

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, JANUARY 27, 2020 – 7:00 P.M.

SELECTMEN'S MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – No Guff Week – February 3 – 7, 2020
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for Change of Manager of an All Alcoholic Common Victualler License – 99 Restaurants of Boston, LLC, 30 Davis Straits, Falmouth
 - b. Application for a New Common Victualler License – Triple MT Group, Inc. DBA Le Bon Jour, 420 East Falmouth Highway, East Falmouth
 - c. Application for a New Common Victualler License – Moto Pizza Falmouth, LLC DBA Moto Pizza, 500 Waquoit Highway, East Falmouth
2. Administrative Orders
 - a. Transfer care and control of Andrews Farm to Agricultural Commission pursuant to Article #38 of the April 2018 Town Meeting
 - b. Sign Warrant for Special State Primary on Tuesday, March 3, 2020
 - c. Sign Warrant for Presidential Primary on Tuesday, March 3, 2020
 - d. Sign Warrant for Special State Election on Tuesday, March 31, 2020
 - e. Authorize Project Eligibility Letter regarding 40B Comprehensive Permit Application for:
 - 1) 10 units of affordable rental housing known as “Cardinal Place” located at 2 Rebecca Ann Lane, East Falmouth;
 - 2) 12 units of affordable housing located at 63 North Falmouth Highway known as Wing Pond;
 - 3) 32 units of affordable housing located at 511 Brick Kiln Road, E. Falmouth, known as Village at Brick Kiln.
 - f. Execute Letter of Intent (LOI) for Phase 2 Solar Photovoltaic Development at Falmouth Capped Landfill

7:30 p.m. PUBLIC HEARINGS

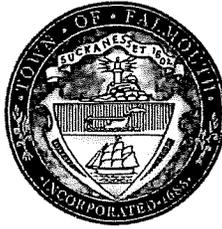
1. Application for Transfer of an All Alcoholic Common Victualler License and a New Application for an Entertainment License – Norwood77, Inc. d/b/a The Conference Table, 205 Worcester Court, Falmouth
2. Application for Transfer of an All Alcoholic Package Store License and Pledge of Collateral – RJ's Variety & Liquors, Inc., 174 Sandwich Road, East Falmouth

7:45 p.m. BUSINESS

1. Report – Affordable Housing Committee
2. Interview, Vote and Appoint Committee Members:
 - a. Affordable Housing Committee: Kerry Walton
 - b. Bicycle and Pedestrian Committee: Jim Bourdon, David Lafreniere, Martha Pendergast, Neel Aluru
 - c. Falmouth Cultural Council: Jodi McGowan

3. Vote Articles and Execute Warrant for April 2020 Town Meeting
4. Minutes of Meetings:
Public Session – December 9, 2019; January 6, 2020; January 13, 2020
5. Individual Selectmen's Reports
6. Town Manager's Report

Megan English Braga, Chairman
Board of Selectmen



PROCLAMATION

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

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

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

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

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

FEBRUARY 3 - 7, 2020 – NO GUFF WEEK

IN WITNESS THEREOF, We have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on January 27, 2020.

Megan English Braga

Susan L. Moran

Douglas C. Brown

Samuel H. Patterson

Douglas H. Jones



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00115-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 Class Category

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Le Bon Jour, located at 420 East Falmouth Highway, is applying for a new Common Victualler License, as they are under new ownership.

Number:
CV-065

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Triple MT Group, Inc. DBA Le Bon Jour
Mamadou Ly, Manager
420 East Falmouth Highway
East Falmouth MA 02536
is hereby granted this
Common Victualler's License

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

Valid from: January 27, 2020

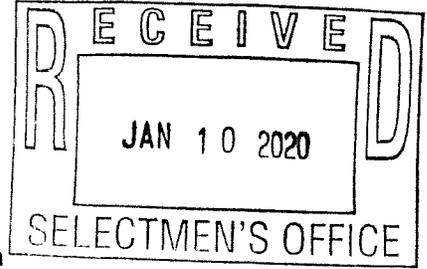
Valid until: December 31, 2020

By order of The Falmouth Board of Selectmen

January 27, 2020

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

PAID
\$70
cash



Town of Falmouth
Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, MA 02540
508-495-7320

APPLICATION – COMMON VICTUALLER

NAME OF ESTABLISHMENT: TRIPLE MT Group, Inc

DBA, if any Le Bon Jour

BUSINESS ADDRESS: 420 East Falmouth Hwy, MA 02536

MAILING ADDRESS: (if different)

NAME OF APPLICANT: Mamadou Diop

HOME ADDRESS: 130 E winter street Hyannis Ma, 02601

FID# _____

MANAGER: Mamadou Ly EMAIL: (required) modi@dis86@yahoo.fr

DAYS OF OPERATION 7 days HOURS OF OPERATION 11am to 8 pm

PARKING PLAN _____

TELEPHONE: (BUS.) 774 8 106685 (HOME) 774 8 151515

SEATING CAPACITY: 20 OCCUPANCY # _____

01/10/2020
DATE

[Signature]
OWNER / MANAGER / AUTHORIZED AGENT

FEES:
\$60.00 - Common Victualler
\$10.00 - Filing Fee

BOARD OF SELECTMEN

Moto Pizza is applying for a Common Victualler license to operate with food only (during the application process for a New All Alcoholic Common Victualler license).

Number:
CV-066

Fee
\$60.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Moto Pizza Falmouth, LLC dba Moto Pizza
Dante DelGrosso, Manager
500 Waquoit highway
East Falmouth MA 02536
is hereby granted this
Common Victualler's License

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

40 seats (indoors)

Valid from: January 27, 2020

Valid until: December 31, 2020

By order of The Falmouth Board of Selectmen

January 27, 2020

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



THE COMMONWEALTH OF MASSACHUSETTS

**TOWN OF FALMOUTH
BOARD OF HEALTH**



PERMIT TO OPERATE A FOOD ESTABLISHMENT

**Permit No. 20A-196
Fee: \$150.00**

Date: January 15, 2020

In accordance with Regulations promulgated under authority of Chapter 94, Section 305A and Chapter 111, Section 5 of the General Laws a Permit is hereby granted to:

Moto Pizza

Whose place of business is: 500 Waquoit Highway, Falmouth MA

Type of business and any restrictions: Food Service Permit

To operate a food establishment in: Falmouth

PERMIT EXPIRES: December 31, 2020

Health Agent

Falmouth Board of Health

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

TO: JULIAN SUSO, TOWN MANAGER
FROM: FRANK K. DUFFY, TOWN COUNSEL
SUBJECT: VOTE – TONY ANDREWS FARM
DATE: 1/3/2020
CC:



Enclosed please find a Vote To Transfer Care, Custody and Control of Tony Andrews Farm Property. Please have the Board of Selectmen vote their approval and sign the document on January 27, 2020 then return it to our office for recordation at the Barnstable County Registry of Deeds. Thank you.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

**Town of Falmouth
Board of Selectmen**

**VOTE
TO
TRANSFER CARE, CUSTODY AND CONTROL
OF
TONY ANDREWS FARM PROPERTY**

We, the undersigned members of the Board of Selectmen of the Town of Falmouth, Massachusetts, as authorized by Article 38 of the April, 2018 Annual Town Meeting, a copy of which is attached hereto as Exhibit "A", do hereby exercise the authority so granted, and VOTE TO TRANSFER care, custody and control of the Tony Andrews Farm from the Conservation Commission to the Falmouth Agricultural Commission.

The land so transferred is described as follows:

Lot A1 and Parcel B as shown on a plan of land titled "Plan of Land for the Town of Falmouth, 394 and 398 Old Meeting House Road and 0 Berry Patch Lane, East Falmouth, MA, date: Sept. 15, 2017, by Town of Falmouth Department of Public Works," which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 674, Page 26, including Berry Patch Lane as shown on said plan subject to certain rights of access and egress to the adjoining property now or formerly of The Three Hundred Committee, Inc. (the "Property").

The transfer does not include Lot A2 or Lot A3, as shown on said plan, being single family houses identified as 394 and 398 Old Meeting House Road, which are under the care, custody and control of the Board of Selectmen.

Said land as subject to Conservation Restriction recorded in Book 31370, Page 72.

For title see Book 31095, Page 237.

The effective date of this transfer is the 27th day of January 2020. This Vote does not authorize any change of use of the land.

WITNESS our hands and the seal of the Town of Falmouth affixed hereto

January 27, 2020

Town of Falmouth
By its Board of Selectmen

Megan English Braga, Chairman

Douglas C. Brown, Vice Chairman

Doug H. Jones

Susan L. Moran

Samuel H. Patterson

Commonwealth of Massachusetts

County of Barnstable

On _____, before me, the undersigned notary public

personally appeared

name(s) of signer(s)

personally known to me

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

to be the person(s) whose name(s) is/are subscribed to the within instrument and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.

WITNESS my hand and official seal.

Signature of Notary Public

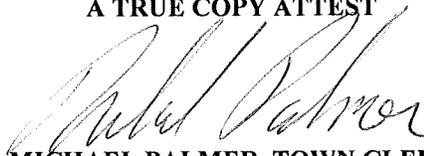
EXHIBIT A

ARTICLE 38
AND THE VOTE THEREON AT
THE ANNUAL TOWN MEETING
CONVENED IN FALMOUTH, MASSACHUSETTS
April 9, 2018

ARTICLE 38: To see if the Town will vote to authorize the Board of Selectmen to transfer care and control of the Tony Andrews Farm, or any part thereof, from the Conservation Commission to the Agricultural Commission upon completion of all necessary preliminary procedures and at such time as the board in its discretion deems appropriate. Or do or take any other action on the matter. On request of The Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, April 9, 2018 the Town voted to recommend Article 38 as printed.

A TRUE COPY ATTEST


MICHAEL PALMER, TOWN CLERK
FALMOUTH, MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

SS.

To either of the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Special State Primaries to vote at

- Precinct 1: Town Hall
- Precinct 2: John DeMello Senior Center
- Precinct 3: Falmouth High School Gymnasium
- Precinct 4: St Anthony's Lodge
- Precinct 5: North Falmouth Congregational Church Hall
- Precinct 6: Falmouth High School Gymnasium
- Precinct 7: Waquoit Congregational Church Hall
- Precinct 8: Navigator Club
- Precinct 9: Jewish Congregation Community Center

on **TUESDAY, THE THIRD DAY OF MARCH, 2020**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Primaries for the candidates of political parties for the following offices:

SENATOR IN GENERAL COURT . . . FOR THE PLYMOUTH AND BARNSTABLE DISTRICT

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.
Given under our hands this _____ day of _____, 2020.

_____ Selectmen of Town of Falmouth

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Falmouth by posting an attested copy of this warrant in Town Hall and a public place in each precinct

_____, 2020.
Constable (month and day)

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
PRESIDENTIAL PRIMARY WARRANT**

BARNSTABLE, SS

To either of the Constables of the Town of Falmouth.

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the Primaries to vote at:

- Precinct 1: Town Hall
- Precinct 2: John DeMello Senior Center
- Precinct 3: Falmouth High School Gymnasium
- Precinct 4: St Anthony's Lodge
- Precinct 5: North Falmouth Congregational Church Hall
- Precinct 6: Falmouth High School Gymnasium
- Precinct 7: Waquoit Congregational Church Hall
- Precinct 8: Navigator Club
- Precinct 9: Jewish Congregation Community Center

On **TUESDAY, THE THIRD DAY OF MARCH**, 2020 from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

**PRESIDENTIAL PERFERANCE
STATE COMMITTEE MAN
STATE COMMITTEE WOMAN
TOWN COMMITTEE**

**FOR THE COMMONWEALTH
PLYMOUTH AND BARNSTABLE DISTRICT
PLYMOUTH AND BARNSTABLE DISTRICT
TOWN OF FALMOUTH**

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

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

Given under our hands this _____ day of _____, 2020.

Selectmen of Town of Falmouth

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Falmouth by posting an attested copy of this warrant in Town Hall and a public place in each precinct

_____, 2020.
Constable (month and day)

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

SS.

To either of the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Special State Elections to vote at

- Precinct 1: Town Hall
- Precinct 2: John DeMello Senior Center
- Precinct 3: Falmouth High School Gymnasium
- Precinct 4: St Anthony's Lodge
- Precinct 5: North Falmouth Congregational Church Hall
- Precinct 6: Falmouth High School Gymnasium
- Precinct 7: Waquoit Congregational Church Hall
- Precinct 8: Navigator Club
- Precinct 9: Jewish Congregation Community Center

on **TUESDAY, THE THIRTY-FIRST DAY OF MARCH, 2020**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidates for the following offices:

SENATOR IN GENERAL COURT . . . FOR THE PLYMOUTH AND BARNSTABLE DISTRICT

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

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

Given under our hands this _____ day of _____, 2020.

Selectmen of Town of Falmouth

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Falmouth by posting an attested copy of this warrant in Town Hall and a public place in each precinct

_____, 2020.
Constable (month and day)

DRAFT

January 28, 2020

Michael Busby
MassHousing
One Beacon Street
Boston MA 02108

RE: Project Eligibility – 2 Rebecca Ann Lane, E. Falmouth, “Cardinal Place”

Dear Michael Busby:

The Town has reviewed an application for Project Eligibility for Cardinal Place located on Rebecca Ann Lane in East Falmouth submitted by Charles “Nick” Mirrione and Daniel Maclone. The project was discussed at a meeting with the Town’s development staff on January 3, 2020. The proposal consists of 10 units of affordable rental housing in five duplex buildings on 1.3 acres of which 3 are one-bedroom units, 6 are two-bedroom units and 1 is a three-bedroom unit.

We note that the location is close to the East Falmouth Highway/Route 28 and is accessible to public transportation with a market nearby. The proposed density is 7.3 units per acre. The proposed lot coverage by buildings shown on the plan is 15.1%, and lot coverage by buildings and paving is 39.5%; both of which are within the By-Law limits of 20% and 40% respectively.

The mix of housing types aligns well with the Town’s housing needs as identified in the 2018 Housing Production Plan. The HPP notes in the Priority Needs of the Town, rental housing is the most significant need and priority should be placed on units with fewer than three bedrooms are needed to provide more opportunities for seniors, singles and individuals just beginning a family. Units that are barrier-free and handicapped accessible, were also identified as a need. The importance of one- and two-bedroom units is all the more critical as the vast majority of market rate housing being permitted and constructed in Falmouth (through 40b and conventional development) is three-bedroom or larger. The Town requests that all units be visitable and that at least one unit be accessible.

Town staff suggest the developer consider modifying the access plan which is proposed as a single entrance with a wide stretch of pavement connecting each unit. Comparable developments along Rebecca Ann Lane have individual driveways and share driveways connecting directly to the street. To reduce pavement coverage and increase the buffer in the back of the lot, staff suggest that the buildings be moved closer to road with access from three or more shared driveways. The plans do not appear to include fire-rated walls for the integration of the 1-bedroom and 3-bedroom units as required by code.

The units should be situated in a way that maximizes their orientation for solar panels. The Town recently passed the Stretch Code and is in the process of applying to be a Green Community. We encourage the developer to build to the stretch code as a cost saving measure for tenants. A better

HERS Rating will provide cost savings for both market rate and affordable units, and will be substantially better for the environment over the life of the homes.

The Town will be seeking confirmation that the developer has the ability to provide for responsible, effective property management which can be challenging for a smaller development such as this.

We look forward to working with MassHousing, Mr. Mirrione and Mr. Maclone on this housing proposal to meet the identified housing needs for the Town of Falmouth within the context of our local planning efforts.

Sincerely,

Julian M. Suso
Town Manager

DRAFT

January 28, 2020

Michael Busby
40B Specialist
MassHousing
One Beacon Street
Boston, MA 02108

RE: Project Eligibility - 63 North Falmouth Highway, Falmouth, "Wings Pond"

Dear Mr. Busby:

The Town has reviewed an application for Project Eligibility submitted by Robert Sullivan for Wing's Pond located at 63 North Falmouth Highway in Falmouth. The proposal consists of 12 duplex-style condominium units on a 2.45 acre parcel of which 4 units are affordable. It is the fourth in a series of small parcel 40Bs in the North Falmouth area. The project was discussed at a meeting with the Town's development staff on January 3, 2020.

The site is significantly impacted by a State Certified vernal pool on the property immediately to the north owned by the Commonwealth of Massachusetts. The vernal pool has been confirmed by the Conservation Commission, and the applicant's surveyor as a Certified Vernal Pool. LEC Environmental, in May 2019 also confirmed that it maintains status as a Certified Vernal Pool. As proposed, four units are wholly within the state wetland buffer and a fifth unit encroaches on the state wetland buffer, as does the septic field. As such it is not local regulation that limits development on this property but rather the State's regulations as well as the Commonwealth's investment in preserving natural resources in the immediate area. A plan showing the property contours and the vernal pool is attached for reference. The Town requests that the developer submit a revised application that does not include structures in the state wetland buffer.

In addition to the wetland compliance issues, the location of this property is not in an area of the Town identified for additional housing. The proposed unit type – all 3 Bedroom Units – does not align with the Town's priorities identified in the approved Falmouth Housing Production Plan (HPP). The HPP identifies rental housing as the most significant need and priority should be placed on units with fewer than three bedrooms to provide more opportunities for seniors, singles and individuals just beginning a family. The importance of one- and two-bedroom units is all the more critical as the vast majority of market rate housing being permitted and constructed in Falmouth (through 40b and conventional development) is three-bedroom or larger. Units that are barrier-free and handicapped accessible, were also identified as a need.

If this project is to move forward, we would ask the developer to consider including one-bedroom and/or two-bedroom units. The Town further requests that all units be visitable and that at least one be accessible. The units should be situated in a way that maximizes their orientation for solar panels. The Town recently passed the Stretch Code and is in the process of applying to be a Green Community. We

Wing's Pond 40B impacting State Certified Vernal Pool



DRAFT

January 28, 2020

Michael Busby
MassHousing
One Beacon Street
Boston MA 02108

RE: Project Eligibility – 511 Brick Kiln Road, E. Falmouth, ‘Village at Brick Kiln’

Dear Michael Busby:

The Town has reviewed an application for Project Eligibility for ‘Village at Brick Kiln’ located at 511 Brick Kiln Road, East Falmouth submitted by Michael Solimando. The project was discussed most recently at a meeting with the Town’s development staff on January 3, 2020. The proposal consists of 32 single-family houses on 6.74 acres of which 20 are two-bedroom units and 12 are three-bedroom units.

The location on Brick Kiln Road is not presently served by a fixed route bus service but it is on a major roadway within 3 miles of the Town center in adjacent to the High School and a parcel recently acquired by the YMCA for construction of a new facility. The site is considered a reasonable location for greater housing density. The proposed density is 4.7 units per acre.

The mix of housing types aligns well with the Town’s housing needs as identified in the 2018 Housing Production Plan. The HPP notes in the Priority Needs of the Town, rental housing is the most significant need and priority should be placed on units with fewer than three bedrooms are needed to provide more opportunities for seniors, singles and individuals just beginning a family. We are pleased that the applicant modified his initial plan from 100% 3-bedroom units to the current proposal which includes 20 2-bedroom units. Units that are barrier-free and handicapped accessible, were also identified as a need. The Town requests that all units be visitable and that at least one unit be accessible.

Lot coverage calculations were not provided but the units are spread throughout the entire parcel due to the number of single-family structures resulting in greater lot coverage than necessary. Town staff recommend the developer consider duplexes to reduce lot coverage and preserve more open space. The Town would like to work with the developer to provide for “looped” water connections – i.e. avoid dead ends that lead to stagnant water and require greater maintenance. We will ask the developer to extend the sidewalk from Lutheran Church entrance to the subject parcel. The Town further recommends use of “green” storm water solutions such as swales to mitigate water quality impacts.

The units should be situated in a way that maximizes their orientation for solar panels. The Town recently passed the Stretch Code and is in the process of applying to be a Green Community. We encourage the developer to build to the stretch code as a cost saving measure for tenants. A better

HERS Rating will provide cost savings for both market rate and affordable units, and will be substantially better for the environment over the life of the homes.

We look forward to working with MassHousing and Mr. Solimando on this housing proposal to meet the identified housing needs for the Town of Falmouth within the context of our local planning efforts.

Sincerely,

Julian M. Suso
Town Manager

December 15, 2019

Mr. Julian Suso
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, Ma 02540

Re: *Letter of Intent for Phase 2 Solar Photovoltaic Development at Falmouth Capped Landfill*

This Letter of Intent (LOI) sets forth the basic terms by which the Town of Falmouth (Town) and the Falmouth EDIC (EDIC) (referred to collectively as the Parties and individually, a Party) agree to proceed with the competitive procurement of a developer to construct a 2 megawatt (MW) solar array on the Town's DPW Waste Management Facility located at 458 Thomas B. Landers Road (Landfill) that is described as the Phase 2 solar array in the Intergovernmental Agreement (IGA) between the Parties dated April 29, 2016. This LOI is an expression of intent only and, except as expressly set forth herein, this LOI does not constitute a binding obligation of any kind by the Parties to enter into additional agreements or construct the Phase 2 solar array.

Background

Under the IGA, the Town has leased its 48.16-acre capped Landfill to the EDIC for the purposes of developing a solar photovoltaic array on the Landfill. The IGA specifically authorizes the development of a Phase 1 solar array of 4MW and a Phase 2 solar array of 2MW. IGA, Section 2.8. The IGA further authorizes the EDIC to enter into subleases and construction contracts for the purposes of developing the landfill. IGA, Section 2.1. The Parties acknowledge that the IGA remains in full force and effect.

As authorized by the IGA, the EDIC entered into an Amended and Restated Contract and Sublease Agreement with Falmouth Landfill Solar, LLC dated April 29, 2016 for the construction and operation of the phased solar development at the Landfill. The Phase 1 solar array was constructed and now operates on the Landfill. Falmouth Landfill Solar, LLC assigned all of its rights and interest to develop the Phase 2 solar array to an affiliate, Falmouth Landfill Solar II, LLC under the Assignment, Assumption, Consent and Amendment Agreement between the EDIC, Falmouth Landfill Solar, LLC and Falmouth Landfill Solar II, LLC dated July 11, 2016. The Parties acknowledge that, under the Assignment, Assumption, Consent and Amendment Agreement, the rights of Falmouth Landfill Solar II, LLC to develop the Phase 2 solar array have expired.

The Office of the Inspector General has determined that it is necessary for the EDIC to issue a new Request for Proposal (RFP) for the development of the Phase 2 solar project in order to comply with G.L. c. 30B. This determination is more fully described in a Memorandum from Frank K. Duffy, Town Counsel to Julian Suso, Town Manager dated September 11, 2019.

In order for the EDIC to proceed with the RFP for the Phase 2 solar array, the Parties agree to the following:

1. The EDIC, consistent with its possession, use, enjoyment, and control of the premises granted to it by the Town under the terms of the IGA will expeditiously pursue, through an RFP process consistent with GL c. 30B, §16, a developer to construct the Phase 2 solar project.
2. The Town acknowledges and agrees that the EDIC has the sole discretion to conduct the procurement and select a developer in however manner it deems necessary and appropriate, in accordance with applicable laws.
3. The Parties will cooperate with each other with regard to access to engineering reports, permits, plans and other documents which are reasonably required for the RFP and selection of a developer. The Town will also assist in the preparation, if necessary, of separate legal descriptions for the Landfill premises that describe the area where the Phase I array is located and where the Phase II array is to be located.
4. The Parties will amend, if necessary, Section IV of the IGA specifying the rent per MW generated by the Phase II project so that it reflects the rent agreed to by the Phase 2 developer selected through the reissued RFP process.
5. The Parties will further amend the rent provisions in Section IV of the IGA to allow the EDIC to retain 100% of the rental payments made by the developers of both Phase I and II in order to support the EDIC's operations, projects and mission.
6. The EDIC acknowledges and agrees that the intended disposition of the net metering credits from the Phase 2 system shall be 50% to the Town and 50% to the low income households in Falmouth and that the specific terms of the Town's purchase of net metering credits will be set forth in a separate agreement between the Town and the developer of the Phase 2 system.
7. The Parties will make any other amendments to the IGA as reasonably required to be consistent with the Phase II development that is selected through the RFP process.
8. The Town and the EDIC will be responsible for their respective costs and expenses incurred in connection with the RFP and the subsequent negotiation and consummation of an agreement with the developer selected to develop the Phase II solar project.
9. The Parties acknowledge that the provisions set forth in Sections 1-7 are binding provisions of this LOI.
10. This LOI will be constructed under and governed by the Laws of the Commonwealth of Massachusetts.
11. This LOI may be executed in several counterparts, each of which, when executed, will be deemed to be an original, but all of which together will constitute one and the same instrument. The Parties agree that a scanned or electronically reproduced copy or image of this LOI bearing the signatures of the Parties hereto will be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence of this LOI notwithstanding the failure or inability to produce or tender an original, executed counterpart of this LOI and without the requirement that the unavailability of such original, executed counterpart of this LOI first be proven.

Falmouth



Economic Development & Industrial Corporation

12. This LOI constitutes the entire agreement between the Parties and supersedes all prior oral or written agreements and understandings between the Parties concerning the subject matter hereof (issuance of the RFP and amendment of the IGA). This LOI may be amended or modified only by a writing executed by both Parties.

The EDIC looks forward to working with the Town to get the Phase II solar project underway. If the Town is in agreement with the foregoing, please sign this LOI and return one fully executed LOI to the EDIC.

Sincerely,

Christopher Land
Chairman
Falmouth Economic Development and Industrial Corporation

AGREED AND ACCEPTED THIS _____ DAY OF _____, _____ BY ITS DULY AUTHORIZED OFFICERS:

TOWN OF FALMOUTH

By: _____
Name: _____
Title: _____

By: _____
Name: _____

TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
APPROVED AS TO FORM



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

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LICENSING BOARD

Megan English Braga
Douglas C. Brown
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Legal Notices

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Complete applications are available in the Conservation Commission office for review.

REQUESTS FOR DETERMINATION OF APPLICABILITY

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James McLoughlin (TOF), Lot 000B Great Bay Street at the intersection of Hiawatha and Great Bay Street, East Falmouth, MA- For permission to replace an existing set of stairs damaged by recent storms and to remove an additional existing damaged set of stairs

East Marine Corporation, 89 Falmouth Heights Road, Falmouth, MA- For permission to replace four (4) licensed pier pilings on two existing piers

REQUESTS FOR A NOTICE OF INTENT

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Mary Ann Pesce Choate, 58 Cape Codder Road, Falmouth, MA- For permission to raze and construct an existing single-family dwelling, construct a pool, with all associated clearing, grading, and landscaping

REQUESTS TO AMEND THE EXISTING ORDER OF CONDITIONS

The Woods Hole, Martha's Vineyard, Nantucket Steamship Authority, Woods Hole Ferry Terminal (end of Railroad Ave), Woods Hole, Falmouth, MA- For permission to amend DEP # SE 25-4151 to revise the design of the permanent terminal building and the utility building

By Order of:
Jamie Mathews, Chairman
Falmouth Conservation Commission

January 17, 2020

Falmouth Zoning Board of Appeals Notice of Public Hearing for February 6, 2020

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Application #085-19 Adam F. and Dean F. Chase: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to construct an addition to the 2nd floor of the pre-existing non-conforming single family dwelling on subject property known as 118 Bywyter Court, Falmouth, Ma.

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January 10, 17, 2020

LIQUOR LICENSE HEARING

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LICENSING BOARD

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Douglas C. Brown
Douglas H. Jones
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January 17, 2020

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LICENSING BOARD

Megan E. English Braga
Douglas C. Brown
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Samuel H. Patterson

January 17, 2020

NOTICE OF TIER CLASSIFICATION

RESIDENTIAL PROPERTY
100 EDGEWATER DRIVE EAST, EAST
FALMOUTH, MA
MASSDEP RELEASE TRACKING
NUMBER 4-0027642

A release of oil and/or hazardous materials has occurred at this location, which is a disposal

site as defined by M.G.L. c. 21E, § 2 and the Massachusetts Contingency Plan, 310 CMR 40.0000. To evaluate the release, a Phase I Initial Site Investigation was performed pursuant to 310 CMR 40.0480. The site has been classified as Tier I pursuant to 310 CMR 40.0500. To obtain more information on this disposal site, please contact Joseph Salvetti of Stantec Consulting Services, Inc., 400 Crown Colony Drive, Suite 200, Quincy, MA 02169, 508-591-4327. The Tier Classification Submittal and the disposal site file can be viewed at MassDEP website using Release Tracking Number (RTN) [4-0027642] at <http://public.dep.state.ma.us/SearchableSites2/Search.aspx> or at MassDEP, Southeast Regional Office - Lakeville, 20 Riverside Drive, Lakeville, MA 02347, 508-946-2700. Additional public involvement opportunities are available under 310 CMR 40.1403(9) and 310 CMR 40.1404.

January 17, 2020

The Town of Falmouth, acting through the Human Services Department, invites proposals from public or private, state and federally recognized not for profit agencies, or partnerships to enter into a contract with the Town of Falmouth to provide projects, programs or services that will address needs related to homelessness prevention for Fiscal year 2021.

This solicitation is being conducted in accordance with the provisions of Massachusetts General Laws (MGL) Chapter 30B. If it becomes necessary to revise any part of this RFP or otherwise provide additional information, an addendum will be issued to all prospective responders who received copies of the original request.

Proposals are due on **Friday, February 28, 2020 at 4:00pm** in the Human Services Office 65A Town Hall Square, Falmouth, MA 02540. The Proposals and required forms are available on the Town's Human Services website <http://www.falmouthhumanservices.org/> and at the Human Services Office. Sealed proposals must be prepared in strict accordance with the instructions and requirements contained in the RFP. All proposals must be received in a sealed envelope marked Human Services Proposals. The Town of Falmouth reserves the right to reject any or all qualifications when it deems to be in the best interest of the Town.

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January 17, 2020



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00081-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)
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- 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)

\$12 Restaurant Annual All Alcoholic Beverages

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

1 floor
4 rooms (kitchen, mens room, ladies room, dining room)
2100 Sqare Feet

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



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

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LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

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Samuel H. Patterson

Publication Date: Friday, January 17, 2020; Falmouth Enterprise

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January 10,17,2020

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January 17, 2020

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January 17, 2020

NOTICE OF TIER CLASSIFICATION

RESIDENTIAL PROPERTY
100 EDGEWATER DRIVE EAST, EAST
FALMOUTH, MA
MASSDEP RELEASE TRACKING
NUMBER 4-0027642

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January 17, 2020



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00096-PK-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)
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(LLC Members/ LLP Partners,
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- 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

Building containing 1614 square feet with 960 sq. ft. used for retail purposes and an attached accessory apartment of 654 sq. ft. The retail space has a basement used for storage purposes.

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

Falmouth Affordable Housing Committee

Semi-Annual Report (July 1, 2019 – December 30, 2019)

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

During the six months since our Annual Report in June 2019, the Affordable Housing Committee (AHC) has made quite a bit of progress organizationally. We have added two new members, and recently a third new person has applied. Assuming the Select Board appoints this latest applicant, the AHC will have a full seven-member committee with no open seats for the first time in many years! The AHC has established good lines of communication and collaboration with the Housing Coordinator, the Town Manager's office, the town Planning office, and the Planning Board.

Falmouth has a new HPP that will remain in effect until January 10, 2024. During these next four years, Falmouth can (with state assistance) ward off hostile 40B developments in town *so long as 74 units of affordable housing have been produced within the calendar year*, the number called for in our HPP. This will be a great challenge for Falmouth, but one that the AHC stands ready to assist with in any way that we can.

A member of the AHC continues to serve on the Falmouth Affordable Housing Fund (FAHF) Working Group, whose tasks are to review applications for town assistance with affordable housing projects, request CPC-approved money to be added to the FAHF when warranted, and make recommendations to the Select Board for the distribution of these funds by vote of Town Meeting. Also during these past six months, the AHC has recommended to the Select Board that a portion of future monies from the new Occupancy (AirBnB) and Hotel taxes be used in support of future affordable housing in town, perhaps via contributions to the FAHF.

Our HPP calls for the AHC to focus on outreach and education about the need for affordable housing. With that in mind and with support from the Planning Board, the AHC organized and presented its first "Housing Summit" on October 2, 2019, to over 100 attendees. Our Housing Coordinator made excellent opening and closing remarks, and eight different speakers covered various aspects of "The Face of Affordable Housing in Falmouth: Myth versus Reality." (If you missed the Summit, it can still be viewed on FCTV.) The AHC has recently begun planning for our next Housing Summit, to be held on May 20, 2020, in the Hermann Room.

The Affordable Housing Committee extends its gratitude to Housing Coordinator Carla Feroni for her excellent efforts in support of numerous important housing issues in Falmouth. Our committee will continue to collaborate with town staff and boards and with local housing organizations and developers to help meet the many and diverse challenges to the increased development of affordable housing in Falmouth.

Respectfully submitted,

Edward Curley, Chair
Pamela Harting-Barrat, Vice Chair
Jessica O'Brien, Clerk
Karen Bissonnette
Renie Brunn
Onjalé Scott Price

Town Committee Vacancies

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

Committee	Term Until	Deadline
Affordable Housing Committee (1 position)	6/30/21	
Beach Committee (1 position)	6/30/20	
Bicycle and Pedestrian Committee (1 position)	6/30/22	
Board of Assessors (1 position)	6/30/21	
Board of Survey (2 positions)	6/30/21	
Cable Advisory Committee (1 position)	6/30/20	
Citizens Advisory Committee – Future Fire Station(s) (9 positions)	TBD	1/31/20
Coastal Pond Management Committee (3 at-large positions)	6/30/22	
Commission on Disabilities (3 positions)	6/30/20	
Commission on Substance Use (1 position)	6/30/20	
Conservation Commission (1 alternate position)	6/30/22	
Council on Aging (1 position)	6/30/22	
Cultural Council (3 positions)	6/30/20, 6/30/22	
Energy Committee (2 positions)	6/30/20	
Golf Advisory Committee (1 position)	6/30/22	
Historical Commission (1 full position, 1 alternate position)	6/30/21	
Human Services Committee (2 positions)	6/30/21, 6/30/22	
Sign Review Committee (4 full positions, 2 alternate positions)	6/30/20, 21 & 22	

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

Affordable Housing Committee

1 vacancy (due to the resignation of Holly Wilson)

- Term until 6/30/21

1 applicant:

- Kerry Walton



1/27

TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

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

Name: KERRY WALTON

Address: 4 SIDNEY ST Village: WOODS HOLE ZIP: 02543

Mailing Address: " Village: " ZIP: "

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: 2018) / Taxpayer (date: 2001)

Amount of time you are available to give: _____

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

1. AFFORDABLE HOUSING
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Relevant affiliation & ² work & ³ personal experiences 1. Observer of AHC for Fol League of Women Voters since May. 2. Retired professor - know how to work on a cmt. 3. Know young families who can't afford to live here.

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

Briefly describe the particular skills you feel you will add to the committee or board: Have the interest, time and organization skills to work with cmt members to increase AHC in town with reference to the Falmouth Housing Production Plan. Have been following AHC issues here for about 10 years.

Three (3) References:

<u>Name</u>	<u>Title</u>	<u>Phone</u>
1. Carol O'Loughlin	-	[REDACTED]
2. Nancy Walbek	-	[REDACTED]
3. Gillian Linds	-	[REDACTED]

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

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

Dec. 27, 2019
DATE

[Handwritten Signature]
APPLICANT'S SIGNATURE

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

Bicycle and Pedestrian Committee

1 vacancy (due to the resignation of Clifford Harris)

- Term until 6/30/22

4 applicants:

- Jim Bourdon
- David Lafreniere
- Martha Pendergast
- Neel Aluru (scheduled to be interviewed on 2/10/20)



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Name: JAMES (JIM) Bourdon

Address: 177 Shore St Village: FALMOUTH ZIP: 02540

Mailing Address: 177 Shore St Village: FALMOUTH ZIP: 02540

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident X (date: 4/2017) / Taxpayer X (date: April 2016)

Amount of time you are available to give: 2 hours weekly - could be more we do some travel

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

1. Bicycle & Pedestrian Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences Avid bicycler and jogger
Active participation in several non profit & for profit boards & committees

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

(over)

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

strong financial background, consensus builder,
track record of getting things done.

List three (3) references:

- | | <u>Name</u> | <u>Title</u> | <u>Phone</u> |
|----|-----------------------|-----------------------------|-------------------|
| 1. | <u>Greg Peterson</u> | <u>VP Adobe</u> | <u>[REDACTED]</u> |
| 2. | <u>Paul McDonough</u> | <u>retired Executive</u> | <u>[REDACTED]</u> |
| 3. | <u>Lee Sullivan</u> | <u>President A+A Window</u> | <u>[REDACTED]</u> |

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12/16/19
DATE

James P. Bourdon
APPLICANT'S SIGNATURE

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Name: David Lafreniere
Address: 36 Westmoreland Dr Village: WF ZIP: 02540

Mailing Address: same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 6 yrs (date: 6/3/13) / Taxpayer 11/15 (date: 7/18/13)

Amount of time you are available to give: 3 hrs/wk

- Town Committee, Board or Commission you are interested in serving on:
- Bicycle and Pedestrian Committee
 - _____
 - _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences Active member of the Cape cycling community, member of NE Mountain bike association, ride leader for Corner Cycle group rides, team captain for 18 years of PMC team (4 million raised), etc

Town offices held in Falmouth or elsewhere and dates of years served: Open Space Committee - Medfield, MA 2011-2013

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

I have been cycling both on/off road for several decades.
I have been training cyclists in safe riding techniques, as well as their responsibilities for nearly 20 years.

List three (3) references:

Name	Title	Phone
1. Heather Kilduff	WHOI - Security Officer	[REDACTED]
2. Steve O'Neill	Retired Falmouth Police	[REDACTED]
3. George Sykes	Corner Cycle - owner	[REDACTED]

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

12/16/19
DATE

David Bremner
APPLICANT'S SIGNATURE

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Name: Martha Rendergast

Address: 85 Chase Road Village: W Falm. ZIP: 02540

Mailing Address: Same Village: _____ ZIP: _____

Telephone: [redacted] Email: [redacted]

How long have you been a Resident (date: 9/90) / Taxpayer (date: 9/90)

Amount of time you are available to give: _____

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

- Bicycle + Pedestrian Committee
- _____
- _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences I have ridden, rollerbladed + walked the bikepath since 1990 when I first came to

Falmouth after graduate school in Tokyo. I am a Realtor for 25 years and find that the SSBP is a wonderful Asset of tremendous value in our town. I would like to help preserve + protect + improve it in any way possible as well as issues concern pedestrians.
I served on the Historic Districts Commission for 2 years from 1998-2000, when my daughter was born + I resigned due to a shortage of time -

Particular skills I will add to the committee:

Excellent problem solver, organization + communication skills + courage to speak up when appropriate; supporting others, follow through + dependability.

References:

- ① Cheryl Lilly Friend [redacted]
- ② Dan O'Grady Friend, former client [redacted]
- ③ Brett MacDonald Friend, former client [redacted]

I hereby certify that I have been provided a summary of Massachusetts General Law 206A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

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

12/12/19
DATE

Mark Pendyart
APPLICANT'S SIGNATURE

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

2/10



TOWN OF FALMOUTH

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Name: Neel Aluru

Address: 17 TRICIA ROAD, NORTH FALMOUTH, MA 02556 Village: _____ ZIP: _____

Mailing Address: 17 TRICIA ROAD, NORTH FALMOUTH, MA 02556 Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 11 (date: 09/2008) / Taxpayer 6 (date: 01/2013)

Amount of time you are available to give: Few hours a week

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

1. Bikeways committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences _____

I am a resident of Falmouth and a regular user of bike paths in and around Falmouth.

I volunteered for several local events including Cape Cod Marathon weekend activities.

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

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

I have experience serving in professional and scientific committees (I am a WHOI employee).

As a concerned citizen and regular user of local government services, I would like to give back to the community.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Scott Lindell	Research Specialist, WHOI	██████████
2.	Kate McMullen	Administrator, Biology Department, WHOI	██████████
3.	Jed Goldstone	Research Specialist, WHOI	██████████

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

12/18/2019
DATE

Neel Aluru
APPLICANT'S SIGNATURE

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

Falmouth Cultural Council

3 vacancies

- 1 term until 6/30/20
- 2 terms until 6/30/22

1 applicant:

- Jodi McGowan

1/27



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Name: Jodi Mcbowan

Address: 1 Iroquois Street Village: Teaticket ZIP: 02536

Mailing Address: _____ Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: 2017) / Taxpayer (date: 2010)

Amount of time you are available to give: flexible

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

1. Falmouth Cultural Council
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Relevant affiliation & work & personal experiences _____

Was member of Upton Cultural Council

Worked in publishing industry for 25+ years

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

None

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

same as above

Three (3) References:

Name	Title	Phone
1. Sarah Behta	Doctor/Friend	[REDACTED]
2. Jennifer DiSarcina	Friend	[REDACTED]
3. Lisa Dwyer	Friend	[REDACTED]

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

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

Jan. 8, 2020
DATE


APPLICANT'S SIGNATURE

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



APRIL 2020 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting	Monday, December 9, 2019
Close Warrant	Friday, January 17, 2020
Selectmen Vote Articles & Execute Warrant	Monday, January 27, 2020
Publish Articles Only	Friday, January 31, 2020
Presentation on Petition Articles	Monday, February 10, 2020
Selectmen Vote Recommendations	Monday, March 9, 2020
Publish Warrant with Recommendations and Mail Warrant Booklets.....	Friday, March 27, 2020
Town Meeting.....	Monday, April 13, 2020

**WARRANT FOR THE APRIL ANNUAL TOWN MEETING
MONDAY, APRIL 13, 2020 AT 7:00 p.m.**

For action on articles in the Warrant

COMMONWEALTH OF MASSACHUSETTS

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

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet at the Memorial Auditorium, Lawrence School, Falmouth; Monday, April 13, 2020 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

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

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

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

ARTICLE 4: To see if the Town will vote to amend the Code of Falmouth and adopt the following bylaw relative to the powers and duties of the Board of Selectmen:

Chapter 65, Board of Selectmen
Article VIII, Settle Suits and Claims
Section 65-13, Authority

The Board of Selectmen are authorized to settle suits and claims which are pending or may arise against the Town.
Or do or take any other action on the matter. On request of the Board of Selectmen.

ARTICLE 5: To see if the Town will authorize the Board of Selectmen to apply for and accept state and federal grants they deem beneficial to the Town, provided that the Board of Selectmen shall hold a public meeting prior to the board's acceptance of any such grant(s) or gifts(s), if said grant(s) or gift(s) require the Town to meet future conditions or requirements including anticipated future costs to the Town. Further, when applicable, the Board of Selectmen will advise the Finance Committee of such anticipated costs prior to the public meeting and may seek further review/comment of the Finance Committee.
Or do or take any other action in the matter. On request of the Board of Selectmen.

ARTICLE 6: To see if the Town will vote to amend the Code of Falmouth and adopt the following bylaw relative to the power and duties of the Board of Selectmen:

Chapter 65, Board of Selectmen
Article VII, State and Federal Grants
Section 65-12 Authority to Apply

The Board of Selectmen is authorized to apply for and accept state and federal grants and private grants or gifts they deem beneficial to the Town. If said grant(s) or gift(s) require the Town to meet future financial conditions or costs, the Board of Selectmen will advise the Finance Committee of such future conditions or costs and shall request comments from the Finance Committee to be returned to the Board of Selectmen within 30 days of the request.

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

ARTICLE 7: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

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

And further, the Town Clerk is authorized to receive a Cost of Living Adjustment on the same terms and conditions of TAM employees.

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

ARTICLE 8: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2021 and to determine how the same shall be raised and by whom expended.

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

ARTICLE 9: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised.

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

ARTICLE 10: To see if the Town will vote to appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation and to determine how the same shall be raised.

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

ARTICLE 11: To see if the Town will vote to appropriate a sum of money to the Workers Compensation Trust fund, and to determine how the same shall be raised.

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

ARTICLE 12: To see if the Town will vote to appropriate a sum of money to the Debt Stabilization Fund for further appropriation and to determine how the same shall be raised.

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

ARTICLE 13: To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised.

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

ARTICLE 14: To see if the Town will vote to appropriate a sum of money for the purpose of hiring eight (8) additional firefighters for Fiscal Year 2021 contingent upon voter approval of a proposition 2½ override ballot question.

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

ARTICLE 15: To see if the Town will vote to transfer a sum of money within the FY 2020 budget approved by Article 6 of the April 8, 2019 Annual Town Meeting to make necessary adjustments thereto.

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

ARTICLE 16: To see if the Town will vote to appropriate a sum of money to supplement the FY 2020 budget approved by Article 6 of the April 8, 2019 Annual Town Meeting, to determine how the same shall be raised and by whom expended.

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

ARTICLE 17: To see if the Town will vote to amend the code of Falmouth section 137-1, Departmental Revolving Funds by adding a Senior Services revolving fund and Shellfish and Aquaculture revolving fund and to vote the spending limits for all revolving funds according to the by-law and as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY20 Spending Limit	Disposition of FY19 Fund Balance
Emerald House	Town Manager	Payments in Lieu of Rent	Maintenance of Building	\$28,000	Available for expenditure
Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$7,000	Available for expenditure
Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$7,500	Available for expenditure
Shellfish Propagation	Conservation Commission	Mitigation and Donations	Purchase Shellfish Seed	\$13,000	Available for expenditure
Shellfish and Aquaculture	Marine and Environ Srvcs	Rental Equipment	Propagation and Aquaculture	\$45,000	Available for expenditure
Senior Services	Senior Services Director	Fees	Activities	\$60,000	Available for expenditure
TOTAL SPENDING				\$160,500	

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

ARTICLE 18: To see if the Town will vote to amend the Official Zoning Map by rezoning the land shown on Falmouth Assessor's Map 39 21 005A 000 from Single Residence District C (RC) to Public Use District (PU) said land located at 300 Dillingham Ave is the site of the former Senior Center totaling approximately 1.6 acres.

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

ARTICLE 19: To see if the Town will vote to transfer jurisdiction of the following real property originally acquired by the Town for school purposes as authorized by the vote on Article 41 of the February 19, 1959 Annual Town Meeting and now under the jurisdiction of the School Committee for school purposes to the Board of Selectmen for municipal purposes. Said property has been declared surplus for school purposes by vote of the School Committee on December 10, 2019. The property is known as 300 Dillingham Ave. and is the site of the former Senior Center. The property is further identified as parcel 5 containing 1.6 acres and is shown on a plan titled "Plan of Land in Falmouth to be acquired for school purposes, scale forty feet to an inch, October 1, 1959, Charles A. White, C.E., Sheet 2" which plan is recorded in the Barnstable Registry of Deeds in Plan Book 152, Page 85. The transfer is subject to the condition that if the Board of Selectmen should ever determine that said land is no longer needed for municipal purposes, it shall be offered back to the School Committee before any other disposition is authorized. For title see Order of Taking dated December 28, 1959 and recorded in said registry in Book 1084, Page 364.

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

ARTICLE 20: To rezone Parcel 15 04 027A 021 at 64 Technology Park Drive from "Public Use" to "Light Industrial B " or do or take any other action on this matter.

On petition of Michael DiGiano, Falmouth EDIC.

ARTICLE 21: To amend the Code of Falmouth, Chapter 240, Zoning as follows:

To Article XII, Light Industrial B districts;

Under§ 240-60 Permitted business, commercial and industrial uses, add "I. Ground Mounted Solar photovoltaic array";

Under§ 240-62, Permitted accessory uses, add "C. Ground Mounted Solar photovoltaic array";

Or do or take any action as may be required. On petition of Michael DiGiano, Falmouth EDIC.

ARTICLE 22: To see if the Town will vote to accept the doings of the Board of Selectmen in the laying out of the following road according to a plan on file with the Town Clerk for taking as a public way:

<u>Street</u>	<u>Length</u>
William Road	921.4± ft.

And further to appropriate a sum of money for this purpose, to determine how the same shall be raised and by whom expended.

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

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to lease land in the Falmouth village area for municipal parking purposes, which land shall be determined and selected by solicitation of proposals in accordance with M.G.L. Ch. 30B, § 16, the Uniform Procurement Act, for such term and upon such conditions as the Board of Selectmen deems appropriate.

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

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to sell or lease the single family house at 398 Old Meeting House Road, being Assessor's parcel 21 08 016 003A and part of the property acquired with the purchase of Tony Andrews Farm, upon such terms and conditions as the Board of Selectmen deem appropriate.

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

ARTICLE 25: To see if the Town will vote to amend the Code of Falmouth and adopt the following bylaw:

Chapter 60. Security Posted in Connection with Licenses, Permits & Approvals

Section 1. Purpose and Authority

§ 1. The purpose of tis Bylaw is to provide a mechanism for the application by Town officers, boards, committees and commissions of security posted by applicants in connection with their obtaining licenses, permits, approvals, authorizations and contracts. This Bylaw is adopted pursuant to the home rule authority of the Town and the authority conferred by G.L. c. 44, §53G1/2.

Article 2. Scope

§ 2. It is the intent of this Bylaw to govern as broad a range of situations as possible in which Town officers, boards, committees and commissions require some form of security from applicants, provided only that this Bylaw shall not apply to deposits or other financial surety received under G.L. c. 41, § 81U. Without limiting the generality of the foregoing, this Bylaw shall apply to surety required by (a) the Board of Selectmen to secure performance under any contract which such board is authorized to execute by general or special law or by any of the General Bylaws; (b) the Board of Selectmen to secure performance of any condition for the issuance by such board of any license, permit or approval including, without limitation, a street opening permit or drain connection permit; and (c) the Conservation Commission to secure performance of any obligation undertaken by an applicant for an order of conditions or other approval granted by such commission.

Section 3. Form and Handling of Surety

§ 3A. Subject to any restrictions set forth in any authorizing statute or Bylaw, Town officers, boards, committees and commissions may require, accept, hold and apply security in any reasonable form including, but not limited to, a deposit of money or negotiable securities, a bond issued by a bonding company authorized to do business within the Commonwealth of Massachusetts, a letter of credit, and a so-called 'tri-partite' agreement of the kind described in G.L. c. 41, § 81U(4).

§ 3B. Any deposit of money hereunder shall be held by the Treasurer in a special account established specifically for such purpose, separate and apart from all other funds. Any negotiable securities, bonds,

letters of credit and so-called 'tri-partite' agreements shall also be held by the Treasurer, and any funds generated from such surety shall likewise be deposited in such a special account. Any such account shall be an interest-bearing account with a Massachusetts bank. All interest accruing on each such account shall be added to the principal of such account for disposition as set forth herein.

Section A. Performance Standards

§ 4A. Any Town officer, board, committee or commission demanding surety from any applicant hereunder shall be responsible for determining, in the exercise of his or its reasonable discretion and in good faith, the extent, quality and adequacy of any work done by such applicant or performance by such applicant of the obligation for which such surety was given. Such officer, board, committee or commission may, but need not, reduce the amount of surety held upon proof of satisfactory partial work or performance by such applicant, provided that nothing herein shall require that such reduction be commensurate with the extent of such performance.

§ 4B. If and when such Town officer, board, committee or commission determines that such applicant has fully and satisfactorily completed all work and performed all obligations for which such surety was given, such surety shall be released and returned to the applicant, including any accrued interest.

Section 5. Default

§ 5A. If any Town officer, board, committee or commission which has received surety for work or for the performance of any obligation hereunder determines at any time that the applicant who posted such security is in default of his, her or its obligations (whether because of a failure to complete such work or performance by a designated deadline, or the unsatisfactory quality of such applicant's work or performance, or otherwise), such officer, board, committee or commission may declare such applicant in default.

§ 5B. Upon a declaration of default, such officer, board, committee or commission shall be entitled to apply any and all surety posted by such applicant (including any interest received thereon) to the completion of the work or the performance of the obligations for which such surety was posted. Without limiting the generality of the foregoing, such officer, board, committee or commission may take any and all actions necessary or appropriate to enforce any bond, make demand on any issuer of a letter of credit, and demand payment under any so-called 'tri-partite' agreement, and any money received as a result thereof shall be deposited in an account held by the Treasurer under § 3B, above. Monies in such special account may be expended by such officer, board, committee or commission, without further appropriation, to complete the work or perform the obligations which such applicant was obliged to do or perform. Any monies remaining in such account after all work has been done and all obligations performed to the full satisfaction of such officer, board, committee or commission shall be returned to the applicant, including any accrued interest.

Section 6. Procedure for Return of Surety

§ 6A. At any time, and from time to time, an applicant whose surety is being held by the Treasurer on behalf of a Town officer, board, committee or commission may give written notice to such officer, board, committee or commission that in such applicant's opinion the work or performance that such surety was intended to secure has been fully and satisfactorily completed. Such notice shall contain a demand for the return of surety and the full name and address of the applicant. If such officer, board, committee or commission determined that such work or performance has been fully and satisfactorily completed, then he, she or it shall release the surety, or so much of it as may then remain, including any accrued interest, as set forth in § 4B, above. If such officer, board, committee or commission determines that such work or performance has not been fully and satisfactorily completed, then he, she or it shall specify in a written notice to the applicant the details wherein such work or performance remains incomplete or unsatisfactory within forty-five (45) days after the receipt by such officer, board, committee or commission of the said notice and demand from the applicant. In the event that such forty-five- (45) day period expires without such specification, then the applicant shall be entitled to the return of all surety then remaining, including any accrued interest. Any notice under this Bylaw by an applicant to a Town officer, board, committee or

commission shall be given by certified mail, return receipt requested, or by hand delivery with a signed receipt, and shall not otherwise be effective.

§ 6B. If any applicant appeals from an act or omission of any Town officer, board, committee or commission hereunder, whether by means of an action in the nature of mandamus and certiorari or otherwise, and such action results in a judgment in favor of such officer, board, committee or commission, then the latter's reasonable attorneys' fees and expenses incurred in defense against such action may be reimbursed from the surety posted by such applicant.

Section 7. Severability

§ 7. If any term, condition or provision set forth in this Bylaw should be found by a court of competent jurisdiction to be illegal, invalid or unenforceable as applied under particular circumstances, such term, condition or provision shall not be deemed stricken from this Bylaw but rather shall be, to the greatest extent possible, deemed applicable only to such circumstances as will not support a finding of such illegality, invalidity or unenforceability. The illegality, invalidity or unenforceability of any term, condition or provision of this Bylaw shall not affect the legality, validity or enforceability of any other term, condition or provision of this Bylaw."

Or to take any other action in relation thereto. On request of the Board of Selectmen.

ARTICLE 26: To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for a special act to remove all personnel of the Falmouth Police Department from the provisions of Massachusetts General Laws Chapter 31, s. 1 et seq., the Civil Service law.

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

ARTICLE 27: To see if the Town will vote to authorize the Board of Selectmen to accept the donation of a parcel of land, Map 38A 09 019A 003 containing 29,440 ± square feet, more or less, which is located on Katherine Lee Bates Road, as referenced in The 300 Committee Land Trust letter of July 18, 2019 for the purpose of contributing additional public open space as a component of the Shiverick's Pond Trail project. The 300 Committee's gift is contingent on Town Meeting's vote to approve the Community Preservation Committee funding of the Shiverick's Pond Project thereon.

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

ARTICLE 28: To see if the Town will vote to adopt the provisions of M.G.L. c. 59, § 5, Clause Twenty-second G (inserted by chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), signed into law August 28, 2018, which provides for a property tax exemption for any real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, or Twenty-second F if the person were the owner of the real estate, or act on anything relating thereto.

Or do or take any other action on the matter. On request of the Veterans' Council and the Board of Selectmen.

ARTICLE 29: To see if the Town will vote to adopt the provisions of M.G.L. c. 59, § 5, Clause Twenty-second H (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and the Enforcement ("BRAVE Act")), signed into law August 28, 2018, which provides for a property tax exemption for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the National guard and Veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause

of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the Armed Forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation, or act on anything relating thereto.

Or do or take any other action on the matter. On request of the Veterans' Council and the Board of Selectmen.

ARTICLE 30: To Create the position of Affirmative Action/Diversity Outreach Coordinator

Affirmative Action is an active effort through formal and informal measures to improve the employment, educational opportunities, the rights or progress of disadvantaged persons, members of minority groups, women, sexual and gender minorities, and disabled persons through legal measures and voluntary policies, including laws, training programs, outreach efforts, and other positive steps.

The Town of Falmouth Affirmative Action/Diversity Committee and local citizens believe that there is a lack of systematic outreach to community members in the areas of affirmative action education, consciousness-raising, community outreach, advocacy, handling of hate-based incidents, conflict-resolution, and other areas of affirmative action and diversity education and outreach. This leadership deficit retards progress toward an improved social climate in Falmouth, inhibits cross-group understanding and tolerance, and delays cross-group encounters. It is our firm belief that the Town of Falmouth can improve services to all members of the Falmouth community by establishing a formal structure to address these concerns. These needs can be best served by creating a position: the Falmouth Affirmative Action/Diversity Outreach Coordinator.

The Affirmative Action/Diversity Committee and local citizens ask Town Meeting to create a new full time position, the Affirmative Action/Diversity Outreach Coordinator, effective September 1, 2020, who will report to the Town Manager and Board of Selectmen, and work with the Town of Falmouth Affirmative Action Team.

The current Town of Falmouth Affirmative Action Team Includes the Falmouth Affirmative Action/Diversity Committee, the Falmouth Public Schools Director of Human Services, and the Town of Falmouth Director of Personnel, who serve under the direction of the Town Manager and Board of Selectmen. The Affirmative Action/Diversity Outreach Coordinator will join the Affirmative Action Team and close a substantial deficit in service to Falmouth by performing crucial outreach activities to our community.

Duties of the Affirmative Action/Diversity Outreach Coordinator will include, but are not limited to:

- Coordinate and consult with members of the Affirmative Action Team, including the EEO/AA Compliance officers for the Town of Falmouth and the Falmouth Public Schools, The Falmouth Public Schools Director of Human Services, the Town of Falmouth Director of Personnel, and the Falmouth Affirmative Action/Diversity Committee;
- Serve as Affirmative Action Liaison with local citizens, government branches, civic organizations, and other organizations, including the Falmouth Police Department, Falmouth Public Schools, Falmouth Academy, Town Government departments and Boards, Falmouth employee Unions, Falmouth Chamber of Commerce, Falmouth Real Estate Board, Elder Services, Veterans' Council, Commission on Disabilities, Upper Cape Interfaith Alliance, Council of Churches and Faith Communities, the Woods Hole scientific community, the Mashpee Wampanoag Tribe, and other groups and organizations, as appropriate;
- Serve as Affirmative Action/Diversity Liaison with local and regional groups and organizations representing ethnic, racial, religious, gender-based, ability-based, veterans, and other groups, including but not limited to the Cape Verdean Club, Portuguese American Association, Falmouth Jewish Congregation, NAACP, PFLAG, NPFH-Falmouth, Cape and Islands Gay and Straight Youth

Alliance (CIGSYA), Cape Cod PRIDE, Independence House, Inc., Woods Hole Diversity Advisory Committee, the Mashpee Wampanoag Tribe, Mashpee Affirmative Action/Inclusion Diversity Committee, and other committees and groups that work with or whose members belong to minority, disadvantaged, or impacted groups;

- Attend meetings or serve as liaison to local and regional affirmative action-related organizations, including the Falmouth Affirmative Action/Diversity Committee, Barnstable County Human Rights Commission, Cape Cod Coalition for Safe Communities, Falmouth Housing Trust; and the Woods Hole Diversity Advisory Committee, and others as appropriate;
- Coordinate and/or assist with the development of programs, workshops, educational materials, educational activities, meetings, consultations, and other activities aimed to foster wider understanding of affirmative action and diversity, a culture of respect and tolerance, and the building of cross-group encounters in Falmouth and throughout the region;
- Write grant proposals, develop workshops and training activities, and develop and implement outreach plans to constituencies in Falmouth, the Upper Cape, and regionally, as appropriate;
- Assist with the informal resolution of conflicts outside formal EEO/AA and public employee Union processes, which may include citizen complaints, grievances, hostilities, racist, homophobic, or other acts of intolerance directed at members of the Falmouth community, and other conflicts as appropriate.

In light of what we believe is a substantial need, we ask Town Meeting for an affirmative vote to create an Affirmation Action/Diversity Outreach Coordinator position.

On petition of Sandra Faiman-Silva.

ARTICLE 31: To Vote to raise and appropriate for FY 2021, Eighty-five thousand dollars (\$85,000), to fund the Affirmative Action/Diversity Outreach Coordinator position, including salary and benefits, to be expended under the jurisdiction of the Town Manager; or take any other action related thereto.
On petition of Sandra Faiman-Silva.

ARTICLE 32: To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Falmouth, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Falmouth. Enforcement of this regulation will begin September 1, 2021.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G. L. c. 40 § 21 D. The following penalties apply:

• First violation: Written warning • Second violation: \$150 fine • Third and subsequent violations: \$300 fine
Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Falmouth.

All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required.

On petition of Christine Kircun.

ARTICLE 33: To see if the Town will vote to adopt the following ban on the sale of miniature single use containers for alcoholic beverages as a general by-law and to insert into the Code of the Town of Falmouth, Massachusetts as Chapter 79-4: "The sale of alcoholic beverages in containers less than or equal to 100 milliliters is prohibited within the Town of Falmouth." Effective: January 1, 2021
On petition of Ron Klattenberg on behalf of the Falmouth Litter Reduction Team (FLRT).

ARTICLE 34: To see if the Town will vote to advise the Board of Selectmen to appropriate \$45,000 of certified free cash to finance water quality monitoring and operational support for the third and final year of the planned three-year nitrogen attenuation evaluation program in Bourne Pond to improve water quality and to meet, to the degree possible, the nitrogen Total Maximum daily Load (TMDL) for that estuary, using the shellfish nitrogen mitigation option to complement the Town's Marine and Environmental Service's ongoing shellfish production activities and to determine how the same will be raised and by whom expended.

Or do or take any action the matter. On petition of Ronald Zweig.

ARTICLE 35: To see if the Town will vote to adopt the following Town Bylaw to read as follows and to be appropriately numbered by the Town Clerk

Before any building permits for the reroofing of a municipal building with electric service shall be issued, the roof location shall be assessed for appropriateness of solar collection. This requirement shall be dependent on the availability of interconnect to the electric grid. Should the location be found to be economically feasible for solar collection the solar collection shall be required over all feasible areas. The only exception for roof areas shall be governed under the authority of the Historical Commission.

On petition of J. Malcolm Donald.

ARTICLE 36: To see if the Town will vote to adopt the following resolution:

Be it resolved that the Town of Falmouth recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses a threat to the health, safety and economic security of the residents of the Town. The Town of Falmouth therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and requests the Board of Selectmen to direct all officers and departments of the Town to take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

On petition of Rosemary Carey.

ARTICLE 37: Shall Town Meeting vote to ask Selectmen to ensure the West Falmouth Fire Station remains open and staffed until such time that a new station is constructed, opened and staffed.

Or take any other action on this matter. On petition of Marc Finneran.

ARTICLE 38: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for restoration and removal of invasive species at Little Pond Conservation Area; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 39: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to construct pickleball courts and rehabilitate tennis and basketball courts at Nye Park; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 40: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Falmouth Rod & Gun Club, Inc. to rehabilitate and restore passive recreation uses at Upper Childs River; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 41: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for design, permitting, and developing Mass. Department of Transportation submittals for the Shining Sea Bikeway Extension; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 42: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to make capital improvements to Guv Fuller Field; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 43: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to engineer and construct improvements to the Shiverick's Pond Recreation Trail; to determine how the same shall be raised and by whom expended. O

r do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 44: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to Waquoit Congregational Church to conduct a Condition Assessment and preserve historic gravestones at Bay View Cemetery; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 45: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Historical Commission to conduct the Inventory of Historical Resources - Phase 4; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 46: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to develop a historic structure report for the Edward Marks building located at 744 Main Street; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 47: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money for engineering services required to rehabilitate baseball fields located at Trotting Park on Gifford Street; to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 48: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; and to determine how the same shall be raised and by whom expended.

Or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 49: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Affordable Housing Fund, and to determine how the same shall be raised and by whom expended.

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

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

Given under our hand this 27th day of January in the year of our Lord Two Thousand Twenty.

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

TOWN OF FALMOUTH
BOARD OF SELECTMEN
Meeting Minutes
MONDAY, DECEMBER 9, 2019
SELECTMEN'S MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Present: Megan English Braga, Chairperson; Doug Brown, Vice Chair; Susan Moran; Doug Jones; Sam Patterson.
Absent: Doug Jones.
Others present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order by Chair English Braga at 7 p.m.
2. Pledge of Allegiance
3. Proclamation – National Homeless Persons' Memorial Day
Chair English Braga read the proclamation in the packet as a motion. Second Mr. Jones. Vote: Yes-5. No-0.
4. Recognition
Mr. Brown recognized passing of Percy Kennedy, former Falmouth Police Officer.

Mr. Brown noted the village green looks nice this year; the DPW gave the holiday decorations a fresh coat of paint.
5. Announcements-none.
6. Public Comment
Maureen Harlow-Hawkes, 9 Old Dock Road, West Falmouth, asked the BOS to debate the closing of West Falmouth Fire Station in a public session. A comprehensive review should include summer traffic, staffing, and peak season needs. She does not want the fire station to close until a new one is built; if that is the outcome of the study and will of the Town. It is premature to announce the closing when the new location is unknown.

Brian Anderson, Teaticket Market Owner, Keep America Beautiful and Keep MA Beautiful are looking for partners in litter reduction and are looking for people who will receive grant money to change the behavior of people who litter our streets.
7. Vote to Issue and Refund Bonds – Jennifer Mullen, Finance Director
Ms. Mullen explained that in the packet are the documents for the refinancing of the bonds, the Town has saved \$1.3 million over the next three years due to the refinancing and saved \$200,000 due to their triple A bond rating. Ms. Mullen provided Chair English Braga a copy of the vote that needs to be part of the record, two pages that may be read into the record or vote to accept the bonds and it is part of the vote record.

Mr. Jones motion to issue and refund bonds. Second Ms. Moran. Vote: Yes-5. No-0.

Chair English Braga called a 10 minute recess to sign the documents.

Chair English Braga reconvened the open session.

SUMMARY OF ACTIONS

1. Licenses
 - a. Approve Application for a Change of Manager of an All Alcoholic Common Victualler License – Josh's at Davisville, 339 East Falmouth Highway, East Falmouth

Mr. Jones always asks the applicant be here for all alcohol license and asked that this item be held. The Town Manager's Office will reach out to the applicant.

- b. Approve Application for a Change of Manager of an All Alcoholic Club License – Green Pond Yacht Club, 470 Acapesket Road, East Falmouth

Kevin Klauer representing the applicant. Kevin Harrington, new manager, and the bartenders are TIPS certified. Mr. Jones told Mr. Harrington that he is responsible for all alcohol service in the building.

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

- c. Approve Application for a Change of DBA of an All Alcoholic Common Victualler License – TGC, 132 Falmouth Woods Road, East Falmouth to Sacconneset Golf Club

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

- d. Approve Application for Change of Sunday Hours of an All Alcoholic Package Store License – Himalayan King, Inc. d/b/a Old Barn Package Store, 20 Luscombe Ave., Woods Hole

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

2. Administrative Orders

- a. Vote to Approve Letter of Support for Edward Marks Building Advisory Committee’s Application for CPC Funding of an Historic Structures Report for the Edward Marks Building (Falmouth Poor House)

Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-5. No-0.

- b. Approve Eversource Energy Petition to Install one (1) 4” Conduit and One (1) Handhole on Wild Harbor Road, East of Waterside Drive

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- c. Approve Eversource Energy and Verizon New England, Inc. Petition to Install One (1) Pole on Goeletta Drive, South of Galleon Drive

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- d. Vote to Authorize Expenditure of up to \$156,000 for Professional Services Related to Water Quality Planning from Article 17 of April 2011

According to Mr. Johnson-Staub this is to allow the Town to continue the work with consultant. There is \$350,000 remaining in account.

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

7:30 p.m. PUBLIC HEARINGS

1. Application for a Change of Occupancy Numbers of the Licensed Premises of an All Alcoholic Innholder License – 311 Gifford Street OpCo, LLC d/b/a Coonamesett Inn located at 311 Gifford Street

Chair English Braga read the hearing notice.

Ellen Blood is seeking to increase the size of the ballroom from 150 occupancy to 275 seated and 300 standing. If they have larger group the architect noted they can do this and decrease Ellie’s pub capacity by 20. Total 1st floor 420 standing, 395 seated, outdoor deck 60. Downstairs room has occupancy of 27 people, when that number approved it was a basement for storage, but when they took over it was a gathering room and they can have 100 seated or standing; but cannot have 520 people in the property at the same time. The Building Inspector has approved it. They are certifying all employees in crowd management.

Mr. Jones noted parking is tight given the current seating numbers, he and Chair English Braga would like the Planning Board to review the application.

Mr. Patterson noted there is parking across the street, but defers to the Planning Committee.

Ms. Blood has not heard anything about parking being addressed through Planning. If the plan includes parking across the street, Ms. Moran would like information on whether there is a formal agreement with the businesses and where those business customers will go if the Coonamessett has a large day event. Mr. Jones noted that because there is no crosswalk in that area, a detail police officer may be needed.

BOS recommended applicant address the parking with architect.

Mr. Brown suggested managing the parking lot when large groups exiting at the same time.

Chair English Braga suggested Ms. Blood get in touch with Diane Davidson regarding a plan to have Planning Board review the application.

Ms. Moran noted neighbors should be made aware as well.

Mr. Jones motion to continue to a future date. Second Ms. Moran. Vote: Yes-5. No-0.

BUSINESS

1. Status Update on Water Division Asbestos Pipe Issue

Steve Rafferty, Precinct 2, Water Superintendent. The Water Department now has a standard operating procedure for working with asbestos and will be doing business with a contractor they have done business with before. They also have a plan to clean up the asbestos pipe. The DEP commented on the plan, looking at cleaning up the pipes stored in the yard sometime after Christmas before the middle of January. The Town purchased a shipping container and the contractor will line it and store the pipe going forward and contracted to have the any stored materials removed monthly. Crew leaders, supervisors, and utility workers have been trained in asbestos cement, with the exception of one person who will attend a February 2020 session. A couple times a year they will review the protocol with employees.

The Town maintains work records in Viewworks. Employees certified and he provided the dates they were trained. Ventilator/respirators have been used for the last 5 years, last February the Town went through exercises to make sure respirators met the requirement. Personal Protection Equipment training was completed in February 2019. The water based saw they are using was described. The training speaks to gear; if an asbestos worker spending more than 30 hours in a year working with asbestos, Tyvek suits are recommended. The Town has not historically required the suits, they are available to those who want to use them on a voluntary basis. New employees will be provided making sure they understand the risks and that the Tyvek suits are available. The MA Waterworks Association runs a training 3-4 times per year around the State.

All those employees in distribution who cut the pipes will receive the training. Noted that all in distribution who cut the pipes will receive the training. Mr. Brown feels anyone doing any type of construction related activity should take the training for his or her own safety.

Mr. Suso noted that there was a formal training session with Mr. McConarty for all DPW employees related to OSHA standards and guidelines and it will be replicated in successive years. What Mr. Brown mentioned was likely covered in this training.

Ms. Moran asked Mr. Rafferty if the West Falmouth pipe issues were affected. He has engineers looking at where breaks have been and coming up with a plan. 50 year asbestos pipes are failing, need to plan replacement of those pipes and West Falmouth Highway is on the list of places that have 50 year old asbestos cement pipes. Long range planning timeframe has yet to be determined, engineers are developing a list of areas that need attention, will organize, and determine what is needed of the 300 miles of pipe in Town. The cost needs to be addressed as well in planning and prioritizing.

Peter McConarty, explained that beginning last year OSHA has taken a more prominent role, OSHA is private and will not show up on job site, but the Department of Labor Standards (DLS) will show up on job site. Mr. McConarty held a DPW meeting with staff at the Hermann Room for presentation regarding the difference between OSHA and Depart Labor standards. If the Town engages in trench operations, the DLS will watch and see what is going on across MA. The DPW tries to minimize room for error in all the tasks their departments engage in. He went through trench operations, traffic safety/control. Fall protection working on roofs, aerial lift protection, trench training, they are going through as much safety and training as possible in house. The OSHA training is in Springfield, they will have all employees trained in that but need to wait for the training classes to take place. The next class will be in February. He is looking to adopt yearly safety training for each department of the DPW. If new employee, he wants to have a few days to review training modules and sit with them. Chair English Braga suggested introductory that if employee not comfortable with something, bring it to someone. They have a DPW safety manual that includes each task outlined as required by OSHA and DLS.

Mr. Brown noted Springfield is long drive, Mr. McConarty said that this is for specialized training that OSHA puts on related to asbestos. There are a number of agencies that offer training, the Town insurance company also provides trainings and offers credits on the Town insurance. The courses are limited to about 35 people. The DPW tracks all training the employees complete. The Water Department will be trained in their task, other departments are as well.

Mark Finneran, was told the Town sponsored an Asbestos training session this past June and no Town employees were able to attend this training, is this accurate? According to Mr. Rafferty, they held an asbestos cement training course here, there were 18 attendees with 2 from the Falmouth Water Department and told the trainer that Falmouth was willing to host trainings in the future. He did not recall the date of the training.

Terry Jewitt asked, who is the supervisor in charge of the Water Department? Ray Jack is the Director of the DPW, Mr. Rafferty is the Water Superintendent. Ms. Jewitt commented why she thought the Director of the DPW had retired. Chair English Braga advised her that the BOS does not allow people to talk about employees of the Town. According to Ms. Jewitt, the BOS does not make money, they get no respect, and she feels there is something going on.

Mike Heylin, Precinct 5, said that at the last BOS meeting this was discussed and the community was told that the Town would have a container for the asbestos pipe, is the container in town and what happened with the pipe from this morning? According to the Code of MA Regulations, workers are required to have protective suits, respirators, and have their personal exposure monitoring. Has this occurred? Has the water been tested in the last six weeks? Mr. Heylin feels that the water should have been tested by now.

Mr. Rafferty explained that every 10 years the water is tested for asbestos, the next test is due to take place in 2022. There were no issues when it was last done. They could spend a few thousand testing the water for asbestos to verify, he is willing to do this. The pipes from today's water main break were removed, bagged up, taped, and in the existing yard because the Town has yet to receive the trailer. Mr. Rafferty believes the CMR reference Mr. Heylin provided was for asbestos workers, which is different than the folks the Town has working around the asbestos pipes, guidance through DEP is for employees near asbestos and who have some exposure, but are not asbestos workers. Part of the documents employees receive in the training, they may choose to use Tyvek, but if using it they may be exposed to other risks because the Tyvek suit does not breathe well.

The Town has not received the lined storage container yet.

Chair English Braga noted that Mr. Heylin is making broad statements about the law, water, and statements; he is not an attorney or individual with training about the issues he is talking about. He is inappropriately citing regulations and making broad statements about asbestos work; there are different categories about people who work with asbestos. The risk he notes is not supported by science and the issue is complex.

Mr. Heylin said he spoke to OSHA, DLS, and the DEP, all groups said that all workers should have full body suits and ventilating masks.

Mr. Patterson asked Mr. Rafferty about risk of asbestos in the water. Mr. Rafferty explained that airborne counts are single digits fibers per 100 cc. in water is 7 million fibers per 100 cc's; a vast difference. The

Town does PH control so the pipes the water is flowing through should not be coming apart. He can run the tests, samples are collected a certain way, he will do that sampling to confirm no change in asbestos numbers since the testing was last done.

Mr. Johnson-Staub noted that the airborne risks are high, but the risk of asbestos in the water sounds very low. The gradient from where the pipe is stored leads ground water away from Long Pond. Mr. Rafferty said that even if it went towards Long Pond, the filtration would capture it. Mr. Rafferty said there are millions of asbestos pipe throughout the country, none has been installed in Town for a long time, and much has been replaced. Asbestos does not leak out of lined pipes. Risk of asbestos in the drinking water is very low, but they can test the water.

Health risk of water born asbestos fibers has to do with gastrointestinal issues, but SR does not know what they are.

Mark Finneran told the BOS he received a text about the training in Falmouth from a Town employee tonight informing Mr. Finneran that no Falmouth workers attended the training in Falmouth. Mr. Finneran cited Sullivan v. NY Times case and that it relates to using a public figure's name. Chair English Braga clarified that the BOS will not allow employees of the Town be disparaged by others, it is about an issue of fairness to not disparage someone in a way they cannot respond to. That is about being a community and not fair to talk about someone when they cannot respond.

2. Report – Waterways Committee

Jeff Thomas, Chair, and Kevin King, Committee Member present along with members of the committee. Mr. Thomas made a PowerPoint presentation. Mr. Thomas updated on 2019 activities, projects in process, 2020 activities, and Committee tracking tool initiative. This year they dredged Great Pond, Bourne's Pond, monitored progress on the bulkhead rebuild, with additional pilings and new landing floats. Eel River West Channel Extension will be dredged this fall and has not been done in several years. Eel River Approach can be done in the spring. 2020 initiatives include Great Pond, Green Pond, Bourne's Pond, and the Eel River Approach. They will be monitoring and overseeing plans being established for West Falmouth Boat Ramp Redesign scheduled to take place next year. Waquoit Bay has not been dredged for a while, in some areas there are 3-4 feet in the main channel. Next year the Eel River West area of concern, cannot keep this channel clear for more than six months or so. They would like the Town to get an engineering study to see what can be done with that.

Kevin King made a PowerPoint presentation regarding development of a database of the areas of concern, including coastal ponds, town docks, and boat ramps. Example of the spreadsheet was reviewed. Status of the areas will be included in the database. This could be made available to the public as a PDF file. Dredging is a big issue, reviewed spreadsheet from Division of Marine Fisheries, which is comprehensive.

Chair English Braga noted that for the Waquoit Bay project, they need an estimate of the engineering study and permit, then go to Town to figure out how to get that.

Chris Dunn, Waquoit Bay Yacht Club, Harbormaster asked him to be intermediary to the Woods Hole Group, he told them the scope of work and asked for input. They were advised recently they did not have that input, he expects to have it in the next few weeks. They would like to meet the next Town Meeting schedule.

Mr. King noted the border in Waquoit Bay between Mashpee and Falmouth is just about in the middle, they will try to coordinate dredging with Mashpee and figure out where to put the spoils. The spoils are organic matter, not beach worthy. Mr. Dunn explained that based on a Woods Hole Group study, they did grain size analysis of the channel, the material in the channel is principally organic, fine silt, 10% sand and organic silt material not suitable for beach material.

This presentation will be put on the Town website.

3. Report – Conservation Commission

Jamie Matthews, Chair, provided the annual report and made a PowerPoint presentation. 95 miles of total saltwater shoreline in Falmouth. There is much conservation land and the Conservation Commission works with the 300 Committee. Coonamessett River Restoration Project Phase 2 has begun. The commission

meets every Wednesday evening and some other days throughout the year. They hold hearings, apply regulations, this year they held over 200 hearings. They had 37 meetings this year and have had a quorum for every meeting. They have a 96.4% approval rating, they provide favorable orders of conditions for projects. Reviewed the members of the commission. The volunteer commission members conduct site visits in preparation for hearings in order to make informed decisions. They welcome the beginning of the Childs River passing.

Mr. Patterson attends most of their meetings and finds that hearings are done fairly and openly with respect to all.

4. Sign Variance Request – Off-Premise Promotional Sign - Highfield Hall & Gardens Holiday Events Fundraiser

Mr. Jones is concerned about this at Peg Noonan Park, not the right place for it. He would like them to have permission for the sign at the end of their street, because is not permitted at this time.

Ms. Moran noted end of Town Hall Square, Chamber of Commerce oversees it. They likely have a flyer there and that is a more appropriate place. Chair English Braga noted that Peg Noonan Park is prime location, is that going to be a place that has too many signs and taking away from what that place is.

Mr. Jones said sandwich style signs on Main Street are against their sign policy, not supposed to be out on Main St. on regular basis.

Mr. Brown asked what the Peg Noonan Park sign policy is, one can be with their sign and able to do this because standing with their material. Highfield Hall may be able to do that as well, is alternate spot for them to post the sign? Mr. Patterson noted the kiosk would be appropriate alternative.

Brian Anson told the BOS that many businesses have gone through boards for permits to have their sandwich signs and suggests the BOS find out which sandwich signs have special permits.

The BOS will not support this location and suggested asking St. Barnabas if they can put the sign up on their lawn where the church posts their signs. Mr. Jones noted they would still need BOS permission

The BOS likes the idea of them coming to the next BOS meeting with proposal for another location.

5. Discuss Proposed Nip Bottle Legislation

Falmouth Litter Reduction Team has provided the BOS with a letter directing and asking if the BOS would sign on to support proposed legislation House Bill 2881.

Alan Robinson, Falmouth Litter Reduction Team, attended spring meeting where nips were on the agenda and they talked about the House bill 2881 that proposes to add to definition of beverages to include alcohol miniatures. He has had the opportunity to hear Randy Hunt talk about it and that when it is passed only a 5 cent deposit return will be applied. This is not going to change much, but will bring attention to the problem and litter issue.

Some committee members would be in favor of the ban on nips, at least one will not be in favor.

Mr. Robinson explained that in June they invited 17 business that sell liquor to a listening sessions, 9 businesses attended and they listened to them. They were approached last week by the Keep MA Beautiful with idea of doing pilot project related to nips and nips litter in Town. They are having discussions and there are some creative ideas.

Brian Anderson, Teaticket Market, owns businesses in Sandwich and Mashpee as well. He is in favor of the bottle bill and fee should be a quarter with higher handling fee. Behavioral change is the only way to change it. There are bans weaving their way through the MA courts. Grant money has become available through Keep America Beautiful to address behavioral change. Is there a way to get the community together to solve the problem and change the behavior of a small percentage of customers who cause the problem? It is difficult to address, he hopes the BOS is in favor of the bottle bill. Last time they got all State representatives on Cape Cod to support it.

Mr. Jones noted not just litter issue, it's why they are purchased and how they are being used. Mr. Anderson noted that percentage abusing is a small percentage. They will also ask for enforcement in the future.

Mr. Patterson sees nips in his neighborhood, Mr. Brown has observed clusters of the same type of nips and would like to see the littering fine increased and enforcement occur.

Mr. Jones motion approval of the BOS letter to support proposed legislation House Bill 2881. Second Ms. Moran. Vote: Yes-5. No-0.

6. Approve 2020 Annual License Renewals:

ALL ALCOHOL RESTAURANT

Añejo Restaurant, 188 Main Street
Bucatino Restaurant, 7 Nathan Ellis Highway
C Salt Wine Bar & Grille, 75 Davis Straits
Cape Cod Country Club, 48 Theater Drive
Captain Kidd, 77 Water Street
Conference Table, 205 Worcester Court
East End Tap, 734 Teaticket Highway
Estia, 117 Main Street
New Peking Palace, 452 Main Street
Paul Harney Golf, 74 Club Valley Drive
Quarterdeck Restaurant, 164 Main Street
Quicks Hole Tavern, 29 Railroad Avenue
Silver Lounge, 412 N. Falmouth Highway
The Cape Club, 125 Falmouth Woods Road

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

ALL ALCOHOL CLUB

AMVETS Falmouth Post 70, 336 Palmer Avenue
Falmouth Rod & Gun Club, 203 Carriage Shop Road
Portuguese American Association of Falmouth, LLC, 55
Ashumet Road

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

ALL ALCOHOL INNHOLDER

Falmouth Holiday Inn, 291 Jones Road
Falmouth Inn, 824 Main Street

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

ALL ALCOHOL PACKAGE STORE

Falmouth Food Mart & Liquor, 414 E. Falmouth Highway
Murphy's Package Store, 410 West Falmouth Highway
Old Barn Package Store, 20 Luscombe Ave.
Teaticket Market, Inc., 125 Teaticket Highway

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

WINE AND MALT RESTAURANT

Bangkok Thai Cuisine, 291 Main Street
Country Fare, 319 Main Street
Homeport Sushi & Kitchen, 316 Gifford Street
Pizza I & Subs II, 769 East Falmouth Highway
Silver Beach Pizza & Seafood, 557 N. Falmouth Highway

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

WINE & MALT PACKAGE STORE

Wild Harbor General Store, 200 Old Main Road

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

COMMON VICTUALER LICENSE

Añejo Restaurant, 188 Main Street
Bucatino Restaurant, 7 Nathan Ellis Highway
C Salt Wine Bar & Grille, 75 Davis Straits
Cape Cod Country Club, 48 Theater Drive
Captain Kidd, 77 Water Street

Conference Table, 205 Worcester Court
East End Tap, 734 Teaticket Highway
Estia, 117 Main Street
New Peking Palace, 452 Main Street
Paul Harney Golf, 74 Club Valley Drive
Quarterdeck Restaurant, 164 Main Street
Quicks Hole Tavern, 29 Railroad Avenue
Silver Lounge, 412 N. Falmouth Highway
The Cape Club, 125 Falmouth Woods Road
AMVETS Falmouth Post 70, 336 Palmer Avenue
Bangkok Thai Cuisine, 291 Main Street
Country Fare, 319 Main Street
Homeport Sushi & Kitchen, 316 Gifford Street
Pizza I & Subs II, 769 East Falmouth Highway
Silver Beach Pizza & Seafood, 557 N. Falmouth Highway
Betsy's Diner, 457 Main Street
Bite on the Go, 5 Old Meeting House Road

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

Coonamessett Farm, 277 Hatchville Road
Dana's Kitchen, 881 Palmer Avenue
Dunkin Donuts, 1184 Sandwich Road
Dunkin Donuts, 634 Holly Park Road
Dunkin Donuts, 614 Main Street
Dunkin Donuts, 363 East Falmouth Highway
Dunkin Donuts, 4 Sandwich Road
Eulinda's, 634 West Falmouth Highway
Molly's Tea Room, 227 Main Street
Prime Time House of Pizza, 338 East Falmouth Highway
Prime Time House of Pizza, 286 Old Main Road
East Falmouth Subway, 236 East Falmouth Highway
Supreme Pizza, 147 Teaticket Highway
Talk of the Town Diner, 362 North Falmouth Highway
Taste of Two Chef's, 420 East Falmouth Highway
The Village Café of West Falmouth, 634 W Falmouth Hwy

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

INNHOLDER LICENSE

Inn on the Square, 40 N. Main Street
Falmouth Holiday Inn, 291 Jones Road
Falmouth Inn, 824 Main Street

**Ms. Moran motion approval. Second Mr. Patterson:
Vote: Yes-5. No-0.**

ENTERTAINMENT

Portuguese American Association of Falmouth, LLC, 55
Ashumet Road
AMVETS Falmouth Post 70, 336 Palmer Avenue
Falmouth Inn, 824 Main Street
Bucatino Restaurant, 7 Nathan Ellis Highway
Captain Kidd, 77 Water Street
East End Tap, 734 Teaticket Highway
Quarterdeck Restaurant, 164 Main Street
Quicks Hole Tavern, 29 Railroad Avenue
The Cape Club, 125 Falmouth Woods Road

Ms. Moran motion approval. Second Mr. Patterson:

Vote: Yes-5. No-0.

SUNDAY ENTERTAINMENT

Falmouth Inn, 824 Main Street
The Cape Club, 125 Falmouth Woods Road
Captain Kidd, 77 Water Street

Ms. Moran motion approval. Second Mr. Patterson:

Vote: Yes-5. No-0.

AUTOMATIC AMUSEMENTS

Pizza I & Subs II, 769 East Falmouth Highway
Falmouth Inn, 824 Main Street

Ms. Moran motion approval. Second Mr. Patterson:

Vote: Yes-5. No-0.

USED CAR DEALERS – Class I, II, & III

Cid's Auto Brokers, 91 Carl Landi Circle
Costa's Auto Body, 222 Carriage Shop Road

Executive Auto, 118 East Falmouth Highway
Falmouth Auto Center, 614 East Falmouth Highway
Falmouth Salvage, 9 Hayway Road
Reine Trucking, 9 Hayway Road
Seaside Auto Sales, 14 Nye Road
Teaticket Auto Body, 108 Trotting Park Road
Waquoit Auto Sales, Inc., 506 Waquoit Highway

Ms. Moran motion approval. Second Mr. Patterson:

Vote: Yes-5. No-0.

VEHICLES FOR HIRE

AA Taxi, 90 Boxberry Hill Road
All Seasons Taxi, 45 Simpson Lane
Falmouth Taxi, 424 East Falmouth Highway

Ms. Moran motion approval. Second Mr. Patterson:

Vote: Yes-5. No-0.

7. Announce April 2020 Town Meeting Schedule

Announce town meeting 12/9/19

Warrant to close 1/17/20

Vote and execute warrant 1/27/20

Publish articles only 1/31/20

Presentation of petition articles 2/10/20

Vote articles 3/9/20

Mail booklets 3/27/20

Town Meeting 4/13/20

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

8. Discuss and Vote Board of Selectmen Meeting Schedule for 2020

January 6, 13, 27

February 10, 24

March 9, 16, 23

April 6, 13, 14, 15, 27

May 11, 18

June 1, 15, 22, 29 BOS Strategic Planning Retreat

July 13, 27

August 10, 17, 24

September 14, 21, 28

October 5, 19, 26

November 9 possibly Town Meeting, 16, 23

December 7, 21

The School Department Superintendent requested a second meeting first quarter of 2020.

Mr. Brown motion to accept the 2020 Schedule. Second Ms. Moran. Vote: Yes-5. No-0.

9. Discuss Correspondence Agenda Practice

Chair English Braga said there have been questions about what the correspondence agenda item means and how the BOS uses it. She feels it would not be practical to talk about all correspondence the BOS has received and asked the BOS about their thoughts in using it, improving it, and other thoughts they may have.

Mr. Patterson feels it is important that others understand it needs to be placed on the agenda, if someone wants their item deliberated, it should be requested as one of the agenda items.

Mr. Mustafa told Mr. Brown that this was originally brought up by a previous BOS because some people said they sent a letter and asked if the BOS received it. He wanted to make sure it was acknowledged and received. Current policy is to make sure people realize they pay attention to the correspondence. Now someone replies that comments received.

Mr. Jones said that not all received needs to be reported on under this item.

Mr. Johnson-Staub suggested that BPS suggest future agenda items specific to correspondence be addressed during the BOS individual items. Other communities may have it, if there particular correspondence they list it as an agenda item.

Mr. Patterson would like to bring in the resources to deliberate about it.

Chair English Braga said that if the issue is significant enough it would be an agenda item, otherwise she does not understand the value of the correspondence. Open Meeting Law is strict and they do not want to violate it. In Mr. Mustafa's time on the BOS, it was not the time of the vast types of communication they have now.

The BOS likes the idea of addressing it under the BOS individual items. Mr. Brown acknowledged that this sufficiently addresses his concern.

10. Minutes of Meetings:

a. Public Session
September 23, 2019

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

November 25, 2019

Mr. Patterson motion approval as edited. Second Ms. Moran. Vote: Yes-4. No-0. Abstain-1 (Mr. Jones).

b. Executive Session
October 28, 2018

Mr. Patterson motion approval and not release. Second Ms. Moran. Vote: Yes-5. No-0.

11. Individual Selectmen's Reports

Mr. Brown:

Attended the Marks Building Committee meeting, they have been meeting every couple weeks.

Attended the Coastal Resiliency Action Committee regular meeting and at the Gus Cauty Recreation Center.

They may need a larger venue for future presentations.

Tomorrow will attend the School Committee Meeting with Mr. Suso regarding the disposition of the Veteran's Building.

Mr. Patterson:

Holiday parade was fantastic and there were many compliments by visitors of the holiday by the sea weekend.

The Trotting Park Fields are being given a chance to recover and he appreciates the management of the fields. The future skateboard park construction is moving forward.

Ms. Moran:

As Falmouth Representative to the Assembly of Delegates, she makes reports and taped one at the FCTV.

Chair English Braga:

Fabulous holiday events weekend.

She was part of event to celebrate Azorean, Portuguese, Cape Verdean heritage in Falmouth. Louis White did presentation as did Miguel Moniz who lives in Lisbon who offered resources from the Portuguese Department of UMASS Dartmouth to the Falmouth school community. They will try to make this an annual event.

12. Town Manager's Report

Mr. Suso enjoyed attending community events over the weekend.

Mr. Jones motion to adjourn at approximately 10 p.m. Second Mr. Patterson. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves

The minutes of January 6, 2020 were already approved by BOS (on January 13).

TOWN OF FALMOUTH
BOARD OF SELECTMEN

Meeting Minutes

MONDAY, JANUARY 13, 2020
SELECTMEN'S MEETING ROOM
TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Others present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel; Irie Mullen, Associate Town Counsel.

1. Call to Order by Chair English Braga at 7 p.m.
2. Pledge of Allegiance
3. Recognition
4. Announcements
 - Mr. Brown announced that the Martin Luther King Day breakfast at the Seacrest hosted by No Place for Hate will be held on Monday morning at 8 a.m. and tickets may be purchased at the No Place for Hate website.
 - Pending Road Closure of John Parker Road will occur in the near future and Mr. Suso will get the word out once the dates are confirmed. This will be for work that is part of the Coonamessett River restoration.
 - Shellfish closure announcement in the packet read by Chair English Braga: Area SC12.3 does not meet the criteria based on water quality. As a result the below defined area, including Green Pond North will be closed to the taking of all shellfish as of 1/14/2020. Questions may be directed to the Shellfish Warden. Mr. Johnson-Staub had correspondence with the Shellfish Warden today; this is an unusual closure and has to do with large gathering of birds in the water, including people feeding birds, and the impact on the water quality.
5. Public Comment

Debra Siegel, West Falmouth, is concerned about the West Falmouth Fire Station closure. The residents were told union rules would preclude a single staffed station, but she believes there are enough staff. Two people working together is preferable to one person; however one firefighter can perform CPR, administer oxygen, stop bleeding, and may begin to extinguish fires by themselves. She does not understand the rush to close the station before a replacement is built. A station on Sandwich Road, does not meet the criteria. Read the Falmouth Fire Department mission statement.

Leonard Johnson, Wild Harbor Road, asked if the asbestos issue was affected the three water breaks on the road in the last few months. What is the explanation of amount of asbestos and what does it mean. After the water mains repaired on Woods Hole Road, was there testing done on the impact. When was the hydrant at Waterside Drive last tested?

SUMMARY OF ACTIONS

1. Licenses
 - a. Application for Change of Manager of an All Alcoholic Common Victualler License – DJ's Holdings, Inc. d/b/a DJ's Family Sports Pub, 872 Main Street, Falmouth

John Carlin was present with his parents Dennis and Eithne Carlin, principals of DJ's holdings.

John Carlin has been the full time manager since 2014 and is seeking to take over the restaurant.

Mr. Jones reminded that Mr. Carlin, as manager, is responsible for violations that may occur.

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

- b. Application for Change of DBA and Change of Manager of an All Alcoholic Common Victualler License – Infinite Dynamic, LLC d/b/a Bear in Boots Burger Bar, 285 Main Street, Falmouth

Kate Rickard, Owner of Bear in Boots. She started the business with her husband, he stepped away from the business and it is being transferred to her name. Hours of operation will be Wednesday and Thursday 4 p.m.-close; Friday and Saturday noon -9p.m. During the summer they will be open 6-7 days per week from 12 p.m. to 12 a. m.

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

- c. Application for Change of Manager of an All Alcoholic Common Victualler License – 99 Restaurants of Boston, LLC, 30 Davis Straits, Falmouth

This will be carried over to the next meeting and Mr. Suso will ask for representative from the business be present.

- d. Approve Application for Six (6) Special One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive, on Friday, Saturday, and Sunday, January 17, 18, 19, 24, 25 and 26, 2020

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

- e. Approve Application for a Special One-Day All Alcohol Liquor License – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive, on Friday, February 14, 2020

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

2. Administrative Orders

- a. Approve Eversource Energy Petition to Install two (2) 4" Conduits and Two (2) Handholes on Pond Road, Northeast of South Road

Recommended by the Engineering Department.

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

- b. Approve Eversource Energy Petition to Install two (2) 4" Conduits and on South Road, West of Pond Road

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

- c. Vote to Approve Certification of Estimated Summer Resident Population as of July 10, 2020

Mr. Suso has received certification from the Falmouth Clerk that the estimated 2020 seasonal population will be 84,378 effective 7/10/2020.

Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- d. Vote Real Property Assurance Regarding John Parker Road Culvert Replacement Project – U.S. Natural Resources Conservation Service

This is recommended by Town counsel and Mr. Suso explained that this is a requirement by federal funding agencies that the Town Counsel affirm the Town controls all the property on which this will be replaced.

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

- e. Vote to Authorize Letter of Support for Rep. Jennifer E Benson's Bill (HB2810), An Act to Promote Green Infrastructure and Reduce Carbon Emissions

Ms. English Braga explained that the BOS has been asked for a letter of support. The BOS has received several emails from community members who did not want the BOS to vote in favor of this due to the potential affect on homeowners and builders.

Mr. Patterson is in favor of this and noted that this a difficult challenge to address greenhouse effect. This technique is the best way to allocate responsibility and pay for remediation efforts that the scientific community knows we need to do. Any bill in this form is subject to much review at the State level.

Mr. Brown is not ready for the government expansion needed to manage this and it creates another layer of bureaucracy. He does not yet understand all of the ramifications.

Ms. Moran is in favor because we have to make our support and direction to the legislature clear; it will be debated and it needs to start somewhere. By signing onto this letter and showing support for the concept it will start the ball rolling in a positive way. Appreciates the Energy Committee's support for this.

Mr. Jones believes if we do not step forward, we are in trouble because the federal government is not doing as good a job as they should.

Chair English Braga is in favor and noted it will go through debate, several iterations are likely, and she would rather see them start the process.

Ms. Moran motion to authorize Second Mr. Patterson. Vote: Yes-5. No-0.

Public Comment:

Mark Finneran explained that this bill will cost each household \$790 per year and top out over \$1500 per year. We are contemplating a \$ 0.17 cent gas tax as well for the same reason. Both are too much. People have a hard enough time affording to live on Cape Cod, how much will this affect people trying to live here affordably? There have been two other times when the climate has warmed; Roman and Medieval warming periods. This is more political science than real science and suggests thinking harder before supporting this because of the cost to each household.

Mr. Jones is convinced by every scientist he has talked to that we are in serious trouble and scientists have proven that.

Chair English Braga recommends people review the bill for themselves rather than just a summary.

Sam Patterson noted scientists have tracked warming periods, but trucks and cars are a new phenomenon with increased carbon dioxide increases.

Mr. Finneran noted that this is cyclical, he does not believe this is settled science. We are paying 3.5% on utility bills that helps to fund the Cape Light Compact's program providing people 75% off any improvements to their property. This is too much.

Mr. Brown read in bill, the rebates will favor low income people, but done on tax return.

Rich Bradley, Precinct 7, asked if a survey done by the BOS about how the townspeople feel about this? Chair English Braga explained that a petition like this is handled in this way, not by a survey to the Town. Mr. Bradley asked if the Town wants to take that stance, how about converting everyone over to battery powered vehicles and once the Town has seen the cost, they may have a different stance on it. Mr. Brown and Chair English Braga noted that they have already put those type of things in the yearly budget.

Terri Jewett asked to put on the ballot. Chair English Braga explained they do not do that, however it could on a warrant on Town Meeting. They are voting this tonight.

Mike Heylin, Clifford Lane, asked of the emails from those in Town, what was the input. Chair English Braga explained that 3-4 emails asked the BOS not to vote for this, one was from a group in favor of this. Mr. Heylin said that the BOS is supposed to do the will of the people and asked if it would make sense to wait for more public feedback.

Mr. Jones feels the BOS is to make decisions with the information they have from various sources and what he feels the Town wants him to do. He also does research on his own.

Chair English Braga noted the BOS is elected to set policy, it is not popularity contest, they do not make decisions based on a few people. The BOS addresses items on the agenda by doing research, hearing from people, and then making the decision. If majority of people do not like the decision, then they may address this during the election every three years.

Mr. Heylin noted of those who reached out BOS do not want this and he sees no harm in having a public forum. Mr. Jones believes he is representing the vast majority of people's view point.

Chair English Braga noted many people are advocating on issue of carbon pricing, greenhouse regulation, and many have advocated to this response.

BUSINESS

1. Status/Update on Water Division Asbestos Concrete Pipe Issue

Steve Rafferty, Water Superintendent

The contractor will dispose of the asbestos beginning this Wednesday and taking several days. Employees have completed the Asbestos remediation training, meter readers will not attend and one other staff will attend.

Shipping container received, it will be lined with sheeting, complete order should be received this week and installed by staff. Going forward, this container will be used for storage. The Town will contract with a licensed asbestos abatement firm to pick up the stored asbestos material monthly.

They have set up a sampling program and provided a summary of what they know about asbestos and health risk. Safe limit of fibers and maximum containment level are published by the U. S. Environmental Protection Agency (EPA) in the Code of Federal Regulations. The MA Department of Environmental Protection (DEP) mandated distribution system sampling program, sampling is done for crystal like fibers, 6 types of asbestos. The fibers are counted, any sample that returns includes sensitivity of the sample, what has been detected, and the possible range of how much off in either direction. He has reviewed historical records, 3 done in 2004 Green Acre Rd., E Falmouth and W. Falmouth fire stations; each case it was a non-detect. In April 2013 East Falmouth tap was tested, result was non-detect. Current DEP next sampling date is the second quarter 2022. In response to the question raised regarding Long Pond water contamination Mr. Rafferty set up sampling, he sampled Long, Mares, and Crooked Pond. Looked at where the asbestos pipe is in the system, selected 2 sites that water had gone through the most asbestos pipes by Woods Hole Yacht Club, end of Seacoast Shores, and Waterside Drive. None were established sampling stations in the DEP program. The regular schedule is every 3 years. They got samples on 12/10/19, results back 1/6/2020. The results were read: raw water Long Pond detection limit 520,000 no detection, Crooked Pond was the same, Mares Pond detection limit of 200,000 no detect. What is in Long Pond is similar to other ponds and no indication the pipe storage affected Long Pond. Also tested the finished sample, non-detected. Non-detect near Woods Hole Yacht Club; end of Seacoast Shores was in large range. Waterside Drive detected fibers, confidence limit reviewed. With that information, he contacted the DEP about the way they tested, what their regulations say, and what the plan would be moving forward. The DEP concerned a non-representative sample because it was from hydrants, not the drinking water from faucets. They submitted samples from distribution system, not the results from the pond sampling. DEP suggested follow up sampling from sample taps. Mr. Rafferty explained they then went to all Fire Stations with sample taps and find a tap on the Wild Harbor end. Samples were done this morning and sent to the laboratory with a two week turnaround. This means that the regulations say if exceed their regulations, this must be reported to the DEP within 7 days. They made submittal within the 7 day window. The next round will be results for what we are actually drinking, send to the State, and find out if in the Tier Two, if so than the Town may be required to send notice to all system users.

Chair English Braga noted that the DEP said the hydrants are not representative of the water we drink, they recommended to test from the taps.

Mr. Rafferty reviewed the use of asbestos in the pipes, and price was cost competitive and in 1950's-70's many growing communities used this material.

Falmouth has 360 miles of pipe, 144 miles are asbestos cement and installed 1950s-1970s. There are cast iron and asbestos main on Wild Harbor Rd., he will check on which they were having issues with.

When a water main breaks, they isolate the area, and are conscious about the location of the break. They flush the water until there is a good clean flow out the hydrant.

MCL=maximum contaminant level.

If in the future it is needed, a warning would be issued regarding possibly adverse affect with gastrointestinal tumor issues, he did not see a warning towards pregnant women.

The MCL's are to be conservative and protect public health. Inhalation of asbestos is not good, there is no direct link between ingestion and known cancers.

Public Comment:

Leonard Johnson: if the pipe in Wild Harbor Road is iron pipe, why is the reading off the chart? Mr. Rafferty would not speculate the cause right now, DEP was concerned that flushing hydrant is moving large body of water along the sides of pipe.

Mike Heylin, Clifford Lane, noted at the 12/9/19 Meeting:

Mr. Rafferty said they purchased shipping container with abatement contractor and contractor will line it. Now he says a worker will do it? Why have the worker do the job that he said contractors would do?

Mr. Rafferty uses particular model saw, DEP and OSHA he asked about the saw and if it provides the water flow and pressure to abate the fiber from getting in the air? Is the saw still being used and why?

PH control is used on their pipes, the water through the pipes should not be coming apart, then Mr. Rafferty said there are millions of asbestos pipes in the water, asbestos does not leach into the ground. Now comments on scouring of said pipe in Wild Harbor caused this. When getting water sample from hydrant, how much is the hydrant being opened?

Newspaper quoted Mr. Rafferty that the public should not be overly cautious, today says they should be. Mr. Rafferty had recommended a carbon filter if the public were concerned, according to Mr. Heylin the carbon filter will not remove the carbon or asbestos.

Mr. Rafferty said plan was for contractor to line the container, the expense in paying abatement contractor in doing the lining was significant, so he wanted to buy the material and have staff do the lining. Staff are able to line the container. Two saws used by the Town are the appropriate saws to use for asbestos concrete pipe. Mr. Rafferty noted asbestos cement, if acidic water, it could react with metal pipes and asbestos pipes, but we have PH control, so he does not believe that is an issue. Effect of scouring or not is an open question. To use the hydrant, they open the hydrant to about 300 gallons or so per minute. Mr. Rafferty invited Mr. Heylin to observe opening of hydrant. You get brown water, then clear, then trickle it to get a sample. Scouring is a new possibility because of the concern raised by the DEP when sampling hydrants.

Mr. McConarty, Interim Director Public Works, attended ATC asbestos class, they use wet chain saws, ATC has tested these saws multiple models and they are fine to use without a respirator or Tyvek. We have respirators and Tyvek suits.

Mr. Heylin asked if the saw that is used needs water source and if it is a gravity source or being pressurized into the saw?

Mr. Rafferty said that historically they put water into plastic pail elevated above the saw. Based on recent concerns, looking to modify it to add more pressure; they will use less water.

Mr. Rafferty explained that he and the supervisors have worked through the reporting and documentation requirements, those records are retained by the Town for 2 years. Zero tolerance policy implemented, they will document what they have done, what they have for asbestos they double bag and label. They had water main break after Xmas, asbestos pipe, no asbestos needed to be removed, they put a steel band around it, but did all paperwork, got emergency asbestos number, even though no asbestos was removed.

Mr. Heylin commented that this is a health concern, carbon filters do not work, should use reverse osmosis filters, and he recommends the Town pay for anyone in Wild Harbor who had to have a home asbestos test because of the lack of management and oversight, the cost of which should come out of the salaries of those in charge. People have to live with the fear of long term effect. Children in this Town should be drinking 3 liters of water a day, if these numbers are right and 1 in a million people get benign polyp, it is not worth it. He feels the BOS and staff keep making excuses. Falmouth does not have clean drinking water and he would like to know the historical test results.

Chair English Braga said that the results from last round of testing will be provided to the public.

Mr. Brown feels that Mr. Rafferty is taking this more serious and to test fire hydrants at end of the line is above the expectation. Mr. Rafferty put himself at risk to find out what was happening.

Mr. Rafferty noted the DEP testing needs to be done by a person with operating license, his staff does the sampling and he confers with them.

Terry Juret (phonetically) asked what the BOS do and accused the Town Manager of not doing his job. Chair English Braga noted they set the policy for the Town. The BOS sets policies, elected by townspeople who are able to vote. The BOS does not oversee the day to day staffing, the Town Manager does that. Chair English Braga did not agree with summation of what Ms. Juret was saying, this has been going on for years. Problem with asbestos pipes and fact they were not stored has been addressed and going to be abated. In regards to water quality; the Town never had a problem with asbestos in water until the fire hydrant reading that the DEP asked the Town to redo. The BOS did not know how the pipe was being stored. Mr. Suso first learned it was stored out of DEP regulations at the time it was revealed publicly.

Mark Finneran, Precinct 6, asked how asbestos gets into a pond? Mr. Rafferty explained that he looked back at records available, looking for past samples, found some past samples, he believes they are supposed to test every 3 years, he has asked the DEP and laboratory for past samples. He found 2004 and 2013, there may be more and he is trying to get those records. Mr. Rafferty provided the detection limits; asbestos is a naturally occurring material, present in sands, there has been asbestos in brake linings, unknown how a water body would trap it. All three samples were non-detects. Mr. Finneran asked about the Seacoast Shores Sample, the hydrant laboratory reported back fibers, the detection limit was under the contaminant level. In 2013 when Mr. Finneran spoke to the DEP, Jim McLaughlin told him they had also mandated the Town directionally flush the water system by August 2018; most Towns do that yearly. As of today, a complete directional flushing since 2013. When will the flush be done and had it been done, we would not have gotten this bad sample. When will the directional flushing be done?

Mr. Rafferty explained that Directional flushing program being done, flushing in spring and fall. The entire system has not been flushed, most all southern peninsulas, Sippewissett, up towards North Falmouth, and hope to flush up to Bourne line. Mr. Rafferty has a color coded map with the plan outlined. If the BOS wishes to do it yearly, he can present to the BOS the resources that will be needed.

Mr. Heylin asked about last summer, fire on Maravista and house total loss. The fire hydrant closest did not work. If the hydrant was faulty, would flushing have prevented that and saved that home? Chair English Braga tabled that for an answer from Chief Small.

Mr. Heylin has seen some hydrants with locks on them; if you have a hydrant on your street and not being maintained, your house could fall down.

Mr. Rafferty explained that as part of the program, been operating hydrants, they do not have all hydrants working and they will find that hydrants are not working. When they find a bad hydrant, they fix it; they

are few and far between. If someone concerned about a hydrant, call the DPW, they will add it to the list, and it will be checked.

Mark Finneran, recommended all hydrants be serviced every 5 years and directional flushing yearly. The last time the hydrant on his property, 98 Grand Ave., was flushed was 28 years ago. When they replaced the water main, it has been constricted to 3 inches. First thing in the morning he gets the smell of chlorine, indicates high rate of chlorination.

2. Solid Waste Advisory Committee Recommendations

Chair English Braga read the recommendations from the committee and responses. IQ kit, implementation date subject to staffing. Linda Davis, Chair, said the requirement for the kit is personnel, doing survey of areas in Town, preparation work in what to put in trash and recycling, monitor results, and then help the community do things right. That connects to their request for solid waste manager for which a part time position is recommended to 2021 budget; if approved, once that position is filled, that person can organize part of the IQ kit.

Ms. Davis met with Peter McConarty, the IQ kit cannot be implemented for this spring, though some committee members have been doing surveys along with Mark Finneran.

Chair English Braga noted the data the Solid Waste Committee members have been collecting, this will be helpful for this person to look at.

Move forward with drafting bylaw, approved by BOS, for April Town Meeting warrant. Mr. Johnson-Staub noted that Mr. McConarty drafted the bylaws, need to talk with Health Director, and dialogue with BOS; could be a town meeting bylaw or Board of Health (BOH) bylaw.

The committee has improved communication and cost effectiveness of print media needs to be assessed. The committee has worked on a flyer that could go out with the water bill so all would be on notice and pay attention to the flyer they receive. Zachary Ellis is eager to work with FCTV on programs to do trash right.

Encourage more Town personnel to attend more DEP workshops on zero waste. The Town may have staff attend based on their availability, the part time position may be able to do this. Ms. Davis said this Wednesday at Barnstable's quarterly meeting, the MA DEP will be talking about grants and monies available.

Prepare for 2022 for municipal solid waste pickup contract. Staff will evaluate these issues as part of the process of the new bid. Ms. Davis said they need better recycling bins, which can be worked into the contract. A suggestion was that all contracts with anyone who carries any kind of waste be looked at.

Review subsequent waste management plans including streamlining computer system at the gate, swap shop, and contract monitoring of materials. Software used will need to be replaced, there are no health issues at the trailer, and monitoring is not a priority. Mr. Johnson-Staub and Mr. McConarty crafted the working of this response. Mr. McConarty is looking to do multiple projects up there, other structural items need to be done, including the wall where the dumpsters are, trailer into a building, and software system once looked at once the building is done. Software system up there was created in house, there are other systems out there that would automatically update.

Waste and recycling plan for events such as weddings will be done. When people apply for permit, this will be addressed and also look at the single use plastic ban.

The Solid Waste Manager position is in the proposed 2021 budget.

Ms. Davis is very happy for these changes.

Mr. Finneran explained that the recycling rate runs about 70%, stop with plastic bags into recycling.

Anything that resembles a string or rope.

Allen Robinson, surveys have found 63% curbside recyclables of 200 homes, 63% are doing it perfectly. 21% are not perfect due to plastic bags, the bags get tangled in the machinery and so those bags are tossed out at the facility.

3. Vote to Adopt FY2021 Budget and Submit it to the Finance Committee

The BOS reviewed budget at the last meeting, asked questions, any further questions to Ms. Mullen. Mr. Brown asked if there is room for increases in collective bargaining for police officer base pay. This may be addressed during union contract negotiations, Mr. Suso explained that they monitor the market to affirm the pay is competitive in the market, which is not a barrier. There are other barriers to effectively get police officers, including civil service, detail pay system for those officers interested. As they embark on next process they will determine if their pay is competitive and bring other proposals that may alleviate the difficulties. Potentially bringing a bylaw forward that could go to Town Meeting to remove the Town from civil service system to speed up the process, which might open doors for individuals put off by the civil service system and are interested in becoming public safety officers. If, after bargaining, they need to increase the budget, which can be addressed in the fall.

Ms. Mullen noted establish a wage pattern can be hard to talk about it now as they are trying to negotiate. Article set aside in this budget for negotiating wage increases, along with the fire station.

Charles McCaffrey, President of the West Falmouth Library and Bob Pelletreau, President of the Woods Hole Library would like an increase appropriations. They get donations, fundraising events, facility rentals, and have strategic plan to increase the income to expand the collection and program offerings. They want to take full advantage of the improvements to the library. The budget represents about 8% of their operating income. Currently budgeted for \$19,000, would like to raise it to \$25,000.

Ms. Mullen explained that they look at all other requests, she suggests the Finance Committee vet out the budget and ask questions. Since there was no request, she recommends adopting the budget as it is now, but contacting the Chair of the Finance Committee and discussing it with the two gentlemen.

Mr. Patterson would like this request to be vetted. Ms. Mullen explained that the budget was increased, then put into the library line item budget because it is a pass through. This is a private library and policy; funding private libraries would be good topic for strategic planning session.

Ms. Moran said it makes sense this be considered by the Finance Committee. Chair English Braga recommended reaching out to the Chair and that they would like to present this to them.

Mr. Patterson motion approval and pass along to the Finance Committee. Second Mr. Jones. Vote: Yes-5. No-0.

4. Annual Committee Report – Affirmative Action Committee

Joanne Treistman and Patricia Oshman, Co Chairs, introduced the Affirmative Action Committee members present. They have a lot of input and much going on in the community. Since June 2019, involved in Fred Douglas' speech for Cape Verdean Day, working toward the museum at the Emerald House. Attended NAACP annual meeting, promoted Journey of the Light Movie at Cape Cod Community College talking about origins of the communities from long ago and appreciate diversity of our population. Attend speak outs in the community, underrepresented groups, Mashpee committee in February, Falmouth Racial Justice Book Group, Barnstable County Human Rights Breakfast, and the No place for Hate bystander training, which was of great interest in making people feel safe and welcome here. A sophomore student at Sturgis sits in on the meetings. Listen Up community meeting with School Committee and Woods Hole Diversity Committee Thursday 1/30/2020 6-7 p.m. at FRS., students will present during the day for the school and public at night. On 2/29/2020, celebrating Amelia Cabral who was important for independence of Cape Verde, the author of a book on this subject will be here. Citizen Petition to reinstate the Affirmative Action Outreach Officer position, which is vacant. Sandy Silva has been working on that and wrote up warrant article, gathering over 100 signatures in less than one week.

Sandy Silva, Precinct 2, requesting the BOS endorsement for an article to create Affirmative Action Coordinator position, and submitted to the Town. This article reimagining what the coordinator position will be, different type of position, need is severe for an individual to go out and educate the

community/train on diversity skills, provide workshops, and other educational services to the community. Many categories of difference give rise to hate and racism, these issues need to be dealt with proactively.

The BOS cannot deliberate, there is no funding and not in 2021 budget. Second article will be submitted on the funding article.

Chair English Braga noted that this conversation is one that has gone on for a long time, Dr. Spivey was tremendous in the school system. Her son's experience was very different than what she remembers growing up in Falmouth.

Ms. Moran said we need the support. Ms. English Braga noted that Town Counsel has reviewed the draft.

5. Transportation Management Committee

- a. Interview: Alison Leschen read a statement, this committee can design for interconnected community for people to get around on various modes of transportation. Local Comprehensive Plan and Complete Streets. If they carry out these principals in every project, it can make a difference in the future. Planning for people moving and getting away from cars. To be effective, need to have 1. Recognition by the BOS that this committee plays an essential role to be involved from the beginning on movement of people. 2. Staff and administrative support by DPW at all meetings and Town Manager at some, recording secretary, timely responses by Town staff. 3. Recommendations taken seriously, valued, implemented. 4. Process of hiring DPW Director, favor candidates who welcome citizen participation and is open to ideas.

Mr. Jones suggested they put all 5 applicants on the committee as at large members and add Disability Commission to make it 9 member committee.

Historical was requested by the BOS.

Mr. Jones motion to increase the members to five at large and four designees including the Commission on Disabilities. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Brown motion appoint Ms. Leschen and Edward DeWitt to a term ending 6/30/2022. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Patterson motion to appoint John Keenan and Jane Perry to a term ending 6/30/2021. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to appoint Ralph Herbst to a term ending 6/30/2021. Second Ms. Moran. Vote: Yes-5. No-0.

The BOS would like suggestions charge suggestions discussed at a future meeting and invited the committee to be present for that discussion.

The BOS noted that the role of secretary is a duty that needs to be done by the committee members.

- b. Vote and Appoint Committee Members

Mr. Jones motion to increase the members to five at large and four designees including the Commission on Disabilities. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Brown motion appoint Ms. Leschen and Edward DeWitt to a term ending 6/30/2022. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Patterson motion to appoint John Keenan and Jane Perry to a term ending 6/30/2021. Second Ms. Moran. Vote: Yes-5. No-0.

Mr. Jones motion to appoint Ralph Herbst to a term ending 6/30/2021. Second Ms. Moran. Vote: Yes-5. No-0.

The BOS would like suggestions charge suggestions discussed at a future meeting and invited the committee to be present for that discussion.

The BOS noted that the role of secretary is a duty that needs to be done by the committee members.

6. Approve 2020 Annual License Renewals:

Second Hand Auto Dealer

- a. Excel Auto Repair & Sales, 94 East Falmouth Hwy.
- b. M & N Auto Mall, Inc., 20A Village Common Drive
- c. Falmouth Auto Works, 151 Worcester Court

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

7. Minutes of Meetings: Public Session

October 28, 2019

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

November 18, 2019

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

January 6, 2020

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

8. Individual Selectmen's Reports

Mr. Brown:

Attended a meeting regarding harvesting weeds equipment for Mill Road Pond and will meet again in 2 weeks.

Mr. Patterson:

Met with CCRTA Advisory Board, trial on new service in Hyannis that started 1/1/20, able to call in for a ride within 3 hour window, similar to Uber.

Ms. Moran:

Assembly of Delegates will be furthering the Charter Review this Wednesday at 4 p.m. including potential recall provision and other items.

Chair English Braga:

Tuesday 7 p.m. at FHS 1/21/2020 forum called the Current and Future Fire Station Needs theme, goal is to start a community wide discussion in change of staffing in July with new contract. Learn about staffing, where the Town will be, and thoughts about potential override for more staffing and what that may mean. Conversation about a new fire station being built. The BOS is asking for applications from individuals from all parts of the community to step forward for the Citizen Advisory Committee.

9. Town Manager's Report

Mr. Suso received contact from Katherine Bumpus regarding supporting the Friends of Nobska for grant funding, that grant was due last Friday and contact the day before. No opportunity and acting today beyond the deadline and in furtherance of the renovation. If the BOS is agreeable, Mr. Suso can submit a letter of support from the BOS in support of the grant.

Mr. Jones referenced the 2017 previous vote.

BOS would like the mission statement for the Fire Department Citizen Advisory Committee.

U. S. Census wants to set up table at Town Hall to become involved in the upcoming census and supported by the BOS.

No place for Hate annual Martin Luther King breakfast event will be held on 1/20/2020 at the Seacrest.

Mr. Jones motion to adjourn at 10:06 p.m. Second Ms. Moran. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT