

TOWN OF FALMOUTH

SELECT BOARD

AGENDA

MONDAY, OCTOBER 26, 2020 – 6:30 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 26, 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

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION

1. Pursuant to M.G.L. c.30A s.21(a)(2): to conduct strategy sessions in preparation for negotiations with non-union personnel or contract negotiations with non-union personnel (town manager contract)

7:00 p.m. OPEN SESSION

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

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for new Common Victualler License – Train Bridge View, LLC d/b/a Sweet Rice, located at 167 Teaticket Highway, East Falmouth

2. Administrative Orders
 - a. Vote to Accept FY2020 Bulletproof Vest Partnership Program Award in the Amount of \$7,809.54
 - b. Vote to Adopt and Execute Order of Taking for William Road
 - c. Approve Warrant for State Election on November 3, 2020
 - d. Authorize Chair to execute document in support of Retirement Board

7:30 p.m. BUSINESS

1. Discussion/update on COVID-19 issues
2. Future Fire Station Advisory Committee – present recommendations on area locations for placement of fifth fire station
3. Status report update/discussion on wind turbines
4. Status update on drive-in movies and musical events at Cape Cod Fairgrounds and related noise complaints
5. Minutes of Meetings: Public Session – September 28, 2020
6. Individual Select Board Members' Reports
7. Town Manager's Report

Megan English Braga, Chair
Select Board



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)*
 - ⓑ 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)*
5. Copy of special zoning permits, if any
- ✓6. ~~Food Service Establishment Permit—Falmouth Health Department~~
- ✓7. ~~Occupancy Permit—Building Department~~
- ✓8. Copy of Floor Plan
- ✓9. Copy of Menu
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**

APPLICATION – COMMON VICTUALLER

NAME OF ESTABLISHMENT: Train Bridge View LLC

DBA, if any Sweet Rice Restaurant

BUSINESS ADDRESS: 167 Teaticket Hwy, Teaticket, MA 02536

MAILING ADDRESS: (If different)

NAME OF APPLICANT: Chanrith Uy

HOME ADDRESS: 16 Colony Ave, Buzzards Bay, MA 02532

FID# [REDACTED]

MANAGER: Chanrith Uy EMAIL: (required) sweetricecapecod@gmail.com

DAYS OF OPERATION 7 days/week HOURS OF OPERATION M-Th 11am-9pm, F-Sat 11am-9:30pm, Sun 12pm-8pm

PARKING PLAN _____

TELEPHONE: (BUS.) 508-444-6616 (HOME) _____

SEATING CAPACITY: 60

DATE 10/21/2020

CHANRITH UY
OWNER / MANAGER / AUTHORIZED AGENT

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

BOARD OF SELECTMEN

Specialty Soups:

Yellow or Rice Noodle Wonton Soup \$10.50

Yellow/rice noodles in a bowl with wonton dumplings, chicken, shrimp, and vegetables

Beef Stew Noodles \$13.95

Yellow/Rice noodles bowl with carrot, beef, onion, and cilantro

Tom Yam Soup sm \$7.50 lg \$14.50

All-time favorite made with chicken stock, lime juice, lemongrass, galangal, and basil

Pineapple soup sm \$7.50 lg \$14.50

Vietnamese house style made from chicken broth, pineapple, lotus, zucchini, celery and tomato

Green Curry Soup sm \$7.50 lg \$14.50

Curry soup with chicken, green beans, bamboo, coconut milk, onion, kaffir lime leaves, and basil

Chef Specials:

Special Seafood Fried Rice \$17.75

Littlenecks, calamari, Chinese sausages, shrimp, chicken, and scallion

House Special Calamari \$18.95

Sautéed onion, bell pepper, pineapple, bean sprout, black bean, cilantro in sweet sour sauce

Steam Salmon (11oz) \$19.95

Steamed salmon filet served with special soy sauce topped with ginger and scallion

South Beach Friendly \$19.95

Shrimp, beef, chicken, watercress, and bok choy tossed in ginger, garlic, salt and black pepper

Stir Fry Bok Choy \$12.95

Bok Choy tossed in garlic. Ginger, salt and black pepper

Dynamite Mussels \$18.95

Grilled green mussels topped with spicy mayo, crab meat, tobiko, and scallions

Sweet Rice Special Salad \$22.95

A bed of rice with salad, scallion sauce, peanut

Crispy Duck Half \$16.75/Whole \$32.00

Deep fried until crispy served with black peppered lime sauce

Roast Duck Half \$16.75/Whole \$32.00

Served with spicy hoisin sauce

Basil Duck Half \$18.75/ Whole \$33.00

Crispy duck with onion, green peppers, peapod, mushroom, and basil

Lobster Ginger (Market price)

Sautéed ginger, onion, scallion in oyster sauce

Thai Style Lobster (Market price)

Sautéed garlic, onion, bell pepper, string bean with crab paste sauce



Southeast Asia

THE MOST BEAUTIFUL PLACES IN ASIA ARE THE 11

COUNTRIES LOCATED IN SOUTHEAST ASIA. SOUTHEAST ASIA HAS

MUCH WILD LIFE, WHITE SAND BEACHES, FORESTS AND LOCAL

MARKETS FILLED WITH A VARIETY OF FRESH FRUITS AND

VEGETABLES. EACH COUNTRY HAS THEIR UNIQUE LANGUAGE,

CULTURE, AND FOOD.

THE FOOD WE OFFER HERE IS VERY MUCH CLOSE TO

THE FOOD WE EAT IN OUR EVERY DAY LIVES. EACH DISH HAS

THEIR ORIGIN BUT IN TIME HAS BEEN ADAPTED BY DIFFERENT

COUNTRIES, WHO ADD THEIR OWN TWISTS. OUR FOOD IS RICH

IN SPICES AND FLAVOR AND DON'T FORGET ABOUT OUR LOVE

FOR SEAFOOD.

FEEL FREE TO EXPLORE OUR MENU AND TRY ALL OF THE TASTY

SPECIALS. WE WOULD LOVE TO HEAR YOUR FEEDBACK!

Facebook. Yelp.



Combinations of the Southeast

Deep fry

Stir fry

Steamed

Soup, Salad, Rice, Noodle

Lunch. Dinner. Catering.

TO GO MENU

Hours of operation

Mon – Thu 11:00 am ~ 9:00pm

Fri-Sat 11:00 am ~ 10:00pm

Sun 12:00pm ~ 9:00pm

**167 Teaticket Hwy
Teaticket, MA 02536**

508 444 6616

Facebook, Yelp.

www.sweetricecapecod.com

Price subject to change without notice

Appetizers:

Shrimp Nime Chow (2)	\$6.95
<i>Fresh roll made with lettuce, beansprouts, cucumber, rice noodles served with a peanut sauce</i>	
Chicken Lettuce Wraps	\$7.75
<i>Chicken, egg, water chestnuts, peas, carrots, sesame oil, green onions, garlic, and rice sticks in hoisoned lettuce</i>	
Eggroll (2)	\$6.95
<i>Hand rolled using traditional wood press to remove moisture from vegetables made with ground beef</i>	
Spring Roll (2)	\$6.95
<i>Hand rolled and thinly wrapped with cabbage, carrots, onions, and ground pork</i>	
Pork Dumplings (8)	\$8.50
Shrimp Dumplings (8)	\$8.50
Chive Dumplings (4)	\$7.95
Crab Rangoon (8)	\$9.50
<i>Crabmeat, onions, celery, carrots, and cream cheese</i>	
Edamame	\$6.50
<i>Steamed soy beans sprinkled with sea salt.</i>	
Hae Kainge (8)	\$8.50
<i>Ground pork and water chestnuts patties wrapped in dried bean curd sheets steamed and deep fried served in garlic sauce</i>	
Chicken Fingers (12)	\$9.75
<i>Battered fried white meat chicken</i>	
Beef or Chicken Satay Sticks (6)	\$11.50
<i>Marinated with lemongrass spices and served with homemade satay sauce</i>	
Thai Calamari or Shrimp	\$11.25
<i>Lightly fried with salt, red pepper flakes, banana pepper, and jalapeno</i>	
Boneless or Bone-in Spare Ribs	\$10.75
PUPU Platter	\$22.00
<i>2 Beef satay stick, 2 spring rolls, 4 chicken fingers 4 spareribs, 4 hae kainge 4 plain chicken wings</i>	

Chicken Wings:

10 per serving	\$12.95
Plain Chicken	
Lemongrass Wings (Contains peanuts)	
Oyster Wings	
Thai Style Crispy Wings	
Fire Wings	

Appetizer Soups:

Hot and Sour	\$4.95
Wonton Soup	
Egg Drop Soup	

Stir Fry:

Choose your choice of protein:

<u>Vegetable, Tofu</u>	\$11.95
<u>Chicken, Pork</u>	\$13.95
<u>Beef, Shrimp,</u>	\$16.95
<u>Seafood</u>	\$19.95

- Lemongrass Sauce (sp)**
Carrots, green peppers, onions, peanuts & baby corn
- Mixed Vegetables and Oyster Sauce**
Broccoli, carrots, water chestnuts, bamboo shoots, baby corn, onions, peapods & green peppers
- Hunan (sp)**
Broccoli, black mushroom, & green peppers
- Peanut Oyster (sp)**
Water chestnuts, peanuts, and broccoli
- Cashew Oyster**
Water chestnuts, straw mushrooms, & green peppers
- Garlic Sauce (sp)**
Water chestnuts & green peppers
- White Sauce**
Mushrooms, peapods, carrots, water chestnuts & bamboo shoots
- Sweet & Sour Sauce**
Pineapple, carrots, onion, and green peppers
*** can be cooked with breaded chicken fingers***
- Satay Sauce**
Black mushroom, peapod, onion, carrot, water chestnut
- Mongolian Sauce**
Onions, peapods, scallion over a bed of dried rice noodle
- Lobster Sauce**
Mushrooms, water chestnuts, peas, carrots, and ground pork in oyster sauce
- Basil Sauce**
Onion, green peppers, peapod, mushroom, and basil
- General Tsao's (sp)**
Can only be cooked with breaded chicken and shrimp
- Sesame**
Can only be served with breaded chicken and shrimp
- Orange (sp)**
Can only be served with breaded chicken and shrimp
- LOWFAT/GLUTEN FREE**
Stir fried garlic, ginger, salt, and black pepper to taste with mixed vegetables
- Loc lac Sauce**
Onion, scallion, cucumber, tomato and black pepper

Please advise your server of any food allergies

consuming raw or uncooked meats, poultry, seafood, eggs or shellfish may increase your risk of food borne illness

Salads: (Add two grilled chicken satay sticks \$4)

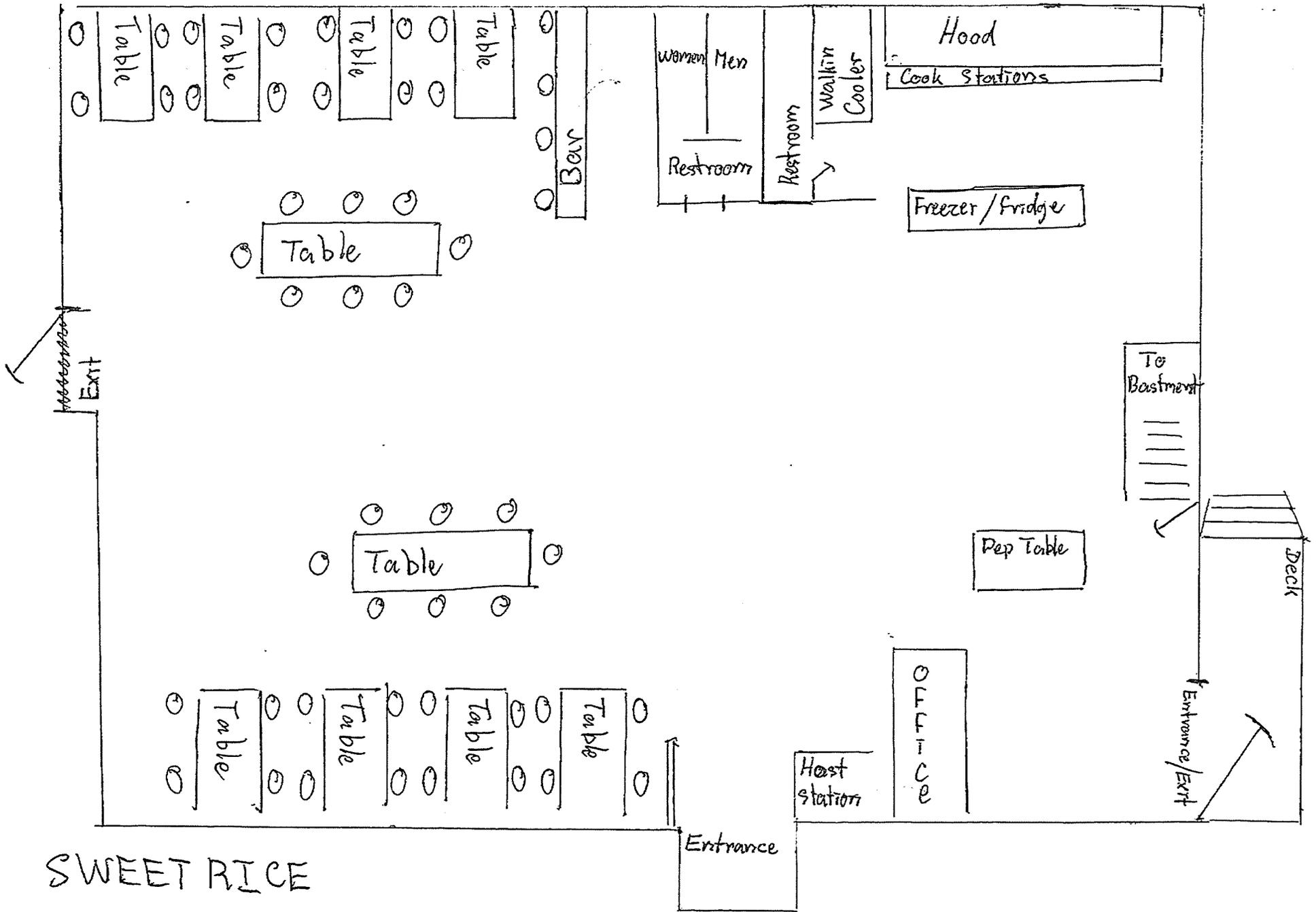
Garden Salad	\$4.75
<i>Served with homemade Asian ginger dressing</i>	
Thai Chicken Salad	\$9.95
<i>Cabbage, carrots, beansprouts, green bell peppers, mint leaves, strips of chicken breast immersed in lime juice, vinegar, and sugar</i>	
Bok Choy Salad	\$9.95
<i>Bok choy, crispy noodles, and almonds in a soy sauce vinaigrette dressing</i>	
Chicken Lettuce Wrap Dinner	\$13.95

Rice:

House Fried Rice	\$10.25
<i>Your choice of protein with peas, carrots, beansprouts, scallion, and eggs</i>	
Pineapple Fried Rice	\$11.25
<i>Pineapple, ham, shrimp, and carrots</i>	
Southeast Fried Rice	\$11.25
<i>Pineapple, ham, shrimp, and curry</i>	
Jasmine White Rice	sm \$3.50 lg \$6.75
Steamed Brown Rice	sm \$3.50 lg \$6.75

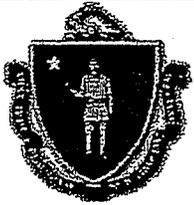
Noodles:

\$13.95	
<i>Choose your choice of protein: Vegetable, Tofu, Chicken, Pork, Beef, Shrimp, Seafood, or Combination</i>	
1. Pad Thai Noodles	
<i>Rice noodles with eggs, shredded cabbage, beansprouts, scallion, ground peanut, and garlic sauce</i>	
2. Lo Mein	
<i>Egg noodle with shredded cabbage, beansprout & scallion</i>	
3. Singapore Noodles	
<i>Thin rice noodles with curry, egg, chicken, shrimp, shredded cabbage, beansprout, scallion, & green pepper</i>	
4. Home Style Singapore Noodles	
<i>Thin rice noodles with egg, chicken, shrimp, shredded, cabbage, beansprout, scallion, & green pepper</i>	
5. Cantonese Noodles	
<i>Wide flat noodles with eggs, Chinese broccoli, baby corn, onion, and carrots</i>	
6. Chow Mein	
<i>Beansprouts, onions, carrots, celery, green onion, and crispy noodles</i>	
7. Bee Bong	
<i>Thick Vietnamese noodles with fresh lettuce, beansprouts, cucumber, coconut milk, and peanut sauce served with warm spring roll</i>	
8. Udon Noodles	
<i>Thick udon noodles with black mushroom, peapod, onion, carrot, and water chestnut</i>	



SWEET RICE

167 Teaticket Hwy Teaticket MA, 02536

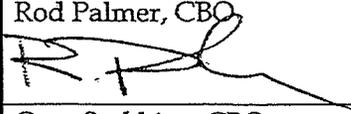


The Commonwealth of Massachusetts
Town of FALMOUTH
New and Renewal Certificate of Inspection

In accordance with 780 CMR, Chapter 1 and Chapter 304 of the Acts of 2004 (an Act to further enhance fire and life safety), this Certificate of Inspection is issued to the premise or structure or part thereof as herein identified.

Issued to	Identify Name of Establishment					Certificate No.
	SWEET RICE					20CI/041900
Located at	Identify property address including street number, name, city or town and county					Certificate Expiration
	167 TEATICKET HWY					12/31/2021
Use Group Classification(s)	Basement	First Floor	Second Floor	Third Floor	Fourth Floor	Other
		A-2				
Allowable Occupant Load		54 Dining Room 6 Bar				

This *Certificate of Inspection* is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. *Failure to post or tampering with the contents of the certificate is strictly prohibited.*

Name of Municipal Fire Chief	Mike Small	Name of Municipal Building Commissioner	Rod Palmer, CBO 	Date of Inspection	9/2/20
Signature of Municipal Fire Prevention Officer	Boyd Demello 	Signature of Municipal Building Official	Gary Stubbins, CBO	Date of Issuance	10/20/20



THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH
BOARD OF HEALTH

PERMIT TO OPERATE A FOOD ESTABLISHMENT

Permit No. 20A-232
Fee: \$200.00

Date: September 11, 2020

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

Sweet Rice

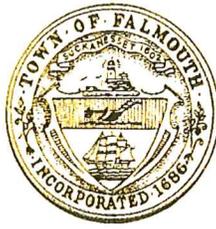
Whose place of business is: 167 Teaticket Hwy, Falmouth MA

Type of business and any restrictions: Food Service Permit

To operate a food establishment in: Falmouth

PERMIT EXPIRES: December 31, 2020

Health Agent
Falmouth Board of Health



Falmouth Police Department
Chief Edward A. Dunne

October 20, 2020

Ms. Megan English-Braga, Chair
Select Board
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

Subject: Acceptance of FY 2020 Bulletproof Vest Partnership = \$7809.54

Dear Board of Selectmen:

We have been designated to receive an award under the Fiscal Year 2020 Bulletproof Vest Partnership Program in the amount of \$7809.54. We are requesting that the Board of Selectmen formally accept this award.

The FY 2020 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2020. The deadline to request payments from the FY 2020 award is August 31, 2022, or until all available funds have been requested. We have certified that a mandatory wear policy for vests is in place for our jurisdiction, a requirement of the Bulletproof Vest Partnership Program.

Thank you in advance for your attention to this matter.

Sincerely,


Edward A. Dunne
Chief of Police

APPLICATION SUMMARY

Date Submitted to BVP: 05/27/20

Application Status: Approved by BVP

APPLICATION PROFILE

Participant FALMOUTH TOWN

Fiscal Year 2020

Number of Agencies Applied 0

Total Number of Officers for Application 58

Number of Officers on Approved Applications 58

APPLICATION PROFILE

Fiscal Year 2020

Vest Replacement Cycle ⓘ 5

Number of Officers 58

Number of Emergency Replacement Needs ⓘ	Number of Stolen or Damaged	0
	Number of Officer Turnover	0

APPLICATION SUMMARY FOR FY 2020 REGULAR FUND

Applicant	Quantity	Total Cost	Date Submitted	Status
FALMOUTH TOWN	20	\$15,619.08	05/27/20	Approved by BVP View Details
Grand Totals:	20	\$15,619.08		

AWARD SUMMARY FOR FY 2020 REGULAR FUND

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$15,619.08	\$7,809.54	10/19/20	Approved by BVP
Grand Totals:	\$15,619.08	\$7,809.54		

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

TOWN OF FALMOUTH
SELECT BOARD

ORDER OF TAKING
FOR THE LAYOUT OF
WILLIAM ROAD, NORTH FALMOUTH

We, Megan English-Braga, Douglas C. Brown, Doug H. Jones, Samuel H. Patterson and Nancy R. Taylor as duly elected and qualified members of the SELECT BOARD of the Town of Falmouth, acting for and on behalf of said town, under the provisions of Chapters 79 and 82 of the Massachusetts General Laws and in accordance with the provisions of Article 23 of the Town Meeting held on June 22, 2020 and September 14, 2020 (a copy of which is annexed hereto as Exhibit A), and by virtue of every other power, having complied with all preliminary requirements prescribed by law, DO HEREBY ADOPT AND DECREE THIS ORDER OF TAKING and do hereby take by eminent domain for public purposes, easements for the layout of William Road as a town way in the land described herein.

I. DESCRIPTION. The descriptions are set forth in Exhibit B attached hereto. See also plans recorded herewith.

II. INTEREST TAKEN. An easement for all purposes for which roads and ways are commonly used in the Town of Falmouth, including all drainage, slope and turning easements as shown on said plans. This taking shall not disturb any existing easements of record to public utility companies nor claim any interest in the personal property of said utility companies.

III. NAMES OF OWNERS. A list is attached hereto as Exhibit C. The 1333 S.F. "area of easement taking" shown on said plan is believed to have been formerly owned by Henry Healer and now by his heirs or by parties unknown.

IV. PURPOSE. For the laying out of William Road as a town way.

V. DAMAGES AWARDED. None except for an award of \$2,700.00 to the owners of the 1333 S.F. "area of easement taking" upon satisfactory proof of ownership.

VI. TREES AND STRUCTURES. Trees and structures, including any streetlights, are not included in the taking and may remain undisturbed. Periodic pruning of trees will be permitted to prevent encroachment into the layout or other hazards.

VII. NO BETTERMENTS ASSESSED.

IN WITNESS WHEREOF, the said Town of Falmouth has caused its corporate seal to be affixed hereto and these presents to be executed by its Select Board, duly authorized this _____ day of _____, 2020.

Town of Falmouth
By its Select Board

Megan English Braga, Chairman

Douglas C. Brown, Vice Chairman

Doug H. Jones

Samuel H. Patterson

Nancy R. Taylor

Commonwealth of Massachusetts

County of Barnstable

On _____, before me, the undersigned notary public

personally appeared

name(s) of signer(s)

personally known to me

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

to be the person(s) whose name(s) is/are subscribed

to the within instrument and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.

WITNESS my hand and official seal.

Signature of Notary Public

COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN

SECRETARY OF THE COMMONWEALTH

BARNSTABLE, SS. To the Constables of the TOWN OF FALMOUTH

GREETINGS:

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

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

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

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

Electors of President and Vice President	For this Commonwealth
Senator in Congress	For this Commonwealth
Representative in Congress	Ninth Congressional District
Councilor	First District
Senator in General Court	Plymouth & Barnstable District
Representative in General Court (Pcts. 1,2,5,6)	Barnstable, Dukes, & Nantucket District
Representative in General Court (Pcts. 3,4,7-9)	Third Barnstable District
Register of Probate	Barnstable County
County Commissioner	Barnstable County
Barnstable Assembly of Delegates	Barnstable County
Regional School Committee	Upper Cape Cod Regional Vocational Technical School District

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

SUMMARY

This proposed law would require that motor vehicle owners and independent repair facilities be provided with expanded access to mechanical data related to vehicle maintenance and repair.

Starting with model year 2022, the proposed law would require manufacturers of motor vehicles sold in Massachusetts to equip any such vehicles that use telematics systems — systems that collect and wirelessly transmit mechanical data to a remote server — with a standardized open access data platform. Owners of motor vehicles with telematics systems would get access to mechanical data through a mobile device application. With

vehicle owner authorization, independent repair facilities (those not affiliated with a manufacturer) and independent dealerships would be able to retrieve mechanical data from, and send commands to, the vehicle for repair, maintenance, and diagnostic testing.

Under the proposed law, manufacturers would not be allowed to require authorization before owners or repair facilities could access mechanical data stored in a motor vehicle's on-board diagnostic system, except through an authorization process standardized across all makes and models and administered by an entity unaffiliated with the manufacturer.

The proposed law would require the Attorney General to prepare a notice for prospective motor vehicle owners and lessees explaining telematics systems and the proposed law's requirements concerning access to the vehicle's mechanical data. Under the proposed law, dealers would have to provide prospective owners with, and prospective owners would have to acknowledge receipt of, the notice before buying or leasing a vehicle. Failure to comply with these notice requirements would subject motor vehicle dealers to sanctions by the applicable licensing authority.

Motor vehicle owners and independent repair facilities could enforce this law through state consumer protection laws and recover civil penalties of the greater of treble damages or \$10,000 per violation.

A YES VOTE would provide motor vehicle owners and independent repair facilities with expanded access to wirelessly transmitted mechanical data related to their vehicles' maintenance and repair.

A NO VOTE would make no change in the law governing access to vehicles' wirelessly transmitted mechanical data.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

SUMMARY

This proposed law would implement a voting system known as "ranked-choice voting," in which voters rank one or more candidates by order of preference. Ranked-choice voting would be used in primary and general elections for all Massachusetts statewide offices, state legislative offices, federal congressional offices, and certain other offices beginning in 2022. Ranked-choice voting would not be used in elections for president, county commissioner, or regional district school committee member.

Under the proposed law, votes would be counted in a series of rounds. In the first round, if one candidate received more than 50 percent of the first-place votes, that candidate would be declared the winner and no other rounds would be necessary. If no candidate received more than 50 percent of the first-place votes, then the candidate or candidates who received the fewest first-place votes would be eliminated and, in the next round, each vote for an eliminated candidate would instead be counted toward the next highest-ranked candidate on that voter's ballot. Depending on the number of candidates, additional rounds of counting could occur, with the last-place candidate or candidates in each round being eliminated and the votes for an eliminated candidate going to the voter's next choice out of the remaining candidates. A tie for last place in any round would be broken by comparing the tied candidates' support in earlier rounds. Ultimately, the candidate who was, out of the remaining candidates, the preference of a majority of voters would be declared the winner.

Ranked-choice voting would be used only in races where a single candidate is to be declared the winner and not in races where more than one person is to be elected.

Under the proposed law, if no candidate received more than 50 percent of first-place votes in the first round, the rounds of ballot-counting necessary for ranked-choice voting would be conducted at a central tabulation facility. At the facility, voters' rankings would be entered into a computer, which would then be used to calculate the results of each round of the counting process. The proposed law provides that candidates in a statewide or district election would have at least three days to request a recount.

The Secretary of State would be required to issue regulations to implement the proposed law and conduct a voter education campaign about the ranked-choice voting process. The proposed law would take effect on January 1, 2022.

A YES VOTE would create a system of ranked-choice voting in which voters would have the option to rank candidates in order of preference and votes would be counted in rounds, eliminating candidates with the lowest votes until one candidate has received a majority.

A NO VOTE would make no change in the laws governing voting and how votes are counted.

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

Given under our hands this _____ day of _____, 2020.
(month)

MEGAN ENGLISH BRAGA, CHAIRMAN

DOUGLAS C. BROWN, VICE CHAIRMAN

DOUGLAS H. JONES

SANUEL H PATTERSON

NANCY R. TAYLOR
FALMOUTH SELECT BOARD

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town Of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

Constable, Town Of Falmouth

Date



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

October 26, 2020

.GOV Domain Registration
c/o Verisign, Inc.
12061 Bluemont Way
Reston, VA 20190

Dear Domain Manager:

As Chair of the Select Board for the Town of Falmouth, MA, I convey the request of the Select Board on behalf of the Town that authority over the Falmouthretirementma.gov second-level domain name be delegated to the Falmouth Contributory Retirement System. I attest that I have signing rights on behalf of the Select Board for the Town of Falmouth, MA.

The Falmouth Contributory Retirement System, governed by M.G.L. Chapter 32, is a component unit of the Town of Falmouth, MA. Established by a vote of the citizens of the Town of Falmouth at a State Election held on November 5, 1940, the contributory retirement system is intended to provide pension benefits to the public employees of the Town of Falmouth. This domain name will be used for website URL, e-mail and other essential services. The use of this domain is consistent with our organizational Internet policy. In addition, The Falmouth Contributory Retirement System will ensure the content of the requested domain name conforms to the .GOV policy.

By requesting this domain name, the Town acknowledges that the Falmouth Contributory Retirement System will be responsible for payment of the annual \$400 domain fee. I understand that if the Falmouth Contributory Retirement System wishes to retire the domain, the Town must submit a written request to registrar@dotgov.gov. If a written request is not submitted, the Town understands that the Falmouth Contributory Retirement System will continue to be responsible for all accrued domain fees.

The following individuals will be listed as points of contact for falmouthretirementma.gov. It is understood that the contact information must remain valid and up to date, and that administrative, billing, and technical points of contact will be unique.

Administrative Point of Contact

Falmouth Retirement System
Attn: Francis St. Germaine III
80 Davis Straits, Suite 102
Falmouth, MA 02540

Phone: 508-457-0578
Email: kip@falmouthretirement.org

Billing Point of Contact

Falmouth Retirement System
Attn: Russell R. Ferreira
80 Davis Straits, Suite 102
Falmouth, MA 02540
Phone: 508-457-0578
Email: retire@falmouthretirement.org

Technical Point of Contact

Falmouth Retirement System
Attn: Dommonique Domino
80 Davis Straits, Suite 102
Falmouth, MA 02540
Phone: 508-457-0578
Email: ddomino@falmouthretirement.org

Security Point of Contact

Email: retire@falmouthretirement.org

Sincerely,

Megan English Braga
Chair of the Select Board
Town of Falmouth, MA

Notary Public Section:

Signed and sworn to (or affirmed) before me on: _____, 2020

Name of the Individual Making a Statement: _____

Signature of Notary Public: _____

My Commission Expires: _____

Notary Public Seal:

SUMMARY UPDATE
Fairgrounds Movies/Concerts and Noise Complaints
-To Select Board 10-23-2020

On Tuesday afternoon, October 20, at Megan's request I met with representatives of Vivid Entertainment which was issued a Special Events Permit by the Select Board in August to allow an adjustment of hours/days in operation and the ability to include live musical entertainment. Since that time, the Town has received some complaints regarding "noise" emanating from the Fairgrounds into the adjacent residential areas both in Falmouth and Mashpee. My purpose in meeting with Mr. Kevin Pacheco, General Manager and assistant Ms. Elena Rogers was to strongly encourage enhanced cooperation and collaboration in the management of these Fairgrounds events as it relates to noise issues.

I asked specifically that they make every reasonable effort to "tighten things up a bit" as it relates to noise emanating from the performances. They indicated that they would indeed do so, acknowledging that noise complaints had indeed been received as well as "at least 3 or 4 visits" from the Falmouth Police responding to excessive noise complaints. In addition, we have heard from some individuals in Mashpee. They confirmed that they would closely comply with the hour limitations specified by the Board and err in the direction of being more conservative.

They confirmed that, at present, their plans are to have a scheduled concert on Friday, October 23; on Sunday, October 25 and a final concert on Friday, October 30. I understand that some type of "Halloween-themed" music is planned as well for Saturday, October 31. As of our meeting, they indicated "no specific" plans for concerts in November but did indicate that they had been contacted by "one or more groups apparently affiliated with the Schools who asked about any fund-raising opportunities which might involve a musical event." I did ask if that moved forward that the Town be notified with the details with the reminder that it must comply with the SB-issued Special Event permit.

Lastly, Vivid indicated that they might be interested in exploring some type of Holiday-themed drive through at the Fairgrounds in the month of December which could conceivably include some lighting and related displays. I advised them that this would require a new Special Event Permit to be reviewed by the Select Board.

Julian M. Suso, Town Manager



Town of Falmouth

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

ENTERTAINMENT LICENSE APPLICATION

Massachusetts General Laws, Chapter 140, Section 183A as amended by Chapter 694 of 1981

NAME OF ESTABLISHMENT Falmouth Drive-in at Cape Cod Fairgrounds

ADDRESS 1220 Nathan Ellis Highway, East Falmouth, MA 02536

NAME OF OWNER/MANAGER Kevin Pacheco - General Manager of Vivid Event Productions LLC

TELEPHONE # [REDACTED] EMAIL [REDACTED]

NARRATIVE DESCRIBING ENTERTAINMENT: Drive-in style entertainment including live performances & movies

**LOCATION OF ENTERTAINMENT Cape Cod Fairgrounds, 1220 Nathan Ellis Highway

**Attach a Floor Plan showing where on the premises Live Music or Dancing will take place.

DAYS OF OPERATION, check all that apply: MON X TUE X WED X THR X FRI X SAT X

Hours entertainment is offered: 2:00 PM - 11:00 PM

SUNDAY ENTERTAINMENT: Y/N Y (complete State application+ fee)

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT:

- 1. DANCING By Patrons Y/N N Other Dancing Y/N N
2. MUSIC Recorded Y/N Y Live Y/N Y No. of Musicians VARIOUS Amplification Y/N Y
Type of Instruments PRIMARILY ACOUSTIC Acts & small groups

I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

DATE 8/21/20 X Kevin Pacheco OWNER, MANAGER OR AUTHORIZED AGENT

Approved by the Select Board on August 27, 2020 WITH THE FOLLOWING CONDITIONS:

- 1. Sunday - Thursday: No amplified audio outside of cars after 9:30pm; audio via automobile FM only after 9:30pm.
2. Friday and Saturday: No amplified audio outside of cars after 10:00pm; audio via automobile FM only after 10:00pm.
3. Health Agent detail required for weekend events, as per the discretion of the Health Agent.
4. Customers must remain in their vehicles other than to purchase from concessions or use restrooms.
5. No more than 6 members per performing group and performers are to remain within their cohort group.
6. Performance groups are to maintain social distance from all other performance groups.

Town Fees:
FILING FEE: \$10.00
PERMIT FEE: \$100.00

[Handwritten signatures of select board members]
APPROVED BY SELECT BOARD 8/27/20

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, SEPTEMBER 28, 2020
SELECT BOARD MEETING ROOM
TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

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

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

Present: Doug Brown, Acting Chair; Nancy Taylor; Sam Patterson; Doug Jones.

Absent: Megan English Braga, Chair.

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

1. Call to Order by Acting Chair Brown at 7pm.
2. Pledge of Allegiance
3. Recognition-none.
4. Announcements-none.
5. Public Comment-none.

SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Approve Eversource/Verizon New England petition for the installation of one (1) pole at Barrows Road, South of Rivers Edge Road. The proposed location is required for sustaining and protecting fixtures to be owned and used in common by petitioners, along and across the public way.

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

- b. Vote to approve application for MassWildlife Habitat Management Grant - invasive plant management

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

- c. Approve Solar Phase 2 PILOT Agreement

Mr. Suso explained this is same agreement that was had with Phase 1 and involves a pilot payment to the Town in quarterly installments for the life of the solar installation.

Atty. Duffy noted there have been no changes since it was last discussed at a previous Select Board meeting.

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

- d. Authorization to accept funding from MassDOT for technical assistance related to Complete Streets program

Mr. Suso noted a memo from Jim McLoughlin recommending favorable, this is timely with the Select Board adopting Complete Streets program last year.

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

- e. Authorize Community Preservation Committee (CPC) Applications:

- a. Conservation Department and The 300 Committee Application for permanent protection of the 9.3 acre Florence Sylvia Woodlands property in North Falmouth

Mark Kasprzyk was present and the person who directed the memo. He told the Select Board that the property is gorgeous, cost \$600,000, they are fundraising and plan to apply for \$200,000 from Community Preservation Act funds for a permanent conservation restriction.

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

- b. Recreation Department application for funding for hard court renovation on Bell Tower Lane in Woods Hole

Joe Olenick made a presentation with slides showing the condition of the courts, cracks in pavement, grass and shrubs growing through fencing. The rehab will include 2 tennis courts, 2 pickleball courts on the tennis courts, and a tennis court backstop. This will cut back on business of all the other courts in Town. Pickleball is a fast growing sport. This is the last of the Town-owned courts being rehabbed. \$250,000 request will be enough to complete the project.

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

2. Special Events

- a. Community Painting Day – League of Women Voters – Library Lawn or Peg Noonan Park – Saturday, 10/10/20, 10:00 a.m. – 3:00 p.m.

Sarah Pring, League of Women Voters Falmouth, they are doing various activities and events to educate and encourage people to vote. They are seeking permission to build the structure on Peg Noonan park, painted, and then left there until the day after the election. Jackie Reed is an award winning artist and experience with community murals. After the public paints it, she will go finish the design. Structure built by Mid Cape Home Center and will ensure it is solid and anchored to the ground. They plan to have 30-100 people painting on painting day, will try to get people to sign up ahead of time so that they may provide instruction in consideration of Covid-19. This is a call to action to be a voter. The methods of voting will be exhibited in the design and encourages people to be a voter. There are ground rules, it will be predesigned, so it is more of a color by numbers, nonpartisan, sensitive to race and gender. Nothing will identify it with a particular party. It is a community endeavor, not deigned to be a political statement. Covid-19 plans include outdoor space, mask wearing, social distancing, sanitization station, garbage bins for disposal and those will be removed at the end of the day. Materials will all be single use. There are 3 sides, each panel is 8x4, 2 people to a panel at one time, 20 minute time slots. Sign up schedule, they will call names and move in to get the paint and then approach the structure. League of Women Voters volunteers will be present. At most there will be 18 people per hour.

Mr. Jones noted a contest for students with work of art. Ms. Pring explained that Falmouth High School and Falmouth Academy are having a voter art competition; any medium on paper and produce something about being a voter, voting, why it's important until 10/20/20 and there are prizes. Instagram type. Also running voter art competition with Falmouth Art Center in a gallery exhibition. They are hoping to get the okay here and then start a public relations campaign, go to FCTV, radio, and newspapers.

Mr. Jones motion approval of the Peg Noonan Park location. Second Ms. Taylor. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Jones, aye; Acting Chair Brown, aye. Absent: Chair English Braga.

BUSINESS

1. Update on November election and voting – Michael Palmer, Town Clerk

Many changes over the last 6 months, most notable expansion of voting by mail. 45% turnout during the primary rather than 15% usual. No ballots have been received yet, hoping by next week, 11,000 requests are waiting to be mailed out. Last day to apply for voting by mail ballot will be 10/28/20, all must be returned by mail or the grey drop box in front of the Town Hall. Need to be back by close of polls 11/3/20 or postmarked by 11/3/20. Early voting in person may be done at 300 Dillingham Ave., Sat 8-1, Sun 12-5 and M-F 8-430. Voting in person on election day is an option. Using poll pads to check people in, eliminated the check-out table. Another option, not a requirement, is if you scan the bar code on your license, the camera on the poll pad will receive the info; it is more efficient, but Mr. Palmer emphasized that it is not a requirement. Voters may provide their name and address verbally and do not need a license to vote. This does not apply to municipal elections, so if we want to increase turnout and do this, then we will need to discuss and have special election. This makes it easy for people to vote, but it is difficult to process it.

People working at the polls should not be asking voters for their license, it is a passive thing, poll worker will scan the license if a voter presents theirs to the worker.

Mail in ballots will be counted if postmarked on/before election day will be counted. They allow pretabulating mail in ballots and run them through a tabulator, they may begin tabulating 9 days prior to the election. They all get counted on or before election day, except the ones postmarked by 11/3 and received the following day. The ballots received after election day will be counted by hand, along with military overseas, and provisional ballots. Totals are kept confidential until election day; it is a felony if they give out that information.

The MA Secretary of State's Office allows you to request an application be sent electronically for a ballot. They will sign the ballot and Palmer would have to verify their signature on the registration card signature. Some clerks are concerned, but Mr. Palmer would use due diligence to verify if he had questions, too.

Every ballot has a bar code on it, and it is scanned into the State database and it is uploaded onto the poll pads, if someone wants to vote in person but a ballot was already received via mail in the office, that person will not be allowed to vote at the polls. If they vote in person and then process the ballot, a ballot received in the mail will be rejected. There are penalties for voting more than once.

Mr. Johnson-Staub checked recently on how to register to apply for a ballot, online process requires a signature via scanning and submitting to the State.

There is a link on the Falmouth and SOS websites so that voters can track their mail in ballot.

2. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, reported 268 total case count, under 1% positivity. The State is a little higher. We are in the green. Contact tracing ones that come up in the que. Working on 10/26/20 flu clinic drive through by appointment only with details coming soon. Averaging about 6-7 cases per week. Twice a week calls with the State for updates. Schools opening, he is meeting with the schools weekly.

3. Update on water quality issues – Peter McConarty, DPW Director

Peter McConarty, DPW Director, explained the DEP violations; there are three tier exceedances: 1 is if you have E.coli hit with fecal matter requires reaching out to residents in 24 hours-they would have a reverse 911 call done, message boards, FCTV and radio station announcements. Tier 2 requires 30 day notice once the operator or department becomes aware of the exceedance. Tier 3 are annual notice like if the Town did not report monthly numbers to MA DEP. Tier 2 went out, due to the warm weather and no rain, the conditions during May-August led to additional algae growth in the plant, then several exceedances. Turbidity exceedance: you need to be 95% confidence all the turbidity exceedances are in the acceptable range. MA DEP told the Town to put a Tier 2 notice out. MA DEP is restrictive on the verbiage in the forms and ways it is reported to the public; the front page of the letter was written by the Town Water Department; the other side is information in the document from the MA DEP and is required. When having exceedances over 5%, constant communication with MA DEP.

Mr. Patterson asked turbidity for our drinking water, you may not see it. What is the biological hazard associated with it? Mr. McConarty explained the water is treated, heavy sediments are removed, the finer suspended solids in the water are very slow to settle out, that is the water that goes into the filtration and into the clear well: that is what is being looked at. The computer system at the plant measures turbidity every four hours. Due to the hot weather, lack of rain, warm nights, the PH goes up during the day and down at night, the water plant was taking in more algae. The concern at DEP is that it starts eating up the disinfection. Chlorine goes in before the clear well, large amounts of turbidity eats up the chlorine, water monitors would add more chlorine to balance it out.

Mr. McConarty noted exceedances occurred at the end of August, notified on 9/1/20, resident addresses were researched, mailings put together and mailed by a company in Taunton. This led to residents receiving the letters in late September.

The Select Board asked if cell phones receive reverse 911 calls. Chris Campbell will check with the County for Falmouth specific information; county uses a company called Code Red, it will use any landline based phone numbers and cell phone numbers registered in the system.

Mr. McConarty said that at this time a project repainting the low level water tank in Technology Park, the tank is offline, has been drained for this work. Will be painted by mid November 2020 with a 50 year epoxy tank inside and outside.

Changes in watering have not changed, looking at taking restrictions down for watering after the tank work has been done. We will need to discuss water usage for next season this fall and winter. We have been at maximum capacity for the pumps and the new Water Superintendent, Mr. McConarty, and Select Board need to have.

4. Request for a sign variance for the supporting structure of a sign at 187 Teaticket Highway for Green Ocean Car Wash – Matt Anderson, Kiwi Signs. The supporting structure exceeds the total of 8.0 sq. ft. to be considered incidental to the sign area. Continued from September 21, 2020.

Withdrawn.

5. November 2020 Town Meeting petition article presentation:
 - a. Article #4 – Jay Zavala for the Barnstable County Agricultural Society, Inc.

Jay Zavala, Falmouth resident and Town Meeting Member, presented the Barnstable County Agricultural Society Board of Directors: Wendy Brown, Anna Nouxse, and Rennie Friedman. Made a PowerPoint presentation. They would like a positive recommendation from Select Board. Reviewed Article 4 language, payment in lieu of taxes agreements with SCS Nathan Ellis Falmouth West, LLC, SCS Nathan.

Mr. Friedman, Director of Project Development for Sol Systems, made a presentation. A year ago they were in front of the Select Board to add an overlay zone. They would like to do two integrated projects with separate pilot agreements. The areas of the projects are 20 acres for East and 10 acres for West. Site plan reviewed, carports with solar panels. Showed a picture of a solar carport, they are becoming more common. This project will have no new asphalt paving. Zoning granted via approval of the article to add the solar overlay district, site plan approved through Planning Board, signed interconnection service agreements from Eversource, anticipated construction start spring 2021 and done by the end of the year. PILOT: payment in lieu of tax, in MA solar projects built to generate electricity for the sale to the grid are not exempt from personal property taxes, per MA DOR, these projects are allowed by state law to enter into a PILOT agreement. The PILOT rate is set by the local assessor based on various project assumptions. Providers tax certainty for the Town and the company owning and operating the system.

Mr. Friedman noted the panels will be in larger block groups, group of panels that function as one large panel but have small gaps in them, then a larger space between the larger groups. Mr. Friedman explained and is in the site plan, directly under the solar panels they will put in crushed stone/rock, allowing storm water to drain, but prevent the issue of a big field of mud because grass will not grow. All areas not under the panels where there is currently grass will remain grass.

Interconnection agreement: any indication of what flexibility or possibility that this plan will shut them off from having the freedom to connect another project. Mr. Friedman is not sure the status of the Town's project, he pays a fee to Eversource to do system upgrades.

Mr. Suso is not sure of the status of the interconnection of the solar project.

6. Status update on Fire Department staffing

Acting Chief Tim Smith and Chris Campbell provided a summary, the Select Board received a written report via email from Mr. Suso re: West Falmouth Station.

Chief Smith reported they have been reviewing the data for West Falmouth Station and based on the 7/1/20 start had more working the overtime, August less, September more. In the process of hiring six additional personnel, return of recruits from the academy on 9/11/20, so 3 have been added to their shifts. He is confident personnel will be added over time, they are having delays getting a refreshed civil service list, delay due to test takers that have applied, about 6700 people will be taking the exam. Once that occurs, they hope to refresh the list that has been just about exhausted. There are not a lot of available applicants for the cities and towns in the Commonwealth.

Ms. Taylor noted four stations running at full capacity, then West Falmouth Station is run as staff is available. Data supports that response time has been decreased throughout Falmouth. Chief Smith said they are looking at run time on a Town wide basis with information available from the dispatch center, feel even when West Falmouth station is not staffed, attribute the decrease in run time is that there are additional staff at HQ and East Falmouth station, which are the busiest. Having four people at station 5, when the ambulance goes on a call and there is a subsequent call, the engine can go out with two firefighters. Seeing improvements and more efficiency. Station 4, West Falmouth, is variable. With 4.5 stations running, decrease response time through the entire town based on the data and she finds this interesting.

Mr. Johnson-Staub noted that one reason response times have improved is because we went from model of starting with 11 firefighters on shift at start to 14. In the previous model bringing a lot of people in when they were needed, but now starting with 14.

Mr. Patterson noted a reason there is a decrease in call times, his understanding is West Falmouth station was often vacant because that firefighter would be moved to another station due to calls in the high volume stations. Chief Smith noted that is correct. In 2019, the West Falmouth station would be unstaffed, and the engine would go to another station.

Ms. Taylor asked if the firefighters, paramedics, EMTs are rotated among the stations. By the union contract, they have personnel who can bid by picking a station at the beginning of each year and they stay there for the year. Newer firefighters at the HQ, then rotated out as necessary.

Unknown when the station will be fully staffed, much depends on availability due to various reasons for leave. If the six personnel can get in the pipeline and in the academy, looking into January. Also need to continue to look at hiring personnel off the civil service list and add more personnel, then personnel may want to take advantage of the overtime. Unforeseen issues with personnel are to be expected.

Mr. Campbell is looking at response time numbers specific for district 4 and does not look at whether station 4 is staffed, it only looks at responses to geographic locations. No way to get information from dispatch programs in place, so they can only look within geographic areas within a time frame.

Mr. Suso summarized in July the data confirmed day shift at West Falmouth was manned 48% of the shifts in July day shift, night shift 65% of the time. August downturn due to vacations, day shift was 26% of shifts, night dropped 42%. September through 9/24 day 33% and night staffing 54%. The other graphic sent with the email gave information on the total # of incidents in West Falmouth: July 56 incidents, August 51, September through 9/24 to 28.

The one fire engine that fits in West Falmouth station is in service.

Chief Smith noted that November is the timeframe for holding the exams, but that could change. After January, they will go for additional 2 personnel. Personnel have stepped up, many personnel have to be held over, in the next few months he hopes to see more participation in that and to keep the numbers stable. Looking for approval for an additional fire truck in November 2020.

Todd Taylor: When additional staff are hired, will minimum staffing become 16? Chief Smith said that if they got the six personnel on board and an additional ten, all came back to work, they would have 2 shifts of 18 and 2 of 19. Having additional personnel coming on board will increase shift staff to 16, but since not all are actually on shift due to leave, that may not equal 16.

7. Vote Little Pond Sewer Service Area (LPSSA) grinder pump reimbursement

Amy Lowell made a presentation, provided background, including the Town would provide a modest compensation for one time partial reimbursement of grinder pump cost. Average cost difference between pump and gravity connections was \$1800. 681 residential property owners installed grinder pumps, would cost \$1,225,800. Tonight's goal is to set reimbursed criteria, process, and schedule. Criteria for reimbursement: only the owner of the property at time of connection is eligible, only noncommercial residential properties, to qualify the property's LPSSA combined sewer connection permit must be closed out. There are some that do not have permits closed out. Application process, property owner applies for reimbursement by submitting a one page application form and W-9 form. That would be submitted to the address or email address. Wastewater Division will review to verify criteria is met, once reviewed forwarded to Accounting for reimbursement. After Select Board vote amount and criteria for reimbursement, they will send out letter to property owners at the time of sewer connection, that letter would include the form that needs to be completed to get the reimbursement, publish availability in the Enterprise, mail, and would notify neighborhood associations.

Additional suggested vote is the town's commitment to providing grinder pumps and reimbursement is for properties connected before today's date; any future new pump connections in LPSSA will not be provided a pump or reimbursement for installation.

Ms. Lowell explained the properties were connected to the sewer, but one or more than the inspections to close out the permit was not completed. There was a transition in electrical inspectors, the electrical inspector did not make it to all inspections or contractors did not call for the inspection. These just need to be closed out before receiving the reimbursement.

Reimburse the owner of the house at the time the property was connected because that is the entity that incurred that cost. If the property changed hands, it is assumed the value of the sewer connection was incorporated into the sale. It's just the owner who paid for the connection itself who would be eligible.

Mr. Jones motion to set the reimbursement at \$1800, eligibility is the owner of the property at the time of connections, non-commercial, and timeframe to accept applications is through 12/31/2021. Second Mr. Patterson. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Jones, aye; Acting Chair Brown, aye. Absent: Chair English Braga.

Mr. Jones motion that this will go to grinder pumps that have been connected before today, future connections will not be provided with a pump or reimbursement. Second Mr. Patterson. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Jones, aye; Acting Chair Brown, aye. Absent: Chair English Braga.

8. Governor's COVID-19 Order No. 50 Making Certain Phase III Adjustments, Extension of Outdoor Dining Provisions, direction/guidance from the Select Board

Mr. Suso said that the Gov is allowing municipalities to extend outdoor seating deadline and related items. Irie Mullin, Assistant Town Counsel, provided information in the packet; one suggestion is for the Select Board to consider extending an additional 30 days to 12/1/20 to come back to the Select Board with more information.

Atty. Mullin said the original order for the outdoor seating is order 35 with an 11/1/20 date to end the permits. Order 50 gives the Select Board the authority to extend those permits to any time up until 60 days after the declared end to the pandemic emergency. The end of the emergency could be into next year, summer, possibly into the fall. The Select Board can do various things to approve: a vote to blanket extend to a certain date, 12/1/20, as suggested by Mr. Suso.

Mr. Patterson supports increasing seating capacity; however, if they add seats to extend it into the winter, need an administrative approval process to make sure they are safe. Do as much business as possible with the Governor's restrictions. Mr. Brown agrees.

Mr. Suso is comfortable extending it and suggests a blanket extension to 12/1/20 and allow him to work with Atty. Mullin in reviewing options and possibilities, discuss further with the Select Board within 30 days.

Mr. Jones motion to extend the blanket approval through 12/1/20. Second Mr. Patterson. Roll Call Vote: Mr. Patterson, aye; Ms. Taylor, aye; Mr. Jones, aye; Acting Chair Brown, aye. Absent: Chair English Braga.

Mr. Suso confirmed he will work with Town Counsel on this during the coming month and will bring suggestions for considered changes to the Select Board in November.

9. Minutes of Meetings:

- a. Public Session – August 24, 2020

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

- b. August 27, 2020

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

- c. September 14, 2020

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

10. Individual Select Board Member's Reports

Mr. Patterson:

Attended Cape Cod Regional Transit Authority Advisory Meeting: impressed with how well the organization is run, even during the pandemic. Started a special cell phone app service, "The Rapid DART", you could order a ride on a shorter term basis. Currently in a test phase in Hyannis.

Attended EDIC Strategic Planning Meeting, reviewing all initiatives the EDIC is involved in and pursuing in the future.

Volunteered to set up outdoor class spaces in the elementary schools. Many people volunteered to make this happen.

Mr. Brown:

Reaching out to neighboring communities about the machine gun range, Mashpee was surprised by it. There will be a meeting Friday with each of the Town Managers and Select Boards' Chair with leaders from Joint Base Cape Cod. Bourne Town Manager was knowledgeable about it and aware that any clear cutting they do, they will repopulate 4:1 new habitat in a new area. Spoke with Cape Cod Commission staff, they have limited ability to be involved in it because it is a separate environmental review but sent a letter regarding their position.

Ms. Taylor:

Science and Community Advisory Council members information with letter that she will send to Mr. Brown.

11. Town Manager's Report

Mr. Suso met with Select Board's Fire Station Location Committee, they may have a conclusion and recommendation following their next meeting on Oct. 7.

Shark sighting on Stony Beach reported by Greg Fraser, unknown species of shark that was reported.

Select Board meeting jointly with School Committee at 6:30pm regarding diversity and inclusion.

Tommy Leonard memorial dedication attended along with Mr. Brown.

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

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

REPORT

TO: Select Board

FROM: Julian M. Suso 

DATE: October 23, 2020

- We will meet in executive session at 6:30PM on Monday evening to review/discuss the status of the Town Manager's Employment Agreement.
- The Board will consider a few items under Summary of Actions.
- Scott McGann will join us for our regular update on COVID-19 issues, including a report on the scheduled "flu clinic" which will take place on Monday afternoon, October 26 and be completed just prior to our meeting.
- Co-chairs Trisha Favulli and Mike Duffany will join us to present the final report and recommendation of the Citizens Future Fire Station Advisory Committee. I was pleased to join the Committee in their meetings during this process as well as retired Fire Chief Mike Small and Acting Fire Chief Tim Smith. My thanks to all Committee members.
- We will be joined by Town Counsel Frank Duffy, outside counsel Chris Morog and Finance Director Jennifer Mullen who will assist me in presenting a Status Report and Update on the wind turbines.
- With your Board packet, I included a brief summary Report on my discussion with Vivid Entertainment on their Fairgrounds concert series and our continuing to receive noise complaints.
- On Thursday afternoon, I and a few staff members met with Sam Patterson, Mike DiGiano and others from the EDIC on their draft consultant's report on feasibility for a community broadband network.
- I joined the Steamship Authority Long-Term Vineyard Transportation Task Force for their monthly meeting on Thursday evening.
- Submissions are arriving from Town departments on the proposed FY2022 Budget. Internal deliberations and review will be forthcoming soon as we approach what is shaping up as a most challenging budget year.
- The annual Halloween "scarecrows" have begun to appear downtown.
- Veteran's Services is planning a virtual Veteran's Day Observance, similar to the process followed for Memorial Day, given the COVID-19 limitations.
- The Board's next meeting is Monday, November 9. Town Meeting will convene on the following Monday, November 16 as announced.