

TOWN OF FALMOUTH
BOARD OF SELECTMEN
REVISED AGENDA
MONDAY, JANUARY 28, 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. Proclamations:
 - a. No Guff Week – January 28 – February 1, 2019
 - b. Eagle Scout – Matthew Krause, Troop 42
4. Recognition
5. Announcements
 - a. Notification of Action on Hazardous Tree on Mullen-Hall School Property
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for Change of Manager – Paul Harney Golf Club, 74 Club Valley Drive, East Falmouth
 - b. Approve Application for Common Victualler License – Bite on the Go, 5 Old Meeting House Road, East Falmouth MA
2. Administrative Orders
 - a. Approve Eversource Petition to Install One New 4” Conduit on Hatchville Road, North of Wellington Way for Service at Lot 18 Hatchville Road
 - b. Approve Eversource Petition to Install One New 4” Conduit on Abbies Lane, North of Teele Street, for Service to 29 Abbies Lane
 - c. Vote to Clarify Board of Selectmen Support to Town of Bourne for Bikeway Extension Funding

7:30 p.m. BUSINESS

1. Borrowing Authorization – Jennifer Petit, Director of Finance
2. Discussion on Sale of Tax Title Property
3. Vote to Adopt Public Comment Rules
4. Interview, Vote and Appoint Committee Members:
 - a. Affirmative Action Committee – Lynne Rhodes, Meghan Hanawalt
 - b. Human Services Committee – Nadine McCall, Sharon Sodekson
 - c. Solid Waste Advisory Committee – Amy Roth, Ruth Brazier
5. Vote Articles and Execute Warrant for April 2019 Town Meeting
6. Update and Discussion of Recreation Staffing and Potential Gus Canty Playground Equipment Relocation to Area at Sandwich Road Fields
7. Discussion on Selectmen Name (e.g. Select Board, Select People, etc.)
8. Minutes of Meetings: Public Session – January 14, 2019
9. Individual Selectmen's Reports
10. Town Manager's Report
11. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen



No Guff Week 2019

Do Good Things!

Monday, January 28 - Friday, February 1, 2019

NO GUFF DAY: A History of the Event

Where did NO GUFF come from?

-by Greg Gilbert, former FHS Adjustment counselor

Based on hundreds of mediations, I found that there were far too many conflicts related to people talking negatively about others. So I began working with students to organize a positive atmosphere in the 2000-2001 school year. A student from that group, John Domingos, termed the phrase "no guff." The first NO GUFF DAY was meant to be a proactive way to handle conflict. The slogan that year was "Don't Go Behind The Back." Doug Riebesehl, a fun-loving FHS graphic arts teacher, enlisted several students to produce hundreds of t-shirts to celebrate NO GUFF. It was a diverse group, some of whom had never been involved in traditional high school activities. Amazingly, this venture was not budgeted and Mr. Riebesehl used his own resources to fund the shirts. Shortly after this effort, we lost Doug to a tragic motorcycle accident. Ever since, NO GUFF day has been held in his remembrance, as he empowered students to get involved in creating a positive atmosphere.

Another major influence in creating this environment in 2001 was Joe Mello, the other FHS Adjustment Counselor. "Mello" was able to start a similar involvement at New Bedford High School a few years later. He passed away in summer of 2007. Like Doug, Mello made a huge impact on students in less than 10 years at FHS. Many people have worked at keeping NO GUFF DAY alive over the years. Like the first NO GUFF DAY, students continue to embrace this critical part of education. We have had one common theme throughout—wear this shirt and pledge to not talk negatively about anyone for the day. If you can do this for one day, with support from your peers, it may have a more lasting impact. It has raised awareness, changed the environment and made people feel better about themselves and others. All are encouraged to take the NO GUFF pledge: "I will not speak, text or post anything negative about anyone for an entire day."

No Guff Week in Falmouth Public Schools will be celebrated in a number of ways at each of our schools.

On Monday, January 28th, **Morse Pond School** will kickoff the week by debuting the No Guff video, produced by teacher Ann Goulart. There will be three opportunities to view the video and hear from a panel of FHS Seniors describing what No Guff Week means to them and how it is celebrated at the high school:

9:15 a.m.

10:00 a.m.

10:45 a.m.

Students and staff at **Falmouth High School** will vote for peers who exemplify the No Guff spirit throughout the year. The winners will be announced at Clipper Time on Friday and presented with awards. In addition, No Guff Week announcements will be made at all home winter sporting event contests.

The **Falmouth Board of Selectmen** will issue a proclamation at their January 28th meeting (7 pm) declaring it *No Guff Week in Falmouth*.

The 6th annual **No Guff Community Spirit Award** nominations are open until Friday, January 25th. To nominate a Falmouth resident who exemplifies the No Guff spirit throughout the year, visit: [No Guff Community Spirit Award Nomination](#)

Practice the No Guff spirit at home, in the workplace, and during your daily activities. Take the NO GUFF Pledge each day: *I will not speak, text, or post anything negative about anyone for an entire day.*



2 January 2019

Susan Moran, Chairwoman
Falmouth Board of Selectmen
Town Hall Square
Falmouth, MA 02540

Dear Ms. Moran,

On behalf of the Falmouth Public Schools and the Falmouth Volunteers In Public Schools (VIPs), we would like to request a Selectmen's proclamation for the annual **No Guff Week** celebration in Falmouth. This year's celebration will take place the week of **January 28 – February 1, 2019**.

As part of this year's celebration, we will once again involve many facets of the community and not just the schools. Having the Board of Selectmen proclaim this week No Guff Week in Falmouth is a wonderful way to raise awareness and underscore the importance of this event.

I have attached the Proclamation, modeled on past years. I can also provide it electronically. I would be happy to provide any additional details or answer any questions you may have. I can be reached at the VIPs office at (508) 548-1621 or by email at tcrago@falmouth.k12.ma.us.

There will be many events scheduled throughout the week and we would like to extend the invitation to the Selectmen to attend any or all of the events. The week will kick off with a school-wide assembly at the Morse Pond School on Monday, January 28th, where this year's No Guff video, produced by Morse Pond teacher Ann Goulart with students in the school's Catapult program, will make its debut. The week will conclude with school-wide celebrations at Morse Pond, Lawrence, and Falmouth High School on Friday, February 1st and will feature student and faculty-led activities, along with the presentation of No Guff award winners. We will keep the Board apprised of the event schedule as it develops.

Sincerely,

Tracey Crago, VIPs Director

PROCLAMATION

WHEREAS: “NO GUFF” day has been celebrated since 2001 at Falmouth High School, when Greg Gilbert and Doug Riebesehl, working with students to find a proactive way to handle conflicts, came up with the phrase “no guff.” Since Mr. Riebesehl’s tragic death that same year, NO GUFF has been celebrated in his remembrance; and

WHEREAS: By taking the pledge and making a concerted effort to observe the NO GUFF mantra, community members work together and support each other in keeping a positive attitude and creating a positive environment. *The NO GUFF Pledge: I will not speak, text or post anything negative about anyone for an entire day;* and

WHEREAS: Celebrating NO GUFF can raise awareness, change the environment and help people feel better about themselves and others by discouraging negative remarks, put-downs, and bullying; and

WHEREAS: The Town of Falmouth is a “NO GUFF” community. Celebrations and observations are planned throughout the week. Falmouth citizens are encouraged to come up with creative ways to celebrate the NO GUFF concept—at home, at school, at work, and during leisure time.

NOW THEREFORE, We, Susan L. Moran, Doug Jones, Megan English Braga, Samuel H. Patterson and Douglas C. Brown, as Selectmen of the Town of Falmouth, by authority vested in us, do hereby call upon citizens of Falmouth to participate in all activities related to the No Guff policy and proclaim

January 28 – February 1, 2019 – NO GUFF Week

IN WITNESS THEREOF, We have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on January 28, 2019.

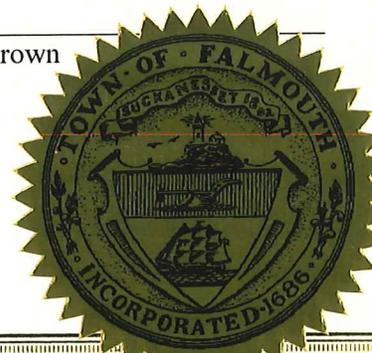
Susan L. Moran

Samuel H. Patterson

Megan English Braga

Douglas C. Brown

Doug Jones





PROCLAMATION

WHEREAS: Matthew Krause of Boy Scout Troop 42 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Matthew Krause met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

WHEREAS: The Boy Scouts of America, long acknowledged for building fine citizens, calls for Special Court of Honor to award its highest symbol of achievement to those who complete this rank; and

WHEREAS: Matthew Krause is now an Eagle Scout with all its rank and privilege;

NOW, THEREFORE, We, Susan L. Moran, Megan English Braga, Doug Jones, Samuel H. Patterson and Douglas C. Brown as Selectmen of the Town of Falmouth, do hereby declare and PROCLAIM

SUNDAY, FEBRUARY 24, 2019 AS MATTHEW KRAUSE DAY

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed.

Susan L. Moran, Chairman

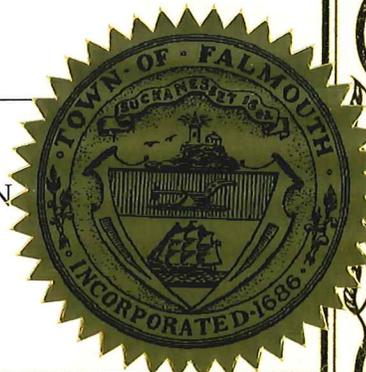
Samuel H. Patterson

Megan English Braga

Douglas C. Brown

BOARD OF SELECTMEN

Doug Jones



Julian Suso

From: Jeremiah Pearson <jeremiah.pearson@falmouthmass.us>
Sent: Friday, January 18, 2019 9:47 AM
To: Julian Suso; 'Lori Duerr'
Cc: Peter McConarty; 'Nancy Ashworth'
Subject: Hazardous Elm tree
Attachments: Elm Mullen hall.jpg; Elm mullen.jpg

Hello Julian & Lori

I have recently been notified by Mullen Halls Principal Nancy Ashworth regarding A big Elm tree that has been dropping limbs by the student drop off. After doing a full hazard assessment of this trees condition, it is my opinion the tree is a liability and needs to be removed . Extensive root and crown dieback from construction damage that occurred during the schools restoration several years ago. In the past couple years the Parks department has made several efforts to restore the health of this tree by applying cambistat, a product that is used to increase root density and increase the longevity of trees growing under stressful conditions, unfortunately our efforts were unsuccessful. Since this tree is on School property it is not considered a Town shade tree it will not require a Shade tree hearing, but will likely have some political pushback being a part of the Towns original planting of American Elms. I have attached some pictures, and any feedback is well appreciated on how to proceed.

Thanks,

Jeremiah Pearson, NE-6401A
Tree Warden / Superintendent of Parks
416 Gifford Street
Falmouth, MA 02540
Ph: 508-457-2543 ext. 3008







The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00054-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

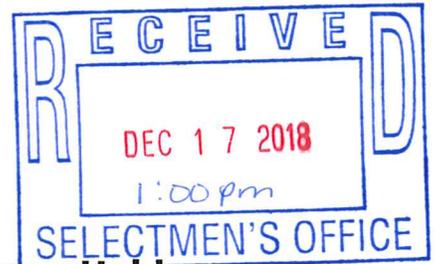
A true copy attest,


Corporate Officer / LLC Manager Signature

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature



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.)

Number:
CV-058

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Bite on the Go
5 Old Meeting House Road
East Falmouth MA 02536
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.

Valid from: January 28, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

January 28, 2019

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

Breakfast Sandwiches

Your choice of

croissant, bagel, English muffin,
white or whole wheat toast

<i>with butter</i>	\$3.49
<i>with cream cheese</i>	\$3.49
Grilled Cheese	\$4.49
Egg, Bacon & Cheddar	\$4.99
Egg, Sausage & Cheddar	\$4.99
Egg, Canadian Ham & Cheddar	\$4.99
Egg, Bacon, Sausage & Cheddar	\$5.99

Sandwiches

with lettuce, tomato & fries

Hot Dog <i>with fries</i>	\$9.99
BLT on white or whole wheat toast	\$11.99
Chicken & Cheese on a bun	\$11.99
Chicken, Bacon & Cheese on a bun	\$12.99
Fried Fish on a bun <i>with tartar sauce</i>	\$12.99
Steak & Cheese	\$12.99
Grilled Pork <i>with fries</i>	\$14.99
Grilled Beef <i>with fries</i>	\$15.99

Burgers

with lettuce, tomato, pickles, onions & fries

Veggie Burger	\$10.99
Cheese Burger	\$11.99
Bacon Cheese Burger	\$12.99
Egg Cheese Burger	\$12.99
Bacon & Egg Cheese Burger	\$13.99
Bite-on-the-Go Burger	\$15.99

double burger, egg, bacon & cheese

Beverages

Juices, Sodas, Tea, Energy Drinks, Coffee,
Water, Coconut Water, Ice Coffee

Savory

Pastel

Hamburger	\$2.89
Chicken & Cream Cheese	\$2.89
Mozarella	\$2.89

Coxinhas

Hamburger	\$2.89
Chicken & Cream Cheese	\$2.89
Egg & Hamburger	\$2.89
Ham & Cheese	\$2.89
Bacon & Cheese	\$2.89
Hot Dog	\$2.89

Chicken Kabob	\$2.89
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Potato Buns

Chicken	\$3.29
Hamburger	\$3.29
Ham & Cheese	\$3.29

Pies

Chicken or Shrimp	\$5.49
Chicken, Bread, Mashed Potatoes	\$7.99

Fried Food

French Fries	\$8.99
Chicken Wings <i>with fries</i>	\$10.99
Chicken Fingers <i>with fries</i>	\$10.99
Fish & Chips	\$15.99

Dessert

Brigadeiros	\$1.99
Flan Pudding	\$3.79
Rice Pudding	\$4.99
Chocolate Pave	\$4.99
Corn Pudding	\$4.99
Tiramisu	\$4.99
Passion Fruit Mousse	\$4.99
3 Leches Cake	\$4.99
Cake Slice (variety)	\$4.99



Established 2012

86 Beach Road • Vineyard Haven

508-684-8257

biteonthego.com

Like Us on 
Bite On The Go

Let Bite on the Go cater for you.



Everyday Bite on the Go Buffett

Rice, Beans, Mixed Vegetables Mayonaise Salad plus 10 Fresh Salads and Fruits

\$7.99 per pound



All Day Lunch

from 11 am to 8:00 pm

Monday

Beef Stew
Chicken & Okra
Grilled Pork Chops
Spaghetti & Meatballs
Fried Fish Filet
Fried Yucca with Sausage
Vegetable Spring Rolls
Macaroni Salad
Polenta

Tuesday

Beef Ox Tails & Yucca
BBQ Pork Spare Ribs
Chicken Stroganoff
Tilapia with Parmesan
Grilled Beef Steak & Onions
Chicken Gizzards
Mashed Potatoes
Sweet Potatoes
Cole Slaw

Summer Hours

7 am – 9 pm • Monday to Saturday

7 am – 8 pm • Sunday

We accept all major credit cards

Sunday Menu

Roasted Beef & Madeira Sauce *or*
Stuffed Roast Beef with Linguica
Roasted Cornish Hens
Salted Codfish Pie
Salmon & Capers
Roasted Pork Ham
Beef Lasagna
Trapeiro
(Kidney Beans, Bacon, Eggs, Onions)
Roasted Potatoes | Fried Plantain | Chicken Salad

Wednesday

Fried Fish Filet
Roasted Boneless Beef
Pork Ribs & Corn Grits
Roasted Duck & Sage
Chicken Lasagne
Chicken Salad
Whole Grain Rice
Butternut Squash
Fried Califlower

Thursday

Roasted Pork Spare Ribs
Roasted Chicken Drumstick
Grilled Calf Liver
Beef Tripe • Fried Fresh Fish
Penne Alfredo with Chicken
Scalloped Potatoes
Quinoa with Vegetables
Fried Plantain
Eddo Taro Root • Avocado Salad

All Day Dinner

from 11 am to 8:00 pm

Friday

Tilapia Stew
Beef Ox Tails & Yucca
Grilled Chicken Breast
Stuffed Pork Loin
Meatloaf
Spaghetti & Bacon
Whole Grain Rice
Mashed Potatoes
Green Beans
Fried Plantain

Saturday

Farofa
Braised Lamb Leg
Feijoada
(Black Beans, Pork, Corned Beef)
Beef Stew
Hamburger Panqueca
Roasted Chicken Drumstick
Collard Greens
Fried Plantain
Eddo Taro Root
Cheese Tortellini
Potato Egg Salad

Before placing your order,
please inform your server if a person
in your party has a food allergy.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

APPLICATION FOR COMMON VICTUALLER LICENSE

BUSINESS NAME

BITE ON THE GO, INC.

D/B/A

BITE ON THE GO

BUSINESS ADDRESS

05 OLD MEETING HOUSE RD, EAST FALMOUTH

MAILING ADDRESS
(IF DIFFERENT)

P.O. BOX 1720, VINEYARD HAVEN, MA - 02568

MANAGER

VALERIO LUIS DESTEFANI

FEDERAL ID #

NAME OF APPLICANT

VALERIO LUIS DESTEFANI

HOME ADDRESS

EMAIL

BITEONTHEGO@AOL.COM

TELEPHONE

BUSINESS: _____ HOME: _____

SEATING CAPACITY

40 OCCUPANCY _____

DAYS OF OPERATION

7 DAYS A WEEK

HOURS OF OPERATION

6 AM - 9 PM SUMMER (LITTLE LESS OFF SEASON)

PARKING PLAN

DATE

12/28/18

[Signature]
OWNER, MANAGER OR AUTHORIZED AGENT

LICENSE FEE: \$60.00

FILING FEE: \$10.00

BOARD OF SELECTMEN

Bite on the job



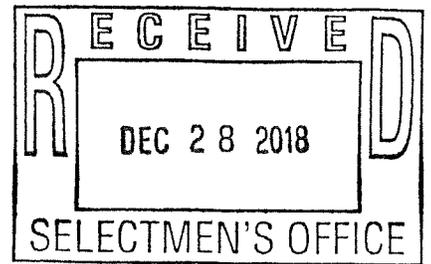
TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573



DOCUMENTS FOR THE APPLICATION OF A COMMON VICTUALLER LICENSE



PAID

\$10.00 filing fee

1. ✓ Application For License and a \$10.00 Filing Fee
2. ✓ Copy of Lease (if applicable)
3. ✓ Copy of Articles of Organization (if corporation)
4. ~~Copy of LLC Agreement (if limited liability)~~
5. ~~Copy of Partnership Agreement (if partnership)~~
6. ~~Copy of Certificate of Doing Business (if sole proprietorship)~~
7. ✓ Copy of Floor Plan
8. ✓ Copy of Menu
9. Attend a hearing before the Board of Selectmen at a time and date designated.

January 28, 2019



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 22, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install 2 hand holes and 20'± of 1-4" underground conduit

A petition was submitted by Eversource to install 2 hand holes and 20'± of 1-4" underground conduit under Hatchville Road to provide service to #528 Hatchville Road (Lot 18).

The Engineering recommendation is to approve the request as submitted on Plan No. 2296676, W/O #2296676, dated December 03, 2018.

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

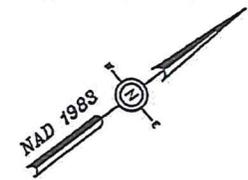
Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

WELLINGTON WAY
(PRIVATE)

COPY

Plan to accompany petition of EVERSOURCE ENERGY
To install approximately 20'± of conduit in public road to provide
electric service for customer at Lot 18 Hatchville Road.



PARCEL ID: 10 01 008 018
0 HATCHVILLE RD
LANOUE, MARY-JOYCE

PARCEL ID: 10 01 008A 000
538 HATCHVILLE RD
CLEMENTS, GREGORY S
CLEMENTS, BRENDA G

⊕ 13/H68A

APPROX. R.O.W.

HATCHVILLE RD

EDGE OF ROAD

1-4" CONDUIT
TL=20'±

EDGE OF ROAD

13/68 ●

⊕ 13/H68

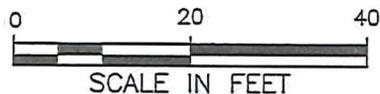
APPROX. R.O.W.

PARCEL ID: 10 03 015 005A
521 HATCHVILLE RD
PALMER, RICHARD F
PALMER, LI NA NICOLE

PARCEL ID: 10 03 015 006A
527 HATCHVILLE RD
CROWLEY, ROBERT M

LEGEND

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



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 BY 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 # 2296676

Ward #

Work Order # 2296676

Surveyed by: -

Research by: PG

Plotted by: PG

Proposed Structures: TL

Approved: A DEBENEDICTIS

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of HATCHVILLE ROAD

FALMOUTH (HATCHVILLE)

Showing PROPOSED CONDUIT LOCATION

Scale 1"=20'

Date DECEMBER 03, 2018

SHEET 1 of 1

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Falmouth, Massachusetts

December 3, 2018

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

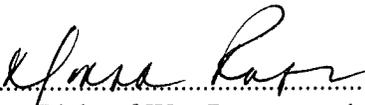
NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) requests permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:-

**HATCHVILLE ROAD, North of Wellington Way
WO# 2296676**

One (1) 4" Conduit

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked Plan No. **2296676**, Dated **December 3, 2018**.

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

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

**FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

IN BOARD OF SELECTMEN FOR THE TOWN OF Falmouth, Massachusetts:

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 3 day of December, 2018.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2296676**, Dated **December 3, 2018**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**HATCHVILLE ROAD, North of Wellington Way
WO# 2296676**

One (1) 4" Conduit

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 28th day of January, 2018⁹

Clerk of Selectmen.

Massachusetts _____, 2018.
Received and entered in the records of location orders of the Town of _____
Book _____ Page _____.

Attest:

Town Clerk

(over)

CA-104 EO REV 2-81

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 17 2018, at 2:00 o'clock, P. M., at Town Hall a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain underground cables, conduits, manholes and fixtures and 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 Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

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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, and 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.



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 17, 2019 upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install One (1) 4" Conduit at Lot 18 Hatchville Road, East Falmouth.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, January 4, 2019, Falmouth Enterprise



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 22, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to replace one hand hole (HH4-A) and install 30'± of 1-4" underground conduit

A petition was submitted by Eversource to replace one hand hole (HH4-A) and install 30'± of 1-4" underground conduit under Abbies Lane in North Falmouth to service house at #29 Abbies Lane.

The Engineering recommendation is to approve the request as submitted on Plan No. 2298028, W/O #2298028, dated December 04, 2018.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division



50 Duchaine Blvd
New Bedford, MA 02745

December 4, 2018

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



Select board:

Enclosed is a petition for **1** proposed conduit location(s) on **Abbies Lane, Falmouth, Massachusetts**.

This proposed location(s) is required to provide underground service to 29 Abbies Lane. This petition will require a notice to abutters and a hearing.

Will you please present this petition before the Board for customary action and approval.

Very truly yours,

A handwritten signature in black ink that appears to read "Donna Rosa".

Donna Rosa
Right-of-Way
Representative

DR: dh
Enclosures

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Falmouth, Massachusetts

DECEMBER 4, 2018

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

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) requests permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:-

**ABBIES LANE, North of Teele Street
WO# 2298028**

One (1) 4" Conduit

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked Plan No. **2298028**, Dated **DECEMBER 4, 2018**.

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

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

**FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

IN BOARD OF SELECTMEN FOR THE TOWN OF Falmouth, Massachusetts:

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 4 day of DECEMBER, 2018.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2298028**, Dated **DECEMBER 4, 2018**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**ABBIES LANE, North of Teele Street
WO# 2298028**

One (1) 4" Conduit

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 28th day of January, 2018.

Clerk of Selectmen.

Massachusetts _____, 2018.
Received and entered in the records of location orders of the Town of _____
Book _____ Page _____.

Attest:

Town Clerk

(over)

We hereby certify that on January 17 201~~8~~⁹ at 2:00 o'clock, P. M., at Town Hall a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) for permission to install and maintain underground cables, conduits, manholes and fixtures and 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 Company is permitted to install underground cables, conduits, manholes and fixtures 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, and 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.

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 17, 2019 upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install One (1) 4" Conduit at 26 Abbies Lane, North Falmouth.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, January 4, 2019, Falmouth Enterprise

Ms. Amanda Lewis, Manager
Recreational Trails Program
Massachusetts Department of Conservation and Recreation
136 Damon Road
Northampton, MA 01060-1818

Subject: Proposed Town of Bourne, MA Application for Phase 1 Bikeway Extension Funding

Dear Ms. Lewis,

I am writing to confirm that at their regular business meeting of Monday, January 14 the Falmouth Board of Selectmen voted to adopt the following motion:

"To support the 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."

We are pleased to work in support of the efforts of our neighboring community of Bourne, with the understanding that the ultimate goal would be to connect this proposed Bikeway extension to the existing Shining Sea Bikeway in the Town of Falmouth. Be advised that, as reflected in the action taken above, the Falmouth Board of Selectmen strongly affirm their resolve that the existing rail system which serves the strategic long-term interests of the Town of Falmouth must remain in place with operational integrity preserved. Thank you.



Town of Falmouth

JENNIFER PETIT
DIRECTOR OF FINANCE

59 Town Hall Square, Falmouth, Massachusetts 02540
(508) 495-7364 Fax (508) 457-2511

TO: Julian M. Suso, Town Manager
Peter Johnson-Staub, Assistant Town Manager

FROM: Jennifer Petit, Finance Director

DATE: January 25, 2019

RE: Bond Anticipation Note Award

The Town of Falmouth issued the following Bond Anticipation Notes due February 5, 2020:

Project	Amount
Senior Center	\$9,500,000
Athletic Field	3,100,000
Wastewater Management Plan	<u>3,800,000</u>
Total Issued	\$16,400,000

On Thursday, January 24 the Town received six competitive bids. I recommend that the Town award the bid to J.P. Morgan Securities with the lowest net interest cost of 1.7906%.

I will attend the Board of Selectmen's meeting on Monday, January 28 to respectfully request a vote of the Board, obtain all signatures and answer any questions they may have.

Thank you.

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

TO: BOARD OF SELECTMEN
FROM: FRANK K. DUFFY, TOWN COUNSEL
SUBJECT: SALE OF REAL ESTATE TAX RECEIVABLES AND/OR
SALE OF TAX TITLE PROPERTY
DATE: 1/24/2019
CC: JULIAN SUSO, TOWN MANAGER
PETER JOHNSON-STAUH, ASSISTANT TOWN MANAGER
JENNIFER PETIT, FINANCE DIRECTOR
PATRICIA O'CONNELL, TOWN COLLECTOR
DIANE DAVIDSON

This memorandum addresses the disposition of delinquent real estate tax accounts and property acquired by the town for non-payment of taxes. There are two procedures to consider. Real estate tax receivables may be sold or transferred individually or in bulk under the provisions of GL c. 62, § 2C. Property acquired by the Town for non-payment of taxes may be sold at auction by the Town Collector.

Sale of Real Estate Tax Receivables

Unpaid and delinquent real estate tax accounts are a problem for every community. Falmouth has such a problem, but fortunately on a smaller scale than other communities of similar size. Last year the town treasurer, Pat O'Connell, estimated the total delinquencies in Falmouth amount to \$1,300,000. Within the past few months, Jennifer Petit, Pat O'Connell and I have discussed presenting a program to the Board of Selectmen to address the problem and implement a plan to encourage delinquent taxpayers to pay arrearages or otherwise collect revenue for the town. Now that there is a Finance Department and the positions of collector and treasurer have been consolidated, the town's administration is positioned to move forward with this initiative.

Generally the collector makes reasonable efforts to contact delinquent taxpayers and encourage payment. The real estate tax bills are sent out at prescribed times. Unpaid taxes result in a statutory demand to the taxpayer. Currently taxes remaining unpaid since the end of FY 2015 or earlier are taken for non-payment by an instrument of taking recorded in the Barnstable Registry of Deeds. The taking is accompanied by a written notice to the taxpayer and publication of the notice in a local newspaper. Real property that has been taken for non-payment is redeemable by the taxpayer and upon payment in full the collector releases the property to the taxpayer. Much of the property taken by this procedure is eventually redeemed by the owner.

If the real estate taxes remain unpaid for three fiscal years after the taking, the treasurer may institute foreclosure proceeding in the Land Court. A foreclosure proceeding cuts off the taxpayer's right to redeem the property and title vests in the town, which then owns it as municipal property. Foreclosure proceedings are slow and can be expensive. The cost of each foreclosure is approximately \$2,000.00 and the process takes 1 – 3 years. It is worth foreclosing only property of significant value. Tax title property of low or undetermined value is often left in suspended status. Since the opening of the Office of Town Counsel in 2001, this office has processed some of the foreclosure proceedings. The single most significant impediment to a foreclosure proceeding is identification and location of owners, particularly when the original assessed owner has died leaving unidentified or missing heirs.

One possible solution is the assignment or transfer of tax receivables to a third party. In 1996 the Legislature enacted G.L. c. 60, s. 2C which permits municipal treasurers to arrange for and assign or transfer to a purchaser for value the town's tax receivables. The assignment or transfer of tax receivables may be made either individually or in bulk. Under the statute, the treasurer identifies suitable receivables to offer for assignment or transfer. They are then sold at public auction to the highest bidder. There are companies that specialize in this business and actively seek opportunities to purchase municipal tax receivables.

The auction sale does not transfer title to the property to the buyer, only the right to collect receivables in the future. The original owner now owns the property subject to the taking with a right to redeem it. If the owner pays all the back taxes, the property is redeemed and released back to the original owner.

Pat O'Connell and I have met with a representative of one such firm who informed us there would be commercial interest in purchasing Falmouth's receivables. Certain tax receivable may not be assigned or transferred. These include property subject to an outstanding payment agreement, property in an estate or bankruptcy, property subject to so-called Ch. 21E liens for contamination, property the town has acquired through foreclosure and such other classes or categories of property as the local community may determine. Before the public auction, the treasurer must insure that inappropriate property is excluded from the inventory subject to the sale.

It will be the responsibility of the Board of Selectmen to determine the classes and categories of property to be included in and to be excluded from the tax title assignment and transfer process. When a tax title is assigned and transferred at public auction, the buyer receives only the right to future payments. The minimum price at the public auction is the total amount of all outstanding taxes, interest and charges as of the date of sale. The buyer then makes effort to locate the owner and solicit payments to redeem the property. The buyer keeps the interest and charges that accrue after the sale. Upon redemption, the property is released back to the owner.

Sale of Tax Title Property

The sale of land taken for non-payment of taxes is governed by statutes in the Massachusetts General Laws. The statutes must be strictly observed. The Town Collector may sell land taken for non-payment of taxes. Notice of the sale must be published. The notice must identify the property and identify the time and place of the sale. Effort to notify the owner must be accomplished if the owner can be found or by publication. The notice must also disclose the amount of the unpaid tax obligation. The land must be sold at public auction for the amount of the unpaid taxes plus interest and charges. The Town Collector transfers title to the successful purchaser by a collector's deed, which is subject to the owner's right of redemption. The title conveyed by a collector's deed is not considered a marketable title because of the outstanding right of the owner to redeem. The purchaser may institute proceedings in Land Court to foreclosure the right of redemption to cure the title problems.

There is an alternative procedure to sell land taken for non-payment of taxes where the Town has foreclosed the right of redemption. The approved alternative procedure is set forth in G.L. ch. 60, § 77B. The Board of Selectmen appoints a custodian who sells the property at public auction. The title conveyed by the custodian is marketable since the owner cannot redeem foreclosed property. Falmouth has used this procedure with success on several occasions over the years, particularly to sell property to abutters or other known purchasers with specific interests.

Suggested Procedure

1. Town Collector identifies tax account receivables and/or property for sale.
2. Collector notifies all town departments to determine if property has value or utility for municipal purposes and property so identified is retained.
3. There will be no sale of property that is:
 - (1) occupied by the owner as primary residence;
 - (2) subject to an outstanding payment agreement;
 - (3) in bankruptcy proceedings.

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.

Affirmative Action Committee

2 vacancies

- 1 term until 6/30/19
- 1 term until 6/30/21

2 applicants:

- Lynne Rhodes
- Meghan Hanawalt



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: Lynne Rhodes

Address: 157 Hayway Rd Village: E Falmouth ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident _____ (date: 1969) / Taxpayer _____ (date: 2017)

Amount of time you are available to give: 3 hours monthly

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

1. Affirmative Action
2. _____
3. _____

Seeking: Permanent Position Alternate Position _____

Relevant affiliation & work & personal experiences African American Woman
Work for Dept of Unemployment, member of NAACP.

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

Briefly describe the particular skills you feel you will add to the committee or board: Ability to advocate and explain legal concepts and how to apply law. Can connect people with resources and people to resolve concerns.

Three (3) References:

	Name	Title	Phone
1.	Joanne Treisman	Co Chair AAC	[REDACTED]
2.	Elias Lieberman	Rabbi	[REDACTED]
3.	George Spivey	Retired	[REDACTED]

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

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

12/10/2018

DATE



APPLICANT'S SIGNATURE

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



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: Meghan Hanawalt

Address: 21 River Hill Rd Village: E Falmouth ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 14 years (date: 12/2004) Taxpayer 14 years (date: 12/2004)

Amount of time you are available to give: 10 hours/month

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

1. Affirmative Action
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? no

Relevant affiliation and work and personal experiences _____

Woman; have lived and worked in incredibly diverse places - LA, NY, Boston, Active in local diversity groups. More details available.

Town offices held in Falmouth or elsewhere and dates of years served: n/a

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

MSA, organizational & interpersonal skills
cultural awareness
technology proficient

List three (3) references:

	Name	Title	Phone
1.	James Prizia	President, JPA Analytics	[REDACTED]
2.	Jay Heald	Nell Fields Minister, Wagonit UCC	[REDACTED]
3.	Stephanie Sealus	Children's Book Buyer, BS, Santa Cruz	[REDACTED]

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

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

12/3/18
DATE


APPLICANT'S SIGNATURE

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

Human Services Committee

3 vacancies

- 1 term until 6/30/20
- 2 terms until 6/30/21

2 applicants:

- Nadine McCall
- Sharon Sodekson



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: Nadine McCall

Address: 8 Texierra Road Village: _____ ZIP: _____

Mailing Address: E. Falmouth Village: MA. ZIP: 02532

Home Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: May 2016) / Taxpayer _____ (date: _____)

Amount of time you are available to give: 8-10 hrs.

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

- Homeless Committee
- Human Services
- _____

Seeking: Permanent Position Alternate Position

Relevant affiliation & work & personal experiences I am an Independent Living Advocate for Cape Organization for Rights of the Disabled (CORD) for 3.5 years.

Town offices held in Falmouth or elsewhere and dates of years served: I assist residents of St. Joseph's shelter with obtaining available affordable safe housing, to maintain independence in their community.

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

I assist consumers of any age with any disability or not, to obtain safe, affordable housing. I provide skills training, advocacy, peer support, service coordination as well as transition services.

Three (3) References: Name Title Phone

1. Gretchen Arvanitopoulos Vice President [REDACTED]
2. Coreen Brinckerhoff CEO [REDACTED]
3. Cathy Taylor Director of Services [REDACTED]

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

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

12-4-18
DATE

Madine McCall
APPLICANT'S SIGNATURE

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



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: Sharon Sodekson

Address: 29 Countinghouse Way, Falmouth Village: Falmouth ZIP: 02540

Mailing Address: P.O. Box 1493, Mashpee Village: Mashpee ZIP: 02649

Home Telephone: [Redacted] Email: [Redacted]

How long have you been a Resident (date: 2007) / Taxpayer (date:)

Amount of time you are available to give: 2-6+ hours / month

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

- 1. FALMOUTH HUMAN SERVICES COMMITTEE
- 2. _____
- 3. _____

Seeking: Permanent Position Alternate Position

Relevant affiliation & work & personal experiences geriatric case manager in earliest career, community organizer, mentor for VIPS (Falmouth) as well as VIPS Mentor Leader under Tracy CRAIG (Director of volunteers in public schools), received heart award for patient advocacy from Emerald Physicians, 20 year owner of independent retail,

Town offices held in Falmouth or elsewhere and dates of years served: Worked under the Town of Falmouth Falmouth Human Services Grant (EADCA) as community coalition coordinator for the Falmouth Prevention Partnership 2007-2011, Falmouth Substance Abuse Commission member from 2007-2012.

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

Dedicated, advocate to promote Falmouth Human Services services to the Falmouth community

Three (3) References: Name

Title

Phone

- | Name | Title | Phone |
|-----------------------------------|--|-------|
| [REDACTED] 1. Tracey CRAIG | , Director of Volunteers for Falmouth Public Schools | |
| [REDACTED] 2. Sherry TUCKER BROWN | , Principal of The Tucker Branch Group and F.O.M.N. | |
| [REDACTED] Suzie Hauptman | , Director of Falmouth Human Services | |

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

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

1/21/2019
DATE

Shawn Jackson
APPLICANT'S SIGNATURE

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

Solid Waste Advisory Committee

2 vacancies

- 1 term until 6/30/20
- 1 term until 6/30/21

2 applicants:

- Ruth Brazier
- Amy Roth



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Name: Ruth Brazier

Address: 67 Benjamin Nye's Lane Village: N. Falmouth ZIP: 02556

Mailing Address: " Village: " ZIP: "

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: 1978) / Taxpayer (date: 1978)

Amount of time you are available to give: _____

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

1. Solid Waste Advisory Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position _____

Relevant affiliation & work & personal experiences
reporter, Boston Globe
Teaching Fellow Harvard University

Town offices held in Falmouth or elsewhere and dates of years served:
Town Meeting Member 1987 - present
Solid Waste Advisory Committee 1989 - 2017 (with 1 year gaps)
served as chairman and vice chairman

Briefly describe the particular skills you feel you will add to the committee or board:
Writing reports, writing "Talking Trash" articles for Falmouth Enterprise, compiling figures on recycling + trash tonnage + costs, training a corps of well informed volunteers for pick of the litter, SWAW shop

Three (3) References:

	Name	Title	Phone
1.	Virginia Valiela	Parson selectman	[REDACTED]
2.	Mike Daffany	Contractor	[REDACTED]
3.	Linda Davis	Chairman SWAC	[REDACTED]

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

May 7, 2018
DATE

Nath F.P. Boyce
APPLICANT'S SIGNATURE

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TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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Name: Amy A. Roth

Address: 11 Wampum Road Village: East Falmouth ZIP: 02536

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident X (date: 2004) / Taxpayer _____ (date: _____)

Amount of time you are available to give: 4 to 8 hours per month

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

1. Solid Waste Advisory Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences Professional geologist and environmental consultant with operational and leadership experience.
Strong interest in successful recycling and waste minimization.
Experienced in waste management for remediation projects.

Town offices held in Falmouth or elsewhere and dates of years served: New to town office.

Past member of a church committee (Safe Church committee, North Falmouth Congregational, circa 2012).

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

My background in geology and career focus on the environment have given me an appreciation for the minimization and proper management of waste. I have more than 20 years of experience managing projects, budgets, and people. I am a very strong written and verbal communicator accustomed to working with a range of stakeholders ranging from homeowners and contractors to attorneys and regulators.

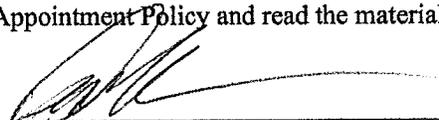
List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Leslie Alden	Manager, NE Environmental Operations NRG (client)	██████████
2.	Kelly Ashton Welch	School Committee Member	██████████
3.	Nicholas Lowell	Finance Committee Member	██████████
	David Foss	Vice President, Wilcox & Barton	██████████

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

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

12/15/2018
DATE



APPLICANT'S SIGNATURE

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



Amy A. Roth, P.G., LSP
Senior Geologist
Associate Vice President

11 Wampum Road
East Falmouth, Massachusetts

Experience
23 Years

Licenses and Certifications
Licensed Site Professional MA 2005
Professional Geologist NH 2002

OSHA Training
40 Hour Hazardous Waste Operations
8 Hour HAZWOPER Supervisor

Professional Affiliations
Licensed Site Professional Association
Massachusetts Geological Society
Society of Women Engineering Professionals

As a Senior Geologist and Associate Vice President, I manage a diverse portfolio of projects across the east coast from initial development through successful site closure. I team with my clients to address their environmental goals, striving to provide peace of mind with respect to financial, strategic, and regulatory concerns. I have more than 20 years of experience managing subsurface investigations, redevelopment projects, *in-situ* and *ex-situ* site remediation projects, industrial regulatory compliance programs (OPA 90, TRI, TURA, RCRA, SPCC, EMS), due diligence (ASTM) site assessments, construction and redevelopment projects, risk assessments, emergency responses, and storage tank removals for a variety of public and private sector clients. I focus on providing high-level consulting and client service that is accessible and individualized. My clients and colleagues rely on my responsiveness, communication, and consistent attention to detail.

EDUCATION

Washington University in St Louis, Missouri
M.A. Earth and Planetary Science (Geochemistry), 1995

Washington University in St Louis, Missouri
B.A. Earth and Planetary Science and English Literature, 1993

EMPLOYMENT HISTORY

Wilcox & Barton, Inc., Falmouth, Massachusetts | 2010 - Present
Senior Project Geologist, Associate Vice President

Lightship Engineering, LLC, Plymouth, Massachusetts | 2000 - 2010
Senior Project Manager, Operations Manager

Atlantic Design Engineers, Inc., Sandwich, Massachusetts | 1999 – 2000
Project Manager

Burns & McDonnell, Kansas City and St. Louis, Missouri | 1995 - 1999
Project Geologist, Project Manager

REPRESENTATIVE EXPERIENCE

Hazardous Waste Assessment and Indoor Air Mitigation Projects, Confidential Clients, Watertown and Dorchester, MA

Managing the assessment and mitigation of chlorinated solvents in multi-story commercial and mixed commercial/residential buildings. Concentrations of trichloroethylene and degradation products were detected in indoor air at Imminent Hazard concentrations and immediate actions were taken to mitigate exposure and risk. Air purifiers were mobilized initially while sub-slab depressurization systems were designed and installed as the long-term remedy. In Watertown, investigation into the nature and extent of the release is ongoing, including an evaluation of migration from an abutter with common historical ownership. The Dorchester project, which required extensive coordination with the Massachusetts Department of Environmental Protection, is being closed with a Temporary Solution. Post-closure activities are required at this site to address solvent-contaminated building materials also impacting indoor air.

Mixed Contaminant Brownfields Remediation, Worcester, MA

Currently providing LSP services for the ongoing assessment and remediation of a redeveloped Brownfield property in Massachusetts that is subject to an Activity and Use Limitation restricting site uses. This MCP project includes multiple overlapping release areas with contaminants of concern including chlorinated solvents, petroleum (free phase and dissolved), and metals. Enhanced reductive dechlorination is underway, along with free-phase petroleum recovery. Indoor air has been impacted and sub-slab depressurization is being used to mitigate exposures. Remediation is focused on reducing contaminant levels in soil, groundwater, and indoor air to achieve a permanent solution.

Environmental Audits and Management System, Cabot (Agri-Mark) Facilities in Vermont, Massachusetts, and New York

Conducted audits encompassing all environmental compliance and management issues (hazardous and universal waste, wastewater, stormwater, oil and hazardous materials storage, spill control, compliance reporting) and developed a customized on-line Environmental Management System (EMS) for Cabot that is in daily use at all facilities.

Redevelopment Projects, Greater Boston Area

LSP of Record for multiple mixed use (commercial and residential) development projects in the greater Boston area. Projects require coordination with development schedules to complete initial assessment, pre-characterization of soil and groundwater, soil excavation and dewatering, management of remediation waste, implementation of vapor intrusion measures, confirmatory sampling, and regulatory reporting. Projects are typically coordinated with developers, contractors, potential buyers/lessees, attorneys, and lenders.

Petroleum Dispensing Facilities, Apache Oil, VT and MA

Managing the assessment and remediation of former and operating gasoline service stations at multiple locations in both rural and urban settings. Soil and groundwater remediation has included soil excavation, *in situ* technologies, and monitored natural attenuation under state regulatory programs.

Petroleum Remediation, Sherman V. Allen, Multiple Sites in MA

Completed underground storage tank removals followed by assessment, remediation, and regulatory closure of former gas station facilities in multiple towns. Currently managing the assessment and remediation of a former gasoline service station in Townsend where groundwater and residual contamination are over 20 feet below grade. Based upon site conditions, air sparge/soil vapor extraction was pilot-tested, selected, and implemented as the primary remedy. Off-gas treatment has been achieved using both carbon and catalytic oxidation.

ASTM Due Diligence Investigations – Nationwide

Completed and managed ASTM Phase I Environmental Site Assessments for clients and sites including attorneys, banks, real estate developers, industrial/manufacturing facilities, agricultural properties, and commercial enterprises.

Toxics Release Inventory and Toxics Use Reduction - Multiple clients

Completes annual preparation and/or review of Toxics Release Inventory (TRI) data for facilities in New York and Massachusetts, including the Canal Generating, LLC power plant in Sandwich. Also completes reporting and planning for facilities under the Massachusetts Toxics Use Reduction Act (TURA). These projects require knowledge of TRI and TURA requirements and an understanding of the toxic substances and processes used at the facilities.



APRIL 2019 ANNUAL TOWN MEETING

Selectmen Announce Annual Town MeetingMonday, December 3, 2018

Close Warrant Friday, January 18, 2019

Selectmen Vote Articles & Execute Warrant.....Monday, January 28, 2019

Publish Articles OnlyFriday, February 1, 2019

Presentation on Petition Articles Monday, February 11, 2019

Selectmen Vote Recommendations Monday, February 25, 2019

Publish Warrant with Recommendations and Mail Warrant Booklets.....Friday, March 22, 2019

Town Meeting.....Monday, April 8, 2019

**WARRANT FOR THE APRIL ANNUAL TOWN MEETING
MONDAY, APRIL 8, 2019 AT 7:00 p.m.**

For action on articles in the Warrant

COMMONWEALTH OF MASSACHUSETTS

Barnstable, SS To either of the constables of the Town of Falmouth, in said county:

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet at the Memorial Auditorium, Lawrence School, Falmouth; Monday, April 8, 2019 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

ARTICLE 1: To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

ARTICLE 2: To hear reports of Committees and Town Officers and act thereon.

ARTICLE 3: To see if the Town will vote to authorize the Selectmen to settle claims and suits which are pending or may arise against the Town. Or do or take any other action in the matter. On request of the Board of Selectmen.

ARTICLE 4: To see if the Town will authorize the Board of Selectmen to apply for and accept state and federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public meeting prior to the board's acceptance of any such grant(s) or gifts(s), if said grant(s) or gift(s) require the Town to meet future conditions or requirements including anticipated future costs to the Town. Further, when applicable, the Board of Selectmen will advise the Finance Committee of such anticipated costs prior to the public meeting and may seek further review/comment of the Finance Committee. Or do or take any other action in the matter. On request of the Board of Selectmen.

ARTICLE 5: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator	-----	\$1,500
Town Clerk	-----	\$94,440
Selectmen (4)	-----	\$5,000
Chairman of Selectmen	-----	\$6,000

And further, the Town Clerk is authorized to receive a Cost of Living Adjustment on the same terms and conditions of TAM employees. Or do or take any other action in the matter. On request of the Board of Selectmen.

ARTICLE 6: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2020 and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 8: To see if the Town will vote to appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 9: To see if the Town will vote to appropriate a sum of money to the Workers Compensation Trust fund, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 10: To see if the Town will vote to appropriate a sum of money to the Debt Stabilization Fund for further appropriation and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 11: To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 12: To see if the Town will vote to appropriate a sum of money for the purpose of repairs to the bulkhead at Simpsons Landing, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 13: To see if the Town will appropriate a sum of money for the purpose of funding school security system upgrades, to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Falmouth School Committee.

ARTICLE 14: To see if the Town will vote to transfer a sum of money within the FY 2019 budget approved by Article 12 of the April 9, 2018 Annual Town Meeting to make necessary adjustments thereto, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money to supplement the FY 2019 budget approved by Article 12 of the April 9, 2018 Annual Town Meeting, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 16: To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out the following listed roads according to plans on file with the Town Clerk for taking as a public way under the Betterment Act:

<u>Road</u>	<u>From</u>	<u>To</u>	<u>Length</u>	<u>Width</u>
Winthrop Drive	Seacoast Shores Blvd	Edgewater Dr West	770.7'	40'
Captain Davis Lane	Davisville Road	Dead End	1096'	40'

Or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 17: To see if the Town will vote to amend the Zoning Bylaw Article XXXIX – Site Plan Review - by amending § 240-193 Procedure by adding a new sub section C to read:

C. No certificate of occupancy shall be issued until an As-built plan, prepared by a registered land surveyor, professional engineer, or registered landscape architect has been submitted and verified by the Planning Board's designee within 7 days of the As-built submittal that all conditions of approval have been met. For reasonable cause the Planning Board or its designee may authorize a temporary or partial certificate of occupancy, where the required work is substantially complete and is adequately assured by a performance guaranty of the Board's choosing.

Or do or take any other action on this matter. On behalf of the Planning Board.

ARTICLE 18: To see if the Town will vote to amend the Zoning Bylaw Article XLIII – Amendments – by amending § 240-225 Notices deleting the words “by certified mail” so that the revised section will read:

Amendments to any district of the Official Zoning Map shall require that notice of the Planning Board public hearing required by MGL c. 40A, § 5, be sent postage prepaid, to all parties in interest in accordance with MGL c. 40A, § 11, when those amendments involve the rezoning of 10 or fewer parcels of land. When greater than 10 parcels of land are proposed for rezoning, notice shall be accomplished by publishing a map in the local newspaper together with the public hearing notice required by MGL c. 40A, § 5.

Or do or take any other action on this matter. On behalf of the Planning Board.

ARTICLE 19: To see if the Town will vote to amend the Zoning Bylaw Article XLVII – Marijuana Treatment Centers – by updating Article XLVII Marijuana Treatment Centers so the bylaw will comply with the regulations adopted for such facilities by the Cannabis Control Commission as called for in the Zoning bylaw’s “Purpose” section so that the revised bylaw will read:

240-250 Purpose; definitions; special permit criteria.

A. Purpose. This article defines permitting requirements and standards for medical marijuana treatment centers, also known as "registered marijuana dispensaries," which are consistent with the regulations adopted for such facilities by the Cannabis Control Commission. 935 CMR 501.00 contains additional definitions and regulations relative to the registration, establishment, operations and regulation of such centers/dispensaries, as well as hardship cultivation registration by the Cannabis Control Commission. Nothing in this chapter is intended to regulate or prohibit uses or activities under a hardship cultivation registration.

B. Definitions:

MARIJUANA-INFUSED PRODUCT (MIP)

A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures.

MEDICAL MARIJUANA TREATMENT CENTER/REGISTERED MARIJUANA DISPENSARY

An entity registered under the Cannabis Control Commission 935 CMR 501.000 or its successor legislation (previously under 105 CMR 725.100) that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, including development of related marijuana-infused product (MIP), related supplies, or educational materials to registered qualifying patients or their registered personal caregivers.

QUALIFYING PATIENT

A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed healthcare provider as having a debilitating medical condition, or a Massachusetts resident younger than 18 years old who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 935 CMR 501.010(J).

C. Permitting. Marijuana treatment center/registered marijuana dispensary shall be a use allowed subject to the issuance of a special permit by the Planning Board, as provided for in this chapter, in Business 2 Zoning Districts only.

D. Special permit criteria - standards. In addition to the requirements for the issuance of a special permit found in § 240-216 of the Zoning Bylaw, any such marijuana treatment center/registered marijuana dispensary shall:

- (1) Not be located within 500 feet of a public or private kindergarten, primary or secondary school, a place of worship, a day nursery, nursery school or a public park or playground. No other specific separation requirements will apply.

(2) Be approved for operation, or remain in operation, with a certificate of registration issued by the Cannabis Control Commission or successor agency

(3) Be compliant at all times with the security measures required by 935 CMR 501. A description of such measures, including any updates, shall be provided to the Falmouth Police Department, along with after-hours contact information. Any other provisions of this chapter regarding required landscaping or vegetated buffers notwithstanding, trees, bushes and other foliage located on the site outside of the center/dispensary shall be located (or removed) so they do not allow for a person or persons to conceal themselves from sight within 50 feet of any entrance or of any parking space designated to be utilized by registered qualifying patients, personal caregivers, and dispensary agents of the center/dispensary.

(4) Be in compliance with 935 CMR 501.105 and cultivation, production, preparation, transport or analysis shall be done in a manner to prevent diversion, theft or loss. All phases of the cultivation of marijuana shall take place in designated, locked, limited access areas that are monitored by a surveillance camera system in accordance with 501.110(4)(a)(4) through (9).

(5) Adopt emergency procedures, including a plan with procedures to be followed in case of fire or other emergencies, copies of which shall be filed with the Police and Fire Departments.

(6) Provide parking applicable to retail establishments for that portion of the floor area designated for sales, and to manufacturing or other industrial buildings for floor area designated for storage or for cultivation of marijuana or preparation of MIPs.

(7) Be in compliance with 935 CMR 501.105(12) regarding marketing, advertising and signs.

Or do or take any other action on this matter. On behalf of the Planning Board.

ARTICLE 20: To see if the Town will vote to amend the Code of Falmouth Chapter 21 "Boards" by amending Article I "Planning Board" § 21-1 "Membership" to reflect the recommendation of the Falmouth Charter Commission Final Report dated November 15, 1989 and subsequent adoption by a majority of the votes cast on Question 3 at the 1990 Annual Town Election held 5-15-90 establishing the number of elected Planning Board members at seven so that the new section will read:

§ 21-1 Membership.

The Planning Board of Falmouth shall consist of seven (7) members to be elected as provided in MGL C. 41, § 81A.

Or do or take any other action on this matter. On behalf of the Planning Board

ARTICLE 21: To see if the Town will vote to amend the Zoning Bylaw Article V - Single Resident Districts and Article VIII - Agricultural Districts - and by amending both § 240-23 I (3)J2. and § 240-38 I (3)J2 Accessory Apartments, as amended Article 14 on November 14, 2018, by deleting the term enhanced in both sections:

The amended language for both sections would be as follows:

j)2 - an on-site septic system with nitrogen removal approved by the Board of Health is installed on the property

On petition of Gerald Potamis and others.

ARTICLE 22: To see if the Town will vote to amend the Zoning Bylaw Section(s) 240-23 I. (3)(b) and 240-38 I. (3)(b) of the Code of Falmouth - "Accessory Apartments" by deleting '7,500 square feet' and inserting in its place '7,000 square feet'. Thereby changing Section 240-23 I. (3) (b) and Section 240-38 I. (3)(b) to read as: b) The lot size shall be no less 7,000 square feet.

On petition of John Banner.

ARTICLE 23: Shall Town Meeting vote to amend the accessory apartment bylaw by adding in Sec. 3 requirements, B. lot size shall be no less than 7,500 square feet: add (7,000 square feet minimum in sewer service areas). Or take any other action on this matter. On petition of Marc Finneran.

ARTICLE 24: To see if the town will vote to amend Chapter 240 – Zoning – of the Code of Falmouth by adding the following:

Article III Definitions

§240-13 Terms defined.

"Substance Abuse Clinic"

- A use of land or building on the same lot where people with an alcohol or drug addiction are treated and remain for less than 24 hours.

Article X Business Districts

§240-48 Permitted business and commercial uses.

B. Business or professional offices, bank, medical clinic, computer center, substance abuse clinic (not to be located within 500 feet of the property boundary of a public or private kindergarten, primary or secondary school, a place of worship, a day nursery, nursery school or public park or playground).

Or do or take any other action on this matter. On the petition of Michael Heylin.

ARTICLE 25: To see if the Town will vote to amend the Code of Falmouth, Chapter 240, Zoning, as follows:

To Article XXIII, Performance Requirements, Section §240-111, Site Design, add:

"I. Improve the collection of solar energy by photovoltaic and/or hot water systems."

Or do or take any other action on this matter. On Petition of Daniel H. Webb.

ARTICLE 26: To see if the Town will vote to amend the Code of Falmouth, Chapter 240, Zoning, as follows: To Article XI, Light Industrial A districts, add:

"§240-54.H. Ground-mounted solar photovoltaic array."

"§240-56.F. Ground-mounted solar photovoltaic array."

To Article XII, Light Industrial B districts, add:

"§240-60.1. Ground-mounted solar photovoltaic array."

"§240-62.C. Ground-mounted solar photovoltaic array."

To Article XIII, Light Industrial C districts, add:

"§240-64.4.D. Ground-mounted solar photovoltaic array."

Or do or take any other action on this matter. Upon petition of Ronald D. Zwieg.

ARTICLE 27: To see if the Town will vote to rescind its acceptance of MGL c. 31, § 58A accepted by Article 27 of the April 2003 Annual Town Meeting which provides a maximum age of 32 years for original appointment to the position of firefighter or police officer and which section reads as follows:

Municipal Police Officers and firefighters; maximum age restrictions

Notwithstanding the provisions of any general or special law to the contrary, in any city, town or district that accepts this section, no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

Or do or take any other action on the matter. On request of the Chief of Police and the Fire Chief.

ARTICLE 28: To see if the Town will vote to amend the Town's Salary Administration Plan as follows:

Add

<u>GRADE</u>	<u>TITLE</u>	<u>MIN</u>	<u>MAX</u>
08	Program Coordinator-Council on Aging	\$20.75	\$26.26

Or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 29: To see if the Town will vote to increase the local room excise tax described in G.L. c. 64G, s. 3A as amended and authorized by the vote on Article 3 of the April, 1986 STM and amended by the vote on Article 20 of the October, 1986 STM from four percent (4%) to six percent (6%) and to determine the effective date of such increase, or do or take any other action on this matter. On request of the Board of Selectmen.

ARTICLE 30: To see if the Town will vote to accept the provisions of G.L. c. 64G, s. 3D(a) and impose upon an operator of a short term rental unit a community impact fee of three percent (3%) of the total amount of rent for each transfer of occupancy of a short term rental of a professionally managed unit located within Falmouth, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 31: To see if the Town will vote to accept the provisions of G.L. c. 64G, s. 3D(b) and impose upon the operator of a short term rental unit a community impact fee of three percent (3%) upon each transfer of occupancy of a short term rental unit located in a two family or three family dwelling that includes the operator's primary residence, or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 32: Shall Town Meeting vote to authorize the use of a second water meter at properties in the sewer service areas for irrigation and other outside water uses? The second meter would be paid for by the homeowner, installed by the town and billed at the non-sewer rate. Or take any other action on this matter. On Petition of Marc Finneran.

ARTICLE 33: To see if the Town will vote to appropriate a sum of money for the purpose of implementing the Shiverick's Pond Trail Phase 1 improvements, and to determine how the same shall be raised and by whom expended, or do take any other action on this matter, on the request of Shiverick's Pond Working Group. On petition of Paul Dreyer.

ARTICLE 34: To see if the Town will vote to advise the Board of Selectmen to appropriate \$75,000 of certified free cash to finance water quality monitoring and operational support for the second year of the planned three-year nitrogen attenuation evaluation program in Bournes Pond to improve water quality and to meet, to the degree possible, the nitrogen Total Maximum Daily Load (TMDL) for that estuary, using the shellfish nitrogen mitigation option to complement the Town's Marine and Environmental Services Department's ongoing shellfish production activities, and to determine how the same will be raised and by whom expended. Or do or take any action on the matter. On petition of Ronald D. Zweig.

ARTICLE 35: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Housing Assistance Corporation to provide partial funding for the Cape Housing Institute; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 36: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Water Stewards, Inc. to install eight water stations at seven recreation sites; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 37: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Habitat for Humanity to partially fund the development of ten affordable homeowner units at Willett Way (Barrows Road); to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 38: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to engineer and construct an amphitheater at the Coonamessett Greenway Heritage Trail and Gateway Park and to provide engineering services for the Gateway Parking Area; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 39: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Historic Highfield, Inc. to construct ADA accessibility improvements at Harmony Path at Highfield Hall Gardens, 56 Highfield Drive; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 40: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Friends of Nobska Light, Inc. to partially fund the interior preservation of the Nobska Light Keeper's House; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 41: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Historical Commission to conduct the Inventory of Historical Resources - Phase 3; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 42: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Historical Society, Inc. to develop a historic structure report and to restore the rear roof section of the 1790 Dr. Francis Wicks House located at 55 Palmer Avenue; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 43: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to rehabilitate tennis courts at Lawrence School; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 44: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to develop a conceptual plan for development of the Falmouth Community Play Space to be located 67 and 81 Davisville Road; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 45: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; and to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 46: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Open Space Reserve Account; and to determine how the same shall be

raised, or do or take any other action on the matter. On the request of the Community Preservation Committee.

ARTICLE 47: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the Budgeted Reserve; and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Community Preservation Committee.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hand this ____ day of January in the year of our Lord Two Thousand Nineteen.

Susan L. Moran, Chairman
Megan English Braga, Vice Chairman
Douglas C. Brown
Doug Jones
Samuel H. Patterson



Warrant for the Annual Town Meeting
Monday, April 8, 2019
TOWN OF FALMOUTH
Board of Selectmen

BARNSTABLE, SS. To the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet at Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth on Monday, April 8, 2019 at 7:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 28th day of January, 2019.

Susan L. Moran, Chairman

Megan English Braga, Vice Chairman

Doug Jones

Samuel H. Patterson

Douglas C. Brown

FALMOUTH BOARD OF SELECTMEN

Barnstable, SS.

Falmouth, MA

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town Of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

Constable, Town of Falmouth

Date



TOWN OF FALMOUTH
Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540

TO: Julian Suso, Town Manager
FROM: Peter Johnson-Staub, Assistant Town Manager
SUBJECT: Potential Town Meeting Action on Rooms Taxes
DATE: January 25, 2019

Earlier today we discussed with Jennifer Petit the warrant articles related to rooms taxes that are included on the draft town meeting warrant for April 2019. This memo summarizes our thoughts for Board of Selectmen consideration.

Cape & Islands Water Protection Fund – 2.75% Rooms Tax Increase:

There is no article on the warrant as this increase takes effect without local action effective July 2019. This provision was advocated by a number of Cape-based organizations and individuals to address water quality infrastructure needs. This new tax will be charged to the existing categories of lodging businesses (e.g. hotels, B&Bs, Inns, etc) as well as short-term rentals – unless the Town opts out.

Article 29 – Increase Rooms Tax from 4% to 6%:

This option has been available since 2010. The increase would apply to all lodging entities (e.g. hotels, short-term, etc). This increase could generate as much as \$800,000 per year. (Total Receipts for FY2018 was \$1.69 Million). The proposed budget for FY2020 is balanced without reliance on new taxes. There is no doubt the additional funds generated could be put toward a multitude of important community purposes but we may want to consider identifying a purpose to which the funds would be applied before increasing the tax on local businesses and short-term renters.

Articles 30 & 31 – Impose 3% Community Impact Fee:

This additional 3% fee would apply only to short-term rentals. Article 30 addresses professionally managed short-term rentals and Article 31 addresses short-term rentals for 2- and 3-family dwellings that include the operator's residence. There is no question that short-term rentals are already impacting the Town budget and the community generally given the effect that they have on the growth of the summer population. That said, we have some unanswered questions and concerns regarding the method for collecting this fee. Unlike all the other rooms tax categories referenced above, the Community Impact Fee will not be collected by the state. The Finance Department would need to develop and implement a system to identify short-term rental transactions and collect the 3% fee. The MA Department of Revenue has not yet issued regulations for this process. There are no reliable estimates of the revenue potential for short-term rentals. We recommend not adopting this 3% Community Impact fee in April. Consideration could be given as early as the November 2019 town meeting should these questions be resolved.

For Reference, I've provided a chart showing the various tax percentages of current and future rooms tax options.

	Existing	Effective July 1, 2019	Options
State Rooms Tax	5.7%	5.7%	None
Local Rooms Tax	4.0%	4%	Up to 6%
Water Improvement Tax	0%	2.75%	Opt out
Community Impact Fee	0%	0%	3% (Short-term Rental only)
TOTAL	9.7%	12.45%	9.7% - 17.45%

One final point not highlighted in the chart, is that there is presently no rooms tax paid for short-term rentals but they will be assessed 12.45% effective July 1 assuming the Town does not exercise any local options.

CC: Jennifer Petit, Finance Director

//Rooms Tax Options 1-25-2019.docx

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, JANUARY 14, 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 recognized the volunteers on the Charter Review Committee.

Ms. English Braga thanked Bill Peck for his service on the Solid Waste Advisory and noted his resignation.

5. Announcements
Mr. Brown, Mr. Patterson, and Mr. Suso attended the meeting regarding the needle exchange. Mr. Brown thanked all for coming out.
6. Public Comment
Marc Finneran, Precinct 6, was at the listening session Saturday. Anyone who endorses this exchange and pretends to also endorse affordable housing is in direct conflict with one another. If Gosnold continues to search for another location in this Town, it will make the Town a destination for opioid withdrawal and take away housing from the people in this Town who want to live in the area.

Allen Robinson, Falmouth resident, informed the BOS and Town administration of a small group of residents who formed the Falmouth Litter Reduction Team and their vision is the elimination of litter and strategy to partner with the community to develop and implement remedies for litter reduction.

Barbara Schneider, Falmouth resident, spent 4 days trying to rescue a seal in Quissett Harbor, the seal was put down possibly due to ingesting plastic. She would like Falmouth to be a leader in doing something about plastic and litter.

Grant Walker, 71 Philadelphia Street, commenting on climate change as an emergency in Falmouth. Reviewed the State of Emergency and a report on climate change. The draft of the Cape Cod Regional Policy Plan available online notes that the Cape is at risk. He provided a document to the BOS.

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
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
 - b. Approve application for common victualler license – Dunkin Donuts, 1184 Sandwich Road, East Falmouth MA for 2018

Mr. Jones noted the license is for 2009 and retroactive.

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

- c. Approve application for change of manager – Paul Harney Golf Club, 74 Club Valley Drive, East Falmouth
This includes a liquor license, too.

The BOS noted when alcohol is the issue, they would like to have a conversation with the new manager and noted that they are supposed to be here, it is on the checklist. Mr. Suso let the applicant know the BOS would like them to appear for the request and noted for the last two requests, there were representatives present from both agencies tonight.

- d. Vote to approve Eversource petition to install one (1) pole #86/10.5 at 15 Hinckley Road, east of Juniper Point Road
Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- e. Vote to approve Eversource petition to install two (2) poles #460/14 and 460/15 at Dillingham Avenue, east of Gifford Street

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

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
Christopher Neal, Woods Hole Research Center and resident of Precinct 1. This has been through the Conservation Commission. The purpose is to monitor the nitrate coming into the Coonamessett water shed, including Great Pond.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- b. Vote to accept donation from Colorgraphics in the amount of \$644.00 to the Recreation Department donation account
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- 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
Mr. Jones motion to accept the donation. Second Mr. Patterson. Vote: Yes-5. No-0.
- d. Vote to approve certification of estimated summer resident population as of July 10, 2019
Mr. Suso explained the Town Clerk annually provides an estimate of summer seasonal population of the year to come; this year's estimate is 83,397.

Mr. Jones motion to accept and affirm 83,397 estimated summer resident population. Second Ms. English Braga. Vote: Yes-5. No-0.

- e. Vote to support Town of Bourne application for bikeway extension funding
Tim Shay, Bikeways Committee, Town of Bourne Bike Committee is seeking funding for the extension of the Shining Sea bikeway from canal three miles south. They can put the bikeway in along side the rail bed. The Falmouth Bikeways Committee voted unanimously to approve and requests the BOS to approve as well.

Mr. Patterson motion 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. Second Ms. English Braga. Vote: Yes-5. No-0.

- 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
Mr. Suso explained the trailer is an educational forum by the FPD; they will share it with parents of Falmouth students. It shows that drugs and problematic items can be hidden in plain sight in their children's rooms and houses throughout the community.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Special Events

Recurring - Recommended:

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

Moved to Saturday 2/23/19. Amanda Markoff and Lindsay (last name unknown), Event Coordinator, looking to hold the event on 2/23/19, it is the 2nd annual event at the Heights Beach, about 60 attendees are expected. The rain date is 3/9/19.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

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

Chair Moran read the hearing notice.

James McLaughlin, Town Engineer used a power point presentation and reviewed a map and aerial map. Captain Davis Lane has 18 abutters along the roadway and estimated cost to bring it to Town standards is \$265,000 spread over the 18 homeowners, the betterment will be about \$14,731. This is an upper limit and they hope to do it for a less amount. It is unknown how long they have been waiting, but it was on a Town Meeting Warrant about 8 years ago, the homeowners approved the taking plan and legal description.

Public Comment:

In favor:

Wendy Vogel, Precinct 4, Captain Davis Lane, noted it is 80% year round residents, retirees, the condition is getting worse, and they patch potholes with gravel for a couple years to keep it safe. She believes all on the street are in favor.

Grant Lonis, Captain Davis Lane, said they had an association many years ago and were told they would be put on the list for taking and were told it is first in and first out. They did all of this at the cost of \$6-7,000. They were put on the list, however then rules changed and allowed the DPW to pick the worst roads in the Town, not their road.

Mark Maragnea, 17 Captain Davis, the road needs help and this has to be done. He would appreciate the consideration to make this happen.

Against: none.

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

Mr. Jones motion to approve the taking and read the motion in the packet. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. McLaughlin addressed Winthrop Drive, the western portion was described and a power point presentation was made. Map was reviewed, over the years the erosion along the roadway goes to catch basin, enters drain line into the estuary, much of the road has ended up in the water. This road has been regarded a number of times and an issue with an exposed gas main which causes a dangerous situation. They would like to improve this road, estimated cost to bring this road to paved road with drainage would be about \$263,000, cost is \$194.10 per linear foot of frontage, estimated most will be \$14,072 betterment cost except one that is a double lot.

The cost involved includes bringing in material to build the road up, it is significantly lower than the driveway entrances and provided adequate cover over the gas line.

In favor:

Cynthia Laroarer is in favor; neighbors have been working on this for over ten years. Summer was dry, the dust kicks up and a river runs through when rains. The runoff into the estuary is disturbing. Asked what the next step would be. Ms. Suso noted it would go to Town Meeting subject to the BOS placing it on the warrant, which is anticipated. They got all neighbors to agree and pay for a plan for the road.

Adam Pierce, 26 Winthrop Drive, his family has lived on the street since the 1970s. The road is getting lower; there was a 9 inch difference between the road and his driveway. A neighbor has a big puddle every time it rains in front of her driveway.

Frank Duffy, Town Counsel, corrected that there will be another hearing with the Planning Board, if they have not looked at it. According to Mr. Jones, the Planning Board provided a positive recommendation on October 17, 2018.

Against: none.

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

Mr. Jones motion to approve the taking and read the motion in the packet. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. McLaughlin reviewed future Roadway takings; they put in one database and looked at ranking the roads based on a number of factors to address the roads going forward. They have a draft of what they think makes sense, but is subject to the BOS approval and possibly the Planning Board. 40 petitions at this time, total length is 71,645 feet. They put together scoring criteria, which was reviewed and included: taking plan, legal description, percent of abutter signatures, bus routes, road classification, safety, environmental impact, and possibly add wait time. Scoring was reviewed. The #1 street now, was Moran Drive because of the bus routes and safety aspect, other issues considered are the date of the petition and percentage of people who signed off on it. Reviewed the Acceptance Wait List Ranking. Depending on the cost involved, if \$300 per foot, looking at \$21,000,000 cost, if down to \$150 per foot, looking at \$10-11,000,000 over a 5 year period. There is money available to do some of them, the estimate for the roads considered this evening is about \$500,000.

Mr. Jones asked that this would be a capital expenditure?

Jennifer Petit addressed Mr. Jones question about whether this would be a capital expenditure. The betterment fund with borrowing authorization of about \$1,000,000 is just about exhausted. They would be expending money up front but not recouping for 20 years. Analysis has to be done on these roads and future roads. After these are taken, need another authorization from Town Meeting. It is a borrowing authorization, usually done in April Town Meeting.

Ms. English Braga noted this is a helpful tool that has been developed and hopes the ranking will be made available to the community.

Ms. Petit responded to Mr. Patterson's question about if the betterment covers the whole cost of borrowing, she noted that when bettering the roads, it covers the actual expenditure, but not the cost of borrowing.

Chair Moran noted this is an initial presentation; they want the community to think about and comment on it. It will include more financial aspects included over the coming months.

Mr. Jones would like to include the waiting time under the criteria.

7:45 p.m. BUSINESS

1. Vote to adopt FY2020 budget and submit it to the Finance Committee

Ms. English Braga motion to approve and submit to the Finance Committee for their review process to begin. Second Mr. Patterson. Vote: Yes-5. No-0.

The budget will be on the website in the next couple days.

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

No person indicated they wanted to record this section of the meeting.

Mr. Suso noted they had a PowerPoint slide with the Wind 2 (W2) matrix reviewed. Ms. Petit, Mr. Duffy, and Steve Wiehe, Consultant from Weston and Sampson who presented the formal report on potential relocation of W2 and repurpose of Wind 1 (W1), which is on the Town website. They are asking for the BOS consideration for future direction.

Mr. Suso addressed W2 cost figures. Actions of the BOS take us in the direction of providing additional information, but no appropriation or expenditure of funds can occur without going to Town Meeting. These funds are not currently budgeted and depending on what would be contemplated, if a debt exclusion, it would need to go to the voters.

If determination to defer consideration to go to the Planning Board for a permit, there would be relocation cost of about \$3 + million, \$3.5 million to the Clean Water Trust. There is uncertainty about whether it will need to be repaid. If it is in Falmouth and operated in Falmouth, they are relieved of the obligation. They have given credit towards hours operated in Town, based on that they have confidence that continuing to operate it in Town will result in a credit towards the \$3.5 million. Mr. Suso asked the Clean Water Trust for confirmation of relief, but they declined to give definitive confirmation. Once Falmouth reaches an agreement with a third party, the Clean Water Trust would assess and let the Town know. Mr. Suso will continue to address this and be in contact with the Trust.

The cost to remove W2 from the current site is about \$500-1,000,000 and they would need to go through procurement and funds would need to be appropriated by Town Meeting.

Chair Moran noted they could potentially receive revenue if they were to move it elsewhere, the Town could receive credits if it were running, even outside of Falmouth.

The cost to dismantle W1 would be about \$500,000-1,000,000. The estimated remaining bond payments are about \$3,600,000 because at that time Falmouth borrowed to finance acquisition of W1. Total cost for W1 is between \$4.1 and 4.6 million. There is nothing that can be done and it is already in the yearly operating budget to pay that.

Mr. Brown asked if they still want to consider as a cell tower? According to Mr. Suso, it is potentially something that can be determined through the procurement process to see if there is interest in the private market, if there is interest, than the tower would remain for potential use of tower services.

Reviewed the cost estimates to dismantle, move and install W2 on the wastewater site, cost would be about \$3 million. If not located on a Town site, the cost to dismantle, decommission, remove, and estimate the payments due to the Clean Water Trust is about \$4-5,000,000.

Possible locations are a function of procurement process.

Purpose of this is to provide accurate information so the BOS can make an informed judgment at the appropriate time.

Mr. Jones has no interest in having them run in Falmouth again, he would like to see them run 24/7 someplace, maybe an RFP for someone to lease the property to run the turbines. If they still need to pursue the option of Planning Board to relocate, that could occur at the same time. The reason we did the turbines was to make clean energy, if they can run someplace, which is the best thing to happen.

Ms. English Braga said that to mitigate the massive burden to those who live here. There is no getting around the fact that there is a tax and resource implication and a very large portion people will pay in taxes will go to address this issue. This hurts a lot of people in this Town and we are trying to draw people to the community and reinvest.

Chair Moran noted there are unlimited choices of improvements we would like, this decision bears on all of the.

Mr. Brown feels it needs to be over 3,000 feet away from any residence, he does not believe it fits or works on that site. He likes Mr. Jones' point to run them 24/7 in the right place and if they cannot find a place, to use as a cell tower.

Mr. Patterson asked if there is a new technology that could operate at lower noise levels?

Steve Wiehe, Weston and Sampson, to his knowledge the turbines could be marginally quieter, retrofitting is likely not realistic. Smaller turbines will not produce as much electricity.

Public Comment:

Dave Moriarty, Falmouth resident, noted poor choice to force this upon the Town, enough time, resources, and money has been wasted. It is time to take the turbines down.

Marc Finneran, Precinct 6, the idea to use them as cell phone towers or repeaters would work. He would not give the Clean Energy Trust any money; they have culpability and have some blame here.

Peter Hargraves, Precinct 9, asked as analyzed the option of moving the one that it is possible to operate there is no assurance the performance will be within acceptable parameters for the people living in that area. Chair Moran noted the discussion was in relation to smaller blades. We have parameters of how far away from residences, but have not done an analysis of a particular site and said lets run tests in the particular location. There is no specific location that has been identified.

Russ Lempki, 20 year resident, since living here he has seen the anger and hurt this experience has caused. He has 30 years experience in business, decisions made that cost a lot of money and errors were made. He urges to take them down and get on with life in Falmouth.

Lynn Moorehead Precinct 1 has gathered info from various sources. The turbines are 16 years old, they have a lifespan. The blades are not the design they should be now, they have new good turbines.

Dan Shearer noted Falmouth will never accept it. We need a cell tower, he suggested taking the blades down, use the masts as cell towers.

Linda Davis, Precinct 8, asked questions about the ambiguity with Trust, possible forgiveness of W2 and money it cost to put in place. What means of communication were used to create dialogue? The BOS told her that communication was via emails, letters, face to face, and the legislative team involved. Ms. English Braga noted that it is a question of whether the Town has done the best it can to get the answers: they have imposed upon legislatures, other individuals in our government including the Energy Secretary, the Town has used every avenue and individual to get their ear about what the town has been through and done repeatedly. It includes a \$1.5 million forgiveness negotiated through staff, legislatures, and the BOS.

Mr. Suso noted that people need to understand the previous administration signed a binding agreement that continues to be binding upon the Town and what binds us to continued responsibility for repayment.

Attorney Duffy suggested writing the Request for Proposal be a collaborative effort.

Mr. Jones motion to not operate the turbines declining to relocate in the town. Second Mr. Brown. Vote: Yes-4. No-0. Abstain: Mr. Patterson.

Mr. Jones motion to direct the Town Manager and Town Counsel to explore Requests for Proposals for lease operation outside of Town, third party interested in purchasing and taking possession to operate them as an energy project to run somewhere else and potential cell tower use and what other use could a tower be repurposed. Second Ms. English Braga. Vote: Yes-5. No-0.

3. Discussion of options under short term lodging tax
Attorney Duffy issued a memo to the BOS and reviewed the highlights of the memo.

The act takes effect 7/1/19 imposing a local excise tax not more than 6% , added short term rental as category subject to the tax, defined short term rental. Not imposed on short term rentals less than 14 days per year, tenants at will, or month to month rental of property. Falmouth has an occupancy tax of 4%, so it would be set at 4% automatically. That tax is collected from the State and anything Falmouth gets will be

from the State at a later time. 2.75% water protection fund, benefits all and local to the Cape. This additional tax is imposed upon occupancy of a room. Third provision of the bill requires action of Town Meeting, there is an option that provides for a community impact fee of not more than 3%, for a professionally managed unit. Must present an article at Town Meeting to see if they will support it. Another provision separate vote would be a vote for transfer of occupancy that includes the operator's residence. The operator of the unit would pay this to the Town monthly and not less than 35% must be dedicated to affordable housing.

Could go up to 6% that the Town Meeting could vote on.

Mr. Jones noted the Cape Cod and Islands water protection fund is new tax for all of these places; it is only on Cape Cod.

Mr. Jones asked how to find out how many professionally managed units there are and how to find out.

Ms. English Braga asked if a sober house may be considered professionally managed, Attorney Duffy will research this issue.

Whoever receives the rent is the person who is responsible to pay the tax.

Chair Moran suggested an analysis of Town Departments where fees are low and collected but positive impact to the Town even adding enforcement and ask the Town Manager to look at this for a future agenda item.

4. Information on State initiatives and possible Town initiatives (nip bottles and plastic straws)

Mr. Suso noted that Attorney Duffy researched and found that Boston and Chelsea are the only towns that have done anything.

Attorney Duffy stated he checked with the Alcohol Beverages Control Commission (ABCC) and was informed 2 cities addressed this issue along with cans of beer. The Boston Licensing Board adopted a policy that conditions transfer of existing license or grant of new license with no nip/no single. Appeal to the ABCC was upheld. It applied only to new licenses or transfers of existing licenses and not to the annual renewal. Chelsea tried to ban the sale of nips by ordinance, the appeal is pending.

The difference between city passing ordinance/bylaw versus a town is that a city may pass an ordinance which is not subject to review/approval by the Attorney General's Office (AGO) whereas a Town as bylaws, when the Town enacts a bylaw it must be submitted to and approved by the AGO. The State reserves to itself how alcohol beverages are sold.

The town could adopt a policy instead of a bylaw. This has not been tested in court.

Ms. English Braga noted the only impact our community is if we were going to have a number of new liquor or wine sales business.

Barbara Schneider said that a third of a store's business is nips. Showed a bag of empty nips collected today at one residential intersection. If get rid of open carry law there would be no problem. Reusable straws can be provided. Bamboo toothbrushes are for sale at local pharmacies.

Peter Hargraves, Precinct 9, has been in touch with Town Attorney in Chelsea regarding their process, the licensing bureau decided to ban nips at 100 ml or less. The counsel passed an ordinance, 100 ml nips are banned there. Problem of public drunkenness and use of nips, in some places you can buy nips and the collection of them are less than the larger bottle size. Nantucket has a broader ban on plastics and it is going through the AGO now.

Linda Davis, Chair Solid Waste Advisory Committee, is excited about these grass root endeavors.

5. Discuss proposed new public comment process

This arose from a case impacting public comment process.

Attorney Duffy noted a new public comment process in line with recent case law and AGO updates.

Attorney Duffy sent a memo to the BOS with proposed new public policy comment. Public comment provisions at public meetings is common, there is no state law on the subject and no town bylaw. It is governed by the board allowing the public comment during the meeting.

Falmouth has had it since March 2014 and the BOS adopted the policy at that time. This past summer a Middlesex Superior Court case involving the Natick School Committee and an individual who made public comments at the meeting who was cut off by the Chair and not allowed to finish. They brought complaint that their rights of free speech were affected by the chair. The public comment period falls within the public forum doctrine provided for in the First Amendment, free speech and no prior restraints on public comment without compelling reasons. People cannot prohibit free speech based on comment, but can be limited to matters restricted to the BOS. There are not that many subjects not within the BOS jurisdiction. The BOS cannot have a rule that any comment had to be objective; whatever said had to be proven by facts that it is true; the Court said have to let people speak subjectively on a matter. Limits on the comment period, no obscenities and cannot tolerate threats or fighting words. Cannot apply a rubbery standard for a particular comment because then you are applying your subjective standard on the speaker. Falmouth public comment policy that exists now has the public comment at regularly scheduled meeting. The BOS allows comments the issue being commented on is not on the agenda, in addition the BOS has imposed the following: 1. The BOS cannot deliberate or engage in conversation with the speaker, if important enough to be discussed, must be put on future agenda. 2. Comments about person noted these comments can be discussed in executive session if appropriate and would go through the Town Manager. Constitutional provisions of free speech apply.

During the regular session, speakers are limited to those recognized by the Chair.

Public comment period is at the pleasure of the BOS.

No constraint about the time allotted. It's permissible to have a limit on the time.

Dan Shearer noted they have rule not to talk about something that is not on the agenda. According to Ms. English Braga, that is the rule that surrounds the open meeting law.

The BOS has the choice as to whether to allow people to comment on a matter on the agenda, it is not required under State law.

Malcolm Donald, interested in this and appreciates the BOS discussing it. Previous boards sometimes had a matter come before them and they would say there is no public comment. Chair Moran noted that in terms of moving ahead with the agenda, it is based on the discretion of the chair in moving the meeting. As long as announced whether comment will be allowed and how much time will be allowed, it meets the requirements. Mr. Donald asked if there is any recourse for citizens if they want to address an disuse, Chair Moran suggested the comment be emailed.

Malcolm asked if any discussion about the questions people ask and they do not get an answer. When someone in public comment period, the BOS is not allowed to respond or allow for any deliberation. You'll never see it in public it will happen.

The BOS responded that they do their best to get the answers.

Dan Shearer, asked if the BOS had thought about public comment being at the end of the meeting rather than the beginning. If you listen and have a statement on something you are going to think about, it is a good time to ask the BOS if they have thought of something. The BOS has it at the beginning so that people wishing to comment do not need to wait until the end of the meeting, which at times can go late into the evening.

6. Approve 2019 annual license renewals:

Common Victualler License

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

Mr. Suso will confirm Dunkin Donuts address.

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

7. Minutes of Meetings:
Public Session

October 29, 2018

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

Ms. English Braga motion to rescind the edit regarding Locustfield development. Second Mr. Patterson.
Vote: Yes-5. No-0.

January 7, 2019

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

8. Individual Selectmen's reports

Mr. Brown:

Attended the BOH meeting Saturday, engaged crowd, strong comments.

Wednesday he will speak with the Rod and Gun Club and legislatures regarding releasing money for the Farley Bog.

Mr. Patterson:

Attended the BOH meeting.

Attended the School Committee meeting, the contract for the FHS multi sport field was approved. There is still an issue of running water and power to the stands, concessions, press box, and bathrooms. The new MCAS test is being rolled out by the state with focus on student achievement and growth used to track student progress.

Attended the Conservation Commission and Community Preservation Committee meetings last week.

Attended an Eagle Scout Court of Honor.

9. Town Manager's report

Annual meeting of MA Municipal Association is Friday and Saturday.

Advised the BOS that Chief Dunne will be sworn in as the new President of the Chiefs Association.

Town offices will be closed for the holiday on 1/21/19.

10. Review and/or discuss correspondence received-none.

Mr. Jones motion to adjourn at 10:07 pm. Second Ms. English Braga. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: January 26, 2019



- I look forward to joining the Board for the upcoming Joint Boards Meeting set for 8:30AM tomorrow (Saturday) at Falmouth Academy. We will have refreshments and “light” breakfast fare available. We will also have power point capability to facilitate comprehensive discussion on the several development and related topics.
- We have been asked by the School Department to assist them in removing what has been determined to be a hazardous tree on the Mullen Hall School property. I will be referring to this as an “announcement” on Monday evening. It does not require a hearing.
- I am asking Selectmen to vote in clarifying a minor “scrivener’s error” in the recent action to support the Town of Bourne’s Bikeway funding application. This is further explained with a handout in your Board packet.
- Selectmen will be hearing a presentation on the potential sale of Town tax title property. This is an opportunity which has been discussed informally for some time and which has occurred in other municipalities to assist in “disposing” of lingering, long-term tax delinquent parcels and returning them to more productive use.
- Selectmen will be considering approval of the warrant articles for the April Town Meeting. Under separate cover with your Board packet, you have a memo from Peter which summarizes a recent discussion which he, I and Jennifer Petit had specifically regarding the potential “3% impact fee” which has become available under the newly-approved State lodging tax legislation. For reasons noted in the memo, we suggest that the Board hold off on bringing this matter forward and allow sufficient time to properly clarify the State Department of Revenue’s intentions and final guidelines to facilitate proper, responsible and even-handed implementation of this impact fee. Given the timing, many unanswered questions remain. The Town’s budget is balanced for FY20 with secure revenues and I feel that we should take the time to receive the full guidance of DOR and to put a well thought out process in place to be potentially considered at a future Town Meeting.

- We will be discussing with the Recreation Committee the matter of departmental staffing. As a reminder, the Town has NOT decreased the number of full-time positions available and working with Joe Olenick in Recreation. I have, however, changed the formal job title of the former assistant director position to more effectively serve the overall function of recreation (while also, as we have discussed in the past, providing some administrative assistance to the Beach function). As a reminder, beyond this continued level of staffing, the FY20 budget includes additional seasonal hours to assist and expand the necessary staff support for the successful summer camp programs that Recreation provides. Also to be discussed with the Recreation Committee is the proposed relocation of the playground equipment which has been taken up and stored from the former location next to the Gus Canty Center. Working with Sandy Cuny, this equipment is proposed to be relocated to the area of the Sandwich Road fields. Independent of this, of course, is the eventual placement of a new playground at a site to be determined on the Gus Canty property (and for which funding has already been provided as part of the new Senior Center project).
- On Thursday evening, I was pleased to attend the second meeting of the Route 28 Citizens Committee. With the able assistance of Ray Jack, the group is making significant progress in their mission to recommend to the Board of Selectmen a suggested, compromise road layout for that section of the roadway from the School Administration Building into East Falmouth. On Saturday, February 2, the Committee plans to have a site visit to this roadway corridor to review specific conditions first-hand.
- I was pleased to attend the Annual Massachusetts Municipal Association Conference on Friday and Saturday, January 18 and 19 in Boston.
- As you know, Falmouth said goodbye this week to Tommy Leonard. The loving response from the Falmouth community was especially moving. We were joined by representatives from throughout the Commonwealth in recognition of the many lives that Tommy's self-less, charitable work has touched. He will be missed.