

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, FEBRUARY 10, 2025 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

6:30 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – 100th Anniversary of the Falmouth Planning Board
4. Recognition
5. Announcements
6. Public Comment

6:35 p.m. BUSINESS

1. Report – 250th Anniversary Task Force **(15 minutes)**
2. Presentation of Petition Articles for April 2025 Annual Town Meeting **(5 minutes each)**
 - a. Present Petition Article #16 – Fund Urine Diversion Assessment – Earle Barnhart, Ron Zweig, Hilda Maingay, Green Center, Inc. and others.
 - b. Present Petition Article #17 – Fund Urine Diversion Study – Earle Barnhart, Ron Zweig, Hilda Maingay, Green Center, Inc. and others.
 - c. Present Petition Article #18 – Transfer from Embarkation Fund for Woods Hole Police Detail – Thomas S. Crane and others.
 - d. Present Petition Article #19 – Prohibition of Sale and Release of Balloons – Christopher McGuire
3. Discuss and consider establishing a building committee to complete the planning and design phase of a new East Falmouth branch library through the Massachusetts Public Library Construction Program (MPLCP) **(10 minutes)**
4. Discuss and consider drafting a letter to the Governor outlining the Town’s concerns with the closure of the Cape & Islands Community Mental Health Center **(15 minutes)**
5. Update on urine diversion feasibility study **(10 minutes)**
6. Discuss and consider approval of an amendment to the intermunicipal agreement with the Massachusetts Advanced Septic System Technology Center of Barnstable County for services related to a urine diversion feasibility study **(10 minutes)**

7:55 p.m. CONSENT AGENDA

1. Licenses
 - a. Consider a vote to approve an application for a Special One-Day Wine & Malt Beverages License – Main Street Gallery, 189 Main Street – Friday, 2/13/25; 4:30 to 7:00 p.m.
2. Administrative Orders
 - a. Consider a vote to approve a request for a variance to Sign Code – §184-30 (C) Special Events: St. Barnabas Church, 91 Main Street
 - b. Consider a vote to approve letters to be sent to Governor Healey and state legislators regarding proposed change to Septic Tax Credit

- c. Consider a vote to approve a waiver of the Town permit fees for the Falmouth Housing Trust 5-unit affordable housing development at 419 Waquoit Highway

8:00 p.m. MINUTES

1. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – January 27, 2025

8:05 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:10 p.m. SELECT BOARD REPORTS

8:20 p.m. ADJOURN

Nancy Robbins Taylor, Chair
Select Board

OPEN SESSION

3. Proclamation: 100th Anniversary of the Falmouth Planning Board



PROCLAMATION

WHEREAS Article 17 of the Special Town Meeting on May 28, 1923 voted to “*appoint a committee of twelve to be known as a “Planning Board”*”, since more than 30 articles were proposed requesting roads and water main extensions by the Town;

WHEREAS The Falmouth Annual Report for 1924 states that a *Planning Board* was appointed by the *Board of Selectmen* with twelve members named: L.C. Weeks (Chairman), Frances B. Stevens (Secretary), Joseph B. Miskell, H.H. Smythe, and H.V. Lawrence for *three-year terms*; Wm. B. Dillingham, Bertha M. Boyce, H.G. Haddon, C.B. Fisher for *two-year terms*; and Harriett N. Veeder, E.E. Kelly, and John H. Head to *one-year terms*;

WHEREAS On October 6, 1924, Dr. Lewis C. Weeks, Chair of the Town Planning Board, attended a conference of the “*Federation of Planning Boards of Massachusetts*”, and noted that Falmouth was “*one of four towns in the state that has appointed a Planning Board*”;

WHEREAS The initial work of the Planning Board was confined to the preparation of a Zoning Bylaw to “*preserve the characteristic of the Town*”, and the Falmouth Enterprise argued that “*Zoning fosters a wholesome neighborhood spirit and greater civic pride*”;

WHEREAS The “Zoning Bylaw was amended at annual and special meetings” with a lengthy debate over two nights, and on April 20, 1926 accepted by a vote of 188 to 122;

WHEREAS The Town of Falmouth was the “*first town on Cape Cod to adopt a zoning bylaw*”; and

WHEREAS The Annual Report for the year ending December 31, 1927 states that the Planning Board has considered all questions within its field relating to “*roads, buildings, public lands, etc.*” and has been “*represented at all state and county conferences*”.

NOW, THEREFORE, We, Nancy Robbins Taylor, Edwin P. Zylinski II, Douglas C. Brown, Robert P. Mascali and Heather M. H. Goldstone, as the Select Board of the Town of Falmouth, by the authority vested in us, do hereby PROCLAIM:

THE 100TH ANNIVERSARY OF THE FALMOUTH PLANNING BOARD

IN WITNESS THEREOF, we have hereunto set our hand and caused the great seal of the Town of Falmouth, Massachusetts to be affixed on this 10th day of February 2025.

Nancy Robbins Taylor, Chair

Robert P. Mascali

Edwin P. Zylinski II, Vice Chair

Heather M. H. Goldstone

Douglas C. Brown



Falmouth Planning Board

59 Town Hall Square, Falmouth, MA 02540

Telephone: 508-495-7440 Fax: 508.495.7443 email: planning@falmouthma.gov

February 3, 2025

Mr. Michael Renshaw, Town Manager
59 Town Hall Square
Falmouth, MA 02540

Dear Mr. Renshaw,

It has come to our attention that the Town of Falmouth Select Board appointed a Planning Board to advise the Town of proper development about 100 years ago. We have researched this issue extensively using Annual Reports and other data, and have summarized the notable events at that time, as follows:

- Article 17 of the Special Town Meeting on May 28, 1923 voted to “appoint a committee of twelve to be known as a ”Planning Board”, since more than 30 articles were proposed requesting roads and water main extensions by the Town;
- The Falmouth Annual Report for 1924 states that a Planning Board was appointed by the Board of Selectmen with twelve members named: L.C. Weeks (Chairman), Frances B. Stevens (Secretary), Joseph B. Miskell, H.H. Smythe, and H.V. Lawrence for three-year terms; Wm. B. Dillingham, Bertha M. Boyce. H.G. Haddon, C.B. Fisher for two-year terms; and Harriett N. Veeder, E.E. Kelly, and John H. Head to one-year terms;
- On October 6, 1924, Dr. Lewis C. Weeks, Chair of the Town Planning Board, attended a conference of the “Federation of Planning Boards of Massachusetts”, and noted that Falmouth was “one of four towns in the state that has appointed a Planning Board”;
- The initial work of the Planning Board was confined to the preparation of a Zoning Bylaw to “preserve the characteristic of the Town”, and the Falmouth Enterprise argued that “Zoning fosters a wholesome neighborhood sprit and greater civic pride”;
- The “Zoning Bylaw was amended at annual and special meetings” with a lengthy debate over two nights, and on April 20, 1926 accepted by a vote of 188 to 122;
- The Town of Falmouth was the “first town on Cape Cod to adopt a zoning bylaw”; and
- The Annual Report for the year ending December 31, 1927 states that the Planning Board has considered all questions within its field relating to “roads, buildings, public lands, etc.” and has been “represented at all state and county conferences”.

Therefore, the members of the Planning Board have voted to respectfully request that the Select Board acknowledge this significant anniversary, and request that the Select Board consider a proclamation. In anticipation of the support of this request, we have prepared a draft Proclamation for consideration, as attached.

Sincerely,

Charlotte Harris, Chair

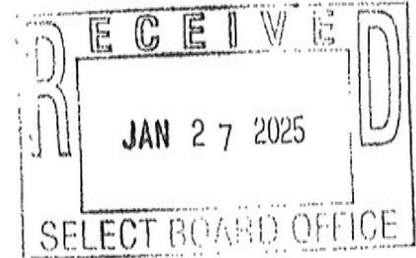
OPEN SESSION

BUSINESS

1. Report – 250th Anniversary Task Force (**15 minutes**)

MEMORANDUM

To: Michael Renshaw, Town Manager
CC: Robert Mascali, Select Board Liaison
From: Falmouth 250, Paul Dreyer, Chair *Pandy*
Date: January 27, 2025
Subject: Falmouth 250 Activities Report No. 1



This is an update of the Falmouth 250 activities for the four months at the end of December 2024.

Organization

The Falmouth Select Board established the "250th Anniversary Task Force" on August 12, 2024 and made the following appointments: Catherine Bumpus, Paul C. Dreyer, Tamsen George, Rachel Lovett, Karen Rinaldo, Robert G. Ripley, Jr., and Sandra Stosz. In addition, Robert Mascali was named as the Select Board Liaison. Falmouth 250 has met eight times in the four months before the end of 2024.

Mission Statement

The Falmouth 250 Mission Statement is intended to "encourage, educate, and celebrate to the 250th anniversary of the Declaration of Independence in 2025 and 2026" in Falmouth. The following general activities are anticipated:

- Develop a comprehensive plan for celebrating the 250th anniversary;
- Participate with the Falmouth School District and local historical societies;
- Provide opportunities for citizens and local organizations to participate in events;
- Coordinate the Town's events with local, state, regional, and federal levels;
- Identify funding needs and potential funding sources; and
- Provide a Summary Report of Falmouth 250 activities.

Proposed Specific Activities

The meetings are held on the first and third Wednesday of the month at the Gus Canty Community Center.

At this time, specific activities are being developed and may include the following:

- The Falmouth 250 logo was approved, and introduced at the Holiday by the Sea Parade;
- Coordination with the Museums on the Green with a variety of events beginning in April 2025;
- Coordination with Highfield Hall and other groups in Falmouth, to support their related events;
- Develop a memorial tablet/marker that recognizes Falmouth's role in the revolution;
- Consideration of anniversary banners along Main Street in coordination with DPW in July 2025 and 2026;
- Consideration a bus trip for residents to attend selected revolutionary events in Concord; and
- Coordination with the Falmouth School District for student participation from the three school levels with events and historic pamphlets as an educational exercise.

Funding Sources

There may be a need for funding for some of these activities, and as the activities are developed, the funding costs will be estimated for consideration. There appears to be some limited funding available from the Town, and potentially from the business community for specific projects, that will be considered.

We will be pleased to provide additional detail, as necessary. Thank you for your support for Falmouth 250.



Bicentennial Celebration on Falmouth Village Green (1976)

Town of Falmouth in the American Revolution

FALMOUTH 250

Prepared for the Select Board

Paul Dreyer, Chair

February 10, 2025

Falmouth 250

Intent:

- Provide a brief update of the *Falmouth 250* activities for the period ending December 2024.

Organization:

- The Falmouth Select Board voted the “*250th Anniversary Task Force*” on August 12, 2024.
- The following members were appointed: Catherine Bumpus, Paul C. Dreyer, Tamsen George, Rachel Lovett, Karen Rinaldo, Robert G. Ripley, Jr., and Sandra Stosz.
- In addition, Robert Mascali was named as the Select Board Liaison.
- *Falmouth 250* has met eight times in the four months prior to the end of 2024.

Mission Statement:

- The 250 Mission Statement is intended to “*encourage, educate, and celebrate the 250th anniversary of the Declaration of Independence in 2025 and 2026*” in Falmouth.

Falmouth 250

Proposed General Activities:

The following general activities are anticipated:

- Develop a comprehensive plan for celebrating the 250th anniversary;
- Coordinate with the Falmouth Historical Society on planned events on the participation of Falmouth in the American Revolution;
- Participate with the Falmouth School District and local historical societies;
- Coordinate and support the Town's events at the local, state, regional, and federal levels;
- Identify funding needs and potential funding sources; and
- Provide a Summary Report of Falmouth 250 activities.

Falmouth 250

Proposed Specific Activities

The specific activities include the following:

- Coordinate with the Museums on the Green for “*Revolutionary Lanterns & Lyrics*” on April 27, 2025 on the Library lawn with the Concord Minutemen and other activities;
- Place a granite stone monument and plaque commemorating the “Battle of Falmouth” along Surf Drive located in Falmouth Heights overlooking the Vineyard Sound;
- Consider the placement of anniversary banners on light poles along Main Street in July 2025 and 2026 with Select Board approval;
- Coordinate with the Falmouth School District for student participation from the three as an educational exercise; and
- Request funding for the first two items from free cash in Article 14 from Fiscal Year 2025 at the April Town Meeting for an estimated cost of \$6,600

OPEN SESSION

BUSINESS

2. Presentation of Petition Articles for April 2025 Annual Town Meeting **(5 minutes each)**
 - a. Present Petition Article #16 – Fund Urine Diversion Assessment – Earle Barnhart, Ron Zweig, Hilda Maingay, Green Center, Inc. and others.
 - b. Present Petition Article #17 – Fund Urine Diversion Study – Earle Barnhart, Ron Zweig, Hilda Maingay, Green Center, Inc. and others.
 - c. Present Petition Article #18 – Transfer from Embarkation Fund for Woods Hole Police Detail – Thomas S. Crane and others.
 - d. Present Petition Article #19 – Prohibition of Sale and Release of Balloons – Christopher McGuire



ITEM NUMBER: Business 2.

ITEM TITLE: Presentation of Petition Articles for the April 2025 Annual Town Meeting

MEETING DATE: 2/10/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: April 2025 Town Meeting Calendar; Petition Article 16, Fund Urine Diversion Assessment; Petition Article 17, Fund Urine Diversion Study; Petition Article 18, Transfer from Embarkation Fund for Woods Hole Police Detail; Petition Article 19, Prohibition of Sale and Release of Balloons

PURPOSE:

Petitioners for each of the four (4) Petition Articles will be provided five minutes each to make a presentation on Articles 16, 17, 18, and 19.

BACKGROUND/SUMMARY:

N/A

DEPARTMENT RECOMMENDATION:

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

OPTIONS:

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

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

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

Michael Renshaw

Town Manager

2/5/2025

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 Presentations.....Monday, 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

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 (2/3rd)
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 Srvcs	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.

OPEN SESSION

BUSINESS

3. Discuss and consider establishing a building committee to complete the planning and design phase of a new East Falmouth branch library through the Massachusetts Public Library Construction Program (MPLCP) **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 3.

ITEM TITLE: Discuss and consider establishing an advisory committee to complete the planning and design phase of a new East Falmouth library through the Massachusetts Public Library Construction Program

MEETING DATE: 2/10/2025

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

SUBMITTED BY: Brian Stokes, Library Director

ATTACHMENTS: Draft of East Falmouth Branch Advisory Committee charge and mission statement

PURPOSE:

The Board is asked to establish an East Falmouth Library Building Advisory Committee to complete the planning and design phase of the Massachusetts Public Library Construction Program (MPLCP).

BACKGROUND/SUMMARY:

- The Town was awarded a grant for planning and design of a new East Falmouth branch library through the MPLCP. The grant provides up to \$100,000 in addition to the \$150,000 allocated at April 2024 Town Meeting (Article 37).
- Convening a building committee is the first step in the planning and design phase.

➤ Responsibilities as suggested by MPLCP include:

- Issue the RFP/RFQ for the Owner's Project Manager and supervise the bidding process
- Recommend the preferred OPM candidate to the trustees
- Work with the OPM to issue the RFQ for the architect and supervise the bidding process
- Recommend the preferred candidate to the trustees
- Negotiate fees with the architect and execute the contract
- Assist the architect in narrowing down the sites to analyze
- Oversee schematic design process to the MPLCP Level of Design
- When completed, present the MPLCP Level of Design to the trustees for approval

DEPARTMENT RECOMMENDATION:

The application process should open for a committee consisting of five members, at least one of which should be a current member of the Board of Library Trustees.

OPTIONS:

- Motion to approve the establishment of an East Falmouth Library Advisory Committee to complete the planning and design phase of a new East Falmouth library and to approve the opening of the application process for the committee as presented.
- Motion to deny approval to establishment of an East Falmouth Library Advisory Committee to complete the planning and design phase of a new East Falmouth library and to approve the opening of the application process for the committee.
- 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 approve the establishment of an East Falmouth Branch Advisory Committee to complete the planning and design phase of a new East Falmouth library and to approve the opening of the application process for the committee as presented.

Michael Renshaw

Town Manager

2/5/2025

Date

EAST FALMOUTH LIBRARY BUILDING ADVISORY COMMITTEE

A temporary East Falmouth Branch Library Advisory Committee shall be appointed by the Select Board in accordance with relevant provisions of the Falmouth Home Rule Charter and Town bylaws. The Committee shall consist of five (5) members who shall serve until the Committee is dissolved. The Board seeks representation from individuals with a background in building design, building construction, civil engineering, and/or library services. In the event that a member resigns prior to the dissolution of the Committee the Board may elect to appoint a new member.

The mission of the Committee is to advise on owner's project manager (OPM) and architect selection, library site selection, and design of a new East Falmouth Branch Library based on information provided by staff, the OPM and the architect retained by the Town. The Committee will also solicit input from residents. The Committee is directed to submit recommendations to the Town Manager regarding owner's project manager and architect selection, and to the Library Board of Trustees and Select Board regarding site selection and design.

This Committee is to convene meeting at the earliest reasonable time following Select Board appointment. They are to select a Chair, Vice-Chair and Recording Secretary, will select an agreeable meeting date, time and place and will post all Committee meetings, prepare and approve minutes consistent with the Commonwealth Open Meeting Law. It is the intention of the Board to encourage consistent and steady progress to timely reach this final recommendation, as it is required by the Massachusetts Public Library Construction Program (MPLCP) that work on planning and design be completed by the end of 2025.

The Library Director and Town Manager designees shall serve as staff liaisons to this Committee to provide relevant information, analysis and guidance. The Committee may be dissolved by the Select Board upon the acceptance of the final report for the MPLCP's planning and design phase.

Chapter C. Falmouth Home Rule Charter

Article III. The Select Board

§ C3-6. Powers of appointment.

- A. The Board shall appoint:
 - (1) A Town Manager, as provided in Article **V**.
 - (2) A Town Accountant for a term of three (3) years in accordance with MGL c. 41, § 55.
 - (3) Three (3) members of a Board of Registrars.
 - (4) Election officers.
 - (5) Town Constables.
- B. The Board shall also have the power to appoint Governmental Bodies as provided in Article **VII**.
[Amended ATE 5-17-2022, Question 6]
- C. The Board shall also have the power to appoint other governmental bodies, to define their duties, set the limits for the scope of their responsibilities and the terms of their existence. Any such governmental body having a planning function shall coordinate its activities with the Planning Board.
[Amended ATE 5-17-2022, Question 6]

OPEN SESSION

BUSINESS

4. Discuss and consider drafting a letter to the Governor outlining the Town's concerns with the closure of the Cape & Islands Community Mental Health Center **(15 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 4.

ITEM TITLE: Discuss and consider drafting a letter to the Governor outlining the Town's concerns with the closure of the Cape & Islands Community Mental Health Center

MEETING DATE: 2/10/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: None

PURPOSE:

The Select Board will discuss and consider a vote to direct the Town Manager to draft a letter to the Governor, to be signed by the Chair, outlining the Town's concerns with the planned closure of the Cape & Islands Community Mental Health Center in Pocasset.

BACKGROUND/SUMMARY:

- Governor Healey announced the proposed closure on January 22, when she submitted suggested cuts to the Department of Mental Health (DMH) fiscal year budget to the Legislature.
- The Center is the only state-run mental health facility and one of only two inpatient psychiatric units on Cape Cod.

- Closing the Center would eliminate 16 beds, nearly half of the Cape's total inpatient capacity.
- The only other inpatient unit in the area is at Cape Cod Hospital in Hyannis, which serves patients aged 16 and older; that unit has 20 beds, and patients typically stay for five to 10 days.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the drafting of a letter to the Governor, to be signed by the Chair, outlining the Town's concerns with the closure of the Cape & Islands Community Mental Health Center.

OPTIONS:

- Motion to draft a letter to the Governor, to be signed by the Chair, outlining the Town's concerns with the closure of the Cape & Islands Community Mental Health Center.
- Motion to deny approval of the drafting of a letter to the Governor outlining the Town's concerns with the closure of the Cape & Islands Community Mental Health Center.
- 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 drafting of a letter to the Governor, to be signed by the Chair, outlining the Town's concerns with the closure of the Cape & Islands Community Mental Health Center.

Michael Renshaw

Town Manager

2/5/2025

Date

OPEN SESSION

BUSINESS

5. Update on Urine Diversion Feasibility Study **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 5.

ITEM TITLE: Update on urine diversion feasibility study

MEETING DATE: 2/10/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Scope of Work Updated 02/05/2025

PURPOSE:

The Board will receive a report on the status of the urine diversion feasibility study initiated in November 2023. Under a separate agenda item, the Board will be asked to consider authorizing an additional \$33,000 for this study.

BACKGROUND/SUMMARY:

- The Massachusetts Alternative Septic System Test Center (MASSTC) was retained through an inter-municipal agreement with Barnstable County to assess the viability of a urine diversion pilot project. The agreement authorized \$80,000 to undertake a scope of work comprised of nine deliverables.
- The Town identified a number of questions to be addressed before investing over a \$1 million to conduct the pilot project.
- The status of progress on the nine deliverables identified for this feasibility study is detailed in an updated scope of work attached.

1. Stakeholder Group Meetings – complete, MASSTC representatives have met regularly with the Urine Diversion Working Group appointed by the Town Manager
2. Develop Participant Agreement – 50% complete
3. Toilet Fixture Selection and Approvals – 50% complete
4. Approval of Monitoring Plan – This deliverable is considered complete in light of the work done to ascertain and initiate the approval process which is a lengthier process than originally thought. MassDEP approval has not been received.
5. Collection and Storage Systems Design and Approval – 50% complete
6. Assess Prospective Participants – 25% complete
7. Urine Collection and Disposal Plan – complete, the plan has been identified. The next step is to obtain all approvals required for implementation.
8. Supplemental Funding and Geographic Expansion – 90% complete, multiple grant programs were reviewed, one application submitted. No funds secured to date.
9. Report – 80% complete

- Considerable progress has been made in pursuit of answers and approvals required to undertake a feasibility study but there remains quite a bit of work to do to determine the viability of the pilot project.
- Specifically, the approval process for the Massachusetts Plumbing Board and the Department of Environmental Protection is more extensive than initially anticipated.
- Of the \$80,000 authorized, \$52,375 has been expended to date.
- Staff and MASSTC have identified an additional scope of work and tentatively agreed on a fee of \$33,000 for this additional work subject to approval of the Select Board and Barnstable County Commissioners.

1. Additional Stakeholder meetings - \$5,000
2. Provisional Use Application - \$9,000
3. Regulatory Approval for Disposal Plan - \$6,000
4. Supplemental Funding & Geographic Expansion - \$10,000
5. Phase 2 Report - \$3,000

DEPARTMENT RECOMMENDATION:

The Town Manager welcomes questions and feedback from the Board. There is no action requested under this item. A vote on amending the agreement with MASSTC will be taken up under the next agenda item.

OPTIONS:

Not applicable.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

TOWN MANAGER COMMENTS:

This report is for informational purposes only; no action is requested of the Board.

Michael Renshaw

Town Manager

2/6/2025

Date

Scope of Work

Intermunicipal Agreement between the Town of Falmouth and the Massachusetts Alternative Septic System Test Center to develop the Falmouth Urine Diversion Project

February 5, 2025 Update

This project, initiated in May of 2024, and funded with \$80,000 through an Intermunicipal Agreement (IMA) between the Town of Falmouth and MASSTC has exceeded its end date of November 29, 2024. While much has been accomplished toward reaching intended goals and deliverables, the unpredictability of complicated regulatory determinations has resulted in only partial completion of some of the scope. To continue working toward project goals we are proposing to extend the timeline of the IMA. While any incomplete tasks will be completed with remaining funds from the original agreement, the extension of completed tasks and new tasks will require additional funds, as requested below, to support our work for the next 8-months. With the exception of item 8 -- Supplementary Funding and Geographic Expansion, -- the remaining deliverables will be completed by September 1, 2025 so the Town can make a decision as to the feasibility of undertaking the pilot project in time for a potential funding request to be submitted for the November 2025 town meeting.

Following is the original scope of work *in bold italics* followed by updates on progress and remaining work to be completed, expressed as percent completion, and showing requests for additional funding to support the extended timeline and/or additional tasks. We are providing a budget table at the end of this document to summarize financial information.

- 1. Stakeholder Group: Assemble a working group established by the Town and hold at least 3 meetings during the project period to coordinate and collaborate on the following scope of work and identify challenges for potential full-scale project. Stakeholders to include MASSTC staff, MASSTC consultant(s) and expert advisors, Town staff, Water Quality Management Committee designee, Freshwater Ponds Advisory Committee designee.***

Deliverables: Meeting notes

Cost: \$8,000

The project team has met at least twice monthly throughout the project period (6-months) having productive discussions including progress updates and strategizing to achieve desired goals. During our recent meetings we have decided to reduce meeting frequency to one per month to allocate more time to other project tasks.

Percent completion as of the end of the original project period (November 29, 2024): 100%

Funds remaining from original allocation: \$0

Additional funds requested to complete task within extended timeline (November 29, 2025): \$5,000

2. ***Develop Participant Agreement: Assist Town with drafting an agreement to be signed by Falmouth homeowners interested in participating in the provisional use project. This agreement will address the following and additional project parameters to be determined:***
- a. *Installation of toilet fixtures to meet DEP approval requirements,*
 - b. *Town subsidy,*
 - c. *Costs borne by homeowner,*
 - d. *Responsibility for maintenance of fixtures within the home,*
 - e. *Responsibility for collection and transport of urine from the home,*
 - f. *Responsibility for system removal, if necessary,*

Deliverables: Draft Homeowner agreement for submission to Town Counsel and Water Quality Management Committee (WQMC). Revised Homeowner agreement incorporating input from Town Counsel and WQMC
Cost: \$10,750

We have completed a draft agreement but determined early on in this effort that more information is needed to provide potential participants with information necessary to sign such an agreement. Completion of this agreement is reliant on approval of toilet fixtures (Task 3) and the associated plumbing and storage system (Task 5) each of which needs to be approved by the State Plumbing Board. Approval by the MassDEP (Task 4) is also needed to assure these systems can be legally installed, operated and maintained. Additionally, a solution to the issue of expenditure of municipal funds on private property, which affects the implementation of both advanced onsite septic systems and urine diversion systems, needs to be determined before both the Town and participants can formulate an agreement to move forward with this project. Once necessary information is attained, we can reengage this task and assist the Town with drafting this agreement.

Percent completion as of the end of the current project period (November 29, 2024): 50%
Funds remaining from original allocation: \$5,375
Additional funds requested to complete task within extended timeline: \$0

3. ***Toilet Fixture Selection and Approval: Identify and list available UD toilets and obtain necessary state and local approvals (Plumbing Board, Building Inspector, etc.) for at least one toilet (if available) for use in this demonstration project.***

Deliverables: List of UD toilets approved by applicable regulatory agencies
Cost: \$8,000

We have established selection criteria and compiled a list of urine diverting toilet fixtures that we've identified as being eligible for this planned pilot project based on those criteria. Following ongoing conversations with the Plumbing Board we have learned that applications for acceptance of toilet fixtures are best completed by the toilet manufacturers themselves. MASSTC and our consulting team have thus engaged with UD toilet manufacturers and are working to facilitate the approval process between manufacturers and the Plumbing Board.

Percent completion as of the end of the current project period (November 29, 2024): 50%
Funds remaining from original allocation: \$4,000
Additional funds requested to complete task within extended timeline: \$0

4. Approval of Monitoring Plan: Obtain MA DEP approval of a monitoring, testing, and reporting plan that meets DEP requirements for approval of UD as a general use IA system.

Deliverables: Written monitoring, testing and reporting plan approved by MA DEP

Cost: \$6,750

Communications with MassDEP have led to an approval pathway for installation, operation and monitoring of UD systems through the same process that I/A septic systems are approved via a Provisional Use application. While the approval of a monitoring plan is a component of this Provisional Use application it requires the development of various additional content including a detailed description of the alternative system, proposed alternative design standards with references to relevant portions of Title 5 regulations, cost information, approvals or denials in other states, operation and maintenance requirements and manuals, sampling protocol in accordance with Standard Methods for Examination of Water and Wastewater, minimum installation requirements, and a training program for operators and installers, among other details. Approval of a urine disposal or recycling plan is a key component of this application and thus the successful approval of UD for Provisional Use may also be dependent on task 7a below. This Provisional Use application process will entail the application submittal followed by up to six rounds of review and revision, the timeline and scope of which will be determined by MassDEP.

Given that a monitoring plan has been developed and discussed with MassDEP we feel that the scope of the original task has been completed and that the development, submittal, and review process of a complete Provisional Use application is effectively a new task as described in proposed new task 4a below.

Percent completion as of the end of the current project period (November 29, 2024): 100%

Funds remaining from original allocation: \$0

Additional funds requested to complete task within extended timeline: \$0

4a. Development, Submittal and Engagement in Review Process for Provisional Use Application with MassDEP: Develop and submit a Provisional Use application for urine diversion as an I/A nutrient management strategy to MassDEP. Work with MassDEP through multiple rounds of review and resubmittal with the goal to achieve Provisional Use approval in preparation for a future UD pilot implementation project.

Deliverables: Written Provisional Use application submitted to MassDEP. Successful Provisional Use approval if possible.

Cost: \$9,000

5. Collection and Storage Systems Design and Approval: Review template engineering plans for in-home UD collection system (storage tanks, piping, etc.) with Mass Plumbing Board, Local Plumbing Inspector, and DEP to prepare for system permitting and installation.

Deliverables: Template engineering plan, written approval from applicable regulatory agencies

Cost: \$11,000

We continue to work with the Plumbing Board to prepare an application for submittal. Ongoing communications with board members have indicated that the UD system design plans previously created by Rich Earth and Nutrient Networks will require some revisions and need to be produced and stamped by a Massachusetts licensed plumbing engineer before being submitted to the board as part of a formal application. The project team has prepared a scope of work, contacted three Massachusetts licensed plumbing engineers and received quotes from two. Once an engineer is hired and plans are revised, we will submit them as part of an application package to the Plumbing Board. Following the application submittal, we will participate in a hearing at the next available board meeting at which time we will be informed of the success or failure of our application. If we do not gain their approval, we will address deficiencies and resubmit the application and will engage the Board with a second application and hearing. This process may require multiple repeats depending on the Board's response.

Percent completion as of the end of the current project period (November 29, 2024): 50%

Funds remaining from original allocation: \$5,500

Additional funds requested to complete task within extended timeline: \$0

6. *Assess Prospective Participants: Acquire existing list of prospective participants from local citizen groups, communicate program parameters and requirements, obtain signed agreements from homeowners. Submit signed agreements to Town for approval. Note, the Town will not execute any agreements if there are fewer than 75 agreements signed by homeowners.*

Deliverables: Participant list, completed agreements from Falmouth homeowners

Cost: \$ 14,000

Completion of this task is dependent on completion of most of the other tasks above (Tasks 2, 3, 4 and 5) and with confirmation of subsidy amount and dispersal strategy from the town. We cannot expect participants to sign agreements until all necessary information is confirmed. Within this current scope ending November 29, 2024, we have acquired and organized the initial participant list thanks to the outreach provided by the Green Center and Falmouth Pond Coalition. MASSTC has also conducted outreach and added additional names to the list which is currently at 176 people. Many more are interested around the Cape and Islands including quite a large number on Martha's Vineyard, although funding support for their participation will be contingent upon success of Task 8 below.

To make some initial progress on assessing participants we have developed a draft participant survey which we intend to finalize and distribute to the complete list soon. Once distributed we will review responses and identify which participants may be best candidates for the future pilot project. Once an agreement is finalized, we can revisit the original task of obtaining signatures.

Percent completion as of the end of the current project period (November 29, 2024): 25%

Funds remaining from original allocation: \$10,500

Additional funds requested to complete task within extended timeline: \$0

7. *Urine Collection and Disposal Plan: Identify collection and disposal plan for provisional use project including, service providers, disposal locations, and applicable regulatory considerations.*

Deliverables: List of service providers, description in report

Cost: \$7,500

While the beneficial recycling of urine nutrients is a core goal of community scale urine diversion programs, the current lack of regulatory approval for such recycling makes it important for us to assess and secure alternative urine management strategies. We have gained confirmation from two local septage haulers who are willing to conduct urine pump outs and disposal at the wastewater treatment plants where they are licensed. We have also spoken with both Wasted and the Rich Earth Institute who are Vermont-based organizations who are willing to receive urine from a Cape-based pilot project and process into fertilizer in Vermont where it is currently allowed. Given that we have successfully identified viable collection and disposal options, service providers, disposal locations and applicable regulatory considerations we feel that the scope of this original task has been completed and that the next step of engaging and working toward regulatory approvals of these disposal options is effectively a new task as described in proposed new task 7a below.

Percent completion as of the end of the current project period (November 29, 2024): 100%

Funds remaining from original allocation: \$0

Additional funds requested to complete task within extended timeline: \$0

7a. Gain Regulatory Approval for at Least One Recommended Urine Management Option: Identify specific regulatory agencies with jurisdiction to each phase of preferred urine management options (pumping, transport, processing, disposal or recycling) and take steps to gain approval in preparation for future UD pilot implementation project.

Deliverables: Written disposal plan that identifies regulatory requirements, engagement in regulatory approval process and successful approval where possible.

Cost: \$6,000

8. Supplementary Funding and Geographic Expansion: Explore alternate and/or supplementary funding sources and opportunities to expand project to other towns.

Deliverables: Listing of potential funding sources, letters of interest

Cost: \$5,500

Multiple grant programs have been reviewed and engaged with preliminary conversations and attendance at information meetings, although only one grant application has been submitted (MassDEP 319 Grant Program). We have yet to receive a response to that application. We are currently working on an application to both the WHOI SeaGrant program and another private foundation grant program which both focus on addressing urine management strategies (task 7a above). Given the potentially large number of participants living outside of Falmouth we intend to conduct additional outreach to other Cape and Islands towns to broaden participation and potentially share cost of a future pilot project.

Percent completion as of the end of the current project period (November 29, 2024): 90%

Funds remaining from original allocation: \$550

Additional funds requested to complete task within extended timeline: \$10,000

9. Report: Develop final report with input from stakeholder group to incorporate findings of this scope of work and associated deliverables and draft scope of work and project cost for demonstration project phase, provided above threshold requirements have been met.

Deliverables: Report summarizing project efforts and outcomes

Cost: \$8,500

We are actively developing a detailed report to share what has been accomplished and what is still needed to prepare for a future pilot UD implementation project. A draft of this report can be expected soon. Once the full project scope is completed, we will revise this report to incorporate results of the entire project.

Percent completion as of the end of the current project period (November 29, 2024): 80%

Funds remaining from original allocation: \$1,700

Additional funds requested to complete task within extended timeline: \$0

9a. Phase 2 Report:

Develop a final report for phase 2 of feasibility study with input from stakeholder group to incorporate findings of this scope of work and associated deliverables and draft scope of work and project cost for demonstration project phase, provided above threshold requirements have been met.

Cost: \$3,000

Budget Summary

Task	Initial funding per task	Percent of original task complete	Initial funds spent based on task percent completion	Initial funds remaining per task	Additional funds needed to support 10 month extension and revised scope	Total funds available for extended timeline and revised scope
1 Stakeholder Group	\$ 8,000	100%	\$ 8,000	\$ -	\$ 5,000	\$ 5,000
2 Participant Agreement	\$ 10,750	50%	\$ 5,375	\$ 5,375	\$ -	\$ 5,375
3 Toilet Fixture Selection and Approval	\$ 8,000	50%	\$ 4,000	\$ 4,000	\$ -	\$ 4,000
4 Monitoring Plan Approval	\$ 6,750	100%	\$ 6,750	\$ -		\$ -
4a Provisional Use application	\$ -	0%	\$ -	\$ -	\$ 9,000	\$ 9,000
5 Collection and Storage Systems Design and Approval	\$ 11,000	50%	\$ 5,500	\$ 5,500	\$ -	\$ 5,500
6 Assess Prospective Participants	\$ 14,000	25%	\$ 3,500	\$ 10,500		\$ 10,500
7 Identify Urine Collection and Disposal Plan	\$ 7,500	100%	\$ 7,500	\$ -	\$ -	\$ -
7a Regulatory Approval for Disposal Plan	\$ -	0%	\$ -	\$ -	\$ 6,000	
8 Supplementary Funding and Geographic Expansion	\$ 5,500	90%	\$ 4,950	\$ 550	\$ 10,000	\$ 10,550
9 Report	\$ 8,500	80%	\$ 6,800	\$ 1,700	\$ -	\$ 1,700
9a Phase 2 Report	\$ -	0%	\$ -	\$ -	\$ 3,000	\$ 3,000
Totals	\$ 80,000		\$ 52,375	\$ 27,625	\$ 33,000	\$ 60,625

OPEN SESSION

BUSINESS

6. Discuss and consider approval of an amendment to the intermunicipal agreement with the Massachusetts Advanced Septic System Technology Center of Barnstable County for services related to a urine diversion feasibility study **(10 minutes)**



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Business 6.

ITEM TITLE: Discuss and consider approval of an amendment to the intermunicipal agreement with the Massachusetts Advanced Septic System Technology Center of Barnstable County for services related to a urine diversion feasibility study

MEETING DATE: 2/10/2025

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

SUBMITTED BY: Peter Johnson-Staub, Assistant Town Manager

ATTACHMENTS: Proposed Intermunicipal Agreement Amendment, Updated Scope of Work

PURPOSE:

The Board is asked to consider authorizing an amendment to the intermunicipal agreement with the Massachusetts Advanced Septic System Technology Center of Barnstable County for services related to a urine diversion feasibility study.

BACKGROUND/SUMMARY:

- The Board will have received a status report on this feasibility study under the preceding agenda item.
- Staff and MASSTC have identified an additional scope of work and tentatively agreed on a fee of \$33,000 for this additional work subject to approval of the Select Board and Barnstable County Commissioners.

- Additional Stakeholder meetings - \$5,000
 - Provisional Use Application - \$9,000
 - Regulatory Approval for Disposal Plan - \$6,000
 - Supplemental Funding & Geographic Expansion - \$10,000
 - Phase 2 Report - \$3,000
- The original agreement authorized \$80,000. The scope of work for this initial agreement is approximately 65% complete.
- If this amendment is approved, the total amount to be spent on this feasibility study will be \$113,000.
- The amended scope of work calls for the deliverables to be completed by September 1, 2025 which is just in time for a decision to seek funding for the pilot project at the November 2025 Town Meeting.
- The funding for this additional \$33,000 allocation will come from Article 23 of the November 2024 Annual Town Meeting. The vote approved under this petition article is as follows:
- “By a declared majority vote, a quorum being present on Monday, November 18, 2024 the Town voted to transfer the sum of \$106,000 from certified free cash for the purpose of continuing the work of consultants to complete the research necessary to make the provisional pilot project, consistent with any recommendations from the Massachusetts Department of Environmental Protection and the Board of State Examiners of Plumbers and Gas Fitters, to evaluate urine diversion as a method for effectively reducing the amount of nitrogen and phosphorus entering town waters in support of the Town’s Comprehensive Wastewater Management to be expended under the direction of the Town Manager.”
- Town staff are pleased with the quality of work provided by MASSTC. They have assembled a team including outside consultants that is knowledgeable in this emerging field and they have a passion to advance innovative wastewater solutions.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends approval of the amendment to the intermunicipal agreement as presented.

OPTIONS:

- Motion to approve the amendment to the intermunicipal agreement with the Massachusetts Advanced Septic System Technology Center of Barnstable County for services related to a urine diversion feasibility study as presented.

- Motion to approve an amendment to the intermunicipal agreement with the Massachusetts Advanced Septic System Technology Center of Barnstable County for services related to a urine diversion feasibility study as presented with revisions identified by the Board.

- Motion to deny requested amendment.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends approval of the amendment to the intermunicipal agreement as presented.

Michael Renshaw

Town Manager

2/6/2025

Date

**Intermunicipal Agreement
Terms and Conditions**

**Barnstable County
3195 Main Street
Barnstable, MA 02630**

THIS INTERMUNICIPAL AGREEMENT is made pursuant to General Laws Chapter 40, §4A, this
27th day of March, 2024 by and between

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

(Town Name and Address)

(hereinafter referred to as Town), and Barnstable County (hereinafter referred to as County and collectively as the "Parties").

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

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

1. **Employment of County.** The County hereby agrees to perform the services hereinafter set forth in the Scope of Services. County hereby agrees to hold the Town harmless from any claims regarding worker's compensation benefits, unemployment compensation benefits, retirement benefits, or any other benefit normally attributable to the status of "employee" and County specifically agrees to pay for all damages incurred by the County or Town, including costs, benefits, and reasonable attorney fees in the event the County files such claim.

2. **Scope of Services.** The County shall perform the scope of services to the Town set forth in

Falmouth-MASSTC IMA Scope 2024-05-09

3. **Amendments.** The following amendments to the Intermunicipal Agreement have been executed by duly authorized representatives of the Parties and are attached hereto and incorporated herein:

Scope of Work 2025-02-05

4. **Time of Performance.**

November 29, 2024

Start Date

November 29, 2025

End Date

5. **Responsible County Official:** The County Official and Department exercising managerial control for this Contract shall be: Brian Baumgaertel, MASSTC Director

6. Payment:

- A. The Town shall compensate the County for the services rendered at the rate of \$ 33,000 for added scope per project (e.g., hour, week, quarterly, project, etc.).
- B. In no event shall the County be reimbursed for time other than that spent providing the described service(s).
- C. Payment will be made upon submittal and approval of the County's Invoice(s) that is (are) sent Monthly____, QuarterlyX, Other____ (specify)_____.
- D. Reimbursement for Travel and Other County Expenses:
- All travel and meals are part of this Agreement. No reimbursement will be made.
 - County will be reimbursed for pre-approved travel in an amount not to exceed \$_____. Copies of receipts must be submitted. Any expense claimed by the County for which there is no supporting documentation shall be disallowed.
 - County will be reimbursed for OTHER expenses in an amount not to exceed \$_____.
 - OTHER Expenses shall be limited to:_____. Copies of receipts must be submitted. Any expense claimed by the County for which there is no supporting documentation shall be disallowed.
- E. The total of all payments made against this Agreement and paid to the County shall not exceed: \$ 113,000

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

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

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

9. Non-Discrimination in Employment and Affirmative Action. The County shall take affirmative action to ensure that qualified applicants and employees are treated without regard to age, race, color, religion, sex, marital status, sexual orientation, national origin, disability, or Vietnam Era Veteran status. The County agrees to comply with all applicable Federal and State statutes, rules and regulations prohibiting discrimination in employment including but not limited to: Title VII of the Civil Rights Act of 1964, as amended; Massachusetts General Laws Chapter 1518§(1); the Americans with Disabilities Act of 1990; and all relevant administrative orders and executive orders including Executive Order 246.

10. Interest of Members of County and Others. No officer, member or employee of the County, and no member of its governing body of the locality or localities in which the Project is situated or being carried out who exercises any functions or responsibility in the review or approval of the undertaking or carrying out of the Project, shall participate in any decision relating to this Agreement which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly financially interested or has any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

11. Conflict of Interest. County acknowledges that it may be subject to the Massachusetts Conflict of Interest statute, Mass. Gen. Laws ch. 268A, and to that extent, County agrees to comply with all requirements of the statute in the performance of this Contract.

12. Recordkeeping, Audit, and Inspection of Records. The County shall maintain books, records, and other compilations of data pertaining to the requirements of the Agreement to the extent and in such detail as shall properly substantiate claims for payment under the Contract. All such records shall be kept for a period of seven (7) years or for such longer period as is specified herein. All retention periods start on the first day after final payment under this Contract. If any litigation, claim, negotiation, audit or other action involving the records is commenced prior to the expiration of the applicable retention period, all records shall be retained until completion of the action and resolution of all issues resulting therefrom, or until the end of the applicable retention period, whichever is later. If this contract is funded in whole or in part with state or federal funds, the state or federal grantor agency, the Town or any of its duly authorized representatives or designees, shall have the right at reasonable times and upon reasonable notice, to examine and copy, at reasonable expense, the books, records and other compilations of data of the County which pertain to the provisions and requirements of this Contract. Such access shall include on-site audits, review and copying of records.

13. Findings Confidential. Any reports, information, data, etc., given to or prepared or assembled by the County under this Agreement which the Town requests to be kept as confidential shall not be made available to any individual or organization by the County without the prior written approval of the County or Town, except to such extent as the information is determined to be a public record.

14. Publication, Reproduction and Use of Material. No material produced in whole or in part under this Agreement shall be subject to copyright in the United States or in any other country. The County shall have the unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials prepared under this Contract.

15. Political Activity Prohibited. None of the services to be provided by the County shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.

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

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

18. **Compliance with Laws.** The County shall promptly comply with all applicable laws, rules, regulations, ordinances, orders and requirements of the Commonwealth and any state or federal governmental authority relating to the delivery of the services described in this Contract subject to section 17 above. Unless otherwise provided by law, the County shall promptly pay all fines, penalties and damages that may arise out of or be imposed because of the County's failure to comply with the provisions of this section and, shall indemnify the Town against any liability incurred as a result of a violation of this section. If the County receives federal funds pursuant to this Contract, County understands and agrees to comply with all requirements outlined in the Office of Management & Budget Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Part 200 subpart A-F)

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

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

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

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

To the County: Brian Baumgaertel, MASSTC Director and Bryan Horsley, MASSTC Project Assistant
4 Kittridge Road, Buzzards Bay, MA 02542

To the Town: Michael Renshaw, Town Manager and Peter Johnson-Staub, Assistant Town Manager
59 Town Hall Square, Falmouth, MA 02540

Employees of Barnstable County shall not be held personally or contractually liable by or to the Town under any term or provision of this Contract or because of any breach thereof. This Contract is not binding until signed by an authorized County official.

IN WITNESS WHEREOF, the County and Contractor have executed this Agreement this date: _____

FOR THE COUNTY:

BARNSTABLE COUNTY:

FOR THE TOWN:

Date

Scope of Work

Intermunicipal Agreement between the Town of Falmouth and the Massachusetts Alternative Septic System Test Center to develop the Falmouth Urine Diversion Project

March 22, 2024

The Town of Falmouth is planning a pilot project to assess urine diversion (UD) as a nutrient management tool to meet regulatory water quality targets in impaired watersheds and has asked MASSTC to design and to manage the project. UD is an ecologically friendly sanitation strategy that entails the diversion of human urine from the conventional wastewater stream using specialized toilet fixtures and collection systems followed by processing and reuse as a beneficial fertilizer product to enrich soil and offset synthetic fertilizer usage. The Town's Water Quality Management Committee, Finance Committee and Selectboard have reviewed MASSTC's October 2023 draft project design and identified a series of questions about the readiness of the project for complete funding. Town Managers have proposed that an \$80,000 allocation, previously approved by the Selectboard, be transferred to MASSTC via an intermunicipal agreement (IMA) to fund their work in addressing questions and preparing the project for full funding.

MASSTC is interested in taking on this project and proposes the following scope of work based on the questions and concerns raised by Town committees. While MASSTC is well suited to complete much of this work within the capacity of existing staff we intend to subcontract with a consultant with specialized experience in ecological sanitation and UD to assist with various tasks within the project scope to assure best results within the timeline. The project period will not exceed one-year from the initiation of the IMA and will result in an updated project plan, among other deliverables, that is ready for complete funding and implementation in the coming fiscal year.

Tasks:

1. Assemble stakeholder group and hold meetings throughout project period to coordinate and collaborate on the following scope of work. Stakeholders to include MASSTC staff, project consultant(s), town staff, local non-profit groups.

Cost: \$4,400

2. Identify and list best available UD toilets and begin process for regulatory approval with plumbing board and local inspector and other applicable regulatory agencies.

Cost: \$3,200

3. Create template engineering plans for UD collection system design and review with applicable regulators to prepare for system permitting and installation.

Cost: \$8,200 (includes contractual engineering fees)

4. Identify and document necessary infrastructure, equipment and work force needed to operate and maintain UD systems (including collection, storage, transport, processing and reuse) and assess applicable regulatory considerations.

Cost: \$4,000

5. Communicate with farmers and other land managers to assess interest in urine derived fertilizer. Work with state and local regulators to identify approval process for fertilizer production and land application and other beneficial nutrient reuse pathways.

Cost: \$8,700 (includes contractual laboratory analysis for contaminants of concern)

6. Work with MA regulators to design a monitoring plan specifically geared toward assessing UD as a general use IA system.

Cost: \$4,000

7. Identify workforce development needs and begin outreach, education and training for local tradespeople including plumbers, carpenters, licensed Title 5 designers, engineers, architects, septage haulers, O&M providers, etc.

Cost: \$5,400

8. Provide public outreach and education, engage with potential project participants and complete preliminary assessments of installation sites.

Cost: \$29,500 (includes assessments at up to 50 project sites)

9. Identify and apply for alternate and/or supplementary funding sources and explore opportunities to expand project to other towns, share expense and broaden geographic reach.

Cost: \$3,900

10. Write final report to incorporate detailed results of this scope of work and associated deliverables and incorporate these findings into a new project design.

Cost: \$4,200

Total Project Cost: \$80,000

(\$28,800 MASSTC, \$39,500 Consultant(s), \$11,700 Supplies and Contractuals)

OPEN SESSION

CONSENT AGENDA

1. Licenses

- a. Consider a vote to approve an application for a Special One-Day Wine & Malt Beverages License – Main Street Gallery, 189 Main Street – Friday, 2/13/25; 4:30 to 7:00 p.m.



AGENDA ITEM SUMMARY SHEET

ITEM NUMBER: Consent Agenda – Licenses 1.a.

ITEM TITLE: Consider a vote to approve an application for a Special One-Day Wine & Malt Beverages License- Main Street Gallery, 189 Main Street- Thursday, February 13, 2025, 4:30 to 7:00 PM

MEETING DATE: 2/10/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: License Application Review Form; SweetArt Event Narrative letter dated January 29, 2025; Special One-Day Entertainment License Application dated January 29, 2025; Site plan; Event Flyer

PURPOSE:

The Select Board will consider a vote to approve an application for a Special One-Day Wine & Malt Beverages License- Main Street Gallery, 189 Main Street- Thursday, February 13, 2025, 4:30 to 7:00 PM.

BACKGROUND/SUMMARY:

- The applicant Main Street Gallery submitted its application for a Special One-Day Entertainment License on January 29, 2025.
- The application states that the SweetArt event will take place on Thursday, February 13, 2025 and will benefit and support the mission at Nobska Light.

- The event hours are listed as being 4:30 PM to 7:00 PM.
- The applicant has applied for Liquor Liability Insurance and will provide certification of coverage before the license is issued.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the application for a Special One-Day Wine & Malt Beverages License- Main Street Gallery, 189 Main Street- Thursday, February 13, 2025, 4:30 to 7:00 PM as presented.

OPTIONS:

- Motion to approve the application for a Special One-Day Wine & Malt Beverages License- Main Street Gallery, 189 Main Street- Thursday, February 13, 2025, 4:30 to 7:00 PM as presented.
- Motion to deny the approval of the Special One-Day Wine & Malt Beverages License- Main Street Gallery, 189 Main Street- Thursday, February 13, 2025, 4:30 to 7:00 PM.
- 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 Special One-Day Wine & Malt Beverages License- Main Street Gallery, 189 Main Street- Thursday, February 13, 2025, 4:30 to 7:00 PM as presented.

Michael Renshaw

Town Manager

2/6/2025

Date

LICENSE APPLICATION REVIEW

Restaurant/Business: Main Street Gallery

Address: 189 Main Street, Falmouth

License Type: Special One-Day Wine & Malt Beverages

New License _____

Transfer of License _____

Change of License _____

Police _____

Fire _____

Building _____

Health _____

Zoning _____

Planning _____

DPW _____

NOTES:

The name of the event is SweetArt being held in support of Friends of Nobska Light. Tickets are \$30.00 per person.

The applicant has applied for Liquor Liability Insurance and will provide certification of coverage before the license is issued.

Jessica Dougherty
Jim Fox
Main Street Real Estate/ Main Street Gallery

Kathy Walrath, President
Friends of Nobska Light, Inc.
1/29/25

Town of Falmouth
Select Board

To whom it concerns:

We are seeking approval for a **"Special On-Day Liquor License"**.

The Friends of Nobska Light in collaboration with Main Street Gallery are hosting a SweetArt Event to support the mission at Nobska. The event will include light appetizers, and beer and wine. Alcohol will be secured in a single location and served by a TIPS certified bar tender provided by John's Liquors.

The front entrance of the gallery has 4 steps to entry, and the rear entrance has no steps, and exits to the rear parking lot, which can be accessed via chancery lane by car or foot, or the walkway along the building via Main Street.

This application is for 2/13/25

We do not anticipate exceeding the current limitations of our existing occupancy permit.

Please let me know if you have any questions.

Sincerely,

Jessica Dougherty
Jim Fox
Main Street Real Estate/ Main Street Gallery



Kathy Walrath, President
Friends of Nobska Light, Inc.





APPLICATION

SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES

M.G.L.A. CHAPTER 138, SECTION 14

Apply at least 30 days prior to Select Board hearing.

NAME OF APPLICANT: Jessica Dougherty & Jim Fox

ADDRESS OF APPLICANT: 189 Main St

Falmouth MA 02540
TOWN STATE ZIP CODE

NAME OF ORGANIZATION: Main Street Real Estate (MSRMSG LLC)

MAILING ADDRESS: 189 Main St Falmouth MA 02540

TELEPHONE #: [REDACTED] EMAIL: office@mainstreetrealestatefalmouth.com

LOCATION TO BE LICENSED-ADDRESS: 189 Main St

Falmouth MA 02540
TOWN STATE ZIP CODE

EVENT TITLE: SweetArt APPROXIMATE # OF PEOPLE: 45

DATE(S) OF EVENT: 2/13/2025 HOURS OF EVENT: 4:30pm-7pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Jim Fox

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

REQUIREMENTS check list:

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

1/29/25
DATE

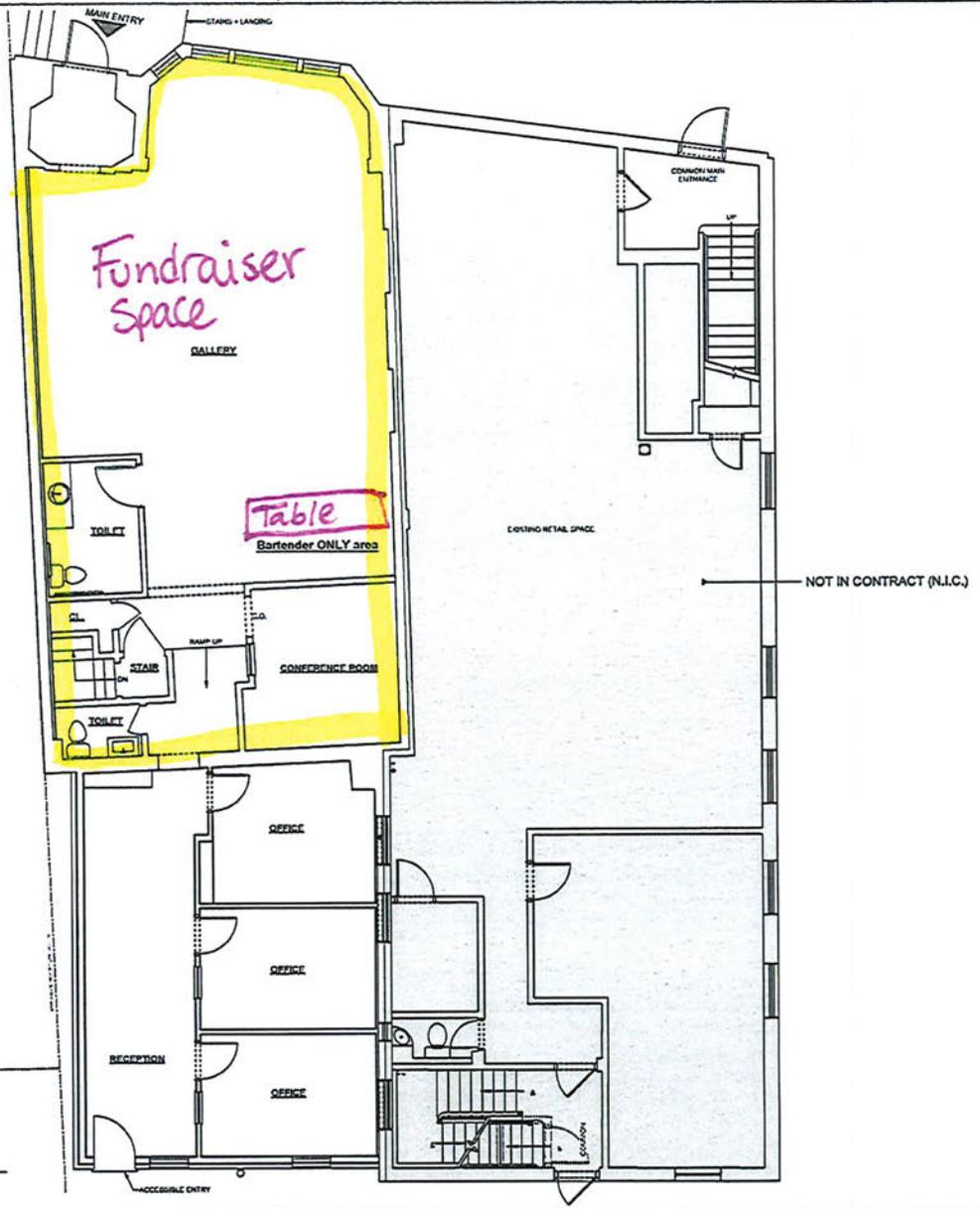
Handwritten signature of Jessica Dougherty
APPLICANT SIGNATURE

FEES DUE UPON SUBMISSION:
\$25.00 PER DAY payable by Cashier's or Bank Check only
\$10.00 FILING FEE

1/29/2025 12:19:28 PM

ART GALLERY + REAL ESTATE
OFFICE SPACE = 1930 SF +/-

EXISTING FIRST FLOOR PLAN
1/8" = 1'-0"



DATE: 29 JAN 2025	
REVISIONS	
 KENNETH + KENNY ARCHITECTS, LTD. <small>1100 Beacon Street Boston, MA 02218 617.552.1234 www.kennethkenny.com</small>	
PROPOSED RECEPTION DESK	ART GALLERY 189 MAIN STREET FALMOUTH, MASSACHUSETTS
EXISTING FLOOR PLANS	
PROJECT NO. 189 MAIN ST	SCALE: 1/4" = 1'-0"
EX1.1	



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

FRIENDS OF NOBSKA LIGHT INC
C/O KATHRYN WILSON
PO BOX 901
FALMOUTH, MA 02541

Employer Identification Number:
47-2579196
DLN:
17053097352005
Contact Person: KEVIN W PAYTON ID# 31454
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
January 21, 2015
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

FRIENDS OF NOBSKA LIGHT INC

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teresa Rippocella".

Director, Exempt Organizations



TIPS eTIPS On Premise 3.1 **CERTIFIED**

Issued: 05/25/2022 Expires: 05/25/2025

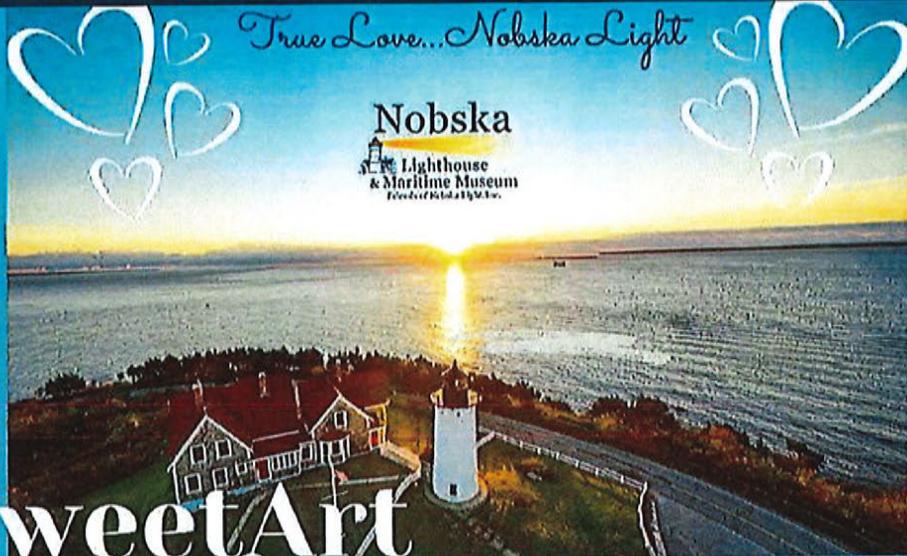
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East Falmouth, MA 02536-4629 USA

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SweetArt 2025

A VALENTINE'S CELEBRATION

SUPPORTING THE FRIENDS OF NOBSKA LIGHT

SPONSORED BY THE MARTHA'S VINEYARD CHARITABLE FOUNDATION



HOSTED BY THE MAIN STREET GALLERY, 189 MAIN STREET, FALMOUTH

You're invited to **SweetArt 2025!**

Thursday, February 13

4:30-7:30 PM

Main Street Gallery, 189 Main Street, Falmouth, MA

Tickets \$30 Per Person

Please join us for a delightful evening filled with music, beautiful art, delectable hors d'oeuvres, beer and wine. This in-person event is the perfect opportunity to indulge your senses and support the Friends of Nobska Light.

You might even find the perfect Valentine's gift at our **silent auction**. Items include artwork by Julia O'Malley-Keyes, Gilded Oyster Jewelry, a personalized brick installed at Nobska Light, a private tour of Nobska and more!

Don't miss out on this unique experience - mark your calendar and join us for a night of artistic inspiration! Registration link below.

Hope to see you there!

Sincerely,

Kathy Walrath, President

[REGISTER HERE](#)

BUSINESS PARTNERSHIPS



[DONATE](#)





Town Of Falmouth
59 Town Hall Square
Health Department
Falmouth, MA 02540
508-495-7485

**COMMONWEALTH OF
MASSACHUSETTS
TOWN OF FALMOUTH
HEALTH DEPARTMENT**

Number	<i>TFE-25-0001</i>
Fee \$	<i>\$25.00</i>
DATE ISSUED	<i>02/13/25</i>

Wally's Dog Cart

Wally's Dog Cart

IS HEREBY GRANTED A TEMPORARY FOOD ESTABLISHMENT (1-4 DAYS) PERMIT

For 23 RIVERS END RD

This permit is granted in conformity with the Statutes and ordinances relating thereto, and expires
02/13/25 unless sooner suspended or revoked.

Comment:

Scott McGann
For the Health
Department

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- a. Consider a vote to approve a request for a variance to Sign Code – §184-30 (C) Special Events: St. Barnabas Church, 91 Main Street



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider a vote to approve a request for a variance to the Sign Code-
Section 184-30 (C) Special Events; St. Barnabas Church, 91 Main Street

MEETING DATE: 2/10/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Summary of Variance Request; Letter from St. Barnabas to Select Board requesting variance, dated January 16, 2025; Letter to St. Barnabas Church regarding approval of Sign Code variance dated May 17, 2025

PURPOSE:

The Select Board will consider a vote to approve a request for a variance to the Sign Code-
Section 184-30 (C) Special Events; St. Barnabas Church, 91 Main Street.

BACKGROUND/SUMMARY:

- A formal request for a variance to Sign Code Section 184-30 C was submitted to the select Board by The Reverend W. H. Mebane, Jr., Rector on behalf of St. Barnabas's Memorial Episcopal Church on January 16, 2025.
- The request is for a variance to allow the temporary display of signs in excess of the permitted 32 square feet dimension and in excess of the number of days permitted (would exceed 30 days per calendar year).

- The requested variance would be for signs of the dimensions of 6 feet by 10 feet to be temporarily displayed on 4 foot by 4 foot wooden posts.
- The events for which the signs would be posted are Summer at St. B's, Strawberry Festival, Lobster on the Lawn, Christmas Fair, Woods Hole Clothing Sale, Epiphany, Lent, Easter, Pentecost, Advent, Christmas, other special events and worship services.
- The request states that the signs are all professionally produced and will not impede or interfere with pedestrian or vehicular traffic.
- This variance request has been made and the Select Board has approved the request for many years, including most recently in 2024 (see attached letter dated May 17, 2024).
- If this variance is approved, a sign permit from the Building Department will be required.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve the variance to the Sign Code- Section 184-30 (C) Special Events; St. Barnabas Church, 91 Main Street, as presented.

OPTIONS:

- Motion to approve the variance to the Sign Code- Section 184-30 (C) Special Events; St. Barnabas Church, 91 Main Street, as presented.
- Motion to deny approval of the variance to the Sign Code- Section 184-30 (C) Special Events; St. Barnabas Church, 91 Main Street.
- 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 variance to the Sign Code-Section 184-30 (C) Special Events; St. Barnabas Church, 91 Main Street, as presented.

Michael Renshaw

Town Manager

2/6/2025

Date

St. Barnabas Episcopal Church:

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

Location: St. Barnabas Church, 91 Main Street.

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

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

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

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



January 16, 2025

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

Subject: Sign Variance – Temporary Promotional Signs

Dear Ms. Davidson,

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

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

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

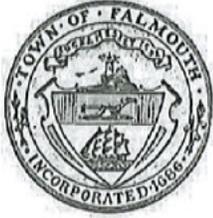
Events: Summer @ StB's, Strawberry Festival, Lobster on the Lawn, Christmas Fair, Woods Hole Clothing Sale, Epiphany, Lent, Easter, Pentecost. Advent, Christmas, and other special events and worship services.

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

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

Very truly yours,

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



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone: (508) 495-7320

townmanager@falmouthma.gov

*2024 Sign Variance
Approval*

May 17, 2024

Rev. Will H. Mebane, Jr.
St. Barnabas's Memorial Episcopal Church
91 Main Street
Falmouth, MA 02540

Subject: Sign Variance – Temporary Promotional Signs

During its meeting of February 12, 2024, the Select Board approved your request for a variance to the Town Sign Code Section 184-30 (C) Special Events to display temporary promotional signs in excess of the number of days permitted, and for temporary sign in excess of 32 square feet, as follows:

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

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

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

Please note a sign permit is required by the Building Department. Please apply for a sign permit on line at <https://www.falmouthma.gov/313/Online-Permitting>.

Thank you.

Sincerely,



cc: Eleanor MacKay, Assistant Zoning Compliance Agent

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- b. Consider vote to approve letters to be sent to Governor Healey and state legislators regarding proposed change to Septic Tax Credit



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider a vote to approve letters of support of the proposed Title 5 septic tax credit change

MEETING DATE: 2/20/2025

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

SUBMITTED BY: Peter Johnson-Staub, Assistant Town Manager

ATTACHMENTS: Draft letters to Rep Vieira and Sen Fernandes, Slide presentation 12/16/2024

PURPOSE:

The Select Board is asked to consider voting to approve a letter to be sent to Governor Healey and state legislators regarding Septic Tax Credit with any amendments the Board may suggest.

BACKGROUND/SUMMARY:

- The Select Board voted on December 16, 2024 to authorize the Town Manager to draft a letter for Board consideration to be submitted to Governor Healey and state legislators.
- This letter was drafted by staff with input from Jonathan Kaufman of the Water Quality Management Committee.
- The Water Quality Management Committee voted on October 23, 2024 to seek Select Board approval to pursue a change in state legislation to make the tax credit refundable

on state income taxes. The existing tax credit can only be applied against a household's state income tax liability – i.e., it is not refundable.

- Eligibility for this Septic Tax Credit outlined in M.G.L. c. 62, § 6(i) was recently expanded by state legislation to households that install best available nitrogen reducing septic systems (AKA "I/As") pursuant to requirements of a watershed permit.
- The WQMC is in the process of developing proposed watershed permits requirements. One element being considered is creating zones within Massachusetts Department of Environmental Protection designated Nitrogen Sensitive Areas in which all households will be required to install best available nitrogen reducing septic systems. The Septic Tax Credit is a mechanism for households to seek reimbursement for a portion of the cost of installing systems to comply with this proposed regulation.
- The legislature recently increased the maximum tax credit to \$4,000 annually and \$18,000 over a six-year period.
- The proposed change to the Septic Tax Credit would allow households to receive a refundable payment from the Commonwealth up to the maximum of \$4,000 per year even if the amount of state income tax owed is less than the amount of the credit. This change will allow lower- to middle- income households to defray a portion of the cost associated with installation of nitrogen reducing septic systems for those homeowners required to upgrade their septic systems in connection with a watershed permit filed by the Town under Title 5 of the State Environmental Code, 310 CMR 15.000.
- Representative David Vieira has already filed what we understand to be a "placeholder" on the House Docket entitled 'An Act Relative to a Refundable Title 5 Septic Tax Credit'. The legislative wording has yet to be drafted.
- If approved, similar letters will be sent to Governor Healey, Senator Fernandes and Representatives Vieira and Moakley. The letters will be tailored with respect to their respective roles in drafting the legislation and advocating for passage.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board vote to approve the letters as presented or with amendments.

OPTIONS:

- 1) Motion to authorize the Chair to sign letters tailored to each recipient as presented;

- 2) Motion to authorize the Chair to sign letters tailored to each recipient with amendments;
- 3) Motion not to send the letters;

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

FINANCE DIRECTOR COMMENTS (IF APPLICABLE):

N/A

TOWN MANAGER COMMENTS:

The Town Manager recommends that the Select Board vote to approve the letters as presented or with Board-specified amendments.

Michael Renshaw

Town Manager

2/5/2025

Date



TOWN OF FALMOUTH
Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

February 4, 2025

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

Dear Representative Vieira:

The Falmouth Select Board thanks you for your leadership in filing 'An Act Relative to a Refundable Title 5 Septic Tax Credit'. We understand that while the Act has yet to be drafted, the intent of this bill is to make the existing Septic Tax Credit, as outlined in M.G.L. c. 62, § 6(i), refundable on state income taxes. This legislative change would build on two important changes to this tax credit adopted in the last session:

1. This credit can now be used for septic upgrades required in nitrogen sensitive areas pursuant to the provisions of a watershed permit under Title 5 of the State Environmental Code, 310 CMR 15.000;
2. The maximum credit was increased to \$4,000 annually and \$18,000 over a six year period;

The next logical step is to make this benefit available to all property owners regardless of income. In its current form, the tax credit is not fully available to individuals who pay less than \$18,000 over the six-year period following installation of a septic upgrade in connection with a watershed permit. There are many households in Falmouth, and communities across the Commonwealth, with low- and moderate-incomes who own their homes. We believe many of these homeowners will be unable to take full advantage of this tax credit unless the tax credit is refundable on state income taxes.

The Septic Tax Credit is of great importance to the Falmouth community as we implement a comprehensive water quality management plan. With 14 watersheds identified by the Department of Environmental Protection as nitrogen-impaired, most of the developed properties in Falmouth are located within an impaired watershed. Preliminary plans being developed to restore these watersheds call for a combination of sewer extensions and upgrades to best available nitrogen removal septic systems. We are told these septic upgrades, which will be mandatory for all houses and businesses within certain geographic boundaries regardless of the age of the existing septic system, could cost over \$50,000 per household. The Septic Tax Credit

represents critical financial relief for these homeowners – particularly for those who can least afford it.

The Select Board voted unanimously to endorse this legislative change at its meeting on December 16, 2024. Do not hesitate to contact Town Manager Mike Renshaw or Water Quality Management Committee Chair Stephen Rafferty should you need any assistance or have questions regarding this matter.

We appreciate your attention to this important matter.

Very Truly Yours,

Nancy Robbins Taylor
Select Board Chair

CC: Select Board
Stephen Rafferty
Amy Lowell, Wastewater Superintendent

DRAFT



TOWN OF FALMOUTH
Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone: (508) 495-7320
townmanager@falmouthma.gov

February 4, 2025

Honorable Senator Dylan A. Fernandes
24 Beacon Street
Room 167
Boston, MA 02133

Dear Senator Fernandes:

[Similar letters to be sent to Governor Healey and Representatives Vieira and Moakley.]

The Falmouth Select Board seeks your assistance and leadership to draft and file legislation to make the existing Septic Tax Credit, as outlined in M.G.L. c. 62, § 6(i), refundable on state income taxes. This request seeks to build on two important changes to this tax credit adopted in the last session:

1. This credit can now be used for septic upgrades required in nitrogen sensitive areas pursuant to the provisions of a watershed permit under Title 5 of the State Environmental Code, 310 CMR 15.000;
2. The maximum credit was increased to \$4,000 annually and \$18,000 over a six year period;

The next logical step is to make this benefit available to all property owners regardless of income. In its current form, the tax credit is not fully available to individuals who pay less than \$18,000 over the six-year period following installation of a septic upgrade in connection with a watershed permit. There are many households in Falmouth, and communities across the Commonwealth, with low- and moderate-incomes who own their homes. We believe many of these homeowners will be unable to take full advantage of this tax credit unless the tax credit is refundable on state income taxes.

The Septic Tax Credit is of great importance to the Falmouth community as we implement a comprehensive water quality management plan. With 14 watersheds identified by the Department of Environmental Protection as nitrogen-impaired, most of the developed properties in Falmouth are located within an impaired watershed. Preliminary plans being developed to restore these watersheds call for a combination of sewer extensions and upgrades to best available nitrogen removal septic systems. We are told these septic upgrades, which will be mandatory for all houses and businesses within certain geographic boundaries regardless of the age of the existing septic system, could cost over \$50,000 per household. The Septic Tax Credit

represents a critical financial relief for these homeowners – particularly for those who can least afford it.

The Select Board voted unanimously to endorse this legislative change at its meeting on December 16, 2024. Do not hesitate to contact Town Manager Mike Renshaw or Water Quality Management Committee Chair Stephen Rafferty should you need any assistance or have questions regarding this matter.

We appreciate your attention to this important matter.

Very Truly Yours,

Nancy Robbins Taylor
Select Board Chair

CC: Select Board
Stephen Rafferty
Amy Lowell, Wastewater Superintendent

DRAFT

**Massachusetts Department of Revenue
Schedule SC**

***Septic Credit for Repairing or Replacing
a Failed Cesspool or Septic System***

Jon Kaufman/Steve Leighton WQMC Presentation 10/9/2024

What is the Title 5 Septic Credit?

- Effective for tax years beginning on or after January 1, 2023, the Septic Credit is a credit equal to 60% of the actual costs incurred in the repair or replacement of a failed septic system.
- The expenses are the lesser of the taxpayer's actual costs paid to repair and replace the system, or **\$30,000**.
- The maximum amount of the credit that may be claimed in any tax year is **\$4,000**.
- **This is a non-refundable credit - used to offset/reduce taxpayer's total tax due**
- Any excess credit amount may be used in the five tax years following the year in which the credit was initially claimed.
- The total amount of credit that may be claimed by the owner for a residential property is **\$18,000**.

What Are The Actual Costs?

- Actual costs are the reasonable and necessary costs paid by the owner to repair and replace a failed septic system, including the costs for materials, equipment, demolition, relocation, design, engineering, testing and inspection, reduced by grants and reimbursements received.
- Expenses incurred by the owner in 1995 through 2022 to repair or replace a failed system are also actual costs. Actual costs do not include costs paid for.
 - The repair and replacement of any system that is not a failed system;
 - **The repair and replacement of any system not undertaken pursuant to the relevant Department of Environmental Protection (DEP) regulations; or**
 - The replacement of landscaping.

What Change to the Septic Credit is Needed?

- Seeking change from Non-Refundable Credit to Refundable Credit
- Refundable Credit: Refund issued to the taxpayer regardless of tax owed
 - Allow all homeowners to receive reimbursement from the State for costs associated with installing an Advanced (I/A) Septic System in those geoboundaries defined by the Town as requiring such systems
- Two Potential Pathways:
 1. State Legislation - broader impact beyond Falmouth
 2. Special Act - affects only Falmouth

OPEN SESSION

CONSENT AGENDA

2. Administrative Orders

- c. Consider a vote to approve a waiver of the Town permit fees for the Falmouth Housing Trust 5-unit affordable housing development at 419 Waquoit Highway



AGENDA ITEM SUMMARY SHEET

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

ITEM TITLE: Consider a vote to approve a waiver of the Town permit fees for the Falmouth Housing Trust 5-unit affordable housing development at 419 Waquoit Highway

MEETING DATE: 2/10/2025

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

SUBMITTED BY: Mike Renshaw, Town Manager

ATTACHMENTS: Select Board Fee Waiver Policy, adopted February 11, 2016; Letter of request for waiver of permit fees from Falmouth Housing Trust, dated January 15, 2025; Housing Finance Application, Sources and Uses of Funds sheet, 419 Waquoit Highway

PURPOSE:

The Select Board will consider the approval of a request to waive the Town permit fees for the Falmouth Housing Trust 5-unit affordable housing development at 419 Waquoit Highway.

BACKGROUND/SUMMARY:

- The Select Board Fee Waiver Policy (attached) provides that a private non-profit agency may present a case for a unique public benefit and may seek a waiver of fees subject to staff review and subsequent approval of the Select Board.
- On January 15, 2025 the Falmouth Housing Trust made a formal request that all fees associated with the permitting and development of the five affordable housing units at 419 Waquoit Highway be waived.

- Staff has reviewed the request in accordance with the policy and determined that the Falmouth Housing Trust provides a unique public benefit and a service to the Town Residents, taking less than the allowable 20% development fee for the project and contributing over \$500,000 of its own resources which were raised from community donors.

DEPARTMENT RECOMMENDATION:

The Town Manager recommends that the Select Board approve a waiver of the Town permit fees for the Falmouth Housing Trust 5-unit affordable housing development at 419 Waquoit Highway, as presented.

OPTIONS:

- Motion to wave the Town permit and development fees in accordance with the Select Board Fee Waiver Policy, as presented.
- Motion to deny the waiver of the Town permit and development fees for the Falmouth Housing Trust 5-unit affordable housing development at 419 Waquoit 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 a waiver of the Town permit and development fees for the Falmouth Housing Trust 5-unit affordable housing development at 419 Waquoit Highway, as presented.

Michael Renshaw

Town Manager

2/6/2025

Date

Select Board
Fee Waiver Policy
Adopted February 11, 2016

I. General Fee Waiver Policy (excluding Special Events Fees)

It is the policy of the Town of Falmouth to consistently and equitably implement the annual schedule of fees; however, there may arise from time-to-time unique circumstances in which fees may be waived.

Fee Waivers shall be granted by the Town Manager only as follows:

- **Municipal and School Projects:** Town Projects in which the procurement and solicitation documents clearly indicate in the bidding process prior to the opening of the price proposals that fees shall be waived.

Private non-profit agencies presenting a case for a unique public benefit may seek a waiver of fees subject to staff review and approval by the Select Board. These agencies should contemplate up to a two-month review and approval period. To be eligible for a waiver of fees, the private non-profit shall exhibit that it offers a unique public benefit at no charge to the public or provides a service to the Town Residents, particularly the neediest of our residents. Affordable Housing projects that are required to prepare a development pro forma to receive permits or grants will not be considered unless they provide 100% affordable housing and the development fees and profit are limited to below 20% of the project cost.

Inspection fees and fees associated with direct service or material costs will not be waived.

II. Special Events Fees and Use Charges Policy

Public amenities in the Town of Falmouth such as parks, facilities, special open spaces and public ways have been developed for the use and enjoyment of the public. Special events fees and use charges have been established with an understanding that these fees and charges relate to the cost of supporting the facility for such events. Special events may limit access to the public, may only be available to the public willing to pay a fee for the use and enjoyment of the facility/event, and for some events the general public may be prohibited from accessing the facility during the approved Special event.

Select Board Fee Waiver Policy (continued)

Daily Fees:

The daily fee established shall be charged for each day the Special event has been granted use and enjoyment of the facility. Set up and break down days will be charged the daily fee.

Recurring Events:

Recurring one-day events (more often than four times a year) will be charged the full fee for at least the first and the last day of the scheduled event. Any consideration for a waiver is as described below.

Fee Waivers:

The Town will waive daily fees for special events sponsored by established Village associations, the Falmouth Fireworks Committee, the Falmouth Chamber of Commerce, Falmouth VIPs, Falmouth Public Schools, Falmouth Academy, or the Town of Falmouth. With the exception of School or Town events, fees will not be waived for any events that have limited public access or charge an admission fee.

Fee waivers can also be granted, upon request, by the Town Manger under the following conditions:

- An event providing broad community benefit and sponsored for charitable purposes may request a fee waiver. The Sponsor must present a letter of request including financial documentation verifying that all net event fees collected will be directed to a specific charitable purpose.

Any recurring events may be granted a discount up to 75% of the daily charge (excluding the required first and last days) upon application to the Select Board. The Board will consider the cost of maintenance of the facility, the public benefit of the event, and the public disruption caused by the event.

All events will carry any necessary insurance and supply bonds as required for the event.



January 15, 2025

Via Email and Hand Delivered

Mr. Michael Renshaw, Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Falmouth Housing Trust, Inc. – 5 unit affordable housing development at 419 Waquoit Highway, Waquoit, MA

Dear Mr. Renshaw:

Falmouth Housing Trust has an application pending with the Zoning Board of Appeals for approval to construct 5 affordable deed restricted homes at 419 Waquoit Highway. We are anticipating approval to move forward on building 2 – 3 bedroom homes and 3 – 2 bedroom homes.

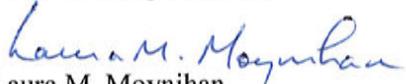
I am writing to request that all Town fees associated with the permitting and development of these homes be waived in accordance with the Select Board Fee Waiver Policy.

As required by the criteria, I have attached the development pro forma that indicates Falmouth Housing Trust is taking less than the allowable 20% development fee for the project. In addition, Falmouth Housing Trust will be contributing over \$500,000 of its own resources, which have been raised from generous community members.

Falmouth Housing Trust is a non-profit tax exempt 501 (c) (3) organization with the mission of building and maintaining workforce housing for low and moderate income individuals and families who are essential to our community. Our construction costs have increased due to building code changes since the submission of the budget for this project to the Town's Affordable Housing Fund in June, 2024. In addition, we have added advanced treatment septic systems to the project that will increase our costs significantly.

Thank you for your consideration and please contact me if you have any questions or require further information.

Sincerely,
Falmouth Housing Trust, Inc.


By: Laura M. Moynihan,
Executive Director & In-House Counsel

Encls.

P.O. Box 465, 17 Academy Lane, Suite 1, Falmouth, MA 02541

Telephone: 508-540-2370

www.falmouthhousingtrust.org

Tax ID No. 04-2936558

419 Waquoit Hwy
June 2024

Section 3 SOURCES AND USES OF FUNDS

Sources of Funds

Private Equity:

81 .	Developer's Cash Equity				
82 .	Tax Credit Equity (net amount) <small>(See line 360, Section 5, page 18.)</small>				
83 .	Developer's Fee/Overhead, Contributed or Loaned	\$60,000			
84 .	Other Source: Philanthropy	\$427,931			

Optional user calculations

Public Equity:

85 .	HOME Funds, as Grant				
86 .	Grant: FAHF	\$100,000			
87 .	Grant: FAHF	\$650,000			
88 .	Total Public Equity	\$750,000			

Subordinate Debt (see definition):

		<i>Amount</i>	<i>Rate</i>	<i>Amortiz.</i>	<i>Term</i>
89 .	Home Funds-DHCD, as Subordinate Debt	\$0	%	yrs.	yrs.
	Source:				
90 .	Home Funds-Local, as Subordinate Debt	\$0	%	yrs.	yrs.
	Source:				
91 .	Subordinate Debt	\$0	%	yrs.	yrs.
	Source:				
92 .	Subordinate Debt	\$0	%	yrs.	yrs.
	Source:				
93 .	Subordinate Debt	\$0	%	yrs.	yrs.
	Source:				
94 .	Total Subordinate Debt	\$0			

Permanent Debt (Senior):

		<i>Amount</i>	<i>Rate</i>	<i>Override</i>	<i>Amortiz.</i>	<i>Term</i>	<i>MIP</i>
95 .	MHFA MHFA Program 1	\$	%	%	yrs.	yrs.	%
96 .	MHFA MHFA Program 2	\$	%	%	yrs.	yrs.	%
97 .	MHP Fund Permanent Loan	\$	%		yrs.	yrs.	%
98 .	Other Permanent Senior Mortgage	\$1,505,000	%		yrs.	yrs.	%
	Source:						
99 .	Other Permanent Senior Mortgage	\$	%		yrs.	yrs.	%
	Source:						

100 . **Total Permanent Senior Debt** \$1,505,000

101 . **Total Permanent Sources** \$2,742,931

Construction Period Financing:

		<i>Amount</i>	<i>Rate</i>	<i>Term</i>
102 .	Construction Loan	\$1,505,000	7.00%	18.0
	Source:			
	Repaid at: Sale Homes	<i>(event)</i>		
103 .	Other Interim Loan	\$0	%	mos.
	Source:			
	Repaid at:	<i>(event)</i>		
104 .	Syndication Bridge Loan	\$0	%	mos.
	Source:			
	Repaid at:	<i>(event)</i>		

Additional Detail on Development Pro-Forma:

200 . Gross Syndication Investment

Off-Budget Costs:

Syndication Costs:

201 . Syndication Legal

202 . Syndication Fees

203 . Syndication Consultants

204 . Bridge Financing Costs

205 . Investor Servicing (capitalized)

206 . Other Syndication Expenses

207 . Total Syndication Expense

208 . Current Reserve Balance

Reserves (capitalized):

209 . Development Reserves

210 . Initial Rent-Up Reserves

211 . Operating Reserves

212 . Net Worth Account

213 . Other Capitalized Reserves

214 . Subtotal: Capitalized Reserves

215 . Letter of Credit Requirements

216 . Total of the Above

Check: Line 214 is the same as line 195.

Please Answer The Following	Dev. Reserves	Initial Rent-Up	Op. Reserves	Net Worth	Other	Letter of Credit
Who requires the reserves?						
Who administers the reserves?						
When and how are they used?						
Under what circumstances can they be released?						

Unit Sales (For Sale Projects Only):

217 . Gross Sales From Units

218 . Cost of Sales (Commissions, etc.)

219 . Net Receipt from Sales

Debt Service Requirements:

220 . Minimum Debt Service Coverage

221 . Is this Project subject to HUD Subsidy Layering Review?

Optional user comments

Uses of Funds

The Contractor certifies that, to the best of their knowledge, the construction estimates, and trade-item breakdown on this page are complete and accurate.

Direct Construction:

105 . Who prepared the estimates? Greg Clancy-Clancy Construction 
Name Greg Clancy (July 26, 2024 11:16 AM) Signature

106 . Basis for estimates? Specifications and Plans

DV	Trade Item	Amount	Description
107 .	3 Concrete		
108 .	4 Masonry		
109 .	5 Metals		
110 .	6 Rough Carpentry	\$169,624	Framing & Roofing
111 .	6 Finish Carpentry	\$435,030	Framing, Roofing, Siding, Windows, Doors, Trim & Decking
112 .	7 Waterproofing		
113 .	7 Insulation	\$69,887	
114 .	7 Roofing		
115 .	7 Sheet Metal and Flashing		
116 .	7 Exterior Siding		
117 .	8 Doors		
118 .	8 Windows		
119 .	8 Glass		
120 .	9 Lath & Plaster		
121 .	9 Drywall		
122 .	9 Tile Work		
123 .	9 Acoustical		
124 .	9 Wood Flooring		
125 .	9 Resilient Flooring		
126 .	9 Carpet		
127 .	9 Paint & Decorating	\$47,805	interior and exterior
128 .	10 Specialties	\$9,561	Mirrors and closets
129 .	11 Special Equipment	\$19,125	Dumpsters, Porta Potty, Cleaning
130 .	11 Cabinets		
131 .	11 Appliances	\$20,000	Provided by Owner/Developer
132 .	12 Blinds & Shades		
133 .	13 Modular/Manufactured	\$7,169	Gutters
134 .	13 Special Construction	\$9,561	HERS Rater
135 .	14 Elevators or Conveying Syst.		
136 .	15 Plumbing & Hot Water	\$72,284	
137 .	15 Heat & Ventilation	\$74,514	HVAC
138 .	15 Air Conditioning		
139 .	15 Fire Protection		
140 .	16 Electrical	\$85,479	
141 .	Accessory Buildings		
142 .	Other/misc	\$321,015	Finish Materials & Labor, Stairs, Kitchen Counters, LVT
143 .	Subtotal Structural	\$1,341,054	
144 .	2 Earth Work		
145 .	2 Sitework&util	\$300,000	Site Work & Utilities
146 .	2 Roads & Walks	\$70,000	
147 .	2 Site Improvement	\$216,535	
148 .	2 Lawns & Planting	\$33,465	
149 .	2 Geotechnical Conditions		
150 .	2 Environmental Remediation	\$15,000	
151 .	2 Demolition	\$20,000	
152 .	2 Unusual Site Cond	\$151,750	Water & Electrical Connections
153 .	Subtotal Site Work	\$806,750	
154 .	Total Improvements	\$2,147,804	
155 .	1 General Conditions		
156 .	Subtotal	\$2,147,804	
157 .	1 Builders Overhead	\$28,680	
158 .	1 Builders Profit	\$135,448	
159 .	TOTAL	\$2,311,932	

160 Total Cost/square foot: N/A Residential Cost/s.f.: N/A

Development Budget:

	Total	Residential	Commercial	Comments
161 . Acquisition: Land	\$100,000			
162 . Acquisition: Building	\$0			
163 . Acquisition Subtotal	\$100,000	\$100,000	\$0	
164 . Direct Construction Budget	\$2,142,684	\$2,142,684		(from line 159)
165 . Construction Contingency	\$107,134	\$107,134		5.0% of construction
166 . Subtotal: Construction	\$2,249,818	\$2,249,818	\$0	

General Development Costs:

167 . Architecture & Engineering	\$70,000	\$70,000		
168 . Survey and Permits	\$8,000	\$8,000		Permits, fees, utilities, water taps
169 . Clerk of the Works	\$50,000	\$50,000		
170 . Environmental Engineer				Site Engineering
171 . Bond Premium	\$0			
172 . Legal	\$12,000	\$12,000		
173 . Title and Recording	\$2,042	\$2,042		
174 . Accounting & Cost Cert.	\$5,000	\$5,000		
175 . Marketing and Rent Up	\$37,500	\$37,500		Includes Lottery with Housing Assistance Corp.
176 . Real Estate Taxes	\$2,500	\$2,500		
177 . Insurance	\$20,000	\$20,000		
178 . Relocation	\$0			
179 . Appraisal	\$0			
180 . Security	\$0			
181 . Construction Loan Interest	\$75,000	\$75,000		
182 . Inspecting Engineer	\$0			
183 . Fees to: Monitoring	\$8,000	\$8,000		
184 . Fees to:				
185 . MIP	\$0			
186 . Credit Enhancement Fees	\$0			
187 . Letter of Credit Fees	\$0			
188 . Other Financing Fees	\$0			
189 . Development Consultant	\$0			
190 . Other: State Fees	\$7,500	\$7,500		
191 . Other:				
192 . Soft Cost Contingency	\$15,863	\$15,863		5.0%
193 . Subtotal: Gen. Dev.	\$313,405	\$313,405	\$0	

194 . Subtotal: Acquis., Const and Gen. Dev.	\$2,663,223	\$2,663,223	\$0	
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195 . Capitalized Reserves	\$0			
196 . Developer Overhead				
197 . Developer Fee	\$60,000	\$60,000		

198 . Total Development Cost	\$2,723,223	\$2,723,223	\$0	TDC per unit	\$427
199 . TDC, Net	\$2,663,223	\$2,663,223	\$0	TDC, Net per unit	\$418

OPEN SESSION

MINUTES

1. Review and vote to approve minutes of meetings

- a. Public Session: January 27, 2025

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.

Present: Nancy Robbins Taylor, Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone

Absent: Edwin (Scott) Zylinski II, Vice Chair

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel

5:30 p.m. - OPEN SESSION

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

Motion by Mr. Mascali: To enter into Executive Session per M.G.L. c. 30A s. 21(a)(3) - to discuss strategy with respect to collective bargaining – Police Sergeants, NEPBA Local 61, and to discuss strategy with respect to collective bargaining – Police Lieutenants, NEPBA Local 165. Second: Mr. Brown

Roll Call Vote: Taylor – aye; Brown– aye; Mascali - aye; Goldstone – aye; Yes – 4 No – 0

6:30 p.m. - OPEN SESSION

Call to Order: By Chair Nancy Robbins Taylor at 6:30 p.m. She stated that the Board came to an agreement with Local 61 and Local 165 during Executive Session.

Pledge of Allegiance: Led by Select Board

Proclamation: Black History Month - February 2025:

Mr. Mascali read the proclamation into the record.

Motion by Mr. Mascali: That we: Nancy Robbins Taylor, Chair; Edwin (Scott) Zylinski II, Vice Chair; Douglas C. Brown; Robert P. Mascali; Heather M. H. Goldstone, of the Select Board of the Town of Falmouth do hereby proclaim February 2025 to be Black History Month in the Town of Falmouth and urge all citizens to observe this month with appropriate programs, ceremonies, and activities. We have hereunto set our hands and

Motion by Ms. Robbins Taylor: To appoint Sarah Glover to the Cultural Council to full a term ending June 30, 2027.

Second: Ms. Goldstone

Vote: Yes – 4 No – 0

BUSINESS

1. Discuss short-term rental bylaw development status and next steps

Mr. Renshaw explained that in March of last year, the Planning Board created a short term rental working group consisting of six members. The purpose was to discuss short term rentals in Town, review current regulations, and take input from the community. The last meeting of the working group was held on August 27th, during which the working group had a discussion on the drafting of a general short-term rental bylaw. The general bylaw was drafted by Town Counsel and presented to the Select Board on September 9, 2024. The Select Board voted to indefinitely postpone the short-term rental general bylaw. The Board placed this item on the agenda tonight at the request of a couple of Board members. He is seeking direction from the Board as to whether to proceed with redrafting the general bylaw to address short-term rentals or to take no immediate action at this time.

Mr. Brown stated that he was hoping there would be a larger conversation and more public engagement on the topic. Ms. Goldstone stated that she believes the Board needs to align on its general goals on this topic.

Charlotte Harris, Chair of the Planning Board, stated that she agrees with forming a Committee on this topic. She suggested that the Committee include someone who relies on short-term rental income and one who is bothered by short-term rentals in order to obtain input from a broader spectrum. She reviewed the discussions had by the short-term working group last year. She stated that there are currently approximately 1,574 short-term rentals in Falmouth, as registered by the State. These are not currently required to be registered in the Town. Short-term rentals crowding a neighborhood lower the value of surrounding residential properties.

Town Counsel O'Keefe explained that the courts concluded that, in Lynnfield per their zoning code, the town could prohibit short-term rentals in residential areas. This determination is limited to Lynnfield and does not have a specific application to the Falmouth zoning code. The case did not determine that short-term rentals are banned in residential neighborhoods, but it allows communities to interpret their own zoning codes in terms of short-term rentals. She recommends a general bylaw for Falmouth.

Mr. Brown explained that the total tax Falmouth assess on short-term rentals is 13.6%.

Kevin Kroeger, Chair of the Board of Health, explained that there was a general sense of support for this measure on the Board of Health. There is not anything in the Health Code that seems to state this should be managed by the Health Department. Town Counsel O'Keefe explained that the Health Department has to manage the sanitary code for the Town, including that for short-term rentals. The jurisdiction of housing and rental units has been conferred upon the Board of Health by legislature.

Scott McGann, Health Agent, stated that registration is currently passive. This year, staff has used the tax list to generate a mailing regarding the bylaw. The Health Department will tackle whatever is determined moving forward to get people to comply.

Tom Crane, Precinct 1 Town Meeting Member, stated that he submitted extensive written comments on the Board on this item. It seems to have been determined that short-term rentals in a residential area are a commercial use. There seems to be no rational basis to restrict corporate ownership of these units. The relationship that the property owner has with a property should be considered. The fractional ownership restriction does not make sense. There is some urgency to this item, and he would like work on the draft bylaw to be completed in order to be ready for Fall Town Meeting.

Elizabeth Klein, Precinct 6, stated that she has been in contact with neighboring towns and realtors to find sustainable solutions to the housing crisis. The Town needs an additional bylaw as the current one does not adequately address short-term rentals. She would like to see the draft bylaw moved forward.

Bob Ament stated that the number of dwellings used as commercial accommodations in Town perhaps has a significant impact on the number of dwellings people can rent to live in. This could also be a factor in the increasing costs of housing in Falmouth. It has been determined that short-term rentals are a business use. The Town could allow short-term rental uses through the bylaw. An amnesty could be considered for existing short-term rentals while new ones could be prohibited entirely or unless a special permit is granted, while considering any negative impacts to neighbors and the Town.

Joan Lederman, Precinct 1, stated that she has a short-term rental in her home. She noted that most of her renters have been involved at WHOI, and she puts her neighbors first. Short-term rentals can work. One of her neighbors uses his house as an Airbnb and is always very responsive. She would like a Committee to take into account good outcomes and what goes into those.

The Board discussed creating a Select Board appointed Committee of at least seven members. There was agreement that Board members would send ideas for a mission statement for the Committee to the Town Manager.

2. Overview and discussion of Public Works' Snow and Ice Control Procedural Manual and Policy

Peter McConarty, Director of Public Works, presented an update on the Snow and Ice Control Procedural Manual and Policy.

Ms. Goldstone noted that she would like to see sidewalks be a priority. She suggested text alerts at times. She noted that rights along private roads should be further discussed.

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

Mr. Renshaw explained that, in August of last year, the Police Chief, Mr. McConarty, and himself had an opportunity to meet with representatives of the Steamship Authority regarding vehicular, pedestrian, and bicyclist traffic safety specifically around Railroad Ave. and Luscombe Ave. During the course of that meeting, the Town documented several concerns. Unfortunately, none of those concerns have been addressed to any level of satisfaction. He thus directed Staff and Town Counsel to look into the adverse taking of Town property at the intersection in question. A traffic island at the intersection which previously separated motorists from pedestrians and bicyclists has apparently been removed by the Steamship Authority.

A traffic safety assessment report and associated recommendations were presented. There is a recommendation to reestablish the previous curb line using portable jersey barriers. Town Counsel O'Keefe noted that the Town cannot inhibit the operations of the business in this area; however, the business is using Town property to upgrade the business.

Ms. Robbins Taylor stated that the Town should do everything it can possibly do to take back the area and positively impact public safety. The Town and potentially its legislators need to get behind fixing this problem, as the Steamship Authority has not been willing to work on this issue.

Mr. Renshaw suggested that the Town give the Authority one last opportunity to respond. Town Counsel O'Keefe agreed with a deadline of ten days. The request has always been for the Authority to submit an application for a driveway permit, as this would require a public safety evaluation process. After this time, the Town will place up jersey barriers. The Town may also require that the area be restored to its original appearance, with the cost to be borne by the Authority.

There was consensus on the Board to give the Town Manager authority to move forward with this process.

Nat Trumbull, Southeast Mass Regional Transportation Citizens Task Force, endorsed the Town's proposed project for a temporary traffic barrier and granite curbing at this intersection. Countless infractions by Steamship Authority operators have been seen due to the previously removed curbing. It is time for Falmouth to take back its roads.

Katherine Jansen, Chair of the Bicycle and Pedestrian Committee, stated that this intersection is a nightmare and the Town is lucky no one has yet been injured or killed.

Peter Jeffrey, appointed representative to the Steamship Authority Board of Governors, shared the frustrations with Steamship Authority management. He has repeatedly asked for management to be held accountable. This information has not been reported to the Governing Board, and he will work to keep the line of communication open.

Catherine Bumpus noted that the location of the jersey barriers should be documented, as they will likely be moved.

A resident of Juniper Point stated that the Steamship Authority has also seized the Crane Street bridge and use the right hand lane as an entrance ramp to their facility. Those living on Juniper Point have no access to their homes due to the bridge being occupied.

Bob Morris, Quissett Avenue Woods Hole, stated that there used to be a movable kiosk in the area to help control traffic and this should be taken back. The site cannot accommodate the traffic program that the Authority is proposing in this area.

Officer Oliver stated that the Authority has recently changed the traffic pattern in this area. Much of the area has been blocked by construction fencing.

4. Hear and discuss a status update from Eversource on the cabling project

Phillip Burt, community relations specialist for Eversource, updated the Board on the cabling project.

5. Report – Board of Health

Kevin Kroeger, Chair of the Board of Health, presented the annual report to the Board.

6. Report – EDIC

Colin Reed, Co-Chair EDIC, and Wayne Lingafelter, Executive Director EDIC, presented the annual report to the Board.

7. Report – Energy Committee

Scott Mueller, Chair of the Energy Committee, presented the annual report to the Board.

8. Consider a vote to approve an application for a Change of Hours to its Common Victualler License – Bad Marthas Farmers Brewery, LLC, 876 East Falmouth Highway

Mr. Renshaw explained that the purpose is to request a change of hours to allow a change of hours to start breakfast service at 7AM Monday through Sunday, where the current service begins at 8AM. The recommendation is to approve this request.

Motion by Mr. Brown: To approve the application for a Change of Hours to its Common Victualler License requested by Bad Marthas Farmers Brewery, LLC, 876 East Falmouth Hwy, as presented.

Second: Mr. Mascali Vote: Yes – 4 No – 0

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

Mr. Renshaw explained that Hickey Autos, Inc. d/b/a Executive Auto did not apply to renew its Used Car Dealer License in sufficient time for the Board's approval at its December 16, 2024,

meeting. There were comments previously made that there may be violations of the applicant's Special Permit. An inspection was conducted, and outside storage of vehicle parts and junk motor vehicles were presented. The applicant was given until January 20, 2025, to bring the site into compliance. A reinspection on January 21, 2025, found the violations remained and fines were thus issued. Another reinspection was recently conducted and there have been some improvements, but there are still violations. The recommendation is to deny the request at this time until all violations of the Special Permit are abated.

The applicant was not present at the meeting.

Motion by Mr. Brown: To deny the approval of the application for a Class II Used Car Dealer License – Hickey Autos, Inc. d/b/a Executive Auto, 118 East Falmouth Highway, East Falmouth, until all violations of the Special Permit are abated.

Second: Mr. Mascali Vote: Yes – 4 No – 0

10. Consider a vote to approve an application for an Automatic Amusement Device License – KK Coddors Corp. d/b/a Anchor Ale House, 100 Davis Straits

Mr. Renshaw explained that the purpose is a request for license pertaining to an existing jukebox. The recommendation is for approval, stipulated upon the egress path not being blocked or reduced by the device.

Motion by Mr. Brown: To approve the application for an Automatic Amusement Device License – KK Coddors Corp. d/b/a Anchor Ale House, 100 Davis Straits, as presented.

Second: Ms. Goldstone Vote: Yes – 4 No – 0

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

Mr. Renshaw explained that the purpose is a request to add a new dealer and one boat (motor vehicle) to its Class 1 Second-Hand Dealer's License. The applicant has 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). The recommendation is to approve the request. It was noted that the Harbormaster's stipulation 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 should be included in the license language.

Motion by Ms. Goldstone: To approve the application for a Second-Hand Dealer's License – Capstan Yacht Corp. d/b/a Capstan Yachts, 56 Scranton Avenue, Falmouth, as presented, with the stipulation 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.

Second: Mr. Brown Vote: Yes – 4 No – 0

12. Discuss Seasonal Communities designation

Mr. Mascali stated that he would like the Board to discuss how, or in what manner, the Town may consider becoming designated as a Seasonal Community. Mr. Brown stated that he believes this should be reviewed by the Planning Board. There was agreement to continue to consider this item moving forward.

13. Hear an update on SouthCoast Wind landfall at Brayton Point and recent concerns with SouthCoast Wind messaging

Mr. Johnson-Staub explained that the Town has not had any active conversations with SouthCoast Wind for the better part of two years. Southcoast's project is broken up into two phases, each 1200 megawatts, and shifted their focus with the first phase going to Brayden Point. This has cleared many of the permitting milestones. The Town received clarification from SouthCoast that the second phase is also planned to go to Brayden Point. There is a variant for phase two for Falmouth, but there has not been any active permitting movement. SouthCoast's website had some misleading information that implied that the Town was actively supporting the project, which is simply not the case. SouthCoast subsequently updated their website, and it no longer has misleading information regarding the Town actively supporting the project or receiving revenue as a result of the project.

Mr. Brown noted that the Town was willing to work with SouthCoast on a potential project and offered alternative sites but received no feedback.

14. Review and discuss meal and travel policies

Mr. Renshaw reviewed the draft policies to address reimbursement for employee meals and travel expenses. Mr. Brown asked that Staff comment on the draft policies. There was agreement that this should be reviewed by Staff before coming back to the Board.

15. Consider a letter of support for the grant application of Tisbury Towing and Transportation

Mr. Renshaw explained that, as reported in the MV Times on December 20, 2024, 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, 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.

There was agreement to amend the letter to include language as to why this item is important to Falmouth and how supporting it will lead to a benefit to the Town.

Phil Logan, Southeast Mass Regional Transportation Citizens Task Force, explained that the group endorses the Board's intended letter of support.

Motion by Mr. Mascali: To approve sending a letter of support for the federal Marine Highway Project Grant application submitted by Tisbury Towing and Transportation with the stated amendments.

Second: Ms. Goldstone

Vote: Yes – 4 No – 0

16. Vote articles and execute warrant for April 2025 Annual Town Meeting

The Board reviewed the proposed articles.

Motion by Mr. Mascali: To vote the articles and execute the warrant for the April 2025 Annual Town Meeting, as presented.

Second: Mr. Brown

Vote: Yes – 4 No – 0

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 [held for further discussion]

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

Motion by Ms. Goldstone: To approve Consent Agenda, with the exception of Item f.

Second: Mr. Brown

Vote: Yes – 4 No – 0

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

Mr. Mascali stated that he does not believe the proposed name change indicates the purpose of the Taskforce. There was discussion to move this forward, at request of the Taskforce.

Motion by Ms. Goldstone: To approve the request from the Taskforce on Workforce Sustainability to change the taskforce name to Taskforce for Workers and Families.

Second: Ms. Robbins Taylor

Vote: Yes – 4 No – 0

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

Motion by Ms. Goldstone: To approve the meeting minutes of January 6, 2025, Joint Meeting with ZBA and January 6, 2025, Regular Meeting as presented.

Second: Mr. Brown

Vote: Yes – 4 No – 0

TOWN MANAGER'S SUPPLEMENTAL REPORT:

- Mr. Renshaw noted a press release today regarding the John Neill Baseball Complex. The Town is concerned with the safety of the community. A plan to address the soils is in progress.
- Mr. Renshaw reviewed potential future agenda items.

SELECT BOARD REPORTS

- Ms. Goldstone noted that she attended the recent MA Municipal Association Conference and asked that the Municipal Empowerment Act be considered for a future agenda item.
- Ms. Goldstone noted that the DEIB is requesting input on upcoming activities for the year. The Beach Committee is requesting updates on the Townwide Building Assessment and the RFP process for food trucks.
- Mr. Brown noted that the Water Quality Management Committee meeting is dealing with the consideration of mandatory IAs and if the Town should help offset the cost. The Health Department is considering regulations for mandating IAs in areas that will not be sewered within five years.
- Mr. Brown noted that the Agricultural Committee has identified a need for IT help and the Town may want to help sponsor an IT Committee, potentially of retirees.
- Ms. Robbins Taylor suggested a workshop meeting in February to discuss some of the upcoming agenda topics.

ADJOURN

Motion by Mr. Mascali: To adjourn at 11:02pm.

Second: Ms. Goldstone

Vote: Yes – 4 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary