

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, OCTOBER 19, 2020 – 6:45 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 October 19, 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

6:45 p.m. OPEN SESSION

6:45 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – Vote to affirm Memorandum of Agreement with AFSCME Local 1636 Unit B

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Woods Hole Oceanographic Institution (WHOI) 90th Anniversary
4. Recognition
5. Announcements
 - a. Machine Gun Range Update
 - b. Halloween Update
- c. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for New Ownership and Management of Common Victualler License – Moonakis Café, LLC d/b/a Moonakis Café – 460 Waquoit Highway, E. Falmouth

2. Administrative Orders
 - a. Vote to accept donation from the Tony Hawk Foundation in the amount of \$7,500 for use in the construction of the Falmouth Skate Park
 - b. Vote to approve Woods Hole Oceanographic Institution (WHOI) request for conservation restriction of 4.32 acres at the Quissett Campus
3. Special Events
 - Recurring - Recommended:**
 - a. Filming of 57th Annual Virtual Christmas Parade – Falmouth Chamber of Commerce – Saturday, 11/14/20
 - New – Recommended:**
 - a. Parking Lot Rental for Wedding Ceremony – Turner – Menauhant Beach, East Lot – Saturday, September 18, 2021, 4:00 – 11:00 pm

7:30 p.m. BUSINESS

1. Discussion/update on COVID-19 issues
2. Interview, vote and appoint committee member – Human Services Committee – Ellen O’Donnell
3. Status report on the Cape Cod and Islands Water Protection Fund
4. Vote to approve Select Board Five-Year Strategic Plan 2021-2025
5. Minutes of Meetings: Public Session – September 21, 2020
6. Individual Select Board Member’s Reports
7. Town Manager’s Report

Megan English Braga, Chair
Select Board



PROCLAMATION

WHEREAS, Woods Hole Oceanographic Institution, known to all by its acronym WHOI, was founded in 1930 in the village of Woods Hole, Falmouth Massachusetts. At that time it joined a thriving ocean science community that included the Marine Biological Laboratory and the National Marine Fisheries Service. Woods Hole was selected from among many potential sites given this established scientific research community, extensive library facility, ready access both to the deep sea and to the contrasting ocean conditions both north and south of Cape Cod, an existing small but deep water harbor suitable for berthing oceanographic vessels, and its proximity to several universities.

WHEREAS, WHOI has become a world-renowned Research Institution as its Mission statement confirms - dedicated to advancing knowledge of the ocean and its connection with the Earth system through a sustained commitment to excellence in science, engineering and education, and to the application of this knowledge to problems facing society.

WHEREAS, WHOI's Vision statement recognizes the ocean as a defining feature of our planet and crucial to life on Earth, yet it remains one of the planet's last unexplored frontiers. For this reason, WHOI scientists and engineers are committed to understanding all facets of the ocean as well as its complex connections with Earth's atmosphere, land, ice, seafloor and life – including humanity. This is essential not only to advance knowledge about our planet, but also to ensure society's long-term welfare and to help guide human stewardship of the environment.

WHEREAS, WHOI is a major employer and economic generator for the Town of Falmouth and the Commonwealth, bringing a diversity of highly talented and experienced individuals who have come to call Falmouth home and who contribute considerably to the quality of life in our area.

NOW THEREFORE BE IT RESOLVED that the Town of Falmouth issues our heartiest congratulations and best wishes to WHOI upon your 90th Anniversary! May your world-class scientific endeavors and research continue to inspire, inform and transform the lives of all and may you continue to call Woods Hole and the Town of Falmouth your proud home!

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 19th day of October, 2020.

Megan English Braga, Chair

Samuel H. Patterson

Douglas C. Brown

Nancy R. Taylor

Douglas H. Jones

SELECT BOARD

PUBIC NOTICE – HALLOWEEN

Traditional Halloween will occur on Saturday, October 31. Consistent with maintaining public health and safety during this COVID19 pandemic, the Town strongly encourages all those who would participate in the traditional trick-or-treat activities to do so between the hours of 6 and 8PM on that Saturday. In addition, we strongly encourage all Falmouth residents to closely follow the attached listing of “DO’s” and “DON’TS”. These are consistent with the guidelines of Governor Baker and the Commonwealth Department of Public Health.

Enjoy this holiday, but take all necessary precautions to safeguard young people, including yourselves and all members of your families.

Julian M. Suso
Falmouth Town Manager
October 13, 2020

HALLOWEEN DURING COVID-19

Trick-or-Treating Do's and Don'ts

DO:

- Enjoy Halloween **outside** rather than attending indoor events, such as parties. Indoor gatherings is a leading cause of Covid-19 transmission.
- Place candy on a platter instead of a bowl
- Instead of traditional trick or treating, place treats outside of the home for trick-or-treaters as a “grab and go” while keeping distance from others.
- Carry hand sanitizer (at least 60% alcohol) for use in between trick-or-treat visits. Wash, or at a minimum sanitize, hands before eating candy
- Maintain social distancing of at least 6 feet of physical distance from all other participants who are not members of the same household.
- Wear a face mask or face covering. For more information on face masks and face coverings, please see the state's [Mask Up MA](#) webpage.

A costume mask is not a substitute for a face mask or face covering. To protect yourself and others, ensure you are wearing a protective face mask or covering instead of or in addition to a costume mask.

DON'T:

- Attend crowded costume parties held indoors, or any gatherings that exceed indoor or outdoor gathering limits
- Go to an indoor haunted house where people may be crowded together and screaming; and
- Go on hayrides or tractor rides with people who are not in your household.
- Bob for apples
- Go to Indoor haunted houses; and

STAY HOME AND REFRAIN FROM HALLOWEEN ACTIVITIES, INCLUDING HANDING OUT HALLOWEEN TREATS, IF:

- you feel unwell;
- you have tested positive for COVID-19;
- you have been exposed to someone with COVID-19; or
- you have traveled to or from a state that is not classified as lower risk within the last 14 days. For more information on lower risk states, please see the state's COVID-19 [Travel Order](#) webpage.

ALTERNATIVES TO TRICK-OR-TREATING:

- Decorate your yard for others to enjoy from their car or while on a socially-distanced walk.
- Hold virtual costume contests or pumpkin carving events.
- Celebrate with members of your household with a Halloween-themed meal, Halloween movie night, or by preparing a Halloween scavenger hunt.



**DOCUMENTS FOR THE APPLICATION OF A
COMMON VICTUALLER LICENSE**

- ✓ 1. Application For License
- ✓ 2. Copy of Lease or Deed
- ✓ 3. Submission of a \$10.00 Filing Fee
4. Business Structure Documents:
 - a. Copy of Articles of Organization (if corporation)
 - ✓ b. Copy of LLC Agreement (if limited liability company)
 - c. Copy of Partnership Agreement (if partnership)
 - d. Copy of Certificate of Doing Business (if sole proprietorship)
- N/A 5. Copy of special zoning permits, if any
6. Food Service Establishment Permit – Falmouth Health Department *Applicant Contacted Health*
7. Occupancy Permit – Building Department *- Sent by Building*
- ✓ 8. Copy of Floor Plan
- ✓ 9. Copy of Menu
- 10/19 10. Attend a hearing before the Board of Selectmen at a time and date designated
11. Upon approval of the application a Certificate of Doing Business from the Town Clerk's Office and a fee of \$60.00 will be required ✓



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



PAID
 \$10.00 CK# 1002

APPLICATION – COMMON VICTUALLER

NAME OF ESTABLISHMENT: MOONAKIS CAFE, LLC

DBA, if any _____

BUSINESS ADDRESS: 460 WAQUOIT Highway, E. FALMOUTH, MA 02536

MAILING ADDRESS: _____
 (if different)

NAME OF APPLICANT: JENNIFER J. BOHNENBERGER

HOME ADDRESS: 47 RIVERSIDE DR. MASHPEE, MA 02649

FID# _____

MANAGER: JENNIFER BOHNENBERGER **EMAIL:** (required) _____

DAYS OF OPERATION SUNDAY^{7 days} to SATURDAY **HOURS OF OPERATION** 7 AM - 1:30 PM.

PARKING PLAN _____

TELEPHONE: (BUS.) 508-457-9630 (HOME) _____

SEATING CAPACITY: 50 **OCCUPANCY #** 50

2/23/20
DATE

Jennifer J. Bohnerberger
OWNER / MANAGER / AUTHORIZED AGENT

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

BOARD OF SELECTMEN

27' 5"

Dish pit

Storage

line

Coke Coolers

Stove
Flat Top

22' 4"

entrance

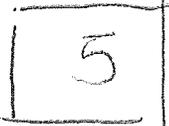
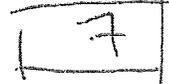
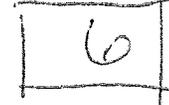
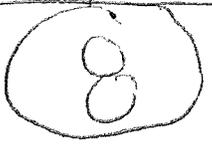
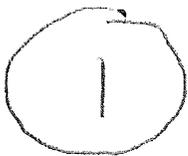
Co US CH C3 C2 C1

Women's Room

Mens Room

37' 6"

table



Diane Davidson

From: Diane Davidson
Sent: Friday, October 9, 2020 10:50 AM
To: Brian Reid; Sean Doyle; Tim Smith - Falmouth Fire Rescue Department (timothy.smith@falmouthfirema.gov); Rod Palmer - Inspectional Services (rod.palmer@falmouthma.gov); Scott McGann
Cc: Phyllis Downey; Pamela Marshall; Linda Kinchla
Subject: Application for Common Victualler License - Moonakis Cafe
Attachments: Application for Common Victualler - Moonakis Cafe LLC.pdf

To all,

Attached is an application from Jennifer Bohnenberger (50% partner and manager of record) and Robert Sigel (50% partner) of Moonakis Café, LLC for a new Common Victualler License (new ownership) of the Moonakis Café, located at 460 Waquoit Highway, East Falmouth. Please provide any comments or recommendations on this application to the Select Board by Thursday, October 15.

If you would like to review any of the documents listed on the checklist, attached, please let me know.

The application is scheduled for review/approval by the Select Board on Monday, October 19, 2020.

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*

AMENT KLAUER LLP

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P. O. Box 919
Falmouth, MA 02541-0919

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.

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

October 2, 2020

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

RE: Woods Hole Oceanographic Institution ("WHOI") Conservation Restriction
Falmouth CR#89

Dear Julian:

As you know from copies of my previous correspondence to the Conservation Administrator, in connection with the Cape Cod Commission's DRI approval of WHOI's NQF building on the Institution's Quissett Campus, a 50,000 SF facility now under construction, WHOI proposes to place an additional 4.32 acres under a conservation restriction (CR). The two parcels to be restricted include vernal pool habitat and abut land subject to previously imposed CRs that are held by the Town.

A copy of the proposed CR is submitted herewith. This CR was reviewed and approved by the Cape Cod Commission in the course of the DRI permitting, and on July 13, 2020, the EOEEA's Division of Conservation Services reviewer issued the attached letter approving the draft CR for municipal signatures. The attached CR includes as Exhibit A maps that show the new conservation restriction areas as well as the abutting previously restricted land, a total of 20.07 acres

On September 24, 2020, the Conservation Commission voted to approve the new CR, and the Commission has issued the attached Municipal Certification identifying benefits of the CR.

Please put this CR on an agenda of the Select Board for discussion, and hopefully a vote of acceptance, at the earliest convenient meeting. Please let me know the meeting date.

Please contact me if additional documentation or information would be helpful. Thanks.

Very truly yours,

Robert H. Ament

Enclosures

cc: Julian M. Suso, Town Manager
David Derosier, WHOI Director of Facilities and Services
Christopher Land, Esquire, WHOI Vice President for Legal Affairs and General Counsel
Jennifer Lincoln, Conservation Administrator

GRANTOR: Woods Hole Oceanographic Institution
GRANTEE: The Town of Falmouth
ADDRESS OF PREMISES: 360 Woods Hole Road, Falmouth (Woods Hole), MA 02543
FOR GRANTOR'S TITLE SEE: Barnstable County Land Court Registry District Certificate of Title No. 44053

CONSERVATION RESTRICTION

Woods Hole Oceanographic Institution, a Massachusetts non-profit educational institution incorporated under Massachusetts General Laws Chapter 180, with an address of 360 Woods Hole Road, Falmouth (Woods Hole), MA 02543, being the sole owner, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants with QUITCLAIM COVENANTS to the Town of Falmouth, a municipal corporation with an address of 59 Town Hall Square, Falmouth, Massachusetts 02540, acting by and through its Conservation Commission, their permitted successors and assigns, by authority of Section 8C of Chapter 40 of the Massachusetts General Laws ("Grantee"), for consideration of less than One Hundred (\$100.00) Dollars, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land ("Property") located in Falmouth comprising two (2) portions of the registered land at 360 Woods Hole Road, Falmouth, Massachusetts, identified as "Restriction Area A 23,513± S.F." and "Restriction Area B 3.56± acres upland, 9,265± S.F. wetland, 3.78± acres total" on a plan entitled "Plan of Conservation Restriction prepared for WOODS HOLE OCEANOGRAPHIC INSTITUTION at the Quissett Campus in Quissett, Falmouth, MA", Scale: 1" = 40', Date: May 20, 2020, prepared by Holmes and McGrath, Inc., Civil Engineers and Land Surveyors, 205 Worcester Court, Unit A4, Falmouth, MA 02540, which plan, consisting of two sheets (Sheets "1 of 2" and "2 of 2"), is attached hereto as Exhibit "A" and labeled "Sketch Plan of Conservation Restriction Areas." The two Restriction Areas (23,513± S.F. and 3.78± acres, a total of 4.32± acres, hereinafter referred to together as "the Premises") are further described by metes and bounds in Exhibit B attached hereto and incorporated herein by reference. The Premises includes a portion of the land shown on Land Court Plan 10087A (excluding Lots A, B, C, D, A1, B1 and C1 on Plan 10087D), and a portion of Lot A shown on Land Court Plan 13436A. For title, see Barnstable County Land Court Registry District Certificate of Title No. 44053.

This Conservation Restriction is given as required by Condition C 10. of the Cape Cod Commission Development of Regional Impact Decision ("the DRI decision") dated November 14, 2019, issued to Grantor, which decision is registered as Document No. 1,386,797 in the Land Court Registry District for Barnstable County. Grantor obtained the DRI decision pursuant to the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended, in order to construct on

Grantor's 123.6-acre Quissett Campus a new building (presently designated "the NQF Building") for scientific research, development and education, and related administrative facilities.

The smaller portion of the Premises, Conservation Restriction Area A, 23,513± S.F., expands an existing Conservation Restriction Area of 15.55± acres that includes a vernal pool and adjacent vernal pool upland buffer within an unfragmented wooded area, an area restricted in perpetuity and exclusively for conservation purposes by three prior Conservation Restrictions, one being dated January 13, 2006, registered with the Land Court Registry District of Barnstable County as Document No. 1,025,320, the second being dated May 11, 2012, registered with the Barnstable County Registry District of the Land Court as Document No. 1,193,469 and the third being dated June 20, 2019, registered with the Barnstable County Registry District of the Land Court as Document No. 1,387,127. With the addition of Restriction Area A of 23,513± S.F., that contiguous area of unfragmented forest, a vernal pool and adjacent vernal pool buffer area, subject to restriction in perpetuity and exclusively for conservation purposes increases to 16.09 ± acres.

Restriction Area B, 3.78± acres (164,620± S.F.), includes a portion of a vernal pool, adjacent vernal pool habitat and adjacent upland buffer within the same wooded area that includes Restriction Area A. This larger portion of the Premises entirely surrounds an existing small area, 8,606±S.F., subject to the Conservation Restriction dated June 20, 2019, registered with the Barnstable County Registry District of the Land Court as Document No. 1,387,127. A substantial portion of this larger portion of the Premises is part of a vernal pool or within the 100' Buffer Zone A established by the Falmouth Wetland Regulations, FWR 10.18(5)(a)1.b. Buffer Zone A is a "no-disturbance" designation. With the addition of Conservation Restriction Area B of 3.78± acres, that second contiguous area of unfragmented forest, a portion of a vernal pool and vernal pool buffer area, subject to restriction in perpetuity and exclusively for conservation purposes increases to 3.98± acres.

It is the intent of the Grantor to preserve and protect the Premises in perpetuity, and the Grantor further intends by the granting of this Conservation Restriction to convey to the Grantee the right to preserve and protect the conservation values of the Premises in perpetuity. The Property containing the Premises is located on Woods Hole Road in the Town of Falmouth in an area known as Quissett and is a portion of the Quissett Campus of the Woods Hole Oceanographic Institution, the world's leading independent, non-profit organization dedicated to ocean research, exploration and education. The Quissett Campus consists of over 123 acres of land.

I. Purpose

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. Its purpose is to assure that the Premises will be maintained in perpetuity for conservation purposes in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values.

The purposes, enhancement and preservation of the Premises (referred to herein as the "conservation values") will be of benefit to the public as a result of:

- Maintenance of and protection of wildlife food sources and habitat, particularly as the Premises is within NHESP designated Priority Habitat of Rare Species that includes unfragmented forest upland and land within or immediately adjacent to designated vernal pool buffer area, and the Premises abuts or is proximate to other upland which is presently undisturbed, and portions of which are subject to the above-referenced Conservation Restrictions filed in 2006, 2012 and 2019;
- preservation of open space in perpetuity;
- preservation of a defined area of undisturbed forest;
- avoidance of public health threats and environmental degradation that could result from incompatible uses, including placement of on-site septic systems on the Premises; and
- prevention of potential construction on the Premises for residential, commercial, industrial or other uses.

The entire Premises falls within an area designated as “Priority Habitat of Rare Species” by the Massachusetts Natural Habitat and Endangered Species Program (“NHESP”). The Premises is designated by the Cape Cod Commission as being within a Significant Natural Resource Area (SNRA) due to the presence of state listed endangered species habitat. NHESP has advised the Grantor that the following state-listed rare species have been found in the vicinity of the Premises: Least Tern, Roseate Tern and Common Tern. In connection with the proposed construction of the NQF Building, NHESP, by letter dated June 19, 2019, issued a determination that the proposed work will not result in a prohibited “take” of state-listed rare species.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow other to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;

- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (8) The use of the Premises for more than *de minimis* commercial recreation, business, residential or industrial use;
- (9) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises, if any;
- (10) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction:

- (1) Permits. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth of Massachusetts takes any position whether such permit should be issued.
- (2) The *de minimis* pruning or cutting down and removal of vegetation damaged during or after a storm, fire or other disaster, only as necessary, including so as to maintain existing footpaths, and in every case subject to advance approval of the Grantee except where delay may expose person or property to imminent loss or injury;
- (3) The right to plant and maintain native shrubs, trees and other vegetation, provided that the conservation values or purposes of this grant are not impaired, and subject to advance approval of the Grantee and upon advance consultation with the NHESP;

- (4) The right to conduct archaeological research, including artifact retrieval, but only after obtaining a permit from the State Archeologist of the Massachusetts Historical Commission as required by Section 27C of Chapter 9 of the Massachusetts General Laws and Title 950 of the Code of Massachusetts Regulations, Section 70 et. seq., as they may be modified from time to time, and with approval of the Grantee;
- (5) The right to conduct forestry research, subject to advance approval of the Grantee and upon advance consultation with the NHESP.
- (6) Erection and maintenance of small signs in locations determined by the Grantor denoting information or admonitions, including but not limited to, "Conservation Area", "Private Property" and/or "No Hunting";
- (7) The right to use and maintain existing footpaths of a width not to exceed six feet, and, subject to advance approval of the Grantee and upon consultation with the NHESP, and on terms and conditions satisfactory to the Grantee, the right to relocate the existing footpaths, to reserve easement rights to traverse on foot on such footpaths, or to grant easements to others to traverse on such footpaths;
- (8) The right to install, use and maintain underground utilities to serve the lands comprising the campus of the Woods Hole Oceanographic Institution, or its successor, now known as the "Quissett Campus", subject to the advance approval of the Grantee and upon consultation with the NHESP and provided that it is not feasible to install such new underground utilities within land not subject to this Conservation Restriction, the right to use and maintain existing underground utilities, and the right to relocate existing underground utilities subject to the approval of the Grantee and upon consultation with the NHESP, provided that disturbed areas are revegetated with native species following installation, maintenance or relocation;
- (9) The right, with the advance approval of the Grantee and subject to any applicable federal, state or local regulatory requirements, and upon consultation with the NHESP, to take other action reasonably necessary to preserve and protect the conservation values of this Conservation Restriction, including the following actions:
 - a. Removal from the Premises of mineral resources or natural deposits when necessary for proper drainage or soil conservation or erosion control,
 - b. De minimis non-chemical vegetation management activity, including cutting, removing or otherwise destroying trees, grasses or other vegetation, when necessary for disease control, resource management or public safety interest.

Whenever the exercise of any of the foregoing reserved rights requires advance consultation with the NHESP, the proposed activity shall be allowed only upon an advance determination by NHESP that the proposed activity will not impair any of the conservation values and, specifically, that the habitat of the Premises will not be impaired.

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the conservation values or purposes of this Conservation Restriction.

Failure of Grantee to respond in writing within sixty (60) days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after sixty (60) days in the notice, the requested activity is not prohibited herein, and the activity will not materially impair the conservation values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

The Conservation Restriction hereby conveyed does not grant to the Grantee, to the general public, nor to any other person any right to enter upon the Premises except as follows:

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises, crossing other land now of the Grantee as necessary to do so, upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of

the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted property. Such proportionate value of the Grantee's property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements, including the funding received by Grantor from the National Institute of Standards and Technology, Department of Commerce, United States of America, under The American Recovery and Reinvestment Act of 2009, referred to in the Covenant of Purpose, Use and Ownership dated June 15, 2010, recorded in Barnstable Land Court Registry District as Document No. 1,143,111.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V(B), after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction, provided Grantee shall give Grantor reasonable notice of its intent to make any such recording or filing; the Grantor, on behalf of itself and its successors and assigns, appoint the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after its ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section

170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be filed in the Land Court Registry District of Barnstable County.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Land Court Registry District of Barnstable County.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Woods Hole Oceanographic Institution
360 Woods Hole Road
Falmouth (Woods Hole), MA 02543

To Grantee: Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 31-33 of Chapter 184 of

the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Homestead

The Grantor attests that the Premises (including exclusions) and land abutting the Premises and owned by the Grantor, do not include any homes that are occupied or intended to be occupied as a principal residence by any person entitled to claim homestead rights therein.

C. The Grantor agrees that all liens, mortgages, construction loans and equity lines of credit shall be subordinate to this Conservation Restriction.

D. Attached hereto and incorporated herein are the following:

Signature Pages:

Grantor – Woods Hole Oceanographic Institution
Grantee – Falmouth Conservation Commission
Approval by Falmouth Board of Selectmen
Approval by Secretary of Energy and Environmental Affairs

EXECUTED this ____ day of _____, 2020.

WOODS HOLE OCEANOGRAPHIC INSTITUTION

By: _____
Mark R. Abbott
President and Director
(Authorized Signatory) See Doc. No. 1,143,110

Commonwealth of Massachusetts

Barnstable, ss

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared Mark R. Abbott, President and Director, of the Woods Hole Oceanographic Institution, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

**ACCEPTANCE OF CONSERVATION RESTRICTION BY FALMOUTH
CONSERVATION COMMISSION**

The foregoing Conservation Restriction from the Woods Hole Oceanographic Institution was accepted and approved by vote of the Falmouth Conservation Commission in accordance with Section 32 of Chapter 184 of the Massachusetts General Laws and the Town of Falmouth Conservation Restriction Policy at a public meeting held on _____, 2020.

Commonwealth of Massachusetts

Barnstable, ss

On this ____ day of _____, 2020 before me, the undersigned notary public, personally appeared _____, as Chairman of the Falmouth Conservation Commission, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

**APPROVAL OF CONSERVATION RESTRICTION BY FALMOUTH BOARD OF
SELECTMEN**

The foregoing Conservation Restriction from the Woods Hole Oceanographic Institution to the Town of Falmouth, acting by and through its Conservation Commission, is approved in the public interest by the Falmouth Board of Selectmen in accordance with Section 32 of Chapter 184 of the Massachusetts General Laws on _____ 2020.

Commonwealth of Massachusetts

Barnstable, ss

On this ____ day of _____, 2020 before me, the undersigned notary public, personally appeared _____, as Chair of the Falmouth Board of Selectmen, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
APPROVED AS TO FORM**



T. Council

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the Woods Hole Oceanographic Institution to the Town of Falmouth, acting by and through its Conservation Commission, has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2020

KATHLEEN A. THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

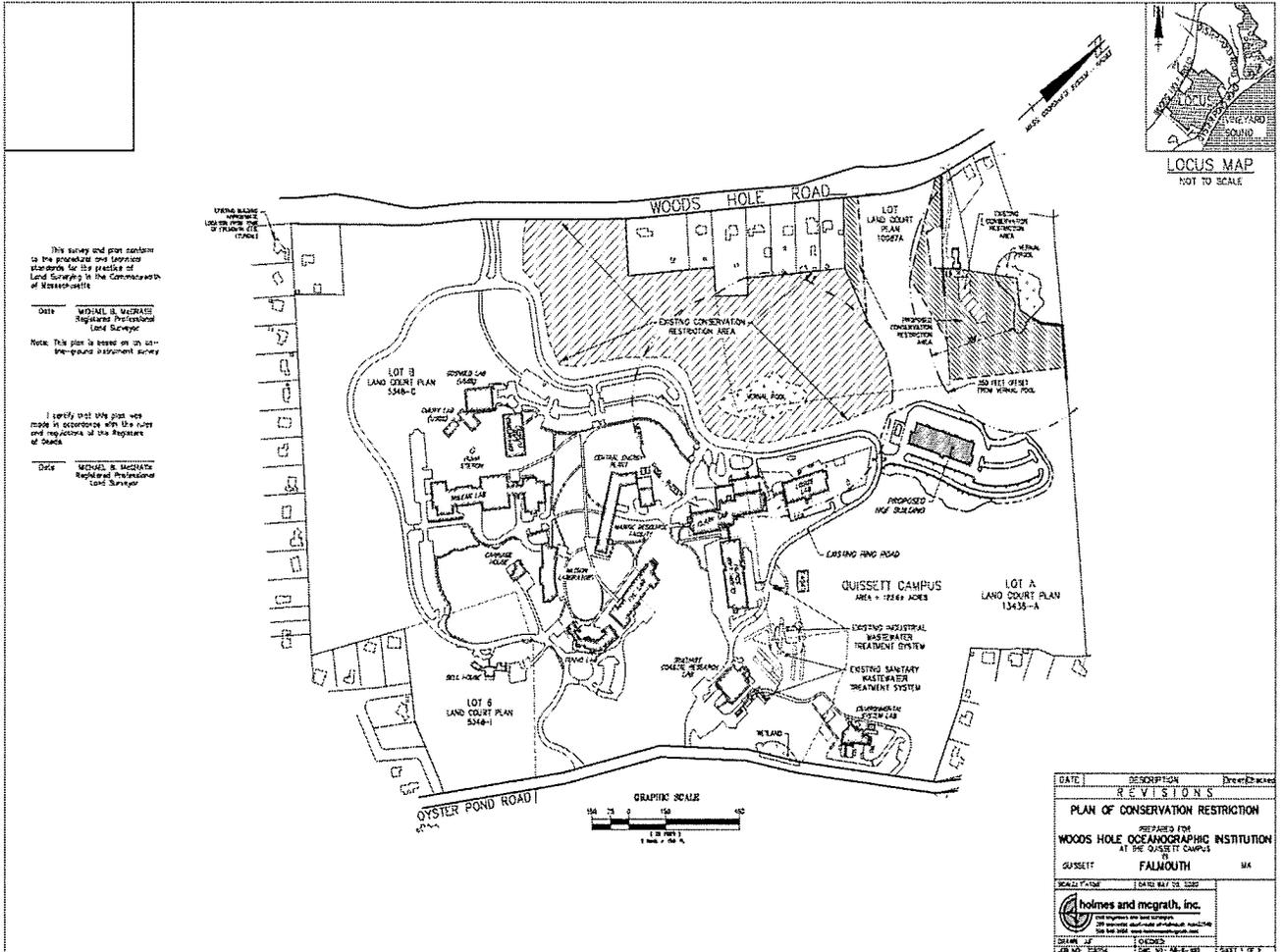
SUFFOLK, ss:

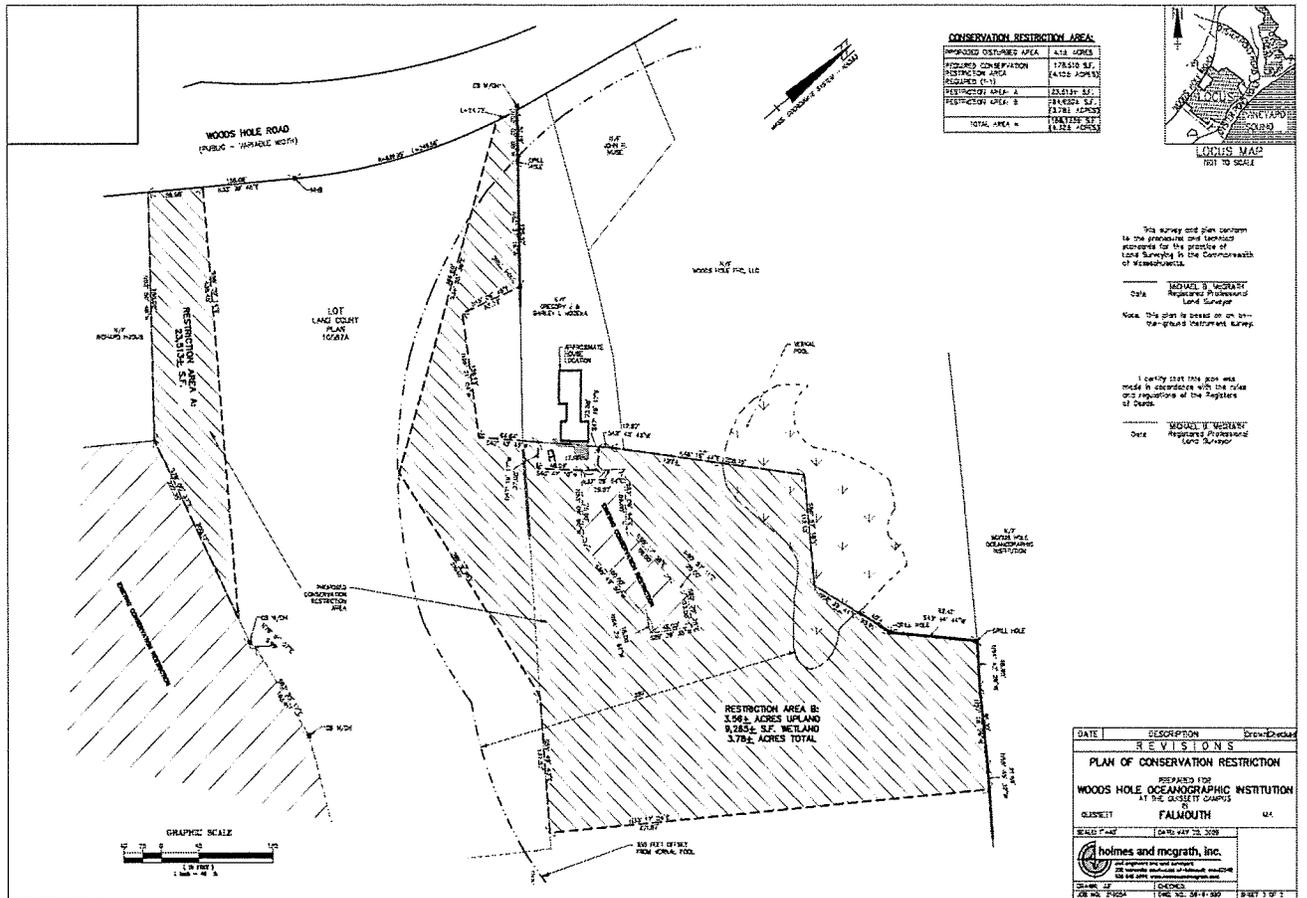
On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

EXHIBIT A

Sketch Plan of Conservation Restriction Areas (2 Sheets)





WOODS HOLE OCEANOGRAPHIC INSTITUTION

EXHIBIT B TO CONSERVATION RESTRICTION

Description of Restriction Area A,

Beginning at a point on the southeasterly sideline of Woods Hole Road, a state highway, said point being the northerly corner of Lot D shown on Land Court Plan 10087-D,

- Thence N 33°39'46" E by Woods Hole Road, 58.98 feet;
- Thence S 56°20'14" E by other land of Grantor, 435.45 feet;
- Thence N 78°05'37" W by other land of Grantor that is the Conservation Restriction Area containing 0.34± acres described in the Conservation Restriction dated June 20, 2019 registered as Document No. 1,387,127, 200.17 feet; and
- Thence N 52°50'48" W by said Lot D on L.C. Plan 10087-D, 250.00 to the point of beginning on Woods Hole Road.

Restriction Area A contains 23,513± square feet (.54± acres), being a portion of the land shown on L.C. Plan 10087A.

Restriction Area B,

Beginning at a point on the easterly sideline of Woods Hole Road, a state highway, said point being the northerly corner of the land shown on Land Court Plan 10087A;

- Thence by the sideline of Woods Hole Road, in an arc with radius of 639.95 feet, generally to the southwest, turning more westerly, an arc distance of 24.73 feet;
- Thence S 34°55'38" E by other land of Grantor, 369.60 feet;
- Thence S 85°16'05" E by other land of Grantor, 270.60 feet;
- Thence S 55°49'43" E by other land of Grantor, 137.57 feet;
- Thence N 33°17'04" E by other land of Grantor, 471.57 feet;
- Thence N 55°45'32" W by other land of Grantor, 21.69 feet;
- Thence N 57°18'29" W by other land of Grantor, 81.30 feet;
- Thence N 54°42'29" W by other land of Grantor, 46.80 feet to a drill hole;
- Thence S 43°44'44" W by land now or formerly owned by Woods Hole FHC LLC, 92.41 feet to a drill hole;

Thence S 68°39'44" W by said Woods Hole FHC LLC land, 93.91 feet;

Thence N 56°57'16" W by said Woods Hole FHC LLC land, 112.13 feet;

Thence S 46°15'44" W by said Woods Hole FHC LLC land and by land now or formerly of Gregory J. Wozena and Shirley L. Wozena, a total of 208.45 feet;

Thence S 42°40'43" W by said land of Wozena, 12.87 feet;

Thence S 47°19'17" E by other land of Grantor, 23.86 feet;

Thence N 37°28'54" E by other land of Grantor that is the Conservation Restriction Area containing 8,606± s.f. described in the Conservation Restriction dated June 20, 2019 registered as Document No. 1,387,127, 29.07 feet;

Thence S 53°09'44" E by said existing Conservation Restriction Area, 59.00 feet;

Thence N 85°17'38" E by said existing Conservation Restriction Area, 68.00 feet;

Thence N 80°52'11" E, by said existing Conservation Restriction Area, 25.00 feet;

Thence S 60°20'25" E, by said existing Conservation Restriction Area, 33.00 feet;

Thence S 29°39'35" W, by said existing Conservation Restriction Area, 45.00 feet;

Thence N 64°25'51" W, by said existing Conservation Restriction Area, 16.00 feet;

Thence S 85°49'50" W, by said existing Conservation Restriction Area, 100.00 feet;

Thence N 53°09'50" W, by said existing Conservation Restriction Area, 75.00 feet;

Thence S 40°47'10" W by other land of Grantor, 48.09 feet;

Thence N 47°19'17" W by other land of Grantor, 27.00 feet;

Thence S 42°40'43" W by said land of Wozena and by other land of Grantor, a total of 64.64 feet;

Thence N 59°21'04" W by other land of Grantor, 126.13 feet;

Thence N 15°08'45" E by other land of Grantor, 67.72 feet to a drill hole;

Thence N 52°27'16" W by said land of Wozena, 126.37 feet to a drill hole; and

Thence N 52°02'08" W by said land of Wozena, 51.19 feet to the point of beginning on Woods Hole Road.

Restriction Area B contains 3.78± acres, consisting of 3.56± acres of upland and an additional .22± acres that is part of a vernal pool as shown on the below mentioned plan; Restriction Area B comprises a portion of the land shown on Land Court Plan 10087A and a portion of Lot A shown on Land Court Plan 13436A.

For title to Restriction Area A and Restriction Area B, see Certificate of Title No. 44053.

Both Restriction Area A and Restriction Area B are shown on the Sketch Plan dated May 20, 2020, consisting of two sheets (Sheets "1 of 2" and "2 of 2"), attached as Exhibit A to the Conservation Restriction to which this Exhibit B is attached.

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST),
U.S. DEPARTMENT OF COMMERCE**

In accordance with 15 C.F.R § 14.32 and the terms of the Covenant of Purpose, Use and Ownership dated June 15, 2010 and recorded in the Land Court Registry District for Barnstable County as Document No. 1,143,111, the NIST Grants Officer hereby consents to the foregoing Conservation Restriction entered into by and between Woods Hole Oceanographic Institution and the Town of Falmouth, Massachusetts.

By: _____
Dean T. Iwasaki
Grants Officer
NIST Grants Management Division

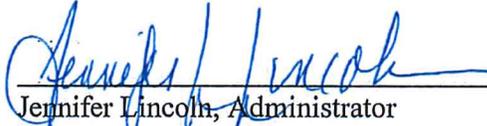
Date: _____

MUNICIPAL CERTIFICATION

The undersigned duly authorized Administrator of the Conservation Commission of the Town of Falmouth hereby certifies that at a duly convened meeting of the Falmouth Conservation Commission on September 24, 2020, the six Commissioners in attendance and voting (Jamie Mathews, Chair, Courtney Bird, Peter Walsh, Kevin O'Brien, Steve Patton and Mark Gurnee), being a quorum, unanimously voted that the conservation restriction proposed to be given by Woods Hole Oceanographic Institution (WHOI) on 4.32+/- acres of WHOI's Quissett Campus on Woods Hole Road in Falmouth, is in the public interest in that it will be of benefit to the public as a result of (1) maintenance of and protection of wildlife food sources and habitat, particularly as the proposed conservation restriction area is within an area designated by the Natural Heritage Endangered Species Program as Priority Habitat of Rare Species, and the areas to be restricted include or abut vernal pool habitat, buffer to a vernal pool, and substantially undisturbed forest upland; (2) the proposed conservation restriction areas abuts 16.09 acres of upland and vernal pool habitat that is already under conservation restrictions; (3) preservation of open space in perpetuity; (4) prevention of public health threats and environmental degradation from development that might include installation of on-site septic systems; and (5) avoidance of potential construction on the conservation restriction areas for residential, commercial, industrial, institutional or other uses.

Date: September , 2020

Signed:


Jennifer Lincoln, Administrator

**VOTE AUTHORIZING SIGNATURES OF
COMMISSIONERS**

On March 18, 2020, the Falmouth Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken by the Falmouth Conservation Commission.

Motion: To authorize Jennifer Lincoln, Falmouth Conservation Administrator, to physically sign Falmouth Conservation Commission documents on behalf of individual Falmouth Conservation Commission members.

Vote: Unanimous

Vice Chairman Russell Robbins—Aye
Commissioner Elizabeth Gladfelter—Aye
Commissioner Maureen Harlow-Hawkes—Aye
Commissioner Courtney Bird—Aye
Alternate Commissioner Kevin O'Brien—Aye
Alternate Commissioner Peter Walsh—Aye
Commissioner Mark Gurnee—Aye
Chairman James Mathews—Aye

The above is a true and accurate account of the proceedings of the Falmouth Conservation Commission.

James C Mathews
3-27-20

James Mathews, Chairman

Date

The Commonwealth of Massachusetts
County of Barnstable

On this 27 of March, 2020, before me, Kimberly Fish
(name of notary public), James Mathews personally appeared and proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated

purpose.


Notary Public Signature

KIMBERLY FISH
NOTARY PUBLIC, COMM OF MASSACHUSETTS
MY COMMISSION EXPIRES MARCH 5, 2021

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
P. O. Box 919
Falmouth, MA 02541-0919

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.

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

October 2, 2020

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

RE: Woods Hole Oceanographic Institution ("WHOI") Conservation Restriction
Falmouth CR#89

Dear Julian:

As you know from copies of my previous correspondence to the Conservation Administrator, in connection with the Cape Cod Commission's DRI approval of WHOI's NQF building on the Institution's Quissett Campus, a 50,000 SF facility now under construction, WHOI proposes to place an additional 4.32 acres under a conservation restriction (CR). The two parcels to be restricted include vernal pool habitat and abut land subject to previously imposed CRs that are held by the Town.

A copy of the proposed CR is submitted herewith. This CR was reviewed and approved by the Cape Cod Commission in the course of the DRI permitting, and on July 13, 2020, the EOEEA's Division of Conservation Services reviewer issued the attached letter approving the draft CR for municipal signatures. The attached CR includes as Exhibit A maps that show the new conservation restriction areas as well as the abutting previously restricted land, a total of 20.07 acres

On September 24, 2020, the Conservation Commission voted to approve the new CR, and the Commission has issued the attached Municipal Certification identifying benefits of the CR.

Please put this CR on an agenda of the Select Board for discussion, and hopefully a vote of acceptance, at the earliest convenient meeting. Please let me know the meeting date.

Please contact me if additional documentation or information would be helpful. Thanks.

Very truly yours,

Robert H. Ament

Enclosures

cc: Julian M. Suso, Town Manager
David Derosier, WHOI Director of Facilities and Services
Christopher Land, Esquire, WHOI Vice President for Legal Affairs and General Counsel
Jennifer Lincoln, Conservation Administrator



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME 57th Annual (Virtual) Christmas Parade

TYPE OF EVENT Filming of COVID-safe parade

NAME Falmouth Chamber of Commerce

MAILING ADDRESS 20 Academy Lane, Falmouth, MA 02540

EVENT DAY & DATE Saturday, November 14, 2020

RAIN DATE Sunday, November 15, 2020

EVENT LOCATION Marine Park

SET-UP/BREAK-DOWN TIME 8:00 a.m. EVENT HOURS 9:00 a.m. – 11:00 a.m.

NUMBER OF ATTENDEES 100-150 NUMBER OF VEHICLES 20

ADDITIONAL DETAILS FCTV to film decorated vehicles and walking groups to be aired on FCTV on Sunday, December 6, 2020 at 12:00 noon. Maintain a 20- foot separation between groups. Walkers to have designated parking spots. Closed to public viewing. Volunteers to be stationed at all entrances to ensure only participants are admitted to the secured area. The detailed plan is attached.

CONDITIONS:

1. Continuous coordination and review with Police Department, Highway Department and other relevant Town departments as needed.
2. **Event organizer and participants to follow the social distancing and wearing of masks guidelines per the Governor's COVID-19 Order in place at the time of the event.**

PERMIT FEE - FILING FEE -

DEPOSIT - (Refundable at conclusion of event provided that no litter or damage has occurred)

FALMOUTH SELECT BOARD:



FALMOUTH
CHAMBER OF COMMERCE

Falmouth Chamber of Commerce
20 Academy Lane, Falmouth, MA 02540
P: 508-548-8500
F: 508-548-8521

September 24, 2020

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



Dear Members of the Falmouth Select Board:

Thank you for your kind consideration regarding our proposal to film a COVID safe Christmas Parade which will be aired for the entire community to enjoy.

As I mentioned at the Select Board meeting last week, we have worked diligently and collaborated with Falmouth Police Chief Edward Dunne to design an event that can be easily managed and controlled.

Unlike parades in the past, this event will be closed to the public with limited participation from the walking groups and vehicles which will be included.

I have attached a description that outlines our plan on how to conduct this event responsibly and within the guidelines of safe social distancing.

Please let me know if you have any questions and we stand prepared to work with the Town of Falmouth to ensure that we are able to provide this much-loved tradition to the citizens of our Falmouth.

Sincerely,

Michael Kasparian

Michael Kasparian
President





Town of Falmouth

Application for Special Events

CONTACT INFORMATION

Applicant's Name: FALMOUTH CHAMBER of COMMERCE
 Mailing Address: 20 ACADEMY LANE FALMOUTH
 Phone: 508.548.8500 Cell Phone: 508.524.9120
 E-Mail: MKASPARIAN@FALMOUTHCHAMBER.COM

EVENT DETAILS

Name of Event: 57th ANNUAL CHRISTMAS PARADE
 Type of Event: FILMING OF COVID-SAFE PARADE
 Event Day & Date: SAT. NOV. 14th
 Rain Date: SUN. NOV. 15th
 Event Hours: From: 9:00 AM To: 11:00 AM
 Set-up/Break-down Date(s): SAME DAY Time(s): 8:00 AM

Location Requested:

1st Choice: MARINE PARK
 2nd Choice: _____

Number of Attendees: 100-150 Number of Vehicles: 20

Parking Plan: WALKERS TO HAVE DESIGNATED SPOTS

Will event include chairs, barriers, tents? Yes or No (tent permit application, if necessary)

Will event include signs? Yes or No (DIRECTIONS) (sign permit application, if necessary)

Will event be a road race? Yes or No (a. include route map, b. see reverse side for road race rules, and sign)

Will event include use of Shining Sea Bike Path? Yes or No (see reverse side for bike path rules, and sign)

Will event include food or beverages? Yes or No (temporary food permit application)

Will event include alcoholic beverages? Yes or No (one-day liquor license application)

Will event include entertainment? Yes or No What type? DECORATED VEHICLES AND WALKING GROUPS.

ADDITIONAL INFORMATION

Provide additional detail of your event including requests for use of restroom facilities, electricity, etc.

PORTABLE TOILETS WILL BE PROVIDED
SEE ATTACHED FOR EVENT DETAILS

Applicant's Signature: Michael Kasparian Date: 9.24.2020

- References:
1. CHIEF EDWARD DUNNE
 2. MR. WILLIAM HOUGH
 3. MS. KAREN RINALDO

BOARD OF SELECTMEN



Alternative Plan for the 2020 Christmas Parade “Home for the Holidays”

In an effort to continue the tradition of the Falmouth Chamber of Commerce Annual Christmas Parade, we have developed a plan that we believe will enable us to provide a hybrid version of this event while adhering to the safety protocols in place due to COVID-19.

Our plan includes hosting a smaller, locally-focused outdoor event which will take place in a controlled environment at a date to be determined in November. The intention of this event will be to produce a video which can be aired and shared with the public at a later date.

The event would be closed to public viewing and volunteers will be stationed at all entrances to ensure that only participants are admitted to the secured area.

We propose using Marine Park which can be easily closed to the public for a short period of time where vehicles and walking groups can be staged in the upper parking lot which runs parallel to Scranton Avenue.

Vehicles and walking groups will be organized into two, separate rows maintaining a 20-foot separation between groups. Once the parade begins, groups will be blended into one line continuing with a 20-foot separation between groups.

The vehicles and walking groups will move along the lower road next to the harbor in single file and be filmed by FCTV.

Groups will continue along this road and back to the upper parking lot where they can disperse safely once they are finished so that no large group of people will be formed.

The event will be limited to small groups and strict adherence to social distancing will be enforced.

Walking groups will be limited to six people who may walk 2 abreast and in 3 rows. All individuals will remain at least 6 feet apart.

Vehicles will be limited to 1 driver and only as many people on the back or on attached trailers who may safely remain at least 6 feet apart from each other.

Voice over commentary will be added in the studio at a later date and the video will be aired on Sunday December 6th at 12:00 noon which is the regularly schedule time.

Diane Davidson

From: Diane Davidson
Sent: Friday, October 9, 2020 11:13 AM
To: Boyd Demello - Falmouth Fire Rescue Department (boyd.demello@falmouthfirema.gov); Brian Reid; Diane Davidson (diane.davidson@falmouthma.gov); Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov); James F. Grady - Department of Public Works (jim.grady@falmouthma.gov); Jeremiah Pearson (jeremiah.pearson@falmouthma.gov); Joe Olenick - Recreation Department (joe.olenick@falmouthma.gov); Julian M. Suso - Town Manager (julian.suso@falmouthma.gov); Maggie Clayton; Melinda Rebelo; Pamela Marshall; Peter Johnson-Staub (peter.johnson-staub@falmouthma.gov); Peter McConarty - DPW (peter.mcconarty@falmouthma.gov); Rod Palmer - Inspectional Services (rod.palmer@falmouthma.gov); Scott McGann (scott.mcgann@falmouthma.gov); Sean Doyle; Tim Smith - Falmouth Fire Rescue Department (timothy.smith@falmouthfirema.gov)
Subject: Special Event Application - Filming of the Christmas Parade
Attachments: SE-2020-Christmas Parade.pdf

To all,

Attached please find an application for special event from the Falmouth Chamber of Commerce to film the 57th Annual Christmas Parade.

The Chamber of Commerce presented this virtual parade to the Select Board on September 21, 2020. The Select Board voted to allow the Chamber to move forward with a plan.

Please provide your recommendations/comments on this application by Thursday, October 15.

This application is scheduled for review/approval by the Select Board on Monday, October 19, 2020.

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*



**TOWN OF FALMOUTH
WEDDING CEREMONY / PARKING PERMIT**

NAME Juliet Turner

MAILING ADDRESS 390 Central Avenue, East Falmouth, MA 02536

CEREMONY DAY & DATE Saturday, September 18, 2021

RAIN DATE None

LOCATION Menauhant Beach East Parking Lot

SET-UP ARRIVAL TIME _____ CEREMONY HOURS _____

NUMBER OF GUESTS 100 NUMBER OF VEHICLES 40

TIME NEEDED FOR PARKING VEHICLES 4:00 p.m. – 11:00 p.m.

ADDITIONAL INFORMATION: Parking for 40 cars for wedding reception at Menauhant Yacht Club.

CONDITIONS:

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.
3. Contact Beach Superintendent a week before event for to check if there will be a need to arrange for an attendant to reserve the parking spaces.
4. A shuttle van or car is recommended to drive guests safely back to cars parked at Menauhant Beach Lot.

PERMIT FEE \$75.00 FILING FEE \$10.00

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

FALMOUTH SELECT BOARD:

Diane Davidson

From: Maggie Clayton
Sent: Thursday, October 8, 2020 5:46 PM
To: Scott McGann; Phyllis Downey; Bob Shea; Boyd Demello; Brian Reid; Diane Davidson; Jeremiah Pearson; Jim Grady; Joe Olenick; Julian Suso; Peter Johnson-Staub; Peter McConarty; Rod Palmer; Sean Doyle; Timothy Smith
Subject: RE: Parking lot rental application -Wedding at Menauhant Yacht Club

Hi, Phyllis:

The Beach Dept. is fine with this request, but would like to note that there are 85 parking spaces in the Menauhant East lot total, but no one actively working the parking lot on a regular basis to reserve 40 spaces for the cars (I could probably arrange for someone to do that, as needed).

Best,

Maggie Clayton
Acting Beach Superintendent
Town of Falmouth
(774)392-6900

From: Scott McGann
Sent: Wednesday, September 30, 2020 3:51 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Bob Shea <bob.shea@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Maggie Clayton <maggie.clayton@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Subject: RE: Parking lot rental application -Wedding at Menauhant Yacht Club

Fine with Health. Let hope there isn't a gathering limit by then.
Scott

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, September 30, 2020 2:25 PM
To: Bob Shea <bob.shea@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Maggie Clayton <maggie.clayton@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>
Subject: Parking lot rental application -Wedding at Menauhant Yacht Club

Good afternoon,

Phyllis Downey

From: Brian Reid
Sent: Wednesday, September 30, 2020 3:26 PM
To: Phyllis Downey
Cc: Sean Doyle
Subject: RE: Parking lot rental application -Wedding at Menauhant Yacht Club

This department has no concerns.

Captain Brian L. Reid

Operations Division
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office 774-255-4527 Ext. 4502
Fax 508-457-2566
brian.reid@falmouthpolicema.gov

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. 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.

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Sent: Wednesday, September 30, 2020 2:25 PM
To: Bob Shea <bob.shea@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Maggie Clayton <maggie.clayton@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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May we please request your recommendations by October 20th? The Select Board will review the application at their meeting on October 26, 2020.

Thank you,
Phyllis Downey
508-495-7325

Phyllis Downey

From: Timothy Smith
Sent: Wednesday, September 30, 2020 3:00 PM
To: Phyllis Downey; Bob Shea; Boyd Demello; Brian Reid; Diane Davidson; Jeremiah Pearson; Jim Grady; Joe Olenick; Julian Suso; Maggie Clayton; Peter Johnson-Staub; Peter McConarty; Rod Palmer; Scott McGann; Sean Doyle
Cc: Boyd Demello
Subject: RE: Parking lot rental application -Wedding at Menauhant Yacht Club

Phyllis,
The Fire Department has no issue with this application.
Tim

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, September 30, 2020 2:25 PM
To: Bob Shea <bob.shea@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Maggie Clayton <maggie.clayton@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,
Phyllis Downey
508-495-7325

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

Human Services Committee

2 vacancies

- Two unexpired terms until 6/30/21

1 applicant:

- Ellen O'Donnell



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

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

Name: Ellen O'Donnell

Address: 16 Katy Hatch's Rd. Village: ZIP:

Mailing Address: Falmouth, MA 02540 Village: ZIP:

Home Telephone: [Redacted] Email: [Redacted]

How long have you been a Resident 2.5 years (date: 5/2018) / Taxpayer (date:)

Amount of time you are available to give: 8-10 hrs / mo

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

- 1. Human Services Committee
2.
3.

Seeking: Permanent Position [checked] Alternate Position []

Relevant affiliation & work & personal experiences

Program Manager for the Aids Support Group of Cape Cod - Social Worker, LICSW

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

[Redacted with X marks]

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

I feel I can be positive addition to this critical committee, as I will bring my social work lens and experience as an active employee w/in a Human Services agency at this time. I will help identify + prioritize any unmet needs and help our community better serve our residents in need. I am currently focusing on program development for ASBCC in the town of Falmouth as well. It would be a great honor to be a part of this committee.

Three (3) References: Name Title Phone

1. Kate Iena, Director of ASGCL 

2. Peter Johnston, Manager ASGCL 

3. Deb Berglin, LICSW 

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

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

10/2/2020
DATE

Ellen O'Donnell
APPLICANT'S SIGNATURE

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

ELLEN MARIE O'DONNELL, LICSW

16 Katy Hatch's Road, Falmouth MA 02540

Education

New York University, Silver School of Social Work; New York, NY

- Masters Degree in Social Work, Advanced Standing, May 2009

University of Vermont; Burlington, VT

- Bachelors of Science Degree; major in Social Work, minor in Psychology, May 2008

Employment Awards

- Smilow Cancer Hospital recognized as an Extraordinary Employee for compassionate care, March 2018
- Bridgeport Hospital Longstreth Humanness Award, May 2016
- Bridgeport Hospital Employee of the month, May 2015
- Bridgeport Hospital Quality Award Program's Gold Certificate of Appreciation, December 2014

Employment

AIDS Support Group of Cape Cod: ASGCC focuses on saving lives through prevention, education, and life-sustaining services that address public health crises to build healthy communities across the Cape and Islands; currently fighting the opioid epidemic and committed to preventing the transmission of HIV/Hep C and STIs

July 2019- present, Program Manager, Prevention and Screening, for Falmouth and Martha's Vineyard Offices

- Ongoing direct management of Harm Reduction Specialists for Falmouth and Martha's Vineyard
- Assisting in the development of Falmouth's office and Mobile Outreach Van; offering Harm Reduction services (syringe services and naloxone distribution), Short-term Health Navigation, HIV Medical Case Management services, STI and HIV/Hep C testing
- Ongoing engagement and building of community partners as we continue to expand and enhance our programming and service delivery
- Overseeing Community Education and Trainings for Harm Reduction 101, Overdose Education and Narcan Distribution, and Sexual Health Training (all virtual at this time)
- Current Clinical Social Work Field Instructor for graduate student of Boston University School of Social Work, advanced clinical full-time internship
- Active member on the MA HEALing Communities Study for the Cape Cod Coalition- acting co-champion for the Overdose Education and Narcan Distribution intervention

Cape Cod Healthcare, Visiting Nurse Association of Cape Cod;

May 2018- July 2019, Full-time Licensed Independent Clinical Social Worker (LICSW) for VNA

- Completed in-home comprehensive Psychosocial Assessments
- Developed individual Plan of Care, and re-assessment of patient's status and progress during VNA care
- Provided social work intervention and counseling to patient and/or family as they adjust and cope with their medical and social situation, to enhance their well-being and safety in the home
- Provided guidance and counseling for Advanced Care Planning and Long-term Care planning
- Ongoing communication with VNA interdisciplinary team and community healthcare facilities and agencies involved with patient's care to promote comprehensive health care

Rehabilitation Associates, Inc.

February 2018 – July 2019

- Per diem contracted utilization reviewer to assess patient charts to ensure healthcare compliance for outpatient Clinical Social Work services.

YALE New Haven Hospital, Smilow Cancer Hospital, and Smilow's Extended Care Center;

March 2017- May 2018, Full-time Clinical Social Worker in an acute, inpatient oncology setting

- Clinical Social Worker on an adult Medical Oncology inpatient and observation unit
- Completes comprehensive biopsychosocial assessments for oncology patients at all stages of their disease
- Provides counseling, behavior modification, bereavement counseling, psychosocial education, coping strategies, supportive counseling, and advocacy / resources around cancer diagnosis
- Ongoing collaboration with interdisciplinary team; present for bedside rounds and transition care rounds
- Assists with goals of care and end of life discussions in coordination with medical team, Palliative Care and Hospice as needed
- Provides coverage for outpatient oncology clinics as needed
- Completed clinical training for Parenting At a Challenging Time (PACT); to provide guidance and support to parents with cancer who are concerned about the impact of their illness on their children
- Member of the Clinical Redesign – Oncology Readmissions Committee, interdisciplinary committee
- Member of the Clinical Social Work Competency and Policy Review Committee
- Member of the planning committee for 2nd and 3rd Annual IMPACT Conference: For Young Adults Living with Cancer and Beyond, April 2017- May 2018

YALE New Haven Hospital, Bridgeport Hospital;

May 2012- May 2018, Per diem weekend Care Coordinator

- Coordinates and assists with safe discharge plans for patients returning home or transferring to medical facility; obtain insurance authorizations, arrange transportation, and provides medication assistance and durable medical equipment as needed
- Facilitates transfers to other hospital for high level of care
- Assists patient and family members navigate discharge process from hospital to follow up care

August 2012- March 2017, Full-time Clinical Social Worker in an acute, inpatient care setting

- Developed psychosocial assessments for patients and provided social work intervention, treatment, outpatient referrals
- Facilitated interdisciplinary meetings for patients with complex social and/or discharge needs
- Participated in judicial hearings for conservatorship and ethical decisions
- Member of interdisciplinary team which implemented a service for our patient's with Sickle Cell Disease
- Designated point person for Medical / Surgical social workers while supervisor is out of the hospital
- Member of an interdisciplinary Discharge Committee representing Care Coordination Department; 2014
- Member of Nursing Shared Governance; Patient and Family Experience Council, June 2014 – March 2017

HealthBridge Management, River Glen Health Care Center, Southbury, CT;

January 2012 to August 2012

- Social Worker in an inpatient skilled nursing facility
- Collaboration with interdisciplinary team to develop and update resident's care plans
- Completed psychosocial assessment to all residents at admission
- Monitored resident's mental health; provided support and counseling as needed
- Provided safe discharge planning in accordance with the interdisciplinary team's plan of treatment

ComplexCare Solutions (formally known as Enhanced Care Initiatives), New York NY; August 2009 to December 2011

- Provided complex care management with interdisciplinary team in the community; completed home visits to provide a comprehensive approach to support patient's health and well-being
- Assisted patient in obtaining and coordinating insurance coverage and state benefits
- Assessed clients for elder abuse and safety in the home
- Conducted family meetings and part of IDT case conferences

Field Placements

The NYU Langone Medical Center; September 2008- May 2009

Tisch Hospital Pediatric Inpatient Unit: Clinical Social Work Intern

- Evaluated psychosocial needs of patients and families, and collaborated with internal interdisciplinary team
- Provided discharge planning and community referrals in accordance with the interdisciplinary team

Institute of Reconstructive Plastic Surgery: Clinical Social Work Intern

- Provided comprehensive outpatient medical management in preparation for reconstructive surgery
- Provided psychosocial feedback to the interdisciplinary team regarding the patient and families' readiness for surgery and post-op course
- Continually assessed and reevaluated social and emotional factors to help patients and families cope with the patient's medical condition

Community Health Center of Burlington, VT; September 2007- May 2008

Clinical Social Work Intern

- Provided social work and case management services within outpatient clinic
- Organized and co-lead a weekly Social Anxiety Support Group

Town Committee Vacancies

The Falmouth Select Board announces the following vacancies on Town committees:

Committee	Term Until
Board of Survey (2 positions)	6/30/21
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (1 position)	6/30/23
Coastal Pond Management Committee (4 at-large positions)	6/30/22, 6/30/23
Commission on Disabilities (2 positions)	6/30/22, 6/30/23
Community Preservation Committee (1 position)	6/30/23
Conservation Commission (1 position)	6/30/22
Constable (1 position)	6/30/21
Council on Aging (2 positions)	6/30/22, 6/30/23
Edward Marks Building Advisory Committee (1 position)	12/31/20
Energy Committee (2 positions)	6/30/23
Historical Commission (1 Architect - full position, 1 alternate position)	6/30/21
Human Services Committee (2 positions)	6/30/21
Sign Review Committee (4 full positions, 2 alternate positions)	6/30/21, 6/30/22, 6/30/23
Transportation Management Committee (1 position)	6/30/21

Applications are available on the Town website <https://ma-falmouth.civicplus.com/647/Town-Committees>. Please submit applications to the Office of the Select Board by Friday, November 6, 2020.

Cape Cod and Islands Water Protection Fund FAQ

Updated 1/28/2019

The Cape Cod and Islands Water Protection Fund was signed into law as part of the short term rentals bill by the Governor on December 28th:

<https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter337>

For information on the short term rental legislation implementation here is a link to the Department of Revenue's FAQs: <https://www.mass.gov/info-details/short-term-rentals-frequently-asked-questions>

The creation of the fund was a priority for the entire Cape & Islands Legislative Delegation. The delegation is hopeful the fund will bring significant state support to all participating municipalities in the region to address wastewater needs and environmental stewardship.

This FAQ is our best attempt to provide information and answer questions relative to the intent of the law and its forthcoming implementation. Further guidance will be provided as it becomes available.

Does Cape Cod have a problem with its water quality?

Yes, there is a very serious problem.

Cape Cod's water quality is degrading and impaired due to excess nitrogen in embayments and water bodies. According to an October 2017 Cape Cod Times editorial, the peninsula's 125,000 septic systems cause 85 percent of the nitrogen pollution in the region's waters, followed by 10 percent caused by residential and commercial use of pesticides and storm runoff contributing 5 percent. The islands of Martha's Vineyard and Nantucket face similar levels of nitrogen pollution.

Available studies indicate that Cape Cod's embayments and estuaries need a 87 percent reduction of nitrogen to meet U.S. Environmental Protection Agency (EPA) clean water standards.

What is the effect of the current nitrogen pollution in our waters?

Nitrogen pollution is depleting oxygen for fish, smothering eel grass and shellfish beds, and creating noxious mats of algae on beaches. Algae and bacteria proliferate by feeding on the nitrogen, choking the waterways with green and brown sludge and killing aquatic life.

Excess nitrogen causes beach closures and marine habitat destruction, which threatens the shellfishing industry and tourist economy. Severe cases of nitrogen pollution have led to major fish kills in the Waquoit and Popponeset embayments on Cape Cod.

How did this happen?

Cape Cod is a victim of its popularity and geology. Currently there are 125,000 septic systems across Cape Cod – which is 20 percent of the septic systems in the Commonwealth. Due to Cape Cod's sandy and porous soil, nitrogen travels from septic systems and ends up in marine and fresh water ecosystems. Even when septic systems are removed, nitrogen remains in the soil and continues to impact Cape waters.

In 1978, the wastewater plan for Cape Cod concluded that Title 5 septic systems were an adequate form of wastewater disposal for the region's development. Therefore, towns chose not to install sewers when the federal government offered help to subsidize the cost.

Unfortunately, the septic systems were not able to properly handle Cape Cod's economic and development boom of the 1980s and 1990s, and, as a result, excessive loads of nitrogen in marine water have polluted the region's water ecosystems.

Due to the degraded water quality, there was a lawsuit filed by the Conservation Law Foundation in 2011 to enforce the Clean Water Act. What is the summary of the suit?

The Conservation Law Foundation sued the EPA alleging that since 1978 the agency had violated its mandatory duty to require regular annual updates to the Cape Cod Regional 208 Wastewater Plan. The lawsuit alleged that the failure of the EPA to enforce the Clean Water Act resulted in severe nitrogen pollution to Cape Cod's surface water, ponds and bays.

What was the result of the lawsuit?

In 2015, a settlement agreement was approved that, in part, had the Commonwealth of Massachusetts direct the Cape Cod Commission to work with the 15 Cape towns to create an updated 208 wastewater plan. The state also granted the Commission \$3.35 million to update the areawide plan.

In addition, the EPA approved the Commonwealth's designation of all 15 Cape Municipalities as Wastewater Management Agencies. This means that all ***Cape Cod towns are legally mandated to develop and build wastewater management systems to clean-up nitrogen pollution***, with the goal of ensuring the updated 208 Plan is effective on a regional basis. In effect, all towns are responsible for the Cape-wide clean-up.

What is the current status of the legal settlement?

The lawsuit was stayed as long as there was a proper update and implementation of an updated 208 Plan.

To meet the legal mandate, the Cape Cod Commission developed and drafted a comprehensive 208 Plan Update. It is a watershed-based approach to restore embayment water quality on Cape Cod. This plan was approved by Massachusetts Department of Environmental Protection (MassDEP), certified by Governor Charlie Baker in June 2015, and approved by the EPA in September 2015.

Under the settlement, the EPA committed in 2015 to assess the actions taken in the first six years of the updated 208 Plan implementation to see if further action is needed.

In addition, progress is being closely monitored by the Conservation Law Foundation, the plaintiff – *insufficient action by Cape towns could lead to the plaintiff to petition the judge for court-ordered solutions.*

How much will the nitrogen pollution clean-up plan, also known as the “208 Plan Update” cost across Cape Cod?

There is a very steep price tag for eliminating or reducing nitrogen pollution in Cape Cod waters – the estimate by the Cape Cod Commission is \$4 billion over 50 years. Here is the breakdown of the \$4 billion under the 208 plan:

- Property taxpayers and businesses will pay for 50 percent of the clean-up, or \$2 billion.
- The State agreed to fund 25 percent, or \$1 billion of the clean-up
- The Federal Government is estimated to also pay 25 percent or \$1 billion.

What is the purpose of establishing the Cape Cod and Islands Water Protection Fund?

The Cape Cod and Islands Water Protection Fund (CCIWPF) was created to capture \$1 billion in state revenue to help Cape Cod towns pay for upgrading their wastewater plans. By assessing a 2.75% excise tax on traditional lodging and short term rentals, visitors to the region would help contribute toward the steep price of wastewater upgrades needed to accommodate the population surge during the summer season. Once realized, the fund will provide \$1 billion in property tax relief to property owners and businesses toward the \$4 billion price tag.

The CCIWPF will help cover the cost of implementing Cape Cod’s comprehensive 208 Plan as well as offer Martha’s Vineyard and Nantucket a financial tool to help with their wastewater abatement plans.

It is important to note that Martha’s Vineyard and Nantucket are not part of the EPA lawsuit settlement agreement. However, both islands have similar wastewater challenges,

so they were included in the CCIWPF to give them access to state revenue to help with their wastewater management plans.

The CCIWPF was created by a diverse set of stakeholders including local officials, environmental groups, business leaders, the Cape Cod Chamber of Commerce, the Martha's Vineyard Commission and the Cape and Islands Legislative Delegation. The CCIWPF will take significant steps to address a critical environmental problem, will help fulfill the legal agreement reached in the Conservation Law Foundation lawsuit vs. EPA, and will allow a billion dollars in property tax relief.

What is the CCIWPF?

The CCIWPF is a dedicated fund within the state's Clean Water Trust set up to solely benefit communities on Cape Cod, Martha's Vineyard, and Nantucket. The fund is administered by the existing Clean Water Trust and overseen by a management board comprised of representation from every member town from the region.

Who are members of the CCIWPF?

Under the law, each participating town appoints one member to the Cape Cod and Islands Water Protection Fund Management Board. Currently, all 15 Cape Cod towns are members of the CCIWPF Board due to the legal mandate to have an updated 208 Plan.

The towns on Martha's Vineyard and the town of Nantucket will become members once the towns have a wastewater management plan that is approved by MassDEP.

How can towns on Martha's Vineyard and the town of Nantucket join the CCIWPF?

The provisions in the law, relevant to the town of Nantucket and the towns in Dukes County, states that any of those seven municipalities can opt-in to membership in the fund and begin assessment of the 2.75% excise tax on room occupancy in their town, if they have an active 208 Plan, or an approved "208 Plan equivalent" by the MassDEP.

MassDEP will work with the six towns on Martha's Vineyard and the town of Nantucket to establish a criteria for those towns to receive approval of an "equivalent" plan. Once MassDEP has approved their plan, a town is eligible to become a member of the CCIWPF Board. MassDEP will approve a town's plan if the town makes the request to the agency and will work collaboratively with the municipality.

When a town becomes a member of the CCIWPF, the town should then check with Jennifer Desimone at desimonej@dor.state.ma.us, who is with the Massachusetts Department of Revenue, to confirm when to commence the assessment of the excise tax.

How are members appointed to the CCIWPF Board?

The law states that CCIWPF Board members are appointed by Board of Selectmen or Town Council and that an appointee can either be a town manager, town administrator or other municipally employed professional staff, or a member of that respective appointing authority,

The executive director of the Cape Cod Commission, the executive director of the Martha's Vineyard Commission and the town manager of the Nantucket shall serve as non-voting members of the board.

The members of the board each serve a three year term. The members of the management board are tasked with selecting a member to serve as chairperson and vice-chairperson for a term established by a vote of the management board.

How is the CCIWPF Board staffed?

The Cape Cod Commission, in consultation with the Martha's Vineyard Commission, is tasked with providing technical and administrative support to the board. The commissions may be compensated for its associated costs by a vote of the management board.

What are the duties of the CCIWPF Board?

The management board duties are limited to determining the method for subsidy allocation, including but not limited to, an equitable distribution among participating municipalities for projects and debt relief. The Board ensures that monies from the fund are spent only for the purposes listed in the law.

Is there a process to ensure that revenue for projects and debt relief is evenly distributed to participating towns across the Cape and Islands?

Yes, that responsibility will rest with the CCIWPF management board.

What will be the sources of revenue for the fund?

The initial source of revenue for the CCIWPF will come from a 2.75% excise tax that will be automatically imposed on rooms rented in a bed and breakfast establishment, hotel, lodging house, short term rental or motel located within a municipality that is a member of the CCIWPF.

The CCIWPF can also receive revenue from multiple sources, including the state and federal government via grants or appropriations, to improve water quality on Cape Cod, Martha's Vineyard and Nantucket.

How do I know when a 2.75% excise tax is assessed on my lodging establishment or short term rental?

All 15 Barnstable County towns are already automatically enrolled in the CCIWPF and the 2.75% excise tax will be assessed on all vacation lodging rentals.

The legislative intent was for the excise tax to automatically apply to a short-term rentals starting July 1, 2019 for which a rental contract was entered into on, or after, January 1, 2019. In addition, the excise would be applied to all traditional lodging establishment rentals for room rented starting July 1st.¹

For more information on tax collection, please see the DOR FAQs:

<https://www.mass.gov/info-details/short-term-rentals-frequently-asked-questions>

Currently, Martha's Vineyard and Nantucket are not members of the CCIWPF as they were not part of the 2011 Conservation Law Foundation lawsuit. Once these towns chose to opt-in to the CCIWPF, then the 2.75% excise tax will be assessed on all occupancy in the member towns.

Why implement the additional 2.75% excise tax?

With the steep price tag for the wastewater management plans, the Cape and Islands legislative delegation searched for a way to fund the Commonwealth's commitment to fund \$1 billion of the estimated \$4 billion cost for clean-up on Cape Cod. The 2.75% additional excise is the same surcharge that the state has used to finance convention centers in Boston, Worcester, and Springfield.

As an international tourist destination, towns on Cape Cod, Martha's Vineyard, and Nantucket see a seasonal population influx that doubles—and in some cases triples—the cost of wastewater management solutions.

The law draws on the reciprocal relationship between tourism and the environment to enable the region to address growing concerns around water quality by allowing municipalities on Cape Cod, Martha's Vineyard, and Nantucket to use the proceeds of the 2.75% excise tax to contribute to the CCIWPF, which will provide an appropriate avenue to fund crucial wastewater infrastructure projects in the region.

¹ The statute will be updated with specific language to ensure that July 1, 2019 is the date when all vacation lodging will start collecting the CCIWPF excise tax.

How will the revenue in the fund be disbursed?

The Clean Water Trust, after receiving project approvals and recommendations from the Management Board of the Cape and Islands Water Protection Fund, will apply or disburse the revenue to recommended wastewater abatement projects.

The revenue will provide subsidies and other assistance, which may include principal forgiveness, to local governmental units and other eligible borrowers in the payment of debt service costs on loans and other forms of financial assistance made by the trust for water pollution abatement projects in municipalities that are members of the fund.

Amounts credited to the fund will be expended or applied only with the approval of the CCIWPF Management Board and in a manner determined by the board.

Will the CCIWPF revenue replace or duplicate the Clean Water Trust revenue that towns or watersheds are already receiving or applying for their wastewater management plans?

No. CCIWPF is meant to supplement any revenue received from the Commonwealth's State Revolving Fund (SRF) – this distinction is critically important. The statute was written to ensure that current funding levels for the Cape Cod, Martha's Vineyard and Nantucket would not be jeopardized.

Proceeds of the fund cannot be used to offset or otherwise replace contract assistance funds or reserve funds used for pool financing.

What is the existing SRF criteria and will that criteria change with the addition of the CCIWPF?

The existing SRF selection criteria rate projects on the basis to which they resolve existing water quality problems and achieve regulatory compliance with water quality standards. Additional considerations are the extent to which a project is the result of an enforcement action, the degree to which the project reflects a regional or inter-municipal effort and the ability to the community to afford the rate impacts of the project.

The CCIWPF does not impact upon the project selection criteria and has no effect on projects funded by the SRF.

What sort of projects would qualify for funding? Is this only for pipes and pumps?

The 208 Plan projects or suitable equivalent plans eligible for CCIWPF revenue are not limited only to pipes and pumps. Water pollution abatement projects that are eligible for subsidies and other assistance may include the utilization of innovative strategies and

alternative Title V technologies that result in nutrient reduction for marine and fresh waters.

There is language in the law that specifically mentions projects can include innovative technologies and approaches such as aquaculture and dredging. With over 125,000 septic systems across the Cape and Islands, the legislation ensures that Title V upgrades and alternative septic technologies are also eligible for funding.

What about the towns on the Cape Cod, Martha's Vineyard and Nantucket that have addressed wastewater issues?

A top priority for this proposal was to ensure that towns that implemented wastewater abatement projects before the Conservation Law Foundation lawsuit in 2011, or the passage of this statute, were not penalized for their advance planning.

Therefore, the law allows for debt service by the CCIWPF to provide subsidies and other assistance with respect to debt incurred prior to the establishment of the CCIWPF in Barnstable, Chatham, Edgartown, Falmouth, Nantucket, Oak Bluffs, Provincetown, and Tisbury for water pollution abatement projects.

What if a town does not want to participate?

According to the law, a municipality that is a member of the CCIWPF, "...shall not withdraw from the fund until 1 year after the effective date of this act."

Once a year has passed, towns are allowed to opt-out by a two-thirds vote at a town meeting. However, if a town participates in the CCIWPF and receives financial assistance, it cannot leave until the financial arrangement is over.

What if a town opts-out of the CCIWPF - can it participate at a later date?

Any municipality that has withdrawn from the fund and votes, by majority vote of its legislative body, to return to the fund cannot receive money from the fund until at least two years from the date of its vote to do so.

Select Board Strategic Plan



FY2021 – FY2025

Introduction

In accordance with the Town of Falmouth Home Rule Charter, the Falmouth Select Board hereby presents its five-year strategic plan for the Town of Falmouth. During its annual Strategic Planning retreat on August 24, 2021 the Board reviewed strategic priorities for Fiscal Years 2021-2025.

As it embarks on the work of Strategic Planning, the Board recognizes the importance of setting forth a vision for our community annually and the need to work through our Town Manager to involve the department heads, also receiving input from town boards and committees in our decision making. There is also the fundamental need to hear from our citizens to gain a better understanding of community priorities. The goals set forth herein reflect this community of varied, comprehensive interests.

In this five-year plan, the Board has established broad policy areas. The goals of each Town Department are expected to be regularly updated and to address all programs and services of our community. Acting through the Town Manager, the Board will communicate its expectations to the Department, Board, Committee or Commission involved in achieving the policy objective. The Board expects that over the course of the five-year planning period, additional goals may be added during plan review or as updated annually as progress is reported by advisory committees and staff.



This year's retreat took place remotely via Zoom teleconference during the midst of a coronavirus pandemic that has disrupted all of our lives, required adaptation of many municipal operations, and has implications for short-term and long-term plans and priorities. The seven Strategic Priority areas adopted for the FY2021 - FY2025 planning

horizon are similar to those adopted in the prior two years but we have re-ordered these priorities in light of the challenges presented by COVID-19. The seven Strategic Priority areas ranked in priority order are:

- I. Health and Public Safety**
- II. Financial and Economic Stability and Community Development**
- III. Water and Wastewater Management**
- IV. Improve Organizational Effectiveness**
- V. Energy Conservation and Solid Waste Management**
- VI. Coastal Resources, Infrastructure and Beaches**
- VII. Enhance Community Engagement**

The members of the Board recognize that the Board's strategic priorities do not address every area of service provided by the Town of Falmouth. The core values, established for strategic planning purposes, in no way diminish the value and importance of all of the services provided by Falmouth's Departments and Divisions. These strategic priorities do involve all staff members and citizens as the Board implements its objectives, and will serve as the foundation for the administration of Town government and delivery of services.

It is our hope that all decision makers, including staff, boards and committees, will embrace these priorities and take positive steps toward achieving our strategic vision for the planning period of Fiscal 2021-2025.

Falmouth Select Board,
Megan English-Braga, Chair
Douglas C. Brown, Vice Chair
Doug Jones
Samuel Patterson
Nancy Taylor

Adopted: _____, 2020

I. Health and Public Safety

Public Health and Safety are fundamental governmental functions. In this planning area the Board will develop goals to address COVID-19 pandemic impacts and issues of concern related to substance use disorders and the opiate use epidemic in our Town and nation. The Town will focus on efforts to efficiently use our limited staffing and budgetary resources to sustain a high quality of public safety and improve accessibility in the Town of Falmouth.

The goals within this strategic priority area are to:

- A. Review and adapt municipal operations to protect public health and the health of municipal employees and volunteers.
- B. Develop COVID-19 Vaccination Plan
- C. Collaborate among departments to respond to substance use crisis including opiate use.
- D. Monitor and address emerging public health issues.
- E. Review and update Local Emergency Management Plan.
- F. Continue to enhance public safety services town wide.
- G. Consider land acquisition for new replacement Fire station based on a five fire station model based on the McGrath consultant study, recommendations of the Future Fire Stations Citizens Advisory Committee and public input to evaluate potential locations for this new, fifth fire station to more effectively serve the entire town.

Action Steps:

- 1) Engage state and county agencies to stay informed of COVID-19 pandemic issues generally and specifically to ascertain information about timing and procedures for vaccination program.
- 2) Prepare to act quickly as specific information becomes available regarding municipal responsibilities for execution of vaccination plan.
- 3) Collaborate with local and regional organizations providing treatment and support to those impacted by Opioid epidemic.
- 4) Review response data and analysis to evaluate effectiveness of Fire station staffing model to best serve the entire Town of Falmouth.
- 5) Pursue opportunities to improve hiring process for police department including removal from civil service and the procedures that will replace civil service hiring.
- 6) Pursue funding for design and construction of new fire station.
- 7) Support improved efficiency of police and fire operations and consider future expanded services within available resources.
- 8) Continue to staff West Falmouth fire station, as resources permit, until construction on new, replacement fifth fire station is completed.

INSERT CHART

II. Financial and Economic Stability and Community Development

In this five-year planning period the fiscal health of our operations and community remains a strategic priority for the Town of Falmouth as we face the continued challenges of COVID-19. The Select Board has included Community Development with a focus on community housing needs with our fiscal goals, understanding that a healthy, vibrant and diverse local economy is integral to our fiscal health.

Among the Town's financial goals are to promote long-term financial stability of Town operations through sound financial planning and practices. The Town will be positioned to sustain essential services through economic downturns by continuing conservative revenue assumptions and disciplined budgeting. These sound financial practices allowed us to secure an upgrade to the Town's bond rating to 'AAA' – the highest available bond rating. This bond rating upgrade will save taxpayers money by reducing borrowing costs and it represents an independent third party validation of the Town's management practices. The Town's ongoing Capital needs remain the most pressing fiscal concern.

The Town is fortunate to be in a good position to face the fiscal challenges that the coronavirus pandemic brings. We have achieved our financial goals for all reserve categories with the exception of OPEB and it is important that we maintain these balances. Nevertheless, we must recognize that the global pandemic creates a greater level of fiscal uncertainty than the Town has faced since the "great recession" a decade ago. The Board anticipates that some capital improvements may need to be scaled back or deferred if revenues decline. The Town has been fortunate to be able to increase staffing levels to address targeted service needs in the past several years supported by sustainable, recurring revenues. It may not be prudent to add new positions or programs in the next year or two given state and federal fiscal uncertainty unless they can be supported with offsetting budget reductions or new recurring revenue sources. This broad strategic priority area will influence decisions made about public safety, education and other important direct services such as community planning, housing, historic preservation, recreation, visitor resources, human services, elder services, and the increase in food insecurity and mental health issues due to COVID-19.

The goals within this strategic priority area are to:

A. Promote Long-Term Financial Stability of Town Operations

Action Steps:

- 1) Prepare for long-term, unknown fiscal impacts related to COVID-19 and explore new grant and revenue opportunities.
- 2) Monitor appropriate grant opportunities and procedures for submitting and tracking grant applications.
- 3) Review and publicize long-term capital plan and promote funding strategy for capital needs including town and school facilities report.

- 4) Continue to prepare a Comprehensive Annual Financial Report each year.
- 5) Continue program budgeting and move toward full costing of services.
- 6) Work with School Department to create a sustainable financial plan.

INSERT CHART

B. Manage Town's Physical Facilities and Properties

Action Steps:

- 1) Evaluate building improvements needed for employee and citizen health in connection with COVID-19
- 2) Review and support plan for reorganization of Town offices and necessary renovation at Town Hall.
- 3) Continue collaboration with School Department to complete facility and efficiency upgrades.
- 4) Plan for use, development or disposition of Town properties including but not limited to the Emerald House and Andrews Farm Farmhouse.

INSERT CHART

C. Support Business and Community Development to Promote a Vibrant Local Economy through the Pandemic

Action Steps:

- 1) Improve coordination of planning, permitting, and preservation functions.
- 2) Develop a policy and plan to address traffic, parking and transportation needs.
- 3) Update LIP guidelines and procedures with input from ZBA, Planning Board, Affordable Housing Committee to facilitate development of affordable housing
- 4) Explore opportunities to generate additional funds for community housing.
- 5) Evaluate Town owned parcels of land for potential development of affordable housing.
- 6) Encourage development of improved high speed internet service.

INSERT CHART

III. Water and Wastewater Management

By comprehensively and effectively managing our water and wastewater needs and operating systems, Falmouth will improve water quality, protect public health, and

enhance the Town's economic vitality. If managed and planned for properly, we can offer our residents, visitors and future generations healthy water and sustain property values and our vibrant economy.

This planning period will focus on the management of the new Water Filtration Plant and the nearly completed Little Pond Sewer Service System. These systems, planned for more than twenty years, will improve coastal and potable water quality and may require necessary increases in staffing and resources to support operations. This period will include expansion to include Great Pond and Green Pond areas with decisions related to additional discharge site locations required to manage the increased wastewater effluent flows associated with this increase in the number of properties connected to the sewer system. The careful implementation of these programs and ongoing quality control will be the hallmark of the long-term success of these important water quality projects.

The goals within this strategic priority area are to:

A. Ensure Continual Supply of Quality Drinking Water and Adequate Water Pressure

Action Steps:

- 1) Develop and implement water main replacement plan to upgrade distribution system.
- 2) Continue to monitor water quality of all potable water sources.
- 3) Explore new sources for additional water supply opportunities
- 4) Evaluate Townwide strategies for addressing water conservation and to mitigate water pressure concerns including the encouragement of private wells for irrigation purposes.
- 5) Explore enterprise account for water system.

INSERT CHART

B. Implement the Town of Falmouth's Comprehensive Wastewater Management Plan

Action Steps:

- 1) Manage and evaluate the implementation of CWMP and construction of sewer service area.
- 2) Implement, develop and promote funding plan for CWMP including regular review and update of sewer rates.
- 3) Develop long-range plan for coastal ponds and waterways utilizing knowledge gained from CWMP.
- 4) Explore new methods to improve water quality for inland ponds
- 5) Assess and plan for Stormwater Management Plan in compliance with new EPA regulations.
- 6) Monitor and provide input to the Town representative to the Cape Cod & Islands Water Protection Fund Management Board.

INSERT CHART

IV. Improve Organizational Effectiveness

The realities presented by the COVID-19 pandemic present new and expanded challenges in shaping the Town's organization to enhance effectiveness. We have had to change the way we do business in many respects in response to COVID-19. Many of these changes will be temporary but part of our response is to improve our ability to serve constituents remotely on an ongoing basis. The Select Board will encourage continued evaluation of the Town's organizational effectiveness. We will evaluate our own effectiveness in serving the community in our role as the Select Board and we will encourage ongoing assessment of all Town functions and services including those performed by municipal staff and volunteer committee members¹. We take pride in knowing that Falmouth community members benefit from a wide array of high quality municipal services and we acknowledge there is always room for improvement.

The goals within this strategic priority area are to:

- A. Support volunteer board and committee members in their work.

Action Steps:

- 1) Host meeting with committee chairs to discuss: annual schedule and how the Board can support the committees in their work.
- 2) Promote updated Committee Handbook by distributing copies and requiring acknowledgement of receipt.
- 3) Evaluate needs of Committees, do they have significant unmet needs that might be addressed with available resources.

- B. Improve Communications with Committees;

Action Steps:

- 1) Maintain a fixed schedule for the calendar year for committee reports to the Select Board to provide more advance notice and increase the number of committee reports received each year. Where in person meeting is not feasible, a written report may be substituted
- 2) Continue annual pot luck social for committee members when possible given state orders related to gatherings under COVID-19.

- C. Improve Communications with Departmental Staff;

¹ Throughout the Strategic Plan we will use the generic term "committee" to refer to boards, committees and commissions.

Action Steps:

- 1) Receive reports from department heads on topical issues as needed.
- 2) Continue to hold staff appreciation/interaction event.
- 3) Receive quarterly department reports including quantitative overview and some explanatory narrative

D. Improve permitting process

Action Steps:

- 1) Evaluate online permitting options and identify resources required for implementation.
- 2) Pursue expedited parallel processing and other process improvements to reduce time required for approval of permits.

INSERT CHART

V. Energy Conservation and Solid Waste Management

The Board will pursue conservation of vital resources with an eye to renewables and efficiencies. The Board is committed to raising awareness of energy conservation opportunities that provide financial and environmental benefits to the community. The COVID-19 pandemic has placed renewed emphasis on the important area of resource conservation.

A. Implement Energy Conservation Measures

- 1) Continue ESCO and related programs – i.e. building upgrades to improve energy efficiency.
- 2) Pursue and promote energy efficiency in new building construction.
- 3) Promote and provide infrastructure to support electric vehicles.
- 4) Continue to investigate viability of electric vehicles when replacing municipal vehicles.

INSERT CHART

B. Alternative Energy Sources

- 1) Manage disposition of municipal wind turbines in compliance with applicable procurement law.
- 2) Explore & implement municipal sites for alternative energy.
- 3) Consider ground mounted and rooftop solar installations. When resurfacing parking lots, consider installing parking lot canopy solar systems.
- 4) Explore public and private partnerships for renewable energy.

INSERT CHART

C. Solid Waste Management

- 1) Develop long-range plan for solid waste management.
- 2) Continue managing Upper Cape Regional Transfer Station.
- 3) Evaluate options for collection and disposal of solid waste prior to negotiating a successor contract.
- 4) Enhance and promote efforts to improve composting and recycling practices.

INSERT CHART

VI. Coastal Resources, Infrastructure and Beaches

Falmouth's waterfront amenities and natural and enhanced coastal resources are the cornerstone of our cultural identity and financial foundation. The Select Board's decision-making will be guided by the principle that clean and welcoming coastal resources and our marine environment are core values and strategic public infrastructure must be protected. The resiliency of our coast and our infrastructure is a driver of our Strategic Plan and community decision making process.



Coonamessett River – Phase 1 of Restoration Project Completed 2020

The goals within this strategic priority area are:

- A. Coastal Resiliency Planning

Action Steps:

- 1) Review, discuss and adopt Coastal Resiliency Action Plan on recommendation of Coastal Resiliency Action Committee.
- 2) Continue to pursue Community Rating System.
- 3) Develop a policy to prioritize and protect public infrastructure.

INSERT CHART

B. Improve the Quality of Beach, Wetland, Estuarine and Other Coastal Resources

Action Steps:

- 1) Continue to implement municipal shellfish management plan.
- 2) Explore alternatives to increase annual dredging including potential procurement of Town dredge.
- 3) Develop beach improvements and ten-year Beach Management Plan.

INSERT CHART

C. Improve Waterways and Coastal Infrastructure

Action Steps:

- 1) Support regional efforts to improve dredging resources and opportunities including legislation that reduces time of year restrictions.
- 2) Continue annual dredging and associated permitting to maintain channels and harbors.
- 3) Prioritize and plan for repairs to aging coastal structures, such as docks, ramps and retaining structures.
- 4) Prioritize, plan and manage needs of non-waterways coastal structures, such as parking areas, bridges, bikeways, Trunk River sewer, etc. and other non-waterways retaining structures.

INSERT CHART

D. Improve Accessibility of Waterfront Areas

Action Steps:

- 1) Survey curb cuts at beach and harbor entrances and parking lots.
- 2) Incorporate accessibility improvements in conjunction with any sidewalk or pavement improvements.

- 3) Assess feasibility of installing accessible mats where they are not already in place.

INSERT CHART

VII. Enhance Community Engagement

This goal involves creating a public participation process so the Select Board can better understand and inform the Falmouth community. The Board recognizes there is already a high level of community engagement in Falmouth. We all benefit from the fine work of the talented individuals who serve as Town Meeting members and who volunteer their service on our many boards and committees. We seek to build upon that strength by engaging with the community and department heads in new ways. We will continue frequent updates on COVID-19 issues.

By doing so, we hope to better serve the diverse members of our community.

The goals within this strategic priority area are:

- A. Keep community informed of COVID-19 matters
 - 1) Provide frequent updates regarding new developments related to coronavirus pandemic and take timely appropriate action to address challenges and opportunities.
- B. Continue Communications with Selected Non-Municipal Entities

Action Steps:

- 1) Invite Steamship Authority, Cape Cod Healthcare, Woods Hole Oceanographic Institute, Marine Biological Laboratory, and Joint Base Cape Cod to provide annual update on their plans and community impacts.

- C. Get More and Better Feedback from the General Public and to Engage New Voices in Town Affairs;

Action Steps:

- 1) Hold two 'Community Engagement Forums' each year including one in the summer months when seasonal residents are in town.
- 2) Consider potential action items based on input received at Community Engagement Forums.

- D. Better Inform the Community of the Town's Services and Activities;

Action Steps:

- 1) Maintain a 'Recognition' item as a routine item on future Select Board agendas to celebrate individuals, staff and groups for noteworthy contributions to the community.
- 2) Expand use of website and 'notify me' function to notify the public of matters of interest.
- 3) Improve website content and functionality with input from working group.

INSERT CHART

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, SEPTEMBER 21, 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 21, 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.

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

Also present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Jennifer Mullen, Finance Director.

1. Call to Order at 7pm by Chair English Braga.
2. Pledge of Allegiance
3. Recognition

Mr. Brown surprised at statistics in letter from Police Patrolmen's Association regarding the number of incidents against police and expressed appreciation for the work they are doing.

4. Announcements

Mr. Brown announced that the water stations are functional at this time, they may be used for water bottle filling, however the attached bubblers are not functioning.

SE Economic Development Corp is taking applications from small businesses for loans.
www.seedcorp.com

Mr. Brown noted county dredge season beginning soon, two dredges with full crews are ready to go and a month early.

Chair English Braga thanked the Beach Department staff, beaches were available and open to the public this season.

Mr. Patterson noted school department staff have worked hard all summer long and first day is today.

5. Public Comment

Mary Writher requested her letter be read into public comment. Speaking on behalf of West Falmouth Village Association, they are grateful for Town Meeting support to staff the West Falmouth Fire Station. It has been unstaffed on 18 of the first 21 days in September. She pleads with the Select Board to staff all five fire stations. Since 7/1/20 WFVA members have found additional factors for the closure rate, including other operational decisions result in closures, no spare fire engine for over a year, West Falmouth engine is used to cover engines out of service. If other stations are understaffed, the staff who are working at the West Falmouth station are relocated.

When eight new firefighters are hired, trained, and available for duty, will there be minimum staffing be increased from 14 to 16?

Is there an item in the FY2021 capital appropriation for a new engine to be stationed in West Falmouth?

6. Vote to affirm appointment of Water Superintendent

Mr. Suso asked for affirming of Phil McNulty, he is a resident of Foxboro and Mr. Suso is also asking the Select Board to waive the residency requirement.

Mr. McNulty has worked in Norfolk and Stoughton; he is excited to be working in Falmouth. The system he works in is advance, not quite as advanced as Falmouth's.

Mr. McConarty is delighted to have Phil join the team; Steve Rafferty toured the plant with Mr. McNulty. Mr. McNulty is a professional engineer and will be a good addition for the Town.

Mr. Patterson motion to affirm the appointment of Mr. McNulty and waive the residency requirement. Second Ms. Taylor. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

SUMMARY OF ACTIONS

1. Licenses

2. Administrative Orders

1. Approve request from Citizens for the Protection of Waquoit Bay (CPWB) to place a dog bag dispenser at the town landing on Seapit Road

Mr. Patterson motion to approve. Second Ms. Taylor. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

2. Vote to approve proposed changes in the 2020-2021 Shellfish Regulations

The changes were reviewed by the Select Board and shown on the screen.

Mr. Jones motion to accept the regulations are presented with those changes. Second Mr. Patterson. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

Ms. Taylor noted a typo on p. 4.

3. Vote to accept donation in the amount of \$2,000.00 from The Clam Man to Falmouth Fire & Rescue

Mr. Brown motion to accept the donation. Second Mr. Patterson. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

4. Affirm past Letter of Support for EDIC grant initiative

Mr. Suso explained that this is regarding a letter regarding a MA Development grant, that was transmitted 9/24/20 and includes request for \$50,000 grant funding and supplementation of \$25k,000 in kind purposes by the EDIC. Comprehensive plan for the 3 acre Depot site. The Town supports the economic development plan put forward by the EDIC.

Mr. Brown said that as a member of the Elks, the Elks have been using the back section of that land for parking for over 30 years, if this is developed, they will be out of about half of their parking lot. He understands the idea but notes this a bad idea to take the parking away from the Elks. Particularly an issue if the area is used for affordable housing.

Chair English Braga noted no decision has been made or plans made, this is for funding of assessment and potential proposal.

Mr. Patterson noted that significant parking will have to be part of any redevelopment of this area and could be sharing of parking spaces.

Mr. Patterson motion to affirm. Second Mr. Brown. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

3. Special Events

7:30 p.m.

Recurring - Recommended:

a. Chris Wetherbee Memorial Toy Run; motorcycle ride from Bourne through Falmouth to the Navigator on Ashumet Road, East Falmouth – Sunday, November 1, 2020

Tammy Baptiste present and explained the event is about 50-100 attendees riding from hall in Bourne to the Navigator, following Governor Baker's orders. If gathering outside, cannot have more than 50 participants with all social distancing and wearing masks.

Ms. Baptiste said that they normally have a luncheon, this year it will be just the ride, presentation of the toys/cash donations, and then the gathering will be done. She does not expect a huge turnout as in past years and participants will likely not stick around. She has family and volunteers staged, three tables with registration with markers they can put up, six feet distancing, no more than five people in at a time. At the end when unloading the toys, cars will be separated if they want to watch. She is confident they can abide by the Governor's orders. Route 28A to Route 151 to Sandwich Rd.

Mr. Jones is concerned about the motorcycle noise. Ms. Baptiste noted that all motorcycles are required to have MA State inspections and she will let participants know that they need to be respectful of the neighbors.

Christina Wetherby is Ms. Baptiste's mother, she worked on this ride for about 14-15 years prior to her passing. When diagnosed with terminal cancer in 1999 the Harley Owners Group (HOG) asked to rename the ride in her mother's name. When HOG stopped sponsoring it, Ms. Baptiste's family decided to continue it on their own and have been doing it in her memory for 21 years. The need is astronomical.

Mr. Patterson motion approval with conditions and waiver of all fees they are able to. Second Mr. Jones. Mr. Patterson motion to affirm. Second Mr. Brown. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

Recurring – Not Recommended: none.

New – Recommended:

1. Wedding Ceremony – Brewster – Falmouth Heights Beach – Saturday, October 10, 2020, 1:30 – 3:00 pm

This will take place at Surf Drive Beach.

Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

2. Wedding Ceremony – Saucier – Old Silver Beach – Saturday, October 17, 2020, 4:00 – 6:00 pm

Mr. Patterson motion approval. Second Ms. Taylor. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

New – Not Recommended: n/a BUSINESS

1. Discussion/update on COVID-19 issues

Mr. McGann noted 264 case count, about 5-10 cases per week past five weeks. Still in the green. Public Health Nurse hired; the school also hired a Public Health Nurse. He would like to see the case numbers lower. Flu Shot Clinic will be done in Falmouth, tentatively for 10/26/20; Shaw's and Stop and Shop have already run out of vaccines. Drive through flu clinic by appointment so they know how many vaccines they will need. They will work with the schools later to catch the stragglers who were unable to get a shot. Encourage those who get flu shots regularly to get them their usual way. All college kids should count at the college location, not at the parents. Out of town visitor brought it in in one case, another is associated with being a healthcare worker, another from a gym not in Town. Those SSA staff who were positive were individuals who do not deal with the general public.

Mr. Brown expected our numbers to be higher because we are a port and tourist community. The vigilance of the residents is likely what is helping Falmouth keep the numbers low.

Mr. Suso acknowledged that there is a new Asst. Health Agent. Mr. McGann said this is a career change for her, she is the best person for the job, and she started a couple weeks ago.

Chair English Braga noted a debrief about Town Meeting at an upcoming meeting and options available for November.

2. Discussion on proposed MAARNG Machine Gun Firing Range at Camp Edwards

Public comment deadline occurred between Select Board meetings, which was getting a lot of comments about concern by the community. The Select Board sent a letter out from Mr. Suso, Chair English Braga, and Mr. Brown that put the constituent concerns.

Mr. Suso noted a copy of the letter is in the packet that he sent on behalf of MEB and DB. Requested expanded public forum to discuss this. There is also info provided by Army National Guard on their website regarding the impact and in the packet. JS invited a representative to the meeting tonight, he read the response. The response was from Matthew Porter, Commander, the MA Army Guard will not be available during the meeting timeframe, they will submit information regarding questions they have received regarding their range project. Mr. Suso responded that they encourage a public forum and questions/concerns are appropriately addressed.

Mr. Brown noted it is concerning that this review and process has been going on for 2-3 years, this has not come up through the yearly updates from the base command. They have gotten a green light to go ahead, will occur without much input, clearing 170 acres of deep forest, and wondered why a range could not be placed in an already cleared area.

Ms. Taylor saw online that on 3/20/20, the State reviewed a notice of project change that they were doing; they were going to swap land from water protection review from another area. Does Falmouth get drinking water from this protection area? This is rolling forward.

Mr. Patterson said that we rely on JBCC as significant part of recharge of our aquifer, there were issues of contaminates after WWII and remediating it through Air Force, the level is not currently considered dangerous. Transfer of Development Rights, they were going to create an equal amount of forested area associated with Crane wildlife area. How do we confirm this has happened and is it also mature wooded area for other uses?

Chair English Braga is disappointed in the many conversations with thorough updates as a stakeholder and this is something that the Town has never heard about. Water contamination is not gone, still have

emerging contaminants that we don't know the effect of but have been shown to have significant health consequences.

Mr. Jones is angry at the amount of detail in the yearly report and they did not mention this and is a real affront of the relationship they are trying to establish to be good neighbors. Based on the information to date, Mr. Jones noted the JBCC command knew the last time they came to the Select Board that they were planning this, based on the information to date.

Mr. Suso said Falmouth and other the other three upper cape towns purchase water every summer from that source to supplement other water sources.

Mr. Brown noted we have a sole source aquifer; they are at the high end. Water washes copper out, unknown if the reaction is good or bad and he would like to learn more before it happens.

Options outlined by Chair English Braga include: reach out to legislatures/representatives to bring the conversation to another level to get some input; she felt they were getting the weak blow off in response to the letter, they need someone to come in front of the Select Board to ask questions about this project.

Mr. Suso will check on when they have come in for their presentation

Mr. Brown suggested partnering with other organizations and neighboring towns, they may need to intervene legally to have a voice in this.

Mr. Brown is willing to be the Select Board point person to act as contact and follow up on questions about this project and reach out to folks.

Mr. Jones noted in the next few months the JBCC commanders are due to present to the Select Board.

Environmental Assessment Report related to this project is online.

3. 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.

Mr. Anderson made a presentation to the Select Board. The sign meets the code, but the base does not-it is 3.38 sq.ft. over. The reason he is requesting a variance is because the Design Review Committee has the option to add the additional square footage, they are not active, so he came to the Select Board. The product is jaundice blocks, using it on the base of the building as well, it will look uniform with the building.

Mr. Brown noted a resident requested this not be allowed. DB does not find it objectionable.

Mr. Patterson's concern is the mass of the base, obstruction, busy street, entering heavy traffic from the car wash, easy for people to be distracted. Why not have two post like pieces of that material to support the sign instead of the entire lower portion be masonry.

Mr. Anderson said it could be lightened up, it is only 20" tall and he does not think it is too big. If they had to make is smaller, would have to lower the sign, which is less than 5' tall. He believes the sign is appropriate for the business.

Mr. Jones asked to go to 16" high, Mr. Anderson asked if this is for visual, not have additional signs? Mr. Jones said the fact of the mass of the sign, while the Design Review Committee has the flexibility to go up, they can also say no. The neighbor is complaining about the overall mass of the sign and signs in the area.

You really do not need a sign to let people know there is a carwash, having it be bigger is not important to the success of the company.

Mr. Brown noted this sign is close to the road and a solid sign, will people need to look over it? Mr. Anderson said it has a 10 foot setback from the property line. Reducing the height of it will make it difficult to view the sign from the street. Mr. Patterson disagreed with that, noting that lower signs work in other communities. Raising or lowering the sign will not affect the number of customers using the car wash.

Mr. Anderson is willing to resubmit, it will make the sign within code, but will not make people happier about the sign. The letters glow and there is solid white around the lettering. Mr. Jones said that if the variance is wanted, maybe he needs to look into changing the sign itself to address the neighbor's concern.

Another business granted variance, worked with that business to have one sign rather than 2 signs.

If the base is 16"H, it would be within code.

Mr. Anderson will reach out to his client and report back to the Select Board.

Chair English Braga recommended continuing this hearing to 9/28/20.

4. Capital Plan Presentation and Budget Policy – Jennifer Mullen, Finance Director

Ms. Mullen reviewed the budget policy. The Select Board has a draft budget policy for FY2022. There are a lot of unknowns about the budget. When voted FY2021 they were conservative, since then legislature declared they would level fund the budget. The budget policy is written broadly for flexibility. FY2022 projections, have no idea what is going to happen with State aid, she cut about \$700,000 and will recommend a level fund cut for FY2022. With estimated local receipts sources of revenue are stronger than she anticipated. Increased estimated receipts from FY2020 for next fiscal year. Departments will increase their budget for planning purposes by 1.5%, which is less than typically done. FY2021 used free cash to fund part of the State aid cut. Budget will be presented to the Select Board in January 2022 and updates will be provided to the Select Board as we go through this process. Plan to fund some reserves, with 1.5% increase that could potentially change; the capital reserve has provided flexibility on larger projects.

There are several funding sources for C19 for the School Department, a couple of grants as well that is over \$1 million. They have hired monitors, nurses to help with managing Covid-19 and manage that. Additionally, we are able to apply for FEMA and Cares Act; there is a coordination effort with the School Department. Ms. Mullen noted there are deadlines for using the funding of 12/31/20, though there may be an extension of that date.

Mr. Patterson motion to approve the policy. Second Mr. Jones. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

The Ten year capital plan in the packet was presented and reviewed. Ms. Mullen is projecting about \$9 million in free cash. Met with Department heads and made recommendations on the capital. Funding final phase of Chapaquoit Rd. project with this funding and moving tanks out of the ground at the DPW to avoid possible environmental issues. The School wants to complete their ceiling tiles and replace chiller at the FHS. The DPW has money on the books they have not gotten to yet, one is paving, so that request was reduced this year. Coastal Resiliency Committee, funding \$100,000 for matching grants for the last couple years, they still have \$200,000 available, so they will not be funded by the Town this year. Several vehicles at DPW that will be replaced.

Plan for coastal resiliency, how will we pay for that and are we looking out that far? Ms. Mullen knows this is coming down the road and the committee will have some reports after the studies have been completed

and recommendations made. Ms. Mullen's largest concern was a big storm taking out coastal areas, did not expect Covid-19. She knows a funding request will be coming down the road.

Mr. Brown noted need to decide which way we are going, such as elevating Surf Drive, walk away, and purchasing property. Chair English Braga noted costs of sewerage can be considered.

The Finance Committee is meeting tomorrow night, they will begin meeting with department heads, budget will be put together.

Public comment: none.

Mr. Patterson motion to approve and transmit to the Finance Committee. Second Mr. Jones. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

The draft will be put on the website tomorrow.

5. Vote articles and execute warrant for November 2020 Town Meeting

Draft warrant is in the packet, ten articles being requested for inclusion for the Fall Town Meeting beginning 11/16/20.

Mr. Jones has questions about Articles 3 and 4.

Mr. Suso commented on Articles 6 and 7: The Charter Review heard from Planning Board with same concerns, the reality of interface between the Planning Board and Select Board creating challenges. Proposed articles contain language that relate to the Select Board's strategic plan and Planning Board's Local Comprehensive Plan; these articles attempt to merge the two. The Select Board is updated yearly, LCP is updated every 5-7 years. The LCP may become dated, the Strategic Plan is fresh, responsive, and requiring the two plans be consistent with each other and making the Select Board responsible for making sure it is fully compatible puts these two boards in potential position of conflict that is opposition to the charter. The proposed changes make the Select Board subordinate to the Planning Board; that thwarts the role of the Select Board as the chief policy maker of the Town.

Peter Clark shares the concern that Mr. Suso has and that is why they revised the language, the long term goals and broad policies of the LCP do not change often, but action steps are between the two boards. The Town Meeting does not have to vote on the implementation phases of the LPC.

Mr. Clark reviewed the language changed.

Mr. Suso noted his concern that in this language, it would mandate the boards meet and develop consensus whenever possible and the Select Board is responsible for fulfilling the plan as adopted by the Planning Board. The LCP broad policies and goals go to Town Meeting for approval.

If the Select Board is having this much discussion about this, how much discussion will be had at Town Meeting? The Select Board discussed whether it should be held for a future meeting where it can be discussed in more detail. How do we not encourage the debate: either change the article so it is more straightforward or postpone having the debate it may warrant.

Mr. Jones asked if Articles 3 and 4 need to happen at this time.

Chair English Braga noted the Carousel group feels it needs to happen because they cannot keep breaking it down without damaging the carousel and somewhat timely given the wear and tear on the old apparatus and need for fundraising.

Mr. Jones noted that the idea was discussed some time ago, it never came back to the Select Board. That location has a lot of problems and that question may arise at this Town meeting.

Ms. Taylor asked if this could create a precedent regarding the use of school property for other reasons? Mr. Jones explained that it would still be Town property, but under the Select Board's jurisdiction so the lease could happen from the Town and not the school.

Mr. Patterson noted the Spring Bars development is an example that this is not new. Ms. Taylor does not think it is a good idea to lease Town property for this particular event and it is not the best use of our land.

Chair English Braga said that it has not come to this board for formal vote, but there has been considerable work done on it by volunteers and it was toured, reviewed, by School Committee and Superintendent.

Chair English Braga feels it is a great project, Mr. Patterson likes the location as well, it is not going to run during school hours and used by many. The carousel needs a permanent home and other towns have expressed interest in the carousel coming to their towns. Mr. Brown and Mr. Patterson said they would like it to go forward.

Mr. Suso explained that Article 3 came forward from Town Counsel, it was requested by one or more entities and came forward to acknowledge individuals working with Town for permitting, those who are tax delinquent or owing money to the municipality and those issues can be taken care of. Mr. Jones feels it can wait on this one.

Mr. Jones motion to place Articles 1 and 2 on the warrant. Second Mr. Patterson. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

Article 3 will be postponed until a future meeting, possibly next spring.

Mr. Patterson motion to include Article 4 in the warrant but rename it Article 3. Second Mr. Brown. **Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, no; Sam Patterson, aye; Nancy Taylor, no.**

Mr. Jones motion to place Articles 5-10, now renamed 4-9 on the warrant. Second Mr. Patterson. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

6. Interview, Vote and Appoint Committee Members
 1. Affirmative Action Committee – Deb Berglin

Term ending 6/30/2021 (should it be 2022?)

Ms. Berglin told the SB that she has been participating for about a year at the meetings.

Mr. Jones motion approval. Second Ms. Taylor. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

2. Beach Committee – James Downey-withdrew
3. Beach Committee – Joseph A. Strazzulla

5 member committee, 1 position currently open

Mr. Strazzulla's one priority would be to listen, learn, and participate in decision making for the next season. Consider the effect that beaches are an asset to our summer community, balance accessibility for visitors and residents. Turning people away from the beaches potentially turns them away from our downtown area and businesses. We need to be a beach community. He is managing his properties.

4. Beach Committee - Colin W. Reed

Mr. Reed's priority would be to listen, learn, allow for safe access to beaches, that they are monitored, and look at coastal resiliency. He believes closing the beach to resident only would depend on the beach, those that have less access should be monitored. He is not retired.

Mr. Brown motion to appoint Mr. Strazzulla to a term ending 6/30/23. Second Ms. Taylor. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

Chair English Braga asked that the Town Manager's Office send a list of committee vacancies to Mr. Reed for his consideration.

5. Commission on Disabilities – Kathleen Haynes

Ms. Taylor motion to appoint Ms. Haynes to a term ending 6/30/20. Second Mr. Brown. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

6. Human Services Committee – Johnny Hatem, Jr.

4 positions available.

Mr. Brown motion to appoint Mr. Hatem to a term ending 6/30/22 and Ms. Chioatto to a term ending 6/30/23. Second Mr. Patterson. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

7. Human Services Committee - Milene V. Chioatto

Spanish and Portuguese languages in her background, which is appreciated by the Select Board.

8. Recreation Committee – Patricia Morano

Mr. Jones motion to appoint Ms. Morano to a term ending 6/30/23. Second Mr. Brown. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

7. Report – Council on Aging

Jim Vieira and Jill Bishop present.

Met a couple times since June, happy they are operating out of the new building. Working on getting punch list items done, landscaping, reviewed pictures of the finished building.

Ms. Bishop reviewed the program of services including transportation, food distribution, outreach services, support groups on Zoom, educational presentation and wellness exercise, SHINE, and fuel assistance recertification/new applications. Encouraged the community to complete the US Census. Serving the most vulnerable population during the pandemic, they are being cautious and focus at this time is essential services.

Work with Neighborhood Falmouth, they collaborate on a number of things.

8. Chamber of Commerce presentation on proposed virtual holiday parade

Michael Kasparian has received inquiries about the holiday parade. He has talked with Chair English Braga and Chief Dunne to have an event that would be filmed, use Marine Park, public would not be invited, event would take place in November. Limit walking groups to six people and three rows deep, have vehicles, no floats, bring them in line them up separately with vehicles on one side, walking groups on the other, all wearing masks, police detail present, blend the groups together, go down through the parking lot, then along the road where the harbor is. Groups would be 20ft. apart, have a voice over and commentary after. FCTV would broadcast on December 6, 2020. Strictly for community groups, FHS is working on a band project and cannot march, but could do a video, there would be music in the background, and kids involved.

The Select Board liked the idea and the community would appreciate it.

9. Minutes of Meetings:

1. Public Session

April 6, 2020

Mr. Patterson motion to approve as edited. Second Mr. Brown. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye. Abstain: Nancy Taylor.

July 2, 2020

Mr. Patterson motion to approve. Second Mr. Brown. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

2. Executive Session –

August 10, 2020

Mr. Patterson motion to approve and not release. Second Ms. Taylor. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

10. Individual Select Board Member's Reports

Mr. Brown:

Assembly meeting highlights included \$600,000 appropriation towards opiate addiction, dredging starting this week, food coordinator and two nurses hired.

SSA Long Range Planning Task Force meeting focused on whether it's possible to limit traffic to the Vineyard. He thinks these types of controls are put in place with help of financial incentives.

Report on Surf Drive presented by the Woods Hole Group is on the Coastal Resiliency Web page.

Mr. Patterson:

9/11 celebration at FFD HQ Main Street.

Cape Cod and Islands Selectmen's Counselor meeting focus on the election and questions there. Make sure you read the Information for Voters sent out by the Secretary of the Commonwealth. Michael Palmer, Town Clerk, talked about preparation for the election that Falmouth is making. Early voting in Falmouth begins 10/17/20. There is a drop box in front of Town Hall.

EDIC reviewing draft feasibility study for community fiber optics.

School started today, much work is being done by staff and teachers.

Affordable Housing Committee Housing Summit 10/14/20 on FCTV. Challenges of Affordable Housing and Social Justice.

11. Town Manager's Report

Mr. Suso noted the School Department beginning remote classes beginning today and 9/28/20 in person classes will begin. School buildings are being prepared. Continue transition process for Town Hall and Administrative Buildings.

Next regular meeting of the Select Board will be on 9/28/20.

Early voting plans are being developed and Mr. Suso will get more information to the Select Board.

Chair English Braga noted they have heard the concerns about Town Meeting, thank you for sharing and the Select Board will be thoughtful and deliberative with some of the limited choices available.

Mr. Jones motion to adjourn at approximately 10:33pm. Second Mr. Brown. Mr. Patterson motion to approve. Second Mr. Brown. Roll Call Vote: Megan English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.

Respectfully Submitted,

Jennifer Chaves

Recording Secretary

REPORT

TO: Select Board

FROM: Julian M. Suso 

DATE: October 16, 2020

- The Board will convene in brief executive session at 6:45PM on Monday to consider a proposed 1-year collective bargaining agreement with AFSCME.
- Having completed the narrative revisions, we are asking for the Board's consideration of adopting your updated Five-Year Strategic Plan.
- Peter will be presenting a status report on the Cape Cod Wastewater Fund; you will recall that he is the Town's designated representative to that review Committee.
- As you are aware, Town Hall re-opened to routine public access on Tuesday, October 13. This transition was relatively uneventful, given the opportunity we had to work closely with employees in providing important social distancing upgrades at Town Hall as well as the necessary signage and public notice that all visitors are required to wear masks/face coverings while in Town Hall and to observe social distancing in making every effort to keep everyone safe and healthy during this continued pandemic.
- I attended the Finance Committee's virtual meeting on Tuesday evening. They concluded their work in preparation for November Town Meeting.
- I attended/observed the Affordable Housing Committee's Virtual Annual Housing Summit on Wednesday evening. It covered a number of important elements. I appreciate Peter's participation as one of the presenters.
- All is moving forward for the planned November 16 Town Meeting, including ten warrant articles, and scheduled to convene at 7PM in the High School Field House. We are working with our sound consultant to further enhance the internal sound system and will be making available KN95 masks for Town Meeting members as suggested at your recent discussion.
- We were very pleased to once again receive the coveted Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association, which is a nationally-recognized standard for financial transparency and quality of management. My compliments to all!
- The Board's next meeting will be Monday, October 26. We are attempting to focus on just a couple of important selected topics, including the final report of the Citizens Fire Station Location Committee and a status report on the disposition of the wind turbines.