

TOWN OF FALMOUTH
SELECT BOARD
AGENDA

MONDAY, JANUARY 27, 2025 – 5:30 P.M.
OLD SILVER / SURF DRIVE PROGRAM ROOM
SENIOR CENTER
780 MAIN STREET, FALMOUTH, MA 02540

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

5:30 p.m. OPEN SESSION

5:30 p.m. EXECUTIVE SESSION

1. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to collective bargaining – Police Sergeants, NEPBA Local 61
2. M.G.L. c. 30A s. 21(a)(3) – To discuss strategy with respect to collective bargaining – Police Lieutenants, NEPBA Local 165

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation: Black History Month – February 2025
4. Recognition
5. Announcements
6. Public Comment

6:35 p.m. COMMITTEE INTERVIEWS

1. Interview and consider a vote to appoint committee member:
 - a. Conservation Commission – Russell E. Robbins
 - b. Cultural Council – Sarah Glover

6:45 p.m. BUSINESS

1. Discuss short-term rental bylaw development status and next steps **(60 minutes)**
2. Overview and discussion of Public Works' Snow and Ice Control Procedural Manual and Policy **(20 minutes)**
3. Update and discussion on recommended traffic safety improvements in the area of Railroad Ave. and Luscombe Ave. in Woods Hole **(20 minutes)**
4. Hear and discuss a status update from Eversource on the cabling project **(20 minutes)**
5. Report – Board of Health **(15 minutes)**
6. Report – EDIC **(15 minutes)**
7. Report – Energy Committee **(15 minutes)**
8. Consider a vote to approve an application for a Change of Hours to its Common Victualler License – Bad Martha's Farmer's Brewery, LLC, 876 East Falmouth Highway **(10 minutes)**
9. Consider a vote to approve an application for a Class II Used Car Dealer License – Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth **(10 minutes)**

10. Consider a vote to approve an application for an Automatic Amusement Device License – KK Codders Corp. d/b/a Anchor Ale House, 100 Davis Straits **(5 minutes)**
11. Consider a vote to approve an application for a Second-Hand Dealer’s License – Capstan Yacht Corp. d/b/a Capstan Yachts, 56 Scranton Avenue, Falmouth **(5 minutes)**
12. Discuss Seasonal Communities designation **(15 minutes)**
13. Hear an update on SouthCoast Wind landfall at Brayton Point and recent concerns with SouthCoast Wind messaging **(10 minutes)**
14. Review and discuss meal and travel policies **(15 minutes)**
15. Consider a letter of support for the grant application of Tisbury Towing and Transportation **(20 minutes)**
16. Vote articles and execute warrant for April 2025 Annual Town Meeting **(15 minutes)**

11:15 p.m. CONSENT AGENDA

1. Administrative Orders
 - a. Consider a vote to accept a donation of 40, \$50.00 ALDI gift cards totaling \$2,000.00 from Falmouth Elks Lodge to the Veterans Department
 - b. Consider a vote to accept a donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Cultural Council Donation Account for Music at the Table
 - c. Consider a vote to accept a donation in the amount of \$5,000.00 from the Kathryn Goodman Foundation to the Cultural Council Donation Account for Music at the Table
 - d. Consider a vote to accept a donation in the amount of \$1,000.00 from Mr. and Mrs. March to the Falmouth Police Department
 - e. Consider a vote to submit a letter of intent to the National Estuary Program Watersheds Grant Program 2024 Request for Proposals
 - f. Consider a vote to approve a request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families
 - g. Consider a vote to accept the Executive Office of Public Safety and Security and Department of Fire Services (DFS) FY2025 Firefighter Safety Equipment Grant in the amount of \$25,000.00

11:20 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session: January 6, 2025 - Joint Meeting with ZBA
 - b. Public Session: January 6, 2025 - Regular Meeting

11:25 p.m. TOWN MANAGER’S SUPPLEMENTAL REPORT

11:30 p.m. SELECT BOARD REPORTS

11:35 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

3. Proclamation: Black History Month – February 2025



PROCLAMATION

Whereas, Black History Month was first celebrated nationally in 1976 during the United States Bicentennial; and

Whereas, Black History Month has a rich cultural history throughout the United States, symbolizing the enduring strength and significance of civil rights pioneers including Martin Luther King, Jr., Rosa Parks, Phillis Wheatley, and Frederick Douglass; and

Whereas, The Town of Falmouth must continue to move towards equality, recognizing the barriers faced by the Black community and addressing structural racism and social, political, and economic inequalities; and

Whereas, Black History Month is an opportunity to recognize the many contributions and achievements by Black leaders and members of our community in the Town of Falmouth throughout the course of our history; and

Whereas, The theme, “African Americans and Labor,” intends to encourage broad reflections on intersections between Black people’s work and their workplaces in all their iterations and key moments, themes, and events in Black history and culture across time and space and throughout the U.S., Africa, and the Diaspora. Like religion, social justice movements, and education, studying African Americans’ labor and labor struggles are important organizing foci for new interpretations and reinterpretations of the Black past, present, and future. Such new considerations and reconsiderations are even more significant as the historical forces of racial oppression gather new and renewed strength in the 21st century; and

Whereas, Black History Month is a time to celebrate and acknowledge the significant history and contributions of the Black community throughout the Town of Falmouth, the Commonwealth of Massachusetts and the United States, as well as to bring awareness to the challenges faced by the Black community and the methods in which they have tirelessly worked to conquer such adversity;

Now, Therefore, We, Nancy R. Taylor, Edwin P. Zylinski II, Douglas C. Brown, Robert P. Mascali, and Heather Goldstone members of the Falmouth Select Board, do hereby proclaim **February 2025** to be,

Black History Month

in the Town of Falmouth and urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

We have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 27th day of January, 2025.

Nancy Robbins Taylor, Chair

Robert P. Mascali

Edwin P. Zylinski II, Vice Chair

Heather M. H. Goldstone

Douglas C. Brown

OPEN SESSION

COMMITTEE INTERVIEWS

1. Interview and consider a vote to appoint committee member:
 - a. Conservation Commission – Russell E. Robbins
 - b. Cultural Council – Sarah Glover

Town Committee Vacancies

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

Committee	Term Until
250 th Anniversary Task Force (1 position + 2 alternate positions)	12/31/26
Board of Assessors (1 position)	6/30/27
Board of Survey (2 positions)	6/30/27
Building Code Board of Appeals (4 positions)	6/30/25, 6/30/29
Cable Advisory Committee (4 positions)	6/30/25, 6/30/26, 6/30/27
Commission on Disabilities (6 positions)	6/30/25, 6/30/26, 6/30/27
Conservation Commission (2 positions) and (3 alternate positions)	6/30/27 6/30/25, 6/30/26
Constable (2 positions)	6/30/27
Council on Aging (1 position)	6/30/27
Diversity, Equity, Inclusion & Belonging Advisory Committee (1 position)	6/30/27
Edward Marks Building Advisory Committee (1 position)	12/31/24
Energy Committee (2 positions)	6/30/25, 6/30/27
Human Services Committee (2 positions)	6/30/25, 6/30/27
Joint Base Cape Cod – Community Advisory Council (1 position)	6/30/26
Taskforce on Workforce Sustainability (1 position)	6/30/25
Veterans Council Committee (1 position)	6/30/25

Applications are available on the Town website <https://www.falmouthma.gov/647/Town-Committees-Commissions-and-Boards>. Please submit applications to the Office of the Town Manager and Select Board, or email to townmanager@falmouthma.gov.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.a.

ITEM TITLE: Interview, vote, and appoint committee members, Conservation Commission- Russell E. Robbins

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Board and Committee Application Form

PURPOSE:

The Select Board will conduct an interview with Russell E. Robbins in order to fill a current vacancy on the Conservation Commission.

BACKGROUND/SUMMARY:

- There are currently two vacant full voting member positions on the Conservation Commission with terms that expire on June 30, 2027; there are also three (3) alternate position vacancies, two of which have terms ending on June 30, 2025, and one with a term ending June 30, 2026.
- The sole applicant, Mr. Russell E. Robbins, submitted his application materials for a full voting member position on December 16, 2024.

- According to his application, Mr. Robbins is a former member of the Committee (June 2014-September 2020) and former member of the Community Preservation Committee (2017-2023).
- Mr. Robbins states in his application that he is a Master Plumber with many years of experience in commercial and residential plumbing.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to appoint applicant Russell E. Robbins to fill the full voting member Conservation Commission vacancy with a term that expires on June 30, 2027.

OPTIONS:

- Motion to appoint applicant Russell E. Robbins to fill the full voting member Conservation Commission vacancy with a term that expires on June 30, 2027.
- Motion to deny the appointment of applicant Russell E. Robbins to fill the full voting member Conservation Commission vacancy with a term that expires on June 30, 2027.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to appoint applicant Russell E. Robbins to fill the full voting member Conservation Commission vacancy with a term that expires on June 30, 2027.

Michael Renshaw

Town Manager

1/23/2025

Date

Conservation Commission (7 members, 3 alternate members) (3-year terms)

Five vacancies:

- One full member with a term ending 6/30/27
- One full member with a term ending 6/30/27
- One alternate member with a term ending 6/30/25
- One alternate member with a term ending 6/30/25
- One alternate member with a term ending 6/30/26

One applicant:

- Russell E. Robbins



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. 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.

Name: Russell E Robbins

Address: 243 Pinzoretz Beach Dr Village: E. Falm ZIP: 02536

Mailing Address: Same as above Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: 11-29-57) / Taxpayer (date: 1960)

Amount of time you are available to give: _____

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

- 1. Conservation
- 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: Former member of the Committee,

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

Conservation Committee 6-9-14-9-6-20,

Community Preservation Committee 2017-2023

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

I believe that my past experience will help
to add to the commission

You may attach a resume to this application.

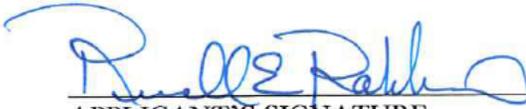
List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Eric Tuckington</u>	<u>Lawyer</u>	
2.	<u>Francis Smith</u>	<u>retired</u>	
3.	<u>Jamie Mathews</u>	<u>Builder</u>	

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.

12-15-24
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.

Plumbing & Gas Inspector, Town of Falmouth

Summary

Master Plumber with multiple years of experience in commercial and residential plumbing and gasfitting along with more than a decade of increasing responsibility as a Plumbing and Gas Inspector. Excellent collaboration with other town employees and management. Volunteers in multiple capacities on town boards related to conservation and community preservation.

Experience

- | | |
|---|-----------------|
| Town of Falmouth, Falmouth, MA
Plumbing and Gas Inspector | 2011 to Present |
| Responsible for all plumbing and gas inspections as well as sheet metal and mechanical inspections. | |
| <ul style="list-style-type: none">• Worked with the water quality management committee in relation to the town sewerage project.• Involved in the development of online permitting for the town. | |
| Town of Yarmouth, Yarmouth, MA
Plumbing and Gas Inspector | 2011 to 2012 |
| <ul style="list-style-type: none">• Developed revisions to the plumbing and Gas Permit fee schedule.• Compiled Cape-wide community fee schedule comparisons | |
| Town of Mashpee, Mashpee, MA
Assistant Plumbing and Gas Inspector | 2003 to 2011 |
| Upper Cape Regional Technical School, Bourne, MA
Instructor | 2001 to 2002 |
| Evening plumbing code and theory instructor | |
| Robbins Plumbing & Heating, Falmouth, MA
Owner and Master Plumber | 2001 to 2011 |
| <ul style="list-style-type: none">• Owner and Master Plumber for residential and commercial plumbing and gas company | |
| Newport, RI; Princeton, NJ; Daytona Beach, FL
Single engine and Multi-engine flight instructor | 1998 to 2001 |
| <ul style="list-style-type: none">• Airplane Flight Instructor for multiple companies | |
| Mastercraft Plumbing Contractors, Daytona Beach, FL
Commercial Plumbing Foreman | 1996 to 1998 |
| <ul style="list-style-type: none">• Plumbing foreman for addition to Daytona Beach Speedway. Brought project in on time and budget. | |
| Town of Falmouth, Falmouth, MA | 1979 to 1996 |

Firefighter/EMT

Russell Robbins Plumbing & Heating, Falmouth, MA

1985 to 1996

Owner and Master Plumber

- Owner/Master Plumber residential and commercial plumbing company

Education

Massachusetts Firefighter Academy, Stow, MA

1987

Certificate

Firefighter Training

Massachusetts Maritime Academy, Bourne, MA

1980

Certificate

EMT training

Upper Cape Technical School, Bourne, MA

1976

H.S.

Plumbing and Heating

Affiliations

Board of Directors, Cape Cod Plumbing & Gas Inspectors Association, Yarmouth, 2009

Member, International Association of Plumbing & Mechanical Officials, 2009

Licenses

Master Plumber License # 12289, Commonwealth of Massachusetts

Journeyman Plumbing License #22023, Commonwealth of Massachusetts

Master Sheet Metal License #1950, Commonwealth of Massachusetts

HVAC Technician Certificate- EPA Clean Air Section 608 #P2CAB3708DOE5C, Mainstream Engineering Corporation/Environmental Protection Agency

Volunteer

Conservation Commission, Town of Falmouth

2014 to 2020

Chairman

Community Preservation Committee, Falmouth, MA

2015 to 2023

**Finance Officer and Representative from Conservation Commission
current chairman**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Committee Interviews 1.b.

ITEM TITLE: Interview, vote and appoint committee members: Cultural Council – Sarah Glover

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Application Form, Work experience narrative provided by applicant

PURPOSE:

The Select Board is requested to conduct an interview and vote on the appointment of applicant Sarah Glover to serve on the Cultural Council.

BACKGROUND/SUMMARY:

- Applicant Sarah Glover submitted an application form to serve on the Cultural Council on December 17, 2024 (copy attached).
- There are currently two vacancies on the Falmouth Cultural Council; one with a term ending on June 30, 2027, and one with an unexpired term ending on June 30, 2025.
- The mission of the Falmouth Cultural Council is to promote excellence, inclusion, education, and diversity in the arts, humanities, and interpretive sciences in order to foster a rich cultural life and contribute to the economic vitality of our community.

- Applicant Sarah Glover states in her application that she possesses extensive experience as an administrative assistant and is currently working as a professional in the skin care industry.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to appoint applicant Sarah Glover to serve on the Cultural Council to fill a term ending on June 30, 2027.

OPTIONS:

- Motion to appoint applicant Sarah Glover to serve on the Cultural Council to fill a term ending on June 30, 2027.
- Motion to deny the appointment of applicant Sarah Glover to serve on the Cultural Council to fill a term ending on June 30, 2027.
- 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 vote to appoint applicant Sarah Glover to serve on the Cultural Council to fill a term ending on June 30, 2027.

Michael Renshaw

Town Manager

1/23/2025

Date

Cultural Council (minimum 5 – maximum 22 members) (12 members currently) (3-year terms)

Two vacancies:

- One with a term ending 6/30/27
- One with an unexpired term ending 6/30/25

One applicant:

- Sarah Glover



**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. 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.

Name: Sarah Glover

Address: 7 Willett Way Village: East ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident _____ (date: _____) / Taxpayer _____ (date: _____)

Amount of time you are available to give: Whatever is needed for FCC

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

- 1. FCC
- 2. _____
- 3. _____

Seeking: Permanent Position Alternate Position Yes

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

Relevant affiliation and work and personal experiences: - Skincare Professional. I have been working in the skincare industry for 19 years. - Owner of Sarah Glover Skincare & Wellness Center. My studio center focuses on health, healing, and wellness, providing personalized facials, meditations and drumming, high-vibrational environments. - Wellness Consultant. Passionate about health and wellness, my support clients on their self-care journeys.

Town offices held in Falmouth or elsewhere and dates of years served: Cape & Islands District Attorney Philip Rollins office 1992-2000

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

These skills make me a well-rounded and resourceful candidate for the Falmouth Cultural Council. - Administrative Expertise: My extensive experience as an administrative assistant demonstrates strong organizational, communication, and multitasking skills. - Community Awareness: Working with the District Attorney's office and healthcare facilities have given me insight into the needs and challenges of diverse communities. - Entrepreneurship: Owning my own business showcases my creativity, problem-solving, and leadership skills.

- see attached

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Alice Kociemba	Chair FCC	
2.	Jane Parhiala	Friend	
3.	Marilyn Rowland	Friend	

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.

12/3/24

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.

Relevant affiliation and work and personal experience:

- Skincare Professional: I have been working in the skincare industry for 19 years.
- Owner of Sarah Glover Skincare & Wellness Center: My studio center focuses on health, healing, and wellness, providing personalized facials, meditations and nurturing, high-vibrational environments.
- Wellness Consultant: Passionate about health and wellness, I support clients on their self-care journeys, promoting holistic healing.
- Handmade Jewelry and Art: I create one-of-a-kind earthy, beach inspired necklaces and many other creative projects, showcasing my creativity and artistic talent.
- Trial Clerk secretary for The Cape & Islands District Attorney Philip Rollins's office for 8 years before going to school for esthetic and healing work.
- Then onto the medical field at Dr. Barnetts office in Falmouth for 8 years. And Ophthalmic Consultants of Boston for 5 years while I built my skincare and wellness business.

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

These skills make me a well-rounded and resourceful candidate for the Falmouth Cultural Council.

- Administrative Expertise: My extensive experience as an administrative assistant demonstrates strong organizational, communication, and multitasking skills.
- Community Awareness: Working with the District Attorney's office and healthcare facilities have given me insight into the needs and challenges of diverse communities.
- Entrepreneurship: Owning my own business showcases my creativity, problem-solving, and leadership skills.

OPEN SESSION

BUSINESS

1. Discuss short-term rental bylaw development status and next steps
(60 minutes)



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 1.

ITEM TITLE: Discuss short-term rental bylaw development and next steps

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Memo from Town Counsel; Email thread

PURPOSE:

The Select Board will be discussing the recent efforts to draft a short-term rental bylaw and next steps.

BACKGROUND/SUMMARY:

- On March 12, 2024, the Planning Board created the Short-Term Rental Working Group to discuss short-term rentals in town, review the current regulations or rules, take input from the community, and to provide decision-makers with options in the future.
- The Short-Term Rental Working Group consisted of the following members:
 - Charlotte Harris, Planning Board
 - Doug Brown, Select Board
 - Kara Foley / Erika Capobianco, Lamacchia Realty
 - Melinda Tondera, Planning Department

- Sari Budrow, Building Department
- Scott McGann, Health Department

- The purpose of the Working Group was to:
 - Investigate how other communities in the Commonwealth, especially Cape Cod towns, are regulating short-term rentals.
 - Explore the creation of enforceable standards and requirements for the operation and occupancy of short-term rentals in town.
 - Analyze the creation of a formal short-term rental registration process inclusive of a monitoring and enforcement program.
 - Determine the most appropriate way to deal with short-term rentals in Falmouth.
 - Possibly develop a draft bylaw and/or zoning change for the Select Board and Town Meeting to review and approve.

- The last meeting of the Short-Term Rental Working Group was on August 27, during which a discussion on the drafting of a general short-term rental bylaw was conducted.

- As a result of the multiple meetings of the Working Group, a general bylaw was drafted by Town Counsel and presented to the Select Board on September 9, 2024 (meeting at which a vote on the articles for November Town Meeting was taken); at that meeting, the Board opted to vote to indefinitely postpone the short-term rental general bylaw as drafted.

DEPARTMENT RECOMMENDATION:

This item is for information and discussion purposes only.

While no formal action is being requested, the Town Manager is seeking direction from the Select Board as to whether to proceed with 1) the re-drafting of a general bylaw to address short-term rentals, 2) to pursue a zoning bylaw, or 3) take no action at this time.

OPTIONS:

N/A

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

This item is for information and discussion purposes only.

While no formal action is being requested, the Town Manager is seeking direction from the Select Board as to whether to proceed with 1) the re-drafting of a general bylaw to address short-term rentals, 2) to pursue a zoning bylaw, or 3) take no immediate action at this time.

Michael Renshaw

Town Manager

1/23/2025

Date

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

TO: MIKE RENSHAW, TOWN MANAGER
FROM: MAURA O'KEEFE
SUBJECT: THE STYLLER CASE AND SHORT-TERM RENTALS
DATE: JANUARY 21, 2025

1. The Styller Case

In the matter of Styller v. ZBA of Lynnfield, the MA Supreme Judicial Court considered whether the Lynnfield zoning bylaws prohibited the operation of a short-term rental ("STR") unit in Lynnfield's single-residence zoning district. 487 Mass. 588 (2021). The Styller Court concluded that it was reasonable for the Lynnfield ZBA and the Building Inspector to interpret the Town's zoning bylaw definition of "single-residence district" to be inconsistent with the transient nature of STRs, thereby prohibiting them in Lynnfield's residential districts.

The Styller decision stands for the notion that municipalities enjoy a great degree of latitude in creating and interpreting their own zoning code, making the zoning framework suit the particular needs and parameters of that community. For Lynnfield, this means that it intended and fought for a ban on short term rentals in residential neighborhoods. The Court agreed with this position and determined that Lynnfield was free to embrace their interpretation of their own laws.

The Styller Court did not conclude, as a blanket rule applicable to all municipalities, that STRs are banned in all residential districts.

The broader impact of the Styller case is that there is no hard rule about whether or not STRs are permitted in a residential district. If a community determines that their own zoning bylaws allow for an interpretation that STRs are permitted within a residential zoning district, then that municipality would likely enjoy the same amount of

deference by the Courts. Consistent with a long tradition of deference, each community is provided with significant leeway to determine their own zoning needs.

2. The Falmouth STR Working Group

a. Zoning or General Bylaw

The Falmouth STR Working Group was tasked with making certain policy decisions about how to regulate STRs. Before the group was a decision about whether to regulate through a zoning or a general bylaw. The purpose of a zoning bylaw is to regulate the use of land while a general bylaw regulates the actions, operations and impacts of people and businesses in the community. A zoning bylaw will address building size, dimensional controls, and the types of uses to be allowed in certain locations by right or with a special permit. A general bylaw will address actions equally across the Town related to protecting the peace and promoting the health and safety of all residents, including issues like traffic, noise, and general conduct. A zoning bylaw cannot be enacted to address the concerns of a general bylaw and the same holds true of the reverse.

b. Policy Decisions

The most important policy decision to come out of the STR Working Group was that any Falmouth bylaw should continue to allow STRs to be operated anywhere throughout the Town. There was a great concern from the public and from among the members of the Working Group that residents should be able to continue to derive an economic benefit from the STR market.

The Working Group focused, instead, on harms caused by STRs that could be addressed through regulation. The Working Group heard from members of the public that STRs caused issues with traffic, late night parties, overcrowded parking and excessive trash. These were the common complaints that the public wanted the Town to tackle. These kinds of problems cannot be regulated with a zoning bylaw and are only properly addressed through the Town's inherent municipal police power by enacting a general bylaw.

3. Conclusion

The Falmouth STR Working Group collaborated with members of the public to define a policy for STRs that would allow STRs to continue to operate throughout the Town. STRs would be regulated through a general bylaw to properly address the concerns of noise, traffic, and trash, all matters that cannot be addressed through the zoning code.

The current, proposed bylaw does not contradict the holding and conclusions of the Styller case and is a proper exercise of the Town's Home Rule Authority.

From: [Mike Renshaw](#)
To: [Diane Davidson](#)
Subject: FW: [EXTERNAL] - Re: Short-term housing bylaw
Date: Thursday, January 23, 2025 4:26:23 PM

Second thread...can you please redact Doug's personal cell phone on the first page?

Mike Renshaw, ICMA-CM, MPA
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
O: (508) 495-7324
C: (774) 392-1365



When responding, please be aware that the Massachusetts Secretary of State has determined that most email correspondence is public record and therefore cannot be kept confidential.

From: Doug Brown <doug.brown@falmouthma.gov>
Sent: Saturday, January 11, 2025 8:25 AM
To: Nancy Taylor <nancy.taylor@falmouthma.gov>
Cc: Mike Renshaw <mike.renshaw@falmouthma.gov>
Subject: Fwd: [EXTERNAL] - Re: Short-term housing bylaw

Thank You,

Doug Brown
Select Board Member
59 Town Hall Sq
Falmouth Ma 02540



Begin forwarded message:

From: Doug Brown <doug.brown@falmouthma.gov>
Date: January 11, 2025 at 7:31:25 AM AST

To: Tom Crane [REDACTED]

Subject: Re: [EXTERNAL] - Re: Short-term housing bylaw

Hi Tom

Please don't send double emails. For town business, please use the town email only. It could lead to trouble with the open meeting law compliance should I respond with the personal email.

I look forward to reconvening the group soon. I have requested the Select Board take this up to form a Select Board appointed committee.

Thank You,

Doug Brown

Select Board Member

59 Town Hall Sq

Falmouth Ma 02540

[REDACTED]

On Jan 10, 2025, at 2:20 PM, Tom Crane [REDACTED] wrote:

Thanks for this. Although I would like to attend Tuesday's meeting, I have already scheduled a meeting at that time with Heather Goldstone and others to discuss Steamship Authority issues.

The new court cases are helpful. I also have intended to ask Jed to clarify for me what kind of STRs currently are permitted under the planning regs. As I read it, the only permissible STRs are owner-occupied. All others would be considered non-conforming commercial uses as I read the regs --- all consistent with the court cases you discuss.

It would obviously be very, very helpful as the group starts out to have a firm grasp what types of STRs are being made LEGAL under the proposed bylaw. (Maybe everyone already has a firm grasp of this.) In part this will be vital in ending the perception that the group is taking something away.

Cheers.

----- Original message -----

From: Charlotte Harris [REDACTED]
Date: 1/10/25 12:02 PM (GMT-05:00)
To: Tom Crane [REDACTED]
Cc: Doug Brown <doug.brown@falmouthma.gov>, Douglas Brown [REDACTED]
Subject: Re: Short-term housing bylaw

Hi Tom, Jed Cornock and I agreed yesterday to aim not for the April Town Meeting but for November, to expand the task force and convene it reasonably soon. The planing board will discuss this at its meeting next Tuesday. The ground has shifted somewhat - the MA Supreme Court Court agreed with the Land Court that short term rentals are impermissable in residential zones as they are commonly defined in MA; the land Court because STRs are commercial and the SC because STRs are transient whereas residential is not. But, accessory STR is allowable. But what does that mean? TBD. And what about Agricultural zones? Residential is allowed but STR is not named as a by right use. So, the task force will have work do. There are open questions about administration also.

Thanks for your continuing interest,
Charlotte

On Jan 10, 2025, at 11:43 AM, [REDACTED]
<tom.crane> [REDACTED] wrote:

Hi Charlotte and Doug, I'm checking in to see what the status is of the working group on short-term rentals. I do hope the group reconvenes soon. If it is possible for me to join the group, I would welcome that. If not, I still plan to stay involved. Thanks, Tom

From: Charlotte Harris [REDACTED]
Sent: Monday, November 18, 2024 10:40 AM
To: Tom Crane <[REDACTED]>
Subject: Re: Short-term housing bylaw

Thanks - maybe you'll want to join the planning group, whatever that turns out to be. I've heard the real estate folks are planning a hold tonight but they, too, may skip it -

Charlotte

From: [Mike Renshaw](#)
To: [Diane Davidson](#)
Subject: FW: short term rental information
Date: Thursday, January 23, 2025 4:25:30 PM

First of two threads...

Mike Renshaw, ICMA-CM, MPA
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
O: (508) 495-7324
C: (774) 392-1365



When responding, please be aware that the Massachusetts Secretary of State has determined that most email correspondence is public record and therefore cannot be kept confidential.

From: Nancy Taylor <nancy.taylor@falmouthma.gov>
Sent: Thursday, December 12, 2024 1:07 PM
To: Charlotte Harris [REDACTED]
Cc: Heather Goldstone [REDACTED]; Doug Brown <doug.brown@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>; Mike Renshaw <mike.renshaw@falmouthma.gov>
Subject: Re: short term rental information

Hello All,

Just a reminder to Board members, please don't "reply all" to this email.

Thanks,

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

On Dec 12, 2024, at 11:57 AM, Charlotte Harris

wrote:

Hello Heather, Nancy and Doug, We are lucky Town Meeting did not pass the proposed short term rental bylaw - it would have legalized a practice that may be popular but isn't legal now.

The MA Supreme Judicial Court decided in 2021 that short term rentals are illegal in residential zoning district in Massachusetts Towns that have zoning bylaws like those in Lynnfield and Nantucket, which Falmouth does. Not the same but similar in that the bylaws do not allow uses that are not specifically allowed. If this is true, then all Falmouth needs to do to regulate short term rentals is require registration, create a short, clear statement of what can and cannot be done, and publicize these rules as well as possible. And staff to enforce the rule.

Here's some information on the relevant MA case law to date:

SHORT TERM RENTAL CASE LAW IN MA

*Collected from a brief Google search by Charlotte Harris who is **not a lawyer***

On MA Registry of Lodging, there are today, Dec 12, 2024, 1574 short term rentals registered in Falmouth. The Town of Falmouth does not require registry. Estimates of unregistered STR vary from under 1,000 to over 3,000. (Falmouth has 21,000 houses)

tyller v. Zoning Board of Appeals of Lynnfield

[Annotate this Case, Justia Opinion Summary](#)

The Supreme Judicial Court affirmed the Land Court's judgment affirming the decision of the Zoning Board of Appeals of the town of Lynnfield upholding the decision of the building inspector ordering Plaintiff to cease and desist offering his family home for short-term rentals, holding that there was no error.

On appeal, Plaintiff argued that the use of his home for short-term rentals constituted a prior nonconforming use that was exempt from

the town's zoning bylaw that, as amended, expressly forbade short-term rentals in single-residence zoning districts. The Supreme Judicial Court disagreed, holding that Plaintiff's use of the property for short-term rentals was not a permissible use under the town's zoning bylaw as it existed prior to its amendment.

<https://nantucketcurrent.com/news/judge-rules-against-town-in-short-term-rental-court-challenge>

Instead, a permissive bylaw typically is one that prohibits every use of a property in a zoning district unless the bylaw specifically authorizes the use. Under such bylaws, when controversies arise about the lawful use of a property, it's not enough for a property's owner to show that the bylaw doesn't *expressly prohibit* the disputed use; instead, the owner must show that the bylaw *expressly permits* it.

“The right question is what provision of the Bylaw allows such (short term) rentals.”

“The court found that short-term rentals are not allowed as of right in any residential districts in Nantucket. The court did find that they are allowed as an accessory use, and the case was remanded back to the Zoning Board to hold another hearing within 45 days to determine whether the use is sufficiently incidental to the primary use as to qualify as an accessory use,”

Another Hit to Short-Term Rentals: Styller v. Zoning Board of Appeals of Lynnfield

6/11/21

BlogLine

By: [Jessica Gray Kelly, Esq.](#) & [Matthew L. Schwartz, Esq.](#)

Local governments seeking to curb short-term rentals by private homeowners received a win this week in the case of **Styller v. Zoning Board of Appeals of Lynnfield**, SJC-12901. **The Massachusetts Supreme Judicial Court held the Plaintiff's**

occasional, short-term rental of his private single-family home was not a permitted use under the zoning bylaws because the short-term, transient nature of the rentals did not meet the zoning purpose for single-resident zoning districts.

The Plaintiff owned a five-bedroom single-family home on three acres of land in Lynnfield (the “Town”). Plaintiff’s family lived in the home, but beginning in July 2015, would occasionally rent it out to guests for two to five days. Renters used the home for family and college reunions, business retreats and photoshoots. In May 2016, an individual who rented the home hosted a large party during which a shooting occurred that left one person dead.

After this incident, the Town building inspector ordered the Plaintiff to cease and desist offering the property for short-term rentals because doing so was considered an impermissible hotel use, or in the alternative, a lodging or rooming house use, which were permissible only with prior approval of the Town. The Plaintiff appealed the order to the Town’s board. While the appeal was pending, the Town amended its bylaws to explicitly prohibit short-term rentals, defined as periods of thirty-days or less, in single-resident zoning districts, unless specifically authorized by the Board of Appeals. The Board relied on the amended bylaw and upheld the order based on the prohibition of short-term rentals of thirty days or less without prior authorization.

The Plaintiff appealed to the Land Court, which after a jury-waived trial held the Plaintiff’s short-term rental of the property constituted an unauthorized additional use because it was equivalent to using the residence as a “tourist home” or “lodging house” under the bylaw existing at the time of the use, not the amended bylaw.

Because Plaintiff did not have prior authority to operate a tourist home or lodging house, the Land Court held the short-term rental use violated the bylaw.

The Supreme Judicial Court transferred the case on its own initiative from the Appeals Court and affirmed the Land Court’s ruling but on different grounds. The Plaintiff argued on appeal that 1) the use of his property for occasional short-term rentals was not an unauthorized “additional use” but rather was a permissible

principal use as a one family detached house and 2) prior to the amended bylaw, there was no prohibition against renting out single-family homes. The Town countered, just because the prior bylaw did not explicitly prohibit renting of a single-family home, that did not make short-term rentals automatically permissible.

The Supreme Judicial Court held, contrary to the Land Court's holding, the use of the home as a short-term rental was neither a tourist home or lodging house because, among other things, the renters were given exclusive use of the entire house, without the owner or a manager remaining on the premises once renters arrived. The Court also held short-term rental uses were not, as the Land Court held, "unauthorized additional uses."

Rather, the Supreme Judicial Court held short-term rental use of a single family home was inconsistent with single-resident zoning purposes – preserving the residential character of the neighborhood and developing a sense of community and a shared commitment to the common good of that community.

While long-term rentals would serve these zoning purposes, short-term rentals do not. The Court then relied on the bylaw's definition of "residence" and "family" to conclude the Town had "clearly and unambiguously" excluded purely transient uses of property in residential zoning districts. Accordingly, the Court concluded the Plaintiff's use of the property for short-term rentals was "not a permissible use under the town's bylaws, as it existed prior to its amendment in 2016."

Interestingly, the Supreme Judicial Court did not directly answer the question of whether the Board properly affirmed the building inspector's order based on the bylaw as amended after Plaintiff had originally appealed. Massachusetts General Laws c. 40A, § 6 generally protects property uses that were lawfully in existence prior to newly adoptive restrictive zoning regulations. By holding the short-term rental use was not a permissive use to begin with, however, the Court avoided having to decide the harder question of whether the Board's reliance on the amended bylaw was permitted under c. 40A.

The Styller decision reflects a general trend in states, cities and

towns towards restricting or banning transient and short-term rentals of privately-owned property. On the local level, cities and towns have many ways they can restrict their residents from offering short-term rentals, especially in single-family residential zoning districts. The Court cautioned that a different result could be obtained depending on the city or town's bylaws, the types of permitted "additional" uses, and the customary "accessory" uses in a particular community.

For more information, please contact Jessica Kelly at jessica.kelly@fmglaw.com or Matt Schwartz at matthew.schwartz@fmglaw.com.

From another summary of the same case by a different law firm :
"We hasten to add, however, that a different result may obtain in other circumstances, depending upon, for example, the specifics of the zoning bylaw of the city or town, including what types of additional uses are permitted (if any), as well as what is considered a customary accessory use in a particular community.

Note – Falmouth's bylaws require that a given use must be specifically allowed rather than allowed because it isn't specifically disallowed, i.e. Falmouth zoning bylaws are similar in this regard to Nantucket's and Lynnfield's.

ARTICLE 32: To see if the Town will vote to amend the Code of Falmouth by adding a new Section 173, Operation of Short-Term Rentals, including the text of the new sections below; and further to amend the Code of Falmouth by adding the civil fine for the new Section 173, Operation of Short-Term Rentals to Section 1-2(C) in the amount of \$300. Or do or take any other action on the matter. On petition of the Select Board.

1) Purpose and Intent.

This bylaw is enacted to provide, promote and foster a safe, healthy environment in which the residents of and visitors to Falmouth may live. By establishing an orderly process for identifying, registering and regulating Short-Term Rentals, the bylaw aims to protect against conditions that cause or create a nuisance and undermine the ability of residents to enjoy their property and the immediate neighborhood. These requirements intend to protect the ability of homeowners to rent their property and to preserve long standing economic opportunities for both year-round and seasonal residents. It is also the intent of this bylaw to prevent the corporate commercialization of homeownership for use as Short-Term Rentals and to inhibit further reduction of the stock of affordable year-round rentals. This bylaw is enacted pursuant to the Home Rule Authority of the Town as well as authority conferred to it by M.G.L. c. 64G § 14.

2) Definitions.

Owner. Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, or a group of people. An LLC or Trust shall be considered an Owner only when every shareholder, partner, or member of the legal entity is a natural person.

Short-Term Rental. The rental of a whole or a portion of a dwelling unit, in exchange for payment in any form, as residential accommodations for not more than 30 consecutive days, excluding commercial accommodations as defined in Chapter 240 of the Falmouth bylaws.

3) License required to Operate a Short-Term Rental.

- a. No dwelling unit or part thereof may be offered or operated as a Short-Term Rental within the Town Falmouth without first obtaining a license from the Board of Health, or designee. Licenses may be issued to owners of dwelling units upon submission and review of a complete application to the Board of Health, or designee.
- b. Term of the license. Licenses shall be issued annually and shall expire, unless renewed, on a date set by the Board of Health, or designee.
- c. License Fee. The cost of the license shall not be waived, discounted or prorated for any reason. The fee to operate a Short-Term Rental license under these bylaws will be set annually by the Select Board.
- d. Minimum license application requirements. All applications for a license shall include, at a minimum, the following information:
 - i) Trash and recycling plan
 - ii) Parking plan, showing no more than one overnight parking spot per bedroom
 - iii) 24-Hour contact information for local responsible person
 - iv) Noise Control and nuisance provisions
 - v) Proof of ownership
 - vi) Description of the rooms or units to be rented
 - vii) Proof of no outstanding taxes owed to the Town of Falmouth
 - viii) Copy of certification of registration in accordance with M.G.L. c. 64G
- e. Posting of the license. The license shall be posted on the premises in a conspicuous place along with the contact information for the local responsible person.

4) Compliance with other laws.

All Short-Term Rentals shall be registered with the Commonwealth of Massachusetts Department of Revenue and shall be operated in accordance with this bylaw and all local, state and federal laws and regulations.

5) Ownership of Short-Term Rentals.

- a. Short-Term Rentals are required to be owned by an Owner as defined under this bylaw.
- b. Short-Term Rentals are prohibited in dwellings owned by a corporation.
- c. No Owner shall be entitled to receive more than one license to operate a Short-Term Rental in the Town of Falmouth.
- d. No natural person who is a shareholder, partner, or member of an LLC or Trust shall be entitled to hold more than one license, either as an individual or as part of a legal entity.

- e. No Fractional Ownership, Interval or Time Share unit may engage in Short-Term Rental activities or be eligible to receive a Short-Term Rental license for such unit;

6) Prohibitions.

The following are prohibited for any Short-Term Rental:

- a. Commercial Events. A Short-Term Rental property shall not be used for a commercial event during its occupancy as a Short-Term Rental. Commercial events include luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation.
- b. Affordable Housing Units. Short-Term Rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
- c. Nuisance. No Short-Term Rental shall create or result in the disruption of the peace, tranquility, or safety of the immediate residential neighborhood through the production of noise, vibration, light, glare trash, fumes, odors, traffic, parking congestion, or any other nuisance beyond that which normally occurs in the immediate residential area.

7) Inspection.

Short-Term Rentals may be subject to inspection by the Falmouth Health Department, Fire Rescue Department, and the Building Department. Short-Term Rental Owners are required to provide access for the purpose of conducting safety inspections when necessary. Failure to provide access to an inspector upon request and after proper notice will invalidate the license to operate a Short-Term Rental until an inspection by the appropriate authority has been conducted, and all violations have been addressed to the satisfaction of the Department or the Town. Failure to comply with orders to correct deficiencies may result in penalties.

8) Violations.

The Board of Health, or designee, may cause an investigation into complaints of violations of this bylaw and any rules or regulations promulgated hereunder. The Board of Health may issue a notice of violation and, after a hearing and an opportunity to be heard, may, upon a showing of a preponderance of the evidence that a violation has occurred, place conditions upon, suspend or revoke the license. The Board of Health may issue a fine pursuant to non-criminal disposition or a may issue civil penalty.

9) Non-Criminal Disposition.

Any Owner who violates any provision of this bylaw or regulation promulgated hereunder may be subject to a civil fine. Where non-criminal disposition of this section is provided for in § 1-2 of the Falmouth bylaws, pursuant to the authority granted by M.G.L. c. 40 § 21D, said violation may be enforced in the manner provided in such statute. The civil fine for such violation shall be \$300 as set forth in § 1-2. Each day a violation occurs shall be a separate offense.

10) Civil penalty.

In accordance with M.G.L. c. 64G § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

11) Authority of the Board of Health.

The Board of Health is authorized promulgate rules, regulations, policies and procedures for the administration and enforcement of Short-Term Rental licenses and to effectuate the purpose of this bylaw, which may include the designation of all or part of the administration of the bylaw to the Falmouth Health Department.

12) Severability.

If any provision in this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

13) Effective Date. The provisions of this Bylaw shall take effect on January 1, 2025.

RECOMMENDATION (Select Board): Indefinite Postponement

EXPLANATION: A working group comprised of Town officials and real estate professionals held several public meetings over the course of months and collaborated with feedback from members of the public to try to address the health and public safety issues that arise with short-term rentals. This proposed bylaw represents an effort to balance the ability of homeowners to use their property for additional income, to protect the stock of year-round rentals, and to safeguard neighborhoods from nuisances. Following

publication of this proposed bylaw in the Town Meeting warrant, Select Board members received input from a number of individuals seeking further time for dialog before a bylaw is enacted. The Board intends to seek further public input and submit a bylaw for Town Meeting consideration at a future date.

ARTICLE 33: To see if the Town will vote to amend the Code of Falmouth, Section 172, Rental Property, by repealing certain sections, deleting portions of sections and inserting new provisions. The repealed provisions, deletions and insertions are illustrated as follows:
Chapter 172 Rental Property

Section 172-1. Registration required to determine occupancy limits.

(a) Any owner or agent who shall offer for rent or lease any building or portion thereof to be used for habitation, other than duly authorized or licensed premises, shall first register with the Health Agent who shall determine the number of persons said building or portion thereof can legally accommodate. Such registration shall remain effective until December 31st of the calendar year. Occupancy shall be determined by application of the following formula: Two persons shall be allowed for each bedroom over one hundred

(100) square feet, provided that additional occupancy, as allowed upon Article II of the State Sanitary Code, 105 CMR 410.400(B), may be allowed upon inspection by the Board of Health. Consistent with any applicable zoning provisions and the terms of the Federal Fair Housing Act.

(b) This Chapter 172 shall not apply to Short-Term Rentals.

Section 172-2. Fine for failure to register.

Any owner or agent who shall offer for rent or lease any building or portion thereof which has not been registered under § 172-1 shall be punished by a fine of not more than three hundred dollars (\$300.).

§ 172-3. Fine for exceeding occupancy limits.

If it is found that the number of occupants in any building or portion thereof used for habitation exceeds the number of the registered occupancy as required by § 172-1 of this chapter, or if no such registration shall be in effect, then the tenant, lessee or person in control of said building or portion thereof shall be punished by a fine of not more than three hundred dollars (\$300.).

Section 172-4. Posting of certificate of registration.

Any building or portion thereof registered by the provisions of this chapter shall have conspicuously posted therein a certificate of registration issued by the Board of Health which shall indicate, at a minimum, the number of occupants that may legally occupy said building or portion thereof, and the name, address and telephone number of the owner and the owner's agent, if applicable.

Section 172-5. (Reserved)

Section 172-6. Violations and penalties.

For penalty, see Chapter 1, General Provisions, Article I, Penalties. Violations of this bylaw may be enforced by a civil fine where non-criminal disposition of this section is provided in § 1-2 of the Falmouth bylaws, as amended, and pursuant to the authority granted by M.G.L. c. 40 § 21D. The penalty for violations of this bylaw shall be \$300 per offense, and each day that a subsequent or continuing violation occurs shall constitute a separate offense. The civil penalty for each such violation is also set out in § 1-2.

Section 172-7. Variances.

The Board of Health on petition of a property owner, may vary any provision of this chapter if, in its opinion, strict application of the chapter would constitute a manifest injustice and would not materially affect the safety or well-being of the occupants.

RECOMMENDATION (Select Board): Indefinite Postponement

EXPLANATION: This article proposes certain deletions and amendments to update the existing registration requirements for year-round rental properties. Because this bylaw and the short-term rental bylaw contemplated in the prior article are intertwined, the Board recommends deferring action on this article – i.e. indefinite postponement.

OPEN SESSION

BUSINESS

2. Overview and discussion of Public Works' Snow and Ice Control Procedural Manual and Policy **(20 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 2.

ITEM TITLE: Overview and discussion of Public Works' Snow and Ice Control Procedural Manual and Policy

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Peter McConarty – Director of Public Works

ATTACHMENTS: Front end of Snow / Ice Procedural Manual

PURPOSE:

It has been approximately 10 years since Public Works has presented an overview of the Town Snow / Ice Procedural Manual to the Select Board.

This overview has revised data regarding new roadways, equipment and priorities. An approval vote is not being requested. This overview is for update purposes, and any snow removal policy changes that are discussed will be brought back to the Select Board at a future meeting for consideration.

BACKGROUND/SUMMARY:

- In 2009, Public Works developed a Snow & Ice Procedural Manual outlining plow routes, priorities, storm level classifications, and beneficial information for residents.
- Due to the size and complexities of the Town, the Manual was required.

- The Manual was adopted in 2009, and updated annually to reflect changes that would affect our operations. Larger revisions were performed in 2015, 2019, and 2025.
- It has been approximately ten years since the manual was presented to the Select Board. We felt it to be appropriate to present the manual as it contains detailed information that is beneficial during adverse weather.

DEPARTMENT RECOMMENDATION:

This presentation is for information purposes only. The Department will collect feedback during the discussion and will consider revisions for incorporation into the Manual if applicable.

Any suggested policy revisions will be brought back to the Board at a future meeting for consideration.

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 presentation is for information purposes only. The Department will collect feedback during the discussion and will consider revisions for incorporation into the Manual if applicable.

Any suggested policy revisions will be brought back to the Board at a future meeting for consideration.

Michael Renshaw

Town Manager

1/22/2025

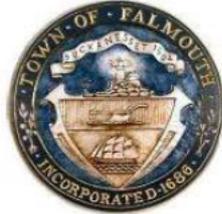
Date

Overview Presentation of
Department of Public Works
2025 - Snow / Ice Procedure Manual

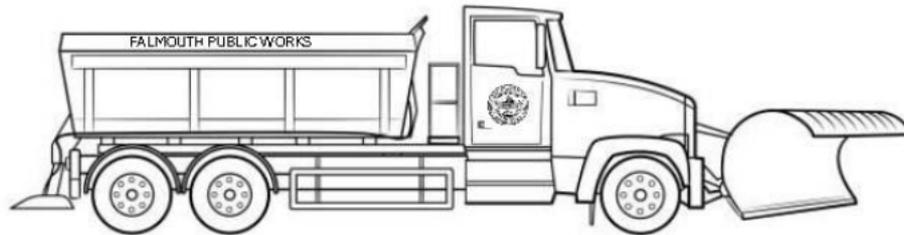


Peter McConarty, Director
James F. Grady, Highway Superintendent
January 27, 2025

2025 Snow & Ice Procedure Manual



**Town of Falmouth
Department of Public Works
Snow & Ice Control
Procedural Manual - 2025**



Peter M. McConarty, P.E. P.L.S.
Director of Public Works

James F. Grady, Jr
Superintendent of Highways

Adopted: 2009
Revised: 2015, 2019, 2025

Manual History:

- This manual is a living document and requires updating to reflect evolving conditions.
- 2009 - Manual was developed and presented to the Select Board.
- 2015 - Manual was presented to the Select Board, following the multi-week snow pattern that left over 42" of snow cleanup.
- 2019 – Manual was updated to reflect new roads and additional routes.
- 2025 – Manual is updated to reflect ongoing additions of roadways, equipment and procedural changes.

GENERAL STATEMENT

During Extreme Weather Events, the primary mission of the Department of Public Works is to respond with all available resources in order to restore the serviceability of roads and facilities as expeditiously as possible. This Procedural Manual establishes the protocols to be utilized for snow and ice control throughout the Towns road system during the winter weather events. Winter storms can create hazardous situations for motorists and pedestrians alike. This policy sets standards for snow and ice removal to be performed as efficiently as possible in order to keep roads passable and safe. **“Black asphalt” and dry roadways are not reasonably possible during winter storms, and it is not the Department’s mission to create bare roads throughout Town.** Many variables affect winter maintenance operations on Cape Cod and each storm or weather event may require different efforts or emphasis. The goal of this snow-fighting procedure manual is to return road surfaces to normal winter conditions as soon as feasible.

IMPLEMENTATION

The following procedures will be in effect when adverse weather conditions cause accumulations of frost, sleet, ice, or snow on Town roadways, school properties, or municipal property, and will stay in effect during the winter months. The Highway Division is the lead agency for implementation and is supported with staff and equipment from other Public Works Divisions as well as private contractors.

RESPONSIBILITIES

The Department is responsible for approximately 230 miles of Town roads as well as approximately 185 miles of **vetted and approved** private roads **open to public use**. Only Town roads receive salt & sand treatment, while all roads, including vetted and approved private are plowed as a public safety issue. Additionally, the following municipal properties and parking lots are included:

- * Town Hall
- * Police Station
- * Administration Building
- * Senior Center
- * High School
- * Lawrence School
- * Morse Pond School
- * Mullen-Hall School
- * Teaticket School
- * East Falmouth School
- * North Falmouth School
- * Main Library
- * East Falmouth Library
- * North Falmouth Library
- * West Falmouth Library
- * Gus Canty Recreation Center
- * Falmouth Marina
- * Peg Noonan Public Parking
- * Eastman's Public Parking
- * Wastewater Plants / Lift Stations
- * Water Division Sites
- * Waste Management Facility
- * Falmouth Country Club
- * Falmouth Dog Park
- * Dog Pound
- * Trotting Park Fields
- * Whites Landing Parking Lot
- * Falmouth Community Veterans Ctr
- * Goodwill Park
- * Tides Motel Lot
- * Robbins Road Parking Lot
- * Heights Ball Field Parking
- * High School Sports Parking
- * King Street Municipal Lot
- * Locust Street Parking Lot
- * Emerald House Parking Lot
- * Bike Path – Woods Hole to North Falmouth – 12 Miles

STORM LEVEL CLASSIFICATIONS

Response efforts are tailored to anticipated storm conditions. Factors such as wind, air temperatures, pavement temperatures, rain, time of day, day of week and storm intensity or duration will impact response actions and effectiveness. Storm events are classified into three response levels as follows:

➤ **Level 1: Less than 3” predicted**

- Pre-treatment for roads / sidewalks
- Possible plowing – Main roads & secondaries
- Mobilize: Town crews

➤ **Level 2: 3”-12” predicted**

- Pre-treatment for roads / approved sidewalks
- Plowing – All roads – Town & private
- Mobilize: Town crews & private contractors

➤ **Level 3: 12” or more predicted or blizzard conditions**

- All level 2 actions underway
- Subsequent road treatments
- Plowing: Continuous plowing on all roads
- Mobilize: All resources – Town & private
- Parking Bans: Enacted

PLOW ROUTE PRIORITIES

When plowing becomes necessary, (usually at 3 inches, this will vary at times depending on the forecast and temperatures), all available Department of Public Works resources (both staff and equipment) will be utilized. This will be identified as a **Level 2** event. The primary responsibility of the Department will be to initially focus on the main (primary) roads in Town. This will be done with two vehicles plowing in tandem whenever possible to increase the efficiency of the removal process. Each driver has a specific route map assigned to him / her and is responsible for those roads. All eight main routes will be filled with Town personnel concentrating on main roads, with additional town vehicles and private contractor's working on secondary roads. There are additional routes that are assigned to specific drivers that fall within the overall boundaries of the original eight routes.

- **Priority One** roads, which are the main arteries of the Town, are given first priority to maintain since they provide the interconnecting link from all sections of Town for emergency vehicle access. Priority may be extended to bus routes during early dismissals, then, returning to regular priorities once completed.
- **Priority Two** roads, which are secondary roadways that connect to main roads and major residential areas and hilled roadways, are given the next level of priority to move motorists from these areas to the main roads.
- **Priority Three** roads, which are all other local roads within residential areas, are the last areas to be completed. These are usually completed using private contractors, but may be done with Town resources in the event of a smaller accumulation.

PRIVATE ROAD POLICY

The Town of Falmouth approved Question #1 during Town meeting in 1962 that states “The town accepts the provisions of section six C of Chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use. This does not include common driveways or condominium developments.

The town will pre-treat hills and bus routes.

Owners of private roads are always free to engage their own plow service contractors should they desire more expeditious service than the Town can provide.

Owners of private roads are collectively responsible for ensuring proper maintenance of their road and the Town will refuse to provide plow services on any private road when the condition of the road becomes impassable or if the roadway becomes encroached with overgrown branches or shrubbery.

SIDEWALKS

Sidewalk clearing is focused on main connectivity routes including Main Street, Downtown area, Schools, and primary roadways. Public Works does not have the staffing resources or equipment to clear all sidewalk in Town. Sidewalks fall under priority 2 and commence once main roadways and secondary roadways are open, and staff become available. Sidewalks included under this policy are listed under Appendix D.

**Town of Falmouth
Department of Public Works
Snow & Ice Control
Procedural Manual - 2025**



Peter M. McConarty, P.E. P.L.S.
Director of Public Works

James F. Grady, Jr
Superintendent of Highways

Adopted: 2009
Revised: 2015, 2019, 2025

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- Appendix B – Primary Plow Routes
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- Appendix D – Shining Sea Bikeway and Sidewalk Plow Routes
- Appendix E – Contractor Plow Rate Schedule

GENERAL STATEMENT

During Extreme Weather Events, the primary mission of the Department of Public Works is to respond with all available resources in order to restore the serviceability of roads and facilities as expeditiously as possible. This Procedural Manual establishes the protocols to be utilized for snow and ice control throughout the Towns road system during the winter weather events. Winter storms can create hazardous situations for motorists and pedestrians alike. This policy sets standards for snow and ice removal to be performed as efficiently as possible in order to keep roads passable and safe. “Black asphalt” and dry roadways are not reasonably possible during winter storms, and it is not the Department’s mission to create bare roads throughout Town. Many variables affect winter maintenance operations on Cape Cod and each storm or weather event may require different efforts or emphasis. The goal of this snow-fighting procedure manual is to return road surfaces to normal winter conditions as soon as feasible.

IMPLEMENTATION

The following procedures will be in effect when adverse weather conditions cause accumulations of frost, sleet, ice, or snow on Town roadways, school properties, or municipal property, and will stay in effect during the winter months. The Highway Division is the lead agency for implementation and is supported with staff and equipment from other Public Works Divisions as well as private contractors.

MONITORING & NOTIFICATION OF SNOW/ICE EVENTS

The Town of Falmouth, Department of Public Works subscribes to the DTN/Meteorlogix Weather Sentry weather alert system. This provides us with accurate real-time information concerning the weather at our exact location. We have access to live radar images, projected accumulation amounts, wind and visibility conditions, 24 hr. contact with a live meteorologist, as well as precipitation warnings up to three hours prior to an event.

During normal working hours, (7:00 a.m. to 3:30 p.m., Monday-Friday) our weather sentry as well as the observations of the Public Works employees will alert the first response for storm operations.

During after hours, the weather alert system will notify key Public Works personnel responsible for monitoring weather conditions. Additionally, the Police Dept. will call when snow or ice begins to fall.

The Superintendent or Assistant Superintendent of Highways will check road conditions and commence to call in personnel as necessary. This will usually start with salt & sanding units and change accordingly as conditions deteriorate.

RESPONSIBILITIES

The Department is responsible for approximately 230 miles of Town roads as well as approximately 185 miles of **vetted and approved** private roads **open to public use**. Only Town roads receive salt & sand treatment, while all roads, including vetted and approved private are plowed as a public safety issue. Additionally, the following municipal properties and parking lots are included:

- Town Hall
- Police Station
- Administration Building
- Senior Center
- High School
- Lawrence School
- Morse Pond School
- Mullen-Hall School
- Teaticket School
- East Falmouth School
- North Falmouth School
- Main Library
- East Falmouth Library
- North Falmouth Library
- West Falmouth Library
- Gus Cauty Recreation Center
- Falmouth Marina
- Peg Noonan Public Parking
- Eastman's Public Parking
- Wastewater plants / Lift Stations
- Water Division sites
- Waste Management Facility
- Falmouth Country Club
- Falmouth Dog Park
- Dog Pound
- Trotting Park Fields
- Whites Landing Parking Lot
- Falmouth Community Veterans Ctr.
- Goodwill Park
- Tides Motel Lot
- Robbins Road Parking Lot
- Falmouth Heights Ball Field Parking Lot
- High School Sports Field Parking Lots
- King Street Municipal Parking Lot
- Locust Street Parking Lot
- Emerald House Parking Lot
- Shining Sea Bike Path – Woods Hole to North Falmouth

STORM LEVEL CLASSIFICATIONS

Response efforts are tailored to anticipated storm conditions. Factors such as wind, air temperatures, pavement temperatures, rain, time of day, day of week and storm intensity or duration will impact response actions and effectiveness. Storm events are classified into three response levels as follows:

- **Level 1: Less than 3” predicted**
 - Pre-treatment for roads / sidewalks
 - Possible plowing – Main roads & secondaries
 - Mobilize: Town crews

- **Level 2: 3”-12” predicted**
 - Pre-treatment for roads / approved sidewalks
 - Plowing – All roads – Town & private
 - Mobilize: Town crews & private contractors

- **Level 3: 12” or more predicted or blizzard conditions**
 - All level 2 actions underway
 - Subsequent road treatments
 - Plowing: Continuous plowing on all roads
 - Mobilize: All resources – Town & private
 - Parking Bans: Enacted

PRE-TREATMENT

Town crews are generally mobilized two (2) hours prior to any initial precipitation, (except rain). This allows us to pre-treat primary roads to prevent ice / snow from bonding to the road surface. Application of pre-treated salt / with calcium chloride.

This solution forms brine on the pavement, essentially separating the road surface from the snow. This allows traffic to work the solution; melting the snow until the slush accumulation is so great it needs to be plowed off. All main routes and bus routes, schools, and municipal buildings will be included in this operation identified as a **Level 1** event. This will also include sidewalks along the Main St. & Water St. business districts.

EQUIPMENT

The Department of Public Works utilizes all assets of each Division as needed to address snow and ice emergencies. The following is a list of available equipment broken into individual categories.

- Four, Ten-Wheel w/plow & sander
- Five, Six-Wheel 35,000 GVW trucks w/plows & sanders
- Twenty-Two Dual Wheel One-Ton Trucks.
- Fifteen Single Rear Wheel One-Ton Trucks w/ three Salt Spreaders.
- Eleven, Pick-up trucks 4x4 w/plows
- Two Front-end Loaders
- Two Backhoes
- Six Skid Steer Loaders (Bobcats)

In addition, the Town has available, 30 private snowplow contractors for use as conditions warrant, as allowed under Chapter 84, Section 5A of the Massachusetts General Laws (MGL). The retaining of private contractors for the purpose of snow removal by municipalities is exempt from contract and procurement law under Chapter 30B, Section 1B(17) of the MGL. All contractors are required to furnish a certificate of insurance prior to being hired as well as workman's compensation coverage if not operated by the vehicle owner.

All contractor plow vehicles are equipped with either an 8, 9 or 10 foot plow blade and each unit is inspected by Department personnel in our vehicle maintenance garage to insure compliance with vehicle condition and safety equipment. Vehicles that fail inspections will not be allowed to plow.

PLOW ROUTE PRIORITIES

When plowing becomes necessary, (usually at 3 inches, this will vary at times depending on the forecast and temperatures), all available Department of Public Works resources (both staff and equipment) will be utilized. This will be identified as a **Level 2** event. The primary responsibility of the Department will be to initially focus on the main (primary) roads in Town. This will be done with two vehicles plowing in tandem whenever possible to increase the efficiency of the removal process. Each driver has a specific route map assigned to him / her and is responsible for those roads. All eight main routes will be filled with Town personnel concentrating on main roads, with additional town vehicles and private contractor's working on secondary roads. There are additional routes that are assigned to specific drivers that fall within the overall boundaries of the original eight routes.

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Route drivers will initially progress through a route by making two passes in order to make each road passable. The drivers will then proceed to “open-up” each road by making subsequent passes to “curb” the snow.

Depending on the severity of the storm, the “opening-up” of roads may be delayed for several hours because the drivers will be limited to maintaining the original passes to keep the center of the road open. Final “curbing” of the snow will commence once the snowfall has ceased to accumulate.

STORM FACTORS

There are many factors which influence how storms must be managed:

- **Total snowfall** – The greater the total snowfall, the harder it is to keep roads clear and the longer it takes to complete all tasks.
- **Snow intensity** – When snow falls rapidly, it accumulates on roadways faster than plows can remove it.
- **Snow duration** – The longer the snow continues, the more difficult it is to maintain passability and it takes longer to complete all tasks.
- **Air temperatures** – When air temperatures are below freezing, it can result in sleet, icing, and black ice. In addition, the lower the temperature, the less effective the salt treatments are.
- **Road Temperature** – The colder the road temperature, the greater the likelihood of ice formation due to reduced salt effectiveness.
- **Winds** – Windblown snow, drifting and reduced visibility slows plowing speeds.
- **Time of day** – Snow fighting is most effective during evening hours when there are fewer vehicles on the roads.
- **Time of year** – Snow events that occur around holidays may result in reduced manpower as a result of vacations.
- **Blizzards** – Sustained, strong winds reduce visibility which, in turn, reduce plow vehicle speeds and dramatically reduce plowing effectiveness. Drifting snow quickly re-deposits on plowed roadways and sidewalks which hampers clearing efforts.

STORM PROGRESSION

The timing of a storm is critical. The worst time for a storm is during the high commuting periods. If it begins snowing at 8:00 in the evening and it is over by early morning, snow crews usually have ample time to prepare the roads for the morning commute. But when a storm starts at 6:30 in the morning, or 3:30 in the afternoon, motorists will need to take extra precaution until crews are able to clear the streets.

Christmas week is also a particularly bad time for a major snow event – there are many more vehicles on the road due to shoppers and people on vacation. Further, there are fewer personnel or contractors available due to vacations. Both business and shopper expectations with regard to road / sidewalk conditions are high during this time.

All storm conditions are dictated by temperature, the amount of moisture present in the storm, wind speed, and duration. The combination of these factors is directly related to the conditions that dictate how a storm will be managed. Freezing rain, sleet, snow, dry snow, amount of snow, wind conditions and the time of day all contribute to storm conditions.

Blizzards (or Nor'easters) are always problematic. Visibility is dramatically reduced which, in turn, reduces the speed at which roads can be plowed. The wind re-deposits snow onto roadways and causes significant drifts to accumulate. A blizzard, by definition, is:

- Sustained winds of over 35 MPH for three hours or more.

When we are engaged in a **Level 2** event, and precipitation continues to accumulate at a rapid speed, we will upgrade to a **Level 3** event as conditions warrant—generally blizzard conditions or snow accumulations greater than 12 inches. This will involve all Public Works personnel and private contractors, along with additional private heavy equipment (Loaders, Large plows, etc.) as necessary.

Depending on the expected severity of the storm, the Emergency Operations Center located at the Falmouth Fire & Rescue Headquarters, may be activated. This decision will be made by the Town Manager in conjunction with the Director of Public Works, Fire Chief and Police Chief. All operations will be closely monitored from this location and calls can be directed there.

As a storm winds down and plowing is coming to an end, the eight salting/sanding units will begin to treat their main roads again in an attempt to melt any existing snow and to provide better traction. Following this, secondary roads, hills and bus routes will be treated to improve conditions.

The primary goal of the Department is to open all streets as quickly as possible, and keep them open for the duration of the storm. After heavy snowfalls, it may be necessary at times to send larger vehicles into certain areas to help push back the snow to insure that the entire width of the street is open. In doing so, it is unavoidable to redeposit snow into already cleared driveway entrances. This is not a deliberate act, but necessary in the event of another storm back to back. The Town, or its private contractors, will not be responsible for plowing or shoveling out these driveways.

PRIVATE ROAD POLICY

The Town of Falmouth approved Question #1 during Town meeting in 1962 that states “The town accepts the provisions of section six C of Chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use. This does not include common driveways or condominium developments.

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DAMAGE TO PRIVATE PROPERTY

It is important for homeowners to understand that the average width of Town owned road Right-Of-Ways (R.O.W.) are forty (40) feet wide. Often times, residents place obstructions in the R.O.W. of Town property. This could include anything from plantings, fencing, railroad tie walls, sprinkler heads, and mailboxes to mention a few. Other than mailboxes damaged by a direct result of plowing operations, other damage to obstructions in the ROW will not be repaired or replaced by the Town. We recommend that mailboxes be at least a minimum of 18-24 inches off the edge of the pavement. Due to the usual wet nature of snow that is common on the Cape, it is also recommended that a sturdy wolmanized post be utilized. If a post or mailbox is damaged as a result of plowing operations, please notify the Department and a Field Supervisor will investigate to determine if indeed it was a direct result of our operation. If a repair or replacement is necessary, it will be scheduled in a timely matter, and a standard mailbox and post will be installed to meet U.S. Postal Service requirements. If a homeowner had a larger than normal or custom mailbox, it will be up to the homeowner to upgrade. Therefore, it is imperative that homeowners take a close look at items or improvements made in the ROW that may be subject to damage during storm operations.

Another reason for removing these obstructions from the ROW is to allow the Town adequate room to place the snow in the event we have multiple storms back to back. The snow windrow must be pushed all the way to the edge of pavement for the following reasons:

- Traffic Safety
- Space for additional snow storage
- To allow storm drains to be exposed
- To permit maximum possible visibility for pedestrians and vehicles

COMMUNICATION

All Public Works vehicles are equipped with two-way radio capability. The Department has the capability to include all Divisions being on one channel. All drivers have cell phones, so we have several modes of continuity.

During a **Level 2** event, Department of Public Works office personnel monitor the phone lines until 10:00 p.m. to log complaints which are then distributed to a supervisor who assigns them accordingly.

All Town vehicles and heavy equipment have been outfitted with GPS transponders. This allows us to monitor plow routes and individual vehicle locations as well as speed travelled, directional heading of the vehicle, among other characteristics. We are also capable of direct connect with the plow operator in the event the truck must be re-routed for an emergency situation.

The direct phone line to the Department of Public Works is 508-457-2543 which will connect you to the main office where your concerns or complaints can be logged.

WINTER SALT / SAND

A winter salt/sand mix is available to the general public at the Public Works Facility located at 416 Gifford Falmouth, MA.

As you enter the parking lot from Gifford St. there is a stock pile to your right. Home owners are allowed to fill barrels for their own personal use at home. **It is not intended for contractors who are doing private work utilizing this public resource.**

HOW YOU CAN HELP

Before The Storm

- Fuel your vehicle: This ensures transportation should you need it.
- Park your vehicle: Park in driveway or off-road. This keeps roads clear for plows and avoids damage to your vehicle.
- Shopping: Do shopping in advance of a storm.
- Top-off heating oil tank.
- Ensure that you have flashlights, batteries and a battery operated radio.
- Carry warm blankets in car.
- Ensure that you have several days supply of necessary medications.

During The Storm

- **STAY HOME**, if possible. Driving during storms is dangerous. Contrary to popular belief, 4WD vehicles do not stop on a dime.
- Stay informed – Tune in to FCTV-13 or local radio channels for weather updates or check the Town of Falmouth website.
- Do not shovel or plow snow onto roadways or sidewalks.
- Clear your sidewalk area as soon as possible after snow has stopped.

If you live on a curve or at a bend in the road, it is helpful for plow operators if you have reflectors placed near the edge of pavement to show where the road turns, particularly with heavy snowfall.

It is essential that cars be parked well off the edge of the roadway so that plows can open up the full width of the road.

If you must drive during a storm, please drive slowly. Excessive speed is often the number one cause of accidents in bad weather.

Please yield the right of way to the snow emergency vehicle. Try to maintain a distance of at least 100 feet. This will provide for a clearer surface as you follow, and keep you out of reach of the spinner so your vehicle is not sandblasted. Many times we have seen motorist become impatient and try to pass a plow or sander which is extremely dangerous. Remember, we are out there trying to make the roads safe for everyone, including ourselves.

Motorist should also remember that having a four wheel drive vehicle does not help you stop any easier on snow or ice covered roadways. There is a false sense of security with those vehicles.

Driving during a storm should be a last resort. We understand that at certain times of the day, people are going to, or coming from work. We would like to just remind everyone to slow down and drive cautiously and only when absolutely necessary.

After the Storm

Remember that if your road does not look like it is at its full width, we will probably be back to widen it. This will create a windrow in front of your driveway that is unavoidable and unintentional. Please be patient with us.

If there is a catch basin or fire hydrant in front of your property, please help us by digging it out so it is both visible and accessible in the event of an emergency.

Finally, snowplowing is a dangerous, arduous, and time consuming task. Your Public Works employees, and private contractors make every effort to perform these task with great pride and efficiency. We strive for the safest roads at the most reasonable expense, and in the shortest period of time. The cooperation and support of Falmouth's Town officials and residents is greatly appreciated.

Disclaimer

This manual is intended to be a guide as to how the Public Works Department responds during snow and ice operations.

There are many variables that may alter the operations including equipment breakdowns, employee shortages, severe weather requiring personnel to get off of the roads for a period of time, etc.

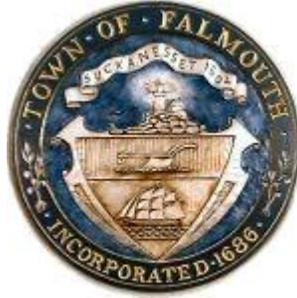
The Department also reserves the right to add, change, or amend as needed.



Appendix - A

Snow Plow Contractor Information Packet

TOWN OF FALMOUTH



SNOW PLOW CONTRACTOR INFORMATION PACKET

Please return to the Public Works office by November 1st with attached copies of Certificate of Liability Insurance & Vehicle Registration.

Vehicle inspections will be scheduled upon approval of information packet.

Requirements & Regulations for Plowing Contractors

- **4 Wheel Drive**- All Trucks 12,000 lbs GVW and under shall be 4-Wheel Drive.
- **Plow Blade**- All Trucks shall have a Minimum 8-Foot Blade. Six Wheel or larger Trucks should have a minimum 9-Foot Blade.
- **Lights**- All Trucks shall be equipped with plow lights & Emergency Beacon.
- **Registration** -All Trucks shall have a valid Registration & Inspection Sticker.
- **Insurance**- All Contractors shall provide proof of insurance as follows: \$100,000-\$300,000 personal injury, \$50,000 property damage. \$100,000 minimum Workers Comp Ins. (if employing driver's) Contractors are responsible for private property damages.
- **Cell Phones**- All Contractors shall have a Cell phone with them at all times during Plow Operations in order to remain in contact with the Public Works office.
- **Plow Routes**- The Public Works Superintendent shall assign Plow Routes for the entire season after submitting applications have passed. Routes shall be assigned on a first come , first serve basis. Once all routes have been assigned, additional contractors shall be held in Reserve as replacements to cover routes in the event of vacations, vehicle repairs, or in the event of a large storm. Contractors shall open Roadways from curb to curb . Final cleanup ,Push back all corners.
- **Re-Assignments**- Each contractor shall be responsible for their route, however, the Public Works Superintendent may shift or Reassign a plow to aid in snow removal.
- **Reporting to Office**- Contractors shall report to the Public Works office within 30 minutes of being called to work a storm in order to sign in and be advised of any potential changes.
- **Impairment**- contractors, who have consumed alcohol or taken prescription or other drugs which may affect their ability to operate a vehicle, shall advise the Public Works office they are unable to work. Contractors reporting to work who appear to be impaired shall not be allowed to work.
- **Vacations/ Truck Repairs**-Contractors shall advise the Public Works in advance of any planned vacations or truck repairs which render the contractor unavailable to work in a storm.
- **Notifying the DPW**- Contractors shall call the office if they are out of service for any period of time during the storm. Contractors shall call the office prior to ending work.
- **Private Work**- No Private work shall be performed while a contractor is working for the Town. If a Contractor is found to be performing Private work, Said contractor shall be Terminated.

January 2025

**TOWN OF FALMOUTH
SNOW PLOW CONTRACTOR
INFORMATION SHEET**

CONTRACTOR:

CONTRACTOR NAME: _____
MAILING ADDRESS: _____
PHONE NO.: _____
CELL PHONE: _____
S.S. # / FED ID #: _____

DRIVER INFORMATION: (if applicable)

NAME: _____
CELL PHONE: _____

VEHICLE:

YEAR/MAKE/MODEL: _____
COLOR _____ **PLATE #** _____ **4X4(Y/N)** _____
PLOW BLADE MAKE & LENGTH: _____

REQUIREMENTS:

CERTIFICATE OF LIABILITY INSURANCE: (Y/N) _____

Minimum coverage of \$100,000-\$300,000 personal injury, \$50,000 property damage, \$100,000 minimum Worker's Comp Ins.(if employing driver's)

CURRENT MASSACHUSETTS REGISTRATION(Y/N) _____

MECHANIC'S SECTION:

(To be filled out by T.O.F. Mechanic only)

VEHICLE CONDITION:(Good, Fair, Poor) _____

EMERGENCY EQUIPMENT PREPARED:(Y/N) _____

(Only upon acceptance) **DRIVER'S SIG.:** _____

VALID STATE INSPECTION STICKER:(Y/N) _____

ADMINISTRATIVE SECTION:

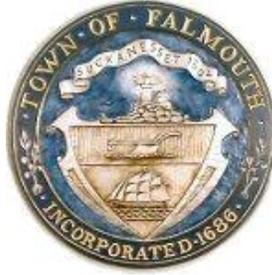
DATE OF ACCEPTANCE: _____

ROUTE NUMBER: _____

RATE: _____

AUTHORIZATION: _____

James F. Grady, Superintendent of Highways



**TOWN OF FALMOUTH
DEPARTMENT OF PUBLIC WORKS
SNOW OPERATIONS INVOICE**

CONTRACTOR: _____
SS/ FED ID #: _____
ADDRESS: _____

DATE IN: _____ **DATE OUT:** _____

TIME IN: _____ **TIME OUT:** _____

TOTAL HOURS: _____ **HOURLY RATE:** _____

TOTAL BILL: \$ _____ **ROUTE #** _____

DRIVERS SIGNATURE: _____

FIELD SUPERVISOR/INSPECTOR: _____
Initials

APPROVED BY: _____
*James F. Grady
Superintendent of Highways*



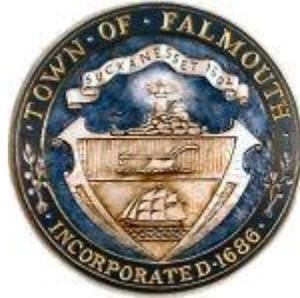
Appendix - B

Primary Plow Routes



Appendix - C

Contractor Secondary Plow Routes

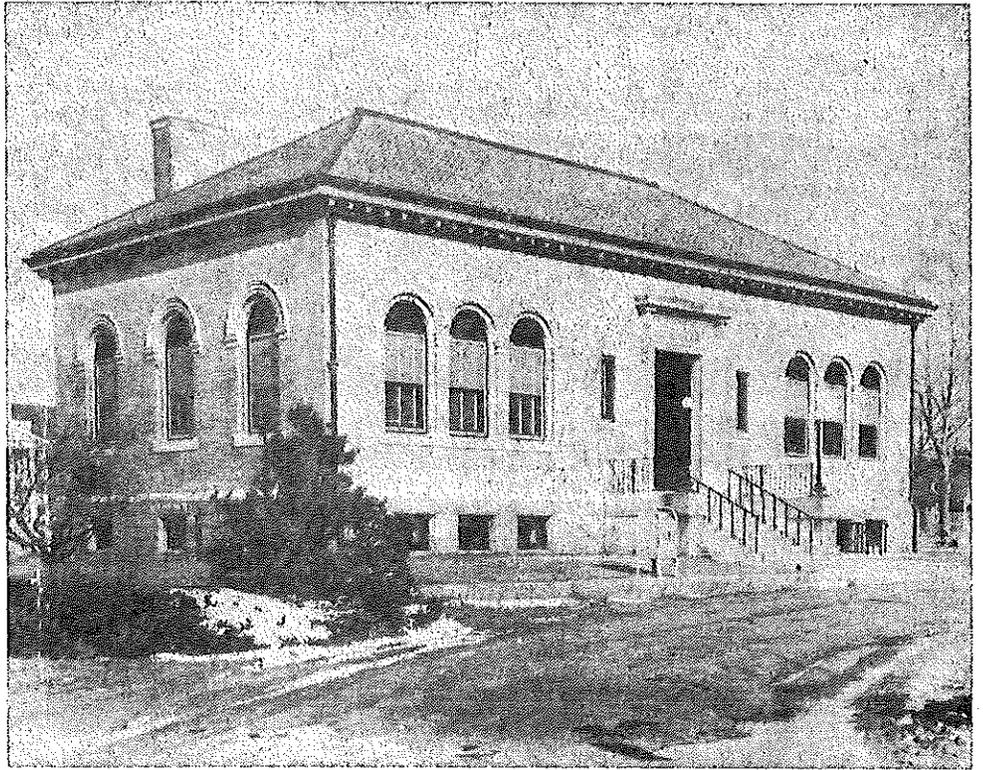


Appendix - D

Shining Sea Bikeway

and

Sidewalk Plow Routes



FALMOUTH MEMORIAL LIBRARY

ANNUAL REPORTS
of the Officers and Committees

TOWN OF
FALMOUTH
MASSACHUSETTS

★ ★ 19



62 ★ ★

Question 1

"Shall the town vote to accept the provisions of section six C of Chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?"

	Precincts					Total
	1	2	3	4	5	
*Yes	309	460	727	448	337	2281
No	159	176	281	173	96	885

Question 2

"Shall the town purchase additional group life and group accidental death and dismemberment insurance for employees in accordance with the provisions of chapter thirty-two B of the General Laws with no premium contribution by the town?"

	Precincts					Total
	1	2	3	4	5	
*Yes	271	395	608	363	254	1891
No	177	224	355	227	156	1139

TOWN MEETING MEMBERS, Prec. 1

For 3 Years—Elect 13

	Votes		Votes
*Robert Bacon	427	*Geoffrey G. Whitney, Jr.	361
*Henry G. Behrens	382	Lennert S. Blomberg	190
*Oliver B. Brown	309	*Jean P. Brockhurst	297
*Samuel T. Cahoon, Jr.	329	Donald P. Burnham	168
*Donald B. Foster	329	Constance W. Chadwick	200
*Joseph Goudreau	299	Edward DeWitt	193
*Otis E. Hunt	321	Elizabeth Alton Hahn	138
*John T. Karalekas	282	Stuart E. Jones, Jr.	249
*Bostwick H. Ketchum	334	Thomas A. Lineaweaver	186
*John F. Pike	283	Arthur Nutt	227
*Dorothy L. Soule	336		

For 1 Year (Unexpired Term)—Elect 1

*Ruth Worthington	307
-------------------	-----

TOWN MEETING MEMBERS, Prec. 2

For 3 Years—Elect 17

	Votes		Votes
*Marcel L. Albert	515	William S. Richardson	338
*Harold L. Baker	460	*Edward J. Sheehan, Jr.	402
*Harold L. Baker, Jr.	514	*Ralph Sullivan	347
Ernest M. Baltz	324	Nathaniel A. Denman	179
*Pauline R. Cahoon	383	Patricia L. Jensen	276
*Clayton W. Collins	542	David D. Ketchum	282
*Stella M. Collins	438	Elizabeth C. Metcalf	314
*James H. Dufur	522	Edward Richardson	199
*John J. Farrell	420	Arthur F. Sabens	282
*Delmar R. Jenkins	556	Joseph J. Sheehan	301
*Anne T. Lawrence	398	*Edward L. Studley	420
*Malcolm E. Macdonald	398	*Ruth C. Studley	342
*James M. Pafford	483	Dorothy W. Sylvia	288
*Niles A. Peterson, Jr.	513		

For 2 Years (Unexpired Term)—Elect 1

Lucille G. Denman	209	*Charleen Souza	458
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TOWN MEETING MEMBERS, Prec. 3

For 3 Years—Elect 27

	Votes		Votes
*John R. Augusta	674	*Roger A. Murray	606
*Laurence S. Costa	623	*Robert E. Palmer	620
*Raleigh Costa	608	*Ralph W. Swenson	610
*Donald Durell	587	*Ray D. Wells	610
*Nathan S. Ellis, Jr.	761	Herbert A. Barrow	396
*Margaret E. English	640	David R. Beaupain	375
*Joseph Figuerido	717	*Albert R. Crocker	488
*John W. Giabbai	607	*Howard J. Cummings	577
*Estella M. Hall	527	*John A. DeMello	573
*Herve C. Houde	657	Adeline B. Hardy	410
*John E. Justason	527	*Christopher J. Hughes	459
*Harry A. Kamataris	642	Howard F. Mann	419
*Edward F. Kempton	573	*Lawrence F. Palmer	601
*J. Paul Lauzon	602	*Joseph Rabesa	539
*Janet B. Litzkow	583	Frederick T. Turkington	449
*Arthur R. Medeiros	629	Helga L. E. Willard	372
*Henry L. Meyer	553	Lillian M. Williams	445

OPEN SESSION

BUSINESS

3. Update and discussion on recommended traffic safety improvements in the area of Railroad Ave. and Luscombe Ave. in woods Hole **(20 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Update and discussion on recommended traffic safety improvements in the area of Railroad Ave. and Luscombe Ave. in Woods Hole

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Peter McConarty – Director of Public Works

ATTACHMENTS: PowerPoint Presentation; Existing Conditions Plan; Recommendation Letter from Town's Traffic Safety Consulting Engineer.

PURPOSE:

The Select Board will hear a presentation and discuss recommended traffic safety improvements within the intersection of Railroad Avenue and Luscombe Avenue in Woods Hole.

The Town of Falmouth and Public Works has received and responded to multiple complaints of unauthorized work being performed within the rights-of-ways of Luscombe Avenue and Railroad Avenue.

Public Works has had years of correspondence and meetings with the Steamship Authority to alleviate the traffic and safety concerns as well as convey our regulations that Street Opening and Driveway permits are required for the work performed. The Steamship has provided minimal communication and no effort to apply for Public Works permits.

BACKGROUND/SUMMARY:

- Between the dates of 3/27/2019 – 4/14/2020, a traffic island was removed at the intersection of Luscombe Avenue and Railroad Avenue. No Town permits were obtained, and the Department of Public Works was not notified of the work that took place.
- Between the dates of 9/2/2022 – 4/8/2023, granite curbing along with an island and trees were removed on Railroad Avenue. No permits were obtained for the removal of the granite curbing, and the Department of Public Works was not notified of the work that took place.
- Public Works has made multiple attempts with email correspondence and meetings with the Steamship Authority to address the traffic and safety concerns with little or no avail.
- At the current time, the Steamship Authority is using the intersection area of Luscombe Avenue and Railroad Avenue as fare parking and pick-up/drop-off area.
- The attached report prepared by consultant Greenman-Pederson, Inc. on January 2, 2025 recommends “...reestablishing the raised island that previously was in place to better define the town roadway and reduce the number of conflict points.”
- In December of 2024, Public Works marked the intersection rights -of-ways property line with spray-paint and the Town Manager notified the Steamship Authority that due to traffic and safety concerns, the Town is intending to reestablish the roadway rights-of way with permanent and standard roadway curb lines.

DEPARTMENT RECOMMENDATION:

Public Works is providing an overview for the recommended next-step actions to take place. The rights-of-ways property lines have been marked with spray-paint in December of 2024.

The Department of Public Works and Town Manager are seeking direction from the Select Board concerning the proposed traffic safety improvement plan prior to the Department of Public Works proceeding with restoration of the intersection of Luscombe Avenue and Railroad Avenue via the installation of traffic barriers and future granite curbing.

Following the completion of this presentation, the Steamship Authority will be given a formal notice and timeline that will indicate that Public Works will install traffic barriers along the paint-line areas to delineate the limits of Luscombe Avenue and Railroad Avenue and alleviate the safety concerns outlined above by

the Town's Traffic Safety Consulting Engineer.

Following the traffic barrier installation, Public Works may install permanent granite curbing to replace the traffic barriers at the intersection of Luscombe Avenue and Railroad Avenue in the interest of public safety.

OPTIONS:

No formal vote is being requested by the Select Board; however, the Department of Public Works and Town Manager are seeking direction from the Select Board concerning the proposed traffic safety improvement plan prior to the Department of Public Works proceeding with restoration of the intersection of Luscombe Avenue and Railroad Avenue via the installation of traffic barriers and future granite curbing.

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:

No formal vote is being requested by the Select Board; however, the Department of Public Works and Town Manager are seeking direction from the Select Board concerning the proposed traffic safety improvement plan prior to the Department of Public Works proceeding with restoration of the intersection of Luscombe Avenue and Railroad Avenue via the installation of traffic barriers and future granite curbing.

Michael Renshaw

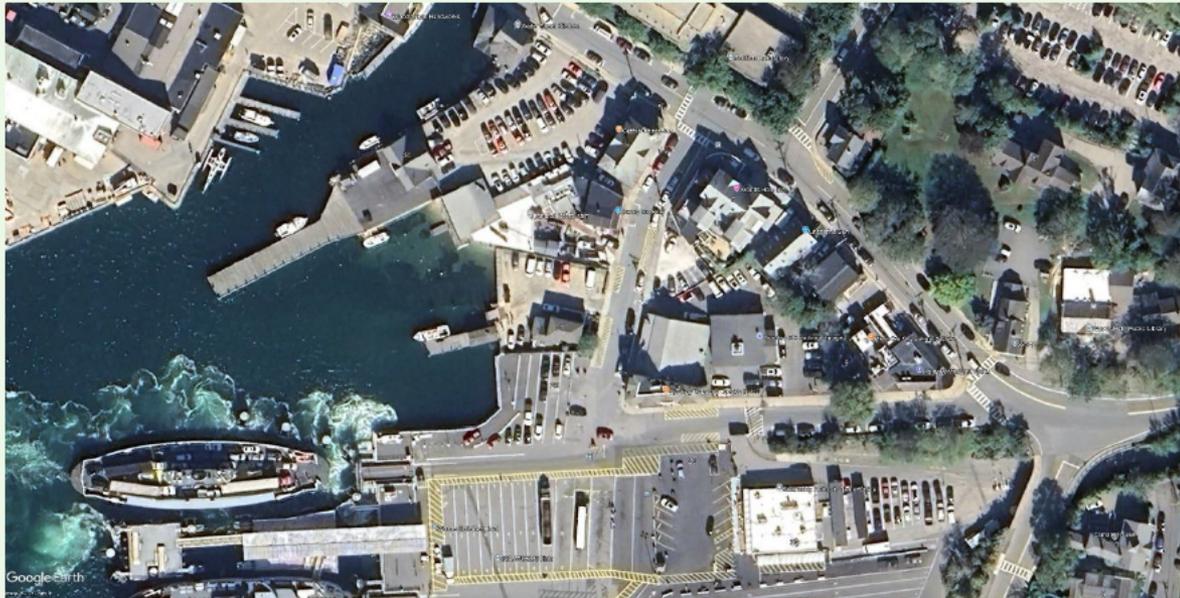
Town Manager

1/22/2025

Date

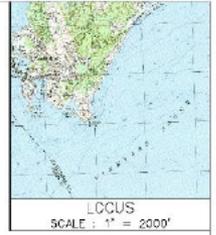
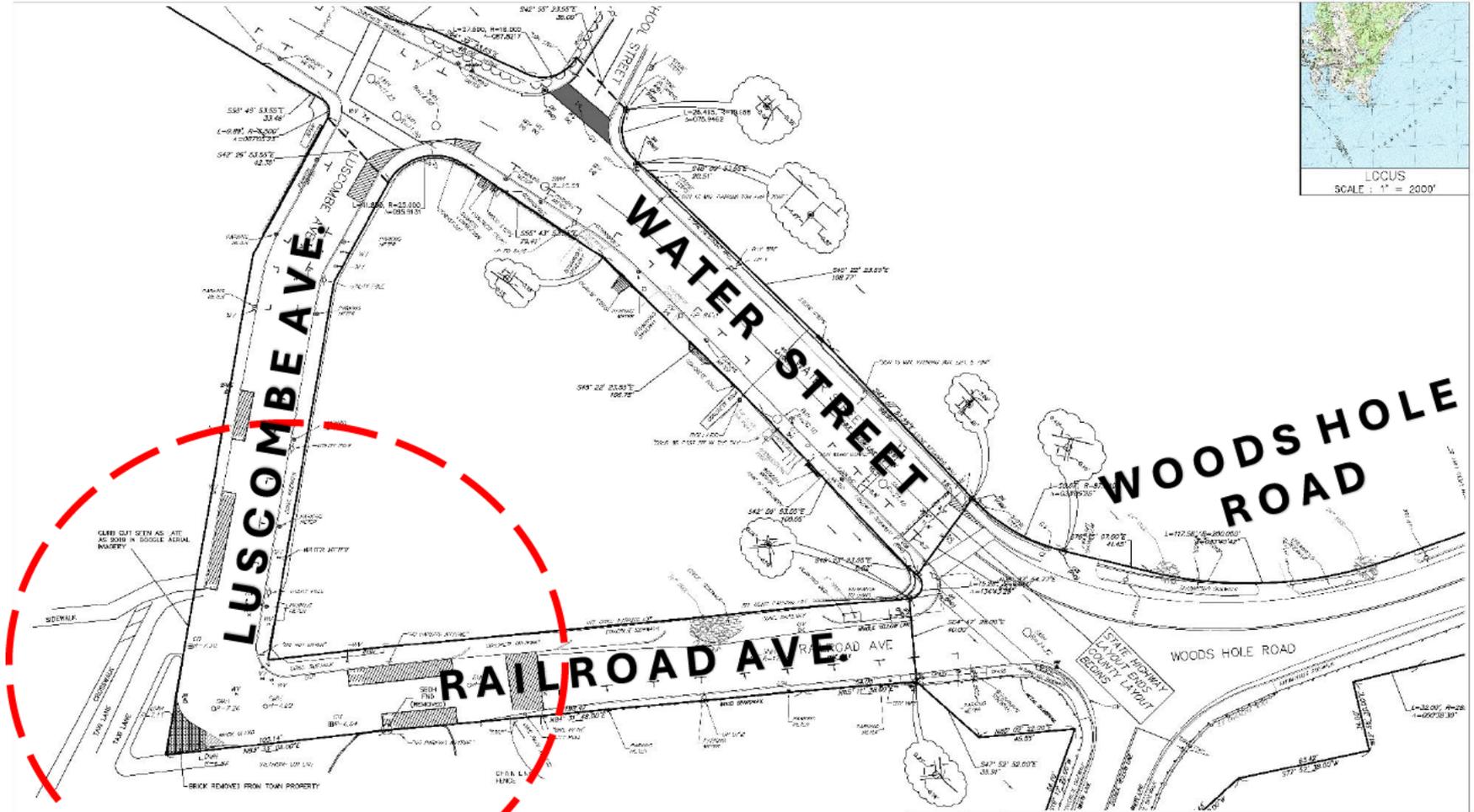


TRAFFIC SAFETY IMPROVEMENTS RAILROAD AVENUE / LUSCOMBE AVENUE



Falmouth Department of Public Works
Peter M. McConarty, P.E., P.L.S. Director
January 27, 2025

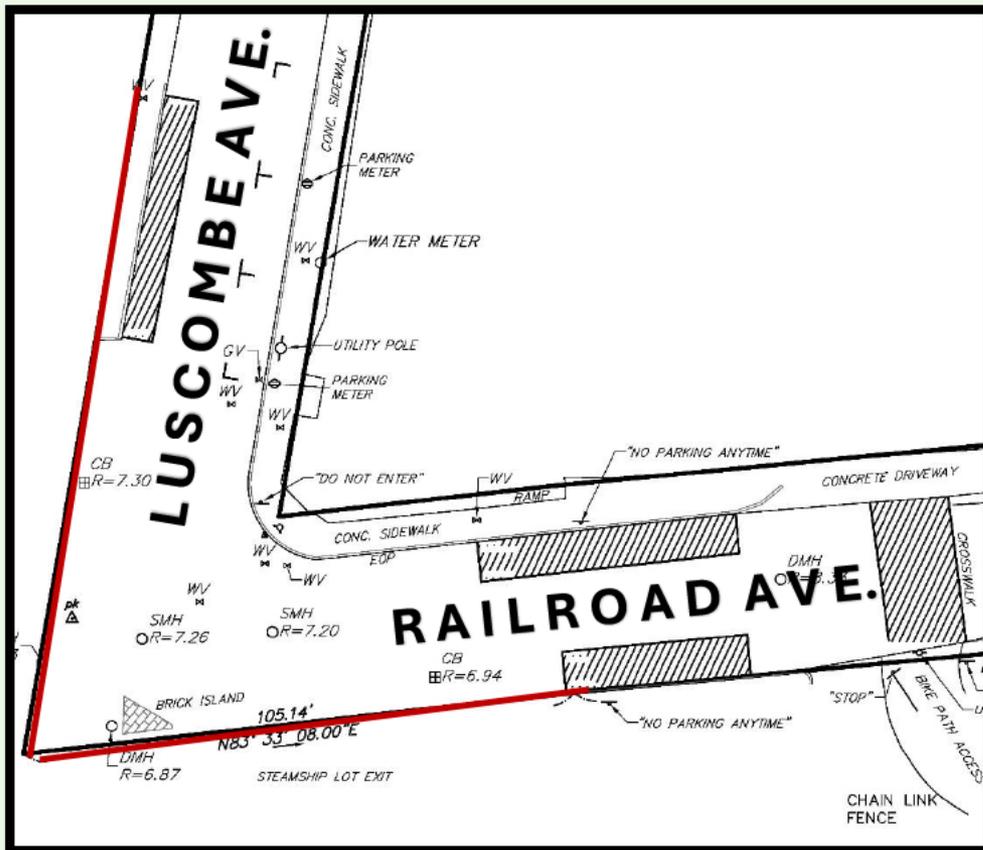
2013 Plan of Woods Hole Roadways: Railroad Ave / Luscombe Ave / Water St



NOTE:
RED LINES IN PLAN ARE TRACED FROM A PLAN TITLED "PLAN OF EXISTING CONDITIONS PREPARED FOR WOODS HOLE, MA, BY THE TOWN ENGINEER AND BOUNDARY SURVEYOR BY ALVIN W. BROWN, JR., CIVIL ENGINEER, LICENSE NO. 10033 WITH REVISIONS DATED 08/24/01E.

DATE	BY	REVISION	2013 EXISTING CONDITIONS PLAN RAILROAD AVE & LUSCOMBE AVE FALMOUTH, MA	
TOWN OF FALMOUTH DEPARTMENT OF PUBLIC WORKS			DATE: JANUARY 27, 2015	
ENGINEERING DIVISION 116 DEERING STREET FALMOUTH, MA 02540 508-427-2513				
DESIGN: N/A	SCALE: 1" = 20'			SHEET 1 OF 1
DRAWING: \RAILROADAVE\2013\...VERLUSCOMBING				

2025 Plan & Aerial Map Showing: Intersection of Railroad Avenue & Luscombe Avenue



2025 Existing Conditions Plan



2025 Aerial Plan

2013 & 2025 Aerial Photos of: Railroad Ave Luscombe Ave Water St



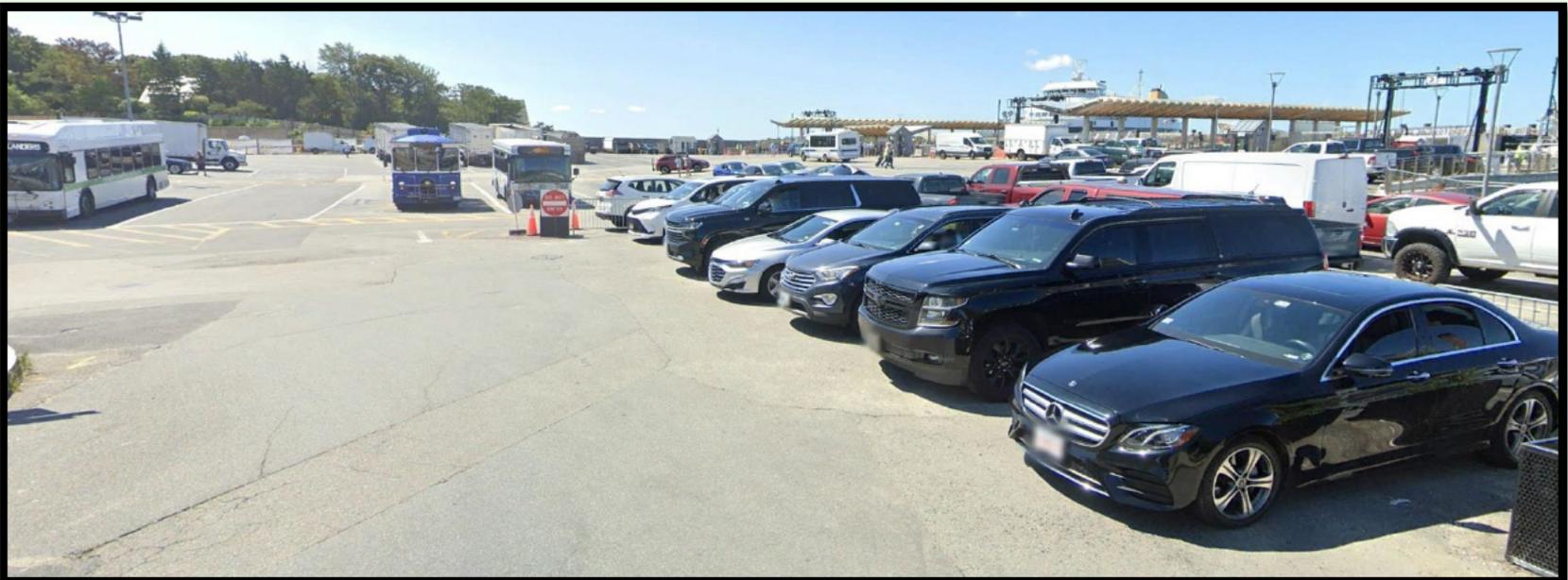
2013 Aerial Photo



2025 Aerial Photo



Current Street View Photo – Railroad Avenue



Current Street View Photo – Luscombe Avenue

Correspondence / Meetings With SSA to discuss Unauthorized Work Within the Town Right-Of-Way and Future Traffic Concerns

- ❑ June 6, 2021 – email correspondence regarding a citizen complaint of paving was being performed in the area of railroad Avenue and Luscombe Avenue without notice to Public Works.
- ❑ June 23, 2021 – email correspondence with SSA Project Manager regarding the setup of a meeting to discuss schematic design. SSA indicated that they met with the Falmouth Fire Department to review the design.
- ❑ July 16, 2021 – Meeting at SSA office building Palmer Avenue to discuss terminal plans.
- ❑ November 18, 2021 – On-site meeting with SSA staff to discuss vehicle and pedestrian safety.
- ❑ November 19, 2021 – Email from Town Engineer to SSA General Manager stating Street Opening Permit and Driveway Permits were Required for work with Town right-of-way.

Correspondence / Meetings With SSA to discuss Unauthorized Work Within the Town Right-Of-Way and Future Traffic Concerns

- ❑ June 16, 2022 – Onsite Meeting with SSA General Manager to discuss traffic and encroachments.
- ❑ August 25, 2022 – Email request to meet and discuss SSA reconstruction project, including drainage, grading utilities.
- ❑ March 15 2024 – On-Site Meeting to discuss SSA Encroachments.
- ❑ August 8, 2024 – Meeting at SSA building Palmer Avenue – Attendance was: SSA, Town Manager, Public Works Staff, Falmouth Police. Let SSA know that the Town is looking to make safety improvements along Railroad Ave and Luscombe Avenue due to the removed islands and curbing.
- ❑ October 3, 2024 – Meeting At Public Works – Met with SSA to review options of traffic mitigation along Railroad Avenue. The Towns Traffic Engineering Consultant was in attendance and offered options within the SSA site to alleviate the volume of traffic entering Luscombe Avenue and Railroad Avenue. SSA implied that they will review the information discussed and will respond back to the Town.

Correspondence / Meetings With SSA to discuss Unauthorized Work Within the Town Right-Of-Way and Future Traffic Concerns

- ❑ October 22, 2024 – Meeting at Public Works – Met again with SSA and the Towns traffic consulting Engineer to discuss options after all meeting attendees reviewed the information discussed at the first meeting. SSA stated that they are continuing with their current design with no incorporation of recommendations and options.
- ❑ December 23, 2024 – Email to SSA General Manager from Falmouth Town Manager stating the correspondence and meetings listed above and the lack of communication regarding safety concerns for motorists, pedestrians and bicyclists at the intersection of Railroad Avenue and Luscombe Avenue. Email detailed our intentions that are taking place at this time.
- ❑ January 2, 2025 – Recommendation letter from Town Engineering Consultant outlining the necessity to reestablish the raised island and curbing along Luscombe Road and Railroad Avenue to reduce the number of conflict points.

Jan 2, 2025-Review & Recommendation Letter: By Towns Consulting Traffic Engineer



Greenman-Pedersen, Inc.
Engineering | Design | Planning | Construction Inspection

January 2, 2025

MAX-2016118.19

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

SUBJECT: **Task Order No. 19**
Steamship Terminal Redevelopment

Dear Mr. McLoughlin:

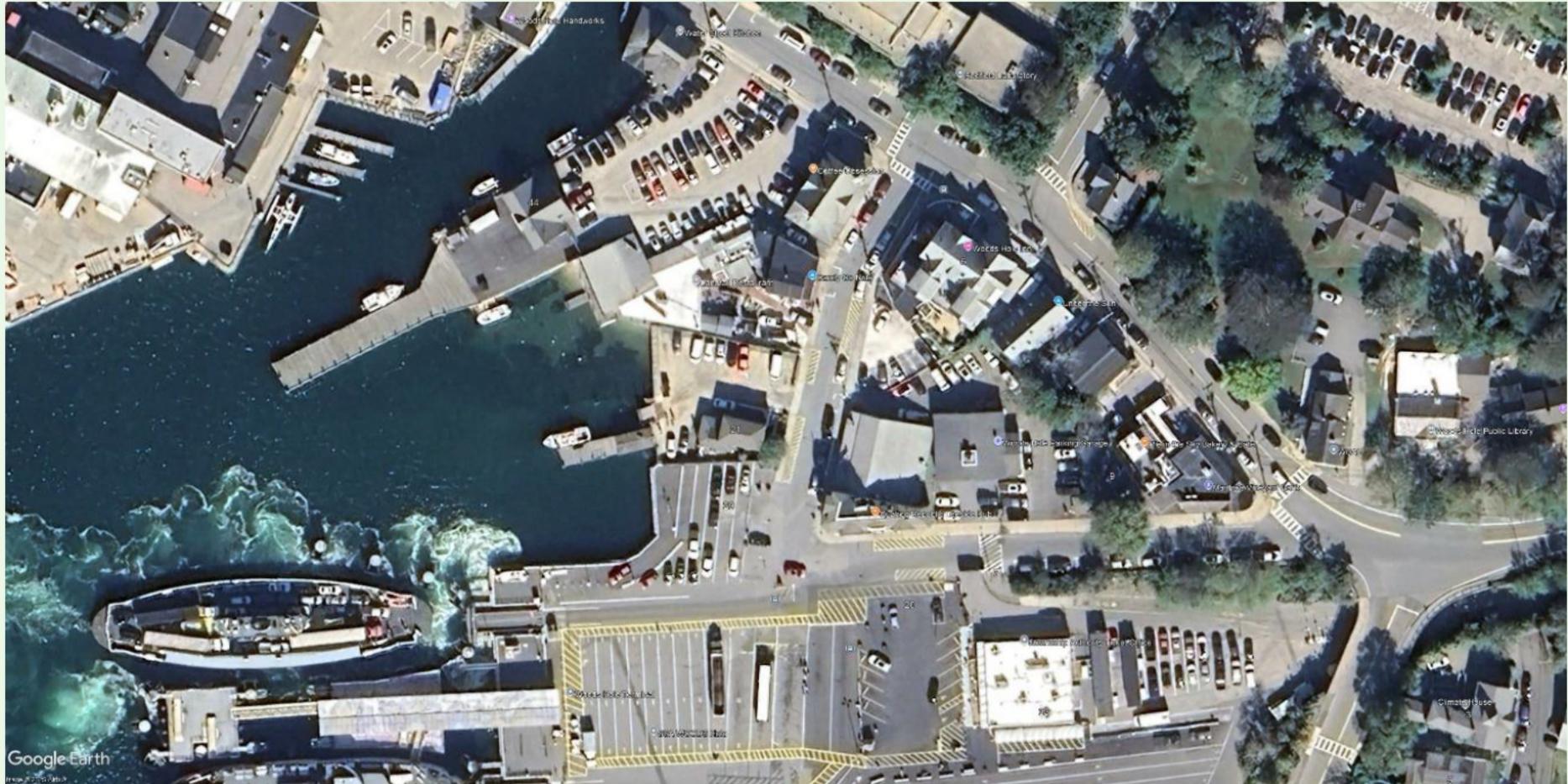
As requested, **Greenman-Pedersen, Inc. (GPI)** has reviewed the latest Draft Proposed Site Plan dated October 9, 2024 and have concerns over the interaction of the steamship debarking and traffic operations at the intersection of Luscombe Avenue and Railroad Avenue. Based on imagery from Google Earth at some point in time between March 27, 2019 and April 14, 2020, the traffic island on the southwest corner of the intersection was removed. In addition, between September 2, 2022 and April 8, 2023 the island with the trees was removed. None of this work within the town right of way was completed by the town DPW, nor was the town notified of these changes. The changes are highlighted in Figures 1-4 below.



Figure 1- March 27, 2019

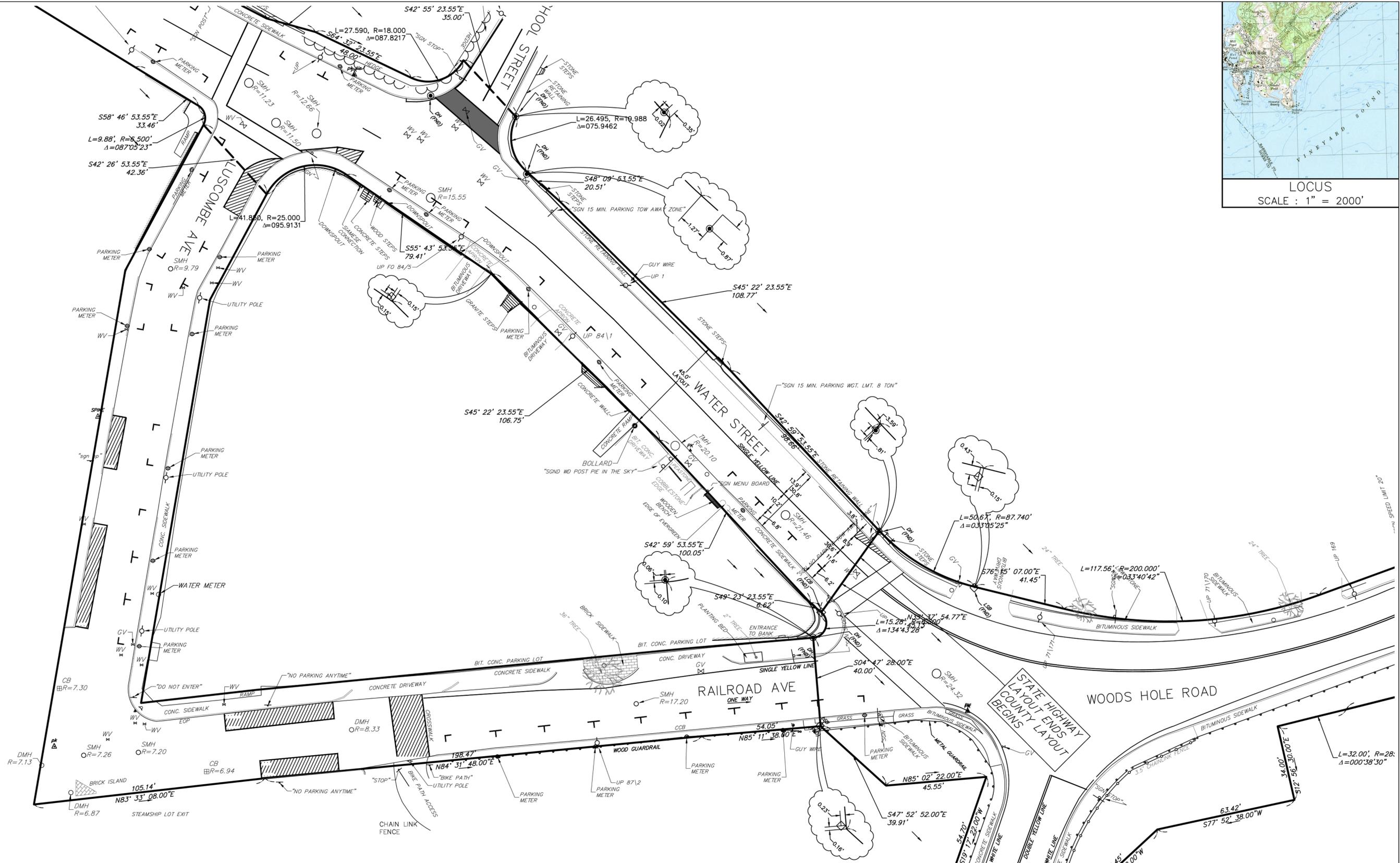


DISCUSSION: TRAFFIC SAFETY IMPROVEMENTS RAILROAD AVENUE / LUSCOMBE AVENUE





LOCUS
SCALE: 1" = 2000'



DATE	BY	REVISION

TOWN OF FALMOUTH
DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION
416 GIFFORD STREET
FALMOUTH, MA 02540
508-457-2543



2025
EXISTING CONDITIONS PLAN
RAILROAD AVE & LUSCOMBE AVE
FALMOUTH, MA

DRAWN: NAC DATE: JANUARY 27, 2025

DESIGN: N/A Scale: 1" = 20'

CHECK: JEM 0 10 20 30 40 50 FEET

DRAWING: \RAILROADAVE\2021\...RRLUSCEXCON.DWG

**SHEET
1 OF 1**

January 2, 2025

MAX-2016118.19

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

SUBJECT: **Task Order No. 19**
Steamship Terminal Redevelopment

Dear Mr. McLaughlin:

As requested, **Greenman-Pedersen, Inc. (GPI)** has reviewed the latest Draft Proposed Site Plan dated October 9, 2024 and have concerns over the interaction of the steamship debarking and traffic operations at the intersection of Luscombe Avenue and Railroad Avenue. Based on imagery from Google Earth at some point in time between March 27, 2019 and April 14, 2020, the traffic island on the southwest corner of the intersection was removed. In addition, between September 2, 2022 and April 8, 2023 the island with the trees was removed. None of this work within the town right of way was completed by the town DPW, nor was the town notified of these changes. The changes are highlighted in Figures 1-4 below.



Figure 1- March 27, 2019



Figure 2- April 14, 2020



Figure 3 - September 2, 2022



Figure 4 – April 8, 2023

These islands had provided a definition of the roadway and designated specific driveway areas as well as a separation between the town layout and the Steamship Authority land. Furthermore, prior to the construction of the third berth, traffic debarking from the ships generally exited the site via Cowdry Road and Crane Street. Under current operations, traffic from the third berth generally exits via Railroad Avenue and there is no traffic control present, and the area is simply wide-open pavement. With the number of pedestrians, cyclists and vehicles through this area, this creates a safety issue and a large number of conflict points.

On December 23, 2024, the town marked out the town layout/right-of-way as depicted by the red line in Figure 5.

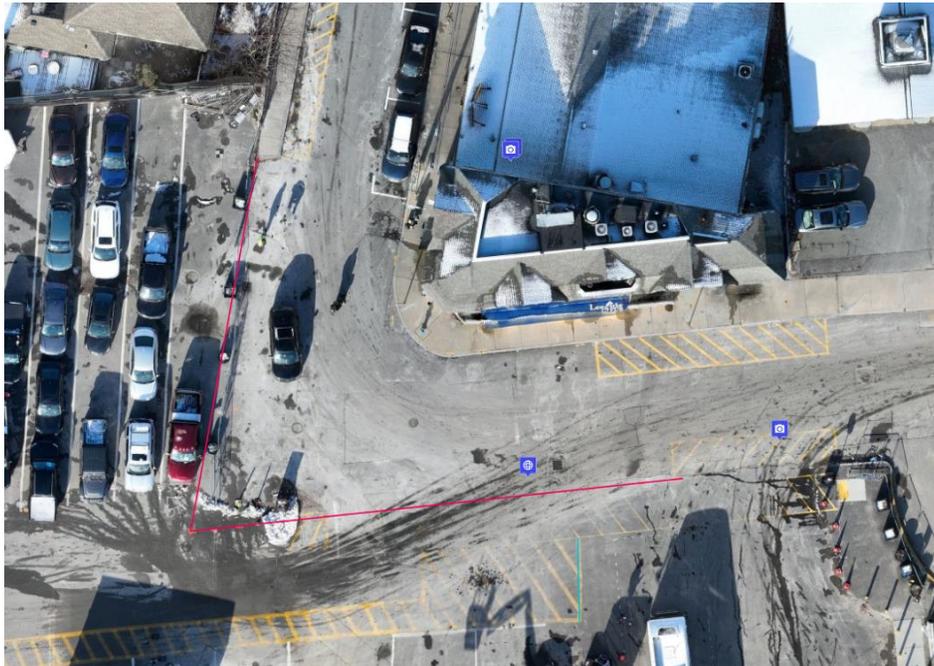


Figure 5- Town Layout

Therefore, GPI recommends reestablishing the raised island that previously was in place to better define the town roadway and reduce the number of conflict points. This would still allow the buses to utilize the Railroad Avenue while vehicles would debark and exit via Cowdry Road and Crane Street. This would significantly reduce the number of conflicts at Luscombe Avenue and Railroad Avenue. The proposed site is already designed for vehicles to debark and exit via Cowdry Road and Crane Street.

A concept of such an island is shown in Figure 6 overlaid with the latest site plan.



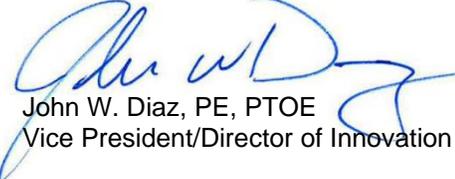
Figure 6- Concept of Traffic Island

Mr. James McLaughlin, PE
January 2, 2025
Page 5

Should you have any questions or require any additional information, please feel free to contact me at (978) 570-2953 or jdiaz@gpinet.com.

Sincerely,

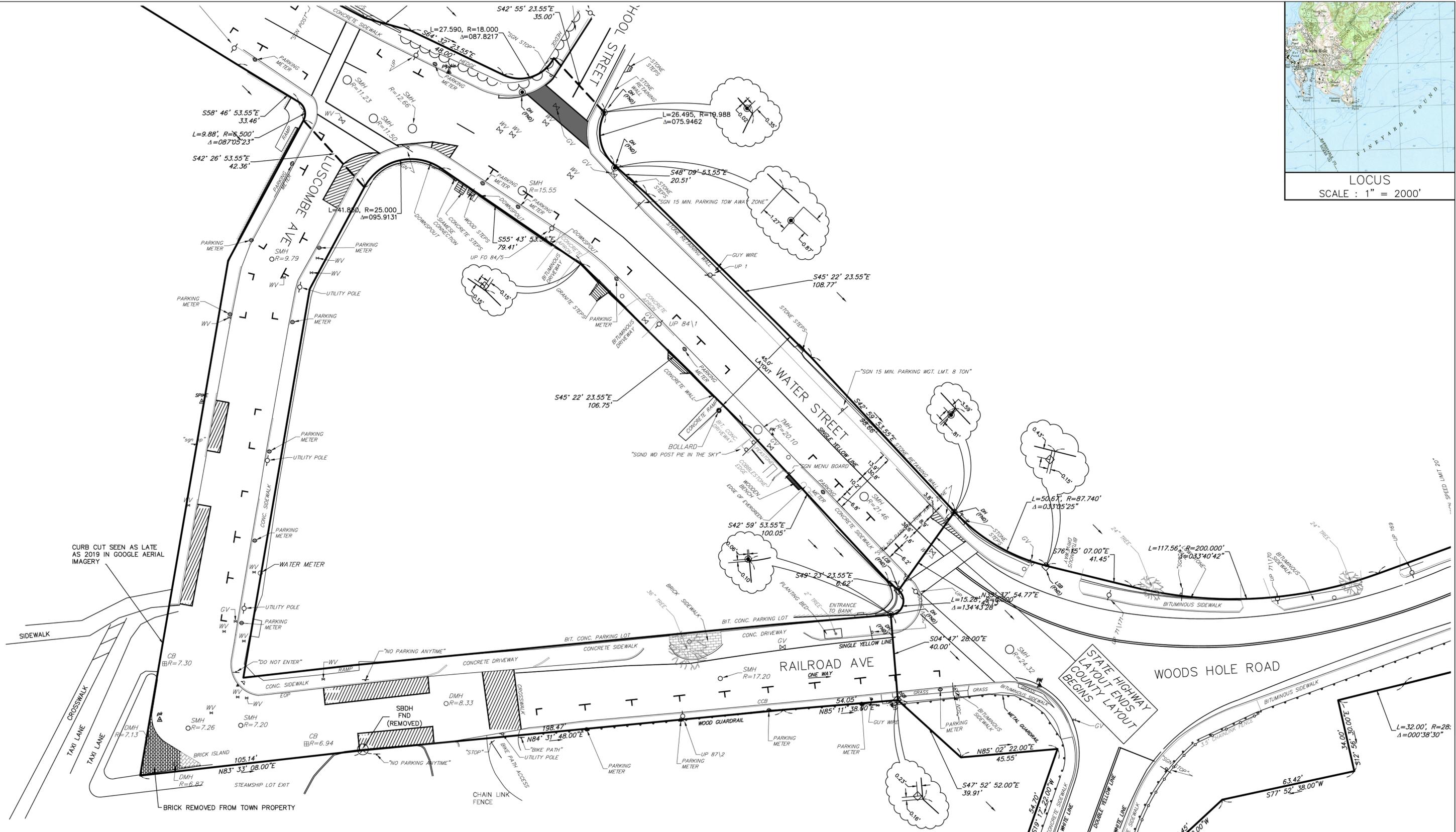
GREENMAN-PEDERSEN, INC.



John W. Diaz, PE, PTOE
Vice President/Director of Innovation



LOCUS
SCALE : 1" = 2000'



NOTE:
RED LINES ON PLANS ARE TRACED FROM A PLAN TITLED "PLAN OF EXISTING CONDITIONS PREPARED FOR WOODS HOLE, MARTHAS VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY" BY HOLMES AND MCGRATH. DATED MAY 30, 2013 WITH REVISIONS SEPT. 29, 2015.

DATE	BY	REVISION

TOWN OF FALMOUTH
DEPARTMENT OF
PUBLIC WORKS

ENGINEERING DIVISION
416 GIFFORD STREET
FALMOUTH, MA 02540
508-457-2543



2013
EXISTING CONDITIONS PLAN
RAILROAD AVE & LUSCOMBE AVE
FALMOUTH, MA

DRAWN: NAC DATE: JANUARY 27, 2025

DESIGN: N/A Scale: 1" = 20'

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**SHEET
1 OF 1**

OPEN SESSION

BUSINESS

4. Hear and discuss a status update from Eversource on the cabling project **(20 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Hear and discuss a status update from Eversource on the cabling project

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Peter McConarty – Director of Public Works

ATTACHMENTS: PowerPoint Presentation prepared by Eversource management

PURPOSE:

Eversource will be presenting a project status update to the Select Board on the Martha's Vineyard cabling project.

BACKGROUND/SUMMARY:

- Work began in 2024 for the underground cabling project from Martha's Vineyard to Stephens Lane in Falmouth.
- Work in Falmouth is proceeding well; duct bank and manhole installations on the bike path are complete.
- Next stages include path widening, Depot Avenue EV infrastructure installation, preparations for path repaving, cable pulling, EDIC restoration and full site restoration.

- In the next two weeks we will cross Locust Road to connect the project to previously completed work on Mill Road. The project remains on target at these locations.
- Along Surf Drive, the water main installation is nearing completion; the estimated timeline for transition to the new water main is the 2nd week of February.
- Duct bank installation along Surf Drive and at the Surf Drive parking lots is nearing completion. A vendor will be tying into the newly installed system in February. Simultaneously, preparations are ongoing at both Mill Road and Surf Drive parking lots for the arrival of Horizontal Directional Drilling (HDD) equipment. Sound walls / light barriers will be arriving in February, followed by drill rigs and then an offshore barge. We remain on schedule for the drilling work to happen in March.
- Our outreach team regularly visits the construction sites and continues to relay information to residents. Our team continually monitors our hotline and email for questions and / or concerns from Falmouth residents and staff remain in constant communication with the Bike & Pedestrian Committee. The ongoing construction on Surf Drive has made bike and pedestrian travel difficult at times.
- Thus far, the weather has been mostly cooperative. The very cold temperatures have added some challenges with respect to dewatering activities and water main work but have not hindered the overall schedule.

DEPARTMENT RECOMMENDATION:

The purpose of this agenda item is to provide the Select Board with an update on the project status; 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:

The purpose of this agenda item is to provide the Select Board with an update on the project status; no formal action is requested.

Michael Renshaw

Town Manager

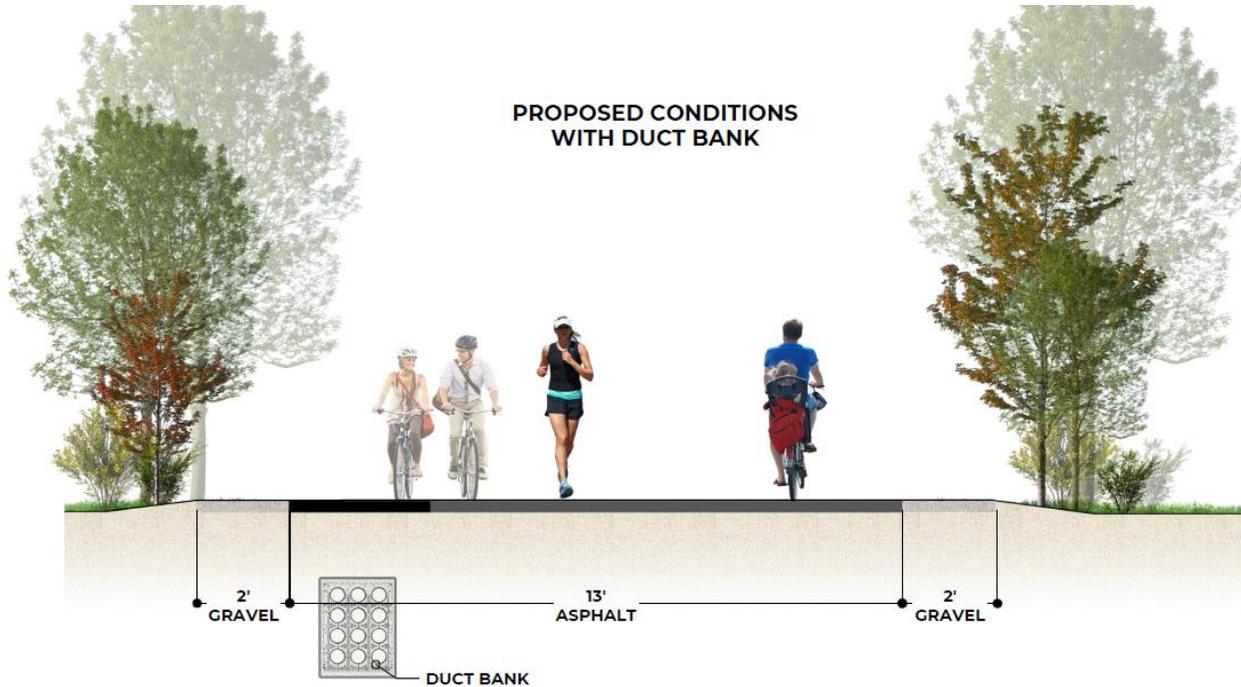
1/23/2025

Date

Town of Falmouth

Select Board Update

Shining Sea Bikeway



- Duct Bank fully installed
- All manholes / vaults installed
- Locust Road Parking install complete

Next:

Crossing at Locust Road

Path Widening

Conduit at Depot Ave

Cable Pulling

EDIC Restoration

Site Restoration / Plantings etc.

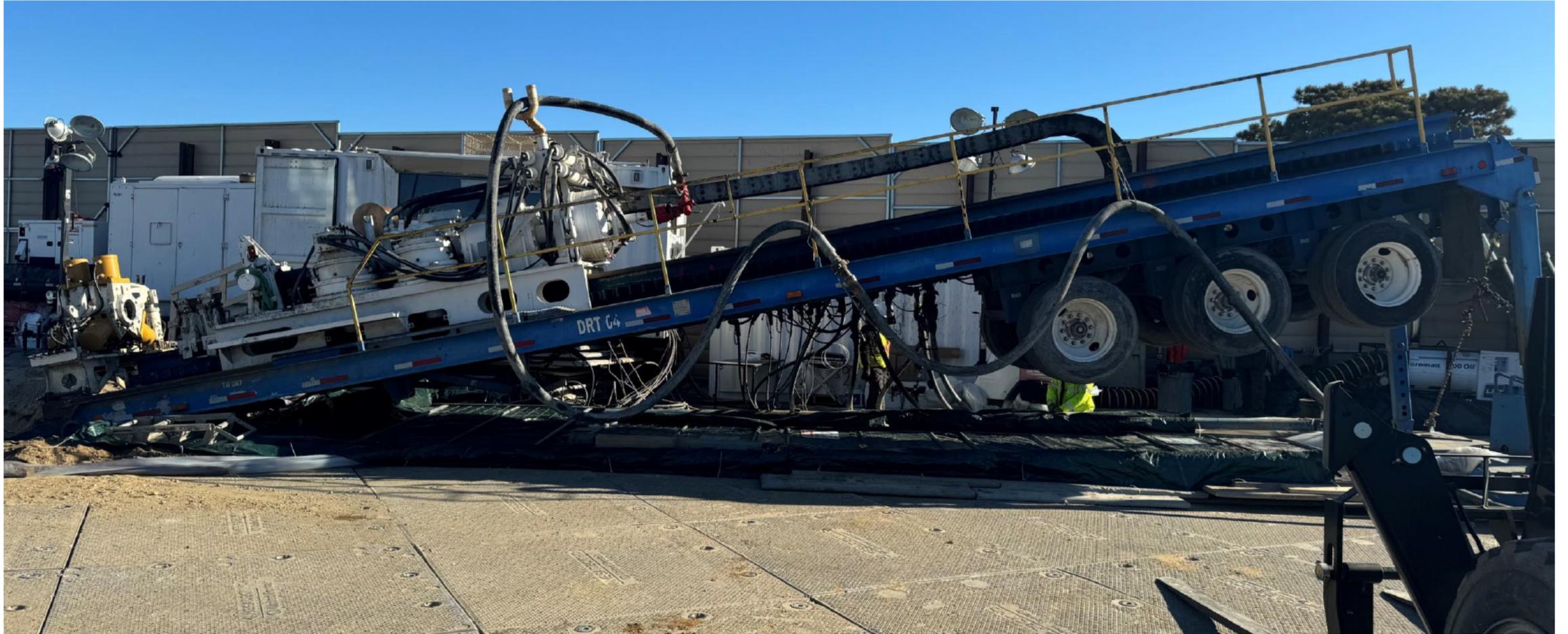
Water Main Replacement



Duct Bank



HDD Work



HDD Work



HDD Work



OPEN SESSION

BUSINESS

5. Report – Board of Health **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 5.

ITEM TITLE: Report- Board of Health

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Presentation

PURPOSE:

The Board of Health will be presenting its annual report to the Select Board.

BACKGROUND/SUMMARY:

- The mission of the Falmouth Board of Health is to protect and promote the health, safety, and well-being of residents and visitors of the Town of Falmouth.
- The primary functions of the Board of Health to achieve its mission is to:
 - prevent and control disease
 - enforce state and local regulations
 - promulgate local health regulations
 - identify and protect from environmental hazards
 - advocate for a healthy community

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

1/14/2025

Date



Falmouth Board of Health

Report to Select Board

2024

Appointed Members



- } Chair – Kevin Kroeger, PhD Research Biogeochemist, USGS Woods Hole Coastal & Marine Science Center

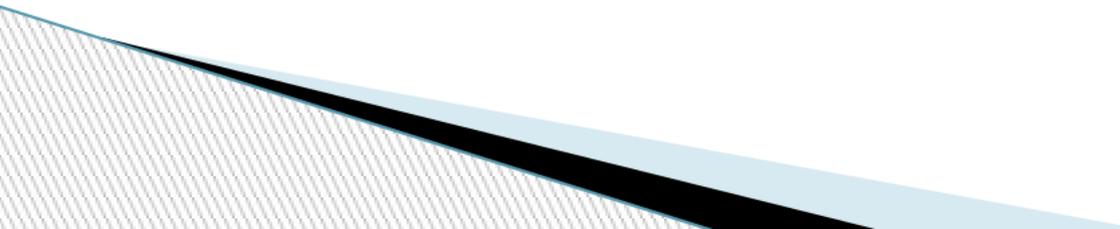
- } George Heufelder, MS, RS, Former Director Barnstable County Department of Health and the Environment

- } Vice Chair – Amy Roth, MS, PG, LSP, Vice President, Southern New England Environmental Team of Wilcox and Barton

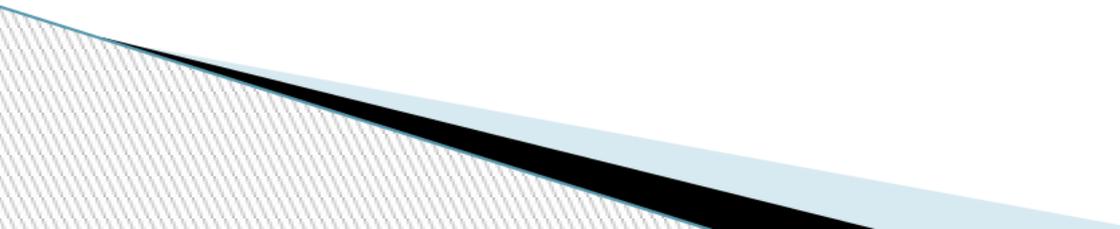
- } Jed Goldstone, PhD, Research Specialist Woods Hole Oceanographic Institution – Chemical Oceanography

- } George Topulus, MD, Anesthesiologist

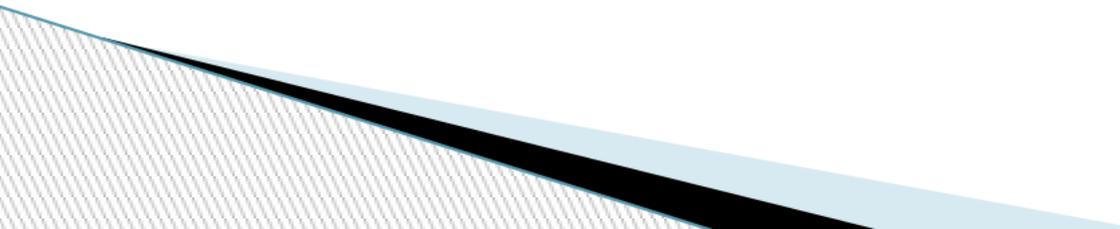
Health Department Staff

- } Scott McGann Health Agent
 - } Mallory Langler Assistant Health Agent
 - } Linda Kinchla Administrative Asst.
 - } Katie Pierias Administrative Asst.
 - } Morgan Cardoso Health Inspector
 - } Bernard Sullivan Temporary/part-time Asst. Health Agent
- 

Board of Health

- } 19 meetings in 2024
 - } 62 Title 5 related – variances, requests to install I/A denitrifying septic systems, requests to reduce I/A testing frequency
 - } 7 Tobacco hearings for violations (2 establishments)
 - } 10 Housing Code violations for failing to obey an Order of the BoH
 - } 7 meetings with SMART Citizens
 - } 10 meetings with a liason from the WQMC attending to discuss watershed permit planning
- 

BoH 2024 Major Activities

- } Feb. 2024 updates to local septic regulations.
 - } Working with the Water Quality Management Committee and stakeholders on the development of regulations that will require denitrifying septic systems under certain circumstances. Regulation still being drafted for a future public hearing in 2025.
 - } Developed a decision guide for property owners to aid selection of a denitrification system.
 - } Aiding efforts by SMART to reduce air pollution due to SSA activity.
 - } Had several hearings regarding violations of the town's Tobacco sales regulation violations.
 - } Receiving updates/providing comments throughout the year on the proposed Plastic Reduction Regulation for food establishments.
 - } Voted on the role of the Health Department with proposed short-term rental regulations.
- 

Title 5

Effective on February 1, 2024, local septic regulations (FHR- 15.0) - supplements:

- All I/A Operators must be licensed in Falmouth through the Health Department (must be a Class II Wastewater Treatment Plant Operator)
- Cesspools encountered during a Title 5 inspection require a Title 5 system upgrade.
- Adjusted groundwater elevation is a minimum of elevation of 2.0 ft NAVD88.
- Technologies that are allowed a reduction in vertical groundwater separation by the DEP cannot take that reduction for properties that have >25% of their land located within 300' from a marine resource.
- All design plans need to show a location where a future Innovative/Alternative denitrifying system can be added if required in the future.
- Applications for installation of an Innovative/ Alternative technology must include a Certificate of Understanding signed by the property owner.
- Soil absorption systems need to have inspection ports within 3" to grade.
- The addition of a test for TKN to the required well water quality analysis when a property is served by an on-site potable water well and a Title 5 inspection is being performed.

Prior campground/prior owners had cess pools, transmitting pathogens & nitrogen directly into the groundwater.

When the new owners proposed upgrading the business, BoH required an intense level of treatment. 12 mg per liter implies at least 75% removal of nitrogen.

Autocamp built a small WWTP to meet the requirements. Unfortunately the company contracted to do the work made errors. After initial misstep the company has been highly cooperative and responsive.

For several months all effluent was trucked away for treatment while the system was repaired. Since May performance has been excellent and effluent has been disposed on site.

Since July effluent average is 7.3 mg/L, while influent averages 99.5 = almost 93% removal, and more than 90% improvement in environmental protection compared to the previous business.



Tobacco

- } Falmouth's Tobacco Sales Regulations require hearings for establishments that have a 2nd or 3rd violation within 3 years. 4th violations require a hearing and revocation of the permit. In 2024, there were a total of 9 violations totaling \$11,000 in fines. Two establishments appeared in front of the Board for second violations. The Board issued 2 fines in 2024 totaling \$4,000 with a total of 14 days of suspension.
- } 6 of the 7 hearings in 2024 were due to a single establishment that the Board spent a lot of time sorting out a business transfer and whether a 4th violation was indeed a 1st violation based on the business being sold. It was determined that the business did transfer ownership and the violation reverted to the 1st.

Housing

The Health Department performs housing inspections upon tenant request. The Department may bring the situation to the Board when compliance has not been achieved. Board has fined landlords who fail to correct housing code violations.



SMART Citizens

- Martha's Vineyard has a year round population about 2/3 that of Falmouth, but peak tourism in the summer can increase population to more 94,000 on a given day.
- About 89% of all visitors arrive on SSA ferries. [https://www.mvcommission.org/sites/default/files/docs/MVC Seasonal Population Estimate 8-30-24.pdf](https://www.mvcommission.org/sites/default/files/docs/MVC_Seasonal_Population_Estimate_8-30-24.pdf)
- Includes cars, and trucks carrying fuel, propane, garbage and other freight.
- There are heavy diesel emissions from the ferries themselves, and emissions from many idling cars and trucks waiting for ferries and waiting to pick up people from the ferry.
- A report commissioned by the state called the Kass report projected 2% growth in traffic per year.
- Vehicle emissions are a serious health issue, decreasing quality of life, and contributing significantly to disease and early deaths each year. Regulations targeted to reduce emissions have been shown to mitigate the major health and economic impacts of those emissions: <https://www.pnas.org/doi/10.1073/pnas.2107402118>.
- **Actions:** Board has sent letters and communications with Select Board, Chief Lourie, DEP and EPA.
- BOH supports, the use of the annual Embarkation Funding to support/fund an enforcement presence in the staging area and increased signage to remind travelers of the Commonwealth's anti idling law.
- Measures suggested are to implement periodic stationing of a police officer at the terminal to:
- Enforce the existing idling law <https://www.mass.gov/doc/massdep-faq-the-massachusetts-anti-idling-law/download>;
- Check emissions inspection compliance of trucks using the ferries <https://www.mavehiclecheck.com/motorists-vehicles>.
- And third to increase signage at the terminal and periodically on Rte 28 regarding idling.

OPEN SESSION

BUSINESS

6. Report – EDIC **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 6.

ITEM TITLE: Report- EDIC

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Presentation

PURPOSE:

The Chair of the Falmouth Economic Development Industrial Corporation (EDIC) will provide an annual report on its activities to the Select Board.

BACKGROUND/SUMMARY:

- The Falmouth Economic Industrial Corporation (Falmouth EDIC) is the Town of Falmouth's primary agency responsible for creating and developing increased economic opportunities in Falmouth for both the present and the future.
- The EDIC's goal is to promote, develop and support a diverse economic climate that enhances Falmouth's capacities, business opportunities and natural resources.

- The Falmouth EDIC is a 501 (c) (3) non-profit organization established in 1981 by a Falmouth Town Meeting vote, in accordance with Chapter 121C of the Massachusetts General Laws.
- The objective of the Falmouth EDIC is to increase business and industrial investment; expand opportunities to own, manage, and operate retail, commercial and industrial enterprises; identify funding assistance; and increase job opportunities in the Town of Falmouth.
- The Falmouth EDIC continues its efforts to expand and improve the local economy.
- Its many projects have promoted business growth and generated new jobs by focusing on the infrastructure supporting industry in Falmouth.

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

1/14/2025

Date

Falmouth Economic Development & Industrial Corp. (EDIC)

Falmouth Select Board Annual Report

January 27, 2025

Co-Chairs – Mark Lowenstein and Colin Reed

Executive Director – Wayne Lingafelter

Falmouth EDIC Overview

- The EDIC is the Town's primary entity responsible for **creating and developing increased economic opportunities** in Falmouth.
- The EDIC's goal is to **promote, develop and support a diverse economic climate** that enhances Falmouth's capacities, business opportunities and natural resources.
- The Falmouth EDIC is a State enabled **501 (c) (3) non-profit organization** established in 1981 by a Falmouth Town Meeting vote.
- The **objective of the EDIC** is to increase business and industrial investment; expand opportunities to own, manage, and operate retail, commercial and industrial enterprises; identify funding assistance; and increase job opportunities in the Falmouth.
- Board of Directors (7) – **Two New Members in 2024 and one open position**

2024 Accomplishments

- 2024 Financial Results: **Net Income of \$38,000** from revenues of \$538,000.
- **\$127,000 in solar revenues** collected from Citizen's Energy and **paid to Town**.
- **FTP Lot #93 Sale Diligence** (Town water tank lot): Planning Board lot split approval, Town Meeting Petitioner's article, Easement realignment, ongoing marketing campaign.
- **Falmouth Station Reset**
 - Pop-up Ice Cream Stand
 - Ambassadors Summer Concierge Program
 - Collaboration with Museum on the Green
 - Masonry Restoration Completed
 - HVAC Upgrade Installed
 - Net Income of \$9,500

2025 Primary Objectives

- Close on the sale of FTP Lot #93.
- Hold Board Strategy Session
- Execute Falmouth Station Workforce Housing Community Planning Grant and FAHF funded due diligence.
- Explore collaboration on Town broadband infrastructure with FalmouthNet and Municipal Light Board.
- Monitor the Joint Base Cape Cod Housing initiative being led by the State and Base administration and consider future role.
- Finalize plan and construct new outdoor plaza space at the rear of Falmouth Station with the support of EverSource.
- Reinststitute the Falmouth Station summer Ambassador Program.

OPEN SESSION

BUSINESS

7. Report – Energy Committee **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 7.

ITEM TITLE: Report- Energy Committee

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Presentation

PURPOSE:

The Energy Committee will be presenting its annual report to the Select Board.

BACKGROUND/SUMMARY:

- Guided by the Massachusetts climate and energy laws, the Town of Falmouth Energy Committee supports the Town's efforts to lower energy consumption, increase the use of renewable energy, reduce the use of fossil fuels and ensure energy resiliency.
- This volunteer committee advises the Select Board and Town departments on energy issues and seeks to provide residents and businesses with information on current energy topics, including alternatives for efficient and clean energy solutions.

- The Energy Committee is also responsible for facilitating the development and implementation of the energy element of the Town of Falmouth’s Local Comprehensive Plan and the Climate Protection Action Plan consistent with the Declaration of a Climate Emergency adopted by the Annual Town Meeting (Article 37, September 14, 2020).

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

1/14/2025

Date

A scenic sunset over a body of water with a dirt path leading to a rocky island. The sky is a mix of purple, pink, and orange, with the sun low on the horizon. The water is calm, and the path is surrounded by tall grasses.

Falmouth *Energy Committee* 2024 Update for Select Board

Scott Mueller, Chair
David Leslie, Clerk
Alessandro Bocconcelli
Eleanor Ling and Matthew
Patrick

Report of the Energy Committee 2024: Where Are We and What's Next

- Clean Energy and Climate Action Goals
- 2024 Activities and Accomplishments
- Current Issues and Future Challenges



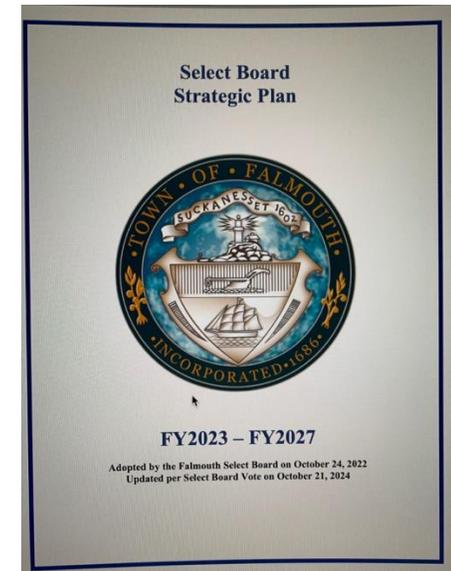
Clean Energy and Climate Action Goals

Massachusetts Clean Energy and Climate Action Plan 2050

- Net Zero Greenhouse Gas Emissions by 2050
- Goals for GHG Reduction: 2025 - 33%; 2030 - 50%; 2040 - 75%

Falmouth Select Board Five-Year Strategic Plan

- Pursue energy efficiency in existing and new building construction
- Promote infrastructure to support electric vehicles
- Explore and implement alternative energy, including solar and wind
- Raise awareness of energy conservation opportunities
- Explore partnerships to encourage electric grid modernization



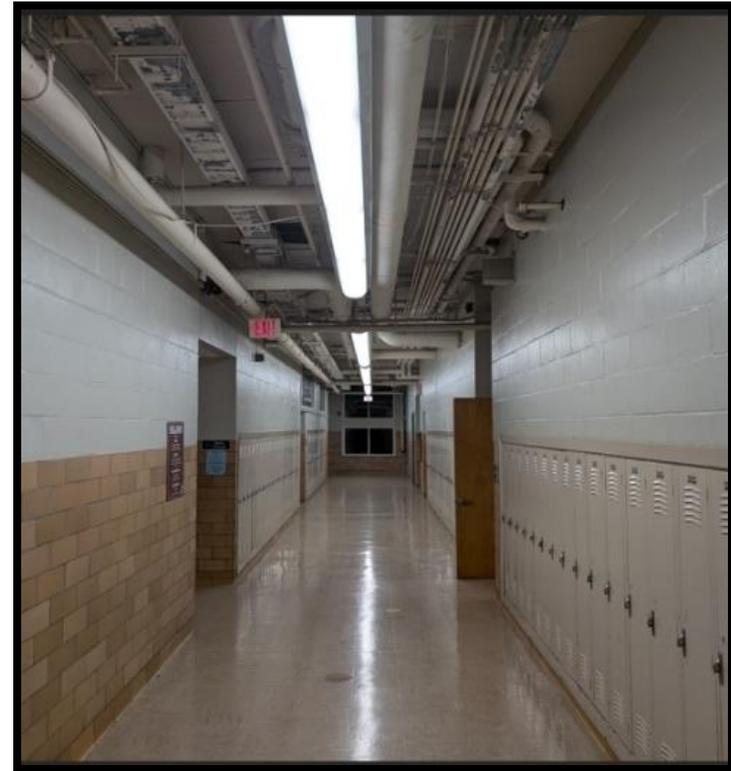
How to meet our goals for energy efficiency and sustainability?

Analyze	Analyze energy data and prioritize buildings and equipment for energy efficiency upgrades
Electrify	Electrify equipment whenever possible (aka reduce reliance on gas and oil)
Invest in Solar	Invest in solar projects – rooftop, ground mount, and carport canopies
Transition to EV	Transition fleet vehicles and school buses to electric

Energy Efficiency is the “first fuel” in the clean energy transition!



Insulate floors, ducts, attics



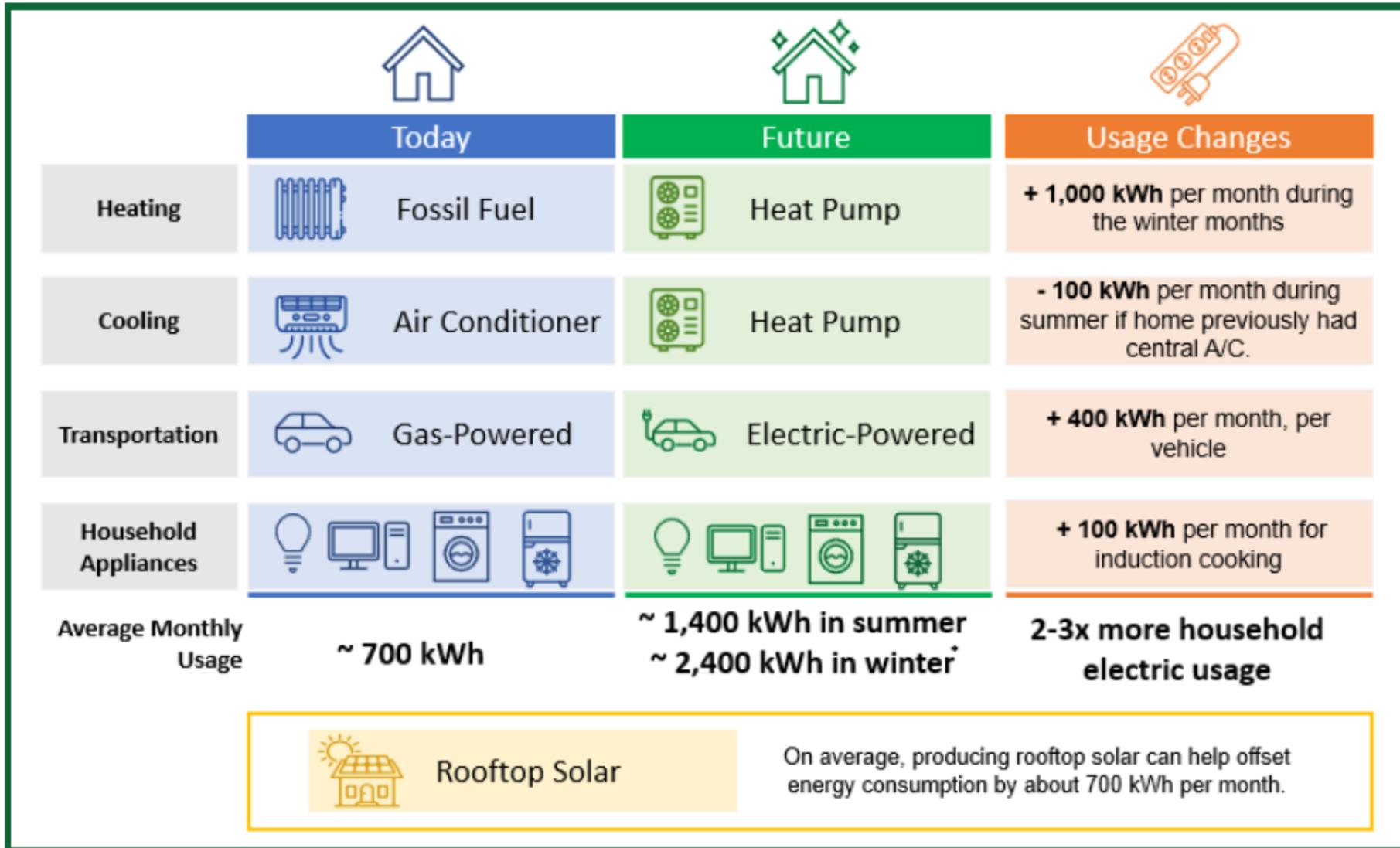
Replace lights with LEDs

Convert to energy efficient cold climate Heat Pumps

- State grants and interest free loans available
- Tax subsidies
- Coordinated through Cape Light Compact



Clean Energy Transition



Invest in Solar Renewable Energy

Solar Installations on Municipal and School Buildings

- Explore options for rooftop, ground mount, and parking lot solar canopies to save money and meet the State's Clean Energy and Climate Plan.



Transition to Electric Vehicles for Town and School Fleets



Falmouth's 2024 Activities and Accomplishments

- New Leadership: Sustainability Specialist
- Solar Energy - Maintenance and Growth
 - Electric Vehicle Charging Stations
 - Community Shared Solar
 - Electric Landscaping Equipment
 - Education and Outreach



New Leadership: Sustainability Specialist



Consistent with Five-Year Strategic Plan, Town hired Sustainability Specialist (Stephanie Madsen) in September 2023



Manages Green Communities program and leads efforts to promote sustainability initiatives, including energy efficiency efforts, installation of EV chargers and solar projects.



Attends monthly Energy Committee meetings and coordinates goals and priorities



Facilitates communication with Town departments in identifying and supporting sustainability and energy efficiency opportunities

The Enterprise
FALMOUTH

September 15, 2023

**“Falmouth Hires
Sustainability
Coordinator”**

Solar Renewable Energy – Falmouth

Existing: Maintain older solar installations + report on kwh production

- Landfill (6 MW) – Phase I (2019) and II (2021) Owned and Operated by Citizens Energy - Falmouth and EDIC are Off-Takers
- Town Hall Rooftop 2011 – 20kw (could replace with new panels and double the production)
- Crooked Pond Rooftop 2010 – 15 kw (could replace with new panels and double the production)
- Recreation Center 2003 – 5 kw
- Morse Pond 2011 – 2 kw (not operational)
- FHS – 12 kw 2011 (not operational)



Solar Projects FY24 & FY25

New Solar Installations

- Community Veterans Center rooftop – 16 kw - completed
- Hatchville Fire Station rooftop – 17.3 kw - completed
- Senior Center rooftop – 50 kw – FY25 Installation
- Water Treatment Plant – 650 Gifford St – 136 kw – FY25 Installation



Community Shared Solar

For those who can't install solar at home

Discounted electricity bills – 10 to 20% off customer supply costs



SOLAR SIMPLIFIED.



Solar Simplified Community Solar program helps Eversource customers save money on their utility bills while supporting locally-generated clean energy!
We want to share this special offer with you so you can save money on your energy costs too!

SAVE UP TO 10% ON YOUR ELECTRIC BILL!

- There are no annual membership or enrollment fees to participate
- You save up to 10% on your electric bill
- You can participate whether you rent or own your home
- You do not install panels on your property or switch energy providers

INCOME-ELIGIBLE HOUSEHOLDS QUALIFY FOR GUARANTEED SAVINGS OF UP TO 20%!*

BENEFITS OF COMMUNITY SOLAR

 <p>Save money on your utility bills every month. <i>No panels required!</i></p>	 <p>Whether you <i>rent or own, live in a house or an apartment,</i> you are welcome to join!</p>	 <p>Support <i>locally-generated clean energy & reduce your carbon footprint</i></p>
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To learn about how joining Solar Simplified can help you save on your energy bills, go to www.SolarSimplified.com/enroll or call (888) 420-9831.

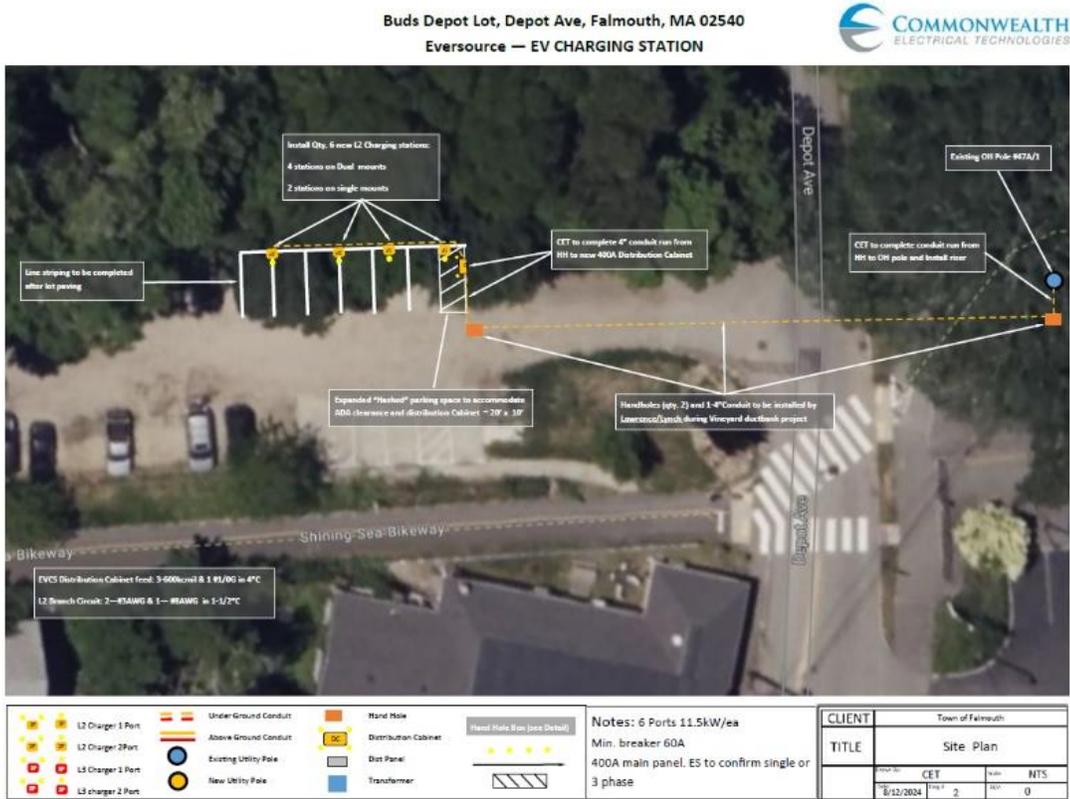
USE CODE FALMOUTH WHEN YOU ENROLL

Electric Vehicle Charging Stations



Peg Noonan Parking lot near Library
 Level 3 Fast Chargers x 2 ports
 Replacing CCS with NACS port
 Installed August 2024

“Bud’s Stop” Depot Ave Parking Lot
 Level 2 Chargers x 6 ports Installation TBD



Electrification of Landscaping Equipment



- Energy Committee met with DPW in July to demonstrate electric leaf blowers
- Benefits: Reduced GHG emissions, noise levels and fuel spillage; more efficient motors
- A single gasoline leaf blower or mower can produce 30 to 300 times the emissions of a car
- Other municipalities have demonstrated that transitioning to all-electric landscaping equipment is practical and achievable: Lexington, MA and Wellesley, MA

Outreach and Education

- MIT En-Roads Climate Solutions Simulator
- Community Solar presentation
- Eversource presentation on Electric Sector Modernization Plan
- “Energizing Falmouth” – monthly column in Falmouth Enterprise

SPEAKERS



*Iavelle
Freeman*

Director,
Distribution
System Planning
Eversource Energy



Phil Burt

Community
Relations Specialist
Eversource Energy

Eversource's Electric Sector Modernization Plan

WHAT IT MEANS FOR FALMOUTH AND CAPE COD

In order to meet the growing demand for electricity and Massachusetts' greenhouse gas emissions goals, Eversource is implementing a ten year plan for electric sector modernization.

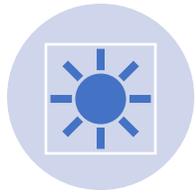
Join Us to learn more!

Monday, October 28th

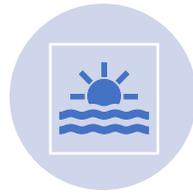
Noon

**Hermann Room
Falmouth Library**

Current Issues and Future Challenges



Future Solar Projects



Pure Sky Solar Array Project (Cape Cod Country Club)



Electric School Buses – Feasibility Studies



Electrification of Steamship Ferries



PACE: Property Assessed Clean Energy



Offshore Wind Opportunities



Cape Light Compact programs for homeowners

Future Solar Projects



Solar Priorities- Falmouth Schools 2025

Building	Type Solar	Size kw
North Falmouth Elementary	Carport Canopy	150
Falmouth High School - Lot C	Carport Canopy	150

Municipal Priorities 2025

Building	Type Solar	Size kw
East Falmouth Fire Station	Rooftop Solar	25
Crooked Pond	Rooftop Solar	35
North Falmouth Library	Rooftop Solar	14
Recreation Center -Gus Canty	Rooftop Solar	21

Pure Sky Solar Array Project

- Plan to convert Cape Cod Country Club site to @ 23 MW solar farm
- Per MOU Town to own property and lease back to developer
- Energy Committee met with developer in 2023 and will continue to monitor plans and commitments for:
 - Catch basins for collecting runoff
 - Landscaping and plantings
 - Replace each tree removed with 2 new trees
 - Plant native pollinators @ solar panels
 - Potential for Town purchase of electricity at a discount
 - Potential for affordable housing
- Pending before Cape Cod Commission

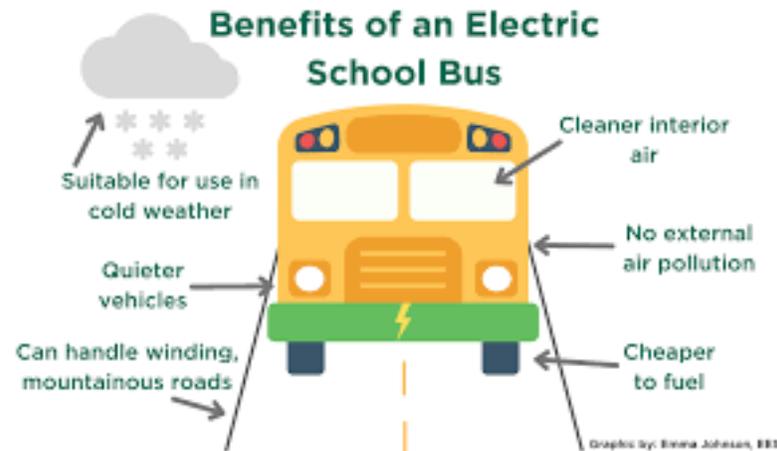
Electrifying our Buses - Feasibility Studies

About ACT School Bus Advisory Services Program

Through the ACT School Bus Advisory Services Program, MassCEC provides free fleet electrification planning support to public school districts across Massachusetts. MassCEC is working with a consultant team to address the gap in technical knowledge impeding school bus fleets from electrifying. The consultants will provide public school districts and third-party school bus fleet operators technical services such as:

- vehicle and charging infrastructure analysis
- feasibility designs
- financial models
- preparing for and applying for future funding opportunities
- vehicle and charging station procurement plans
- educational materials

The goal of the program is to provide school districts with a clear path to school bus electrification. Note that this program does not provide funding to buy electric school buses; rather it provides advisory services at no charge to school districts.



ACCELERATING CLEAN TRANSPORTATION (ACT) SCHOOL BUS: ADVISORY SERVICES PROGRAM

Advocating for Electrifying Steamship Ferries

- **Goals and Benefits:**
 - Zero GHG emissions
 - Coastal ecosystems' sustainability & noise reduction



PACE: Property Assessed Clean Energy Program

- Allows industrial and commercial property owners (including multifamily housing units of 5+) to finance clean energy and energy efficiency upgrades through a lien, and a betterment charge over 20 years to finance the on-site projects.
- Over 70 communities in MA have adopted PACE.
- Implementation of new accounting software for Falmouth will facilitate adoption of PACE.



Offshore Wind Opportunities



Massachusetts will need offshore wind development to meet GHG reduction goals in the near term



Hosting interconnections has provided other communities with significant financial support for local economic and clean energy development



Barnstable awarded **\$43 million** in connection with hosting offshore transmission line – U.S. DOE Transmission Siting Economic Development Grant

Cape Light Compact Programs

Mass Save grants and 0% interest loans for heat pumps and clean energy upgrades

Energy Saver Home Loan – 0.2% to 2 % interest loans for energy savings improvements

Cape Light Compact Three Year Energy Efficiency Plan

Energy Committee 2025 Planned Activities

- Recruit new members for the Energy Committee
- Participate in revising Falmouth's Climate Action Protection Plan
- Continue monthly "Energizing Falmouth" column in the Enterprise
- Monitor Pure Sky Solar Project and Eversource Electric Sector Modernization Plan
- Coordinate outreach and education programs:
 - Cape Light Compact decarbonization plan
 - EnROADS Workshop
 - American Home Solar Tour
 - Energy efficiency and heat pump programs
 - New MA Climate Law
- Participate in meetings of Energy & Climate Committees of the Cape and Islands (ECCCI)



QUESTIONS?

THANK YOU!

OPEN SESSION

BUSINESS

8. Consider a vote to approve an application for a Change of Hours to its Common Victualler License – Bad Martha’s Farmer’s Brewery, LLC, 876 East Falmouth Highway **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 8.

ITEM TITLE: Consider a vote to approve an application for a Change of Hours to its Common Victualler License- Bad Martha's Farmer's Brewery, LLC, 876 East Falmouth Highway

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; Common Victualler & Innholder License Application dated December 2, 2024; Sample Food Menu; Staff review email thread

PURPOSE:

The Select Board will consider the approval of an application for a Change of Hours to its Common Victualler License filed by Bad Martha's Farmer's Brewery, LLC, 876 East Falmouth Highway.

BACKGROUND/SUMMARY:

- Applicant Joshua Flanders submitted the attached Common Victualler & Innholder License Application on behalf of Bad Martha's Farmer's Brewery, LLC on December 2, 2024.
- The purpose of the application is to request a change of hours to its current Common Victualler License to allow breakfast food service beginning at 7:00 AM; the current service begins at 8:00 AM Monday through Sunday for both food and beverages.

- The Falmouth Police Department, Fire Rescue Department, and Building Department have reviewed the application and have no objections to its approval.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Change of Hours to the Common Victualler License requested by Bad Martha’s Farmer’s Brewery, LLC, 876 East Falmouth Highway.

OPTIONS:

- Motion to approve the application for a Change of Hours to the Common Victualler License requested by Bad Martha’s Farmer’s Brewery, LLC, 876 East Falmouth Highway, as presented.
- Motion to deny approval of the application for a Change of Hours to the Common Victualler License requested by Bad Martha’s Farmer’s Brewery, LLC, 876 East Falmouth Highway.
- 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 Hours to the Common Victualler License requested by Bad Martha's Farmer's Brewery, LLC, 876 East Falmouth Highway.

Michael Renshaw

Town Manager

1/23/2025

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Bad Martha's Farmer Brewery-Winery

Address: 876 East Falmouth Highway

License Type: Common Victualler

New License _____

Transfer of License _____

Change of License Request to change the hours for Food Service only

Police No objection

Fire No Issues

Building No Issues

Health _____

Zoning _____

Planning _____

DPW _____

NOTES:



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320 • licensing@falmouthma.gov

COMMON VICTUALLER & INNHOLDER LICENSE APPLICATION

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: JOSHUA FLANDERS TITLE: GM

HOME ADDRESS: 21 Smilin Jack Ln
Town: East Falmouth State: MA Zip code: 02536

BUSINESS NAME: BMFB FALMOUTH LLC

D/B/A if any: BAD MARTHA FARMERS BREWERY

BUSINESS ADDRESS: 876 E FALMOUTH HWY
Town: EAST FALMOUTH State: MA Zip code: 02536

MAILING ADDRESS (if different): Po Box 247
Town: State: Zip code:

FEDERAL ID #: [REDACTED] MANAGER OF RECORD: JOSHUA FLANDERS

EMAIL – required: josh@badmartha.beer.com

TELEPHONE – BUSINESS: 508 372 6740 ALTERNATE:

DAYS OF OPERATION: MON - SUN

HOURS OF OPERATION: 7 AM - 1 AM

SEATING CAPACITY : 94

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

**DATE: 12/02/2024


Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

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

Breakfast Menu Offerings for Bad Martha Farmer's Brewery:

Coffee Selections

Provider: Boston Best Coffee

- **Hot:** Decaf, Breakfast Blend, Hazelnut, Jamaican Me Crazy
Sizes: 12oz, 16oz, 20oz
 - **Iced:** 24oz
-

Bagels

- Regular
- Whole Wheat
- Everything
- Cinnamon Raisin

Cream Cheese Options:

- Plain
 - Chive
 - Veggie
-

Additional Sandwich Bread Options

- Wrap
 - English Muffin
-

Pastries & Breakfast Breads

- Cinnamon Roll
 - Banana Bread
 - Blueberry Bread
-

Breakfast Sandwiches

- **Just Egg**
- **Egg & Cheese**
- **Egg, Cheese, and Meat**
(Choice of Bacon, Sausage, or Linguica)

Specialty Sandwiches:

- **The Western**
(Eggs, Peppers & Onions, Bacon)
 - **The Big Bad Martha**
(Eggs, Bacon, Sausage, Cheese)
 - **The Skinny**
(Egg White, Peppers, Onions, Spinach, Salsa)
-

Breakfast Burrito

(Eggs, Peppers, Onions, Salsa, Choice of Meat, Cheese rolled in a wrap)

Additional Items

- Breakfast Potatoes

Breakfast Menu Offerings for Bad Martha Farmer's Brewery:

Coffee Selections

Provider: Boston Best Coffee

- **Hot:** Decaf, Breakfast Blend, Hazelnut, Jamaican Me Crazy
Sizes: 12oz, 16oz, 20oz
 - **Iced:** 24oz
-

Bagels

- Regular
- Whole Wheat
- Everything
- Cinnamon Raisin

Cream Cheese Options:

- Plain
 - Chive
 - Veggie
-

Additional Sandwich Bread Options

- Wrap
 - English Muffin
-

Pastries & Breakfast Breads

- Cinnamon Roll
 - Banana Bread
 - Blueberry Bread
-

Breakfast Sandwiches

- **Just Egg**
- **Egg & Cheese**
- **Egg, Cheese, and Meat**
(Choice of Bacon, Sausage, or Linguica)

Specialty Sandwiches:

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(Eggs, Peppers & Onions, Bacon)
 - **The Big Bad Martha**
(Eggs, Bacon, Sausage, Cheese)
 - **The Skinny**
(Egg White, Peppers, Onions, Spinach, Salsa)
-

Breakfast Burrito

(Eggs, Peppers, Onions, Salsa, Choice of Meat, Cheese rolled in a wrap)

Additional Items

- Breakfast Potatoes

From: [Brian Reid](#)
To: [Phyllis Downey](#); [Jeff Lourie](#); [Ryan Hergt](#); [Scott McGann](#); [Gary Street](#); [Boyd Demello](#); [Craig O'Malley](#)
Cc: [Falmouth Planning](#); [Falmouth Town Manager](#)
Subject: Re: Bad Martha's Common Victualler License-Change of Hours application
Date: Tuesday, December 10, 2024 12:19:18 PM

No objection from Police.

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, December 6, 2024 10:48 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>
Cc: Falmouth Planning <planning@falmouthma.gov>; Falmouth Town Manager <townmanager@falmouthma.gov>
Subject: Bad Martha's Common Victualler License-Change of Hours application

Good morning,

Attached please find an application by Bad Martha's Farmer's Brewery for a Change of Hours to its Common Victualler License to allow breakfast service beginning at 7:00 am. Service currently begins at 8:00 am for both food and alcoholic beverages.

This type of application does not require advertisement or abutter notification.

May we please request your recommendations to the Board by December 20th ?

Thank you,
Phyllis

Phyllis Downey

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

From: [Craig O'Malley](#)
To: [Phyllis Downey](#)
Cc: [Boyd Demello](#)
Subject: RE: Bad Martha's Common Victualler License-Change of Hours application
Date: Friday, December 6, 2024 11:29:35 AM

Phyllis,

The Fire Department has no issue with the change.

Thanks,
Craig

Lt. Craig O'Malley
Fire Prevention Officer, IAAI-FIT
Falmouth Fire Rescue
508-495-2533 office
774-836-2434 cell
craig.omalley@falmouthfirema.gov

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, December 6, 2024 10:49 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>
Cc: Falmouth Planning <planning@falmouthma.gov>; Falmouth Town Manager <townmanager@falmouthma.gov>
Subject: Bad Martha's Common Victualler License-Change of Hours application

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Thank you,
Phyllis

Phyllis Downey

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

From: [Gary Street](#)
To: [Phyllis Downey](#)
Subject: RE: Bad Martha's Common Victualler License-Change of Hours application
Date: Friday, December 6, 2024 11:14:04 AM

Phyllis,

No issues

Respectfully,

Gary Street

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, December 6, 2024 10:49 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>
Cc: Falmouth Planning <planning@falmouthma.gov>; Falmouth Town Manager <townmanager@falmouthma.gov>
Subject: Bad Martha's Common Victualler License-Change of Hours application

Good morning,

Attached please find an application by Bad Martha's Farmer's Brewery for a Change of Hours to its Common Victualler License to allow breakfast service beginning at 7:00 am. Service currently begins at 8:00 am for both food and alcoholic beverages.

This type of application does not require advertisement or abutter notification.

May we please request your recommendations to the Board by December 20th ?

Thank you,
Phyllis

Phyllis Downey

Town Manager & Select Board Office

59 Town Hall Square

Falmouth MA 02540

508-495-7325

From: [Gary Street](#)
To: [Phyllis Downey](#)
Subject: RE: Bad Martha's Common Victualler License-Change of Hours application
Date: Friday, December 6, 2024 11:14:04 AM

Phyllis,

No issues

Respectfully,

Gary Street

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Friday, December 6, 2024 10:49 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Gary Street <gary.street@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>
Cc: Falmouth Planning <planning@falmouthma.gov>; Falmouth Town Manager <townmanager@falmouthma.gov>
Subject: Bad Martha's Common Victualler License-Change of Hours application

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This type of application does not require advertisement or abutter notification.

May we please request your recommendations to the Board by December 20th ?

Thank you,
Phyllis

Phyllis Downey

Town Manager & Select Board Office

59 Town Hall Square

Falmouth MA 02540

508-495-7325

OPEN SESSION

BUSINESS

9. Consider a vote to approve an application for a Class II Used Car Dealer License – Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 9.

ITEM TITLE: Consider a vote to approve an application for a Class II Used Car Dealer License- Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; New Application- Motor Vehicle Dealer License, dated December 18, 2024; Town of Falmouth Application for a License to Buy, Sell, Exchange or Assemble Secondhand Motor Vehicles; Email thread from staff reviewers; Letter to Hickey Autos dated December 19, 2024, notifying establishment of license status; 2001 ZBA Special Permit conditions; Violation of SP Cease and Desist Notice to Hickey Auto dated January 8, 2025

PURPOSE:

The Select Board will be considering the approval of an application for a Class II Used Car Dealer License- Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth.

BACKGROUND/SUMMARY:

- Hickey Autos, Inc. d/b/a Executive Auto did not apply to renew its Used Car Dealer License in sufficient time for Select Board approval at the Board's December 16, 2024 meeting, and the establishment's current license expires December 31, 2024.

- On December 24, 2024, the business was notified by mail (copy of letter is attached) of the fact that its license would expire on December 31, 2024, and that sales of automobiles prior to the issuance of a new license would constitute operating without a license and in violation of MGL Ch. 140 s. 57-69.
- Both the Falmouth Police Department and the Falmouth Fire Rescue Department have reviewed the application and have no objections to its approval.
- This is a continuation of a matter that was originally on the Board's January 6, 2025 agenda for consideration; during this meeting, the applicant did not show up.
- Comments were made during a brief discussion that there may be violations of the Special Permit conditions on the applicant's property.
- An inspection of the property was conducted by the Zoning Compliance Inspector, and it was noted that outside storage of vehicle parts and junk motor vehicles were present on the site in violation of Special Permit # 157-00 (see attached Cease and Desist Order).
- The applicant was given until January 20, 2025 to bring the site into compliance; a reinspection was conducted by staff on January 21, 2025 and the violations noted on the Cease and Desist Notice remained on the site, therefore fines were issued.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board deny the application for a Class II Used Car Dealer License to Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth, until all violations of the Special Permit are abated.

OPTIONS:

- Motion to approve the application for a Class II Used Car Dealer License to Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth.
- Motion to deny the approval of the application for a Class II Used Car Dealer License to Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth until all violations of the Special Permit are abated.
- 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 deny the application for a Class II Used Car Dealer License to Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth, until all violations of the Special Permit are abated.

Michael Renshaw

Town Manager

1/21/2025

Date



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Consider a vote to approve an application for a Class II Used Car Dealer License- Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth

MEETING DATE: 1/6/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; New Application- Motor Vehicle Dealer License, dated December 18, 2024; Town of Falmouth Application for a License to Buy, Sell, Exchange or Assemble Secondhand Motor Vehicles; Email thread from staff reviewers; Letter to Hickey Autos dated December 19, 2024, notifying establishment of license status

PURPOSE:

The Select Board will be considering the approval of an application for a Class II Used Car Dealer License- Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth.

BACKGROUND/SUMMARY:

- Hickey Autos, Inc. d/b/a Executive Auto did not apply to renew its Used Car Dealer License in sufficient time for Select Board approval at the Board's December 16, 2024 meeting, and the establishment's current license expires December 31, 2024.
- On December 24, 2024, the business was notified by mail (copy of letter is attached) of the fact that its license would expire on December 31, 2024, and that sales of

automobiles prior to the issuance of a new license would constitute operating without a license and in violation of MGL Ch. 140 s. 57-69.

- Both the Falmouth Police Department and the Falmouth Fire Rescue Department have reviewed the application and have no objections to its approval.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Class II Used Car Dealer License to Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth, as presented.

OPTIONS:

- Motion to approve the application for a Class II Used Car Dealer License to Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth, as presented.
- Motion to deny the approval of the application for a Class II Used Car Dealer License to Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East 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 Class II Used Car Dealer License to Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth, as presented.

Michael Renshaw

Town Manager

12/31/2024

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Hickey Autos, Inc, d/b/a Executive Auto

Address: 118 East Falmouth Highway, East Falmouth

License Type: Used Car Dealer License Class II

New License _____

Transfer of License _____

Change of License _____

Police No issues

Fire No issues

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

NOTES:

Hickey Autos, Inc, d/b/a Executive Auto did not apply to renew its Used Car Dealer License in time for Select Board approval on December 16, 2024. The license will expire on December 31st.

The applicant addresses is now applying for a New License to be reviewed and voted on January 6th. If approved a new license will be issued on January 7th.

Phyllis Downey

From: Brian Reid <brian.reid@falmouthpolicema.gov>
Sent: Monday, December 23, 2024 8:45 AM
To: Phyllis Downey; Ryan Hergt; Jeff Lourie; Boyd Demello; Craig O'Malley; Patricia O'Connell
Cc: Mike Renshaw; Diane Davidson; Peter McConarty
Subject: Re: Application-Used Car Dealer License

No objection from Police.

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, December 19, 2024 1:02 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>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Cc: Mike rensaw <mike.rensaw@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>
Subject: Application-Used Car Dealer License

Good afternoon,

Hickey Autos, Inc, d/b/a Executive Auto failed to apply to renew its Used Car Dealer License – Class II for 2025 in time to be approved by the Select Board. To address this error owner Michael Hickey has applied for a new Used Car Dealer License, please see the attached. The application will be heard by the Select Board on January 6th.

If your office has any comments or recommendations to the Board, please forward them by January 30th.

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: Tuesday, November 12, 2024 4:05 PM
To: Falmouth Licensing; Brian Reid; Gregg Fraser; Craig O'Malley; Ryan Hergt; Jeff Lourie; Sean Doyle
Subject: RE: Second Hand Dealer License-Flying Bridge Marina

Fire Rescue has no objections

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
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: Wednesday, November 6, 2024 11:53
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
Subject: Second Hand Dealer License-Flying Bridge Marina

Good morning all,

Attached please find the application by Flying Bridge Marina for a Second Hand Dealer License to be executed at 250 Scranton Avenue, Falmouth. Previously this business held a Class I Motor Vehicles License for the sale of used motor vehicles to allow for the sale of used motor boats.

However, the Town Manager and Town Counsel reviewed this practice and found that in Falmouth boats are regulated property under the Code of the Town of Falmouth, Ch. 136 Second Hand Dealers and Second Hand Collectors therefore requiring a Second Hand Dealer License, not a license to sell used motor vehicles, please see the bylaw attached. The purpose of the application is to license the existing business under the appropriate license type.

We have been advised that the owner Mark Bogosian has scheduled a fingerprint based background check on December 5th. May I please request your recommendations to the Select Board by Friday, November 22nd?

Thank you,
Phyllis

Phyllis Downey
Town Manager & Select Board Office
59 Town Hall Square

PAID
\$85.00
CASH



RECEIVED
DEC 18 2024
SELECT BOARD OFFICE

Town of Falmouth
Office of the Town Manager & Selectmen 59
Town Hall Square, Falmouth, MA 02540
608-496-7320 • licensing@falmouthma.gov

NEW APPLICATION - MOTOR VEHICLE DEALER LICENSE - Class I, II, III
M.G.L. CHAPTER 140

BUSINESS NAME: Hickey Autos Inc. D/B/A Executive Auto

ADDRESS: 112 #118 E Falmouth Hwy

TOWN: E Falmouth STATE MA ZIP CODE 02536

MAILING ADDRESS: 348 Gifford St

TOWN: Falmouth STATE MA ZIP CODE 02540

OWNER OF PROPERTY: Michael C Hickey

NAME OF APPLICANT: Michael C Hickey TITLE: President

HOME ADDRESS: 348 Gifford St

TOWN: Falmouth STATE MA ZIP CODE 02540

FID # [REDACTED] EMAIL (required): Executive508@aol.com

TELEPHONE # (BUSINESS) (508) 509-2544 (HOME) [REDACTED]

CLASS OF LICENSE: Class II NUMBER OF VEHICLES: 36

DEALER/REPAIR PLATE # 4600

TYPE OF LICENSE: auto, boat, etc. Auto

- ADDITIONAL DOCUMENTS REQUIRED:**
- Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing motor vehicle sales
 - Massachusetts Form 53 in duplicate - available at Select Board Office
 - Public Hearing requiring notice notification by Certified Return Receipt Mail (Class III only)
 - Proof of Surety Bond in the amount of \$25,000 (Class II only)
 - Copy of Manufacturer's Agreement (Class I only)

Signature - OWNER or MANAGER of RECORD
Michael C Hickey

DATE
12-18-24

- FEES:**
- CLASS I - TOTAL LICENSE FEE: \$110
 - CLASS II - TOTAL LICENSE FEE: \$85
 - CLASS III - TOTAL LICENSE FEE: \$60

[REDACTED]

Town of Falmouth

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a.....
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Hot Key Autos, Inc.
DBA Executive Auto

Business address of concern. No. 47 + 118 E. Falmouth Hwy St,
E. Falmouth City - Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?
Corporation

3. If an individual, state full name and residential address.
.....
.....

4. If a co-partnership, state full names and residential addresses of the persons composing it.
.....
.....
.....

5. If an association or a corporation, state full names and residential addresses of the principal officers:
President Michael C. Healey
Secretary Michael C. Healey
Treasurer Michael C. Healey

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes
If so, is your principal business the sale of new motor vehicles? No
Is your principal business the buying and selling of second hand motor vehicles? yes
Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.
112 E. Falmouth Hwy. has paved area
for display of vehicles
118 E. Falmouth Hwy. has paved area with
building for offices and 2 garage bays
for repairs

8. Are you a recognized agent of a motor vehicle manufacturer? No (Yes or No)
If so, state name of manufacturer

9. Have you a signed contract as required by Section 50, Class 1? No (Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes (Yes or No)
If so, in what city — town Falmouth

Did you receive a license? Yes (Yes or No) For what year? 1995-2024

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No (Yes or No)

Sign your name in full Richard C. [Signature]
(Duly authorized to represent the concern herein mentioned)

Residence 348 Gifford St.

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

PLEASE PRINT FULL THE REGISTRANT'S NAME WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation (Approved or Disapproved)

License No. granted 19.... Fee \$.....

Signed.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the license shall be fixed by the licensing board or officer, but in no case shall exceed \$100, dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classification for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-six, inclusive, or the rules and regulations made hereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

December 19, 2024

Hickey Autos, Inc, d/b/a Executive Auto
Michael Hickey, Manager
118 East Falmouth Highway
East Falmouth, MA 02536

Dear Michael Hickey:

Please be advised that the application to renew the Used Car Dealer Class II License for Hickey Autos, Inc, d/b/a Executive Auto was not received in time to be approved by the Select Board in 2024 therefore the license will expire on December 31, 2024.

The application for a Used Car Dealer Class II License received on December 18th will be reviewed and voted on by the Select Board on January 6, 2025. If approved the new license will be available on January 7th. Operation of Hickey Autos, Inc, d/b/a Executive Auto prior to the issuance of the new license would be operating without a license and in violation of M.G.L. Ch. 140 s.57-69.

Please contact the Office of the Select Board if there are any questions.

Sincerely,

Phyllis Downey
Town Administration
licensing@falmouthma.gov
508-495-7325

DECISION OF FALMOUTH ZONING BOARD OF APPEALS

APPEAL NO: 157-00

APPLICANT: MICHAEL HICKEY of Falmouth, Ma. (Executive Auto Sales)

LOCATION OF PROPERTY: 118 EAST FALMOUTH HIGHWAY, EAST FALMOUTH

MAP 33, SECTION 3, PARCEL 20, LOT A

Under a date of October 4, 2000 Michael Hickey of Falmouth, Ma. Operating as Executive Auto Sales, Inc., has applied to the Zoning Board of Appeals for a modification of Special Permit #102-95 to increase the size of the repair facility to enable an automobile lift to be used. The property is located at 118 East Falmouth Highway, East Falmouth.

A public hearing was held on December 6, 2000 of which notice was duly given as required by Section 11, Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing all parties desiring to be heard were heard.

Attorney Chris Lebherz represented the applicant and explained that the request is to enlarge the existing structure on the property. The property was purchased in two phases. Lot 20 was purchased in 1995 and a Special Permit was issued for the automobile sales business. In 1999 Mr. Hickey purchased the abutting property, Lot 19, and the Board modified the Special Permit to allow the expansion of the business. Mr. Hickey went before the Selectmen a year ago for additional vehicles on the site. The property lies in three zoning districts, Public Use, Business 2, and Residential C in the rear of the property. The required setback in a Business 2 district is 20' and the existing building is 19.5 feet from the side property line. The applicant is seeking to add to his existing building garage space measuring 26' x 28' single story having two additional bays to be able to work on the cars to prepare them for inspection. There will be no heavy automobile repairs as conditioned in the existing permit. He is mandated to have a service facility available. The site has been well maintained, and will continue to be well maintained. Due to the angle of the building, the addition at its closest point will be located 16.5 feet from the abutting Lot 19 which is in the same ownership.

Attorney Lebherz provided the Board with a copy of the Certificate of Appreciation presented to Executive Auto Sales in 2000 by the Falmouth Beautification Council.

The Board of Appeals, after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

The subject property is approximately half an acre of land zoned primarily Business 2, with a Public Use strip in the front and a residential portion to the rear of the lot. The property has been permitted for auto sales and limited servicing by this Board and the Board of Selectmen have issued licenses for the sale of cars.

FILE COPY

A TRUE COPY ATTEST:

*Carol A. Mazzari*TOWN CLERK OF
FALMOUTH, MASS.

DECISION OF FALMOUTH ZONING BOARD OF APPEALS

APPEAL NO: 157-00. APPLICANT: HICKEY

PAGE 2

The existing building is nonconforming as it does not meet the required setback from the side property line as well as from the street property line, thereby the pre-existing nonconforming building requires a special permit or modification of previously granted permits to allow the proposed addition under Section 240-3. The Board finds that although the proposed addition will be slightly more nonconforming than what currently exists, this Board finds that the granting of this permit will not be substantially more detrimental than what exists today. The Board finds that the site is both adequate and suitable for the proposed use. This Board finds that there will be no adverse effect on traffic flow or safety by the granting of this permit. The construction will be done in accordance with the Ma.State Building Code.

This Board finds there will be no effect on the visual character of the neighborhood by the granting of this permit. The applicant has maintained the property well since being in control as evidenced by the Certificate of Appreciation from the Beautification Council. The Board finds there will be adequate utilities to the site, including town water. The septic system meets Title V or the requirements of the Health Agent.

The Board finds that the granting of this permit will have no effect on the adequacy of the supply of affordable housing within the town as this property has neither been designated for nor represented as affordable housing. There is no Planning Board decision to consider as this proposal is not subject to review by the Planning Board under Site Plan Review.

The Board finds that the beneficial effects of granting this permit outweigh any negative effects there may be. The Board finds that the granting of this permit will be in harmony with the general purpose and intent of the bylaw.

NOW THEREFORE

BE IT RESOLVED, that the Board of Appeals, being of the opinion aforesaid and acting under the provisions of the Code of Falmouth, hereby unanimously votes to GRANT a modification of Appeal No: 102-95 to allow the addition to the structure at 118 East Falmouth Highway, East Falmouth. This permit is subject to the following conditions:

1. This permit allows the additional garage space 26' x 28' single story with two additional bays.
2. Any storage of hazardous materials or hazardous wastes shall be done in compliance with all applicable state and local regulations.
3. There shall be no outside storage of parts or junk motor vehicles(vehicles not suitable for sale).
4. All repair work shall be done within the building and no repairs shall be done after 7:00 p.m. Monday through Saturday. No repair work will be allowed on Sunday.

A TRUE COPY ATTEST:

Carol J. [Signature]

TOWN CLERK OF
FALMOUTH, MASS.

5. The repair work allowed is limited to brakes, exhaust, detailing, and any other minor repair necessary to pass vehicle inspection. There shall be no oil change or body work, only minor repairs.
6. The business activity shall take place only in the business zoned portion of the site.
7. All surface water shall be contained on the site.
8. The apartment in the existing structure shall contain no more than two bedrooms.
9. There shall be no more than 16 vehicles displayed for sale on the site at any time.
10. All lighting shall be installed and directed so as to not offend neighbors or as to interfere with motorists traveling Old Barnstable Road.
11. Landscaping shall be maintained in a healthful condition at all times. Trees and shrubs fronting on Route 28 shall be kept trimmed at all times to maintain good visibility coming from Old Barnstable Road onto Route 28.
12. Architectural elevations of the garage addition shall be reviewed and approved administratively by this Board prior to the applicant obtaining a building permit.
13. This permit shall lapse two years from the date on which this decision is filed with the Town Clerk's office if a substantial use thereof has not sooner commenced except for good cause as determined by the Board of Appeals.

WITHE COPY ATTEST:

Carol A. [Signature]

TOWN CLERK OF
FALMOUTH, MASS.

ACTION: The Board of Appeals, consisting of C. Veronica Zylinski, John L. Druley,
and John P. Vidal
, being all present and voting as follows:

VOTE TO: GRANT

ZYLINSKI:

C. V. Zylinski

DRULEY:

John L. Druley

VIDAL:

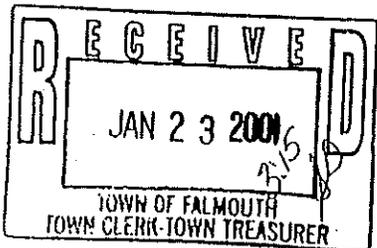
John P. Vidal

John P. Vidal

CLERK
John P. Vidal,
ZONING BOARD OF APPEALS

DATE: JANUARY 23, 2001

Notice is hereby given that any appeal from this decision shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty(20) days after the date of filing of this decision in the office of the Town Clerk.



A TRUE COPY ATTEST:
Carol A. Mason
TOWN CLERK OF
FALMOUTH, MASS.

DECISION OF FALMOUTH ZONING BOARD OF APPEALS

APPEAL NO: 95-96

APPLICANT: EXECUTIVE AUTO INC. of East Falmouth, Ma.
PROPERTY OWNER: MICHAEL HICKEY of East Falmouth, Ma.

LOCATION OF PROPERTY: 118 EAST FALMOUTH HIGHWAY, EAST FALMOUTH
MAP 33, SECTION 3, PARCEL 20, LOT A

Under a date of July 31, 1996, Executive Auto Inc. of East Falmouth, Ma., applied to the Zoning Board of Appeals to modify the existing Special Permit #102-95. The applicant is seeking permission to repair vehicles in a fenced in area until a larger garage can be constructed beside the existing garage. The location of the business is 118 East Falmouth Highway, East Falmouth.

Applicant filed appropriate plans and papers in accordance with the Board of Appeals Rules and Regulations.

A public hearing was held on September 11, 1996, of which notice was duly given as required by Section 11, Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing all parties desiring to be heard were heard.

Michael Hickey apologized to the Board for taking it upon himself to pour a concrete slab and erect a lift. He had discussed the matter with his neighbor who didn't seem to object. He installed the lift without the benefit of approval of the Board of Appeals. The matter was brought to his attention in a letter to him dated August 6th from the Building Commissioner indicating that illegal activity was taking place on the site. The Building Commissioner raised the issue of the installation of an outdoor car-lift and repairing vehicles outside. He also raised the issue of more than sixteen vehicles displayed on the site.

Mr. Hickey stated his business is growing and he hopes to build an addition at some point. He has a mechanic working for him three or four days a week. There are currently 16 cars for sale on the site.

Charlotte Tasharoo and Janet Hand of Precinct 4 both spoke of the improvements that Mr. Hickey has done to the property. They commented, however, of the misuse of the permit that has taken place by the installation of the lift and the excessive number of vehicles that have been displayed on the site at different times.

A letter was submitted by Ernest Keating, Chairman of Precinct 4. Mr. Keating suggested the Board take action to have the car-lift removed and action to address the illegal action conducted by Executive Auto Inc. Mr. Keating is concerned that if this auto sales firm is allowed to continue beyond the permit as granted in 1995, it will send a signal to others to first break the law and go for an amendment later.

The Board of Appeals, after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

In October 1995, the Board of Appeals, in Special Permit #102-95, modified a previously granted permit to allow necessary servicing to the motor vehicles in addition to the sale and display of vehicles at the above mentioned location. The Board was very specific in its decision by conditioning that "all repair work shall be done within the building and no repairs on Sunday or after 7:00 p.m. Monday through Saturday." The Board also conditioned the permit that "The repair work allowed by this modification includes brakes, exhaust, detailing, and any other minor repair necessary to pass vehicle inspection. There shall be no oil change or body work, only minor repairs."

DECISION OF FALMOUTH ZONING BOARD OF APPEALS
APPEAL NO: 95-96 APPLICANT: EXECUTIVE AUTO
PAGE 2

The subject property is approximately half an acre in size and the majority of the site is zoned Business 2 and the rear portion of the lot is zoned Residential C. The auto sales and related uses are allowed only by special permit in a Business 2 zone and are not allowed in a Residential zoning district. This particular site is in a very visible location being on the corner of East Falmouth Highway and Old Barnstable Road. The residential portion of the property cannot be used in any manner for the auto related use of the property and in fact there are specific additional setback requirements separating one zoning district from another. It is the opinion of this Board that perhaps the applicant's business has grown into more than what was originally envisioned. It is clear that Board Members in 1995 envisioned repair work being done elsewhere and only very minor work being done at the site. This Board finds that the site is not adequate or suitable for the additional outside repair use. The Board finds that additional use of the property may have an adverse impact on traffic flow and safety. It is the opinion of this Board that the addition of the car-lift has an adverse impact on the visual character of the neighborhood. The Board continues to be concerned with the visual impact as this property is right on East Falmouth Highway.

The applicant has not requested to construct an addition to the building, therefore the Board cannot make any findings relative to an addition. Board Members did however suggest that perhaps if Mr. Hickey's business is so prosperous, he might seek a more appropriate location suitable for expansion.

This Board further finds that the granting of this modification will not be in harmony with the general purpose and intent of the By-law. The beneficial effects of granting this modification do not outweigh the negative effects in the opinion of this Board. The Board in 1995 extended the use of the property substantially. It has been represented that the property is also use for office space and there is one residential unit on the Business zoned portion of the site.

NOW THEREFORE

BE IT RESOLVED, that the Board of Appeals, being of the opinion aforesaid and acting under the provisions of the Code of Falmouth, hereby unanimously votes to DENY the modification of the existing Special Permit #102-95 granted to 118 East Falmouth Highway, East Falmouth. All of the conditions outlined in Appeal No:102-95 shall be adhered to.

This Board directs the Building Commissioner to take necessary action to bring the property into compliance with its permit, including the removal of the lift.

ACTION: The Board of Appeals, consisting of Priscilla F. Roslansky, John L. Druley, and John P. Vidal, being all present and voting as follows:

VOTE TO: DENY

ROSLANSKY: Priscilla F. Roslansky
VIDAL: [Signature]
DRULEY: John L. Druley

John L. Druley
John L. Druley, **CLERK**
ZONING BOARD OF APPEALS

DATE: September 23, 1996

Notice is hereby given that any appeal from this decision shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty(20) days after the date of filing of this decision in the office of the Town Clerk.

RECEIVED
SEP 24 1996
TOWN OF FALMOUTH
TOWN CLERK-TOWN TREASURER

9-25-96



Town of Falmouth

INSPECTIONAL SERVICES

GARY STREET, C.B.O.
BUILDING COMMISSIONER

59 TOWN HALL SQUARE, FALMOUTH, MA 02540
(508) 495-7470 • FAX (508) 548-4290

January 8, 2025

Mr. Michael Hickey
118 East Falmouth Highway
East Falmouth, MA 02536

RE: **Cease and Desist Order**
118 East Falmouth Highway, East Falmouth MA 02536
Violation of your SP 157-00, Specifically Condition 3
Map # Parcel ID 30 05 005 004, B2 and RC District

Mr. Hickey:

As a result of questions raised at the Select Board hearing to review your Class II Used Card Dealer License, held on January 6, 2025, members of the Town of Falmouth staff visited the above-mentioned address (hereinafter "Property"). During this visit on January 8, 2025, Town Officials observed that there are car parts and junk motor vehicles stored outside, which is not in compliance with your Special Permit, specifically Condition 3 which states:

3. There shall be no outside storage of parts or junk motor vehicles (vehicles not suitable for sale).

I have enclosed a copy of Special Permit #157-00 for your review.

Corrective Action: To come into compliance with Special Permit #157-00 and its Conditions, specifically Condition 3, within ten (10) days from the date of this Violation letter.

Penalties: three hundred (\$300) dollars for each offense, each day.

Zoning By-Law Section 240-2.4B States:

"240 - 2.4B Violation

- A. Monetary Fine - Any person violating any of the provisions of this bylaw, including, without limitation, the failure to obtain any required permit, any of the conditions under which any permit was issued or any decision rendered by the Zoning Board of Appeals, or any special-permit-granting authority, shall be fined not more than \$300 for each offense. Each day that such violation continues shall constitute a separate offense.

- B. Noncriminal Disposition - In addition to the foregoing, the Building Commissioner or his designee may penalize by using the noncriminal disposition method of enforcement as outlined in Chapter 1, General Provisions, Article I, Penalties, § 1-2, and MGL C. 40, § 21D."

Order: Based on the above, you are hereby Ordered to come into compliance with Special Permit #157-00 in all stated conditions, and specifically Condition 3. If you fail to comply with the Special Permit conditions stated herein by **January 20, 2025**, fines of three hundred dollars (**\$300**) will commence and be issued daily until the violation is abated and Hickey Autos Inc. d/b/a Executive Auto, follows Special Permit #157-00 as issued.

Right to Appeal: You have the right to appeal this Decision to the Zoning Board of Appeals within thirty (30) days of the date of this Notice. An administrative appeal may be brought pursuant to Section 240-12 of the Town of Falmouth's Zoning By-Laws, which states in relevant part:

"240 - 12.4A Administrative Appeal to Zoning Board of Appeals

(1) APPEAL - An administrative appeal to the Zoning Board of Appeals may be taken by the following parties:

b. a person, including an officer or board of the Town of Falmouth or of any abutting Town, aggrieved by an order or decision of the Building Commissioner or other administrative officer, in violation of provisions of this Bylaw or G.L. c. 40A; . . .

(2) TIMELINE - An appeal shall be initiated within 30 days from the date of the order or decision being appealed, by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk.

(3) PROCEDURE - The procedure outlined in § 240-12.3F through § 240-240-12.3I shall be followed for action on appeals, all subject to the requirements of G. L. c. 40A.

For information on scheduling a public hearing pursuant to an appeal of this Decision, you may contact the Zoning Board of Appeals' Principal Office Assistant at 508-495-7460.

You also have the right to inspect accessible public documents during normal business hours and upon written request pursuant to the Massachusetts Public Records Law. M.G.L. c. 66 § 10.

If you have any questions regarding this Cease-and-Desist Order, you can contact me at 508-495-7479 Monday through Friday from 8:00 am to 4:30pm.

Respectfully,



Gary Street CBO
Building Commissioner and Zoning Enforcement Officer

cc: Town Manager
Assistant Zoning Compliance Agent
enc: Special Permit # 157-00
Special Permit # 95-96

DECISION OF FALMOUTH ZONING BOARD OF APPEALS

APPEAL NO: 157-00

APPLICANT: MICHAEL HICKEY of Falmouth, Ma. (Executive Auto Sales)

LOCATION OF PROPERTY: 118 EAST FALMOUTH HIGHWAY, EAST FALMOUTH

MAP 33, SECTION 3, PARCEL 20, LOT A

Under a date of October 4, 2000 Michael Hickey of Falmouth, Ma. Operating as Executive Auto Sales, Inc., has applied to the Zoning Board of Appeals for a modification of Special Permit #102-95 to increase the size of the repair facility to enable an automobile lift to be used. The property is located at 118 East Falmouth Highway, East Falmouth.

A public hearing was held on December 6, 2000 of which notice was duly given as required by Section 11, Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing all parties desiring to be heard were heard.

Attorney Chris Lebherz represented the applicant and explained that the request is to enlarge the existing structure on the property. The property was purchased in two phases. Lot 20 was purchased in 1995 and a Special Permit was issued for the automobile sales business. In 1999 Mr. Hickey purchased the abutting property, Lot 19, and the Board modified the Special Permit to allow the expansion of the business. Mr. Hickey went before the Selectmen a year ago for additional vehicles on the site. The property lies in three zoning districts, Public Use, Business 2, and Residential C in the rear of the property. The required setback in a Business 2 district is 20' and the existing building is 19.5 feet from the side property line. The applicant is seeking to add to his existing building garage space measuring 26' x 28' single story having two additional bays to be able to work on the cars to prepare them for inspection. There will be no heavy automobile repairs as conditioned in the existing permit. He is mandated to have a service facility available. The site has been well maintained, and will continue to be well maintained. Due to the angle of the building, the addition at its closest point will be located 16.5 feet from the abutting Lot 19 which is in the same ownership.

Attorney Lebherz provided the Board with a copy of the Certificate of Appreciation presented to Executive Auto Sales in 2000 by the Falmouth Beautification Council.

The Board of Appeals, after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

The subject property is approximately half an acre of land zoned primarily Business 2, with a Public Use strip in the front and a residential portion to the rear of the lot. The property has been permitted for auto sales and limited servicing by this Board and the Board of Selectmen have issued licenses for the sale of cars.

FILE COPY

A TRUE COPY ATTEST:

*Carol A. M... ..*TOWN CLERK OF
FALMOUTH, MASS.

DECISION OF FALMOUTH ZONING BOARD OF APPEALS

APPEAL NO: 157-00. APPLICANT: HICKEY

PAGE 2

The existing building is nonconforming as it does not meet the required setback from the side property line as well as from the street property line, thereby the pre-existing nonconforming building requires a special permit or modification of previously granted permits to allow the proposed addition under Section 240-3. The Board finds that although the proposed addition will be slightly more nonconforming than what currently exists, this Board finds that the granting of this permit will not be substantially more detrimental than what exists today. The Board finds that the site is both adequate and suitable for the proposed use. This Board finds that there will be no adverse effect on traffic flow or safety by the granting of this permit. The construction will be done in accordance with the Ma.State Building Code.

This Board finds there will be no effect on the visual character of the neighborhood by the granting of this permit. The applicant has maintained the property well since being in control as evidenced by the Certificate of Appreciation from the Beautification Council. The Board finds there will be adequate utilities to the site, including town water. The septic system meets Title V or the requirements of the Health Agent.

The Board finds that the granting of this permit will have no effect on the adequacy of the supply of affordable housing within the town as this property has neither been designated for nor represented as affordable housing. There is no Planning Board decision to consider as this proposal is not subject to review by the Planning Board under Site Plan Review.

The Board finds that the beneficial effects of granting this permit outweigh any negative effects there may be. The Board finds that the granting of this permit will be in harmony with the general purpose and intent of the bylaw.

NOW THEREFORE

BE IT RESOLVED, that the Board of Appeals, being of the opinion aforesaid and acting under the provisions of the Code of Falmouth, hereby unanimously votes to GRANT a modification of Appeal No: 102-95 to allow the addition to the structure at 118 East Falmouth Highway, East Falmouth. This permit is subject to the following conditions:

1. This permit allows the additional garage space 26' x 28' single story with two additional bays.
2. Any storage of hazardous materials or hazardous wastes shall be done in compliance with all applicable state and local regulations.
3. There shall be no outside storage of parts or junk motor vehicles (vehicles not suitable for sale).
4. All repair work shall be done within the building and no repairs shall be done after 7:00 p.m. Monday through Saturday. No repair work will be allowed on Sunday.

A TRUE COPY ATTEST:

Carol J. Masten

TOWN CLERK OF
FALMOUTH, MASS.

DECISION OF FALMOUTH ZONING BOARD OF APPEALS
APPEAL NO: 157-00 APPLICANT: HICKEY
PAGE 3

5. The repair work allowed is limited to brakes, exhaust, detailing, and any other minor repair necessary to pass vehicle inspection. There shall be no oil change or body work, only minor repairs.
6. The business activity shall take place only in the business zoned portion of the site.
7. All surface water shall be contained on the site.
8. The apartment in the existing structure shall contain no more than two bedrooms.
9. There shall be no more than 16 vehicles displayed for sale on the site at any time.
10. All lighting shall be installed and directed so as to not offend neighbors or as to interfere with motorists traveling Old Barnstable Road.
11. Landscaping shall be maintained in a healthful condition at all times. Trees and shrubs fronting on Route 28 shall be kept trimmed at all times to maintain good visibility coming from Old Barnstable Road onto Route 28.
12. Architectural elevations of the garage addition shall be reviewed and approved administratively by this Board prior to the applicant obtaining a building permit.
13. This permit shall lapse two years from the date on which this decision is filed with the Town Clerk's office if a substantial use thereof has not sooner commenced except for good cause as determined by the Board of Appeals.

ATTEST:

Carol D. [Signature]

TOWN CLERK OF
FALMOUTH, MASS.

ACTION: The Board of Appeals, consisting of C. Veronica Zylinski, John L. Druley,
and John P. Vidal, being all present and voting as follows:

VOTE TO: GRANT

ZYLINSKI:

[Handwritten signature of C. Veronica Zylinski]

DRULEY:

[Handwritten signature of John L. Druley]

VIDAL:

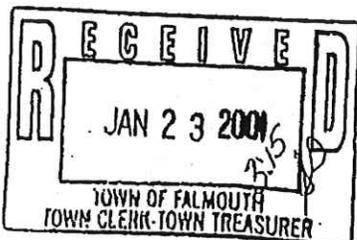
[Handwritten signature of John P. Vidal]

[Handwritten signature of John P. Vidal]

CLERK
John P. Vidal,
ZONING BOARD OF APPEALS

DATE: JANUARY 23, 2001

Notice is hereby given that any appeal from this decision shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty(20) days after the date of filing of this decision in the office of the Town Clerk.



A TRUE COPY ATTEST:

[Handwritten signature of Ernest D. Massaro]

TOWN CLERK OF
FALMOUTH, MASS.

DECISION OF FALMOUTH ZONING BOARD OF APPEALS

APPEAL NO: 95-96

APPLICANT: EXECUTIVE AUTO INC. of East Falmouth, Ma.
PROPERTY OWNER: MICHAEL HICKEY of East Falmouth, Ma.

LOCATION OF PROPERTY: 118 EAST FALMOUTH HIGHWAY, EAST FALMOUTH
MAP 33, SECTION 3, PARCEL 20, LOT A

Under a date of July 31, 1996, Executive Auto Inc. of East Falmouth, Ma., applied to the Zoning Board of Appeals to modify the existing Special Permit #102-95. The applicant is seeking permission to repair vehicles in a fenced in area until a larger garage can be constructed beside the existing garage. The location of the business is 118 East Falmouth Highway, East Falmouth.

Applicant filed appropriate plans and papers in accordance with the Board of Appeals Rules and Regulations.

A public hearing was held on September 11, 1996, of which notice was duly given as required by Section 11, Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing all parties desiring to be heard were heard.

Michael Hickey apologized to the Board for taking it upon himself to pour a concrete slab and erect a lift. He had discussed the matter with his neighbor who didn't seem to object. He installed the lift without the benefit of approval of the Board of Appeals. The matter was brought to his attention in a letter to him dated August 6th from the Building Commissioner indicating that illegal activity was taking place on the site. The Building Commissioner raised the issue of the installation of an outdoor car-lift and repairing vehicles outside. He also raised the issue of more than sixteen vehicles displayed on the site.

Mr. Hickey stated his business is growing and he hopes to build an addition at some point. He has a mechanic working for him three or four days a week. There are currently 16 cars for sale on the site.

Charlotte Tasharoo and Janet Hand of Precinct 4 both spoke of the improvements that Mr. Hickey has done to the property. They commented, however, of the misuse of the permit that has taken place by the installation of the lift and the excessive number of vehicles that have been displayed on the site at different times.

A letter was submitted by Ernest Keating, Chairman of Precinct 4. Mr. Keating suggested the Board take action to have the car-lift removed and action to address the illegal action conducted by Executive Auto Inc. Mr. Keating is concerned that if this auto sales firm is allowed to continue beyond the permit as granted in 1995, it will send a signal to others to first break the law and go for an amendment later.

The Board of Appeals, after carefully considering all of the facts and evidence submitted at the hearing, makes the following findings:

In October 1995, the Board of Appeals, in Special Permit #102-95, modified a previously granted permit to allow necessary servicing to the motor vehicles in addition to the sale and display of vehicles at the above mentioned location. The Board was very specific in its decision by conditioning that "all repair work shall be done within the building and no repairs on Sunday or after 7:00 p.m. Monday through Saturday." The Board also conditioned the permit that "The repair work allowed by this modification includes brakes, exhaust, detailing, and any other minor repair necessary to pass vehicle inspection. There shall be no oil change or body work, only minor repairs."

DECISION OF FALMOUTH ZONING BOARD OF APPEALS
APPEAL NO: 95-96 APPLICANT: EXECUTIVE AUTO
PAGE 2

The subject property is approximately half an acre in size and the majority of the site is zoned Business 2 and the rear portion of the lot is zoned Residential C. The auto sales and related uses are allowed only by special permit in a Business 2 zone and are not allowed in a Residential zoning district. This particular site is in a very visible location being on the corner of East Falmouth Highway and Old Barnstable Road. The residential portion of the property cannot be used in any manner for the auto related use of the property and in fact there are specific additional setback requirements separating one zoning district from another. It is the opinion of this Board that perhaps the applicant's business has grown into more than what was originally envisioned. It is clear that Board Members in 1995 envisioned repair work being done elsewhere and only very minor work being done at the site. This Board finds that the site is not adequate or suitable for the additional outside repair use. The Board finds that additional use of the property may have an adverse impact on traffic flow and safety. It is the opinion of this Board that the addition of the car-lift has an adverse impact on the visual character of the neighborhood. The Board continues to be concerned with the visual impact as this property is right on East Falmouth Highway.

The applicant has not requested to construct an addition to the building, therefore the Board cannot make any findings relative to an addition. Board Members did however suggest that perhaps if Mr. Hickey's business is so prosperous, he might seek a more appropriate location suitable for expansion.

This Board further finds that the granting of this modification will not be in harmony with the general purpose and intent of the By-law. The beneficial effects of granting this modification do not outweigh the negative effects in the opinion of this Board. The Board in 1995 extended the use of the property substantially. It has been represented that the property is also used for office space and there is one residential unit on the Business zoned portion of the site.

NOW THEREFORE

BE IT RESOLVED, that the Board of Appeals, being of the opinion aforesaid and acting under the provisions of the Code of Falmouth, hereby unanimously votes to DENY the modification of the existing Special Permit #102-95 granted to 118 East Falmouth Highway, East Falmouth. All of the conditions outlined in Appeal No:102-95 shall be adhered to.

This Board directs the Building Commissioner to take necessary action to bring the property into compliance with its permit, including the removal of the lift.

ACTION: The Board of Appeals, consisting of Priscilla F. Roslansky, John L. Druley, and John P. Vidal, being all present and voting as follows:

VOTE TO: DENY

ROSLANSKY: Priscilla F. Roslansky John L. Druley
VIDAL: [Signature] John L. Druley, **CLERK**
DRULEY: John L. Druley ZONING BOARD OF APPEALS
DATE: September 23, 1996

Notice is hereby given that any appeal from this decision shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty(20) days after the date of filing of this decision in the office of the Town Clerk.

RECEIVED
SEP 24 1996
TOWN OF FALMOUTH
TOWN CLERK-TOWN TREASURER

9554

OPEN SESSION

BUSINESS

10. Consider a vote to approve an application for an Automatic Amusement Device License – KK Codders Corp. d/b/a Anchor Ale House, 100 Davis Straits **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 10.

ITEM TITLE: Consider a vote to approve an application for an Automatic Amusement Device License filed by KK Codders Corp. d/b/a Anchor Ale House, 100 Davis Straits

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; Renewal Application- Automatic Amusement Device License dated December 2, 2024; Floor Plan; Email thread, staff review and comments

PURPOSE:

The Select Board is being requested to approve an application for an Automatic Amusement Device License filed by KK Codders Corp. d/b/a Anchor Ale House, 100 Davis Straits.

The license is for an existing juke box device in the dining room area.

BACKGROUND/SUMMARY:

- The applicant, KK Codders Corp. d/b/a Anchor Ale House, submitted their application for an Automatic Amusement Device License on December 2, 2024; the application states that the request for license pertains to an existing juke box, and that the owner of the device is Sunstar Vending.

- The application states that only one (1) such amusement device is deployed, and that it is located in the dining room area of the establishment (see attached floor plan).
- The Falmouth Building Department/Code Compliance reviewed the application and stated it had no objections to its approval, however stipulated that the egress path must not be blocked or reduced by the device.
- The Fire Rescue Department has reviewed the application and has no objection to its approval.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for an Automatic Amusement Device License filed by KK Codders Corp. d/b/a Anchor Ale House, 100 Davis Straits, as presented.

OPTIONS:

- Motion to approve the application for an Automatic Amusement Device License filed by KK Codders Corp. d/b/a Anchor Ale House, 100 Davis Straits, as presented.
- Motion to deny approval of an Automatic Amusement Device License filed by KK Codders Corp. d/b/a Anchor Ale House, 100 Davis Straits.
- Some other Board specified 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 an Automatic Amusement Device License filed by KK Codders Corp. d/b/a Anchor Ale House, 100 Davis Straits, as presented.

Michael Renshaw

Town Manager

1/17/2025

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: KK Codders Corp. d/b/a Anchor Ale House

Address: 100 Davis Straits

License Type: Automatic Amusement Device License

New License _____

Transfer of License _____

Change of License _____

Police _____

Fire No objection

Building No objection, machine shall not block egress path

Health _____

Zoning _____

Planning _____

DPW _____

NOTES:

The applicant brought to this office's attention that due to an oversight a license had not been requested in the past.



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



RENEWAL APPLICATION - AUTOMATIC AMUSEMENT DEVICE LICENSE

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

All Fields are outlined in red are required.

BUSINESS NAME: KR Codders Corp. D/B/A Anchor Ale House

BUSINESS ADDRESS: 100 Davis Straits

TOWN: Falmouth STATE: MA ZIP CODE: 02540

MAILING ADDRESS: 126 Beebe Acres Rd
 (if different)

TOWN: Falmouth STATE: MA ZIP CODE: 02540

MANAGER/OWNER: Kenneth A Kaprielian TITLE: Owner

TELEPHONE #: 508-299823 ALTERNATE PHONE # [Redacted]

EMAIL: (required) [Redacted]

DAYS OF OPERATION: 7 HOURS OF OPERATION: Mon-Sat 11:30AM-1:00AM
 Sunday 12PM-1:00AM

ANNUAL: or SEASONAL:

NUMBER OF AMUSEMENT DEVICES: (Video, Pinball, Electronic Games) 0

NUMBER OF JUKEBOXES: 1

OWNER OF MACHINES: SUNSTAR Vending

LOCATION OF MACHINES ON PREMISES: In Dining Room

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

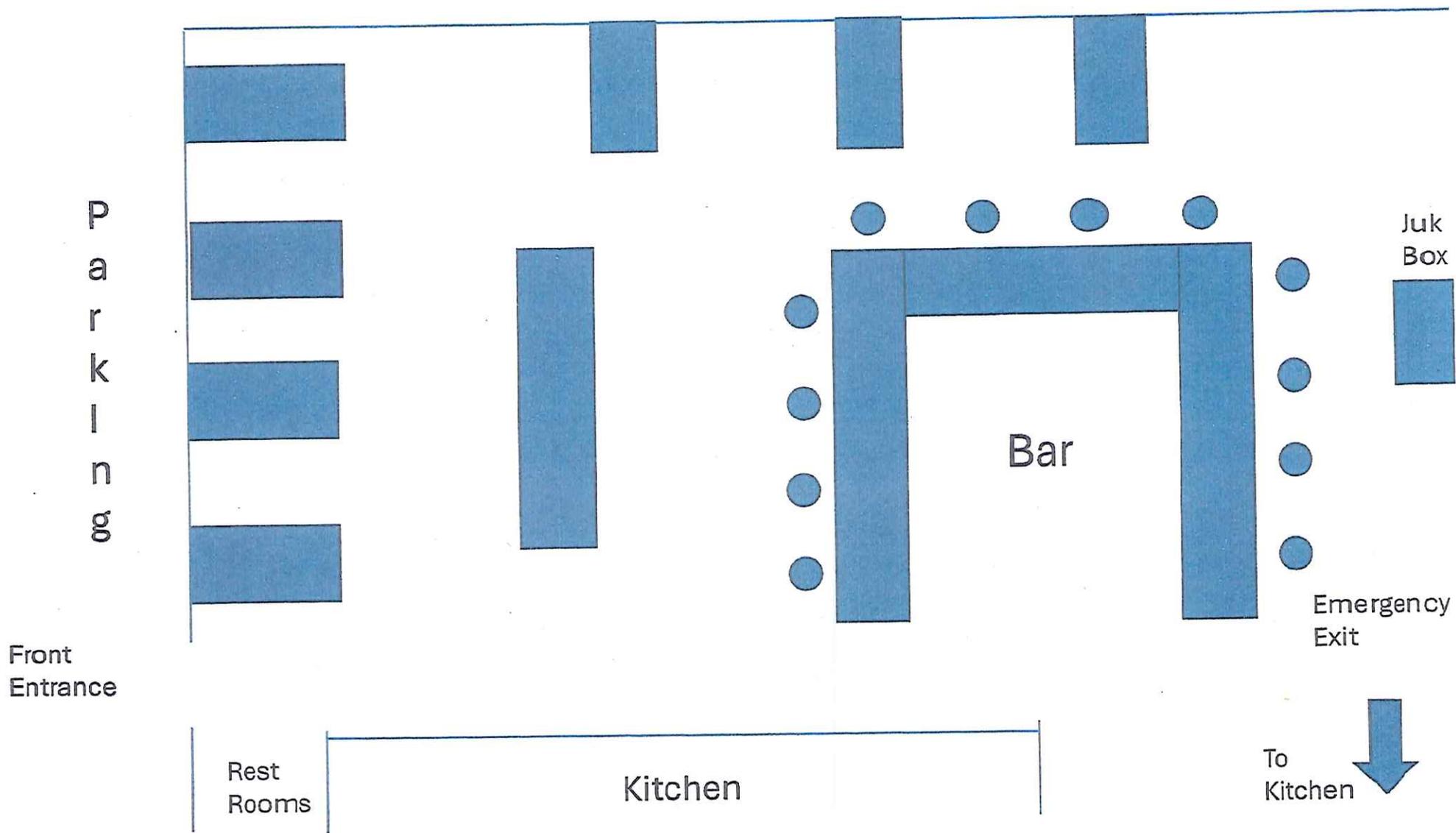
Signature - OWNER or MANAGER

11/26/2024
 Date

Town of Falmouth Fees payable by Money Order or Certified Bank Check only.

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

Anchor Ale House



From: [Gary Street](#)
To: [Falmouth Licensing](#)
Subject: RE: Automatic Amusement Device License application -Anchor Ale House
Date: Tuesday, December 3, 2024 10:40:42 AM

Phyllis,

No objection. The egress path width must not be blocked or reduced by the juke box.

Respectfully,

Gary Street

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

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Tuesday, December 3, 2024 10:31 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Gary Street <gary.street@falmouthma.gov>
Subject: FW: Automatic Amusement Device License application -Anchor Ale House

My apologies, may we please request your recommendations by December 20th.

Phyllis

Phyllis Downey

508-495-7325

When responding, please be aware that the Massachusetts Secretary of State has determined that most email correspondence is public record and therefore cannot be kept confidential.

From: Falmouth Licensing
Sent: Tuesday, December 3, 2024 10:29 AM
To: Brian Reid <brian.reid@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>; Gary Street <gary.street@falmouthma.gov>
Subject: Automatic Amusement Device License application -Anchor Ale House

Good morning,

Attached please find an application by KK Codders Corp. d/b/a Anchor Ale House for an Automatic Amusement Device License for an existing juke box. The applicant brought to this office's attention that due to an oversight a license had not been requested in the past.

May we please request your review by January 11th?

Thank you,
Phyllis

Phyllis Downey

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

From: [Boyd Demello](#)
To: [Falmouth Licensing](#); [Brian Reid](#); [Jeff Lourie](#); [Ryan Hergt](#); [Craig O'Malley](#); [Gary Street](#)
Subject: RE: Automatic Amusement Device License application -Anchor Ale House
Date: Tuesday, December 3, 2024 10:31:24 AM

Fire Rescue has no objections to the license, and the proposed location is suitable.

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

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Subject: Automatic Amusement Device License application -Anchor Ale House

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May we please request your review by January 11th?

Thank you,
Phyllis

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

OPEN SESSION

BUSINESS

11. Consider a vote to approve an application for a Second-Hand Dealer's License – Capstan Yacht Corp. d/b/a Capstan Yachts, 56 Scranton Avenue, Falmouth **(5 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 11.

ITEM TITLE: Consider a vote to approve an application for a Second-Hand Dealer's License- Capstan Yacht Corp. d/d/a Capstan Yachts, 56 Scranton Avenue, Falmouth

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Sheet; Application for Secondhand Dealer License; staff review email thread

PURPOSE:

The Select Board will consider the approval of an application filed by Capstan Yachts to add a new dealer and one boat (motor vehicle) to its Class 1 Second-Hand Motor Vehicle License, located at 56 Scranton Avenue.

BACKGROUND/SUMMARY:

- Capstan Yachts has been in business at the present location for over two years.
- The applicant had been operating under a Class II Used Car Dealer License which was determined not to be the correct license for the sale of used boats in accordance with Town Code Chapter 136 which governs Secondhand Dealer Licenses (boats are regulated property under the Code)

- Mr. Kyle Smith, president of Capstan Yachts, submitted the Application for Secondhand Dealer License on December 30, 2024 (see attached).
- The Police and Fire Rescue Department have reviewed the application and have no objections to its approval.
- The Harbormaster has reviewed the application and stipulates that boats are not allowed to be tied up to Town property without permission of the Harbormaster’s Office, and that Town property shall not be used for conducting business to include picking up or discharging customers or potential clients.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Second-Hand Dealer’s License- Capstan Yacht Corp. d/d/a Capstan Yachts, 56 Scranton Avenue, Falmouth as presented.

OPTIONS:

- Motion to approve the application for a Second-Hand Dealer’s License- Capstan Yacht Corp. d/d/a Capstan Yachts, 56 Scranton Avenue, Falmouth as presented.
- Motion to deny approval of the application for a Second-Hand Dealer’s License- Capstan Yacht Corp. d/d/a Capstan Yachts, 56 Scranton 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 Second-Hand Dealer's License- Capstan Yacht Corp. d/d/a Capstan Yachts, 56 Scranton Avenue, Falmouth as presented.

Michael Renshaw

Town Manager

1/21/2025

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Capstan Yacht Corp d/b/a Capstan Yachts

Address: 56 Scranton Avenue, Falmouth

License Type: Second-Hand Dealer License

New License _____

Transfer of License _____

Change of License _____

Police No objection

No Objection

Fire _____

Building _____

Health _____

Zoning _____

Planning _____

MES No objection provided town property is not used for conducting business including picking up or discharging customers or potential clients. Additionally, vessel tie up on town property is not permitted without prior permission from the Harbormaster's Office

NOTES:

The applicant formerly had a Class II Used Car Dealer License which was determined not to be the correct license for the sale of used boats per Town Code Ch. 136 governing Second Hand Dealer Licenses.

Pending: Second-Hand Dealer License requirement for background checks scheduled for February 19th at 10:00 am



TOWN OF FALMOUTH
APPLICATION for SECOND HAND DEALER LICENSE

LICENSE TO SELL, TRADE OR BARTER JUNK, OLD METALS OR SECOND-HAND ARTICLES
 CODE OF FALMOUTH CH. 136

Required fields are outlined in RED

NAME OF OWNER: Myle Smith

HOME ADDRESS: 148 West Way

TOWN: Mashpee STATE: MA ZIP CODE: 02649

BUSINESS NAME: Capstan Yachts Corp

D/B/A - if any: Capstan Yachts

BUSINESS ADDRESS: 56 Scranton Ave

TOWN: Falmouth STATE: MA ZIP CODE: 02540

MAILING ADDRESS (if different): 148 West Way Mashpee, MA

MANAGER - if any:

FEDERAL ID #:

EMAIL *required*:

TELEPHONE BUSINESS: 774-228-0454

HOME:

MOTOR VEHICLES – list year, make and license number of each vehicle:

TYPE OF GOODS SOLD: Boats

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

12/30/21

DATE

[Signature]

OWNER / MANAGER / AUTHORIZED AGENT

A Background Check for the Owner of the establishment must be performed annually at the Falmouth Police, Central Records Office within 10 days of submitting this application, call 774-255-4527 for hours & fee details.

From: [Brian Reid](#)
To: [Boyd Demello](#); [Falmouth Licensing](#); [Gregg Fraser](#); [Ryan Hergt](#); [Jeff Lourie](#); [Craig O'Malley](#)
Cc: [Mike Simoneau](#)
Subject: Re: Capstan Yachts Second-Hand Dealer License application
Date: Thursday, January 2, 2025 8:49:22 AM

No objections from Police.

Captain Brian L. Reid

Falmouth Police Department
750 Main Street
Falmouth, MA 02540
774-255-4502

From: Boyd Demello <boyd.demello@falmouthfirema.gov>
Sent: Wednesday, January 1, 2025 9:33 AM
To: Falmouth Licensing <licensing@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Ryan Hergt <ryan.hergt@falmouthpolicema.gov>; Jeff Lourie <Jeff.Lourie@falmouthpolicema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>
Cc: Michael Simoneau <michael.simoneau@falmouthpolicema.gov>
Subject: RE: Capstan Yachts Second-Hand Dealer License application

Fie Rescue has no objections

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

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From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Tuesday, December 31, 2024 11:09
To: Gregg Fraser <gregg.fraser@falmouthma.gov>; 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>

Cc: Michael Simoneau <michael.simoneau@falmouthpolicema.gov>

Subject: Capstan Yachts Second-Hand Dealer License application

Good morning all,

Attached please find the application by Capstan Yacht Corp. d/b/a Capstan Yachts for a Second Hand Dealer License to be executed at 56 Scranton Avenue, Falmouth. Previously this business held a Class I Motor Vehicles License to allow for the sale of used boats. However, the Town Manager and Town Counsel reviewed this practice and found that in Falmouth boats are regulated property under the Code of the Town of Falmouth, Ch. 136 Second Hand Dealers and Second Hand Collectors therefore requiring a Second Hand Dealer License, not a license to sell used motor vehicles, please see the bylaw attached.

The applicant has been advised to apply for a Town of Falmouth fingerprint based background check which will be confirmed before the license is issued. May I please request your recommendations to the Select Board by Friday, January 17th?

Thank you,
Phyllis

Phyllis Downey

Town Manager & Select Board Office

59 Town Hall Square

Falmouth MA 02540

508-495-7325

From: [Boyd Demello](#)
To: [Falmouth Licensing](#); [Gregg Fraser](#); [Brian Reid](#); [Ryan Hergt](#); [Jeff Lourie](#); [Craig O'Malley](#)
Cc: [Mike Simoneau](#)
Subject: RE: Capstan Yachts Second-Hand Dealer License application
Date: Wednesday, January 1, 2025 9:33:31 AM

Fie Rescue has no objections

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

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Cc: Michael Simoneau <michael.simoneau@falmouthpolicema.gov>
Subject: Capstan Yachts Second-Hand Dealer License application

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The applicant has been advised to apply for a Town of Falmouth fingerprint based background check which will be confirmed before the license is issued. May I please request your recommendations to the Select Board by Friday, January 17th?

Thank you,



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

December 24, 2024

Capstan Yacht Corp d/b/a Capstan Yachts
Kyle Smith, President
56 Scranton Avenue, Unit A
Falmouth, MA 02540

RE: Expiration of Agent or Seller's License-Class I for the Sale of Second-Hand Motor Vehicle License

Dear Kyle Smith,

On September 18, 2024, the Town of Falmouth advised Capstan Yacht Corp d/b/a Capstan Yachts that the sale of second-hand vessels would henceforth be licensed under the Second-Hand Dealers License pursuant to Town of Falmouth bylaw § 136-2 and the that the 2024 Agent or Seller's License-Class I for the Sale of Second-Hand Motor Vehicle License could not be renewed for 2025.

You were advised that to continue to sell second-hand boats in 2025, Capstan Yacht Corp must apply for a Second-Hand Dealer License. Additionally, for a license to be in place on January 1st, a complete application would be required by Wednesday, November 27, 2024. Several communications with the Office of the Select Board to clarify the need for the change of license type and the process to apply took place in September and October including an offer for your attorney to contact Falmouth Town Counsel.

To date no application for a Second-Hand Dealer License has been made, therefore please be advised that upon the expiration of your Agent or Seller's License-Class I for the Sale of Second-Hand Motor Vehicle License on December 31, 2024, Capstan Yacht Corp d/b/a Capstan Yachts will no longer be licensed to sell second-hand boats in the Town of Falmouth.

If you have any questions, please contact the Select Board Office.

Sincerely,

Phyllis Downey
Town Administration
508-495-7325

CC: Mike Renshaw, Town Manager
Maura O'Keefe, Esq., Town Counsel
Gregg Fraser, Harbormaster

enc: Letter of September 18, 2024



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

September 18, 2024

Capstan Yacht Corp d/b/a Capstan Yachts
Kyle Smith, President
56 Scranton Avenue, Unit A
Falmouth, MA 02540

RE: Change of License Type to Falmouth Second-Hand Dealer License

Dear Kyle Smith,

Upon review of licensing statues and bylaws the Falmouth Town Manager, in consultation with Town Counsel, has determined that the sale of second-hand vessels is appropriately licensed under the Falmouth Second-Hand Dealers License pursuant to Falmouth bylaw § 136-2 which defines used boats as second-hand property.

Therefore, as annual license renewal for 2025 begins *Capstan Yacht Corp d/b/a Capstan Yachts will not renew its Class 1 Sale of Second-Hand Motor Vehicles License*. It must, instead, apply for a new Second-Hand Dealer License. The license application and instructions are enclosed.

The Letter of Intent and Articles of Incorporation are on file, however, all other requirements including your completion of a Town of Falmouth background check as Owner, total fees of \$65.00, and a complete application form are required and due no later than **Wednesday, November 27, 2024**.

Please note, current Second-Hand Dealer Licenses expire on April 30, 2025, however due to timing of the Change of License Type the license will be administratively extended to expire on April 30, 2026.

If you have any questions or if I can be of assistance, please feel free to contact me.

Sincerely,

Phyllis Downey
Town Administration
508-495-7325

CC: Mike Renshaw, Town Manager
Maura O'Keefe, Esq., Town Counsel
Gregg Fraser, Harbormaster

From: [Janet Uttaro](#)
To: [Phyllis Downey](#)
Subject: RE: Confirmation request - Kyle Smith @ Capstan Yachts
Date: Tuesday, January 21, 2025 9:02:48 AM

Good morning, Phyllis,

Kyle has an appointment on February 19th @ 10:00am

Sincerely,

Janet

Janet B. Uttaro
Administrative Clerk - Records
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office: 774-255-4534
Fax : 508-457-2566
janet.uttaro@falmouthpolicema.gov
www.falmouthpolice.us

-----NOTICE-----

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From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, January 21, 2025 8:39 AM
To: Janet Uttaro <janet.uttaro@falmouthpolicema.gov>
Subject: RE: Confirmation request - Kyle Smith @ Capstan Yachts

Good morning Janet,

Hope you had a nice weekend!

May I please enquire once again whether Kyle Smith has scheduled a background check to date?

Thank you,
Phyllis

Phyllis Downey

508-495-7325

When responding, please be aware that the Massachusetts Secretary of State has determined that most email

correspondence is public record and therefore cannot be kept confidential.

From: Janet Uttaro <janet.uttaro@falmouthpolicema.gov>
Sent: Monday, January 6, 2025 1:45 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: RE: Confirmation request - Kyle Smith @ Capstan Yachts

Good afternoon, Phyllis,

No, we do not have a Kyle Smith scheduled.

Sincerely,

Janet

Janet B. Uttaro
Administrative Clerk - Records
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office: 774-255-4534
Fax : 508-457-2566
janet.uttaro@falmouthpolicema.gov
www.falmouthpolice.us

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From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, December 31, 2024 11:01 AM
To: Janet Uttaro <janet.uttaro@falmouthpolicema.gov>
Subject: Confirmation request - Kyle Smith @ Capstan Yachts

Hi Janet,

May I please confirm that an appointment for a background check has been scheduled for Kyle Smith who has applied for a Second-Hand Dealer License?

Phyllis

Phyllis Downey

Chapter 136. Secondhand Dealers and Secondhand Collectors

[HISTORY: Adopted by the Town of Falmouth Annual Town Meeting 4-2-2012, Art. 31.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. **140**.

Peddling and soliciting — See Ch. **160**.

[1] *Editor's Note: This article also repealed former Ch. 136, Junk Dealers and Collectors, adopted ATM 2-12-1919, Art. 49, as amended.*

§ 136-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE IDENTIFICATION

Either:

- A. A current driver's license that includes the date of birth, photograph, and physical description of the person offering the identification; or
- B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

POLICE CHIEF

The Chief of Police of the Town of Falmouth or her or his designee.

REGULATED PROPERTY

The following used or secondhand property:

- A. Precious metals, including, but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.
- B. Precious gems, including but not to limited to any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semiprecious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.
- C. Watches and jewelry containing precious metals or precious gems, including, but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wristwatches, or stopwatches.
- D. Sterling silver flatware, including but not limited to knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.

- E. Any electronic audio, video or photographic and optical equipment, along with computer or computer equipment or recordings in any form.
- F. Any power tools or equipment.
- G. Musical instruments.
- H. Sporting equipment and bicycles.
- I. Boats, planes, motorcycles, in whole or taken in parts, or any other type machinery.
- J. Collectibles, including objects of art, coins, currency and antique objects, but not including those items identified in § 136-9H, below.

SECONDHAND COLLECTOR

Has the same meaning as the term "junk collector" in MGL c. 140, § 56.

SECONDHAND DEALER

Has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

§ 136-2. Authority of Board of Selectmen.

The Board of Selectmen is authorized to license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles, subject to the provisions of MGL c. 140, §§ 202 through 205, and may revoke such licenses at pleasure.

§ 136-3. Dealers to be licensed.

- A. Every dealer in and keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in this Town shall be licensed.
- B. A temporary license will be required for transient and special event dealers. The conditions of the temporary license will be determined by the Board of Selectmen.

§ 136-4. Collectors to be licensed.

Every collector of junk, old metals and secondhand articles in this Town shall be licensed.

§ 136-5. Inspection.

The licensed premises shall be subject to inspection by police officers of the Town of Falmouth during all hours that the premises are open to the public.

§ 136-6. Records.

The licensee shall keep a detailed written record of every purchase, including serial numbers and a description thereof, the date of such purchase and the name and residential address of the person from or to whom such purchase was made. The acceptable identification per § 136-1 is required of each seller. This record shall be made available for inspection at all reasonable times for all state and local police officers.

- A. A digital photograph will be taken of each item purchased as defined under "regulated property" in § 136-1, Subsections **A**, **B** and **C**. The photographs may be stored electronically, but are subject to the same recordkeeping requirements as listed in § 136-9A. Copies of the photographs will be made available to the Chief of Police in a timely manner and are subject to the same rights of inspection as listed in § 136-5.
- B. The licensee shall cause to be delivered to the Falmouth Police Department, on a weekly basis, a copy of all transactions recorded.

§ 136-7. Posting of license.

- A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.
- B. A secondhand dealer shall post the following notice, no smaller than 8 1/2 inches by 11 inches with lettering no smaller than 1/4 of an inch in height, outside each point of entry intended for patron use and at or near each place where a secondhand dealer purchases used property in the regular course of business. If a significant number of the patrons of the regular secondhand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

NOTICE:

The sale or attempted sale of property to a secondhand dealer without consent of the property's owner is punishable by a civil penalty not to exceed \$300 per item. Don't sell property without consent of the property's owner. You will be held strictly liable for violation of this law.

§ 136-8. Suspension or revocation of license.

Any license shall be subject to suspension, revocation or modification for any violation of these regulations or conditions of the license.

§ 136-9. Holding period for purchases.

- A. A copy of every purchase report form filled out as required by this chapter shall be kept on the premises of the secondhand dealer or secondhand collector business during normal business hours for at least three years from the date of purchase. The report form shall be subject to inspection by the Police Chief or his designee. The secondhand dealer or secondhand collector shall not be required to keep the purchase report forms in excess of three years.
- B. All regulated property in the categories of precious metals or precious gems, defined in § 136-1, Subsections **A** through **D**, purchased by a secondhand dealer or secondhand collector and required to be recorded on a purchase report form, shall be held by the secondhand dealer or secondhand collector for at least 21 days from the date of purchase.
- C. All other regulated property purchased by a secondhand dealer or secondhand collector and required to be recorded on a purchase report form shall be held by the secondhand dealer or secondhand collector for at least 14 days from the date of purchase.
- D. The secondhand dealer or secondhand collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief or his designee.

- E. Secondhand dealers retailing or wholesaling used property, limited to the following, are exempt from Subsection **B** but not Subsection **C** above:
- (1) Used clothing, furniture, costume jewelry, knickknacks, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery; or
 - (2) Used clothing, furniture, costume jewelry, footwear and houseware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a registered charity or by donations; or
 - (3) Used books, papers, or magazines.

§ 136-10. Weights and measures.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Falmouth Weights and Measures Division prior to being placed in service.

§ 136-11. Exemption of auto salvage yards.

Auto salvage yards shall be exempt from this chapter.

§ 136-12. Violations and penalties.

- A. Violation of any provision of this chapter may be prosecuted as a criminal matter or as an administrative procedure or by the noncriminal disposition method provided in MGL c. 40, § 21D. Each violation shall be considered separately.
- B. Whoever violates the provisions of this chapter shall be fined not more than \$300. The licensing authority may suspend, revoke or modify any license issued by it whenever it has reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this chapter enforced by the methods provided in MGL c. 40 § 21D, shall be subject to a fine of \$250.

§ 136-13. Exemptions.

Persons holding licensed yard sales and property sold at licensed yard sales and hobbyists.

§ 136-14. Severability.

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

OPEN SESSION

BUSINESS

12. Discuss Seasonal Communities designation **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 12.

ITEM TITLE: Discuss Seasonal Communities designation

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: EOHLC Seasonal Communities Guidance document dated December 12, 2024

PURPOSE:

BACKGROUND/SUMMARY:

- On December 12, 2024 the Executive Office of Housing and Livable Communities issued the attached Seasonal Communities Guidance document.
- The Seasonal Communities designation was created as part of the Affordable Homes Act, signed into law by Governor Maura Healey on Aug. 6, 2024.
- The Seasonal Communities designation is designed to recognize Massachusetts communities that experience substantial seasonal variation in housing demand, visitors, and employment and to create distinctive tools to address their unique housing needs.

- The law also established a Seasonal Communities Advisory Council.
- The Affordable Homes Act lists several communities that will receive the Seasonal Communities designation automatically. These communities include:
 - All municipalities in the counties of Dukes and Nantucket
 - All municipalities with over 35% seasonal housing units in Barnstable county
 - All municipalities with more than 40% seasonal housing units in Berkshire county
- The law also lists criteria for EOHLC to consider in order to designate additional communities as Seasonal Communities. These criteria include:
 - High rates of short-term rentals in relation to the overall housing inventory
 - Significant population increases in seasonal visitors
 - Excessive disparities between the area median income and the income required to purchase the municipality’s median home price
 - Percentage of housing stock that is used for seasonal, occasional or recreational use or is otherwise not used as a primary residence by the property’s owner
 - High variations in the average monthly variation of employment in the sector over the full year, in relation to the municipality’s minimum employment threshold

DEPARTMENT RECOMMENDATION:

This item is for information and discussion 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

1/23/2025

Date



Commonwealth of Massachusetts

EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

ISSUED: December 12, 2024

Executive Office of Housing and Livable Communities **Seasonal Communities Guidance**

The Executive Office of Housing and Livable Communities is issuing this guidance pursuant to *St. 2024, c. 150, §§ 5, 136* (the Affordable Homes Act) and M.G.L. c. 23B, §32 (Seasonal Communities Statute). EOHLC is issuing this guidance to provide more information about the Seasonable Communities Statute. EOHLC will continue to update this guidance during the development of the Seasonal Communities Program.

What is a Seasonal Community?

The Seasonal Communities designation was created as part of the Affordable Homes Act, signed into law by Governor Maura Healey on Aug. 6, 2024. The Seasonal Communities designation is designed to recognize Massachusetts communities that experience substantial seasonal variation in housing demand, visitors, and employment and to create distinctive tools to address their unique housing needs. The law also established a Seasonal Communities Advisory Council.

The Affordable Homes Act lists several communities that will receive the Seasonal Communities designation automatically. These communities include:

- All municipalities in the counties of Dukes and Nantucket;
- All municipalities with over 35% seasonal housing units in Barnstable county; and
- All municipalities with more than 40% seasonal housing units in Berkshire county.

The law also lists criteria for EOHLC to consider in order to designate additional communities as Seasonal Communities. These criteria include:

- High rates of short-term rentals in relation to the overall housing inventory;
- Significant population increases in seasonal visitors;
- Excessive disparities between the area median income and the income required to purchase the municipality's median home price;
- Percentage of housing stock that is used for seasonal, occasional or recreational use or is otherwise not used as a primary residence by the property's owner; and
- High variations in the average monthly variation of employment in the sector over the full year, in relation to the municipality's minimum employment threshold.

What can and must a Seasonal Community do?

The lists below are intended to provide a broad overview of the Seasonal Communities Statute.

Some of the tools under the Seasonal Communities Statute include the ability for Seasonal Communities to:

- Acquire “year-round housing” occupancy restrictions. The Seasonal Communities Statute defines “year-round housing” as housing for occupancy by persons or families who occupy either rental or other housing as their principal residence for not less than 10 months a year;
- Acquire and develop housing with a preference for housing seasonal community public employees that are necessary to the health and safety of maintaining a year-round community, including teachers, public works employees, public safety employees, first responders, town administrators and other employees essential for municipal operations who are members of a specified group under a federal or state program or policy that supports housing for such a specified group;
- Establish a Year-Round Housing Trust Fund, individually or with other seasonal communities, to create and preserve affordable and attainable housing for year-round residents pursuant to regulations to be promulgated by EOHLC;
- Create or preserve year-round housing for individuals who produce or support artistic and literary activities;
- Allow seasonal communities to develop a comprehensive housing needs assessment;
- Increase the property tax exemption for homes that are the owners’ primary residence

Seasonal Communities are required to:

- Adopt by-laws or zoning ordinances to permit undersized lots to be used for the creation of attainable year-round housing on lots that: (i) Are located in a zoning district that allows for single-family residential use, (ii) Comply with municipal floor area ratio by-laws and ordinances and (iii) Comply with all laws governing wastewater and sewer systems. Any residential housing built upon an undersized lot shall not be used as a seasonal home or short-term rental of less than 6 months and shall be used as year-round housing.
- Adopt by-laws or zoning ordinances to permit the construction of tiny houses to be used as year-round housing. A “tiny house” is defined as “a detached structure containing a dwelling unit containing 400 square feet or less in floor area, excluding lofts.” Tiny houses must meet state and local building code requirements and all movable tiny houses must be registered with the Registry of Motor Vehicles.

Under the Affordable Homes Act, a Seasonal Community may apply to EOHLC for a waiver from any requirements and EOHLC may grant consider whether Seasonal Community requirements can be carried out by existing town staff or a regional staff person performing equivalent duties.

What is the Seasonal Communities Advisory Council?

The Affordable Homes Act requires EOHLC to convene the Seasonal Communities Advisory Council.

The Advisory Council has the following duties:

- Pursuant to G.L. c. 23B, §32(a), EOHLC shall consult the Council when determining income thresholds for the purpose of defining “attainable housing”, which is defined under the Seasonal Communities Statute as housing that is affordable to year-round residents of seasonal communities.
- Pursuant to G.L. c. 23B, § 32(b), EOHLC shall consult the Council when reviewing municipalities under consideration for a seasonal communities designation by the Secretary of EOHLC.
- Pursuant to G.L. c. 23B, §32(c), the Council shall:

- Offer expertise on issues pertaining to municipal government, the hospitality industry, the tourism industry, housing law and housing development and finance in seasonal communities; and
 - Provide advice and recommendations to EOHLIC regarding policies or programs necessary to serve the distinct needs of seasonal communities, including but not limited to, accessing specialized or general application grant programs and best practices on incentivizing the production of attainable year-round housing in seasonal communities.
 - Submit an annual report of its recommendations to EOHLIC and the clerks of the house of representatives and the senate and the joint committee on housing not later than December 31st.
- Pursuant to G.L. c. 23B, §32(d), the Council shall be consulted in the promulgation of regulations by EOHLIC pertaining to the membership, powers and duties of Year-Round Housing Trust Funds which may be established by seasonal communities for the creation and preservation of affordable and attainable housing in seasonal communities for the benefit of year-round residents.

Who is on the Seasonal Communities Advisory Council?

Pursuant to G.L. c. 23B, § 32(c), the Council shall consist of the following members (each a “Member”):

- (i) The Secretary of EOHLIC, or their designee, who shall serve as chair.
- (ii) Three (3) Members to be appointed as follows:
 - a. 1 member of the senate appointed by the senate president, who represents a district in which at least 1 municipality is designated as a seasonal community;
 - b. 1 member of the house of representatives appointed by the speaker of the house of representatives, who represents a district in which at least 1 municipality is designated as a seasonal community; and
 - c. 1 person appointed by the Massachusetts Municipal Association, Inc.;
- (iii) Members appointed by the Secretary of EOHLIC:
 - a. 1 person who shall be a representative of the developer community and is a resident of a municipality designated as a seasonal community;
 - b. 1 person who shall be a licensed real estate agent with the board of registration of real estate brokers and salespersons and is a resident of a municipality designated as a seasonal community;
 - c. 1 person to represent each regional planning agency whose jurisdiction encompasses at least 1 municipality designated as a seasonal community;
 - d. 1 licensed attorney who practices in the area of land use and who is a resident of a municipality designated as a seasonal community; and
 - e. 1 person who shall be a representative of the lending and banking community and who is a resident of a municipality designated as a seasonal community.
- (iv) The Secretary of EOHLIC may appoint additional Members with knowledge and with

expertise in land use law, fair housing law, municipal law and operations or the housing needs of seasonal communities.

OPEN SESSION

BUSINESS

13. Hear an update on Southcoast Wind landfall at Brayton Point and recent concerns with SouthCoast Wind messaging **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 13.

ITEM TITLE: Hear an update on SouthCoast Wind landfall at Brayton Point and recent concerns with SouthCoast Wind messaging

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Peter Johnson-Staub, Assistant Town Manager

ATTACHMENTS: None

PURPOSE:

Staff will present a brief overview of recent developments with respect to the SouthCoast Wind Project permitting and messaging by the project proponents. There is no action requested at this time.

BACKGROUND/SUMMARY:

- SouthCoast Wind (formerly Mayflower Wind) received a lease from the U.S. Bureau of Ocean Energy Management to install wind turbines 30 miles south of Martha's Vineyard. The company indicates it intends to install two 1,200 megawatt cables to bring the electricity to the regional electric grid.
- The Town has not had any substantive communication with SouthCoast Wind representatives in over two years.

- In November of 2021, SouthCoast Wind filed permits to install a 1,200 megawatt cable from its offshore lease area in Falmouth. The Town began a process to evaluate this proposal and assess its potential impacts.
- In July of 2022, SouthCoast Wind suspended this permit application to make landfall in Falmouth and later filed a new set of permit applications seeking approval to install a 1,200 megawatt cable at Brayton Point in Somerset, Massachusetts.
- SouthCoast Wind recently received approvals from state and federal agencies for this first phase of the project to install a 1,200 megawatt cable with an interconnection at Brayton Point.
- The Town staff did not solicit or receive any updates from SouthCoast Wind with respect to a potential landfall in Falmouth for the second phase of the project until December of 2024. At that time, the SouthCoast Wind website implied SouthCoast had an agreement with the Town to make landfall in Falmouth and that the Town would receive revenue as a result of the agreement.
- The Town has not entered a host agreement with SouthCoast Wind and asked a representative of the company to correct the misleading content.
- SouthCoast Wind has since corrected the inaccurate representations on its website.
- SouthCoast further advised that it has identified Brayton Point as its preferred location for the second 1,200-megawatt cable as well as the first one which has already cleared a number of permitting hurdles. Falmouth remains an option for the second cable if for some reason SouthCoast is unable to site the full 2,400 megawatts at Brayton Point.
- The SouthCoast website now includes the following reference to Falmouth:

“Falmouth has been identified as a potential additional location for SouthCoast Wind’s onshore electrical infrastructure and connection to the regional grid. SouthCoast Wind is looking at Brayton Point for interconnection of the second 1,200 MW of electricity generated in the lease area; however, Falmouth continues to remain an option for this second phase while grid capacity and timing of necessary upgrades are determined.

The Falmouth community’s long-term participation in this important renewable energy project would increase town revenue, create local well-paid construction jobs, and

provide support for local organizations and residents.” (SOURCE: <https://southcoastwind.com/falmouth-connection/>)

- It is not known at this time when SouthCoast might file permits for the second phase of this project which could impact Falmouth if the preferred Brayton Point landfall is not approved.
- The Town has a webpage addressing the SouthCoast Wind project which has recently been updated. The direct link is <https://www.falmouthma.gov/1298/Offshore-Wind---SouthCoast-Wind-formerly>.
- The Town Manager recommends the Town seek guidance from outside counsel Audrey Eidelman Kiernan when, and if, SouthCoast files for permits with Falmouth as a potential landfall site.

DEPARTMENT RECOMMENDATION:

There is no action recommended at this time.

The Town Manager welcomes input from the Select Board regarding potential future action.

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:

There is no action recommended at this time.

The Town Manager welcomes input from the Select Board regarding potential future action.

Michael Renshaw

Town Manager

1/22/2025

Date

OPEN SESSION

BUSINESS

14. Review and discuss meal and travel policies **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 14.

ITEM TITLE: Review and discuss accounts payable policies for meal and travel lodging reimbursements

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Draft meal policy, Draft travel policy

PURPOSE:

The Board is asked to review and discuss policies that address reimbursement for employee meals and travel expenses.

Having such policies in place is a standard local government best practice, and eliminates ambiguity concerning expense reimbursements.

BACKGROUND/SUMMARY:

- The purpose of these policies is to establish guidelines for employees as well as board and committee members who may be eligible for reimbursement to attend training and conferences.
- There is some flexibility built into these policies as it is not feasible to specify specific rates for every circumstance.

- The two policies attached were prepared by staff based upon policies used by other communities, past experience, and best practices.
- To date, reimbursement for employee meals and travel have been reviewed by the Town Accountant based upon Massachusetts general law.

DEPARTMENT RECOMMENDATION:

The Town Manager seeks feedback on these policies which will be placed on a future agenda for approval with any amendments the Board may suggest.

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:

The Town Manager seeks feedback on these policies which will be placed on a future agenda for approval with any amendments the Board may suggest.

Michael Renshaw

Town Manager

1/15/2025

Date

Accounts Payable – Food and Meal Expenses

FOOD & MEAL EXPENSES (Employees, Committees and Boards)

The Town's accounts payable policies provide the Town Accountant's office with established procedures for processing accounts payable transactions. In addition to these procedures, the requirements noted below represent specific Town policies and guidelines applicable to purchases of food and Employee, Committee and Board meal expenses. This procedure applies to all employees and to the Town board and committee members seeking reimbursement from the Town. For the purposes of this document, the term 'employee' is used to all individuals seeking reimbursement for food and meal expenses.

Policy

The Town will provide for direct payment or reimbursement of food and employee meal expenses under the following conditions:

- A. As provided below, or as otherwise provided under a collective bargaining or employment agreement.
- B. For which the expense has been incurred as part of a necessary business or operating expense.
- C. In applying this policy, the Town will follow the applicable IRS guidelines regarding accountable vs. non-accountable benefit plans.
- D. Unless otherwise provided through an applicable collective bargaining or employment contract, the following conditions apply to payment for food and employee meal expenses. Where the applicability of these conditions is in question, the Town Accountant shall consider the guidelines contained herein and has the final discretion as to what an eligible food and employee meal expense is.

1. Employee meal expenses while on authorized travel or while engaged in authorized business.

Employees who are out of Town, attending training programs or other events in the performance of their job responsibilities, as a condition of employment or on behalf of the Town in their official capacity may be eligible for food and/or meal costs to be either paid or reimbursed. Although this policy cannot cover all circumstances that may arise, the following conditions apply to payment of employee meal expenses.

- a. The Town of Falmouth will reimburse employees at the U.S. General Services Administration (GSA) rates for the destination of the training program or conference. If a location has no federal reimbursement rate, then the rates will be set by the Town Accountant based on similar locations.
- b. If meals are included in the cost of attending an event, the meals included are not otherwise eligible for payment or reimbursement.
- c. Meals included in the cost of an authorized event may exceed the limitations noted in 1a and 1b above.
- d. Purchases of alcoholic beverages, or for any services or entertainment provided as part of a meal and included in the meal price are not eligible expenses.

Accounts Payable – Food and Meal Expenses

- e. The maximum daily reimbursement for meals is reduced by the amounts in 1b for partial days. The employee will only be reimbursed up to the reduced daily amount for those mealtimes while required to be away or traveling. The employee will not be reimbursed for additional mealtimes in which the additional stay, or travel time was at the employees' option, discretion, or other voluntary reason.
- f. Request for meal expense/reimbursement shall be made using the Employee Expense/Reimbursement Form, signed, and approved by the employee and the department head. Forms should be submitted by the end of the month following the month the cost was incurred. Reimbursement for June travel must be submitted in time for processing the final fiscal year warrant. Any exceptions to this are at the discretion of the Town Accountant.

The following must accompany a request for payment or reimbursement of meal expenses:

1. A completed and signed Supplemental Expense Documentation Form.
2. An itemized receipt displaying all items purchased and charged as part of the request for payment.
3. For reimbursement - If the receipt does not indicate the payment type, proof of payment is required to be provided by the employee. This may include a charge indicated on a credit card statement, a cancelled check, or other documentation. Generally, a handwritten receipt alone will not be acceptable.
4. If not evident on the Employee Reimbursement Expense Form, justification of the meals expense and for the purpose of the travel/time-away must be provided. For attendance at events/conferences, etc., a copy of the registration, agenda or other acceptable documentation for the event must be provided or on file with the accounting office.

2. Refreshments for employees, volunteers and committee members for meetings or events

Refreshments and meals served to officers, employees or persons doing business with the Town at official meetings or events are potentially eligible expenses, so long as they are modest and benefit the Town by helping to keep participants alert and receptive or by enhancing efficiency by avoiding loss of time and/or disruption if participants leave the premises.

Conditions related to these types of expenditures are as follows:

- a. The meeting or event must be sponsored by the Town and/or the department and related to the public purpose of the sponsor.
- b. The meeting or event must be four hours or longer in length. Staff meetings must be for three hours, or greater in length.
- c. The cost of the refreshments/food should not exceed the per individual/per meal cost as indicated under section 1b. for the meal to be covered. Unless otherwise stated, or if the refreshments being served are not during a traditional mealtime, the cost limitations applicable to breakfast will apply.
- d. Requests for payment of food & meal expenses shall be made using the Employee Reimbursement Expense Form, signed, and approved by the employee and the department head. Forms should be submitted by the end of the month following the

Accounts Payable – Food and Meal Expenses

month the cost was incurred. Reimbursements for June must be submitted in time for processing of the final fiscal year warrant. Any exceptions to this are at the discretion of the Town Accountant.

- e. The following must accompany a request for payment or reimbursement of food/meal expenses for meetings or events:
 1. A completed and signed Supplemental Expense Documentation Form.
 2. An itemized receipt displaying all items purchased and charged as part of the request for payment.
 3. For reimbursement - If the receipt does not indicate the payment type, proof of payment is required to be provided by the employee. This may include a charge indicated on a credit card statement, a cancelled check, or other documentation. Generally, a handwritten receipt alone will not be acceptable.
 4. Copy of the meeting posting and agenda.

3. Refreshments at public functions

Refreshments at public functions, such as ribbon-cutting ceremonies, an opening day, annual meeting, presentation, or reception are eligible expenses provided they are modest and serve to provide a benefit for the Town by attracting participation and helping to keep participants alert and receptive. Conditions related to this type of expenditure are as follows:

- a. The meeting or event must be sponsored by the Town and/or the department and, related to the public purpose of the sponsor.
- b. The cost of such refreshments cannot exceed \$200 for each event, nor more than \$1,000 per fiscal year operating budget per department, without the express written permission of the Town Manager or Assistant Town Manager
- c. Requests for food or meal expenses shall be made using the Supplemental Expenses Documentation Form, signed, and approved by the employee and the department head. Forms should be submitted by the end of the month following the month the cost was incurred. Reimbursement for June travel must be submitted in time for processing the final fiscal year warrant. Any exceptions to this are at the discretion of the Town Accountant.
- d. The following must accompany a request for payment or reimbursement of food/meal expenses for meetings or events:
 1. A completed and signed Supplemental Expense Documentation Form.
 2. An itemized receipt displaying all items purchased and charged as part of the request for payment.
 3. For reimbursement - If the receipt does not indicate the payment type, proof of payment is required to be provided by the employee. This may include a charge indicated on a credit card statement, a cancelled check, or other documentation. Generally, a handwritten receipt alone will not be acceptable.
 4. Copy of the meeting posting and/or advertisement and agenda.

Accounts Payable – Food and Meal Expenses

4. Inclement Weather Food and Meal Expenses

Purchasing food, meals and refreshments for working storms after hours is permitted. The DPW Director will determine when the situation warrants after-hours meals.

- a. The storm event must be three hours or longer in length.
- b. The cost of the refreshments/food should not exceed the per individual/per meal cost as indicated under section 1b. Unless otherwise stated, or if the refreshments being served are not during a traditional mealtime, the cost limitations applicable to lunch will apply.
- c. Forms should be submitted by the end of the month following the month the cost was incurred. Reimbursement for June must be submitted in time for processing of the final fiscal year warrant. Any exceptions to this are at the discretion of the Town Accountant.

The following must be provided with the request for reimbursement:

1. A completed and signed Supplemental Expense Documentation Form.
2. An itemized receipt displaying all items purchased and charged as part of the request for payment.
3. For reimbursement - If the receipt does not indicate the payment type, proof of payment is required to be provided by the employee. This may include a charge indicated on a credit card statement, a cancelled check, or other documentation. Generally, a handwritten receipt alone will not be acceptable.

Accounts Payable – Food and Meal Expenses

Receipts should include the following information:

1. Vendor's name, address of purchase, merchant location ID
2. Transaction Date
3. Detail of purchase: list of items or services, quantity, and price per item
4. Purchase total amount
5. Payment details, including payment method and amount.
6. For credit card payments: the last four digits of the card number, authorization code, date, and time of transaction.

Please note: if any of these elements is missing from the receipt, we may request a statement to support the expense.

1. Vendor's Information

2. Transaction date and time

3. Detail description of purchase

4. Purchase total amount

5. Payment details.

STOP & SHOP
 474 STATION AVENUE
 SOUTH YARMOUTH, MA 02664
 Store Telephone: (508) 394-0431

Store #2422 10/29/21 09:11am

BREAD SHOP		
ASST CAKE DNTS		5.49 F
RPL CRSP LB CK		5.99 F
SAVINGS		0.20-F
PRICE YOU PAY	5.79	
ASST CAKE DNTS		5.49 F

Total After Savings 16.77
 TAX 0.00
 **** BALANCE 16.77

Payment Type: Debit
 CHIP Purchase PIN Bypass
 Card: *****7421
 Payment Amt: \$16.77
 BALANCE: \$
 RID: A0002000042203
 AUTH#346807 RC#00 10/29/21 09:12am

 MASTERCARD 16.77
 CHANGE 0.00

***** SAVINGS SUMMARY *****
 Card Savings: 0.20
 Your Total Savings: 0.20

10/29/21 09:12am 2422 5 47 176
 Customer 22*****0001
 www.StopAndShop.com
 Thank you for shopping STOP & SHOP
 Dan McDonagh, Store Manager
 MELISSA, Your Cashier

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 Tell us in the next 5 days at
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TOWN OF FALMOUTH, MASSACHUSETTS

Policies and Procedures

Accounts Payable - **Supplemental Considerations for Travel, Conference & Lodging Expenses**

The Town's accounts payable policy provides for the Town Accountant's office to establish departmental procedures for processing accounts payable transactions. In addition to these procedures, the requirements noted below represent specific Town policies and guidelines applicable to employee travel, conference & lodging expenses.

Policy

The Town will provide for direct payment or reimbursement to employees for employee travel, conference & lodging expenses under the following conditions:

- a. As provided below, or as otherwise provided under a collective bargaining or employment agreement.
- b. The expense has been incurred in the necessary performance of one's duties.
- c. In applying this policy, the Town will follow the applicable IRS guidelines regarding accountable vs. non-accountable benefit plans.
- d. Unless otherwise provided through an applicable collective bargaining or employment contract, the following conditions apply to payment for travel, conference & lodging expenses. The Town Accountant shall apply the guidelines contained herein, and has the final discretion as to eligibility, allowable expense, and required documentation.

1. Conditions applicable to all travel, conference & lodging expenses

- a. This policy cannot identify or cover every possible scenario that may apply to these types of costs. However, in general, the following conditions and guidelines are applicable to all travel, conference & lodging expenses:
- b. Out of state travel must be approved in writing by the Town Manager or Assistant Town Manager - use the Supplemental Expense Documentation Form for this purpose. See Appendix A for the preauthorization form.
- c. Instate travel, conference and/or lodging expenses exceeding, or reasonably expected to exceed \$1,000 must be approved in advance and in writing by the Town Manager or Assistant Town Manager - use the Supplemental Expense Documentation Form for this purpose. See Appendix B for the preauthorization form.
- d. Expense incurred should be for reasonable and necessary travel and lodging accommodations. The Town Accountant shall have the discretion to make these determinations. Department Heads are advised to seek prior approval from the Town Accountant if there are questions as to what may be considered reasonable and necessary.
- e. The employee and department head should make every effort to find the lowest cost possible for these types of expenses, and should avoid expensive or lavish travel and/or lodging given the circumstances and needs of the employee and the event.
- f. **Under MGL, the Town Accountant has the statutory authority to refuse payment for costs deemed unlawful, fraudulent or excessive.** When assessing the reasonableness of the costs incurred, the Town Accountant has the discretion to disallow all, or a portion of travel, conference & lodging costs based upon this standard.

TOWN OF FALMOUTH, MASSACHUSETTS

Policies and Procedures

Accounts Payable - **Supplemental Considerations for Travel, Conference & Lodging Expenses**

- g. Payment or reimbursement of travel, conference & lodging expenses may be made in advance of the travel, provided it is a requirement for securing the registration, travel ticket, accommodation, etc.
- h. It is preferable that an employee attempt to coordinate payment directly through the Town prior to making a purchase for which they will seek reimbursement.
- i. Only expenses related to employee travel, conference & lodging will be paid or reimbursed. Additional costs applicable to travel companions will not be paid.

2. Conditions Applicable to Mileage Expenses

Employees may be reimbursed for use of their personal vehicle on a per mile basis under the following conditions:

- a. Reimbursement will be made at the IRS mileage rate.
- b. The employee should utilize town vehicles that are available prior to using a personal vehicle. If There are multiple attendees for an event, then carpooling to the event using a town vehicle must be considered. Personal vehicle use to perform job responsibilities should not be done for the convenience of the employee, but rather when it is the most practical use of time and resources. Employee mileage reimbursement may be limited or disallowed at the discretion of the Town Accountant for this reason.
- c. Mileage reimbursement is not allowed for commuting or other mileage related to personal business. A personal stop (i.e. lunch) along the travel route is permissible if it does not increase the reimbursable mileage.
- d. The amount of mileage reimbursed shall be based upon the shortest, practical route. Exceptions are allowed but must be approved by the Department Head and accepted by the Town Accountant.
- e. A request for mileage reimbursement shall be made using the Supplemental Expense Documentation Form, signed by the employee, and approved by the department head. Forms should be submitted by the end of the month following the month the trip was incurred. Reimbursement for June travel must be submitted in time for processing the final fiscal year warrant. Any exceptions to this are at the discretion of the Town Accountant. Bundling mileage and submitting during the last month of the fiscal year is not acceptable. If this occurs, the Town Accountant can disallow all but the mileage for the last month of the fiscal year. Likewise bundling multiple months during the fiscal year delays the proper recording of the expense, which can result in overspending the budget.
- f. Mileage reimbursement requests for travel out of Town shall be supported by mileage calculations indicated by an on-line map service (i.e. Google Maps).
- g. Mileage travelled to events/conferences must be supported by a registration form, agenda or other documentation verifying its occurrence and location, as well as attendance by the employee.

The link to the mileage reimbursement form is:

<https://www.falmouthma.gov/DocumentCenter/View/16001/2024-Mileage-Reimbursement-Form>

3. Conditions Applicable to Non-mileage travel expenses

Tolls, parking and out of pocket costs for airfare, train, or other mode of transportation to attend professional conferences, training or other work-related events are acceptable expenses. The following conditions apply to non-mileage travel expenses:

- a. The following must accompany a request for non-mileage travel payments or reimbursement:
 1. Completed Supplemental Expense Documentation Form signed by the employee and Department Head
 2. Invoice or receipt indicating what the payment is for.
 3. For reimbursements - If the invoice does not indicate payment type, proof of payment is required to be provided by the employee. This may include a charge on a credit card statement, cancelled check, or other documentation. Generally, a handwritten receipt alone will not be acceptable.
 4. Agenda, registration form or other documentation verifying the event, its location and attendance by the employee.
- b. Generally, non-mileage travel expenses are reserved for destinations greater than 4 hours' distance (by car) from the Town of Falmouth. However, the Town Accountant may allow these costs for closer destinations provided it demonstrates a less expensive travel arrangement.

4. Conditions Applicable to Lodging expenses

Expenses related to employee lodging may be paid or reimbursed within the following guidelines:

- a. The meeting/event site is over 55 miles from the Town of Falmouth.
- b. The meeting/event and total travel time exceeds 10 hours.
- c. The number of overnight stays cannot exceed the number of scheduled days of the meeting/event.
- d. The Town Accountant has some discretion regarding these conditions, provided it is demonstrated that additional lodging expenses result in lower overall travel expenses for the event.

OPEN SESSION

BUSINESS

15. Consider a letter of support for the grant application of Tisbury Towing and Transportation **(20 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 15.

ITEM TITLE: Consider a vote to send a letter of support for the federal Marine Highway Project Grant application submitted by Tisbury Towing and Transportation

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Draft Letter of Support; Copy of MV Times article dated December 20, 2024

PURPOSE:

BACKGROUND/SUMMARY:

- The United States Marine Highway Program (USMHP) is a discretionary transportation grant program administered by the Maritime Administration.
- Funds for the USMHP are awarded on a competitive basis to projects on designated U.S. Marine Highway Routes that provide a coordinated and capable alternative to landside transportation or that promote marine highway transportation.

- Through the development and promotion of marine highway transportation, the program aims to relieve landside congestion and generate other public benefits by increasing the efficiency of the surface transportation system.
- As reported in the MV Times on December 20, 2024 (see attached), The Tisbury Towing and Transportation Co. (TTT), owned by R.M. Packer, is pursuing this federal grant to construct a new boat ramp at the Tisbury Marine Terminal, which proponents say could help relieve the Steamship Authority of hazardous materials and trash, and increase commercial transportation between the Island and New Bedford.
- If awarded the grant, construction of a new boat ramp, repairs to existing bulkhead, and modernizing electricity will help expand their business operation and streamline the Island's commercial transportation.
- Per the December 20 MV Times article, such an expanded operation could have a significant impact on off-Island transportation; for example, one barge full of sand would eliminate 33 tractor-trailers from Steamship vessels, and one fuel barge is equivalent to 10 fuel tanker trucks.
- Since TTT operates out of New Bedford, any truck or tractor trailer they are able to transport decreases the congestion in Falmouth, on the Woods Hole Road corridor, and at the Steamship Authority terminal area.
- The Dukes County Commission has recently approved sending a similar letter of support for the grant application submitted by TTT.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the draft letter of support for the federal Marine Highway Project Grant application submitted by Tisbury Towing and Transportation as presented and authorize the Chair to sign the letter.

OPTIONS:

- Motion to approve sending a letter of support for the federal Marine Highway Project Grant application submitted by Tisbury Towing and Transportation as presented.
- Motion to deny sending a letter of support for the federal Marine Highway Project Grant application submitted by Tisbury Towing and Transportation.

➤ 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 draft letter of support for the federal Marine Highway Project Grant application submitted by Tisbury Towing and Transportation as presented and authorize the Chair to sign the letter.

Michael Renshaw

Town Manager

1/22/2025

Date

January 27, 2025

U.S. Department of Transportation Maritime Administration (MARAD)
Marine Highway Project Grant
Applicant: Tisbury Marine Terminal
Referral: The Select Board of the Town of Tisbury

To Whom it May Concern,

The Falmouth Select Board strongly supports the grant application of Tisbury Towing and Transportation Co., Inc. (TTT) for improvement to the Tisbury Marine Terminal.

TTT is the only operator on the island of Martha's Vineyard capable of bulk freight shipping and transporting over-size, over-width, or over-weight shipments to the island; items larger than what the Steamship Authority can transport. This includes various heavy-duty equipment, modular homes, and other large items.

Equally important is their role in transporting bulk materials and commodities like fuel and heating oil for public and private use. TTT transports the materials to support civil construction operations which includes aggregates for the only asphalt plant operating on the island. This is vital in repairing infrastructure including airport runways, Steamship Authority terminal facilities and all island roadways.

Since TTT operates out of New Bedford, any truck or tractor trailer they are able to transport decreases the congestion in Falmouth, on the Woods Hole Road and at the Steamship terminal. Continued capability to do so and future ability to increase the TTT capacity for transporting hazardous materials and trash from Martha's Vineyard will greatly decrease the load on the Woods Hole terminal and heavy-duty truck traffic and will be welcomed by Woods Hole residents.

We want to be clear that this would not just benefit TTT and the Tisbury and Woods Hole communities, but all six towns and residents on Martha's Vineyard.

For all these reasons we are very much in support of the TTT application as a critically important step in maintaining the island's marine transportation route to the mainland.

Feel free to reach out if you have any additional questions or if we can be of further assistance in this matter.

Sincerely,

Nancy Robbins Taylor, Chair
Falmouth Select Board

cc: Tisbury Towing and Transportation Co., Inc.
Tisbury Select Board
Falmouth Select Board

Packers look to expand Vineyard Haven terminal

A new Tisbury Towing boat ramp could help off-Island commercial transportation

By **Nicholas Vukota** - December 20, 2024



Sand being loaded off the Tisbury Transport Barge into the back of a packer truck at the Tisbury Marine Terminal. - Nicholas Vukota, MV Times

The Tisbury Towing and Transportation Co. (TTT), owned by R.M. Packer, is pursuing a federal grant to construct a new boat ramp at the Tisbury Marine Terminal, which proponents say could help relieve the Steamship Authority of hazardous materials and trash, and increase commercial transportation between the Island and New Bedford.

If awarded the grant, Debby Packer, who was seeking support from the Dukes County Commission on Wednesday, said, construction of a new boat ramp, repairs to existing bulkhead, and modernizing electricity will help expand their business and streamline the Island's commercial transportation.

To help pay for the commercial-use-only boat ramp, TTT is seeking a grant from the Department of Transportation Maritime Administration's Marine



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Before the Vineyard Haven company gets a definitive total to request, they first need local support. And at the county commission meeting on Wednesday night, commissioners approved writing a letter of support for the grant request.

“This could potentially help with bringing more from New Bedford, as opposed to trucks having to drive to Woods Hole and be put on the Steamship,” said Martina Thornton, Dukes County Commission manager. “The town of Tisbury will be recommending to the grantor to allow for the grant to go to the Tisbury Towing and Transportation Co.”

According to Packer, an expanded operation could have a significant impact on off-Island transportation. One barge full of sand, for example, would eliminate 33 tractor-trailers from Steamship vessels, and one fuel barge is equivalent to 10 fuel tanker trucks.

She is hopeful that the federal government will see the benefits the project could bring. “The maritime administration wants to support small ports in rural areas that are doing short marine shipping,” said Packer. “They give grants to improve the efficiency and safety of the transportation of freight through ports.”

According to the federal grant outline presented by Packer to the county, Vineyard Haven Harbor is the only deep-water-accessible port on the Island, and TTT operates the only terminal capable of accommodating oversize, overweight, and bulk freight.

Currently TTT has a single ramp at the Tisbury terminal, two tugboats named Sirius and Thuban, two deck barges, and one fuel transport barge. Packer said the company currently transports riprap for the Island’s jetties, the large construction equipment used in the Tisbury School construction project, modular classrooms and modular houses, salt for the roads, fuel for airplanes, and many more vital materials and equipment used around the Island.

Packer said the most efficient way to manage a barging system is with two ramps for docking, loading, and unloading, with two boats operating between each ramp.

But the grant is not guaranteed. TTT has two years left on a permit it has obtained by working with the Army Corps of Engineers, Massachusetts Department of Environmental Protection, the Martha’s Vineyard Commission, and the Tisbury select board. Packer said it could take as much

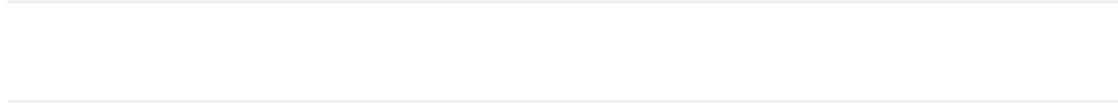
 EN get another permit if they do not get this grant and finish the construction

Getting the grant will help the Packers maintain the business and property.

“It’s vital to the Island,” Debby Packer said about the property. “If it was sold to an off-Island company, we don’t know how the community would be treated. My dad loves this community; he wants to make sure everyone can be here and be treated fairly. I wasn’t sure how we could keep it in the community without this grant.”

“It’s restored all of our hope, and it’s basically going to save our butts,” she said about the possibility of getting the grant.

TTT also received a letter of recommendation from the Martha’s Vineyard Airport.



OPEN SESSION

BUSINESS

16. Vote articles and execute warrant for April 2025 Annual Town Meeting **(15 minutes)**



ITEM NUMBER: Business 16.

ITEM TITLE: Vote articles and execute warrant for the April 2025 Annual Town Meeting

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Town Meeting Index - DRAFT, Town Meeting Warrant - DRAFT

PURPOSE:

The Select Board will vote the articles and execute the warrant for April 2025 Annual Town Meeting.

BACKGROUND/SUMMARY:

- The Town Meeting warrant is scheduled to be voted by the Select Board on January 27, 2025, and published in the newspaper January 31.
- The Board will vote the recommendations on the articles at their meeting on February 24th.
- The proposed April 2025 Annual Town Meeting warrant includes 42 articles in total of which 32 are financial, including 3 petition articles and 17 Community Preservation articles.
- There are two petition articles related to the funding of a urine diversion assessment and urine diversion study.
- We have included an article to amend the Position Classification Plan. The specific

changes to the Classification Plan will be identified in the recommendation.

- There is an article that seeks authorization to enter a lease of land or buildings for the installation of solar photovoltaic energy.
- Another article would seek to expand the Veteran’s Exemption through the acceptance of General Laws Chapter 59, Section 5, Clause Twenty-second J which authorizes an annual increase in the amount of the exemption granted by 100% of the personal exemption amount.
- One article of note seeks to authorize the Select Board to petition the General Court for a special act to amend the Charter to establish a Licensing Commission as has been discussed in previous Select Board meetings.
- The Board will hear petition article presentations at the February 10 meeting.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote the articles as presented and execute the warrant for the April 2025 Annual Town Meeting.

OPTIONS:

- Motion to vote the articles and execute the warrant for the April 2025 Annual Town Meeting as presented.
- Motion to vote the articles and execute the warrant for the April 2025 Annual Town Meeting with specified amendments.

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 the articles and execute the warrant for the April 2025 Annual Town Meeting as presented.

Michael Renshaw

Town Manager

1/23/2025

Date

ANNUAL TOWN MEETING

Article Number	Description
1	Choose Town Officers
2	Hear Reports from Committees and Town Officers
3	Fix Salaries of Elected Officials
4	Amend: Position Classification Plan
5	Fund: Fiscal Year 2026 Operating Budget
6	Fund: Transfer from the Special Education Stabilization Fund into School Fiscal Year 2025 Special Education Expenses (2/3rd)
7	Fund: Capital and Debt Stabilization Fund
8	Fund: Wage Settlements
9	Fund: Other Post Employment Benefits Trust Fund
10	Fund: Falmouth Affordable Housing Fund
11	Authorize: Fiscal Year 2025 Budget Transfers from Other Appropriations
12	Fund: FY2025 Supplemental Budget Appropriations
13	Authorize: Revolving Fund
14	Fund: Various One Time Items from Free Cash
15	Fund: Design, Engineering and Construction of Northeast Maravista and Teaticket Path Peninsula Sewer Service Area (2/3 rd)
16	Petition: Fund Urine Diversion Assessment
17	Petition: Fund Urine Diversion Study
18	Petition: Transfer from Embarkation Fund for Woods Hole Police Detail
19	Petition: Prohibition of Sale and Release of Balloons
20	Expand Veteran's Exemption
21	Authorize: Lease of Land for Installation of Solar Photovoltaic Energy Facilities
22	CPC: Housing for Friends or Relatives with Autism & Related Disabilities
23	CPC: John Neill Falmouth Youth Baseball Fields Phase II Rehabilitation
24	CPC: Falmouth Community Play Space
25	CPC: Mullen Hall Playground Renovation
26	CPC: Church of the Messiah Bikeway Access Path
27	CPC: Upper Cape YMCA
28	CPC: 599 Brick Kiln Road Conservation Restriction
29	CPC: 578 Locustfield Road Conservation Restriction
30	CPC: Falmouth Historical Society
31	CPC: Old Burying Ground Condition Assessment and Phase I Conservation Work
32	CPC: North Falmouth Village Junction Exterior Rehabilitation

Article Number	Description
33	CPC: Lawrence Academy Exterior Rehabilitation
34	CPC: First Congregational Church of Falmouth Steeple Rehabilitation
35	CPC: Penikese Island School
36	CPC: College Light Opera Company
37	CPC: Falmouth Affordable Housing Fund
38	CPC: Administrative Expenses
39	Authorize: Acceptance of Gift of Land, 0 Hatchville Road
40	Authorize: Home Rule Petition to Establish the Falmouth Licensing Commission
41	Authorize: Lease of Land for Parking
42	Authorize: Acceptance of Gift of Access Easement, 16 Church Street

ANNUAL TOWN MEETING

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

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

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

Title	Amount
Moderator	\$2,000
Town Clerk	\$114,256
Select Board Members	\$5,000
Chair of Select Board	\$6,000

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

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

ARTICLE 5: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2026 and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

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

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

ARTICLE 8: To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 9: To see if the Town will vote to raise and appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 10: To see if the town will vote to raise and appropriate a sum of money to the Falmouth Affordable Housing Fund. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 11: To see if the Town will vote to transfer a sum of money within the Fiscal Year 2025 budget to make necessary adjustments thereto. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 12: To see if the Town will vote to appropriate a sum of money to supplement the FY 2025 budget approved by Article 5 of the April 8, 2024 Annual Town Meeting, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 13: To see if the Town will vote to authorize continued use of the following Revolving Funds for certain Town departments under M.G.L. c. 44 § 53E½ for the fiscal year beginning July 1, 2025, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Line	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	Fiscal Year 2026 Spending Limit	Disposition of Fiscal Year 2026 Fund Balance
1	Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$40,000	Available for expenditure
2	Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$20,000	Available for expenditure
3	Shellfish Propagation	Conservation Commission	Mitigations and Donations	Purchase of Shellfish Seed	\$15,000	Available for expenditure
4	Shellfish and Aquaculture	Marine & Environmental Svcs	Rental Equipment	Propagation & Aquaculture	\$150,000	Available for expenditure
5	Senior Services	Senior Services Director	Fees	Activities	\$500,000	Available for expenditure

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

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

ARTICLE 15: To see if the Town will vote to appropriate a sum of money to fund the engineering, design and construction of the wastewater collection system for the northeastern part of the Maravista

peninsula and the Teaticket Path peninsula, the pump stations and force main to convey the wastewater to the Town's Main Wastewater Treatment Facility, and the rehabilitation of the Town's existing northernmost open sand beds for discharge of treated wastewater (Great Pond Phase 1 Sewer Project), including, without limitation, all costs incidental and related thereto, to determine whether this amount shall be raised by borrowing or otherwise, and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 16: To see if the Town will vote to appropriate a sum of \$48,750 from certified free cash for the purpose of conducting an assessment of equipment and installation costs to incorporate urine diversion technology in 50 homes as a method for effectively reducing the amount of nitrogen and phosphorus entering Town waters in support of the Town's Comprehensive Wastewater Management Plan, and to determine how the same will be raised and by whom expended or do or take any action on the matter. On petition of Earle Barnhart, Ron Zweig, Hilda Maingay, Green Center, Inc. and others.

ARTICLE 17: To see if the Town will vote to appropriate a sum of \$94,320 from certified free cash for the purpose of conducting a one-year urine diversion study using portable unisex urinal features and storage containers at 30 homes to determine the pounds of nitrogen and phosphorus collected and removed in diverted urine, and to also measure the volume of the septic tank effluent and the effluent's nitrogen and phosphorus concentrations, in support of the Town's Comprehensive Wastewater Management Plan, and to determine how same will be raised and by whom expended. Or do or take any action on the matter. On petition of Earle Barnhart, Ron Zweig, Hilda Maingay, Green Center, Inc. and others.

ARTICLE 18: To see if the Town will vote to transfer and appropriate a sum of \$80,000 from Ferry Embarkation Fund for the purpose of funding costs associated with the provision of a police detail to the village of Woods Hole seven (7) days per week, eight hours per day, during the period July 1, 2025 through September 13, 2025 to the maximum extent feasible, subject to available staffing and the discretion of the Police Chief in the deployment of law enforcement personnel. Funds for this Article to be expended under the jurisdiction of the Town Manager. On petition of Thomas S. Crane and others.

ARTICLE 19: To see if the Town will vote to amend Chapter 191 - Solid Waste - of the Code of Falmouth, by adding a section "Prohibition of the sale and release of balloons inflated with lighter-than-air gas":

Purpose and Intent:

To prohibit both the sale and release of balloons inflated with lighter-than-air gas in the town of Falmouth. Balloons inflated with lighter-than-air gas, when released intentionally or accidentally, can cause environmental hazards such as marine entanglement and strangulation, or pollution of the land and waterways. The coating on some balloons can cause electrical fires if they contact power lines. Additionally, the use of helium to inflate these balloons is a wasteful consumption of a non-renewable resource.

SECTION 1. Definitions

Plastic balloon: balloon containing a seam made of inelastic plastic (such as biaxially oriented PET film) allowing them to be printed with designs that are not distorted by inflation.

Latex balloon: balloon made from synthetic latex, rubber, or polychloroprene.

Mylar balloon: balloon that is made of polyethylene terephthalate (PET), a thin, shiny, and reflective plastic film that is coated with metal foil such as aluminum.

Lighter-than-air-gas: a gas that has a lower density than the surrounding air, causing it to naturally rise and float.

Helium: an odorless, colorless, non-toxic, inert gas which is the lightest member of the noble gas series.

SECTION 2. Use regulations:

It shall be unlawful to sell or distribute any type of balloon (including, and not limited to, plastic, latex, or Mylar balloons) inflated with any lighter-than-air gas (including, and not limited to, helium gas). Further, no person shall release, intentionally or accidentally, or cause to be released into the air any balloon(s) inflated with any lighter-than-air gas. Launching or operation of lighter-than-air aircraft or the launching of balloons inflated with lighter-than-air gas by government agencies or scientific organizations is allowed.

SECTION 3. Effective Date:

Except as provided herein, the prohibition of the sale or release of balloons inflated with lighter-than-air gas by all establishments and parties shall be phased in before January 1, 2026.

SECTION 4. Administration and Enforcement:

This article may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21D and appropriate chapter of the Town's General By-laws. If noncriminal disposition is elected, then any establishment or person(s) which violates any provision of this article shall be subject to the following penalties:

1. First offense: fine of fifty dollars (\$50).
2. Second offense: fine of one hundred dollars (\$100).
3. Third and subsequent offense: fine of two hundred dollars (\$200).

Subsequent offenses shall be determined as offenses occurring within two (2) years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one (1), each condition violated shall constitute a separate offense. On petition of Christopher McGuire.

ARTICLE 20: To see if the town will vote to accept the provisions of Chapter 59, Section 5, Clause Twenty-second J of the General Laws, which authorizes an annual increase in the amount of the exemption granted under General Laws Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by 100% of the personal exemption amount, subject to the conditions in Clause 22J, to be effective for applicable exemptions granted beginning July 1, 2025. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 21: To see if the Town will vote to authorize the Select Board to lease certain portions of land or buildings owned by the Town as further described below for the installation of solar photovoltaic energy facilities and supplying solar energy, for a term up to thirty (30) years, on terms acceptable to the Select Board, and on such other terms and conditions and for such consideration as the Select Board deems appropriate; and to authorize the Select Board to enter into such leases and to grant such access, utility, and other easements in, on and under said land as may be necessary or convenient to construct, operate and maintain such solar photovoltaic energy facilities and supply solar energy, and to authorize the Select Board to take any actions and execute any documents necessary to accomplish the foregoing; and further to authorize the Town Manager/School Superintendent to enter into any power purchase agreements with any lessee of such property to purchase all or a portion of the electricity produced. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 22: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to Friends or Relatives with Autism & Related Disabilities (FORWARD) for the FORWARD at the Rock Phase II regional community housing project for adults with autism and

related disabilities located at 131 Hokum Rock Road, Dennis, Massachusetts; to authorize the Town Manager to enter into a grant agreement upon such terms and conditions as deemed appropriate; and to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 23: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for the John Neill Falmouth Youth Baseball (FYB) Fields Phase II Rehabilitation project located on Town-owned property at 545 Gifford Street; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 24: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for the Falmouth Community Play Space design and engineering project located on Town-owned property at 416 Gifford Street; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 25: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to Falmouth Public Schools for the Mullen Hall School Playground Renovation project located on Town-owned property at 130 Katherine Lee Bates Road; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 26: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the Church of the Messiah for the Bikeway Access Path to/from Church Street project located at 16 Church Street; to authorize the Town Manager to enter into a grant agreement upon such terms and conditions as deemed appropriate; and to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 27: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the Upper Cape YMCA for the Outdoor Community Recreation Spaces project located at 487 Brick Kiln Road; to authorize the Town Manager to enter into a grant agreement upon such terms and conditions as deemed appropriate; and to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 28: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by Jeanette Ann Robichaud, on Brick Kiln Road in Falmouth, Barnstable County, Massachusetts identified as 599 Brick Kiln Road (Parcel ID 26 02 022 006A) being one parcel of land, containing approximately 1.98-acres as further described in a deed from Jeanette Ann Robichaud to Jeanette Ann Robichaud, Trustee of the Jeanette Ann Robichaud Revocable Trust, dated March 6, 2017, said property to be controlled by the Select Board; and further to authorize the Select Board to grant a perpetual conservation restriction, in accordance with M.G.L. c. 44B § 12 and M.G.L. c. 184 §§ 31-33, said conservation restriction to be administered by The 300 Committee (T3C) for water supply protection and land conservation purposes in accordance with M.G.L. c. 40, § 38, 39B, and 41, and Article 97 of the Amendments to the Massachusetts Constitution.

And, further, to appropriate the sum of Three Hundred Twenty-Three Thousand Seven Hundred and Fifty (\$323,750.00) Dollars from the Community Preservation Fund for the purposes of this article to be expended under the jurisdiction of the Select Board.

And, further, that the Town Manager be authorized to file, on behalf of the Town, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, including under the Drinking Water Supply Protection (DWSP) Grant Program (Chapter 312 of the Acts of 2008, § 2A, 2200-7017 and Chapter 209 of the Acts of 2018, § 2A 2000-7072) and/or any others in any way connected with the scope of this Article, and the Town Manager be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchases, and to receive and accept such grants or reimbursements for this purpose from these sources for the acquisitions within the scope of this Article, said grants or reimbursements to be deposited in the Town's Community Preservation Fund, or take any other actions relative thereto.

Or do or take any action on the matter. On request of the Select Board and the Community Preservation Committee.

ARTICLE 29: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a conservation restriction, restricting in perpetuity in accordance with M.G.L. c. 44B § 12 and M.G.L. c. 184, §§ 31-33 and M.G.L. c. 40, § 8L, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by Hen's Teeth LLC, on Locustfield Road in Falmouth, Barnstable County, Massachusetts identified as 578 Locustfield Road (Parcel ID 23 02 005 001) being one parcel of land, containing 6.00-acres as further described in a deed dated September 8, 2022 and recorded with the Barnstable County Registry of Deeds in Book 35362, Page 220, said property to be controlled by Farming Falmouth, Inc. and said conservation restriction to be administered by the Town of Falmouth through its Agricultural Commission for agricultural use, passive recreation and land conservation purposes in accordance with M.G.L. c. 184, § 32.

And, further, to appropriate the sum of Three Hundred Twenty Thousand (\$320,000.00) Dollars from the Community Preservation Fund for the purposes of this article to be expended under the jurisdiction of the Select Board.

Or do or take any action on the matter. On request of the Select Board and the Community Preservation Committee.

ARTICLE 30: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the Falmouth Historical Society for the Dr. Francis Wicks House Rehabilitation Phase III project located at 55 Palmer Avenue; to authorize the Town Manager to enter into a grant agreement upon such terms and conditions as deemed appropriate; and to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 31: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for the Old Burying Ground Condition Assessment and Phase I Conservation Work project located on Town-owned property at 0 Cemetery Lane to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 32: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for the North Falmouth Village Junction Exterior Rehabilitation project located on Town-owned property at 212 Old Main Road; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 33: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for the Lawrence Academy Exterior Rehabilitation project located on Town-owned property at 20 Academy Lane; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 34: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the First Congregational Church of Falmouth (FCCF) for the steeple rehabilitation design project located at 68 Main Street; to authorize the Town Manager to enter into a grant agreement upon such terms and conditions as deemed appropriate; and to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 35: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the Penikese Island School for a historic structures report and new windows for the Gulesian/Davis-Fisher House located at 565 Woods Hole Road; to authorize the Town Manager to enter into a grant agreement upon such terms and conditions as deemed appropriate; and to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 36: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the College Light Opera Company for rehabilitation of historic windows at Bridgefields Hall, also known as the Old West Falmouth Inn, located at 54 Chapoquoit Road; to authorize the Town Manager to enter into a grant agreement upon such terms and conditions as deemed appropriate; and to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 37: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money as a grant to the Falmouth Affordable Housing Fund; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On the request of the Community Preservation Committee.

ARTICLE 38: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; to determine how the same shall be raised and by whom expended. Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 39: To see if the Town will vote to authorize the Select Board to accept from Margaret Scharff Dimmock and Barbara Dimmock Collins, as Trustees of the Richard Hobart Dimmock 2004 Trust and as Trustees of the Margaret Scharff Dimmock 2004 Trust, a gift of land shown as a portion of 0 Hatchville Road, also described as Assessor's Parcel ID 21-06-011-000A, comprising approximately 7,968 sq.ft., which parcel abuts land owned by the Town of Falmouth Conservation Commission. Said

land to be under the jurisdiction of the Conservation Commission for conservation purposes. Or do or take any other action on this matter. On request of the Select Board.

ARTICLE 40: To see if the Town will vote to authorize the Select Board to petition the General Court for a special act to amend the Falmouth Charter to establish the Falmouth Licensing Commission, said Licensing Commission to be the local licensing authority for the Town of Falmouth with the power to issue, suspend, modify, cancel or revoke licenses to sell alcohol pursuant to chapter 138 of the General Laws, entertainment licenses pursuant to chapter 140 of the General Laws, and any other licenses deemed appropriate and desirable by the Select Board; and further, said Licensing Commission to be empowered to enforce all relevant laws within their jurisdiction and to promulgate regulations to further their purpose; provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general objectives of this petition. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 41: To see if the Town will authorize the Select Board to lease land in the Falmouth Village area for municipal parking purposes, which land shall be determined and selected by solicitation of proposals in accordance with M.G.L. c. 30B § 16, for such a term as allowed by law and upon such conditions as the Select Board deems appropriate; and further to appropriate a sum of money for the purpose of entering into such lease or leases, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 42: To see if the Town will vote to authorize the Select Board to accept a gift of an access easement on a parcel of land owned by The Church of the Messiah, Woods Hole, Massachusetts by deed recorded with the Barnstable County Registry of Deeds at Book 1191, Page 178, known as 16 Church Street, being shown as Assessor's Parcel ID 51 02 014 000, said easement to be used for access purposes over said parcel to and from the Shining Sea Bikeway; and further to appropriate a sum of money for costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall have the authority to enter into any agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of this article. Or do or take any other action on the matter. On request of the Select Board.



**Warrant for the Annual Town Meeting
Monday, April 7, 2025
TOWN OF FALMOUTH
Select Board**

BARNSTABLE, SS. To the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet at Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth on Monday, April 7, 2025 at 7:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

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

Given under our hands this 27th day of January, 2025.

Nancy Robbins Taylor, Chair

Edwin P. Zylinski II, Vice Chair

Douglas C. Brown

Robert P. Mascali

Heather M. H. Goldstone

FALMOUTH SELECT BOARD

Barnstable, SS.

Falmouth, MA

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town Of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

Constable, Town of Falmouth

Date



TOWN OF FALMOUTH

APRIL 2025 ANNUAL TOWN MEETING

Select Board Announce Annual Town Meeting Schedule Monday, December 2, 2024

Close Warrant Friday, January 10, 2025

Select Board Vote Articles & Execute Warrant.....Monday, January 27, 2025

Publish Articles Only Friday, January 31, 2025

Petition Article PresentationsMonday, February 10, 2025

Vote Article Recommendations (All boards)Monday, February 24 - 27, 2025

Send Warrant with Recommendations to Printer and Newspaper.....Monday, March 3, 2025

Publish Warrant with Recommendations and Mail Warrant Booklets Friday, March 14, 2025

Town Meeting.....Monday, April 7, 2025

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- a. Consider a vote to accept a donation of 40, \$50.00 ALDI gift cards totaling \$2,000.00 from Falmouth Elks Lodge to the Veterans Department



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

ITEM TITLE: Consider a vote to accept a donation of forty \$50.00 ALDI gift cards totaling \$2,000.00 from the Falmouth Elks Lodge to the Department of Veterans’ Services

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Jim Gouzias, Director, Department of Veterans’ Services

ATTACHMENTS: None

PURPOSE:

During this holiday season (December 2024), the Department of Veterans’ Services received a donation from the Falmouth Elks Lodge consisting of 40 individual \$50.00 Aldi’s food gift cards (no expiration date) totaling \$2,000 for issue to Falmouth veterans.

The department intends to issue the cards to our Falmouth low income/food insecure veterans on an as needed, case by case basis throughout the course of the year.

BACKGROUND/SUMMARY:

- The Falmouth Elks Lodge has been a valuable community partner and supporter of the Falmouth Veteran community.:
 - Participating partner in annual Veterans Day & Memorial Day ceremonies
 - Host of yearly Veterans Day luncheon.
 - Host of monthly Veteran Coffee Social.

- Throughout the course of working with the department’s clients, food insecurity is found to be a prevailing issue:
 - Falmouth Chapter 115 recipients (40 as of 1/7/25) are inherently low-

income – the Chapter 115 benefits program does not provide a food stipend.

- Clients are referred to various local food programs – often, food programs may not be available during specific times of need.

DEPARTMENT RECOMMENDATION:

The Department of Veterans’ Services recommends that the Select Board approve the receipt of the Falmouth Elks Donation of 40 individual \$50.00 Aldi’s food gift cards with a total value of \$2,000.

This approval will enhance the department’s ability to triage veteran’s emergency food needs in real-time. The food gift cards will be secured in the department’s office for easy access by department staff, allowing for a quick response to emergency needs.

OPTIONS:

- Motion to accept a donation of forty \$50.00 ALDI gift cards totaling \$2,000.00 from the Falmouth Elks Lodge to the Department of Veterans’ Services as presented.
- Motion to deny acceptance of the donation of forty \$50.00 ALDI gift cards totaling \$2,000.00 from the Falmouth Elks Lodge to the Department of Veterans’ Services

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 accept the donation of forty \$50.00 ALDI gift cards totaling \$2,000.00 from the Falmouth Elks Lodge to the Department of Veterans’ Services as presented.

Michael Renshaw

Town Manager

1/14/2025

Date

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- b. Consider a vote to accept a donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Cultural Council Donation Account for Music at the Table



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider a vote to accept a donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Cultural Council Donation Account for Music at the Table

MEETING DATE: 01/27/25

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

SUBMITTED BY: Alice Kociemba, Chair, Falmouth Cultural Council

ATTACHMENTS:

PURPOSE:

The Falmouth Cultural Council has received a donation for its live music outreach project, Music at the Table, that requires approval by the Select Board.

The donation is for \$500 from the Falmouth Jewish Congregation. The donation does not require any matching funds from the Town of Falmouth.

BACKGROUND/SUMMARY:

- This is the second year of the Falmouth Cultural Council's project, Music at the Table. The yearly cost is \$7,800 for the weekly musicians' stipends of \$150 (52 x \$150 = \$7,800).
- The Council has set aside \$1,000 from its Mass Cultural Council allocation which is in keeping with Mass Cultural Council guidelines for a local cultural council funding its own program (an unmet cultural need).

- Council members are involved in the process of raising the remaining \$6,800.
- This donation, along with several donations that are under \$500, will fund this weekly project for 2025.
 - The mental health and housing counselors, as well as the volunteers at Saint Barnabas' free lunch program, A Place at the Table, have asked if the Cultural Council would provide live music at the Thursday lunch, as well as the Tuesday lunch. They have observed a decrease in social interaction among the guests on Thursdays. The counselors and volunteers feel Music at the Table is very beneficial to the well-being of the guests. The Cultural Council supports this goal. We anticipate receiving more donations to meet this need.
 - Council members are compiling a list of foundations, local businesses and individuals who would be supportive of Music at the Table.
 - There will also be an article in the *Falmouth Enterprise* that will help with this effort as well. The Falmouth Cultural Council's website: www.falmouthculturalcouncil.org and our monthly e-newsletter has also provided donation information.
 - The website includes testimonials from musicians and counselors about how meaningful this program is to our community members who are experiencing social and financial hardships, including homelessness.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to accept the donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Cultural Council Donation Account for Music at the Table, as presented.

OPTIONS:

- Motion to accept the donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Cultural Council Donation Account for Music at the Table as presented.
- Motion to deny acceptance of the donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Cultural Council Donation Account for Music at the Table.

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 accept the donation in the amount of \$500.00 from the Falmouth Jewish Congregation to the Cultural Council Donation Account for Music at the Table, as presented.

Michael Renshaw

Town Manager

1/14/2025

Date

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- c. Consider a vote to accept a donation in the amount of \$5,000.00 from the Kathryn Goodman Foundation to the Cultural Council Donation Account for Music at the Table



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Administrative Orders 1.c.

ITEM TITLE: Consider a vote to accept a donation in the amount of \$5000.00 from the Kathryn Goodman Foundation to the Cultural Council Donation Account for Music at the Table

MEETING DATE: 01/27/25

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

SUBMITTED BY: Alice Kociemba, Chair, Falmouth Cultural Council

ATTACHMENTS:

PURPOSE:

The Falmouth Cultural Council has received a donation for its live music outreach project, Music at the Table, that requires approval by the Select Board.

The donation is in the amount of \$5000.00 from the Kathryn Goodman Foundation. The donation does not require any matching funds from the Town of Falmouth.

BACKGROUND/SUMMARY:

- This is the second year of the Falmouth Cultural Council's project, Music at the Table. The yearly cost is \$7,800 for the weekly musicians' stipends of \$150 (52 x \$150 = \$7,800).
- The Council has set aside \$1,000 from its Mass Cultural Council allocation which is in keeping with Mass Cultural Council guidelines for a local cultural council funding its own program (an unmet cultural need).

- Council members are involved in the process of raising the remaining \$6,800.
- This donation, along with several donations that are under \$500, will fund this weekly project for 2025.
 - The mental health and housing counselors, as well as the volunteers at Saint Barnabas' free lunch program, A Place at the Table, have asked if the Cultural Council would provide live music at the Thursday lunch, as well as the Tuesday lunch. They have observed a decrease in social interaction among the guests on Thursdays. The counselors and volunteers feel Music at the Table is very beneficial to the well-being of the guests. The Cultural Council supports this goal. We anticipate receiving more donations to meet this need.
 - Council members are compiling a list of foundations, local businesses and individuals who would be supportive of Music at the Table.
 - There will also be an article in the *Falmouth Enterprise* that will help with this effort as well. The Falmouth Cultural Council's website: www.falmouthculturalcouncil.org and our monthly e-newsletter has also provided donation information.
 - The website includes testimonials from musicians and counselors about how meaningful this program is to our community members who are experiencing social and financial hardships, including homelessness.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to accept the donation in the amount of \$5000.00 from the Kathryn Goodman Foundation to the Cultural Council Donation Account for Music at the Table, as presented.

OPTIONS:

- Motion to accept the donation in the amount of \$5000.00 from the Kathryn Goodman Foundation to the Cultural Council Donation Account for Music at the Table as presented.
- Motion to deny acceptance of the donation in the amount of \$5000.00 from the Kathryn Goodman Foundation to the Cultural Council Donation Account for Music at the Table.

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 accept the donation in the amount of \$5000.00 from the Kathryn Goodman Foundation to the Cultural Council Donation Account for Music at the Table, as presented.

Michael Renshaw

Town Manager

1/14/2025

Date

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- d. Consider a vote to approve a donation in the amount of \$1,000.00 from Mr. and Mrs. March to the Falmouth Police Department



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

ITEM TITLE: Consider a vote to accept a donation in the amount of \$1,000.00 from Mr. and Mrs. March to the Falmouth Police Department

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Chief Jeff Lourie

ATTACHMENTS: None

PURPOSE:

This is a written request to the Select Board to vote to approve a \$1000.00 donation by the March family to use for the benefit of the Falmouth Police Department.

BACKGROUND/SUMMARY:

- The Falmouth Police Department received a check from Mr. and Mrs. March in the amount of \$1,000.00 to be used at the discretion and benefit of the Falmouth Police Department.

DEPARTMENT RECOMMENDATION:

The Police Department recommends that the Select Board approve the acceptance of the March family donation as presented.

OPTIONS:

- Briefly state the options the Select Board should consider.

- Motion to accept the donation in the amount of \$1,000.00 from Mr. and Mrs. March to the Falmouth Police Department as presented.
- Motion to deny acceptance of the donation in the amount of \$1,000.00 from Mr. and Mrs. March to the Falmouth Police Department.

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 acceptance of the March family donation of \$1,000.00 as presented.

Michael Renshaw

Town Manager

1/23/2025

Date

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- e. Consider a vote to submit a letter of intent to the National Estuary Program Watersheds Grant Program 2024 Request for Proposals



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

ITEM TITLE: Consider a vote to submit a letter of intent to the National Estuary Program Watersheds Grant Program 2024 Request for Proposals

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Steve Rafferty, Chair, Water Quality Management Committee

ATTACHMENTS: [Click or tap here to enter text.](#)

PURPOSE:

The Water Quality Management Committee (WQMC) is seeking authorization to submit a letter of intent to the National Estuaries Program Watershed Grant Program to install a permeable reactive barrier (PRB) in the vicinity of Snug Harbor.

BACKGROUND/SUMMARY:

- The National Estuaries Program issued a request for proposals on November 13th, 2024, for the watersheds grant program.
- The intent of the watersheds grant program is ‘to support projects that address urgent, emerging, and challenging issues threatening the well-being of estuaries within the 28 National Estuaries Program location boundary areas’ [the Buzzards Bay watershed is the eligible area for Falmouth].
- Grant amounts are anticipated to be \$200,000 to \$500,000 per subaward. There is a 30% match requirement which WQMC is currently looking for monetary and in-kind match

support from external organizations (e.g., Buzzards Bay Coalition, Marine Biological Lab, etc.).

- Full proposal request is by invitation and due April 4th, 2025.
- Members of the WQMC, along with Science Wares, are actively working on project design and cost estimation, but anticipate seeking up to the full amount (\$500,000) contingent on securing required match commitments.
- A 2014 permeable reactive barrier (PRB) evaluation by CDM Smith for the Town of Falmouth Department of Public Works identified and recommended a candidate section in Snug Harbor for a PRB. The evaluation estimated that a 350' PRB along Nashawena St could remove 1,574 lbs N/yr (713 kg N/yr).
- The project premise is to install a small 250' PRB in Snug Harbor (either with Emulsified Vegetable Oil, or woodchips as the carbon source) targeting a major groundwater seep that was identified using thermal imaging.
- Modeling efforts for the legacy waste water treatment facility (WWTF) plume indicate Snug Harbor is likely the main discharge location for the core of the plume.
- Monitoring data indicates that the plume has still not washed out even though it was predicted to wash out by 2013.
- The proposed PRB would be a temporary mitigation approach intended to treat the remainder of the legacy plume.

DEPARTMENT RECOMMENDATION:

The Water Quality Management Committee is recommending that the Select Board vote to approve the submittal of a letter of intent to the National Estuary Program Watersheds Grant Program 2024 Request for Proposals, as presented.

OPTIONS:

- Motion to authorize the submission of a letter of intent by the WQMC to the National Estuary Program Watersheds Grant Program to pursue funding to install a permeable reactive barrier in Snug Harbor.

- Deny approval to submit the letter of intent.
- 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 is recommending that the Select Board vote to approve the submittal of a letter of intent to the National Estuary Program Watersheds Grant Program 2024 Request for Proposals, as presented.

Michael Renshaw

Town Manager

1/17/2025

Date

General information

- *Applicant organization name and address;*

Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

- *Point of contact name, email address, and phone number;*

Amy Lowell
amy.lowell@falmouthma.gov
508-548-2543

- *Project lead name and contact information, if different from LOI point of contact;*

Paul Dombrowski, P.E.
pdombrowski@isotec-inc.com
(617) 902 9383

- *Name of project*

Mitigating Legacy Nitrogen Pollution in a Tidal Basin with a Permeable Reactive Barrier

- *Project abstract (50 words)*

We propose to install a permeable reactive barrier (PRB) to intercept and remediate a plume of nitrate-laden groundwater severely degrading West Falmouth Harbor (WFH). The principal plume originates at the Falmouth Wastewater Treatment Facility. We will compare the efficacy of two PRB technologies – woodchip media and emulsified vegetable oil (EVO).

- *Location of project: state, city, zip code, and street address (if applicable), and name of water body (if applicable); and*

Falmouth, Ma, 02540 in the vicinity of 79 Nashawena St in the West Falmouth Harbor watershed

- *Project cost: total amount of WG funds requested, total amount of non-federal matching funds (or waiver for non-federal match), non-federal match percentage.*

2. Project details

[2A] Project purpose and impact: Identify what threat(s) to our nation's estuaries this proposed project will solve. Specify which RFP priority or priorities will be addressed. Describe the anticipated short-term and long(er) term impacts. 150 word maximum.

This project aims to mitigate eutrophication by intercepting and treating nutrients in groundwater entering the Snug Harbor sub-embayment of WFH. This diffuse non-point source input is derived from local septic systems and a wastewater treatment facility 1.5 km from the shoreline. The Buzzards Bay Coalition has rated Snug Harbor as one of

the most degraded areas in Buzzards Bay. Thermal imagery and shoreline monitoring wells reveal an area of high groundwater seepage in Snug Harbor containing ~2.8 mg N/l. Modeling and observations suggest it may take >20 years for groundwater nitrate concentrations to decline to background. A near-shore 250' PRB will rapidly and significantly reduce nitrogen inputs through the removal of ~500 kg/yr and will promote habitat improvement for the >10-yr life expectancy. This project will also enable comparison of two PRB technologies previously demonstrated in the Town via pioneering pilot studies —EVO and woodchip-filled boreholes— in a real-world application.

[2B] Necessity: Describe why funding this project is critical, particularly with respect to other existing funds, partnerships, or imminent challenges in the relevant estuary/ies. 150 word maximum.

In 2006, the Town invested \$13 million to upgrade its wastewater treatment facility to tertiary treatment, expecting the legacy plume from effluent disposal in both infiltration beds and spray irrigation to dissipate within seven years. Despite these costly improvements, nutrient concentrations in the groundwater at the shore have only declined 25% after 15 years and residual loading from the legacy plume still exceeds the TMDL. Falmouth has 14 nitrogen-impaired estuaries to address requiring costly sewerage and other mitigation (>\$500 million), therefore, additional funding for WFH has not been prioritized. Independent evaluations estimate this strategically located 250' PRB will remove up to 510 kg N/yr at a cost of \$82/kg over its 15-year lifetime, nearly 2.5 times as cost-effective as a 50-year sewer collection system, which removes nitrogen at \$195/kg. The PRB operates passively and requires no annual operating and maintenance costs, making it even more economical compared to a sewer.

[2C]: Project team: list project partner(s), including the applicant, and briefly describe the role of each. Note that these entities are contributing materially and will be included in the budget, whether as a recipient of funds or as one providing non-federal match. Please differentiate between sub-awards and contractors. Teams should reflect the community or communities in which the project will occur and ideally be included in the budget in some capacity, either by receiving funds or providing match. 150 word maximum.

The project will be supported by a team with extensive experience in environmental science and groundwater treatment.

community. Ideally monitoring well installation will occur after the spring thaw in March 2026, upon QAPP approval following an Order of Conditions, with the PRB being installed in April/May 2026. Once the PRB has been installed, performance will be monitored at six-month intervals through October 2027. Regular project progress reports will be submitted to RAE and publicly presented at meetings of the WQMC.

[2E] Outreach and Technology Transfer: Include a brief outreach plan, which should describe how you will publicize and share the project approach and its results, both to a general/lay audience and to resource managers. 150 word maximum.

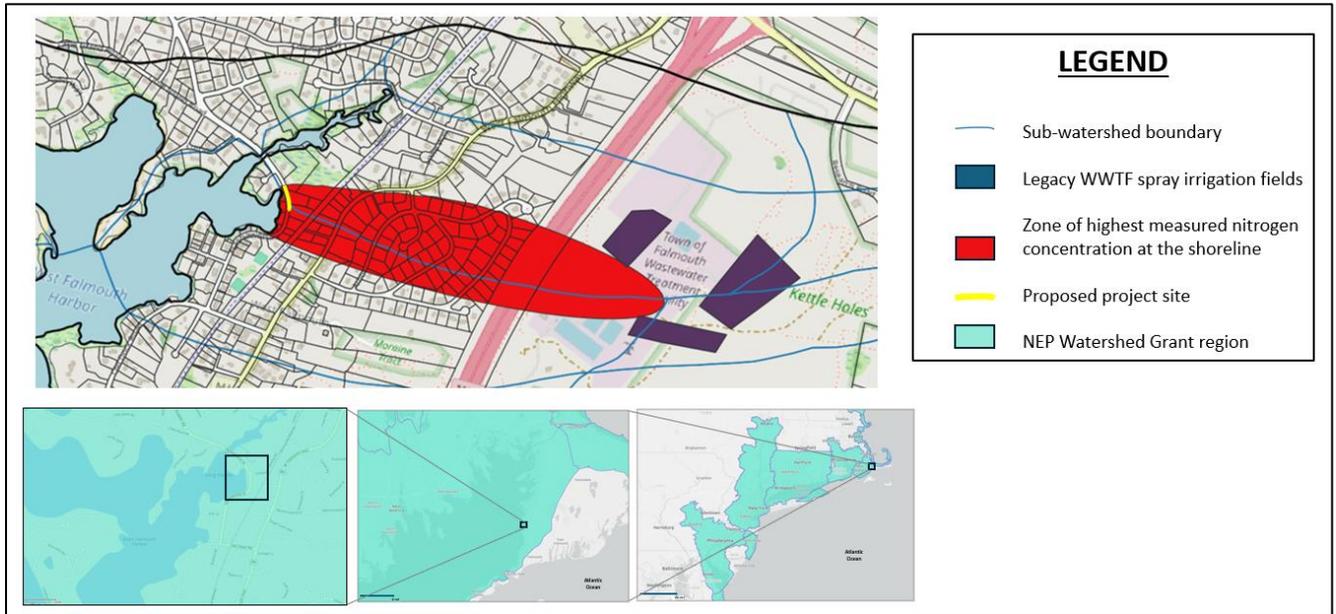
Results from the PRB technology comparison will be shared with the public and scientific community through various channels. Periodic progress reports and results will be presented at regular meetings of the WQMC. WQMC meetings are recorded and broadcast on the local government channel and freely available online. Meetings are also covered through the Falmouth Enterprise's weekly publication. The Buzzards Bay Coalition, a key local organization, will also keep the community informed through its regular newsletters that will detail the ongoing progression of the project, and the results achieved, helping to keep members and the broader public informed. In the scientific community, presentations will be given locally through the Marine Biological Laboratory's research symposium and nationally through ISOTEC's regular presentations on denitrification PRB's at numerous regional and national conferences which will include results from this project in future presentations.

[2F]. Relevance to local priorities: detail how the project relates to and carries out the priority actions in one or more of the 28 NEP CCMPs. A list of NEP CCMPs is available at <https://www.epa.gov/nep/comprehensive-conservation-and-management-plans>. 150 word maximum.

The 2013 Buzzards Bay CCMP prioritizes 'managing nitrogen sensitive embayments' as its first action plan. This includes a clear objective to reduce the amount of nitrogen entering nitrogen-impacted embayments, with a goal to ensure that no designated uses will be lost. The proposed project is designed to help achieve this by significantly reducing nitrogen entering the uppermost tidal reaches of the Snug Harbor sub-embayment. This project is an effort to offset the delayed clearance of the nitrogen plume from the WWTF. West Falmouth Harbor was one of the first watersheds in the state with sufficient nitrogen reduction implementations completed to meet its TMDL goal for nitrogen. Because of these implementations, recovery was expected to commence over 15 years ago. However, delays in the plume clearing have prolonged the process, allowing continued decline of the system, additional loss of resources and use, necessitating this additional project to support overdue recovery.

[2G]. Map: include a map of the location and clearly demonstrates how the project occurs

within the WG Program delineated geographic areas. One page maximum. You are welcome to use a mapping tool to facilitate the creation of a project boundary map. The tool is available via https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=90cce5112230401b994b06ea_a784e5ad. Follow the instructions in the user guide and you will be able to develop a PDF to include in your proposal.



3. Letter of Acknowledgement from Local NEP

4. Budget/Budget Table

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- f. Consider a vote to approve a request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider a vote to approve a request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Letter to Select Board; Email

PURPOSE:

The Select Board will consider a request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families.

BACKGROUND/SUMMARY:

- The current Taskforce on Workforce Sustainability is comprised of 7-9 members, all with a term ending date of July 1, 2026; the taskforce was revised and established by the Select Board on March 25, 2024 and members were appointed in June 2024.
- Taskforce member Max Jahns emailed the Select Board on January 7, 2025 (attached) indicating that the Taskforce unanimously voted during its November 2024 meeting to request the name change from Taskforce on Workforce Sustainability to Taskforce for Workers and Families.

- According to Max Jahns' email, the name change is requested to reduce confusion with another exiting committee and to more accurately reflect the group's purpose.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families.

OPTIONS:

- Motion to approve the request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families, as presented.
- Motion to deny approval of the request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families.

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 request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families.

Michael Renshaw

Town Manager

1/16/2025

Date

Dear Chairwoman Robbins Taylor and members of the Select Board,

I am reaching out on behalf of the Taskforce on Workforce Sustainability, to request the name of our committee to be officially changed to the Taskforce for Workers and Families. Our committee voted unanimously to request this change at our November 2024 meeting

We are asking to be called the Taskforce for Workers and Families for two reasons: it reduces confusion, and it also better aligns with our mission.

As chair, I have received emails from citizens and town employees confusing us with the Sustainability Committee. During one meeting we were scheduled at the same time as a Sustainability Committee meeting, and we had some members of the public attend and were confused why we were not talking about a certain sustainability effort. We are continuing to try to recruit new members to the committee and we are often turned down at first because our contacts say they “do not have experience with sustainability”. We believe removing the word “sustainability” and placing a focus on who we are serving, workers and families, will help resolve this confusion.

Additionally, our committee has had many ~~in-depth~~ discussions about our mission and desired outcomes, and we want to ensure our committee’s name aligns with our ~~committee’s purpose~~. We have refined the purpose of our committee more precisely to be to “create an action plan that, if enacted, would slow or stop outmigration of workers and families in Falmouth”. And, more directly, our goal is to create a town where “anyone who works in Falmouth should be able to live in Falmouth (with their family), if they choose”. We believe that lens, approaching the problem from the perspective of workers and their families, will be key. We are working to elevate the voices of those workers and families in Falmouth that are not in positions of power and are often not directly heard by the town. We are connecting both with employers, experts in workforce sustainability, and those who we ultimately want to support through changes to town policy – the workers and families who want to live and work here. Therefore, we believe a change in name to the Taskforce for Workers and Families better represents our mission.

I am happy to talk more about our reasoning and update the Select Board on our progress, including organizing a series of public discussions with workers from across Falmouth, at an upcoming meeting.

Sincerely,

Max Jahns, on behalf of the Taskforce for Workforce Sustainability

From: [Max Jahns](#)
To: [Falmouth Selectboard](#)
Cc: [Taskforce on Workforce Sustainability](#); [Max Jahns](#); [Falmouth Town Manager](#); [Mike Renshaw](#)
Subject: Request for Name Change from the Taskforce on Workforce Sustainability
Date: Tuesday, January 7, 2025 4:48:32 PM
Attachments: [Request to Select Board for Name Change.pdf](#)

Dear Chairwoman Robbins Taylor and members of the Select Board,

I am reaching out on behalf of the Taskforce on Workforce Sustainability, to request the name of our committee to be officially changed to the **Taskforce for Workers and Families**. Our committee voted unanimously to request this change at our November 2024 meeting.

We are asking to be called the Taskforce for Workers and Families for two reasons: it reduces confusion, and it also better aligns with our mission.

As chair, I have received emails from citizens and town employees confusing us with the Sustainability Committee. During one meeting we were scheduled at the same time as a Sustainability Committee meeting, and we had some members of the public attend and were confused why we were not talking about a certain sustainability effort. We are continuing to try to recruit new members to the committee and we are often turned down at first because our contacts say they “do not have experience with sustainability”. We believe removing the word “sustainability” and placing a focus on who we are serving, workers and families, will help resolve this confusion.

Additionally, our committee has had many in-depth discussions about our mission and desired outcomes, and we want to ensure our committee’s name aligns with our committee’s purpose. We have refined the purpose of our committee more precisely to be to “create an action plan that, if enacted, would slow or stop outmigration of workers and families in Falmouth”. And, more directly, our goal is to create a town where “anyone who works in Falmouth should be able to live in Falmouth (with their family), if they choose”. We believe that lens, approaching the problem from the perspective of workers and their families, will be key. We are working to elevate the voices of those workers and families in Falmouth that are not in positions of power and are often not directly heard by the town. We are connecting both with employers, experts in workforce sustainability, and those who we ultimately want to support through changes to town policy – the workers and families who want to live and work here. Therefore, we believe a change in name to the Taskforce for Workers and Families better represents our mission.

I am happy to talk more about our reasoning and update the Select Board on our progress, including organizing a series of public discussions with workers from across Falmouth, at an upcoming meeting.

Sincerely,

Max Jahns, on behalf of the Taskforce for Workforce Sustainability

OPEN SESSION

CONSENT AGENDA

1. Administrative Orders

- g. Consider a vote to accept the Executive Office of Public Safety and Security and Department of Fire Services (DFS) FY2025 Firefighter Safety Equipment Grant in the amount of \$25,000.00



ITEM NUMBER: Consent Agenda – Administrative Orders 1.g.

ITEM TITLE: Consider a vote to accept the Executive Office of Public Safety and Security and Department of Fire Services FY 2025 Firefighter Safety Equipment Grant in the amount of \$25,000.00

MEETING DATE: 1/27/2025

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

SUBMITTED BY: Tim Smith, Fire Rescue Chief

ATTACHMENTS: Grant Award Letter

PURPOSE:

The Falmouth Fire Rescue Department is seeking the Selectboard’s approval to accept the Executive Office of Public Safety and Security and the Department of Fire Services FY 2025 Firefighter Safety Equipment grant in the amount of \$25,000.00.

BACKGROUND/SUMMARY:

- This grant is awarded by the Executive Office of Public Safety through the Department of Fire Services’ FY25 Firefighter Safety Equipment Grant program for the purchase of firefighter safety equipment in accordance with the Acts of 2020 chapter 151 2D, the Department of Fire Services Earmark and Grants policy and procedures, and CMR 815, 2.00 State Grant Regulations.
- The primary objective of the project is to equip all front-line responding personnel with a second set of PPE.

- A second set of gear is the current industry best practice to minimize documented cancer risks to firefighters.
- This grant funding will enable the department to purchase 6 sets of PPE coats and pants and 4 sets of boots that would have required use of our annual operating budget.

DEPARTMENT RECOMMENDATION:

The Falmouth Fire Rescue Department is seeking the Selectboard’s approval to accept the Executive Office of Public Safety and Security and the Department of Fire Services FY 2025 Firefighter Safety Equipment grant.

OPTIONS:

- Motion to accept the Executive Office of Public Safety and Security and Department of Fire Services FY 2025 Firefighter Safety Equipment Grant in the amount of \$25,000.00 as presented.
- Motion to deny the acceptance of the Executive Office of Public Safety and Security and Department of Fire Services FY 2025 Firefighter Safety Equipment Grant in the amount of \$25,000.00.

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 Executive Office of Public Safety and Security and Department of Fire Services FY 2025 Firefighter Safety Equipment Grant in the amount of \$25,000.00 as presented.

Michael Renshaw

Town Manager

1/22/2025

Date



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

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

January 17, 2025

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

Dear Chief Smith,

Congratulations! I am pleased to inform you that the Executive Office of Public Safety and Security and the Department of Fire Services (DFS) has awarded the Town of Falmouth Fire Department \$25,000.00 in State Fiscal Year 2025 funding for the Firefighter Safety Equipment Grant Program.

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

The Healey-Driscoll Administration is committed to supporting local fire departments and working with communities to come into compliance with the MBTA Communities Law, which is an essential component of our efforts to make housing more affordable. Due to the recent Supreme Judicial Court ruling, all communities have additional time to come into compliance with the MBTA Communities Law, so no community is being denied a fire safety grant for not being in compliance at this time. Compliance will be taken into consideration for future grant rounds, as it will be for all discretionary grant programs.

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

Handwritten signature of Maura T. Healey in blue ink.

GOVERNOR MAURA T. HEALEY

Handwritten signature of Kimberley Driscoll in blue ink.

LT. GOVERNOR KIMBERLEY DRISCOLL

CC: Fire Captain Scott Starbard

OPEN SESSION

MINUTES

1. Review and vote to approve minutes of meetings

- a. Public Session: January 6, 2025 - Joint Meeting with ZBA
- b. Public Session: January 6, 2025 - Regular Meeting

January 27, 2025

January 6, 2025 – Joint Meeting with ZBA

January 27, 2025

TOWN OF FALMOUTH
SELECT BOARD
Open Session Minutes - DRAFT
MONDAY, JANUARY 6, 2025 – 5:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Select Board:

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

Absent: None

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O’Keefe, Town Counsel

Zoning Board of Appeals:

Present: Susanne Murphy, Chair; James T. Morse, Vice-Chair; Frank K. Duffy, Clerk; Marc Finneran; D. Scott Peterson; Anthony P. Petrucci

5:00 p.m. OPEN SESSION

Call to Order: By Select Board Chair Nancy Taylor

Pledge of Allegiance: Led by Select Board and Zoning Board of Appeals members

JOINT MEETING WITH THE ZONING BOARD OF APPEALS

Zoning Board of Appeals called its meeting to order with a motion and a unanimous vote in favor.

Discussion related to 40B applications and affordable housing

Chair Taylor turned the meeting over to the chair of the ZBA and Select Board liaison Scott Zylinski. Mr. Zylinski said that this joint meeting was an attempt to bring some of the ZBA’s concerns and questions directly to the Select Board due to the present situation in Town as it faces current state legislation and time frames.

ZBA Chair Susanne Murphy said that now Falmouth is a “safe harbor,” saying it gave benefits to the Town. She asked each member to say what safe harbor means to them. Ms. Goldstone said it gives the Town the ability to pursue affordable and diverse housing in a way that is best for the Town rather than the developer. Mr. Mascali said it also gives the Town the ability the work with developers to achieve Town goals regarding housing. Mr. Brown said it gives the Town the opportunity for better projects, citing an example of a recent developer who said he could not include 60% AMI units in his project due to financial concerns. Mr. Brown said the Town has to figure out how to diversify the income range on these projects. Chair Taylor added that safe harbor means moving forward with badly needed housing in Town, making sure that the Town “has a say in how it meets the needs of the Town and how we define those needs.” Mr. Zylinski said he knows there is a lot of frustration regarding conflicts with state regulation and what the Town sees as its needs, and again said that this meeting, an open line of communication, gives the ZBA the opportunity and ability, without being confrontational or adversarial, to refine its process of how best to interpret local bylaws.

Ms Goldstone said safe harbor does not mean that the Town is done with affordable housing or have enough housing. There is still a need to create enough housing and a diversity of housing in the community.

ZBA Chair Murphy listed the benefits of safe harbor: ability to negotiate the location of a project, the percentages of AMI, the number of affordable units; and to have input on design, density, and nitrogen.

ZBA Chair Murphy next asked her board members to ask questions of the Select Board.

Tony Petrucci (ZBA) asked each if each Select Board member could say what he/she believes the ZBA should be doing with permitting in nitrogen sensitive areas.

Mr. Brown said that the WQMC, along with the board of health, is trying to come up with the size of an area, say, 300 feet, away from wetlands or estuary, that would be mandated. He said it should not be something the ZBA struggles with.

Scott Peterson (ZBA) raised the issue of potential conflict when a LIP project comes before the Select Board. He said in the LIP guidelines the project must reduce nitrogen, but many projects aren't doing that. He said if the Select Board supports or endorses a LIP project, he would like a disclaimer that the project still has to go through the formal approval process with other boards. He elaborated somewhat on the difficulties that result from this type of situation. He said reduction of nitrogen should be at the head of a list of features of a project to help the Town on the wastewater issue. He said that is important for him to hear from the Select Board - that the project is approvable regarding the reduction of nitrogen requirement.

Mr. Brown said the Select Board could also do some work on its policy regarding LIP applications now that there is this new opportunity. He said he does not want to handicap the ZBA in the approval process.

Mr. Mascali said the policy is pretty well set about what is expected of the advisory group and what the process is, and doesn't really need change at this point.

Mr. Brown gave the example again of the developer who would not include the 60% AMI. He said including requirements for the project to move forward, such as including 60% AMI or nitrogen removal, would provide more guidance for the working group regarding what the Board is expecting from the project.

It was then clarified that the LIP board is advisory, and the ZBA is a quasi-judicial board.

Mr. Zylinski understands that there is frustration and confusion over the Strategic Plan's focus on the creation of affordable housing. But it doesn't mean every project is the right project. He said not to be afraid to hold the applicant's feet to the fire.

Ms. Goldstone said what she is hearing is a need for clearer goals and guidelines from the Select Board. She cited the Housing Production Plan as providing targets for how much housing should be produced, but understood that there are still questions about numbers of units and other targets that still need addressing.

Frank Duffy (ZBA) said that 40Bs are not going to go away despite the designation of safe harbor. And to stay in safe harbor, the Town must produce a certain amount every year. He said the Town cannot lose sight of the fact that there is still a need for affordable housing. The 10%, he said, does not really satisfy the public need.

He also asked that other Town departments give more in-depth analyses of projects when the ZBA sends out its referrals. He asked the Board to send the word out to other departments that more detailed responses are necessary for the ZBA to do its job. Mr. Renshaw said he heard the message. He said he was under the impression that this issue was getting better, but as Town Manager he would address this. Mr. Duffy then said that the ZBA should feel comfortable asking a department head or board member to come talk to them about their referral. He used the example of a traffic issue and having someone from the police department come and talk to them to illustrate his point.

Mr. Zylinski asked how legal requirements and how the request for in-person appearance at a meeting would work. Town Counsel said requests are being made now. She said she supports the recommendation, saying that live testimony is eminently better than a paragraph written on a page. Mr. Zylinski said sometimes the referrals come in

with no comment at all. Mr. Duffy said that peer review engineers look at the projects, but they are not from Falmouth. He said community input from the local department is so valuable.

Marc Finneran (ZBA) said that issue arises during the application process where the need for information evolves or comes up during the process, where neither the ZBA nor the department could know everything in advance. The need for a more seamless transition between question and answer would help the ZBA considerably, he said.

Mr. Zylinski agreed. He said requests for additional information contribute to the length of the meetings, which complicates a time-sensitive process. He said they have to watch the clock on everything they do. The fact that ZBA members cannot talk to each other adds to the complication.

Noreen Stockman, ZBA administrator, said, regarding referrals, the ZBA in the 40B process is tasked with taking the place of all other local boards including the Select Board, excluding only health board and conservation. She said it's a very weighty process for the ZBA to stand in every other board's stead and make sure there is no misstep.

Chair Taylor said that Mr. Duffy's suggestion was a concrete and doable suggestion and thanked him for it.

Mr. Mascali asked how much time the departments have to get back to the ZBA after a request. Ms. Stockman said from the time a 40 B is filed, there is a requirement to open a hearing within 30 calendar days. She then enumerated all the notices and requests that needed to go out within that time period, including referral requests. She said not responding in the requisite time period means forgoing the opportunity to reply, including referring boards. She outlined how helpful it would be to the ZBA for a department representative to appear to answer questions; it also opens up the process to the public. The information offered in person then becomes part of the record.

Mr. Brown asked about the process in general and when it begins. Ms. Stockman said it begins with the actual filing of the application, even if there has been preliminary work to get the application ready for filing. Upon receipt of the application, the referral request process begins.

Mr. Petrucci (ZBA) said the project eligibility letter from the state is an expensive process for the developer, as much as 60 to 80 thousand dollars before they get to the ZBA to file for the permit, so the community has to be sharp in how it deals with the pre-LIP process. He said it might be helpful to give the developer clear directions not only about what you're looking for, but also how you approach a 40B application, such as looking at architectural style or landscaping.

Mr. Zylinski said that those things are up to the ZBA, not the Select Board. There was brief back-and-forth about what the ZBA's responsibility is vs. the Select Board's responsibility. Mr. Mascali, a member of the LIP advisory group, said that during a meeting, there will be input from the housing coordinator or the town planner about what the ZBA is interested in for the project, saying that the group already tends to do that to the extent that it is able.

Mr. Johnson-Staub said features of the project such as architectural details and abutter impacts are the purview of the ZBA, not the Select Board. He said "if we receive from the ZBA some concise things that we're going to be looking for, specifically for LIP applications, ... before it even comes to the advisory group, that's something that staff could get to the developers at the beginning of the process before they start spending money on design."

Mr. Zylinski said some applications are incomplete, and outlined the time-consuming nature of them. He said such a list of basic pre-requisites makes sense for use across the board.

Ms. Goldstone asked for clarification regarding what the ZBA is looking for from the Board when it endorses a project. ZBA Chair Murphy said that she sometimes watches the LIP process, and sometimes there are no questions from the Board when an applicant comes in. Mr. Finneran (ZBA) said, in the Board's defense, that the process is long and difficult, and it's unrealistic to expect the Board to be familiar with the project at a certain level. He said some applicants keep things as loose as possible and any little thing would help.

Mr. Zylinski also mentioned, with regard to zoning, because “everything out of your mouth is possibly appealable,” he does not act as a zoning member at a LIP hearing. He trusts that it will go to the right place where it will be taken care of.

Mr. Brown said that the LIP is the Select Board’s responsibility, where there is an opportunity to negotiate things such as affordability or income level with the developer. He said things like this could be spelled out in a policy.

Ms. Goldstone pointed out that the ZBA and the Select Board are two separate boards with two separate jurisdictions, although she understood that the ZBA is looking for more guidance from the Board regarding project review. She said when the Board reviews a LIP project, they have in mind alignment with 15 review guidelines and the Town’s Strategic Plan. She said that some projects align perfectly with, say, 10 of the 15 guidelines but there may be questions or concerns on the others. She said she would not feel comfortable going into more specificity regarding a project at that point because that would be the jurisdiction of the ZBA. She said that is how she looks at the application and endorsement process.

Mr. Mascali said that with the most recent project, the developer added affordable units to what he originally wanted. He said the advisory group does look to see what we can get from the developer to help the Town meet its affordability requirements. He said the process is just starting and we’ll take all the information into account going forward.

Mr. Zylinski said it’s incumbent upon the applicant to be open about what they are willing to do as part of their presentation, such as more affordability or less nitrogen loading, rather than the Board having to dig things out of them. He said they know how this goes, and many are repeat applicants. He said again that each member has a vote on each application.

James Morse (ZBA) said he looked forward to having 5 extra sets of eyes on a LIP application. He asked that if the Board has issues it cannot vet in the time period allotted, to please pass them up to the ZBA for further gathering of input. He said now that we are in safe harbor, we can bring issues of local concern to the forefront. He said the Select Board’s raising the issues would be very helpful to the ZBA.

Mr. Brown asked if Mr. Morse felt like that wasn’t being done. Mr. Morse said the Town does a good job of vetting things, but in his experience on the ZBA, members catch things that staff doesn’t catch. The more eyes reviewing a project, the better.

Mr. Zylinski raised the problems connected with possible open meeting violations in vetting a project prior to a hearing being open, and after the filing there can be no conversation among members. Mr. Morse clarified that he was talking about a finding that would be submitted as part of a LIP application stating this is the concern the Select Board has, or this is why we’re endorsing the project. We then can talk about those concerns with the developer when they come before the zoning board.

Mr. Johnson-Staub said that the Select Board does have in its evaluation form some general guidance from the ZBA. He went on to speak to the viability of the Select Board screening for things such as design and abutter impacts. He said the ZBA does important, complicated, in-depth reviews of building applications; the Select Board has many different subject matters to deal with. He said more in-depth review of an application by the Select Board might not be realistic considering that. He said staff screening can identify glaring issues, but the two boards need to separate what the roles of the two boards are. He said the Select Board’s role is policy goals, whether housing or environmental, and the ZBA’s focus is design and abutter impact.

Mr. Finneran (ZBA) said that as the process goes along, these things will come to light. Right now, things are in flux.

Chair Taylor said, regarding the issue of the Select Board and the ZBA being two distinct boards, she would like more clarification around the roles and responsibilities when it comes to LIP applications for the Select Board moving forward. It is new for the Board, she said, and she would like more information from Town Counsel and the Town Manager to better understand what the Board’s role is.

Ms. Stockman (ZBA administrator) said that there are guidelines that will help with that, but with LIP, the Select Board becomes a partner in the application. She said she wants the Select Board to understand what the state draws out for the process. She also said that if a developer comes before the ZBA with an endorsement of their project, it is “sort of a mandate, if you will. That the Select Board endorses so therefore, the ZBA should.”

Chair Taylor immediately asked if that is what an endorsement means, legally. And that if the Select Board is a partner in the application, she needs more guidance on that. Town Counsel said she would find some guidance on that.

Ms. Stockman clarified that the state does not indicate that the ZBA must follow if the Select Board endorses it. Chair Taylor said she understands that - that the endorsement is used more as leverage. What she is seeking is more information about what a Select Board endorsement means before the next LIP application.

Marc Finneran said as the Board follows the process through the next couple of LIP applications as they go through the ZBA, that is the only way to get familiar with what the ZBA is looking for. Chair Taylor agreed that to see the process in action will be valuable.

Atty. Duffy (ZBA) said the LIP process is very valuable. It includes the participation of the Select Board, referred to previously as a partner. He said the Board can call upon staff to look at the application and negotiate changes or improvements before it gets to the Board itself and before it gets to the ZBA. He said he would like to see more LIPs. He said the Board isn't directing the ZBA to do it (with an endorsement), but rather, if there are specific concerns, to let the ZBA know.

Mr. Johnson-Staub said, to echo Mr. Peterson's earlier comment, that when the Board issues a LIP decision, to have a standard disclaimer that says we are endorsing this as a housing project but subject to a detailed review by the zoning board.

Mr. Brown asked about the possible adjustment to a policy because when a developer comes before the Board, it's a little late to be asking for changes. He referred to his recent request of a developer for 60% AMI, which the developer said he could not do. How can the Board ask for more in advance?

Mr. Johnson-Staub responded with a short review of the situation Mr. Brown was referring to and why the request made got the response it did from the developer. He said the best way to make sure that we are not missing opportunities to get Select Board policy goals to the developer early on is to go back to the LIP guidelines. He said those guidelines have been reviewed by the Select Board, but the Town is new to safe harbor and the guidelines are very important, so if the Board want to insert something that isn't there, then we should get them into the guidelines so staff can address it at the beginning of the process.

Town Counsel O'Keefe added that now that the ZBA is in safe harbor, they can deny projects as long as they issue a finding saying that a 40B project is not consistent with local needs. That is the legal standard for denying a 40B project under safe harbor. The Select Board's policy goals determine what the local needs are, and the ZBA needs guideposts to know what those local needs are. She said reviewing the Select Board policy and trying to shape them in a way that can help the ZBA define when it can and cannot deny a project would be very helpful.

Mr. Finneran (ZBA) suggested putting applicants on notice that they need to design some flexibility into their plans to avoid losing the project altogether.

Public comment:

Laura Moynihan from the Falmouth Housing Trust said the Select Board should not be the permit review board. She said they are not partnering on a project, but instead, asking the state to issue a project eligibility letter. She said they are ruling on the parameters of the project only. They are not a pre-review regulatory board of the zoning board, she said. She suggested that the zoning board develop review guidelines for applicants. She said her primary concern is streamlining the comprehensive permit process. She said affordable housing can be prioritized by the ZBA. She offered other ways to streamline the process. She passed out written comments to the Board for its review. She said that due to safe harbor, fewer developers would be looking to locate their projects in Falmouth.

January 6, 2025 – Regular Meeting

January 27, 2025

TOWN OF FALMOUTH
SELECT BOARD
Open Meeting Minutes - DRAFT
MONDAY, JANUARY 6, 2025 – 6:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Select Board:

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

Absent: None

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O’Keefe, Town Counsel

6:00 p.m. OPEN SESSION

Call to order: By Chair Nancy Taylor

Chair Taylor called for a motion to go into Executive Session to review and consider approval of proposed workers’ compensation settlement for a School employee under M.G.L. c.30A s.21(a)(3)

Motion by Mr. Zylinski: So moved

Second: Mr. Brown

Roll call vote:

Zylinski: Aye

Brown: Aye

Mascali: Aye

Goldstone: Aye

Taylor: Aye

Chair Taylor said the Board would return to open session at 6:30.

6:00 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) - Review and consider approval of proposed workers’ compensation settlement for a School employee

6:30 p.m. OPEN SESSION

Call to Order: By Chair Taylor saying the Board was returning from Executive Session

Pledge of Allegiance: Led by Select Board

Recognition:

Chair Taylor recognized FHS Junior Silas Gartner for winning the MIAA Div. 2 State Championship in cross country, saying he is an incredible runner and offered congratulations from the Select Board.

Mr. Zylinski recognized the retirement of Lt. Sean Doyle from the police dept, thanking him for his 35 years of outstanding service. Mr. Brown and Chair Taylor both spoke warmly about Lt. Doyle and how well attended the event was.

Announcements:

Chair Taylor announced the beginning of the finance committee meetings regarding the FY26 budget on Jan. 8, urging Board members to attend if they have questions or need clarification on any items, and to bring any information or recommendations for consideration back to the Board.

Mr. Mascali announced the Cape Cod Foundation and No Place For Hate – sponsored MLK Day breakfast at the Coonamessett at 9:00.

Mr. Brown announced the Mass Municipal Assn. meeting on January 23, 24, and 25.

Public Comment: None

COMMITTEE INTERVIEWS

Interview and consider a vote to appoint committee member:

Golf Advisory Committee

Darcy Hunter – said he cares about Falmouth, golfing, the FCC – said he golfs a couple times a week – said he’s an active member of a group called the Birdie Boys with 32 members – said his wife also golfs and works part time at FCC – said he has been following the unsuccessful RFP – said his wife has had a home in Falmouth for 60 years and they moved here in 2015 and full-time since 2018 – has volunteered with Habitat for Humanity and FHS in the mentoring program – said he’s a Newcomer – said he’s a successful businessman with management experience

Mr. Brown asked if Mr. Hunter noticed any areas that need improvement at the course. Mr. Hunter noted the replacement of the carts this year, and said off the fairways, the short rough gets “pretty gnarly pretty quick.” He said the clubhouse isn’t a place where you would stop to get a sandwich.

Ms. Goldstone asked what Mr. Hunter’s top motivation is. Mr. Hunter said he and his golfing friends want to play at the best place they can. He said many people care about golfing and want to be engaged in that.

Edward W. Pride – said he plays a lot of golf here and around the Cape – said he notices the courses there are owned by their towns and doesn’t think they have a company managing the course – asked if Falmouth should look at running the course ourselves or look at other alternatives to managing the clubhouse – asked about the shed that is never open – said he now lives here year round and wants to be involved in the town – said we have a gem over there – said there are a lot of things to do that no one is doing

Dave Hom – said he has been a resident for 25 years – started playing golf upon retirement – said he wants to make Falmouth a blue zone - said he has made friends through golf membership – said he wants to improve the golfing experience through small things such as a storm warning system at far-out holes to increase safety for golfers – said Falmouth has an opportunity to make this a unique asset – said he works to expand the blue zone concept to the airport in Hyannis.

Mr. Brown asked about additional areas to improve. Mr. Hom said suggested water at different holes and a staff person to move players along faster. He said it’s all about improving the experience.

Robert C. Young – said he’s a former member of the committee – said he could add input on a new RFP through the committee – said the 20-year operation of the course has been successful – he said there is another 10 years to pay off the bond and the outlook is promising – said he wants to help the Town develop a long-term financial operation – listed areas of success and what needs to be tended to, such as the water damage in the basement area of the clubhouse.

Mr. Mascali asked what might be included in a new RFP. Mr. Young offered specific financial information and action that he would recommend be included to satisfy the bond. Mr. Mascali asked what would happen if the rounds started dropping. Mr. Young did not think this would happen and gave examples of how he thought the numbers of players would increase.

Mr. Brown asked about how much revenue the RFP has asked for and if a 10-year lease might be better. Mr. Young said 10 years would be a nice number to get us through this bonding. He said he was also cognizant of the operator’s need to get something, too when thinking about revenue share.

Ms. Goldstone asked about improvements. Mr. Young said cart paths for sure. He said the Town can be proud of its golf course where everything is in top shape. Maybe some bunker work could be used.

Motion by Mr. Zylinski: To appoint Mr. Young to the Golf Advisory Committee to a term ending June 30, 2026. Second: Mr. Mascali

Mr. Mascali thanked all the applicants for their interest and invited them to stay involved. Mr. Brown and Ms. Goldstone added their thanks and appreciation to the applicants.

Vote: Yes – 5 No – 0

Chair Taylor said she would take up the Consent Agenda out of order because it was not yet time to begin the scheduled hearings.

CONSENT AGENDA

1. Licenses
 - a. Consider a vote to approve an application for three Special One-Day All Alcoholic Beverages Licenses – Falmouth Theatre Guild for performances of “Picasso at the Lapin Agile” at Highfield Theater, 58 Highfield Drive, Falmouth on January 24, 25 and 26, 2025; January 31, February 1 and 2; and February 7 and 8. Service on Fridays and Saturdays from 6:30 p.m. to 10:00 p.m. Service on Sundays from 1:00 p.m. to 4:30 p.m.
2. Administrative Orders
 - a. Consider a vote to accept a donation of a street clock from the DiGiovanni family
 - b. Consider a vote to accept a donation in the amount of \$500.00 from the Roger & Kathy Marino Foundation to the Falmouth Fire Rescue Department
 - c. Consider a vote to accept a donation in the amount of \$1,000.00 from Marilyn and Harold March to the Falmouth Fire Rescue Department
 - d. Consider a vote to approve a letter of support for the submittal of the Open Space and Recreation Plan to the Massachusetts Division of Conservation Services
 - e. Consider a vote to approve the 2025 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission
 - f. Consider a vote to approve the 2025 Retail Liquor Licenses Renewal Certification for submittal to the Alcoholic Beverages Control Commission
 - g. Consider a vote to approve the design and installation of a dedication plaque for former long-time Parks Division employee Harry Hill

Motion by Mr. Zylinski: To approve the Consent Agenda with the exception of Mr. Brown’s hold (Administrative Orders 2a) Second: Mr. Mascali Vote: Yes – 5 No – 0

Mr. Brown said he would like clarification of how the clock donation process would roll out and how the options would be determined. Mr. Renshaw said a matte black finish to match existing lamp posts was has been recommended. He said he and staff have been working with the family’s attorney regarding other requests. Regarding location, Mr. Renshaw said he is working with DPW; there is a current recommendation for Peg Noonan Park. Mr. Brown asked if the historical commission would weigh in at all. Mr. Renshaw said they would.

Mr. Mascali thanked the DiGiovanni family for their offer. He asked if the design allows for the clock to be repaired quickly. Mr. Renshaw said that talking with DPW, they feel confident that with routine maintenance and upkeep, the clock can be kept running if approved tonight.

Motion by Mr. Brown: To approve Administrative Order 2a - Consider a vote to accept a donation of a street clock from the DiGiovanni family, with thanks Second: Mr. Zylinski Vote: Yes – 5 No - 0

PUBLIC HEARINGS

Fee Hearing – Discuss, consider and vote proposed fee changes for 2025

Motion by Mr. Mascali: To approve the application for two one-day entertainment licenses – Main Street Gallery, 189 Main Street, open mic nights on Thursday, January 9, 2025, and Thursday, January 23, 2025, from 5:30 P.M. to 8:00 P.M. as presented Second: Ms. Goldstone Vote: Yes – 5 No - 0

Conduct a public hearing pursuant to M.G.L. c. 138-64, M.G.L. c. 140-183A, Falmouth Alcoholic Beverages Regulation § 16 and Falmouth Entertainment Regulation § 13 to determine if there are violations of the Entertainment License and Licenses to Sell Alcohol issued to Bad Martha’s Brewery, LLC located at 876 East Falmouth Highway, East Falmouth

Mr. Zylinski read out the hearing notice.

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Public Hearings 4 - Conduct a public hearing pursuant to M.G.L. c. 138-64, M.G.L. c. 140-183A, Falmouth Alcoholic Beverages Regulation § 16 and Falmouth Entertainment Regulation § 13 to determine if there are violations of the Entertainment License and Licenses to Sell Alcohol issued to Bad Martha’s Brewery, LLC located at 876 East Falmouth Highway, East Falmouth* in the Select Board packet. Mr. Renshaw said that audio files were included in the complaints, and he wanted the Select Board to hear them.

Mr. Johnson-Staub played the first audio file dated Nov. 17. Mr. Johnson-Staub said the file is a video taken from across the street from the establishment. There is traffic noise and music can be heard in the background. (The audio file was played twice.). Mr. Renshaw said it was taken from a residence across the street in the 800 block. Mr. Renshaw said the video appears to be from outside the home.

Mr. Johnson-Staub played the second audio file dated August 1. He said in this file you are hearing an individual’s voice from the establishment. He played it twice. Mr. Renshaw said the background is a Trivia event.

Mr. Johnson-Staub said the third file is from July 28. The video shows a recording device just inside a screened open window. It was played twice. A decibel reading of the recording registered 50 to 65, Mr. Johnson-Staub said.

Mr. Mascali asked if the sound was coming from indoors or outdoors at Bad Martha’s. Mr. Johnson-Staub said he didn’t have knowledge of that.

Joshua Flanders, manager on record, was present. Ralph Younger, GM of the Falmouth location was also present, along with Mia Benedetto, the COO of the company. Chair Taylor asked Mr. Flanders how he wanted to address the complaints regarding the noise. He said they were here to listen and to take responsibility if they are in the wrong, and if there are suggestions to move forward in a better way, they will listen to that, too. He said the vast majority of the 400 live events at the brewery have been without issue. He said there have been no issues with the police station. He said they have tried and been successful at operating a responsible business.

Mr. Renshaw outlined the one police incident report that was in the packet. Mr. Renshaw said the officer could hear the music coming from inside the establishment when he rolled his window down in the parking lot.

Ms. Goldstone asked if the events in the audio recordings were indoor or outdoor events. Mr. Flanders said, “I’d wager they were probably outdoor events” because that is where the customers like to sit.

Chair Taylor read aloud the portion of the license related to music, amplification, boundaries of sound, and hours. She asked if there were reported times of the audio music. Mr. Renshaw said that all recorded music times were prior to 6:00 p.m.

Mr. Mascali noted the police officer’s report that stated that with windows up, the officer heard music when he was directly in front of the establishment. Mr. Mascali then asked the applicant what he could do to alleviate the problem. Mr. Flanders said they could not schedule a DJ to play because their equipment carries sound farther. He said they could eliminate a location that faces outward toward the road. He said they have already taken measures to address sound and take decibel readings regularly across the street. He noted the sound of the cars on the recordings and compared it to the sound of the music. He said it’s hard to have music the customers can hear but the neighbors can’t.

Mr. Zylinski asked COO Mia Benedetto if the company has documentation/records of the history of the issue with Falmouth. She said they do. She said she was here to acknowledge the situation and deeply apologize to the Town

and to the neighbors for the disturbance they have caused, and to coarse-correct and a find a solution to move forward.

Chair Taylor cited a complaint that said speakers are placed outside the seating area and asked if that is correct. Mr. Flanders said most musicians bring their own speakers for outside performance. He said generally they are placed next to the firepit inside the seating area.

Mr. Brown noted that it was probably not the best plan to build the courtyard out on the street side. He said he thinks the sound bounces off the building when the speakers are directed inward. He said migrating toward the side might be the best long-term solution. For the short-term, he suggested angled partitions to deflect the music inward. Mr. Flanders said they could research sound barriers perhaps to the side and behind the musicians. Mr. Brown cited the example of measures the Cape Cod Winery took to mitigate noise and acknowledged the reality of the problem as documented in the complaints.

Ms. Goldstone noted the same language from the license as Chair Taylor had. She said the music and/or amplification does not seem to be background music, so there is a disconnect there, she said, and supported the idea of physical barriers to mitigate sound. She also contrasted multiple speakers at lower volume versus one highly amplified speaker as another physical mitigation to address the issue.

Mr. Zylinski said many people may have concerns who do not submit written complaint. Mr. Flanders said he understands that. He said, "on the other side of the coin," he interacts with neighbors who enjoy having the business there and even the live music, but he repeated that he understands the concerns. Mr. Zylinski reiterated that this discussion has been repeated a few times.

Mr. Brown asked for a commitment that the business would hold off on the DJs and loud productions and focus more on background music until a plan is in place to mitigate this. Mr. Flanders said they would look into sound barriers and see if they can come up with a good solution.

Public comment: None

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

Mr. Zylinski said he would make a motion that Bad Martha's design and install acoustic barriers both inside and outside the establishment to eliminate the excessive noise as a start, and open to amendments by other Board members.

Added to that, Chair Taylor said she would like to see the applicant come back with a real, concrete plan to address these concerns to keep the entertainment license going as is. She said the business needs to really show, not just say, that they hear the concerns and are doing something about it. She said she thinks the Board needs to "tune it up a little bit."

Mr. Mascali said that Mr. Zylinski's proposed motion might be too specific but agrees that the onus is on the applicant to develop a plan for what needs to be done to solve this issue. He asked what the best way to proceed would be.

Mr. Johnson-Staub, regarding process, said that if the Board wants action on the issue, it could find that there has been a violation of the license and direct the applicant to come back with solutions and continue the hearing to a date certain when the applicant can return with a proposal to mitigate the issue. Chair Taylor asked what happens to the license in the meantime. Mr. Johnson-Staub said because there is no specific solution you would not change the license, although the Board could consider a temporary suspension of the license.

Mr. Brown noted the verbal commitment of the applicant to eliminate the DJ. He said he thought it was a good suggestion to find there is a violation of the license. He said he would support a voluntary commitment from the applicant rather than take away the license. Chair Taylor noted that the Board has been here before and wondered if it was wise to take a verbal commitment of the applicant.

Ms. Goldstone asked Mr. Johnson-Staub and Mr. Renshaw if a deadline could be imposed on the applicant's proposing a mitigation plan following a finding of a violation. She said she is uncomfortable with a verbal commitment and no suspension and no deadline, especially if the license were to be left as is.

Mr. Mascali said he could agree with that. He was hesitant to suspend their license, he said.

Chair Taylor said her concern is that with no action, that it just prolongs it. She said there needs to be something that goes along with the deadline for the mitigation plan. She went on to say that the violation piece needs something beyond a mitigation plan by a date certain.

Mr. Johnson-Staub clarified that in finding a violation and continuing the hearing, implicit is, depending upon what you hear back at that continued hearing, you could then impose a form of discipline open to you.

Mr. Zylinski added that if there continue to be further violations in the interim, it will compound the situation when the applicant comes back.

Regarding the option of continuing the hearing, Town Counsel Maura O'Keefe advised that this hearing should keep this hearing closed and gain the accountability you are looking for by placing a condition on the license as a result of the violation. The condition would be for the applicant to come back periodically to update the Board, which stays attached to the license. She said she had a concern about continuing a hearing for the sole purpose of getting information about compliance.

Mr. Zylinski said he would agree except this is the 3rd or 4th time the Board has dealt with this. He said he understands what Town Counsel is advising process-wise, but said he is tired of having the same discussion with the same set of excuses. He said he does not want to make it punitive, but there should be a date certain where they come back with solutions, finally.

There was brief back-and-forth about whether to open the hearing back up. Consensus was to keep it closed and proceed with conditions on the license. Town Counsel said she thought the applicant has shown willingness to be collaborative and come up with ideas for solutions.

The Board continued to suggest conditions that would become part of the license, the details of which generated brief discussion among them. One of them was to whom the updates would be submitted – the Town Manager or the Select Board – and pros/cons of each method. Another was the length of the deadline – 30 days vs. 6 weeks - and reasons for each.

At this point, Mr. Zylinski proposed the following motion: That the Board require Bad Martha's to design and install acoustic walls, barriers both inside and outside, to eliminate excessive noise, come up with a plan, and report to us every 6 weeks.

There was brief comment following this proposed motion. Mr. Brown said he wasn't sure about instructing them what to build. Mr. Mascali said he agreed with the goal but wasn't sure about the specificity in the first part.

Mr. Renshaw sought clarification on to whom the updates would be submitted – him or the Select Board. Mr. Mascali said the Town Manager. Chair Taylor agreed. She also said she would like to see the license conditioned. One condition would be the removal of the DJ. Another would be to find a violation of the license. Mr. Mascali suggested two motions: one to take care of the violation, and the other to include all that the Board has spoken about.

Motion by Mr. Mascali: That the Board finds that there has been a violation of the entertainment license and licenses to sell alcohol issued to Bad Martha's Brewery, LLC

Town Counsel explained that it was part of the notice, that a violation of an entertainment license can also be a violation of the license to sell alcohol. She recommended that due to the applicant's willingness to work with the Board, that a violation of only the entertainment license should be considered.

Revised motion by Mr. Mascali: That the Select Board make a determination that there has been a violation of the entertainment license issued to Bad Martha's Brewery, LLC on the complaints presented to it

Second: Mr. Zylinski Vote: Yes – 5 No - 0

Motion by Ms. Goldstone: To add a condition to Bad Martha’s entertainment license that they develop a plan for physical sound mitigation and modify programming to eliminate noise violations and provide updates on said plan to the town manager’s office every six weeks

Mr. Mascali added, “and to remove the DJ.” Ms. Goldstone said that was the “modify programming.” Mr. Brown asked if that was adequate language; Town Counsel replied, “That sounds great.”

Second: Mr. Zylinski Vote: Yes – 5 No - 0

BUSINESS

Update on lead pipe assessment and discussion on timeline for next steps

Water Superintendent Matt Lanen orally updated the Board on the progress made thus far in the requirement to record the material of each water service line. He used a model of a connection to help illustrate his explanation. He outlined the challenges involved to gather the necessary information, such as 30% of the population not at home year-round and a low return on surveys to gather information. There were some Board questions during the update regarding specifics of the information presented. Mr. Lanen also used screens with maps and graphics during his update. He said Tata and Howard is working with the Town on this project, which encompasses all the villages, with completion expected within 8 years, even though there is a 10-year deadline. He noted the complexity of the project but said they were making great progress.

Mr. Brown said the informational letters can cause confusion. Mr. Lanen agreed but said forms from DEP cannot be altered, only added to.

Ms. Goldstone asked about the low response rate. Mr. Lanen said the instructions are clear but the QR codes do not work with everyone. He outlined other problems connected with getting responses from residents. Ms. Goldstone suggested using young people familiar with QR codes, such as high school students, in the summertime to help with this project. Mr. Lanen said it might work but would require further planning and coordination.

Consider a vote to sign a Statement of Interest (SOI) to the Massachusetts School Building Authority regarding renovations to the Lawrence School authorizing the School Superintendent to submit the SOI

Chair Taylor explained the item, using information from the *Agenda Item Summary Sheet, Business 2* prepared by Mr. Renshaw included in the Select Board packet. She clarified that the vote is only about the Statement of Interest with no discussion about other factors the schools are considering. She said she would limit conversation to what is on the agenda only. It was further clarified that this vote is required by the MSBA.

Lori Duerr, Superintendent of Schools, and Paul Dart, Director of Finance and Operations, both said this vote supports the submission of an application. Mr. Dart said that down the road, the Select Board would again be asked to vote on a proposed project.

Ms. Goldstone asked how many years from this SOI are we from having more specifics of design. Mr. Dart provided a general timeline that included application submission through architectural design, vote on project cost, final architectural design, and construction, all of which would take until 2032. The two votes would be in 2026 and 2028.

Mr. Mascali asked what the next step is after the SOI is signed. Mr. Dart said the SOI questionnaire will be completed, a thorough building assessment will be done, classroom components will be assessed, and the firm conducting those assessments will make the case to the MSBA why the building needs renovation.

Chair Taylor then clarified that what the MSBA is doing with the Lawrence School is not the same type of assessment that the Town will be conducting on all municipal buildings. Mr. Dart said that the MSBA looks for community support, which the SOI addresses.

Mr. Mascali wondered if this vote is something that is best taken tonight or if consideration of or reflection on input/communication from residents should be considered before the Board decides to go forward.

Chair Taylor said the vote gets the Town into the queue, and delaying two more weeks could interrupt the timeline for the district. Ms. Goldstone asked if, in terms of timeline, there is a deadline for submitting the SOI. Mr. Dart said the hard deadline is April 12, and the internal deadline is March 31.

Mr. Mascali asked how much time is needed to gather the information to submit by March 31. Mr. Dart said the application itself is very extensive. Superintendent Duerr said it would take 2 months to get the information together. She added that there is no guarantee of getting accepted in the first round, and it might take several years to get accepted. This just puts us in the queue earlier, she said, and would signal that Falmouth is interested.

Mr. Brown asked about the process working with the MSBA. It was made clear that the Town pays out of pocket for the building assessment. The \$2M funding, part MSBA and part Town, would come once the Town was accepted into the project – that’s where they come in to help, Mr. Dart said. Mr. Brown further asked if the Town would be committing to a project without knowing the ultimate cost. Mr. Dart said during the time of the schematic design of the building, the costs become clearer, but those costs are not known now. Mr. Brown asked if the Town is committing to a process that locks us in. Dr. Duerr said renovation costs will be known after the assessment stage, and that there are many points at which the Town can say it’s too much and we can’t do it.

Public comment:

Paul Kirk – said he understands that the letter does not lock us into anything – stated his apprehension with the current leadership of the project and the leadership of the school system going into this – said he needed to express his concern moving forward based on how everything else has gone.

Raquel Russell – asked who is paying for the assessment that will be conducted and how the funds, \$132,000, were procured.

Mr. Dart said that last April the Town voted half a million dollars for the assessment of all municipal buildings, and \$132K of that fund will be used for this. Mr. Renshaw said that the school buildings were always going to be part of the comprehensive general evaluation. He said the Lawrence School was not specifically considered when seeking the \$500K in the article but restated that the schools in general were always to be included in the Comprehensive Building Condition Index Study. Mr. Johnson-Staub added that after the \$500K estimate was arrived at, we refined the quotes received and found we could do everything we planned to do, as well as the \$132K for the Lawrence School, within the \$500K. He said nothing in the planned scope was eliminated to accommodate this.

Motion by Mr. Zylinski: To approve the Statement of Interest as presented
Second: Mr. Brown Vote: Yes – 5 No – 0

Update and discussion concerning the establishment of a Licensing Commission

Town Counsel Maura O’Keefe updated the Board on the process of establishing a licensing commission. She referred to two documents in the Select Board packet – a draft home rule petition, saying she still needed more information from the Board, and a chart with examples from other towns that have created such commissions. She also used a map of the commonwealth showing total licenses per municipality. She provided information on criteria for licensing in general and some variations between criteria for cities vs towns. She said Falmouth has a special act that allows it to issue as many licenses as it deems fit for the public good, resulting in a disproportionate number of licenses it issues compared to other towns. She outlined what is being proposed in the home rule petition, including which licenses the commission might cover and which might be retained by the Select Board.

Atty. O’Keefe asked for feedback on two points: 1) Does the Select Board want to pursue this? 2) What licenses does it want to retain and what does it want to move to the commission?

Questions from the Board:

Mr. Brown: Would roadways and public lands remain under the Select Board? Atty. O’Keefe said that is a different kind of license because it involves the use of Town property by someone else for private use.

Chair Taylor: Do any of the cities have just the liquor licenses under their licensing commissions? Atty. O’Keefe said that in her experience in Newton, its licensing commission just did alcohol and CVs and entertainment. She said that is something Falmouth could do. Special acts are malleable.

Mr. Mascali: If we went with the act, would there be a way for the Select Board to handle appeals rather than the applicant having to go to the superior court? This prompted a brief discussion about what would be allowed to any license holder for appealing a decision. Atty. O’Keefe said there could be a middle tier where any decision by the local licensing commission gets appealed to the Select Board, then the ABCC, and then to the superior court. Mr. Mascali was questioning whether the Select Board could retain some ability to reverse what the licensing commission had done before the applicant went to the superior court. Atty. O’Keefe said she thought it could, but inserting the Select Board back into the process dampens the authority of the quasi-judicial board that the commission would be and almost negates the purpose of doing this in the first place.

Mr. Mascali: Would the commission make and adopt its own rules and regulations, or would the Select Board have some control over that? Atty. O’Keefe said that if there is a desire for the Board to remain involved in licensing, that they be subject to approval by the Board. She also said that if you’re going to create a licensing board, you should give them the power to regulate themselves. She said appointees could be those with a deeper level of understanding about the industry.

Ms. Goldstone: What is Hawker Peddler, and why is that one of the two licenses recommended to be retained by the Select Board? Atty. O’Keefe said it is an incredibly arcane license with “moving parts” that she is still doing research on.

Ms. Goldstone to fellow Board members: Why delegate alcohol and common victualler and keep things like entertainment, innholder, and car dealerships? She said some businesses are affected by zoning considerations. One she would consider keeping is special events where we think of ways to use space not covered by zoning. Mr. Zylinski said this is all amendable as we go, so we could do a partial rollout and amend as needed. Atty. O’Keefe said a partial rollout could be alcohol, entertainment, and CVs and add things later, but the state could say no. She said the more concrete at the outset, the better. She said she was also considering adding a provision that includes language such as “any other licenses established by bylaw.”

Mr. Brown: Will additional staff be required to handle this new entity we are creating? Atty. O’Keefe said the admin work won’t increase. There won’t be more licenses. The change would be it won’t be on your agenda. The real work, she said, would be some ramp-up training and her attendance at their meetings for a period of time. Other comment mentioned that it would necessitate another meeting to be managed and a set of minutes, although it would be streamlined because that is all the commission would do.

Mr. Mascali asked what the time frame is for this item moving forward because of all the questions that exist. Mr. Renshaw said Jan. 27 is the target to vote, but no action tonight. Atty. O’Keefe said she was not asking that the petition be approved on Jan. 27. Whatever would go on the warrant would be to authorize the Select Board to submit the petition. In the meantime, it could be worked on and submitted whenever the Board wished, whether a year or 6 months from now. Or the Board could decide not to submit it at all. Chair Taylor said that the Charter Review Committee has recommended this twice and the Board owes them the respect to look at it and consider it carefully.

Mr. Brown said he would be okay with the liquor, entertainment, and common victualler, and retain the rest. Chair Taylor said she would as well. She said they could move this to the 27th to decide if we want to create a warrant article, to authorize the submission of a petition, and go from there. Mr. Mascali said the details of the actual petition need more discussion, but there is time to do that because the vote doesn’t go stale.

Consider a vote to approve an application for a Class II Used Car Dealer License – Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 4 - Consider a vote to approve an application for a Class II Used Car Dealer License – Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth* in the Select Board packet. He recommended approval. He said the reason the item is on the agenda tonight is that the applicant missed the renewal deadline.

Mr. Zylinski said the applicant is under a special permit issued in 1996, amended in 2001, granting a license to display 16 vehicles with some other findings and conditions. He said he visited the site and saw more than 60 vehicles on the property, at least 50 unregistered. He said he would ask the Board to continue this item. Mr. Mascali noted that the applicant is not present to explain the situation. Mr. Zylinski urged the Town Manager to

“instruct his code enforcement, someone who can do research on it, to make sure he is in compliance.” He said there are issues that need to be addressed before we can make a decision.

Chair Taylor agreed that the item should be tabled and brought back another time.

Consider a vote to approve sending a letter to the Massachusetts Department of Transportation requesting that the Department relocate and make ADA-Compliant the existing pedestrian crosswalk across Route 28A at Old Dock Road as recommended in the 2023 Road Safety Audit

Mr. Renshaw orally reviewed the item for the Board, referring to the *Agenda Item Summary Sheet*, Item number and Title: *Business 5 - Consider a vote to approve sending a letter to the Massachusetts Department of Transportation requesting that the Department relocate and make ADA-Compliant the existing pedestrian crosswalk across Route 28A at Old Dock Road as recommended in the 2023 Road Safety Audit* in the Select Board packet. He recommended approval.

Motion by Chair Taylor: To direct the Town Manager’s office to work with the town engineer and DPW to draft and submit a letter to MassDOT’s District 5 Office stating that immediate action should be taken to install an ADA-compliant crosswalk in a location north of the West Falmouth Market driveway, and that the crosswalk be accompanied by a pedestrian-operated blinking light making it abundantly clear to drivers when pedestrians are crossing the road
Second: Mr. Brown

Mr. Mascali asked for clarification about where the crosswalk would exist once relocated. Mr. Renshaw said it would be relocated to an area where engineers determined there was greater visibility and fewer accessibility and vehicle encroachment concerns.

Vote: Yes – 5 No - 0

MINUTES

Review and Vote to Approve Minutes of Meetings

- a. Public Session – July 29, 2024; August 26, 2024; September 23, 2024; December 2, 2024

Ms. Goldstone said she would abstain from voting on the Dec. 2, 2024, minutes.

Motion by Chair Taylor: To approve minutes from July 29, August 26, Sept. 23, 2024
Second: Mr. Zylinski **Vote: Yes – 5 No – 0**

Motion by Mr. Brown: To approve minutes from Dec. 2, 2024
Second: Mr. Zylinski **Vote: Yes – 4 No – 0 Abstain – 1 (Ms. Goldstone)**

TOWN MANAGER’S SUPPLEMENTAL REPORT

Mr. Renshaw provided an update to the Board on communication with MassDot regarding reduction of speed limits on sections of Locust Street and Woods Hold Road. Board members referred to written information provided to them by Mr. Renshaw. He said he did receive a response from the state traffic engineer that they denied the petition. Town Counsel said there is no recourse.

SELECT BOARD REPORTS

Chair Taylor reported on the following:

- That she will be stepping off the Board as of May and will notify the town clerk in writing prior to Feb. 10.

Mr. Brown reported on the following:

- Attended the Surf Drive nourishment study

ADJOURN

Motion by Mr. Mascali: To adjourn **Second: Mr. Brown** **Vote: Yes – 5 No - 0**

Respectfully submitted,
Carole Sutherland, Recording Secretary