

WEIGHTS AND MEASURES SERVICES INTERMUNICIPAL AGREEMENT
BETWEEN
TOWN OF BARNSTABLE
AND
TOWN OF FALMOUTH

PREAMBLE

This Agreement (hereinafter "Agreement"), made and entered into this _____ day of _____, 20____, executed in duplicate (each executed copy constituting an original) between the Town of Barnstable, a Massachusetts municipal corporation with its principal place 367 Main St. Hyannis, MA 02601, acting by and through its Town Manager (hereinafter "Barnstable") and Falmouth, acting by and through its Town Manager (hereinafter "Town") (both Barnstable and Falmouth are together referred to herein as the "Members").

RECITALS

WHEREAS Barnstable has town staff employed as a sealer of weights and measures and deputy sealers of weights and measures working within its Licensing Division; and

WHEREAS Town has no town staff currently employed or contracted as sealer of weights and measures; and

WHEREAS Town desires to enter into an agreement with Barnstable for services performed by the sealer and deputy sealers of weights and measures; and

WHEREAS, M.G.L. c. 40, § 4A allows the Chief Executive Officers of cities towns and districts to enter into agreements with one or more other governmental entities to jointly perform activities or undertakings which any of the contracting governmental entities are authorized by law to perform; and

WHEREAS, said M.G.L. c., 40 § 4A sets forth the requirements for and parameters of such "intergovernmental agreements"; and

WHEREAS, the Members participating in this Agreement each have authorized participation in this Agreement: by the Town Manager for Barnstable a copy of which is attached hereto as Exhibit A and by the Town Manager for Town a copy of which is attached hereto as Exhibit B;

NOW, THEREFORE, the Members, in consideration of the mutual benefits to be derived by the Members hereto, pursuant to the authority contained in M.G.L. c. 40, § 4A, do hereby mutually agree as follows.

ARTICLE I
SCOPE OF SERVICES

Barnstable agrees to provide to "Town", Weights and Measures services of Barnstable employees who are certified sealers or deputy sealers of weights and measures pursuant to G. L. c. 98 §§ 34 and 35 under the following terms and conditions.

ARTICLE II
RIGHTS AND OBLIGATIONS OF THE MEMBERS

1. The services to be provided under this Agreement shall be provided by the Town of Barnstable sealer of weights and measures and deputy sealers of weights and measures (collectively "Barnstable employees"), or by one or more such qualified successors as may be appointed by the Town Manager of Barnstable during the Term.

2. Barnstable agrees to provide the services subject to the availability of the Barnstable employees. Barnstable employees will schedule services directly with establishments in the Town.

3. The services to be provided under this Agreement shall include the following.

a. Notice

The Barnstable employees shall give notice to each establishment in "Town" known to use weighing, measuring or scanning devices that testing of these devices is required, and shall annually give public notice, by advertisement or by posting notices in one or more public places in their towns or districts, to all inhabitants, or persons having usual places of business therein, using weighing or measuring devices for the purpose of buying or selling goods, wares or merchandise, for public weighing or for hire or reward, to bring them in to be tested, adjusted and sealed or to request that such devices be tested, adjusted and sealed at their place of business.

b. Testing

The Barnstable employees shall apply and enforce the provisions of the laws pertaining to weights and measures including devices, testing and certifying all devices as required in a timely fashion. In addition, testing of automated checkout systems, conducting reweighing of commodities, item price, scanner waiver, unit price code inspections, and consumer complaints.

c. Collection of Fees

Town shall accept the fees and fines established by Barnstable to be charged to Town establishments for services. Barnstable employees shall charge and collect fines and fees for services and shall account for and pay same into the Barnstable Consumer Protection revolving fund. All fees and fines so charged and collected shall belong entirely to Barnstable.

d. Reports

Barnstable shall maintain records and provide annual reports to Town as required by G.L. 98, § 34 and to the director as provided by § 37.

4. Barnstable shall provide the Barnstable employees with a vehicle and equipment for official use in performing the services, and shall bear the responsibility of registering, insuring, fueling and maintaining vehicles and equipment.

5. The Barnstable employees shall maintain regular office hours in Town of Barnstable and not in Town.

6. The Town shall pay to Barnstable the following sum for the weights and measures services of _____, beginning July 1, 2020, with a 2.5% increase per fiscal year beginning in FY22 and billed each July 1st, for administrative expenses and cost to provide services including retirement and depreciation of equipment for replacement. The initial sum due shall be assessed and billed by Barnstable at the beginning of each FY and each payment is due and payable within fifteen (15) days after the commencement of such fiscal year.

7. Members agree to allow the Barnstable employees to enjoy such vacation, sick days, personal days and other leave as provided under applicable collective bargaining agreements and legislation. Neither party shall make any demand on the Barnstable employees or take any action with respect to the services that is in violation of rights under any collective bargaining agreement or applicable legislation.

8. In addition to statements provided pursuant to paragraph number 6 of this ARTICLE II, Barnstable shall prepare, at its cost, an annual report of costs and receipts incurred pursuant to the Agreement which shall be submitted to Town within thirty days of the end of the calendar year. All records supporting the billing shall be kept by Barnstable's Weights and Measures Division and made available for Town review upon request. If Town determines that an audit should be performed on the billing for these services Town shall bear the costs of such an audit and Barnstable shall provide all the records necessary to complete the audit.

ARTICLE III
TERM / AMENDMENTS /
INDEMNITY

1. The term of this Agreement shall commence upon final execution and be automatically renewed each year, and reviewed every three (3) years, unless sooner terminated as herein provided, not to exceed 25 years. The Members intend that the Members entering into this Agreement are the sole and exclusive beneficiaries of the Agreement. Either party may terminate this Agreement, at its sole discretion by providing 90 days' written notice to the other party in accordance with paragraph 5 of this Article III.

2. This Agreement shall not take effect until it has been executed by the Members, at which time, it shall become the binding and legally enforceable Agreement of each such member.

3. No officer, official, agent, or employee of any Member shall have the power to amend, modify or alter this Agreement or waive any of its provisions or to bind any of the other Members by making any promise or representation not contained herein except by an authorized written amendment requiring approval by the Town's authorized entity and the approval of the Town Manager of Barnstable. Said amendment shall be executed in the same manner as this Agreement is executed. No Member may rely on any conduct, statements, action, inaction or course of conduct of the employees, agents or officers of any other Members as having changed, modified or amended this Agreement. No Member shall be construed as waiving any provision of the Agreement unless the waiver is executed in writing as an amendment to this Agreement. No waiver by any Member of any default or breach shall constitute a waiver of any subsequent default or breach. Forbearance or indulgence in any form or manner by any Member shall not be construed as waiver of any term or condition hereto nor shall it limit the legal or equitable remedies available to the Member.

4. Notwithstanding the final sentence of G.L. c. 40, s. 4A, "Town" shall indemnify and hold harmless Barnstable and each and all of its officials, officers, employees, agents, servants and representatives (the Indemnitees) from and against any claim arising from or in connection with the performance by the Barnstable employees of duties in or for Town including, without limitation, any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission or intentional misconduct by the Barnstable employees while in or performing services for "Town". Such indemnification shall include, without limitation, current payment of all costs of defense (including reasonable attorneys' fees, expert witness fees, court costs and related expenses) as and when such costs become due and the amounts of any judgments, awards and/or settlements, provided that (a) Town shall have the right to select counsel to defend against such claims, such counsel to be reasonably acceptable to Barnstable and its insurer, if any, and to approve or reject any settlement with respect to which indemnification is sought, (b) the Indemnitees shall cooperate with Town in all reasonable respects in connection with such defense, and (c) Town shall not be responsible to pay any judgment, award or settlement to the extent occasioned by the negligence or intentional misconduct of any of the Indemnitees other than the Barnstable employees.

5. This Agreement may be terminated by either party for any reason or no reason on ninety (90) days' written notice to the other. No such termination shall affect any obligation of indemnification that may have arisen hereunder prior to such termination or otherwise as provided by law.

6. No Member shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without the prior written consent of the other Members.

7. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, illegal or unenforceable, or if any such term is so held when applied to any particular circumstance, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, or affect the application of such provision to any other circumstances, and this Agreement shall be construed and enforced as if such invalid, illegal or unenforceable provision

were not contained herein.

8. The obligations and conditions set forth in this Agreement may be waived only by a writing signed by the party waiving such obligation or condition. Forbearance or indulgence by a party shall not be construed as a waiver, nor limit the remedies that would otherwise be available to that party under this Agreement or applicable law. No waiver of any breach or default shall constitute or be deemed evidence of a waiver of any subsequent breach or default.

9. This Agreement shall be governed by and construed in accordance with the substantive law of the Commonwealth of Massachusetts, without regard to the conflicts of law provisions thereof.

10. Any notice permitted or required hereunder to be given or served on either party by the other shall be in writing signed in the name of or on behalf of the party giving or serving the same. Notice shall be deemed to have been received at the time of actual receipt of any hand delivery or three (3) business days after the date of any properly addressed notice sent by mail to the following.

11. This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof, superseding all prior agreements and understandings. There are no other agreements or understandings between the parties concerning the subject matter hereof. Each party acknowledges that it has not relied on any representations by the other party or by anyone acting or purporting to act for the other party or for whose actions the other party is responsible, other than the express, written representations set forth herein.

12. Each member shall notify the other Member in writing and keep the other Members informed of the changed names and titles of its official or officials responsible for the implementation of the terms of this Agreement.

13. In addition to the remedies, power and authority which each Member has at law or under its ordinances, by-laws, rules or regulations the following remedies shall be available to each Member:

- a. If any Member fails to fulfill any material obligation or condition of this Agreement (either a "Defaulting Member"), the other Member has the right to suspend this Agreement by giving sixty (60) days notice (a "Default Notice"), in writing, of their intent to do so (the "Default Notice Period"). Upon receipt of such notice, the Defaulting Member shall have the right to prevent suspension by curing the default within thirty (30) days and diligently and continuously pursuing such cure to completion within any additional time which may be necessary to affect such cure. Suspension shall not release any Member from its obligation to pay all bills or sums due prior to suspension, in accordance with this Agreement.
- b. Each Member reserves the right, either in law or equity, by suit, and complaint in the nature of specific performance or other proceeding, to enforce or compel performance of this Agreement.
- c. The remedies set forth in this Agreement are separate and cumulative, and the election of one does not preclude use of another.

14. Each Member shall immediately, within not more than twenty four (24) hours, notify the other Member of any emergency or condition which may affect its participation in or the carrying out of its responsibilities under this Agreement.

15. Employees, servants or agents of either of the Members shall not be deemed to be agents, servants or employees of any other Member for any purpose including, but not limited to, either Workers' Compensation or unemployment insurance purposes. Specifically, the Barnstable employees shall not be deemed to be employees of "Town" for such purposes and any "Town" or other staff appointed by said "Town", whether as contemplated herein or otherwise, shall not be deemed to be employees of Barnstable.

This MOU shall be in effect until one of the parties dissolves this agreement with notice as provided above.

For the Town of Barnstable
Town Manager

For the Town of Falmouth
Town Manager

Signed this day

Signed this day

**TOWN OF FALMOUTH
BOARD OF SELECTMEN
PUBLIC HEARING NOTICE**

As provided under Chapter 119, of the Code of Falmouth, a Public Hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on MONDAY, NOVEMBER 18, 2019 at 7:30 PM to establish and promulgate fees, which are EFFECTIVE AS OF JANUARY 1, 2020 to be charged by Town Departments and agencies, except as provided by M.G.L., School Department, Planning Board, Library, Town Clerk, Town Treasurer and Collector of Taxes.

Megan English Braga, Chairman
BOARD OF SELECTMEN

The proposed changes in fees are listed below:

<u>DEPARTMENT</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>
<u>BEACH DEPARTMENT</u>		
Hotel/Motel Sticker	\$10.00/day	\$15.00/day
<u>HEALTH</u>		
<u>Disposal Works Construction and Maintenance Permits</u>		
New single family residential construction and upgrades to septic systems	\$100.00	\$150.00
Replacement of individual non-leaching system components (septic tank, distribution box, piping)	None	\$50.00
New Commercial and multi-family septic systems	\$150.00	Delete
Commercial and multi-family septic systems <2000 gallons per day	None	\$200.00
Commercial and multi-family septic systems >2000 gallons per day	None	\$350.00
<u>Food Service Permits</u>		
Catering	None	\$75.00
<u>Mobile/Temporary Food Permits</u>		
Mobile/temporary food permit (1-4 days)	\$15.00/day	\$25.00/day
Mobile/temporary food permit (5 days or greater)	\$100.00	\$125.00
Mobile offering pre-packaged foods, frozen novelties & Non-potentially hazardous foods (non-TCS)	None	\$25.00
<u>Other Permits</u>		
Recreational camp permit	\$50.00	\$75.00
Swimming pools & spa permit	\$50.00	\$75.00
Motel Permit	\$25.00	\$50.00
<u>INSPECTIONAL SERVICES</u>		
<u>Other Inspectional Services Department Fees</u>		
Extension of time for permit work to begin	\$25.00	delete
Photocopies	\$.20/page	\$.05/page
Microfilm copies	\$1.00/page	delete
Map copies	\$1.00	delete
Computer printout copies	\$1.00	delete
Certified plot plan copies	\$1.00	delete
After hours and weekend inspection fee	\$150.00/inspection	\$225.00/inspection
<u>Plumbing Fees</u>		
After hours and weekend inspection fee	\$150.00/inspection	\$225.00/inspection
<u>Electrical Fees</u>		

After hours and weekend inspection fee \$150.00/inspection \$225.00/inspection

MARINE AND ENVIRONMENTAL SERVICES

Slips/Wharfage

(July & August: maximum stay is 30 nights) to (June, July & August: maximum stay is 30 nights)

Seasonal Slips (April 15th to Nov 15th)

Main Marina & Davis Floating Dock Section

Resident \$157.00/ft. \$161.00/ft.

Non-Resident \$180.00/ft. \$184.00/ft.

Charter Boat Section

Resident \$157.00/ft. \$161.00/ft.

Non-Resident \$180.00/ft. \$184.00/ft.

Green Pond

Resident \$143.00/ft. \$147.00/ft.

Non-Resident \$164.00/ft. \$168.00/ft.

Power Charges (seasonal slips all areas):

30 amp/110V (less than 30') \$100.00/season delete

30 amp/110V \$300.00/season \$415.00/season

TAX COLLECTOR

Demand fee \$5.00 \$10.00

Falmouth Enterprise: Friday, November 8, 2019

Account #: 2056



Diane Davidson

From: Bruce Mogardo
Sent: Thursday, October 24, 2019 11:27 AM
To: Diane Davidson
Cc: Bruce Mogardo
Subject: Fees

At a Beach Committee meeting, the Beach Committee voted to raise the cost of the Hotel Motel fee to \$15.00 each

Bruce



Falmouth Health Department

Falmouth Town Hall • 59 Town Hall Square • Falmouth, Massachusetts 02540
(508) 495-7485 • Fax (508) 548-4290

2020 PERMIT FEES

DISPOSAL WORKS CONSTRUCTION AND MAINTENANCE PERMITS

New single family residential construction and upgrades to septic systems now \$100.00.....proposed \$150.00
(ADD) Replacement of individual non-leaching system components (septic tank, distribution box, piping) \$50.00

~~(REMOVE) New Commercial and Multi-Family septic systems \$150.00~~
and Replace with ...
Commercial and multi-family septic systems <2000 gallons per day \$200.00
Commercial and multi-family septic systems >2000 gallons per day \$350.00

Special septic permit fee in addition to standard fees (variance letters/ trench permits) \$25.00
Septic installer permit \$100.00
Septic pumper permit \$100.00
Percolation test \$100.00

FOOD SERVICE PERMITS

Annual or seasonal food service permit – fewer than 50 seats \$150.00
Annual or seasonal food service permit - greater than 50 seats \$200.00
Catering \$75.00
Continental breakfast bed & breakfast establishment \$25.00
Frozen dessert manufacturer's permit \$25.00
Residential kitchen permit \$25.00

MOBILE/TEMPORARY FOOD PERMITS

Mobile/temporary food permit (1-4 days) now \$15.00/day.....proposed \$25.00/day
Mobile/temporary food permits (5 days or greater) now \$100.00.....proposed \$125.00
Mobile offering pre-packaged foods, frozen novelties & non-potentially hazardous foods (non-TCS) \$25.00

RETAIL FOOD ESTABLISHMENTS

More than 5,000 square feet retail space with potentially hazardous food preparation \$300.00
Less than 5,000 square feet with potentially hazardous food preparation \$200.00
Retail stores offering pre-packaged foods, frozen novelties & non-potentially hazardous foods \$50.00

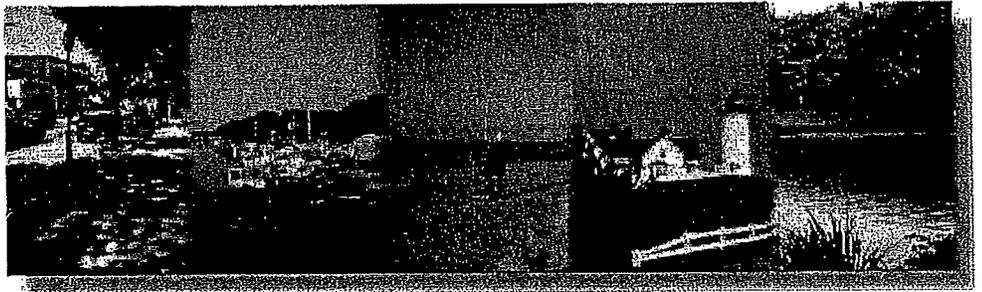
Food service re-inspection fee first: \$100.00 all subsequent: \$200.00
After hours (night & weekend) inspection fee \$200.00

OTHER PERMITS

Body art establishment \$50.00
Body art practitioner \$25.00
Recreational camp permit now \$50.00.....proposed \$75.00
Campground permit \$50.00
Motel permit now \$25.00.....proposed \$50.00
Rental permit \$25.00
Town contractor obligated to deliver waste to Upper Cape Regional Transfer Station \$500.00
All other private rubbish collectors of private & business accounts, including construction & demo-roll off containers – per business \$50.00

Semi-public beach permit	\$10.00
Stable permit	\$5.00/per horse
Swimming pools & spa permit	<i>now\$50.00.....proposed \$75.00</i>
(ADD) Swimming pools & spa	
Tobacco permit	\$50.00
Well permit	\$25.00

Fees for activities commenced without a permit will be doubled



2019 Building Department Fees

New Residential Construction

Residential dwelling	\$ 8.00 per thousand** \$50 min
Re-inspection fee per re-inspection	\$ 50.00 fee

New Commercial Construction

Residential, Hotel, Motel, Storage	\$ 8.00 per thousand** \$50 min
Re-inspection fee per re-inspection	\$ 50.00 fee

Alterations, Additions, Decks, Porches, Garages, Sheds, Pools, Relocations, Demolition, etc.

Alterations	\$8.00 per thousand** \$50 min
Handicapped ramp on residential property	NO FEE
Sheet Metal/Mechanical - Residential	\$8.00 per thousand * \$75.00 min
Sheet Metal/Mechanical - Commercial	\$8.00 per thousand * \$150.00 min
Re-inspection fee per re-inspection	\$50.00 fee

Other Building Department Fees

Carnival, Concession, Fair	\$50.00 per day
Plus one time ride fee	\$10.00 per ride
Certificate of Use and Occupancy	\$25.00
Certificate of Inspection (per table 110 MSBC)	Double Table 110
Change of Use	\$25.00
Duplicate Permit	\$25.00
Extension of time for permit work to begin	\$25.00 <i>Delete</i>
Photo copies	\$ 20 per page <i>5¢ per page</i>
Microfilm copies	\$ 1.00 per page <i>Delete</i>
Map Copies	\$ 1.00 <i>Delete</i>
Computer Print Outs Copies	\$ 1.00 <i>Delete</i>
Certified Plot Plan Copies	\$ 1.00 <i>Delete</i>
Sign Permit	\$25.00 per sign
Stoves (Wood, coal, pellet)	\$50.00 per stove
Temporary structure, i.e. trailer, tents, etc	\$50.00 per unit
Trenches	\$25.00 - \$45.00
After Hours and Weekend Inspection Fee <i>Increase 225</i>	\$150.00 per inspection

*Based on estimated construction value

***When work is started before the issuance of a permit the fee is doubled

***All permit fees paid are non-refundable

**TOWN OF FALMOUTH
FEES 2018
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PLUMBING FEES

RESIDENTIAL:

First Fixture	\$ 40.00
Each additional fixture	\$ 10.00
Re-inspection Fee	\$ 50.00

COMMERCIAL:

First Fixture	\$ 65.00
Each additional fixture	\$ 15.00
Carnival, Concession, Fair	\$ 50.00 per day
Re-inspection Fee	\$ 50.00

GAS FEES

RESIDENTIAL:

Gas Piping	\$ 40.00
Each gas appliance (flue)	\$ 10.00
Re-inspection Fee	\$ 50.00

COMMERCIAL:

Gas Piping	\$ 65.00
Each gas appliance (flue)	\$ 15.00
Re-inspection Fee	\$ 50.00

PLUMBING/GAS COMBINATION FEE

Gas fired water heater replacement (Residential)	\$ 40.00
Gas fired water heater replacement (Commercial)	\$ 70.00

After Hours and Weekend Inspection Fee

\$150.00 per inspection

Increase 225.

***When work is started before the issuance of a permit, the cost of the permit will be doubled.

**TOWN OF FALMOUTH
FEES 2018**

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ELECTRICAL FEES

RESIDENTIAL:

New Construction or complete buildings	\$100.00 each unit
Alterations, remodels, additions, solar Swimming pools, generators	\$ 50.00
Temporary and change of service	\$ 50.00
Smoke, fire and burglar alarms	\$ 50.00

COMMERCIAL:

New Commercial Building	\$ 175.00 plus \$25/room
Addition, alteration, remodeling	\$ 100.00 plus \$25/room
Temporary and service changes	\$ 100.00
Fire and burglar alarm system	\$ 100.00

MISCELLANEOUS ELECTRICAL FEES:

Carnival, concession, fair, etc.	\$ 50.00 per day
Annual maintenance fee*	\$200.00
Re-inspection Fee	\$ 50.00
After Hours and Weekend Inspection Fee	\$150.00 per inspection

Increase 225

-
- Repair and maintenance annual permit: All businesses employing a licensed electrician on their staff, or an electrical contractor shall take out permits for repairs and maintenance work on their premises only
 - ** Municipally owned buildings are exempted from wiring permit fees, but permits must be pulled before work is done.
 - ** When work is started before the issuance of a permit, the cost of the permit will be doubled.

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT
ANIMAL CONTROL**

Pick-up Fee	\$25.00
Pick-up Fee, subsequent time in same calendar year	\$35.00
Care and Custody Fee	\$15.00
Care and Custody Fee, subsequent time in same calendar year	\$25.00
No. I.D. Tag or Microchip Identifying Owner	\$5.00
Dead Animal Disposal, Up to 49 Lbs.	\$25.00
Dead Animal Disposal, 50 Lbs. and Over	\$50.00

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT
HARBOR MASTER / WATERWAYS**

MOORINGS

Private (minimum fee \$100.00)	\$45.00 +2.00/ft.
Commercial Yacht Club	\$140.00
Commercial / Boatyard	\$225.00
Demand / Late Fee	\$50.00
Mooring Tackle Removal Fee	\$100.00
Permit Reinstatement	\$50.00
Wait list application fee*	\$10.00
Wait list renewal fee, deadline March 15 th *	\$10.00
(*See chapter 269-3A (3) & (6))	
Mooring Permit Transfer/Change Fee	\$100.00

SLIPS / WHARFAGE

Transient Slips (per day rates):

(July & August: Nights 1-14 regular rate, 15-22 double rate, 23 plus triple rate)

(July & August: maximum stay is 30 nights) → (JUNE, JULY + AUGUST)

(30 foot minimum shall apply in July & August)

April & May	\$1.00/ft
June	\$1.50/ft
July 1 st to August 31 st	
Less than 71'	\$3.00/ft.
72' to 99'	\$3.50/ft.
100' or larger	\$5.00/ft.
September	1.50/ft
Oct & Nov	\$1.00/ft

Transient processing transaction fee	\$3.50/each
Power Charges (for transient)	
30 amp cord/110V	\$20.00/day
50 amp cord/220V	\$40.00/day
100 amp cord	\$90.00/day

Seasonal Slips (April 15th to Nov. 15th)

Wait list application fee*	\$10.00
Wait list renewal fee, deadline March 15 th *	\$10.00

(*See chapter 231-6)

Main Marina & Davis Floating Dock Section:

Resident	\$157.00/ft.	161.00
Non-Resident	\$180.00/ft.	184.00

Charter Boat Section:

Resident	\$157.00/ft.	161.00
Non-Resident	\$180.00/ft.	184.00
R23 & R24 10% discount		

Green Pond:

Resident	\$143.00/ft.	147.00
Non-Resident	\$164.00/ft.	168.00

(No parking space provided)

Power Charges (Seasonal Slips All Areas):

30 amp/110V (Less than 30')	\$100.00 for the season	delete
30 amp/110V	\$300.00 for the season	\$415.00
50 amp/220V	\$850.00 for the season	
100 amp per cord	\$1,950.00/season	

Simpson's Landing (Loading and Unloading Area Only):

Contract rate (yearly)	\$1,000.00
Fueling Truck (yearly)	\$2,500.00

Tide's Bulkhead (Loading and Unloading Area):

Contract rate (yearly)	\$1,000.00
Fueling Truck (yearly)	\$2,500.00
Transient Commercial Fishing (monthly)	\$250.00

*No passengers for hire

Eel Pond Dock Outhauls:

Contract April 15 th to Nov. 15 th	\$300.00
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Great Harbor Woods Hole Commercial Fishing Dock (Year Round):

Transient Dockage / per night	\$.50/ft. - min. \$30.00/night
Annual rate for self propelled	\$20.00 / ft. - Resident
Annual rate for self propelled	\$40.00/ft. - Non-Resident
Loading and Unloading	\$600.00/month or \$4,500.00/yr.
Per load over one ton	\$100.00/load
3 hour tie-up (crew change, loads under one ton)	No Charge

*No passengers for hire or sailboats.

Diane Davidson

From: Gregg Fraser
Sent: Friday, November 08, 2019 12:06 PM
To: Diane Davidson
Cc: Peter Johnson Staub; Gregg Fraser
Subject: marina rates 2019-2020.xlsx
Attachments: marina rates 2019-2020.xlsx

Hello Diane,

Attached is some comparisons for the BOS to consider regarding dockage rates for the town marina.

Thank you,
Gregg

Marina	Res	Non Res	30amp	50 amp	100 amp
Falmouth Marina 2019					
Main and Charter	157	180	300	850	1950
Green Pond	143	164	300	850	none
WWC proposed Main and Charter	161	184	415	same	same
WWC Proposed Green Pond	147	168	415	none	none
Barnstable Bismore Park	187	213.75	415	690	none
Barnstable Prince Cove	177.25	207.25	415	690	none
Falmouth Marine	235	235	900	1200	2400
MacDougalls Cape Cod Marine					
Year round customers (storage/service)	255	255	700	975	2100
Summer only slip	290	290	700	975	2100
Safe Harbor (Fiddler's Cove)	216	216	475	750	1500
Woods Hole Marine	Flat rate	3500-6500	depends	on size	

Diane Davidson

From: Patty O'Connell
Sent: Friday, October 25, 2019 11:05 AM
To: Diane Davidson
Cc: Julian Suso; Jennifer Mullen
Subject: Demand Fee Increase ALL bills
Attachments: 20191025105735005.pdf

Hi Diane,

I am requesting an increase for the "Demand" fee for all bills. I have done some research with other communities within the Commonwealth, see attached list, most of the other communities have at least increased to \$10.00 from \$5.00. A \$5.00 demand longer covers the cost to issue a demand notice. This increase would effect:

Real Estate
Personal Property
Excise
Water
Boats

Thank You,
Patty

Patricia O'Connell

Falmouth Town Collector/Treasurer
59 Town Hall Square
Falmouth, MA 02540
p.508-495-7370
f.508-495-7373

Patty O'Connell

From: MCTA Support <noreplynetqa@mycusthelp.com>
Sent: Thursday, August 08, 2019 1:05 PM
To: noreplynetqa@mycusthelp.com
Subject: A New Response Has been Posted: MVX Demand Fee

Dear Member,

A new response to a question in your area of interest has been posted. Please click the link below to view the question and responses.
Thank you for using MCTA ListServ!

Thread:

Treasurer Collector Deb Morin Asked the Following On 8/7/2019 3:20:27 PM:

Title: MVX Demand Fee

Town of Avon is looking to raise MVX demand fee from \$5.00 to \$15.00 I am just checking to see if most towns are at least at \$15?

I know my BOS will be asking this question to me

Thank you

On 8/7/2019, Treasurer-Collector Eileen White answered:

Town of Hull is \$15.00

On 8/7/2019, Assistant Treasurer/Collector Cheyenne Cusson answered:

Leicester's demand fee is \$15.00.

On 8/7/2019, Tax Collector Theresa Dias answered:

Town of Milford is \$10.00

On 8/7/2019, Treasurer/Collector Lisa Clark answered:

Town of Sharon \$20.00 demand fee.

On 8/7/2019, Asst. Treas/Coll Sue Desjardins answered:

Town of Canton is \$10.00

On 8/7/2019, Finance Director - T/C Brian Ballantine answered:

Southborough is \$20

On 8/7/2019, Treasurer/Collector Jenn Welch answered:

Mendon is \$20 (for a very long time)

On 8/7/2019, Treasurer/Collector Joanne Savignac answered:

Charlton is \$10.00.

Just remember that you can only write off or adjust up to \$15.00 total (which would any interest).

On 8/7/2019, Treasurer/Collector Jane Lepardo answered:

Dedham is still \$5, but I'd like to change it to \$15 as I've done elsewhere.

On 8/7/2019, Asst. Collector/Treasurer Michelle Carlisle answered:

Bolton is \$10.

On 8/8/2019, Treasurer / Collector Pamela Borgatti answered:

Plymouth is \$15.00

On 8/8/2019, ASST TREASURER JUDITH WINTERS answered:

City of Lowell is \$30 on a demand.

On 8/8/2019, ASST TREASURER JUDITH WINTERS answered:

City of Lowell is \$30 on a demand.

On 8/8/2019, Treasurer/Tax Collector Debra Kenney answered:

15.00 in Lakeville

On 8/8/2019, Treasurer/Collector Barbara Walls answered:

The Town of Braintree is \$25.00 for the past 7 years.

On 8/8/2019, Collector / Treasurer Dawn Fonte answered:

Town of East Longmeadow \$10.00

On 8/8/2019, Treasurer/Collector Karen Summit answered:

Rowley is \$15

On 8/8/2019, Tax Collector-Treasurer Christine Collins answered:

Westford is \$10 with no plans of increasing it.

On 8/8/2019, Miss Stephanie Clifton answered:

Hopkinton is \$10.00

On 8/8/2019, Treasurer/Collector James Dunbar answered:

Princeton charges \$15.

On 8/8/2019, Assistant Treasurer/Collector Kathy Kay answered:

Town of Carver has \$10.00 demand fee.

On 8/8/2019, Treasurer/Collector Kelly Rice answered:

Adams is \$10.00

On 8/8/2019, Treasurer Dennis Fearebay answered:

Berlin is \$15.

On 8/8/2019, Collector Bonnie Roberge answered:

Williamsburg is \$5.00. I have repeatedly brought this very low fee up to SelectBoard but they remain firm in not increasing it.

On 8/8/2019, Treasurer/Collector Sheila Tracy answered:

Winchester's Demand Fee is \$15.00

On 8/8/2019, Treasurer/Collector Sheila Tracy answered:

Winchester's Demand Fee is \$15.00

On 8/8/2019, Treasurer/Collector Amy Bullock answered:

Harwich is \$30

On 8/8/2019, Treasurer-Collector Sonia Hodge answered:

Abington just voted to raise ours to \$20 (from \$10) at our May town meeting.

On 8/8/2019, Treasurer Collector Jean Montgomery answered:

Hingham's demand fee is \$15.00.

On 8/8/2019, Asst. Treasurer/Tax Collector Lynn Kane answered:

The Town of Conway (pop. 1,900) has charged \$20 for at least the last 7 years.

On 8/8/2019, Treasurer/Collector Kristine Bissell answered:

Northampton is at \$25 since August 2010.

On 8/8/2019, Treasurer-Collector Jerry Lane answered:

Town of Dover is still \$5.

Jerry Lane

Dover T-C

On 8/8/2019, Treasurer / Collector Pamela Avitabile answered:

Scituate's Demand Fee is \$15

On 8/8/2019, Treasurer Diane Sturtevant answered:

Hinsdale is at \$10

On 8/8/2019, Treasurer/Tax Collector Barbara Tierney answered:

The Town of Ayer is at \$5.00.

On 8/8/2019, Treasurer/Collector Donna Whiteley answered:

South Hadley is \$30

On 8/8/2019, Treasurer/Collector Victoria Smith answered:

Town of Sterling's Demand Fee is now \$15.00, we just got approval from the Selectmen to increase it from \$5.00

On 8/8/2019, Tax Collector/Treasurer Craig Mayen answered:

Town of Mashpee is \$5.00.

On 8/8/2019, Treasurer/Collector Sandra Nason answered:

The Town of Hubbardston's demand fee is \$30.

[Click here to view Response](#)

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TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Moto Pizza Falmouth, LLC d/b/a Moto Pizza has applied for a Transfer of Ownership of an All Alcoholic Common Victualler License to be exercised at 500 Waquoit Highway, East Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, November 18, 2019 at 7:30 p.m. on the above application.

LICENSING BOARD

Megan English-Braga

Doug Brown

Doug Jones

Susan Moran

Samuel H. Patterson

Publication Date: Friday, November 8, 2019; Falmouth Enterprise

Legal

Town of Falmouth LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Moto Pizza Falmouth, LLC d/b/a Moto Pizza has applied for a Transfer of Ownership of an All Alcoholic Common Victualler License to be exercised at 500 Waquoit Highway, East Falmouth, MA. A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, November 18, 2019 at 7:30 p.m. on the above application.

LICENSING BOARD

Megan English-Braga
Doug Brown
Doug Jones
Susan Moran
Samuel H. Patterson

November 8, 2019



Albert A. DeNapoli, Esq.
Direct Dial: (617) 218-2024
Email: adenapoli@tbhr-law.com

PAID
\$100
attly check # 17861
Advertising \$50
Filing Fee \$50



PAID
CV filing fee ~~October 23, 2019~~
Background processing ~~ck # 1054~~
not complete

VIA OVERNIGHT DELIVERY

Town Manager's Office
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

RE: Application for a Transfer of License for Moto Pizza Falmouth LLC
d/b/a Moto Pizza, 500 Waquoit Highway, Falmouth, MA 02536

Dear Board of Selectmen:

Enclosed please find two (2) binders containing an original and a copy of the following documents relative to an Application for a Transfer of License in connection with the above-referenced licensee.

1. Monetary Transmittal Form;
2. Applicant's Statement;
3. Application for a Transfer of License;
4. CORI Request Form for Alfred William Heinser;
5. CORI Request Form for Daniel Souza;
6. CORI Request Form for Barbara DelGrosso;
7. CORI Request Form, copy of Passport and TIPS of Dante DelGrosso;
8. CORI Request Form of Ernest John DelGrosso;
9. CORI Request Form for Ernest DelGrosso, Jr.;
10. CORI Request Form for Donald Estep;
11. CORI Request Form for Abraham Ziegler;
12. CORI Request Form for Cody Dolan;
13. CORI Request Form for Michael DelGrosso;
14. CORI Request Form for Jeanne Harper;
15. CORI Request Form for Patricia Shuster;
16. CORI Request Form for Michael Mastriani;



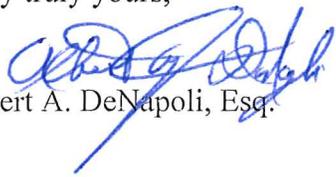
17. CORI Request Form for Josef Buxton;
18. CORI Request Form for Tracey DeMartini;
19. CORI Request Form for Florence Steven;
20. CORI Request Form for Daniel Hennen;
21. CORI Request Form for Autumn Gonsalves;
22. CORI Request Form for Michael Shuster;
23. Corporate Vote;
24. License Alcoholic Beverages Certificate;
25. Floor Plan;
26. Certificate of Organization of Moto Pizza Falmouth LLC;
27. Ownership Flow Chart;
28. Department of Revenue Certificate of Good Standing and/or Tax Compliance of Velluti Restaurant Corp.;
29. Department of Unemployment Assistance Certificate of Good Standing of Velluti Restaurant Corp.;
30. Bill of Sale;
31. Asset Purchase and Sale Agreement between Lynne Velluti and Dante DelGrosso;
32. Supporting Financial Documents; and
33. Lease Agreement.

Also enclosed is an electronic receipt for the \$200 payment made to the Alcoholic Beverages Control Commission and a check in the amount of \$100 made payable to the Town of Falmouth: \$50 for filing fees and \$50 for advertising cost.

Please schedule this matter before your Board for the next available meeting.

Thank you for your attention to this matter and, should you have any questions, please feel free to contact me.

Very truly yours,


Albert A. DeNapoli, Esq.

AAD/sc
Enclosures

Zoning

Phyllis Downey

From: Noreen Stockman
Sent: Tuesday, November 5, 2019 9:01 AM
To: Phyllis Downey
Subject: RE: Moto Pizza application for Transfer of Liquor License

All set with ZBA.

Thank you,
Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Monday, November 4, 2019 12:00 PM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Cc: Diane Davidson <diane.davidson@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Faith Marion <faith.marion@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>
Subject: Moto Pizza application for Transfer of Liquor License

Good afternoon,

Moto Pizza Falmouth, LLC d/b/a Moto Pizza to be located at 500 Waquoit Highway, East Falmouth, has submitted applications for the following:

1. Transfer of Ownership of an All Alcohol Restaurant License
2. Common Victualler License

The premises is under currently renovation. Certificate of Occupancy and Food Service Establishment Permit will be applied for. Please contact me if any further information is needed.

May we please request recommendations by Wednesday November 13th ? The Board will review the applications at their meeting of November 18, 2019.

Thank you,

Phyllis Downey
Administrative Assistant

Phyllis Downey

From: Douglas DeCosta
Sent: Friday, November 8, 2019 9:59 AM
To: Phyllis Downey; Diane Davidson
Subject: Background Check- Dante Delgrosso of Moto Pizza

**Background Check- Dante Delgrosso of Moto Pizza
Manager of Alcoholic Beverage License**

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

Dante Delgrosso of Moto Pizza

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

Sincerely,

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



-----NOTICE-----

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



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00156-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

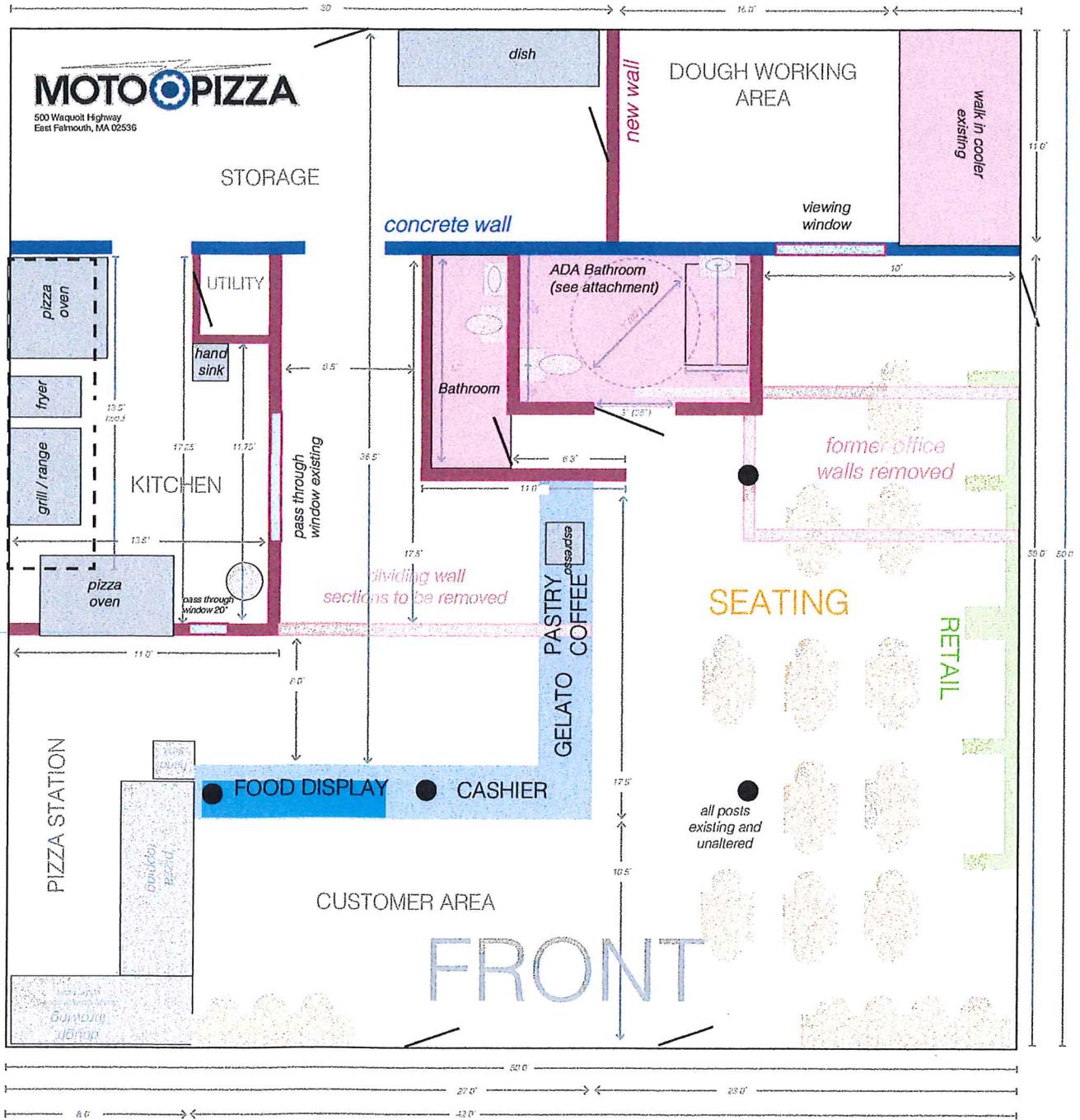
For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

MOTOPIZZA

500 Waquoit Highway
East Falmouth, MA 02536





SALADS

8.⁵
Add grilled chicken +1.⁵

Great Gorg with sweet dates

CRANBERRY ALMOND

Cranberries, goat cheese, and slices of almond on fresh spring greens. Served with Moto-made apple cider vinaigrette.

GREAT GORG

Spring greens topped with gorgonzola, dates, walnuts, cucumber, red onion and heart of palm. Served with balsamic vinaigrette.

CAESAR

Made with freshly-chopped romaine hearts, shaved parmesan, croutons and cracked black pepper. *Add anchovies +2.²⁵

GREEK

Kalamata olive, roasted red pepper, pepperoncini, red onion, cucumber, and tomato—topped with big chunks of feta cheese and oregano.

GARDEN

Fresh spring greens and crisp veggies with roasted red pepper, heart of palm, and croutons.

DESSERTS

DOUGH BABIES (ZEPPOLE) 4

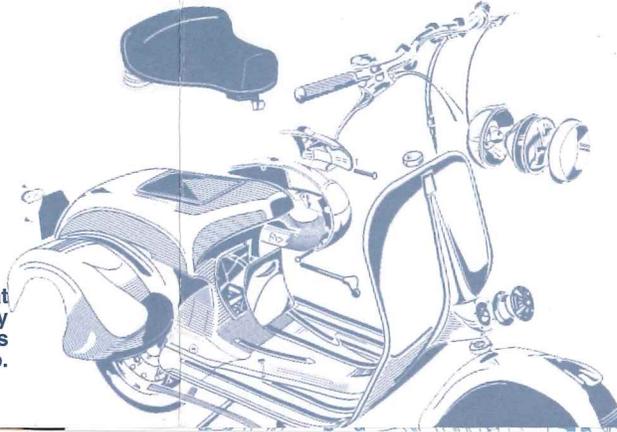
Fried dough balls coated with powdered sugar.

COSMIC CANNOLI

Filled to order with ultra-smooth cannoli cream 3.⁵ and finished with dark chocolate.



Fun flavors of cannoli and gelato at Cosmic—our dessert cafe with specialty coffee, tea, and espresso. It's just across the parking lot from Moto.



MENU

MENU

MOTOPIZZA

Cape Cod's friendliest, tastiest little pizza joint

order online | moto-pizza.com

or call 508.833.7322

Merchant's Square • Sandwich, MA

SANDWICHES

COLD

GRAND CAPRESE 10.⁵
Tender prosciutto di Parma, fresh mozzarella ovoline, basil, Roma tomato, and a balsamic glaze with extra virgin olive oil. —on our own freshly baked demi-baguette.

ITALIAN CIRCUIT 9.²⁵
Salami, hot capicola, ham, and provolone with lettuce, tomato, pickle, red onion, oregano, spicy mustard, and mayo—drenched with olive oil and red wine vinegar. *Add prosciutto (+\$1.⁵)

HOT

PARMESAN SUBS 9.²⁵
Toasted with our own red wine marinara, provolone, and shaved parmesan cheese.

- **Meatball** Parmesan w/ Moto-made 'Amazeballs'
- **Eggplant** Parmesan
- **Italian Sausage** Parmesan
- **Chicken** Parmesan



BARBECUE BILLY 9.²⁵
Barbecue chicken topped with applewood smoked bacon and provolone cheese. Also available as a Buffalo Billy.

MIDWAY STEAK & CHEESE 10.⁵
Shaved steak, melted golden cheese, onions, green peppers.

STREET CART 12.⁵
Shaved steak and golden cheese absurdly topped with french fries and special sauce.



Hey. Prices subject to change without notice. Happens all the time. Oh and let us know if anyone in your party has a food allergy before ordering.

WINGS

Dozen 13.⁵
18 Count 19.⁷⁵



- Ethiopian Berbere
- Classic Buffalo
- Smoky Sweet BBQ
- Buttery Garlic
- Honey Sriracha

APPETIZERS

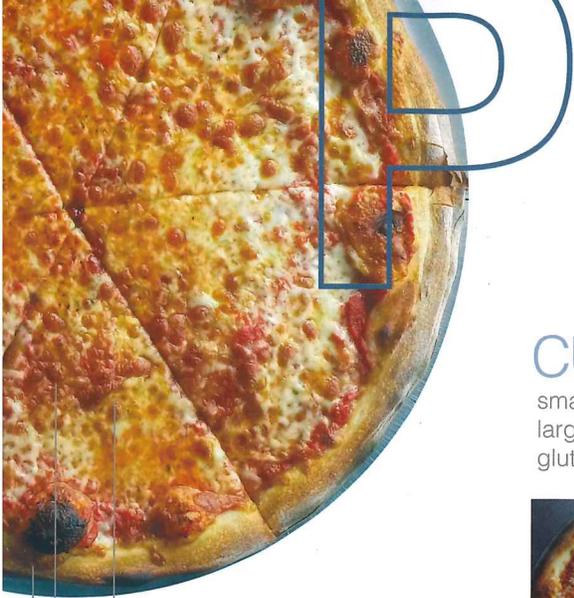
FRIED PICKLES & BOMB SAUCE 6
Because Elvis.

DEEZ (GARLIC) KNOTS 4.²⁵
Buttery and garlicky knots of joy, freshly baked to order. 4-5 knots served with our Moto-made marinara.

MOZZARELLA STICKS 6
Breaded mozz with marinara for dipping. Eerily close to being pizza, if you really think about it.

FRENCH FRIES 4.⁷⁵
Surprisingly good fries for being a pizzeria and all.

CHICKIE TENDERS 8.⁵
Real chicken breasts tenders. None of that nugget stuff. Served with honey mustard.



PIZZA

CUSTOM

small 12 in. 10.⁷⁵
 large 16 in. 14.⁷⁵
 gluten free 10 in. 11.²⁵



A custom build with Moto meatballs, fresh ricotta, and 12-hour slow roasted tomatoes. Boom for real.

- 100% Whole milk mozzarella
- Sweet, deeply-flavorful crushed tomato
- Hand-tossed, artisan crust made with local spring water

toppings

small 1.²⁵ / .⁶⁵ half
 large 1.⁵ / .⁸⁵ half

- Almonds, sliced
- Anchovy (+\$1)
- Artichoke heart, marinated
- Bacon, applewood smoked
- Basil leaf
- Broccoli
- Chicken, breaded
- Chicken, grilled
- Dates (+\$1)
- Eggplant, breaded
- Feta
- Garlic
- Goat cheese (+\$1)
- Ham
- Hamburger
- Jalapeño
- Leeks
- Linguica
- Maple syrup (+\$1)
- Meatball
- Mushroom
- Olive, black
- Olive, Kalamata
- Onion (yellow)
- Onion, caramelized (+\$1)
- Onion, red
- Pepper, green
- Pepper, roasted red
- Pepperoni
- Pickle
- Pineapple (fresh cut)
- Prosciutto di Parma (+\$1)
- Ricotta
- Salami, Genoa
- Sausage
- Slow-roasted tomato (+\$1)
- Spinach
- Tomato
- Walnuts

HOUSE CREATIONS

Sm 12 in. \$16 -
Lg 16 in. \$20 -

BAJA STREET CORN **SNEW!*

Chili-roasted sweet corn with Cojita cheese, mayo, and fresh cilantro.

APPLEWOOD

Tart apples, applewood smoked bacon, gorgonzola, and a hint of maple.

POTATO DILL

Cheesy potato layered with sour cream, onion, and fresh dill.

ALSATIAN BACON

Nutmeg dusted fromage blanc with caramelized onions and thick bacon.

HOT HONEY GOAT

Chili pepper infused honey drizzled on an ultra-thin crust with goat cheese. Finished with fresh basil leaf.

FIG & LEEK *w/ PROSCIUTTO*

Sweet fig butter topped with sautéed leeks, and prosciutto di Parma.

BIG FUN

All beef hamburger, special sauce, golden cheese, pickle, onion—finished with shredded lettuce and sesame seed.

SUGARBERRY HAM

Creamy brie and smoky ham with a maple brown sugar glaze and hint of island spice.

MOROCCAN TOMATO **SNEW!*

Fragrant herbs on an ultra thin crust. Covered with tomatoes, goat cheese, and finished with fresh mint.

A minty Moroccan Tomato



Baja Street Corn - BYO Pacifico.



Classic Whitey with broccoli.

CLASSICS

MARGHERITA

The classic Neapolitan tradition: sweet, crushed tomatoes with fresh basil and milky fresh mozzarella ovoline.

16 20

WHITEY

Creamy ricotta peaks surrounded by olive oil and garlic, topped with mozzarella and oregano. Add some toppings.

13.25 17.75

BARBECUE OR BUFFALO CHICKEN

Choose grilled or breaded chicken. Add some toppings.

13.25 17.75

MEATY Pepperoni, sausage, ham, hamburger.

16 20

VEGGIE Green pepper, onion, olive, mushroom, tomato.

16 20

DELUXE A heavy assortment of veg and meat.

16 20

HAWAIIAN Fresh-cut pineapple and ham.

13.25 17.75



ANNOUNCEMENT

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

This hearing is being conducted in accordance with the provisions of General Laws Chapter 138, Section 64, which requires that the Board of Selectmen investigate complaints regarding liquor licenses with the witnesses under oath. In order to comply with the statute, all persons intending to testify at this hearing shall now stand.

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

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

Town of Falmouth
Board of Selectmen

Alcoholic Beverages License Violation Policy

Adopted February 22, 2016

Scope: Pursuant to the provisions of Massachusetts General Laws Chapter 138, § 1 *et seq.*, the Board of Selectmen (hereinafter “the Board”) shall have the authority to suspend, revoke or take other appropriate action regarding an alcoholic beverages license of a duly authorized licensee (hereinafter “licensee”) after a hearing as required by law.

In addition to any criminal penalties sought by local law enforcement against the licensee, the Board adopts this Alcoholic Beverages Violation Policy to promote fair enforcement of alcoholic beverage licensing laws. This policy is for guidance only and does not limit the discretion of the Board to take other action under appropriate circumstances.

First Offense:

- Minimum sanction – written warning with a clear indication that any further violations will be penalized in accordance with the guidelines provided for a second offense.
- Maximum sanction – up to a six-day suspension of license and/or fine up to \$1,000.
 - For sales to minor, where there are no aggravating circumstances, the Board of Selectmen, in the exercise of its discretion, may offer first time violators the option to purchase and install Age Verification apparatus (hereinafter “license swiping machine”) in exchange for penalty reduction. License-swiping machines have been demonstrated to reduce instances of the sale of alcoholic beverages to minors. In the event the licensee agrees to this option, the licensee must install the license-swiping machine within thirty days of issuance of the sanction and submit monthly reports for three months following the purchase and installation of the apparatus.

Second Offense:

- Minimum sanction – three-day suspension of license.
- Maximum sanction – six-day suspension of license and/or fine up to \$1,000.

Third Offense:

- Minimum sanction – six-day suspension of license.
- Maximum sanction – twelve-day suspension of license or revocation of license and/or fine up to \$1,000.

Fourth or Subsequent Offense:

- Minimum sanction – fourteen day suspension of license.
- Maximum sanction – revocation of license and/or fine up to \$1,000.

Mitigating and/or Aggravating Factors

In the exercise of its discretion, the Board may also consider the following factors in the imposition of penalties against the licensee. This list is not intended to be exhaustive and the Board may consider other aggravating or mitigating factors that may be present in any given situation.

1. Actions taken by the licensee to prevent future violations, including, but not limited to the purchase of age verification apparatus or server training;
2. Past history in relation to compliance checks or health inspections, including the number of years operating the business;
3. Deliberateness of the violation;
4. Management level of employees involved in the violation; and
5. Licensee's failure to comply with server training requirements.

Additional Requirement/Considerations

Only offenses that have occurred within the last four years preceding the date of the violation shall be used in calculating the number of offenses for the purposes of these policy guidelines. A change of ownership of the licensed establishment, will reset the count of previous offenses at zero. This shall not apply where the new owner is a family member or former employee of at least one year duration.

In the event of a suspension issued pursuant to these guidelines, licensees must post notices on the front door of the establishment as well as on all cooler doors (where applicable) stating clearly that the establishment's license to sell alcohol has been suspended, the time period of the suspension, the reason for the suspension; internal cooler doors must be locked during the suspension period.

Establishments that are targeted by local law enforcement compliance checks and abide by the laws of the Commonwealth of Massachusetts with respect to the sale of alcohol to minors during said compliance checks shall be noticed in writing by local law enforcement within thirty days, with a copy to the Board.

Correspondence between licensees, local law enforcement and/or the Board, regarding license violations shall be sent via certified and regular mail or hand delivered.

The Board will consider the day of the week and the season of the year when determining dates for suspension of license and suspension shall be served on corresponding days and seasons. The Board will consider the 5-day appeal period to the Massachusetts Alcoholic Beverages Control Commission in determining appropriate dates for suspensions.

The preceding guidelines shall not be construed to restrict, in any manner, the powers of the Board to otherwise modify, suspend or revoke any liquor license as a result for a licensee's failure to comply with the laws of the Commonwealth of Massachusetts.



Falmouth Police Department
Chief Edward A. Dunne

November 1, 2019

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

Dear Board of Selectmen,

During the month of July 2019, the Falmouth Police Department conducted minimum age purchase law compliance checks at establishments licensed to sell alcohol in the Town of Falmouth. During the operation, all Alcoholic Beverage Control Commission Guidelines were followed and adhered to. (please see attached)

When a violation occurred, the establishment was notified immediately. A temporary notice was issued and they were advised that they would receive a formal notice of violation in the near future.

The following are the stores that failed:

1. John's Liquors
2. Intergas/ Main Street.

I'm requesting the Board of Selectmen to bring these establishments in front of their board for a hearing regarding these violations. Attached, you will find the letters that were sent to each business above.

Sincerely,

Edward A. Dunne
Chief of Police

cc: Town Manager
File



To: Chief Edward Dunne

From: Sergeant Michael Simoneau

Date: September 16, 2019

Subject: 2019 Minimum Age Purchase Law Compliance Checks

During the month of July 2019 , The Falmouth Police Department conducted Minimum Age Purchase Law Compliance Checks at establishments licensed to sell alcohol in the Town of Falmouth. During the operation, all Alcoholic Beverage Control Commission Guidelines were followed and adhered to. (please see attached)

When a violation occurred, the establishment was notified immediately. A temporary notice of violation was issued and they were advised that they would receive a formal notice of violation in the near future.

Please see attached list of all establishments that were found to be in compliance as well as the list of establishments that were found to be in violation. I have also attached reports from each incident as well as all intake paperwork and photographs from the underage subject.

Respectfully,

A handwritten signature in cursive script that reads "Michael Simoneau".

Sgt. Michael Simoneau



Commonwealth of Massachusetts
 Department of the State Treasurer
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
 Telephone: (617) 727-3040
 Fax: (617) 727-3065

Steven Grossman
 Treasurer and Receiver General

Kim Gainsboro
 Chairman

COMPLIANCE CHECK GUIDELINES

These guidelines are intended to provide the basic framework, which will be used when conducting underage drinking compliance checks on licenses premises.

- 1) Notification that a compliance check will be taking place will be made in the media prior to the start date.
- 2) The underage person taking part in the compliance check should reasonably look their age. Efforts to make them appear older should be avoided.
- 3) A photo of the underage person should be taken and attached to the information requested in #6.
- 4) The underage person should not be carrying any identification when taking part in the compliance check.
- 5) The underage person should not carry any money with them other than that given by the ABCC Investigator or law enforcement officer supervising them.
- 6) The underage person shall sign a release form prior to starting participation in this program. The underage person and an ABCC Investigator or any other law enforcement officer should also sign and date a copy of these guidelines.
- 7) Unless circumstances warrant, the underage person shall be given a B.A.C test at the beginning and at the conclusion of the investigation. They should be informed of this prior to beginning the investigation.
- 8) The underage person shall enter the licenses premises under observation by an ABCC Investigator and/or a law enforcement officer.
- 9) The underage person shall attempt to purchase an alcoholic beverage. They should attempt to purchase the same thing at each location.
- 10) At no time shall the underage person attempt to misrepresent their age or provide any identification.
- 11) If asked for identification, the underage person should leave the establishment.
- 12) If served at any on-premise establishment, the underage person shall remain on the licenses premises for a period of time instructed by the ABCC Investigator or law enforcement officer. They should then exit the licensed premises leaving the alcoholic beverage. If served at an off-premises establishment, the underage person shall carry the alcoholic beverage out to the ABCC Investigator and/or law enforcement officer.
- 13) At no time, under any circumstances, shall the underage person consume any alcoholic beverage.
- 14) The safety and welfare of all underage participants will be of the utmost importance to the ABCC Investigator and law enforcement personnel. Underage persons shall not be exposed to any unusual, unnecessary or unreasonable risk.
- 15) The underage person will not wear, exhibit or carry any ABCC or law enforcement identification or falsely represent themselves as an employee of this agency or any other law enforcement unit while participating in this program. They shall not under any circumstances carry a weapon.
- 16) ABCC Investigators and law enforcement personnel should only enter the premises to observe on an as needed basis when circumstances warrant.
- 17) Notice to licensees of alleged violations will be given upon conclusion of the compliance check. Official notification of date, time and place of hearing.

UNDERAGE OPERATIVE: *Joseph [Signature]*

Date: 7/12/2019

ABCC INVESTIGATOR OR LAW ENFORCEMENT OFFICER: *MA [Signature]*

Date: 7/12/2019

2019

Minimum Age Purchase Compliance Checks / PASSED

1) Kappys

Minimum Age Purchase Compliance Checks/ Violation

1. Johns Liquors

2. Intergas/Main St



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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

November 5, 2019

By Certified Mail and U.S. Mail

Falmouth Fine Wines and Spirits, LLC
d/b/a John's Liquor Store
Attention: Mark Ferreira, Manager
729 Main Street
Falmouth, MA 02540

Dear Mr. Ferreira:

The Board of Selectmen, as Licensing Authority of the Town of Falmouth, will conduct a Hearing in accordance with M.G.L. Chapter 138, Section 64, to determine if there are violations of the alcoholic beverage license issued to Falmouth Fine Wines and Spirits, LLC d/b/a John's Liquor Store. On July 12, 2019, a Falmouth Police Detective and a Falmouth Liquor Agent witnessed the sale of an alcoholic beverage to a youth buyer in your establishment.

The Hearing will be held on Monday, November 18, 2019 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall, 59 Town Hall Square, Falmouth, MA. You may attend with counsel and present witnesses. Other rules of procedures will be announced at the beginning of the Hearing. The Board of Selectmen may modify, suspend or revoke the licenses or take any other appropriate action consistent with the evidence.

Sincerely,

Julian M. Suso
Town Manager

JMS/dsd
Enclosures

cc: Falmouth Board of Selectmen
Edward A. Dunne, Chief of Police
Frank Duffy, Town Counsel

To: Chief Dunne

From: Sergeant Simoneau

Date: September 16, 2019

Subject: Minimum Age Purchase Law Compliance Check/Johns Liquors

On July 12, 2019 at approximately 5:50pm, I Sgt. Michael Simoneau along with Officer Joshua Oliver conducted a Minimum Age Purchase Law Compliance Check at Johns Liquors located at 729 Main St.

An underage subject was sent in to the store with money issued by this investigator and instructed to attempt to purchase a six pack of Bud Light Bottles. The underage subject successfully purchased the six pack of beer and exited the premises.

I took custody of the beer and the change from the transaction and returned it to the store. I advised the clerk whom I identified as Michael Kidwell that he had just sold to an underage person.

I issued a temporary notice of violation to the store owner Mark Ferreira who was on site. I advised him that he would receive a formal notice of violation in the near future.

Note: Manager on record: Mark Ferreira

Respectfully,

A handwritten signature in black ink that reads "Michael Simoneau". The signature is written in a cursive style with a prominent flourish at the end.

Sgt. Michael Simoneau

Town of Falmouth



POLICE DEPARTMENT
750 Main Street
Falmouth, Massachusetts 02540-3297
774-255-4527

Central Records
(508) 457-2532
Fax (508) 457-2566

MINIMUM AGE PURCHASE LAW COMPLIANCE CHECK FIELD REPORT

Date: 7/12/2019

To: Chief Edward A. Dunne
From: Sergeant Michael Simoneau
Re: Establishment Investigated:

Name: Johns Liquors

Address: 729 MAIN ST Falmouth Ma.

Violation: (YES) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Chapter 138, section 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

Violation: (NO)

Compliance check conducted with the following results being reported:

Time Entered 5 : 51 Time Exited 5 : 53

Was Identification requested: YES (NO)

Who requested Identification: _____

Was A.B. Purchased: (YES) NO

What type of Alcoholic Beverage: Bud light Platinum SIX PACK

How much did it cost: \$ 8.00

Describe Person who sold A.B.: Male, Forties, 5'10" Button down shirt

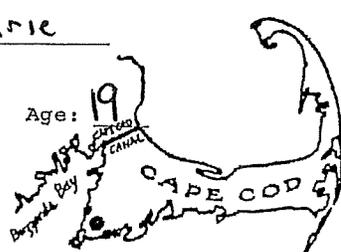
Name of Person who sold A.B.: Mike Kidwell

Was any A.B. Consumed: YES (NO)
Signed under the pains and penalties of perjury this day 20

Signature [Handwritten Signature]

Jacob Guthrie
Name

DOB: 11/15/99



Witnessed: [Handwritten Signature]
Investigator
Witnessed: [Handwritten Signature]
Investigator

Licensee: Mark Ferreira



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

November 5, 2019

By Certified Mail and U.S. Mail

Intergas Service Center, Inc.
Attention: Joseph Saade, Manager
607 Main Street
Falmouth, MA 02540

Dear Mr. Saade:

The Board of Selectmen, as Licensing Authority of the Town of Falmouth, will conduct a Hearing in accordance with M.G.L. Chapter 138, Section 64, to determine if there are violations of the alcoholic beverage license issued to Intergas Service Center, Inc. On July 12, 2019, a Falmouth Police Detective and a Falmouth Liquor Agent witnessed the sale of an alcoholic beverage to a youth buyer in your establishment.

The Hearing will be held on Monday, November 18, 2019 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall, 59 Town Hall Square, Falmouth, MA. You may attend with counsel and present witnesses. Other rules of procedures will be announced at the beginning of the Hearing. The Board of Selectmen may modify, suspend or revoke the licenses or take any other appropriate action consistent with the evidence.

Sincerely,

Julian M. Suso
Town Manager

JMS/dsd
Enclosures

cc: Falmouth Board of Selectmen
Edward A. Dunne, Chief of Police
Frank Duffy, Town Counsel

To: Chief Dunne

From: Sergeant Simoneau

Date: September 16, 2019

Subject: Minimum Age Purchase Law Compliance Check/Intergas

On July 12, 2019 at approximately 6:15pm, I Sergeant Michael Simoneau along with Officer Joshua Oliver conducted a Minimum Age Purchase Law Compliance Check at Intergas located at 607 Main St.

An underage subject was sent into the establishment with money issued by this investigator and instructed to attempt to purchase a six pack of Bud Light bottles. The underage subject successfully purchased the six pack of beer and exited the premises.

I took custody of the beer and the change from the transaction and returned it to the store and advised the clerk that he has just sold to an underage person. The clerk was identified as Lues Silva.

Mr. Silva was issued a temporary letter of violation and was advised that the store would be receiving a formal letter of violation in the near future.

Note: Manager on record: Joseph Saade

Respectfully,

A handwritten signature in cursive script that reads "Michael Simoneau".

Sgt. Michael Simoneau

Town of Falmouth



POLICE DEPARTMENT
750 Main Street
Falmouth, Massachusetts 02540-3297
774-255-4527

Central Records
(508) 457-2532
Fax (508) 457-2566

MINIMUM AGE PURCHASE LAW COMPLIANCE CHECK FIELD REPORT

Date: 7/12/2019

To: Chief Edward A. Dunne
From: Sergeant Michael Simoneau
Re: Establishment Investigated:

Name: Intengas

Address: 607 MAIN ST Falmouth Ma.

Violation: (YES) 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: Chapter 138, section 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age.
Violation: (NO)

Compliance check conducted with the following results being reported:

Time Entered 6 : 15 Time Exited 6 : 17

Was Identification requested: YES (NO)

Who requested Identification: _____

Was A.B. Purchased: (YES) NO

What type of Alcoholic Beverage: Bud Light Bottle Six pack

How much did it cost: \$ 7.29

Describe Person who sold A.B.: male, twenties, Blue Polo

Name of Person who sold A.B.: Luis Silva

Was any A.B. Consumed: YES (NO)

Signed under the pains and penalties of perjury this day 20

M. Simoneau SGT FPD.
Signature

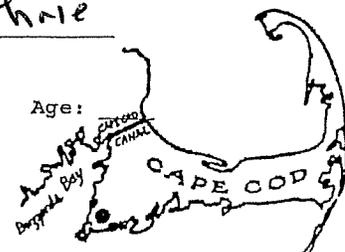
Imelda Guthrie
Name

DOB: 11, 15, 99

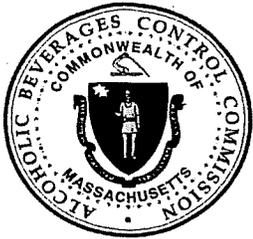
Age:

Witnessed: M. Simoneau
Investigator

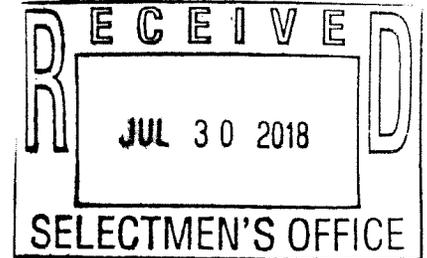
Witnessed: Joseph Suede
Investigator



MGR. ON
License Joseph Suede.



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Tel. (617) 727-3040
Fax: (617) 727-1510



Jean M. Lorizio, Esq.
Chairman

DECISION

INTERGAS SERVICES CENTER INC.
607 MAIN ST.
FALMOUTH, MA 02540
LICENSE#: 89189-PK-0309
VIOLATION DATE: 5/29/2018
HEARING DATE: 7/24/2018

Intergas Services Center Inc. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 15. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, July 24, 2018, regarding an alleged violation of 204 CMR 2.05 (2) – Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Prior to the commencement of the hearing, the Licensee stipulated to the violation alleged in Investigator Velez's Report.

The following documents are in evidence:

1. Investigator Velez's Compliance Check Field Report; and
2. Licensee's Stipulation of Facts.
 - A. Licensee's Documents: School of Bartending Certifications; Employees' Training Acknowledgements; TIPS Certificates; and Passport Photocopy.

There is one (1) audio recording of this hearing.

The Commission took Administrative Notice of the Licensee's record.

FACTS

1. On Tuesday, May 29, 2018, at approximately 6:35 p.m., Investigator Binienda and Velez ("Investigators") investigated the business of Intergas Services Center Inc.
2. An underage operative, working with Investigators, purchased from the Licensee an alcoholic beverage, a 6-pack of Bud Light beer, for six dollars and ninety-nine cents (\$6.99). The underage operative was not asked for identification.

CONCLUSION

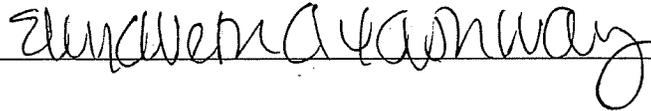
Based on the evidence, the Commission finds the Licensee violated 204 CMR 2.05 (2) Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34 – Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age. Therefore, the Commission **suspends the license for two (2) days which will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner



Elizabeth A. Lashway, Commissioner



Dated: July 25, 2018

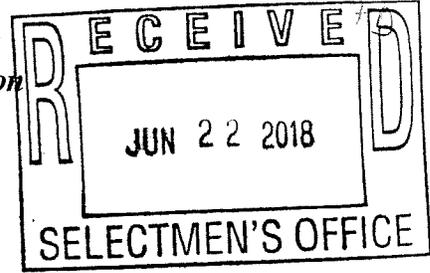
You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Nicholas Velez, Investigator
Jamie Binienda, Investigator
Richard J. Harb, Esq. via facsimile 774-330-3956
Administration, File



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114



Jean M. Lorizio, Esq
Chairman

NOTICE OF HEARING
COMPLIANCE CHECK

June 08, 2018

VIA FIRST CLASS MAIL

INTERGAS SERVICES CENTER INC.
607 MAIN ST
FALMOUTH, MA 02540
LICENSE#: 89189-PK-0390

You are hereby notified that a hearing will be held by the Alcoholic Beverages Control Commission at 239 Causeway Street, 1st floor, Boston, MA, on:

Tuesday, July 24, 2018 at 12:00 PM

to determine whether you have violated certain provisions of Massachusetts General Laws (M.G.L) or Code of Massachusetts Regulations (CMR) as follows:

204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: M.G.L. Ch.138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one (21) years of age.

Date of Alleged Violation **Tuesday, May 29, 2018** at approximately **06:35 PM**

Hearings are held pursuant to the Informal/Fair Hearing Rules under M.G.L. Ch.138, C. 30A and 801 CMR §§ 1.02 and §1.03. Reports, if any, concerning the violations charged and your license file, may be examined and copied at the Commission's office with advance notice.

NOTE: It is important that licensees and those interested in this matter attend the hearing to present evidence and testimony. The Commission has the authority to suspend, modify, revoke or cancel licenses.

Hearings are audio recorded. Pursuant to M.G.L. C.30A, §11 six (6) written transcripts will be furnished if requested in writing with tender of payment. You may arrange for your own stenographer.

If you have any questions regarding the scheduling of this hearing please contact Patricia Hathaway at (617) 727-3040 x738 or phathaway@tre.state.ma.us.

Ralph Sacramone
Executive Director

EDIC

1 vacancy (due to the resignation of Brooks Bartlett)

- Term until 6/30/22

3 applicants:

- Courtney Bird
- Robert Ripley
- Thomas Feronti

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XVII	PUBLIC WELFARE
Chapter 121C	ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATIONS
Section 3	ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION; AUTHORITY TO ORGANIZE; CONSOLIDATIONS; MEMBERS OF BOARD OF DIRECTORS; SURETY BONDS; COMPENSATION AND REIMBURSEMENTS

Section 3. There is hereby authorized in each municipality in the commonwealth the organization of an economic development and industrial corporation, a public body politic and corporate, hereinafter referred to as the corporation. No such corporation, however, shall be organized, transact any business, employ any personnel or exercise any powers until the city council with the approval of the city manager, in a city having a Plan D or Plan E form of charter, or with the approval of the mayor in any other city, or by the board of selectmen in a town, shall by vote declare a need for such a corporation because unemployment or the threat thereof exists in the city or town or that security against future unemployment and lack of business opportunity is required and that attracting new industry into the municipality and substantially expanding existing industry through an economic development project or projects financed under this chapter and implemented by such a corporation would alleviate the unemployment and lack of business opportunity problems.

In the event that two or more municipalities wish to consolidate their economic development and industrial corporations, each such municipality desirous of such a consolidation shall so vote as a city or town in the manner hereinbefore described. Such a vote may be made at the same time as the vote to organize the corporation or may be made at a time subsequent thereto.

There shall be seven members of the board of directors of the corporation who shall be appointed by the municipality. At least one member shall be experienced in industrial development, one in financial matters, one in real estate matters, one in municipal government, at least one member representative of low income people who shall be chosen from a list of three submitted by the regional or local community action agency or, where there is no such agency, from a list of three submitted by the department of housing and community development. The appointing municipality shall designate one of the seven members as chairman and another as vice-chairman. Each of the seven members shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the seven directors shall constitute a quorum for the transaction of any business, but the action of a majority of the entire board shall be necessary for any transaction. For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be deemed to be an authority

established by the general court to serve a public purpose in the commonwealth. Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date, and three for three years from said date. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member may be removed by the municipality for malfeasance, misfeasance, or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived, and after approval by MOBD. For purposes of chapter two hundred sixty-eight A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the legal counsel of the municipality and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

November 12, 2019

Memorandum to: Falmouth Board of Selectmen and Julian Suso, Town Manager for consideration at the Board's November 18, 2019 meeting
From: Water Quality Management Committee
Re: Recommended Amendments to Draft South Coast Embayments and West Falmouth Harbor CWMP/TWMP "Notice of Project Change Update".

Following the presentation of the draft South Coast and Oyster Pond CWMPs to the Board on September 16, 2019, and Board discussion on October 28, 2019, the Water Quality Management Committee, at its meeting on November 7, 2019 voted to recommend the following changes to the South Coast CWMP and the following action regarding the Oyster Pond CWMP.

CWMP for South Coast Embayments- recommended amendments

1. Amend the title to read: "South Coast Embayments *and West Falmouth Harbor* CWMP/TWMP" "Notice of Project Change Update"
2. Insert language regarding 'climate change':
Page 11-6, Item 3. Development of a Recommended Plan. Insert a new task:

"b:" "This plan will specifically incorporate the anticipated effects that climate change, such as sea level rise, may have on the proposed service area and wastewater infrastructure."

Page ES-18 of Section ES-11 CWMP/TWMP Notice of Project Change Summary and Next Steps:

"The TWMP for the Great Pond watershed will provide information on several key elements including: the background on the watershed, update and recommended effluent discharge site selection, development of a recommended plan including consideration of the projected impacts of climate change (eg. sea level rise), an update to the environmental impact analysis, and an update to the Section 61 findings and mitigation measures."

CWMP for Oyster Pond – recommend postpone submission of CWMP

At the request of Ray Jack, DPW Director, the Water Quality Management Committee unanimously voted that submittal of the Oyster Pond CWMP should be delayed until the final South Coast Embayments and West Falmouth Harbor CWMP/TWMP has been approved and the discharge permit renewal for the Wastewater Treatment Facility has been approved. The delay is estimated to be about six months.

Julian Suso

From: Eric t. Turkington <eric.t.turkington@gmail.com>
Sent: Tuesday, November 12, 2019 11:28 AM
To: 'Julian Suso'; Megan English Braga
Subject: Recommended amendments to draft CWMPs from Water Quality Management Committee
Attachments: MEMO to BOS for 11.docx

Julian and Megan – Attached is a memorandum detailing recommended amendments to the South Coast CWMP and recommended action regarding the Oyster Pond CWMP from the Water Quality Management Committee. ERIC

Town of Falmouth Complete Streets Policy

Introduction

The Town of Falmouth is a diverse, historical, seaside community with a rich cultural background pre-dating the revolutionary war. The transportation system experiences significant seasonal challenges owing to harsh New England winters and the summer influx of tourists.

Falmouth is committed to providing a transportation system and infrastructure that is safe, efficient, accessible and reliable to accommodate the widest array of transport modes.

Vision and Intent

Complete Streets are intended to provide safety, comfort and accessibility for all the users of our roads, trails and transit systems which include pedestrians, bicyclists, motorists, transit riders, commercial vehicles and emergency vehicles. “Users” refers to people of all ages, abilities / disabilities and income levels. Further, Complete Streets principles contribute toward the safety, health, economic viability and quality of life in the community by providing greater opportunities in multi-modal and non-motorized transportation in conjunction with accessible and efficient transportation connections between home, school, work, recreation, medical facilities and retail destinations by improving the pedestrian, cyclist and vehicular infrastructure environments throughout the community.

The intent of Falmouth’s Complete Streets Policy, therefore, is to accommodate all users by creating a roadway network that fulfills the needs of persons utilizing a variety of transportation modes.

The Town will, to the maximum extent possible, design, construct, maintain and operate all streets to provide for a comprehensive and integrated roadway network of facilities for people of all ages and abilities.

Core Commitment

The Town of Falmouth recognizes that users of all transportation modes including, but not limited to pedestrians, cyclists, transit and school bus riders, motorists, delivery and service personnel, freight haulers and emergency responders are legitimate users of roadways and deserving of safe facilities.

All roadway projects – including new, reconstruction or maintenance – represent opportunities to implement Complete Streets design principles. Where feasible, Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects. This includes transportation infrastructure and roadway design projects requiring funding or approval by the Town of Falmouth as well as projects funded by the state or federal government such as Chapter 90 funds, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), Capital Funding and other state and federal funds for roadway and infrastructure design. The same will be applied to private developments and roadway related design components. In addition, to the extent practical, state-owned roadways will comply with the Complete Streets resolution, including the design, construction and maintenance of such roadways within Town boundaries.

The Department of Public Works shall use its best judgement regarding the feasibility of applying Complete Streets principles for routine roadway maintenance and projects.

Transportation infrastructure projects, including, but not limited to roadway reconstruction, roadway reconfiguration, subdivisions or transportation improvements may be excluded upon approval by the Director of Public Works or designee where documentation and data indicate any of the following:

- Areas where specific users are prohibited by law such as interstate freeways or pedestrian malls. An effort will be made, in these cases, for accommodations elsewhere.
- Where the costs or impacts of accommodation is excessively disproportionate to the need or probable use.
- There is an absence of current and future need.
- Protected scenic, historic and/or environmental features/qualities would be adversely impacted.

Best Practices

The Town of Falmouth's Complete Streets Policy focuses on developing a connected, integrated transportation network that serves all users. Complete Streets principles will be integrated into policies, planning and design of all types of public and private projects, including new construction, reconstruction, rehabilitation or repair / maintenance of transportation facilities on roadways and redevelopment projects.

The Town of Falmouth recognizes that Complete Streets may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time.

Complete Streets principles include the development and implementation of projects in a context-sensitive manner in which project implementation is sensitive to the community's physical, economic and social setting. The context-sensitive approach to process and design includes a range of goals by considering stakeholder and community values on a level plane with the project need. It includes goals related to livability with greater participation of those affected in order to gain project consensus. The design process may incorporate flexibility to balance user's needs. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical and environmental resources while improving or maintaining safety, mobility and infrastructure conditions.

The latest design guidance, standards and recommendations available will be used in the implementation of Complete Streets including, but not limited to:

- Massachusetts Department of Transportation (MassDOT) - Project Development & Design Guide
- American Association of State Highway Transportation Officials (AASHTO) – A policy on Geometric Design of Highway and Streets
- United States Department of Transportation Federal Highway Administration's - Manual on Uniform Traffic Control Devices
- Architectural Access Board (AAB) – 521 CMR Rules and Regulations
- National Association of City Transportation Officials (NACTO) – Urban Street Design Guide and Urban Bikeway Guide
- Cape Cod Commission – Complete Streets/Living Streets Design Manual
- Cape Cod Metropolitan Planning Organization – Regional Transportation Plan

The Town of Falmouth Complete Streets Policy shall be consistent with project selection criteria for multi-purpose pathway and pedestrian projects as determined by the Falmouth Department of Public Works. Guidance for selection criteria may be found in the above cited references.

Generally, selection criteria will favor projects that meet one or more of the following categories:

- Continuity – These projects alleviate network gaps or deficiencies. The facilities integrate with or improve an existing network or link to either complete or extend systems. However, a project that is the first element of a planned multi-purpose path or walkway system will also be valued. Isolated projects with no clearly defined origin or destination will be avoided.
- Destinations / Attractions – The purpose of such facilities is to provide pedestrian or multi-modal links to destinations including transit stops, business district / shopping centers, beaches, playgrounds or other pedestrian oriented destinations.
- Schools – These facilities serve roadways and the transportation network surrounding schools. They may augment other programs such as Safe Routes to Schools.

- Regional Connectivity – Projects that integrate with regionally recognized routes or networks that extend into adjacent communities.

Implementation

Falmouth’s Town Planner shall integrate Complete Streets principles in all new planning documents as applicable (e.g., Master Plan, Open Space Plan, Historic Plan). The Planner shall make recommendations for changes to Site Plan Review criteria and changes to the Subdivision Rules and Regulations to encourage contextual design of Complete Streets policies respecting the presence of important scenic, cultural, environmental and historic resources.

The Town of Falmouth shall approach every transportation project or program as an opportunity to improve roadways and the overall transportation network for all users.

The Town of Falmouth will prioritize and implement recommended improvements under the Americans with Disabilities Act Transition Plan.

Approved projects meeting the requirements of this Complete Streets Policy will be incorporated into the Town’s Capital Improvement Plan.

The Town of Falmouth will ensure the availability of training for pertinent staff and decision-makers on the content of Complete Streets principles and best practices.

This policy was adopted by the Board of Selectmen at a public meeting on _____, 2019.

Megan English-Braga
Chairman, Board of Selectmen

Date

Julian M. Suso
Town manager

Date



Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

October 28, 2019

Megan English Braga, Chairman
Falmouth Board of Selectmen
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Long-Range Vineyard Transportation Task Force and
Working Group to Identify and Develop Ways to Mitigate Traffic
Issues arising from the SSA's Woods Hole Ferry Terminal Operations

Dear Chairman Braga:

At their October 15, 2019 monthly meeting, the SSA's governing Board unanimously voted:

- to establish a Long-Range Vineyard Transportation Task Force (the "Task Force") to work together with the Martha's Vineyard Commission, the Towns of Falmouth, Oak Bluffs and Tisbury, and the City of New Bedford, and with public input, to attempt to identify reasonable steps that can be taken to address issues and concerns about freight and other traffic in each of those communities on a long-term basis; and
- to establish a different working group (the "Working Group") with the Martha's Vineyard Commission and the Towns of Falmouth, Oak Bluffs and Tisbury to focus exclusively, with public input, on identifying and developing reasonable and practical ways to monitor and enforce compliance with the SSA's current noise mitigation policies as well as identifying and developing additional ways to mitigate traffic issues arising from the SSA's Woods Hole ferry terminal operations – not just during the early morning hours but throughout the day – which can be implemented sooner rather than later.

The Board also authorized me to take all necessary and appropriate actions to establish and facilitate the Task Force and the Working Group, including providing them with reasonable administrative support. (Requests for more substantial financial support for the hiring of any consultants, surveys or other special expenses will be considered on a case-by-case basis.)

Accordingly, I am asking the Town of Falmouth to participate in both the Task Force and the Working Group by:

- Designating two individuals to be its representatives on the Task Force, with one of those individuals ideally being a staff member with transportation and/or planning experience and responsibilities; and
- Designating two individuals to be its representatives on the separate Working Group.

The SSA believes that, once the Task Force and the Working Group begin their work, they can decide for themselves how best they can function in a productive and efficient manner, including how often they should meet in order to accomplish their objectives. In this regard, however, we are open to any suggestions you may have regarding how they should be comprised and operate.

As you may know, the SSA's Board voted to establish the Task Force and the Working Group at the same meeting when the Board voted to approve the SSA's 2020 Summer and Fall Operating Schedules and to issue a report on those proposed schedules in accordance with Section 15A of the SSA's Enabling Act. Because the reasons for establishing the Task Force and the Working Group are described in that report, I am attaching a copy of it (without its appendices) for your convenience. A complete copy of the report with all of its appendices can be viewed and downloaded by going to the SSA's website, clicking on the "About" tab and then the "Policies, Forms and Information" webpage. The report is the seventh item under "Reports on Proposed Operating Schedules." Alternatively, you can directly view and download the report by clicking on the following link:

https://www.steamshipauthority.com/writable/versioned_downloadable_forms/path/report_-_proposed_2020_summer_operating_schedules_-_final.pdf

Of course, if you would like to discuss this matter before deciding whether to designate any individuals to be Falmouth's representatives on the Task Force and/or the Working Group, please feel free to contact me. I also would be more than happy to attend another one of your meetings for this purpose. But given the importance of their missions, we hope that both the Task Force and the Working Group will be able to begin their work as soon as possible.

Very truly yours,

Robert B. Davis

Robert B. Davis
General Manager

Encl: Section 15A Report on Proposed 2020 Summer Operating Schedules (without appendices)

cc: Vice Chair Douglas C. Brown (w/encl.)
Falmouth Selectman Doug Jones (w/encl.)
Falmouth Selectman Susan L. Moran (w/encl.)
Falmouth Selectman Samuel H. Patterson (w/encl.)
Falmouth Town Manager Julian M. Suso (w/encl.)
SSA Board and Port Council Members (w/out encl.)



Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

Report Issued under Section 15A of the Authority's Enabling Act
on the
Proposed 2020 Summer Operating Schedules
of the
Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

Introduction

Section 15A of the Enabling Act of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (the "SSA") requires the SSA to post and advertise in newspapers with general circulation in Falmouth, Barnstable, Martha's Vineyard, Nantucket and New Bedford all of its proposed schedule changes at least 60 days prior to their effective date. St. 1960, c. 701, §15A. Accordingly, the SSA placed advertisements of its proposed 2020 Summer Operating Schedules for the period from May 15 through October 20, 2020 in the following newspapers:

- *The Inquirer and Mirror* and *The Martha's Vineyard Times* on July 25, 2019; and
- *The Cape Cod Times*, *The Falmouth Enterprise*, *The Standard-Times* and the *Vineyard Gazette* on July 26, 2019.

The SSA's Enabling Act also provides that, if the SSA receives a petition within 30 days of those advertisements that is signed by not less than 50 persons who are residents of any of those communities requesting a public hearing on the proposed schedule changes, the SSA is to conduct a public hearing within 14 days of receiving the petition. In addition, the hearing is to take place in the community where the greatest number of petitioners reside. On August 26, 2019, the SSA received a petition with respect to its proposed 2020 Summer Operating Schedules that was signed by 50 residents of the Town of Falmouth (**Appendix A**). Therefore, the SSA held a public hearing on its proposed schedules at the Falmouth High School Auditorium on September 9, 2019.

The Petitioners' Objection to the SSA's Proposed Schedules

In their petition, the 50 Falmouth residents “object to the scheduling of freight from Woods Hole prior to 6:00AM due to the sleep deprivation caused by the early morning noise impact of Steamship Authority-related freight trucks on Falmouth and Woods Hole residents.” As advertised, the SSA's proposed 2020 Summer Operating Schedules for the Martha's Vineyard route (**Appendix B**) would include the following trips from Woods Hole prior to 6:00 a.m.:

5:30 a.m. *Governor* (from May 15th through October 20th)

The Public Hearing on the Proposed Schedules

SSA Members Robert R. Jones (Barnstable), Marc N. Hanover (Dukes County) and Kathryn Wilson (Falmouth), as well as Port Council member Robert S. C. Munier (Falmouth), attended the public hearing on the proposed 2020 Summer Operating Schedules. The SSA's General Manager Robert B. Davis, Treasurer/Comptroller Mark K Rozum, General Counsel Terence G. Kenneally, Communications Director Sean F. Driscoll, Director of Shoreside Operations Alison Fletcher, and Counsel Steven M. Sayers also attended the hearing. 71 other people signed in at the hearing, and 21 of them gave testimony that day.

1. Peter Francis (Falmouth) – Mr. Francis stated that he works for a food service company that uses a freight boat every day, which means that about 16 trucks travel on it each week during the summer season. He said it would be hard for him to continue his job serving the islands without the early trip, so he supports the 5:30 a.m. boat.
2. Brian Hughes (Southwick) – Mr. Hughes is a fuel transportation driver for the island for a company that runs three trucks per day. He said that he supports the early-morning freight boat so that the trucks can make as little of a disruption possible on the island. Mr. Hughes said the trip has the added benefit of not putting people at risk with big trucks driving around on roads that are made for regular cars during busier times of day.
3. Stephen Araujo (West Tisbury) – Mr. Araujo said that Woods Hole Road is a state-owned road and that, as a truck driver, he and others he knows try to be as hospitable and respectful as possible. He said they are not trying to make a problem or a ruckus; they just want to do their jobs. Mr. Araujo said this effort is an attempt to mess with free trade, noting that he lives off a state road in Vineyard Haven and that he is used to the noise and that it is just part of the day. He said people who live in Falmouth around the Walmart have the same problem and that everyone has to work together on it.
4. Owen White (Berlin, Connecticut) – Mr. White said that his truck drivers regularly are on the 6:30 a.m. hazmat ferry and that, to even get to that boat on time, they have to be on Woods Hole Road by 5:45 a.m. He said that the more that arrival gets delayed until later than 6:00 a.m. will make things very difficult. He said he thinks not having a 5:30 a.m. freight ferry will cause a backup of freight throughout the day.

5. John H. Leite (Oak Bluffs) – Mr. Leite said that the company he manages, JWL Transport, uses the SSA every day, sometimes multiple times a day, and has been since 1953. He said he feels badly for the plight of those who signed the petition suffer from but said it was a choice that was made by them, as individuals. He said there is a law on the books that states that if there is a business in effect and an individual moves into a house they have accepted that. He said while they are entitled to their peace and solitude, the same issue is in effect on the Vineyard and that people know they need that traffic to be able to survive as a community. He said that it would be a big hardship for him to lose the early-morning trips and that, in his opinion there should be more trips. He said he does not think the early-morning trips are going to go away and that they are a necessary evil. Changing the way things are now would present a real hardship to those who need and provide service to the island.
6. Ted Fitzelle (Woods Hole) – Mr. Fitzelle said that what is being said at the hearing so far is malarkey and that the SSA regularly disregards the Town of Falmouth’s wishes. He said it is no longer possible to jam more cars down Woods Hole Road, that the hospital lights are in a constant state of gridlock, that the gas and propane tankers present a danger and that it is all the result of poor planning by the SSA. He said that when the new headquarters was built on Palmer Avenue residents were told it would result in fewer people going down Woods Hole Road and said the SSA should admit it has failed to plan for the future.
7. Margaret Fitzelle (Woods Hole) – Ms. Fitzelle said that she has been living in Falmouth for 51 years and has an eight-year-old granddaughter and that it is dangerous for her and other children to wait for their school bus on Woods Hole Road. She said that questions about the safety of transporting fuel to the island have been raised for years and asked why New Bedford cannot be used as a port for the SSA and if it would take a tragedy for that to happen. She said that she feels her statements will fall on deaf ears and that fuel trucks will continue to boom down Woods Hole Road. She said that those trucks are the nuisance, not the neighbors, and that it is time to try New Bedford.
8. Jim Rogers (Vineyard Haven) – Mr. Rogers said that he sympathizes with people of Woods Hole. He said that he has lived on Martha’s Vineyard his whole life and that his father worked for the SSA for many years and that, overall, they do a pretty good job of providing a reliable mode of public transportation. He said that New Bedford has been tried as a port and would continue to present many problems; additionally, such a move would result in a loss of jobs in Falmouth, as there are many in town who are employed by the SSA. He said that Falmouth has grown a great deal in his lifetime but that the Vineyard has no other way to get its goods delivered. New Bedford is not close to being a reasonable option, would result in more cancelled trips, and would not be a reliable mode of transportation.
9. Peter Goodale (Tisbury) – Mr. Goodale said that he grew up on the Vineyard and now runs his family business there. The SSA was created to service the Vineyard, he said. New Bedford would not work as a port due to the cancellations and transit time and would be more expensive for both the trucking companies and the SSA. He said that trucks are safer to run in the morning than later in the day when more people are on the roads.

10. Deborah Siegal (West Falmouth) – Ms. Siegal said that, although those along Woods Hole Road bear the brunt of the noise, it is not only those people who are affected. She said that lives in West Falmouth a quarter of a mile from Route 28A and is awakened between 4:00 a.m. and 4:30 a.m. by truck noise. She since has found out that people are using traffic apps and using 28A to get around traffic on Route 28 to get to the ferry. She said it is very important for people to realize that it is not just a Woods Hole problem. She understands that people who are just doing their jobs have problems as well, but that the noise is a serious disruption to many lives. The noise problem is not only on Woods Hole Road; people in West Falmouth also are woken up by trucks.

11. Judy Laster (Woods Hole) – Ms. Laster said that the purpose of the hearing is to focus on scheduling, not on how people make a living. She said at a different hearing held by the SSA that she asked them to develop a strategic plan to guide its decision making and that, while she does not know the status of that effort, the SSA should delay a determination on its schedule until that strategic plan has been completed and whatever develops should guide its decision making. She said that Woods Hole residents are not against truck drivers or people on Martha’s Vineyard but they also don’t have to suck it up and take it. She said that there has to be a way to come to a solution that is reasonable and takes into account the community impact and gives the opportunity for people who are not boat-related to provide a community impact statement. She said that the SSA should also do its own traffic study in addition to its strategic planning process. Ms. Laster noted that the many negative comments people are making about the residents of Woods Hole are not helpful. She said that she was disturbed to see that the selectmen of Tisbury and Aquinnah had written letters in favor of the ferry without considering what the people of Woods Hole need as well.

Later in the hearing, Ms. Laster said congestion pricing is being discussed all over the Commonwealth to address travel at different times of day. She asked what things the SSA was looking at to make people change their travel times and suggested that it would make more sense for the SSA to start looking at those issues now rather than later.

12. Becky Connors (Woods Hole) – Ms. Connors said that she manages the Sands of Time hotel and walks across Woods Hole Road six times a day and traffic on the road is very dangerous. She said that the 5:30 a.m. boat is going to be disruptive no matter what and that she has to use her air conditioner to block the noise, meaning that her family cannot enjoy the sea air because her kids are woken up at 3:00 a.m. and 4:00 a.m. by traffic. At the time her family bought their house, there was not the incredible amount of traffic there is now. She said that what the residents want is a give and take and that 5:30 a.m. is simply too early for the people and community of Woods Hole. She said she appreciates that the Vineyard residents have needs but that they have needs as well.

13. Eugenie Kuffler (Woods Hole) – Ms. Kuffler said that she does not like the new Slip No. 3 and that it has destroyed that corner of Woods Hole. If Slips 1 and 2 follow suit, the ships will form a fortress to block the ocean view. The terminal project will force the SSA to attract more cars and trucks to pay off their investments and that the roads will continue to be overwhelmed by traffic.

14. Nan Logan (Woods Hole) – Ms. Logan said that it was both “charming and inconvenient” to live on an island and referred to a friend, Hunter Moorman, who lives in West Tisbury and was unable to attend tonight’s hearing. But she said that Hunter Morman had sent a letter, which she read into the record (and is included in Appendix C of this report).
15. Bob Morris (Woods Hole) – Mr. Morris said that while there has been lots of talk about New Bedford, he sees freight boats sitting in the SSA’s slips all day. He noted that while the SSA’s traffic headcounts have been very flat, Seastreak’s traffic from New Bedford has been up during that same time period.
16. Johnathan Goldman (Woods Hole) – Mr. Goldman said that, unlike the Vineyard, Woods Hole is a “drinking town with a sailing problem” in that a lot of its residents use the water for sailing and recreation. In the context of the 5:30 a.m. boat, it disrupts village life on both sides and that both towns need to be preserved, as each has been affected slowly over time by the SSA’s activities. He said that both the Vineyard and Woods Hole need to be unified and that this is a regional problem. Regarding the truck traffic, he said that he can set his clock by the Jake braking that occurs every day and that, regardless of what they are told, the behavior does not change. The concentrated effort to get trucks to their destination has an impact and that is just the reality. He said that the Vineyard and Woods Hole need to stop seeing each other as combatants, that they have to work together on the issue, and that there has to be a common solution. The two sides need to establish trust and find a common wellbeing. If the SSA rams a 5:30 a.m. boat through Woods Hole again, there is no concession to make and no change to the impression that the SSA is a bull in a china shop.
17. Dan Smith (Woods Hole) – Mr. Smith said that he has lived on Woods Hole Road for 24 years and that the Vineyard gets all the benefit from the freight traffic and Woods Hole gets almost all the hardship.
18. Susan Shephard (Falmouth) – Ms. Shephard said that she has been coming to Falmouth since the 1980s and that it is déjà vu all over again. If the SSA is going to push 2.5 million people through Woods Hole a year, that’s a problem. Although there is a little bit of a hill between her residence and Woods Hole Road, she still hears the traffic every morning. The SSA is pushing more and more camels through a needle and it is not working. She said that part of the solution is to go back to the original mission of the SSA, which is to provide the essentials of life. She said that she sees SSA ads on television all the time, that the SSA has become an entity into and of itself, and that it has forgotten its constituents on both sides. She said she does not know what the answer is but that it has needed to be worked on for three or four decades now.
19. Nat Trumbull (Woods Hole) – Mr. Trumbull said he wished to present several facts then had a statement to read. Freight to the Vineyard is growing at a 4% annual rate, he said, meaning it doubles every 18 years. He called the situation “unmanageable” and that there needs to be strategic thinking. While meeting about these logistics is useful, the larger issue is what he would like to focus on. He said that he has not heard about objections to a 5:30 a.m. ferry and noted that, after looking closely at the Authority’s capacity reports,

the 5:30 a.m. ferry is not full as it leaves Woods Hole, while the 5:30 a.m. trip from the Vineyard is quite full. He said it would appear that the purpose of that ferry is to serve the Vineyard but that it need not involve trucks. He said that the 6:00 a.m. and 6:30 a.m. ferries are also rarely at capacity, which suggests that the trucks could be carried on the 6:00 a.m. ferry without difficulty.

Mr. Trumbull further said that, in regards to the larger issue at hand, the only solution is to be thinking regionally and what can be done to diversify how freight is carried to the Vineyard. The specter of a hazardous materials spill in Woods Hole must keep the SSA up at night, he said, as there is no other solution to delivering freight to the Vineyard. He then proceeded to read a short statement from an unnamed individual in attendance who had given Mr. Trumbull permission to read his solution, an example of the possibility of solutions at hand. The statement noted the increase in truck traffic and the associated safety concerns on the region's highways. The trucks come from various places in New England but a large number of them travel from I-95 along I-495 near New Bedford. (Mr. Trumbull noted his own research shows that 80% to 85% of the traffic headed to the Vineyard takes that route.) The statement continued that the individual's wish was to provide freight shipping services from the Port of New Bedford to multiple Massachusetts ports and would include services such as advertising and marketing, supply chain logistics and back-office support. The intention is to be an autonomous solution for suppliers, including those on Cape Cod and the Islands.

Mr. Trumbull said that this is not the model that the SSA foresees with a tightly integrated participation by the SSA, but he said that it would be worth looking at more closely. He asked that the door not be closed to such initiatives that could provide a viable solution. He also said that Vineyards do not believe it, but that a New Bedford option would help them, as items that do not need to be delivered tomorrow could be delivered slowly and with a lower carbon footprint.

20. Jeff Kristal (Tisbury Selectman, Tisbury) – Mr. Kristal said that he loves Falmouth and Woods Hole and frequently stays in and shops in Woods Hole. He said he hears traffic noise on the Vineyard as well and that it does not bother him, but he has empathy for those who live along Woods Hole Road. He said that Tisbury and Woods Hole are one community and that each should have consideration for the other side. He said that Vineyard Haven is the island's only year-round port and that that the Vineyard's workforce relies on the early trips, as they are what gets the community going. He said that those with health issues who need to get to Boston for treatment also rely on it. He said the island has limited road systems to handle trucks later in the day and that moving freight traffic later will cause added congestion on the island.
21. Leon Brathwaite (Dukes County Commissioner, West Tisbury) – Mr. Brathwaite noted that the Dukes County Commissioners also had written a letter of support for the 5:30 a.m. trip. He said it was his understanding that, by taking vehicles of less than 40 feet on the early trip, a lot of businesses were then able to get their foodstuffs delivered to the island. He said that propane needs to go on the hazardous trip as the island only has a one- to two-

day supply of fuel and that it is critical that the early-morning boats be able to get the fuel there.

Written Testimony Regarding the Proposed Schedules

Although Section 15A of the SSA's Enabling Act requires it only to consider the testimony given at the September 9th public hearing, the SSA decided that, because parties who may be affected by the proposed schedule changes may not be able to attend the public hearing, it should in fairness also consider any written testimony that is submitted regarding the proposed schedule changes. Therefore, in its Notice of Public Hearing, the SSA stated that it would consider such written testimony that is submitted electronically to schedules@steamshipauthority.com or addressed to General Manager Robert B. Davis.

Copies of all of the written testimony received by the SSA are included as **Appendix C** to this report and, therefore, they do not need to be (and are not) described herein. The following individuals submitted written testimony:

1. Robin Ackroyd (Woods Hole);
2. Kimberly Biggs (Vineyard Haven);
3. Kate Nace Day (Woods Hole);
4. Meg Fitzelle (Woods Hole);
5. William R. Funk, III;
6. Celia Gillis (Martha's Vineyard resident);
7. Jonathan Goldman (Woods Hole);
8. Nicole Goldman (Woods Hole);
9. John Grande (Town Administrator for the Town of Tisbury on behalf of the Tisbury Selectmen);
10. Helix DNA;
11. Robert Jaye (Woods Hole);
12. Thomas Jennings (Boston area resident);
13. Virginia C. Jones (Foxfire Marine Consulting, LLC, West Tisbury);
14. Myla Kabat-Zinn (Woods Hole seasonal resident);
15. Jamie Kageleiry (Martha's Vineyard Times);
16. Camilla King (Woods Hole);
17. Judy Kranz (Oak Bluffs);
18. Eugenie Kuffler (Woods Hole);
19. Suzanne Kuffler (Woods Hole);
20. Stephen Laster (Woods Hole);

21. Paul Lobo;
22. Richard Lovering (Woods Hole);
23. Susan Maddigan (Falmouth);
24. Thomas A. Maddigan (Falmouth);
25. Mike McCue (Assonet);
26. Charles A. McIntosh (Martha's Vineyard seasonal resident);
27. Mark R. Metell (Warren Trask Company, Lakeville);
28. Hunter N. Moorman (West Tisbury);
29. Robert Morris (Woods Hole);
30. Russell G. Murphy (Woods Hole);
31. Helen Neumann (Chilmark);
32. Brian Packish (Chairman of the Oak Bluffs Board of Selectmen, on behalf of the Oak Bluffs Board of Selectmen);
33. Lena Prisco (island resident);
34. Tracy Resendes (Boren & Remington Corp., Fall River);
35. Stephen Starosta (Falmouth);
36. Martina Thornton (Duke County Manager on behalf of the Dukes County Commissioners);
37. Nat Trumbull (Woods Hole);
38. Jane Vose;
39. Valerie Walbek (Woods Hole);
40. Chris Warner; and
41. Ryan Webber.

History of the SSA's Early Morning Trips from Woods Hole

The history of the SSA's early morning trips from Woods Hole is described in the previous reports it issued on August 15, 2017 on the SSA's proposed 2018 Winter and Spring Operating Schedules (the "August 15, 2017 Section 15A Report") and on October 17, 2017 on the SSA's proposed 2018 Summer and Fall Operating Schedules (the "October 17, 2017 Section 15A Report"). In summary:

- Until 2007, the SSA's first regularly scheduled trip from Woods Hole was a freight trip that left at 6:15 a.m. that was designated as a hazardous cargo trip on Mondays through Fridays throughout the year (as well as on Saturdays during the summer operating schedules).

- Since 2007, the SSA has regularly scheduled the first trip of the *Island Home* (or a substitute ferry) to leave Woods Hole at 6:00 a.m., the same time that the *Martha's Vineyard* (or another substitute ferry) historically has made (and continues to make) its first daily sailing from Vineyard Haven.
- In September 2011, the SSA tried out a revised schedule for the *Governor* on a trial basis, having its first trip leave Woods Hole at 5:45 a.m. instead of 7:30 a.m. through the remainder of the 2011 Late Summer Operating Schedule.
- Since 2012, the SSA has regularly scheduled the first trip of the *Governor* to leave Woods Hole at 5:30 a.m. during the summer operating schedules.
- In 2013, the SSA began regularly scheduling its first freight trip to leave Woods Hole at 5:30 a.m. during the spring operating schedules as well, but for the reasons described in the August 15, 2017 Section 15A Report this 5:30 a.m. trip has not been operated during any of the SSA's spring operating schedules since 2017.
- In 2015, the SSA also regularly scheduled its first freight trip to leave Woods Hole at 5:30 a.m. during the fall operating schedule. However, in 2016 the SSA stopped operating this trip during the fall operating schedule on December 8, 2016; in 2017 the SSA stopped operating this trip on October 28, 2017; and this trip has not been operated during any of the SSA's fall operating schedules since then.
- By contrast, in its October 17, 2017 Section 15A Report, the SSA concluded that it could not continue to fulfill its statutory obligation of providing adequate transportation for the island of Martha's Vineyard during its summer operating schedules without continuing to operate its 5:30 a.m. freight trip from Woods Hole. However, in order to mitigate the impact of that trip on Woods Hole residents, it adopted certain new operating policies for that trip beginning in 2018, including the following:
 - Limiting the size of the trucks the SSA carries on its 5:30 a.m. freight trip from Woods Hole to trucks that are less than 40 feet in length, so that less noise is generated by the trucks that drive to the SSA's Woods Hole terminal in the early morning hours.
 - Requesting that freight shippers participating in the SSA's bulk freight reservation program who request reservations on the 5:30 a.m. freight trip from Woods Hole have their truck drivers not exceed the speed limit on any roads in Falmouth or 35 miles per hour, whichever is lower, in order to reduce the noise from those trucks even more.
 - Reviewing all of the SSA's other efforts to mitigate noise from the early morning operations of the Woods Hole terminal, including but not limited to prohibiting trucks from arriving at the terminal earlier than necessary to be processed and loaded onto the SSA's ferries, to ensure that those efforts are followed and to see how they can be improved.

As now proposed, the SSA's 2020 Summer Operating Schedules would operate from May 15, 2020 through October 20, 2020, ending three days earlier than in 2019, and essentially would be the same summer schedules as the SSA is running this year and also ran last year. Accordingly,

the SSA is again proposing to operate the 5:30 a.m. freight trip from Woods Hole with the motor vessel *Governor* during this time period.

Discussion

A. The SSA is faced with a difficult decision due to the impacts of its freight ferry service between Woods Hole and Martha's Vineyard on Falmouth residents.

There should be no mistake in anyone's mind that the SSA's paramount interest is to ensure that the islands of Martha's Vineyard and Nantucket are provided with adequate transportation of persons and necessities of life on a year-round basis. The island economies are and will continue to be strongly affected by the cost of their transportation service to and from the mainland, whether it is paid for entirely through passenger, freight or automobile rates or through a combination thereof. Either inadequate service or unnecessarily expensive service will jeopardize their future. Frequency and reliability of service are still the key to their stability and well-being. Accordingly, the interest of the islands is paramount and must be the overriding consideration in evaluating the SSA's proposed operating schedules.

In this regard, island officials have adamantly opposed the elimination of the 5:30 a.m. freight trip from Woods Hole during the SSA's 2020 Summer Operating Schedules, arguing that eliminating the trip would have a substantial adverse impact on the island because the island's residents, businesses and daily commuters rely on the early morning boats for their workforce and daily deliveries. In addition, they argue that any reduction in ferry service during the early morning would increase traffic congestion on the island, impede public transit service, and prevent the smooth and timely flow of goods and services to the island. Observing that the SSA provides an essential service for the island's towns, they assert that this essential service could not be met with an elimination or reduction of any service and that, indeed, the service currently provided under the SSA's 2019 Summer Operating Schedules (which is the same level of service provided under the SSA's proposed 2020 Summer Operating Schedules) is just meeting the minimum needs of the island. As stated by Brian Packish, Chairman of the Oak Bluffs Board of Selectmen:

Another critical issue deals with the delivery of food and other supplies which require the early boat to be able to unload critical supplies at various business locations in the Town at reasonable times in the morning to avoid complete gridlock on our local roads. Later boats mean later deliveries during times when our narrow roads are packed with traffic. The geometry simply does not exist to accommodate food deliveries, local traffic and visitor traffic at the same time. It creates complete chaos and shuts our business districts down. We rely on the 5:30 A.M. boat during the summer and shoulder seasons to accommodate the flow of goods and traffic that we need to service our local and visiting population.

Issued on October 15, 2019

Available space on the current ferry service schedule is already very limited during the busy summer months, and the 5:30 A.M. ferries currently offer an extremely limited number of trips. We hope to work with the Authority to increase our level of services as local residents' needs often get lost in the summer trade. To eliminate the service would be an unthinkable detriment to our community, and a measure that we hope you will join us in opposing.

(Letter from Brian Packish, as Chairman of the Oak Bluffs Board of Selectmen, to the SSA's Board, dated Sept. 3, 2019).

The elimination of the 5:30 a.m. freight trip from Woods Hole during the 2020 Summer Operating Schedules is also strongly opposed by those who ship freight to the island. They fear that being required to travel later in the day would result in their trucks being stuck in more traffic congestion both on the island and in Falmouth, longer wait times for the ferries, increased costs, and possibly not being able to complete their deliveries within the maximum number of hours that the U.S. Department of Transportation allows them to drive each day. The freight shippers also view the SSA's ferry service as an extension of the highway (similar to a bridge) between Falmouth and Martha's Vineyard, and believe they should have the right to travel on that highway (or bridge) the same way that freight shippers have the right to travel on all of the other state highways, including the Bourne and Sagamore Bridges, during the early morning.

By contrast, although eliminating early morning freight trips might increase the cost of delivering goods to Martha's Vineyard, Falmouth residents believe that it is appropriate for island residents and visitors to pay for that cost increase rather than having the SSA provide the island's increased freight service solely at the expense of its Falmouth neighbors whose peace and quiet during the early morning hours are being invaded. They also believe that the SSA should provide alternative freight service (either from New Bedford or another mainland port) in order to eliminate its early morning freight trips from Woods Hole.

Falmouth residents also have emphasized that the negative impacts of the SSA's freight trips are not limited to the noise generated by just the early morning freight trips. To the contrary, the noise is even worse later in the day when larger tractor trailers and hazardous cargo trucks travel to and from the SSA's Woods Hole terminal. Residents along Woods Hole Road also complain of the threat to their personal safety posed by the intensity of this freight traffic, the diminution of the value of their businesses and homes, and the physical and mental health issues they say they are experiencing as a result. In addition, they note, as the SSA's traffic levels continue to rise, the situation along Woods Hole Road is only getting worse and at some point (if that point has not already arrived) transporting all of the island's cars and freight trucks through Woods Hole will become unsustainable as policy not only because of the unacceptable burdens being imposed upon Falmouth residents but also due to the absolute gridlock that will result on Falmouth roads.

In its September 20, 2019 editorial, *The Falmouth Enterprise* observed that there is "no simple solution" to this situation and that "there is only so much the [SSA] can do." Similarly, in its September 18, 2019 editorial, the *Martha's Vineyard Times* noted that "the SSA has already made concessions. The SSA has eliminated the early morning ferries in spring and fall. They've

reduced the size of trucks allowed on those first ferries. And they've asked their early morning customers not to arrive more than a half hour before the scheduled departure." Although *The Falmouth Enterprise* argued that "the obvious solution is to route freight through New Bedford," it pessimistically noted that "no one on the island that we know of is in favor of that," and while "another solution might reside in infrastructure improvements on the island," the *Enterprise* acknowledged "that is not likely to happen" and that "meanwhile, a number of residents of Woods Hole have to put up with noise in the early hours of the morning." For its part, the *Martha's Vineyard Times* took the position that "the SSA should keep the schedule as is," and its only recommendation was for the SSA to "continue to work with freight customers to be mindful of the residential neighborhoods they pass through. Put up signs on the SSA property to remind truck drivers about the rules for early morning ferries, and employ someone — perhaps a detail officer, as one commenter suggested — to enforce those rules."

B. The SSA should lead a structured process with all of the affected communities and public input to develop long-term solutions for these regional transportation issues.

But the Falmouth residents who gave testimony at the SSA's September 9, 2019 hearing were not as negative or fatalistic as the editorials in either the *Enterprise* or the *Martha's Vineyard Times*. Although they acknowledged that they have been raising these same seemingly intractable traffic issues with the SSA for decades, at the hearing they repeatedly asked the SSA to recognize the complexities of the problem and to work together with the communities in a process to achieve compromises and develop reasonable solutions that take into account the interests of everyone who is affected.

Moreover, they characterized the situation as not simply an "SSA problem," but a regional problem in which the SSA plays a key part. Similarly, they said, the SSA could play a key part in developing regional solutions for this problem and helping all of the affected communities find new ways of meeting their needs. For example, currently the principal, if not exclusive, means to deliver freight to Martha's Vineyard is by the SSA's ferries from Woods Hole. In order to ameliorate the impacts that this freight traffic imposes on Falmouth, not only will the island have to control its growth in a responsible manner, but the manner in which freight is carried to the island has to be changed and/or diversified, and all of the potential solutions require regional thinking with the participation of all of the communities who may be affected.

In the same spirit, freight shippers at the hearing expressed their desire to be as hospitable and respectful to Falmouth residents as possible. They noted that they just want to do their jobs, that they are not trying to create a problem, and that everyone has to work together to find solutions. Similarly, island officials expressed their empathy for those who live along Woods Hole Road, and they observed that Martha's Vineyard and Woods Hole form one community and that each should have consideration for those on the other side of Vineyard Sound.

Those sentiments also are shared by others in the island community at large. For example, page 53 of the Martha's Vineyard Regional Transportation Plan 2020-2040 (the "Regional Transportation Plan"), which was issued in July 2019 by the Martha's Vineyard Commission with the Martha's Vineyard Joint Transportation Committee, lists the following objectives, among others, for the island's future water transportation network:

- Engage the SSA and other stakeholders (town officials, Chamber of Commerce, etc.) in discussions to explore limiting the number of vehicles traveling to the Island in the summer.
- Continue to encourage visitors to come to the Island without their cars.
- Reduce the number of vehicles traveling to the ferry terminals in Vineyard Haven, Oak Bluffs, and Woods Hole to drop off passengers.
- Work with SSA to explore ways to reduce congestion associated with freight trips between the Island and Woods Hole.
- Improve vehicle and passenger access to and from ferry terminals, including better remote parking, improved passenger drop-off, vehicle queuing, and distribution between the two Island terminals.
- Coordinate improved connections with transit at both ends of the ferry trip.

On pages 53 and 54, the Regional Transportation Plan also specifies the following proposed actions (among others) to try to achieve those objectives:

- Encourage passenger drop-off and pick-up at park-and-ride facilities to reduce traffic congestion in town and especially near terminals. Consider setting up remote check-in facilities at park-and-ride locations.
- Continue to improve the SSA reservation system and queuing for passenger convenience and to reduce unnecessary traffic.
- Coordinate the capacities of the boat lines with the capacities of the region's roads and public surface transportation services.
- Utilize the websites of the SSA and other ferry companies to provide information about car-free travel on the Vineyard.
- Continue working to establish a park-and-ride in Oak Bluffs with shuttle service to the terminal.
- Provide information on the SSA website and in SSA terminals about the free park-and-ride service in Vineyard Haven.
- Work with the SSA as it continues to investigate proposals to establish a freight dock in New Bedford.
- Renew discussions surrounding the 1997 referendum, possibly by way of a public forum hosted by the MVC.

The Regional Transportation Plan even has a section devoted entirely to “Freight Transportation” that lists, on page 57, only two objectives:

1. Ensure that freight is brought to the Island and distributed to its destinations in a timely and efficient way, with minimal negative effects on traffic, safety, and the environment.
2. Reduce vehicle traffic to the ferry in Island towns as well as in Woods Hole and the rest of the Cape—particularly trucks and hazardous materials.

And its proposed actions with respect to these freight transportation objectives, which are also listed on page 57, are:

- Explore how a greater proportion of freight—and particularly low-value and less time-sensitive commodities (e.g. lumber) and hazardous materials (e.g. oil and propane)—could be brought to the Island by barge instead of ferry.
- Examine the feasibility of establishing an Island warehouse where products could be stored and distributed to Island businesses during non-peak hours.
- Continue to study the benefits and detriments of freight and trash runs between Tisbury and New Bedford; explore the possibility of using containerization.
- Look at the possibility of establishing truck routes in order to limit the presence of trucks on roads that pose particular traffic or public safety problems.
- Review the SSA freight policy with respect to its impact on the amount and cost of goods brought to the Island by ferry.
- Consider the possibility of offering discounts for off-peak travel and giving priority to time-sensitive freight.
- Consider the possibility of running more freight boats to facilitate truck access to the Island, particularly in the late afternoon, and reducing other trips.
- Look at the possibility of further limiting the maximum size of trucks and buses on the roads, or at least discouraging very large vehicles either all the time or at certain hours.
- Explore the possibility of delivering to people’s homes so shoppers don’t need to take their cars to go shopping. Explore the possibility of expanding mail delivery with door-to-door service in town centers, and by encouraging people in other areas to use rural delivery. Consider the possibility of satellite mail service at the Airport in summer.
- Explore the possibility of reducing the need to transport waste by treating liquid waste on the Island; promote the use of new and additional community composting facilities.
- Examine the possibility of limiting which vessels are used to transport garbage and septic waste, and the possibility of using only barges.

Importantly, many of these objectives and proposed actions in the Regional Transportation Plan sound strikingly similar to several suggestions that were made by Falmouth residents at the September 9, 2019 hearing. This reinforces the SSA’s belief that the Martha’s Vineyard community also recognizes that there are impacts on Falmouth residents from the SSA’s ferry service from Woods Hole which are part of a larger regional problem involving Martha’s Vineyard, and that the island community also desires to develop and implement long-term

solutions for this regional problem that can best be developed collectively by all of the affected communities.

Accordingly, the SSA will request those communities to participate along with the SSA in the SSA's Long-Range Vineyard Transportation Task Force (the "Task Force"). The Task Force will work together, with public input, to attempt to identify reasonable steps that can be taken to address issues and concerns about freight and other traffic in each of those communities on a long-term basis. In this regard, the SSA offers the following suggestions about how the Task Force should be comprised and operate, but the SSA is open to other suggestions as well. Of course, once the Task Force begins its work, it can decide itself how best it can function in a productive and efficient manner.

1. The SSA will ask the Martha's Vineyard Commission, the Towns of Falmouth, Oak Bluffs and Tisbury, and, whenever the Task Force is discussing possible ferry or barge service for Martha's Vineyard from a mainland port other than Woods Hole, the City of New Bedford, to be participants in the Task Force
2. The SSA will ask each participant to designate two individuals to be its representatives on the Task Force, and ideally at least one of those individuals should be a staff member with transportation and/or planning experience and responsibilities.
3. The SSA will ask the Task Force to meet as often as the Task Force determines is most appropriate for its work.
4. The SSA will provide reasonable administrative support for the Task Force, while requests for more substantial financial support for the hiring of any consultants, surveys or other special expenses will be considered on a case-by-case basis.

B. The SSA also should lead a structured process with all of the affected communities and public input to find practical ways to mitigate noise generated by its Woods Hole ferry service that can be implemented sooner rather than later.

While the SSA envisions that the Task Force will present the best opportunity to identify, develop and implement long-term solutions to this regional traffic problem, it will not be enough to address the noise and other issues currently being experienced by Falmouth residents as a result of the SSA's ferry service from Woods Hole, and the SSA believes that a parallel effort has to be undertaken to mitigate those issues on a more expedited basis. But this is not to say that the SSA has not already attempted to mitigate the noise generated from the early morning operations at its Woods Hole terminal, nor that the SSA's ferry service is the only cause of the traffic noise that occurs on Woods Hole Road. As described in both its August 15, 2017 Section 15A Report and its October 17, 2017 Section 15A Report, the list of actions that the SSA has taken include:

- The SSA changed its methods of staging trucks at the terminal during the early morning so they do not have to back up (or use their backup alarms) when being staged before being

loaded onto the ferries. As a result, the use of trucks' backup alarms has been eliminated almost entirely.

- The SSA stopped assigning the *Katama*, *Gay Head* or *Sankaty* to operate the 5:30 a.m. freight trip, as all of those boats require trucks to back up, and use their backup alarms, when they are being loaded onto those boats. The SSA now assigns only the *Governor*, *Woods Hole* or another drive-through ferry to run that 5:30 a.m. freight trip, because trucks drive forward onto those boats when they are loaded.
- The SSA delayed the opening of the Woods Hole terminal to 5:00 a.m. and prohibits trucks from entering the terminal before that time.
- The SSA has added a message to its variable message sign on Route 28 advising drivers traveling down the highway between 3:00 a.m. and 5:00 a.m. that no trucks are allowed to enter the Woods Hole terminal prior to 5:00 a.m.
- The SSA periodically sends letters to its freight shippers reminding them that their truck drivers are not allowed to idle their engines unnecessarily while they are at the terminal, that they should obey the speed limit as they drive down Woods Hole Road, and that they should not use their Jake brakes while they are on the road.
- The SSA has put up signs at various location around the terminal reminding customers of the Massachusetts "Anti-Idling" Law.
- The SSA began kicking out truckers who repeatedly violate the SSA's policies and then also began cancelling their reservations when necessary to ensure that the SSA's regular freight customers adhere to the SSA's policies, including the prohibition against arriving at the terminal prior to 5:00 a.m.
- In 2017, the SSA also began prohibiting any standby trucks from arriving at the Woods Hole terminal until 6:30 a.m., and also established the following new procedures for all other trucks arriving at the terminal:
 - Only trucks with reservations for the 5:30 a.m. trip are allowed to show up at the terminal beginning at 5:00 a.m.
 - Trucks with reservations for the 6:00 a.m. trip are not allowed to show up at the terminal until 5:15 a.m.
 - Trucks with reservations for the 6:30 a.m. trip are not allowed to show up at the terminal until 5:45 a.m.
 - Trucks with reservations for the 7:00 a.m. trip are not allowed to show up until 6:00 a.m.
 - And all other trucks, including standby trucks, are not allowed to show up at the terminal until 6:30 a.m.
- In 2018, the SSA also implemented new operating policies for the 5:30 a.m. freight trip from Woods Hole, including the following:
 - Limiting the size of the trucks the SSA carries on its 5:30 a.m. freight trip from Woods Hole to trucks that are less than 40 feet in length, so that less noise is

generated by the trucks that drive to the SSA's Woods Hole terminal in the early morning hours.

- Requesting that freight shippers participating in the SSA's bulk freight reservation program who request reservations on the 5:30 a.m. freight trip from Woods Hole have their truck drivers not exceed the speed limit on any roads in Falmouth or 35 miles per hour, whichever is lower, in order to reduce the noise from those trucks even more.
- Reviewing all of the SSA's other efforts to mitigate noise from the early morning operations of the Woods Hole terminal, including but not limited to prohibiting trucks from arriving at the terminal earlier than necessary to be processed and loaded onto the SSA's ferries, to ensure that those efforts are followed and to see how they can be improved.

Nevertheless, Falmouth residents made it clear at the September 9, 2019 hearing that the SSA's efforts to mitigate noise from its ferry operations are not enough and that the SSA also does not always follow or enforce the noise mitigation policies that it has adopted. In addition, drivers of some freight trucks traveling to the Woods Hole terminal still exceed the speed limit on Woods Hole Road and use their Jake brakes, despite the SSA's repeated requests that they not do so.

Accordingly, the SSA believes that a different working group should be established to focus exclusively, with public input, on identifying and developing reasonable and practical ways to monitor and enforce compliance with the SSA's current noise mitigation policies as well as identifying and developing additional ways to mitigate traffic issues arising from the SSA's Woods Hole ferry terminal operations – not just during the early morning hours but throughout the day – which can be implemented sooner rather than later. For example, the working group could investigate the following suggestions that have been made during this hearing process, as well as whatever additional ideas they might come up with themselves:

- Identifying whose trucks are waking up Woods Hole residents at 3:00 and 4:00 in the morning even though the SSA prohibits trucks from showing up at the Woods Hole terminal before 5:00 a.m., and stopping those trucks from disturbing the neighborhood at that time;
- Identifying which truck drivers are using their Jake brakes on Woods Hole Road and persuading them not to do so except in the case of an emergency;
- Identifying which truck drivers are exceeding the speed limit on Woods Hole Road and stopping them from doing so;
- Investigating whether a lower speed limit for large trucks on Woods Hole Road would reduce the noise from those trucks and, if so, how to implement and enforce that lower speed limit;
- Identifying which trucks are noisier than others due to age or lack of proper maintenance and persuading the owners of those trucks to upgrade their vehicles.
- Identifying whose trucks are parking in the turnout on Woods Hole Road near FR Lilly Road and stopping them from doing so.

- Investigating whether the trucks which are staged at the Woods Hole terminal can have a different type of back-up alarm that does not beep and wake people up when the trucks are backing up.
- Identifying whose trucks are using back roads to get to the Woods Hole terminal and persuading them not to do so except when traffic is detoured from Woods Hole Road for maintenance or other reasons.
- Investigating whether the SSA can reasonably reduce the amount of time it takes to check in freight trucks at the Woods Hole terminal, which would allow the SSA to prohibit trucks from showing up at the terminal until later in the morning.

The SSA offers the following suggestions about how this working group (which can be named by the working group itself) should be comprised and operate, but the SSA is open to other suggestions as well. Of course, once the Working Group begins its work, it can decide itself how best it can function in a productive and efficient manner.

1. The SSA will ask the Martha's Vineyard Commission, and the Towns of Falmouth, Oak Bluffs and Tisbury to be participants in the working group.
2. The SSA and the Town of Falmouth will each be asked to designate two individuals to be their representatives on the working group, while the Martha's Vineyard Commission and the Towns of Oak Bluffs and Tisbury will each be asked to designate one individual.
3. The SSA will ask the working group to meet as often as the working group determines is most appropriate for its work.
4. The SSA will provide reasonable administrative support for the working group, while requests for more substantial financial support for the hiring of any consultants, surveys or other special expenses will be considered on a case-by-case basis.
5. The SSA will strongly encourage that the working group have one or more meetings with the SSA's regular freight shippers to discuss what recommendations are being considered and to receive their input before deciding upon any recommendations.

D. Until long-term solutions to the regional traffic problem are developed and implemented, the SSA needs to continue to operate its 5:30 a.m. freight trip from Woods Hole during its 2020 Summer Operating Schedules.

As recounted earlier in this report, since 2012 the SSA has regularly scheduled the first trip of the *Governor* to leave Woods Hole for Vineyard Haven at 5:30 a.m. during its summer operating schedules and, from the outset, the *Governor* has repeatedly left full or nearly full. That 5:30 a.m. freight trip also allows the *Governor* to leave Vineyard Haven at 6:30 a.m. and results in the boat departures from both Woods Hole and Vineyard Haven being spread out more evenly in the early

morning, when there is a greater demand for service and many freight shippers and island residents want to travel.

In 2013, the SSA also began regularly scheduling its first freight trip to leave Woods Hole at 5:30 a.m. during its spring operating schedules and, in 2015, the SSA regularly scheduled the 5:30 a.m. freight trip during its fall operating schedules as well. But in response to concerns raised by the Woods Hole community, on December 8, 2016 the SSA stopped operating the 5:30 a.m. freight trip during its 2016 Fall Operating Schedule; and in 2017 it also decided not to operate the trip that year after October 27, 2017 and to eliminate the 5:30 a.m. freight trip entirely from its proposed 2018 Fall Operating Schedules as well. Similarly, after considering testimony submitted in connection with its originally proposed 2018 Winter and Spring Operating Schedules, the SSA's modifications to those schedules included the elimination of the 5:30 a.m. freight trip that originally had been proposed for the 2018 Spring Operating Schedule. (See the SSA's August 15, 2017 Section 15A Report).

Thus, even though there were (and still are) good reasons to schedule the 5:30 a.m. freight trip from Woods Hole on a year-round basis, in light of the competing interests of the Woods Hole community the SSA has eliminated that trip during the winter, spring and fall seasons for the last two years. Implicit in those decisions, however, was the SSA's conclusion that it could continue to fulfill its statutory obligation of providing adequate transportation for the island of Martha's Vineyard during those times of year without the 5:30 a.m. freight trip. Unfortunately, after conducting another hearing on August 28, 2017, with respect to its proposed 2018 Summer Operating Schedules, it could not reach the same conclusion with respect to the summer season (see the SSA's October 17, 2017 Section 15A Report) and, for substantially the same reasons as set forth in its October 17, 2017 Section 15A Report, the SSA believes that it is still necessary to schedule the 5:30 a.m. freight trip from Woods Hole during the 2020 Summer Operating Schedules because it is unlikely that long-term solutions to the regional traffic problem will be developed and implemented by that time.¹

If the SSA were to reschedule its first freight trip from Woods Hole during the summer so that it left at 6:30 a.m. instead of 5:30 a.m., it would be very difficult if not impossible to absorb the trucks that would have traveled on the 5:30 a.m. trip onto later trips in the morning. As shown in **Appendix D** to this report, all of the trips made by the SSA's larger passenger/vehicle ferries from Woods Hole on business days during the 2019 Early and Peak Summer Operating Schedules (through August 31, 2019, the last day for which the SSA's traffic statistics were available when preparing this report) already were at their practical vehicle capacity during summer business days

¹ Woods Hole resident Nat Trumbull has argued that the fact that the SSA was able to operate prior to 2012 without carrying freight trucks on a 5:30 a.m. ferry, and without apparent detriment or outcry from Vineyard residents of freight shippers, raises serious questions about the arguments that a 5:30 a.m. freight truck service is essential today. But Mr. Trumbull's argument does not take into account the fact that the island's transportation demands have substantially increased since 2011.

until after 7:30 p.m., with almost every trip from 7:30 a.m. through 7:30 p.m. operating on average at close to or more than 90% of its vehicle capacity.

While the SSA's freight trips from Woods Hole during the same business days operated on average at a slightly lower percentage of their vehicle capacities from 5:30 a.m. through 5:20 p.m. (ranging from 76.4% to 92.7% as also shown on **Appendix D**), the difference is mostly attributable to the SSA's ability to make much more efficient use of the larger freight decks on its larger passenger/ vehicle ferries, particularly with the number of smaller cars that are carried on those trips which can be loaded to fill up what otherwise would be empty space on the freight deck. It also is even more difficult to use the entire amount of a freight boat's freight deck on hazardous cargo trips (when more large trucks are carried) and, on the *Governor*, when the combined weight of all the trucks carried on the vessel increases the vessel's draft to a depth that requires the SSA to restrict the number of passengers (and their cars) that can be carried on a particular trip. Thus, even if the SSA were to carry no more trucks next summer than it carried this past summer, it will still need the 5:30 a.m. freight trip during its 2020 Summer Operating Schedules to ensure that it is able to provide adequate freight service between Woods Hole and Martha's Vineyard during the business hours that freight shippers operate.²

As shown in **Appendix E** to this report, the situation essentially is the same for trips from Martha's Vineyard to Woods Hole during the summer. The 5:30 a.m. freight trip adds another trip off-island for island residents in the morning when they need to travel, as many of them cannot accomplish the purposes for which they are traveling if they are unable to leave the island until later in the day (only to arrive in Woods Hole after mainland businesses close for the day), and it has a domino effect throughout the day that makes more space available when it is needed. By contrast, very few island visitors want to leave the island late in the day because, after the ferry docks, they still have to drive from Woods Hole to their homes or other final destinations. Thus, scheduling the freight trips earlier in the day has worked out much better in providing additional capacity when people want and need to travel.

And even if the SSA were able to transport all of the trucks that need to travel to Martha's Vineyard at reasonable times during the morning without the 5:30 a.m. freight trip – which it does not believe it can do during the summer – scheduling the first freight trip for a later time would result in more trips leaving with the same number of trucks in a shorter time period, which would

² The occupied capacity percentages are calculated using each vessel's standard load, primarily based on cars spaces. Those percentages may vary based upon the configuration of the individual vehicles. Further, in the case of the *M/V Governor*, the standard capacity customarily used is an average between what a car-only load is and what a truck-only load is. Thus, even though the *M/V Governor* may have a lower than 100% occupancy when loaded with trucks, the trip may in fact be a full load. In addition, while there may be space in the "wings" of the freight decks of the SSA's larger passenger/vehicle ferries to carry cars, trucks will not fit in those "wings." As a result, those larger passenger/vehicle ferries may be carrying as many trucks as possible on a particular trip even though their occupied capacity percentage may indicate that they are not substantially full. This is particularly true for the early morning trips from Woods Hole, as the SSA's ferries generally carry fewer cars on those trips than on trips later in the day.

require more positioning of those trucks at the Woods Hole terminal, including more backing up with their backup alarms, in order for them to be staged and loaded on the vessels. It would also require space on the SSA's larger passenger/vehicle ferries that is currently allocated for automobiles to be used for trucks, resulting in either a delay of automobiles getting to the island until later in the day or people choosing not to go to the island because they cannot travel when they want or need to do so.

In addition, by having the 5:30 a.m. freight trip from Woods Hole during the summer, more trucks traveling to the SSA's Woods Hole terminal will be driving on Woods Hole Road and other roads in Falmouth earlier in the morning when there is less traffic congestion in Falmouth. As reported in the Town of Falmouth's Transportation Master Plan for Route 28/Main Street ("Falmouth Transportation Master Plan") (April 2016), peak traffic volumes on Falmouth's Route 28 corridor are consistently high throughout the day. Specifically, the Falmouth Transportation Master Plan found that the weekday morning peak hour on Route 28 occurs between 7:00 AM and 8:00 AM (Falmouth Transportation Master Plan, at p. 23) and that thereafter, unlike other suburban areas where the morning commute time period is the distinct peak period for traffic volumes, "traffic volumes are consistently high on Route 28 in Falmouth from 8:00 AM to 7:00 PM" (Falmouth Transportation Master Plan, at p. 22).

Thus, there is a huge benefit to the SSA's freight shippers in being able to avoid that traffic by arriving earlier in the morning at the SSA's Woods Hole terminal.³ The SSA is also able to transport more trucks earlier in the day to Martha's Vineyard, which gives them more time to make their deliveries in the morning (for example, before stores are busy with customers and restaurants are preparing to serve lunch) before traffic gets similarly congested there, as well as to return back to the mainland during generally accepted business hours. Further, by starting its operating schedule earlier in the day so that more freight trucks going to and from the Woods Hole terminal can travel prior to Falmouth's morning peak traffic hour that begins around 7:00 a.m., the SSA believe that it helps reduce those peak traffic hour volumes, even if only slightly, for the benefit of both its customers and everyone else who is driving around Falmouth after 7:00 in the morning.

Although the SSA has once again considered whether it could delay the 5:30 a.m. freight trip from Woods Hole by 45 minutes to 6:15 a.m. (instead of eliminating the 5:30 a.m. trip entirely, which would result in the first freight trip leaves Woods Hole at 6:30 a.m.), such a schedule would present significant operational issues and essentially would have the same adverse effect on the SSA's ability to provide adequate transportation for Martha's Vineyard as eliminating the 5:30 a.m. trip entirely. Given its current freight traffic demand and the nearly 100% utilization of the available vehicle spaces on all of its ferries during the summer until the early evening hours, the SSA does not believe that it would be able to provide adequate freight service between Woods Hole and Martha's Vineyard during the business hours that freight shippers operate if its first daily freight trip during the summer were delayed by 45 minutes. Nor can the SSA further compress its

³ During the academic year, trucks traveling on the SSA's early morning trips from Woods Hole also drive down Woods Hole Road before children begin waiting beside the road for school buses, thereby reducing the possibility of truck accidents that could injure any of those children.

operating schedules so that its first trip can leave later in the morning without affecting trips that are scheduled later in the day. The SSA already has shortened the vessel turnaround times of the first three trips that arrive in both Woods Hole and Vineyard Haven each morning from the usual 30 minutes to 15 minutes so that the SSA's operating day does not have to start even earlier, and it cannot realistically compress its vessels' turnaround times any more.

And even though the SSA thought it might be able to delay the 5:30 a.m. freight trip during its 2020 Late Summer Operating Schedule when it carries fewer trucks, as shown in **Appendix F**, all of the trips made by the SSA's larger passenger/vehicle ferries from the island during that entire schedule in 2018 already were at their practical vehicle capacity on weekdays until after 5:00 p.m., with every trip until then operating on average at more than 90% of its vehicle capacity (except for the 6:00 a.m. trip, which operated at 89.3% of its vehicle capacity). While, again, the SSA's freight trips from the island during the same business days operated on average at a slightly lower percentage of their vehicle capacities through 6:30 p.m., as explained at p. 20, *supra*, the difference is mostly attributable to the SSA's ability to make much more efficient use of the larger freight decks on its larger passenger/vehicle ferries. As a result, if the SSA were to eliminate the 5:30 a.m. freight trip during the 2020 Late Summer Operating Schedule, because the trucks that otherwise would have been carried on that trip would not get to the island until later in the day, they similarly would not be able to complete their deliveries until later in the day when all of the SSA's ferries from the island already are operating at their practical capacity. And even if the SSA were able to find them spaces on boats to carry them back to Woods Hole later in the afternoon, once they arrive in Falmouth they would contribute to (and get stuck in) the even greater traffic congestion that exists on Palmer Avenue (heading north to the Jones Road intersection) during the late afternoon commuter hours, potentially making it impossible for them to complete their daily round trips to the island within the maximum number of hours mandated by the U.S. Department of Transportation.⁴

The SSA also notes that, since 2018, it already has stopped carrying large freight trucks on the 5:30 a.m. freight trip from Woods Hole in order to reduce the noise generated by its Woods Hole terminal operations and trucks driving down Woods Hole Road during the early morning hours, and has limited the size of the trucks it carries on that trip to ones that are less than 40 feet in length. Generally, those smaller trucks are food trucks, common carriers (*e.g.*, Federal Express and U.P.S.), home products and appliance supply trucks, independent trades and services (*e.g.*, plumbing, electrical and landscaping), and mail and newspaper delivery trucks and, as noted in the SSA's October 17, 2017 Section 15A Report, they generate substantially less noise than the larger tractor trailers and tanker trucks which are carried on the SSA's later trips. Of course, over the

⁴ Mr. Trumbull also has argued that the SSA's own traffic statistics indicate that there is no necessity for the 5:30 a.m. freight trip during the Late Summer Operating Schedule, observing that the total number of trucks carried in April 2018 (11,925), when there was no 5:30 a.m. ferry, was very similar to the total number of trucks in September 2018 (12,183) and October 2018 (12,522). But Mr. Trumbull's argument does not take into account the fact that the SSA carried many more cars in September 2018 (45,367) and October 2018 (36,059) than it carried during the month of April 2018 (27,873), and that those additional cars compete with the freight trucks for spaces on the SSA's ferries during that time period.

Issued on October 15, 2019

course of the next year, the SSA also will be working with the working group to identify, develop and implement additional measures that can be taken to reduce that noise from those trucks (as well as noise generated by larger trucks later in the day) even more.⁵

⁵ In its October 17, 2017 Section 15A Report, the SSA also compared its Woods Hole terminal operations with other highway, bus, subway, train and ferry transportation systems and observed that it did not appear unreasonable for the SSA to schedule its first ferry trip from Woods Hole at 5:30 a.m. If anything, freight shippers traveling to Martha's Vineyard need to leave earlier than those driving to other communities on the mainland, as it takes an additional 45 minutes by water (plus waiting time at the dock) before they can begin making their deliveries on the island, and then another waiting period at the dock and an additional 45 minutes back by water before they can begin their drive home from Woods Hole.

REPORT

TO: Board of Selectmen

FROM: Julian M. Suso



DATE: November 15, 2019

- At your upcoming regular business meeting on Monday, the Board will consider a large number of License Applications and Administrative Orders.
- Among those Administrative Orders is a request for Board approval of a proposed Intermunicipal Agreement with the Town of Barnstable regarding a limited, but important inspectional function concerning “oil trucks only.” For background, this is a service historically provided by the Town of Barnstable going back for many years. Although in the past, Barnstable (which possesses the significant equipment necessary to perform this task) has provided this service to Falmouth and some other Cape Towns while only assessing a basic State permit fee/charge to the companies inspected – they have now contacted those benefited Cape communities and are requesting a fee from each community. In the case of Falmouth, this annual fee would be \$4,500. Reviewing this charge and the service provided as well as analyzing any reasonable alternatives with our current Sealer Kevin Murphy (Falmouth would have to acquire significant equipment and possibly expand staffing to perform this service in-house), I have concluded that this remains the Town’s best option. I recommend to the Board that you approve this proposed Intermunicipal Agreement.
- Selectmen will be holding your Annual Fee Hearing on proposed fees for services for upcoming calendar year 2020.
- Selectmen will also be holding two Liquor License Violation Hearings – involving John’s Liquor Store and Intergas Service Center. Both Chief Dunne and Frank Duffy will be in attendance to assist the Board as needed.
- Selectmen will be considering voted adoption of the proposed Comprehensive Wastewater Management Plan – which is due to be filed with DEP yet this calendar year. This is the culmination of the multi-month presentation, discussion and public input process which the Water Quality Management Committee in collaboration with Public Works has been undertaking. With your Board packet, we will include further details of the voted action necessary as well as some minor “fine-tuning” of the WQMC and consultant recommendations.

- The Board will consider action to adopt the draft Complete Streets Policy which was developed for and discussed with the Planning Board at the Joint Meeting which was held last month. I recommend Selectmen's favorable action on this.
- With the concurrence of the Board, we can advertise and begin to accept applications for the planned Citizens Advisory Committee for Future Fire Station Location. At your most recent meeting, it was suggested that perhaps nine members would be appropriate to best facilitate and encourage Town-wide participation. We will be providing a draft mission statement for your consideration as well, likely on Monday, as this remains a work in progress. The anticipated schedule would allow applications to be accepted through the month of December with interviews and appointments by Selectmen early in January and initiation of meetings yet that month.
- I want to thank the Board for your active participation in the recently completed November Town Meeting. Following thorough discussion and debate, we generally emerged with clear direction on multiple items and important initiatives.
- As discussed, we are moving forward with the transition to a Town Hall digital security/locking system. It will routinely make the building open and available to the public from about 7:30AM to 10PM Monday-Thursday (unless no public meetings are scheduled on a particular weeknight which is rare) and with the normal Holiday closures. The building would routinely be open from about 7:30AM to 5:30PM on Fridays. It would also be programmed to be open for any regularly scheduled weekend public meetings. We should have Selectmen's digital ID cards available in the near future to allow your routine access to Town Hall as needed. Be advised that, during the multi-week transition period, both keys as well as swipe cards can be utilized to access the building after hours or weekends.
- As a reminder, Selectmen's next regular business meeting is Monday, November 25. The Board has two remaining meetings scheduled for the month of December, 12/9 and 12/16 – always a busy month.