become an annual tradition where EXIT Cape Realty joins forces with Homeless for the Holidays and local first responders to continue to foster a sense of unity and provide for those in need. In addition, from Monday, November 18th - Thursday, December 5th, our offices in Brewster, Cotuit, and North Falmouth will be collecting donations of new toys, non-perishable food, and funds to support this cause.

The event will include both indoor and outdoor activities:

**OUTSIDE** - A Vendor Fair where attendees can shop for unique gifts from local artisans, enjoy a variety of food trucks, and visit the Pour Garden, which will be selling beer and seltzer to guests aged 21 and over. The area where the alcohol is served will be enclosed with rope, signs will be posted to define the allowed areas of alcohol consumption, and we will have an EXIT Cape Realty associate monitor that those alcoholic beverages do not leave that area. All alcohol will be stored in the Pour Garden Trailer.

**INSIDE** - Our office will be transformed into a Winter Wonderland, with Mr. and Mrs. Claus greeting families and children. From 2 PM to 4 PM professional photographer Rich Maclone will

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FALMOUTH	COTUIT	BREWSTER
660 N. FALMOUTH HWY	4527 FALMOUTH RD.	2660 MAIN ST.
NORTH FALMOUTH, MA 02556	COTUIT, MA 02635	BREWSTER, MA 02631



be taking family photos, which will be available for purchase via his website, giving families an early start on their holiday cards. Additionally, Mary from Pitter Patter Puppets will perform two holiday-themed puppet shows at 4 PM and 5 PM.

Throughout the event, raffle tickets will be available for purchase, offering chances to win exciting prizes. It promises to be an afternoon full of joy, where families can sip hot chocolate, get a head start on holiday shopping, enjoy local food, and give back to the community. We believe this event will brighten the holiday season for those who need it most, and we sincerely hope for your blessing and support to help make this event a success. Thank you for your time and consideration. We look forward to your response.

Sincerely,

Claudine D. Wrighter, Realtor<sup>®</sup> SRES<sup>®</sup> ABR<sup>®</sup>  
EXIT Cape Realty



Ph: 508-284-8040

Claudine@EXITCapeRealty.com

[www.Claudine.EXITCapeRealty.com](http://www.Claudine.EXITCapeRealty.com)

Download My Mobile Business Card

Text "capegirl" to 85377

---

FALMOUTH 660 N. FALMOUTH HWY NORTH FALMOUTH, MA 02556	COTUIT 4527 FALMOUTH RD. COTUIT, MA 02635	BREWSTER 2660 MAIN ST. BREWSTER, MA 02631
---	---	---



**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**  
**ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

**Schedule**

Name of Additional Insured Person(s) or Organization(s):

Town of Falmouth  
 59 Town Hall Square  
 Falmouth, MA 02540

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

A. **SECTION II - WHO IS AN INSURED** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. in the performance of your ongoing operations; or
2. in connection with your premises owned by or rented to you.

However:

1. the insurance afforded to such additional insured only applies to the extent permitted by law; and
2. if coverage provided to the Additional Insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these Additional Insureds, the following is added to **SECTION III - LIMITS OF INSURANCE**:

If coverage provided to the Additional Insured is required by a contract or agreement, the most we will pay on behalf of the Additional Insured is the amount of insurance:

1. required by the contract or agreement; or
2. available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



A 360TRAINING COMPANY

# CERTIFICATE OF COMPLETION

This certifies that

amelia christensen

is awarded this certificate for

## TIPS On-Premise Alcohol Server Training

Hours  
3.00

Completion Date  
06/18/2024

Expiration Date  
06/18/2027

Certificate  
ON-00003

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

6504 Bridge Point Parkway, Suite 100 | Austin, TX 78730 | [www.360training.com](http://www.360training.com)

(CUT HERE)

(CUT HERE)



Issued: 06/18/2024  
Certificate #: ON-000033829099

amelia christensen  
Plymouth MA 02360

### CERTIFIED

Expires: 06/18/2027



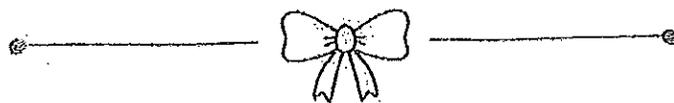
Phone: 800-438-8477  
[www.gettips.com](http://www.gettips.com)

This card was issued for successful completion of



*Spread Joy  
Give Generously*

**Proceeds to Benefit  
Homeless for the Holidays**



**SUNDAY, NOVEMBER 17TH**

**2 PM TO 6 PM**

**660 NORTH FALMOUTH HWY.**

**N. FALMOUTH, MA 02556**

# *Spread Joy. Give Generously*

## **Make a difference this holiday season!**

- **Donate:** New, unwrapped toys, non-perishable food items, or cash donations.
- **Enjoy:** Festive holiday music, delicious treats from our food trucks and beer and seltzers from the Pour Garden.
- **Shop:** Support local Cape Cod vendors and kickstart your holiday shopping.
- **Warm Up:** With hot chocolate and cookies.
- **Meet:** Santa and Mrs. Claus, and get professional photos taken with them.
- **Win:** Enter our Raffle for a chance to win amazing prizes.

### **Can't Make it to the Event?**

No worries! Stop by any of our 3 office locations across Cape Cod to drop off your donations.

660 N. Falmouth Hwy  
N. Falmouth, MA 02556

4527 Falmouth Rd.  
Cotuit, MA 02635

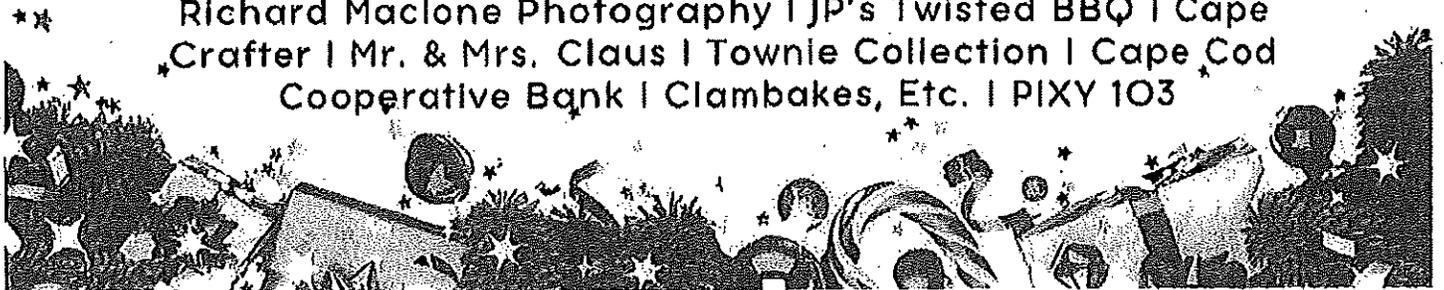
2660 Main St.  
Brewster, MA 02631

## **Let's Come Together to Spread Joy and Support our Community!**



### **SPONSORS:**

Richard Maclone Photography | JP's Twisted BBQ | Cape Crafter | Mr. & Mrs. Claus | Townie Collection | Cape Cod Cooperative Bank | Clambakes, Etc. | PIXY 103



THE COMMONWEALTH OF MASSACHUSETTS

FEE

Falmouth  
(city or town)

APPLICATION FOR PERMIT TO CONDUCT RAFFLES AND BAZAARS  
(C. 810, ACTS OF 1969)

Name and address of Nonprofit Organization:

Spread Joy, Give Generously Proceeds to Benefit Homeless for the Holidays

Evidence of Qualification for Permit:

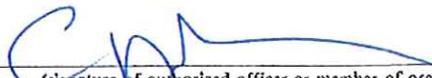
- (a) Veterans' organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty of the General Laws; or,
- (b) Church or religious organization; or,
- (c) Fraternal or fraternal benefit society; or,
- (d) Educational or charitable organization; or,
- (e) Civic or service club or organization; or,
- (f) Club or organization organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any member or shareholder.

Officers or members of organization responsible for operation of raffle or bazaar:

Name	Residence Address
(1) Claudine Wrighter, 660 N. Falmouth Hwy, N. Falmouth, MA	
(2) Suzanne Chapin, 660 N. Falmouth Hwy, N. Falmouth, MA	
(3) Cheryl Doyle, 660 N. Falmouth Hwy, N. Falmouth, MA	

Uses to which net proceeds will be applied:

Proceeds to benefit Homeless for the Holidays

  
(signature of authorized officer or member of organization)

Application certified to be in conformity with C. 810, Acts of 1969:

City/Town Clerk

PERMIT (ISSUED) (DENIED)

(date)

City/Town Clerk

The Applicant (is) (is not) qualified to operate raffles and bazaars under the provisions of C. 810, Acts of 1969:

Chief of Police

**Phyllis Downey**

---

**From:** Brian Reid <brian.reid@falmouthpolicema.gov>  
**Sent:** Thursday, October 24, 2024 11:04 AM  
**To:** Falmouth Licensing; Sean Doyle; Ryan Hergt; Jeff Lourie; Boyd Demello; Craig O'Malley; Falmouth Health Department; Gary Street; Peter McConarty; Falmouth Town Clerk  
**Subject:** Re: License - Special One-Day Wine & Malt - EXIT Cape Realty

No objection

Respectfully,



Brian L. Reid  
Captain of Operations  
Falmouth Police Department  
774-255-4527 ext. 4502

---

**From:**

Falmouth Licensing <licensing@falmouthma.gov>  
**Sent:** Friday, October 18, 2024 3:34 PM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Falmouth Health Department <health@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Falmouth Town Clerk <townclerk@falmouthma.gov>  
**Subject:** License - Special One-Day Wine & Malt - EXIT Cape Realty

Good afternoon,

Attached please find an application for a Special One-Day Wine & Malt Beverages License by EXIT Cape Realty for Spread Joy, Give Generously to be held at that office located at 660 North Falmouth Highway on Sunday, November 17<sup>th</sup> from 2:00 pm to 6:00 pm. The expectation is for 200 guests over the four hour event. Beer will be served by Pour and Bites, LLC d/b/a Pour Garden.

A Raffle application has been submitted to the Town Clerk's office.

There will also be a Hot Chocolate station.

Please provide your recommendations to the Select Board by Monday, October 28<sup>th</sup>.

Thank you,  
Phyllis

**Phyllis Downey**  
Town Manager & Select Board Office  
59 Town Hall Square  
Falmouth MA 02540  
508-495-7325

**Phyllis Downey**

---

**From:** Morgan Cardoso  
**Sent:** Thursday, October 24, 2024 2:02 PM  
**To:** Falmouth Licensing  
**Cc:** Scott McGann  
**Subject:** RE: License - Special One-Day Wine & Malt - EXIT Cape Realty

No issues from Health.



**Morgan Cardoso**  
*Health Inspector*  
(508) 495-7486 | [morgan.cardoso@falmouthma.gov](mailto:morgan.cardoso@falmouthma.gov)

**Town of Falmouth Health Department**  
59 Town Hall Square, Falmouth, MA 02540

**Please Note:**

*The Town of Falmouth Health Department has rolled out PermitEyes (online permitting system). Please see the links below to register, apply or for Public View. .*

Applicant Registration Page : <https://permiteyes.us/falmouth/userregistration.php>

Applicant Side Login Page : <https://permiteyes.us/falmouth/loginuser.php>

Public View Site (no login required): <https://permiteyes.us/falmouth/publicview.php>

---

**From:** Falmouth Licensing <[licensing@falmouthma.gov](mailto:licensing@falmouthma.gov)>  
**Sent:** Friday, October 18, 2024 3:34 PM  
**To:** Brian Reid <[brian.reid@falmouthpolicema.gov](mailto:brian.reid@falmouthpolicema.gov)>; Sean Doyle <[sean.doyle@falmouthpolicema.gov](mailto:sean.doyle@falmouthpolicema.gov)>; Ryan Hergt <[ryan.hergt@falmouthpolicema.gov](mailto:ryan.hergt@falmouthpolicema.gov)>; Jeff Lourie <[Jeff.Lourie@falmouthpolicema.gov](mailto:Jeff.Lourie@falmouthpolicema.gov)>; Boyd Demello <[boyd.demello@falmouthfirema.gov](mailto:boyd.demello@falmouthfirema.gov)>; Craig O'Malley <[craig.omalley@falmouthfirema.gov](mailto:craig.omalley@falmouthfirema.gov)>; Falmouth Health Department <[health@falmouthma.gov](mailto:health@falmouthma.gov)>; Gary Street <[gary.street@falmouthma.gov](mailto:gary.street@falmouthma.gov)>; Peter McConarty <[peter.mcconarty@falmouthma.gov](mailto:peter.mcconarty@falmouthma.gov)>; Falmouth Town Clerk <[townclerk@falmouthma.gov](mailto:townclerk@falmouthma.gov)>  
**Subject:** License - Special One-Day Wine & Malt - EXIT Cape Realty

Good afternoon,

Attached please find an application for a Special One-Day Wine & Malt Beverages License by EXIT Cape Realty for Spread Joy, Give Generously to be held at that office located at 660 North Falmouth Highway on Sunday, November 17<sup>th</sup> from 2:00 pm to 6:00 pm. The expectation is for 200 guests over the four hour event. Beer will be served by Pour and Bites, LLC d/b/a Pour Garden.

A Raffle application has been submitted to the Town Clerk's office.

There will also be a Hot Chocolate station.

Please provide your recommendations to the Select Board by Monday, October 28<sup>th</sup>.

Thank you,  
Phyllis

## Phyllis Downey

---

**From:** Boyd Demello <boyd.demello@falmouthfirema.gov>  
**Sent:** Thursday, October 24, 2024 4:01 PM  
**To:** Falmouth Licensing; Craig O'Malley  
**Subject:** RE: License - Special One-Day Wine & Malt - EXIT Cape Realty

Fire Rescue has no objections, sorry for the delay.

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

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

---

**From:** Falmouth Licensing <licensing@falmouthma.gov>  
**Sent:** Thursday, October 24, 2024 16:00  
**To:** Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>  
**Subject:** FW: License - Special One-Day Wine & Malt - EXIT Cape Realty

Good afternoon Boyd & Craig,

This is just a reminder that this application will be reviewed by the Select Board on Monday, November 4<sup>th</sup>. Please forward this any recommendations your office may have.

Thank you,  
Phyllis

**Phyllis Downey**  
508-495-7325

---

**From:** Falmouth Licensing  
**Sent:** Friday, October 18, 2024 3:34 PM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Falmouth Health Department <health@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Falmouth Town Clerk <townclerk@falmouthma.gov>  
**Subject:** License - Special One-Day Wine & Malt - EXIT Cape Realty

Good afternoon,

## **OPEN SESSION**

### **CONSENT AGENDA**

#### **1. Licenses**

- c. Consider approval of the resubmission of an application filed by Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc., 140 Palmer Avenue, Falmouth, for a Change of Officers/Directors to its All-Alcoholic Beverages Non-Profit Club License



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Licenses 1.c.

**ITEM TITLE:** Consider approval of the resubmission of an application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc., 140 Palmer Avenue, Falmouth for a Change of Officers/Directors to its All-Alcohol Non-Profit Club License

**MEETING DATE:** 11/4/2024

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

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

**ATTACHMENTS:** License Application Review form; ABCC Application for Amendments-Change of Officers; Emails

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### PURPOSE:

The Select Board is requested to review and approve an application re-submitted by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth.

### BACKGROUND/SUMMARY:

- The applicant's ABCC Application for Amendment- Non-Profit Club Change of Officers/Directors was rejected and returned to the Town marked No Action and requested that the CORI authorization forms from the officers on the Secretary of State's website, as well as removing Mike Lynch's name as he no longer serves on the board.

- The Falmouth Police Department and Fire Rescue Department have reviewed the application and has no objection to its approval.

**DEPARTMENT RECOMMENDATION:**

The Town Manager recommends that the Select Board vote to approve the resubmission of an application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc., 140 Palmer Avenue, Falmouth for a Change of Officers/Directors to its All-Alcohol Non-Profit Club License, as presented.

**OPTIONS:**

- Motion to approve the resubmission of the application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth as presented.
- Motion to deny approval of the application as resubmitted by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc. for a Change of Officers/Directors of a Non-Profit All-Alcohol Club License to be exercised at 140 Palmer Avenue, Falmouth.
- Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

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

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board vote to approve the resubmission of an application by Falmouth Elks Lodge #2380 B.P.O.E. of USA, Inc., 140 Palmer Avenue, Falmouth for a Change of Officers/Directors to its All-Alcohol Non-Profit Club License, as presented.

*Michael Renshaw*

---

**Town Manager**

10/31/2024

**Date**

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc.

Address: 140 Palmer Avenue, Falmouth

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

New License \_\_\_\_\_

Transfer of License \_\_\_\_\_

Change of License Change of Officers

Police No objection provided list of corporate officers is updated

Fire No objections

Building \_\_\_\_\_

Health \_\_\_\_\_

Zoning \_\_\_\_\_

Planning \_\_\_\_\_

DPW \_\_\_\_\_

**NOTES:**

The ABCC Investigator returned the application No Action and requested CORI forms from the officers listed on the Secretary of States' website.

Update of the Commonwealth Secretary of State's Corporate List of Officers removing Mike Lynch's name as he is no longer serving is pending.



**LICENSING AUTHORITY CERTIFICATION**

Falmouth  
City/Town

00049-CL-0390  
ABCC License Number

**TRANSACTION TYPE (Please check all relevant transactions):**

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

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

**APPLICANT INFORMATION**

Name of Licensee:  DBA:

Street Address:  Zip Code:

Manager:  Granted under Special Legislation? Yes  No

If Yes, Chapter:   
(i.e. restaurant, package store) (Annual or Seasonal) (i.e. Wines and Malts / All Alcohol) of the Acts of (year)

**DESCRIPTION OF PREMISES** Complete description of the licensed premises

**LOCAL LICENSING AUTHORITY INFORMATION**

Application filed with the LLA: Date:  Time:

Advertised: Yes  No  Date Published:  Publication:

Abutters Notified: Yes  No  Date of Notice:

Date APPROVED by LLA:  Decision of the LLA:

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

For Transfers ONLY:  
Seller License Number:  Seller Name:

The Local Licensing Authorities By:


Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

## RECOMMENDATION OF THE INVESTIGATOR

Entity Name: Falmouth Lodge 2380 BPOE Of USA Inc

City/Town: Falmouth

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> New License   | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Category            |
| <input type="checkbox"/> Transfer of License   | <input type="checkbox"/> Change of Location                         | <input type="checkbox"/> Change of Corporate Structure |
| <input type="checkbox"/> Change of Manager   | <input type="checkbox"/> Alteration of Premises                     | <input type="checkbox"/> Change of DBA                 |
| <input checked="" type="checkbox"/> Change of Officers/Directors/LLC Managers                  | <input type="checkbox"/> Pledge of Collateral                       | <input type="checkbox"/> Change of Corporate Name      |
| <input type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners, Trustees) | <input type="checkbox"/> Management/Operating Agreement             | <input type="checkbox"/> Change of Class               |
| <input type="checkbox"/> Other:  |   | <input type="checkbox"/> Change of License Type        |

**I have reviewed the application and respectfully recommend that this application be Returned No Action (RNA) to the Municipal Licensing Board for the following reasons:**

This Investigator has advised the applicant that in order to complete this application review, the applicant must provide the following amendments, information and or documentation:

*Application does not contain CORI Authorization forms for the following individuals,*

1. Dennis Souweine ✓
2. Dana Nielsen ✓
3. David Branga ✓
4. Ann Marie Giempietro ✓
5. John Wombolt ✓
6. Kevin Thayer ✓
7. Sheryl Barrett-Maciel ✓
8. Jason Mitchell ✓
9. Mike Lynch

This can be remedied by providing CORI Authorization forms and a government issued ID of every body listed above.

Please forward all corrections and/or documents to the Municipal Licensing Board. After review and approval, the Municipal Licensing Board will forward all documents to the ABCC Licensing Division. No further fee is required.

Special Investigator: David H. McDonough

Date: 08/12/2024

E-Mail: David.H.McDonough@tre.state.ma.us

Phone: 617-256-8462

# Secretary of the Commonwealth of Massachusetts

William Francis Galvin

## Business Entity Summary

ID Number: 042435693

[Request certificate](#)

[New search](#)

Summary for: FALMOUTH LODGE NO. 2380, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, INC.

**The exact name of the Nonprofit Corporation:** FALMOUTH LODGE NO. 2380, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, INC.

**Entity type:** Nonprofit Corporation

**Identification Number:** 042435693      **Old ID Number:** 000011643

**Date of Organization in Massachusetts:** 09-01-1972      **Date of Revival:**

**Last date certain:**

**Current Fiscal Month/Day:** 01/0      **Previous Fiscal Month/Day:** 01/00

**The location of the Principal Office in Massachusetts:**  
Address: 140 PALMER AVENUE  
City or town, State, Zip code, FALMOUTH, MA 02540 USA  
Country:

**The name and address of the Resident Agent:**  
Name:  
Address:  
City or town, State, Zip code,  
Country:

**The Officers and Directors of the Corporation:**

Title	Individual Name	Address	Term expires
PRESIDENT	DENNIS SOUWEINE	76 E HARBOR DR TEATICKET, MA 02536 USA 76 E HARBOR DR TEATICKET, MA 02536 USA	03-31-2025
TREASURER	DANA C. NIELSEN	300 JOHN PARKER ROAD EAST FALMOUTH, MA 02536 USA 300 JOHN PARKER ROAD EAST FALMOUTH, MA 02536 USA	03-31-2024
CLERK	DAVID BRANGA	80 GRACE COURT EAST FALMOUTH, MA 02536 USA 80 GRACE COURT EAST FALMOUTH, MA 02536 USA	03-31-2024

DIRECTOR	ANN MARIE GIAMPIETRO	27 SPECTACLE POND ROAD EAST FALMOUTH, MA 02536 USA 27 SPECTACLE POND ROAD EAST FALMOUTH, MA 02536 USA	03-31- 2024
DIRECTOR	JOHN WOMBOLDT	PO BOX 804 WEST FALMOUTH, MA 02574 USA PO BOX 804 WEST FALMOUTH, MA 02574 USA	03-31- 2024
DIRECTOR	KEVIN THAYER	44 OLD WAQUOIT RD EAST FALMOUTH, MA 02536 USA 44 OLD WAQUOIT RD EAST FALMOUTH, MA 02536 USA	03-31- 2024
DIRECTOR	SHERYL BARRETT-MACIEL	8 WHISPERING PINES DRIVE EAST FALMOUTH, MA 02536 USA 8 WHISPERING PINES DRIVE EAST FALMOUTH, MA 02536 USA	03-31- 2024
DIRECTOR	JASON MITCHELL	21 BUZZARDS BAY AVE BUZZARDS BAY, MA 02532 USA 21 BUZZARDS BAY AVE BUZZARDS BAY, MA 02532 USA	03-31- 2024
DIRECTOR	MIKE LYNCH	9 TAMARACK DT. EAST FALMOUTH, MA 02536 USA 9 TAMARACK DT. EAST FALMOUTH, MA 02536 USA	03-31- 2025

Consent

Confidential  
Data

Merger  
Allowed

Manufacturing

**Note: Additional information that is not available on this system is located in the Card File.**

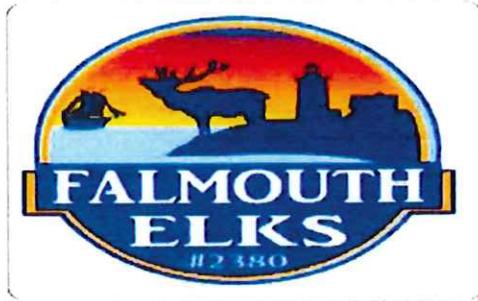
**View filings for this business entity:**

ALL FILINGS ▲  
 Annual Report  
 Application For Revival  
 Articles of Amendment  
 Articles of Consolidation - Foreign and Domestic  
 Articles of Consolidation - Domestic and Domestic ▼

**View filings**

**Comments or notes associated with this business entity:**

**New search**

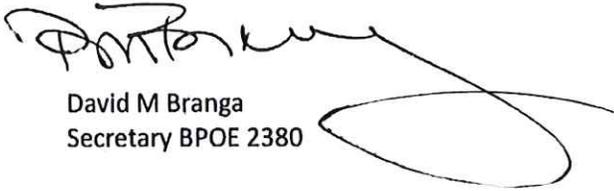


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**140 Palmer Avenue**  
**Falmouth, MA 02540**  
**508-548-2380**  
**[BPOEFalmouth2380@gmail.com](mailto:BPOEFalmouth2380@gmail.com)**

**DATE 10/21/2024**

Effective 3/31/2024, Mike Lynch was no longer involved in the management of the Falmouth Elks.

  
David M Branga  
Secretary BPOE 2380

## Phyllis Downey

---

**From:** David Branga <secretary2380@gmail.com>  
**Sent:** Saturday, October 26, 2024 4:00 PM  
**To:** Falmouth Licensing  
**Subject:** Re: [EXTERNAL] - Re: Now Due: Application Returned by ABCC

I was able to file the changes removing Mike Lynch.



The screenshot shows the website for the Secretary of the Commonwealth of Massachusetts, William Francis Galvin. The page is for the Corporations Division and displays a confirmation message for a filing. The message states: "Thank you for using our online service. No fee filing submitted." It provides the following details: Transaction ID number: 15242238; Transaction category: Nonprofit Corporation; Transaction type: Certificate of Change of Directors or Officers. There are links for "Search corporations" and "Submit another filing". Contact information is provided: phone: 617-727-9640 and email: [corpinfo@sec.state.ma.us](mailto:corpinfo@sec.state.ma.us). At the bottom of the message box are buttons for "Print this screen" and "Back to main page".

David M Branga  
Lodge Secretary  
BPOE Falmouth MA #2380  
*We Are THE Elks*

On Thu, Oct 24, 2024 at 12:36 PM Falmouth Licensing <[licensing@falmouthma.gov](mailto:licensing@falmouthma.gov)> wrote:

Hi David,

The license was sent for review and the Falmouth Police approved the changes pending removal of Mike Lynch from the Secretary of State's website.

The application is already scheduled for review by the Select Board. ***Please make this change by Monday 10/28/2024, so the application will not have to be continued at the Select Board meeting.***

**Phyllis Downey**

---

**From:** Brian Reid <brian.reid@falmouthpolicema.gov>  
**Sent:** Thursday, October 24, 2024 11:04 AM  
**To:** Falmouth Licensing; Jeff Lourie; Ryan Hergt; Sean Doyle; Boyd Demello; Craig O'Malley  
**Subject:** Re: FYI-Falmouth Elks Lodge Change of Officers resubmission

Phyllis,  
Has the applicant amended their submission to remove Michael Lynch? If so, then we have no objection.

Respectfully,



Brian L. Reid  
Captain of Operations  
Falmouth Police Department  
774-255-4527 ext. 4502

---

**From:**

Falmouth Licensing <licensing@falmouthma.gov>

**Sent:** Friday, October 18, 2024 3:34 PM

**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>

**Subject:** FYI-Falmouth Elks Lodge Change of Officers resubmission

Good afternoon,

The ABCC returned the application by the Falmouth Elks Lodge, license #00049-CL-0390 -No Action requesting new signed notarized CORI forms for the club officers. One officer listed, Michael Lynch, is no longer serving so has not provided a CORI. If your office has a comment please provide it by Monday October 28<sup>th</sup>.

Thank you,  
Phyllis

**Phyllis Downey**  
Town Manager & Select Board Office  
59 Town Hall Square  
Falmouth MA 02540  
508-495-7325

## Phyllis Downey

---

**From:** Boyd Demello <boyd.demello@falmouthfirema.gov>  
**Sent:** Thursday, October 24, 2024 4:03 PM  
**To:** Falmouth Licensing; Craig O'Malley  
**Subject:** RE: Reminder: FYI-Falmouth Elks Lodge Change of Officers resubmission

Fire Rescue has no objections.

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

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**From:** Falmouth Licensing <licensing@falmouthma.gov>  
**Sent:** Thursday, October 24, 2024 16:02  
**To:** Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>  
**Subject:** Reminder: FYI-Falmouth Elks Lodge Change of Officers resubmission

Good afternoon Boyd & Craig,

This is just a reminder that this application will be reviewed by the Select Board on Monday, November 4<sup>th</sup>.

Thank you,  
Phyllis

**Phyllis Downey**  
508-495-7325

---

**From:** Falmouth Licensing  
**Sent:** Friday, October 18, 2024 3:35 PM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>  
**Subject:** FYI-Falmouth Elks Lodge Change of Officers resubmission

Good afternoon,

The ABCC returned the application by the Falmouth Elks Lodge, license #00049-CL-0390 -No Action requesting new signed notarized CORI forms for the club officers. One officer listed, Michael Lynch, is no longer serving so has not provided a CORI. If your office has a comment please provide it by Monday October 28<sup>th</sup>.

Thank you,

## Phyllis Downey

---

**From:** Craig O'Malley <craig.omalley@falmouthfirema.gov>  
**Sent:** Friday, October 18, 2024 4:48 PM  
**To:** Falmouth Licensing  
**Cc:** Boyd Demello  
**Subject:** RE: FYI-Falmouth Elks Lodge Change of Officers resubmission

The Fire Department has no issues.

Lt. Craig O'Malley  
Fire Prevention Officer, IAAI-FIT  
Falmouth Fire Rescue  
508-495-2533 office  
774-836-2434 cell  
[craig.omalley@falmouthfirema.gov](mailto:craig.omalley@falmouthfirema.gov)

---

**From:** Falmouth Licensing <licensing@falmouthma.gov>  
**Sent:** Friday, October 18, 2024 3:35 PM  
**To:** Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>  
**Subject:** FYI-Falmouth Elks Lodge Change of Officers resubmission

Good afternoon,

The ABCC returned the application by the Falmouth Elks Lodge, license #00049-CL-0390 -No Action requesting new signed notarized CORI forms for the club officers. One officer listed, Michael Lynch, is no longer serving so has not provided a CORI. If your office has a comment please provide it by Monday October 28<sup>th</sup>.

Thank you,  
Phyllis

**Phyllis Downey**  
Town Manager & Select Board Office  
59 Town Hall Square  
Falmouth MA 02540  
508-495-7325

## **OPEN SESSION**

### **CONSENT AGENDA**

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

- a. Consider request to accept a donation from Rockland Trust in the amount of \$500.00 to go towards the purchase of a mascot costume for the Police Department



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

**ITEM TITLE:** Consider the request to accept a donation from Rockland Trust in the amount of \$500.00 to go towards the purchase of a mascot costume for the Police Department

**MEETING DATE:** 11/4/2024

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

**SUBMITTED BY:** Chief Jeffrey Lourie

**ATTACHMENTS:** Award Letter

---

**PURPOSE:**

This is a written request to the Select Board to vote to approve a \$500.00 donation from Rockland Trust to put towards the purchase of a mascot costume.

**BACKGROUND/SUMMARY:**

- The Falmouth Police Department Community Engagement Team is seeking to design and purchase a mascot to use at various community events.
- FPD borrowed a McGruff costume from Danvers PD for the Falmouth Road Race mascot race.
- No children knew who McGruff the Crime Dog was and only some of the adults recognized the mascot.
- The community (adults and children) loved seeing the mascots and we determined it would be beneficial to purchase our own through grants and donations.

- A McGruff costume costs \$5,000, designing and purchasing our own costs between \$5000 and \$8000 depending on the design and company used.

**DEPARTMENT RECOMMENDATION:**

The Police Department recommends that the Select Board approves the acceptance of the donation from Rockland Trust.

**OPTIONS:**

- Motion to accept a donation from Rockland Trust in the amount of \$500.00 to go towards the purchase of a mascot costume for the Police Department as presented.
- Motion to deny the acceptance of a donation from Rockland Trust in the amount of \$500.00 to go towards the purchase of a mascot costume for the Police Department.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
Donation	Police	28-210-5211-4830			+\$500.00	

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

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board approve the acceptance of a donation from Rockland Trust in the amount of \$500.00 to go towards the purchase of a mascot costume for the Police Department as presented.

*Michael Renshaw*

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

10/29/2024

Date

September 30, 2024

Officer Julia Massi  
Falmouth Police Department  
750 Main St.  
Falmouth, MA 02540

Dear Officer Massi:

Rockland Trust is pleased to support Falmouth Police Department. Enclosed please find our check in the amount of \$500.00 for *Mascot Costume*.

Rockland Trust takes pride in supporting various community organizations and non-profit programs in our service area. We are committed to strengthening the communities in which we work and live.

Any promotional material associated with this contribution should use the Rockland Trust name and/or logo. Please email [Charitable.Giving@RocklandTrust.com](mailto:Charitable.Giving@RocklandTrust.com) if you need the logo.

We are pleased to make this donation and wish you much success.

Sincerely,

A handwritten signature in blue ink that reads "Andrea Borowiecki". The signature is written in a cursive style.

Andrea Borowiecki (she/her/hers)  
Vice President, Charitable Giving & Community Engagement

## **OPEN SESSION**

### **CONSENT AGENDA**

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

- b. Consider request to accept a donation from Rotary Club of Falmouth, Cape Cod in the amount of \$3,000.00 to go towards the purchase of a drone for the Police Department



**ITEM NUMBER:** Consent Agenda – Administrative Orders 2.b.

**ITEM TITLE:** Consider the request to accept a donation from the Rotary Club of Falmouth, Cape Cod in the amount of \$3,000.00 to go towards the purchase of a drone.

**MEETING DATE:** 11/4/2024

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

**SUBMITTED BY:** Chief Jeffrey A. Lourie

**ATTACHMENTS:** Award letter

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**PURPOSE:**

This is a written request to the Select Board to vote to approve a \$3000.00 donation from the Rotary Club of Falmouth, Cape Cod. This donation will be used towards the purchase of a drone for the Police Department.

**BACKGROUND/SUMMARY:**

- In the attached letter dated October 16, 2024, the Rotary Club of Falmouth has awarded a gift of \$3,000.00 to be used exclusively for the Police Department's acquisition of a drone.
- The proposed drone will be used to enhance law enforcement capabilities across the Department.

**DEPARTMENT RECOMMENDATION:**

The Police Department recommends that the Select Board accepts the donation from the Rotary Club to assist in the funding of a drone program.

**OPTIONS:**

- Motion to approve the acceptance of a donation from the Rotary Club of Falmouth, Cape Cod in the amount of \$3,000.00 to go towards the purchase of a drone as presented.
  
- Motion to deny the acceptance of a donation from the Rotary Club of Falmouth, Cape Cod in the amount of \$3,000.00 to go towards the purchase of a drone.
  
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
Donation	Police	28-210-5211-4830			+\$3,000.00	

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

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board approve the acceptance of a donation from the Rotary Club of Falmouth, Cape Cod in the amount of \$3,000.00 to go towards the purchase of a drone.

*Michael Renshaw*

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

10/29/2024

Date

**Board of Directors  
2024-2025**

*Officers*

*President*

Paul McCadam

*President-Elect*

John Beauchaine

*Vice President*

Adrienne Baumann

*Treasurer*

Amy Leonardi

George Pelletier

*Secretary*

Robin Singer

*Past President*

Amy Leonardi

*Directors*

Rudy Hunter

Jennifer Markello

Bill Kerfoot

Steve Clay

Rosemary Royer

Bob Osol

October 16, 2024

Falmouth Police Department  
Attn: Chief Jeff Lourie

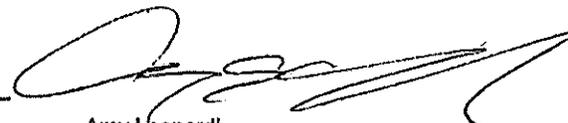
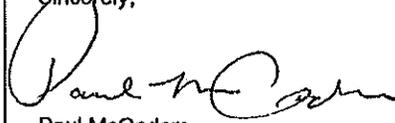
Dear Chief Lourie,

On behalf of the Rotary Club of Falmouth, Cape Cod, we would like to award a gift of \$3,000 to be used exclusively for the drone program purchase for the Falmouth Police Department. The drone program you have planned is impressive especially by allowing increased capabilities to help protect our community, save lives and help our police department work in a more efficient way. In anticipation of the Falmouth Select Committee accepting our contribution, a check has been included to the Falmouth Police Department, specifying "Gift Account Donation for Drone Purchase".

Rotary International is a worldwide organization of more than 1.2 million business, professional, and community leaders. Members of Rotary clubs, known as Rotarians, provide humanitarian service, encourage high ethical standards in all vocations and help build goodwill and peace in the world. The Rotary Club of Falmouth was founded in 1927, merely 22 years after the first Rotary Club meeting in Chicago. As a result, it is one of the oldest, continuing Rotary Clubs in the world. As a member of Rotary International District 7950, Falmouth Rotary participates in local, regional and international service projects. Among its local service projects, Falmouth Rotary constructed a helicopter landing facility at Falmouth Hospital, has contributed park benches for the town parks, built a pavilion at Goodwill Park, renovated emerald house, volunteered with Cape Kids Meals, Happy Hope as well as beach cleanups, nature trails, and much more. Falmouth Rotary is most noted, however, for their youth programs including outdoor learning and scholarships for which any Falmouth student is eligible to help pay for their higher education. Worldwide, Falmouth Rotary participates in the effort to eradicate polio and supports Rotary district projects throughout the world.

On behalf of Rotary, I thank you for your leadership, both as Police Chief and as a Rotarian. Please keep us updated as the project progresses. All of us with the Rotary Club of Falmouth thank you and your department for all you do. The Police Department and their efforts is right in line with our own motto, "Service Above Self".

Sincerely,



Paul McCadam  
Club President 2024-2025  
EIN #83-3416603

Amy Leonardi  
Club Treasurer

## **OPEN SESSION**

### **CONSENT AGENDA**

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

- c. Consider request from the Police Department Community Engagement Team to expend \$1,343.00 of the funds remaining from a D.A.R.E. grant



**ITEM NUMBER:** Consent Agenda – Administrative Orders 2.c.

**ITEM TITLE:** Consider the approval to expend \$1,343.00 in funds remaining in the D.A.R.E. Grant

**MEETING DATE:** 11/4/2024

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

**SUBMITTED BY:** Chief Jeffrey Lourie / Community Engagement Team

**ATTACHMENTS:** Quote from vendor

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**PURPOSE:**

This is a written request to the Select Board from the Falmouth Police Department Community Engagement Team is requesting to spend \$1,343.00 of the funds remaining from a DARE grant.

**BACKGROUND/SUMMARY:**

- FPD was awarded a DARE grant to be spent on items for local children.
- We are requesting to purchase 500 Jr Police Officer badges and 150 push pop bounce balls.
- Police Officers forming professional bonds with children help the children to feel comfortable reporting things to the police and can help open anti-drug dialogs.
- Police Officers giving out Jr Police Officer Badges and stress relief balls can help to build important relationships.

**DEPARTMENT RECOMMENDATION:**

The Department recommends the approval of spending from the D.A.R.E. grant.

**OPTIONS:**

- Motion to approve the expenditure of \$1,343.00 of D.A.R.E. grant funds as presented.
- Motion to deny the request to expend \$1,343.00 of D.A.R.E. grant funds.
- Some other Board defined alternative.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
Donations	Police	28-210-5210-5780			-\$1,343.00	

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

N/A

**TOWN MANAGER COMMENTS:**

The Town Manager recommends that the Select Board approve the expenditure of \$1,343.00 in funds remaining in the D.A.R.E. Grant as presented.

*Michael Renshaw*

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**Town Manager**

10/29/2024

**Date**



## **OPEN SESSION**

### **CONSENT AGENDA**

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

- d. Consider request from the Fire Rescue Department to accept a donation from the family of the late Dr. Evan Weinstein in the amount of \$20,000.00 and a donation from the Falmouth Road Race in the amount of \$8,946.00 to support the purchase of a custom street ready (registered) medical cart



## AGENDA ITEM SUMMARY SHEET

**ITEM NUMBER:** Consent Agenda – Administrative Orders 2.d.

**ITEM TITLE:** Consider request from the Fire Rescue Department to accept a donation from the family of the late Dr. Evan Weinstein in the amount of \$20,000.00 and a donation from the Falmouth Road Race in the amount of \$8,946.00 to support the purchase of a custom street ready medical cart

**MEETING DATE:** 11/4/2024

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

**SUBMITTED BY:** Timothy R. Smith, Fire Chief

**ATTACHMENTS:** None

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### PURPOSE:

Chief Smith has received notification from the family of the late Dr. Evan Weinstein and from the Falmouth Road Race of their intention to donate the sum of \$20,000 and \$8,946 respectively to the Fire Rescue Department to support the purchase of a custom street ready (registered) medical cart. The Select Board is now asked to approve the donation for its stated purpose.

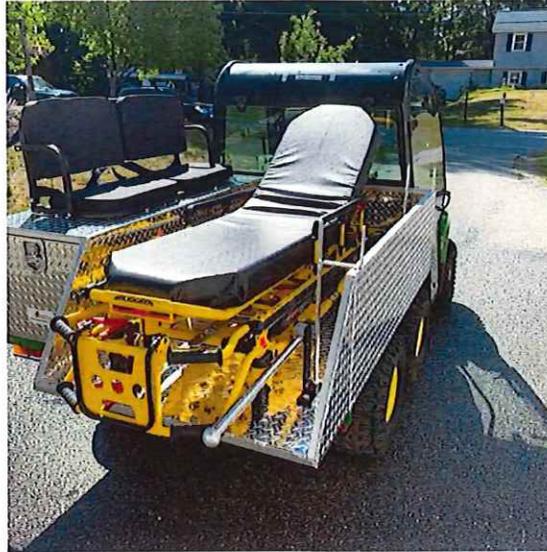
### BACKGROUND/SUMMARY:

- Dr. Evan Weinstein was our Affiliate Medical Director (ER MD) at Falmouth Hospital and one of our Medical Directors for Cape and Islands EMS for several years. He was also a Paramedic and assisted our department in support of EMS Services. Sadly, he passed away at an early age.
- The family wishes the funds to be utilized to help support our EMS services. Therefore, it was determined the funds would be best used to purchase a custom street ready (registered) medical cart.

- The Falmouth Road Race has also donated funds to this project because of Dr. Weinstein's many years of involvement with the race.
- This vehicle would be instrumental for EMS details, such as the Falmouth Street Fair, Falmouth Road Race, July 4<sup>th</sup> fireworks and other applications.
- This vehicle would be more helpful for EMS details than our Ranger-1 which is more of an off-road resource, utilized at the County Fair Grounds and in conjunction with trail incident rescues.

Sample photos of vehicle design:





**DEPARTMENT RECOMMENDATION:**

The Fire Rescue Department recommends that the Select Board vote to approve the donation from Mrs. Eaton to the Department:

**OPTIONS:**

- Motion to accept the donation from the family of the late Dr. Evan Weinstein in the amount of \$20,000.00 and a donation from the Falmouth Road Race in the amount of \$8,946.00 to support the purchase of a custom street ready medical cart, as presented.
- Motion to deny the acceptance of the donation from the family of the late Dr. Evan Weinstein in the amount of \$20,000.00 and a donation from the Falmouth Road Race in the amount of \$8,946.00 to support the purchase of a custom street ready medical cart.
- 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 accept the donation from the family of the late Dr. Evan Weinstein in the amount of \$20,000.00 and a donation from the Falmouth Road Race in the amount of \$8,946.00 to support the purchase of a custom street ready medical cart, as presented.

*Michael Renshaw*

10/31/2024

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Town Manager

Date

## **OPEN SESSION**

### **MINUTES**

- 1. Review and vote to approve minutes of meetings**
  - a. Public Session – June 3, 2024

# DRAFT

## TOWN OF FALMOUTH SELECT BOARD

### Open Session Minutes

MONDAY, JUNE 3, 2024 – 6:30 P.M.

SELECT BOARD MEETING ROOM TOWN HALL  
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

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

**Absent:** None

**Others present:** Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager

### 6:30 p.m. - OPEN SESSION

Call to Order: By Chair Nancy Robbins Taylor at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Reorganization of the Select Board

**Motion by Mr. Zylinski: To reappoint Nancy Robbins Taylor as Chair of the Select Board. Second: Mr. Mascali Roll Call Vote:**

**Zalinski: Aye**

**Brown: Aye**

**Mascali: Aye**

**Goldstone: Aye**

**Taylor: Aye**

**Motion by Chair Taylor: To reappoint Scott Zylinski as Vice Chair of the Select Board.**

### Discussion:

Mr. Brown suggested allowing Mr. Mascali to be Vice Chair, due to Mr. Zylinski's potential work conflicts. Mr. Zylinski stated that he has structured his work in order to handle the Vice Chair role.

**Second: Mr. Zylinski Roll Call Vote:**

**Zalinski: Aye**

**Brown: Aye**

**Mascali: Aye**

**Goldstone: Aye**

**Taylor: Aye**

### Proclamations

- a. Proclamation declaring June 7-9, 2024, as Wear Orange Days in recognition of National Gun Violence Awareness Day and Weekend

Mr. Mascali read the proclamation into the record.

**Motion by Mr. Mascali: That we: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone, of the Select Board of the Town of Falmouth do hereby proclaim June 7, 2024, to be Wear Orange Day, and the June 8<sup>th</sup> and 9<sup>th</sup> weekend to be Wear Orange Weekend in Falmouth MA, and witness whereof we have hereunto set our hands and caused the great seal of the Town of Falmouth to be affixed this day Monday, June 3, 2024.**

**Second: Mr. Brown    Vote: Yes – 5 No – 0**

b. Proclamation – Honoring the service of Rabbi Elias Lieberman

This item was tabled to a future meeting.

c. Resolution congratulating The Woods Hole Golf Club on the occasion of its quasiquicentennial year

Mr. Mascali read the resolution into the record.

**Motion by Mr. Mascali: That the Select Board of the Town of Falmouth congratulates the Woods Hole Golf Club of Falmouth MA for all of its good work and recognizes the historical and community value it holds for the Town of Falmouth and, be it further resolved that copies of this resolution suitably engrossed be transmitted to the leadership of the Woods Hole Golf Club in Falmouth MA, and witness whereof we have hereunto set our hands and caused the great seal of the Town of Falmouth to be affixed: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone.**

**Second: Mr. Zylinski                      Vote: Yes – 5 No – 0**

Recognition – Presentation of citations to the Cape Cod Wheelchair Curlers: Mr. Renshaw introduced members of the Cape Cod Wheelchair Curlers and Senator Susan Moran presented citations to them.

Mr. Mascali recognized Mike Duffany, his family, and his business for hosting the free Memorial Day concert.

Mr. Brown recognized the Zoning Board of Appeals for all of their work on recent applications.

Mr. Zylinski recognized all of the volunteers at the Joe Q Veterans Center.

Announcements: Mr. Mascali stated that on Friday there will be a Soldier Ride at 9:30am starting in North Falmouth. On June 12<sup>th</sup> the Cape Cod Commission will hold a virtual hearing regarding the proposed YMCA facility.

Public Comment:

Tom Stone, Precinct 6 and Vice President of the Falmouth Gun Safety Coalition, thanked the Board, Mr. Renshaw, and the Police Chief for working to reduce the number of guns in Falmouth.

Matt Handley, Precinct 6, noted that he attended a recent ZBA meeting and echoed Mr. Brown's comments on the democratic process that was involved. He noted that the Town seems to be trying to increase transparency and listen to the residents' voices. He urged the Board to look into the new National Heritage Fish & Wildlife maps as they do not show some of the existing protected species. He would also like to see all boards in the Town return to open meetings.

## COMMITTEE INTERVIEWS

### Interview, vote and appoint committee members

1. Regulatory boards
  - a. Board of Health – Jed Goldstone

*Ms. Goldstone recused herself from this item.*

**Motion by Mr. Zylinski: To reappoint Jed Goldstone to the Board of Health for a three-year term until June 30, 2027. Second: Mr. Brown Vote: Yes – 4 No – 0**

*Ms. Goldstone retook her seat.*

- b. Historical Commission – Annie Dean, Johanna Reed, Mason Wilcox

It was noted that Annie Dean was not present at this time. The Board rescheduled her appointment to a future meeting.

**Motion by Mr. Brown: To appoint Johanna Reed to the Historical Commission for a three-year term until June 30, 2027. Second: Mr. Zylinski Vote: Yes – 5 No – 0**

**Motion by Mr. Brown: To appoint Mason Wilcox to the Historical Commission for a three-year term until June 30, 2027. Second: Mr. Zylinski Vote: Yes – 5 No – 0**

2. Committee reappointments (uncontested seats)

**Motion by Chair Taylor: To reappoint Committee members, as listed in the packets. Second: Mr. Zylinski Vote: Yes – 5 No – 0**

## BUSINESS

### Update – Cape and Islands District Attorney – Robert Galibois

Robert Galibois, Cape and Islands District Attorney explained that the DA has its first forward-facing website. He updated the Board on human trafficking, human rights/hate incidences, and community engagement. He explained that there are community engagement groups called 'DA & Us' which they are trying to expand to towns across the Cape. Regarding the DA's budget, he requested stakeholders across the Cape and the Islands to justify a nearly 60% budget to have parity with the Northwest District.

### Discuss and vote on reduction of Veterans Center lease payment

Mr. Renshaw explained that in September 2021 there was a competitive proposal process, after which the Town executed a lease agreement with Joe Q Veteran Coffee Break Incorporated for the former Senior Center. The initial term of that lease agreement was five years, expiring August 31, 2026. Under the terms of the lease, the Town is responsible for repair of the major systems of the building and Joe Q Veteran Coffee Break is responsible for maintenance and upkeep of the property. The lease includes a market rate of \$4,000 per year and allows the Town to recapture a portion of the cost to meet those maintenance/repair obligations. All of the work completed at the building has been funded by a combination of grants, donations, and in kind donations of labor. While there is not an accurate costing of the value of these improvements, the estimated is in excess of \$100,000. The value which has been added

to the property far exceeds any amount of lease that the Town would recover based upon the current terms of the lease agreement. The recommendation is to amend the existing lease, that the rent for 300 Dillingham Avenue to Joe Q Veteran Coffee Break be reduced from \$4,000 per year to \$1.00 per year.

**Motion by Chair Taylor: To amend the existing lease, that the rent for 300 Dillingham Avenue to Joe Q Veteran Coffee Break be reduced from \$4,000 per year to \$1.00 per year.**

**Second: Mr. Brown                      Vote: Yes – 5 No – 0**

Request from Falmouth Farmers Market, Inc. for a waiver/reduction of the special event permit fee for the Falmouth Farmers Market at Marina Park on Thursdays from 5/30/24 – 10/17/24

Mr. Renshaw explained that, for the past seven years, the Select Board has voted to reduce the special event permit fee to the \$200 base fee plus an additional \$500 in-kind donation. The \$500 in-kind donation is used to take care of the garden area in front of the Harbor Masters Office.

Mr. Brown asked if the event is cancelled on rainy days. Lindsey Close, President of the Farmers Market Board of Directors, stated that the event is only cancelled on very stormy days but not for a light drizzle. Mr. Brown noted that there is a policy regarding responsibility for the grounds, if damaged.

**Motion by Mr. Brown: To approve the reduction of the special event permit fee to a \$200 permit fee and \$500 in-kind donation for the care of the Harbor Master's Office garden for the Falmouth Farmers Market at Marina Park taking place on Thursdays from June 6 to October 17, 2024.**

**Second: Mr. Mascali                      Vote: Yes – 5 No – 0**

Vote to authorize the extension of the special temporary outdoor seating approvals of 2023 to April 1, 2024, through April 1, 2025, to those restaurants which had approved temporary outdoor dining licenses on March 31, 2024

Mr. Renshaw explained that the Governor's Office submitted a memorandum regarding reducing the review and approval of such applications for outdoor alcoholic beverages table service so that they would no longer be performed by the Alcoholic Beverages Control Commission (ABCC). All other types of alterations of premises applications would continue to be submitted through the ABCC. The Act requires municipalities to take sole responsibility for the review and approval of these outdoor alcoholic beverage table service areas. A thorough review of the complex change to the procedures is recommended through Town Counsel's office and Town Counsel is currently recommending undergoing the review. An extension is available only to those existing license holders that were approved for the temporary outdoor seating back in 2023 and whose permit expired on March 31, 2024. The recommendation is to approve the request to authorize this extension of the special temporary outdoor seating approvals of 2023, spanning the period of coverage from April 1, 2024, through April 1, 2025, allowing a one-year extension to those restaurants that had temporary outdoor dining licenses approved through March 31<sup>st</sup>.

Mr. Mascali asked what happens for restaurants that were not previously approved that would like to have outdoor dining. Mr. Renshaw stated that staff is working with Town Counsel to create those procedures. Staff would like to be able to mirror the former process that was under ABCC.

**Motion by Mr. Zylinski: To approve the request to authorize the extension of the special temporary outdoor seating approvals of 2023 to April 1, 2024, through April 1, 2025, to those restaurants which had approved temporary outdoor dining licenses on March 31, 2024.**

**Second: Mr. Mascali                      Vote: Yes – 5 No – 0**

Discuss and vote to establish Taskforce 2026 for the Planning and Coordination of the Nation's 250th Anniversary

Karen Rinaldo, Falmouth Visual Historian, and Bob Ripley, 250<sup>th</sup> Anniversary Advisor, presented on the planning and coordination of the Nation's 250<sup>th</sup> Anniversary. The economic benefits to Falmouth from hosting a 250<sup>th</sup> celebration include increased tourism to Falmouth and Woods Hole, increased Falmouth Room and Meals Tax revenues, increased hotel and room rentals in Falmouth, increased revenue for businesses in Falmouth and Woods Hole, and encouraging new businesses to develop in Town. The proposed Working Group would be working to design a Town specific logo for this event, a comprehensive plan to celebrate the event, identifying funds, coordinate with the School District and local historical societies, and provide opportunities for local people to be involved. The Working Group would also like to consider reestablishment of the militia and a reenactment of the Battle of Falmouth.

Mr. Renshaw stated that many of the towns on Cape have already formed citizen committees or task force groups to begin the planning process for this event. He recommended the creation of a Task Force 2026 for the planning and coordination of the Nation's 250<sup>th</sup> Anniversary. He proposed this be comprised of a seven-member group of individuals appointed by the Select Board in accordance with the Board's existing Appointment Policy. The Task Force would be responsible for developing a comprehensive plan for the 250<sup>th</sup> Anniversary celebration, including identifying potential grant funding opportunities. This Task Force would have a specific start date and end date, with the start date proposed to be effective at the creation of the Task Force and an end date of July 15, 2026. He recommended quarterly or semi quarterly updates and reports to the Select Board from the Task Force. He also recommended that the Task Force draft a mission statement or charge in consultation with his office as its first order of business which would be brought back the Board for approval.

Mr. Mascali asked about staff involvement in the Task Force. Mr. Renshaw stated that he will try to minimize the amount staff is leaned on for the Task Force process.

Ms. Goldstone asked about the role of the Select Board in this process and the proposed end date for the Task Force. Mr. Renshaw stated that the Select Board's role will be to take periodic reports and recommendations from the Task Force. He stated that he sees the proposed Task Force end date as the zenith of the likely celebrations. Chair Taylor noted that the Task Force may request a different end date if it sees fit.

Mr. Brown asked about the recommendation of the Town Manager for a seven-person Task Force, when the presentation noted an 11-person request. Mr. Johnson-Staub noted that, for an 11-person group, there would have to be a quorum of six members present in order to hold a meeting. Mr. Brown suggested a group of organized citizens, instead of a Town group. Mr. Renshaw stated that a Select Board appointed body could give the group extra weight. Chair Taylor stated that a group of organized citizens may not get the support of the Select Board as needed.

There was agreement on the Board to allow for the Task Force to be created, with the intention of presenting a mission statement and other specifics to the Board at a future meeting.

**Motion by Mr. Zylinski: To create the Task Force 2026 for the planning and coordination of the Nation's 250<sup>th</sup> Anniversary as presented, to properly advertise for applications.**

**Second: Mr. Mascali                      Vote: Yes – 5 No – 0**

Discuss and vote to approve an Entertainment Regulation and amendments to the Special Events Use Policy

Mr. Renshaw explained that he had a conversation with Town Counsel earlier this afternoon in regard to the Entertainment Regulation portion of this item. Mr. Renshaw explained that he is requesting the Board discuss the proposed Entertainment Regulation, while noting that a public hearing is required for the formal adoption of a regulation. That hearing will likely be set for the July 15<sup>th</sup> meeting date. He asked that the Board also discuss and vote to approve the Special Events Use Policy, as revised to develop a new Entertainment Regulation. The proposed Entertainment Regulations offer additional specificity with regards to restrictions that would be placed upon businesses that engage in entertainment activities, including outdoor music. This will allow for enhanced enforceability of violations when complaints are made. Last summer, the Board and staff were inundated with many e-mail complaints on this topic. Regarding the proposed entertainment regulations, there is no existing documentation that memorializes or documents what would be considered a violation. Proposed item #7 deals with speakers and amplification and states that "any speakers or amplification systems must be directed towards the interior of the property. Noise shall not be audible to a reasonable person beyond the property line of the licensed premises." This item was based upon the Noise Bylaw that is currently in place. A new Noise Bylaw is being worked on for the November Town Meeting that will be more objective and quantitative in terms of decibel readings. Proposed item #8 states that any noise from outdoor entertainment must be contained within the property lines or a license shall not be issued. Lastly, item #9 in the proposed regulations looks to place the onus on the applicant to notify abutters of an entertainment license application. Currently the Select Board Office issues those letters to abutters and incurs the cost associated with advertising for the public hearing.

Mr. Renshaw stated that the proposed amendments to the existing Special Events Use documents are intended to provide a connection between the proposed entertainment regulation to the existing Special Events Use and Entertainment License Policy. Item #3 of the amended Special Events Use Policy includes specific categories which would require a public hearing. The Town does not currently have a document that outlines and enforces an application into the public hearing arena. This proposed change will allow applicants to know what will be required in terms of a potential public hearing.

The Board addressed the Special Events Use Policy.

Mr. Mascali stated that he would like to wait to vote on the regulation and policy at the same time. The community may not have seen the policy yet.

Mr. Brown stated that he would like to consider how to address certain events, such as entertainment at the fairgrounds or the band shell, that may be okay with the Board but goes beyond the property lines. Mr. Renshaw stated that it may be appropriate to allow the Board and public additional time to review these documents to make sure the language is correct.

**Motion by Mr. Zylinski: To table this item to July 15, 2024.**

**Second: Mr. Brown                      Vote: Yes – 5 No – 0**

Approve application for a Change of Hours of a Seasonal All Alcoholic Beverages License – 71 Water Street, Inc. dba The Woods Hole Wharf located at 71 Water Street, Woods Hole

Mr. Renshaw stated that the application was filed on May 20<sup>th</sup> for 71 Water Street, Inc. dba The Woods Hole Wharf for a change in hours of a Seasonal All Alcoholic Beverages License. The current business hours are 11:00 AM - 1:00 AM Mondays through Saturday, and 12:00 PM - 1:00 AM on Sundays. The applicant is requesting to operate from 8:00 AM - 1:00 AM Monday through Sunday. The applicant states that the purpose of the request is to facilitate the operation of a breakfast service which would complement the existing business, as there is currently a lack of breakfast services in the Woods Hole area. The Police Department, Fire Rescue, and the Building Department have reviewed the application

and have no issues or concerns. He noted that, per MGL 138 Section 33, alcohol cannot be served on Sundays prior to 10:00 AM.

**Motion by Ms. Goldstone: To approve the proposed change of hours of a Seasonal All Alcoholic Beverages License for 71 Water Street, Inc. dba The Woods Hole Wharf located at 71 Water Street, Woods Hole, amended to 10:00 AM on Sundays.**

**Second: Mr. Brown                      Vote: Yes – 5 No – 0**

Approve application for new Lodging House License – Woods Hole Passage – 186 Woods Hole Road

**Motion by Mr. Mascali: To approve the application for a new Lodging House License for Woods Hole Passage, 186 Woods Hole Road, as presented.**

**Second: Mr. Brown                      Vote: Yes – 5 No – 0**

Request for variance to Sign Code §184-18, C Measurement of Sign Area and §184-25, B.3. Freestanding Signs: Aldi, 39 Davis Straits, Falmouth

Mr. Renshaw explained that ALDI has applied for four signs to be located in the B2 Zoning District. He stated that his recommendation to Select Board is to support the recommendation of the Building Department to require the applicant to reduce the size of their signs to meet the bylaw.

Heather Dudko, National Sign Company, explained that the request is for a variance for the proposed signage for ALDI, as the proposed signage does not meet the bylaw for size. There are two wall signs proposed on the building. The building was the former Christmas Tree Shop. It has approximately 180' of frontage and a setback of approximately 350' from Route 28. The front façade is approximately 4,300 s.f. There was an existing Christmas Tree Shop sign of approximately 240 s.f., there is an existing Christmas Tree Shop pylon sign in the center of the parking lot, and there is an existing Christmas Tree Shop directional sign at the curb cut at the entrance. ALDI is proposing two wall signs, internally illuminated. One sign is proposed to be 120 s.f., where 75 s.f. is allowed. There is also a height restriction that would require a variance. The existing sign in the parking lot is proposed to be removed, with a monument sign proposed to be installed near the entrance. This meets the square footage and setback requirements, but the proposed 52" will exceed the overall height allowed. Secondly, a monument sign is proposed to be 7 s.f., and a third sign will replace the directional sign at the entrance. The sign box for this exceeds the height allowed. The pylon sign in the parking lot was suggested to be moved closer to the road, leading to a challenge for visibility and the request for the directional sign.

Rich Derbes, ALDI Director of Real Estate, explained that the proposal for the directional sign at the curb cut is to funnel the traffic into the most appropriate entrance. The proposed signs do not meet the code, but the request is for the Board to be consistent with allowances in the past. The old Christmas Tree Shop sign was very long and large. The proposed logo makes for a taller sign which does not fit with the design of the sign.

Mr. Mascali asked if the proposed variance is for 16". Ms. Dudko explained that the sign box itself is 12', which is a problem as the Building Code states there should be a 3' maximum allowed.

Mr. Zylinski stated that he does not have as much of an issue with the proposed façade signs, but he is concerned with the sight line distance of the pole sign proposed. The proposed signs may mask the sight line.

Ms. Goldstone asked about potential mitigation of light pollution from the internally illuminated building signs. Mr. Derbes stated that one sign faces the parking lot, and the other sign faces a nearby business.

Mr. Brown asked about the Building Department's recommendation. Mr. Renshaw explained that the issue with regard to the entrance/directional sign is that the signage itself is proposed to be 52" and the bylaw limits this to 3'. The request is that the applicant consider reducing the height of the sign itself. The Board could require this of the applicant. All of the signs are proposed to be internally illuminated. A variance could be considered for the internal illumination proposed, but the bylaw language does not speak to how bright is too bright.

Ms. Goldstone asked about the square footage of the nearby Shaw's and Stop & Shop signs. Mr. Derbes stated that he believes that the Shaw's sign is approximately 5'-6'. The Convenient MD business across the street has a 4' sign. Mr. Brown noted that some of these signs were installed prior to a bylaw. Buildings are often built to consider proposed signage. Ms. Goldstone stated that she would be comfortable varying from the 3' height due to the logo and overall signage.

Mr. Brown expressed concern regarding the brick base proposed for the pole sign. Mr. Derbes explained that this could be changed. He suggested two slim brick poles, similar to the nearby CVS sign, for the entrance sign to allow for additional sight line space, while also considering a reduction for the directional sign.

**Motion by Mr. Zylinski: To approve the size variance for the two signs on the building, noting that the applicant will come back for the illumination variances and the two roadway signs.**

**Discussion:**

The Board discussed the brightness of the proposed internal illumination. Mr. Derbes suggested that he could bring back specifications at the next meeting. Mr. Renshaw suggested bringing back information on the lumens of the proposed signs and nearby signs for a future meeting. Ms. Goldstone asked for additional information about the potential to change the amount of illumination post-installation.

**Second: Mr. Mascali**

**Vote: Yes – 5 No – 0**

**CONSENT AGENDA**

**Licenses**

- a. Approve application for a Special One-Day Wine & Malt Liquor License – Highfield Hall and Gardens, 56 Highfield Drive – Fabulous Falmouth Females Garden Party – Thursday, 6/27/24 from 5:00 p.m. – 7:00 p.m.
- b. Approve application for a Special One-Day Wine & Malt Liquor License – Cape Arts & Entertainment – Cape Symphony Presents – Cape Cod Conservatory, 60 Highfield Drive, Falmouth – Thursday, Friday, Saturday, June 20 to June 22, 2024

**Administrative Orders**

- a. Request for variance to Sign Code §184-32 Off-Premises Signs: Cub Scout Pack 41 – display from 8/30/24 to 9/23/24
- b. Request for variance to Sign Code §184-30 (C) Special Events: Juneteenth event sign at St. Barnabas Church, 91 Main Street
- c. Approve Eversource petition to install approximately 30' (feet) of 1-3" conduit under town road starting at new handhole to be labeled 193/3HHA at base of existing pole 193/3 to customer's property. This work is necessary to provide electric service to #14 Montgomery Avenue.

- d. Approve letter of support for the FY25 Community One Stop for Growth Expression of Interest (EOI) for Nathan Ellis Highway (Route 151) Water Main Extension

**Motion by Mr. Zylinski: To approve Consent Agenda, as presented.**

**Second: Ms. Goldstone                      Vote: Yes – 5 No – 0**

## **MINUTES**

### Review and vote to approve minutes of meetings

- a. Public Session – May 20, 2024

**Motion by Mr. Brown: To approve the meeting minutes of the Public Session – May 20, 2024.**

**Second: Mr. Mascali                      Vote: Yes – 4 No – 0 Abstain – 1 (Ms. Goldstone)**

## **TOWN MANAGER’S SUPPLEMENTAL REPORT**

- Staff has developed a Request for Qualifications for an Owner’s Project Manager (OPM) for the new Police facility. The OPM is anticipated to assist in selecting an architect.

## **SELECT BOARD REPORTS**

- The Board will review Committee assignments at the next meeting.
- Ms. Goldstone attended the 40<sup>th</sup> Anniversary Celebration for Newcomers.
- The Short-Term Rental Working Group discussed options to move forward and will focus on ideas for potential regulations.
- Mr. Brown attended a Mass Cultural Council meeting.
- Mr. Mascali attended Falmouth High School’s 50<sup>th</sup> graduation.
- Mr. Mascali and Mr. Brown attended the 125<sup>th</sup> anniversary of the Woods Hole Golf Club.
- Mr. Zylinski attended a Rod & Gun Club yard sale event.

## **ADJOURN**

**Motion by Ms. Goldstone: To adjourn at 8:50pm. Second: Mr. Mascali**

**Vote: Yes – 5 No - 0**

Respectfully submitted,  
Kristan Patenaude, Recording Secretary