

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, JANUARY 14, 2019 – 7:00 P.M.
SELECTMEN'S MEETING ROOM
TOWN HALL

7:00 p.m. OPEN SESSION

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

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for 7 special one-day all alcohol liquor licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – 1/18, 1/19, 1/20, 1/25, 1/26, 1/27 and 2/9/19
 - b. Approve application for common victualler license – Dunkin Donuts, 1184 Sandwich Road, East Falmouth MA for 2018
 - c. Approve application for change of manager – Paul Harney Golf Club, 74 Club Valley Drive, East Falmouth
 - d. Vote to approve Eversource petition to install one (1) pole #86/10.5 at 15 Hinckley Road, east of Juniper Point Road
 - e. Vote to approve Eversource petition to install two (2) poles #460/14 and 460/15 at Dillingham Avenue, east of Gifford Street
2. Administrative Orders
 - a. Vote to approve Grant of License to The Woods Hole Research Center to install three (3) groundwater monitoring wells on Town property along the Coonamessett River
 - b. Vote to accept donation from Colorgraphics in the amount of \$644.00 to the Recreation Department donation account
 - c. Vote to accept donation in the amount of \$2,000.00 from Priscilla Geraghty, President of Rand Atlantic Cape Cod Realty, to the Falmouth Affordable Housing Fund
 - d. Vote to approve certification of estimated summer resident population as of July 10, 2019
 - e. Vote to support Town of Bourne application for bikeway extension funding
 - f. Vote to accept donation in the amount of \$3,500.00 from Wal-Mart to the Police Department donation account to be earmarked for the Hidden in Plain Site Trailer
3. Special Events

Recurring - Recommended:

 - a. Dive into Recovery Polar Plunge – Gosnold, Inc. – Falmouth Heights Beach, Saturday, 2/9/19

PUBLIC HEARINGS

7:30 p.m.

1. Road Taking and Betterment Hearing – Vote to Adopt an Order to Layout and Betterment and Acceptance of Captain Davis Lane and Winthrop Drive

7:45 p.m. BUSINESS

1. Vote to adopt FY2020 budget and submit it to the Finance Committee
2. Discussion and vote on moving, repurposing or dismantling wind turbines. Options to include:
 - a. Wind 2 to alternative Falmouth wastewater site or a site outside of Falmouth
 - b. Wind 1 to a site outside of Falmouth

3. Discussion of options under short term lodging tax
4. Information on State initiatives and possible Town initiatives (nip bottles and plastic straws)
5. Discuss proposed new public comment process
6. Approve 2019 annual license renewals:

Common Victualler License

Peel Pizza Co., 31 Teaticket Hwy.
Dunkin Donuts, 1134 Sandwich Rd.

7. Minutes of Meetings:
Public Session – October 29, 2018; January 7, 2019
8. Individual Selectmen's reports
9. Town Manager's report
10. Review and/or discuss correspondence received

Susan L. Moran, Chairman
Board of Selectmen

2019

License Alcoholic Beverages

19-3-AA

Fee:

75

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

Special License For The Sale Of All Alcoholic Beverages

License to Expose, Keep for Sale, and to Sell
All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To Falmouth Theatre Guild
Brian J. Buczkowski, Director-at-Large

Highfield Theater
58 Highfield Drive, Falmouth, MA 02540

On the following described premises:

Highfield Theater, 58 Highfield Drive, Falmouth

THE ABOVE NAMED NON-PROFIT ORGANIZATION IS HEREBY GRANTED A
SPECIAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES, TO BE DRUNK
ON THE PREMISES UNDER CHAPTER 138, SECTION 14, OF THE LIQUOR CONTROL

This license is valid from the 9th day of February 2019 until the 9th day of
February 2019, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Friday from 6:30 - 9:30 pm; Saturday and Sunday from 1:00 – 4:00 pm

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for
temporary food permit with Health Department, 4. Rope or fence off area where alcohol will be sold and
consumed.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their
official signatures this 14th day of January 2019

Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A
CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

Phyllis Downey

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Sunday, December 23, 2018 1:18 PM
To: 'Phyllis Downey'; 'Brian Reid'
Subject: RE: Request for One- Day LQ License - Falmouth Theatre Guild

This agency has no issues with the request as long as all laws and by-laws are adhered to.

Lt. Doyle

From: Phyllis Downey [mailto:phyllis.downey@falmouthmass.us]
Sent: Friday, December 14, 2018 11:27 AM
To: Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: Request for One- Day LQ License - Falmouth Theatre Guild

Good morning,

A request for a 9 day series of One-day Liquor Licenses has been made by the Falmouth Theatre Guild. The period will span January 18th through February 9, 2019 with performances on Fridays from 6:30 - 9:30 pm; Saturdays and Sundays from 1:00 – 4:00 pm and on Saturday, February 9th at 6:30 - 9:30 pm at Highfield Hall.

Please forward your recommendations by Tuesday, January 8th.

Thank you very much,
Phyllis

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7320

Number:
18-CV-57

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Dunkin Donuts
(New Generation Donuts LLC)
1184 Sandwich Road
East Falmouth MA 02536
is hereby granted this
Common Victualler's License

*They forgot to
apply for 2018*

in said Falmouth and that place only and expires on the date shown below unless sooner suspended or revoked for violation of the laws of the Commonwealth respecting the licensing of common victuallers. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140, and amendments thereto.

Valid from: January 14, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

January 14, 2019

This License Must be Posted in a Conspicuous Place upon the Premises



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

00054-RS-0390

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

APPLICANT INFORMATION

Name of Licensee DBA

Street Address

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

Type (i.e. restaurant, package store) Class (Annual or Seasonal) Category (i.e. Wines and Malts / All Alcohol)

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

Additional remarks or conditions (E.g. Days and hours)

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

CORPORATE VOTE

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

For the following transactions (Check all that apply):

Change of Manager

Other

"VOTED: To authorize
Name of Person

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

"VOTED: To appoint
Name of Liquor License Manager

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

A true copy attest,


Corporate Officer / LLC Manager Signature

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

Diane Davidson

From: Douglas Decosta <ddecosta@falmouthpolice.us>
Sent: Monday, December 10, 2018 2:04 PM
To: 'Diane Davidson'
Subject: Background Check- Erin Abbott of Paul Harney Golf

**Background Check- Erin Abbott of Paul Harney Golf
Manager of Alcoholic Beverage License**

Diane,

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

Erin Abbott of Paul Harney Golf

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

Sincerely,

Lieutenant Douglas DeCosta
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office: 774-255-4527
Fax: 508-457-2566
ddecosta@falmouthpolice.us
www.falmouthpolice.us



-----NOTICE-----

This email is intended for professional and business purposes of the Falmouth Police Department. The contents of this email message and any attachments are confidential and are intended solely for the addressee. If you are not the intended recipient please notify the sender and delete this message.



Change of Manager Checklist for Liquor License Holders

Step 1:

*Complete ABCC application: Please refer to website: www.mass.gov/abcc



PAID
\$ 50.00 TOWN
\$ 200.00 STATE

- Select Amend your Retail Alcoholic Beverages License by Municipality
- Click on Local Licensing Authority - Falmouth
- Click on the amendment you are making (if multiple amendments, fill out forms on-line, save, print, sign, attach required documents)
- Submit to Local Licensing Authority; i.e. submit ABCC forms and Local Licensing Authority forms to Falmouth Town Manager's Office

Step 2:

The following are required:

- ✓ • * Form from ABCC website including proof of \$200.00 fee paid to the Commonwealth of Massachusetts
- ✓ • Fingerprint based-background check (performed at Central Records) \$30 fee payable to the Commonwealth of Massachusetts
- ✓ • Vote of Corporate Board or LLC
- ✓ • Proof of Citizenship (U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)
- ✓ • A \$50.00 Filing Fee and a \$30.00 Background Check Fee made payable to the Town of Falmouth

Step 3:

- ✓ 1/14 • An approval hearing before the Falmouth Board of Selectmen scheduled upon submission and review of documents. (Manager should plan to attend this meeting.)



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: January 4, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: **Eversource – Petition to relocate pole (86/10-5) approximately 50'**

A petition was submitted by Eversource to relocate pole #86/10-5 approximately 50' North East on Hinckley Road. Present location due to construction at USA Federal Building on opposite side of the street. Proposed pole location to be connected to underground conduit approved December 2018.

The Engineering recommendation is to approve the request as submitted on Plan No. 2293745, W/O #2293745, dated October 31, 2018.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY
to relocate P#86/10-5 50'± east of present location due to
construction @ USA Federal Building across the street.

PARCEL LINE

PARCEL ID: 51A 01 035 000A
15 HINCKLEY RD
N/F
NAUSHON TRUST INC.
C/O J M FORBES & CO

PARCEL ID: 51A 01 032 000
16 BUTLER ST
N/F
BROWN ANNE L MEIGS



PARCEL LINE

PARCEL LINE

86/11
JO-ES

86/10-5

PROPOSED
POLE
86/10-5

APPROX. 179' TO
JUNIPER POINT RD.

HINCKLEY RD

86/10-A
JO-ES

PARCEL LINE

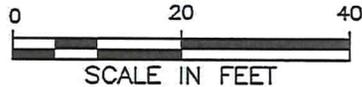
#1

1264/1
JO-VZ
10562/010

LEGEND

- ⊕ Proposed Hand Hole
- ⊗ Existing Hand Hole
- Proposed Conduit
- - Existing Conduit
- Proposed Pole
- Existing Pole
- Pole with Riser

PARCEL ID: 51A 01 034 000
30 LITTLE HARBOR RD
N/F
UNITED STATES OF AMERICA
FEDERAL BUILDING



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan #	2293745
Ward #	
Work Order #	2293745
Surveyed by:	N/A
Research by:	PG
Plotted by:	BP
Proposed Structures:	TL
Approved:	A DEBENEDICTIS
P#	

NSTAR EVERSOURCE <small>ELECTRIC d/b/a</small>	
<small>1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</small>	
Plan of	HINCKLEY ROAD, FALMOUTH
Showing	PROPOSED POLE RELOCATION
Scale	1"=20'
Date	10/31/18
SHEET	1 of 1



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, December 20, 2018 upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. to remove One Pole #86/10.5 and install One Pole #86/10.5 at 15 Hinckley Road, Woods Hole.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, December 7, 2018, Falmouth Enterprise

PETITION FOR JOINT POLE RELOCATIONS

New Bedford, Massachusetts

OCTOBER 31, 2018

To the Board of Selectmen of **Falmouth**, Massachusetts

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and
VERIZON NEW ENGLAND, INC.

request permission to relocate poles, wires, cables and fixture, including the necessary sustaining and protecting fixtures, along and across the following public way or ways:-

HINCKLEY ROAD, East of Juniper Point Road
WO# 2293745

One (1) Pole #86/10.5
One (1) Pole #86/10.5
to be removed

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. **2293745** dated, **OCTOBER 31, 2018**

Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarms at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By.....*Alma Rorr*.....
Right-of-Way Representative

VERIZON NEW ENGLAND, INC.

By.....*David Crossman* "1/15/18".....
Manager Rights of Way

ORDER FOR JOINT POLE RELOCATION

In Board of Selectmen of the Town of **Falmouth**, Massachusetts.

ORDERED: That the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and VERIZON NEW ENGLAND, INC.

be and they are hereby granted a joint relocation for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **31 day of OCTOBER, 2018.**

All construction under this order shall be in accordance with the following conditions:--

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-Plan No. **2293745**, Dated **OCTOBER 31, 2018** filed with said petition. There may be attached to said poles by said NEW ENGLAND TELEPHONE and TELEGRAPH COMPANY not to exceed **40** wires and **4** cables and by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables, and fixtures

and all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway crossings, and not less than **16** feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

**HINCKLEY ROAD, East of Juniper Point Road
WO# 2293745**

**One (1) Pole #86/10.5
One (1) Pole #86/10.5
to be removed**

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts, held on the _____ day of _____, 2018.

Clerk of Selectmen

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint relocation order adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts on the _____ day of _____ 2018, and recorded with the records of location orders of said Town, Book _____ Page _____.

This certified is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

This form should be used by the Town Clerk to make a certified copy of the Original and mail same to:

Eversource Energy
50 Duchaine Blvd.
New Bedford, MA 02745
Attn: Donna Rosa

ORDER FOR JOINT POLE RELOCATION

In Board of Selectmen of the Town of **Falmouth**, Massachusetts.

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be and they are hereby granted a joint relocation for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **31** day of **OCTOBER, 2018**.

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WO# 2293745**

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One (1) Pole #86/10.5
to be removed**

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Attest:

Town Clerk

This form should be used by the Town Clerk to make a certified copy of the Original and mail same to:

Verizon New England, Inc.
385 Myles Standish Blvd
Taunton, MA 02780
Attn: Darryl Crossman

ORDER FOR JOINT POLE RELOCATION

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WO# 2293745**

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One (1) Pole #86/10.5
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Attest:

Town Clerk



Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: January 4, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install two (2) new Jointly Operated Eversource poles on Dillingham Avenue

A petition was submitted by Eversource to install two (2) new JO-ES poles (460/14 & 460/15) on Dillingham Avenue to service proposed mixed use buildings at 100 Dillingham Avenue

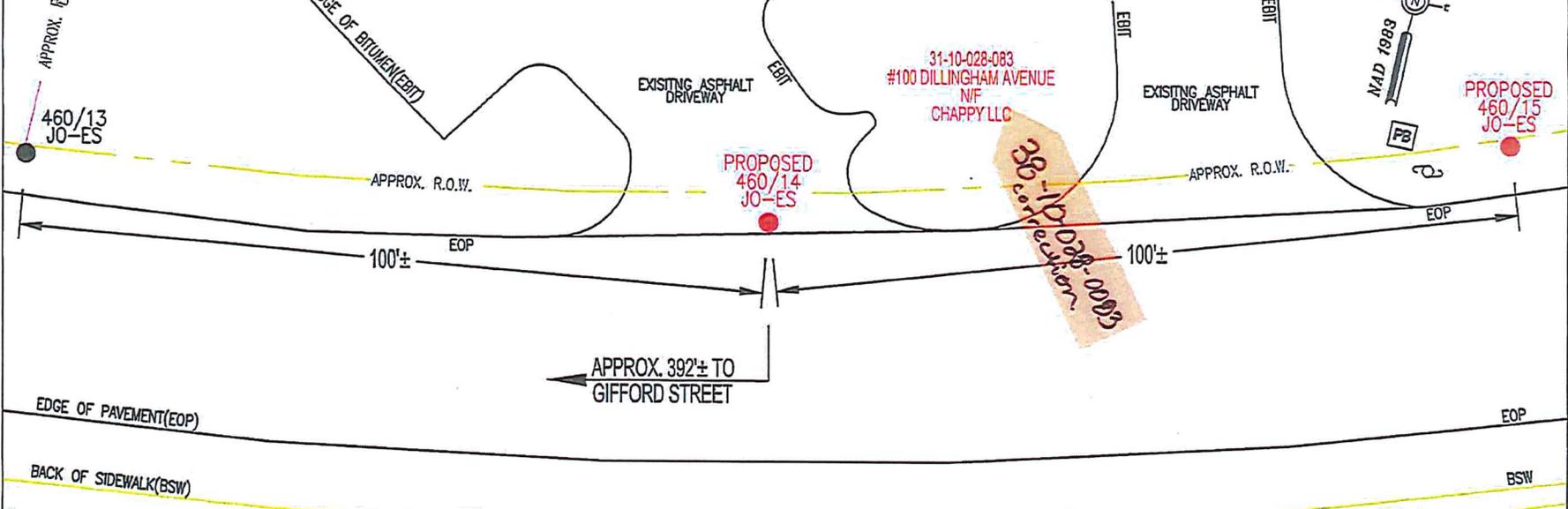
The Engineering recommendation is to approve the request as submitted on Plan No. 2285337, W/O #2285337, dated November 8, 2018.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install two new JO-ES poles #460/14 & #460/15 for new restaurant.

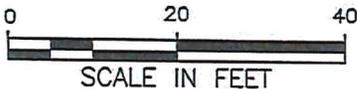


38-10-0285-086
DILLINGHAM AVENUE
N/F
TOWN OF FALMOUTH - CONVERSATION COMMISSION

DILLINGHAM AVENUE

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Pole
- Existing Pole
- Ⓜ Proposed Multitap
- Ⓜ Proposed Manhole



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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan #	2285337
Ward #	-
Work Order #	2285337
Surveyed by:	-
Research by:	-
Plotted by:	BP
Proposed Structures:	SC
Approved:	A DEBENEDICTIS
P#	

NSTAR EVERSOURCE
Electric
d/b/a
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of	DILLINGHAM AVENUE
	FALMOUTH
Showing	PROPOSED POLE LOCATIONS
Scale	1"=20'
Date	NOVEMBER 8, 2018
SHEET	1 of 1



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, January 3, 2019, rescheduled from December 20, 2018, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. locate Two (2) Poles Pole #460/14 & #460/15 at 100 Dillingham Avenue, East of Gifford Street.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, December 21, 2018, Falmouth Enterprise

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

New Bedford, Massachusetts
NOVEMBER 8, 2018

To the Board of Selectmen of **Falmouth**, Massachusetts

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and
VERIZON NEW ENGLAND, INC.

request permission to locate poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by our petitioners, along and across the following public way or ways:-

DILLINGHAM AVENUE, East of Gifford Street
WO# 2285337

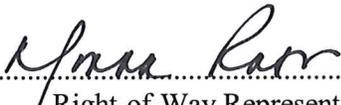
Two (2) Poles
POLE # 460/14 & 460/15

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. **2285337**, Dated **NOVEMBER 8, 2018**.

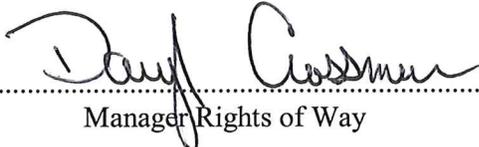
Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space to one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By.....
Right-of-Way Representative

VERIZON NEW ENGLAND, INC.

By..... 11/19/18
Manager Rights of Way

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

In Board of Selectman of the Town of **Falmouth**, Massachusetts.

Notice having been given and a public hearing held, as provided by law.

IT IS HEREBY ORDERED:

that the **NSTAR ELECTRIC COMPANY** (d/b/a Eversource Energy) and
VERIZON NEW ENGLAND, INC.

be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **8** day of **NOVEMBER, 2018**.

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. **2285337**, Dated **NOVEMBER 8, 2018** filed with said petition. There may be attached to said poles by said **VERIZON NEW ENGLAND, INC.** not to exceed **40** wires and **4** cables and by said **NSTAR ELECTRIC COMPANY** (d/b/a Eversource Energy) necessary wires, cables and fixtures

and all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway crossings, and not less than **16** feet from the ground elsewhere.

The following are public ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

DILLINGHAM AVENUE, East of Gifford Street
WO# 2285337

Two (2) Poles
POLE # 460/14 & 460/15

Also that permission be and hereby is granted each of said Companies to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the _____ day of _____, 2018.

X _____
Clerk of Selectmen.

(over)

This form should be used by the Town Clerk to make a certified copy of the Original and mail same to:

Eversource Energy
50 Duchaine Blvd.
New Bedford, MA 02745
Attn: Donna Rosa

We hereby certify that on January 14 2018, at _____ o'clock, _____ M., a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

.....
.....
.....
.....
.....

Selectmen of the Town of **Falmouth**
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the _____ day of _____, **2018**, recorded with the records of location orders of said Town Book, _____ Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.

GRANT OF LICENSE

The **Town of Falmouth**, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to THE WOODS HOLE RESEARCH CENTER, whose address is 149 Woods Hole Road, Falmouth, Massachusetts 02540-1644, the following license to install three (3) groundwater monitoring wells on Town property along the Coonamessett River. The location of each well is described in Exhibit A-1 and shown on an aerial photograph in Exhibit A-2, both attached hereto.

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Board of Selectmen at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Board of Selectmen, remove said monitoring wells from the Town's property;
- c. If the grantee, its successors and assigns, fails to remove said all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the grantee, its successors and assigns to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division constitute a lien on said property, without limiting any other rights of the grantor;
- d. Until such revocation, this License shall continue to run with the land;
- e. The grantee, its successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the grant of this License.

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations; and
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.
- h. The property is under the jurisdiction of the Conservation Commission which has approved the uses described herein. See WPA Form 2 – Determination of Applicability attached hereto as Exhibit B.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Board of Selectmen, hereto duly authorized this _____ day of _____, 2019.

Town of Falmouth
By its Board of Selectmen

Susan L. Moran, Chairman

Megan English Braga, Vice Chair

Doug Jones

Samuel H. Patterson

Douglas C. Brown

Commonwealth of Massachusetts

County of Barnstable

On _____, before me, the undersigned notary public

personally appeared _____
(name(s) of Signer(s))

personally known to me

proved to me on the basis of satisfactory evidence of identification which was _____

_____ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they signed it voluntarily for the purpose stated therein

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Details of Three Proposed Wells and Existing USGS Wells**Locations**

Proposed Well A	41.58414 N
	-70.57201 W

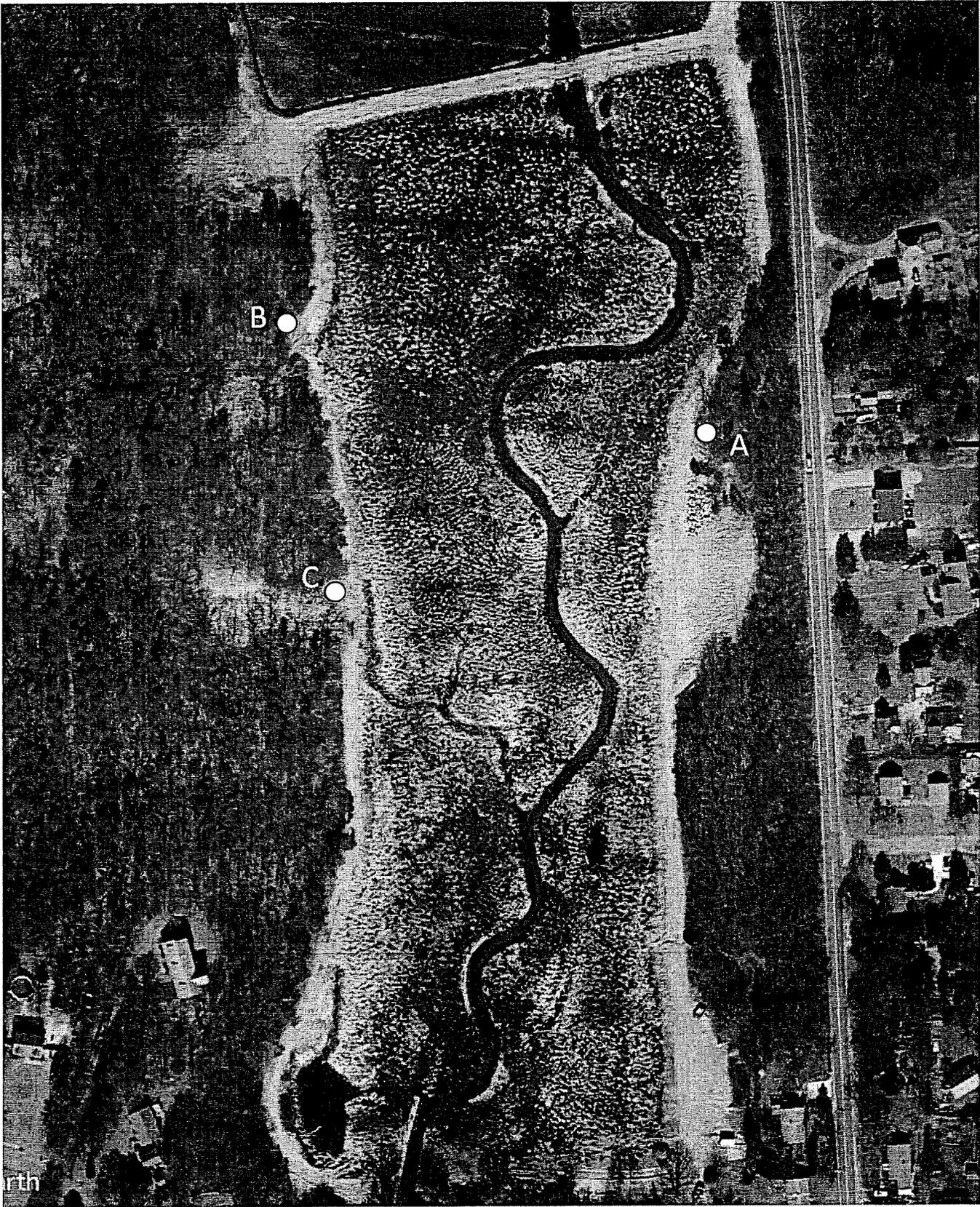
Proposed Well B	41.58439 N
	-70.57394 W

Proposed Well C	41.58363 N
	-70.57375 W

Existing USGS Wells (FSW 485-0013, FSW 485-28, FSW 485-73, FSW 485-113)	
	41.58275 N
	-70.57220 W

Description

Wells will be 3-inch diameter metal pipes. They will be installed from a truck-mounted drilling rig. Wells will stick up 2 feet above the ground surface and will be capped and locked. After installation they will be accessed and sampled on foot.



- Proposed new groundwater wells
- Existing USGS groundwater wells FSW 485-13, FSW 485-28, FSW 485-73, and FSW 485-113



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-
-

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

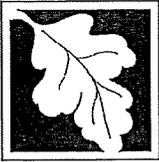
- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
-
-

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on by certified mail, return receipt requested on

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) and the property owner (if different from the applicant).

Signatures:

[Handwritten signatures]

[Handwritten signatures]

12/5/18
 Date

FALMOUTH AFFORDABLE HOUSING FUND

Established by Ch. 29 of the Acts of 2011
Board of Selectmen, Trustees

59 Town Hall Square
Falmouth, Massachusetts 02540
(508) 495-7344

January 4, 2019

Recommended Motion

Board of Selectmen Business Agenda Item # 2 c:

"I move that the Board of Selectmen, acting as Trustees of the Falmouth Affordable Housing Fund (FAHF), accept a \$2,000 donation to the FAHF from Priscilla Geraghty of Rand/Atlantic, Inc."

FALMOUTH AFFORDABLE HOUSING FUND

Established by Ch. 29 of the Acts of 2011
Board of Selectmen, Trustees

59 Town Hall Square
Falmouth, Massachusetts 02540
(508) 495-7344

MEMORANDUM

TO: Julian Suso
Town Manager
FROM: Carla L. Feroni, Housing Coordinator
DATE: January 4, 2019

RE: Request the Board of Selectmen Accept Donation to FAHF

I am requesting the Board of Selectmen accept a \$2,000 donation from Priscilla Geraghty, President of Rand Atlantic Cape Cod Realty, to the Falmouth Affordable Housing Fund.

Rand Atlantic

CAPE COD REALTY

Carla Feroni
59 Town Hall Square
Falmouth, MA, 02540

December 13, 2018

Carla,

Enclosed please find my year end donation for the four sales that I have had in Falmouth for the past two months! I am very pleased to continue my donations to the Falmouth Affordable Housing Fund and look forward to more donations in 2019!

January is fast approaching and I want to make sure that you are all set for the MLS Breakfast and Tour for Wednesday, January 2nd at the Coonamessett Inn. Please let me know if I need to help in any way.

Merry Christmas and hope you have a wonderful holiday!

Sincerely,

85-122-8175-4830



Priscilla Geraghty
Broker/President
Rand Atlantic, Inc.

Kerry James Geraghty
Priscilla C. Geraghty
229 Old Main Road 508-563-9824
North Falmouth, MA 02556

8794
53-447/113
962

Dec. 14, 2018

Pay to the Order of Team of Falmouth \$ 2000.00
Two thousand and 00/100 Dollars

ROCKLAND TRUST

For Religious Relief Fund

CHECK ARMOR
Photo Safe Deposit
Details on back

MP

Harland Clarke

COASTAL VIEWS*

Phone: (508) 232-7722 Fax: (508) 232-4144

E-mail: priscilla@randatlantic.com www.randatlantic.com

229 Old Main Road, North Falmouth, MA 02556

**Town of Falmouth Recreation Department
9/10 Form**

<u>Date</u>	<u>Account</u>	
12/28/2018		
	Donation Account 28631-48300	\$644.00
TOTAL		\$644.00

To the Accounting Officer:

The above is a detailed list of moneys collected by me, amounting in the aggregate to \$644.00 Dollars, for the period ending 12/28/2018, which I have paid to the Treasurer, who I hold thereof.

Dori Macdonald

To the Departmental Officer making the payment:

Received from Recreation, the sum of \$644.00 Dollars, for the period ending 12/28/2018, for the collections as per schedule of this date, filed in my office.

Treasurer

TOWN OF FALMOUTH - RECREATION
 DEPARTMENT
 GUS CANTY COMMUNITY CENTER
 790 MAIN STREET
 FALMOUTH, MA 02540-3674
 508.457.2567

Registration Form

Date	Form#
12/27/2018	1289

Parent/Participant Name
Colorgraphics Refund Account 1090 West Ridge Road Rochester, NY 14615

Program Name	Description of Program	Check No.	Payment Method	Account #
		Rate	Qty	Amount
Donation Account	Donation given to the Recreation Dept. Fund Raiser	830	Check	
		644.00		644.00
Total Payment Amount				\$644.00

FUNDRAISER PICTURES

COLORGRAPHICS OF ROCHESTER, INC.
REFUND ACCOUNT
1090 WEST RIDGE ROAD
ROCHESTER, NY 14615

830
10-4/220
FRALDARMOR

11/5 2018

PAY TO THE ORDER OF Salmath Rec. Socy \$ 644.00

Six hundred forty-four ^{and} 10/100 **DOLLARS**

M&T BANK
MANUFACTURERS & TRADERS TRUST COMPANY
GREECE OFFICE-LONG POND ROAD
ROCHESTER, NY 14626

FOR Fundraiser

St A Zentard MP

Security features are included. Details on back.

2019 Seasonal Population Increase Estimation Form

City / Town:

Date:

Alcoholic Beverages Control Commission
c/o Licensing Department
239 Causeway Street
Boston, MA 02114

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on , estimated that the temporary increased resident population

Date of Meeting

of , as of July 10, 2019 will be .

City / Town Name

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,
Local Licensing Authorities

SCHEDULE OF DEPARTMENTAL PAYMENTS TO THE TREASURER



Dept: Police

Date:

7-Jan-19

FROM	SOURCE	AMOUNT	TOTAL
Wal-Mart	28-210-5211-4830 POLICE DONATIONS	3,500.00 ck# 2454143	3,500.00

**Earmarked for Hidden in Plain Site Trailer
Scheduled to go before the Board of Selectmen on January 14, 2019**

TOTAL \$ 3,500.00

The above is a detailed list of monies collected by me, amounting in the aggregate to the sum of Three thousand five hundred and 00/100 dollars for the period ending 1-12-19, which I have paid to the Treasurer, whose receipt I hold thereof.

Chief of Police

Received from the Police Department the sum of
for the period ending 1/12/2019

Three thousand five hundred and 00/100 dollars
for collections as per schedule of this date, filed in my office.

Treasurer

Walmart
 702 S.W. 8th Street
 Bentonville, AR 72716

FALMOUTH POLICE DEPARTMENT
 WALMART# 3561
 750 MAIN STREET
 FALMOUTH MA 02540



IN PAYMENT OF INVOICES TO **Walmart**
 702 S.W. 8th ST.
 BENTONVILLE, AR 72716

*** INCLUDES**
 AIDCO
 SAM'S CLUB
 BUD'S OUTLET STORES
 CMA*USA
 NORTH ARKANSAS WHOLESALE CO., INC.
 BEAVER LAKE AVIATION, INC.
 PHILLIPS COMPANIES, INC.
 WAL*MART PHARMACY OF MICHIGAN, INC.
 WAL*MART PUERTO RICO, INC.

CHECK DATE: 01-03-19
 CHECK NUMBER: 2454143

DATE	INVOICE NUMBER	STORE NUMBER	DOCUMENT NUMBER	TYPE CODE*	GROSS AMOUNT	DISCOUNT/ALLOWANCES	NET AMOUNT
01 01 19	52812995	05-09000	80141332		3500.00	0.00	3500.00

RECEIVED
 JAN - 7 2019
 OFFICE OF THE CHIEF OF POLICE

VENDOR: /999999975 FALMOUTH POLICE DEPARTMENT 3500.00 0.00 3500.00

* VENDOR: Deduction codes are described on the reverse side of this statement

↓ DETACH AT PERFORATION ↓

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

Walmart
 702 S.W 8th St. BENTONVILLE, AR 72716

Walmart
 28-210-5211-4830
 WELLS FARGO BANK, N.A. 66-156
 CHARLOTTE, NC 28288-0013 531

NON-NEGOTIABLE AFTER 180 DAYS
 2454143

Vendor Number 999999975	Check Date 01-03-19	Check Number 2454143
----------------------------	------------------------	-------------------------

PAY
 THREE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS

DOLLARS	CENTS
*****3,500.00	
NET AMOUNT OF CHECK	

TO THE FALMOUTH POLICE DEPARTMENT
 ORDER: WALMART# 3561
 OF 750 MAIN STREET
 FALMOUTH MA 02540

WALMART, INC.

Executive Vice President and Treasurer



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Gosnold Polar Plunge

NAME Elizabeth de la Cour, Gosnold, Inc.

MAILING ADDRESS 200 Ter Heun Drive, Falmouth, MA 02540

EVENT DAY & DATE Saturday, February 23, 2019

RAIN DATE Saturday, March 9, 2019

EVENT LOCATION Falmouth Heights Beach

EVENT TYPE Polar Plunge

SET-UP ARRIVAL TIME 10:00 a.m. **EVENT HOURS** 10:00 a.m. – 1:30 p.m.

NUMBER OF ATTENDEES 60 **NUMBER OF VEHICLES:** 40

ADDITIONAL DETAILS Use of beach parking lot. Organizer will rent a portable restroom for the event.

CONDITIONS:

1. Organizers to check area following event to ensure it is left clean.

PERMIT FEE \$200.00 **FILING FEE** \$10.00

DEPOSIT \$300.00 *(Deposit refundable at conclusion of event provided that no litter or damage has occurred.)*

BOARD OF SELECTMEN:

_____	_____
_____	_____
_____	_____

Diane Davidson

From: Bruce Mogardo <bruce.mogardo@falmouthmass.us>
Sent: Wednesday, January 02, 2019 11:26 AM
To: 'Diane Davidson'; 'Boyd Demello'; 'Brian Reid'; 'Gregg Fraser'; 'James F. Grady Jr.'; 'Jeremiah Pearson'; 'Joe Olenick'; 'Julian M. Suso'; 'Mallory Langler'; 'Mel Trott'; 'Olive Fitzpatrick'; 'Peter Johnson-Staub'; 'Peter McConarty'; 'Rod Palmer'; 'Scott McGann'; 'Sean Doyle'; 'Tim Smith'
Subject: RE: Application for Gosnold Polar Plunge

I have spoken to Elizabeth regarding her request to use the Heights Beach and parking lot. She has agreed to have a portable toilet on hand. The Beach Department approves this request.

Bruce Mogardo, Beach Supt.

From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, December 28, 2018 3:45 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <braid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthma.gov>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
Subject: Application for Gosnold Polar Plunge

To all,

Attached is an application for the annual Gosnold Polar Plunge to be held on Saturday, February 9, 2019 from 10:00 a.m. to 1:30 p.m. at Falmouth Heights Beach. Please provide us with your department's recommendations by Wednesday, January 9, 2019.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
(508) 495-7321*

Diane Davidson

From: Scott McGann <scott.mcgann@falmouthma.gov>
Sent: Wednesday, January 02, 2019 9:44 AM
To: Diane Davidson
Subject: RE: Application for Gosnold Polar Plunge

All set with Health – no food service proposed

From: Diane Davidson <ddavidson@falmouthmass.us>
Sent: Friday, December 28, 2018 3:45 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Reid Brian <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; Jim Grady <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthma.gov>; Mel Trott <mtrott@falmouthfire.us>; Ollie Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Timothy Smith <tsmith@falmouthfire.us>
Subject: Application for Gosnold Polar Plunge

To all,

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Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
(508) 495-7321*

Diane Davidson

From: Ollie Fitzpatrick <ofitzpatrick@falmouthmass.us>
Sent: Wednesday, January 02, 2019 9:56 AM
To: 'Diane Davidson'
Subject: RE: Application for Gosnold Polar Plunge

No issue here

Ollie Fitzpatrick
Assistant Zoning Enforcement Officer
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
Phone: (508) 495-7468
Fax: (508) 548-4290
Email: ofitzpatrick@falmouthmass.us

BE ADVISED: This message originates from Town of Falmouth Inspectional Services and contains confidential and or privileged information. If the reader of this message, regardless of the address or routing, is not an intended recipient, you are hereby notified that you have received this transmittal in error and any review, use, distribution, dissemination or copying is strictly prohibited. If you have received this message in error, please delete this e-mail and all files transmitted with it from your system and immediately notify Town of Falmouth Inspectional Services by sending a reply e-mail to the sender of this message.

From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, December 28, 2018 3:45 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthma.gov>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
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Thank you,

Diane

Diane S. Davidson

Diane Davidson

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Monday, December 31, 2018 10:36 AM
To: 'Diane Davidson'
Cc: 'Brian Reid'
Subject: RE: Application for Gosnold Polar Plunge

Good morning,

This department does not have any issues with the application.

Lt. Doyle

From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, December 28, 2018 3:45 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthma.gov>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
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Office Manager/Licensing
Office of the Town Manager and Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
(508) 495-7321*

Diane Davidson

From: Joe Olenick <jolenick@falmouthmass.us>
Sent: Friday, December 28, 2018 4:27 PM
To: 'Diane Davidson'
Subject: RE: Application for Gosnold Polar Plunge

Recreation is ok with this event.

From: Diane Davidson <ddavidson@falmouthmass.us>
Sent: Friday, December 28, 2018 3:45 PM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthma.gov>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
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Office of the Town Manager and Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
(508) 495-7321*

Diane Davidson

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Friday, January 11, 2019 2:50 PM
To: 'Diane Davidson'
Subject: RE: Application for Gosnold Polar Plunge - Date Change

All good with the PD

From: Diane Davidson [mailto:ddavidson@falmouthmass.us]
Sent: Friday, January 11, 2019 10:11 AM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <braid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthma.gov>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
Subject: Application for Gosnold Polar Plunge - Date Change

To Special Events Working Group,

Gosnold is requesting to move the date of the Polar Plunge from February 9 to Saturday, February 23, 2019 from 10:00 a.m. to 1:30 p.m. at Falmouth Heights Beach. Please confirm that this date change is OK.

Thank you,

Diane

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Office of the Town Manager and Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
(508) 495-7321*

Diane Davidson

From: Joe Olenick <jolenick@falmouthmass.us>
Sent: Friday, January 11, 2019 10:29 AM
To: 'Diane Davidson'
Subject: RE: Application for Gosnold Polar Plunge - Date Change

Hi Diane, Change is ok with the Rec. Thanks Joe

From: Diane Davidson <ddavidson@falmouthmass.us>
Sent: Friday, January 11, 2019 10:11 AM
To: Boyd Demello <bdemello@falmouthfire.us>; Brian Reid <breid@falmouthpolice.us>; Bruce Mogardo <bruce.mogardo@Falmouthmass.us>; Diane Davidson <ddavidson@falmouthmass.us>; Gregg Fraser <gregg.fraser@falmouthmass.us>; James F. Grady Jr. <jgrady@falmouthmass.us>; Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>; Joe Olenick <jolenick@falmouthmass.us>; Julian M. Suso <jsuso@falmouthmass.us>; Mallory Langler <mallory.langler@falmouthma.gov>; Mel Trott <mtrott@falmouthfire.us>; Olive Fitzpatrick <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub <peter.jstaub@falmouthmass.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Rod Palmer <rod.palmer@falmouthmass.us>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Tim Smith <tsmith@falmouthfire.us>
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From: Diane Davidson <ddavidson@falmouthmass.us>
Sent: Friday, January 11, 2019 10:11 AM
To: Boyd Demello (bdemello@falmouthfire.us); Brian Reid (breid@falmouthpolice.us); Bruce Mogardo (bruce.mogardo@Falmouthmass.us); Diane Davidson (ddavidson@falmouthmass.us); Gregg Fraser (gregg.fraser@falmouthmass.us); James F. Grady Jr. (jgrady@falmouthmass.us); Jeremiah Pearson (jeremiah.pearson@falmouthmass.us); Joe Olenick (jolenick@falmouthmass.us); Julian M. Suso (jsuso@falmouthmass.us); Mallory Langler (mallory.langler@falmouthma.gov); Mel Trott (mtrott@falmouthfire.us); Olive Fitzpatrick (ofitzpatrick@falmouthmass.us); Peter Johnson-Staub (peter.jstaub@falmouthmass.us); Peter McConarty (pmcconarty@falmouthmass.us); Rod Palmer (rod.palmer@falmouthmass.us); Scott McGann (scott.mcgann@falmouthma.gov); Sean Doyle (sdoyle@falmouthpolice.us); Tim Smith (tsmith@falmouthfire.us)
Subject: Application for Gosnold Polar Plunge - Date Change
Attachments: SE-2019-Gosnold Polar Plunge revised.pdf; RE: Gosnold Polar Plunge

To Special Events Working Group,

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Falmouth, MA 02540
(508) 495-7321*



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

TOWN OF FALMOUTH **PUBLIC HEARING NOTICE**

In accordance with Section 22 of Chapter 82 and Chapter 80 of the Massachusetts General Laws, the Board of Selectmen will hold a Public Hearing on Monday, January 14, 2019 at 7:30 p.m. in the Selectmen's Meeting Room, Falmouth Town Hall, to consider the layout of:

Road	From	To	Length	Width
Captain Davis Lane	Davisville Road	Dead End	1096.0'	40'
Winthrop Drive	Seacoast Shores Blvd.	Edgewater Drive W.	770.7'	40'

and to vote as a Town Way and to vote any betterment assessments.

Any person interested or wishing to be heard on the proposed layout and taking of this road or wishing to be heard on betterments to property owners receiving benefit of the improvements to the roadway described should appear at the time and place designated.

Preliminary plans of the proposed layout of the above named road and betterment estimates will be available for public viewing in the Office of The Town Clerk, Falmouth Town Hall, 59 Town Hall Square, Monday through Friday, 8:00 a.m. to 4:30 p.m.

Per Order of the
Board of Selectmen

Falmouth Enterprise: Friday, December 28, 2018

Copy to: Abutters



RECEIVED

OCT 17, 2018 PM 2:07

TOWN CLERK

FALMOUTH PLANNING BOARD
59 TOWN HALL SQUARE
FALMOUTH, MASSACHUSETTS 02540
(508) 495-7440 • FAX (508) 495-7443
E-Mail: planning@falmouthmass.us

October 17, 2018

Mr. Michael C. Palmer, Town Clerk
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Street Acceptance Recommendation – Captain Davis Lane and Winthrop Drive

Dear Mr. Palmer,

At its meeting of October 16, 2018, the Planning Board voted a favorable recommendation for street acceptances as follows:

Move: As the current Planning Board members were not party to the approvals and inspections of Captain Davis Lane and Winthrop Drive, two roads that have been in use for years, we are unable to provide a specific recommendation however the Board supports the use of the Betterment Program to accept and maintain these streets as petitioned by the residents under the funding constraints of the program.

Vote: Unanimous 6-0-0

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Bott".

Thomas Bott
Town Planner

cc: Julian Suso
Board of Selectmen
Falmouth DPW - Engineering
Town Counsel

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, OCTOBER 1, 2018 – 7:00 P.M.
SELECTMEN'S MEETING ROOM
TOWN HALL

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Eagle Scout – Timothy P. Leonard Jr., Boy Scout Troop 42
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to Accept Donation from the Falmouth Art Market in the Amount of \$3,200.00 to the Falmouth Cultural Council Donation Account.
 - b. Vote to Accept Water Main Agreement/Easement for Water Service to Cypress Street, Falmouth
 - c. Approve Recommendation for Adjusting Parking Meter Seasonal Utilization
 - d. Vote to Approve Referral of Proposed Town Meeting Article 19 – Accept Road Takings: Winthrop Drive and Captain Davis Lane to the Planning Board for Recommendation before November 2018 Town Meeting
 - e.

PUBLIC HEARINGS

7:30 p.m.

1. Application for Shade Tree Hearing – Jamey and Jennifer Pedro, 11 Crescent Avenue – Two 60' Tulip Trees

7:45 p.m. BUSINESS

1. Discussion with Garth Smelser from NOAA Regarding Future
2. Interview, Vote and Appoint Committee Members:
 - a. Affordable Housing Committee – Jessica O'Brien, Harry McCormick
 - b. Agricultural Commission – Warren Collins
 - c. Board of Health – George Heufelder, Loraine Babiak, Walter Howard
 - d. Cultural Council – Linda Dias
 - e. Recreation Committee – Sandra Cuny, Phil Afonso, Christopher Lynch, Patricia Morano
3. Request for Sign Variance – Freestanding Sign – Falmouth Animal Hospital, 1184 Sandwich Road
4. Vote Article Recommendations – November 2018 Town Meeting
5. Minutes of Meetings:
Public Session – August 20, 2018; September 17, 2018; September 24, 2018
6. Individual Selectmen's Reports
7. Review of Town Manager's Report
8. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen

A certain forty foot wide roadway in Falmouth known as Captain Davis Lane, more particularly described as follows:

Beginning at a point on the easterly sideline of Davisville Road, a public way, and the northwest corner of lot 20 as shown on the plan recorded in the Barnstable County Registry of Deeds at Plan Book 213 Page 131, said lot also known as 422 Davisville Road, said point of beginning being N 16°37'40" E 31.44 feet from a stone bound located on said easterly sideline of Davisville Road,

thence running N 16°37'40" E 90.07 feet by said easterly sideline of Davisville Road to a point on Captain Davis Lane, the northerly sideline of which is described by the next five courses,

thence turning 180° and running 40.24 feet by a curve to the left having a radius of 25.00 feet to a point,

thence running S 75°35'45" E 684.01 feet to a point,

thence running 134.26 feet by a curve to the right having a radius of 207.69 feet to a point,

thence running S 38° 33'30" E 67.11 feet to a point,

thence running 46.60 feet by a curve to the left having a radius of 138.89 feet to a point being the east end of the northerly sideline of Captain Davis Lane,

thence turning and running 209.16 feet by a non-tangent curve to the right having a radius of 40.00 feet - said curve being the cul-de-sac at the east end of Captain Davis Lane - to a point at the east end of the southerly sideline of Captain Davis Lane, said southerly sideline being parallel to and forty feet distant from the northerly sideline, and described by the next five courses,

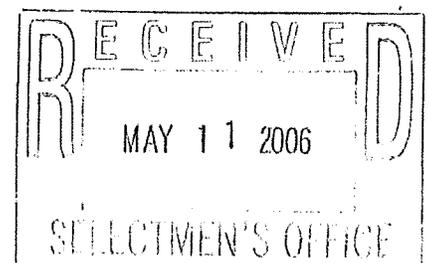
thence turning and running 65.00 feet by a non-tangent curve to the right having a radius of 178.89 feet to a point,

thence running N 38° 33'30" W 67.11 feet to a point,

thence running 108.40 feet by a curve to the left having a radius of 167.69 feet to a point,

thence running N 75° 35'45" W 687.51 feet to a point,

thence running 38.30 feet by a curve to the left having a radius of 25.00 feet to the point of beginning.



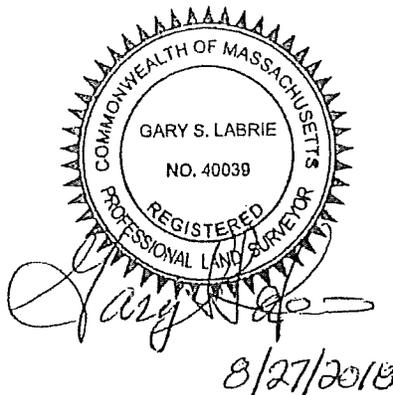
Metes and Bounds Description

WINTHROP DRIVE – WEST

- POB At the most northerly and easterly corner of Winthrop Drive West and the westerly side line of Seacoast Shores Boulevard, said corner being S 28°-30'-20" E, 207.50 feet from a concrete bound (held) at the most southerly and easterly corner of Bayside Drive and westerly sideline of Seacoast Shores Boulevard.
- Thence S 28°-30'-20" W, 40.00 feet to the most southerly and easterly corner of Winthrop Drive West and the westerly sideline of Seacoast Shores Boulevard.
- Thence N 61°-29'-40" W, 777.40' feet to the most southerly and westerly corner of Winthrop Drive West and the easterly sideline of Edgewater Drive West.
- Thence by a curve to the right with a radius of 4,760.00 feet and a length of 40.56 feet, a chord direction of N 38°-00'-35" E, and a chord distance of 40.56 feet to the most northerly and westerly corner of Winthrop Drive West and the easterly sideline of Edgewater Drive West.
- Thence S 61°-29'-40" E, 770.70 feet to the POB.

Winthrop Drive West is predominately a 40 foot wide layout.

Winthrop Drive West is approximately 774 feet in length.



Diane Davidson

From: Frank Duffy <fduffy@falmouthmass.us>
Sent: Friday, January 11, 2019 12:02 PM
To: 'Julian Suso'; 'Susan Moran, Falmouth Selectman'
Cc: 'Peter Johnson Staub'; 'Diane Davidson'
Subject: RE: 1/14 BOS agenda - Nips

Julian: I called the ABCC and spoke to the Ex. Director Ralph Sacramone. The prohibition of nips is presently unsettled. The City of Boston passed an ordinance allowing the licensing board to prohibit nips as a condition of a package store license upon a finding that the ban is appropriate in certain neighborhoods based upon testimony of residents, etc. The sale of nips are allowed in certain neighborhoods, not in others. The ABCC appears to be OK with this approach, but there is no court case affirming or invalidating it. The City of Chelsea took a different approach. It has banned the sale of nips in all package stores in the city. Not surprising the package store owners have challenged this prohibition. There is an appeal pending before the ABCC at this time and no decision has been issued.

Note, Boston and Chelsea are cities. City ordinances are not subject to Attorney General approval. Falmouth is a town and its bylaws must be approved by the Attorney General. The AG has not issued any relevant decisions.

It could be argued that the ABCC has exclusive jurisdiction to control the sale of alcohol in the state. If that is the case, the Chelsea approach might fail, but the Boston approach might succeed because it does not control the sale, only a conditions on licenses which are subject to local discretion.

As I noted above, the issue is unsettled.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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

TO: JULIAN SUSO, TOWN MANAGER
PETER JOHNSON-STAU, ASSISTANT TOWN MANAGER
JENNIFER PETIT, FINANCE DIRECTOR
BOARD OF SELECTMEN
DIANE DAVIDSON

FROM: FRANK K. DUFFY, TOWN COUNSEL

SUBJECT: SHORT TERM RENTAL TAX

DATE: 1/11/2019

CC:

On December 28, 2018 the Legislature enacted Ch. 337 of the Acts of 2018, known as the Short Term Rental Act (the "Act"), which amends G.L. c. 64G to include short term rentals made through Internet hosting platforms. The Act takes effect on July 1, 2019.

The Act directs the Executive Office of Housing and Economic Development to create a registry for all short term rental operators in the state. The duty to register is upon the owner/operator of a short term rental unit. The Act also directs the executive office to promulgate regulations that are necessary to implement the registry and support the competitive operation of short term rentals within the traditional lodging industry. The regulations must be completed by September 30, 2019.

The provisions of the Act of primary interest to communities are:

- A local excise tax of not more than 6% on the transfer of occupancy of a room in a B&B, hotel, lodging house, **short term rental** or motel. The Act defines a "**short term rental**" as an owner occupied, tenant occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or B&B where (i) at least one room or unit is rented to an occupant and (ii) all units are reserved in advance.
- The excise tax is not imposed on short term rental of less than 14 days in a calendar year for operators who have joined the registry noted above. There is no excise tax on residential occupancies which are tenancies at will or month to month leases. The excise tax is not imposed on the transfer of occupancy if the daily rent is \$15.00 or less.
- For any city or town which has previously accepted the provisions of G.L. c. 64G, s. 3A, the Act automatically applies to it starting July 1, 2019. Falmouth accepted G.L. c. 64G, s. 3A at the October, 1986 STM. The rate in Falmouth is 4%.

- The excise tax is paid by the occupant and collected by the operator.
- The Act creates a separate fund known as the Cape Cod and Islands Water Protection Fund. In addition to the excise tax imposed under s. 3A, an excise tax shall be imposed on the transfer of occupancy of a unit located within a town that is a member of the Cape Cod and Islands Water Protection Fund at the rate of 2.75% and all the revenue shall be credited to the Fund. Each community in Barnstable County subject to a sec. 208 waste water management plan shall be a member of the Fund. Falmouth qualifies for membership. The Fund provides financial assistance for water pollution abatement projects. The Water Protection Fund is managed by a Management Board which shall consist of one member appointed by the Board of Selectmen of each member community.
- The additional 2.75% excise tax is imposed on the transfer of occupancy of a room in a B&B, hotel, lodging house or motel and short term rental units.
- The Act provides that a city or town which accepts s. 3A may, by separate vote of Town Meeting, impose upon an operator a community impact fee of not more than 3% upon the transfer of a professionally managed unit. A professionally managed unit is a unit not located in a single family, two family or three family dwelling that includes the operator's primary residence.
- The Act provides that a city or town which accepts s. 3A may, by separate vote of Town Meeting, impose upon an operator the community impact fee upon the transfer of occupancy of a unit within a two family or three family dwelling that includes the operator's residence.
- The community impact fee is paid monthly by the operator to the town. The town shall dedicate not less than 35% of the community impact fee to affordable housing or local infrastructure projects.
- The Act also authorizes any city or town to further regulate by ordinance or bylaw: a) the location of operators, the number of licenses or permits issued to operators and limit the number of days an operator may rent units in a calendar year; b) require the licensing or registration of operators within the town; c) subject operators to building, zoning and health inspections and enforcement action; d) establish civil penalties or provide for license suspension or termination for violations; e) establish a reasonable fee to cover costs associated with local administration and enforcement of regulating operators, and f) publish a public registry of short term rental accommodations within the town.

In summary, the Act applies to Falmouth because the town has previously accepted G.L. c. 64G, s. 3A by vote of Town Meeting in 1986. The town is automatically a member of the Cape Cod and Islands Water Protection Fund because it is subject to a s. 208 waste water management plan.

The town may by separate town meeting votes accept the following optional provisions of the Act:

- 1) Accept the provisions of G.L. c. 64G, s.3D (a) and impose a community impact fee of not more than 3% for each transfer of occupancy of a short term rental unit of a professionally managed unit.
- 2) Accept the provisions of G.L. c. 64G, s. 3D (b) and impose the community impact fee of s. 3D (a) above on each transfer of occupancy of a short term rental unit located within a two family or three family dwelling that includes the operator's primary residence.

POLICY ON PUBLIC COMMENT AND PARTICIPATION

The Board of Selectmen values public comment and participation in matters before the board. Meetings of the Board of Selectmen are conducted in accordance with G.L. c. 30A, ss. 18 – 25 known as the Open Meeting Law (“the OML”). A **meeting** is generally defined as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” A **deliberation** is defined as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.” As a general rule, members of the Board of Selectmen are permitted to deliberate and act upon matters identified as an agenda item in the Notice of Meeting posted for the meeting in accordance with the OML. If a matter is not identified as an agenda item in the Notice of Meeting, the board may not deliberate and act upon it unless there are emergency circumstances. For this reason the board has promulgated this policy on public comment and participation at its meetings.

There are two parts to the policy. The first relates to public comment and participation in a matter identified as an agenda item in the Notice of Meeting. The second relates to public comment and participation in a matter which is not identified as an agenda item in the Notice of Meeting.

PUBLIC COMMENT AND PARTICIPATION IN A MATTER IDENTIFIED AS AN AGENDA ITEM IN THE NOTICE OF MEETING WITH BOARD OF SELECTMEN PARTICIPATION

The OML grants the public the right to attend any meeting of a public body except an executive session. An individual in attendance may not address the public body without the permission of the chair. An individual may not disrupt the meeting of a public body and the audience must remain silent. It is within the discretion of the chair to issue warnings to or order the dismissal of members of the public who disrupt the meeting or fail to heed warnings.

At the beginning of any meeting of the board, the chair shall call the meeting to order and announce any relevant information pertaining to public comment and participation on a matter identified as an agenda item in the Notice of Meeting. Ordinarily public comment and participation will be permitted only when the item is reached for deliberation by the board in accordance with the agenda.

There shall be no time limit on recognized public speakers unless 1) the chair announces the limit beforehand and 2) the limit applies equally to all speakers. No speaker may yield to another speaker without the permission of the chair. All speakers will be expected to focus remarks on the matter identified as an agenda item in the Notice of Meeting and remain “on topic.” There shall be no discrimination based upon the speaker’s viewpoints. The chair may terminate the comments and participation of any speaker who continues to make irrelevant and extraneous remarks after warning by the chair.

Any speaker who reads from a document or displays an exhibit to the board must leave a copy with the board to be filed with the minutes of the meeting.

Any member of the public or any representative of a group may request to address the Board of Selectmen if the matter pertains to a matter within the jurisdiction of the board and the matter will likely require participation and action by members of the board. In these circumstances the person or representative of a group must inform the Town Manager who will confer with the chair to determine if and when the matter might be identified as an agenda item on the Notice of Meeting of a future meeting of the board.

**PUBLIC COMMENT AND PARTICIPATION IN A MATTER
NOT IDENTIFIED AS AN AGENDA ITEM IN THE NOTICE OF MEETING
WITHOUT BOARD OF SELECTMEN PARTICIPATION**

It is the practice of the Board of Selectmen to schedule a “PUBLIC COMMENT” period during regularly scheduled meetings of the board. The purpose of the public comment period is to allow any person or a representative of a group to briefly address the board on routine matters not identified as an agenda item on the Notice of Meeting. During the public comment period, the Board of Selectmen will not engage in discussion with the speaker or take any action on the matter.

The public comment period may be used to announce events or other matters which do not require deliberation or action by the board.

The public comment period is a discretionary matter and the board may omit the public comment period from the Notice of Meeting to prioritize available time for other matters. The public comment period is subject to such rules as the board may promulgate from time to time.

**THE PUBLIC COMMENT PERIOD IS SUBJECT TO THE FOLLOWING
RULES OF PROCEDURE WHICH ARE SUBJECT TO CHANGE
AT THE DISCRETION OF THE BOARD**

1. Early on the agenda there will be a public comment period for individuals or group representatives to address the Board of Selectmen on any issue under the jurisdiction of the board. The Chairperson will determine the duration of the public comment period depending on the number of persons who inform the chair of intent to address the board. The duration of the public comment period will ordinarily not exceed ten (10) minutes.
2. Speakers will be allowed two (2) minutes and the chair may allow a group representative more time to avoid repetitive comments from multiple speakers.
3. Speakers may address the board on any subject within the jurisdiction of the board, which is subject to reasonable determination by the chair. Speakers may not address the board on any subject that is the subject of an agenda item of the meeting. The chair will direct the speaker to wait for the agenda item to be identified and taken up by the board at that time.
4. If it is necessary for the speaker to identify a town employee or other person, the speaker may do so. Comments about job performance and decisions made are permissible, but it is not appropriate to use the public comment period to comment on any person's reputation, character, physical condition or mental health, disciplinary matters or civil or criminal charges. These matters are subject to discussion in executive session as provided in the Open Meeting Law. Any speaker in doubt about a proper purpose for executive session should confer with the Town Manager in advance of the meeting.
5. Any other subject which is a proper purpose for executive session as provided in the Open Meeting Law is not a proper subject for the public comment session. Any speaker in doubt about a proper purpose for executive session should confer with the Town Manager in advance of the meeting.
6. The use of obscenities, threats of violence or other speech likely to provoke a violent reaction is prohibited and the chair may issue a warning to or order the dismissal of the speaker.
7. All remarks or statements must be made to the chair and the speaker may not ask questions of any member of the board or the public in attendance.
8. Member of the board are not permitted to respond to any comment made during the public comment period. If any comment requires a response, the chair will direct the Town Manager to respond after the meeting or place the matter on the agenda for a subsequent board meeting for public discussion and action.

ANNUAL LICENSE RENEWALS FOR 2019

SELECTMEN'S MEETING – JANUARY 14, 2019

COMMON VICTUALLER LICENSE (\$60)

Dunkin Donuts, 1184 Sandwich Road
Peel Pizza Company, 31 Teaticket Highway

Number:
055-CV

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Peel Pizza Company
Peel Holdings LLC
Brendan Higgins, Manager
31 Teaticket Highway
Falmouth, MA 02540
is hereby granted this

Common Victualler's License

in said Falmouth and that place only and expires on the date shown below unless sooner suspended or revoked for violation of the laws of the Commonwealth respecting the licensing of common victuallers. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140, and amendments thereto.

Days of Operation: Sunday - Saturday. Hours of Operation: 11:00 a.m. to 9:00 p.m.

Valid from: January 14, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

January 14, 2019

This License Must be Posted in a Conspicuous Place upon the Premises

Number:
CV-57

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Dunkin Donuts
(New Generation Donuts LLC)
1184 Sandwich Road
East Falmouth MA 02536
is hereby granted this
Common Victualler's License

License for
2019

in said Falmouth and that place only and expires on the date shown below unless sooner suspended or revoked for violation of the laws of the Commonwealth respecting the licensing of common victuallers. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140, and amendments thereto.

Valid from: January 14, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

January 14, 2019

This License Must be Posted in a Conspicuous Place upon the Premises

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, OCTOBER 29, 2018
SELECTMEN'S MEETING ROOM
TOWN HALL

Present: Susan Moran, Chairperson; Megan English Braga, Vice Chairperson; Doug Jones; Sam Patterson; Doug Brown.

Others Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel.

1. Chair Moran called the open session to order at 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. Ch. 30A, s. 21(a)(6) – Status/update on potential purchase of Lyberty Green project site because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. English Braga, aye; Chair Moran, aye; Mr. Jones, aye.
2. Chair Moran reconvened the open session.
3. Pledge of Allegiance
4. Proclamation-none.
5. Recognition- moment of silence held in memory of the events that took place in Pittsburgh, PA and the 11 individuals killed at the Synagogue.
6. Announcements- Follow up to the Route 28 meeting will be Monday 5 pm at the FHS 11/5/18. Mr. Patterson noted early voting is available at Town Hall.
7. Public Comment

Jack Afarian, Cape Cod Marathon Race Coordinator reported that they held their event this weekend. There were some issues Sunday morning and impacted the church. He will meet with FPD Chief Dunne. Thanked for the BOS support.

Mark Finneran, Precinct 6, congratulated those who showed up at the Library for Teaticket and Route 28 plans. There were dozens of people who left because there was no room in the venue. A 5 pm meeting limits those working or have families from attending. Some of the public will be left out of the comment.

7:15 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to Accept FY2018 Bulletproof Vest Partnership Program Award in the Amount of \$10,255.36.
Mr. Patterson motion to accept. Second Ms. English Braga. Vote: Yes-5. No-0.
 - b. Vote to Authorize Payment from the Recreation Department Donation Account in the Amount of \$3,955.93 to Anthem Sports LLC for the Purchase of Volleyball Net System.
Mr. Patterson motion to authorize. Second Ms. English Braga. Vote: Yes-5. No-0.
 - c. Vote to Accept Water Main Extension Agreement and Easement – Nye’s Park Professional Offices Trust, County Road, North Falmouth.
Mr. Suso this is recommended.
Ms. English Braga motion approval. Second Mr. Jones. Vote: Yes-5. No-0.
 - d. Affirm Change in Commission on Disabilities CPC Application for Placement of “All People’s Playground” at Emerald House Site

According to Mr. Suso, Commission on Disabilities Chair Kathleen Haynes asked for BOS authorization for a playground, the proposal was at that time at the existing senior center site property. Given the wetlands, it was determined not going to be there and this request was discussed and reviewed with Ms. Haynes, this involves a suggestion to the BOS to allow this to occur at the alternative site of Emerald House.

Kathleen Haynes explained background of what they have been doing since July 2018 and reviewed via PowerPoint presentation. Other locations not found sufficient were described. The Emerald House property became available and provided history why they want to go to the Emerald House: the location, parking, proximity to other roads and East Falmouth School. The Emerald House building could be incorporated into the plan, which is also ramped and may be used for the restrooms. The property allows all the zones they want and interactive equipment. Storage structures are already in place. Pictures of the property and potential equipment were reviewed. Cost estimate of \$88,000 with insurance and some installation. The CPC grant will be applied for, a Board of Directors has been formed, they will meet soon to do the bylaws and file the 501c3. Planning team is meeting weekly. Staffing needed is unknown at this time. They have invited various groups including school PTOs, Spaulding Rehabilitation, and the Special Education Advisory Council, but have not received responses from all of the organizations that they have reached out to.

Ms. Haynes has not spoken to the School Department about any issues they may have in placing it at that location. Supervision may be needed if they provide accessory equipment, possibly someone at the end of the day needs to collect the equipment.

Mr. Suso noted the mapping on the screen was done for conceptual purposes, much planning and design would be needed if the BOS moves this forward. School Facilities Manager Patrick Murphy talked about the general overall concepts on this property and is comfortable it could be done in a productive way.

Mr. Johnson Staub clarified the process, Ms. Haynes is bringing this forward and they included the community garden and athletic field concepts because those have been identified as priorities, but this schematic is just to show the BOS a potential concept. The BOS vote is whether or not to put the playground at this location.

Ms. English Braga motion to go forward to affirm change in the application. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones noted that it is unknown what the Town will do with Emerald House and this may preclude options. The Augusta parcel is the right place and if not doing it because it is a delay, he would rather take the time to go to the Water Quality Management Committee regarding the potential of water treatment plant.

DB noted good investment at Trotting Park Fields and restrooms would be helpful there. Ms. Haynes noted that location was eliminated from consideration because there is no public transportation near there and the parking lot would need to be redone.

e. **Vote to Approve Lease of Andrews Farm to Geoff Andrews**

Two responses were received for the proposal, the Agricultural Committee recommended the most advantageous response, which was from Mr. Andrews. The Conservation Commission is looking into the herbicide issue. In drafting the RFP and evaluating responses was town meeting wanted farming here for the long term, wanted to prioritize great conditions that would lead to success and select an operator that would most likely succeed. Mr. Johnson Staub noted the balance sought regarding restrictions. Organic was not required, many would prefer that, but wanted to prioritize farming that is viable. Oversight and regulation will occur through an annual report through the Town Manager and Conservation Office. The 300 Committee holds the conservation restriction, so they will be the other point of contact for oversight and regulation. Informally there will be oversight by the Agricultural Commission, but formally the Town Meeting voted to have the Agricultural Commission care and control. The Town could terminate the lease for cause during the 5 or 15 year terms. There is no penalty clauses built in for the farm operator, there is no substantive rent being proposed so the potential exists for the farmer to walk away. There is a security deposit to address any costs/liabilities left behind. No penalty for early termination.

This is a source of income for Geoff Andrews, if it is being impacted he will have conversations with the Town, this has been an ongoing conversation for awhile now. Bringing in the Agricultural Commission the way that the BOS has since the beginning, we will have support in place if something unexpected happens and someone can step in to fill that void.

We cannot go beyond a 15 year extension, the way it was written was 5 years and then 15 year option.

Mr. Jones motion approval of the lease. Second Ms. English Braga. Vote: Yes-5. No-0.

- f. Authorize Application for Mass. Seaport Economic Council for Grant Funding Support in the Reconstruction of the Iselin Dock and Adjacent Area in Woods Hole in Collaboration with Woods Hole Oceanographic Institution (WHOI)

Robert Munier, Vice President of Marine Facilities noted they were capped at \$1 million for this grant process.

Mr. Jones asked that they work better with community on the issue of parking, there was some contention with trees just taken down this week and less than a Woods Hole feel in the village.

Chair Moran noted a challenge to all the scientific institutions in terms of vitality and these considerations need to be balanced with the unity of the economic survival in the future of Falmouth. We need to look at the impact of employing a lot of people and supporting science. The care and balance has been reflected in the planning and this is a crucial project.

Mr. Brown noted steel pile with concrete deck, this was the design in the feasibility study and Mr. Munier said they want an adaptable design and one of the key scopes they will be doing. Mr. Munier is aware of the public comments regarding the SSA building and will consider that.

Mr. Brown motion to authorize the application. Second Mr. Patterson. Vote: Yes-5. No-0.

PUBLIC HEARINGS

7:30 p.m.

- 1. Fee Hearing – Police Department Fingerprint Processing Fees

Chair Moran read the hearing notice.

Reviewed the change in fees were read into the record by Chair Moran.

Attorney Duffy noted the first question was made regarding Richard Latimer that the bylaw was unconstitutional. The bylaw adopted by Town Meeting, was approved by the AGO, the Murphy's asked her to disapprove the bylaw. The AGO made points including 1. It was modeled by a state law that provides the pathway for the bylaw, 2. Procedures were offered to the FPD by the Executive Office of Public Safety, 3. Good evidence that it is constitutional because the AGO vetted the bylaw, but this is not a guarantee of constitutionality. But its good evidence. The bylaw is presumed to be valid.

The second question was regarding the letter from Mrs. Murphy about certain requirements for public hearing that were not observed. That statute is not related to the fee hearing. She said there should not be an action by the board regarding solicitors, the bylaw passed did not refer to door to door solicitors and the BOS should not act on that.

FPD Chief Dunne provided a PowerPoint slide and Lt. Decosta addressed the fees. Lt. DeCosta noted the bylaw is in place and part of it had to have a starting point of a fee, \$100 was chosen. He explained the change in fees, the \$30 fingerprinting fee goes to the Commonwealth. Solicitor will be left off as recommended by Attorney Duffy. The slide was reviewed.

Ice cream truck vendor is a specific MA law and requires background check with fingerprints.

The BOS will set the fee, the \$100 was the placeholder, and these fees were what were recommended.

Mr. Suso appreciates the additional background work the FPD has done regarding what other communities are doing. The new fee is up to the BOS between \$55-100.

Richard Latimer, Town Meeting Member, stated it pains him to see this kind of arbitrary legislation enacted. This is unnecessary, overbroad, unduly burdensome, and is not rationally related to any real documented governmental interest of Falmouth and is unconstitutional. This is not about the State statute, we do not have to enact a bylaw like this and should not unless shown there is a real need for it. The challenge to this bylaw is the Chief has failed to prove a need for this bylaw in any of these contexts in the Town. If there was a need, it should be specifically targeted to areas with a documented need.

Ms. Murphy, Town Meeting member, wife of a second hand dealer. Ms. Murphy read a statement to the BOS. The fee of this bylaw was allowed to be set by petitioner FPD Chief Dunne. This is a backdoor action to cover the illegal action where the Chair illegally shut down an argument against this and was incorrect. The fee and bylaw adversely affects the majority of small business targeted, pay \$100 fee and submit to fingerprinting. This fee should not be applied to those who have them already on file with the FBI. Why an annual fee rather than a one time fee. It is not a safety issue, it is a money grab. Liquor License Holders are already subject to the ABCC CORI checked.

Lt. Decosta explained that once fingerprints taken once, the FPD keeps it on file, the fee goes to the State. Each time the Commonwealth reviews the fingerprints for the last year, the fee is due. The charge is reviewing the computer system, not the taking of the fingerprints.

Ms. English Braga noted it is not everyone who is working there to have his or her fingerprints taken, only one person.

Francis Murphy, Second Hand Dealers Association and Liquor License holder, said approval of the AGO is required when bylaws adopted or amended and are supposed to go to Town Meeting if being amended. The Second Hand Dealers license has been \$35, not \$25 for the last 2 years. At Town Meeting, he had the \$100 fee as \$30. The fee is set at the beginning, not at this time.

Attorney Duffy noted that a bylaw voted on by Town Meeting cannot be repealed by the BOS. He does not believe there was an amendment to the bylaw, it was a clerical error regarding solicitors. The fee was set at \$100 subject to revision by the BOS under 119, which is being done tonight.

Mr. Jones noted the bylaw passed by Town Meeting, approved by the AGO, and the BOS has no authority to change the bylaw, but does have authority to set the fee.

Ms. English Braga motion to close the hearing. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Jones motion to accept the fee for those listed and Manager Alcoholic Beverages at \$60. Second Mr. Patterson. Vote: Yes-5. No-0.

7:45 p.m.

2. Continuation of Fee Hearing – 2019 Town Department Fees

Chair Moran read the hearing notice.

The proposed changes and fees were read at the former meeting. Mr. Johnson-Staub noted the advertising fees for wetlands dock permit would be \$50 and proposed aquaculture advertising is \$35 fee; these represent direct cost recovery.

Public Comment: none.

Ms. English Braga motion to close the hearing. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. English Braga motion approval for fee schedule as formerly read and with the two noted changes. Second Mr. Patterson. Vote: Yes-5. No-0.

8:00 p.m. BUSINESS

1. Report – Board of Health

Diana Malloy, Chair of the BOH reviewed membership of the Board. Reviewed the Board's first order of business and mission statement. Ongoing Business Agendas include septic related requests for variances, community/public health related topics, and update on operations and staffing. Looking at Innovative and Alternative Septic system maintenance compliance, addressed noncompliance, and have put a process in place for future matters dealing with these. Participate in overcoming barriers in the Accessory Apartment bylaw. Compliance with sanitary codes for restaurants and vendors. Tick born disease prevention and looking at spring initiatives. Little Pond Sewer Service Areas. Increasing community events that impact

the workload, constantly trying to support the efforts for work life balance for the Health Agent. Identified priority initiatives for the BOH included in the packet; operational and community health initiatives.

Scott McGann addressed the BOS, they did over 2,000 site visits for the year and described the type of visits. Issued 1400 licenses and permits, revenue \$132,000. They also do communicable disease tracking, household hazardous waste about 45% of the waste removed from about 767 households. Manage a sharps kiosk at the FFD.

One of the things on their to do list is addressing vaping with the School Department. The regulations have been updated to age 21 and ahead of what the state will enact, but the educational piece needs to happen.

Well water testing kits are available from the BOH, they test for PH, conductives, bacteria, and specific items depending on where they live.

Mr. Jones noted the BOH could say all new construction needs to have denitrifying systems, Mr. McGann suggested checking with Attorney Duffy on that.

2. Report/Update on Beach Rules

Bruce Mogardo and Paul Miskovski, Beach Committee Chair, were present.

Mr. Mogardo noted clear easily understood orientation with beach staff. The biggest problems this summer were trash, alcohol, and dogs after 5 pm and many off leash. He would like more assistance from animal control regarding dogs before 9 am and after 5 pm.

Mr. Brown noted trash is a big problem. Mr. Mogardo noted the Beach Department sending representative to a cape wide meeting on trash, Beach Committee members will attend that meeting. Chair Moran suggested a flyer asking beachgoers to take their trash. Need to asses whether the number of trash receptacles are adequate for the need at the beaches.

3. Presentation – Cape Light Compact, Maggie Downey

Ms. Downey with Phil Moffett and Ron Zweig. Ms. Downey provided an overview of the Cape Light Compact and reviewed the three year energy efficiency plan, Cape Light Compact enhancements, and new opportunities via a PowerPoint presentation.

It is cheaper to use less energy, reduce peak is more efficient, they build infrastructure to the peak. In 2018 the legislature passed changes to the Green Communities Act, this lead to changes and 4 key things: 1. Cost effective energy storage to be incorporated and funded through the energy efficiency plans. 2. Added cost effective strategic electrification, focus on heating systems that use fossil fuels and move them to cleaner forms of electricity including wind, hydro, and solar produced electricity. 3. Authorized energy efficient funds to do more and deliver more programs. For every dollar invested, need to get at least \$1 in benefit from the program. This is now an Energy Plan, shift in how and what they want delivered under these programs. Overview of the Compact Programs was provided and showed the various sectors.

Reviewed compact specific program enhancements. They will continue with insulation offer for residential customers, serving all electric customers by the Cape Light Compact, and continue to offer 100% insulation for renters and moderate income customers. Explore ways to help hard to reach customers, they are trying to determine best way to market to participate in the program. Battery storage and active demand response, they will install and will rely on customer to participate in demand response to take into the grid. Strategic electrification offering, there are many that have installed solar, the board is focusing on 700 residential customers to convert to cold climate heat pumps or ground source; 350 will be low to moderate income customers. Remaining other incomes will be tiered. Commercial incentives were reviewed.

2019-2021 Total Budget and Savings were reviewed.

The BOS noted a 50% increase, storage, renewable, and changing customers who heat with fossil fuels. The dollar amounts are being set, the customer will have a choice in their fuel heat sources.

Folks may contact the Cape Light Compact for an assessment.

They are continuously reaching new customers, the budget includes marketing the hard to reach and hard to serve. They use about 75% of budget for energy efficiency programs. They changed to a market model to allow customers to choose their own contractor, they have a lead vendor that sends out vetted contractors.

There is a survey on line with questions or email the Cape Light Compact regarding utilizing funds in a manner the community wants it to.

Phil Moffitt, Residential Program Manager for Cape Light Compact. Rise does the home energy assessment and the customer is given the option of assigning an insulation contractor or allow them to choose one. Call Cape Light Compact directly to request the home energy assessment at 1-800-797-6699.

Wednesday they file with the Department of Utilities.

Mr. Patterson asked about articles that will restrict solar panel implementation, the State has said they want solar panels. What kind of resources might be provided? Example would be a small mall put solar over a parking lot on Route 28 and it surprised folks. Ms. Downey noted funds for residential are for roof mounted, they are proposing the HEAT loan would be allowed for solar. She has information on other towns doing the work to prepare for stretch code, if the BOS has questions they may contact Ms. Downey or Margaret Song at Cape Light Compact.

Marc Finneran, Precinct 6, noted it is hard to convince people to do the assessment and asked how much is paid by customers.

Ms. Downey noted the fee on the electric bill, \$10.88 monthly being paid now for the residential assessment. This could potentially be increased to about \$15 monthly.

4. Presentation – Regional Policy Plan Draft – Cape Cod Commission, Kristy Senatori
Kristy Senatori Executive Director, explained they are in the public comment period for update to the regional policy plan. The Cape Cod Commission Act (CC Act) requires the commission provide an updated regional policy plan for regulation and planning that happens at the Cape Cod Commission (CCC). Presented a PowerPoint presentation. They are required to put out for 60 day comment period and the period closes on 11/19/18. Common themes have been heard and include; housing needs, infrastructure planning, easing local comprehensive planning processes. Reviewed the table of contents for the Regional Policy Plan, also available on their website. Reviewed the goals of the CCC, which include protecting and preserving regions resources while promoting growth. The Growth Policy was reviewed, including natural, built, and community systems. Cape Cod placetypes were reviewed; natural areas, rural areas, suburban, historic, marine, community activity center industrial activity centers and military transportation areas. Reviewed the vision of each of these placetypes. The regulatory approach on this plan looks at the goals and objectives set forth in the CC Act. Performance measures are new to the plan, there are nine that they have found; protected habitat, drinking water, sidewalk network, coastal water, historic resources, activity center, high wage jobs, housing affordability, and floor plan development. Recommended actions are included, including regional housing strategy, relational capital planning, streamlined local compressive planning, climate resiliency, threshold relief evaluation.

Reviewed the RFP timeline.

Encouraging participation and looking for feedback on the draft, which is available on their website.

Grant Walker, 71 Philadelphia Street, Town Meeting Representative for Precinct 3, asked for more detail on how energy fits into the plan.

Ms. Senatori stated the Energy goal with objectives and technical bulletin on energy and methods to achieving the goals was available.

5. Presentation/Discussion on Potential Vacating of Portions of Great Bay Road
Peter McConarty, Deputy DPW Director, for recommendation of roadway closings on Great Bay Road. Made a PowerPoint presentation. Seven sections closed in 2013, one closed in 2014. Since then they have had additional requests to close more sections of roadway. At an August Joint Meeting there were 3 projects presented, this was one. Look at closing sections of the road, looking at success stairs, and looking at coastal erosion along the bank. Reviewed aerial photographs of the area. Map in the packet was

reviewed. In order to close the roadway is to go to the BOS. Met with the FPD and FFD Chiefs which both sent back positive recommendations for the roadway closures.

Mr. McConarty reviewed the road closings over the years via PowerPoint presentation. Reviewed the roadways that cannot be closed due to public access or driveways. The recommended closings were reviewed. The roads will be posted with dead end signs, some street signs will be replaced as necessary.

Large boulders at the end of the roadways that are closed and there are no turn around at the end of the roadways.

Based on the feedback received, it seems the residents want this to happen and so has the DPW.

Navigation updates were discussed, there are companies that track the GPS and trucking routes and the Town gives them that information.

Chief Dunne checked the areas and had supervisors check the areas, the FPD will be able to respond without any issue.

Barbara McDonald, Hiawatha Street, asked what the plan is once the roads are closed? How will the potholes be fixed. According to Mr. McConarty, once closed, it is closed for public works as well. They can grade it before they close the roads. They will not be plowing or grading after they are closed. This path is a resource for the neighbors that cannot be utilized if it is not maintained.

John Francis, Great Bay Road, asked if they will address the plan to control the erosion.

Mr. McConarty noted this is the first part to close the roadway. The stairs and erosion along the coastal bank will be addressed. Private homeowners have done the work privately, some of those areas are becoming compromised by the wind and water; this is a bigger conversation with the Coastal Resiliency Committee.

Grant Walker noted he was one of 180 people who live in the area in 2013 who signed a petition asking for the closing of the road along with dealing with the erosion. It is his understanding others would fully support what he is proposing.

Mr. Jones motion to go with the recommendation of the DPW and FPD. Second Ms. English Braga. Vote: Yes-5. No-0.

6. Presentation on Locustfield Affordable Housing Local Initiative Program Application
Attorney Laura Moynihan request for the LIP project support via PowerPoint presentation. Attorney Moynihan explained that the BOS endorse the project and direct the Town Manager to sign the application to the DHCD, which would issue the project eligibility letter and then go to the Zoning Board for approval. This project is targeting sales project of 3 bedroom homes. The housing needs and area household incomes were reviewed along with the benefits of the LIP project. The Town gets to see the sales, costs, and budget of the project. Reviewed the project site and concept plan, 12 single family 3 bedroom housing units, 3 affordable to be sold for about \$195,000. The plan is to develop buffers to those other properties through fencing, natural vegetation, and landscape. This road is designed to subdivision standards, portion in rear preserved as open space area. This creates a neighborhood. All the homes are of the style required for an affordable housing development. Each lot will have a separate Title V septic system. 4.09 acres, lots are 2.07 acres and bus stop will be provided. Each home will be 1900 square feet total, projected sales \$400-435,000 for market rate homes. Project support from Affordable Housing Committee and the Falmouth Housing Trust. Town Planner and Peter McConarty provided letters but with more information the Town Planner may have thought differently. Under the 2009 plan, it was recommended there be 79 affordable housing units each year, of which 40% be sales, about 30 units of affordable units per year. The BOS guidelines is the action plan, DHCD review of the cost certification, and there is an auditing process. Workforce housing is being created with this project. There will be a 70% lottery pool for local preference and general pool: Falmouth residents get to go in both pools.

The developer can make one affordable unit handicap accessible. Adding a duplex to the site was discussed and will affect the density to the development. Duplexes are more expensive to build and will

not get the revenue to cover the affordable unit. The developer lives in Falmouth and works in the construction trade.

Carla Feroni recommendation by Affordable Housing Committee was in support of this development looking at affordability, size of unit, master on first floor. Ms. Feroni noted the newer data suggests 85% of the need is for rentals. Single family units are also needed. This development offers the minimum amount of affordable units required per permit, it meets some needs of the affordable criteria being developed for the Town.

Mr. Johnson-Staub reviewed the Planner recommendations he felt the proposal is not significantly better than what they may get from the traditional 40 B and does not merit the LIP endorsed by the BOS. This does not include any mixed units or housing types. His assessment is that because of combination the units are small and budgets scrutinized by Housing and Community Development. What will happen to the property if the BOS does not endorse it, Mr. Johnson-Staub agrees we are on the verge of a crisis and need affordable housing quickly. The outcome will not be better in the future if the BOS does not endorse the project. He sees an acute need for affordable housing, the density is high, that will be difficult for those living in the neighborhood.

Mr. Jones would be more inclined to support if it had more than 25% minimum. He also hopes they could look at innovative alternative septic systems.

Chair Moran noted important goals, she hears from developers that they do not want to work in Falmouth because of the restrictions placed upon them.

Ms. English Braga noted every time they have a project come forward, out of desperation we take whatever we can get. Are there ways we can push more for our community so there is a greater benefit.

Mr. Brown does not see any difference from any other 40B. What community benefit with this project? Mr. Johnson Staub noted what will the market rate houses look like under traditional 40B where the developer is not seeking to meet a workforce housing need. Attorney Moynihan said the public benefit is you can see the costs of the project and Town has financial oversight of the project. The density here is 3 units per acre, that is low. Recommended density in last housing task force was 6 units per acre outside village centers. The projected rate of return is 10% at 12 units. This developer will end up at 7-8% rate of return. If you say no, all you are saying not to go forward with a nice LIP project. This is a low density and creating a neighborhood. Asking for a denitrifying system will add a significant cost to the project and when you look at the budget, there is not money for that.

Mr. Jones noted the 9 units are reasonably priced units.

Mr. Brown noted the easement area is not buildable, but you can increase the density on this property without touching the open space.

Mr. Patterson noted this is far enough away from natural resources and quite a loss of nitrogen, so Title V system will be alright. Innovative Alternative Septic system has yearly maintenance passed along to the property owner. The Town is not required to contribute any subsidy to this development. Mr. Patterson would like to see 1-2 accessible units considered. Could that be accommodated and how much would that be.

Ms. Moynihan noted one affordable unit could be handicap accessible with ramp in garage and first floor handicap accessible.

Mr. Jones asked if there is a way to subsidize another affordable unit.

Attorney Moynihan noted the CPC awarded money to the Falmouth Housing Trust for a single family home of \$65,000.

Public Comment:

Scott Zelinski, East Falmouth, said that this project will cut one of the last contiguous AGA property in half and set a precedence. What happens when there are no more farms. His family farmed animals here for 75

years and want to be considered and future generations of farmers. He would like others in the community to be considered. He is concerned about losing the Agricultural zoning.

Mr. Johnson-Staub stated this is private land and we do not control it.

Chair Moran noted if someone wanted to buy the property and farm it, which may be different. This is an important point.

Mr. Brown commented that he does not know how a private project would be stopped.

According to Mr. Patterson, farm land is needed and we cannot feed the people on Cape Cod now with the farms available.

Joe Bento, abutter, suggested maybe get more businesses into the Town so people can afford to live here. Mares Pond is across the street from this development, this may be affected by the septic systems. He is concerned there will be 12 houses, how much parking spaces are allowed per house.

Attorney Moynihan addressed the parking, driveway parking and 1 car garage, also subdivision road set up with shoulders. The T is suitable for turn around, engineering had no issues with the intersection with Locustfield Road.

Mary Jane Marston, abutter, upset with this plan, they have a horse, it is quiet and she is concerned that this project the depth of the lots, they will have 7 backyards along their property. Concern that people will put their yard clippings/trash, they cannot see it and will impact their lifestyle. They have lived there for 25 years. The drawing is not accurate when looking at Locustfield Road, it is curvy through there, no sidewalks, increase traffic.

Bill Marston, abutter, considered buying the land, but it was zoned for one house, to split it will not add the value to the house. This will lower the value of their property. If it was available again, he and a neighbor would buy it. If he brings in more livestock, will the new neighbors start complaining, will their animals affect him.

Mr. Brown asked why the ZBA and not Planning Board are involved, Attorney Moynihan noted Eversource allows roadways, backyards, and parking in the easement area so there is a benefit of the way this is designed to protect the easement area.

Mr. Jones asked this is a vote on a future meeting to give an opportunity for more comment. Ms. English Braga agreed that having another meeting would be advantageous for more input.

Chair Moran suggested moving to the next meeting and provide a week for comments to the BOS.

Mr. Patterson suggested restricting to written comments only. Chair Moran is fine with managing the meeting with limited public comment.

7. Minutes of Meetings:

Public Session – October 1, 2018

Mr. Jones motion approval with edits. Second Ms. English Braga. Vote: Yes-5. No-0.

8. Individual Selectmen's Reports

Chair Moran noted the Halloween Party at the dog park was very good.

Mr. Brown attended the Route 28 meeting, many volunteering are abutters and would be precluded from serving on that. Noted the Little pond award for state funding. Attended the Housing Production Plan meeting.

Mr. Patterson:

Attended the last week two meetings of high school Multi Purpose Field Advisory Committee meetings long at the original RFP structure, realized the consultant did not follow critical regulations of the State. They will need to restructure into 2 components with bid on modulars separated out and have the general contractor do the rest. It should not delay the project.

9. Review of Town Manager's Report

Attended the FCTV groundbreaking ceremony and had well attended public information session on the Main Street reconstruction project and will have successor meeting next Monday 11/5/18 at 5 pm to be followed by the regular BOS business meeting. The BOS received a copy of warrant articles mailed to the Town Meeting members in advance of the required deadline.

Precinct meeting coverage was discussed and assigned among the BOS.

Mr. Johnson-Staub reported the Senior Center bids opened last Thursday and they have received 8 bids that are all within the budget.

10. Review and/or Discuss Correspondence Received

Mr. Jones motion to adjourn. Second Ms. English Braga. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, JANUARY 7, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL

Present: Susan Moran, Chairperson; Megan English Braga; Doug Jones; Sam Patterson; Doug Brown.

Others Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order at 7 pm by Chair Moran.
2. Pledge of Allegiance
3. Proclamation-none
4. Recognition

Ms. English Braga read a letter from Francis McCarthy regarding repair of damage from last year's storm on the North Falmouth Library property and thanked for the display on the village green.

5. Announcements

No one present requested to record the meeting.

The BOS will send to information on the committee purposes and what they do along with BOS liaisons to the Chairs.

6. Public Comment

Michael Heylin, Cliffwood Lane, commented on the Town charter, 5-3 subsection b4 says the Town Manager's duty is to inform the BOS on all departmental...to this end shall submit updates to the BOS. Mr. Heylin hopes someone on the BOS will open a review process on the Town Manager's role according to this charter item. If this meeting occurred in August and no was held discussion until the email sent in November, that is a huge issue. This needle exchange will cost the taxpayers of the town, lawsuits, property values down.

Marc Finneran, Precinct 6, reminded all that we have meeting Saturday morning 9 am at FHS auditorium and chance to be heard regarding the needle exchange. Open Meeting Law violations will be pursued through the State.

7:15 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to support application to DCR, 2019 Mass Trails Grants Program, for funding to build the parking area at the Gateway to the Coonamessett Greenway Heritage Trail
Mr. Suso noted the multiple phases and the BOS is asked to support application for continued outside assistance.

Betsy Gladfelter, Conservation Commission, stated this is part of a project working with The 300 Committee to develop this trail. This is money requested from DCR to develop the major parking area with access to a river overlook and trails, including a wheelchair accessible trail, the entire perimeter trail will be stone dust base. Goal is to make it accessible for all ages and all abilities.

Mr. Jones motion to support the application. Second Mr. Brown. Vote: Yes-5. No-0.

7:20 p.m. BUSINESS

1. Presentation of Proposed Fiscal Year 2020 Budget

Mr. Suso noted this process is pursuant to the Town Charter prior to January 1 of each year, in early-mid January the BOS is tasked with reviewing the proposed budget and transmitting to the Finance Committee. All staff were thanked for their work on this budget.

Jennifer Petit, Finance Director, made a PowerPoint presentation summarizing the budget. Thanked all for participation in the budget.

The Reserve Fund Balance Policy was reviewed, the Town has reached and maintained this policy. Re-allocating stabilization funds to the other post-employment benefit trust and workers compensation trust account. Looking to maintain reserves. Stabilization Fund balances were reviewed.

Revenues and expenses were described and reviewed, they help sustain operations during tough times. 74% of the revenue are property taxes, no override in a number of years.

Estimated Local Receipts were reviewed and have been strong over the last year. Increased \$1.2 million due to offset of water and wastewater debt. The remaining \$1.4 million increase due to strong estimated receipt growth and additional funds from Community Host Agreement. We did not estimate receipts from the short term rental legislation. There are decisions the Town needs to be making, including the 4% from this legislation as of July 1. This will help keep a strong free cash.

Chair Moran noted separate agenda item soon regarding the short term rental legislation.

In the 5 year strategic plan, they are not proposing water enterprise fund for 2020, need to migrate off top gun for water billing and purchase another system so that we can segregate the revenues. Top Gun is the basis that we have done billing and accounting records.

Other Available Funds were reviewed including parking meters, embarkation fees, wetlands and waterways, energy receipts, golf revenues this will be the last year that the revenues fully offset the debt. County preservation, bond premiums, and debt stabilization.

Appropriation Policy, the increases are consistent with the BOS strategic plan, able to allocate money into our reserve accounts and we consistently fund that with reoccurring revenue.

Budget increases have occurred in health insurance, retirement assessment, school department budget, and Upper Cape Vocational High School increase. Four additional police officers, 2 additional firefighters, 2 full time parks employees, Program Coordinator for the Senior Center, additional 2 positions for the Recreation Department summer camp, additional seasonal animal control, and adjusted wage schedule for seasonal employees.

Debt Policy was reviewed. Transfer of \$600,000 from debt stabilization fund to maintain the 2.5%.

Patricia Favulli noted the betterment debt will allow them to assume the betterment, but the bigger banks do not allow assumption of a betterment. About three quarters of the payoffs were due to property sales.

Capital Facilities Plan reviewed.

Fiscal Year operating budget was reviewed, education is the School Department and Upper Cape Tech.

Funding Reserves, over \$1 million to the Capital Stabilization. Stabilization Fund reached its goal.

Non-voted appropriations include state assessments and allowance for abatements.

New positions result in an increase in service to the community, experiencing significant fixed cost increases, and the budget allows for flexibility.

We have funds set aside for emergencies in the general stabilization fund, maintenance is built into the operating budget.

Chapter 90 funds for road and infrastructure, are not being allocated as much as in past years. The funding is there, but we do not have the manpower to keep up with the funding. The yearly bid list involves lots of administrative work when using Chapter 90 money, so always want to make sure it's being maintained and the proper paperwork is done.

Tabulation funds: Town Meeting Articles where funded. FY20 lists the old numbers, Ms. Petit provided new sheets to the BOS. It does not affect the bottom line.

Debt exclusion for new athletic field has been done, but in the packet it notes it will be done, that error will be fixed. The field bids opened last Thursday and construction meeting on 1/23/19. Mr. Patterson noted the School Committee meeting is tomorrow night and he will approve a contractor. Outstanding items are the locker room facilities that are yet to be worked out.

Ms. Petit noted liability is about \$123 million now. Requirement to put the liability on financial statements, such as the retiree health insurance. There is not a funding requirement, however other communities fund it and it is good for your bond rating. The \$500,000 per year is reasonable, can be invested differently because it is for long term, it looks good to bond holders and good for bond rating. It can be changed at some point. We have identified a reoccurring revenue source to fund this liability. Those funds may be used for all health insurance in trust fund and gaining more market value so easier to fund the health insurance.

Mr. Johnson-Staub explained that the 5% increase in health insurance is a big win, however this will continue to go up and more retirees living longer, there is some value to dedicating more than we need this year because if it spikes over 10 year period, that fund could be used to mitigate expenses in the future for current employees and retirees.

Mr. Brown noted private roads in Falmouth have a ten year waiting period and will likely balloon soon, what would be the mechanism to start a fund to accommodate those requests. According to Ms. Petit., the fund now that accommodates the requests; there was a moratorium on the taking of private roads, there is a process of having your road taken, which involves manpower and bidding it out. Chair Moran suggested planning a separate agenda item to discuss this topic.

Ms. English Braga noted the water rate increase is coming back, last Town Meeting discussion about disparities in the rates for those on the new sewer system, she hopes to address this. Ms. Petit noted an email was sent out this meeting at 9 am is being held to talk about the sewer rate. She would like a public discussion on this.

Ms. English Braga pointed out this increase in personnel and services is a need that the BOS has been hearing from the community.

Ms. Petit noted they will monitor the senior center construction, may be coming back in November for fixed cost increases being looked at again in November. Chair Moran asked to have a presentation beforehand on the status of the construction.

Mr. Suso noted the BOS meets next week, on agenda is the option to vote the budget and transmit to the Finance Committee.

Mr. Jones asked the FPD how quickly the 4 additional officer positions can be filled. Chief Dunne noted that it takes about a year total. They are filling two positions, when they called for the list they had enough names on the list, but not enough people came in to sign the list. After the second list they got enough names and are doing background checks to hire off this list. After that, they will be waiting for new exam in April, results are expected in the fall. They are taking lateral transfers from other civil service police departments.

Falmouth Fire Department Chief Small noted that they would have difficulty hiring, he has 9 unfilled positions, challenging for hiring those many.

Parks Dept, 6% increase with great interest to increase personnel along with the Recreation Department.

Wastewater increase with LPSSA.

Senior Center increase and opening new building and have more people in there.

Mr. Suso reminded the BOS FFD positions include 3 additional not funded previously. Reasonable attempts have been made to respond to the need.

Finance Committee Chair Keith Schwegel noted they will meet every Wednesday beginning next week except for a few Tuesdays at 7 pm. The public is welcome.

2. Presentation on the Cape Cod Commission Regional Transportation Plan – Su Moran, Falmouth Representative on the Assembly of Delegates

Chair Moran made a PowerPoint presentation and reviewed the county needs and resources.

The assembly began talking last year about provision changes.

Ms. Petit reported that Falmouth's assessment for county services is about \$900,000.

County services were reviewed including water analysis, soil analysis, food pantry, ground water, research and grant services. Septic system loan program. All are encouraged to look at the website to see if there's a need that could be provided for.

Bridge fix coalition, there is talk of a long term plan to put this in place.

The EDIC is currently reviewing the Cape Cod Commission's regional policy plan in areas including coastal resiliency and wetlands. Kristy Senatori presented an overview of the plan, more information can be found on the county website.

Transportation and development in Falmouth is booming. CCRTA will include Falmouth district court and hospital in its Hyannis-Woods Hole run.

Mr. Patterson asked about internet services critical for neighborhoods, this is an area where our delegation and the Cape Cod Commission should be looking at expanding internet services. Chair Moran noted it is a topic of conversation for the Assembly of Delegates. The EDIC in Falmouth got part of state funding and more funds are expected. The EDIC meeting tomorrow will be part of discussing what role the EDIC will take. Municipal broadband could be discussed, should the county do it because it could be more cost effective. The EDIC project covers just a piece of Main Street. Concept for services would be to cover all of the cape.

Ms. English Braga is happy to hear the transportation will include the court and hospital. The connectivity to the internet, Falmouth is well situated to attract new economic growth. Low tax rate, affordability, excellent schools, missing the tech piece. Revitalize and diversify our economy.

Mr. Patterson noted survey a Town can take called the EDSAC, when you look at what attracts business, we satisfy most, but the technology piece is missing.

Mr. Brown noted maybe other areas could be privately funded for technology.

Mr. Suso noted that late this afternoon, he received an email from Ray Jack regarding the Cape Cod Regional Policy Plan relating to water and wastewater issue. Into the plan is a proposal that the Cape Cod Commission impose a nitrogen offset for developments of regional impact not located on the sewer system. A 30 unit subdivision would be \$1.2 million in fees if in regional impact area and funds directly to the Cape Cod Commission. Mr. Jack suggested that to the extent that it is appropriate, those funds perhaps should go to the funds. The comment period ends 1/13/18, Mr. Suso would like to comment on this based on the information Mr. Jack provided and suggest the towns share in that because solutions to wastewater lie with the towns. This would impact developments in Falmouth and if funds go elsewhere would not allow us to effectively deal with water quality.

Chair Moran appreciated Mr. Suso's suggestion this be taken up by the BOS.

Mr. Jones motion to authorize the Town Manager comment in such a manner that funds collected by the Cape Cod Commission should be shared with the municipality. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Discussion on coordination of efforts/update on development projects that affect traffic

Mr. Suso provided background information on the manner in which staff internally cooperate and collaborate on key development issues coming before the Town. Staff working group from Planning,

Zoning, Housing, Engineering, and Health meet monthly to facilitate coordination between town staff members. Discuss status of land use, development related projects, and in anticipation of the more formal review process. The Town Manager and Assistant Manager collaborate efforts to share information and reduce red tape and duplication between departments. Mr. Johnson Staub routinely chairs the group. Very effective group and will continue, expand appropriately in enhancing the efficiency of the development process.

Chair Moran asked that in the past there was a Transportation Committee as a town board, she wondered if the BOS might see an upside to reinstating such a committee. This might make sense to look at transportation to facilitate development. Examples include Woods Hole terminal, hospital, we are limited to how we can move people.

Ms. English Braga noted there are many projects going on and in the works, getting sense of how traffic can flow, what can be done, maybe something worth considering. May want to look at the previous scope, if appropriate, and why it fell apart. There is not a designated group to work on parking around beaches, shining sea, downtown activities and assessing how to address the overall shortage of parking during peak season. We have no centralized group of people looking at transportation.

Mr. Jones noted way finding, something the committee could come up with regarding truck traffic, private road takings, signs controlling speed (private), and transit.

Mr. Patterson noted the Cape Cod Regional Transportation Committee is looking at the Whoosh service meeting coming up and they are trying to reach out to the Town and figure out if there is a better shuttle service for Falmouth.

Chair Moran asked the Town Manager to coordinate with Town Counsel regarding how the goals the BOS and transportation may go together.

Mr. Brown noted intersections that could be improved might be taken up as well including Sandwich Road.

4. Minutes of Meetings:

Public Session

December 3, 2018

Sam Patterson first line p. 2 Doug Brown worked with David Rogers in the past and does not affect the ability to vote on this.

Chair Moran motion approval with edits. Second Mr. Patterson. Vote: Yes-5. No-0.

5. Individual Selectmen's Reports

Mr. Brown met with group with the needle exchange today and they are receptive to another location for the exchange. They are willing to work with the neighbors and show what good neighbors they can be, they explained that at the end of March the needle exchange will be one day per week, a few weeks later 2 days per week, and during the summer 3 days per week and always ending at 3 pm. They are not planning to attend the BOH meeting Saturday at the FHS. Mr. Brown will attend the meeting.

Mr. Brown would like to add an agenda item to talk about parking.

Mr. Patterson:

CCRC advisory meeting in December.

Attended two FHS Field Advisory Committee meetings.

Will attend the School Committee meeting tomorrow.

Attending an Eagle Court of Honor Saturday.

Ms. English Braga:

Future bikeways item and another more time sensitive. Bikeways had their meeting, she could not attend, there is an upcoming 2/1/19 deadline for MA trails funding, bikeways would like to send a letter of support to Bourne's application and asked if the BOS can share in that. Could this be added to the next agenda so it can be done before the 2/1/19 deadline. Chair Moran would like this on the next meeting agenda. Need to get the background from Bourne Town Manager about the status before the meeting. Mr. Suso noted difficulty will be determining what they are proposing, confusing if a stand-alone committee contacts a

state funding agency, it can be confusing whether that is the town policy. Any particular committee should not send something out on letterhead and leave the BOS out of the loop. Mr. Johnson Staub noted that the BOS is the chief policy setting board of the Town, if the state agency is going to hear on a policy matter, the committee should make the recommendation and the BOS should send the recommendation. It is critical that the Town know exactly what Bourne was proposing. Ms. English Braga noted the goal is it may avail funding opportunities for Falmouth's last mile.

Mr. Jones:

Dealing with Shining Sea Bikeway by Trunk River, much has washed away in the storm a month ago. Needs to be addressed.

Estia has no light at the crossing, it is now hooked up. This is an example of saying something and it being addressed.

6. Town Manager's Report

Mr. Suso attended the 1/3/19 Senior Center meeting and reviewed those in attendance. Meeting with the Building Committee on 1/22/19. Progress continues on the senior center project.

Mr. Suso explained an item come up late today, time sensitive. Jeremiah Pearson inspected a tree on the Main Street portion of the library lawn adjacent to the sidewalk and near the Veteran's area, it is heavily diseased and in danger of toppling. Town counsel noted no shade tree hearing and Mr. Suso is giving Mr. Pearson the approval to remove it. They will continue to maintain the planted corridor.

7. Review and/or Discuss Correspondence Received

Ms. English Braga motion to adjourn at 8:51 pm. Second Mr. Patterson. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: January 11, 2019



- I was pleased to host the monthly meeting of Cape Cod Managers on Thursday at the Flying Bridge in Falmouth. We had a large number of managers and others in attendance. Given the timing, we were joined by several representatives of the Department of Revenue (DOR) who answered a number of questions on the anticipated implementation of the newly passed legislation on short-term lodging. I attach copies of the most recent information issued by the DOR. Copies have been placed on our Town website. At your meeting on Monday, we will be discussing this further as to general options and alternatives for the Board related to the upcoming April Town Meeting.
- On Friday morning, I hosted another of the periodic meetings with Upper Cape Managers in furtherance of the regional initiative grant funding received from the State for potential wastewater collaborations with Joint Base Cape Cod. I was joined by PW Director Ray Jack who is closely involved in this strategic, multi-year initiative.
- As you know, the Board of Health is conducting a public meeting to allow comments from interested persons on the proposed Aids Support Group of Cape Cod office in East Falmouth. The meeting will convene at 9AM tomorrow (Saturday) at Falmouth High School. I am planning to attend and observe in support of this important process.
- The Annual Meeting of the Massachusetts Municipal Association begins next Friday, January 18 and continues through the day on Saturday in Boston. As in the past, I am registered to attend and look forward to the informative session opportunities.
- It was my great pleasure to join Police Chief Ed Dunne on Wednesday for a meeting of the Southeast Massachusetts Police Chiefs Association at the Flying Bridge and welcome those many chiefs in attendance. Ed was sworn in as the new President of this prestigious professional association. My compliments and congratulations to Ed for this well-deserved recognition by his law enforcement colleagues!

- Selectmen have been asked to vote in support of the Town of Bourne application for Bikeway extension funding from the State. As you will recall, the Board has taken the position of support for a bikeway extension in the recent past with the condition that such an extension does NOT replace the existing rail system. I have been given verbal assurance from both Bikeways Chair Scott Lindell and Bourne Town Administrator Tom Guerino that this is their planned approach at this time. In order to be fully consistent with the Board's diligent review of this in the past, I would respectfully suggest that a motion to support the Bourne bikeway extension funding be worded as follows:

“ Move to support Town of Bourne’s application for funding the design of a shared-use path adjacent to the existing rail line (rail-to-trail) that preserves the operational integrity of the existing rail system.”

- At your upcoming meeting on Monday, the Board will be considering adoption of the proposed FY20 Annual Operating Budget.
- I am asking the Board for your voted direction on the matter of the next step in the disposition of the wind turbines. My request is fundamentally based upon the Weston & Sampson Report which was presented to Selectmen last October and has been on the Town website since that time. I attach a copy of a “decision matrix” for the Board’s consideration in this regard. I also attach a copy of a brief summary “cost” sheet which is information taken from the Weston & Sampson Report. As wind 1 and wind 2 have varying disposition options given the different circumstances with permitting and legal action in the past, action upon them has been listed as separate on your upcoming meeting agenda. As requested, I will have a summary of communications received on the wind turbines since the presentation of the W & S Report.



**MASSACHUSETTS
DEPARTMENT OF REVENUE**

Christopher C. Harding, Commissioner

CONTACTING DOR ABOUT THE NEW SHORT-TERM RENTAL LEGISLATION

- Review the FAQs at www.mass.gov/dor and check back for updates before calling DOR
- **Inquiries from local government officials:**
 - Contact the Division of Local Services, Attorney of the Day at 617-626-2400 or dlslaw@dor.state.ma.us
- **Inquiries from rental property operators or intermediaries:**
 - If FAQs do not answer your question, call DOR at 617-887-6367
 - If the contact center is not able to answer your question, send an e-mail to Jennifer DeSimone, Director of the Problem Resolution Office, at desimonej@dor.state.ma.us

Short-Term Rentals Frequently Asked Questions

Overview

Legislation was recently signed into law which subjects short-term rentals of property to the room occupancy excise, G.L. c. 64G, as of July 1, 2019. You can find the new law on the [General Court Website](#). DOR anticipates issuing detailed guidance to explain the administration of the new law.

In the meantime, the following provides important information about the new law for those currently participating in the short-term rental economy.

The new law imposes state and local excises on short-term rentals of property for more than 14 days in a calendar year, starting July 1, 2019 for which a rental contract was entered into on or after January 1, 2019.

All short-term rental operators will be required to register with DOR. Operators may choose to allow an intermediary or other agent to handle the rental of their property and register with and submit returns and tax due to DOR on their behalf.

What is subject to the excise

1. What is a short-term rental?

A short-term rental is an occupied property that is not a hotel, motel, lodging house or bed and breakfast establishment, where at least 1 room or unit is rented out by an operator through the use of advance reservations. A short-term rental includes an apartment, house, cottage, and condominium. It does not include property that is rented out through tenancies at will or month-to-month leases. It also does not include time-share property. A short-term rental is a rental that is not for more than 31 consecutive calendar days.

2. Who is a short-term rental operator?

A short-term rental operator can be an owner, lessee, sublessee, the holder of a mortgage, licensee, or anyone else operating a short-term rental. An operator does not have to be a resident of Massachusetts or a Massachusetts-based business for the short-term rental rules to apply.

3. Who is an intermediary or operator's agent?

An intermediary is anyone besides an operator that helps arrange a short-term rental and who also charges rent on behalf of the operator. An intermediary includes a broker, hosting platform, or operator's agent.

An operator's agent is anyone who manages a property for rent or books reservations of a property for rent on behalf of an operator. An operator's agent includes a property manager, property management company, or real estate agent.

4. What is considered to be “rent” that is subject to the room occupancy excise?

The total amount of rent that is subject to the excise includes all amounts charged by an operator, intermediary or operator’s agent to an occupant, including service charges, cleaning charges if they are required for occupancy. If the total amount of rent is less than \$15 per day, no tax is required to be collected.

Registration Information

5. How do I register as an operator?

All operators must register with DOR using MassTaxConnect. DOR is currently working on making changes to the registration process due to the new law. Check this page for more information in the near future.

6. How do I register as an intermediary or operator’s agent?

An intermediary or operator’s agent must register in the name of the operator with DOR using MassTaxConnect. DOR is currently working on making changes to the registration process due to the new law. Check this page for more information in the near future.

7. I am an intermediary or operator’s agent. Do I have to register under each operator’s name?

No, you will only need to register one time, but you may need to provide DOR with information about each operator you are working with. DOR is currently working on making changes to the registration process due to the new law. Check this page for more information in the near future.

8. What should I do until I can register with DOR?

Operators, intermediaries or operator’s agents may continue to enter into rental contracts until the registration process is up and running. Such contracts should contain provisions stating that all state and local taxes are due to the operator, intermediary or operator’s agent.

9. I only rent my property a few days a year. Do I have to register or collect the tax?

No matter how many days you rent out your property each year, you must register with DOR using MassTaxConnect. However, if you rent out your property for 14 days or less in a calendar year, you are not required to collect any tax. If that exception applies to you, you must let us know at the time of registration that you will not be renting out your property for more than 14 days. DOR is currently working on the registration process due to the new law. Check this page for more information in the near future.

Return and Payment Information

10. How do I file returns and pay the taxes due?

Room occupancy returns are due monthly, on or before the 20th day of the month reporting tax collected for the previous month. The state excise and any local option excise, including the Convention Center Financing fee and the new Cape Cod and Islands Water Protection Fund excise are to be paid with the return. DOR is currently working on making changes to the forms due to the new law. Check this page for more information in the near future.

11. When is the first return and payment due for short-term rentals after July 1, 2019?

Starting July 1, 2019, the first return and payment is due on August 20, 2019. After that date, returns are due on the 20th day of each month.

12. How much tax am I required to collect?

The total amount of tax required to be collected will depend on where the short-term rental is located. The following is a breakdown of the various state and local excises that may apply.

State excise 5.7% (Note that while the statute provides for a 5% rate, an uncodified surtax adds .7% to the rate)

Local option excise 0-6.5% (the rate varies depending on the city or town; Visit the Division of Local Service's [Municipal Databank](#))

Convention Center Finance fee 2.75% (only for Boston, Worcester, Cambridge, Springfield, West Springfield, and Chicopee)

Cape Cod and Islands Water Protection Fund excise 2.75% (only for those cities and towns in those localities that are currently a member of the Fund)

Community Impact fee 0-3% (the rate will vary depending on whether a city or town votes to adopt this fee)

13. My rental begins in June, 2019 but ends after July 1, 2019. Is my rental subject to tax?

No, the new law imposes tax on short-term rentals that begin on or after July 1, 2019. If your rental begins before July 1, 2019, it is not subject to tax.

14. I only rent my property at certain times of the year. Do I have to file a return even if I have no rental every month?

The new law requires DOR to issue regulations to minimize the administrative burden for certain operators who do not rent their property every month. DOR is currently working on the return filing process. Check this page for more information in the near future.

15. What is a rental contract?

A rental contract is an agreement by an operator, intermediary or operator's agent to rent a property to an occupant for a certain time period. The rental contract must create a binding obligation between the operator, intermediary or operator's agent and the occupant.

16. What records do I need to keep as an operator?

An operator is required to keep records relating to charges and receipts for all transfers of occupancy, as well as copies of returns filed. You can find more information on specific records to be kept by clicking on the Record Retention Regulation link at the bottom of this page.

Local Municipal Information

17. How do I know if a local option excise applies to my short-term rental?

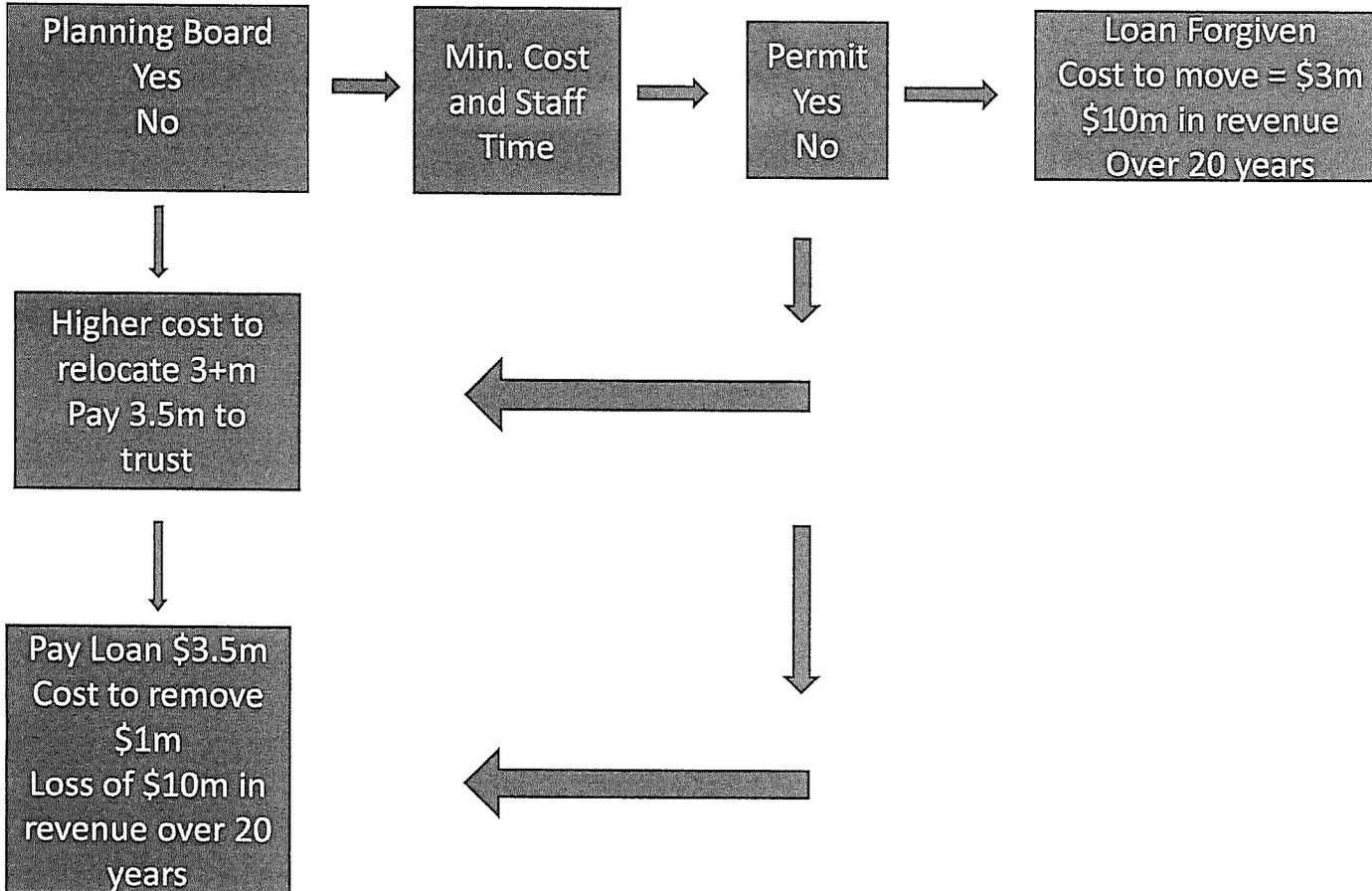
If a city or town currently has already adopted a local option room occupancy excise, the local option automatically applies to a short-term rental starting July 1, 2019 for which a rental contract was entered into on or after January 1, 2019. No further action is required by these cities or towns to impose the local option on short-term rentals. You can find a listing of municipalities that have a local option by visiting the Division of Local Service's [Municipal Databank](#).

18. Where can I find information about other rules or regulations imposed by cities and towns?

For information about local rules, including whether a city or town is a member of the Cape Cod and Islands Water Protection Fund or has adopted a community impact fee and how to pay that fee directly to the city or town, you should check with local officials in the city or town in which the rental property is located.

Wind 2 Decision Matrix

Decision Point



PRELIMINARY WIND TURBINE COST MATRIX

- BOS 10-15-18

Wind 1

(Wind 1 fixed cost irrespective of decision on wind 2)

Estimated cost to dismantle, decommission, remove	\$ 500,000 - \$1,000,000
Estimated remaining bond payments (avg. \$330,000/year X 11 years)	\$ 3,600,000
Total Wind 1	<u>\$ 4,100,000 - \$4,600,000</u>

Wind 2

(relocated on wastewater site)

Estimated cost to dismantle, move and reinstall	\$ 3,025,000
Subtotal a Wind 2	<u>\$ 3,025,000</u>

(NOT relocated on Town site)*

Estimated cost to dismantle, decommission, remove	\$ 500,000 - \$1,000,000
Estimated payments yet due to Clean Water Trust	\$ 3,500,000
Subtotal b Wind 2	<u>\$ 4,000,000 - \$5,000,000</u>

*Note: Further updated Wind 2 relocation cost estimates to alternative site outside of Falmouth must await supplemental consulting analysis and required procurement process. Primary financial, relocation estimates from analysis provided by Weston & Sampson consultants.