

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, JULY 22, 2019 – 7:00 P.M.

6:00 p.m. SITE VISIT

Senior Center Construction Site - 744 Main Street, Falmouth, MA, 02540

Note: Site visit not open to the public due to safety and liability concerns. Members will not deliberate on any matter during site visit.

7:00 p.m. OPEN SESSION

Selectmen's Meeting Room

Town Hall

59 Town Hall Square, Falmouth, Ma 02540

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

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for New Class II Motor Vehicle Dealer's License – Savon Hatem LLC, 561 Thomas B. Landers Road
2. Administrative Orders
 - a. Approve Eversource Energy Petition to Install one (1) 4" Conduit on Eel River Road, South of Central Avenue
 - b. Approve Eversource Energy Petition to Install one (1) 3" Conduit on Menauhant Road, Opposite Central Avenue
 - c. Vote to Accept Donation from the Old Stone Dock Association in the amount of \$664.33 to the Beach Department Donation Account
 - d. Vote to Approve Expenditure from the Recreation Department Donation Account in the amount of \$1057.50
 - e. Notice of Naming Request: Tommy Leonard Memorial and Crosswalk. Per Naming Policy, Board will consider action after July 22, 2020.
 - f. Expand Traffic Rules and Regulations to Designate School and Safety Zones
3. Special Events
New – Recommended
 - a. Block Party - Old Mystic Circle, North Falmouth – Claire Bishop – Friday, 8/9/19

7:30 p.m. BUSINESS

1. Report – Affordable Housing Committee
2. Report Update and Recommendations – Falmouth Litter Reduction Team
3. Presentation – Charter Review Committee
4. Approve application for CPA Funds for Shiverick's Pond Trail Project
5. Report on Municipal Fiber Initiative
6. Discussion of FCC Draft Report/CATV
7. Annual Reappointments

8. Announce November 2019 Town Meeting Schedule
9. Minutes of Meetings:
 - a. Public Session – June 24, 2019
 - b. Executive Session – June 24, 2019
Vote to Release/Not to Release Minutes of Executive Sessions
 - c. Review of Approved Executive Session Minutes and Vote to Release (if needed)
10. Individual Selectmen's Reports
11. Town Manager's Report
12. Review and/or Discuss Correspondence Received

Megan English Braga, Chairman
Board of Selectmen

Number:
023-CLII

Fee
\$75.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Savon Hatem LLC
Johnny Hatem, Owner/Manager
561 Thomas B. Landers Road
East Falmouth, MA 02536
is hereby granted this

Used Car Dealer's License - Class II
to Buy and Sell Second-Hand Motor Vehicles

561 Thomas B. Landers Road, East Falmouth, MA 02536

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto the above named entity is hereby licensed to buy and sell second-hand motor vehicles at the above located premises described as follows:

Four (4) parking spaces for used car sales on this property per "proposed parking plan" dated 3/20/19.

Must maintain a spill kit on the premises.

Refer to Special Permit No. 019-19 issued by the Zoning Board of Appeals.

Valid from: July 22, 2019

Valid until: December 31, 2019

By order of The Falmouth Board of Selectmen

July 22, 2019

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

STEPHEN O. MCKENZIE
REAL ESTATE CONSULTANT
Zoning, Planning and Land Use Consulting Services
5 Peggy's Lane
Sandwich, MA 02563
508-274-3675



July 2, 2019

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

**RE: SAVON HATEM LLC – 561 THOMAS B. LANDERS ROAD
APPLICATION FOR CLASS II MOTOR VEHICLE LICENSE**

Dear Board Members:

My office is assisting Johnny Hatem, Manager of Savon Hatem LLC in connection with this Application for a Class II Motor Vehicle License for the property owned by the LLC at 561 Thomas B. Landers Road, East Falmouth, Massachusetts. Enclosed please find the completed Application form for such license as well as a check in the amount of \$85.00 for the filing fee. Savon Hatem requests a License for Four (4) Class II vehicles.

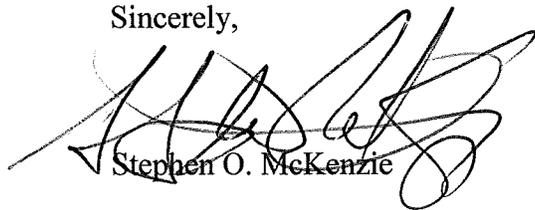
My office represented Savon Hatem LLC before Zoning Board of Appeals in Appeal No. 019-19 and was granted a Special Permit under Section 240-57G of the Code of Falmouth to allow four (4) parking spaces for used car sales on this property. There was no opposition to this request at the hearing and the only condition imposed was the requirement to maintain a spill kit on the premises. Spill kits are presently maintained on the premises as part of the existing fueling operations conducted on the premises. A copy of the granted Special Permit is enclosed with this Application. A copy of the Site Plan showing the four designated parking spaces for used car sales is also enclosed.

Mr. Hatem is very familiar with the requirements of this license and has considerable experience with utilizing such licenses. He held two licenses for other properties in Falmouth for many years. These properties are currently leased to other entities and the licenses at these locations have been surrendered and he now seeks to have a license at the property at 561 Thomas B. Landers Road.

Kindly place this matter on the next available agenda before the Selectmen for a hearing on this request.

If you have any questions, or require any additional information, please do not hesitate to contact me.

Sincerely,



Stephen O. McKenzie

Diane Davidson

From: Noreen Stockman
Sent: Wednesday, July 17, 2019 8:35 AM
To: Diane Davidson
Subject: RE: Application for Class II Auto Dealer's License - Savon Hatem LLC

Thank you,
We have reviewed and approved. No further concerns.

Noreen

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

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Tuesday, July 16, 2019 5:14 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Cc: Noreen Stockman <noreen.stockman@falmouthma.gov>
Subject: Application for Class II Auto Dealer's License - Savon Hatem LLC

To all,

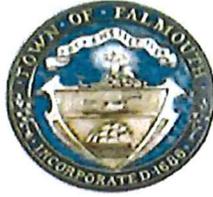
Attached please find an application for a Class II Motor Vehicle Auto Dealer's License from Savon Hatem LLC to be located at 561 Thomas B. Landers Road. Savon Hatem is requesting a license for four (4) vehicles. Also attached is a copy of the Special Permit issued by the Zoning Board of Appeals and a copy of the plan showing the location of where the four vehicles will be parked.

This application will be reviewed for approval by the Board of Selectmen on Monday, July 22, 2019. Please forward any recommendations your department may have to me by Friday, July 19.

Thank you,

Diane

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



TOWN OF FALMOUTH
ZONING BOARD OF APPEALS
DECISION

SPECIAL PERMIT NO.: 019 -19

APPLICANT/OWNER: Savon Hatem LLC
94 East Falmouth Highway, East Falmouth, Massachusetts

SUBJECT PROPERTY: 561 Thomas B. Landers Road, Hatchville, Massachusetts
Assessor's Map: Map 15, Section 03, Parcel 021, Lot 003

DEED/CERTIFICATE: Book 28552, Page 298

SUMMARY: Special Permit granted with conditions

PROCEDURAL HISTORY

1. On April 17, 2019, the Applicant filed an application with the Zoning Board of Appeals for a Special Permit, pursuant to Section(s) 240-57 G. of the Code of Falmouth, to modify the existing special permits 019-19, 28-18 and 25-15, to allow 4 parking spaces for used cars for sale, on subject property at 561 Thomas B. Landers Road, Hatchville, Massachusetts (the "Premises").
2. Notice was given, as required by M.G.L. Chapter 40 A, Section 9, including notices mailed to all persons deemed to be affected thereby, as they appear on the tax list.
3. There was a previous ZBA case from 2015, wherein the Board granted a special permit for a 5,000 square foot building for offices, and parking of fuel trucks. The ZBA also granted a special permit in 2018, for an above ground fuel tank, which was amended in 2019, to install the approved 8,000 gallon diesel fuel tank underground instead.

4. The advertised public hearing was opened on May 30, 2019, at which hearing, relevant testimony was heard.

5. Stephen O. McKenzie, 5 Peggy's Lane, Sandwich, MA appeared, representing Savon Hatem LLC, 94 East Falmouth Highway, East Falmouth, Massachusetts (the "Applicant"). Mr. McKenzie discussed the request for special permit with the Board.

6. The public hearing was closed on May 30, 2019, wherein the Zoning Board of Appeals, consisting of Terrence J. Hurrie, Chairman, Kenneth H. Foreman, Vice Chair, Edward Van Keuren, Member, Robert B. Dugan, Acting Clerk, and Gerald Potamis, Member, made a decision to grant the Special Permit with conditions. Associate Members Mary Barry and James T. Morse were also present, with Noreen H. Stockman, Zoning Administrator. Minutes of the hearing(s) are on file in the Board of Appeals.

7. The following documents and information are on file in the office of the Zoning Board of Appeals at Town Hall, as set forth below:

Letters/E-mails/Information from Applicant/Representative(s):

- Authorization for representation, signed by Johnny Hatem, dated April 7, 2019

Letters/E-mails from Abutters/Interested Parties: None

Letters/Referrals/E-mails from Town Departments

Note: ZBA sent Referral requests to: Assessors, Building Department, Conservation Commission, Engineering Department, Board of Health, Fire Department, Planning Department, Board of Selectmen and Water Department

- Engineering comments, dated 5/21/19 (project must not direct stormwater off property)
- Conservation Commission, no comment, dated 4/29/19
- Board of Health, no comments, dated 5/15/19,
- Water, no comments, dated 4/4/2019
- Assessors, no comments, dated 4/22/19
- Fire Department, no comments, dated 4/22/19
- Planning, no comments, dated 4/19/19

Plans submitted by Applicant/Applicant's Representative

- "Proposed Parking Plan", prepared by Choubah Engineering Group, P.C., 112 State Road, No. Dartmouth, MA, dated 03/20/2019

May 30, 2019

Hearing:

Stephen O. McKenzie appeared before the Board, representing Johnny Hatem, Savon Hatem LLC, 94 East Falmouth Highway, East Falmouth, Massachusetts (the "Applicant"). Mr. McKenzie reported that there are no changes planned for 561 Thomas B. Landers Road, Hatchville, Massachusetts (the

“Premises”). The request is for a modification to the existing special permits, to designate 4 parking spaces for used car sales. Mr. McKenzie reported that the Applicant has a dealer’s license to sell used cars.

Chairman Hurrie asked for any public comment in support of, or opposition to, the proposed project. No one appeared.

Mr. Foreman made a motion to close the hearing. Mr. Van Keuren seconded the motion. The motion carried 5-0. Chairman Hurrie closed the hearing.

FINDINGS

The Zoning Board of Appeals carefully considered the facts and evidence submitted for the hearing, and made the following findings:

There was a previous ZBA case from 2015, wherein the Board granted a special permit for a 5,000 square foot building for offices, and the parking of fuel trucks. The ZBA also granted a special permit in 2018, for an above ground fuel tank, which was amended in 2019, to install the approved 8,000 gallon diesel fuel tank underground instead.

The Premises is sited in the Light Industrial A zoning district, is located within the Wildlife Corridor and the Natural Heritage for Endangered Species (priority) program, and comprises 80,200 square feet of area. This application requests a Special Permit, pursuant to Section(s) 240-57 G. of the Code of Falmouth, to modify the existing special permits 019-19, 28-18 and 25-15, to allow 4 parking spaces for used cars for sale, on subject property at 561 Thomas B. Landers Road, Hatchville, Massachusetts (the “Premises”).

In addition to the above findings, the Board finds that the proposed construction will be in harmony with the general purpose and intent of the By-Law, and does include consideration, as set forth in Section 240-216 of the Code of Falmouth, as follows:

- A. The site is adequate, in terms of size, for the proposed use, and complies with setback and lot coverage requirements.
- B. The site is suitable for the proposed use, as the property is zoned Light Industrial A. The vehicle sales requires a special permit. No one appeared in opposition to the proposal.
- C. There will be no impact on traffic flow and safety.
- D. There will not be any impact on the visual character of the neighborhood, or view or vista from the roadway or abutting properties, given that the four parking spaces for the for-sale vehicles will be sited to the southerly side of the existing building.
- E. There will be no impact on sewage disposal, source of water, and drainage; the Applicant will be using space that is already paved.
- G. The proposal discussed and represented herein will have no effect on the supply of affordable housing in Falmouth.
- H. There was no requirement for site plan review by the Planning Board, and they issued no comment on April 19, 2019.

I. The application is in compliance with all applicable sections of the Zoning By-Laws as represented.

J. The approval of this special permit does not include any affordable housing.

The Zoning Board of Appeals weighed the effects of the proposed addition at the Premises, as discussed herein, and found that the beneficial effects of granting this permit outweigh any negative effects there may be. The Board further found that the granting of this permit will be in harmony with the purpose and intent of the Zoning By-Law, and that the change, extension or alteration shall not be substantially more detrimental to the neighborhood.

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals, being of the opinion aforesaid, and acting under the provisions of the Code of Falmouth, voted 5 to 0, following a motion made by Mr. Potamis, and seconded by Mr. Van Keuren, to grant a special permit, with conditions, under Section(s) 240-57 G. of the Code of Falmouth, for 561 Thomas B. Landers Road, Hatchville, Massachusetts (the "Premises"), to allow 4 parking spaces for used car sales. This special permit shall be subject to the following conditions:

1. The 4 parking spaces for the for sale vehicles shall be substantially as shown on the plans submitted and reviewed by the Board, as follows:
 - "Proposed Parking Plan", prepared by Choubah Engineering Group, P.C., 112 State Road, No. Dartmouth, MA, dated 03/20/2019
2. There shall be no further changes to the existing site, beyond the designated parking spaces for the for-sale vehicles.
3. The Applicant shall maintain a spill kit on the Premises.
4. Previous decisions remain in full force and effect, except as modified herein.
5. Any deviation, no matter how minor, from plans submitted and approved, shall be submitted to the Board for approval, prior to implementation of said change. Minor changes may be administratively approved by the Zoning Administrator.
6. This permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days has elapsed after the decision had been filed in the office of the Town Clerk with no appeal being filed, is recorded in Barnstable Registry of Deeds, or that an appeal has been filed within such time. (Any person exercising rights under a duly appealed special permit does so at risk that a court may reverse the permit, and that any construction performed under the permit may be ordered undone.)
7. This permit shall lapse three (3) years from the date on which this decision is filed in the Town Clerk's office, if a substantial use of the Special Permit has not sooner commenced, except for good cause, as determined by the Zoning Board of Appeals.

Action: The Board of Appeals, by the signature below, certifies the vote of the Board, as follows, for the above referenced hearing:

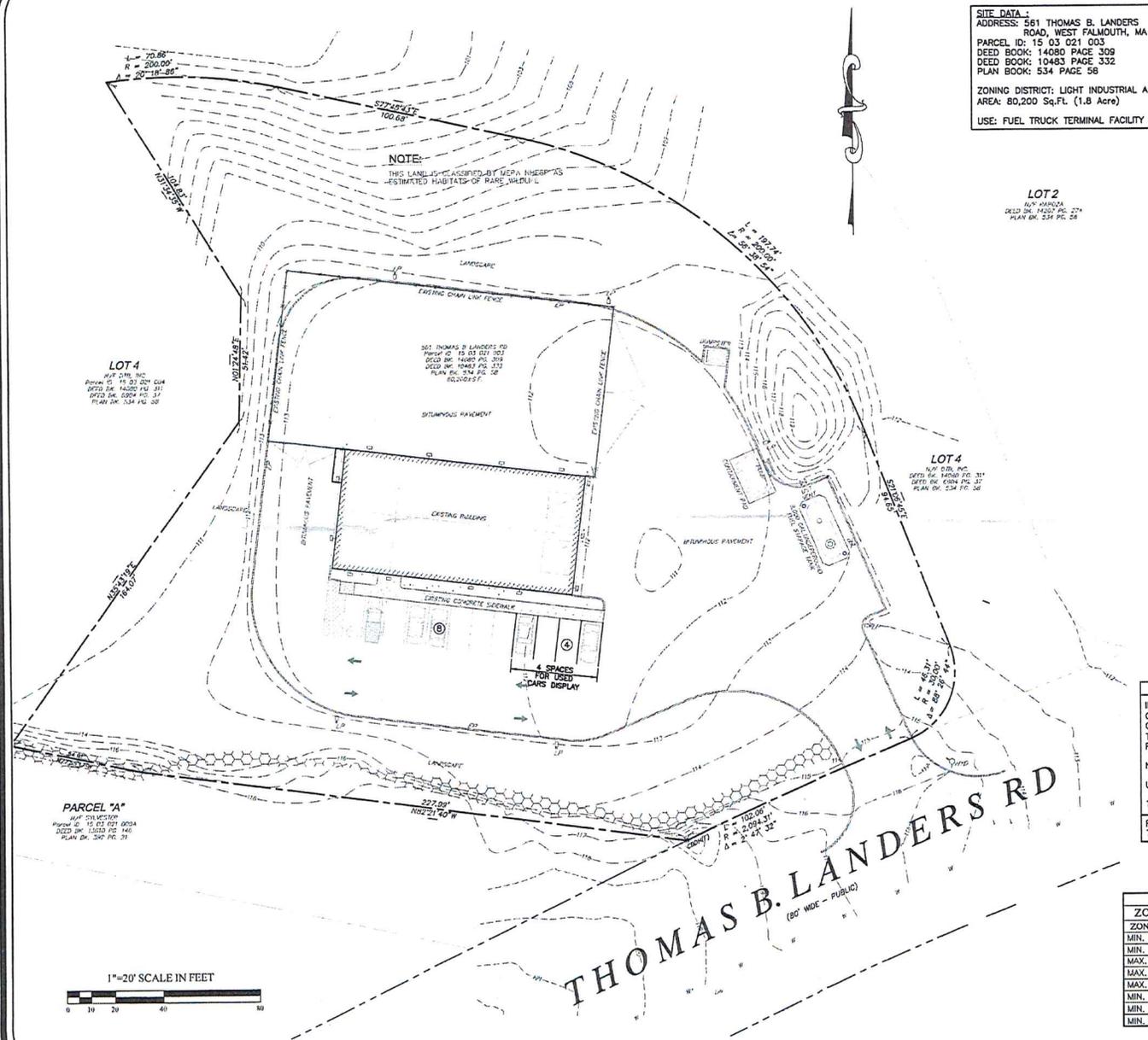
Vote: 5 to 0 to grant the Special Permit, as represented to the Board, based on the Findings stated herein, and with the above stated Conditions.



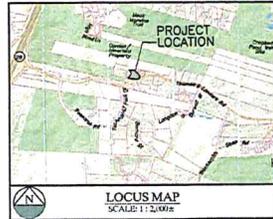
Edward Van Keuren, Member, Zoning Board of Appeals

TOWN CLERK
JUN 20, 2019 PM 3:02
RECEIVED

Date Filed With Town Clerk



SITE DATA:
 ADDRESS: 561 THOMAS B. LANDERS ROAD, WEST FALMOUTH, MA
 PARCEL ID: 15 03 021 003
 DEED BOOK: 14080 PAGE 309
 DEED BOOK: 10483 PAGE 332
 PLAN BOOK: 534 PAGE 56
 ZONING DISTRICT: LIGHT INDUSTRIAL A
 AREA: 80,200 Sq.Ft. (1.8 Acre)
 USE: FUEL TRUCK TERMINAL FACILITY



CHOUSAN ENGINEERING GROUP, P.C.
CEG
 CONSULTING PROFESSIONAL ENGINEERS
 112 STATE ROAD (ROUTE 6),
 No. DARTMOUTH, MA 02747
 TEL: (508) 858-5340 FAX: (508) 858-5941
 www.chousaneng.com

Project:
**PROPOSED MODIFICATIONS
 AT 561 THOMAS B.
 LANDERS ROAD
 WEST FALMOUTH, MA 02536**

Prepared For:
**SAVON HATEM, LLC
 94 E. FALMOUTH HIGHWAY,
 EAST FALMOUTH, MA, 02536**



LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	SETBACK LINE
---	EXIST. FENCE
---	EXIST. SEWER LINE
---	EXIST. WATER LINE
---	EXIST. ELECTRIC LINE
---	EXIST. GAS LINE
---	EXIST. TELEPHONE LINE
---	EXIST. DRAINAGE LINE
---	EXIST. OVERHEAD WIRE
---	EXIST. CATCH BASIN
---	EXIST. DRAIN MANHOLE
---	EXIST. ELECTRIC MANHOLE
---	EXIST. SEWER MANHOLE
---	EXIST. ELECTRIC MANHOLE
---	EXIST. UTILITY POLE
---	EXIST. LIGHT POLE
---	EXIST. DOUBLE LIGHT POLE
---	EXIST. EDGE OF PAVEMENT
---	EXIST. SIGN
---	EXIST. GATE
---	MA HIGHWAY BOUND
---	EXIST. HYDRANT
---	EXIST. PUMPS

PARKING DATA

INDUSTRIAL:
 ONE (1) SPACE PER 1.3 EMPLOYEES, BUT
 CAPABLE OF EXPANSION TO NOT FEWER
 THAN (1) SPACE PER (300) SQUARE
 FEET OF LEASABLE FLOOR AREA

NUMBER OF EMPLOYEES = 10 = 8 SPACES
 USED CAR DEALER DISPLAY = 4 SPACES
 TOTAL PARKING REQUIRED = 12 SPACES

PROVIDED:
 TOTAL PARKING PROVIDED = 12 SPACES

561 THOMAS B. LANDERS ROAD, WEST FALMOUTH, MA
ZONING ANALYSIS TABLE (LIGHT INDUSTRIAL A)

ZONING CRITERIA	REQUIRED	EXISTING
MIN. LOT SIZE	40,000 S.F.	80,200S.F.
MIN. FRONTAGE	100'	102.6'
MAX. BLDG. HEIGHT	35'	25' +/-
MAX. BLDG. COVERAGE	40%	6.4%
MAX. LOT COVERAGE	70%	46%
MIN. FRONT SETBACK	50'	112'
MIN. REAR SETBACK	35'	46'
MIN. SIDE SETBACK	35'	93'

Issue Date: 03/20/2019

Revisions		
No.	Date	Description

Project Number: 14-407
 Scale: AS SHOWN
 Designed By: CMS
 Drawn By: CMS Checked By: IIC

Sheet Title:
PROPOSED PARKING PLAN



Sheet Number: 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, July 11, 2019, upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install One (1) 3" Conduit on Menauhant Road, opposite Central Avenue.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday, June 21, 2019 Falmouth Enterprise



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: July 16, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install $\pm 10'$ of underground conduit on Central Avenue

A petition was submitted by Eversource to install $\pm 10'$ of 3" underground conduit on Central Avenue to service house at 663 Menauhant Road.

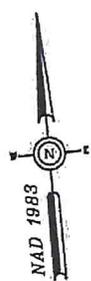
The Engineering recommendation is to approve the request as submitted on Plan No. 2336931, W/O #2336931, dated June 12, 2019.

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 10' of 3" conduit to provide underground
 electric service for customer at #663 Menauhant Rd.



40A 02 001 000
 #507 CENTRAL AVE
 DECOTEAU, TRUSTEE LEA S.
 SHANKLIN, TRUSTEE F. GARRETT
 APPROX. R.O.W.

23/35 ●

CENTRAL AVE

40A 03 001 121
 CENTRAL AVE (NO ADDRESS #)
 CHABAN, DOLORES
 APPROX. R.O.W.

EDGE OF ROAD

MENAUHANT RD

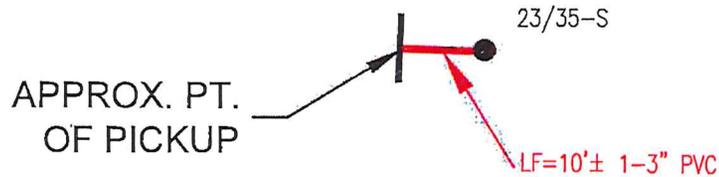
EDGE OF ROAD

APPROX. R.O.W.

APPROX. R.O.W.

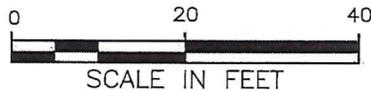
40A 01 001 099
 #663 MENAUHANT RD
 SHANKLIN TRUSTEE SARAH W
 COHEN TRUSTEE LAWRENCE B

40A 01 003 000
 MENAUHANT RD (NO ADDRESS #)
 CHABAN, DOLORES



LEGEND

- ⊕ Proposed Hand Hole
- Proposed Conduit
- Existing Pole



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 #	2336931	 d/b/a 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order #	2336931	Plan of MENAUHANT ROAD
Surveyed by:	—	FALMOUTH
Research by:	PG	Showing PROPOSED CONDUIT LOCATION
Plotted by:	PG	
Proposed Structures:	GC	
Approved:	A DEBENEDICTIS	Scale 1"=20' Date JUNE 13, 2019
P#		SHEET 1 of 1

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Falmouth, Massachusetts

JUNE 12, 2019

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

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

MENAUHANT ROAD, Opposite Central Avenue
WO# 2336931

One (1) 3" Conduit

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked Plan No. 2336931, Dated **JUNE 12, 2019**.

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

By.....*[Signature]*.....
Right-of-Way Representative



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

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

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 12 day of JUNE, 2019.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2336931**, Dated **JUNE 12, 2019**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**MENAUHANT ROAD, Opposite Central Avenue
WO# 2336931**

One (1) 3" Conduit

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the 22nd day of July, 2019.

Clerk of Selectmen.

Massachusetts, 2019.
Received and entered in the records of location orders of the Town of _____
Book _____ Page _____.

Attest:

Town Clerk

(over)

CA-104 EO REV 2-81

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

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



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 pm on Thursday, July 11, 2019, upon the petition of NSTAR Electric Company d/b/a Eversource Energy to install One (1) 4" conduit on Eel River Road, South of Central Avenue.

Per Order of the Falmouth Board of Selectmen

Publication Date: Friday June 21, 2019



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: July 16, 2019

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install $\pm 25'$ of underground conduit on Eel River Road

A petition was submitted by Eversource to install $\pm 25'$ of 1-4" underground conduit on Eel River Road to service house at 36 Eel River Road

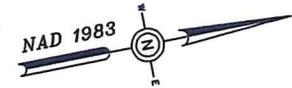
The Engineering recommendation is to approve the request as submitted on Plan No. 2332267, W/O #2332267, dated June 11, 2019.

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 25' of conduit for new underground service
at 36 Eel-River Rd



41 01 000A 037
39 EEL RIVER RD
N/F
RICHARDS TRUSTEE ANDREW
ENRIGHT TRUSTEE MARGARET

41 01 000A 038
33 EEL RIVER RD
N/F
CLARK MARY C
CLARK ROY E

TO CENTRAL AVE
APPROX. 604.8'

⊕ 572/H7-5

572/7-5

572/7

EDGE OF ROAD

EEL-RIVER RD

EDGE OF ROAD

E.T.I 1-4" PVC
SCHD 80 LF=25'±

⊕ CUSTOMER
TO
INSTALL
572/H7.5A

41 01 000A 100
42 EEL RIVER RD
N/F
GOETCHIUS STEPHEN
GOETCHIUS KAREN

41 01 000A 101
36 EEL RIVER RD
N/F
HOLBROOK SALLY M
HOLBROOK SCOTT R

LEGEND

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



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MASS. LAW

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

Plan # 2332267

Ward #

Work Order # 2332267

Surveyed by: N/A

Research by: PG

Plotted by: JC

Proposed Structures: JF

Approved: A DEBENEDICTIS

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of EEL RIVER RD

FALMOUTH

Showing PROPOSED CONDUIT LOCATION

Scale 1"=20'

Date JUNE 11,2019

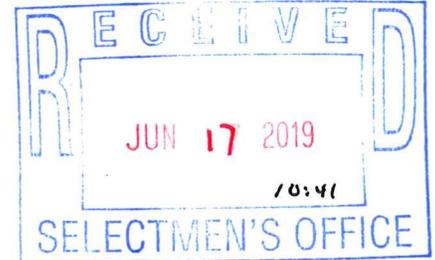
SHEET 1 of 1



50 Duchaine Blvd
New Bedford, MA 02745

June 14, 2019

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



Select board:

Enclosed is a petition for **1** proposed conduit location(s) on **Eel River Road, Falmouth, Massachusetts**.

This proposed location(s) is required to accommodate new underground service. This petition will require a notice to abutters and a hearing.

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

Very truly yours,

Donna Rosa
Right-of-Way
Representative

DR: dh
Enclosures

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Falmouth, Massachusetts

JUNE 11, 2019

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

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

**EEL RIVER ROAD, South of Central Avenue
WO# 2332267**

One (1) 4" Conduit

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked Plan No. **2332267**, Dated **JUNE 11, 2019**.

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

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

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

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

ORDERED:

Notice having been given and a public hearing held, as provided by law, the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said company dated the 11 day of JUNE, 2019.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No. **2332267**, Dated **JUNE 11, 2019**, filed with said petition. The following are public ways or parts of ways under, along and across which the cables above referred to may be installed under this order:-

**EEL RIVER ROAD, South of Central Avenue
WO# 2332267**

One (1) 4" Conduit

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the 22nd day of July, 2019.

Clerk of Selectmen.

Massachusetts _____, 2019.

Received and entered in the records of location orders of the Town of _____

Book _____ Page _____.

Attest:

Town Clerk

(over)

CA-104 EO REV 2-81

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

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

TOWN OF FALMOUTH
SCHEDULE OF DEPARTMENTAL PAYMENTS TO THE TREASURER

Dept: BEACH

Date: 7/10/19

FROM	SOURCE	AMOUNT	TOTAL
STICKERS	01-632-4230		
GATE (BEACHES)	01-632-4231		
SWIM LESSONS	01-632-4238		
CONCESSION	01-632-4360		
DONATIONS	28-632-5655-4830	\$ 664.33	\$ 664.33

OLD Stone Dock
Association

TOTAL \$ 664.33

to the Accounting Officer:

The above is a detailed list of monies collected by me, amounting in the aggregate to Six Hundred sixty-four dollars, for the period ending 7/10/19 and 33/100 which I have paid to the Treasurer, whose receipt I hold thereof.

Bruce Mogardo
Beach Superintendent

Department Officer making the payment:
Received from the Beach Department, the sum of _____ dollars, for collections as per schedule of the date _____

, filed in my office.

Treasurer

GREEN SECURE LINK CHAIN AND GREEN DIAMOND DISAPPEAR WHEN COPIED HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED

2116

OLD STONE DOCK ASSOCIATION

C/O ROBERT A. LEHTINEN
110 WALKER STREET
FALMOUTH, MA 02540

DATE 7/05/19

53-7107/2113

PAY
TO THE
ORDER OF

TOWN OF FALMOUTH BEACH DONATION ACCT

\$ 664. ³³/₁₀₀

Six hundred sixty four + ³³/₁₀₀

DOLLARS

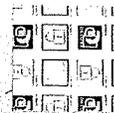


P.O. BOX 10
ORLEANS, MA 02653
capecodfive.com

FOR

Food Box

Robert A. Lehtinen



Details on back

Security Features

Mobile Sports Promotions

15 Lochstead Drive
 East Falmouth, Ma 02536
 508-563-1927

Invoice

Date	Invoice #
7/9/2019	8666

Bill To
Falmouth Recreation Dept 790 MAin St Falmouth, MA 02540 Attn: Joe Olenick

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
142	T-SHIRTS NEON YELLOW (KEEGAN'S FISHING TOURNAMENT)	6.75	958.50
2	SCREEN CHARGE	30.00	60.00
1	ARTWORK CHARGE	35.00	35.00
2	XXL CHARGE	2.00	4.00

DEPT #	01-630
VENDOR #	2030
ACCT. #	
AMT	\$1,057.50

Jeff Burton 508-563-1927 Thank You!	Total \$1,057.50
---	-------------------------

Lindsey.Demers @ Falmouth MA. GOV

Diane Davidson

From: Megan English Braga
Sent: Wednesday, July 10, 2019 5:14 PM
To: Julian Suso
Cc: Thomas Walrath; Peter Johnson Staub; Comcast; Eddie Doyle; Frank Duffy; Jeremiah Pearson; Diane Davidson
Subject: Re: Tommy Leonard Memorial and Crosswalk Naming

Thanks to all for the continued work on this. We will place it on the July 22nd BOS agenda, so that we can further flesh out the options available for honoring Tommy's immense contribution to Falmouth.

Thank you

Megan

Sent from my iPhone

On Jul 10, 2019, at 4:03 PM, Julian Suso <julian.suso@falmouthma.gov> wrote:

Hello Tom and Eddie,

Thank you for this revised, updated proposal. With BOS Chair Megan English-Braga's concurrence, we can place this formally on the upcoming July 22 BOS agenda for notification/confirmation purposes, which would allow us to formally initiate this "naming" process. As to the proposed Memorial, that would of course be subject to review/approval by the Board as well. Thank you.

Julian M. Suso

From: Thomas Walrath <[REDACTED]>
Sent: Wednesday, July 10, 2019 3:19 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Cc: Peter Johnson Staub <peter.johnson-staub@falmouthma.gov>; Comcast <[REDACTED]>; Eddie Doyle <[REDACTED]>; Thomas Walrath <[REDACTED]>; Frank Duffy <frank.duffy@falmouthma.gov>; Megan English Braga <megan.english-braga@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>
Subject: Tommy Leonard Memorial and Crosswalk Naming

Julian,

The Falmouth Walk committee has been thinking of a way for the Town and the Walk to keep the memory of Tommy Leonard going for generations to come.

Tommy Leonard was the co-founder of the Falmouth Walk, along with Eddie Doyle, and it was started 29 years ago to give back to those in need in Falmouth. Just last year the Falmouth Walk distributed over \$35,000 to 12 charities in Falmouth.

There have been a few ideas discussed with you, Peter Johnson-Staub, Doug Brown and a few town department heads, starting back in May. Based on some obstacles that were uncovered along the way, and with input from our Walk committee, we feel we have come up with a great way to honor Tommy.

The thought is for a rough cut stone/granite with a bronze plaque and ball cap, drawings attached, to be placed in front of the stone wall on the west side of the entrance to Town

Hall Square. There are plantings there now that could have been moved if we were going to install a memorial bench.

We would also like to name the crosswalk that goes from that side of the road to the Quarterdeck Restaurant, Tommy's favorite location. There is a light pole on that side and we would like to see if a double sided sign stating "Tommy Leonard WalkWay" could be installed facing East and West.

We look forward to hearing back on our request along with gaining an understanding of how long this may take. As you know, our 30th anniversary will be next August, and we would like for all of this to be in place. Is there a way for the Board of Selectman to possibly consider our process started in May, so that a decision could be made by next May?

Eddie Doyle, the Falmouth Walk committee, and myself appreciate all the time that you and others have put into this process.

Thankfully
Tom Walrath & Eddie Doyle



Town of Falmouth

Department of Public Works

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

416 Gifford Street
Falmouth, MA 02350
Cape Cod

Telephone: (508) 457-2543
Fax: (508) 548-1537
Email: pmcconarty@falmouthmass.us

Officer James Porter
Traffic Advisory Committee
59 Town Hall Square
Falmouth Ma, 02540

Dear Mr. Porter,

In an effort to standardize all of our Town public School zones, Falmouth Public Works is currently upgrading / installing solar powered flashing school zone lights and signage at 4 locations to match the remaining existing flashing school lighting at other locations. Along with the installations, Public Works is requesting the formal designation of School Zones throughout the Town. Below is a list of schools to be included with the designations:

Mullen-Hall School – 130 Katherine Lee Bates Road

Teaticket School – 45 Maravista Avenue Extension

East Falmouth School – 33 Davisville Road

Morse Pond School – 323 Jones Road

North Falmouth School – 62 Old Main Road

Lawrence School – 113 Lakeview Avenue

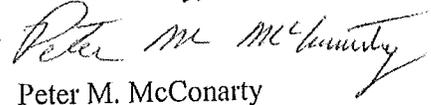
High School – 874 Gifford Street Extension

By designation of the above listed schools, the speed limits in these areas will be posted at 20 mph during school hours.

Public Works is also requesting that the above locations be adopted into the schedule IV-School Zones section of the "Town of Falmouth Traffic Rules and Orders, dated May 19, 2003.

I will be in attendance at your June 17th meeting to answer any questions the Committee may have.

Sincerely,


Peter M. McConarty



Town of Falmouth
 Traffic Advisory Committee
 59 Town Hall Square
 Falmouth, MA 02540
www.falmouthmass.us/tac



Traffic Related Service Request

Date: July 9, 2019

Location: School Zones

Description: Request to identify all school zones in town and ensure they are appropriately listed in the Traffic Rules and Orders.

Committee Recommendation: The TAC recommends that we approve all the school zones identified by Engineering with the exception of the High school. The High school should be identified as a "Safety Zone" as outlined in the MUTCD and Mass. Amendments to the MUTCD. Please see attached memo from Engineering.

Traffic Advisory Committee Recommended Not recommended Date: June 17, 2019

Town Manager Approved *[Signature]* Disapproved: _____ Date: July 9, 2019
 7/9/19

REMARKS:

Board of Selectmen Approved _____ Disapproved: _____ Date _____

DPW Director Funded _____ Unfunded _____ Date _____

INSTALLATION NOTES:

ROUTING INSTRUCTIONS:

When any regulatory sign or pavement marking is installed, a copy of this Service Request must be routed to the Falmouth Police Department, the GIS Department and the Town Clerk's Office for recording of the warrant. The original should be returned to the Traffic Advisory Committee.

Schedule IV

School Zones – Speed Limit 20 MPH

Location

Mullen-Hall School	130 Katharine Lee Bates Road
Teaticket School	45 Maravista Avenue
East Falmouth School	33 Davisville Road
Morse Pond School	323 Jones Road
North Falmouth School	62 Old Main Rock
Lawrence School	113 Lakeview Avenue

Safety Zone – Speed Limit 20 MPH

Location

High School	874 Gifford Street Extension
-------------	------------------------------

Falmouth Affordable Housing Committee

Annual Report (July 1, 2018 – June 30, 2019)

Our Mission Statement: The Falmouth Affordable Housing Committee assists the Board of Selectmen in its efforts to provide a full range of housing choices for households of all incomes, ages, and abilities. The Committee works to identify our workforce housing needs, to reduce the out-migration of our younger residents, and to minimize the displacement of our elderly on fixed incomes.

During this past fiscal year, the Affordable Housing Committee (AHC) continued to work collaboratively with Housing Coordinator Carla Feroni to complete Falmouth's new Housing Production Plan (HPP) with consultant Karen Sunnarborg. A second Public Forum occurred in October, then a joint Planning Board/AHC meeting was held to achieve further input and approval. The Board of Selectmen (BOS) approved the completed HPP in December and it was submitted to the state of Massachusetts. On January 25, 2019, a letter announcing state approval of Falmouth's HPP was sent to town hall. Our previous Housing Production Plan expired in 2014. Thanks to Community Preservation Committee (CPC) and Town Meeting approvals of our AHC application for \$35,000 in funding, Falmouth now has a new HPP that will remain in effect until January 10, 2024. During these next five years, Falmouth can (with state assistance) ward off hostile 40B developments in town so long as 74 units of affordable housing have been produced within the calendar year, the number that is called for in our HPP.

Also during this past fiscal year, the AHC assisted Falmouth Housing Corporation with a press release announcing state funding for 40 affordable rental units to be built at Little Pond Place; members of the AHC then attended a presentation and thank you from Jay Ash, the Massachusetts Secretary of Housing and Economic Development. The AHC sent letters of support to the BOS for three affordable housing (AH) developments: on Locustfield Road, at Megansett Crossing, and on Deer Pond Way. The AHC Chair signed the LIP for Locustfield Road and the LAU for Deer Pond Way. A member of the AHC served for the full year on the Falmouth Affordable Housing Fund (FAHF) Working Group, whose tasks are to request CPC-approved money to be added to the FAHF and then to make recommendations to the BOS for the distribution of these funds for AH projects in town.

Over the course of the past 12 months, the Chair and/or members of the AHC responded to several Charter Commission inquiries and to a League of Women's Voters survey, attended the Disabilities Commission's roundtable on Accessible Housing, and participated in the BOS's Joint Meeting regarding AH issues. The AHC worked closely with the Housing Coordinator throughout the year. In particular, we supported her proposal to use the \$10,000 remaining unspent from the HPP allocation to hire an intern to collect information about existing AH units in Falmouth. This information will be invaluable in helping to keep AH units on the town's Subsidized Housing Inventory when they go up for sale or when they need to have their affordability status renewed. The AHC sought and received Planning Board support for a "Housing Summit" (as called for in the HPP) to be held on October 2, 2019. The AHC also decided to recommend to the BOS that a portion of future monies from the new Occupancy (AirBnB) and Hotel taxes be used in support of future AH development, perhaps via contributions to the FAHF.

The Affordable Housing Committee extends its gratitude to Carla Feroni for her excellent efforts in support of many important housing issues in Falmouth; to Peter Johnson-Staub, Thomas Bott, and other town staff for their commitment to helping create and preserve affordable housing in town; and to Selectman Sam Patterson for his continuous guidance and support of the AHC. There are challenges everywhere to the development of affordable housing, more AH units need to get into the pipeline, and increased funding is essential. The AHC will continue to collaborate with town staff and boards and with local housing organizations and developers to help meet those challenges in Falmouth.

Respectfully submitted,

Edward Curley, Chair

Holly Wilson, Vice Chair

Joe LeMay, Clerk

Pamela Harting-Barrat

Renie Brunn

Jessica O'Brien

Karen Bissonnette

July 18, 2019

To: Falmouth Select Board

From: Affordable Housing Committee (AHC)

Subject: New Occupancy (AirBnB) Tax and Increased Hotel Tax

As you know, Falmouth will soon start receiving funds from the above taxes. The AHC strongly recommends that a significant portion of these funds be set aside for the development of affordable housing in town. Our Housing Demand Study and our recent Housing Production Plan (HPP) have shown that, despite our best intentions, Falmouth still does not have adequate affordable housing for our workforce, our school teachers, our town employees, our young residents starting families, and our senior citizens trying to downsize and remain in town.

Many entities (e.g. Future Cape Cod, the Housing Assistance Corporation, the Falmouth Enterprise, and Town Meeting Member Peter Clark) have supported the idea of using these new "housing-based taxes" to increase the development of year-round affordable housing -- apartments and homes for individuals and families who make 80% or less of the Area Median Income (AMI). Our town supports affordable housing through the Falmouth Affordable Housing Fund, the money for which derives from the Community Preservation Act, but it is not enough to build all of the units that will be needed over the next 5-10 years. If Falmouth is not adding 74 new affordable units each year, then it cannot enjoy some of the advantages of having a newly-approved HPP. We have seen that, if there is town funding available to subsidize affordable housing in Falmouth, local developers are willing and able to build such housing.

There is a housing crisis in Falmouth that is affecting our economy and the fabric of our community. Please choose to assign a significant portion of these new tax revenues to bring about an increase in the amount of affordable housing that will be built in Falmouth. Thank you for your consideration of this important matter!

Sincerely,

Edward Curley -- AHC Chair

Pamela Harting-Barrat, Karen Bissonnette, Renie Brunn, Jessica O'Brien,
and Holly Wilson -- AHC members

Diane Davidson

From: Alan Robinson <[REDACTED]>
Sent: Thursday, May 23, 2019 2:23 PM
To: Diane Davidson
Cc: Julian Suso
Subject: BOS Meeting Agenda for July 22nd

Hello Diane

Would it be possible for you to pencil in the Falmouth Litter Teduction Team for the July 22nd Board of Selectmen meeting? This will be for a report update and recommendations. The timing for the 7/22 Meeting is important as the Team may be making a recommendation for a bylaw to be incorporated into the warrant for the fall Town Meeting.

Please contact me should you have any questions or require additional information.

Alan
For the Falmouth Litter Reduction Team

**Recommendations to the Board of Selectmen
for Charter Amendments
from 2018-2019 Charter Review Committee #4
July 22, 2019**

Introduction

The Charter Review Committee presents the following 26 recommended amendments for the Charter. We will work with the Board through hearings and any resulting revisions or reorganization in order to make the most effective presentation of articles for the November Town Meeting.

We also intend to work on a range of suggestions to the Board that arose from our discussions with citizens and government participants, both volunteers and employees. Many valuable ideas did not fall within the scope of Charter changes. We expect to complete this added task about the time that Town Meeting will be taking its actions in November. We hope, then, to have a final report for you by mid-December, 2019.

The 26 recommended amendments are listed below in the order of their impact on the sections and subsections of Charter language. However, they were developed in the context of six primary purposes or themes:

1. alignment and consistency of major Town planning functions, and clarity of meeting processes needed to achieve them;
2. clarity and operations of committees, boards and all the other multi-member bodies achieving public purposes for the Town;
3. clarity of working relationships between the Board of Selectmen/Town Manager (executive) and Town Meeting (legislative);
4. gender-neutrality;
5. clarity and consistency of terminology; and
6. accuracy of information;

We wish to express our appreciation for the time and energy of the Town Counsel and the Town Clerk and for the expenditure of Town resources to support our work.

Note on terminology: For the purposes of this document, we attempt to keep the currently-used Charter terms in place; rather than assuming their approval:

- a) except at the amendment specifically recommended to make the change, and
- b) except when entirely new wording is being proposed that requires the term.

Respectfully submitted,

Peter Clark, Chair
Judith Fenwick, Vice Chair
David Garrison, Secretary
H. Carter Hunt
Charles McCaffrey
Flannery du Rivage Rogers
Daniel H. Shearer

1. Amendment for Sec. C1-3

To see if the Town will vote to adopt the following proposed amendment to Section C1-3, Form of Government, of the Falmouth Home Rule Charter, so as to read:

Sec. C1-3. Form of government.

This Charter provides for the Representative Town Meeting/Selectmen/Town Manager form of government and it shall be known by the title "Falmouth Home Rule Charter." Governmental bodies, both elected and appointed, may be used to perform a public purpose.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

Sec. C1-3. Form of government.

This Charter provides for the Representative Town Meeting/Selectmen/Town Manager form of government, and it shall be known by the title "Falmouth Home Rule Charter." **Governmental bodies, both elected and appointed, may be used to perform public purposes.**

Explanation

One of the underlying CRC themes has been attending to the importance of citizen participation on governmental committees, boards, and other groups. This article adds recognition of these bodies as a part of the basic form of government.

2. Amendment for new Sec. C1-6

To see if the Town will vote to adopt the following proposed amendment to the Falmouth Home Rule Charter:

to transfer the present language in Article IX, *General and Transitional Provisions*, section C9-12, *Definitions*, in its entirety, to Article I, *Incorporation, Form of Government and Powers*, to be a new section C1-6, *Definitions*; and to adopt changes to the following defined terms:

.....
Governmental Body

Any multi-member body or subcommittee thereof within the Town, whether elected, appointed or otherwise constituted, and established to serve a public purpose, and whether or not specifically mentioned in this Charter, with the exception of Town Meeting. The provisions of this Charter apply to all Governmental Bodies within the Town unless specifically exempted herein.

.....
Master Plan

The definition of Master Plan is deleted.

.....
Local Comprehensive Plan

The definition of Local Comprehensive plan in place of the definition of Master Plan is added as follows:

The Local Comprehensive Plan is the community vision of the future of the Town, including issues of growth, economic and community development, historic community character, civic improvements and resource conservation.

.....
B. Word usage

(1) He/His.

This section is deleted.

.....
Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; bold = addition)

C9-12 Definitions

.....

GOVERNMENTAL BODY

Any ~~A~~ multi-member ~~body board, committee, commission~~ or subcommittee thereof within the Town, ~~however created~~, elected, appointed or otherwise constituted, and established to serve a public purpose, whether or not specifically mentioned in this Charter, with the exception of Town Meeting. The provisions of the Charter apply to all governmental bodies within the Town unless specifically exempted herein.

~~MASTER PLAN~~ LOCAL COMPREHENSIVE PLAN

~~The Master Plan, sometimes referred to as t~~ The Local Comprehensive Plan, is the community vision of the future of the Town, including issues of growth, economic and community development, historic community character, civic improvements and resource conservation.

B. Word usage.

(1) ~~He/His. The masculine noun and pronouns used in this Charter shall be taken to mean both the masculine and feminine.~~

(2) Counting of Days. "Working days" shall include every day, except Saturdays, Sundays and holidays. "Days" shall mean calendar days.

Explanation - One goal has been to enhance the clarity and consistency of terminology. A new prominent location for the Definition section places this information in the first article rather than the last one to increase awareness of terms. Within that section is the adoption of "governmental bodies" to replace a variety of names of groups which work to fulfill public purposes; It does not apply to town departments or groups of employees. Also "Local Comprehensive Plan" is the accurate title for the Town's principal planning document, rather than Master Plan. The "he/his" word usage language is no longer needed if a recommendation for C2-14 is adopted.

3. Amendment to globally insert – “Governmental Body” and “Local Comprehensive Plan”

To see if the Town will vote to adopt the following proposed amendment to the Falmouth Home Rule Charter.

**By striking out the words “committee,” “council,” “board,” and all other terms for multimember bodies wherever they appear as common nouns and inserting “governmental body(ies).”
By striking out the words “Master Plan” wherever they appear and thereafter the town’s principal planning document shall be referred to as the “Local Comprehensive Plan.”**

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes

No current Charter language changes because the new language above will be used throughout the Charter where appropriate.

Explanation

This recommendation implements the use of “governmental body(ies) and “Local Comprehensive Plan” for the reasons stated in number 2 above.

4. Amendment for C1-3 and to selectively delete – “Representative” Town Meeting

To see if the Town will vote to adopt the following proposed amendment to the Falmouth Home Rule Charter.

By striking out the word “Representative” wherever it appears before the words Town Meeting, except in section C1-3 and in the caption of Article II, and thereafter the town’s legislative body shall be referred to as Town Meeting.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes

No current Charter language changes because the deletion above will be occur throughout the Charter where appropriate.

Explanation

This article achieves simplicity and consistency in the use of the term “Town Meeting” in the Charter, while still respecting the “representative” form of Town Meeting.

5. Amendment for Sec. C2-1A

To see if the Town will vote to adopt the following proposed amendment to Section C2-1A, Composition, membership and eligibility of the Representative Town Meeting of the Falmouth Home Rule Charter, so as to read:

Sec. C2-1A. A Representative Town Meeting of not more than two hundred and fifty two (252) members shall be elected for three year overlapping terms as determined by Chapter 349 of the Acts of 1935 and any amendments thereto.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

Article II The Representative Town Meeting

C2-1 Composition, membership and eligibility

A.A Representative Town Meeting of not more than two hundred fifty-two (252) members shall be elected for three-year overlapping terms. The total number of Town Meeting members shall be fixed by ~~bylaw~~ **Chapter 349 of the Acts of 1935 and any amendments thereto.**

Explanation

To correct an historical inaccuracy, this article cites the correct source for the maximum number of Town Meeting members and for the process of arriving at the actual number of elected members.

6. Amendment for Sec. C2-3A and 3B

To see if the Town will vote to adopt the following amendments to Article II, The Representative Town Meeting, sections C2-3A and 3B of the Falmouth Home Rule Charter by amending said sections to read as follows:

A. Town Meeting shall be held twice annually, in the spring on a date in April to be fixed by the Board of Selectmen and in the fall on a date to be fixed by the Board of Selectmen.

B. These town meetings will consider and act upon, as required, with or without amendments, all proposed operating and capital improvement budgets, appropriations, borrowings and other matters that may properly come before them.

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

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article II The Representative Town Meeting

C2-3 Procedures.

A. ~~The Town Meeting shall be held~~ **twice** annually: in the spring **in April**, on a date to be fixed by the Board of Selectmen ~~by law, and in the fall on a date chosen by the Board of Selectmen. to consider and act upon, with or without amendments, all proposed operating and capital improvement budgets, bond issues and all other issues that may properly come before the Meeting.~~

B. ~~The Town Meeting shall also meet annually in the fall, on a date chosen by the Board of Selectmen, to consider and act upon matters that may properly come before the Meeting.~~ **These meetings** ~~and~~ will consider and act upon, as required, with or without amendments, all proposed operating and capital improvement budgets, **appropriations, borrowings** ~~and bond issues~~ and all other issues that may properly come before them.

Explanation

This corrects an inconsistency between Charter language and current practice. The new language supports the Town's current approach of considering the capital improvement budget at the Fall Town Meeting while the operating budget is taken up at the spring Town Meeting. This change also provides future flexibility in placing budget issues before Town Meeting. Further, language is amended to put "borrowings in place of "bond issues" because Town Meeting votes to authorize the former.

7. Amendment to create Sec. C2-6D, 6E and 6F, and delete Sec. C4-2B, 2C and 2D.

To see if the Town will vote to adopt the following proposed amendment to the Falmouth Home Rule Charter

by transferring the present sections of Article IV, Other Elected Town Boards and Officers, Moderator, sections C4-2B, 2C and 2D, in their entirety, to Article II, The Representative Town Meeting, to be new sections C2-6D, 6E and 6F, Moderator.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; bold = addition)

C2-6 Moderator.

- A. A Moderator shall be elected as provided in § **C4-2**.
- B. The Moderator shall preside at all sessions of the Town Meeting and shall have no vote unless the members present and voting are equally divided.
- C. The Moderator shall establish and promulgate written procedures for the orientation of new Town Meeting members and shall conduct an annual meeting at which time said orientation shall take place.
- D. The Moderator, in consultation with the Town Clerk, shall prepare simplified rules of parliamentary procedure, which shall be made available to all elected Town Meeting members.
- E. The Moderator shall appoint ad hoc committees of the Town Meeting as provided in § **C2-12B**.
- F. The Moderator shall preside at any public hearing to discuss the suspension or removal of the Town Manager.

C4-2 Moderator.

- A. A Moderator shall be elected at the Annual Town Election for a three-year term.
- ~~B. The Moderator, in consultation with the Town Clerk, shall prepare simplified rules of parliamentary procedure, which shall be made available to all elected Town Meeting members.~~
- ~~C. The Moderator shall appoint ad hoc committees of the Town Meeting as provided in § **C2-12B**.~~
- ~~D. The Moderator shall preside at any public hearing to discuss the suspension or removal of the Town Manager.~~

Explanation

This article unifies in one location the Charter information about the moderator's responsibilities with no actual change in wording.

8. Amendment for Sec. C2-14.

To see if the Town will vote to adopt the following proposed amendment to Section C2-14, Watchman of the Warrant, of the Falmouth Home Rule Charter so as to read :

Sec. C2-14. Watcher of the Warrant.

The Moderator, or a person designated by the Moderator, shall act as Watcher of the Warrant and shall present a written progress report on each passed action article of Town Meeting to be printed in the Annual Town Report.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article II The Representative Town Meeting

C2-14 ~~Watchman~~ **Watcher of the Warrant**

The Moderator, **or a person designated by the moderator** ~~or his designee~~, shall act as the ~~Watchman~~ **Watcher** of the Warrant and shall present a written progress report on each passed action article of Town Meeting to be printed in the Annual Town Report.

Explanation

To achieve gender neutrality, two changes are needed: using the term "watcher" for "watchman" and removing "his designee:" This also allows deleting word usage language in the Definition section.

9. Amendment for new Sec. C2-15

To see if the Town will vote to adopt the following proposed amendment to Article II, Representative Town Meeting, of the Falmouth Home Rule Charter, by adding a new section C2-15 so as to read:

C2-15. Finance Committee.

- A. The Finance Committee shall consist of fifteen (15) members, who shall be nominated by the Town Moderator and from the floor of Town Meeting, and elected by Town Meeting for three year overlapping terms at the Annual Town Meeting in the spring of each year.**
- B. No member of the Finance Committee shall be an employee of the town or hold any other elected or appointed town office, except the office of Town Meeting member. Members of the Finance Committee may serve on advisory boards in a non-voting capacity.**
- C. Any vacancy in the membership of the Finance Committee shall be filled as follows: replacement members shall be nominated by the Town Moderator and from the floor of Town Meeting and elected by Town Meeting to complete the term of the departed member at any Annual or Special Town Meeting.**
- D. The Finance Committed shall review and make recommendations to Town Meeting on 1) the town budget and any amendments thereto and 2) articles requesting an appropriation of money or having financial consequences for the Town. It shall further have the authority to approve any transfers from the reserve fund. For this purpose, the Finance Committee may request the attendance of any department head or other town official and take public comment.**

And further, upon the approval of this amendment to the Falmouth Home Rule Charter, sections C8-2A and C8-2B shall be deleted.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; bold = addition)

~~**C8-2 Finance Committee.**~~

- ~~A. A Finance Committee of fifteen (15) members shall be established as provided by bylaw.~~
- ~~B. No member of the Finance Committee shall be an employee of the town or hold any other elected or appointed town office, except the office of Town Meeting member. Finance Committee members may also sit on advisory boards in a nonvoting capacity.~~

Explanation The Finance Committee is clearly placed within the "legislative" branch of government (Town Meeting) by creating a new C2-15 A and B and deleting C8-2A and B. While there is no wording change for B, new language in Parts A and C clarify member selection and allow expeditious filling of openings by the Town Meeting. Part D provides a clear Charter definition of the role of the Finance Committee.

10. Amendment for new Sec. C3-2E

To see if the Town will vote to adopt the following proposed general amendment to the Falmouth Home Rule Charter.

By striking out the words "Board of Selectmen" and "Selectman" or "Selectmen" wherever they appear and inserting in place thereof, in each instance, the words "Select Board" where the reference is to the body and "member" where the reference is to an individual ; and to insert a new sub-section C3-2E to read as follows:

C3-2E. The Select Board shall have all the powers and authority of a Board of Selectmen, and its members and officers shall have all the powers and authority of members and officers of a Board of Selectmen, under any general or special law of the Commonwealth of Massachusetts, any bylaw, rule or regulation of the Town or any contract or agreement of the Town.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes

No current Charter language changes because the new words "Select Board" will be used throughout the Charter where appropriate; C3-2E is a new addition to the Charter.

Explanation

This change of terms helps make the Falmouth Charter gender-neutral while still maintaining a connection with established terminology. The new C3-2E defines the needed legal connection between the old and new terms.

11. Amendment for Sec. C3-3B

To see if the Town will vote to adopt the following amendment to Article III, Board of Selectmen, Section C3-3B, Policy Leadership, of the Falmouth Home Rule Charter, so as to read:

B. The Board shall, before the start of each calendar year, publish a schedule of public meetings with such other governmental bodies as it deems necessary for consideration of the town's Master Plan and other planning initiatives, and shall hold them jointly for the consideration of the Local Comprehensive Plan and other local planning and policy initiatives.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C3-3 Policy leadership.

B. The Board shall, **before the start of each calendar year, publish an annual schedule for** ~~hold a joint meeting, at the very least twice per year, with the Planning Board devoted exclusively to~~ consideration of the town's Master Plan and other planning initiatives. **The Board shall also hold joint meetings, as needed, on other significant policy initiatives with any other governmental body.**

Explanation

The strongest alignment of plans and integration of thinking and decision-making requires discussion between the Board of Selectmen and other governmental bodies. The continuation of the effective efforts of the current Board of Selectmen to hold joint meetings with appropriate groups is encouraged by this new Charter language.

12 Amendment for Sec. C3-6B and C.

To see if the Town will vote to adopt the following proposed amendment to Article III, Board of Selectmen, of the Falmouth Home Rule Charter, by amending subsections B and C of section C3-6, Powers of Appointment, so as to read:

B. The Board shall also have the power to appoint governmental bodies that are listed in Article VII.

C. The Board shall also have the power to appoint other governmental bodies and define their duties, set the limits for the scope of their responsibilities and the terms of their existence.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C3-6 Powers of appointment.

A. The Board shall appoint:

- (1) A Town Manager, as provided in Article V.
- (2) A Town Accountant for a term of three (3) years in accordance with MGL c. 41, § 55.
- (3) Three (3) members of a Board of Registrars.
- (4) Election officers.
- (5) Town Constables.

B. The Board shall also have the power to appoint ~~town board as provided~~ **governmental bodies as listed** in Article VII.

C. The Board shall also have the power to appoint ~~ad hoc committees and to multi-member~~ **other governmental** bodies and define their duties, set the limits for the scope of their responsibilities and the terms of their existence. ~~Any such committee having a planning function shall coordinate its activities with the Planning Board at least once a year.~~

Explanation

The changes clarify that B applies to listed bodies, which often have State-defined authorities but are locally appointed, and C applies to the majority of governmental bodies which are both defined by and appointed by the Board.

13. Amendment for new Sec. C3-7H

To see if the Town will vote to adopt the following proposed amendment to Article III, Board of Selectmen, of the Falmouth Home Rule Charter, by adding a new subsection H to section C3-7, Specific Powers, so as to read:

H. The Board shall have the power and authority, after public hearing and publication, to adopt rules and regulations for the conducting of town business, the use of town real and personal property and other matters within its jurisdiction and set the penalties for violations thereof.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes

No current Charter language changes because C3-7H is a new addition to the Charter.

Explanation

This new subsection creates a broad definition of the general authority of the Board of Selectmen, through a defined process, to make rules and regulations for the effective operation of Town government.

14. Amendment for Sec. 4-6B

To see if the Town will vote to adopt the following proposed amendment to Article IV, Other Elected Town Boards and Officers, of the Falmouth Home Rule Charter by amending subsection B of section C4-6, Planning Board, so as to read:

B. The board shall make recommendations as it deems necessary on all matters concerning the physical, economic and environmental development of the town to the Board of Selectmen and to the parties directly involved through the Town Planner, who acts as the Board's Administrator. At the request of the Planning Board, any town agency dealing with significant public improvements relating to the physical, economic and environmental development of the town shall report the status of such plans or developments to the Planning Board so as to be evaluated for consistency with the Local Comprehensive Plan.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C4-6 Planning Board.

B. The Board shall make recommendations as it deems necessary on all matters concerning the physical, economic and environmental development of the town to the Board of Selectmen and to the parties directly involved through the Town Planner, who acts as the Board's Administrator. **At the request of the Planning Board any town agency dealing with significant public improvements relating to the physical, environmental, or economic development of the town, shall report the status of such plans or developments to the Planning Board so as to be evaluated for consistency with the Local Comprehensive Plan.**

Explanation

The added language provides the Planning Board with the authority to request information from other Town agencies to evaluate the consistency of significant public improvements with the Local Comprehensive Plan.

15. Amendment for Sec. C4-6D.

To see if the Town will vote to adopt the following proposed amendment Article IV, Other Elected Town Boards and Officers, Planning Board, of the Falmouth Home Rule Charter, by amending section C4-6D to read:

D. The Planning Board shall recommend proposed amendments to the Zoning Bylaw and shall provide detailed written explanation of its recommendations and the extent to which such recommendations are consistent with the Local Comprehensive Plan.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

D. ~~Whenever~~ The Planning Board **shall** recommend proposed amendments to the Zoning Bylaw, ~~it~~ **and** shall provide detailed written explanations of its recommendations and the extent to which such recommendations are consistent with the Master Plan.

Explanation This change strengthens the Planning Board responsibility to recommend amendments to the Zoning Bylaws and to show how the proposed changes are consistent with the Local Comprehensive Plan.

16. Amendment for Sec. C4-6E(2).

To see if the Town will vote to adopt the following proposed amendment to Article IV, Other Elected Boards and Officers, Planning Board, of the Falmouth Home Rule Charter, by amending section C4-6E(2) to read:

(2) Meet with the Board of Selectmen as scheduled under section C3-3B or at least twice a year.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C4-6 Planning Board.

E. The Planning Board shall possess and exercise all powers given to it under the Constitution and Laws of the Commonwealth and shall have and exercise such additional powers and duties as may be authorized by the Charter, bylaw or vote of the Town Meeting. It shall also:

(2) Meet with the Board of Selectmen **as scheduled under C3-3B** at least twice a year.

Explanation This wording change implements the scheduled coordination of meetings between the Board of Selectmen and the Planning Board to better align town planning.

17. Amendment for Sec. C4-7

To see if the Town will vote to adopt the following proposed amendment to Article IV, Other Elected Boards and Officers, section C4-7, Housing Authority, of the Falmouth Home Rule Charter, so as to read:

C4-7. Housing Authority

A Housing Authority shall be established consisting of five (5) members to be selected in accordance with the laws of the Commonwealth. All members shall serve five-year overlapping terms.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article IV Other Elected Town Boards and Officers

C4-7 Housing Authority.

A Housing Authority shall be established consisting of five (5) members. ~~Four (4) members shall be elected by and from the voters at large, and the fifth member shall be appointed to be selected in accordance with the laws by the Secretary of Communities and Development of the Commonwealth.~~ All members shall serve five-year overlapping terms.

Explanation This amendment eliminates a contradiction between the Charter and state law.

18. Amendment for Sec. C6-9(C)

To see if the Town will vote to adopt the following proposed amendment to Article VI, Citizen Participation: Elections and Recall, section C6-9(C) Referendum, of the Falmouth Home Rule Charter,

by striking out the words "Registrars of Voters" wherever they occur and substitute the following words "Board of Registrars."

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

Article VI Citizen Participation: Elections and Recall

C6-9 Referendum

C. The Town Clerk shall, within one (1) working day of receipt of said petition, submit the petition to the **Board of Registrars of Voters** in the town, and the **Board of Registrars** shall within fourteen (14) working days certify thereon the signatures which are names of registered voters. If the petition shall be found and certified by the **Board of Registrars of Voters** to be sufficient, the Town Clerk shall within one (1) working day submit same with a certificate so stating to the Board of Selectmen. The Selectmen shall within seven (7) working days order a special election to be held on a date fixed by them, which shall not be less than sixty (60) nor more than eighty (80) days after the date of the Town Clerk's certificate that a sufficient petition has been filed.

Explanation To improve clarity and consistency, the term Board of Registrars is applied throughout the Charter.

19. Amendment for Sec. C7-2A

To see if the Town will vote to adopt the following proposed amendment to Section C7-2, General Provisions (Appointed Town Boards), of the Falmouth Home Rule Charter, by amending subsection A so as to read:

Governmental bodies established in this Article shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this Charter, by-law or vote of Town Meeting. This Charter names those governmental bodies which 1) are mandated or authorized by the laws of the Commonwealth and 2) exercise regulatory or other authority.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C7-2 General provisions.

A. Governmental bodies established in this article shall possess and exercise all powers given to them under the Constitution and laws of the Commonwealth and shall possess and exercise such additional powers and duties as may be authorized by this charter, by-law or vote of Town Meeting. **This Charter names those governmental bodies which 1) are mandated or authorized by the laws of the Commonwealth and 2) exercise regulatory or other authority.**

Explanation With over 40 elected and appointed governmental bodies, the new language creates a clear delineation of which should be listed in the-Charter.

20. Amendment for Sec. C7-2G

To see if the Town will vote to adopt the following amendment to Article VII, Appointed Town Boards, Section C7-2G, General Provisions, of the Falmouth Home Rule Charter, so as to read:

G. The unexcused absence, without good cause, of a member from one half (1/2) of the total number of meetings during any twelve month period, or from four (4) or more consecutive meetings of any such board shall serve to vacate the office. The vacancy shall be determined by the chairperson of the board and affirmed by a majority vote of all the members of the board. When such vacancy has been so determined, it shall be filled in accordance with the General Laws.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C7-2G. The unexcused absence, without good cause, of a member from one-half (1/2) of the total number of meetings during any twelve-month period or from four (4) or more consecutive meetings of any such board shall serve to vacate the office, **as determined by the chairperson and confirmed by vote of the board.** When such a vacancy has been created, it shall be filled within thirty (30) days or in accordance with General Law.

Explanation The new language clarifies that the chairperson is responsible to initiate action when a member of a governmental body has had excessive unexcused absences.

21. Amendment for Sec. C7 -3

To see if the Town will vote to adopt the following proposed amendment to Article VII, Appointed Town Boards, of the Falmouth Home Rule Charter

by deleting section C7-3 relative to the change in composition of appointed town boards.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C7-3 Change in composition of appointed boards.

~~The Representative Town Meeting may, by bylaw, enlarge or decrease the number of persons to serve as members of appointed town multimember bodies; provided, however, that all such bodies shall always consist of an odd number of members.~~

Explanation Deleting the language in C7-3 eliminates a contradiction between the authority of the Board of Selectmen to establish appointed committees as a management function in C7-1A and this type of decision by Town Meeting.

22. Amendment for Sec. C7- 5.

To see if the Town will vote to adopt the following proposed amendment to Article VII, Appointed Town Boards, of the Falmouth Home Rule Charter, by amending section C7-5, Board of Assessors, so as to read:

C7-5. A Board of Assessors of three (3) members shall be appointed whose appointment shall be exempt from the provisions of section C7-2H relative to term limits.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C7-5 Board of Assessors.

A Board of Assessors of three (3) members shall be appointed **whose appointment shall be exempt from the provisions of section C7-2H relative to term limits.**

Explanation Members of this Board, alone among all the many bodies serving the Town, must take and pass a State course within two years of appointment to continue their duties. This inhibits the ability to recruit new members and adds special value to cumulative experience. Without an active Board the Town cannot set a tax rate that meets State standards.

23. Amendment for Sec. C7 – 10, 11, 12 and 13C

To see if the Town will vote to adopt the following proposed amendments to Article VII, Appointed Town Boards, of the Falmouth Home Rule Charter

by deleting section C7 – 10 relative to the Recreation Committee, section C7 – 11 relative to the Waterways Committee, section C7 – 12 relative to the Beach Committee and section C7- 13 relative to the Human Services Committee.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C7-10 Recreation Committee.

~~A. A Recreation Committee of seven (7) members shall be appointed.~~

~~B. The Committee shall be responsible for recommending policies to the Board of Selectmen regarding comprehensive year round, indoor outdoor recreation policies and programs. Such policies and programs shall be designed to meet the recreational needs of children, youth, adults and the elderly.~~

~~C7-11 Waterways Committee.~~

~~A Waterways Committee of seven (7) members shall be appointed. Six (6) members shall be appointed by the Board of Selectmen, one (1) member shall be appointed by the Board of Health. The Harbormaster shall serve as a non-voting ex officio member.~~

~~C7-12 Beach Committee.~~

~~A. A Beach Committee of five (5) members shall be appointed.~~

~~B. The Committee shall be responsible for recommending policies to the Board of Selectmen regarding the use and maintenance of all public town beaches.~~

~~C7-13 Human Services Committee.~~

~~A. A Human Services Committee of nine (9) members shall be appointed.~~

~~B. The Committee shall be responsible for recommending policies to the Board of Selectmen relating to human services provided by the town.~~

Explanation With more than 40 governmental bodies of various kinds a delineation has been recommended that sets two qualifications for being specifically named in the Charter: those both mandated or authorized by state law and also carrying independent decision-making from the Board of Selectmen. Four committees currently listed in the Charter carry out an advisory role to the Board as governed by C3-6C and C7-1, giving the Board of Selectmen authority to set up and appoint advisory bodies. Removal should not change the operations of these committees, but as long-standing bodies advising on areas significant to the well-being of the Town, the CRC recommends that the Board of Selectmen codify their existence in by-law language or by other means.

24. Amendment -- new Sec. C7-16 and C7-17.

To see if the Town will vote to adopt the following proposed amendment to Article VII, Appointed Town Boards, of the Falmouth Home Rule Charter, by adding new subsections C7-16 and C7-17 so as to read:

C7-16. Community Preservation Committee.

A Community Preservation Committee shall be appointed as provided by the provisions of Massachusetts General Laws, Chapter 44B, and applicable Town by-law.

C7-17. Economic Development and Industrial Corporation.

An Economic Development and Industrial Corporation shall be appointed as provided by the provisions of Massachusetts General Laws, Chapter 121C and applicable vote of Town Meeting.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes)

No current Charter language changes because C7-16 and C7-17 are new additions to the Charter.

Explanation

The Community Preservation Committee is authorized by State law and exercises independent authority in recommendations on the use of CPFund resources to Town Meeting, fulfilling the delineation of governmental bodies to be named in the Charter, contained in the proposed amendment to C7-2A. Similarly, the EDIC is authorized by State law and exercises independent authority in contracting and accruing and managing funds.

25. Amendment for Sec. C8-6A.

To see if the Town will vote to adopt the following proposed amendment to Article VIII, Financial Provisions and Procedures, of the Falmouth Home Rule Charter, by amending subsection A of section C8-6, Capital improvement plan, so as to read:

The Town Manager shall prepare a five-year capital improvement plan which shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired; and an analysis of the consistency of each capital improvement project that is a significant public improvement related to the physical, economic and environmental development of the town with the Local Comprehensive Plan and the Long Range Plan. The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (~~strikeout~~ = deletion; **bold** = addition)

C8-6 Capital improvements plan.

A. The Town Manager shall prepare a five-year capital improvements plan which shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired **and an analysis of the consistency of each capital improvement project that is a significant public improvement relating to the physical, environmental, or economic development of the Town with the Local Comprehensive Plan and the Long-Range Plan..** The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition.

Explanation The language added to the development of the Capital Improvement Plan achieves a strong alignment and consistency relative to the Local Comprehensive Plan and Long-Range (Strategic) Plan.

26. Amendment for Sec. C9-9.

To see if the Town will vote to adopt the following proposed amendment to Article IX, General and Transitional Provisions, section C9-9, Revision of Bylaws:

C9-9. Revision of Bylaws.

The Board of Selectmen shall ensure that the town bylaws are reviewed periodically, in whole or in part, and prepare any appropriate or necessary revisions or amendments.

Or do or take any other action on the matter. On request of the Board of Selectmen and the Charter Review Committee.

Current Charter language showing proposed changes (strikeout = deletion; **bold** = addition)

C9-9 Revision of bylaws.

The Board of Selectmen shall ensure that the town by-laws are reviewed, **periodically, in whole or in part**, and prepared for any necessary revision or amendment ~~at least every five (5) years.~~

Explanation The amendments create more flexible guidance on the need for and the timing of periodic revision of bylaws.



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

NAME Block Party

CONTACT Claire Bishop

MAILING ADDRESS 11 Old Mystic Circle, North Falmouth

EVENT DAY & DATE Friday, August 9, 2019

RAIN DATE None

EVENT LOCATION Old Mystic Circle Block Party

EVENT TYPE Neighborhood block party

SET-UP/BREAK-DOWN TIME 4:00pm/10:00pm **EVENT HOURS** 5:00 pm – 9:30 pm

NUMBER OF ATTENDEES 11 households **# OF VEHICLES** none

ADDITIONAL DETAILS Entertainment provided by Undercover Band (local Falmouth band), families that live on the circle will set out folding chairs and tables on the grass in the circle. Each family will bring their own food and beverages in coolers. There will be no bar, and families will be responsible for ensuring no underage drinking.

CONDITIONS:

1. Notify all adjacent neighbors in advance of the event.
2. Applicant responsible for cleanup after event.
3. If barricades are to be used, they should be portable to allow for rapid removal in an emergency situation and should be illuminated at dusk for safety purposes.

PERMIT FEE \$25.00 **FILING FEE** \$10.00

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

BOARD OF SELECTMEN:

Phyllis Downey

From: Sean Doyle
Sent: Thursday, July 11, 2019 5:09 PM
To: Phyllis Downey
Cc: Brian Reid
Subject: RE: Event application

No objections from the PD.

From: Phyllis Downey [mailto:phyllis.downey@falmouthma.gov]
Sent: Thursday, July 11, 2019 11:38 AM
To: Diane Davidson <diane.davidson@falmouthma.gov>; Boyd Demello (bdemello@falmouthfire.us <bdemello@falmouthfire.us>; Brian Reid (breid@falmouthpolice.us <breid@falmouthpolice.us>; Bruce Mogardo (bruce.mogardo@Falmouthmass.us <bruce.mogardo@Falmouthmass.us>; Diane Davidson (ddavidson@falmouthmass.us <ddavidson@falmouthmass.us>; Gregg Fraser (gregg.fraser@falmouthmass.us <gregg.fraser@falmouthmass.us>; James F. Grady Jr. (jgrady@falmouthmass.us <jgrady@falmouthmass.us>; Jeremiah Pearson (jeremiah.pearson@falmouthmass.us <jeremiah.pearson@falmouthmass.us>; Joe Olenick (jolenick@falmouthmass.us <jolenick@falmouthmass.us>; Julian M. Suso (jsuso@falmouthmass.us <jsuso@falmouthmass.us>; Mel Trott (mtrott@falmouthfire.us <mtrott@falmouthfire.us>; Olive Fitzpatrick (ofitzpatrick@falmouthmass.us <ofitzpatrick@falmouthmass.us>; Peter Johnson-Staub (peter.jstaub@falmouthmass.us <peter.jstaub@falmouthmass.us>; Peter McConarty (pmconarty@falmouthmass.us <pmconarty@falmouthmass.us>; Rod Palmer (rod.palmer@falmouthmass.us <rod.palmer@falmouthmass.us>; Scott McGann (scott.mcgann@falmouthmass.us <scott.mcgann@falmouthmass.us>; Sean Doyle (sdoyle@falmouthpolice.us <sdoyle@falmouthpolice.us>; Tim Smith (tsmith@falmouthfire.us <tsmith@falmouthfire.us>
Subject: Event application

To Special Events Working Group,

Attached please find a request for a Block Party to be held on Friday, August 9th, from 5- 9:30 pm on Old Mystic Circle.

Families that live on the circle will set out folding chairs and tables on the grass in the circle. Each family will bring their own food and beverages in coolers. There will be no bar and families will be responsible for ensuring no underage drinking.

They will have a local band, the Undercover Band.

Please provide your recommendations.

Thank you,

Phyllis

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

Phyllis Downey

From: Joe Olenick
Sent: Thursday, July 11, 2019 12:43 PM
To: Phyllis Downey
Subject: Re: Event application

REC Dept is good with this party.

Sent from my iPhone

On Jul 11, 2019, at 11:38 AM, Phyllis Downey <phyllis.downey@falmouthma.gov> wrote:

To Special Events Working Group,

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Thank you,

Phyllis

Phyllis Downey

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

<SE - 2019 Old Mystic Circle Block Party C Bishop.pdf>

Diane Davidson

From: Thomas Bott
Sent: Friday, July 05, 2019 4:13 PM
To: Julian Suso
Cc: Diane Davidson; Paul Dreyer; Jennifer McKay
Subject: FW: Shiverick's Pond Trail
Attachments: Shiverick Pond Outline (17July19).docx

Dear Julian:

As you likely know we are anticipating putting together a CPC application for Shiverick's Pond Trail Project. The application deadline is August 7, 2019 at 3:00PM. We have been discussing this project with our colleagues at DPW and the Conservation. One of the requirements of the Application is a positive vote of the BoS.

Prior to submission of a CP Fund Application for a municipal project, applicants must go before the Board of Selectmen at an open meeting to seek approval for an allocation of CPA funding. The positive vote of the BOS must be documented and included in this application.

I, along with Paul Dreyer, would like to schedule a spot on the Selectmen's agenda to present project and enlist the Board's support. Our working group is meeting on 7/17/19. The proposal is well formed and any time either before or after the July 17 would be appreciated.

Thanks much,
TBott

From: Paul Dreyer [mailto:████████████████████]
Sent: Wednesday, July 3, 2019 8:12 PM
To: Victoria Lowell <████████████████████>; Jennifer McKay <jennifer.mckay@falmouthma.gov>; Mark Kasprzyk <mark.kasprzyk@falmouthma.gov>; Bushy Tom <tbushy@falmouth.k12.ma.us>; Peter McConarty <pmcconarty@falmouthmass.us>; Charlotte Harris <████████████████████>; Sandy Cuny <████████████████████>; Jim Tow <████████████████████>; Jwhritenour 300committee. Org <jwhritenour@300committee.org>; Robert Brown <████████████████████>
Cc: Thomas Bott <thomas.bott@falmouthma.gov>
Subject: Shiverick's Pond Trail

Hi,

Tom Bott and I would like to have a meeting on the Shiverick's Pond Trail Project in Town Hall. The intent is to provide an update of the process and specifically to discuss the ongoing preparation of the proposal for consideration of CPC funding on behalf of the Working Group. Please let me know if you are available on **Wednesday, July 17 at 3 pm**. The CPC has some new requirements if a Town Department is participating in the project. A copy of the proposed agenda is attached for your information.

Please confirm your availability. We look forward to your input. Thank you.

Paul

Shiverick's Pond Working Group
Discussion Outline
July 17, 2019

Lead Organization for Project Development Options

- Ad hoc* Working Group
- Recreation Committee
- Conservation Commission

Proposed Project for Town Meeting in Fall of This Year

- Similar to Spring Project Elements

- Vista Clearing

- Design and Permit for Viewing Platform

- Additional Project Elements

- Increased Vista Pruning

- Construction of Viewing Platform and Pond Access for Kayaks

- Development of Small Park Area near Proposed Platform

- Estimated Project Costs

- Working Group Strategy and Schedule

- Support for Lead Organization

- CPC Application and Deadline

- Potential Presentation to the Board of Selectmen

- Additional Suggestion and Comments

Additional Town Support

- Town Manager support for Expanded Project for the Fall 2019 Town Meeting

- Address Perceived Concerns of the Finance Director and the Finance Committee

- DPW to facilitate the Contract for Design and Construction of Platform

- DPW to Request for Additional Funding for Sidewalk on KLB Road to an Approved Project

- Scheduled for Construction in early 2020 including Road Drainage Improvements

Paul Dreyer

Diane Davidson

From: Julian Suso
Sent: Friday, July 19, 2019 12:13 PM
To: Diane Davidson
Subject: FW: Act Now: FCC's Cable Order Threatens PEG Channels and Local Franchise Revenues

Diane,
Here is the FCC information forwarded from Megan.
Julian

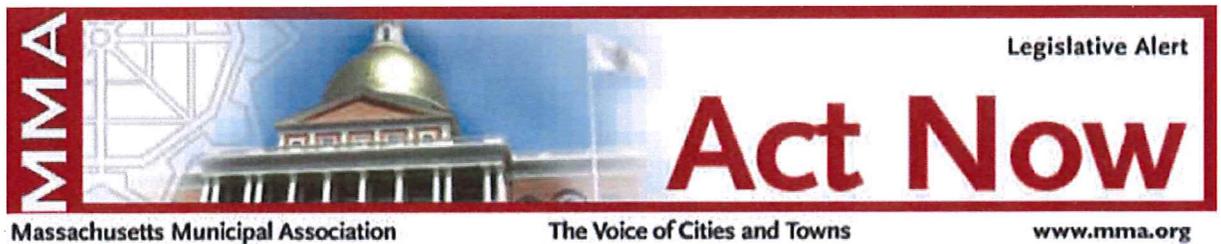
From: Megan English Braga <megan.english-braga@falmouthma.gov>
Sent: Thursday, July 18, 2019 1:34 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Subject: Fwd: Act Now: FCC's Cable Order Threatens PEG Channels and Local Franchise Revenues

Julian can we please put this on the agenda because comments are due by the 25th and I'd like to be able to direct the town manager to send a letter with any comments or concerns we have probably won't take more than 10 minutes
Sent from my iPhone

Begin forwarded message:

From: "Massachusetts Municipal Association" <achampion@mma.org>
Date: July 18, 2019 at 11:32:32 AM EDT
To: megan.english_braga@falmouthma.gov
Subject: Act Now: FCC's Cable Order Threatens PEG Channels and Local Franchise Revenues
Reply-To: achampion@mma.org

Please record your opposition to the FCC's proposed order by July 25



FCC Releases Draft Report and Order on Cable Franchising

- **The FCC's Proposed Order would Reduce Cable Revenues to Cities and Towns, and Threaten PEG Station Funding** •
- **Please Submit Comments to the FCC's Docket by Thursday, July 25 to Record Your Opposition to the Proposed Order** •

July 18, 2019

Dear Megan English Braga,

The FCC has released a proposed "Third Report and Order" related to cable franchise agreements and fees, in advance of a planned vote by the Commissioners at their August 1st meeting.

The FCC's proposed order would dramatically reduce cable franchise fee revenue to cities and towns, and also restrict municipal authority regarding use of public rights-of-way by cable companies.

So far, almost 2,000 Massachusetts individuals, community media centers, elected officials, local officials, and non-profit organizations representing different ethnic, religious, arts, cultural, economic development, and educational stakeholders have responded in the docket expressing their opposition to the proposed rulemaking.

The MMA has also expressed grave concerns with the FCC's proposal to preempt municipal authority, including a letter submitted this week in response to the FCC's latest draft.

[Please click here to see a copy of MMA's July 17, 2019 letter to the FCC](#)

The FCC's Third Report and Order would do the following:

- Allow cable operators to deduct certain "in-kind" contributions from the 5 percent franchise fee cap set by federal law. Currently these in-kind contributions are *in addition* to the basic franchise fee in each contract. Going forward, the FCC would allow cable operators to count these costs toward the 5 percent.
- In-kind contributions are defined by the FCC as any non-monetary contribution related to the provision of cable services provided by cable operators as a condition or requirement of a local franchise agreement, including but not limited to free or discounted cable service to public buildings, costs in support of PEG access other than capital costs, and costs attributable to the construction of I-Nets. It does not include the costs of complying with the terms of the franchise agreement that are an essential part of the provision of cable service to subscribers, such as build-out and customer service requirements.
- This is a radical change, undermining decades of common interpretation and implementation of federal law. While this order is considered to be prospective, meaning that cable operators cannot recoup past franchise fee payments, the FCC would apply it to existing franchise agreements. This is startling, because the FCC is attempting to overtly

interfere with long-term contracts freely and consensually negotiated between two parties. The FCC order would ignore the entire negotiation process, tip the scales, and give industry an unearned financial benefit.

- After the effective date (several months after the final order is published in the Federal Register), a cable operator will be able to request modification of an *existing* franchise agreement to conform with this Order, and cities and towns will have 120 days to make a final decision about the request. If the community rejects or disputes the value the cable operator assigns, the cable operator may bring suit.
- The loss of revenue triggered by the FCC Order would force municipalities to either divert resources away from core municipal and school services in order to maintain existing PEG programming, suffer a dramatic reduction in the scope of PEG channels, or lose them altogether. Additionally, some costs such as I-Net capacity costs and access channel costs are already passed along to subscribers by the cable operators. Allowing these companies to then deduct the fair market value from the franchise fee would create a windfall, essentially allowing them to double-recover.
- This ruling is prospective, and thus cable operators may only count ongoing and future in-kind contributions toward the 5% franchise fee cap after the order is effective.
- However, the FCC would preempt and supersede any existing provision of any cable franchise agreement is inconsistent with this Order.
- In addition, the Order would prohibit and preempt Massachusetts cities and towns from using their cable franchising authority to regulate or charge for non-cable services offered by cable companies, including the use of public rights-of-way for non-cable equipment and services. This includes the ability to impose any fees or to require service quality or performance standards for the provision of information services via cable systems.

Please record your opposition to the FCC's proposed order by July 25:

At this stage it appears unlikely that the FCC will change its mind and reverse course. However, it is very important that cities and towns and key stakeholders record their objections in the official record. That is because litigation will certainly result from this order, and it will be important to show that the FCC is ignoring the legitimate public interests that would be harmed by the Order.

There is a very short comment period. Official submissions to the docket will only be accepted until 5 p.m. on Thursday, July 25. Please submit your comments into the docket detailing your community's opposition before the deadline.

How to file with the FCC (it's easy):

Step 1: Address your letter as follows:

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, District of Columbia 20554

RE: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, Third Report and Order - MB Docket No. 05-311

Dear Ms. Dortch,

(Insert the text of your letter – you can use the MMA’s letter (link above) as a guide and add your own examples of the impact on your PEG stations or your revenue).

Step 2: When you have an electronic (PDF or Word) version of your letter ready, go to the following site: <https://www.fcc.gov/ecfs/filings>

Step 3: Once you are on the site, type in “05-311” in the first box (“Proceeding(s)”)

Step 4: Fill out the required fields with your name, address and contact info

Step 5: Upload your letter as instructed – that’s it!

**Please Submit Comments to the FCC’s Docket by
Thursday, July 25 to Record Your Opposition to the
FCC’s Proposed Order – Thank You!!!**



Massachusetts Municipal Association
1 Winthrop Square
Boston, MA 02110
(617) 426-7272 | [Email Us](#) | [View our website](#)

[Unsubscribe](#) from MMA Legislative Alert Emails



Annual Committee Reappointments

Committee	Member	Term
Parking Clerk	Patricia O'Connell	6/30/20
Assistant Parking Clerk	Tracey Cecil	6/30/20



NOVEMBER 2019 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting.....	Monday, July 22, 2019
Close Warrant.....	Friday, August 30, 2019
Selectmen Vote Articles & Execute Warrant	Monday, September 9, 2019
Publish Articles Only	Friday, September 13, 2019
Petition Article Presentations	Monday, September 23, 2019
Selectmen Vote Article Recommendations	Monday, October 7, 2019
Publish Warrant with Recommendations	Friday, October 25, 2019
Town Meeting	Tuesday, November 12, 2019

TOWN OF FALMOUTH
BOARD OF SELECTMEN

Meeting Minutes

Open Session

MONDAY, JUNE 24, 2019

SELECTMEN'S MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Absent: Megan English Braga.

Others Present: Julian Suso entered ex session 1 Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel.

1. Mr. Brown called the open session to order at 5:30 pm and motioned to convene the executive session under 1. MGL Ch. 30A,s.21(a)(6) Status/update on potential purchase of Lyberty Green project site and 2. MGL c.30A s21 (a)(3) Review and discuss proposed workers' compensation settlement for school employee because to not go into executive session could prejudice ongoing negotiations. Mr. Patterson seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll call vote: Mr. Brown, aye; Mr. Patterson, aye; Ms. Moran, aye; Mr. Jones, aye. Absent: Ms. English Braga.
2. Mr. Brown reconvened the open session at 5:58 pm.
3. Pledge of Allegiance
4. Recognition
Mr. Brown appreciated the FPD (Falmouth Police Department) working overtime lately while the Department is shorthanded.
5. Announcements:
 - a. Newly-designed Whoosh Trolley to Woods Hole
The Cape Cod RTA (Regional Transit Authority) invested in new trollies and three in Falmouth. Route includes Jones Road and connects to the hospital.
 - b. EDIC (Economic Development Industrial Corporation) agreement to contribute \$50,000 for feasibility study for fiber optic internet in Falmouth
Mr. Brown thanked citizens who put together the forum at library. Ms. Moran noted it might also connect with short term rental funds as potential funding source.

Mr. Patterson noted the weekend events with Arts Alive.
6. Public Comment

Jim Fox, Friends of Falmouth Station, trying to develop the station for public events. They will have music and free ice cream on 7/6/19 from 2-4pm. The station is rentable to the people of Falmouth to have a public meeting space.

David Stihl, Cape Cod Commission, invited the BOS (Board of Selectmen) and community to the Annual conference from 7/29-30 at the Waquasett resort in Harwich. Environmental and economy focuses, includes meeting of the Cape Cod Selectmen and Counselors Association. Provided invitations to the BOS, registration is open.

COMMITTEE INTERVIEWS AND APPOINTMENTS

1. Interview, Vote and Appoint – Incumbents on Regulatory Boards:
 - a. Board of Assessors

b. Board of Health

Steven Rafferty

He would like to continue serving on the BOH (Board of Health). BOH reenergized with a new chair, run through open items and Sober Houses, pesticide use, and they take seriously the protection of public health. Those on the BOH have a deep appreciation for being a powerful board and should not act lightly, but with deliberation and consideration. Opportunities to work with Barnstable County, historically the BOH has been in the forefront on cigarettes and nicotine and the vaping will be addressed as well. Future public health issues may include pesticides, substance abuse and helping with that, sober houses and how they work.

George Heufelder

The BOH has broad responsibility with septic systems, Title V shifts, as there is an identified risk to nitrogen/phosphorus or contaminants of concern it is the BOH's duty to step up and address. Do not regulate until the data and science tells you to, find out what levels need to be reached, if technology will bear that, and then write enforcement regulation. They recently passed a regulation and it is being sent to the AGO for review.

Mr. Jones motion to approve Steven Rafferty and George Heufelder to terms ending 6/30/22. Second Mr. Patterson. Vote: Yes-4, No-0, Absent-1 (Ms. English Braga)

c. Conservation Commission

Jamie Mathews

Chair Moran noted Falmouth having tough interpretation of regulations and conservation, where does he see the Conservation Commission going over the next 3 years in working with those who come before them. Mr. Mathews told the BOS that the regulations and State regulations are clear and well written, they interpret them well and have a diverse board. Staff is supportive, anyone who has a difficult project has the opportunity to meet with staff and resolve grey areas. They know how things need to be implemented, they have talked about how to better explain regulations and if there should be things written differently.

Mr. Brown noted they are planning for future infrastructure projects, he hoped the Coastal Resilience Action Committee, Conservation Commission, and the DPW (Department of Public Works) would think about coastal roads and plans for improvements. Mr. Mathews said it is a misconception with that committee that people would see more results, the Conservation Commission gathers information and is involved in planning. Mr. Mathews would welcome other involvement in future projects.

Ms. Gladfelter noted they will not have a quorum if the BOS does not vote on those who need to be reappointed and will affect votes needed at the next meeting.

Mr. Jones noted they may extend their appointment to complete what they have going forward instead of automatically reappointing people. Next meeting is 7/10/19.

Courtney Bird

Mr. Jones asked about the expectation of results, what would he advise the Town to do to get results faster with coastal resilience issues. Mr. Bird replied that there needs to be ongoing collaboration between the people with an interest in this. The Conservation Commission is not at odds with dealing with these things, but they have occasional joint meetings and this is always the subject but he does not see that translate into something tangible. They had a bridge project and there was discussion to account for sea level rise, but that was not part of the application. There needs to be more coordinated planning. They work together well and have an excellent staff, while they do not always please all, there is a lot of education and balancing things and this commission does a good job.

Mr. Brown asked how he feels about the proposed groins on Menhant Beach, noting the Conservation Commission has a moratorium on beach nourishment on the west side of Menhant and Mr. Brown hopes they will be open minded about that project. Mr. Bird said there is a balancing act with Town and State regulations and as much as they would like to be as objective as possible, they have a dynamic coastline, do one thing in one place it affects another. There are many studies being done and they need to deal with it on a case by case basis.

Ms. Moran asked about coordination and Coastal Resiliency Action Committee looking at existing studies, what would be his thoughts regarding sharing and coordinating grants/studies with the committee. Mr. Bird would have no problem with that, which is what they should be doing.

According to Mr. Bird, with potential sea level rise, some of the best plans may not work, need to consider if the coastal roads are viable in the long run.

Peter Walsh , alternate position applicant

Mr. Jones asked if the Conservation Commission has the ability to waive the local regulations if they feel it is necessary. Mr. Walsh said it is more complicated, in some cases the law hinges on prior acts of the Conservation Commission, which has been instructed to be consistent with the decisions. If they deviate from prior decisions, they must formally propose rule changes and publish them, then vote. Mr. Jones noted it is a change of regulation, not a waiver. Mr. Jones asked if the Conservation can waive a regulation without changing it. Mr. Walsh has not seen the power used and would need to research that.

Mark Gurney, alternate position applicant

Mr. Gurney has been serving for 3 years, waivers are possible, not easy, the standards are high. Big problem has been when someone builds a house and encroaches upon protected areas, require mitigation with plantings, most landscapers know what that means, their solution is hopeless from wildlife habitat issue. Homeowners may not know better.

He would be happy to be in a full member or alternate. He noted abutters are typically against affordable housing and it annoys him.

d. Historical Commission

Nicole Goldman

She wanted to make sure could get solar panels on historic homes, many homeowners have successfully gotten solar panels on historic homes. She has served 7 years and was part of the effort to combine the Historic District Commission with the Historical Commission. This has reduced confusion, amplify advocacy, and led to a more cohesive approach to this area. Design guidelines have been rewritten and have updated exterior materials.

Ms. Moran noted as Chair of the BOS suggestion was to have community outreach, do not slide things in that burden homeowners to expense without discussions. How many outreach sessions have they had, Ms. Goldman noted they have had outreach in the form of one meeting in Woods Hole where the community association voted at their July 2018 committee meeting and they have community outreach meetings planned next week in the villages with historic districts. She wrote a brochure about adjusting boundaries for the districts, looking to bring warrant to Town Meeting soon. Woods Hole is already on board with these 4 measures.

Mr. Patterson noted these projects are not done unless money is allocated and needs to go to Town Meeting with estimate from professional. Ms. Goldman noted need coordination of who to hand the recommendations off to someone in the Town. They want to figure out how to bring these things to fruition.

She became involved in preserving the Dome, she sent a letter to the BOS on 4/30/19 and asked for assistance from the BOS regarding harassment from a local law firm and the lack of assistance from Town Counsel and the BOS. She has not received acknowledgement the packages have been received. Attorney Duffy wrote a letter on 5/8/19. She noted there were mistakes in letter and provided corrections to Attorney Duffy, but she has not heard back. She does not feel supported and stated she is withdrawing her application.

Ms. Moran noted she met with Nicole Goldman and spoke at length and gave suggestions.

Ed Haddad Chair.

Ms. Moran asked about updating guidelines, there is a lot of good practical information and new products. Tough for homeowners to find the balance. Trying to make home accessible for owner who had started using a wheelchair. Mr. Haddad noted they have presentation 7/9/19 and said that design

guidelines in 2012 and provided in writing so homeowners understood the guidelines. Revised 2 years later because many of the musts were changed to shall or should to understand the flexibility. They talk about the variables at each meeting. Want consistency and fairness, understand they will create variances and document why. Many of their applications are reviewed administratively.

Ms. Moran asked what suggestions does he have in coordinating with Town departments, for example, the building inspector. Mr. Haddad noted they are not coordinated, have no enforcement ability, and rely on Building Department for enforcement. They need to work closer with the Planning Board and ZBA on larger projects whether within the historic district or not, including for historic properties not in a historic district.

Mr. Jones has asked that Mr. Haddad reach out to Ms. Goldman and let her know the BOS' appreciation.

Mr. Brown asked about reset of set backs to include the full lots, they hoped to put on the November warrant, have public meetings to talk about those changes. Notice for 7/9/18 public meeting, about 1100 properties in historic district where properties could change to whole property rather than the setbacks. Also eliminating 123 properties because of the line that are not historic at all.

Ms. Moran appreciates that there will be some flexibility for the homeowner and it is important for people to know that.

Mr. Jones would like Ms. Goldman's decision is in writing.

Mr. Brown noted Estia Restaurant on Main Street, he was surprised at the design and architecture. What can people expect in the future. Mr. Haddad is not trying to make Falmouth a museum, they approve modern/contemporary construction out there. If it is good design, materials, compatible with surrounding and fits in. It does not change the character if the new construction and design is compatible.

Lee Drescher

Alternate on Historical Commission noted the 3 years experience is important, learned a lot, seeing the projects people are doing is important. She was upset to see the red building painted grey and is not happy about the building. She may be more open to alternative products, she would like to see discussions streamlined. She noted the Conservation Commission and Health department there is a mandate on pesticides and they are being used and misused where she lives. Concerned about the rocks covered with green scum and feels they should be enforcing the regulation and imposing heavy fines.

BOS noted the regulation is only restriction on Town properties, not for the community as a whole.

Kara Foley-unable to be here tonight.

e. Zoning Board of Appeals

Robert Dugan

Clerk of the Board and would like to continue. They have many big projects coming up and they gave a full contingent. It is challenging, a lot of information is received, if it does not come in before the hearing, they cannot close the hearing because information needs to be reviewed. Public understanding of the process would be important. He would like to have the deadlines enforced. Affordable Housing frustration is that the projects come in and look for minimum # of units they can do, when the Town gets involved with developer, important to go for additional units and the applicants may be open to that. They ask for referrals from other boards and departments, sometimes they get no comments. They do not enforce conditions, the projects begin and comply with conditions, they get occupancy permits, then after 10 years they legal exist as nonconforming. Conformity falls to the Building Department. If a big issue, they would have to hire an attorney to appeal to the department.

Mr. Suso commented that one concept of enhanced support, collaboration was advocated by the BOS in suggesting community development concept and request for additional staff position, which could have followed with structured support. The BOS made that effort twice and supported the proposal, but Town Meeting defeated both. Zoning enforcement officer will be filled, it is vacant.

Ms. Moran noted a topic for the BOS Strategic Planning Retreat.

Mr. Patterson noted the subsidies are available to increase affordable units.

Mr. Jones motion to appoint Mr. Dugan to a term ending 6/30/24. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

2. Interview, Vote and Appoint – New Applicants for Vacancies on Committees:
 - a. Edward Marks Building Advisory Committee –

Ann Latimer Howe-not present

Mr. Patterson motion to appoint Ed Haddad. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- b. Commission on Disabilities –
William Edes

Local attorney, involved through family and personal disability advocacy. Guardian to younger brother with developmental disability.

Mr. Patterson motion to appoint William Edes to a term ending 6/30/22. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- c. Conservation Commission –
Russell Robbins

Former member of commission, he would like to apply. Mr. Brown asked about coastal projects. Mr. Robbins told the BOS that they worked well, he is a believer when working together usually you can make it happen. Unless proposal is in front of them, he has not much of a comment on that end.

Mr. Jones asked about dredging sand dumped on Menauhant, it cannot be moved because plover are there and need to close the beach to the public because of the danger on the sand. Mr. Robbins noted Trunk River got a fencing, it seemed to work and they continued on with construction.

Betsy Gladfelter commented that piping plover are endangered species, federal regulations that they have to be protected and the Conservation Commission needs to go along with it. Mr. Jones asked if a town regulation, is that something you feel a waiver would be granted because of extenuating circumstances. Mr. Robbins asked if there is a way to block it but get the stuff done. Menauhant beach has been worked on before, much was removed and allowed.

Susan Murphy Warren-not able to be here tonight.

Conservation Commission vote delayed to the next BOS meeting.

Mr. Jones motion to appoint Ms. Barry to ZBA alternate position term expiring 6/30/24. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- d. Substance Abuse Commission –
Michael Leslie

He has been in public health and social work for 15 years including in the Boston Area. He works at the Fairwinds Clubhouse and helps anyone with mental health diagnosis find work.

Mr. Jones motion to appoint to term ending 6/30/22. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

- e. Waterways Committee –
Chris Dunn

Long term resident of Falmouth, boater, active in Waquoit Bay Yacht Club, and working on assessing the conditions of the navigation channel in the Bay. Career in environmental science, engineering, information

systems, and has assembled teams to deliver complex projects across the country. Passion in waterways, boating.

Joseph Voci

Served on the committee in early 2000's. He would like to give back to the Town. Lifelong boater, worked on task force for Falmouth inner harbor mooring reconfiguration. Enjoy recreational boating. Involved in nonprofit sailing program for children out of Falmouth Yacht Club.

Mr. Brown noted new mooring pond for Green Pond, but losses in the committee and inactive and wondered if the Waterways Committee may take up the mooring planning.

Charles Eastman

Reappointment application, had 3 years on the committee and has learned a lot. Involved with West Falmouth Boat Club, owns a tackle shop.

Dan Shearer

On Waterways Committee for 6 years. Sand is a major problem. He works with the West Falmouth Boat club and knows most of the harbors on Cape and all of the harbors on Buzzards Bay. Interested in moorings.

Mr. Jones motion to appoint Mr. Eastman and Mr. Shearer to terms ending 6/30/22. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Mr. Jones motion to appoint Mr. Voci to a term ending 6/30/23. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

3. Vote to Affirm Appointment of Christian Vallé as the Historical Commission Representative Member of the Edward Marks Building Advisory Committee

Mr. Jones motion to affirm. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

4. Vote to Affirm Appointment of Carey Murphy as The 300 Committee Representative Member of the Golf Advisory Committee

Mr. Jones motion to affirm. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

5. Vote to Affirm Appointment of Chuck Eastman as the Falmouth Chamber of Commerce Representative Member of the Golf Advisory Committee

Mr. Jones motion to affirm. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

6. Annual Committee Reappointments

Mr. Patterson motion to approve reappointments in the packet. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Mr. Jones motion appointment of the certified weighers, etc. in the packet. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

7:30 p.m. PUBLIC HEARINGS

1. Fee Hearing – Aquaculture Equipment Rental Fee, continued from June 3, 2019
No comments received.

Mr. Johnson-Staub said there has been no further input on this, worked closely with Shellfish Advisory Committee and designed to be affordable to the growers and a return to the Town.

Mr. Patterson motion to close the hearing. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

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

7:45 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for Agricultural Liquor License – Cape Cod Winery – Falmouth Farmer’s Market, Marina Park, Thursdays, 6/6/19 – 10/10/19
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).
2. Administrative Orders
 - a. Vote to Authorize the Use of \$9,500 from AFCEE Mitigation Funds for Waquoit Bay Watershed Nitrogen Allocation Evaluation
Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).
 - b. Vote to Accept Donation to the Beach Department Donation Account from Robert and Susan Catalano in the Amount of \$500.00 for David’s Old Silver Swim Award
Mr. Patterson motion approval. Second Ms Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).
 - c. Vote to Expend \$500.00 from the Beach Department Donation Account to M.R. Soares Co., Inc. for Planting Services at the Surf Drive Beach House
Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).
3. Special Events

New – Recommended:

 - a. Fashion Show – Samantha Peters, Inspiration is Everywhere Inc. – Main Street sidewalks – Saturday, 8/10/19

Samantha Peters, President Inspiration is Everywhere, Inc. fashion show is to showcase local clothing and jewelry designers by using local aspiring models to walk village green to Shore Street and back in continuous loop once around with an auction to follow at Amvets. Homemade clothing and jewelry. Flyers for auction, social media, the leaders will have t-shirts with information on them. This benefits the nonprofit and splitting the money with the designers. They host community events outside the local bar scene to participate in art, music events, and gap filling for large assistance for what people need. All of the money raised stays in Falmouth. Ms. Peters works with referral services Falmouth Service Center, Human Services, St. Vincent de Paul. They help Falmouth residents, giving community support through an application process.

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

BUSINESS

1. Status Report on Current Conditions at Menauhant West Beach – Peter McConarty, Deputy Director, Department of Public Works

Peter McConarty presented a PowerPoint Presentation on the current conditions. Reviewed the plan of West Beach from 2013 and the Conservation Commission allowed access to remove items. There is a structure of an old building foundation. Photo of the foundation with fencing that was unsafe. There are signs that say beach hazards. They cut pieces of the bridge to make a walking path next to the structure to get to the other part of the beach. There is a clear path to Foster Road. Pilings were removed from the water. Made entry to the beach. Reviewed parking lot area, always problems with drainage and resloped it last year; also replaced with drain stone. The beach trailer will not be there this year, there will be a shower tower. It is safe for the summer at this time. Going forward they are contracted with Coastal Engineering Consultants putting together the design and permitting. Looking for late summer/fall and then go through the permitting process.

The east side of the beach has sand that was dredged and now there is reportedly a piping plover nest. Mr. McConarty will check it out.

Mr. Brown asked if not successful getting permitting for groins and nourishment, will we rethink the bridge and let nature take its course. Mr. McConarty noted the bridge is waiting for the beach project. They need to have more conversations on building the bridge and the roadway. 2010/11 dredge permit could be amended to go back to do nourishment if needed.

Public Comment:

Barb Schneider, Precinct 4, thanked the DPW. She is not hearing anyone commit to a plan a or plan b; she does not want these pieces fenced off, she would like a plan they will be removed and not tied up for several years. If waiting on the big project, is there a way to go ahead and have warrant article that would allow for a plan to remove those structures and replenish the dunes as a back up plan? And could be pulled if the big project gets done.

According to Mr. McConarty, the plan is in progress and will incorporate all permits required. They are looking at removing the wooden bridge and concrete foundation. It is the same permitting for both projects. If decision made to put filler on Town Meeting, it would be a group decision of what direction to go with.

Ray Jack, DPW Director, said that the structure trading is part of the permitting process and result in no net adverse effect. The permitting is the same, extensive/expensive so doing separate projects is not the economical way to do it. Expect by Fall 2019 there will be a plan to initiate the permitting. Sometime next year may have permits in hand, then engaging the contract. For this November Town Meeting Capital Plan there will be item to include groins, nourishment, and removal of existing structure. If unsuccessful in getting permitting on the plan now, then back to BOS to rethink the options.

Dean Lundgren, President Davisville Civic Association

Appreciates the work done and noted it is important to get the old wooden bridge out of there.

Marc Finneran, Precinct 6, noted the bridge cannot be touched until it's all permitted, which could take 3 years. He suggested replacing the snow fence on north side/east side/west side with stockade fence it may catch sand and cover the bridge and would look better and less of an attractive nuisance.

2. Consideration of FY20 2% COLA for Non-Union Employees

Mr. Suso explained extending the COLA for non union employees. Those funds set aside and anticipated in fiscal year 2020 budget.

That also includes Town Management employees as well.

Mr. Patterson motion approval, including the Town Manager. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

3. Presentation/Discussion of Cape Cod Canal Transportation Study – Ray Jack, Director, Department of Public Works

Mr. Jack provided an overview of what MA DOT is suggesting via PowerPoint presentation.

Reviewed the history of the canal bridges, they are now 84 years. Provided an overview of the study that began in 2014. Army Corps of Engineers, state, and local jurisdictions are covered in this plan. The Army Corps is evaluating whether to repair or replace the bridges. If they do not replace the bridges and go into rehab, every other year construction activity on the bridges. Within next two years major headaches. Rehab costs less than building new bridges. State is working with Corps. If they replace the bridges, to the east of Bourne bridge and west of Sagamore bridge. A third bridge is not likely. Funding would be federal if they replace the bridges in kind. Reviewed the study area from MADOT. Reviewed seven case scenario costs. The State document is out and would likely welcome comments. Corps is expected to release draft in the next couple months.

The bridges are functionally obsolete and inadequate for needs pedestrian, bike, and ADA improvements would be one.

Ms. Moran noted this is an excellent compilation of a huge amount of information. There is much coordination to be done, these changes affect changes in neighborhoods. Much public outreach will be done.

Mr. Patterson motion to support Mr. Jack's recommendation. Second Ms. Moran. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Mr. Suso will work with Mr. Jack drafting the letter.

Mr. Brown called a recess at 8:53 pm.

Mr. Brown reconvened the meeting at 8:57 pm.

4. Steamship Authority Status Report – Kathryn Wilson, Robert Davis

Mr. Davis explained the insurance coverage for the SSA (Steamship Authority) including \$157 million in direct coverage and liability for vessels, \$150 million in liability coverage, it is an umbrella policy and explained what they cover. A consultant reviews their coverage and they take their insurance program seriously.

Progress on marine portion of the Woods Hole terminal reconstruction project. Slip 3 is complete and operational this summer, next season slip 2 offline. They are behind schedule on the project on the north pier and have bulkhead issues to the north of their property. Acceptable terminal building design is a challenge, they are soliciting input on the building design, current configuration places building on north/south configuration. At the meeting staff seeking to revise the building in response to the input from the community.

Mr. Brown noted 133 emails comments, Mr. Davis said there was also a petition of 1200 people with comments.

The BOS would like a presentation from the SSA on what they are planning to do, including pictures. Mr. Davis said they are trying to work with the Woods Hole community organization. If the Fall legislatures Vinnie de Macedo and Dylan Fernandes requested the SSA work with Woods Hole and the Falmouth Historic Commission. Mr. Davis said the SSA is looking for suggestions and explained there are constraints on the property regarding what is doable so they are providing safe and secure operation.

Mr. Jones said they do not pay attention to the town building code of 35' maximum height. Mr. Davis explained they have the issue with flood zone, need to keep the building accessible and means it needs to be 17' above the water height, looking to make that 13' seeking variances. After the meeting at the high school, they began investigating options to open up the vista and allowing for flood planning. Looking at lowering the roof over the waiting room, possibly a flat roof with observation deck. Looking at what functions on the 2nd floor could be moved to utility building and the footprint and oil storage on the property. Flood proof building is needed because of the zone it is in. They are looking for suggestions from the BOS on where they can go and work with architects on what is feasible. Would also like to hold public meetings and get more input.

Mr. Brown felt the first 3 designs were similar and offered limited choice.

Ms. Moran asked about timeline and also noted it is difficult to give input without material, PowerPoint, etc. she invited him to have more information. When Ms. Moran and Mr. Brown attended the last outreach meeting, there was a sense the Board was not receptive, need to accept some feedback and have some open communication. She asked him to come back with more information.

Mr. Brown likes the idea of the turning of the building. The long wide roof is the biggest turnoff. Mr. Davis said they will continue to look at the elements, they have done a lot of shaving so far.

Kate Wilson, noted the communication has been difficult, the Board of Governors may have come to understand that what they have been saying was underscored by the BOS coming. She will do reporting more often and coordinate with the BOS with more frequent updates. The meeting the other night was difficult, but in some ways may have turned a corner. She is looking forward to making a building that makes sense, the delay gives the opportunity to make another building.

Ms. Moran said this information came from a constituent who asked about coverage and it was what would the Town do if impact to the Town? Mr. Davis said if a catastrophic event occurred that exceeded their insurance, the Town of Falmouth would be responsible for net loss of 10% and that has not happened since 1962 and cost about \$2.1 million. Ms. Moran would like to find out if the Town has coverage to cover that.

Public Comment:

Bob Morris noted if anyone goes through the 1200 submitted comments they will find the people on Martha's Vineyard and Falmouth do not want the big building.

Nat Trumbull Woods Hole, residents feel disenfranchised from the SSA's decisions, the Enabling Act is unfair. He hopes the board members study the responses, some are from the vineyard residents. Hope they will consider the mission of the SSA and look at the language of the Enabling Act. This mission of overreach needs to be considered.

Nan Schanbacher, Woods Hole Asked if the SSA is putting a utility building in the employee parking lot in addition to the freight shed.

According to Mr. Wilson, the freight shed is to be replaced with utility building at this time; they are looking to move second floor functions to a separate building and anticipate it be necessary for a 3rd floor if not a 4th.

Mr. Brown noted the building is very long, he would like to see them use full use of the 2nd and 3rd floors if needed.

Mr. Davis will revisit it, but the elements on the 1st floor are public areas so the 2nd and 3rd floors will move them up.

Mr. Jones noted that he does not want to have the recommendation from Mr. Brown without seeing the plans. Mr. Jones wants to see what they are talking about and that Mr. Brown's statements do not represent the BOS. Mr. Jones also asked if Pier 3 was complete, Mr. Davis said it is complete and there will be some work on the bulkhead to the north and rebuild the park and extend the bike path down.

Mr. Jones noted 3rd pier is for temporary storage of the boat that is being worked on, not to have 3 working piers. Mr. Davis said the intent is not to use that pier as a full time working pier. However, on the new license the restriction has gone away, they need 2 operating slips at all times. The slip will end up being used under certain conditions because of ADA from time to time. They are operating 5 vessels and anticipate it will be the same next year.

Mr. Jones asked if the pre 6-am trucks are showing up, if they appear before then they cannot go on the boat that day. Will this rule be enforced? Mr. Davis stated that they are not to arrive before 5 am. The 6 am trucks can arrive at 5:15 am. They have warned shippers and sent them away. It becomes problematic. Only vehicles with reservations for the 5:30 am trip can arrive at 5 am.

According to Mr. Brown, the new Chapter 91 license does not include the restrictions on the 3rd slip.

Mr. Jones said there are things the SSA should do, but they do not have to. The SSA could pay some taxes, but they do not have to so they do not. They could build buildings over 35', they can do what they want. The third slip can now be used because the license says they can use it fully. All this based on the Enabling Act. The SSA can do better by the Town and the BOS hopes they will.

5. M.G.L. Ch.138, Sec. 64 – Review of status of Wine and Malt Club License, St. Anthony's Club, Inc., 28 Brick Kiln Road, East Falmouth

Mr. Suso noted the BOS has summary of correspondence and contacts including notification from FPD (Falmouth Police Department) there was a license issued with the manager of record and 3 letters sent out notifying them to apply for a change of manager and updated directors, 4th letter sent on 6/17/19 regarding liquor license violation and noncompliance. Contact made to discuss the process.

Ronald Goulart, Manager of record, passed their Building and BOH (Board of Health) inspections; however he has not passed the background check. Abram Peters in Thursday with paperwork and they gave him additional paperwork he had to fill out.

Marc Finneran noted a month ago he was approached, they had been waiting for their license and had not arrived. He said he would check with Town Hall, talked with Diane and she told Marc they were waiting for the results to come back from the State. An OUI turned up on the CORI check making him ineligible. So they asked

Mr. Peters if he would do it, the next time he saw Diane she told him someone had taken the paperwork and they were going to take care of it. Mr. Peters will be the manager, they need a window of time for the CORI check for him.

Mr. Peters completed the ABCC paperwork and brought it to Diane Thursday, she told him he had to do applications for each of the board of directors, their CORI's, and financial documents. Mr. Goulart noted they are a nonprofit and have had no problems with the Town.

Ms. Moran noted the BOS can continue the matter to allow him to complete the paperwork.

Mr. Jones noted they have no license at this time. Once paperwork is in they can consider granting the license.

6. Minutes of Meetings:
Public Session

May 20, 2019

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

June 3, 2019

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

Mr. Suso attended the Whoosh Trolley opening and reminded the BOS of the Strategic Planning Retreat this coming Monday.

Ms. Moran motion to adjourn at 9:50 pm. Second Mr. Jones. Vote: Yes-4. No-0. Absent-1 (Ms. English Braga).

Respectfully submitted,

Jennifer Chaves
Recording Secretary

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: July 19, 2019

- Be advised that we are meeting with the Board for a Site Visit at 6PM on Monday, July 22 for a brief visit to the new Senior Center construction site for an interim project walk-through.
- The Board will convene at 7PM for your regular meeting at Town Hall.
- Under Summary of Actions, in addition to multiple housekeeping items, Selectmen will receive a notification of another “naming request,” this involving Tommy Leonard; you will also have a brief presentation from Peter McConarty asking that Selectmen “expand” the existing Traffic Rules and Regulations to formally designate School/Safety Zones (this *does not* represent any change whatsoever in the existing physical layout of School Zones, etc. but merely places these important Safety Zones within the existing Traffic Rules and Regulations).
- The Charter Review Committee will be presenting their recommendations to the Board and these were transmitted to you under separate cover earlier in the week. Be advised that these 30 recommendations are well beyond the number which Selectmen considered for the ballot back when this was last undertaken in 2013 (there were only 16 Charter items at that time). A separate attachment includes a copy of this 2013 Ballot kindly provided by Town Clerk Michael Palmer. A substantial concern is that any consideration of such a large quantity of Charter items would require the printing of a multiple-page ballot which most, as Michael Palmer has confirmed, many voters would find most unusual and some would possibly find it confusing. Of course, the Board has the authority to take this all under advisement and determine which of these 30 actually should move forward to the ballot. I believe that Michael will be with us on Monday evening and you may wish to raise a question on this.
- Paul Dreyer will be joining us to request BOS approval for an application for CPA funding for the proposed Shiverick’s Pond Public Access Project.
- Courtney Bird has been invited to provide a status report on the proposed municipal fiber initiative.
- The Board will have a general discussion on an FCC Draft Report which was transmitted as an alert recently from Mass Municipal.