

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, SEPTEMBER 28, 2020 – 7:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the September 28, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. *Zoom Login instructions:*
 - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

AGENDA

7:00 p.m. OPEN SESSION

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

7:15 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Approve Eversource/Verizon New England petition for the installation of one (1) pole at Barrows Road, South of Rivers Edge Road. The proposed location is required for sustaining and protecting fixtures to be owned and used in common by petitioners, along and across the public way.
 - b. Vote to approve application for MassWildlife Habitat Management Grant - invasive plant management
 - c. Approve Solar Phase 2 PILOT Agreement
 - d. Authorization to accept funding from MassDOT for technical assistance related to Complete Streets program
 - e. Authorize Community Preservation Committee (CPC) Applications:

- a. Conservation Department and The 300 Committee Application for permanent protection of the 9.3 acre Florence Sylvia Woodlands property in North Falmouth
 - b. Recreation Department application for funding for hard court renovation on Bell Tower Lane in Woods Hole
2. Special Events
 - a. Community Painting Day – League of Women Voters – Library Lawn or Peg Noonan Park – Saturday, 10/10/20, 10:00 a.m. – 3:00 p.m.

7:30 p.m. BUSINESS

1. Update on November election and voting – Michael Palmer, Town Clerk
2. Discussion/update on COVID-19 issues
3. Update on water quality issues – Peter McConarty, DPW Director
4. Request for a sign variance for the supporting structure of a sign at 187 Teaticket Highway for Green Ocean Car Wash – Matt Anderson, Kiwi Signs. The supporting structure exceeds the total of 8.0 sq. ft. to be considered incidental to the sign area. Continued from September 21, 2020.
5. November 2020 Town Meeting petition article presentation:
 - a. Article #4 – Jay Zavala for the Barnstable County Agricultural Society, Inc.
6. Status update on Fire Department staffing
7. Vote Little Pond Sewer Service Area (LPSSA) grinder pump reimbursement
8. Governor's COVID-19 Order No. 50 Making Certain Phase III Adjustments, Extension of Outdoor Dining Provisions, direction/guidance from the Select Board
9. Minutes of Meetings:
 - a. Public Session – August 24, 2020, August 27, 2020, September 14, 2020
10. Individual Select Board Member's Reports
11. Town Manager's Report

Megan English Braga, Chair
Select Board



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: Sept 24, 2020

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install a new JO-ES Pole to relieve overload substation on Barrows Road

A petition was submitted by Eversource to install one new JO-ES Pole #9140/76.5 for stepdown transformer to relieve overload substation on Barrows Road.

The Engineering recommendation is to approve the request as submitted on Plan No. 2404902, W/O #2404902, dated Aug. 1, 2020.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

TOWN



50 Duchaine Blvd
New Bedford, MA 02745

August 17, 2020

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

Select board:

Enclosed is a petition for 1 proposed pole location(s) on **Barrows Road, Falmouth, Massachusetts.**

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

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

Very truly yours,

A handwritten signature in black ink that reads "Donna Rosa".

Donna Rosa
Right-of-Way
Representative

DR: dh
Enclosures



PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

New Bedford, Massachusetts
AUGUST 1, 2020

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

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

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

**BARROWS ROAD, South of Rivers Edge Road
WO# 2404902**

**One (1) Pole
POLE #9140/76.5**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. **2404902**, Dated **AUGUST 1, 2020**.

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

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

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

By.....*James Rorr* 8.18.20.....
Right-of-Way Representative

VERIZON NEW ENGLAND, INC.

By.....*David Cassma* 8/26/20.....
Manager Rights of Way

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

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

Notice having been given and a public hearing held, as provided by law.
IT IS HEREBY ORDERED:

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

be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 1 day of **AUGUST, 2020**.

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

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. **2404902**, Dated **AUGUST 1, 2020** filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND, INC. not to exceed **40** wires and **4** cables and by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables and fixtures

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

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

BARROWS ROAD, South of Rivers Edge Road
WO# 2404902

One (1) Pole
POLE #9140/76.5

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

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts held on the 28th day of September, 2020.

Clerk of Selectmen.

(over)

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

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

We hereby certify that on September 24 2020, at 2:00 o'clock, P. M., a public hearing was held on the petition of the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

.....
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.....
.....

Selectmen of the Town of **Falmouth**
Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts, on the _____ day of _____, 2020, recorded with the records of location orders of said Town Book, _____ Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

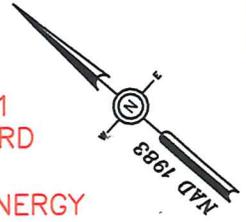
Town Clerk.

29 08 015A 002
0 BARROWS RD
N/F
EVERSOURCE ENERGY

APPROX. R.O.W.

Plan to accompany petition of EVERSOURCE ENERGY
to Install New JO-ES pole #9140/76.5 50' for
stepdown transformer to relieve overload substation.

29 08 016 001
122 BARROWS RD
N/F
EVERSOURCE ENERGY



BARROWS RD

EDGE OF ROAD

EDGE OF ROAD

EDGE OF ROAD

EDGE OF ROAD

9140/76
JO-ES

PROPOSED
9140/76-5
(JO-ES)

50'

29 07 013 001
4 RIVERS EDGE RD
N/F
MIRANDA RAFAEL

APPROX. R.O.W.

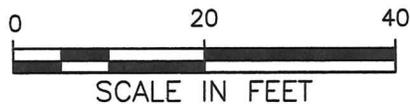
RIVERS-EDGE RD

APPROX. R.O.W.

29 07 013 048
5 RIVERS EDGE RD
N/F
HAVERTY PAUL J
HAVERTY M CRISTINA

LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Pole
- Existing Pole
- Riser Pole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

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

MASS. LAW

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

Plan #	2404902
Ward #	-
Work Order #	2404902
Surveyed by:	-
Research by:	JC
Plotted by:	GC
Proposed Structures:	
Approved:	A DEBENEDICTIS
P#	

NSTAR ELECTRIC EVERSOURCE

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of WAQUIOT HIGHWAY @ BARROWS RD

WAQUIOT

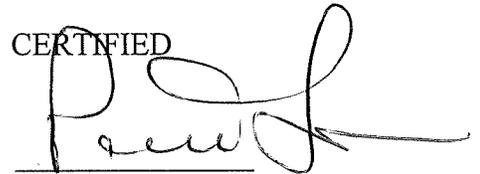
Showing PROPOSED POLE LOCATION

Scale 1"=20' Date AUGUST 1, 2020

SHEET 1 of 1

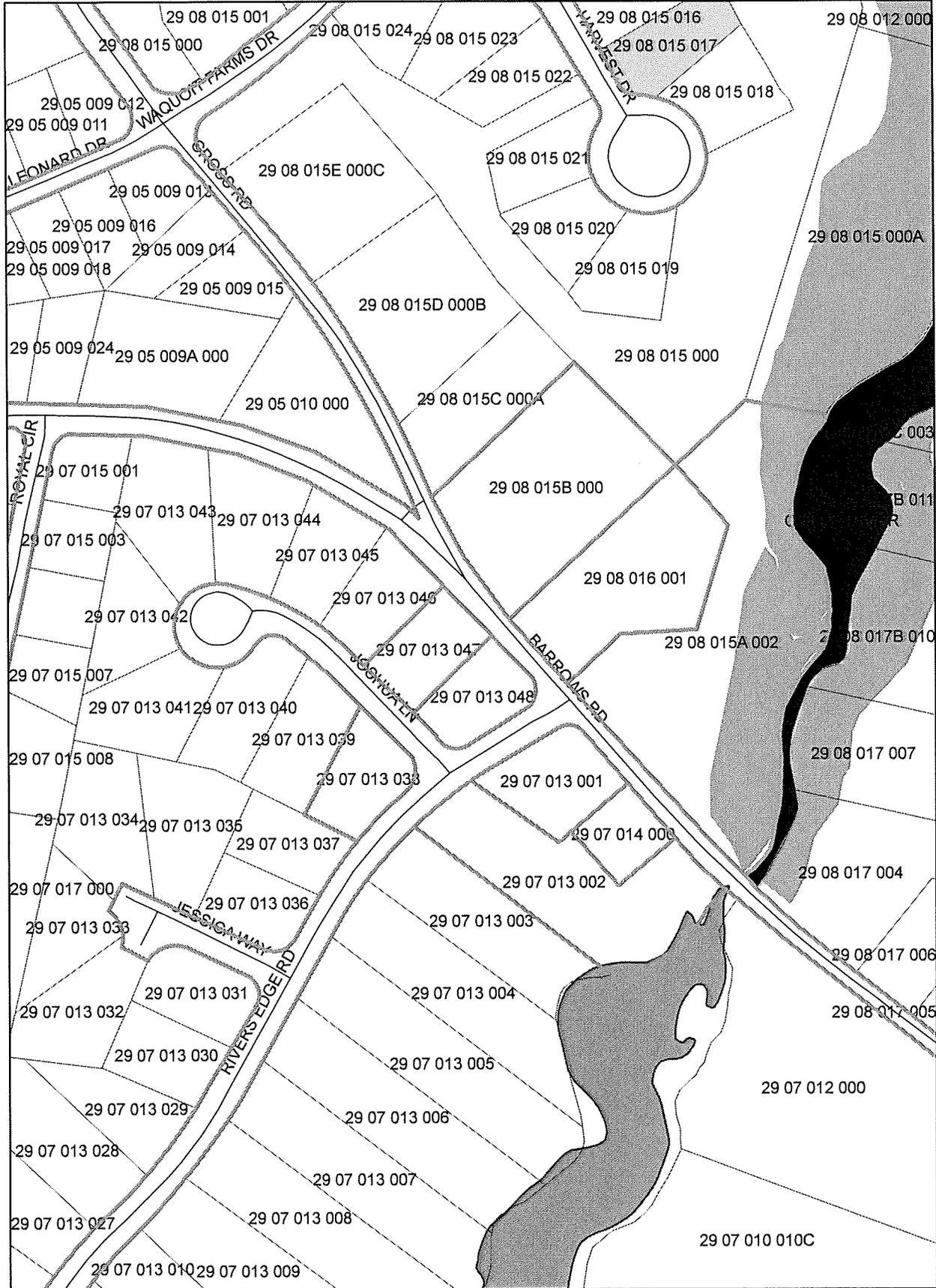
5 RIVERS EDGE RD

CERTIFIED

A handwritten signature in black ink, appearing to read 'Patricia Favulli', written over a horizontal line. The signature is fluid and cursive.

Patricia A Favulli
Director of Assessing
Town of Falmouth
SEPTEMBER 8, 2020

5 RIVERS EDGE RD



114 BARROWS RD 29 08 015B 000
BERGGREN TR WILLIAM A LUC: 101
BERGGREN TR MARIE-PIERRE J
168 BLACKWELLS MILLS RD
SOMERSET. NJ 08873

122 BARROWS RD 29 08 016 001
EVERSOURCE ENERGY LUC: 130
ONE NSTAR WAY
WESTWOOD. MA 02090

0 BARROWS RD 29 08 015A 002
EVERSOURCE ENERGY LUC: 130
ONE NSTAR WAY
WESTWOOD. MA 02090

5 RIVERS EDGE RD 29 07 013 048
HAVERTY PAUL J LUC: 101
HAVERTY M CRISTINA
5 RIVERS EDGE DR
E FALMOUTH. MA 02536

4 RIVERS EDGE RD 29 07 013 001
MIRANDA RAFAEL LUC: 101
135 BLACKSMITH SHOP RD
E FALMOUTH. MA 02536

0 BARROWS RD 29 07 014 000
NSTAR ELECTRIC COMPANY LUC: 424
PO BOX 270
C/O EVERSOURCE ENERGY
HARTFORD. CT 06141

7 JOSHUA LN 29 07 013 047
PEDUZZI ALICIA LUC: 101
ZERPA JOSE LUIS
7 JOSHUA LN
EAST FALMOUTH. MA 02536

0 RIVERS EDGE RD 29 07 013 038
SEIFERT MARY ANN LUC: 130
12 JOSHUA LN
EAST FALMOUTH. MA 02536-5483

10 RIVERS EDGE RD 29 07 013 002
SOMMERS TRUSTEE MEAD A LUC: 101
SOMMERS TRUSTEE KATHRYN G
10 RIVERS EDGE RD
EAST FALMOUTH. MA 02536

Maravista Ave., Extension, East Falmouth, MA at 3:00 P.M., (enter via side entrance) at which time the job site shall be available for inspection.

Plans and Specifications will be available on September 16, 2020. Plans may be obtained electronically by emailing BLW Engineers, Inc. at info@blwengineers.com.

Town of Falmouth reserves the right to reject any or all bids, wholly or in part in accordance with M.G.L. Ch149.

September 11, 2020

The FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town of Falmouth Wetlands Protection Bylaw on **Wednesday, September 23, 2020 at 7:00 PM.**

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the **September 23, 2020 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.

2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.

a. Zoom Login instructions:

i. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/1092/Conservation-Commission>

ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.

3. Additionally public comments may be sent in advance of the meeting to concom@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.

4. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@falmouthma.gov so they may be displayed for remote public access viewing.

Complete applications are available by request and will be sent via email.

REQUESTS FOR DETERMINATION OF APPLICABILITY

Steven McLellan, 22 Crystal Springs Avenue, North Falmouth, MA - For permission to remove an existing deck and construct a 15.5' x 15' four season room.

Woods Hole Oceanographic Institution, 569 Woods Hole Road, Woods Hole, MA - For

concrete bulkhead and timber access stairs.
Michael Kachadoorian, 50 Muskeget Road, East Falmouth, MA - For permission to install a float adjacent to an existing licensed concrete bulkhead.

HEARINGS UNDER AN ENFORCEMENT ORDER

Robert Burke, 326 Acapesket Road, East Falmouth, MA - Unpermitted construction, removal of vegetation and installation of impervious surface within Conservation jurisdiction.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

September 11, 2020

Falmouth Zoning Board of Appeals
Notice of Public Hearing for
October 1, 2020

Notice is hereby given of the following **Public Hearing @ 6:30pm** and Open Meeting in the Selectmen's Meeting Room * **SEE AGENDA FOR VIRTUAL PARTICIPATION***, Town Hall on **Thursday October 1, 2020**

Continuation(s):

#036-20 Wings Pond LLC, 63 North Falmouth Highway, N.Falmouth
#027-20 797 Main Street LLC, 797 Main Street, Falmouth

#049-20 Platon G. Velonias and Maria Lampros: Applied to the Zoning Board of Appeals for a modification of special permit #021-19 pursuant to section(s) 240-3 C. of the Code of Falmouth to construct a dormer to the rear of the preexisting nonconforming single family dwelling on subject property known as **154 Edgewater Drive East, East Falmouth, Ma.**

#050-20 Village at Brick Kiln, LLC: Applied to the Zoning Board of Appeals for a Comprehensive Permit pursuant to MGL Chapter 40B to raze the existing buildings and construct thirty-two (32) single family dwellings; eight (8) units will be affordable. The subject property is 511 Brick Kiln Road, West Falmouth, Ma.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties.

September 4, 11, 2020

The Coastal Resiliency Action Committee

Coastal Resiliency Planning for the Surf Drive Area
Public Presentation September 17, 2020 at 6:00 PM

The town-wide Falmouth Climate Change Flood Vulnerability Assessment identified the Surf Drive area as one of the most vulnerable areas in Town. To further evaluate the risk to this area, as well as to develop a comprehensive strategy to adapt to sea level rise and improve the long-term coastal resiliency of this area, the Town of Falmouth was awarded a Municipal Vulnerability Preparedness (MVP) Action Grant for Coastal Resiliency Planning for the Surf Drive Area. The Town recognizes that public engagement is a critical component of any climate change adaptation and planning project. A public outreach session is scheduled for Thursday, September 17, 2020 to present and receive public comments on the draft final report Coastal Resiliency Planning for the Surf Drive Area. This session will begin with a brief

ing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.

a. Zoom Login instructions:

i. Instructions for remote meeting access can be found at the following web address: <http://www.falmouthmass.us/1077/Remote-Meetings--Zoom-Instructions>

ii. The Coastal Resiliency Planning for the Surf Drive Area public presentation link can be found at <https://zoom.us/j/97288450896>

iii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.

2. Public comments on the draft final report will be accepted until September 22, 2020 and can be sent to concom@falmouthma.gov.

September 11, 2020

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the **September 24, 2020 public hearing shall be physically closed to the public to avoid group congregation.**

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4. Applicants, their representatives and individuals with enforcement matters before the (Board/Committee) may appear remotely and are not required to be physically present. Applicants their representatives and individuals with enforcement matters before the (Board/Committee) may contact the _____ Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office townmanager@falmouthma.gov so they may be displayed for remote public access viewing

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held utilizing Zoom virtual meeting software at 2: p.m. on Thursday, September 24, 2020, up the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England Inc. for the installation of One (1) Pole on Barr Road, South of Rivers Edge Road.

Per Order of the Falmouth Board of Selectmen

September 11, 2020



TO: Abutter to 5 Rivers Edge Road

FROM: Phyllis Downey, Town Administration

DATE: September 10, 2020

SUBJECT: Public Notice of Pole Hearing

Dear Abutter,

Enclosed please find notification of a Pole Hearing of a petition to install One (1) Pole on Barrows Road in East Falmouth which will be advertised in the Falmouth Enterprise on Friday, September 11, 2020. The hearing will be held on September 24th. Zoom meeting instructions are included in the notification.

Thank you very much,

Phyllis Downey
Town Manager/Select Board Office
59 Town Hall Square
Falmouth MA 02540
508-495-7325

Phyllis Downey

From: Mark Kasprzyk
Sent: Friday, September 18, 2020 4:21 PM
To: Falmouth Town Manager
Cc: Jennifer Lincoln
Subject: RE: application for MassWildlife Habitat Management Grant - invasive plant management

Hi Julian –

We are requesting permission to apply for a Mass Wildlife Habitat Management grant to control invasive plant species through herbicide treatment and by a prescribed burn to help re-establish the native sandplain grassland community. The project location is the Coonamessett fields (south of Rt. 151 and west of Ranch Road consisting of approximately 12 acres). There is no requirement for in-kind services or a cash match (no commitment by the Town).

Due to Covid-19, the request for proposals were announced late last week and the application deadline is October 15, 2020. The Grants range from \$10,000 to \$50,000. We will not know what our request amount will be until we receive quotes.

Please schedule us for the next available Selectman's meeting. Thank you for your consideration.

Mark Kasprzyk
Conservation Land Manager/MES Technician

59 Town Hall Square
Falmouth, MA 02540
[REDACTED]

Diane Davidson

From: Frank Duffy
Sent: Wednesday, September 23, 2020 11:00 AM
To: Julian Suso
Cc: Trisha Favulli; Diane Davidson; Irie Mullin; Kim Fish
Subject: RE: Solar Phase 2

Julian: I have reviewed and approved as to form the PILOT Agreement by and between the Town of Falmouth and Falmouth Landfill Solar II, LLC for the Phase 2 solar array at the capped landfill. This PILOT Agreement is authorized by Art. 9 of the April, 2016 ATM. It is virtually identical to the PILOT Agreement for Phase 1 which the Select Board approved several years ago.

A PILOT Agreement is authorized for an electric generating company. It provides for a) an agreed upon valuation of the personal property (generating equipment) subject to taxation; b) annual incremental increases; and c) annual PILOT payments according to a schedule within the agreement. The purpose is to assure an accurate and predictable schedule of payments over the useful life of the project which is 20/25 years. The annual payments will be made in quarterly installments. The payments begin upon interconnection of the equipment subject to tax to the electric grid and commencement of operations.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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

AGREEMENT FOR
STRUCTURED TAX PAYMENTS FOR
REAL PROPERTY AND PERSONAL PROPERTY

THIS AGREEMENT FOR A STRUCTURED TAX AGREEMENT (sometimes referred to as a Payment in Lieu of Taxes or PILOT) FOR REAL PROPERTY AND PERSONAL PROPERTY (this "PILOT Agreement") is made and entered into as of _____, 2020 by and between FALMOUTH LANDFILL SOLAR II, LLC, a Massachusetts limited liability company ("Developer"), and the TOWN OF FALMOUTH, a municipal corporation duly established and located in the Commonwealth of Massachusetts (the "Town"). Developer and the Town are collectively referred to in this PILOT Agreement as the "Parties" and are individually referred to as a "Party".

WHEREAS, Developer plans to build and operate a solar electric generating facility (the "Project") with an expected nameplate capacity of approximately two (2) megawatts DC, or one and a half (1.5) megawatts AC, or such adjusted capacity as may be determined after the final construction is completed (the "Capacity"), on an approximately 18 acre parcel of land located at 458 Thomas B. Landers Road, East Falmouth, MA 02536 utilizing a portion of the Town's Capped Landfill as more particularly noted in Exhibit A (the "Property"); and

WHEREAS, 1) the Property is owned by the Town; 2) the Property is leased by the Town to the Falmouth Economic Development and Industrial Corporation by an Intergovernmental Agreement dated July 31, 2020 (the "IGA"); 3) the Property is subleased by the Falmouth Economic Development and Industrial Corporation to the Developer by a Contract and Sublease Agreement dated July 31, 2020 (the "Sublease"); and 4) pursuant to the Sublease, the Developer is presently occupying and in control of the Property for a term of 20 years which may be extended by agreement to a maximum term of 25 years; and

WHEREAS, the Developer has secured the permits for the Project, has secured the interconnection agreement with the local utility Eversource and has secured a Statement of Qualification from the Massachusetts Department of Energy Resources for the Solar Massachusetts Renewable Target (SMART) Program; and

WHEREAS, the Parties are both benefiting from the terms of the IGA and Sublease; the Developer is benefiting from the Alternative On Bill Credit (AOBC) Agreement, and the tax benefits and the Town is realizing energy costs savings as a result of the AOBC Agreement, the Lease Payments noted in the IGA and Sublease and the PILOT payment; and

WHEREAS, the Parties wish to avoid uncertainty as to the future real or personal property tax liability attributable to the Project that may be incurred by the Developer; and

WHEREAS, Falmouth Landfill Solar II, LLC is a generation company or wholesale generation company, as such terms are defined in M.G. L. c. 164, § 1, or otherwise an eligible counterparty under the PILOT Statute; and

WHEREAS, it is the intention of the Parties that the Developer make annual payments to the Town coincident with the normal quarterly Town tax billing cycle for each Fiscal Year (as defined below) of the Town during the Term of this PILOT Agreement as payment of real and personal property taxes on the Project, in accordance with General Laws Chapter 59, § 38H (Acts of 1997 Chapter 164, Section 71(b), as amended) and the Massachusetts Department of Revenue (DOR) Guidelines published in connection therewith; and

WHEREAS, because both Developer and the Town need an accurate projection of their respective expenses and revenues with respect to the real and personal property that is taxable under law, the Parties believe that it is in their mutual interests to enter into this PILOT Agreement fixing the payments that will be made with respect to all taxable real and personal property incorporated within the Project for the Term of this PILOT Agreement; and

WHEREAS, the Parties intend that, during the Term of this PILOT Agreement, Developer will not be assessed for any other statutory real and personal property taxes to which it might otherwise be subjected under the Massachusetts law, and this PILOT Agreement will provide for the exclusive payments in lieu of such real and personal property taxes that Developer (or any successor owner of the Project) will be obligated to make to the Town with respect to the Project during the Term hereof, provided, however, that the Parties do not intend for this PILOT Agreement to affect any direct payments for services provided by the Town to the Project, including but not limited to, water and sewer services, and similar payment obligations not in the nature of real or personal property taxes or substitutes for such taxes that Developer may otherwise be obligated to pay the Town; and

WHEREAS, the Town is authorized to enter into this PILOT Agreement with the Developer, as a culmination of good faith negotiations that anticipate that the structured tax payments in lieu of real and personal property taxes over the life of this PILOT Agreement will amount to the equivalent, taking into account other benefits to be received by the Town, of the property tax payments that would otherwise be determined under G.L. c. 59 based upon the full and fair cash valuation of the Project; and

WHEREAS, the Parties execute this PILOT Agreement as authorized by the affirmative vote received for ARTICLE 9 at the April, 2016 Falmouth Annual Town Meeting;

NOW THEREFORE, in exchange for the mutual commitments and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. Structured Tax Agreement sometimes referred to as "Payment in Lieu of Real and Personal Property Taxes or (PILOT)". Developer agrees to make annual payments coincident with the normal Town tax quarterly billing cycle to the Town in lieu of real and personal property taxes per Exhibit B so long as the Town is required to assess real and personal property taxes with respect to the Property for the Term of this PILOT Agreement as set forth in Paragraph 2. Payments will be paid to the Town in four (4) equal annual installments on or before August 1, November 1, February 1 and May 1 of each Fiscal Year during the Term of this PILOT Agreement and the payment amount of payment date will be noted on a quarterly bill issued by the Town to the Developer at least thirty (30) days prior to the due date. At the time of termination of this PILOT Agreement, the Town shall reimburse the Developer a pro-rated amount of payment in lieu of taxes for days remaining in the fiscal year or quarter thereof, for which a quarterly payment has been received by the Town, after the date of termination. Except to the extent that Paragraph 4 of this PILOT Agreement provides otherwise, Developer agrees that the payments in lieu of taxes under this PILOT Agreement will not be reduced on account of a depreciation factor,

revaluation or reduction in the Town's tax rate or assessment percentage and the Town agrees that the payments in lieu of taxes will not be increased on account of an inflation factor, revaluation or increase in the Town's tax rate or assessment percentage.

2. Term and Termination Date; Definition of Fiscal Year. This PILOT Agreement shall commence on the date that the Project is interconnected to the local electric distribution system (the "Completion Date") and shall terminate upon the earlier to occur of (a) the termination of the Sublease or (b) the twenty-fifth (25th) anniversary of the Completion Date (the "Term"), unless both Parties agree to cancel this PILOT Agreement. The term "Fiscal Year" as used in this PILOT Agreement, shall mean the period of time beginning on July 1 of each calendar year and ending on June 30 of the subsequent calendar year. By way of example, a reference to "Fiscal Year 2021" shall mean the period of time beginning on July 1, 2020 and ending on June 30, 2021.

3. Payment Collection. The provisions of General Laws Chapter 60 and other applicable law will govern the collection of any structured tax payments provided for in this PILOT Agreement as though they were real or personal property taxes due and payable to the Town.

4. Tax Status, Separate Tax Lot. The Town agrees that during the Term of this PILOT Agreement the Town will not assess Developer for any real estate and personal property taxes with respect to the Project or the Property to which Developer might otherwise be subject under Massachusetts law, and the Town agrees that this PILOT Agreement will exclusively govern the payments of all ad valorem real estate and personal property taxes and payments in lieu of such taxes that Developer will be obligated to make to the Town with respect to the Project and the Property; provided, however, that this PILOT Agreement is not intended to affect, and will not preclude other assessments of general applicability by the Town for excise taxes on vehicles due pursuant to General Laws Chapter 60A and for services provided by the Town to the Project, including but not limited to, water and sewer services. The Town agrees that no real or personal property taxes will be due from or assessed to Developer with regard to the Property or the associated real or personal property other than the structured tax payment described in this PILOT Agreement.

5. Assignment. Developer, or any successors to or assignees of Developer's interest in this PILOT Agreement, shall have the right to assign this PILOT Agreement to any affiliate of Developer created for the purpose of owning and operating the Project and/or any bona fide purchaser of the Project, with the prior written consent of the Town, such consent not to be unreasonably withheld or delayed; provided, however, that (i) Developer or any successor to or assignee of Developer's interests in this PILOT Agreement, may make any direct or collateral assignment of this PILOT Agreement to any Lender without consent, and (ii) that a change in control or ownership of Developer or any successor to or assignee of Developer's interest in this PILOT Agreement shall not require the prior written consent of the Town. In connection with the foregoing required consent, Developer, or any successors to or assignees of Developer's interest in this PILOT Agreement, shall evidence to the Town that said purchaser, transferee or assignee has the financial, managerial, and technical capacity to construct and operate the Project and perform the obligations of this PILOT Agreement. Should this PILOT Agreement be assigned, sold or transferred, Developer, or any successors to or assignees of Developer's interest in this PILOT Agreement, shall provide written notice to the Town of such sale, transfer, or assignment.

6. Successors and Assigns. Subject to the requirements of Paragraph 5, this PILOT Agreement will be binding upon the successors and assigns of Developer, and the obligations created hereunder will run with the Property and the Project. In the event that Developer sells, transfers, leases or assigns the

Property or all or substantially all of its interest in the Project, this PILOT Agreement will thereafter be binding on the purchaser, transferee or assignee. A Notice of this PILOT Agreement will be recorded in the applicable Registry of Deeds forthwith upon execution, Barnstable County Registry of Deeds.

7. Statement of Good Faith. The Parties agree that the payment obligations established by this PILOT Agreement were negotiated in good faith in recognition of and with due consideration of the full and fair cash value of the Project, to the extent that such value is determinable as of the date of this PILOT Agreement, and the other benefits to be received by the Town in the Sublease in accordance with General Laws Chapter 59, § 38H. Each Party has entered into this PILOT Agreement after full and due consideration and with the advice of its counsel and its independent consultants. The Parties further acknowledge that this PILOT Agreement is fair and mutually beneficial to them because it reduces the likelihood of future disputes over real and personal property taxes, establishes tax and economic stability at a time of continuing transition and economic uncertainty in Massachusetts and the region, and fixes and maintains mutually acceptable, reasonable and accurate payments in lieu of taxes for the Project that are appropriate and serve their respective interests. The Town acknowledges that this PILOT Agreement is beneficial to it because it will result in mutually acceptable, steady, predictable, accurate and reasonable payments in lieu of taxes to the Town. Developer acknowledges that this PILOT Agreement is beneficial to it because it ensures that there will be mutually acceptable, steady, predictable, accurate and reasonable payments in lieu of taxes for the Project.

8. Additional Documentation and Actions. Subject to applicable laws and regulations, each Party will, from time to time hereafter, execute and delivery or cause to be executed and delivered, such additional instruments, certificates and documents, and take all such actions, as the other Party reasonable requests for the purpose of implementing or effectuating the provisions of this PILOT Agreement and, upon the exercise by a Party of any power, right, privilege or remedy pursuant to this PILOT Agreement that requires any consent, approval, registration, qualification or authorization of any third party, each Party will execute and deliver all applications, certifications, instruments and other documents and papers that the exercising Party may be so required to obtain.

9. Invalidity. If, for any reason, including a change in applicable law, it is every determined that this PILOT Agreement is invalid, then this PILOT Agreement shall terminate as of the date of such determination, and the Property and Project will thereafter be assessed and taxes as though this PILOT Agreement does not exist. The Parties will cooperate with each other and use reasonable efforts to defend against and contest any challenge to this PILOT Agreement by a third party.

10. Notices. All notices, consents, requests, or other communications provided for or permitted to be given hereunder by a Party must be in writing and will be deemed to have been properly given or served upon the personal delivery thereof, via courier delivery service or otherwise, Such notices shall be addressed or delivered to the Parties at their respective addresses shown below.

To Developer:

Manager
Falmouth Landfill Solar II, LLC
88 Black Falcon Avenue
Center Lobby, Suite 342
Boston, MA 02110

To Town:

Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

With copy to:

Chairman
Falmouth EDIC
59 Town Hall Square
Falmouth, MA 02540

Any such addresses for the giving of notices may be changed by either Party by giving written notice as provided above to the other Party. Notice given by counsel to a Party shall be effective as notice from such Party.

11. Applicable Law. This PILOT Agreement will be made and interpreted in accordance with the laws of the Commonwealth of Massachusetts. Developer and the Town each consent to the jurisdiction of the Massachusetts courts or other applicable agencies of the Commonwealth of Massachusetts regarding any and all matters, including interpretation or enforcement of this PILOT Agreement or any of its provisions.

12. Good Faith. The Town and Developer shall act in good faith to carry out and implement this PILOT Agreement.

13. Force Majeure/Casualty. The Developer and Town both recognize that there is the possibility during the Term of this PILOT Agreement that all or a portion of the Property or Project may be damaged or destroyed or otherwise rendered unusable due to events beyond the control of either Party on account of "Force Majeure" (as defined in the Sublease) or casualty.

In the event an event of Force Majeure or Casualty occurs during the Term of this PILOT Agreement with respect to any portion of the Property that renders the Project unusable for the customary purpose of the production of electricity, then Developer may, at its election, notify the Town of the existence of this condition as well as of its decision whether or not to rebuild that portion of the Project so damaged or destroyed or taken. If Developer elects not to rebuild, then it may notify the Town of its termination of this PILOT Agreement. If Developer elects to rebuild, it shall so notify the Town and may request a reduction in its payment in lieu of taxes under this PILOT Agreement, and the Town shall make a pro rata adjustment for the number of days of such Force Majeure or Casualty period in the PILOT bill in the next ensuing fiscal year.

14. Improvements or Additions, Retirements. To the extent the Developer, at its sole option makes any capital improvements to the Project or adds additional personal property to the Project on or after the Completion Date such that the Capacity of the Project exceeds 2 MW DC, the remaining payments in lieu of taxes will be increased. Only the addition of equipment or more efficient equipment that allows for more electrical production on or after the Completion Date that adds value to the Project (not including replacement of existing equipment, machinery and pollution control and other equipment that is exempt from local property taxes) will lead to an increase in the payments in lieu of taxes due under this PILOT Agreement. No additional payments in lieu of property taxes will be due or required for replacement of personal property or equipment or machinery that is nonfunctional, obsolete or is replaced solely due to wear and tear or casualty or as part of scheduled or unscheduled maintenance. To the extent that Developer reduces the Capacity of the Project on or after the Completion Date, the

remaining payments in lieu of taxes for real and personal property attributable to the Project will be decreased to the extent and as described in Paragraph 15. Developer shall notify the Town of the Completion Date in writing within thirty (30) days after the Completion Date has been achieved, and in such notification shall confirm the Capacity of the Project, which the Town may verify.

15. Calculation of Adjustment. On or after the completion date, if Developer makes capital improvements to the Project or adds new personal property or equipment to the Project that would increase the value of the Project under applicable Massachusetts Department of Revenue regulations, the remaining annual payments will increase by the Project of the tax rate per thousand dollars of value at the time of the capital improvement and levelized over the remaining terms of this PILOT Agreement. In the event the Developer retires or removes property from the Project, the annual payments in lieu of taxes under this PILOT Agreement will be decreased by the Project of the tax rate per thousand dollars of valuation at the time of removal. In calculating changes in the value (+ and -), the tax rate for the then current tax year shall be used in the calculation.

16. Inventory. Within six (6) months after the completion date, the Developer shall provide the Town with a comprehensive inventory of all personal property and real property incorporated into the Project and the Parties shall thereafter agree on a mutually acceptable inventory of personal property and real property incorporated into the Project. The inventory will be itemized and indicate the current value of all property subject to taxation and all property exempt from taxation. The Developer will update the inventory annually on or before September 1 of each year.

17. Inspection. The Town, its officers, employees, consultants and attorneys will have the right to inspect the Project, the Property and meters used to measure the energy generated by the Project at all reasonable times on reasonable prior notices to Developer for the purpose of confirming the Capacity.

18. Covenants of Developer. During the Term of this PILOT Agreement,

18.1 Developer will not voluntarily do any of the following:

a. seek to invalidate this PILOT Agreement, or otherwise take a position adverse to the purpose or validity of this PILOT Agreement, except as expressly provided herein; or

b. convey, without the express written consent of the Town, by sale, lease or otherwise any interest in the Property to any entity or organization that qualifies as a charitable organization pursuant to General Laws Chapter 59, §5 (Third).

18.2 Developer represents and warrants:

a. It is a corporation or other business entity duly organized, validly existing and in good standing under the laws of the state in which it was formed, and, if a foreign entity, is registered with the Massachusetts Secretary of State, and has full power and authority to carry on its business as it is now being conducted.

b. This PILOT Agreement constitutes the legal, valid and binding obligation of Developer enforceable in accordance with its terms, except to the extent that

the enforceability may be limited by applicable bankruptcy, insolvency or other laws affecting other enforcement of creditors' rights generally or by general equitable principles.

c. It has taken all necessary action to authorize and approve the execution and delivery of this PILOT Agreement.

d. None of the documents or information furnished by or on behalf of Developer to the Town in connection with the negotiation and execution of this PILOT Agreement contains any untrue statement of a material fact or omits to state any material fact required to be stated therein, or necessary to ensure that the statements contained herein or therein, in the light of the circumstances in which they were made, are not misleading.

e. The person executing this PILOT Agreement on behalf of Developer has the full power and authority to bind it to each and every provision of this PILOT Agreement.

19. Covenants of the Town. So long as Developer is not in breach of this PILOT Agreement during its Term, the Town will not do any of the following:

a. seek to invalidate this PILOT Agreement or otherwise take a position adverse to the purpose or validity of this PILOT Agreement;

b. seek to collect from Developer any property tax upon the Property or the improvements thereon (including the Project) in addition to the amounts herein.

20. Certain Conditions. Developer and the Town understand and agree that this PILOT Agreement shall be void and that no portion of this PILOT Agreement shall be enforceable; if (a) this PILOT Agreement, or any material portion of this PILOT Agreement, is determined or declared to be illegal, void, or unenforceable; (b) the Massachusetts General Court abolishes an *ad valorem* tax on property used for the production of electricity and substitutes some other form of taxation in lieu thereof; (c) Developer is not a "generation company" or "wholesale generation company" as those terms are used and/or defined in G.L. c. 59 § 38H (b), and G.L. c. 164 § 1; or (d) Developer qualifies for a manufacturing classification under G.L. c. 59, § 5(16)(3).

(Signature page follows)

Executed under seal by the undersigned as of the day and year first written above, each of whom represents that it is fully and duly authorized to act on behalf of and bind its principals.

Town: TOWN OF FALMOUTH

Board of Selectmen:

Megan E. English Braga, Chair

Douglas C. Brown, Vice Chair

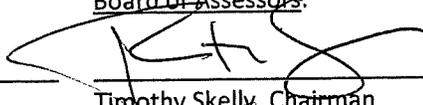
Douglas H. Jones

Susan L. Moran

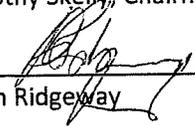
Samuel H. Patterson

Board of Assessors:

9/16/2020



Timothy Skelly, Chairman



Brian Ridgeway

Robert Dolan

TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
APPROVED AS TO FORM



Developer: FALMOUTH LANDFILL SOLAR II, LLC

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT B

ADDENDUM FOR PAYMENTS

YEAR	BASE PILOT	ANNUAL INCREASE %	ANNUAL INCREASE \$	TOTAL PILOT PAYMENT
1	\$32,000.00			\$ 32,000.00
2	\$32,000.00	0.01 %	\$ 320.00	\$ 32,320.00
3	\$32,000.00	0.01 %	\$ 323.20	\$ 32,643.20
4	\$32,000.00	0.01 %	\$ 326.43	\$ 32,969.63
5	\$32,000.00	0.01 %	\$ 329.70	\$ 33,299.33
6	\$32,000.00	0.01 %	\$ 332.99	\$ 33,632.32
7	\$32,000.00	0.01 %	\$ 336.32	\$ 33,968.64
8	\$32,000.00	0.01 %	\$ 339.69	\$ 34,308.33
9	\$32,000.00	0.01 %	\$ 343.08	\$ 34,651.41
10	\$32,000.00	0.01 %	\$ 346.51	\$ 34,997.93
11	\$32,000.00	0.01 %	\$ 349.98	\$ 35,347.91
12	\$32,000.00	0.01 %	\$ 353.48	\$ 35,701.39
13	\$32,000.00	0.01 %	\$ 357.01	\$ 36,058.40
14	\$32,000.00	0.01 %	\$ 360.58	\$ 36,418.98
15	\$32,000.00	0.01 %	\$ 364.19	\$ 36,783.17
16	\$32,000.00	0.01 %	\$ 367.83	\$ 37,151.01
17	\$32,000.00	0.01 %	\$ 371.51	\$ 37,522.52
18	\$32,000.00	0.01 %	\$ 375.23	\$ 37,897.74
19	\$32,000.00	0.01 %	\$ 378.98	\$ 38,276.72
20	\$32,000.00	0.01 %	\$ 382.77	\$ 38,659.49
			\$ 6,659.49	\$ 704,608.13



Town of Falmouth

Department of Public Works

James E. McLoughlin, P.E.
Town Engineer

Engineering Division
416 Gifford Street
Falmouth, MA 02540
Cape Cod, Massachusetts

Telephone: (508) 457-2543
Fax: (508) 548-1537
Email: james.mcloughlin@falmouthma.gov

Memo

To: Julian M. Suso, Town Manager

From: James McLoughlin, Town Engineer

Date: September 16, 2020

Re: COMPLETE STREETS TECHNICAL ASSISTANCE

We have submitted the attached scope of work from the Cape Cod Commission to MASSDOT and they have approved the necessary funds to prepare a Complete Streets Prioritization Plan.

Attached, please find a MASSDOT Standard Contract Form and Contractor Authorized Signatory Listing for Technical Assistance under the MASSDOT Complete Streets Program. These documents are required by MASSDOT to provide funding for the Tier 2 efforts under the Complete Streets program

Once signed, we will submit the forms to MASSDOT through the Complete Streets online portal

Please let me know if you have any questions.

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



CAPE COD
COMMISSION

SCOPE OF WORK

Falmouth Complete Streets Prioritization Plan:

Background

The Town has agreed to join MassDOT's Complete Streets program to provide streets that address the mobility needs of all users – pedestrians, cyclists, drivers, persons with disabilities, and transit riders—making streets safer, sustainable, and more accessible to a wide variety of people. Providing safer, more accessible and comfortable means of travel between home, school, work, recreation and retail destination helps promote a more livable community.

The project team will review all streets in Falmouth and collect the needed data. Automatic Traffic Recorder (ATR) counts as well as Turning Movement Counts (TMCs) will be collected. High traffic volumes, particularly in the summer months, has caused congestion and crashes along some of the town's main routes.

The study will rely on public participation to better understand how street design can impact the quality of life in Falmouth neighborhoods. The Commission will meet with stakeholders and interested members of the public to facilitate the project direction, develop alternatives and a list of priority projects to improve Falmouth streets.

Study Objectives

The purpose of this study is to explore transportation improvement alternatives that will reduce conflicts, improve traffic flow and incorporate multi-modal transportation options on the roads in Falmouth while furthering the creation of vibrant, pedestrian and bicycle oriented mixed-use centers throughout the town. The safe accommodation of pedestrians and bicycles has been previously identified by the Commission as critical to achieving the goals of the town to create nodes of mixed-use development. The study will build upon the Town of Falmouth Bicycle Plan which was prepared by the Commission in 2015. The study will result in a Prioritization Plan for the Town that will identify Complete Streets projects to address the mobility needs of all users.

Task 1: Project Initiation

The Commission will conduct an initial site(s) visit and kickoff meeting for the project with the DPW Director and invited participants. The kickoff meeting will also be held to record ideas and input. During this meeting the Commission staff will determine stakeholders, agencies, and organizations to contact, to set strategies for working with the community, and to assist in preparing the public involvement portion of the project. As part of the public involvement strategy, will attend Falmouth Board of Selectman meetings (up to 2) to present project updates.

Deliverables

- Electronic copies of meeting notes

Task 1A: Data Collection/Mapping

The Commission will inventory existing ATR counts and TMCs in Falmouth and analyze these patterns. Existing local, regional, and state data sources will be used to compile a comprehensive inventory of existing roadway conditions and accommodations and planned roadway improvements. Existing studies from local and regional planning initiatives, including the Town of Falmouth Bicycle Plan, will be reviewed related to the transportation network. Relevant data to be compiled and mapped will include, at a minimum: roadway volumes, speed limits, vehicle crashes, non-vehicle crashes, and key points of interest.

Deliverables

- Inventory of existing roadways and facilities
- Maps of existing roadways and facilities
- Summary of existing plans and related studies

TASK 1B: On-Site Reconnaissance

The Commission will visit the existing facilities in Falmouth while evaluating and photographing ground-level conditions.

TASK 1C: Identification of Gaps in the Transportation Network

Using information gathered in Task 1A and 1B Commission staff will identify gaps that exist in the transportation network for bicyclists, pedestrians, and transit users. The gap analysis will identify roadway segments that could be improved to provide connections between existing accommodations (e.g. gap in sidewalk network) and segments where accommodations could be extended to nearby destinations (e.g. nature trails). Gaps will be categorized by anticipated demand based on factors such as proximity to community points of interest.

Deliverable

- Map of identified gaps in the transportation network

Task 2: Listening Sessions

Commission staff will conduct two listening sessions (one during the day and one in the evening) and will provide meeting materials, including sign-in sheets, and comment forms. The Commission staff representatives at the meetings will include at least two key personnel knowledgeable of the project. The Town will secure the locations, dates, times, and advertising for the meetings. The purpose of the meeting is to seek suggestions on potential Complete Streets projects.

Deliverables

- Commission staff will provide summary of all comments received at the listening sessions

Task 3: Identification of Potential Complete Streets Projects

Based on the gaps identified in Task 1C, suggestions for the Listening Sessions, and local knowledge, Commission staff will develop a map and list a potential Complete Streets projects. The location, type, and scope of each project will be identified, and a preliminary review of technical feasibility will be conducted. Projects that are inconsistent with Complete Streets principles will be eliminated.

Deliverables

- Preliminary map and list of potential Complete Streets projects

Task 4: Technical Review

The preliminary map and list of potential Complete Streets projects will be reviewed in a meeting with Town staff and other key stakeholders as identified by Town staff. Potential projects may be added, removed, or adjusted in scope based on feedback from the group. Feedback from this meeting will be used to develop a refined map and list of potential Complete Streets projects. The projects will be analyzed in more detail by Commission staff to develop preliminary cost estimates and to develop a preliminary ranking of projects based on the anticipated project benefit and other metrics as determined in consultation with Town staff.

Deliverables

- Refined map and list of potential Complete Streets projects

Task 5: Public Review of Potential Complete Streets Project List

Commission staff will conduct two public meetings (one during the day and one in the evening) and will provide meeting materials, including sign-in sheets, and comment forms. The Commission staff representatives at the meetings will include at least two key personnel knowledgeable of the project. The Town will secure the locations, dates, times, and advertising for the meetings. The purpose of these meetings is to seek input on the preliminary ranking of projects. Feedback from the meeting will be used, with input from Town staff, to inform the development of the final priority list for inclusion in the Prioritization Plan.

Deliverables

- Commission staff will provide a draft and final meeting summary of all comments received

Task 6: Final Report and Prioritization Plan

A Final Report and Prioritization Plan will be developed to identify projects (crosswalks, shoulder work, pedestrian signals, sharrows, etc.) that incorporate Complete Streets elements, then each project will be ranked based on their ability to address defined issues/needs. It is expected that MassDOT review will require at least one revision to the plan. A minimum of 15 potential projects will be included, intended to focus on the following needs:

- Safety: Addresses high crash locations, reduces vehicular speeds, etc.
- ADA accessibility: wheelchair ramps added, etc.
- Pedestrian safety or mobility: New/improved crosswalks, sidewalks/paths, pedestrian signals, etc.
- Bicycle safety or mobility: New bike lanes, wider shoulders, signal accommodation, bicycle parking, etc.
- Transit operations and access: Enhanced stop amenities, queue jump lanes, stop consolidation, etc.
- Vehicular operations
- Freight operations

The Prioritization Plan will include:

- Preparation of preliminary project estimates to assist with programming construction funds
- Preparation of estimated construction duration/schedules to assist with identifying projects that can meet fiscal year deadlines

Deliverables

- Final Report

- Prioritization Plan

Final prioritization plan will be submitted to MassDOT by Town staff. Commission staff will assist the town staff in follow-up activities as the budget allows as the town moves towards a construction grant application.

Diane Davidson

From: Mark Kasprzyk
Sent: Tuesday, September 15, 2020 1:55 PM
To: Falmouth Town Manager
Cc: Jennifer Lincoln
Subject: RE: Selectman Meeting agenda item - Request to apply for CPA funds: Florence Sylvia Woodlands property

Hi Julian –

The Conservation Commission would like to request to be on the Selectman’s Meeting agenda to apply for CPA funds, in collaboration with The 300 Committee. The CPA grant application would request \$200,000 to cover part of The 300 Committee’s \$600,000 purchase for the 9.3 acre Florence Sylvia Woodlands property in North Falmouth. The funding would go towards the cost for a permanent conservation restriction to protect the parcel.

We would appreciate if you could fit us in on your September 21st or September 28th Selectman’s Meeting.

Thank you and please contact me directly if any questions.

Mark Kasprzyk
Conservation Land Manager/MES Technician

59 Town Hall Square
Falmouth, MA 02540
cell: 508-274-2650



CURLEY BLVD

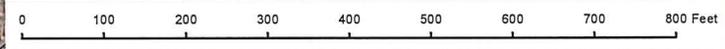
OLD MAIN RD

OLD MAIN RD EXT

HORSESHOE LN

OLD FORGE RD

MILLSTONE ST



BELL TOWER TENNIS COURTS







**THE BELL TOWER TENNIS COURT FACILITY HAS 2
TENNIS COURTS.**

THE REHABILITATION WILL INCLUDE.

- **2 NEW TENNIS COURTS.**
- **4 NEW PICKLEBALL COURTS ON THE TENNIS
COURTS.**
- **1 TENNIS BACKBOARD?**

THIS IS HOW THEY WILL LOOK WHEN COMPLETED.



**PICKLEBALL IS STILL THE FASTEST GROWING ADULT
SPORT IN THE WORLD.**

**WITH THE NEW COURTS AT SWIFT PARK AND THE
LAWRENCE SCHOOL TENNIS IS NOW STARTING TO
MAKE A COMBACK IN FALMOUTH.**

**THE BELL TOWER COURTS WILL GIVE THE RESIDENTS
OF WOODS HOLE AN OPPORTUNITY TO PLAY TENNIS
AND PICKLEBALL IN THEIR OWN NEIGHBORHOOD.**

**THE COST OF REHABILITATING THE BELL TOWER TENNIS COURTS
WILL BE \$217,615.**

THIS COST INCLUDES

- **2 TENNIS COURTS**
- **4 PICKLEBALL COURT LINES ON THE TENNIS COURTS**
- **1 TENNIS BACKBOARD**

**ONE UNKNOWN COST FACTOR IS THE HANDICAPPED
ACCESS PATH FROM THE PARKING LOT TO THE
COURTS**

TOTAL CPC GRANT REQUEST
\$250,000

LEAGUE OF WOMEN VOTERS OF FALMOUTH

COMMUNITY PAINTING DAY COVID PROTOCOLS FOR THIS OUTDOOR EVENT

The following details the protocols we will impose to ensure the safety of the participants in the event:

1. **Mask Wearing:** In accordance with MA and Town policy, all participant will be required to wear face masks at all times.
 - We will have "instructional" signs up declaring: Face Masks Must Be Worn in order to Paint & Masks must be worn over your Nose!
 - All 'LWV event "staff" will be briefed to ask anyone not adhering to the State and Town mandate to put on a mask if they wish to participate.

2. **Social Distancing:** In accordance with the MA and Town policy, all participants will be directed to maintain social distancing.
 - We will have "instructional" signs posted that declare: Please Practice Social Distancing - 6 Feet Apart
 - We will use Tape, Barrier Tape and Landscapers Marking Spray Paint (that can be washed away after use) will be used to direct the flow and mark out social distancing.
 - We will arrange the event layout to make social distancing easy. See notes below about check in and painting procedure.

3. Sanitization Station.

This will provide Hand Sanitizer; Hand Wipes; Plus Plastic Gloves for anyone who prefers to paint with gloves. A domestic garbage bin with bin liner will be placed by the sanitation table to ensure any discarded gloves are disposed of correctly.

4. **Single-use Materials:** To avoid any cross-contamination we will provide single use painting supplies.

We will provide enough paint brushes so that they can be single use. Once used they will be placed in a bowl of disinfectant and water. After the event these brushes will be washed by someone wearing protective gloves. (OR SHALL WE JUST SAY THEY WILL BE DESPOSED OFF)

We will also provide single use paint containers.

5. Garbage Collection and Disposal:

Large Domestic Garbage bins with bin liners will be placed strategically around the event. This will ensure immediate disposal of any used items (brushes/paint pots) and other debris. At the end of the event, all garbage will be removed and disposed of correctly.

Event Organization to Maximise Safety

1. Participants will be briefed about the required precautions before the event in all promotional materials, during the event and we will remind participant of the precautions throughout the event day.
2. We will prevent crowding by staggering arrival and departure times as far as possible plus, staggering painting times.
3. The event site (the mural structure plus various table to hold the paint supplies, a sanitation station, a registration table and an Voting information Table, will be spaced out to allow easy social distancing.
4. We will mark out the floor and site with Tape, Barrier Tape and Landscapers Marking Spray Paint (that can be washed away after use) to direct the flow and mark out social distancing.
5. Anyone wanting to take a turn painting the mural will be asked to sign in - an LWV member will add their name to the sign in list - so pens wont need to be shared. They will then wait to be called. We will ask "Families & People living in the same household" to identify the fact. People will be able to wait at a distance and will be called forward when a slot opens up.
6. The mural panels are 8 feet long. Thus two people can paint at any one time and still maintain social distancing. Familys and People from the same household will be allowed to step up to a panel to paint at the same time. In this case more than two painters will be allowed on a single panel.
7. Once called the participant will use hand gel and then collect a single use brush and pre-filled paint pot and then step up to the mural. They paint until their pot of paint is empty. Once finished, they head to the disposal area to discard their paint brush and paint pot.
8. The participant will then be directed to pass by the sanitation station to use handgel.
9. People will be able to watch the painting occur, but will be set back from the mural and social distancing will be required.

League of Women Voters of Falmouth Community Mural Painting Day - Project Information

The League of Women Voters:

The League of Women Voters is a **non-partisan** organization encouraging informed and active participation in government. It is open to both Women and Men. A founding principle of the organization is to remain non-partisan. It doesn't not support individual candidates or political parties. A key focus of its work is to register voters and provide voters with election information through voter guides as well as candidate forums and debates.

LWV's 2020 Vote Campaign:

The creation of a community mural is part of a campaign aimed at getting Falmouth Voting.

Other elements of the campaign include a Falmouth High School Voter Art Competition and an exhibition of Voter Art at the Falmouth Art Center. All projects are non-partisan. We feel the campaign will be a very positive thing for the town in terms of civic engagement and hope it will help to expand the pool of registered voters and of those voting.

Artist:

We have the commitment of a very talented local artist - Jackie Reeves - who recently did a community mural at Cotuit Art Center (although the actual design style she will be using for us will be very different). Jackie was the 2016 recipient of the Arts Foundation of Cape Cod's Fellowship award for Visual Arts. She was also named the 2017 Pops By the Sea Commemorative Artist.

The Design:

We are currently working with Jackie on finalizing the design but have included a couple of sketches to give an idea of the style of the image. The three images will be non-partisan in nature. They will call on everyone to "Be A Voter" and to "Vote" in a vibrant compelling design. One of the three images will focus on the ways to vote.



Community Painting Day:

The public will be invited to help paint the mural. The outline will be pre-drawn onto the three panels. Jackie will create a design guide to show the colors required - like a color-by-numbers guide. Members of the public will be able to join Jackie in creating the mural at the Community Painting Day. All equipment and paint will be provided. See Covid Protocols.

Timing:

Community Painting Day - Saturday October 10th. 9 - 4:00

Public Painting 10 - 3.00 pm Set up from 9 - 10 am. Clean up from 3 - 4:00 pm.

The structure will be set up on the day before (October 9th) and covered until the next day.

The 3-Panel Mural Display Structure will remain on display from October 10th until November 5th.

Placement:

We would like to place the structure on Library Lawn or Peg Noonan Park.

The Structure:

Mid Cape will be creating a triangular structure on which the three murals will be painted. The triangular structure will be self-supporting, but will also be anchored securely with rebar attached to the feet of the structure. It will be constructed by Mid Cape employees. Mid Cape is donating both the materials and the labor.

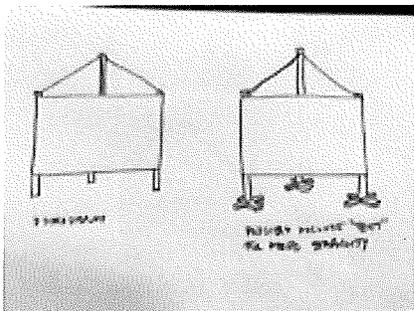
Dimensions:

The dimensions of the triangular structure are as follows:

The three panels are each 4' x 8'

The three posts are each 7ft tall

Feet will be created for each post that will have holes drilled in them so that the entire structure can be anchored by metal stakes. Here is a rough image - we have opted for the version with feet!



*****COVID Protocols: Please see separate PDF**

Diane Davidson

From: Sarah Pring [REDACTED]
Sent: Thursday, September 24, 2020 11:41 AM
To: Diane Davidson
Subject: One more thing..

Apologies for another email - I just realized I didn't mention that due to the timing of the election on November 3rd - we would need approval to come through on Monday - any later and the event wouldn't be viable. We would be happy to work with any additional thoughts the Board of Selectman has in terms of Covid Protocols etc. I only mention that in case you were able to stress that in the materials that are being sent out. Many thanks again, Sarah

Diane Davidson

From: Boyd Demello
Sent: Thursday, September 24, 2020 3:14 PM
To: Diane Davidson; Brian Reid; Bruce Mogardo; Gregg Fraser; Jim Grady; Jeremiah Pearson; Joe Olenick; Julian Suso; Maggie Clayton; Melinda Rebelo; Pamela Marshall; Peter Johnson-Staub; Peter McConarty; Rod Palmer; Scott McGann; Sean Doyle; Timothy Smith
Cc: Boyd Demello
Subject: RE: Special Event Application - Community Painting Day

Diane,
No issues with us.

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

CONFIDENTIALITY NOTICE: This message is privileged and confidential for the addressee(s) named above. If you are not the intended recipient, you are prohibited from disseminating, using, or copying the contents and should notify the sender immediately that you received this message in error.

From: Diane Davidson
Sent: Thursday, September 24, 2020 12:31 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Maggie Clayton <maggie.clayton@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Peter McConarty <peter.mconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Subject: Special Event Application - Community Painting Day

To all,

We have received an application from the League of Women Voters to hold a community painting day on the library lawn or Peg Noonan Park on Saturday, October 10. They have included a narrative of the event and a COVID-19 protocol plan. Please review and provide your comments for the Select Board. This is being scheduled on this Monday's meeting—September 28, so if you are able to, please email your recommendations by Friday afternoon or Monday morning.

Thank you,

Diane Davidson

From: Joe Olenick
Sent: Thursday, September 24, 2020 12:33 PM
To: Diane Davidson; Boyd Demello; Brian Reid; Bruce Mogardo; Gregg Fraser; Jim Grady; Jeremiah Pearson; Julian Suso; Maggie Clayton; Melinda Rebelo; Pamela Marshall; Peter Johnson-Staub; Peter McConarty; Rod Palmer; Scott McGann; Sean Doyle; Timothy Smith
Subject: RE: Special Event Application - Community Painting Day

Recreation is all set with this.

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, September 24, 2020 12:31 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Maggie Clayton <maggie.clayton@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
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Thank you,

Diane

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

Diane Davidson

From: Gregg Fraser
Sent: Thursday, September 24, 2020 12:41 PM
To: Diane Davidson
Subject: RE: Special Event Application - Community Painting Day

MES no issues, thanks

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, September 24, 2020 12:31 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Maggie Clayton <maggie.clayton@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
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Thank you,

Diane

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

Diane Davidson

From: Maggie Clayton
Sent: Thursday, September 24, 2020 4:27 PM
To: Boyd Demello; Diane Davidson; Brian Reid; Bruce Mogardo; Gregg Fraser; Jim Grady; Jeremiah Pearson; Joe Olenick; Julian Suso; Melinda Rebelo; Pamela Marshall; Peter Johnson-Staub; Peter McConarty; Rod Palmer; Scott McGann; Sean Doyle; Timothy Smith
Subject: RE: Special Event Application - Community Painting Day

No recommendations from the Beach Dept.

Maggie Clayton
Acting Beach Superintendent
Town of Falmouth
[REDACTED]

From: Boyd Demello
Sent: Thursday, September 24, 2020 3:14 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Maggie Clayton <maggie.clayton@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Cc: Boyd Demello <boyd.demello@falmouthfirema.gov>
Subject: RE: Special Event Application - Community Painting Day

Diane,
No issues with us.

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

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From: Diane Davidson
Sent: Thursday, September 24, 2020 12:31 PM



TOWN OF FALMOUTH

DEPARTMENT OF PUBLIC WORKS



Peter M. McConarty, P.E., P.L.S.
Director

416 Gifford Street
Falmouth, MA 02540
Cape Cod

Tel: 508-457-2543
Fax: 508-457-1537
Email: peter.mcconarty@falmouthma.gov

Date: July 10, 2020

To: Select Board
Julian M. Suso, Town Manager

From: Peter M. McConarty, Director of Public Works *P.M.M.*

Re: Update on Drinking Water Quality Issue

On September 17, 2020, the Public Works Water Department sent a notice (attached) to all Falmouth residents regarding a drinking water turbidity exceedance in conformance with Massachusetts Department of Environmental Protection (MassDEP) treatment requirements. Since that time, we have received emails and phone calls regarding the notice contents, wording, and timeframes of events leading up to the notice mailing.

Per MassDEP regulations, municipalities must notify all water users of this type of exceedance. This particular turbidity exceedance falls under a Tier 2 notice, meaning that public notice must be served within 30 days of learning of the exceedance. These exceedances are not an emergency and turbidity does not have health effects.

Due to the high heat and dry summer conditions, state standard turbidity exceedances occurred during the month of August. Although the average turbidity for the month of August was below MassDEP standards, and at months end and after corrective actions, the turbidity was two-thirds below state standards, several exceedances in late August triggered the public notification. Water treatment staff monitored the situation and notified Water Superintendent Stephen Rafferty on September 1st that exceedances occurred.

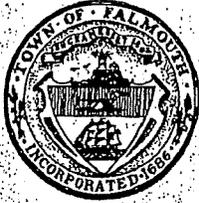
A public notice was drafted during the week of September 4th, and finalized during the week of September 7th. Public Works worked with the Assessors Department on populating a list of 21,000 property owners. The notice and property owner database was sent to our mailing company on Wednesday, September 9th and the notices were mailed out from our mailing vendor Thursday, September 17th.

The notice format was generated from MassDEP. The Town followed the notice instructions and required guidelines. There is mandatory language that must be included and also recommended language that Public Works decided to include with the notice. Water Superintendent Stephen Rafferty drafted the first page of the notice to include the facts leading up to the exceedance and also what corrective actions were taken to remedy the situation. Page 2 of the notice contained the mandatory language.

I will in attendance on Monday's Select Board meeting to explain further and answer questions.

Thank You,

Peter M. McConarty
Director of Public Works



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WATER DIVISION

416 GIFFORD ST., FALMOUTH, MASSACHUSETTS 02540

TELEPHONE (508) 457-2543

FAX (508) 548-1537

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

The Falmouth Water Department Did Not Meet the Department of Environmental Protection Treatment Requirements for the Turbidity of the Filtered Water from the Long Pond Water Treatment Plant On August 3rd, August 5th, August 6th, August 7th, August 8th, August 18th, August 19th, August 20th, August 21st, and August 22nd

Although this situation does not require that you take immediate action, as our customers, you have a right to know what happened, what you should do, and what we did to correct this situation.

Our water system has a drinking water requirement for the filtered water at the Long Pond Water Treatment Plant to have a turbidity of 0.3 NTU or less. Turbidity is a measurement of how cloudy the water is. Since the Long Pond Treatment Plant was put into service we have consistently had water with a 0.1 or less value well below the 0.3 standard for filtration plants. However, this summer was very hot and dry and the level of Long Pond dropped considerably and the water warmed up considerably. The area experienced two heavy thunderstorm/rain events in August. The algae population in Long Pond changed considerably due to these climatological events. With the change in population the effectiveness of the algae removal process was impacted and we experienced several exceedances of the Turbidity measurement. The maximum exceedance value was 0.62 NTU and the average for the month was 0.23 NTU. As the month ended, and after corrective action was taken, the filtered water turbidity was consistently below 0.1 NTU.

We continuously measure and record turbidity at each step of the process and in particular at each of the four filters. Early in the month, when we first noticed a drop in the algae removal efficiency we proceeded to modify the process on a daily basis with the goal to restore the removal efficiency. The in house changes we implemented were not fully effective and so we enlisted the assistance of an outside expert in the field of coagulation chemistry who assisted us in adjustments to the feed rate of the polyaluminum chloride compound that is in the algae removal process. Those adjustments were effective and the desired level of treatment was restored as the month ended.

The final step in the treatment process is disinfection with chlorine. As Turbidity increases more chlorine is required to achieve disinfection. Disinfection levels were adjusted in response to the turbidity and we achieved all of our disinfection targets during August. We test the effectiveness of the disinfection by measuring chlorine residuals at multiple locations in the system as well as test for the presence of bacteria. We took 84 system samples throughout the month of August and we found no bacteria and measured an appropriate residual at all locations.

What should you do?

- There is nothing you need to do. You do not need to boil your water or take other actions. We do not know of any contamination, and none of our testing has shown disease-causing organisms in the drinking water.

- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been, you would have been notified within 24 hours. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. These symptoms are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice.

Contact Information

For more information, please contact the Chief Operator, Mathew T Vezina at 508-457-2545, 416 Gifford Street, Falmouth MA, 02540, or email him at Mathew.Vezina@falmouthma.gov.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Falmouth Water Department. System ID#: 4096000

Date distributed: 09/08/2020

Diane Davidson

From: matthew anderson <matthew@kiwi-signs.com>
Sent: Friday, September 25, 2020 12:14 PM
To: Diane Davidson
Subject: Re: FW: Variance needed for sign at 187 Teaticket HWY.

Thanks Diane,

We are actually going to submit a new application within town laws and we will not be needing a variance at this time.

Please remove us from the agenda for Monday.

Thank you.

On Fri, Sep 25, 2020, 12:09 PM Diane Davidson <diane.davidson@falmouthma.gov> wrote:

Dear Matt,

Just a note to confirm that your application for Select Board approval of a variance to the sign code for a new sign at 187 Teaticket Highway is scheduled on Monday, September 28, 2020 (continued from September 21, 2020). Attached is a copy of the agenda, which includes instructions on joining the meeting via Zoom. If you have any new materials you would like included in the Select Board packet, please email to me by 3:00 p.m. today.

Thank you,

Diane

Diane S. Davidson

Office Manager/Licensing

Office of the Town Manager and Select Board

Town of Falmouth

59 Town Hall Square

Falmouth, MA 02540

diane.davidson@falmouthma.gov



NOVEMBER 2020 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting Monday, August 10, 2020

Close Warrant Friday, August 28, 2020

Selectmen Vote Articles & Execute Warrant Monday, September 21, 2020

Publish Articles Only Friday, September 25, 2020

Petition Article Presentations Monday, September 28, 2020

Selectmen Vote Article Recommendations Monday, October 5, 2020

Publish Warrant with Recommendations Friday, October 23, 2020

Town Meeting Monday, November 16, 2020

WARRANT FOR THE NOVEMBER ANNUAL TOWN MEETING
Monday, November 16, 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 High School Field House, 874 Gifford Street, Falmouth; Monday, November 16, 2020 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

ARTICLE 1: To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements, 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 Select Board.

ARTICLE 2: To see if the Town will vote to appropriate a sum of money for the purpose of funding Non-Capital projects, 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 Select Board.

ARTICLE 3: To see if the Town will vote to transfer a parcel of land at the southwesterly corner of the Mullen Hall School property near the intersection of Katherine Lee Bates Road and the abandoned portion of Hamlin Avenue, which parcel has been declared not needed for school purposes by vote of the School Committee, from the School Committee to the Select Board for municipal purposes and further that the Select Board is thereafter authorized to lease the parcel for a defined lease term not to exceed 30 years upon such terms and conditions as it deems appropriate.

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

ARTICLE 4: To see if the Town will vote to authorize the Board of Assessors, with the concurrence of the Select board, to enter into a two (2) Payment in Lieu of Taxes (PILOT) Agreements with SCS Nathan Ellis 011282 Falmouth West, LLC and SCS Nathan Ellis 011282 Falmouth East, LLC for that portion of the Barnstable County Agricultural Society's property to be developed for two (2) photovoltaic solar arrays for the purpose of determining the value of the personal property to be taxed and establish a schedule of equal amortized payments due and payable each year, said PILOT Agreement to be upon such terms and conditions as said board determine in the best interests of the Town.

Or do or take any other action on the matter. On petition of Jay Zavala for the Barnstable County Agricultural Society, Inc.

ARTICLE 5: To see if the Town will vote to adopt the following amendments to Article III, Select Board, of the Falmouth Home Rule Charter, by amending sections C3-3A and 3B, Policy Leadership, relative to the local planning process, so as to read:

C3-3A. The Board shall serve as the chief executive goal-setting and policy-making governmental body of the Town. The Board shall set a Strategic Plan of no less than five (5) years to be examined annually, modified as needed, and evaluated for consistency with the Local Comprehensive Plan. The Board shall issue procedures to assure that the actions of town agencies are evaluated for consistency with the Strategic Plan and the Local Comprehensive Plan. The Board shall cause the Strategic Plan to be regularly printed in the Annual Town Report.

C3-3B. The Board shall schedule public meetings with such other governmental bodies as it deems necessary, and shall hold them jointly, for consideration of the town's Local Comprehensive Plan and other planning and policy initiatives. The Select Board shall participate actively with the Planning Board in the formulation of goals and policies of the Local Comprehensive Plan, meeting with the Planning Board

to develop consensus whenever possible, and then shall be responsible to fulfill the Plan as voted by Town Meeting.

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

ARTICLE 6: To see if the Town will vote to adopt the following amendment to Article IV, Other Elected Town Governmental Bodies and Officers, of the Falmouth Home Rule Charter by amending section C4-6C relative to the Planning Board's role in development and review of the Local Comprehensive Plan, so as to read:

C4-6C. The Planning Board shall be responsible for the development and periodic review of a Local Comprehensive Plan or portions thereof and shall seek the active participation of the Select Board in developing and fulfilling all elements of the Plan. Such plan may include all or portions of plans developed by other governmental bodies, but these inclusions must be approved by a vote of the Planning Board. The Local Comprehensive Plan shall be submitted to Town Meeting and then to the Cape Cod Commission.

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

ARTICLE 7: To see if the Town will vote to adopt the following amendment to Article V, Town Manager, of the Falmouth Home Rule Charter by amending section C5-3A, Powers and Duties, to direct the Town Manager to assure actions of town agencies agree with planning initiatives, so as to read:

- A. The Town Manager shall be the chief administrative officer of the Town and shall be responsible for administration and coordinating all employees, activities and departments placed by general law, this charter or bylaws under the control of the Select Board and the Town Manager. The Manager shall implement the goals and carry out the policies of the Select Board. The Manager, pursuant to procedures set by the Select Board [C3-3A], shall assure that the actions of town agencies are evaluated for consistency with the Local Comprehensive Plan, the Strategic Plan and the Capital Improvement Plan.

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

ARTICLE 8: To see if the Town will vote to adopt the following amendment to Article VII, Appointed Town Governmental Bodies of the Falmouth Home Rule Charter by amending section C7-2G, General Provisions, providing for the determination of a member's unexcused absence, so as to read:

G. The unexcused absence, without good cause, of a member from one half (1/2) of the total number of meetings during any twelve month period, or from four (4) or more consecutive meetings of any such governmental body shall serve to vacate the office. The vacancy shall be determined by the chairperson and confirmed by a majority vote of the governmental body. When such vacancy has been so determined, it shall be filled in accordance with the General Laws, when applicable, or the process to fill the vacancy shall begin within thirty (30) days.

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

ARTICLE 9: To see if the Town will vote to adopt the following amendments to Article VII, Appointed Town Governmental Bodies, of the Falmouth Home Rule Charter by deleting references to four (4) governmental bodies whose inclusion in the Charter is not necessary and adding membership language to the Community Preservation Committee, as follows:

DELETE section C7-10 relative to the Recreation Committee, section C7-11 relative to the Waterways Committee, section C7-12 relative to the Beach Committee and section C-13 relative to the Human Services Committee; and

AMEND C7-16 so as to read:

C7-16. A Community Preservation Committee shall be appointed as provided by Massachusetts General Laws Chapter 44B and applicable town bylaw consisting of nine (9) voting members, four (4) members to be appointed by the Select Board, and one (1) each appointed by the following five (5) governmental bodies: Conservation Commission, Historical Commission, Housing Authority, Planning Board and Recreation Committee.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review 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 21st day of September in the year of our Lord Two Thousand Twenty.

Megan English Braga, Chairman
Douglas C. Brown, Vice Chairman
Douglas H. Jones
Samuel H. Patterson
Nancy Taylor

Falmouth Select Board September 28, 2020 Meeting



November 2020 Town Meeting
Petition Article Presentation - Article 4
Payment in Lieu of Tax (PILOT) Agreements
Cape Cod Fairgrounds – Solar Carport Project

Cape Cod Fairgrounds Solar Carport Project Project Team



- Barnstable County Agricultural Society
 - Landowner/project host
 - Receives Lease payments from Sol
 - Points of Contact: Wendy Brown and Jay Zavala



- Sol Systems
 - Solar developer, financier, owner and operator
 - Points of Contact: Rennie Friedman and Anna Noucas

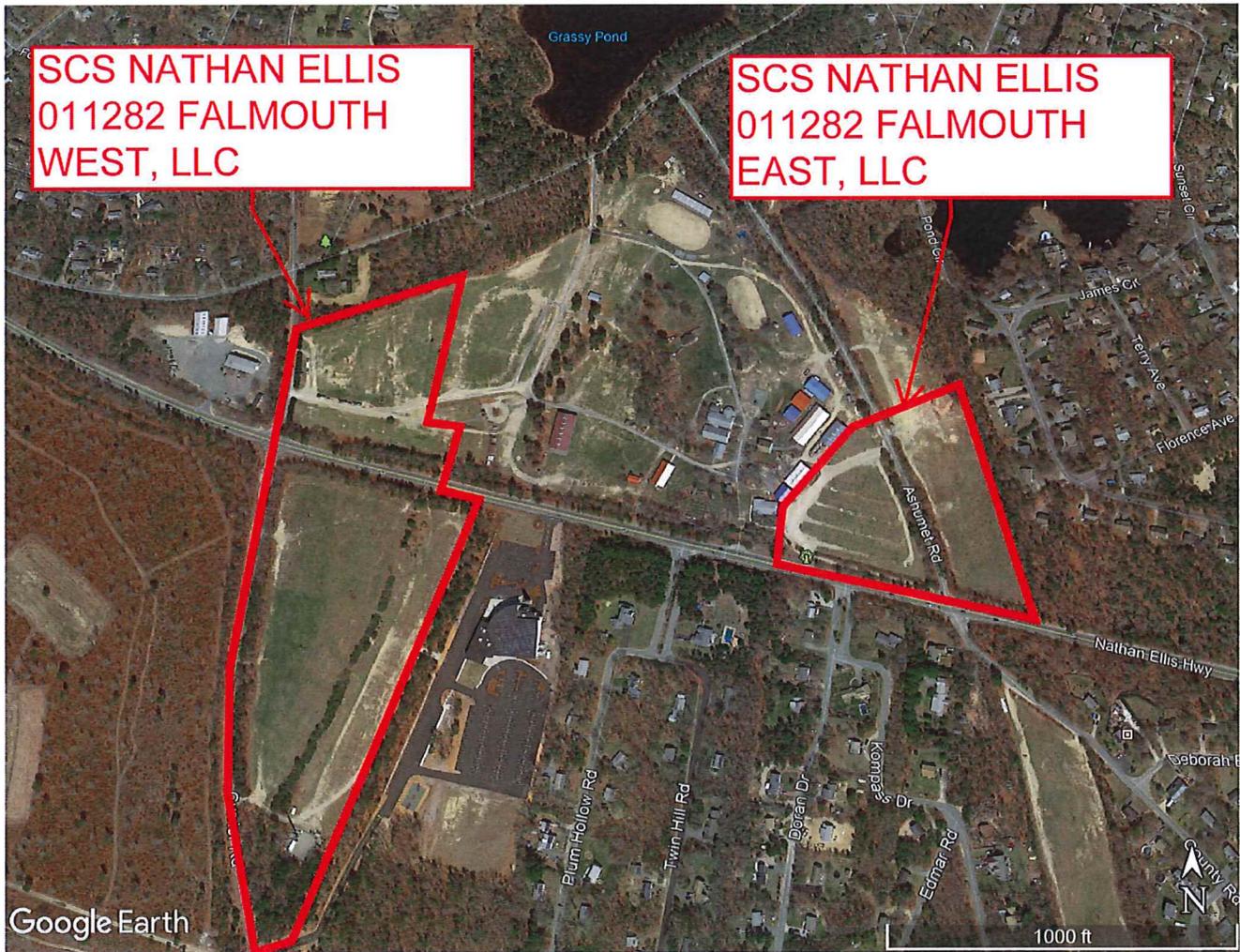


- TRC Companies
 - Civil and environmental engineering
 - Point of Contact: Jeff Brandt

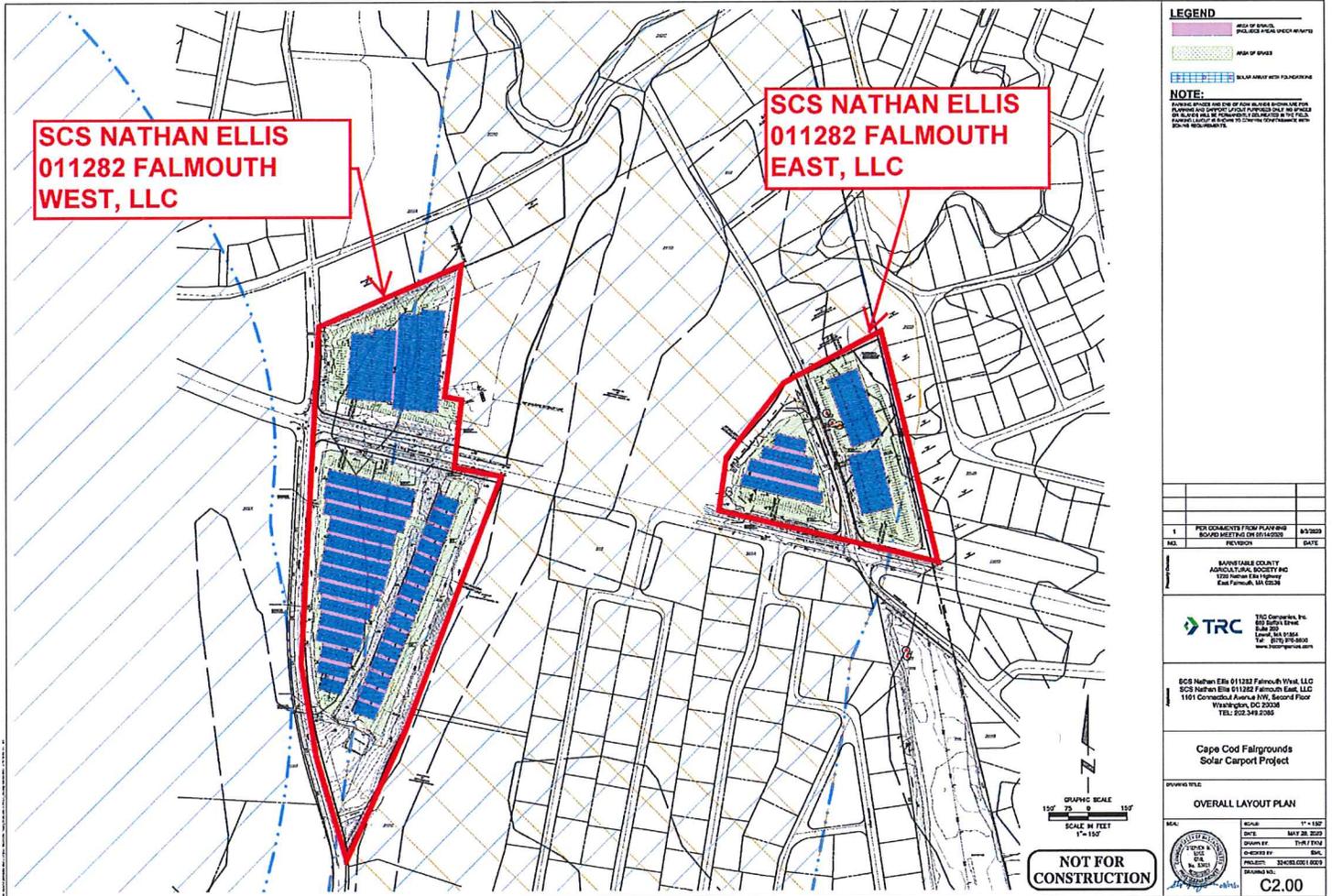
Article 4

To see if the Town will vote to authorize the Board of Assessors, with the concurrence of the Select Board, to enter into two (2) Payment in Lieu of Taxes (PILOT) Agreements with SCS Nathan Ellis 011282 Falmouth West, LLC and SCS Nathan Ellis 011282 Falmouth East, LLC for that portion of the Barnstable County Agricultural Society's property to be developed for two (2) photovoltaic solar arrays for the purpose of determining the value of personal property to be taxed and establish a schedule of equal amortized payments due and payable each year, said PILOT Agreement to be upon such terms and conditions as said board determine in the best interests of the Town.

Aerial



Site Plan



Example of a Solar Carport



Our project will have no new pavement

Project Status

- Zoning granted at November 2019 Town Meeting via approval of the Large scale ground mount solar overlay district
- Site Plan approved at 8/25/20 Planning Board Hearing
- Signed Interconnection Service Agreements (ISAs) secured from Eversource on 9/22/20
- Anticipated construction start: Spring 2021
- Anticipated construction end: End of 2021

Why Approve a PILOT?

- In Massachusetts, solar projects built to generate electricity for sale to the grid are *not* exempt from personal property taxes.
- Instead, per the Massachusetts Department of Revenue, these projects are allowed by state law to enter into a Payment in Lieu of Tax (PILOT) Agreement under M.G.L. c. 59, § 38H(b) for the real and personal property taxes associated with the solar generation facility.
- The PILOT rate is set by the local assessor based on various project assumptions, including but not limited to the system size, anticipated costs, anticipated revenues, and operating expenditures.
- **The PILOT provides tax stability for the municipality (Town of Falmouth) and the company owning the project (Sol) rather than a complete or substantial exemption from taxation.**

Thank You!

Thank you for the opportunity to present this article to you this evening. We greatly appreciate your support and positive recommendation on this article!

Julian Suso

From: Julian Suso
Sent: Friday, September 25, 2020 3:38 PM
To: Falmouth Selectboard
Cc: Timothy Smith; 'Peter Johnson Staub (peter.johnson-staub@falmouthma.gov)'; Jennifer Mullen
Subject: RE: West Falmouth Fire Station - Update on Staffing and Response Times
Attachments: Station #4 Voluntary Staffing-July 2020 with District Incident Totals.pdf; Station #4 Voluntary Staffing-August 2020 with District Incident Totals.pdf; Station #4 Voluntary Staffing-September 2020 with District Incident Totals.pdf

UPDATE.

Dear Board Members,

I have supplemented this initial email of September 4 and its attachment with monthly "Voluntary Staffing" Reports from Acting Chief Tim Smith for the months of July, August and September (partial through 9/24 only). As you review the attached, you will note that the Voluntary Firefighter staffing levels were:

- July which represented 15/31 day shifts (48%) and 20/31 night shifts (65%)
- August which represented 8/31 day shifts (26%) and 13/31 night shifts (42%)
- September (through 9/24 only) represented 8/24 day shifts (33%) and 13/24 night shifts (54%)

As anticipated, the percentage of voluntary covered shifts decreased from July through August and early September due to planned vacations and related firefighter leave. You will also note that the trend moving into September was an upswing in these percentages as we moved away from this more traditional period of scheduled leave. With the addition of the cadet firefighters referred to in my September 4 email below and moving away from the vacation season, we are optimistic that this relative upswing will continue into the fourth quarter of this calendar year. Further, as continues to be documented, the monthly run/response data from our consolidated communications center affirms that average response times are improved from 2019 by ½ minute or more **throughout Falmouth**. Importantly, you will also note from the three attachments that the "number of incidents" monthly in the West Falmouth district itself (district 4) is significantly trending downward from 56 in July to 51 in August and only 28 through September 24. We look forward to a further update/discussion on this at your upcoming meeting on Monday, September 28. Thank you.

Julian

From: Julian Suso
Sent: Friday, September 4, 2020 3:06 PM
To: Falmouth Selectboard <selectboard@falmouthma.gov>
Cc: Timothy Smith <timothy.smith@falmouthfirema.gov>; Peter Johnson Staub (peter.johnson-staub@falmouthma.gov) <peter.johnson-staub@falmouthma.gov>; Jennifer Mullen <jennifer.mullen@falmouthma.gov>
Subject: West Falmouth Fire Station - Update on Staffing and Response Times

Dear Board Members,

I attach the month of August summary of voluntary staffing from Acting Chief Smith for the West Falmouth Fire Station. As anticipated due to the cycle of normal planned employee vacation time, the month of August has been considerably more challenging to secure overtime staffing for the two additional positions. You will recall that in the month of July, the Station was indeed staffed over 50% of the time. The August percentage declined to 26% on the day shift and 42% on the night shift. On eight other occasions, with only one of the two necessary positions filled – the additional firefighter was once again assigned to the North Falmouth Station (providing direct ambulance service to West Falmouth). As a reminder, we are expecting four additional firefighters to join us in the third week of September after graduating from the Fire Academy. While that will not solve this present matter, it is a positive step in the right direction.

I also attach the month of August summary of Fire Department call volumes to all five Stations (including West Falmouth – Station Four) from Communications Administrator Chris Campbell. As was the case in July, the average incident response times in the West Falmouth area improved noticeably from 2019 to 2020. In August, the average improvement was slightly over ½ minute given the 51 calls which occurred. Interestingly, documented response times also dropped very noticeably for the “single busiest days” experienced in West Falmouth over the past two years.

The overall call response trend data continue to demonstrate that average Fire Department response times have diminished significantly for all five Fire Stations through the months of July and August. This is a strategic indicator affirming that the Fire station staffing model being utilized by past Chief Small and current Acting Chief Smith has enhanced public safety response **throughout Falmouth**. We will continue to monitor these response trends going forward. Happy to follow up on any questions that you may have. Thank you.

Julian



FALMOUTH COMMUNICATION CENTER

FALMOUTH, MASSACHUSETTS



CHRISTOPHER A. CAMPBELL, ADMINISTRATOR

To: Acting Chief Tim Smith, Falmouth Fire
Julian Suso, Town Manager

From: Christopher Campbell, Communications Administrator

Subject: August 2020 Call Volumes

Date: September 1, 2020.

Chief,

Please find below a summary of the Falmouth Fire Rescue Departments call volume for the month of August 2020. This information is additionally broken down by specific response district and also gives data for the same time period in (2019) for comparison. Supporting documentation is included for your reference.

August 2020

Total Call Volume – 751 incidents (811 Incidents)
Average response time – 8.00 minutes (9.03 minutes)

District 1 – 346 incidents (369 Incidents)
Average response time – 6.90 minutes (8.54 minutes)

District 2 – 29 Incidents (53 incidents)
Average response time – 7.82 minutes (8.69 minutes)

District 3 – 84 Incidents (104 Incidents)
Average response time – 9.78 minutes (9.39 minutes)

District 4 – 51 incidents (46 incidents)
Average response time – 9.94 minutes (10.46 minutes)

District 5 – 228 incidents (225 incidents)
Average response time – 8.41 minutes (9.21 minutes)

As we continue on with the new Fire Department staffing model that rolled out on July 1, 2020 I know there is some need for additional information. Looking at the July / August time frame we can see that the response times across town continue to improve and the response time in District 4 specifically also continues to improve. The following information looks the time period for July 1, 2020 through August 31, 2020.

750 Main Street • Falmouth, Massachusetts 02750
Tel. (774) 255-4527 • Fax (508) 457-2531
www.falmouthmass.us

July / August 2020

Total Call Volume – 1502 incidents (1655 incidents)
Average Response Time – 8.00 Minutes (8.84 minutes)

District 1 – 665 incidents (760 incidents)
Average Response Time – 6.94 minutes (8.14 minutes)

District 2 – 54 incidents (91 incidents)
Average Response Time – 8.23 minutes (8.86 minutes)

District 3 – 195 incidents (212 incidents)
Average Response Time – 9.61 minutes (9.50 minutes)

District 4 – 107 incidents (95 incidents)
Average Response Time – 9.62 minutes (10.10 minutes)

District 5 – 454 incidents (467 incidents)
Average Response Time – 8.29 minutes (9.16 minutes)

Lastly we looked at the single busiest days for the months of July and August in 2020 and compared them to the single busiest days in the same respective time frame for 2019. The information below breaks down those 4 specific days. While there are some variations in the times on these “snap shot” days, I think that it is worth noting that when we look specifically at District 4 our average response times were reduced by several minutes on our busiest days in 2020 as compared to 2019.

July 12, 2020 – 38 Incidents with an average response time of 8.65 minutes

District 1 – 16 incidents, 7.04 minutes
District 2 – 1 incident, 8.08 minutes
District 3 – 9 incidents, 10.99 minutes
District 4 – 3 incidents, 9.07 minutes
District 5 – 10 incidents, 9.18 minutes

July 17, 2019 – 34 Runs with an average response time of 8.17 minutes

District 1 – 22 Incidents, 6.35 minutes
District 2 – 0 incidents
District 3 – 5 incidents, 11.26 minutes
District 4 – 1 incident, 14.92 minutes
District 5 – 5 incidents, 6.45 minutes

August 19, 2020 – 36 Incidents with an average response time of 8.98 minutes

District 1 – 14 incidents, 9.26 minutes
District 2 – 0 incidents
District 3 – 8 incidents, 9.43 minutes
District 4 – 1 incident, 7.35 minutes
District 5 – 13 minutes, 8.52 minutes

August 10, 2019 – 45 Incidents with an average response time of 9.23 minutes

District 1 – 19 incidents, 7.32 minutes

District 2 – 4 incidents, 10.10 minutes

District 3 – 3 incidents, 14.27 minutes

District 4 – 1 incident, 14.83 minutes

District 5 – 18 incidents, 9.89 minutes

Given the volume of raw data produced to generate this report I have not included the additional documentation that was previously included, however I am more share that information if you feel it would be helpful. I am happy to answer any questions you may have regarding the information provided above.

Falmouth Fire Rescue
 West Falmouth Station #4
 July
 Voluntary Staffing

	Staffed Y/N	Staffed Y/N	Sta. #3 staffed w/3 (15)	District 4 Incidents
	Day 0800	Night 1800		EMS/Fire
1	N	Y		1
2	Y	Y		2
3	N	Y		1
4	N	N		3
5	N	N	Y (1800)	2
6	N	N	Y (1800)	2
7	Y	Y		3
8	Y	Y		2
9	Y	Y		1
10	Y	N		0
11	N	N		0
12	N	N		3
13	Y	Y		2
14	N	Y	Y (0800)	0
15	Y	Y		2
16	Y	Y		1
17	N	N		2
18	N	N		3
19	N	N		3
20	N	Y		3
21	Y	Y		1
22	N	Y		2
23	Y	Y		4
24	Y	N		0
25	N	N		0
26	Y	Y		2
27	N	Y	Y (0800)	0
28	Y	Y		4
29	Y	Y		3
30	N	Y		3
31	Y	Y		1
Staffed	15	20	4	Total Incidents
				56

Falmouth Fire Rescue
West Falmouth Station #4
AUGUST
Voluntary Staffing

	Staffed Y/N	Staffed Y/N	Sta. #3 staffed w/3 (15)	District 4 Incidents
	Day 0800	Night 1800		EMS/Fire
1	N	N		1
2	N	N		1
3	Y	N	Y (1800)	2
4	Y	Y		1
5	Y (until 1330)	Y	Y (1330-mid day sick lv)	3
6	Y	Y		1
7	N	N	Y(1800)	1
8	N	N		1
9	N	N		1
10	N	N		2
11	N	Y		0
12	N	Y		3
13	Y	N	Y(1800)	2
14	N	N		2
15	N	N		3
16	N	N	Y(0800)	2
17	Y	Y		0
18	N	N	Y(1800)	1
19	Y	Y		1
20	N	N		0
21	N	Y		4
22	N	N		1
23	N	N		0
24	N	Y		1
25	Y (1000-1800)	N	Y (0800-1000)	1
26	N	Y	Y (0800-1800)	3
27	N	Y		2
28	N	Y		3
29	N	N		3
30	N	N		3
31	N	Y		2
Staffed	8	13	8	Total Incidents
				51

Falmouth Fire Rescue
West Falmouth Station #4
SEPTEMBER
Voluntary Staffing

	Staffed Y/N	Staffed Y/N	Sta. #3 staffed w/3 (15)	District 4 Incidents
	Day 0800	Night 1800		EMS/Fire
1	N	Y		2
2	Y	Y		2
3	Y	Y		2
4	N	N	Y (1800)	0
5	N	N	Y (1800)	2
6	N	N		1
7	N	Y		2
8	N	Y	Y (0800)	0
9	N	Y	Y (0800)	1
10	N	Y		1
11	N	N		0
12	N	N		0
13	N	N		1
14	Y	N	Y (1800)	1
15	Y (1200-1800)	Y	Y (0800-1200)	0
16	N	N		1
17	Y (1000-1800)	Y	Y (0800-1000)	1
18	N	N		3
19	N	N	Y (1800-0800)	3
20	N	N	Y (0800-1800)	1
21	N	Y		0
22	Y	Y		2
23	Y	Y		0
24	Y (0800-1130)	Y	Y (1130-1800)	2
25				
26				
27				
28				
29				
30				
Staffed	8	13	10	Total Incidents
				28

LPSSA Grinder Pump Reimbursement

Presentation to Select Board
Amy Lowell, Wastewater Superintendent
September 28, 2020

Background - LPSSA Grinder Pump Policy

- Select Board voted on May 16, 2016
- Policy includes the statement:
“Town provide modest compensation (subsidy) for one-time, partial reimbursement of grinder pump installation cost.”
- Applied to non-commercial residential properties

Background – Last Update - December 2019 Select Board Meeting

- The average cost difference between pump and gravity connections was \$1,800. Basis:
 - Cost data from 455 residential sewer connections, roughly half of each type.
 - Data provided to the Town by property owners and by 3 contractors who each completed more than 100 sewer connections.
- If the 681 residential property owners who installed grinder pumps were reimbursed \$1,800 each, the total cost would be \$1,225,800.
- Sufficient funds remain under Art 28 04/14, the LPSSA appropriation, to cover this cost as well as the pending Bournes Pond inlet widening project.
- Next step: set reimbursement criteria, process and schedule.

Proposed Criteria for Reimbursement

- Only the owner(s) of the property at the time of sewer connection is(are) eligible for reimbursement.
- Only non-commercial residential properties are eligible.
- To qualify for reimbursement, the property's LPSSA combined sewer connection permit must be closed out.

Proposed Application Process for Reimbursement

- Property owner applies for reimbursement by submitting:
 - Completed simple (1 page) application form
 - Completed W-9 form
- Wastewater Division reviews application to verify that criteria are met (with assistance from Assessor and/or Town Counsel if needed) and forwards to Accounting for reimbursement.

Notification of Reimbursement Availability

- Mail to the address the Town has for those who owned the properties at the time of sewer connection
- Publish in the Falmouth Enterprise
- Post on the Town website
- Notify neighborhood organizations: Falmouth Heights-Maravista Improvement Association, Teaticket Association

Suggested Select Board Reimbursement Vote

- Amount: \$1,800 per eligible grinder pump property.
- Eligibility: Only the owner(s) of the property at the time of sewer connection are eligible for reimbursement. Only non-commercial residential properties are eligible.
- Time frame: Applications for reimbursement will be accepted through December 31, 2021.

Additional Suggested Vote

- Suggested vote: The Town's commitment to providing grinder pumps and reimbursement is for properties connected before today's date; any future new pump connections in LPSSA will not be provided a pump or reimbursement for installation.
- There are ~ 19 properties in the LPSSA "low pressure area" that were assessed a betterment but have not yet connected to sewer (vacant land, terminated water service/uninhabitable homes, etc.)
- Pump provision and partial reimbursement was intended to reduce the cost impact to existing homeowners, not for new development or redevelopment.

Diane Davidson

From: Julian Suso
Sent: Wednesday, September 23, 2020 12:18 PM
To: Irie Mullin
Cc: Frank Duffy; Scott McGann; Peter Johnson-Staub; Diane Davidson
Subject: FW: Modification of Restaurant Operation Standards
Attachments: FINAL_Restaurants_Checklist_20200922.pdf; FINAL_Restaurants_Circular_20200922.pdf; FINAL_Restaurants_Safety%20standards%209.22.pdf

From: Irie Mullin <irie.mullin@falmouthma.gov>
Sent: Wednesday, September 23, 2020 12:05 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>; Kim Fish <kimberly.fish@falmouthma.gov>
Subject: Modification of Restaurant Operation Standards

Julian and Scott,

The Governor has released modified operating standards for Phase III Step 1 for restaurants, to take effect Sept. 28th. The prior standards remain in place until that time. I have attached the updated documents to this email.

The most significant changes are an increase in the number of patrons which may be seated at a single table (now 10, up from 6), and permission to seat dining patrons at a bar area (now, patrons are banned only from standing at a bar; previously, no bar seating of any type). Bar seating is only permitted if all staff is working at least 6 feet away from patrons seated at the bar or there is a plexi-glass divider separating seated patrons from workers behind the bar (with slot for food/beverage delivery). In addition, some game activities now permitted in Phase III Step 1 (arcade games, pool tables) may be open at these establishments, but only if the games/activity area is not within a food service area. These changes apply both indoors and outdoors.

There is no change to the requirement that establishments must be providing "seated food service" of a meal, prepared on site, that is not prepackaged snacks or food prepared elsewhere, in order to operate as a Phase III Step 1 restaurant. Similarly, there is no change to the requirement that there be 6 feet between seated diners at different table groups, and from any walkway areas.

These changes would seem to implicate existing outdoor dining permits issued under Order 35. Those permits approved only tables of six or less, and changes to seating plans for larger tables will likely require confirmation that 6 feet still remains between seated diners and walkways. The altered standards do apply indoors without further action of the town, unless the BOH takes enforcement action against any restaurant operating in violation of the new requirements.

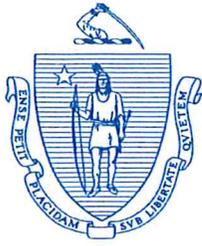
Please let me know if you have any questions.

Thanks,
Irie

Irie E. Mullin, Associate Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540

(508) 548-8800 fax (508) 540-0881

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OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER MAKING CERTAIN PHASE III ADJUSTMENTS

COVID-19 Order No. 50

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention (“CDC”) have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, on May 18, 2020, June 6, 2020, and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV

enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the Commonwealth has maintained a continuing trend of improvement in public health data during the phased re-opening of workplaces and other facilities, which permits continuing, gradual relaxation of restrictions on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data;

WHEREAS, expanded opportunities for outdoor dining, as approved by local authorities, have provided valuable support to restaurants and a popular amenity to the public that should be permitted to continue during the state of emergency without interruption or undue complication;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission which permits periodic adjustments to safety measures addressing commercial, recreational, and social activities; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, variance of the terms and conditions of licenses, permits, and certificates of registration issued by the Commonwealth or by any of its agencies or political subdivisions, and regulation of the sale of articles of food and household articles;

NOW, THEREFORE, I hereby Order the following:

1. Extension of Outdoor Dining Provisions

Notwithstanding chapter 40A of the general laws, or any special permit, variance or other approval thereunder, or any other general or special law to the contrary, a city or town may approve requests for expansion of outdoor table service or extensions of earlier granted approvals, including a local licensing authority (“LLA”) approving a request for a change in the description of licensed premises for the purpose of permitting outdoor alcohol service, until a date beyond November 1, 2020, as specified in this Section. For the purposes of this Order, “outdoor table service” shall mean restaurant service that includes food prepared on-site and under food permits issued by municipal authorities pursuant to 105 CMR 590.00 that is served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space.

Before approving any request made under this Order or extending a prior approval issued pursuant to Section 4 of COVID-19 Order No. 35, a city, town, or LLA may modify the scope of any prior approval issued pursuant to Section 4 of COVID-19 Order No. 35 as the city, town, or LLA deems proper and appropriate including, without limitation, modifying the terms of an earlier granted approval to address potential issues with snow removal, pedestrian traffic, or similar concerns.

The provisions of Section 4 of COVID-19 Order No. 35 shall apply to any request for an extension of an earlier granted approval or an expansion of outdoor table service or for approval of a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service made pursuant to this Section except that (i) the definition of outdoor table service adopted in paragraph 1 of this Section shall apply; and (ii) such approvals may extend until the date specified below.

Any approval issued under this Section shall remain in effect until 60 days past the end of the state of emergency or such earlier date the city or town establishes in granting the approval, whichever is sooner, at which time any approval issued under this Section, including any amended license issued by an LLA as a result of this Order, shall automatically revert back to its status prior to any approval issued under either this Section or Section 4 of COVID-19 Order No. 35.

Any approval issued under Section 4 of COVID-19 Order No. 35 for expanded outdoor table service, including any amended license issued by an LLA changing the description of the licensed premises for the purpose of permitting outdoor alcohol service as a result of COVID-19 Order No. 35 shall remain in effect until November 1, 2020, unless the city or town approves a request to extend such approval pursuant to this Order or otherwise deems such approval automatically extended consistent with all other provisions of this Order.

2. Opening of Indoor and Outdoor Gaming Arcades

Effective at 12:01 am on September 17, 2020, indoor and outdoor gaming arcades may open their brick-and-mortar premises to workers, customers, and the public, and restaurants, indoor and outdoor recreational facilities, and other enterprises with gaming devices on their premises may permit these devices to be used by patrons. Schedule A to COVID-19 Order No. 43 is hereby amended, as attached, to reflect this adjustment.

The Director of the Department of Labor Standards (“DLS”) shall issue, subject to my approval, COVID-19 workplace safety rules to address the particular circumstances and operational needs of indoor and outdoor gaming arcades and other enterprises with gaming devices on their premises that are made available for use by patrons. These rules shall serve as “Sector-Specific Rules” for such activities and facilities as that term is defined in Section 4 of COVID-19 Order No. 43.

The provisions of Sections 4 and 5 of COVID-19 Order No. 43 (and Section 4 of COVID-19 Order No. 37 as incorporated in COVID-19 Order No. 43), which set requirements for compliance with generally applicable and Sector-Specific COVID-19 safety rules and mechanisms for enforcement for all Phase III enterprises shall apply to indoor and outdoor gaming arcades and other enterprises with gaming devices on their premises that are made available for use by patrons pursuant to this Order. Any penalty issued in an enforcement action shall be administered as provided in COVID-19 Order No. 48.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 2:15 AM/PM this
10th day of September, two thousand and
twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A to COVID-19 Order No. 43
as revised by COVID-19 Order No. 50, effective September 17, 2020

	<p>All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.</p>
Phase I	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
Phase II	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks

	<ul style="list-style-type: none"> ○ mini golf, go karts, batting cages, climbing walls, ropes courses ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services ● Day Camps including sports and arts camps ● Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations ● Casino gaming floors ● Horse racing tracks and simulcast facilities ● Indoor recreational and athletic facilities for general use (not limited to youth programs) ● Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms ○ excluding saunas, hot-tubs, steam rooms ● Museums ● Indoor historic spaces/sites ● Aquariums ● Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises ● Movie theatres ● Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) ● Motion picture, television, and video streaming production ● Fishing and hunting tournaments and other amateur or professional derbies ● Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises ● Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events ● Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older ● Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls ● Indoor and outdoor gaming arcades and associated gaming devices [a] <p><u>Step 2</u></p> <ul style="list-style-type: none"> ● Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises ● Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses
Phase IV	<ul style="list-style-type: none"> ● Amusement parks, theme parks, indoor or outdoor water parks and indoor or outdoor ball pits [a] ● Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities ● Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or

	<p>dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000</p> <ul style="list-style-type: none"> • Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including <ul style="list-style-type: none"> ○ Stadiums, arenas, and ballparks ○ Dance floors ○ Exhibition and convention halls • Street festivals and parades and agricultural festivals • Road races and other large, outdoor organized amateur or professional group athletic events • Overnight camps (Summer 2021) <p>This listing is subject to amendment.</p>
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Note: Amendment from the version of Exhibit A adopted in COVID-19 Order No. 43 (July 2, 2020) designated by the marker “[a].”



**SECTOR SPECIFIC WORKPLACE SAFETY STANDARDS
FOR RESTAURANTS TO ADDRESS COVID-19
Updated as of September 22, 2020**

Purpose

These workplace safety standards for Restaurants, as defined below, are posted in advance of their effective date to allow Restaurants time to prepare to operate in compliance with these mandatory health and safety standards. Restaurants remain subject to the previously-issued, August 11, 2020 safety standards until these revised workplace safety standards go into effect on September 28, 2020.

These sector specific COVID-19 workplace safety standards for Restaurants are issued to provide owners, operators, and workers of restaurants with instructions to help protect against the spread of COVID-19.

These standards are minimum requirements only and are not exclusive or exhaustive. The public health data for disease prevention that inform these guidelines can and does change frequently, and the operator of the restaurant is accountable for adhering to all local, state and federal requirements. The operator of the restaurant is also responsible for staying abreast of any updates to these requirements.

Standards for Responsible Restaurants in Massachusetts

“Restaurant” means an establishment that provides seated food service that is prepared on-site and under a Food Service Establishment, for food service establishments that cook, prepare and serve food, intended for immediate consumption, as permitted and issued by a municipal authority pursuant to 105 CMR 590.000. Potato chips, pretzels, and other similar pre-packaged, shelf stable foods, or other food prepared off-site, do not constitute food “prepared on-site.”

Events hosted at restaurants must follow the Indoor and Outdoor Events guidance, including the capacity limitations in that guidance. No activity in Restaurants can occur without meeting the following sector specific COVID-19 workplace safety standards for restaurants. These standards apply to all restaurants in operation until rescinded or amended by the State. The operator of each restaurant shall be responsible for meeting these standards.

The following workplace specific safety standards are organized around four distinct categories covering Social Distancing, Hygiene Protocols, Staffing and Operations, and Cleaning and Disinfecting.

I. Social Distancing

- Require face coverings for all customers and workers at all times, except where an individual is unable to wear a face covering due to medical condition or disability
- Customers must wear face coverings unless seated at tables
- While indoor table service is permitted, restaurants are encouraged to structure operations to operate as much as possible through outdoor table service and to strictly limit indoor table

service in order to assure effective compliance with social distancing requirements and to limit activities within confined spaces

- Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:
 - Tables must be positioned so to maintain at least a 6 foot distance from all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective / non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas
 - The size of a party seated at a table cannot exceed 10.

- Bar seating is permitted provided that either:
 - There are no active work areas or working staff behind the bar at least 6 ft away; or
 - There is a physical barrier (e.g. Plexiglas) separating customers from the bar space that is at least 30 inches high and a gap/opening at the bottom of the barrier is allowed for food and drink service as long as the gap/opening is no more than 8 inches high
 - In addition, parties must be seated at bars (no standing customer service) and parties must be spaced at least 6 ft from other parties
 - Subject to any applicable building and fire code requirements, bar areas may be re-configured to accommodate table seating that complies with all spacing and other requirements in these COVID-19 safety standards. Tables must not be placed within 6 feet of the staffed bartending area.

- All customers must be seated; eat-in service to standing customers (e.g., around bar areas) is prohibited Restaurants may provide carry-out or delivery service, but all safety standards for table separation, size of party, and hygiene must be maintained for any indoor or outdoor table seating that is available to carry-out patrons All other amenities and areas not employed for food and beverage service (e.g., dance floors, pool tables, playgrounds, etc.) must be closed or removed to prevent gathering of customers.

- Recreation amenities which are allowed to open in Step 1 of Phase III (such as arcade games) may be open if adhering to all safety protocols in the Arcades & Other Indoor & Outdoor Game & Recreation Businesses including the requirement that active use of pool tables and other games involving patrons not seated at tables is not permitted in areas where food service is provided.

- Ensure separation of 6 feet or more between all individuals (workers, vendors, and customers) unless this creates a safety hazard due to the nature of the work or the configuration of the workspace
 - Close or reconfigure worker common spaces and high density areas where workers are likely to congregate (e.g., break rooms, eating areas) to allow 6 feet of physical distancing; redesign work stations to ensure physical distancing (e.g., separate tables, stagger workstations on either side of processing lines so workers are not face-to-face, use distance markers to assure spacing including in the kitchen area)
 - Establish directional hallways and passageways for foot traffic if possible, to minimize contact (e.g., one-way entrance and exit to the restaurant). Post clearly visible signage regarding these policies

- Prohibit lingering in common areas (e.g., waiting areas, bathrooms) and ensure social distancing in common areas by marking 6 feet spacing with tape or paint on the floor and signage
- All customer-facing workers (e.g., servers, bus staff) must minimize time spent within 6 feet of customers
- Designate assigned working areas to workers where possible to limit movement throughout the restaurant and limit contact between workers (e.g., assigning zones to servers)
- Stagger work schedules and staff meal and break times, regulating maximum number of people in one place and ensuring at least 6 feet of physical distancing
- Minimize the use of confined spaces (e.g., elevators, vehicles) by more than one individual at a time
- Valet parking operations should be avoided unless necessary due to physical or geographic constraints or in order to accommodate individual guests with disabling conditions
 - Valets must be provided with hand sanitizer and should use sanitizer before and after parking vehicles

II. Hygiene Protocols

- All workers must wash their hands frequently, and table servers must wash their hands or apply hand sanitizer between each table interaction
- Ensure access to handwashing facilities on site, including soap and running water, and allow sufficient break time for workers to wash hands frequently; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative
- Alcohol-based hand sanitizers with at least 60% alcohol should be made available at entrances, exits, and in the dining area
- Supply workers at workplace location with adequate cleaning products (e.g., sanitizer, disinfecting wipes)
- Post visible signage throughout the site to remind workers and customers of hygiene and safety protocols
- Self-serve, unattended buffets, topping bars, drink stations, and other communal serving areas must remain closed.
- Condiments and similar products (e.g., salt, pepper, and salad dressing) should not be pre-set on tables and should instead only be provided upon request either in single-serving portions (e.g., individual packages or cups) or in serving containers that are sanitized between each use
- Menus must be one of the following: 1) paper, single-use menus disposed after each use, 2) displayed menu (e.g., digital, whiteboard, chalkboard), 3) electronic menus viewed on customers' phones / mobile devices, or 4) laminated reusable menus sanitized between each use
- Utensils and place settings must be either single-use or sanitized after each use; utensils should be rolled or packaged. Tables should not be pre-set to reduce opportunity for exposure
- Tables and chairs must be cleaned and sanitized thoroughly between each seating

III. Staffing and Operations

- When possible, reservations or call ahead seating should be encouraged; managers must ensure that diners waiting for tables do not congregate in common areas or form lines

- When taking reservations and when seating walk-in customers, restaurants should retain a phone number of someone in the party for possible contact tracing
- Encourage use of technological solutions where possible to reduce person-to-person interaction (e.g., contactless payment, mobile ordering, text on arrival for seating)
- Restaurants may not provide customers with buzzers or other devices to provide alerts that seating is available or orders are ready; restaurants should instead use no-touch methods such as audio announcements, text messaging, and notices on fixed video screens or blackboards
- Alcoholic beverages may only be served for on-site consumption if accompanied by food prepared on-site. Potato chips, pretzels, and other pre-packaged shelf stable foods, or other food prepared off-site, do not constitute food “prepared on-site.” For each customer, an item of prepared food must be ordered at the same time as an initial alcoholic beverage(s) order. One or more shareable food item(s) may be ordered, as long as it/they would sufficiently serve the number of people at the table.
- Provide training to workers on up-to-date safety information and precautions including hygiene and other measures aimed at reducing disease transmission, including:
 - Social distancing, hand-washing, and requirement and proper use of face coverings
 - Modifying practices for serving in order to minimize time spent within 6 feet of customers
 - Self-screening at home, including temperature or symptom checks
 - Reinforcing that staff may not come to work if sick
 - When to seek medical attention if symptoms become severe
 - Which underlying health conditions may make individuals more susceptible to contracting and suffering from a severe case of the virus
- Restaurant operators should establish adjusted workplace hours and shifts for workers to minimize contact across workers and reduce congestion at entry points
- Limit visitors and vendors on site; shipping and deliveries should be completed in designated areas
- Workers must stay home if feeling ill
- Workers who are particularly high risk to COVID-19 according to the Centers for Disease Control (e.g., due to age or underlying conditions) are encouraged to stay home or arrange an alternate work assignment
- Restaurants must screen workers at each shift by ensuring the following:
 - Worker is not experiencing any symptoms such as fever (100.0 and above) or chills, cough, shortness of breath, sore throat, fatigue, headache, muscle/body aches, runny nose/congestion, new loss of taste or smell, or nausea, vomiting or diarrhea
 - Worker has not had “close contact” with an individual diagnosed with COVID-19. “Close contact” means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for 15 minutes or more, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic
 - Worker has not been asked to self-isolate or quarantine by their doctor or a local public health official
 - Workers who fail to meet the above criteria must be sent home
- Anyone showing signs of illness may be denied entry
- Workers are strongly encouraged to self-identify symptoms or any close contact to a known or suspected COVID-19 case to the employer

- Workers must stay home if feeling ill
- Encourage workers who test positive for COVID-19 to disclose to the employer for purposes of cleaning / disinfecting and contact tracing. If the employer is notified of a positive case at the workplace, the employer shall notify the local Board of Health (LBOH) in the city or town where the workplace is located and assist the LBOH as reasonably requested to advise likely contacts to isolate and self-quarantine. Testing of other workers may be recommended consistent with guidance and / or at the request of the LBOH
- Notify workers that they may not work if they test positive for COVID-19 (they should be isolated at home) or are found to be a close contact of someone with COVID-19 (they should be quarantined at home)
- Post notice to workers and customers of important health information and relevant safety measures as outlined in the Commonwealth's [Mandatory Safety Standards for Workplace](#)
- Designate the Person in Charge (105 CMR 590) for each shift to oversee implementation of the guidelines in this document
- Restaurants will be allowed to maximize outdoor dining space, including patios and parking lots where available, where municipal approval is obtained
- Additional on-site amenities and services shall only open and operate when those amenities or services would otherwise be authorized to operate under the Commonwealth's Phased Reopening Plan and then must adhere to all sector-specific safety protocols, available on the [Reopening Plan website](#), applicable to the amenity or service. Examples include:
 - Darts, arcade games, and other indoor games: Must follow the Arcades & Other Indoor & Outdoor Game & Recreation Businesses guidance, including the requirement that active use of pool tables and other games involving patrons not seated at tables is not permitted in areas where food service is provided.
 - Musical and other performances: Must follow the latest Theater and Performance Venue guidance, including distance between performers and between performers and attendees. Performances at indoor venues may not include singing or the playing of wind or brass instruments
 - Dance floors: Must remain closed until Phase 4
 - Gift shops: Must follow the latest retail guidance
 - Events hosted at restaurants must follow the Indoor and Outdoor Events guidance, including the capacity limitations in that guidance.

IV. Cleaning and Disinfecting

- Clean commonly touched surfaces in restrooms (e.g., toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines
- Keep cleaning logs that include date, time, and scope of cleaning
- Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, elevator buttons, staircases)
- Implement procedures to increase cleaning / disinfecting in the back-of-house. Avoid all food contact surfaces when using disinfectants. Food contact surfaces must be cleaned and sanitized before use with a sanitizer approved for food contact surfaces. Non-food contact surfaces must be frequently cleaned
- In the event of a presumptive or actual positive COVID-19 case of a worker, patron, or vendor, the restaurant must be immediately shut down for 24 hours and then must be cleaned and disinfected in accordance with current CDC guidance before re-opening

- Open windows and doors to increase airflow where possible

Additional worker safety guidelines and resources (with hyperlinks to web pages) are available below:

U.S. Department of Labor, Occupational Safety and Health Administration (OSHA):

[OSHA – COVID-19 Webpage](#)

[OSHA – Enforcement Guidelines Webpage](#)

[OSHA Fact Sheet – Protecting Workers During a Pandemic](#)

U.S. Centers for Disease Control (CDC):

[CDC – Environmental Cleaning and Disinfection Recommendations](#)

[CDC – Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease \(Updated 3/21/20\)](#)

CDC – Decision Tool for Reopening Bars and Restaurants (5/15/20)

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/restaurants-and-bars-decision-tool.html>

Additional Information:

Massachusetts State Coronavirus (COVID-19) Website
[mass.gov/covid19](https://www.mass.gov/covid19)

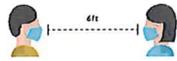
United States Centers for Disease Control and Prevention Coronavirus (COVID-19) Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

RESTAURANTS

MA COVID-19 Checklist



"Restaurant" means an establishment that provides seated food service that is prepared on-site and under a Food Service Establishment, for food service establishments that cook, prepare and serve food, intended for immediate consumption, as permitted and issued by a municipal authority pursuant to 105 CMR 590.000. Potato chips, pretzels, and other similar pre-packaged, shelf stable foods, or other food prepared off-site, do not constitute food "prepared on-site."



SOCIAL DISTANCING

Ensure >6ft between individuals

- Require face coverings for all customers and workers at all times, except where an individual is unable to wear a face covering due to medical condition or disability
- Customers must wear face coverings unless seated at tables
- While indoor table service is permitted, restaurants are encouraged to structure operations to operate as much as possible through outdoor table service and to strictly limit indoor table service in order to assure effective compliance with social distancing requirements and to limit activities within confined spaces
- Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:
 - Tables must be positioned so to maintain at least a 6 foot distance from all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective / non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas
 - The size of a party seated at a table cannot exceed 10 people
- Bar seating is permitted provided that either:
 - There are no active work areas or working staff behind the bar at least 6 ft away; or
 - There is a physical barrier (e.g. Plexiglas) separating customers from the bar space that is at least 30 inches high and a gap/opening at the bottom of the barrier is allowed for food and drink service as long as the gap/opening is no more than 8 inches high
 - In addition, parties must be seated at bars (no standing customer service) and parties must be spaced at least 6 ft from other parties
 - Subject to any applicable building and fire code requirements, bar areas may be re-configured to accommodate table seating that complies with all spacing and other requirements in these COVID-19 safety standards. Tables must not be placed within 6 feet of the staffed bartending area.
- All customers must be seated; eat-in service to standing customers (e.g., around bar areas) is prohibited
- Restaurants may provide carry-out or delivery service, but all safety standards for table separation, size of party, and hygiene must be maintained for any indoor or outdoor table seating that is available to carry-out patrons
- All other amenities and areas not employed for food and beverage service (e.g., dance floors, pool tables, playgrounds, etc.) must be closed or removed to prevent gathering of customers.
- Recreation amenities which are allowed to open in Step 1 of Phase III (such as arcade games) may be open if adhering to all safety protocols in the Arcades & Other Indoor & Outdoor Game & Recreation Businesses including the requirement that active use of pool tables and other games involving patrons not seated at tables is not permitted in areas where food service is provided.
- Ensure separation of 6 feet or more between all individuals (workers, vendors, and customers) unless this creates a safety hazard due to the nature of the work or the configuration of the workspace
 - Close or reconfigure worker common spaces and high density areas where workers are likely to congregate (e.g., break rooms, eating areas) to allow 6 feet of physical distancing; redesign work stations to ensure physical distancing (e.g., separate tables, stagger workstations on either side of processing lines so workers are not face-to-face, use distance markers to assure spacing including in the kitchen area)
 - Establish directional hallways and passageways for foot traffic if possible, to minimize contact (e.g., one-way entrance and exit to the restaurant). Post clearly visible signage regarding these policies
 - Prohibit lingering in common areas (e.g., waiting areas, bathrooms) and ensure social distancing in common areas by marking 6 feet spacing with tape or paint on the floor and signage
 - All customer-facing workers (e.g., servers, bus staff) must minimize time spent within 6 feet of customers
- Designate assigned working areas to workers where possible to limit movement throughout the restaurant and limit contact between workers (e.g., assigning zones to servers)
- Stagger work schedules and staff meal and break times, regulating maximum number of people in one place and ensuring at least 6 feet of physical distancing
- Minimize the use of confined spaces (e.g., elevators, vehicles) by more than one individual at a time
- Valet parking operations should be avoided unless necessary due to physical or geographic constraints or in order to accommodate individual guests with disabling conditions
- Valets must be provided with hand sanitizer and should use sanitizer before and after parking vehicles

RESTAURANTS

MA COVID-19 Checklist



HYGIENE PROTOCOLS

Apply robust hygiene protocols

- All workers must wash their hands frequently, and table servers must wash their hands or apply hand sanitizer between each table interaction
- Ensure access to handwashing facilities on site, including soap and running water, and allow sufficient break time for workers to wash hands frequently; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative
- Alcohol-based hand sanitizers with at least 60% alcohol should be made available at entrances, exits, and in the dining area
- Supply workers at workplace location with adequate cleaning products (e.g., sanitizer, disinfecting wipes)
- Post visible signage throughout the site to remind workers and customers of hygiene and safety protocols
- Self-serve, unattended buffets, topping bars, drink stations, and other communal serving areas must remain closed
- Condiments and similar products (e.g., salt, pepper, and salad dressing) should not be pre-set on tables and should instead only be provided upon request either in single-serving portions (e.g., individual packages or cups) or in serving containers that are sanitized between each use
- Menus must be one of the following: 1) paper, single-use menus disposed after each use, 2) displayed menu (e.g., digital, whiteboard, chalkboard), 3) electronic menus viewed on customers' phones / mobile devices
- Utensils and place settings must be either single-use or sanitized after each use; utensils should be rolled or packaged. Tables should not be pre-set to reduce opportunity for exposure
- Tables and chairs must be cleaned and sanitized thoroughly between each seating



STAFFING & OPERATIONS

Include safety procedures in the operations

- When possible, reservations or call ahead seating should be encouraged; managers must ensure that diners waiting for tables do not congregate in common areas or form lines
- When taking reservations and when seating walk-in customers, restaurants should retain a phone number of someone in the party for possible contact tracing
- Encourage use of technological solutions where possible to reduce person-to-person interaction (e.g., contactless payment, mobile ordering, text on arrival for seating)
- Restaurants may not provide customers with buzzers or other devices to provide alerts that seating is available or orders are ready; restaurants should instead use no-touch methods such as audio announcements, text messaging, and notices on fixed video screens or blackboards
- Alcoholic beverages may only be served for on-site consumption if accompanied by food prepared on-site. Potato chips, pretzels, and other pre-packaged, shelf stable foods, or other food prepared off-site, do not constitute food "prepared on-site." For each customer, an item of prepared food must be ordered at the same time as an initial alcoholic beverage(s) order. One or more shareable food item(s) may be ordered, as long as it/they would sufficiently serve the number of people at the table.
- Provide training to workers on up-to-date safety information and precautions including hygiene and other measures aimed at reducing disease transmission, including:
 - Social distancing, hand-washing, and requirement and proper use of face coverings
 - Modifying practices for serving in order to minimize time spent within 6 feet of customers
 - Self-screening at home, including temperature or symptom checks
 - Reinforcing that staff may not come to work if sick
 - When to seek medical attention if symptoms become severe
 - Which underlying health conditions may make individuals more susceptible to contracting and suffering from a severe case of the virus
- Restaurant operators should establish adjusted workplace hours and shifts for workers to minimize contact across workers and reduce congestion at entry points
- Limit visitors and vendors on site; shipping and deliveries should be completed in designated areas
- Workers must stay home from work if feeling ill
- Restaurants must screen workers at each shift by ensuring the following:
 - Worker is not experiencing any symptoms such as fever (100.0 and above) or chills, cough, shortness of breath, sore throat, fatigue, headache, muscle/body aches, runny nose/congestion, new loss of taste or smell, or nausea, vomiting or diarrhea
 - Worker has not had "close contact" with an individual diagnosed with COVID-19. "Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for 15 minutes or more, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic
 - Worker has not been asked to self-isolate or quarantine by their doctor or a local public health official
 - Workers who fail to meet the above criteria must be sent home

Additional details on Sector-Specific Protocols can be found at <https://www.mass.gov/info-details/reopening-massachusetts>

RESTAURANTS

MA COVID-19 Checklist



STAFFING & OPERATIONS

Include safety procedures in the operations

- Anyone showing signs of illness may be denied entry
- Workers must stay home if feeling ill
- If the employer is notified of a positive case at the workplace, the employer shall notify the local Board of Health (LBOH) in the city or town where the workplace is located and assist the LBOH as reasonably requested to advise likely contacts to isolate and self-quarantine. Testing of other workers may be recommended consistent with guidance and / or at the request of the LBOH
- Notify workers that they may not work if they test positive for COVID-19 (they should be isolated at home) or are found to be a close contact of someone with COVID-19 (they should be quarantined at home)
- Post notice to workers and customers of important health information and relevant safety measures as outlined in the Commonwealth's Mandatory Safety Standards for Workplace
- Designate the Person in Charge (105 CMR 590) for each shift to oversee implementation of the guidelines in this document
- Restaurants will be allowed to maximize outdoor dining space, including patios and parking lots where available, where municipal approval is obtained
- Additional on-site amenities and services shall only open and operate when those amenities or services would otherwise be authorized to operate under the Commonwealth's Phased Reopening Plan and then must adhere to all sector-specific safety protocols, available on the Reopening Plan website, applicable to the amenity or service. Examples include:
 - Darts, arcade games, and other indoor games: Must follow the Arcades & Other Indoor & Outdoor Game & Recreation Businesses guidance, including the requirement that active use of pool tables and other games involving patrons not seated at tables is not permitted in areas where food service is provided.
 - Musical and other performances: Must follow the latest Theater and Performance Venue guidance, including distance between performers and between performers and attendees. Performances at indoor venues may not include singing or the playing of wind or brass instruments
 - Dance floors: Must remain closed until Phase 4
 - Gift shops: Must follow the latest retail guidance
 - Events hosted at restaurants must follow the Indoor and Outdoor Events guidance, including the capacity limitations in that guidance.
- Encourage use of technological solutions where possible to reduce person-to-person interaction (e.g., contactless payment, mobile ordering, text on arrival for seating)
- Workers who are particularly high risk to COVID-19 according to the Centers for Disease Control (e.g., due to age or underlying conditions) are encouraged to stay home or arrange an alternate work assignment
- Workers are strongly encouraged to self-identify symptoms or any close contact to a known or suspected COVID-19 case to the employer
- Encourage workers who test positive for COVID-19 to disclose to the employer for purposes of cleaning / disinfecting and contact tracing



CLEANING & DISINFECTING

Incorporate robust hygiene protocols

- Clean commonly touched surfaces in restrooms (e.g., toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines
- Keep cleaning logs that include date, time, and scope of cleaning
- Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, elevator buttons, staircases)
- Implement procedures to increase cleaning / disinfecting in the back-of-house. Avoid all food contact surfaces when using disinfectants. Food contact surfaces must be cleaned and sanitized before use with a sanitizer approved for food contact surfaces. Non-food contact surfaces must be frequently cleaned
- In the event of a presumptive or actual positive COVID-19 case of a worker, patron, or vendor, the restaurant must be immediately shut down for 24 hours and then must be cleaned and disinfected in accordance with current CDC guidance before re-opening
- Open windows and doors to increase airflow where possible

RESTAURANTS

MA Safety Standards



"Restaurant" means an establishment that provides seated food service that is prepared on-site and under a Food Service Establishment, for food service establishments that cook, prepare and serve food, intended for immediate consumption, as permitted and issued by a municipal authority pursuant to 105 CMR 590.000. Potato chips, pretzels, and other similar pre-packaged, shelf stable foods, or other food prepared off-site, do not constitute food "prepared on-site."



MANDATORY SAFETY STANDARDS

Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:

- Require face coverings for all customers and workers at all times, except where an individual is unable to wear a face covering due to medical condition or disability
- Customers must wear face coverings unless seated at tables
- While indoor table service is permitted, restaurants are encouraged to structure operations to operate as much as possible through outdoor table service and to strictly limit indoor table service in order to assure effective compliance with social distancing requirements and to limit activities within confined spaces
- Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:
 - Tables must be positioned so to maintain at least a 6 foot distance from all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective / non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas
 - The size of a party seated at a table cannot exceed 10 people
- Bar seating is permitted provided that either:
 - There are no active work areas or working staff behind the bar at least 6 ft away; or
 - There is a physical barrier (e.g. Plexiglas) separating customers from the bar space that is at least 30 inches high and a gap/opening at the bottom of the barrier is allowed for food and drink service as long as the gap/opening is no more than 8 inches high
 - In addition, parties must be seated at bars (no standing customer service) and parties must be spaced at least 6 ft from other parties
 - Subject to any applicable building and fire code requirements, bar areas may be re-configured to accommodate table seating that complies with all spacing and other requirements in these COVID-19 safety standards. Tables must not be placed within 6 feet of the staffed bartending area.
- All customers must be seated; eat-in service to standing customers (e.g., around bar areas) is prohibited
- Restaurants may provide carry-out or delivery service, but all safety standards for table separation, size of party, and hygiene must be maintained for any indoor or outdoor table seating that is available to carry-out patrons
- All other amenities and areas not employed for food and beverage service (e.g., dance floors, pool tables, playgrounds, etc.) must be closed or removed to prevent gathering of customers.
- Recreation amenities which are allowed to open in Step 1 of Phase III (such as arcade games) may be open if adhering to all safety protocols in the Arcades & Other Indoor & Outdoor Game & Recreation Businesses including the requirement that active use of pool tables and other games involving patrons not seated at tables is not permitted in areas where food service is provided.
- Ensure separation of 6 feet or more between all individuals (workers, vendors, and customers) unless this creates a safety hazard due to the nature of the work or the configuration of the workspace
 - Close or reconfigure worker common spaces and high density areas where workers are likely to congregate (e.g., break rooms, eating areas) to allow 6 feet of physical distancing; redesign work stations to ensure physical distancing (e.g., separate tables, stagger workstations on either side of processing lines so workers are not face-to-face, use distance markers to assure spacing including in the kitchen area)
 - Establish directional hallways and passageways for foot traffic if possible, to minimize contact (e.g., one-way entrance and exit to the restaurant). Post clearly visible signage regarding these policies
 - Prohibit lingering in common areas (e.g., waiting areas, bathrooms) and ensure social distancing in common areas by marking 6 feet spacing with tape or paint on the floor and signage
 - All customer-facing workers (e.g., servers, bus staff) must minimize time spent within 6 feet of customers

Recommended best practices

Designate assigned working areas to workers where possible to limit movement throughout the restaurant and limit contact between workers (e.g., assigning zones to servers)

Stagger work schedules and staff meal and break times, regulating maximum number of people in one place and ensuring at least 6 feet of physical distancing

Minimize the use of confined spaces (e.g., elevators, vehicles) by more than one individual at a time

Valet parking operations should be avoided unless necessary due to physical or geographic constraints or in order to accommodate individual guests with disabling conditions

Valets must be provided with hand sanitizer and should use sanitizer before and after parking vehicles



HYGIENE PROTOCOLS

MANDATORY SAFETY STANDARDS

All workers must wash their hands frequently, and table servers must wash their hands or apply hand sanitizer between each table interaction

Ensure access to handwashing facilities on site, including soap and running water, and allow sufficient break time for workers to wash hands frequently; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative. Alcohol-based hand sanitizers with at least 60% alcohol should be made available at entrances, exits, and in the dining area

Supply workers at workplace location with adequate cleaning products (e.g., sanitizer, disinfecting wipes)

Post visible signage throughout the site to remind workers and customers of hygiene and safety protocols

Self-serve, unattended buffets, topping bars, drink stations, and other communal serving areas must remain closed

Condiments and similar products (e.g., salt, pepper, and salad dressing) should not be pre-set on tables and should instead only be provided upon request either in single-serving portions (e.g., individual packages or cups) or in serving containers that are sanitized between each use

Menus must be one of the following: 1) paper, single-use menus disposed after each use, 2) displayed menu (e.g., digital, whiteboard, chalkboard), 3) electronic menus viewed on customers' phones / mobile devices, or 4) laminated reusable menus sanitized between each use

Utensils and place settings must be either single-use or sanitized after each use; utensils should be rolled or packaged. Tables should not be pre-set to reduce opportunity for exposure

Tables and chairs must be cleaned and sanitized thoroughly between each seating



STAFFING & OPERATIONS

When possible, reservations or call ahead seating should be encouraged; managers must ensure that diners waiting for tables do not congregate in common areas or form lines

When taking reservations and when seating walk-in customers, restaurants should retain a phone number of someone in the party for possible contact tracing

Restaurants may not provide customers with buzzers or other devices to provide alerts that seating is available or orders are ready; restaurants should instead use no-touch methods such as audio announcements, text messaging, and notices on fixed video screens or blackboards

Alcoholic beverages may only be served for on-site consumption if accompanied by food prepared on-site. Potato chips, pretzels, and other pre-packaged, shelf stable foods, or other food prepared off-site, do not constitute food "prepared on-site." For each customer, an item of prepared food must be ordered at the same time as an initial alcoholic beverage(s) order. One or more shareable food item(s) may be ordered, as long as it/they would sufficiently serve the number of people at the table.

Provide training to workers on up-to-date safety information and precautions including hygiene and other measures aimed at reducing disease transmission, including:

- Social distancing, hand-washing, and requirement and proper use of face coverings
- Modifying practices for serving in order to minimize time spent within 6 feet of customers
- Self-screening at home, including temperature or symptom checks
- Reinforcing that staff may not come to work if sick
- When to seek medical attention if symptoms become severe
- Which underlying health conditions may make individuals more susceptible to contracting and suffering from a severe case of the virus

Restaurant operators should establish adjusted workplace hours and shifts for workers to minimize contact across workers and reduce congestion at entry points

Limit visitors and vendors on site; shipping and deliveries should be completed in designated areas

Workers must stay home from work if feeling ill

Restaurants must screen workers at each shift by ensuring the following:

- Worker is not experiencing any symptoms such as fever (100.0 and above) or chills, cough, shortness of breath, sore throat, fatigue, headache, muscle/body aches, runny nose/congestion, new loss of taste or smell, or nausea, vomiting or diarrhea
- Worker has not had "close contact" with an individual diagnosed with COVID-19. "Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for 15 minutes or more, or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic
- Worker has not been asked to self-isolate or quarantine by their doctor or a local public health official
- Workers who fail to meet the above criteria must be sent home



MANDATORY SAFETY STANDARDS

Anyone showing signs of illness may be denied entry

Workers must stay home if feeling ill

If the employer is notified of a positive case at the workplace, the employer shall notify the local Board of Health (LBOH) in the city or town where the workplace is located and assist the LBOH as reasonably requested to advise likely contacts to isolate and self-quarantine. Testing of other workers may be recommended consistent with guidance and / or at the request of the LBOH

Notify workers that they may not work if they test positive for COVID-19 (they should be isolated at home) or are found to be a close contact of someone with COVID-19 (they should be quarantined at home)

Post notice to workers and customers of important health information and relevant safety measures as outlined in the Commonwealth's [Mandatory Safety Standards for Workplace](#)

Designate the Person in Charge (105 CMR 590) for each shift to oversee implementation of the guidelines in this document
Restaurants will be allowed to maximize outdoor dining space, including patios and parking lots where available, where municipal approval is obtained

Additional on-site amenities and services shall only open and operate when those amenities or services would otherwise be authorized to operate under the Commonwealth's Phased Reopening Plan and then must adhere to all sector-specific safety protocols, available on the [Reopening Plan website](#), applicable to the amenity or service. Examples include:

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- Dance floors: Must remain closed until Phase 4
- Gift shops: Must follow the latest retail guidance
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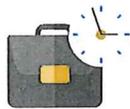
Recommended Best Practices

Encourage use of technological solutions where possible to reduce person-to-person interaction (e.g., contactless payment, mobile ordering, text on arrival for seating)

Workers who are particularly high risk to COVID-19 according to the Centers for Disease Control (e.g., due to age or underlying conditions) are encouraged to stay home or arrange an alternate work assignment

Workers are strongly encouraged to self-identify symptoms or any close contact to a known or suspected COVID-19 case to the employer

Encourage workers who test positive for COVID-19 to disclose to the employer for purposes of cleaning / disinfecting and contact tracing



STAFFING & OPERATIONS



CLEANING & DISINFECTING

Clean commonly touched surfaces in restrooms (e.g., toilet seats, doorknobs, stall handles, sinks, paper towel dispensers, soap dispensers) frequently and in accordance with CDC guidelines

Keep cleaning logs that include date, time, and scope of cleaning

Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, elevator buttons, staircases)

Implement procedures to increase cleaning / disinfecting in the back-of-house. Avoid all food contact surfaces when using disinfectants. Food contact surfaces must be cleaned and sanitized before use with a sanitizer approved for food contact surfaces. Non-food contact surfaces must be frequently cleaned

In the event of a presumptive or actual positive COVID-19 case of a worker, patron, or vendor, the restaurant must be immediately shut down for 24 hours and then must be cleaned and disinfected in accordance with current CDC guidance before re-opening

Recommended Best Practices

Open windows and doors to increase airflow where possible

Phyllis Downey

From: Melville, Ryan (TRE) <rmelville@tre.state.ma.us>
Sent: Friday, September 11, 2020 1:57 PM
To: Melville, Ryan (TRE)
Subject: ABCC Advisory Regarding Extension of Allowance of Outdoor Table Service
Attachments: ABCC Advisory re extension of outdoor dining _deadline_9-11-2020.pdf

Follow Up Flag: Follow up
Due By: Friday, September 11, 2020 3:30 PM
Flag Status: Flagged

On September 10, 2020, Governor Charlie Baker issued an Order Making Certain Phase III Adjustments (also known as COVID-19 Order No. 50), which extends the period for outdoor table service by licensees licensed for on-premises consumption. The text of the Governor's Order can be found [HERE](#).

Pursuant to this Order, local licensing authorities ("LLA") may approve requests for expansion of outdoor table service or extensions of earlier granted approvals issued pursuant to Section 4 of COVID-19 Order No. 35¹, from November 1, 2020, for any period up to and until sixty (60) days after the end of the state of emergency. The LLA may issue extensions automatically to all licensees, or may do so on request from individual licensees.

¹ The text of COVID-19 Order No. 35 can be found [HERE](#).

The LLA may modify any prior approvals as the LLA deems proper and appropriate, including addressing snow removal, pedestrian traffic, and other similar concerns.

Any licensee that was previously granted approval but is not granted an extension by the LLA may still operate outdoor table service until November 1, 2020.

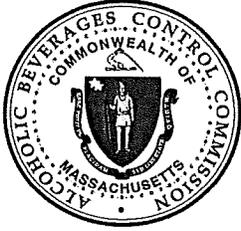
ABCC approval is not required on these extensions. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

Please be aware that all expanded premises approved pursuant to this Order are only effective through sixty (60) days after the end of the state of emergency and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacamone at (617) 727-3040 x 731.

(Issued September 11, 2020)

Ryan Melville
Deputy Executive Director
Massachusetts Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150*

Jean M. Lorizio, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING
EXTENSION OF ALLOWANCE OF OUTDOOR TABLE SERVICE**

On September 10, 2020, Governor Charlie Baker issued an Order Making Certain Phase III Adjustments (also known as COVID-19 Order No. 50), which extends the period for outdoor table service by licensees licensed for on-premises consumption. The text of the Governor's Order can be found [HERE](#).

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(Issued September 11, 2020)

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TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, AUGUST 24, 2020
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the August 24, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. *Zoom Login instructions:*
 - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

Select Board Present: Chair English Braga English Braga, Chair; Doug Brown, Co-Chair; Doug Jones; Sam Patterson; Nancy Taylor.

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

1. Call to Order by Chair English Braga at 7pm.
2. Pledge of Allegiance
3. Recognition
Mr. Patterson recognized Jane Abbott for her many years of advocacy for many causes.
4. Announcements-none.
5. Public Comment
Lillia Frantin asked to have her letter read in regard to an online petition signed by 184 residents requesting that a discussion about a vendor selling political paraphernalia in the plaza where the North Falmouth US

Post Office is located. The question of size and statements on merchandise, distraction created, and traffic area be reviewed by the Select Board along with a site visit.

Chair English Braga noted that the Select Board may not discuss issues brought up during the public comment period because it is not on the agenda.

SUMMARY OF ACTIONS

1. Administrative Orders

- a. Vote to participate in the Commercial property Assessed Clean Energy Program (the PACE Program) as provided in G.L. c. 23M, s. 1 et. seq.

Mr. Suso said this program allows qualified private businesses to make energy related improvements and assessed as a betterment to the property. Memo from Atty. Duffy with suggested vote for the Select Board to review and adopt; this is recommended. The program is totally optional.

Mr. Jones motion read from the packet. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

- b. Approve Conservation Restriction associated with The 300 Committee's purchase of a 10.2 acre conservation restriction on the Pariah Dog Farm located at 279 Trotting Park Road, Falmouth

Jessica Whritenour, Executive Director of the 300 Committee Land Trust said that this parcel is owned by Matthew Churchill and restricts all development rights and primary purpose of permanently protecting working farmland and is partially funded by US Dept. of Agriculture. There are a number of conservation restrictions in Falmouth, this would be added to the inventory. Scheduled closing in September with funding assistance from the USDA. Conservation Commission vote outlines the public benefit.

Chair English Braga reported that she had conducted some legal work with Mr. Churchill, it had nothing to do with this and she did not represent him.

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

- c. Vote to approve expenditure from the Beach Department Donation Account in the amount of \$500.00 for the Dr. David Garber "Dare to be Great" award given to a lifeguard

Mr. Suso confirmed the award will be presented to Bridget Buckley, Head Lifeguard at Stony Beach this year.

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

- d. Vote to accept donation in the amount of \$15,000.00 from an anonymous donor to the Conservation Department donation account for the Coonamessett Greenway Heritage Trail (and Gateway) and future river restoration projects

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

- e. Vote to authorize issuance of request for proposal for lease of Emerald House, 67 Davisville Road, East Falmouth

Chair English Braga noted the Cape Verdean Museum of Cape Cod would like to have an area to display history. Mr. Johnson-Staub explained that there are two parcels of Town owned land; the Select Board discussed potential uses of the parcels. All play space area, community gardens, affordable housing, and entity to use the interior of the building. Request for Proposals; use is

limited to philanthropic library and museum uses of the building. Preference for uses that connect to the Portuguese farming. The criteria for the lease is outlined in the RFP.

Mr. Jones motion to authorize the RFP. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

2. Special Events

Previously approved with new proposals:

- a. Ride for Homes - Habitat for Humanity of Cape Cod – Bourne to Woods Hole to Bourne entirely on bike path in Falmouth – Sunday, 9/13/20 – 7:00 a.m. – 9:30 a.m.

Ginny Irving reported that 27 riders are signed up to do the 40 mile route, the only time they are in Falmouth is to ride along the bike path from North Falmouth to Woods Hole and back. Staggering start times, send about 5 out every 10 minutes. Bourne is on board, that is where they will begin and end the event. Encouraging use of face masks, providing masks upon arrival, no spectators, 50 people limit. They will notify participants if the rule is to wear masks on the bike path. They were not trying to be sneaky when submitted the paperwork, registration is currently still open and will stay under 50. They are willing to cap participation at 30 people.

Mr. Jones noted their application notes 20 applicants, but they are now saying there are 27. He would like their application to be accurately reflected; if it says 20 participants, then registration should stop at 20. The bike path is very busy in September and he does not think it's the right time to do this.

Mr. Patterson noted this is early in the morning, the use will not be at the peak time we are expecting families to be out there.

Mr. Brown motion approval with the 30 participant cap. Second Ms. Taylor with the condition that participants are mandated to wear face masks while traveling on the bikepath Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, no; Mr. Brown, aye.

- b. Pedal to Parcels – The 300 Committee Land Trust – Tony Andrews Farm start/finish – guided bicycle tour of conservation lands – Sunday, 9/20/20 – 9:00 a.m. – 12:00 p.m.

This item was cancelled.

- c. Kirwin/Murray Tour de Falmouth - Falmouth Housing Corp. – Surf Drive Beach start/finish – Sunday, 10/11/20 – 7:00 a.m. – 12:30 p.m.

Matt Patrick and Zelda MacGregor present.

Mr. Patrick said there will be two groups of 40 participants, it is not a race; there are riders with various riding abilities in both groups, so they will be spread out over the entire group. They want to limit it to under 50 people in each group, 40 riders and 10 staff participating 1.5 hours apart. They will issue masks with the ride logo. No post-ride gathering will be held. Socially distancing wearing masks in the Surf Drive Beach parking lot. Hand sanitizer will be available.

Mr. Brown noted the route does not involve the bike path and will have a police escort for the riders. The Beach Committee will allow use of the facilities there.

\$115,000 has been raised over the last 3 years for the Falmouth Homeless Prevention Program. This fund has been a stop gap for many families in Town. The hope is to keep this well-funded going forward and help as many people in Falmouth that they can.

Belonging to Each other is not related, this is for the Falmouth Housing Corporation, they take the application for the money and many folks pay it back when they have the chance. This took the

place of the Bob Murray Walk event, they had trouble trying to reestablish that event; this is the alternative to do here in Town.

Mr. Brown motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

New application and proposal:

- a. Where are the Wings? - Wings for Falmouth Families – Town-wide scavenger hunt – Saturday, 9/26/20, 9:00 a.m. – 2:00 p.m.

Ms. Drolette and Ms. Thatcher said they usually have a summer carnival and adult fundraiser, this is a smaller fundraiser to involve families and bring awareness to Wings. All will be given a list of rules to follow, cap the number of participants, and see how well they know Falmouth. Start and end at the Recreation Center. Visit www.wingsforfalmouthfamilies.org for more information.

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

7:30 p.m. PUBLIC HEARINGS

1. Flow Neutral Bylaw – Evaluation of Request for Variance – Ament Klauer LLP, representing Fashion Foods LLC – Lot 1B Worcester Court at Spring Bars Road, Falmouth (Parcel 39 15 048 001B)

Chair English Braga read the hearing notice.

Atty. Bob Ament, representing the applicant, explained they would like to operate a Wendy's Restaurant in Falmouth. They have entered into a long term contract with the property owner. Special permit from ZBA and site planning review by the Planning Board are required. They will need to hook into the sewer, proposed 50 seats and requires flow of 1,000 gallons per day. A plan was reviewed. Select Board needs to determine there is capacity for the proposed flow and advised by Board of Health (BOH) that a Title V system could be installed. Wastewater Superintendent and Health Agent correspondence covers both those requirements. This is the first step in permitting, without the sewer connection there would be no reason to move forward.

Ms. Taylor asked how many people will be employed, full or half time, is Wendy's paying insurance benefits for their workers. Atty. Ament said they expect to invest about \$2 million into this project, he does not know the tax revenue they will pay at this time. Terry Smiley would be better able to answer those questions. Year round restaurant, numerous employees, pay well, and significant construction revenue.

Doug Brown noted these types of jobs, it takes over 3 people to buy a house and over 1 to rent. Atty. Ament noted that a substantial affordable housing project is being completed and providing jobs for people who might live there or other residents, restaurant opportunities is important, and response to C19 the applicant is responsible. Doug Brown noted this is a specific planning area and they need to be careful of the sewer capacity. Atty. Ament noted this is part of a future planning district and a significant portion of the business zone of the Town, appropriate location for this kind of restaurant. This applicant has been looking for a site for many years. They explored putting some housing on the site above the restaurant, but the site is not large enough for that and would increase sewage flow requirements. Year round employees make around \$40k in similar restaurants and managers make about \$60k/year. Sam Patterson believes that these types of jobs are needed by the community.

Usama El-Sehrawey reported they have 30-35 employees on average, students, crew people make \$14/hr., managers make \$45-70,000 with full benefits, health insurance offered to all as long as working 30 hours, and full time opportunities. They provide an essential service for the Town and clients. They have given employees free meals during COVID-19 and have a 401k with match up to 4% of their salary. Employees have been working there for 10-25 years. This is a family business with second generation employees coming on board.

Mr. Jones said some concerns were traffic, parking, and the area: the Planning Board considers location. The Select Board needs to be cautious about hitting the maximum flow capacity, even though Ms. Lowell says they can do it for this project.

Chair English Braga said that it is likely anything proposed would need a variance, given it is not a large lot, it is unknown what else would go there.

Mr. Patterson said that this is providing job opportunities to some of our population and asked if the Planning Board looked at this from the Davis Straits reset.

Mr. Suso noted from Town Planner has a disfavorable opinion of this project, the Planning Board has not yet weighed in, however this was not part of how that vision had been looked at.

El-Sehrawey said the average restaurant in the mid winter has 25 employees full time, 10 more in the summer.

Atty. Ament noted that 25 full-time jobs with good pay seems like significant development and this is a large area proposed for this reset, which he thinks is still in the discussion stage that has not gone to Town Meeting. Proposed use is allowed by Zoning with a Special Permit and those issues should be dealt with by the Planning Board and Board of Appeals.

Mr. Brown noted most letters from the public remind of the capacity limit, planning aspect, traffic, although the Select Board is not supposed to worry about Planning Board issues, these are the comments being received from the public.

Mr. Jones asked about a minor variance comment by Atty. Ament; up to 1,000 gallons per day, what that means as compared to the previous use by the car wash or what effect that will have on our 80%.

Atty. Ament noted it is actually 431 gallons, with total flow of 1,000. Compared to other uses, if you added 5 bedrooms you would be in excess of 1,000 gallons. Ms. Lowe has advised that if all development already approved or under consideration, then you would get to the 80% in 2021. She also pointed out that there are efforts going forward to expand the capacity. The sewer expansion to include LPSSA was not to prevent development or allow that which could not occur except for the sewer. The development could occur without the sewer. This is not taking advantage of the Town's sewer to be able to do development that could otherwise not occur. If the Town does not want this kind of business in this area, they should rezone the property. A traffic study will be commissioned prior to going to Planning Board or ZBA. Denial of even 1,000 gallons per day is basically saying a narrow type of development will be allowed on this site, that is not the intent of the bylaw.

Chair English Braga read the public comments in the chat:

Shirley Lumber Dosey: new house on Randolph, a jigsaw puzzle of sewer.

Doris: this would be located at the most dangerous intersection in Town.

Ellie Coste: why not hear from Mr. El-Sehrawey. Chair English Braga noted we did hear from him.

Carol O'Brien asked to postpone the vote until the use can be further reviewed.

Many emails received were not in support of this project because of traffic and sewer system capacity.

Kristine McCosh (phonetic) opposed to this.

Mr. Patterson believes this is an appropriate use, if not this business than what business will go there? Traffic issues will need to be considered.

Cheryl noted the car wash was not there prior to the sewer and asked what happened to the Town's use of the parcel for parking? The owner of the property was not interested in entering into an agreement with the Town for use of the property. Mr. Suso noted the owner did not respond to the RFP which would have potentially put that in motion.

Mr. Brown said that the issues he raised from letters refer to the traffic, even though it is not the Select Board's focus. Should the Select Board consider the traffic concerns? Chair English Braga said the criteria for the waiver is outlined in the process we have, it does not include parking and traffic because that is in the purview of other boards.

Mr. Jones motion to close the hearing. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

Ms. Lowell was not available for tonight.

Findings:

1. Sewer system can handle it, the Select Board only deals with the gallons.
2. There are approximately 25 year round employees with earnings starting at \$14 an hour and they have access to benefits.
3. This is in the appropriate B2 zoning.
4. Managers earn \$45-70,000 and also have access to full benefits including health insurance and 401k.
5. Higher assessment for the property and meals tax will increase tax revenue to the Town.
6. This project, as proposed, is not suited for mixed use given the lot is only 40,000 sq. ft. and does not have the space needed to provide adequate parking.
7. This will not be used for municipal use.

Mr. Patterson motion to approve variance for this parcel. Second Mr. Jones. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, no; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, no.

BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, reported that the Town remains at 241 cases, 1 case over the last week. Entire Cape averaging less than 10 per week. Color chart being used, red, yellow, green, and white; we are currently in green. This will be used as a metric for the school reopening. This chart comes out every week on Wednesday. Averaging 650-700 tests per week, 5 in 1,000 tests come back positive. Testing here is higher than surrounding communities. Health Dept. is working with the schools. The case number means those are Falmouth residents, we are probably exporting cases during the summer and they are counted as another location number. Cases can get shared; it does not matter who is doing the contact tracing as long as it is being done. A lot of the 241 cases were contracted elsewhere. It is impossible to know how many cases are exported, unless the case is shared through contact tracing. Non-nursing home cases: 2. Some of these tests are ultra sensitive and may result in a false positive.

Mr. Suso noted that the mandatory mask initiative was passed and the DPW posted the signage and some were disappearing, those have been replaced. Overall impression is incidents of mask use has increased and we have good compliance.

Mr. McGann noted complaints have gone down recently and mask wearing has been better. Businesses doing a better job. They get out on just about every call re: complaint, though are unable to return all of those particular calls. Guidance is updated frequently, go to the newest guidance. Any questions call the Health Department.

Chair English Braga received emails from folks with concerns that some restaurants were not complying re: individuals congregating near bar areas and having indoor music events where there is not space to distance and no masks on band.

2. Update/discussion on civil service

Mr. Suso explained in the midst of the civil service promotional center for Captain and need to follow the rules. Initial experience was there was a short list and had to open and expand the ranks for additional applications and testing. Even with expanded rank, there is a short and insufficient applications. They need to expand the ranks further, this is the last expansion they can do. When a civil service community, must

follow those rules. Article 27 Spring Town Meeting regarding a potential removal from civil service needs to be addressed at Town Meeting, there are many obstacles to being able to move forward hiring police positions and promotional positions.

Chief Dunne said this process began in January, civil service shut down upon COVID-19. Only 2 showed up for the Captain exam in April. When assessments were over, the raw scores go to civil service for VA preference, education, years of service, etc. When the list was submitted to the Town there was only one name on it. The Town asked what happened to the second name and was told it was unknown. The Town Manager has the right to select from top 3 candidates. They asked for a new assessment date, it went to the next rank. When 4 lieutenants signed up for it, that prevented other ranks. Posted and planned assessment on 9/9/20. Civil service notified them on 8/18/20 there were only 3 people who applied for the assessment and they were going to postpone and open to the next rank, which is patrol. Now the exam has been reposted and exam will take place on 10/7/20. If no one else signs up, then they will be allowed to have the exam with three.

Chair English Braga said the article is hanging over from Spring Town Meeting and we know we will not be in a position to have 2 nights of long debate. We would want to hear from anyone who wants to speak on it and this may not be the best time for this article to move forward because it will not be a great setting for public debate. If it is postponed, Chief Dunne said they would be able to continue the conversations.

Ms. Taylor noted that they should not push this at this point, the timing is off now, so she would like to postpone that.

Mr. Jones said they will need to do the motion at the preliminary meeting before Town Meeting.

Mr. Patterson would like to look at this as deliberation, not a debate of the article and issue.

Chief Dunne said that conversations about a model to replace civil service are being had through negotiations.

3. Request for sign variance for off-premise promotional sign at 319 Currier Road, Falmouth – Kevin Pacheco Vivid Event Productions – Drive-in Movies at Cape Cod Fairgrounds

The Select Board will be meeting Thursday to discuss the upcoming event re: musicians and permit long term, it is not on the agenda tonight.

Mr. Pacheco said that the sign fits within the code, but need Select Board permission on placement.

Mr. Jones motion approval of the sign variance. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

4. Approve request for variance from sign code – Falmouth Community Services Campus, 744 – 790 Main Street, Town of Falmouth

Mr. Suso said several months ago there was a discussion about this with the suggestion of involving the school community and this requires approval of a sign variance by the Select Board in order to proceed because the sign is located closer to the road right of way and is oversized due to the number of departments in the community service campus.

Mr. Johnson-Staub showed a slide of the design by Anna Cenzalli, FHS Graphic Design student, whose design was chosen. The sign will be externally lit from below and could be made from different materials. Another sign was shown that was developed by Lotus Sign Co. They are seeking a sign variance for a 20 sq. ft. sign, set back from edge of road is 4 ft.

Mr. Brown noted the size is only 4 sq. ft. over the limit.

Mr. Johnson Staub said that the lower sign design was rejected; was sorry to hear it was rejected.

Ellie Costa: asked if the student's design could be done in other materials. This is possible.

Tonight they are just looking at the variance of the size.

Mr. Jones motion approval of the sign variance. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

Mr. Suso said the existing Gus Canty sign was relocated in front of the complex, at some point down the road they may be asking for a new upgrade or treatment for that sign.

5. Farming Falmouth request for Memorandum of Understanding for use of part of Tony Andrews Farm property

Mr. Johnson-Staub explained background; Town purchased the property and at the time created a couple different lots. One has a conservation restriction for farming, 2 are house lots. One is leased to Geoff Andrews and the other has the historic farmhouse on it, a planned use has not been determined for that. They received a request from Tyler Barren on behalf of Farm Falmouth to consider a feasibility grant: is there interest in moving forward with the grant and how would we do that.

Mr. Barron said this is a state grant, a feasibility study for a multi use building in that space, produce educational outcomes, shared use commercial kitchen, and help with food distribution within Town. Different aspects of MA local food plan: preference to projects working on aspects of that food plan. This is a reimbursement grant, money from the Town and quarterly reimbursed based on an invoice. The Town would abide by what they say they will do, completed by 7/31/2021.

Mr. Johnson Staub said that this is only a feasibility study, context regarding what we do with that site, lot could be sold for housing, for agricultural purpose, or it could be leased. Benefit to the Town to have access to sheds and outbuildings. September 15, 2020 deadline for submission of the grant, look to Farm Falmouth and Mr. Barron for assistance completing the application.

Mr. Brown is interested in going forward.

Mr. Barron said that property is vital to the farm, 10/20/20 is the date that Geoff Andrews has access to it in the lease; this feasibility study would allow that decision to be made with more information on how it would be used.

Normally there would be a vote of the Finance Committee and Select Board, Chair English Braga suggested that this be placed on the 8/27/20 meeting agenda. Mr. Suso noted that this may be a fully reimbursed grant and if that is the case, have to explore concept of the appropriation of funds with Finance Director and others.

The Town can submit a grant with assistance from others, if there was a vision of Farm Falmouth operating facilities, that would have to be captively bid.

6. Discuss Size and Composition of the Transportation Management Committee

Mr. Jones motion to reduce membership from 9 members to 7 members. Second Mr. Patterson. Mr. Jones then amended his motion by noting that this will remove the Historical Commission Representative. Mr. Patterson noted his second to the motion still stands. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

7. Minutes of Meetings:
 - a. Public Session

July 27, 2020

Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

August 10, 2020

Mr. Patterson motion approval as edited. Second Ms. Taylor. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

8. Individual Select Board Member's Reports

Nancy Taylor: none.

Mr. Brown:

Attended the Assembly of Delegates Meeting this week: a long list of grant money handed out, new dredge operator introduced, update from Kerry Parcel, Patty Delaney, Michelle White regarding how the county will fund a study to figure out whether to be practical to have a solid waste facility on the base for waste transfer. They cannot get a permit for burning, but packaging so the waste can be more compact for transport on the train. Completed by 9/2021. Juneteenth is an official Barnstable County Holiday, Fire Academy is in conservation.

SSA Long Range Planning Task Force, the first meeting was last week.

Mr. Joes: none.

Mr. Patterson:

Attended the EDIC Board Meeting and they will discontinue the effort for a recovery loan program, completing community broadband feasibility study, attended affordable housing committee and moving forward with Housing Summit on 10/14/20 broadcast on FCTV. CPC meeting last week, and moved to only accepting applications for time urgent projects for Nov and April Town Meetings due to COVID-19.

Chair English Braga:

Comment period open now and ends 9/9/20 regarding a plan for construction of multipurpose machine gun range on 200 acres at the base. The information was in the Cape Cod Times, the Town was not notified directly, and there was not enough time to put it on the Select Board Agenda.

9. Town Manager's Report

Mr. Suso attended SSA Long Range Task Force meeting.

David Vieira affirmed reconvening of the Spring Town Meeting on 9/14/20. Next regular meeting will be held on 9/21/20. A special purpose meeting will be held on 8/27/20 at 5pm for matter regarding the drive in.

FPS classes begin Mon 9/21/20.

Town Hall and administrative offices closed 9/7 for holiday.

Chair English Braga announced the passing of Mark Finneran's mother, a longtime resident in Falmouth and extended her condolences.

Mr. Jones motion to adjourn. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

**TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
THURSDAY, AUGUST 27, 2020 – 5:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the August 24, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. *Zoom Login instructions:*
 - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

Select Board Present: Chair English Braga English Braga, Chair; Doug Brown, Co-Chair; Doug Jones; Sam Patterson; Nancy Taylor.

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

1. Call to Order by Chair English Braga.
2. Pledge of Allegiance

BUSINESS

1. Application for New Entertainment License for drive-in style entertainment including live performances and movies; Monday – Saturday, 2:00pm – 11:00pm; Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy, Falmouth – Kevin Pacheco Vivid Event Productions LLC

The Select Board has received much information over the last couple days. The Select Board previously approved a license for entertainment at the Fairgrounds. Since that date, it came to the Town's attention

there was a large music festival planned for this weekend and determined by Town staff it was outside the scope of what the license permitted; it was not a secondary event where music was played before the movie, but the actual live event. They would like to get clarity on the event this weekend and future events.

Mr. Suso showed two exhibits on the screen, the original entertainment license for 7/1/20 and a revised new entertainment license which can be addressed under agenda #1. There is feedback from staff regarding the interpretation of the Governor's orders. If the Select Board is to approve the new entertainment license, then action on item #2 will not need to go forward. If the Select Board were to act on a stand-alone event then they could act on #2 alone to facilitate the event Saturday to go forward. Scott McGann, Health Agent, is present. Town Counsel and Assistant Town Counsel are unable to be present, though Assistant Town Counsel written opinion is in the packet.

Falmouth Police Department Capt. Reid noted consideration of awareness of sound given the fairground abuts residential property. No other Town departments had an issue.

Mr. Jones leans towards full license, asked how long into the season will it go, just weekends or will it include weekdays?

Mr. Patterson is leaning towards one special event because he does not know the scale of each separate event if under a blanket permit and concerns about health implications with such a large gathering. He would like to do this case by case when it comes to live entertainment performers.

Mr. Brown said when first approved, it would just be for the movie and include the music for a quick warm up with single or duet. How do you control people enjoying the music and wanting to dance?

Kevin Pacheco explained they have been approached by community members regarding what they have to offer. Looking to just do the weekends, music would be just a Saturday night. A broader spectrum would be included during the week, such as hosting a dance group's recital movie. The event this weekend is an upcoming music group from Falmouth and wants to host things here. Operations internally do not change whether it is a live or taped entertainment. Security personnel remind patrons to remain in their vehicle when not at concessions or restrooms. This night is for solo performers and a large following, so they wanted to project the live performance on the screen as you would a film. Within the contracts with performers they have the right to mute the system for the performer, agreement in ticket sales that attendees may be removed from the facility if they do not follow the expectations for a safe venue. Attendees should be able to feel safe in your space, know that you can watch various entertainment.

Mr. Jones asked if events can only go until 9pm on weekdays. Mr. Pacheco said they could do this as it gets darker earlier. They want to offer double features and with the second movie, they could do just FM audio transmission and remain later.

Chair English Braga said that this has become popular and different options to play community generated material, suggested addressing this weekend as a special event and then looking more long term at tweaking the license so it can contain the parameters that Mr. Pacheco is talking about. That is the way Town Counsel has suggested it be addressed; special event permit for events where music is the main feature and those events looked at individually. Mr. Pacheco noted that for contracting purposes it would be helpful to look ahead; he has events scheduled on 9/5/20 and 9/18/20; holds on 9/19/20. Almost every weekend in September they have events.

Mr. Brown would be willing to accept proposal of live music on the weekends as Mr. Pacheco describe.

Mr. Patterson said if live entertainment restricted to the weekends, which weekend nights would it include? He is concerned about managing the population that attends, performers, and support group. Public health and safety is critical, he would not like to see these events become super spreader events. Audio via FM radio is positive.

Ms. Taylor asked Mr. Pacheco for a run-down of safety precautions taken during the music events. Mr. Pacheco said that they have a small team, if infected they will not operate and constantly monitor themselves and staff. Other performers coming in, stage 32 ft. wide, no more than 4-5 people in a group, stage is 28 ft. from barriers before you get to a patron. 6 ft. from each performer on stage. It is new to everyone, most bands have been quarantining with each other for months. They chose particular band for this weekend because they are from Falmouth. They have bathrooms with running water, have a bathroom attendant allowing 4 people in each rest room, constant cleaning. No mingling between space to space; they do not hold spaces for customers. They want to build up trust and offer community events and a revenue so they can remain working in their field of choice. They have all needed to offer safe distancing for a movie or live performance. Security remind people to stay in their areas, sanitizer everywhere, contactless payment systems, and reminders to audience. Masks are encouraged.

Mr. McGann asked how many vendors there? Two. In guidance for drive-ins, brings to the 50 limit. The idea was people need to stay in their cars, in their space. Small group of staff. Mr. McGann would like to have a Health Dept. staff person present for this weekend's live event; they charge for off-hours inspection. If people are dancing in front of the stage and no one is there, if a problem, he will do a stop to it. There is a cohort of people, 20-30 age group, getting the infection more often and have not been doing a good job with social distancing. Mr. McGann is concerned about the management of it. We should do this like we would do off-hours inspection, treat it like that and have someone on site to see how it will be managed. Department of Public Health (DPH) says that once you have live performance, you are no longer a drive-in.

Chair English Braga noted this is a good compromise, to have the Health Dept. professionals on site to evaluate and monitor the event.

Mr. Suso noted that there was a document transmitted from Vivid to staff this afternoon and it included a couple Select Board members, he wants to be certain whatever action taken tonight is clear. The document talks about operation being closed on Wednesday, but the new Entertainment Application does not say that. Also talks about hours of operation begin at 2pm, but the mail-out it said 6pm.

Megan English Braga walked through the most recent License application: Monday - Saturday 2pm-11pm hours of entertainment offered. Mr. Pacheco said that he wants the broad hours to offer keynote speakers and lecturers to give them broader hours to operate within should the need arise. Primary goal is to open the gates as it gets darker. Megan English Braga suggested if days are Monday - Saturday, then have language even if 2pm-11pm, a timeline be given for the music and type of music will be played re: preliminary music for a movie v. a music venue. For the stage, looking for Friday, Saturday, and afternoon entertainment on Sunday. With the demographic here, they are going to the family/older demographic. The Crooked Coast venue this weekend is to help out the kids in Town.

Conditions:

1. No live music Sunday-Thursday after 930pm and is only ancillary or introductory to a movie.
2. Friday and Saturday live entertainment 2pm-10pm. This includes music and movie, but nothing later than 11pm in conformity with all requirements for drive-in entertainment, including people staying in their allotted area.
3. The Health Agent will be present at discretion of the health agent, and Mr. Pacheco will comply with that.
4. All spectators are to remain in their cars when not using vendors or restrooms.
5. The Health Department will be provided with a list of bands and what they consist of so that the Health Dept. has a sense of what is going on and when.
6. No more than 6 members of the band and the band is kept in their cohorts.

Mr. Brown motion to approve to amend the license application for multiple events with the conditions. Second Ms. Taylor. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye.

2. Request for special permit for concert on Saturday, August 29th at Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy, Falmouth – Kevin Pacheco Vivid Event Productions LLC

3. Authorize submission of application to MA Energy and Environmental Affairs FY2021 Food Security Infrastructure Grant Program for feasibility study of potential uses of Town-owned land located at 398 Old Meeting House Rd. adjacent to Tony Andrews Farm.

Peter Johnson-Staub noted new information, withdrawing interest in the grant. Municipalities are eligible, but feasibility study they were looking to do was not a good fit for this grant program. Multi-use structure on 398 parcel of land is still of interest.

Mr. Jones motion to adjourn. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye.

Respectfully submitted

Jennifer Chaves
Recording Secretary

DRAFT

**TOWN OF FALMOUTH
SELECT BOARD
Open Session
Meeting Minutes
MONDAY, SEPTEMBER 14, 2020 – 6:30 P.M.
FALMOUTH HIGH SCHOOL
FIELD HOUSE
ROOM #1016
874 GIFFORD STREET, FALMOUTH, MA 02540**

Present: Megan English Braga, Chair; Doug Brown, Vice Chair; Doug Jones; Nancy Taylor; Sam Patterson.

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

1. Civil Service – Indefinite Postponement

Mr. Patterson motion indefinite postponement of Article 28. Second Mr. Brown. Roll Call Vote: Chair English Braga, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye.

2. Discuss/vote motions and reports to Town Meeting as needed

Mr. Patterson motion indefinite postponement of Article 24. Second Mr. Brown. Roll Call Vote: Chair English Braga, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye.

Mr. Jones motion to recommend indefinite postponement. Second Mr. Patterson.

Mr. Jones withdrew his motion because the petitioner will make the main motion from the floor during Town Meeting.

Mr. Jones motion to support the recommendation with the new date of October 1, 2021. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, no.

3. Other business as needed

Town Meeting will be held November 16, 2020 at the Falmouth High School Field House.

Mr. Patterson motion to adjourn. Second Mr. Brown. Roll Call Vote: Chair English Braga, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye; Mr. Brown, aye.

Respectfully Submitted,

Jennifer Chaves

Recording Secretary

REPORT

TO: Select Board

FROM: Julian M. Suso



DATE: September 25, 2020

- The Board will be considering approval of the long-awaited solar phase 2 Pilot Agreement facilitating solar expansion at the former Town landfill.
- Public Works Director Peter McConarty will join us for a summary report/update on the recent water quality letter transmitted to residents regarding the water system exceedance. This is the same water quality matter that I notified Board members about back on September 4.
- You will be hearing a summary presentation on the single petition article received for November Town Meeting – from Jay Zavala on behalf of the Barnstable County Agricultural Society.
- Acting Fire Chief Tim Smith will join us for a requested update on Fire Department staffing as well as to confirm the continued improvement in run response time Town wide.
- Wastewater Superintendent Amy Lowell and Finance Director Jennifer Mullen will join us for a “final” presentation on the suggested Little Pond Sewer Service Area grinder pump partial reimbursement process for the Board’s consideration and voted direction.
- As Governor Baker has extended his initial emergency order to permit an extended period of “outdoor dining provisions,” I will be seeking the direction of the Board as to your preference on proceeding. It is my hope that the Board will allow consideration of a reasonable time extension consistent with the written approvals already provided to eligible restaurants. Frank Duffy and Iris Mullin will be joining us as well.
- I was pleased to meet and re-convene with the Board’s Fire Station Location Committee on Wednesday evening, September 23. It is anticipated that this Committee may have a conclusion and recommendation to the Select Board following their next meeting which is now set for Wednesday, October 7.
- The Select Board will be meeting jointly with the School Committee in virtual session on Tuesday, September 29 for a training and workshop session on diversity, inclusion and related items.