

TOWN OF FALMOUTH
BOARD OF SELECTMEN
REVISED AGENDA

MONDAY, MAY 20, 2019 – 7:00 P.M.

SELECTMEN'S MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamations:
 - a. Eagle Scout – Alden H. Thomas, Troop 40
 - b. Rotary Club of Falmouth's Inaugural Kids' Day of Play – June 8, 2019
4. Recognition
5. Announcements
6. Public Comment
7. Vote to Affirm Appointment of Communications Administrator and Waiver of Residency Requirement

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for Transfer of Common Victualler License and Automatic Amusement License by New England Authentic East, LLC d/b/a D'Angelo Located at 689 Main Street, Falmouth
 - b. Application for New Second-Hand Dealer License – Old Nouveau, Located at Home Again Consignment Shop, 94 East Falmouth Highway, East Falmouth
 - c. Application for Change of Name and Change of Manager of a Common Victualler License – The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café, Located at 465 Grand Avenue, Falmouth
 - d. Application for Special One-Day Wine and Malt Liquor License – Debra Rogers, Falmouth Community Television (FCTV) Annual Meeting – 310 Dillingham Ave. – Thursday, 5/30/19
2. Administrative Orders
 - a. Approve Eversource Energy and Verizon New England, Inc. Petition to Install one (1) pole #35/6 on Barrows Road, East of Willette Way
 - b. Approve Coastal Resiliency Action Committee Application to the CZM Coastal Resiliency Grant Program for an Amount up to \$250,000 and Entitled Falmouth Buzzards Bay Shoreline: Defining a Sediment Budget
 - c. Vote to Accept a Gift of Floats from a Member of the West Falmouth Boat Club with a Declared Value of \$15,000 to be Installed in West Falmouth Harbor
 - d. Vote to 1) Approve the Water Quality Management Committee as a project partner with the Woods Hole Oceanographic Institution in submission of a grant proposal to EPA-Southeast New England Program (SNEP) to fund the installation of a permeable reactive barrier at 0 Shorewood Drive, East Falmouth; and 2) Consider and Vote on exemption from Conflict of Interest Law – Matt Charrette, member of the Water Quality Management Committee and employee at Woods Hole Oceanographic Institution to participate in this project
 - e. Vote to Approve Expenditure from the DNR Donations Account and the Shellfish Donations Account in the Amount of \$5,974.00 for the Purchase of Shellfish Upweller Pumps

7:30 p.m. PUBLIC HEARINGS

1. Application for New All Alcoholic Common Victualler License – The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café, Located at 465 Grand Avenue, Falmouth
2. Dog Hearing – Deborah Ewald – Request Appeal of Decision of Dog Hearing Officer, Continued from May 6, 2019

8:00 p.m. BUSINESS

1. Report – Falmouth Litter Reduction Team
2. Joint Base Cape Cod (JBCC) Commanders' Briefs on JBCC Initiatives, Projects and Issues
3. Interview, Vote and Appoint Committee Member – Zoning Board of Appeals, Associate Member:
 - a. Mary Barry
 - b. Lenahan O'Connell
4. Request for Sign Variance – Compassionate Care ALS - 17 Chase Road, West Falmouth
5. Request for Sign Variance – Temporary Off-Premise Sign – Compassionate Care ALS - Request for Extension of Time to Display Sign at the Corner of Chase Rd. and Rt. 28A, West Falmouth
6. Vote to Appoint Member to Board of Registrars:
 - a. Edward (Skip) McCormack
7. Annual Reappointment of Inspectors of Animals
8. Approve 2019 Annual/Seasonal License Renewals:
 - Lodging House License
Capt. Tom Lawrence House Inn, 75 Locust St., Falmouth
 - Second-Hand Dealer License
Cape Kids' Treasures, 15 Davis Straits, Falmouth
9. Minutes of Meetings:
 - a. Public Session – April 29, 2019; May 6, 2019
 - b. Executive Session – May 6, 2019
Vote to Release/Not to Release Minutes of Executive Sessions
 - c. Review of Executive Session Minutes and Vote to Release
10. Individual Selectmen's Reports
11. Town Manager's Report
12. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman
Board of Selectmen



PROCLAMATION

WHEREAS: Alden H. Thomas of Boy Scout Troop 40 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: Alden H. Thomas 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: Alden H. Thomas is now an Eagle Scout with all its rank and privilege;

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

SUNDAY, JUNE 2, 2019 AS ALDEN H. THOMAS 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

Douglas H. Jones

Boy Scout Troop 40

Lynn A Briggs
Troop Secretary
26 Comanche Drive
Falmouth, MA 02540

phone: (774) 836-8188
e-mail: lynnbdream2@gmail.com



BOY SCOUTS OF AMERICA

April 23, 2019

Susan L. Moran, Chairman
Falmouth Board of Selectman
59 Town Hall Square
Falmouth, MA 02540



Dear Ms. Moran,

Alden H. Thomas of Boy Scout Troop 40 of Falmouth, Massachusetts, sponsored by Saint Barnabas Memorial Church, has progressed through the ranks of scouting and has achieved the rank of Eagle Scout. Alden is a good citizen and a credit to his community and nation.

Here is a statement from Alden about his Eagle Project and what scouting has done for him:

“During my Eagle Service Project, I cut approximately 1570 feet of new hiking trails and built approximately 120 feet of bog bridges on the 300 Committee’s Two Ponds Property. My project trails connect to an accessible boardwalk and create a loop around the Two Ponds parcel in Falmouth, Massachusetts. This walking loop travels through a White Cedar Swamp, which is a unique habitat in our town. The Two Ponds Parcel is next to Atria Woodbriar Assisted Living Community and is located across from Homeport. Homeport is a series of professional office buildings which house medical offices, banks, and other businesses. The large number of residents of Atria and the employees at Homeport will be able to enjoy the walking trails and boardwalk during their lunch breaks. This property is in the downtown area of Falmouth, so many town residents will be able to enjoy this walking trail as well. I am proud to say that under my leadership, thirty-three people provided 145 hours of service to complete this project.

I have been involved in Scouting for over ten years. Not many people remain committed to something for over a decade. Scouting has allowed me to build important life skills such as leadership, cooperation, collaboration, problem-solving, public speaking, independence, and confidence. These skills allow me to be very comfortable in many situations that most people my age are not. I have hiked, camped, canoed and traveled to many amazing places with my Troop. Boy Scouting has helped me to build friendships with people of all ages. I looked up to the older Scouts and adult leaders when I was younger, and I am proud to work with younger Scouts now that I am older. Scouting has instilled in me the importance of service to others. I know that I will take the lessons learned in Scouting with me into my adult life.”

I hope you will consider sending a letter of recognition or appropriate citation to this fine individual, to be read at his Eagle Court of Honor on Sunday, June 2nd, 2019 at 2:00 p.m. at St. Barnabas Hall in Falmouth, Massachusetts.

Please consider presenting a commendation from the town recognizing this fine individual, to be read at the Eagle Court of Honor. He wishes to extend an invitation to attend his ceremony to you as well as your colleagues, Megan English Braga, Doug Jones, Samuel H. Patterson, and Doug Brown.

Thank you,
Lynn A Briggs, Troop 40, Boy Scouts of America

A handwritten signature in black ink that reads "L A Briggs".



PROCLAMATION

WHEREAS: Falmouth and its neighboring communities are true champions of our youth's wellness and development;

WHEREAS: Decades of research shows play is an essential part of a child's healthy physical, cognitive, and social development. "Learning starts with play. Wondering, exploring, figuring it out – play has a purpose. It's how children make sense of the world around them and find their place in it."

WHEREAS: Despite the mounting research and even our own pleasant memories of childhood play, our youth's precious playtime faces increasing competition. Regimented schedules, ever-increasing screen time, and parental fears of unsupervised activities all contribute to an erosion of our children's most natural developmental activity: PLAY!

WHEREAS: With such compelling data and so much at stake, Rotary Club of Falmouth's investment in our community's youth is no child's play – or, maybe it is! This DAY OF PLAY will be a community-wide celebration of youth and the play which defines it. Children's smiles and laughter will not be the day's only outcome. As families engage in some well-earned frivolity, child development resources will be shared, partnerships will grow, and our community will reinforce its shared investment in future generations.

NOW THEREFORE, We, Susan L. Moran, Megan English Braga, Douglas H. Jones, Samuel H. Patterson and Douglas C. Brown as Selectmen of the Town of Falmouth, do hereby PROCLAIM **June 8th, 2019** as,

ROTARY CLUB OF FALMOUTH'S INAUGURAL DAY OF PLAY

IN WITNESS WHEREOF, we have hereunto set our hands and caused the great seal of the Town of Falmouth to be affixed this day, Monday, June 3, 2019.

Susan L. Moran, Chairman

Samuel H. Patterson

Megan English Braga, Vice Chairman

Douglas C. Brown

Douglas H. Jones

FALMOUTH BOARD OF SELECTMEN

Christopher A Campbell

144 Rumford Ave
Mansfield MA 02048
(508) 339-3269 Home
(774) 991-4511 Cell
c.campbell911@gmail.com

Experience:

Town of Seekonk – Director of Communications (March 14 to Present)

Responsible for overseeing and managing the daily operations of the towns Public Safety Communications Department which encompasses a staff of 9 full time telecommunicators with an annual operating budget of over as \$750,000. Additional responsibilities include overseeing the department's internal and external training programs. Ensuring compliance with state mandated continuing education requirements as well as internal standards for department employees. Act as the Communications Department liaison to various Federal, State and local agencies as well as other town departments, boards and commissions. Research, apply and administer various state and federal grant programs in accordance with pre-established guidelines to help lessen the financial impacts of department operations and infrastructure improvements to the community. Ensure compliance with all local, state and federal regulations. Review, establish and maintain departmental policies and standard operational procedures. Assist in negotiating collective bargaining agreements with employee unions.

Town of Mansfield Police/Fire Dispatch (May 05 to Present)

Responsible for the operations of the town's public safety communications systems, including the police/fire/ems radio systems, answering of business lines and 911 system as well as acting as the afterhours answering point for the town's public services (DPW, Electric & Water Depts.). Additionally, responsibilities include maintaining and updating the departments training program, training all new employees to the communications department and tracking and maintaining certifications of all communications employees. Acting as the department's primary representative to the Massachusetts Department of Criminal Justice Information Systems and ensuring compliance with all state and federal regulations. Acting as a department liaison to the Massachusetts State 911 Department and maintaining accurate street and address records as well as maintaining the towns disability database for the 911 system, Monitoring and maintaining the departments juvenile lock up records and ensuring the compliance with state and federal detention regulations.

Town of Norton Public Safety Dispatch (June 96 to May 05)

Responsible for the operations of the towns' public safety communications systems, including the police/fire/ems radio systems, answering of business lines and 911 system as well as acting as the afterhours answering point for the towns public services(DPW, Electric & Water Depts.)

Education:

Wrentham Public School System
Tri County Regional Vocation Technical High School (Class of 1992)
Massasoit Community College

Awards:

2016 International Academies of Emergency Dispatch – David M Connolly Leadership Award
2009 Commonwealth of Massachusetts State 911 Department 9-1-1 Honors Award

Strengths:

Team building skills
Excellent interpersonal communications
Budgeting and Grant management
Ability to multi task under stressful conditions

Strong computer skills
Experience in crisis intervention
Proven commitment to public service
Strong desire to exceed expectations
Willingness to be a productive member of a team environment
Able to work independently and complete tasks on or before deadlines

Certifications:

International Academies of Emergency Dispatch Communications Center Manager
National Center for Missing & Exploited Children Chief Executives Training Program
Association of Public Safety Communications Officials Communications Center Supervisor
Association of Public Safety Communications Officials Communications Training Officer
Association of Public Safety Communications Officials 40 hour Basic Telecommunications
Association of Public Safety Communications Officials Fire Communications
Association of Public Safety Communications Officials Active Shooter Incidents
Association of Public Safety Communications Officials Homeland Security
FEMA ICS 100, 200, 300, 400
FEMA IS-00700, 800
FEMA Public Information Officer
National Emergency Number Association Disaster Planning for PSAPS
Public Safety Training Consultants Leadership Training
Power Phone 911 Supervision
Power Phone Active Shooting Response
Power Phone Hostage Negotiations
Power Phone Advanced law Enforcement Dispatch
Power Phone Emergency Medical Dispatch
Power Phone Emergency Medical Dispatch Quality Assurance/Quality Improvement
Power Phone Disasters and the Dispatcher
Massachusetts Department of Criminal Justice Information Systems Certifications
Massachusetts State 911 certification
Massachusetts State 911 Academy
Massachusetts State Ethics Commission Training
Massachusetts State Ethics Commission Conflict of Interest
Massachusetts Commission Against Discrimination Sexual Harassment Training
Massachusetts Department of Fire Services Statewide Mobilization Planning
The Public Safety Group 911 Management
The Public Safety Group Communications Training Officer
The Public Safety Group Telecommunicator Liability
Suicide Prevention in Lock up
International Critical Incident Stress Foundation Basic Critical Incident Stress Management
International Critical Incident Stress Foundation Advanced Critical Incident Stress Management
International Critical Incident Stress Foundation Peer Support
First Contact 911 Managing Crisis Callers
Municipal Police Institute Testifying in Court
Legal Updates for Dispatchers
Protecting Law Enforcement Responders
National Rifle Association Marksmanship
Firearms Basic Safety Certification
Previous certification as a basic emergency medical technician
American Heart Association CPR (health care provider)

Number:
CV-059

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
New England Authentic Eats, LLC d/b/a D'Angelo
689 Main Street
Falmouth MA 02540
is hereby granted this
Common Victualler's License

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

Valid from: May 20, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

May 20, 2019

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

Number:
005-AAIAD

Fee
\$100.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
New England Authentic Eats, LLC d/b/a D'Angelo
689 Main Street
Falmouth MA 02540
is hereby granted this
Automatic Amusement Device License

This license is granted in conformity with the Provisions of Chapter 140 of the General Laws as amended by Chapter 361, of the Acts of 1949 and expires on the below date unless sooner suspended or revoked.

One (1) Sunstar vending machine - Pinnacle 36

Valid from: May 20, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

May 20, 2019

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



March 28, 2019

RE: License Application

Please note that Papa Gino's Inc. and D'Angelo's sold all of their assets to New England Authentic Eats LLC (DBA Papa Gino's & D'Angelo) as a result of the Chapter 11 Bankruptcy filing.

As such, we are submitting a check and application in order to obtain a new license under the new owner's TIN.

Please contact: Help-AP@PapaGinos.com if you have any questions or if there is additional paperwork that we need to complete in relation to the change in ownership. Also, please note that the General Manager and other staff at the restaurant have not changed.

The new TIN is: 61-1905885

Regards,

Pam Swain, License Coordinator
600 Providence Highway
Dedham, MA 02026
781-467-1608

New England Authentic Eats LLC.
600 Providence Hwy.
Dedham, MA 02026
Phone 781-461-1200

Phyllis Downey

From: Noreen Stockman
Sent: Tuesday, April 23, 2019 8:42 AM
To: Phyllis Downey
Subject: RE: D'Angelo application for common victualler license

Thank you, all set for ZBA.

Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey
Sent: Monday, April 22, 2019 4:21 PM
To: Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Subject: D'Angelo application for common victualler license

Good afternoon,

New England Authentic Eats, LLC has submitted the attached application for common victualler license.

If there are any recommendations may we please request they be forwarded by Thursday, May 16th? The BOS will review this application at their meeting of May 20, 2019.

Thank you,

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

Phyllis Downey

From: Mel Trott
Sent: Tuesday, April 23, 2019 12:49 PM
To: Phyllis Downey
Cc: Boyd Demello; Timothy Smith
Subject: RE: FYI - Common victualler application

Hi Phyllis,

The Fire Rescue Department is not opposed to the issuance of a Common Victualler's License for New England Authentic Eats, LLC at 689 Main Street.

Thanks,

Mel

Lt. Mel Trott

Fire Prevention Officer
Falmouth Fire Rescue Department
Phone: 508-495-2533
Fax: 508-495-2540
E-mail: mel.trott@falmouthfirema.gov

From: Timothy Smith <timothy.smith@falmouthfirema.gov>
Sent: Monday, April 22, 2019 5:49 PM
To: Mel Trott <mel.trott@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Subject: Fwd: FYI - Common victualler application

FYI

Sent from my iPhone

Begin forwarded message:

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Date: April 22, 2019 at 16:19:51 EDT
To: Sean Doyle <sdoyle@falmouthpolice.us>, Brian Reid <brian.reid@falmouthpolicema.gov>, "Tim Smith (tsmith@falmouthfire.us)" <tsmith@falmouthfire.us>
Subject: FYI - Common victualler application

Hello,

For your information, New England Authentic Eats, LLC has applied for a Common Victualler's License at 689 Main Street, Falmouth.

Thank you,

Phyllis Downey

Number:
017-SHD

Fee
\$25.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Old Nouveau
Laura Bergeron, Owner
94 E. Falmouth Highway
East Falmouth, MA 02536
is hereby granted this

Second-Hand Dealer's License

Booth selling jewelry hand made from recycled materials at
Home Again consignment store

To be a dealer in or keeper of a shop for the purchase, sale of barter in:

JUNK, OLD METALS AND SECOND HAND ARTICLES
in said Falmouth in accordance with the laws of the Commonwealth of Massachusetts relating
thereto, the ordinances and by-laws of said Falmouth and such rules and regulations provided for
the supervision thereof.

This license shall continue in force unless sooner revoked and is subject to sections two hundred
and two and two hundred and five, inclusive, of the General Laws, Chapter 140, as amended.

Valid from: May 20, 2019

Valid until: April 30, 2020

By order of The Falmouth Board of Selectmen

May 20, 2019

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

Phyllis Downey

From: Noreen Stockman
Sent: Monday, May 6, 2019 12:39 PM
To: Phyllis Downey
Subject: RE: Old Nouveau Second Hand Dealer license application

All set with Zoning,
Thanks,
Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Monday, May 6, 2019 9:26 AM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>
Subject: Old Nouveau Second Hand Dealer license application

Good morning,

Attached please find an application for Second Hand Dealer license by Laura Bergeron – Old Nouveau. Ms. Bergeron will have a booth in Home Again consignment shop, license #015-SHD.

The BOS plan to be review this application at their May 20th meeting. May we please request any recommendations you may have be received by Thursday, May 16th?

Thank you,
Phyllis
Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

Phyllis Downey

From: Mel Trott
Sent: Tuesday, May 7, 2019 12:43 PM
To: Phyllis Downey
Subject: Old Nouveau Second Hand Dealer license application

Hi Phyllis,

The Fire Rescue Department is not opposed to this license.

Thanks,

Mel

Lt. Mel Trott

Fire Prevention Officer
Falmouth Fire Rescue Department
Phone: 508-495-2533
Fax: 508-495-2540
E-mail: mel.trott@falmouthfirema.gov

Phyllis Downey

From: Douglas DeCosta
Sent: Tuesday, May 7, 2019 3:02 PM
To: Phyllis Downey; Diane Davidson
Subject: Background Check- Laura Bergeron of Old Nouveau

**Background Check- Laura Bergeron of Old Nouveau
Dealer of Secondhand Articles**

May 7, 2019

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

Laura Bergeron of Old Nouveau

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

Sincerely,

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



-----NOTICE-----

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

Number:
41-CV

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Black Dog Tavern Company, Inc. dba The Black Dog
Heights Café
Jill V. Gillick, Manager
465 Grand Avenue
Falmouth, MA 02540
is hereby granted this
Common Victualler's License

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

Valid from: May 20, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

May 20, 2019

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

Phyllis Downey

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Tuesday, July 10, 2018 6:12 PM
To: Phyllis Downey; Timothy Smith; 'Scott McGann'; Rod Palmer; Reid Brian
Subject: RE: Black Dog application for Common Victualler's license

This department does not have any objections to this request.

Sean Doyle,
Lieutenant

From: Phyllis Downey [mailto:phyllis.downey@falmouthmass.us]
Sent: Monday, July 09, 2018 11:29 AM
To: Tim Smith <tsmith@falmouthfire.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Palmer Rod <rod.palmer@falmouthmass.us>; Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: Black Dog application for Common Victualler's license

To All,

Attached please find an application for a common victualler's license as follows:

1. Common Victualler license: Black Dog Tavern Co., located at 465 Grand Avenue, Falmouth

May I request your recommendations, if any, by Thursday, June 19, 2018?

Thank you,

Phyllis

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

Phyllis Downey

From: Noreen Stockman
Sent: Thursday, April 25, 2019 3:08 PM
To: Phyllis Downey
Subject: RE: Black Dog Tavern 465 Grand Avenue applications

Thank you,
All set with ZBA.
Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey
Sent: Thursday, April 25, 2019 3:02 PM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: Black Dog Tavern 465 Grand Avenue applications

Good afternoon,

The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café located at 465 Grand Avenue, Falmouth, has submitted applications for the following:

1. All Alcohol Restaurant
2. Change of Manager for Common Victualler license #41-CV to Jill V. Gillick, as noted in liquor license application – Ms. Gillick will complete background check at Central Records office
3. Change the name of the restaurant on the Common Victualler license #41-CV from Heights Café to The Black Dog Heights Café

Please contact me if any further information is needed.

May we request any recommendations be sent by Thursday May 16th? The Board will review the applications at their meeting of May 20, 2019.

Thank you,

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

Phyllis Downey

From: Timothy Smith
Sent: Thursday, April 25, 2019 4:22 PM
To: Phyllis Downey
Subject: RE: Black Dog Tavern 465 Grand Avenue applications

Phyllis,
Our Fire Prevention Office has no issues with this application. They do not meet the crowd manager requirement and have all required life safety devices needed for occupancy.
Thank you.

Timothy Smith, Deputy Fire Chief
Falmouth Fire Rescue Department
Work: (508) 495-2514
Cell: (508) 274-6410

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, April 25, 2019 3:02 PM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: Black Dog Tavern 465 Grand Avenue applications

Good afternoon,

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1. All Alcohol Restaurant
2. Change of Manager for Common Victualler license #41-CV to Jill V. Gillick, as noted in liquor license application – Ms. Gillick will complete background check at Central Records office
3. Change the name of the restaurant on the Common Victualler license #41-CV from Heights Café to The Black Dog Heights Café

Please contact me if any further information is needed.

May we request any recommendations be sent by Thursday May 16th? The Board will review the applications at their meeting of May 20, 2019.

Thank you,

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

Phyllis Downey

From: Phyllis Downey
Sent: Thursday, April 25, 2019 3:02 PM
To: Noreen Stockman (noreen.stockman@falmouthma.gov); Rod Palmer (rod.palmer@falmouthma.gov); Scott McGann; Timothy Smith; Ollie Fitzpatrick (ollie.fitzpatrick@falmouthma.gov); Sean Doyle (sdoyle@falmouthpolice.us); Brian Reid (brian.reid@falmouthpolicema.gov)
Subject: Black Dog Tavern 465 Grand Avenue applications
Attachments: Black Dog Tavern Heights Cafe 4.25.19.pdf

Good afternoon,

The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café located at 465 Grand Avenue, Falmouth, has submitted applications for the following:

1. All Alcohol Restaurant
2. Change of Manager for Common Victualler license #41-CV to Jill V. Gillick, as noted in liquor license application – Ms. Gillick will complete background check at Central Records office
3. Change the name of the restaurant on the Common Victualler license #41-CV from Heights Café to The Black Dog Heights Café

Please contact me if any further information is needed.

May we request any recommendations be sent by Thursday May 16th? The Board will review the applications at their meeting of May 20, 2019.

Thank you,

Phyllis Downey

Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

2019

License Alcoholic Beverages

19-38-WM

Fee:

25

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

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To Falmouth Community Television

310 Dillingham Avenue
Falmouth MA 02540

On the following described premises:

Bar will be located in the main entry hall of the new office building.

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 30th day of May 2019 until the 30th day of May 2019, unless earlier suspended, cancelled or revoked.

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

5:00 - 8:00 pm

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 20th day of May 2019

_____	_____
_____	_____
_____	Licensing Board

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

Phyllis Downey

From: Noreen Stockman
Sent: Wednesday, May 15, 2019 11:56 AM
To: Phyllis Downey
Subject: RE: One-Day Liquor License - FCTV Annual Meeting

All set with Zoning Board of Appeals.

Thank you,
Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, May 15, 2019 10:35 AM
To: Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Cc: Ashley DeMello <ashley.demello@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>; pam.marshall@falmouthma.gov
Subject: One-Day Liquor License - FCTV Annual Meeting
Importance: High

Good morning,

May we please ask for your recommendations, if any, by Monday morning, May 20th regarding the attached application for a One-Day Liquor License – Wine & Malt Beverages from FCTV for their Annual Meeting at 310 Dillingham Avenue, Falmouth to be held May 30, 2019 from 5:00 – 8:00 pm at their annual meeting. (FCTV regrets the short notice)

Appetizers will be donated by the Quarterdeck Restaurant. Applicants have been asked to verify requirements with the Health Department.

There will be a Cash Bar. Applicants have been advised of the need to purchase alcohol from a Massachusetts authorized wholesaler or 12c caterer, in this case Murphy's Package Store.

The Board of Selectmen will discuss this application at their meeting on Monday, May 20, 2019.

Best regards,

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

Phyllis Downey

From: Mallory Langler
Sent: Thursday, May 16, 2019 2:08 PM
To: Phyllis Downey
Subject: RE: One-Day Liquor License - FCTV Annual Meeting

Hi Phyllis,

I confirmed details with Andrew from FCTV today, and no food permit is needed since the Quarterdeck is catering the event. Thanks!

Mallory

From: Phyllis Downey
Sent: Wednesday, May 15, 2019 10:35 AM
To: Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Cc: Ashley DeMello <ashley.demello@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>; pam.marshall@falmouthma.gov
Subject: One-Day Liquor License - FCTV Annual Meeting
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Best regards,

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325



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: May 16, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: **Eversource – Petition to install one (1) new Jointly Operated-Eversource Pole on Barrows Road**

A petition was submitted by Eversource to install one (1) new Jointly Operated-Eversource Pole (35/6) on Barrows Road to accommodate a transformer for a new residential subdivision (Willette Way)

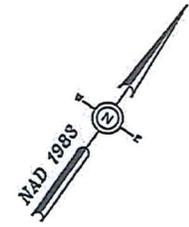
The Engineering recommendation is to approve the request as submitted on Plan No. 2313154, W/O #2313154, dated April 5, 2019.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install new JO-ES pole #35/6 to accommodate transformer for new residential subdivision.



29 05 006 000A
0 BARROWS ROAD
HABITAT FOR HUMANITY
OF CAPE COD

29 05 009 001
50 BARROWS ROAD
SWEETING, ELISE M.

WILLETTE WAY

APPROX. R.O.W.

EDGE OF ROAD

BARROWS RD

EDGE OF ROAD

EDGE OF ROAD

APPROX. R.O.W.

35/5(JO-ES)

150'±

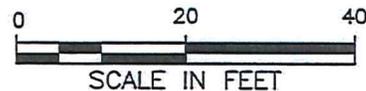
PROPOSED
35/6(JO-ES)

APPROX. 156'
TO ROYAL CIR

29 07 016 000
41 BARROWS ROAD
GALVAO, ISABEL CORREIA EST. OF

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Pole
- Existing Pole
- M 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 IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED, UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

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

Plan # 2313154

Ward #

Work Order # 2313154

Surveyed by: -

Research by: PG

Plotted by: PG

Proposed Structures: TL

Approved: A DEBENEDICTIS

P#



1165 MASSACHUSETTS AVE, DORCHESTER, MASS. 02125

Plan of BARROWS ROAD

FALMOUTH

Showing PROPOSED POLE LOCATION

Scale 1"=20'

Date APRIL 5, 2019

SHEET 1 of 1



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, May 16, 2019, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon of New England, Inc. to install One (1) Pole #35/6 at Barrows Road, East of Willette Way.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, May 3, 2019 Falmouth Enterprise

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

New Bedford, Massachusetts
APRIL 5, 2019

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

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

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

**BARROWS ROAD, East of Willette Way
WO# 2313154**

**One (1) Pole
POLE #35/6**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. **2313154**, Dated **APRIL 5, 2019**.

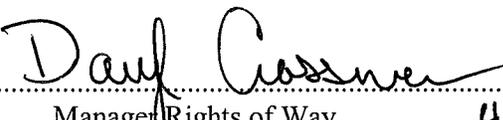
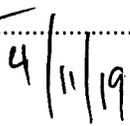
Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

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

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

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

VERIZON NEW ENGLAND, INC.

By.....
Manager Rights of Way 

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

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

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

IT IS HEREBY ORDERED:

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

be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **5** day of **APRIL, 2019**.

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

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. **2313154**, Dated **APRIL 5, 2019** filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND, INC. not to exceed **40** wires and **4** cables and by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables and fixtures

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

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

BARROWS ROAD, East of Willette Way
WO# 2313154

One (1) Pole
POLE #35/6

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

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the _____ day of _____, 2019.

Clerk of Selectmen.

(over)

CA-72 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

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

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

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I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the _____ day of _____, 2019.

Clerk of Selectmen.

(over)

Introduction

The Coastal Resilience Action Committee and the the Conservation Department are proposing to submit a grant application to the Massachusetts Coastal Zone Management Program in response to their solicitation for proposals under their Coastal Resilience Grant Program. They have an expressed interest for non-structural measures that enhance natural resources to provide coastal storm damage protection.

The preliminary work from the ongoing study by the Woods Hole Group to assess the vulnerability of Town assets to future storms and sea level rise indicates that among the more vulnerable stretches of the Town's shoreline are the beaches and barrier beaches along the West Falmouth shore from the harbor entrance to Flume Pond. Along this stretch of shoreline are public beaches and barrier beaches which protect the harbor and significant wetlands (Great Sippewisset and Little Sippewisset marshes).

Coastal resilience projects for this area will include such activities as beach nourishment and dune creation and other activities that depend on a better understanding of the sources and movement of sediment. The development of sediment management plans was a top priority of the Vulnerability Workshops and resulting plan. Such top priorities receive added points in the grant selection process.

Objective

The objective of this project is to obtain sediment budget data to better select and design projects and other activities for adaptation to hazards associated with shoreline change from storms and sea level rise along the West Falmouth Buzzard's Bay shoreline.

Project Tasks

The project includes the following tasks:

- Collection and collation of historical shoreline changes and sediment studies along this reach
- Development of a long-term wave climatology for the buzzard's bay shore
 - Of most importance will be computation/prediction of alongshore sediment transport rates (and erosion-causing gradients) along the coast.
 - Shoreline change models must take into account how coastal structures have affected coastal sediment budgets
 - Modeling of potential effects of climate change on wave climate (and in turn coastal erosion) (maybe want to check if this is possible)
- Modeling of historic and future shoreline change
 - Using the wave climate computations, historical data, and previous studies, we will model historical change along the coast.
 - The historical analysis will also be used to identify and potential offshore sources or sinks of sediment to the natural system—i.e. what changes cannot be predicted by alongshore transport gradients.
 - We will also model future shoreline change, taking into account the effects of projected SLR and potential changes to the wave climate

- Identification of existing and potential sources of sediment for beach nourishment and actions that inhibit loss of sediment in order to maintain public beaches and barrier beaches in the face of erosion, sea level rise, and coastal storms including
 - Nearby navigational dredging, identify volumes available and most efficient use,
 - Existing offshore borrow areas,
 - inland sources,
 - natural or enhanced littoral drift, removal of blockages (groins, revetments, etc.),
 - identify existing shore hardening structures whose detriment to beach maintenance exceeds their their benefits other than structures necessary for navigational purposes (for these identify how effects on beach maintenance can be mitigated),
 - other approaches, e.g., off shore artificial reefs floating wetlands, breakwaters.

Future Projects

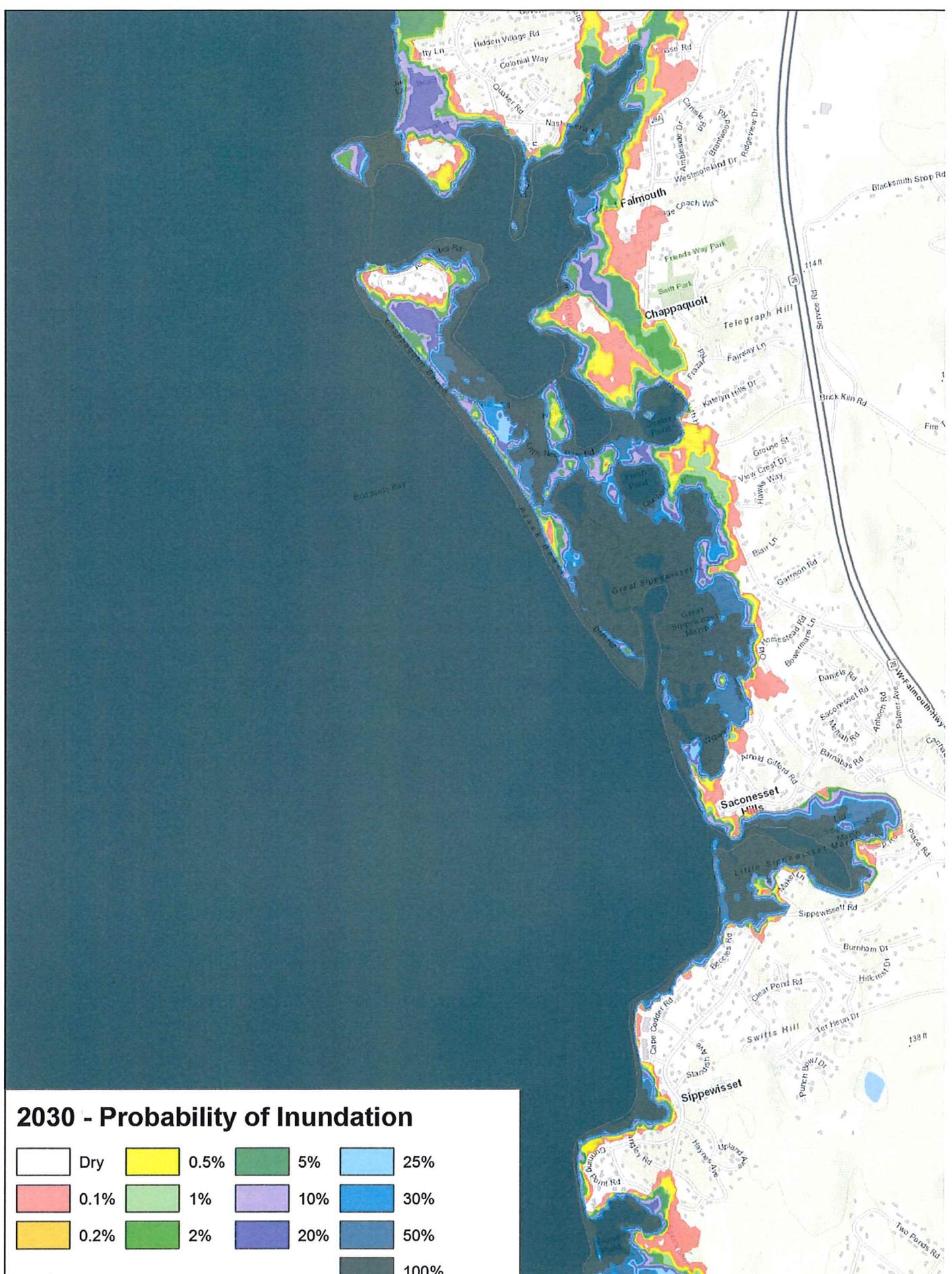
Given the Commonwealth's preference for *Nature-based Storm-Damage Protection Techniques*, The objective of the proposed work is to identify locations where the non-structural strategy of targeted placement of sandy beach fill ("beach nourishment") would be most effective. This project will support grant requests for future targeted feasibility, design, and construction of non-structural beach nourishment projects. Also, the results of the study will be used to determine where removal of existing coastal structures could allow for natural sediment flow to rebuild eroded beaches.

Budget

The total budget for this project is \$174,000.

The required local match is \$43,500. This would be a cash match from funds appropriated by Town Meeting for the purpose of providing cash match for state grants for coastal resiliency. The grant amount would be \$130,500.

Additional match from Town staff and the Committee would represent additional effort added to the total cost and increase the competitive nature of the grant submission.



2030 - Probability of Inundation

White	Dry	Yellow	0.5%	Light Green	5%	Light Blue	25%
Red	0.1%	Light Green	1%	Purple	10%	Blue	30%
Orange	0.2%	Green	2%	Dark Purple	20%	Dark Blue	50%
				Black	100%		

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

TO: PETER JOHNSON-STaub, ASSISTANT TOWN MANAGER
FROM: FRANK K. DUFFY, TOWN COUNSEL
SUBJECT: DOCKS, WEST FALMOUTH HARBOR
DATE: 5/8/2019
CC: GREG FRASER, MES DIRECTOR

This is a Vote to Accept Gift of Floats at West Falmouth Harbor. This gift and installation of the floats was coordinated by Greg Fraser, MES Director. The gift from the West Falmouth Boat Club was made possible by a donation of \$15,000 from a member of the club.

Please return one copy of the executed Vote to this office to be forwarded to the donor.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

TOWN OF FALMOUTH

Barnstable, ss.

Board of Selectmen

May 20, 2019

VOTE

TO

ACCEPT GIFT OF FLOATS

WEST FALMOUTH HARBOR

We the undersigned members of the Board of Selectmen of the Town of Falmouth, acting under the authority of G.L. c. 44, § 53A ½, accept a gift of floats to be installed along the outside of the standing dock at West Falmouth Harbor as determined by the Harbormaster. The floats are the gift of a member of the West Falmouth Boat Club and have a declared value of \$15,000.00. Three (3) photographs are attached.

Town of Falmouth
By its Board of Selectmen

Susan L. Moran, Chairman

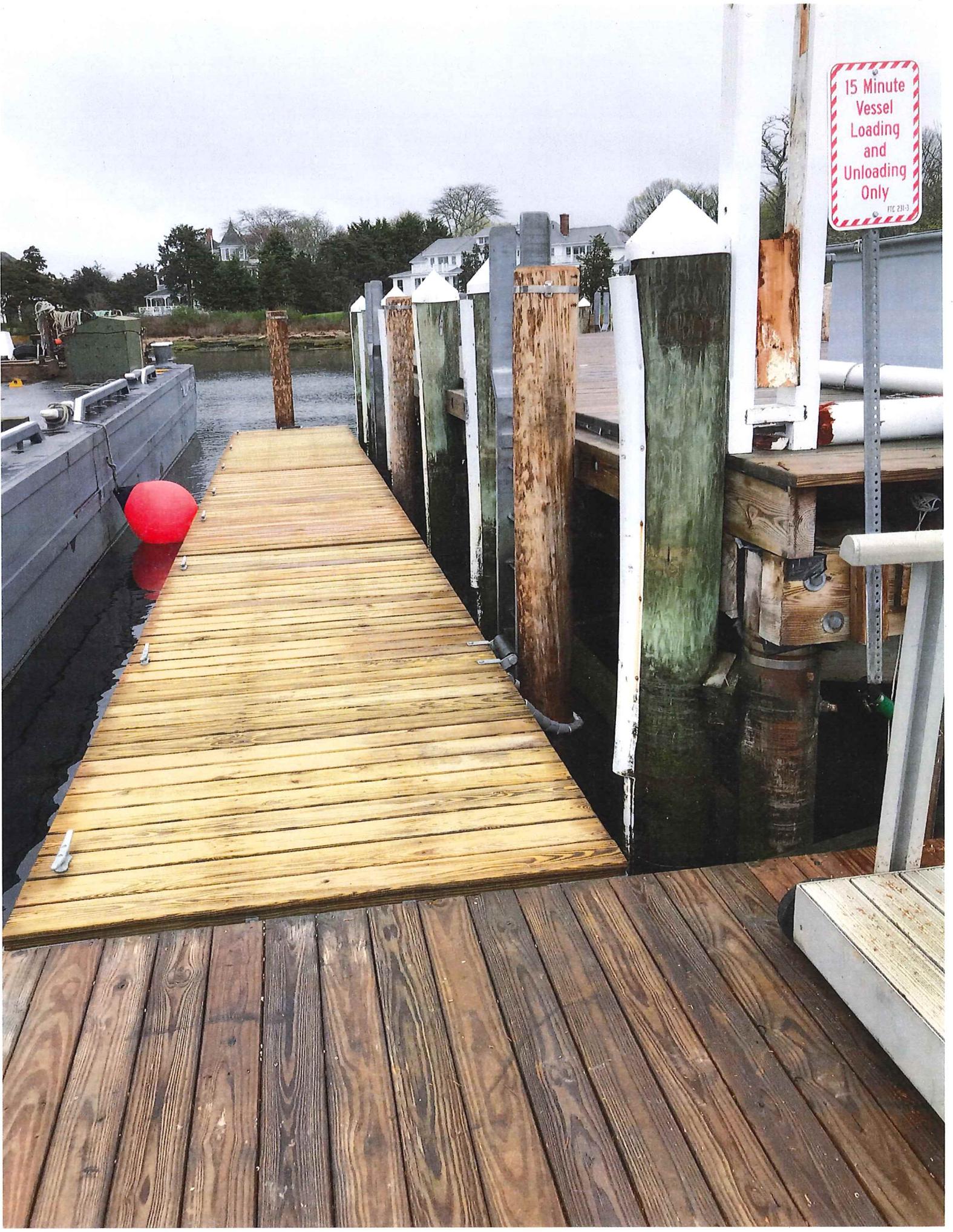
Megan English Braga, Vice Chairman

Doug Jones

Samuel H. Patterson

Douglas C. Brown

15 Minute
Vessel
Loading
and
Unloading
Only
REC 201-3







**WATER QUALITY MANAGEMENT COMMITTEE
TOWN HALL SQUARE FALMOUTH MA 02540**

May 6, 2019

TO: Julian Suso, Town Manager and Board of Selectmen
FR: Eric Turkington, Chair

RE: Approval of the Water Quality Management Committee as a project partner with the Woods Hole Oceanographic Institution in submission of a grant proposal to EPA-Southeast New England Program [SNEP] to fund the installation of a permeable reactive barrier at 0 Shorewood Drive, East Falmouth. The Water Quality Management Committee will provide \$36,222 of in-kind services.

Background:

Prior groundwater studies have shown that a town-owned parcel under the jurisdiction of the Selectmen located at the corner of Rt. 28 and Shorewood Drive, East Falmouth is a good location for installation of a permeable reactive barrier [PRB] to intercept nitrogen in the groundwater prior to discharge to Great Pond, an impaired estuary.

Proposal:

The Woods Hole Oceanographic Institution proposes to be the project leader for installation of a 150' long PRB. The technical consultant to the Water Quality Management Committee would serve as the project manager, providing coordination with project partners and fulfilling reporting requirements, valued at \$30,000. The WQMC would serve as an advisory body and public forum for education and outreach, valued at \$6,222. The project will last 30 months. Total grant request is \$406,711 with \$298,598 requested from EPA funds and \$108,113 in matching funds including the \$36,222 in in-kind services from Town of Falmouth.

The WQMC unanimously recommended approval of this grant proposal at their May 2, 2019 meeting.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

RECEIVED

MAY 13 2019

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Matthew Charette
Title or Position:	member
Municipal Agency:	Water Quality Management Committee (WQMC)
Agency Address:	Falmouth Town Hall Town Hall Square Falmouth MA 02540
Office Phone:	508-540-0005
Office E-mail:	mcharette@whois.edu
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Submission of grant application to EPA to install a permeable reactive barrier on town owned land. The WQMC are being asked for in kind support as is the town.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Project leader of the grant for which I will be compensated by my employer from EPA funds, but <u>NOT</u> town funds.
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

RECEIVED
MAY 13 2019
SELECTMEN'S OFFICE

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. As project leader, I would receive EPA funding through my employer (WHOI), but not any funds from the WQMC or Town.
Employee signature:	
Date:	5/13/19

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.



MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 467-2525

TO: Falmouth Board of Selectmen

FROM: Gregg P. Fraser
Director MES

RE: Expenditure of Donation Accounts for Purchasing Shellfish Upweller Pumps

DATE: May 14, 2019

Dear Madam Chairwoman and members of the Board of Selectmen,

The Falmouth Marine & Environmental Services Department is requesting to utilize donation account funding from the following accounts:

Account #: 280-35-70-5294, DNR Donations
Current balance: \$5,047.67

Account #: 280-35-70-5296, Shellfish Donations
Current balance: \$1,584.39

MES is intending to use the full balance of the DNR Donations account (\$5,047.67) and Shellfish Donations (\$926.33) for a total of \$5,974.00 to purchase 8 new shellfish upweller pumps, to replace 5 failed pumps and to allow for three standby extra pumps in the event some pumps becomes non-functional over this coming season.

The Falmouth Municipal Shellfish Propagation Center is in its sixth year of operation, and some pumps are needing replacing now.

Please find attached a copy of the quote for the exact pumps to be ordered.

Thank you very much.



Customer Quotation

To:

FALMOUTH SHELLFISH DEPT
 59 TOWN HALL SQ
 FALMOUTH MA 02540-2761

Information

Date 05/14/2019
 Customer Account Number 846320620
 Grainger Quote Number 42960464
 Customer Job Number
 Contract Number
 Grainger Representative Andrew Kelner
 Phone Number
 Fax Number
 Email
 Grainger Tax ID 36-1150280

Item	Description Manufacturer Name & Model	Cat. Pg. #	Qty	\$ Quote	Ext. Price	Start Date	Exp. Date
5NXT9	Submersible Sewage Pump, 1/2HP, 230V, 19 ft GOULDS WATER TECHNOLOGY WS0512BF Country of Origin: USA		8	746.75*	5,974.00	---	---
Total \$					5,974.00		

*Price quoted is either your earned price or contract price. This price may be subject to change without notice.
 All orders are subject to the terms and conditions in your current contract with Grainger or to Grainger's current Terms of Sale as set forth on Grainger.com

Thank You!
 Visit us at grainger.com

Pumps > Sump, Effluent and Sewage Pumps > Submersible Sewage Pumps > 1/2 HP Manual Submersible Sewage Pump, 230 Voltage, 90 GPM of Water @ 15 Ft. of Head >

[Print](#) [Email](#)

GOULDS WATER TECHNOLOGY

1/2 HP Manual Submersible Sewage Pump, 230 Voltage, 90 GPM of Water @ 15 Ft. of Head

Item # 5NXT9 Mfr. Model # WS0512BF Catalog Page # N/A UNSPSC # 40151517



Web Price ⓘ
\$1,069.32 / each

This item requires special shipping, additional charges may apply.

One Time Delivery

1

Add to Cart

[+ Add to List |](#)

Shipping Pickup

Expected to arrive Mon. May 13.

Ship To 02901 [\(Change\)](#)

☆☆☆☆☆ [Be the first to write a review](#)

Shipping Weight 77.4 lbs.

Country of Origin USA | *Country of Origin is subject to change.*

[How can we improve our Product Images?](#)

Compare



Save money on this similar product!



DAYTON 1/2 HP Manual Submersible Sewage Pump, 230 Voltage...

Web Price ⓘ
\$596.83 / each

[View Specs](#)

Note: Product availability is real-time updated and adjusted continuously. The product will be reserved for you when you complete your order. [More](#)

Technical Specs

Item	Submersible Sewage Pump	Amps - Pumps	7.30
Pump HP	1/2	Height	19"
Voltage - Pumps	240VAC	Diameter	12-1/2"
Input Phase AC	1	GPM of Water @ 10 Ft. of Head	122
Discharge NPT	2"	GPM of Water @ 15 Ft. of Head	90
Max. Head - Pumps	19 ft.	GPM of Water @ 20 Ft. of Head	50
Pump Body Material	Cast Iron	Thermal Protection	Yes
Base Material	Cast Iron	Motor Type	Capacitor Start
Impeller Material - Pumps	Cast Iron	Bearing Type	Ball

[Chat with an Agent](#)



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café has applied for a NEW All Alcoholic Common Victualler License to be exercised at 465 Grand Avenue, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, May 20, 2019 at 7:30 p.m. on the above application.

LICENSING BOARD

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

Publication Date: Friday, May 3, 2019; Falmouth Enterprise

PAID

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540



Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

April 22, 2019

VIA HAND DELIVERY

Su Moran, Chair
Board of Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Application for Liquor License
465 Grand Avenue, Falmouth, MA 02540
Proposed Licensee: Black Dog Tavern Company, Inc.

Dear Ms. Moran:

Ament Klauer LLP represents Black Dog Tavern Company, Inc., the holders of a lease at 465 Grand Avenue and the operators of The Black Dog Heights Café. They are beginning their inaugural season of serving food at that location and are seeking an all-alcohol liquor license. An Application for the transfer is attached hereto.

This application will allow the applicant to serve drinks with their fare and provide a family-friendly, casual atmosphere. Submitted herewith are the following documents:

- ✓ New retail application (including Manager Application);
- ✓ Clerk's Certificate for Black Dog Tavern Company, Inc. including Articles of Organization and 2018 Annual Report;
- ✓ Business Certificate for Black Dog Tavern Company, Inc. dba The Black Dog – Heights Café;
- CORI Authorization Forms for the following individuals:
 - Robert S. Douglas, Sr.;
 - Robert S. Douglas, Jr.;
 - Jamie M. Douglas;
 - Morgan H. Douglas;
 - Brooke F. Douglas;
 - Jill V. Gillick;
- ✓ Proof of Citizenship of Jill V. Gillick;
- ✓ Corporate Vote;

Su, Moran, Chair
April 22, 2019
Page 2

- Copy of Cape Cod 5 Cents Savings Bank Business Loan documentation;
- ✓• Copy of lease for 465 Grand Avenue, Falmouth;
- ✓• Floor Plans:
 - Interior Floor Plan;
 - Exterior Patio Floor Plan;
- ✓• Proof of payment through ABCC online payment portal
- ✓• Check for \$10.00 made payable to the Town of Falmouth representing the Town's filing fee; and
- ✓• Check for \$25.00 made payable to the Town of Falmouth representing the advertising fee;

Please schedule these matters on the Selectmen's agenda as soon as possible. We have obtained a certified abutter's list from the Assessor's Office with regards to the petition for the license and will notify the abutters as soon as a hearing date has been set and notice is published. After notifying all abutters, we will provide your office with the Affidavit of Notice of Mailing to Abutters and others.

If you require additional information, please do not hesitate to contact our office.

Very truly yours,



Kevin P. Klauer II, Esq.

KPK/
Enclosure

cc: Dan Pucillo



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter
of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Single Story Building, with customer service area and a dining room holding 14 seats. There is an enclosed outdoor patio area with a total of 27 seats.

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

Phyllis Downey

From: Sean Doyle <sdoyle@falmouthpolice.us>
Sent: Tuesday, July 10, 2018 6:12 PM
To: Phyllis Downey; Timothy Smith; 'Scott McGann'; Rod Palmer; Reid Brian
Subject: RE: Black Dog application for Common Victualler's license

This department does not have any objections to this request.

Sean Doyle,
Lieutenant

From: Phyllis Downey [mailto:phyllis.downey@falmouthmass.us]
Sent: Monday, July 09, 2018 11:29 AM
To: Tim Smith <tsmith@falmouthfire.us>; Scott McGann <scott.mcgann@falmouthmass.us>; Palmer Rod <rod.palmer@falmouthmass.us>; Brian Reid <breid@falmouthpolice.us>; Sean Doyle <sdoyle@falmouthpolice.us>
Subject: Black Dog application for Common Victualler's license

To All,

Attached please find an application for a common victualler's license as follows:

1. Common Victualler license: Black Dog Tavern Co., located at 465 Grand Avenue, Falmouth

May I request your recommendations, if any, by Thursday, June 19, 2018?

Thank you,

Phyllis

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

Phyllis Downey

From: Noreen Stockman
Sent: Thursday, April 25, 2019 3:08 PM
To: Phyllis Downey
Subject: RE: Black Dog Tavern 465 Grand Avenue applications

Thank you,
All set with ZBA.
Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey
Sent: Thursday, April 25, 2019 3:02 PM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: Black Dog Tavern 465 Grand Avenue applications

Good afternoon,

The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café located at 465 Grand Avenue, Falmouth, has submitted applications for the following:

1. All Alcohol Restaurant
2. Change of Manager for Common Victualler license #41-CV to Jill V. Gillick, as noted in liquor license application – Ms. Gillick will complete background check at Central Records office
3. Change the name of the restaurant on the Common Victualler license #41-CV from Heights Café to The Black Dog Heights Café

Please contact me if any further information is needed.

May we request any recommendations be sent by Thursday May 16th? The Board will review the applications at their meeting of May 20, 2019.

Thank you,

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

Phyllis Downey

From: Timothy Smith
Sent: Thursday, April 25, 2019 4:22 PM
To: Phyllis Downey
Subject: RE: Black Dog Tavern 465 Grand Avenue applications

Phyllis,
Our Fire Prevention Office has no issues with this application. They do not meet the crowd manager requirement and have all required life safety devices needed for occupancy.
Thank you.

Timothy Smith, Deputy Fire Chief
Falmouth Fire Rescue Department
Work: (508) 495-2514
Cell: (508) 274-6410

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Thursday, April 25, 2019 3:02 PM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Ollie Fitzpatrick <ollie.fitzpatrick@falmouthma.gov>; Sean Doyle <sdoyle@falmouthpolice.us>; Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: Black Dog Tavern 465 Grand Avenue applications

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Please contact me if any further information is needed.

May we request any recommendations be sent by Thursday May 16th? The Board will review the applications at their meeting of May 20, 2019.

Thank you,

Phyllis Downey
Administrative Assistant
Office of the Town Manager & Board of Selectmen
508-495-7325

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293

Website www.amentklauer.com



May 3, 2019

Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Sir or Madam:

As you may know, The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café has applied for a liquor license at 465 Grand Avenue in Falmouth. They are seeking permission for a new all alcoholic common victualler license.

Enclosed is a legal notice of the Selectmen's hearing to be held on May 20, 2019, at 7:30 p.m. in Falmouth Town Hall. You are receiving this notice as required by Massachusetts law, as you are a record owner of property abutting 465 Grand Avenue.

If you have any questions about the application, please do not hesitate to contact me at the number listed above.

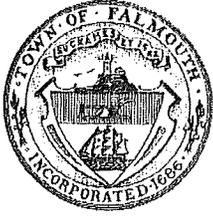
Very truly yours,

Handwritten signature of Kevin P. Klauer II, Esq.

Kevin P. Klauer II, Esq.

Enclosure
KPK/

cc: The Black Dog Tavern Company, Inc.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that The Black Dog Tavern Company, Inc. d/b/a The Black Dog Heights Café has applied for a NEW All Alcoholic Common Victualler License to be exercised at 465 Grand Avenue, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, May 20, 2019 at 7:30 p.m. on the above application.

LICENSING BOARD

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

Publication Date: Friday, May 3, 2019; Falmouth Enterprise

Phyllis Downey

From: Julie Menendez <julimenendez@yahoo.com>
Sent: Tuesday, May 7, 2019 11:12 PM
To: Falmouth Selectmen
Cc: kschelenski@gmail.com; menendez_joe@hotmail.com
Subject: Black Dog Liquor License - in favor (5/20 meeting)

Hello,

We would like to express our interest in allowing the Black Dog Heights cafe to have a liquor license. Please accept this as two Falmouth Heights Association members and residents in favor. Please let us know if you need 2 emails for any reason to count both.

Thank you,
Julie Menendez and Kevin Schelenski
7 Hawthorne Court
Falmouth, MA 02540

Phyllis Downey

From: HEATHER BURKE <heatherburke@comcast.net>
Sent: Tuesday, May 7, 2019 4:50 PM
To: Falmouth Selectmen
Subject: Black Dog

As a resident of Falmouth Heights (207 Grand Ave) we fully support a liquor license for the Black Dog. I know they will act responsibly and be a great addition to our community. We need to welcome and support new business in our area and I for one welcome the Black Dog. As an aside, I had the best burger ever there!

Heather Burke

Hal Dewnap

207 Grand Ave

774-922-0744

Phyllis Downey

From: Joseph Stewart <joseph_stewart@yahoo.com>
Sent: Wednesday, May 8, 2019 9:48 AM
To: Falmouth Selectmen
Subject: May 20 Meeting, I support Black Dog

Hi,

I'm writing to share my support for granting a liquor license to the Black Dog Cafe. I thoroughly enjoyed the previous establishment and was disappointed when they closed. I'm looking forward to frequenting the Black Dog and would enjoy having a beer with my meal.

We own a summer home in Teaticket and while we enjoy the two nearby establishments, we'd like the Black Dog too.

Thank you,

Joe

Joe Stewart
21 Reynolds St
Teaticket, MA

Joe Stewart | joseph_stewart@yahoo.com | (508) 507-9660

Phyllis Downey

From: robbcliff@aol.com
Sent: Friday, May 10, 2019 6:12 AM
To: Falmouth Selectmen
Subject: Black Dog

As a resident of Falmouth Heights, I would like to support The Black Dog in their application for a liquor license.
Thank you.
Bob Clifford
4 Dartmouth Ct

NEW LICENSE

To apply for an alcoholic beverages retail license, you will need the following:

- ✓ • **New Retail Application**
- ✓ • **Business Structure Documents**
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - ✓ • If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- ✓ • **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓ • **Manager Application**
- ✓ • **Proof of Citizenship** for the proposed Manager of Record.
- ✓ • **Vote of the Corporate Board**
- ✓ • **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- ✓ • **Legal Right to Occupy**, a lease or deed.
- ✓ • **Floor Plan**
- ✓ • **Abutter's Notification**
- ✓ • **Advertisement**
- ✓ • **Monetary Transmittal Form**
- ✓ • **\$200 Fee** paid online through our online payment link: **ABCC PAYMENT WEBSITE**
- ✓ • **Payment Receipt**
 - **Additional information**, if necessary, utilizing the formats provided and or any affidavits.
 - **Management Agreement**, if applicable

Please Note: You may be requested to submit additional supporting documentation if necessary.

ANNOUNCEMENT

The following announcement shall be read by the Chairman of the Board of Selectmen at the commencement of the hearing:

This hearing is being conducted in accordance with the provisions of General Laws Chapter 140, Section 157, which requires that the Board of Selectmen investigate complaints about vicious or barking dogs with the witnesses under oath. In order to comply with the statute, all persons intending to testify at this hearing shall now stand.

Please raise your right hand. "Do you solemnly swear or affirm to tell the truth, the whole truth and nothing but the truth, so help you God?"

Will the secretary please note in the record that all persons intending to testify at this hearing stood and took an oath prior to testimony.

Diane Davidson

From: Diane Davidson
Sent: Wednesday, May 15, 2019 11:21 AM
To: deborahaew@comcast.net
Subject: Dog Hearing Continued to May 20, 2019

Dear Ms. Ewald,

A note to confirm that the hearing held on Monday, May 6, 2019 regarding your request to appeal the decision of the dog officer was continued to Monday May 20, 2019. Please be prepared to report on the results of your search in finding a facility that will take your dog.

If you have any questions, please let me know.

Thank you,

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

Diane Davidson

From: Peter Johnson Staub
Sent: Wednesday, May 15, 2019 2:30 PM
To: Diane Davidson
Cc: Julian Suso
Subject: FW: Dangerous dog - Hearing Continued to May 20

Diane,
Please include this message from Frank in the Selectmen packet for May 20th.

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
P: 508-495-7320

<http://www.falmouthmass.us>

Kindly Remember that under MA General Laws most email correspondence to, or from, a municipal employee or committee member is deemed a public record.

From: Frank Duffy
Sent: Wednesday, May 15, 2019 2:24 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson Staub <peter.johnson-staub@falmouthma.gov>
Cc: Gregg Fraser <gregg.fraser@falmouthma.gov>; Charles Martinsen <chuck.martinsen@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: Dangerous dog

Julian: Last Monday the BOS offered the owner the opportunity to present the board with the option to transfer the dog to a rehabilitation/training facility for possible rehabilitation/training and possible adoption by a responsible party out of town. This reflects the board's view that the owner has not acted responsibly in controlling the dog. I view the provision of G.L. c. 140, s. 157 that "[n]o order shall be issued directing that a dog deemed dangerous shall be removed from the town ..." as intended to prevent the board from banishing the dog and basically moving the problem to another town. Transferring a dangerous dog to a rehabilitation/training facility is not the practice the statutory provision was intended to remedy.

As of today, I have not heard from the owner or anyone on her behalf.

If I am presented with a written proposal I will evaluate it in consultation with the animal control officer. The proposal must present assurances that the rehabilitation/training facility is reputable and responsible and a) will take custody of the dog in Falmouth and remove the dog directly to the facility, b) the owner or someone will be financially responsible for the dog at the facility, c) there is a reasonable likelihood of success, d) the dog must not be returned to the owner and e) there will not be further adoption by anyone anywhere unless the facility can certify the dog is no longer dangerous.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street

Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

Diane Davidson

Public Comment

From: Diane Hawley [REDACTED]
Sent: Tuesday, May 14, 2019 7:25 PM
To: Falmouth Selectmen
Subject: Dog hearing

Dear Board,

I saw the televised select-meeting of May 6th with the dog hearing where the owner appealed police Captain Reid's decision to euthanize her dangerous dog. I appreciate the thoughtfulness with which you discussed the right course of action, each according to your personal perspective.

I have a perspective to offer for your consideration at the next hearing from my personal experience with a dangerous dog (incidentally of the same breed) in my Falmouth neighborhood about 8 years ago. One day walking down our narrow sidewalk-free street to greet my children at the school bus stop, the leashed dog, on a walk with it's owner, lunged forward and bit my hand. The owner could not easily get the dog to release its grip and I remember the force of that bite as it crunched further through my hand. I stood for a few seconds until she finally succeeded. Although I ended up in the hospital I am grateful for the normal functioning of my hand due to a heavy gortex ski glove I happened to be wearing that day.

I later found out from Tom Garland, the animal patrol officer that the same dog had bitten another neighbor in the face on our street while unleashed. Tom arranged for a hearing before your board and that neighbor and I gave our testimony. The result was the dog was deemed dangerous and the decision was made to euthanize. While the decision made me feel badly for the dog and its owner, the alternative would have been much worse for me and for our neighborhood.

In the current dangerous dog case, I have a few concerns about the current plan for the owner to find a suitable trainer that I'd like you to consider. The risk to people and other dogs does not seem worth the very small (according to the dog patrol officer) odds of complete rehabilitation with no other incidents in this dog's long life ahead. Once a dog is deemed dangerous, there are no guarantees going forward. Who will follow up on where the dog goes after time spent with a trainer? The dog is not allowed back to its current address, but the potential threat to people and dogs is not tied to a location.

The owner is understandably emotionally attached and could understandably be motivated to find the "rehabilitated" dog a home with a nearby friend or relative in town. But as the dog patrol officer asserted, along with very low odds of success in this particular case, there are few resources available to provide this caliber of training given the large number of non-dangerous yet traumatized dogs in need of similar training to be successfully adopted out of overcrowded shelters.

I understand this is a difficult decision because no dog is a "bad" dog, but it can still be dangerous. You all concur this dog is dangerous and there have been at least three (reported) incidents of violent aggression. The owner loves her dog and wants it to live, and who would not understand her attempt to appeal the ruling to put it down? The rest of us, however, are removed enough to know that everyone involved (the dog patrol, the police, witnesses to the attacks, neighbors, the listening public, you and I, and the owner herself) would feel terrible if something were to happen to a child, adult or another dog in this town or other because the dog were to revert back to its dangerous behaviors.

I hope when you meet on the 20th you will reconsider the previous recommendation to humanely euthanize this dog with the owner present as she requested. Short of that, I hope you find a way to follow up on the dog's future after training to ensure residents in Falmouth and elsewhere remain safe from this known danger.

Thank You,

Diane Hawley



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
Fax (508) 457-2573

April 25, 2019

Sent via Certified Mail 7012 1010 0001 8373 8279,
U.S. Mail and email [REDACTED]

Ms. Deborah Ewald
81 Sam Turner Road
East Falmouth, MA 02536

Dear Ms. Ewald:

You are hereby notified that the Falmouth Board of Selectmen will conduct a hearing in accordance with Massachusetts General Laws Chapter 140, Section 157, on your request for an appeal of the decision of the Dog Hearing Officer dated March 27, 2019, regarding a dog owned or harbored by you (by-law attached).

The hearing will be conducted in the Selectmen's Meeting Room, Falmouth Town Hall, Falmouth, MA, on Monday, May 6, 2019 at 7:30 p.m. You are requested to attend, to present evidence and examine witnesses. You have the right to present witnesses and to have counsel attend the hearing with you.

Sincerely,

Julian M. Suso
Town Manager

JMS/dsd

cc: Capt. Brian Reid, Dog Hearing Officer, Falmouth Police Department
Jenna Correia, Animal Control Officer
Sally Houghton
Jeff D'Amario

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XX	PUBLIC SAFETY AND GOOD ORDER
Chapter 140	LICENSES
Section 157	NUISANCE OR DANGEROUS DOGS; ORDERS FOR REMEDIAL ACTION; APPEAL; VIOLATION OF ORDER

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- (1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
- (2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
- (3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or
- (4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

- (b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.
- (c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:
- (i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;
 - (ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;
 - (iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;
 - (iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;
 - (v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;
 - (vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or
 - (vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).



Falmouth Police Department
 750 Main Street Falmouth, MA 02540
 Phone: 774-255-4527 | Fax: 508-457-2566
 www.falmouthpolice.us



Town of Falmouth Dog Hearing: Order

In accordance with M.G.L. Ch. 140, S. 157 and Falmouth Board of Selectmen Memorandum dated 1/2/2013, a hearing was held due to a complaint of a dangerous or nuisance dog on

3/27/19

Based upon the presentation of credible evidence, the hearing authority has rendered the following ruling:

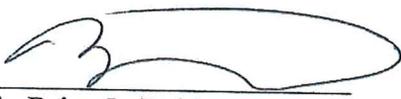
Nuisance Dog

The dog has been ruled to be a nuisance dog. The owner or keeper is ordered to take the following remedial action to ameliorate the cause of the nuisance behavior:

Dangerous Dog

*A dog may not be deemed dangerous (i) solely based on growling or barking; (ii) based upon the breed of the dog; or (iii) or if the dog was reacting to another animal or person and the dog's reaction was not grossly disproportionate to any of the following circumstances: (1) the dog was protecting or defending itself, another domestic animal, or a person from attack or assault; (2) the person who was attacked by the dog was committing a crime upon the person or property of the owner or keeper of the dog; (3) the person attacked or threatened was engaging in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or (4) the person who was attacked had breached any structure or enclosure that the dog was kept in without invitation or authority (if the person is under age 7 it shall be presumed that they were not committing a crime, trespassing, or provoking the dog).

- Dog shall be humanely restrained
- Dog shall be confined to premises of owner or keeper
- When removed from premises, dog shall be securely and humanely muzzled
- Owner must produce proof of insurance, not less than \$100,000
- Provide Animal Control with information by which the dog can be identified throughout its lifetime
- Dog shall be medically altered such that it will not be reproductively intact (unless proven medically unfit)
- The dog shall be humanely euthanized
- Complaint Dismissed



 Captain Brian L. Reid
 Hearing Authority

4/8/19

 Date

cc. Board of Selectmen, Chief of Police, Animal Control

Town of Falmouth

Municipal Dog Hearing

Hearing Officer: Captain Brian L. Reid, Falmouth Police Department
Findings Date: March 27, 2019
Hearing Date: March 27, 2019
Animal Control: ACO Jenna Correia
Dog Owners: Deborah Ewald
81 Sam Turner Road
East Falmouth, MA
Complainant: Sally Houghton
Other: Jeff D'Amario

Summary of Complaint:

On February 16, 2019 the dog owned by Deborah Ewald at 81 Sam Turner Road left its own yard, without provocation, and attacked a dog owned by Sally Houghton across the street. This was the third such incident reported by Ms. Houghton to Falmouth Animal Control. The first incident was on May 30, 2017 and the second was on June 27, 2018. In each incident, the dog was unhindered by leash or muzzle, left its own property, and without notice or provocation attacked a dog owned by Sally Houghton. ACO Jessica Gow relayed to me (verbally) that on one occasion when she went to Ms. Ewald's residence to address a complaint, the dog "charged at" her and she was afraid of it.

Hearing Request and Notice of Hearing:

I received a hearing request from Sally Houghton dated February 18, 2019 (attachment 1). I scheduled the hearing for March 14, and sent the notice packet via certified mail to Deborah Ewald (attachment 2). The certified mail receipt was never returned, so I called Deb Ewald on March 13 to discuss the hearing. She stated that she never received it, so I rescheduled the hearing for March 27. She affirmed to me that she could attend.

Hearing:

Deb Ewald, Sally Houghton, and ACO Jenna Correia were all present for the hearing on March 27. Ms. Ewald and Ms. Houghton both signed in when they arrived (attachment 3). All witnesses were sworn in.

ACO Correia informed me that Animal Control was aware of 4 incidents involving this dog (attachment 4):

1. The owners at 81 Sam Turner Rd were issued a verbal warning for an incident on May 30th when the dog (unrestrained) left the yard without provocation and attacked one of her own dogs. Her dog suffered minor injuries in that attack, and Mrs. Ewald did retrieve her dog and was apologetic.
2. On June 28, 2018 the Ewald dog ran out of its yard without provocation and acted aggressively toward Ms. Houghton's dog again. Ms. Houghton's dog was not injured as it was inside a car, but there was reportedly some scratching to the paint of the car. Joshua Ewald was issued a 100.00 fine for Failure to restrain and Failure to License.
3. On September 2, 2018 the Ewald dog was observed to have leapt from a moving vehicle and attacked two dogs that were in the parking lot of Old Silver Beach. The dog was restrained by an off-duty State Trooper, David Dunphy. Tpr. Dunphy submitted a report indicating that the dog tried to attack him when he was assisting in placing it back into the owner's car. Falmouth Animal Control issued Deborah Ewald a \$50 fine for Failure to restrain and a Warning for Failure to License, as well as a 10-day quarantine order.
4. On February 16, 2019 the Ewald dog again ran out of its own yard, unrestrained and without provocation, and attacked the dogs owned by Sally Houghton. Ms. Houghton's boyfriend, Jeff D'Amario was present and had to physically separate the dogs. In his statement, Mr. D'Amario said that the Houghton dog "ferociously grabbed our biggest dog by the neck and clamped on." He went on to say that he "was in the dirt fighting for what I thought was our dogs last breath..." and that he "had to physically punch the dog several times..." in order to get it to release Ms. Houghton's dog. Ms. Houghton's dog suffered a laceration to its face. Ms. Ewald was issued a \$50 fine for failure to Restrain, and another 10-day quarantine order.

Ms. Houghton's testimony was consistent with the above listed incidents. She stated that she has had to change the way she does things out of fear of the Ewald dog. Ms. Ewald offered testimony that did not challenge any of the above listed facts. She added that the dog was adopted from an abusive environment. She stated that she has consulted with animal behaviorists and veterinarians about the dog. She said that the dog "has changed a lot, but obviously not enough." She added "I understand if he has to be put down it has to happen." She stated that she tries to always have a leash and muzzle, but she added "I don't believe I

could control him," citing issues with her shoulders. She said that the animal was diagnosed with "fear aggression."

Findings:

MGL 140, sec. 157 states, in part:

"...no dog shall be deemed dangerous: ... (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

(1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;

(2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

(3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or

(4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The statements of the witnesses reflect that the Ewald dog attacked multiple dogs that were not on its own property. The testimony reflects that the dog Bacon was never provoked in the attacks. Testimony further indicated that the Ewald dog has, on numerous past occasions, left its own yard (or moving vehicle) in order to attack other dogs. Ms. Houghton was on her own property and not committing a crime nor performing any of the actions listed that would constitute provoking the Ewald dog. None of the exemptions listed above apply to the circumstances of the attacks. The Ewald dog has behaved aggressively without provocation and caused injury to other animals on multiple occasions.

Based upon the testimony of the witnesses and a review of the documents that were submitted, I find that dog owned by Deborah Ewald of 81 Sam Turner Road is a **dangerous dog** as defined in MGL and described above.

In accordance with the provisions of MGL 140, sec. 157, and the Delegation of Dog Hearings in the Town of Falmouth, I am required to issue orders as a result of such finding. Permitted orders include:

"...(a) dog shall be humanely restrained;

(b) confined to the premises of the owner or keeper of such dog,

(c) when removed from the premises of the owner...the dog shall be securely and humanely muzzled,

(d) the owner...shall provide proof of a policy of insurance in an amount not less than \$100,000..."

(g) the dog shall be humanely euthanized.

Ms. Ewald voluntarily testified that she cannot control the dog. She has sought professional advice on how to modify the dog's behavior that has proven unsuccessful. She has demonstrated an inability to keep the dog properly confined to her own property. I have no confidence that she will be able to adhere to such remediation efforts in the future, as she has already stated and demonstrated that she was unable to in the past. I therefore order that the dog **humanely euthanized**.

The owners have 10 days from the date of this order to request a de novo appeal to the Board of Selectmen. The last calendar date to file such appeal is April 18, 2018.

Respectfully,



Captain Brian L. Reid

Attachments:

1. Sally Houghton hearing request (4 pages)
2. Ewald notice for hearing on 3/14/19 (8 pages)
3. sign-in sheet (1 page)
4. email complaints to ACO with citations and quarantine order (11 pages)

February 18, 2019

Captain Reid
Falmouth Police Department
750 Main Street
Falmouth, MA 02450

Captain Reed,

I live at 82 Sam Turner Road, and am writing to request a Dangerousness Hearing for the dog that is in residence at 81 Sam Turner Road.

I have had three instances with this very aggressive and scary dog.

- May 30, 2017
- June 27, 2018
- February 16, 2019

Please see the three attached e-mails that were sent to Jessica Gow, of Animal Control to document the instances of aggressive behavior. I will say by far the scariest was Saturday, February 16th, if my partner wasn't present to get the pit bull off my 14 year old lab mix, there wouldn't have been much I could do. I stand 5'4, roughly 130lbs, no match against an aggressive 70-ish(?) pound pit bull. Fortunately, neither sustained any serious injuries. Honestly, I am scared to walk out of my house with my dogs on leash, for fear we will get attacked in my own front yard.

To date, this dog has not growled, barked or made any noise before any attacks. It sees us from across the street and before I am able to get to safety, it has attacked my dogs. I know Sam Turner is a busy street for bikers, runner, walkers, and dog walkers I would hate for anyone else to have to go through this.

I am requesting this hearing in hopes there are some stricter measures that can be imposed to keep myself, my dogs and others in my neighborhood safe from what could be a potentially life threatening attack on person or animal in the near future.

Please feel free to contact me with any questions or if you need any additional information.

Regards,

Sally Houghton
[REDACTED]

Incident - 2/16 135p

Sally Houghton

Sat 2/16/2019 2:01 PM

To: animalc@falmouthmass.us <animalc@falmouthmass.us>

Hi Jessica,

I had another incident with the pitt bull at 81 Sam Turner. Its brown with brownish orange collar. He came bolting across the street as I was walking my 2 leashed dogs in the house. The pit grabbed on to my 14 yr old lab mix and wouldn't let go. My boyfriend had to jump on and pry the pit off, while I tried to get my dogs in the house.

My lab mix seems to only have gotten a laceration to her face. Picture attached.

Please feel free to contact me at [REDACTED] if you need any additional information or have any questions.

Thank you,
Sally Houghton

Get [Outlook for Android](#)

Sally Houghton

From: Sally Houghton <[REDACTED]>
Sent: Wednesday, June 27, 2018 12:49 PM
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Tuesday, June 26
Importance: High

Good Afternoon, Jessica,

I hate to have to write to you again – but here's what happened yesterday.

At approximately 5:45pm (Tuesday, June 26th), I was arriving home from a dog walk, I noticed the neighbors unrestrained dog (at 81 Sam Turner Rd.) was in the yard with a young adult male while he was putting trash out. My dogs noticed the neighbor dog and started barking - the dog then charged across the street jumping on my car trying to get at my dogs through a partially open back window, barking aggressively. The young adult male at first tried to call the dog back, then had to come over and physically pick up and carry the dog back across the street. Fortunately, we were in the car and nothing happened except some scratching to my car door.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED]

Best Regards,
Sally

From: Sally Houghton <[REDACTED]>
Sent: Monday, June 04, 2018 9:22 AM
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Wednesday, May 30th
Importance: High

Good Morning Jessica,

Per your request, below please find details of the of the incident on Wednesday, May 30th at 82 Sam Turner Rd. East Falmouth MA 02536.

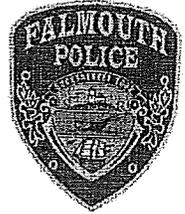
It was approximately 4:30pm, I had my 2 dogs leashed and was walking out of my house to my car to take my 2 dogs for a walk. The neighbor's dog who resides directly across the street at 81 Sam Turner Rd., charged like a bat out of hell into my yard and before I knew it had one of my dogs pinned on the ground & up against the tire attacking it. I started screaming for the neighbors to come get their dog at the top of my lungs, while trying to pull the dogs apart and make sure no one got hurt. I was able to pull the neighbor's dog off, when Mrs. Ewald came running over very apologetic. She did wait to make sure my dog was ok while I checked her out. Fortunately, there were just a couple of scratches and no vet visit was required.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED]

Best Regards,
Sally



Falmouth Police Department
750 Main Street Falmouth, MA 02540
Phone: 774-255-4527 | Fax: 508-457-2566
www.falmouthpolice.us



March 1, 2019

Debra Ewald
81 Sam Turner Road
East Falmouth, MA 02536

Ms. Ewald,

This letter is to notify you of a Dog Hearing that has been scheduled on Thursday, March 14, 2019. The hearing will be held at the Falmouth Police Department Conference Room 9:00 am. Enclosed you will find a copy of Massachusetts General Law Ch. 140, sec. 157, and a copy of the Falmouth Board of Selectmen memorandum dated January 3, 2013 which authorizes the appointment of a Dog Hearing Officer.

Thank you,

Captain Brian L. Reid

cc. Board of Selectmen
Animal Control

**PART I ADMINISTRATION OF THE GOVERNMENT****TITLE XX PUBLIC SAFETY AND GOOD ORDER****CHAPTER 140 LICENSES****Section 157** Nuisance or dangerous dogs; orders for remedial action; appeal; violation of order

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

(1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;

(2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

(3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or

(4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance

behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

(i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the

organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).

Memorandum

January 3, 2013

To: Julian Suso, Town Manager
From: Heather B. Harper, Assistant Town Manager

Cc: Patricia Harris, Associate Town Counsel
Acting Chief Dunne, Falmouth Police Department
Lieutenant Reid, Falmouth Police Department
Chuck Martinsen, Acting Director of Natural Resources

RE: Delegation of Dog Hearings

The Board of Selectmen expressed a desire to delegate the responsibility of Dog Hearings held in accordance with MGL Chapter 140 § 157. Over the last year, I've convened meetings with the Acting Director Natural Resources, Chuck Martinsen, Animal Control Officer, Alex Brandt, Acting Chief Dunne, Lieutenant Reid, and Associate Town Counsel, Patricia Harris.

Attached is a motion for the Board of Selectmen to consider delegating the role of Dog Hearing Officer to the Chief of Police, or his designee, a Captain, Lieutenant, Sergeant, within the Falmouth Police Department.

If the Board so moves, we are in agreement on the following recommended procedures:

Procedures

1. Complaint filed in writing to the Chief of Police
Complaint may be filed by the Town (Animal Control Division)
Complaint may be filed by a member of the public
2. Chief of Police Orders an Investigation by the DNR - Animal Control Division
3. Hearing is Scheduled and Owner Notified by the Chief of Police (or his designee)
4. Hearing Held -- Case is heard by the Chief of Police or his designee (hereafter the "hearing authority").
5. The hearing authority shall render a determination based upon credible evidence, and may:

- a. Dismiss the Complaint;
- b. Determine that the dog is a nuisance; or
- c. Determine that the dog is a dangerous dog.

6. If the dog is deemed a nuisance, the hearing authority may order the owner or keeper of the dog to take remedial action to ameliorate the cause of nuisance behavior.

7. If the dog is deemed a dangerous dog, the hearing authority shall order one or more of the following:

- (a) dog shall be humanely restrained;
- (b) confined to the premises of the owner or keeper of such dog,
- (c) when removed from the premises of the owner or keeper of the dog, the dog shall be securely and humanely muzzled,
- (d) the owner or keeper of the dog shall provide proof of a policy of insurance in an amount not less than \$100,000 and shall produce at the policy at the hearing or proof of efforts to obtain said policy.
- (e) the owner or keeper of the dog shall provide the licensing authority with information by which the dog can be identified throughout the course of its lifetime.
- (f) that unless proven medically unfit the dog shall be altered such that the dog shall not be reproductively intact; or
- (g) the dog shall be humanely euthanized.

*No order shall be issued directing that a dog deemed dangerous be removed from the town or city in which the owner or keeper of such dog resides:

8. A decision is issued by the hearing authority maybe appealed by filing a notice of appeal within ten days of the date of the decision to the Board of Selectmen for a de novo review.

9. A decision issued by the Board of Selectmen may be appealed by bringing a petition within 10 days of the date of the decision in the district court in accordance with M.G.L. c. 157(d).

Recommended Vote of the Board

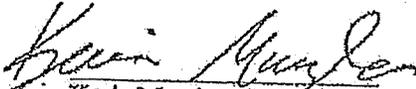
1. Adopt the Procedures as recommended or amended January 2013.
2. Appoint the Chief of Police or his designee (a member of the command staff) as the hearing authority in accordance with Section 136A of MGL Chpt. 140.

Town of Falmouth

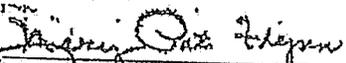
Hearing Officer Appointment
G.L. ch. 140, §. 157

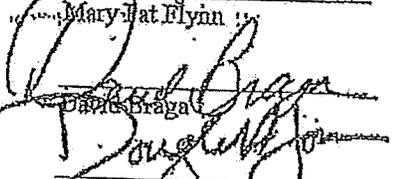
We, the undersigned members of the Board of Selectmen, pursuant to the provisions of Massachusetts General Laws, Chapter 140, Section 157 (the "Law"), and every other authority, hereby designate and appoint the Chief of the Falmouth Police Department or his designee, which designee shall be a member of the Falmouth Police Department holding the rank of Captain, Lieutenant or Sergeant, a hearing officer to act on behalf of the board and to conduct hearings on complaints filed with the board alleging that a dog owned or harbored within the Town is a nuisance dog or dangerous dog as defined by the Law; and further the hearing officer shall have the following powers of the Board of Selectmen: to examine the complainant and other witnesses under oath, to subpoena the attendance of witnesses and to make findings of fact which shall be the basis of action, order and determination by the hearing officer. The Town Manager shall transmit any complaints to the hearing office forthwith upon the filing of the same and the hearing officer shall hold a hearing and may make such orders as authorized by the Law. A decision issued by the hearing authority may be appealed for a de novo review by the Board of Selectmen by filing a notice of appeal within ten days of the date of the decision to the Board of Selectmen. A decision issued by the Board of Selectmen may be appealed for a de novo review by the District Court by bringing a petition within 10 days of the date of the decision in the District Court in accordance with M.G.L. c. 157(d). This appointment shall remain in force and effect until revoked or rescinded by the Board of Selectmen.

Voted and signed this 7th day of January, 2013.


Kevin Murphy, Chairman

Brent Putnam


Mary Pat Flynn


Douglas Jones

3/27/19

NAME

ADDRESS

Sally Houghton

82 SAM TURNER RD E Falmouth MA 02536

Deborah Ewald

81 Sam Turner Rd E Falmouth MA 02536

Sally Houghton

From: Sally Houghton [REDACTED]
Sent: Wednesday, June 27, 2018 12:49 PM *Citation issued.*
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Tuesday, June 26

Importance: High

Good Afternoon, Jessica,

I hate to have to write to you again – but here's what happened yesterday.

At approximately 5:45pm (Tuesday, June 26th), I was arriving home from a dog walk, I noticed the neighbors unrestrained dog (at 81 Sam Turner Rd.) was in the yard with a young adult male while he was putting trash out. My dogs noticed the neighbor dog and started barking - the dog then charged across the street jumping on my car trying to get at my dogs through a partially open back window, barking aggressively. The young adult male at first tried to call the dog back, then had to come over and physically pick up and carry the dog back across the street. Fortunately, we were in the car and nothing happened except some scratching to my car door.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED]

Best Regards,
Sally

From: Sally Houghton [REDACTED]
Sent: Monday, June 04, 2018 9:22 AM *- warning issued in person*
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Wednesday, May 30th
Importance: High

Good Morning Jessica,

Per your request, below please find details of the of the incident on Wednesday, May 30th at 82 Sam Turner Rd. East Falmouth MA 02536.

It was approximately 4:30pm, I had my 2 dogs leashed and was walking out of my house to my car to take my 2 dogs for a walk. The neighbor's dog who resides directly across the street at 81 Sam Turner Rd., charged like a bat out of hell into my yard and before I knew it had one of my dogs pinned on the ground & up against the tire attacking it. I started screaming for the neighbors to come get their dog at the top of my lungs, while trying to pull the dogs apart and make sure no one got hurt. I was able to pull the neighbor's dog off, when Mrs. Ewald came running over very apologetic. She did wait to make sure my dog was ok while I checked her out. Fortunately, there were just a couple of scratches and no vet visit was required.

Please feel free to contact me should you require any additional details or information. My cell is ([REDACTED]).

Best Regards,
Sally

03-27-19;12:05 ;From:Falmouth Animal Control To:95084572566 ;5085487455 # 11/ 11

TOWN OF FALMOUTH NOTICE OF VIOLATION OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE June 28, 2018
NAME OF OFFENDER Joshua Ewald
ADDRESS OF OFFENDER 81 Sam Turner rd.
CITY, STATE, ZIP E. Falmouth, MA 02536
DATE OF BIRTH OF OFFENDER
OPERATOR LICENSE NUMBER
REGISTRATION NUMBER

OFFENSE:
83-19 Failure to restrain \$50
83-13 Failure to license \$50

TIME AND DATE OF VIOLATION 5:45 (A.M.) (P.M.) ON June 26, 2018
LOCATION OF VIOLATION 82 Sam Turner rd.
SIGNATURE OF ENFORCEMENT PERSON [Signature]
ENFORCING DEPARTMENT MES
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 6/28/18

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 100.00
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:
Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.
(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:
Town Clerk
59 Town Hall Square
Falmouth, MA 02540
(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:
Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540
Attn: 21D Noncriminal Hearings
(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$
I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. 0093
Signature

From: "Dunphy, David (POL)" <[REDACTED]>
To: "Animalc@falmouthmass.us" <Animalc@falmouthmass.us>
Subject: Old Silver Pit Bull incident
Date: 9/3/2018 11:34:07 AM

Good Morning,

On Sunday, September 2nd, 2018, at approximately 1900 hours, I, Trooper David Dunphy #3944 (off duty), was traveling north on Quaker Road in front of Old Silver Beach in the town of Falmouth (public way), with my wife, Anna, when we both observed a Kia traveling in the opposite direction, bearing MA registration [REDACTED]. We observed a brown/darker colored pit bull jump out of the moving vehicle from the rear passenger side window and fall to the ground. The pit bull started snarling and ran after two other dogs that were in the residence parking lot of Old Silver Beach. I believe the two victim dogs to be Labrador Retrievers type dogs. Both Labrador Retrievers were on leash.

I had my wife stop the vehicle so I could assist. I exited the car and ran over to the dogs. The dogs were biting and attacking each other. I observed the pit bull latched onto the neck of one of the victim's dog, and observed blood on both dogs. I jumped on the pit bull, which was clearly the aggressor, and straddled its hind legs and grabbed its collar. I subdued the pit bull by its neck and got it to release its bite from the other dog's neck. The dogs were separated and I maintained control of the pit.

The owner of the pit bull, an older lady, brought a mask and put it on the pit bull. An older man with a cane said it was their dog. We escorted the pit to her vehicle and attempted to put it in the back of the car when it started lashing out again and tried to attack me. It was put in the vehicle and secured.

I talked to both owners of the dogs (I did not get any names or information from either party, just the vehicle registration of the pit), and had them exchange information, and advised them to call Falmouth Police or Animal Control to report the incident. When I returned to my house I called the incident into Falmouth Police.

I have attached a picture of the pit owners and myself (blue shirt).

Please let me know if you need anything else,
VR
Tpr David Dunphy
[REDACTED]

TOWN OF FALMOUTH NOTICE OF VIOLATION
OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE
September 3, 2018

OFFENDER
Deborah A Ewald

ADDRESS OF OFFENDER
81 Sam Turner rd.

CITY, STATE, ZIP
Falmouth, MA 02536

DATE OF BIRTH OF OFFENDER

OPERATOR LICENSE NUMBER

REGISTRATION NUMBER

OFFENSE:
83-19 Failure to Restrain \$50
83-13 Failure to License (warning)

TIME AND DATE OF VIOLATION
7:30 (A.M.) (P.M.) ON September 2, 2018

LOCATION OF VIOLATION
Quaker road

SIGNATURE OF ENFORCEMENT PERSON
[Signature]

ENFORCING DEPARTMENT
MES

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 9/4/18

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 50.00
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note

IN 21 DAYS OF THE DATE OF THIS NOTICE to:
Town Clerk
59 Town Hall Square
Falmouth, MA 02540

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540
Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$ _____.

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. 0229

Signature _____

RELEASE FROM QUARANTINE

The animal(s) described on the right does not in my opinion show symptoms of any infectious contagious disease.

Inspector of Animals

9/12/18

Date

Instructions to inspector: Write the full name of the person to whom you delivered the original order of quarantine. Designate that person as the owner, or person having interest in, or person in charge, by crossing out the words which do not apply. If you are able to deliver the original order of quarantine to primary caretaker, please post the original on files.



Commonwealth of Massachusetts
DEPARTMENT OF AGRICULTURAL RESOURCES
DIVISION OF ANIMAL HEALTH

ORDER OF QUARANTINE

Massachusetts General Laws, Chapter 129 § 2, 21, 22

TRIPPLICATE
Inspector's
copy

Town or City of Falmouth Date 9/2/18

To Deborah Ewald owner/person having an interest in/or person in charge.

Upon premises of owners home Address 81 Sam Turner rd.

The following is quarantined, by virtue of the power and authority vested in me by law

1 male, canine, pit bull, 5 yrs, brown, "keto"
(Number, Sex, Species, Breed, Age, Color, Name)

Reason for quarantine: (Suspected disease, importation violation, animal bite (name of person bitten / address / date of bite))

Animal Bite: "Gracie" - Female wheaton ter.

owner: Heidi Giovanni 24 Nauset Ave. E. Falmouth, MA

Further conditions of quarantine: 10 day quarantine

You and all other persons whom it may concern are hereby forbidden to remove anything under quarantine from the premises for any purpose whatsoever, except by permission of the Director of Animal Health or his authorized agent. VIOLATION OF THIS ORDER CAN RESULT IN A FINE OF UP TO FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

05/09 56250M Form 38

[Signature] Inspector of Animals

Dog attack

Jeff Damaro [REDACTED]

Tue 3/26/2019 3:28 PM

To: Sally Houghton [REDACTED]

On Saturday feb 16th 2019 my girlfriend Sally Houghton and i Jeff D'Amario returned home from errands and walking the dogs at a local beach

While exiting the car and walking our board walk leading up to the front door of our house the neighbor pit bull charge across a main rd with no warning whats so ever and lunged for and ferociously grab our biggest dog by the neck and clamped on

I quickly tried to separate them to no avail !

Being a dog owner for most of my life and also owning a pit bull at one time

I didn't feel that the pit bull was going to let go ,

it happened so fast!

Before long i was in the dirt fighting for what i thought was our dogs last breath ,while ending up on my side in the melee and applying a scissor locks with my legs i had to physically punch the dog several times until it finally let go

I believe the pit bulls bottom teeth had not been able to penetrate our dogs neck because of the thickness of our dogs collar (our dog did receive a laceration on the side of her snout by the neck from the bite) probably was the ony reason it let go

(No subject)

Jeff Damario [REDACTED]

Tue 3/26/2019 1:40 PM

To: Sally Houghton [REDACTED]

 1 attachments (2 MB)

20190326_101035.jpg;



< DETAILS

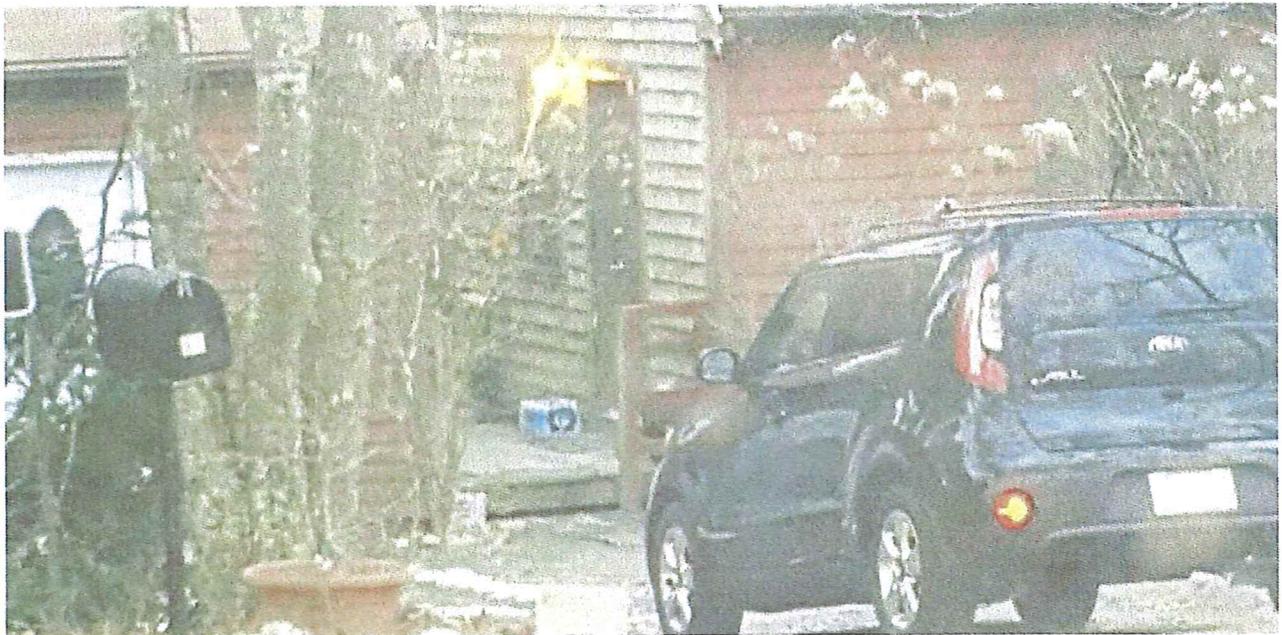
EDIT

Date March 14, 2019 8:21 AM

Size 54.70 KB | Resolution 664x374

Path /Internal storage/VZMedia

Title 275447.jpeg





Date March 14, 2019 5:47 PM

Size 1.95 MB | Resolution 4032x3024

Path /Internal storage/DCIM/Camera

Title 20190314_174725.jpg

LOCATIONS

No location

TOWN OF FALMOUTH NOTICE OF VIOLATION
OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE
February 16, 2019

NAME OF OFFENDER
Debra Ewald

ADDRESS OF OFFENDER
81 Sam Turners rd.

CITY, STATE, ZIP
Falmouth, MA 02536

DATE OF BIRTH OF OFFENDER

OPERATOR LICENSE NUMBER

REGISTRATION NUMBER

OFFENSE:
83-19 Failure to Restrain \$50.00

TIME AND DATE OF VIOLATION
1:30 (A.M.) (P.M.) ON February 16, 2019

LOCATION OF VIOLATION
87 Sam Turners rd.

SIGNATURE OF ENFORCEMENT PERSON
[Signature]

ENFORCING DEPARTMENT
MES

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 2/18/19

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 50.00.
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:
Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.
(1) You may choose to pay the above fine, either by appearing in person through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:
Town Clerk
59 Town Hall Square
Falmouth, MA 02540
(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:
Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540
Attn: 21D Noncriminal Hearings
(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$ _____.

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. 0146

Signature _____

February 18, 2019

Captain Reid
Falmouth Police Department
750 Main Street
Falmouth, MA 02450



*Submitted at BOS meeting
by Capt. Reid.*

Captain Reed,

I live at 82 Sam Turner Road, and am writing to request a Dangerousness Hearing for the dog that is in residence at 81 Sam Turner Road.

I have had three instances with this very aggressive and scary dog.

- May 30, 2017
- June 27, 2018
- February 16, 2019

Please see the three attached e-mails that were sent to Jessica Gow, of Animal Control to document the instances of aggressive behavior. I will say by far the scariest was Saturday, February 16th, if my partner wasn't present to get the pit bull off my 14 year old lab mix, there wouldn't have been much I could do. I stand 5'4, roughly 130lbs, no match against an aggressive 70-ish(?) pound pit bull. Fortunately, neither sustained any serious injuries. Honestly, I am scared to walk out of my house with my dogs on leash, for fear we will get attacked in my own front yard.

To date, this dog has not growled, barked or made any noise before any attacks. It sees us from across the street and before I am able to get to safety, it has attacked my dogs. I know Sam Turner is a busy street for bikers, runner, walkers, and dog walkers I would hate for anyone else to have to go through this.

I am requesting this hearing in hopes there are some stricter measures that can be imposed to keep myself, my dogs and others in my neighborhood safe from what could be a potentially life threatening attack on person or animal in the near future.

Please feel free to contact me with any questions or if you need any additional information.

Regards,

Sally Houghton
[REDACTED]

Incident - 2/16 135p

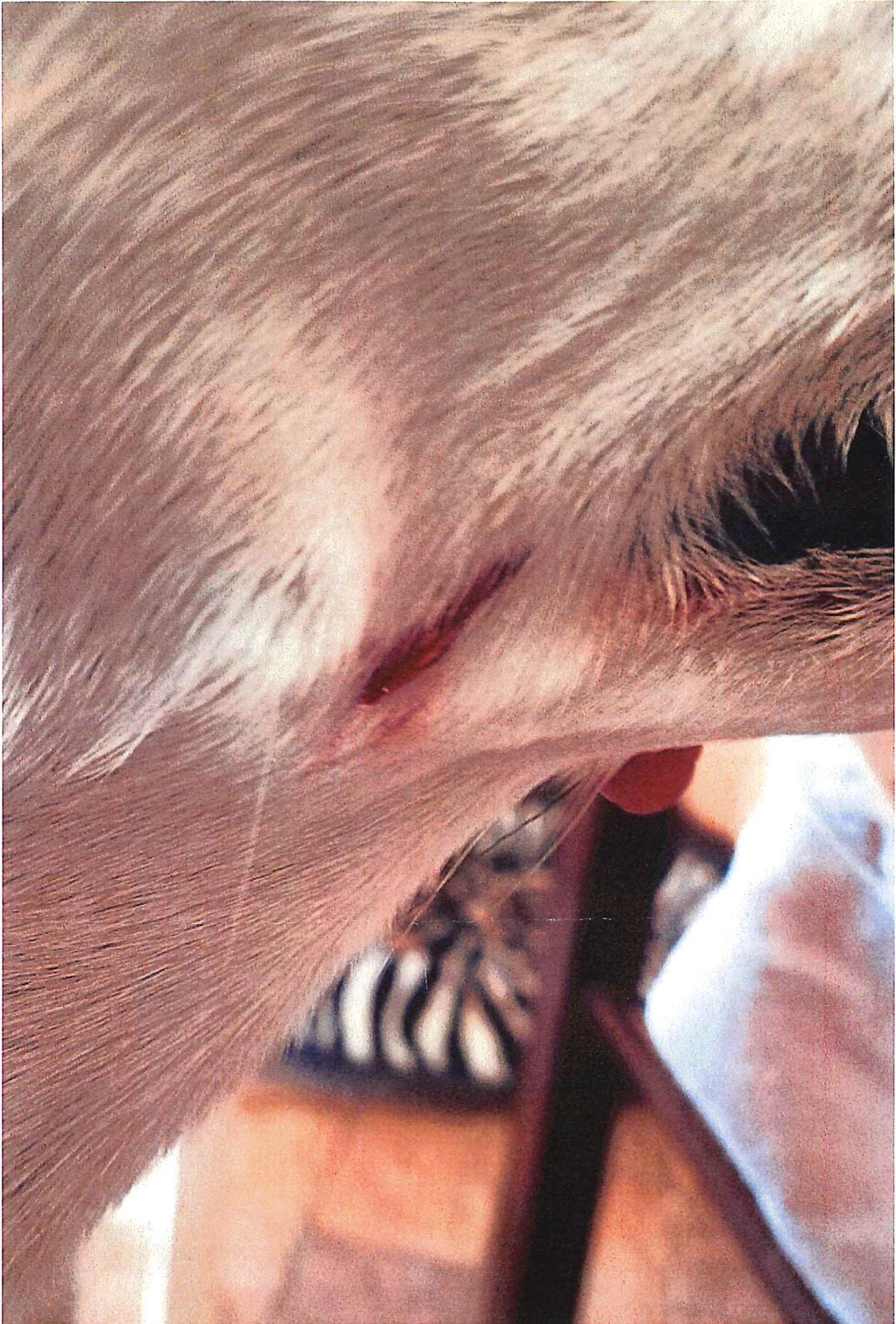
Sally Houghton

Sat 2/16/2019 2:01 PM

To: animalc@falmouthmass.us <animalc@falmouthmass.us>

Hi Jessica,

I had another incident with the pitt bull at 81 Sam Turner. Its brown with brownish orange collar. He came bolting across the street as I was walking my 2 leashed dogs in the house. The pit grabbed on to my 14 yr old lab mix and wouldn't let go. My boyfriend had to jump on and pry the pit off, while I tried to get my dogs in the house.



My lab mix seems to only have gotten a laceration to her face. Picture attached.

Please feel free to contact me at [REDACTED] if you need any additional information or have any questions.

Thank you,
Sally Houghton

Get [Outlook for Android](#)

Sally Houghton

From: Sally Houghton [REDACTED]
Sent: Wednesday, June 27, 2018 12:49 PM
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Tuesday, June 26

Importance: High

Good Afternoon, Jessica,

I hate to have to write to you again – but here's what happened yesterday.

At approximately 5:45pm (Tuesday, June 26th), I was arriving home from a dog walk, I noticed the neighbors unrestrained dog (at 81 Sam Turner Rd.) was in the yard with a young adult male while he was putting trash out. My dogs noticed the neighbor dog and started barking - the dog then charged across the street jumping on my car trying to get at my dogs through a partially open back window, barking aggressively. The young adult male at first tried to call the dog back, then had to come over and physically pick up and carry the dog back across the street. Fortunately, we were in the car and nothing happened except some scratching to my car door.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED]

Best Regards,
Sally

From: Sally Houghton [REDACTED]
Sent: Monday, June 04, 2018 9:22 AM
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Wednesday, May 30th
Importance: High

Good Morning Jessica,

Per your request, below please find details of the of the incident on Wednesday, May 30th at 82 Sam Turner Rd. East Falmouth MA 02536.

It was approximately 4:30pm, I had my 2 dogs leashed and was walking out of my house to my car to take my 2 dogs for a walk. The neighbor's dog who resides directly across the street at 81 Sam Turner Rd., charged like a bat out of hell into my yard and before I knew it had one of my dogs pinned on the ground & up against the tire attacking it. I started screaming for the neighbors to come get their dog at the top of my lungs, while trying to pull the dogs apart and make sure no one got hurt. I was able to pull the neighbor's dog off, when Mrs. Ewald came running over very apologetic. She did wait to make sure my dog was ok while I checked her out. Fortunately, there were just a couple of scratches and no vet visit was required.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED]

Best Regards,
Sally

Sally Houghton

Senior Administrative Assistant I
Woods Hole Oceanographic Institution
Geology & Geophysics Dept.
Clark South Rm 274, MS 24

[REDACTED]

[REDACTED]

Sally Houghton

From: Sally Houghton [REDACTED]
Sent: Wednesday, June 27, 2018 12:49 PM *Citation issued.*
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Tuesday, June 26

Importance: High

Good Afternoon, Jessica,

I hate to have to write to you again – but here's what happened yesterday.

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Please feel free to contact me should you require any additional details or information. My cell is [REDACTED]

Best Regards,
Sally

From: Sally Houghton [REDACTED]
Sent: Monday, June 04, 2018 9:22 AM - *warning issued in person*
To: 'jessica.gow@falmouthmass.us'
Subject: Incident at 82 Sam Turner on Wednesday, May 30th
Importance: High

Good Morning Jessica,

Per your request, below please find details of the of the incident on Wednesday, May 30th at 82 Sam Turner Rd. East Falmouth MA 02536.

It was approximately 4:30pm, I had my 2 dogs leashed and was walking out of my house to my car to take my 2 dogs for a walk. The neighbor's dog who resides directly across the street at 81 Sam Turner Rd., charged like a bat out of hell into my yard and before I knew it had one of my dogs pinned on the ground & up against the tire attacking it. I started screaming for the neighbors to come get their dog at the top of my lungs, while trying to pull the dogs apart and make sure no one got hurt. I was able to pull the neighbor's dog off, when Mrs. Ewald came running over very apologetic. She did wait to make sure my dog was ok while I checked her out. Fortunately, there were just a couple of scratches and no vet visit was required.

Please feel free to contact me should you require any additional details or information. My cell is [REDACTED]

Best Regards,
Sally

TOWN OF FALMOUTH NOTICE OF VIOLATION OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE June 28, 2018

NAME OF OFFENDER Joshua Ewald

ADDRESS OF OFFENDER 81 Sam Turner rd.

CITY, STATE, ZIP E. Falmouth, MA 02536 DATE OF BIRTH OF OFFENDER _____

OPERATOR LICENSE NUMBER _____ REGISTRATION NUMBER _____

OFFENSE:

83-19 Failure to restrain \$50

83-13 Failure to license \$50

TIME AND DATE OF VIOLATION 5:45 (A.M.) (P.M.) ON June 26, 2018

LOCATION OF VIOLATION 82 Sam Turner rd.

SIGNATURE OF ENFORCEMENT PERSON [Signature] ENFORCING DEPARTMENT MES

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 6/28/18

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 100.00.
 YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:
 Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.
 (1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town Clerk
 59 Town Hall Square
 Falmouth, MA 02540

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
 Falmouth District Court
 161 Jones Road
 Falmouth, MA 02540
 Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$ _____.

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. **0093**

Signature _____

page 8 of 18

From: "Dunphy, David (POL)" [REDACTED]
To: "Animalc@falmouthmass.us" <Animalc@falmouthmass.us>
Subject: Old Silver Pit Bull incident
Date: 9/3/2018 11:34:07 AM

Good Morning,

On Sunday, September 2nd, 2018, at approximately 1900 hours, I, Trooper David Dunphy #3944 (off duty), was traveling north on Quaker Road in front of Old Silver Beach in the town of Falmouth (public way), with my wife, Anna, when we both observed a Kia traveling in the opposite direction, bearing MA registration [REDACTED]. We observed a brown/darker colored pit bull jump out of the moving vehicle from the rear passengers side window and fall to the ground. The pit bull started snarling and ran after two other dogs that were in the residence parking lot of Old Silver Beach. I believe the two victim dogs to be labordoodles type dogs. Both labordoodles were on leash.

I had my wife stop the vehicle so I could assist. I exited the car and ran over to the dogs. The dogs were biting and attacking each other. I observed the pit bull latched onto the neck of one of the victims dog, and observed blood on both dogs. I jumped on the pit bull, which was clearly the aggressor, and straddled its hind legs and grabbed its collar. I subdued the pit bull by its neck and got it to release its bite from the other dogs neck. The dogs were separated and I maintained control of the pit.

The owner of the pit bull, an older lady, brought a mask and put it on the pit bull. An older man with a cane said it was their dog. We escorted the pit to her vehicle and attempted to put it in the back of the car when it started lashing out again and tried to attack me. It was put in the vehicle and secured.

I talked to both owners of the dogs (I did not get any names or information from either party, just the vehicle registration of the pit), and had them exchange information, and advised them to call Falmouth Police or Animal Control to report the incident. When I returned to my house I called the incident into Falmouth Police.

I have attached a picture of the pit owners and myself (blue shirt).

Please let me know if you need anything else,
VR
Tpr David Dunphy
[REDACTED]

TOWN OF FALMOUTH NOTICE OF VIOLATION OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE September 3, 2018

NAME OF OFFENDER Deborah A Ewald

ADDRESS OF OFFENDER 81 Sam Turner rd.

CITY, STATE, ZIP Falmouth, MA 02536 DATE OF BIRTH OF OFFENDER _____

OPERATOR LICENSE NUMBER _____ REGISTRATION NUMBER _____

OFFENSE:

83-19 Failure to Restrain \$50

83-13 Failure to License (warning)

TIME AND DATE OF VIOLATION 7:30 (A.M.) (P.M.) ON September 2, 2018

LOCATION OF VIOLATION Quaker road

SIGNATURE OF ENFORCEMENT PERSON [Signature] ENFORCING DEPARTMENT MES

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 9/4/18

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 50.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note

WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town Clerk
59 Town Hall Square
Falmouth, MA 02540

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540
Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$ _____.

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. 0229

Signature _____

TRIPPLICATE
Inspector's
copy

Commonwealth of Massachusetts
DEPARTMENT OF AGRICULTURAL RESOURCES
DIVISION OF ANIMAL HEALTH
ORDER OF QUARANTINE
Massachusetts General Laws, Chapter 129 § 2, 21, 22



Town or City of Falmouth Date 9/2/18
To Deborah Ewald owner/person having an interest in/or person in charge.

Upon premises of owners home Address 81 Sam Turner rd.
The following is quarantined, by virtue of the power and authority vested in me by law

1 male, canine pit bull, s/vrs, brown, "keto"
(Number, Sex, Species, Breed, Age, Color, Name)
Reason for quarantine: [Suspected disease, importation violation, animal bite (name of person bitten / address / date of bite)]

Animal Bite: "Gracie" - Female wheaton terrier.
Owner: Heidi Giovanni 24 Nauset Ave. E. Falmouth, MA.

Further conditions of quarantine: 10 day quarantine
You and all other persons whom it may concern are hereby forbidden to remove anything under quarantine from the premises for any purpose whatsoever, except by permission of the Director of Animal Health or his authorized agent. VIOLATION OF THIS ORDER CAN RESULT IN A FINE OF UP TO FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

05/09 56250M Form 38 [Signature] Inspector of Animals

RELEASE FROM QUARANTINE

The animal(s) described on the right does not in my opinion show symptoms of any infectious contagious disease.

Inspector of Animals
9/12/18
Date

Instructions to inspector: Write the full name of the person to whom you delivered the original order of quarantine. Designate that person as the owner, or person having interest in, or person in charge, by crossing out the words which do not apply. If you are able to deliver the original order of quarantine to primary caretaker, please post the original on _____ses.

Dog attack

Jeff Damario [REDACTED]

Tue 3/26/2019 3:28 PM

To: Sally Houghton [REDACTED]

On Saturday feb 16th 2019 my girlfriend Sally Houghton and i Jeff D'Amario returned home from errands and walking the dogs at a local beach

While exiting the car and walking our board walk leading up to the front door of our house the neighbor pit bull charge across a main rd with no warning whats so ever and lunged for and ferociously grab our biggest dog by the neck and clamped on

I quickly tried to separate them to no avail !

Being a dog owner for most of my life and also owning a pit bull at one time

I didn't feel that the pit bull was going to let go ,
it happened so fast!

Before long i was in the dirt fighting for what i thought was our dogs last breath ,while ending up on my side in the melee and applying a scissor locks with my legs i had to physically punch the dog several times until it finally let go

I believe the pit bulls bottom teeth had not been able to penetrate our dogs neck because of the thickness of our dogs collar (our dog did receive a laceration on the side of her snout by the neck from the bite) probably was the ony reason it let go

(No subject)

Jeff Damario [REDACTED]

Tue 3/26/2019 1:40 PM

To: Sally Houghton [REDACTED]

 1 attachments (2 MB)

20190326_101035.jpg;



< DETAILS

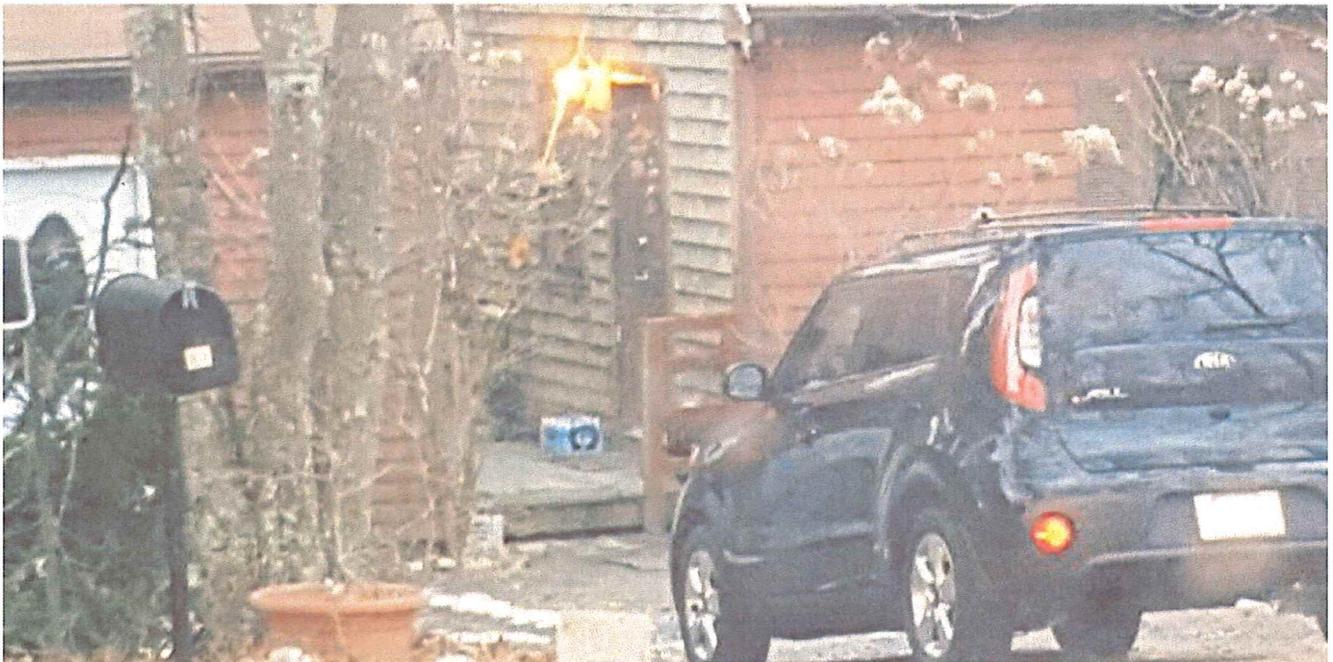
EDIT

Date March 14, 2019 8:21 AM

Size 54.70 KB | Resolution 664x374

Path /Internal storage/VZMedia

Title 275447.jpeg





Date March 14, 2019 5:47 PM

Size 1.95 MB | Resolution 4032x3024

Path /Internal storage/DCIM/Camera

Title 20190314_174725.jpg

LOCATIONS

No location

TOWN OF FALMOUTH NOTICE OF VIOLATION OF TOWN BY-LAW, RULE OR REGULATION

DATE OF THIS NOTICE: February 16, 2019
NAME OF OFFENDER: Debra Ewald
ADDRESS OF OFFENDER: 81 Sam Turner rd.
CITY, STATE, ZIP: Falmouth, MA 02536
DATE OF BIRTH OF OFFENDER:
OPERATOR LICENSE NUMBER:
REGISTRATION NUMBER:

OFFENSE: 83-19 Failure to Restrain \$50.00

TIME AND DATE OF VIOLATION: 1:30 (A.M.) (P.M.) ON February 16, 2019
LOCATION OF VIOLATION: 82 Sam Turner rd.
SIGNATURE OF ENFORCEMENT PERSON: [Signature]
ENFORCING DEPARTMENT: MES
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

Unable to obtain signature of offender. Date Mailed 2/18/19

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ 50.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:
Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town Clerk
59 Town Hall Square
Falmouth, MA 02540

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Falmouth District Court
161 Jones Road
Falmouth, MA 02540

Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a hearing with 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offenses charged and enclose payment in the amount of \$

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter. 0146

Signature

RELEASE FROM QUARANTINE

The animal(s) described on the right does not in my opinion show symptoms of any infectious contagious disease.

Inspector of Animals

2/26/19
Date

Instructions to inspector: Write the full name of the person to whom you delivered the original order of quarantine. Designate that person as the owner, or person having interest in, or person in charge, by crossing out the words which do not apply. If you are not able to deliver the original order of quarantine to the primary caretaker, please post the original on premises.



Commonwealth of Massachusetts
DEPARTMENT OF AGRICULTURAL RESOURCES
DIVISION OF ANIMAL HEALTH
ORDER OF QUARANTINE

Massachusetts General Laws, Chapter 129 §§ 2, 21, 22

DUPLICATE
To be sent to
Animal Health

Town or City of Falmouth Date 2/16/2019

To Debra Ewald owner/person having an interest in/or person in charge.

Upon premises of owners home Address 81 Sam Turner rd.

The following is quarantined, by virtue of the power and authority vested in me by law

1 male, canine, pit bull, adult, brown, "Kiwi"
(Number, Sex, Species, Breed, Age, Color, Name)

Reason for quarantine [Suspected disease, importation violation, animal bite (name of person bitten / address / date of bite)]

Dog vs. Dog Owner: Sally Houghton

82 Sam Turner rd. Falmouth, MA 02536 2/16/19

Further conditions of quarantine: 10 day quarantine

You and all other persons whom it may concern are hereby forbidden to remove anything under quarantine from the premises for any purpose whatsoever, except by permission of the Director of Animal Health or his authorized agent. VIOLATION OF THIS ORDER CAN RESULT IN A FINE OF UP TO FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

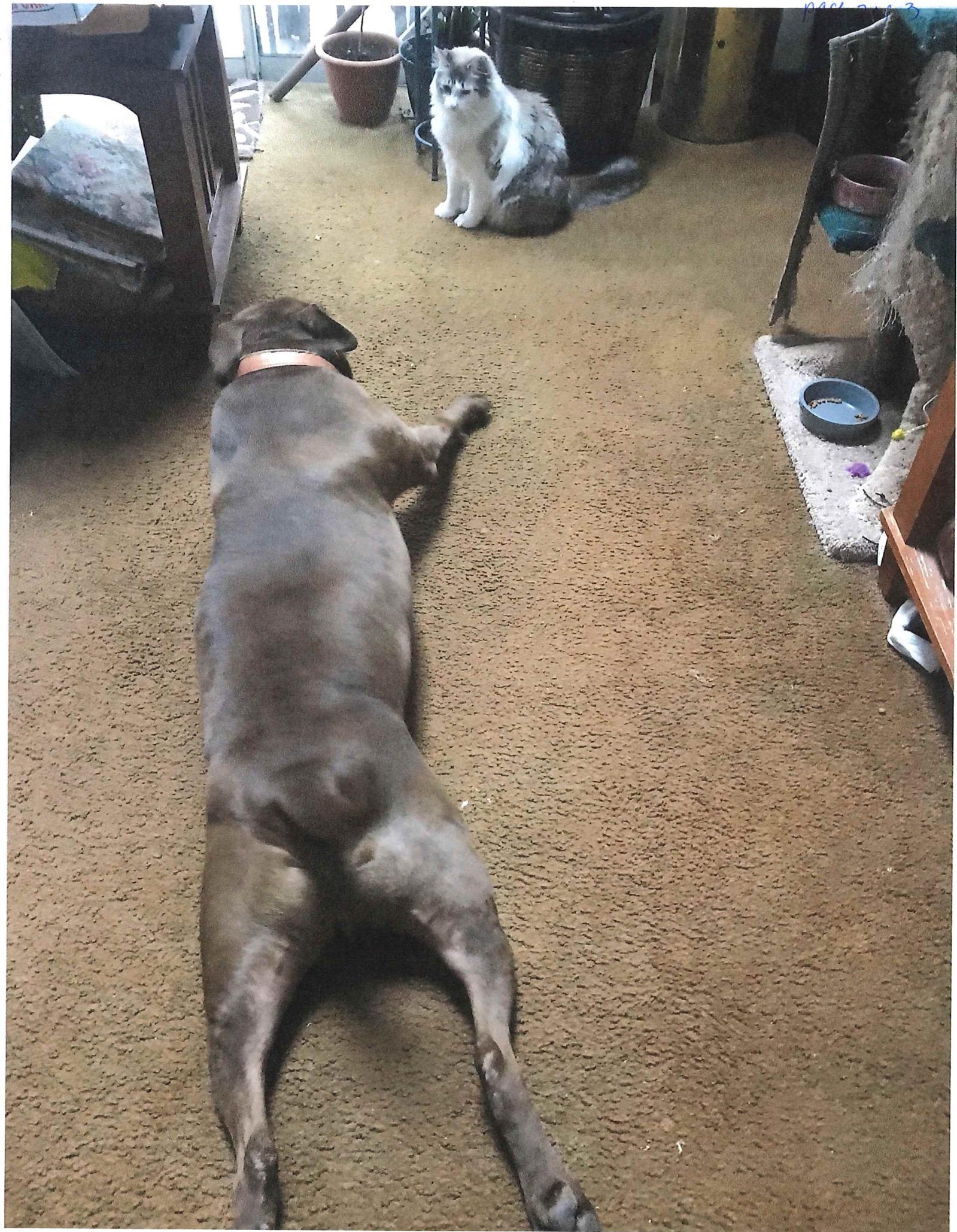
05/09 56250M Form 38

[Signature] Inspector of Animals

RECEIVED
MAY - 6 2019
SELECTMEN'S OFFICE

Submitted at BOS
meeting by Ewald.







Town Committee Vacancies

The Falmouth Board of Selectmen has announced the following vacancies on Town committees:

Committee	Term Until	Applications Deadline
Board of Assessors (1 position)	6/30/21	
Board of Survey (2 positions)	6/30/21	
Coastal Pond Management Committee (1 position)	6/30/19	
Commission on Disabilities (2 positions)	6/30/19, 6/30/20	
Cultural Council (3 positions)	6/30/20, 6/30/21	
Energy Committee (1 position)	6/30/20	
Historical Commission (1 alternate position)	6/30/21	
Human Services Committee (1 position)	6/30/19	
Sign Review Committee (3 full positions, 2 alternate positions)	6/30/19, 6/30/21 & 6/30/20	
Zoning Board of Appeals (1 associate position)	6/30/19	5/15/19

Applications are available on the Town website www.falmouthmass.us, or in the Office of the Board of Selectmen, 59 Town Hall Square, Falmouth. Please submit applications to the Office of the Board of Selectmen.

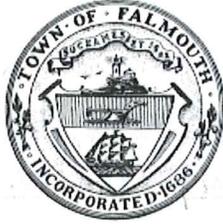
Zoning Board of Appeals

1 associate member vacancy

- Term until 6/30/19

2 applicants:

- Mary Patricia Barry
- Lenahan O'Connell



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: MARY PATRICIA BARRY
Address: 26 QUEEN STREET Village: VILLAGE ZIP: 02540

Mailing Address: (ABOVE) Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 8 yrs (date: _____) / Taxpayer 13 (date: _____)

Amount of time you are available to give: whatever required

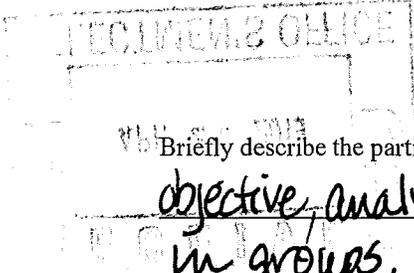
- Town Committee, Board or Commission you are interested in serving on:
- ZONING BOARD OF APPEALS
 - _____
 - _____

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 ~30 YEARS IN D.C. FED. GOV. INCLUDING: HUD & Federal housing programs; writing laws, regulations, policies & procedures in housing area; analytical skills

Town offices held in Falmouth or elsewhere and dates of years served: NONE. NO TOWN OFFICES.



Briefly describe the particular skills you feel you will add to the committee or board: Independent, objective, analytical, listening, extensive experience working in groups, housing experience.

List three (3) references:

- | | Name | Title | Phone |
|----|----------------|---|------------|
| 1. | RALPH WADLEIGH | BOARD, FGS | [REDACTED] |
| 2. | TAMSEN GEORGE | PRES. HISTORICAL SOCIETY | [REDACTED] |
| 3. | ALICE WELCH | Commissioner, MA Board of Library Commissioners | [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.

4/23/2019
DATE

Mary Patricia Barry
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: LEMAHAM O'CONNELL

Address: 26 PEACH ROAD CIR Village: TEATICKET ZIP: 02536

Mailing Address: SAME Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident X (date: 4/17) / Taxpayer X (date: 4/17)

Amount of time you are available to give: RETIRED, SO AVAILABLE

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

1. ZONING BOARD OF APPEALS
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? YES 5-2-19

Relevant affiliation and work and personal experiences SEE ATTACHED

Town offices held in Falmouth or elsewhere and dates of years served: NONE

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

SEE ATTACHED

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	GERALD POTKUS		[REDACTED]
2.	PHILIP MEHRD		[REDACTED]
3.	EDWARD MCCORMACK		[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.

4-30-19
DATE

Kevin O'Connell
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.

Application for Alternate Position on Zoning Board of Appeals

Lenahan O'Connell

PhD Public Administration and Policy, University of Kentucky

MA Columbia University, Sociology

I was employed for 20 years as a research associate at the University of Kentucky's Transportation Research Center. My research areas were environmental policy and law, techniques for public participation in decision-making, growth management, fuel tax policy, and the organization of state transportation commissions.

I also taught courses on urban growth management and transportation policy to graduate students in the Civil Engineering Department. These courses emphasized the importance of public participation and pragmatism when complying with environmental law.

My research was published in a number of relevant academic journals including: The Journal of the American Planning Association; the Journal of Environmental Planning and Management; Public Works Management and Policy; Transportation Research Part A: Policy and Practice, the Transportation Research Record, the American Review of Public Administration and Public Administration Review.

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

Experience assessing the environmental impacts of specific transportation projects, along with evaluating the types of conditions that render some adverse impacts acceptable.

I learned that it is often appropriate to take into account a number of practical considerations in order to reach a common sense and workable solution in a particular situation.

Compassionate Care ALS

Request for extension of time to display off-premise promotional sign

Location: 17 Chase Road, West Falmouth (corner of Chase Rd. & Rt. 28A)

Duration: until 12/31/17.

Size: 30”h x 48”w (10 sq. ft.)

Diane Davidson

5/20/19

From: Maribeth Wadman <mwadman@cataldobuilders.com>
Sent: Wednesday, April 24, 2019 11:28 AM
To: Diane Davidson
Cc: Ollie Fitzpatrick
Subject: Compassionate Care ALS Variance Renewal
Attachments: CCALS Off Premise Sign Package.pdf

Hi Diane,

I am writing today at the recommendation of Ollie Fitzpatrick requesting the Board of Selectmen to approve the extension of a variance they granted to Compassionate Care ALS for a sign for the soon to be completed Education and Retreat Center posted at the intersection of Chase Road and Rt. 28 A in West Falmouth. The existing sign came down in a recent rain storm and this is when we discovered the original variance was granted only until December 31, 2017.

Included in the attached package is a letter to the Board of Selectmen and all of the supporting documentation from the original variance request. Updated photos of the existing sign and the post are also included.

The facility is nearing completion and when it is complete, the director will probably proceed with another request to make a similar sign permanent. In the meantime, we are all continuing our fundraising efforts for this amazing community project so we are anxious to have the variance extended so we can reinstall the existing sign.

Also, in a few minutes, I will send to you another request and supporting documentation for a smaller, free standing sign to be placed on the property in front of the new facility.

Can you please add our request to an upcoming Selectman hearing and let us know when this will be so the director of CCALS can attend.

Thank you so much for your assistance in this matter.

Maribeth

Maribeth Wadman
Cataldo Custom Builders, Inc.
172 East Falmouth Highway
East Falmouth, MA 02536
508 548-1133
mwadman@cataldobuilders.com

CATALDO

CUSTOM BUILDERS, INC.

172 E. Falmouth Hwy/Rt 28 • East Falmouth, MA 02536

April 22, 2019

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

Dear Board of Selectmen,

I am writing today to request a variance extension for the sign previously approved for Compassionate Care ALS. The sign is located at the corner of Chase Road and Rt. 28A in West Falmouth. When the sign was first approved, the variance was in place until December 31, 2017. The construction of the CCALS Education and Retreat Center has taken longer than expected and when the sign was blown down during a recent storm, we discovered the variance had expired.

The original paperwork submitted for the sign in July 2017 is enclosed. Also enclosed are recent photos of the same sign to be reinstalled onto the post in the same location. It is the same sign that was originally approved.

In a matter of weeks, the Education and Retreat Center will be completed and a permanent sign at this location will be requested. Until then, we request this extension to help with continuing fundraising efforts for Compassionate Care ALS.

Thank you for your consideration in this matter.



Ralph J. Cataldo
President, Cataldo Custom Builders, Inc.

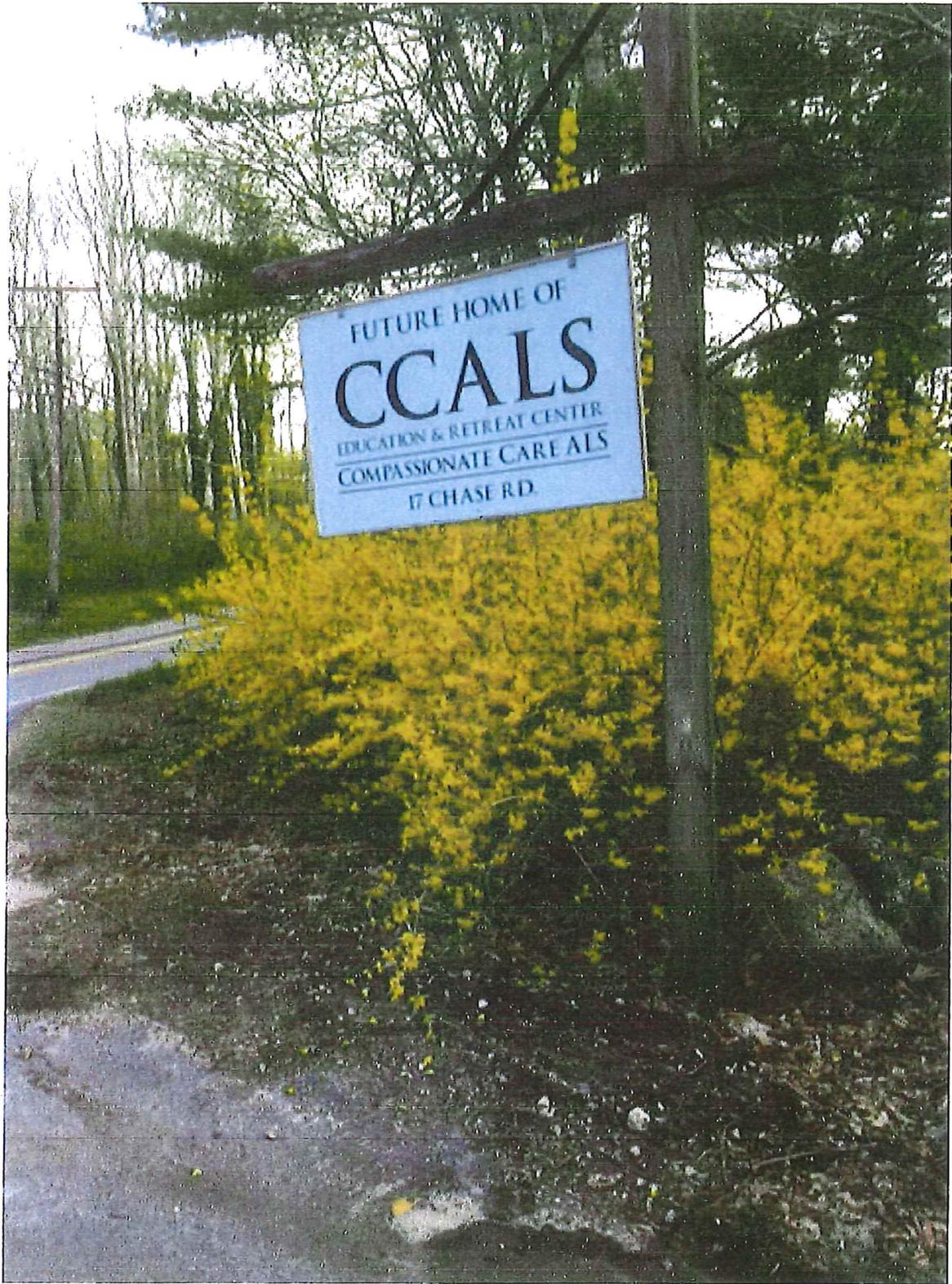
FUTURE HOME OF

CCALS

EDUCATION & RETREAT CENTER

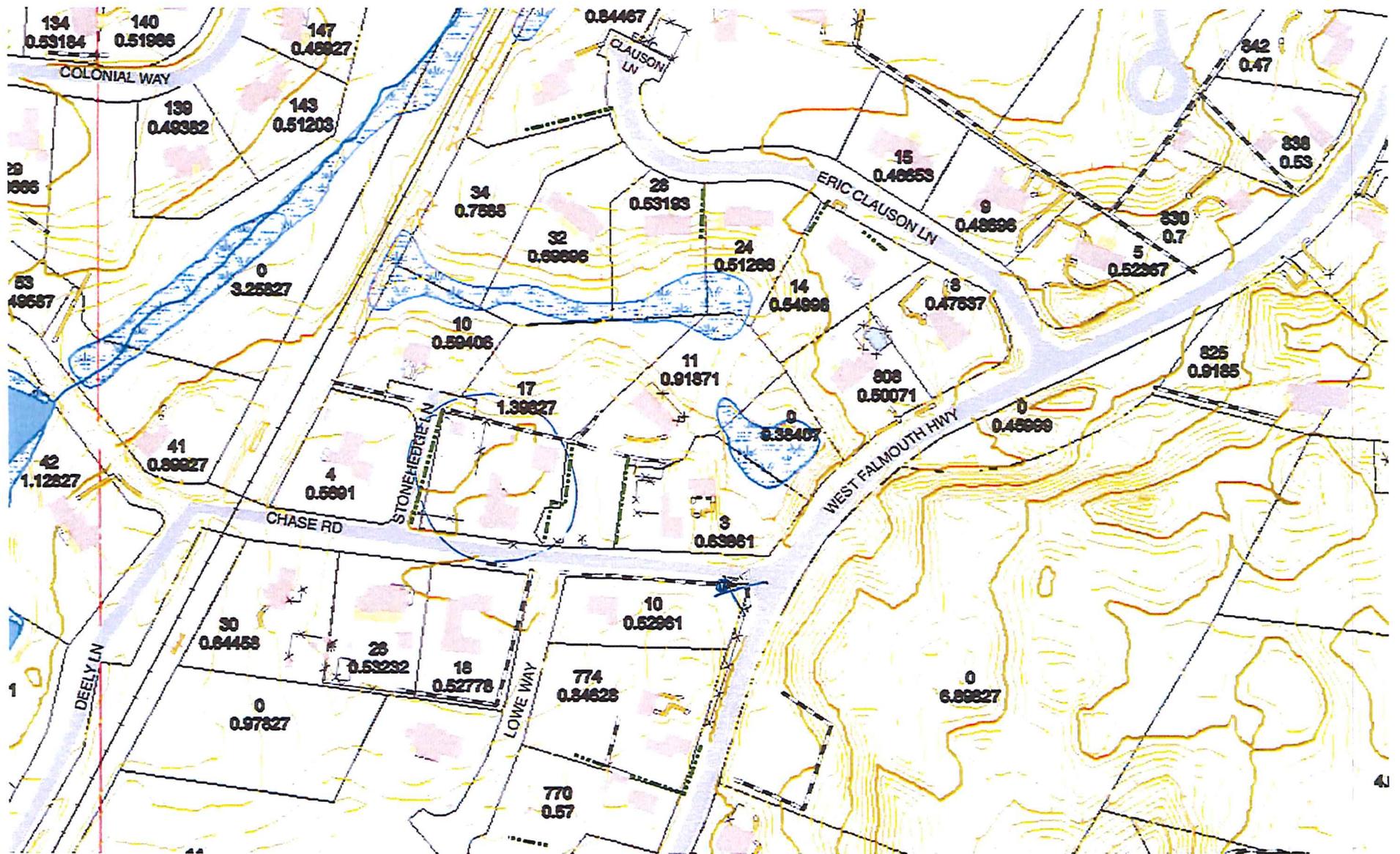
COMPASSIONATE CARE ALS

17 CHASE RD.



FUTURE HOME OF
CCALS
EDUCATION & RETREAT CENTER
COMPASSIONATE CARE ALS
17 CHASE RD.



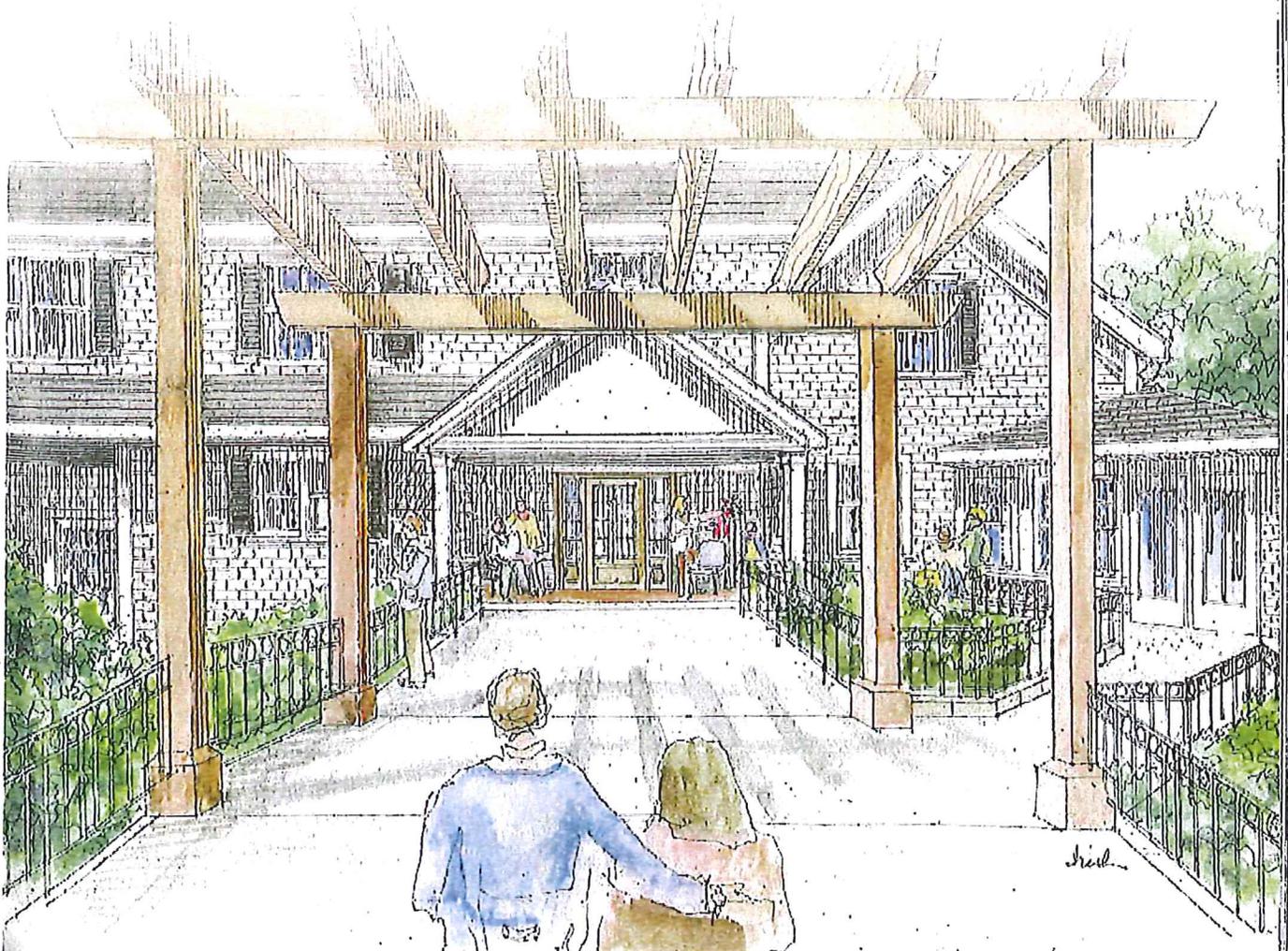


Compassionate care & HELPING HANDS

Cape building community bands together to create
a retreat center for those coping with ALS

By Julie Craven Wagner

Architectural Renderings furnished by the late Gary Irish.



Town of Falmouth Sign Permit Application (rev. 12/08)
(508) 495-7470 Fax (508) 548-4290

For office use only:
 BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: _____

*The Sign Permit Fee is \$25.00 per sign, payable to the Town of Falmouth (special event and promotional signs under §180-30 are no charge) – please submit the required fee to the Building Department along with the completed sign permit application.

DATE: 4/15/19
 STREET ADDRESS FOR PROPOSED SIGN(S): 17 CHASE ROAD WEST FALMOUTH
 APPLICANT NAME: MARIBETH WADMAN PHONE: 508 548-1133
 MAILING ADDRESS: 172 E. FALMOUTH HWY TOWN/STATE/ZIP: E. FALMOUTH MA 02536
 BUSINESS NAME: COMPASSIONATE CARE ALS / CATALDO CUSTOM BUILDERS INC.
 BUSINESS OWNER: RON HOFFMAN ADDRESS/PHONE: PO Box 1052 W. FALMOUTH 508 444-6775
 PROPERTY OWNER: COMPASSIONATE CARE ALS ADDRESS/PHONE: PO Box 1052 W. FALMOUTH 508 444-6775
 CONTRACTOR / SIGN COMPANY: CATALDO CUSTOM BUILDERS
 ASSESSOR'S PARCEL ID: 15 02 021 015 A ZONING DISTRICT: RB

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y / N
 If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a detailed description of the HDC requirements.

FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35
 List number and sizes of each sign that presently exist for each street frontage: (1) OFF PREMISES
 Area of proposed standing sign is: 30" x 48" = 10 square feet.
 Do the frames, borders, etc. exceed 8 square feet in area? Y/N
 The proposed standing sign will be set back from CHASE RD. street line 4 feet.

WALL SIGN(s) § 184-37; Awning(s) § 184-22
 List number and sizes of each wall and roof sign that presently exist on building: _____
 Size of proposed wall sign is: _____ x _____ = _____ square feet.
 The lineal frontage of the wall supporting the sign is: _____ lineal feet.
 The proposed sign will face _____ street/parking lot

ROOF SIGN(s) § 184-37
 List number and sizes of each wall and roof sign that presently exist on building: _____
 Size of proposed roof sign is: _____ x _____ = _____ square feet.
 The wall that the sign will be above is: _____ lineal feet.

PROMOTIONAL/SPECIAL EVENT SIGN(s) § 184-30
 Size of proposed sign is: _____ x _____ = _____ square feet.
 Start date: _____; End date: _____ Total number of days that the sign will be displayed: _____

If the sign is eight (8) square feet or greater, this application must be submitted the Design Review Committee (DRC) for approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a description of the DRC requirements.

OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20
The Board of Selectmen must approve all off-premise signs.
 Proposed location: CORNER OF CHASE RD + 28A Size: 10 square feet.
Board of Selectmen License No.: _____ *(Note: A copy must be attached)*

INSTRUCTIONS TO APPLICANT: (1) Attach a separate sheet with a site plan showing the location of the proposed sign on the lot as well as a sketch of the proposed sign with dimensions and the approximate appearance. (2) All signs in local Historic Districts must receive approval from the Historic District Commission (HDC) before the sign permit application is filed with the building department. (3) All applications for signs at a size of eight (8) square feet or greater that are located outside of local historic districts must be submitted to the Design Review Committee (DRC) for approval.

[Signature]
 Signature of Applicant
4/15/19
 Date

 Historic District Commission Date or Design Review Committee Date

With the following conditions: _____

 Building Commissioner/Inspector Date
 With the following conditions: _____

Town of Falmouth Sign Permit Application (rev. 12/08)
 (508) 495-7470 Fax (508) 548-4290

RECEIVED

For office use only:
 BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: MAY - 8 2017

*The Sign Permit Fee is \$25.00 per sign, payable to the Town of Falmouth (special event and promotional signs under §180-30 are no charge). Please submit the required fee to the Building Department along with the completed sign permit application.

DATE: 5/8/17
 STREET ADDRESS FOR PROPOSED SIGN(S): 17 CHASE RD. WEST FALMOUTH
 APPLICANT NAME: MARIBETH WADMAN PHONE: 508 548-1133
 MAILING ADDRESS: 172 E. FALMOUTH HWY TOWN/STATE/ZIP: E. FALMOUTH MA 02536
 BUSINESS NAME: COMPASSIONATE CARE ALS / CAROLDO CUSTOM BUILDERS, INC
 BUSINESS OWNER: RON HOFFMAN ADDRESS/PHONE: PO Box 1052 W. Falmouth 508 444-6775
 PROPERTY OWNER: COMPASSIONATE CARE ALS ADDRESS/PHONE: PO Box 1052 W. Falmouth 508 444-6775
 CONTRACTOR / SIGN COMPANY: CAROLDO CUSTOM BUILDERS
 ASSESSOR'S PARCEL ID: 15 02 021 015A ZONING DISTRICT: RB

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y / N
 If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a detailed description of the HDC requirements.

FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35
 List number and sizes of each sign that presently exist for each street frontage: 1 off premises
 Area of proposed standing sign is: 20" h x 48" w = 10 square feet.
 Do the frames, borders, etc. exceed 8 square feet in area? Y / N
 The proposed standing sign will be set back from Chase Rd street line about 4 feet.

WALL SIGN(s) § 184-37; Awning(s) § 184-22
 List number and sizes of each wall and roof-sign that presently exist on building: _____
 Size of proposed wall sign is: _____ x _____ = _____ square feet.
 The lineal frontage of the wall supporting the sign is: _____ lineal feet.
 The proposed sign will face _____ street/parking lot

ROOF SIGN(s) § 184-37
 List number and sizes of each wall and roof sign that presently exist on building: _____
 Size of proposed roof sign is: _____ x _____ = _____ square feet.
 The wall that the sign will be above is: _____ lineal feet.

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 Size of proposed sign is: _____ x _____ = _____ square feet.
 Start date: _____; End date: _____ Total number of days that the sign will be displayed: _____

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OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20
The Board of Selectmen must approve all off-premise signs.
 Proposed location: Corner of CHASE RD + Rt. 28A Size: 10 square feet.
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[Signature]
 Signature of Applicant Date 5/8/17

Historic District Commission _____ or _____ Design Review Committee Date 06/14/2017
 With the following conditions: _____

Building Commissioner/Inspector _____ Date _____
 With the following conditions: THE DRC HAS APPROVED THE SIZE AND GRAPHICS ONLY OF THE SIGN.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

July 24, 2017

Ms. Maribeth Wadman
Cataldo Custom Builders
172 E. Falmouth Hwy.
E. Falmouth, MA 02536

Dear Ms. Wadman:

Subject: Sign Variance Approval – Compassionate Care ALS

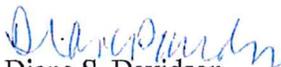
During its meeting of July 10, 2017, the Board of Selectmen approved your request to place an off-premise sign, measuring 30”h x 48”w (10 square feet total), set back four feet from the road at the corner of Chase Rd. and Rt. 28A at 17 Chase Road, West Falmouth. The sign is approved to be in place until December 31, 2017, at which time CCALS will convert the sign to a permanent sign.

With the following conditions:

1. A sign permit is required by the Building Department.

Thank you for your cooperation.

Sincerely,


Diane S. Davidson
Office Manager/Licensing

cc: Ollie Fitzpatrick, Assistant Zoning Enforcement Officer

RECEIVED

JUN 20 2017

SELECTMEN'S OFFICE

TO BOARD OF SELECTMEN

FROM MARIBETH WADMAN

DATE June 20, 2017

We are seeking a variance for permission to place an off premise sign to raise awareness and help in a fundraising effort for the proposed Education and Retreat Center for Compassionate Care ALS. Please see attached letter addressed to the Sign Review Committee for additional information. The Sign Review Committee approved the size and graphics but advised that a variance was necessary due to the location.

We will obtain a sign permit if the Selectmen approves this application.

Thank you for your consideration.



MARIBETH WADMAN
For
Compassionate Care ALS
508 444 6775

CATALDO

CUSTOM BUILDERS, INC.

172 E. Falmouth Hwy/Rt 28 ° East Falmouth, MA 02536

May 8, 2017

Town of Falmouth
Design Review Committee
59 Town Hall Square
Falmouth, MA 02540

To Whom It May Concern,

Cataldo Custom Builders, Inc., along with many volunteers from the construction community in the upper Cape Cod area, is working with Compassionate Care ALS (CCALS) to create an Education and Retreat Center for patients and their families living with ALS.

CCALS, a non-profit organization, purchased the property formerly known as the Beach Rose Inn, located at 17 Chase Road in West Falmouth. Prior to being sold, the Beach Rose Inn maintained a sign, in the same location and of the same size as the sign being proposed by CCALS.

The new, off premise sign is to be used to help bring awareness to this community project and to help in their fundraising efforts for the Education and Retreat Center.

The new sign is planned to be in place from now until December 31, 2017, at which time CCALS will be looking to convert the sign (without any change in size) to a permanent sign to aid visitors in finding the center. It is understood the permanent sign will also need to be reviewed and approved by the Design Review Committee at that time.

We respectfully request your approval in order for us to move this request to the Board of Selectmen. Thank you for your consideration.



Ralph Cataldo
President Cataldo Custom Builders, Inc.

Compassionate Care ALS – Heald Center

Request for sign variance for the installation of a sign in front of a building in a residential zone.

Location: Compassionate Care ALS Education and Retreat Center, 17 Chase Road, West Falmouth.

Size: 13" x 30", approximately 3 sq. ft. (less than 8 sq. ft.)

Diane Davidson

5/20/19

From: Maribeth Wadman <mwadman@cataldobuilders.com>
Sent: Wednesday, April 24, 2019 11:38 AM
To: Diane Davidson
Cc: ollie.fitzpartick@falmouthma.gov
Subject: Compassionate Care ALS New Sign Request
Attachments: CCALS Heald Center Sign Package.pdf

Hi Diane,

Per my last email, attached please find documentation supporting our request for a new, free standing sign to be located on the property of the almost complete CCALS Education and Retreat Center, to be known as The Heald Center at 17 Chase Road in West Falmouth. Included in the documentation is a letter to the Board of Selectmen requesting their approval of this sign in a residential zone, a rendering of the sign, the sign permit application and a site plan indicating the approximate location of the sign on the property.

Can you please add this request to an upcoming Board of Selectmen meeting? Please let me know when it will be scheduled so I can have the director of the facility plan to attend.

Thank you so much for your help.
Maribeth

Maribeth Wadman
Cataldo Custom Builders, Inc.
172 East Falmouth Highway
East Falmouth, MA 02536
508 548-1133
mwadman@cataldobuilders.com

CATALDO

CUSTOM BUILDERS, INC.

172 E. Falmouth Hwy/Rt 28 • East Falmouth, MA 02536

April 24, 2019

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



Dear Board of Selectmen,

I am writing today to request approval for a free standing sign to be installed in front of the Main Building at the soon to be completed Compassionate Care ALS Education and Retreat Center, to be named The Heald Center. The sign will be located approximately 5 feet from the street at 17 Chase Road in West Falmouth.

Enclosed please find a rendering of the sign which is to be 13" x 30", less than 3 square feet, our sign permit application and a site plan indicating the approximate location of the sign. The sign will be mounted on two white wooden posts that match a fence already installed at the front of the property and will be approximately 36" from the ground to the top of the post.

We are told we need the Board of Selectmen to approve this sign as the facility is located in a residential zone and we will not need Design Review approval because the sign is less than 8 square feet in size.

We respectfully request your approval and thank you for your consideration in this matter.

Handwritten signature of Ralph J. Cataldo.

Ralph J. Cataldo
President, Cataldo Custom Builders, Inc.

COMPASSIONATE CARE ALS

THE
HEALD CENTER

education • retreat • sanctuary

17 CHASE RD.

Town of Falmouth Sign Permit Application (rev. 12/08)

(508) 495-7470 Fax (508) 548-4290

For office use only:

BD Permit#: _____ Fee*: _____ HDC App. #: _____ DRC App. #: _____

*The Sign Permit Fee is \$25.00 per sign, payable to the Town of Falmouth (special event and promotional signs under \$180-30 are no charge) – please submit the required fee to the Building Department along with the completed sign permit application.

DATE: 4/15/19
STREET ADDRESS FOR PROPOSED SIGN(S): 17 CHASE RD WEST FALMOUTH
APPLICANT NAME: MARIBETH WADMAN PHONE: 508 548-1133
MAILING ADDRESS: 172 E. FALMOUTH HWY TOWN/STATE/ZIP: E. FALMOUTH MA 02536
BUSINESS NAME: COMPASSIONATE CARE ALS / CATALDO CUSTOM BUILDERS INC.
BUSINESS OWNER: RON HOFFEMAN ADDRESS/PHONE: P.O. Box 1052 W. FALMOUTH 508 444-6775
PROPERTY OWNER: COMPASSIONATE CARE ALS ADDRESS/PHONE: P.O. Box 1052 W. FALMOUTH 508 444-6775
CONTRACTOR / SIGN COMPANY: CATALDO CUSTOM BUILDERS / LOCUST ST. SIGN CO.
ASSESSOR'S PARCEL ID: 15 02 021 015A ZONING DISTRICT: RB

IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT? Y / (N)

If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a detailed description of the HDC requirements.

FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35

List number and sizes of each sign that presently exist for each street frontage: _____

Area of proposed standing sign is: 13' x 30' = 3 square feet.

Do the frames, borders, etc. exceed 8 square feet in area? Y / (N)

The proposed standing sign will be set back from _____ street line _____ feet.

WALL SIGN(s) § 184-37; Awning(s) § 184-22

List number and sizes of each wall and roof sign that presently exist on building: _____

Size of proposed wall sign is: _____ x _____ = _____ square feet.

The lineal frontage of the wall supporting the sign is: _____ lineal feet.

The proposed sign will face _____ street/parking lot

ROOF SIGN(s) § 184-37

List number and sizes of each wall and roof sign that presently exist on building: _____

Size of proposed roof sign is: _____ x _____ = _____ square feet.

The wall that the sign will be above is: _____ lineal feet.

PROMOTIONAL/SPECIAL EVENT SIGN(s) § 184-30

Size of proposed sign is: _____ x _____ = _____ square feet.

Start date: _____; End date: _____ Total number of days that the sign will be displayed: _____

If the sign is eight (8) square feet or greater, this application must be submitted the Design Review Committee (DRC) for approval. See attached 'Town of Falmouth Sign Permit Process and Required Submittals' for a description of the DRC requirements.

OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20

The Board of Selectmen must approve all off-premise signs.

Proposed location: 17 CHASE ROAD Size: 3 square feet.

Board of Selectmen License No.: _____ (Note: A copy must be attached)

INSTRUCTIONS TO APPLICANT: (1) Attach a separate sheet with a site plan showing the location of the proposed sign on the lot as well as a sketch of the proposed sign with dimensions and the approximate appearance. (2) All signs in local Historic Districts must receive approval from the Historic District Commission (HDC) before the sign permit application is filed with the building department. (3) All applications for signs at a size of eight (8) square feet or greater that are located outside of local historic districts must be submitted to the Design Review Committee (DRC) for approval.

Signature of Applicant

4/15/19
Date

Historic District Commission Date

or

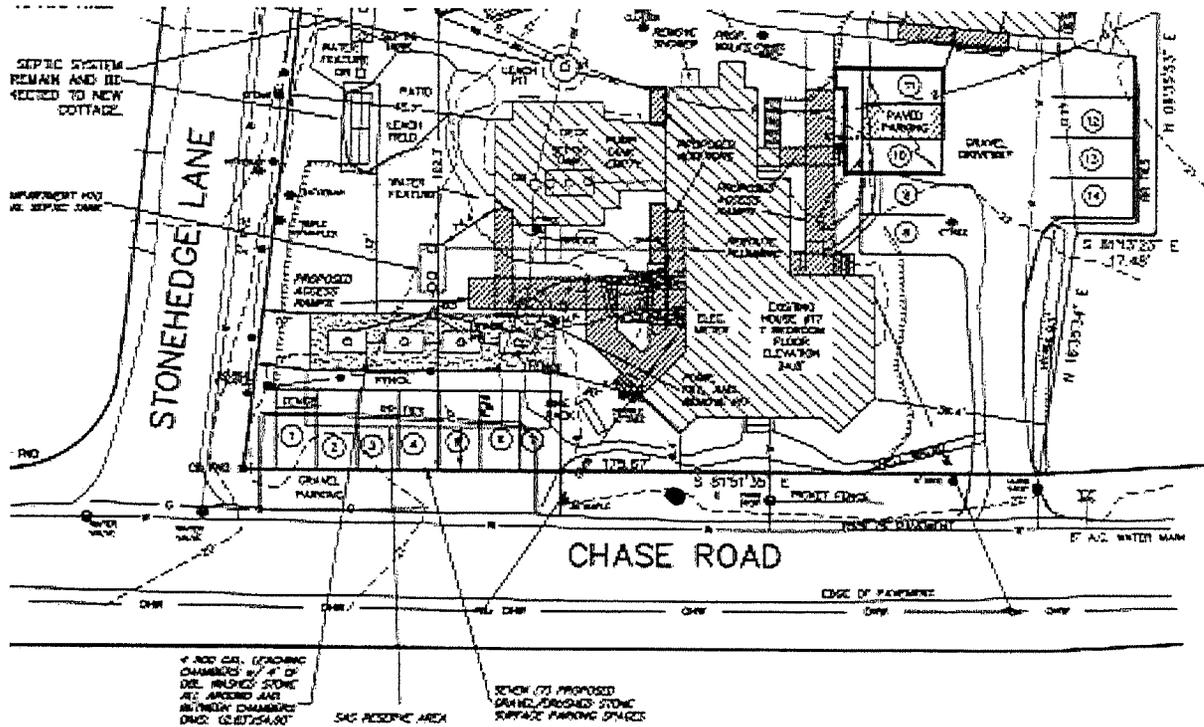
Design Review Committee Date

With the following conditions: _____

Building Commissioner/Inspector Date

With the following conditions: _____

COMPASSIONATE CARE ALS
 THE HEARD CENTER
 EDUCATION + RETREAT CENTER
 17 CHASE RD., WEST FALMOUTH



- Proposed SIGN LOCATION - Approx 5 feet from Chase Rd.

Board of Registrars

The Falmouth Democratic Committee nominates Edward (Skip) McCormack for appointment for the Democratic Party vacancy on the Falmouth Board of Registrars.

One vacancy with a term until April 1, 2021.

Diane Davidson

From: Megan English Braga [REDACTED]
Sent: Tuesday, May 14, 2019 8:24 AM
To: Diane Davidson; Michael Palmer; Scott Simenas
Subject: Fwd: Skip McCormack consented to be nominated vacancy on the Falmouth Board of Registrars (BOR)

Dear Clerk Palmer:

Edward (Skip) McCormack [REDACTED] [REDACTED] has consented to have his name placed in nomination to the Falmouth Board of Selectmen (BOS) for the Democratic Party vacancy on the Falmouth Board of Registrars (BOR).

Please advise as to what further action is required.

Megan E. English Braga
Attorney At Law
157 Locust Street
Falmouth, MA 02540
Phone 508-540-3434
Facsimile 508-540-2992

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--
Megan E. English Braga
Attorney At Law
157 Locust Street
Falmouth, MA 02540
Phone 508-540-3434
Facsimile 508-540-2992

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"Disclosure Under IRS Circular 230: To ensure compliance with requirements recently imposed by



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

March 29, 2019

Megan English Braga, Chair
Democratic Town Committee
12 Brady Drive
East Falmouth, MA 02536

Dear Megan:

As required by M.G.L. c. 51 § 15 Registrars are appointed by the Board of Selectmen from a list submitted by the town committees of the two leading political parties. If no list is submitted within 45 days of the party chairman being notified, appointments may be made without reference to the list.

The Board of Registrars in all towns is a four-member board of which one member is the town clerk. The other three members are appointed in a manner to maintain equal representation of the two leading political parties.

Cynthia Eaton's term on the Board of Registrars will expire in April. She has indicated her desire to be appointed another term.

If you have any questions about the responsibilities of the Board of Registrars, please do not hesitate to contact Michael Palmer, our Town Clerk.

Sincerely,

Julian M. Suso
Town Manager

SELECTMEN'S MEETING – May 20, 2019

BOARD OF SELECTMEN REAPPOINTMENTS

**INSPECTOR OF ANIMALS
1-YEAR TERMS**

<u>NAME</u>	<u>TERM EXPIRES</u>
Philip G. Lang	4/30/20
Daniel J. Donahue	4/30/20
Jessica Gow	4/30/20
Jenna Correia	4/30/20
Scott McGann	4/30/20

SEASONAL LIQUOR LICENSE and SPRING 2019 RENEWALS – May 20, 2019

Lodging House License

Vikinn, Inc. d/b/a Capt. Tom Lawrence House Inn, 75 Locust St., Falmouth

Second-Hand Dealer License

Cape Kids' Treasures, 15 Davis Straits, Falmouth

Number:
004-LH

Fee
\$35.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Vikinn, Inc. d/b/a Capt. Tom Lawrence House Inn
Iben C. Munck, Manager
75 Locust Street
Falmouth, MA 02540
is hereby granted this
Lodging House License

Bed & Breakfast

and at that place only and expires on the below specified date unless sooner suspended or revoked for violation of the laws of the Commonwealth of Massachusetts relating to the licensing of Lodging Houses. This license is issued in conformity with the authority granted to the licensing authorities under section twenty-three, of chapter one hundred and forty, of the General Laws, and is subject to the provisions of sections twenty-two to thirty-one inclusive of said chapter.

Number of Lodgers: 19 - Number of Rooms 9

Valid from: May 20, 2019

Valid until: April 30, 2020

By order of The Falmouth Board of Selectmen

May 20, 2019

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

Number:
019-SHD

Fee
\$25.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Cape Kids' Treasures
Dawn Atsalis, Manager
Falmouth Plaza
15 Davis Straits
Falmouth, MA 02540
is hereby granted this

Second-Hand Dealer's License

Falmouth Plaza, 15 Davis Straits, Falmouth, MA 02540

To be a dealer in or keeper of a shop for the purchase, sale of barter in:

JUNK, OLD METALS AND SECOND HAND ARTICLES
in said Falmouth in accordance with the laws of the Commonwealth of Massachusetts relating
thereto, the ordinances and by-laws of said Falmouth and such rules and regulations provided for
the supervision thereof.

This license shall continue in force unless sooner revoked and is subject to sections two hundred
and two and two hundred and five, inclusive, of the General Laws, Chapter 140, as amended.

Conditions: Notify Town Manager's Office of dates and hours
when the bi-annual consignment sales events will be held.
Contact Building Department for Occupancy Permit 30 days prior
to event.

Children's consignment: Clothing, shoes, toys, books, games,
baby gear and accessories.

Valid from: May 20, 2019

Valid until: April 30, 2020

By order of The Falmouth Board of Selectmen

May 20, 2019

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

TOWN OF FALMOUTH
BOARD OF SELECTMEN

Meeting Minutes

Open Session

MONDAY, APRIL 29, 2019

SELECTMEN'S MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Absent: Sam Patterson.

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

7:00 p.m. OPEN SESSION

1. Call to Order by Chair Moran at 7 p.m.

2. Pledge of Allegiance

3. Recognition

Ms. English Braga saddened to hear about the passing of Mary Schumacher; she was dedicated to work for the Town, and the Board of Selectmen sends their condolences to her family.

4. Announcements

Ms. English Braga announced 6/11/19 at 6pm at Falmouth High School a community forum will be held with the Board of Health, Human Services, Substance Abuse Commission, and State legislatures to talk about sober homes in our community. The community will hear from the Falmouth Fire Department (FFD), Falmouth Police Department (FPD), and allow individuals to express their concerns/questions to elected State officials. The Board of Selectmen will attend, the Town Manager is organizing putting it together.

5. Public Comment

Steven Knippel told the Board of Selectmen about Here and Now, Enterprises, an entity he established. He would like to put a youth center where the senior center is now and will be for all ages when children are not there. He described his vision of a youth center and referenced a children book he wrote called Pretty Bird.

7:05 p.m. PRESENTATION ON FALMOUTH DRUG COURT

Honorable Judge Christopher Welch

Judge Welch spent 23 years as trial lawyer, to the bench 12 years ago in Fall River for about 8 years. About 6 years into being a judge, things changed, it became apparent that sentencing a person with substance use disorder, he saw the same people over and over again. Crimes included theft, breaking & entering into cars/empty homes, thievery, crimes on their own families, credit card fraud, and you can sentence them and they would be back. For every day served in the HOC, you get a day credited off your sentence. He began talking to people in the Drug Court movement that had not yet come to MA. There was not a consensus on this, it looked like it was mollycoddling these defendants. They continued to do these crimes and then he noticed the death rate skyrocketed, many would overdose.

From 2010 going forward, the administration of the Trial Court was changed to a mission that recognized that Drug Courts were treated not only as criminal problem, but a medical problem. Standard began applied in MA, he started the largest Drug Court in the State in Fall River 5 years ago. He saw the HBO special, which triggered his interest in coming to Falmouth. Judge Welch learned a lot about the medical aspects of addiction and talking to people in the intensive treatment unit, mainly opioids, over course of time in Falmouth (substantial heroin problem and always has), they were very full. He asked people who were clean for 2 years in jail, why did you use after; people told him they did not stop using yet in their mind. Some died within 10 days of getting out of jail. The drugs courts try to address that not addressing the

addiction was not helping public safety because it was the root cause of a lot of property crimes. The Drug Court is not for everyone with a drug problem because some people are able to enter probationary term and actually do it. Those people are not for Drug Court, they can be handled in a less intense way. If you mix populations high risk users, the low risk users will migrate into the high risk category. The Drug Court is for people at high risk of offending and using continuously, they have high needs. Judge Welch is trying to demystify addiction in the court system, many started at 15 years old with Oxycontin. If you introduce heroin on your brain, it takes over on your ability to function scientifically. Once heroin is introduced, it changes the composition of your brain and has dynamic effects on your abilities to cope in the world and leads to crime. Facing a high percentage of people in this area committing these types of crimes who have this brain disorder and it takes a tremendous amount of time to address this. When Narcan came along, it's used to come back, but reality with Fentanyl, you do to come back with Narcan. The mission became how to increase public safety and jail was not doing it.

The Drug Court includes, rewards, sanctions, encouragement, feedback from caseworkers, FPD officer part of the team, clinician, people come into the court, they will be screened, and start week to week. First 3 months is dedicated to honesty, they can walk to court, get into court, and if pressed be honest. First thing is honesty and then into the medical aspects of using. The participants meet with the Judge weekly until through honesty phase, then regular 2 week intervals, if they move forward every 3 weeks, then treatment plans, until 5th phase when come in 1x monthly, still drug tested several times a week. When the participant leaves drug court, must have a place to live, job, family unification, and moving in a strong direction. This is about an 18 month program for each person coming through it. Looking at the numbers of people coming into court, about 70 % of cases are related to drugs. Judge Welch reviewed the section 35 which allows people coming in to get help for their family member, the individual can only be held for about 3 weeks, every day he has about 4 of those. People in their twenties/late teens, then see them in their 30s and they don't know how to live. He runs this program vigorously in compliance with the medical aspects of it. Need to be creative, this is based on science and it works. Judge Welch has a number of people to be interviewed and will begin every Thursday. Just that this is being recognized that this is a good thing is a good thing. If we try our hardest, it will make a difference.

According to Judge Welch, the sober houses need to be addressed, but that is a State issue, too. People of good faith come here to get help at Gosnold, but it is the second and third phases of it, they get out and they will relapse because they need structure. Relapse is part of it, if it occurs there are protocols involved, but if not a solid group like that it is hard. That is why we see certain crime because the treatment ends at some point. May need regulation, but that goes beyond what he does.

Police Chief Edward Dunne stated this will be a great program and another tool that will help them with crime and programs in place now. He is familiar with the success of the Fall River Drug Court. Chief Dunne is committed to having FPD Officers participate in this program. The FPD is still working with Gosnold doing home visits, FPOs are responding to overdoses, using Narcan, and this is one more piece that is needed.

Human Services Department Director Suzie Hauptmann noted this will be a game changer, introduces humanity and a multi prong approach is necessary. They will support this effort and one social worker goes to reentry meetings at the jail and they are looking forward to providing support to the Falmouth residents who are going through the program.

According to Ms. English Braga, people are trying and fighting their biology, this supports the team approach. Trying to make long term impacts, it is a crime reduction measure. There are many public benefits. The Drug Court will begin in May 2019 and the Drug Court is open to anyone interested in observing.

JOINT MEETING ON AFFORDABLE HOUSING
(to include Affordable Housing Committee, CPC, ZBA, and others)

- Present State of Affordable Housing in Falmouth
Chair Moran noted they would like feedback to see what is working in producing affordable housing, ideas, and experiences people have had. Seeking feedback from the community regarding challenges and improvements.

- Roundtable Presentation/Discussion - Continuing to Build an Affordable Housing Production Process that is Right for Falmouth

The Community Preservation Committee Chair called their meeting to order at 7:41 p.m.

Mr. Johnson Staub explained the purpose is a dialogue, but helpful to review the Housing Production Plan Study and provided copies. Reviewed the 5 year DHCD Certification approval January 11, 2019. Presented slides from the consultant who prepared the Housing Production Plan and highlighted top priorities housing needs including rentals are the top priorities with goal of 85% of units produced. Existing housing stock is overwhelmingly home ownership. Priority is to produce accessible housing and suggested goal is 20% of units created for seniors or singles be accessible and 10% of family housing accessible. Challenges reviewed included: infrastructure, zoning, environmental concerns, costs, subsidies, and public transportation. Suggestions to address these challenges include outreach and education, provide support for the Falmouth affordable housing fund, formalize the monitoring of SHI units, and conduct additional research and planning. Zoning and regulatory strategies were reviewed including accessory apartment units, mixed use development, and more diverse housing types. Inclusionary zoning was reviewed, if that developer chooses this, any development must have a certain percentage be affordable and tax relief for year round rentals.

Carla Feroni, Housing Coordinator, reviewed slides, history of the Falmouth Affordable Housing Fund, and reviewed accomplishments that have taken place since November 2017. The fund was initiated in 2011 with the purpose to promote, expand, and retain affordable housing in the Town of Falmouth, primary revenue source is Community Preservation Act funds, revenue 2011-17 was about \$3 million and 63 units built. Town meeting voted to hire housing coordinator position for 3 years funded from the Community Preservation fund.

Ms. Feroni created a new letter of intent and application, developed new preview process, funding allocation guideline of up to \$65,000 per unit, launched new funding priorities, re-established working group for the fund, and built the FAHF website. The balance of the fund was \$1.3 million, it has been spent down to 20,000. The distribution process has been reviewed and it is in process now to include grants and loans. Became a participant in MassDocs, updated the Housing Production Plan, received 5 year state approval of HPP January 2019, amended HPP scope to include affordable units data collection, and assisted the resale of 6 affordable units and maintained affordability. Monitoring of the units is an unfunded mandate, use some funds to gather data and have it housed in one central location. Last year over \$700,000, 6 requests have been processed and created 61 affordable units at a cost of about \$38,000 per unit. Short term goals were reviewed and include seeking additional revenue sources, establish FAHF application funding rounds, fine tune the application review process, and continue to strengthen relationships with developers and the community.

Tom Bott, Town Planner, noted that housing is important. There is not enough affordable housing, 40Bs happen in a hot development market, in a down market there is much less of that activity. The local ZBA has the toughest job because abutters are not pleased with the proposed projects. People are busy trying to get things done before a downturn. The LIP process happens prior to the 40B, when developer applying to a subsidized agency, not required for 40B. The LIP process should provide support to the ZBA and only supported where the development is consistent with the Town goals. Other avenues used to create affordable housing were reviewed. He has talked with developers about various projects, always encourages them to take the project in the direction so the Town can support them if they meet the goals identified by the Town. The role of the Planning Office and Board will not change, they will continue to vet them. Reviewed the process in place, including monitoring marketing affordable units and acting as a LIP partner. Best practices include creating an ad hoc committee of department heads and board chairs to react quickly to applications. Communication and collaboration is important.

Chair Moran noted that when looking at rolling applications, may want to look at where there is a need to expedite and compare to rolling applications. Need to communicate what the dependable process is.

Mr. Suso acknowledged staff members in attendance including Jen McKay, Rob Palmer, Scott McGann, Noreen Stockman, Carole Sutherland, along with other board members.

Karen Bissonette, Falmouth Housing Trust Executive Director, the CPC committee members have seen how much money is needed for housing and she would like the community to realize that will never be enough money, the Town will need to kick in money and this will be talked about in the future. She asked that things get tightened up a bit, working towards a streamlined process. Falmouth Housing Trust has a good relationship with a bank in Town and was able to borrow money for the affordable home they closed on recently and have yet to receive the money from the Town even seven months later.

Chair Moran noted the Board of Selectmen is curious about funding rounds and whether that would close out certain projects. Mr. Johnson-Staub noted when discussed, the Board of Selectmen and developers were concerned about the purpose of fund being a quick turnaround, so a one-time yearly funding round may not be consistent with this purpose. A funding round may be appropriate at certain times, such as now when there is only \$20,000 in the fund. It might make sense to have a funding round closer to when funds are anticipated, so multiple applications can be reviewed and prioritized. The rounds can be driven by the availability of funds.

Mr. Brown asked about other options to fund the affordable housing fund. Mr. Suso noted the recent discussion about funding mechanism of a surcharge as part of the lodging tax which can be considered by the Board of Selectmen and a future Town Meeting.

Ms. English Braga noted that Pamela Barrett Harding suggested an idea where community members had a voluntary ability to contribute when they paid their water bill, excise tax, etc., and earmarked for affordable housing.

Alisa Galacsie, CEO Falmouth Affordable Housing Fund, she would like to keep it rolling. It is hard to fund a project, you have to make commitments quickly and if you had to wait a year for the commitment, it may prohibit the project from going forward. There are ways that can give you the assurance the project will go through but help the developer bring the project forward. Her agency has come together with others to ask Towns to apportion part of that new short term rental tax revenue for infrastructure improvements. Described the Rent Through 65 Program they started and notion of tax abatement if someone rents their house year round, if any of the units could convert to a year round rental will be faster than building. Their goal was to convert 25 homes, they have done 17 in the last 4 months. Falmouth has the 4th highest average income on Cape, about \$100,000, affordable measure for housing is about \$2700 per month. There is significant population that can afford \$2500 rent per month. They offered financial incentive to landlords, they pay \$1,000 to convert, there are tax benefits to year round renters. They are not focused on the short term market because they focus on Cape Codders remaining here. With seasonal workers housing, maybe subsidize that property for the homeowner and make it worth their while.

Marc Finneran, Precinct 6, sponsored and passed article for accessory dwelling units in the answer area in Town which was voted indefinite postponement by the Planning Board. Trying to fix a problem that was partially created by government. Affordable land is needed, but we buy it up for open space when this town is 50% open space. We need to stop buying the land out there that would naturally be bought by developers to develop cheaper housing. Let the industry do what it is best at.

Holly Wilson, Vice Chair Affordable Housing Committee, funding rounds maybe multiple. She did not hear mention about rezoning for multifamily dwellings and wondered what is going on with that.

Tom Bott noted the Planning Board was discussing multifamily housing prior to his arrival in the Davis Straits area. 40R at Davis Straits has benefit of creating affordable and market based housing. 40R is voted in, give incentive for voting the zoning. In Kingston they created a zoning of 720 units of housing on 100 acres and the State gave a payment. In mist of moving forward on the form based code, a framework needs to be adopted for zoning.

Chair Moran noted if the Town was interested in a project at the train station, they could see about fitting the 40R zoning. Mr. Bott noted work to date focuses on the Davis Straits area. Also need to consider unintended consequences.

Ms. English Braga commented that one place we fall short is to proactively go out into the community and talk to residents to dispel the fear and reaction to 40B projects. If the Town was having conversations about the character of their community, have affordable housing so people can stay here, summer employers, and need to do better job to lay the foundation. Also being more proactive about properties that may come up, maybe have another type of use and those who care about it. Include the conversation about what may be better for open space v. some better for development. For the Town to support it, need to create the community dialogue.

Chair Moran noted the Town was so smart about open space, but now have many who are ready to let go of big homes and move to a smaller affordable housing situation, but Falmouth lacks in that kind of market.

Heather Harper, member Falmouth Housing Trust, she can come back on long range planning. This is a long term problem.

Chair Moran would like to speak with the Cape Cod Commission at a future meeting.

Joan Bates, Falmouth Housing Trust and Real Estate Agent, said it is frustrating to work with buyers who cannot find a place to buy or rent in our community. Important to view who we are talking about; talking about our own people who need a place to live. Affordable units should be on the MLS.

Mr. Brown noted affordable housing is on the MLS.

Jessica O'Brien, Affordable Housing Committee, likes the idea of incentives to landlords to rent. She rents a home with her husband, mother, father, and son. The educational piece of presenting this to the Town, they have been working with Ms. Feroni and working on a housing summit 10/2/19 at the Falmouth Public Library.

Linda Clark, Falmouth Housing Corporation, feels one round will not work. Rolling would be the best in her opinion. Coordination of departments all at once, anything should go through Carla Feroni so she understands every step of the way. Massdocs will help tremendously, Little Pond is using this and funds from affordable housing will come with the documents and timely. Little Pond is funded 90% on first requisition for construction, so they do not have to secure and will save them on interest and 10% on occupancy. Every Town Department is there when you need them. Falmouth Housing Corporation is grateful for the Town's support. 704 Main St. was discussed, management was explained, including strict regulations, they have landscapers for every property, there for tenants in need but will not allow properties to be destroyed. 704 commercial units are condos, then tax credit units, and 120% so it works well. Condominiumizing that was the best thing. It sustains the character of the building. Go from 30%-120% in 704, nonprofit day care, nail salon, and chiropractor. They have a vision of continuing their mission, spring bars is next, then workforce housing phase 1 and 2. Once under way with these projects, they'll be looking for another.

Mr. Brown asked if there was capacity for another large building project for next year.

John Druley, Planning Board and CPC Representative, and local real estate developer. The Town lost Bob Murray who was doing affordable housing, nonone has been able to fill his shoes. Solving this problem may benefit from taking out a bond, next year the CPC will have an additional \$2 million per year to distribute. Housing problem other than land is what to do with the wastewater. Biggest problem is no appetite for affordable housing. 40B discussed, it gives developer relief from the density laws. The Town should decide where they want the housing, need zoning changes for multi-family housing and apartments, then Town Meeting has to pass it. Provided examples including 18.5 acres and additional 7.5 acres, he considered affordable housing, met with MA Housing and they wanted apartments and he could fit 300 apartments on that land. That is the kind of density MA Housing felt was appropriate for East Falmouth. Recently the

Town bought Tony Andrews Farm, he wanted to set some land aside for affordable housing, could have had 25 acres farmland and 5 acres for affordable housing.

Chair Moran noted the Board of Selectmen has been saying in strategic plan they hope to plan comprehensively, outreach to the community and what is the effect on the community. Comprehensive solutions are needed, the discussion needs to start now if in the future the Town will meet its goals.

BUSINESS

- Presentation and Vote on Fund Request – ClipperShip Apartments, 550 Teaticket Highway

Continued to a future date.

ADMINISTRATIVE ORDERS

Vote to approve special one-day wine and malt liquor license and Sunday entertainment license – Quicks Hole, LLC – Cinco de Mayo – Sunday, 5/5/19
Ms. English Braga motion approval. Second Mr. Jones. Vote: Yes-5. No-0.

Vote to approve special one-day wine and malt liquor license and Sunday entertainment license – Landfall, Inc. – Cinco de Mayo – Sunday, 5/5/19
Ms. English Braga motion approval. Second Mr. Jones. Vote: Yes-5. No-0.

Mr. Jones motion to adjourn at 9:11 p.m. Second Ms. English Braga. Vote: Yes-5. No-0.

CPC Chair adjourned the CPC Meeting.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
BOARD OF SELECTMEN

Meeting Minutes

Open Session

MONDAY, MAY 6, 2019

SELECTMEN'S MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

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

Chair Moran called the open session to order at 6:30 p.m. and **motioned to convene the executive session under 1. M.G.L. c. 30A, s. 21(a)(3) – review and discuss settlement proposals for the following litigation: Quinn v. Town of Falmouth and Lessard v. Falmouth Public Schools (MCAD) because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Patterson, aye; Ms. English Braga aye; Chairman Moran, aye; Mr. Jones, aye. Absent: Mr. Brown.**

7:00 p.m. OPEN SESSION

1. **Chair Moran called the open session to order at 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. c. 30A, s. 21(a)(3) – review and discuss settlement proposals for the following litigation: Quinn v. Town of Falmouth and Lessard v. Falmouth Public Schools (MCAD) because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Patterson, aye; Ms. English Braga aye; Chairman Moran, aye; Mr. Jones, aye. Absent: Mr. Brown.**
2. **Pledge of Allegiance**
3. **Proclamation:**
Police Week – May 12–18, 2019
Proclamation in the packet read as a motion by Ms. English Braga. Second Mr. Patterson. Vote: Yes-5. No-0.
4. **Recognition**
Ms. English Braga noted long career of service of George Cabral who retired recently from the Falmouth Police Department (FPD) and thanked him for his service.
5. **Announcements**
Mr. Suso announced that for the 5/21/19 election Precinct 2 will vote at the Senior Center, 300 Dillingham Avenue.
6. **Public Comment-none.**

7:15 p.m. SUMMARY OF ACTIONS

1. **Licenses**
 - a. **Approve application for special one-day wine and malt liquor license and Sunday entertainment license – British Beer Company - Beer & Oyster Festival – Sunday, 6/2/19**
Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-5. No-0.

- b. Approve application for special one-day wine and malt liquor license and Sunday entertainment license – British Beer Company - Road Race Beer Garden – Sunday, 8/18/19
Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.
- c. Approve application for change of name of a Class II Used Car Dealer's License – M & N Auto Mall, Inc., 20A Village Common Drive, East Falmouth
Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.
- d. Approve application for special one-day wine and malt liquor license – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/24/19
Mr. Brown recused himself because he is on the Bands for Badges, Inc. Board.

Boyd Demello on behalf of Bands for Badges, this is reunion of summers past group that did several events a few years ago at Marina Park. They would like to move the event to the fair grounds and expand it. This is to help take care of Cape Cod police, firefighters, and military personnel when they need help.

Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-4. No-0. Recused: 1. (Mr. Brown)

2. Administrative Orders

- a. Approve Eversource Energy and Verizon New England petition to install one (1) pole at Main Street, east of Scranton Avenue
Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- b. Approve Eversource Energy petition to install one (1) 4" conduit and one (1) hand hole at Hamlin Avenue, north of Dillingham Avenue
Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- c. Authorize Falmouth Housing Authority receipt of \$492,351 from US HUD
Mr. Suso explained that there is a note from Mr. Johnson Staub summarizing the request from the Falmouth Housing to approve this grant. No Town funds are involved.
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- d. Vote to designate Special Counsel for Affordable Housing as a special municipal employee for purposes of M.G.L. c. 268A, s. 1 et seq., the Conflict of Interest Law
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- e. Approve and sign the Ground Lease to Little Pond Place LLC for 41 Spring Bars Rd. (formerly known as '0 Spring Bars Rd') for construction of 40 units of affordable rental housing pursuant to the Development Agreement and Request for Proposals previously issued by the Board of Selectmen; and, approve and sign the following associated documents: Notice of Ground Lease, Ground Lessor Estoppel, Tax Credit Regulatory Agreement, MassDocs Affordable Housing Restriction, Barnstable County Affordable Housing Restriction and other documents as required
Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

The Board of Selectmen took a 5 minute recess to sign documents at 7:15 pm.

Chair Moran reconvened the meeting at 7:20 pm.

- f. Approve Amendment to Traffic Rules and Orders received from the Police Department
Ms. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.
- g. Vote to Accept Grant Funding in the amount of \$8,000.00 from the Executive Office of Public Safety and Security Highway Safety Division – FY2019 Pedestrian and Bicycle Safety Enforcement and Equipment
Ms. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

3. Special Events

New – Recommended:

- a. Bands for Badges – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/24/19

Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-4. No-0. Recused: 1. (Mr. Brown)

7:30 p.m. PUBLIC HEARINGS

1. Wetland Hearing – Thomas Dmytryck – Remove licensed float and install a new pile-supported pier and pile-supported boat lift in Eel Pond, located at 53 Madeline Road, East Falmouth (continued from March 25, 2019, continued from April 22, 2019)

Michael Borselli, Falmouth Engineering representing the applicant. There were neighbor concerns about the extent the pier projected out to the channel, proposed 25 feet projected out, nearby neighbor with some concerns, they worked with the neighbor, made revision to the plan to reduce overall projection to 20 feet by cutting back on projection of the pier and angling the ends so parallel with the channel. Diagram was used power point and fully comply with the Army Corps of Engineers requirement, reviewed the diagram of the area.

Public comment:

Karen Gravina, neighbor noted they appreciate what was done in opening the access to the deep water. They are also concerned when dock put in, can they have something that says only build the dock between November through April because they will not be able to get in and out while building. Also request restriction on the length of the boat so as not to interfere with navigation because a 22 foot boat may interfere with navigation.

Mr. Borselli, aware of the suggested conditions and not sure they agree those conditions worded that way included. They would prefer “no barge or equipment shall impeded navigation through the channel” because a time of year restriction would be unfair because he may be issued a license in May and may want to get it done or in August and want to get the rest of the season in. This will only take a couple days to build and they will make sure barges will be small and moved out of the way as needed. Rather than limiting the boat length, it would be more appropriate that no boat will tie to the pier that will project out more seaward than the length of the pier.

Mr. Jones is more comfortable with a 25 foot limit on the length of the boat.

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

The Board of Selectmen noted the following findings: 1. The applicant returned after meeting with the neighbors and coming up with a solution agreeable to the neighbors that will not impeded with navigational waters when it is in. 2. Improvement to conditions of the waterway because there will be deeper water for the boat engine.

Mr. Jones motion approval with conditions that no boat over 25 feet will be attached, only one boat at the dock, and construction will in no way interfere with the waterway. Second Mr. Patterson. Vote: Yes-5. No-0.

2. Dog Hearing – Deborah Ewald – Request appeal of decision of dog hearing officer

Chair Moran read the announcement of the hearing. All persons intending to testify stood and took oath prior to testimony.

Sally Houghton, 82 Sam Turner Rd., here because there have been 3 incidents with this animal; she requested a dangerousness hearing and then a 4th incident dog loose on her property. She requests the Board of Selectmen not overturn the ruling. Described attacks 5/30 walking her dogs to her car on a leash, that dog charged across the street. 6/27 returned home with her cars, the dog was across the street and charged across and tried to attack her/her dogs while in her vehicle. 2/16 scariest by far, she was with her partner, walking dogs in the house, the dog charged across and attacked her dog, her partner had to get the

dog off her dog. She checks to make sure the dog is not around when taking her dogs out. She would like the officer's recommendation upheld to euthanize the dog.

Captain Reed, FPD, received a request for hearing from Sally Houghton and issued a Hearing Notice to the dog owner, animal control, and relevant witnesses. Mailed notification packet certified to Ms. Ewald, who said she never received it. At conclusion of hearing, he explained appellate rights to Ms. Ewald. At the hearing he heard from Sally Houghton, had information from animal control regarding documented incidents. One included an incident with off duty MSP Trooper David Dumfey in 2018 when he observed this animal jump from a moving car at Old Silver Beach and attack other cars. Trooper Dumfey's statement was read into the record. The Pitbull latched onto another dog, Trooper Dumfey grabbed the Pitbull and got it to release its bite. The owner of the Pitbull brought a mask and put it on the Pitbull, it lashed out and tried attacking Dumfey, then was put in vehicle and secured. Captain Reed has copies of enforcement activity by animal control, Houghton's complaints, and Trooper Dumfey's statement and photos. There have been four documented incidents over 2 years and he has seen no indication that Ms. Ewald would do anything to prevent this from happening in the future. It's a big, strong, aggressive, powerful dog. If he believed there was remediation she would be able to implement, he would do so. She stated to Captain Reed that she could not control the dog in the hearing due to her health.

Jessica Gow, Senior Animal Control Officer MES, her experience with this animal has been going on for 2 years, multiple incidents when dog has gone after other dogs, is dog aggressive and dog owner safety can come into play when breaking up fight. The dog is unable to be contained by the members of the household; they had a prior dog where they had issues of the dog remaining on the property. The dog has been at animal control and they are unable to handle the dog. Ms. Houghton brought the interactions to attention. Fines were paid. Financially it is a food expense, not significant. It is stressful on the animal, it is a dog aggressive animal on high alert at all times and he is suffering at the shelter. Training is great tool, but will not fix the animal. Development period for a dog is in early stages of life, that's not something that goes away, it can be managed but it's strict and takes a lot of work and diligence. It is possible to find a facility to rehabilitate, but a slim chance in finding one. Many great dogs that deserve good homes, for a rescue to put the resources into this specific dog is unlikely. It would come back to Falmouth if in facility and not doing well. She has no facility in mind that she is aware of that could handle such an aggressive dog. Retraining is a possibility, but when brain develop, they have that reaction at all times and matter of retraining and managing the dog throughout its life.

Michael Shaunnessy, was sworn in by Chair Moran. He does not see the point of killing an animal, there may be rehabilitation services available and in his experience an animal is recipient of an owners actions. He has no knowledge of this animal.

Ms. Ewald apologized to her neighbor for trouble her dog has had. Her sons let a prior dog out. This dog was a rescue, abused, she took him in and knew he had problems and worked with him. He has changed a lot and she said it is her fault, she has since found a vet behaviorist and they have looked at everything and are willing to work with him. She is hoping to find another path, maybe transport for an evaluation to the vet behaviorist Dr. Kirby-Madden. If found not safe, they would like to bring him to family vet to be euthanized. He attacks other dogs unprovoked, they do not know why and Dr. Kirby-Madden may be able to evaluate. The dog is 5.5 years and they have had him about 2 years.

Mr. Jones is concerned that this is an action that took fines with tickets being issued and that was not enough to change her behavior. According to Ms. Ewald, they tried Falmouth Animal Hospital and were told to crate train him, diversion, making him work for his food, all things to gain more control. She also mentioned Pet smart classes. These are things she would try doing herself. Pet smart courses. Ms. Ewald has a video of him playing with a puppy, presented the Board of Selectmen with documents including communication from the vet behaviorist. Ms. Ewald believes he has fear aggression.

Mr. Brown asked if the Board of Selectmen would give her chance to try with this vet behaviorist, what would be the process? Ms. Ewald is not sure, evaluate whether he is a dangerous dog and what programs can be designed for him. Doug Brown asked if trainer interceded, would she then build a fence around the yard to contain the dog? Ewald said first need to decide whether he may be evaluated. Ms. Ewald mentioned use of an invisible fence as an option she would consider.

Paul Langler, sworn in by Chair Moran. He does not know the situation, he found Bobby's Pitbull Rescue sanctuary in W VA and she may be able to remand the dog to them. That may save the dog, have appropriate resources available for rehabilitation.

Captain Reed recalled by Chair Moran and asked about owner's request to have dog sent for training. According to Captain Reed MA General Law direct they cannot remove the dog from the Town, he could be trained here if the Board of Selectmen finds that appropriate.

Chair Moran asked Ms. Ewald if she is able to cover training up to \$20,000. Ms. Ewald is invested in going forward and has paid \$1,000 to the behaviorist. She does not have \$20,000 to invest in training, but could get that money. She had estimates for training that would cost \$3-4,000, she is unsure where the \$20,000 cost may be coming from.

Ms. English Braga asked Captain Reed and Attorney Duffy if there is a mechanism that this Board of Selectmen as resolution can direct a period of time for the owner to find a place where the dog would go for rehab and not to come back to Falmouth. Attorney Duffy noted the Board of Selectmen can continue resolution of this case to a future meeting. The rule is that in days past selectman in other towns would resolve by getting the dog out of town, he is not prepared to say whether training rehab and rehome outside of home may be an option. Ms. English Braga would like to give some period of time to see if a rescue place could take him and continue the hearing to see if the dog could be released to a third party professional.

Mr. Jones said the Board of Selectmen cannot release the dog back to the owner and that is the only way the owner could move it. Could the dog trainer evaluate the dog at the shelter? She would like to continue the hearing.

Ms. Ewald is willing to locate a facility and have that facility certify that they would take the dog and not release it back to Ms. Ewald. Town council will confirm whether that is legally binding.

Town Counsel will review if Ms. Ewald may visit the dog at that shelter.

According to Ms. Ewald, the vet behaviorist would like access to the dog and Ms. Ewald did not get a call back.

Ms. Gow said that she and Ms. Ewald spoke on the phone, they were not able to accommodate the time the vet behaviorist was available. Another time would be made with the authorization of the Marine and Environmental Services Supervisor.

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

Mr. Jones motion to determine the dog is a dangerous dog. Second Ms. English Braga. Vote: Yes-5. No-0.

Mr. Jones motion to support the recommendation of the Hearing Officer. Second Mr. Patterson. Vote: Yes-2. No-3. (Mr. Brown, Ms. English Braga, Chair Moran).

Ms. English Braga motion to continue the portion of the hearing to determine the remedy for this dangerous dog to the next Board of Selectmen meeting on 5/20/19 to allow the owner to look at and present viable options, if there are any, for the dog to go to a specialized facility. Second Chair Moran. Vote: Yes-5. No-0.

3. Commercial Shellfish License – Richard Baker – Request appeal of temporary revocation of commercial shellfish license

Chair Moran read the certified mail hearing letter.

Those intending to speak at this hearing stood and were sworn in by Chair Moran prior to their testimony.

Richard Baker, E Falmouth, told the Board of Selectmen that he feels that due to the nature of the crime he should not have lost his license for that period of days. Crime was going out on a Sunday, he only did it because of the weather. He has served 60 days to date. He does construction and shell fishing as his livelihood. This is his first infraction for over 40 years and will never happen again.

Chuck Martinsen, MES Deputy Director and Shellfish Constable, joined by Scott Obi, MA Environmental Police.

Mr. Martinsen provided review of what occurred on 3/3/19 when the MES was called regarding an individual in the Belmar/Great pond area who was commercially shell fishing. When the individual came out of the water after being observed shell fishing, their boat was retrieved from the water, operator Richard Baker, was the only person on the boat. An administrative inspection was done, there were 4 batches of shellfish including quahogs, the last batch was 106 seed undersized and on their own. 2 of 4 batches were tagged. Baker said he was shell fishing on a Sunday because of the weather. Mr. Martinsen handed documents over to Chair Moran and read aloud a brief description of the 11 documents including harvester tag, tagging of shellfish requirements, possession of shellfish to closed areas for commercial harvest, covers possession of seed, commercial shell fishing requirement on Sundays, letter sent to Baker 3/4/19, return receipt for that letter, MES incident report from that day, and photo of the gauge used to gauge the seed that day.

Mr. Brown asked if there was any flexibility in the length of suspension, according to Chair Moran it is 6 months to one year.

Scott Opie, Officer with MA Environmental Police, present during the inspection on that day. Shellfish are tagged to ensure public health. One regulation under CMR 322 s16 Possession of Shellfish from Areas Closed to commercial Harvesting, one prohibition states it is unlawful to harvest, sell, attempt to harvest/sell any shellfish not open to commercial harvest. On closed days the Town may take away officers, which opens up avenues for people to not follow the regulations. As a game warden, he upholds the evenness across the board.

Richard Baker commented on the 17 quahogs that were not tagged, he was going to eat them and they were not in the bushels he had tagged. The seed he had were in a separate bag, he forgot to throw them back.

According to Mr. Martinsen, seed is supposed to be returned to the water immediately, not held.

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

Chair Moran shared her concern about the Shellfish Advisory Committee, spent years propagating on proper regulations, did community outreach, the importance of the regulations to public health, and propagation.

Ms. English Braga noted Mr. Baker was candid when he said he was not arguing the violation of the regulations, just noting the length of time. Important to have the conversation.

Attorney Duffy explained that the minimum is 6 months, the maximum is 1 year and the Board of Selectmen chooses between those extremes. It is from the date of the violation.

The Board of Selectmen made the following findings: 1. Mr. Baker was fishing on a Sunday when no commercial fishing is allowed. 2. Seed was harvested and he should remember the practice is to get the seed right back in the water when culled out. Mr. Baker will need to reapply to have his license reinstated. Mr. Johnson Staub noted that the MES Director found 4 violations and asked if the Board of Selectmen will sustain all four.

Ms. English Braga motion finding violation for 6 months with 60 days tolled against it. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. English Braga motion to edit her original motion to include the Board of Selectmen request that reinstatement of the license after that day because licensing is done 9/4/19. Second Mr. Patterson. Vote: Yes-5. No-0.

8:30 p.m. BUSINESS

1. Report – Board of Library Trustees

Elizabeth Abrams, Chair of the Board provided report to the Board of Selectmen. Reviewed the past year, two long term trustees left the board. Kathleen Murray was an active member until her passing. E Falmouth Library has Children's Garden, reconfigured parking area. Next few years, continuing business, maintain the library. Exploring options for North Falmouth Library, proposed new building be constructed on Chester St., but a different location. There was not enough community support for this. The condition of the building was reviewed, need to start thinking about other options. Increase hours for additional days for Main Library were mentioned. Consider adjustment of hours. Thankful to the Friends of Falmouth Library, their yearly sale funds many library programs. Free public library is cornerstone to our democracy. Ms. Abrams would like to get rid of the idea that print is dead, it is not going anywhere anytime soon. This is her final report, she is stepping down. She has served on this board for 18 years. She would like to get younger people involved in the library board.

Ms. English Braga thanked Ms. Abrams for all she does, reiterated the idea that print is vital. The books reflect back to them with a diversity of faces looking back at you.

2. Application for a New Second-Hand Dealer License - Soo Soo's Vintage, located within Home Again, 93 East Falmouth Highway, East Falmouth

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

3. Interview, Vote and Appoint Committee Members:

a. Commission on Disabilities

Paul Richard Grunden would like to be on the Commission, this is his second time applying. Ms. English Braga has seen him at meetings and the wellness fair this weekend.

Ms. English Braga motion approval to a term ending 6/30/21. Second Mr. Jones. Vote: Yes-5. No-0.

Kathleen Haynes, Chair Disability Commission, addressed the play space and they have a vision name Evan's inclusive play space and park for Evan Domingos who lives with cerebral palsy.

b. Affordable Housing Committee

Karen Bissonette attends the meetings, David Vieira asked if she would serve.

Mr. Jones motion to appoint Ms. Bissonette to a term ending 6/30/21. Second Mr. Patterson. Vote: Yes-5. No-0.

c. Agricultural Commission

John Jack Simonds, E. Falmouth, has a small farm and vendor at Farmers Market, he would like to continue promoting agriculture in Falmouth. He has attended meetings.

Ms. English Braga motion to appoint Mr. Simonds to a term ending 6/30/19. Second Mr. Patterson. Vote: Yes-5. No-0.

d. Community Preservation Committee

Michael Stone grew up in Falmouth, Eric Turkington suggested he apply. He attended a CPC meeting.

Mr. Brown motion to appoint Mr. Stone to a term ending 6/30/21. Second Ms. English Braga. Vote: Yes-5. No-0.

e. Substance Abuse Commission

Charles Chard Faulkner would like to assist. He has been in recovery since 2010. He moved to Falmouth in September.

Mr. Brown motion to appoint Mr. Faulkner to a term ending 6/30/21. Second Mr. Patterson. Vote: Yes-5. No-0.

4. Request for Sign Variance – Woods Hole Oceanographic Institution – Woods Hole Village Campus
Anna Farrington, consultant for WHOI signage and way finding consultant. Proposing to refresh signage and seeking variances to upgrade existing signs and 3 new sign locations. Provided summary list of signs and site plan showing all sign locations. Reviewed via PowerPoint presentation.

Mr. Brown noted the Historical Commission reviewed the project and recommendation to make one of the signs smaller was made. According to Ms. Farrington, all Historical Commission recommendations were implemented.

Mr. Jones asked about the parking sign, unable to read while driving. Dave Desrosier noted most verbiage explains conditions about locals using the lot at Challenger drive, between 6/30-Labor Day allow sticker cars with Falmouth sticker beach or other to park in the lot during non-business hours, no overnight.

Mr. Brown motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

5. Request for Sign Variance – Off-Premise Promotional Signs – Spring at Spohr Event

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

6. Request for Sign Variance – Off-Premise Promotional Signs – Falmouth Commodores “Game Today”

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

7. Approve 2019 Annual/Seasonal License Renewals:

Lodging House License

Woods Hole Inn, 28 Water St., Woods Hole

Mr. Jones motion approval Second Mr. Patterson. Vote: Yes-5. No-0.

Second-Hand Dealer License

Harmony Hut Repair, 105 Spring Bars Rd., Falmouth

Mr. Jones motion approval Second Mr. Patterson. Vote: Yes-5. No-0.

Bowling Alley License

Trade Center Bowl, 89 Spring Bars Rd., Falmouth

Mr. Jones motion approval. Second Chair Moran. Vote: Yes-5. No-0.

8. Discussion and Vote on Mission Statement for Edward Marks Jr. Building Advisory Committee
Mr. Suso noted at last regular meeting this committee was created and asked to provide a draft mission statement, copy of which in the packet. Finance Committee participate is not an option under their mission in the charter.

Mr. Johnson Staub reviewed the membership 5 at large and 1 Historical Commission member, and 1 Finance Committee member was originally what was discussed. Converted the Finance Committee member to an at large member. So 6 at large and 1 Historical Commission. The charge is intended to be a single purpose committee to come up with restoration plan and recommended the plan.

Chair Moran read communication from Ed Haddad, Chair Historical Commission, who wanted the mission to align with CPC funding guidelines. Mr. Johnson Staub suggested not getting too detailed in what the preservation plan will say.

Mr. Jones would change to get done a year earlier and extend if needed, possibly Dec 2019.

Mr. Brown noted need someone to identify use for 2nd floor due to need for elevator/restrooms. Chair Moran suggested adding that rehabilitation to the charge. Mr. Johnson Staub felt it acceptable and he included this in one of his charges. Needs to be part of the planning process.

Mr. Johnson Staub clarified to get good cost estimates, need to spend money on an architect, will these resources be provided or have an initial recommendation based on rough concept ideas.

Ms. English Braga motion to approve with amendment and change of date to December 2019. Second Mr. Patterson. Vote: Yes-5. No-0.

9. Minutes of Meetings:

There will be regular review of executive minutes as opposed to periodic review.

a. Public Session

December 17, 2018

Mr. Brown has concerns about the needle exchange that may be overlooked, he would like more detail regarding the Board of Selectmen questions. These minutes will be held and the secretary will review the tape to include specifics and reissue the draft.

January 26, 2019

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

April 22, 2019

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

b. Review of approved executive session minutes and vote to release

Reviewed by town counsel and adding street addresses.

Ms. English Braga motion approval of previously reviewed and voted to release with addition of the Town Hall address. Second Mr. Patterson. Vote: Yes-5. No-0.

10. Individual Selectmen's Reports

Ms. English Braga noted that Kathleen Haynes, Disability Commission Chair, coordinated a wonderful 2nd annual Wellness and Disability Fair at the Recreation Building. There were many vendors, more attendees than last year and this is a great service to the community.

11. Town Manager's Report

Julian Suso attended Arbor Day Ceremony.

Mr. Suso attended the Arbor Day Ceremony at Mullen-Hall School and reminded all that the Police Memorial Observance will be held on 5/17/19 at 10 am at the FPD Police Memorial.

The next Board of Selectmen meeting will be held on 5/20/19.

12. Review and/or Discuss Correspondence Received

Mr. Jones motion to adjourn at 9:45 pm. Second Mr. Brown. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: May 17, 2019



- At your upcoming meeting on Monday, I am requesting that the Board consider affirming my appointment of Mr. Christopher Campbell as Communications Administrator for the Town as well as waiving the residency requirement. Under separate cover, you have a copy of Mr. Campbell's resume. Thank you for your consideration of this important public safety-related appointment.
- Selectmen will be hearing the annual report from representatives of Joint Base Cape Cod on their activities and initiatives.
- As an update, Diane Davidson has advertised for interested parties to apply for a position on the Edward Marks Building Advisory Committee. Applications are due by May 24 and the earliest date for interviews would be the BOS meeting on Monday, June 3.
- I was pleased to attend the Annual Falmouth Police Officer Memorial Service on Friday morning. This also included the dedication of the much-anticipated, reconstructed Police Officer Memorial adjacent to the Police Station. This was once again a moving, commemorative service which provided the opportunity for the Community to extend thanks and appreciation to our Police Officers for their commitment and dedication to the public safety.
- The new senior center construction continues on schedule. All primary exterior elements are now in place, including the "signature" eyebrow window on the façade exposure adjacent to the Police Station.