

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, NOVEMBER 9, 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 November 9, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

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

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

AGENDA

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment
6. Vote to affirm appointment of Facilities Maintenance Manager

7:15 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to authorize license agreement with Farming Falmouth to allow operation of a community garden at "Emerald House" property located at 67 Davisville Rd.
2. Special Events

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. PUBLIC HEARINGS

1. Petition for change of street name from Agassiz Road to Jewel Cobb Road
2. Fee hearing – proposed fee changes for 2021

7:45 p.m. BUSINESS

1. Discussion/update on COVID-19 issues
2. Follow-up presentation, discussion, vote – Mayflower Wind temporary right to entry agreement for 565 Blacksmith Shop Road, 0 Surf Drive and 0 Grand Avenue and letter agreement re: reimbursement for consultant costs
3. Discussion on participation in upcoming November 16 Town Meeting
4. Status update on drive-in movies and musical events at Cape Cod Fairgrounds and related noise complaints
5. Review and adopt committee handbook updates
6. Discuss/vote on extended temporary outdoor restaurant seating license process
7. Approve 2021 Annual License Renewals:

ALL ALCOHOL RESTAURANT

Bear in Boots Burger Bar, 285 Main Street
Falmouth Jade, 143 East Falmouth Highway
Osteria la Civetta, 133 Main Street
Paul Harney Golf, 74 Club Valley Drive
Pickle Jar Kitchen, 170 Main Street

ALL ALCOHOL PACKAGE STORE

Kappy's, 21 Spring Bars Road

WINE & MALT RESTAURANT

Crabapples, 533 Palmer Avenue
Homeport Sushi, 316 Gifford Street
Seafood Sam's, 356 Palmer Avenue

WINE & MALT PACKAGE STORE

Rapid Refill, 435 Palmer Avenue

WINE, MALT & CORDIAL INNHOLDER

Palmer House Inn, 81 Palmer Avenue

COMMON VICTUALLER

Bear in Boots Burger Bar, 285 Main Street
Burger King, 111 Teaticket Highway
Coonamesett Farm, 277 Hatchville Road
Crabapples, 533 Palmer Avenue
Falmouth Jade, 143 East Falmouth Highway
Mary Ellen's Bakery, 829 Main Street
Osteria la Civetta, 133 Main Street
Paul Harney Golf, 74 Club Valley Drive
Persy's Place, 40 North Main Street
Pickle Jar Kitchen, 170 Main Street
Pie in the Sky, 10 Water Street
Seafood Sam's, 356 Palmer Avenue
Thai Kitchen, 258 Teaticket Highway

INNHOLDER

Palmer House Inn, 81 Palmer Avenue

CLASS II USED CARS

Falmouth Auto Sales, 735 Teaticket Highway
M&N Auto Mall, Inc., 20A Village Common Drive
O'Hara Motors, 50 Spring Bars Road
Savon Hatem, 561 Thomas Landers Road

8. Minutes of Meetings:
 - a. Public Session – October 5, 2020 and October 19, 2020
 - b. Executive Session – October 19, 2020 and October 26, 2020
9. Individual Select Board Member's Reports
10. Town Manager's Report

Megan English Braga, Chair
Select Board

SCRIPT FOR REMOTELY CONDUCTED OPEN MEETINGS

Call Meeting to Order:

Good evening this is Megan English Braga, and I am calling this meeting of the Select Board to order.

Confirming Member Access:

As a preliminary matter, I will confirm for the record the members and staff are present and can hear me.

- Members, when I call your name, please respond in the affirmative.
Doug Brown, Doug Jones, Sam Patterson, Nancy Taylor.
- Staff, when I call your name, please respond in the affirmative.
Julian Suso, Peter Johnson-Staub,

Introduction to Remote Meeting:

This Open Meeting of the Select Board is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

The Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. This Order does not require public participation except for certain regulatory matters requiring a public hearing. At the discretion of the Chair, a method for public participation may be provided for matters that do not require it under this Order.

For this meeting, the Select Board is convening by video conference via Zoom App. The meeting is also being broadcast on cable Channel 15 and streamed online at www.fctv.org. For those who wish to view the meeting but do not wish to participate, we suggest viewing on FCTV. Members of the public who wish to make comments or ask questions during the meeting may join the meeting as Zoom "attendees"

which allows you to submit written comments and questions via the chat function and also to see and hear the meeting in real time. Please note there is a time lag between the real-time Zoom online meeting and the FCTV video whether viewed on cable TV or streamed online. The link and instructions for joining the meeting are listed in the agenda posting on the Town website. For more detailed instructions on how to use the chat function, please go to the Town website and enter 'Zoom instructions' in the search box at the top of the page.

This meeting is being recorded and some individuals who have been invited to make a presentation are also participating by video conference. For those of us participating as Zoom "panelists" on the video conference, please be aware that you can be seen and heard unless you have muted your microphone and/or camera. Panelists are asked to mute their mics except when speaking and attempt to minimize background noise in your location to maintain audio quality. Also be advised open windows on your computer may be broadcast and recorded if you hit the "screen share" button on your computer. Anything captured by this Zoom teleconference will be broadcast and recorded.

Meeting Materials

All supporting materials that have been provided to members of this body are available on the Town's website unless otherwise noted. For this meeting, the meeting packet can be found on the Select Board page by clicking on the "Select Board's Meeting Packets" tab on the menu bar on the left.

Meeting Business Ground Rules

We are now turning to the first item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- As Chair, I will introduce each speaker on the agenda.
 - Please remember to unmute your microphone and face the microphone on your computer when you are recognized to speak so you can be heard clearly.

- Please remember to mute the mic on the Zoom app when you are not speaking; or if using a mobile phone mute your phone when not speaking;
- When a meeting participant wishes to interject a question or comment, please state your name and ask to be recognized.
- After the presentation and member discussion, the Chair will ask a staff member to read any questions or comments typed into the Zoom chat by members of the public.
- All votes for this remote meeting will be taken via roll call. I will call out the name of each member and ask you to repeat your last name before stating your vote.

We will now proceed with the meeting begin with the pledge of allegiance.

PROFESSIONAL SUMMARY

Knowledgeable and motivated individual seeking to advance career in the facilities field. Excels in building and facility systems operation, maintenance, and repair; project management and new construction. Self-motivated, personable and detail orientated. Well-versed in evaluating and diagnosing problems and repairing issues in a timely and professional manner. Trained and experienced in cGMP manufacturing, research and development laboratories, marine shipyard, and marine transportation environments.

WORK EXPERIENCE

- **Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority**

2015-Present

Facilities Manager

- Directly responsible for the operation, maintenance and repair of 27 facilities across Southeastern Massachusetts, Cape Cod, Martha's Vineyard and Nantucket.
- Responsible for engineering, cost estimation, bidding, permitting and project management of new facilities construction projects through completion. Experienced in DCAMM construction management and Massachusetts's State Procurement Laws.
- Responsible for all facilities inspections and permitting. Work closely with various federal, state and local regulatory agencies and commissions (EPA, MassDEP, MassDPS, Army Corp of Engineers, USCG, Division of Marine Fisheries, Conservation and Historic Commissions, ect.)
- Manage facilities staff of 13 tradesman and tradeswomen: Electricians, Plumbers, Carpenters, Machinists, Welders, Equipment Operators, Landscapers, and Custodians.
- Work closely with all departments to ensure projects are completed in a timely fashion, with minimal impact to operations and in compliance with all environmental, health, and safety standards.

- **Acorda Therapeutics- Chelsea, Ma. (Previously Civitas Therapeutics- Acquired in 2014)**

2011-2015

Process Mechanic

- Acting Facilities Manager for Civitas Therapeutics from 2011-2014. Lone full time facility/lab operations staff member managing successful renovation and start-up of dormant 90,000 square foot spray drying facility.
- Obtain and maintain multiple licenses and permits associated with cGMP facility operation pertaining to hazardous waste storage and disposal, flammable and hazardous material storage, wastewater treatment, Tier II reporting, pressure vessel and boiler operation, radiation equipment registration and safety programs, building codes and occupancy.
- Establish and maintain relationships with various regulatory federal, state, and local agencies.
- Work closely with all departments to develop and maintain EH&S programs, financial documentation and tracking, manufacturing schedules, and equipment start-up
- Help to design, plan, and schedule major mechanical build-out including install and start-up of air cooled chiller, steam boiler, and hot water boilers.
- Troubleshoot and repair multiple pieces of facility and manufacturing equipment including centrifugal and air cooled chillers, high pressure steam boilers, compressors and air dryers, HVAC and dehumidification units, clean steam generators, HPW and RO water systems, commercial cGMP packaging and filling machines, cGMP spray drying equipment, autoclaves, glass washers, TCU heat exchanger skids, lab gas supply and distribution, controlled room environments, radiation program, walk-in cold rooms and utilities.

- Develop and manage preventative maintenance program for all facilities and lab equipment.
- Write and review SOP's and validated drawings and forms. Approved signatory for those pertaining to facilities equipment
- Train on SOP's and cGMP documentation. Maintain documentation associated with calibrations, repairs and PM's of cGMP equipment.
- Respond to alarms off hours from building and equipment management systems as well as security system/monitoring company. Designate and define levels of badging access for cGMP facility. Issue badges as well as control and maintain badge access system/site security.

- **Beacon Installation** – Reading, Ma

2010–2011 (Full-time)

2002-2010 (Seasonal)

General Contractor- general construction, demolition, and dormitory restoration. Crew management and job documentation responsibilities

INTERNSHIP EXPERIENCE

- Kaspersky Lab- Woburn, MA

September of 2009 to December of 2009

- Admiral Metals- Woburn, MA

June of 2007

CERTIFICATIONS

- 2nd Class Fireman. License #FM2F-320147
- OPA 90 Qualified Individual- OSHA-24-Hour ICS On-Scene Commander
- OSHA 10-hr Maritime Shipyard Training
- Chapter 30B, Design and Construction Law & Prevailing Wage Training
- Confined Space Entry Competent Person
- TWIC Card
- Licensed Industrial Wastewater Treatment Plant Operator, Grade 1. Certification #15895
- Hazardous Waste Management and RCRA Regulations Training Course Certification (40 CFR 261-265)
- DOT Hazardous Materials Training Course and Testing Certification (49 CFR 172.704)
- Welding Certifications
 - 3G&4G FCAW
 - 3G&46 SMAW
 - 6G SMAW

Other: cGMP Training (Documentation, SOP's, CAPA's, Deviations, Change Control, Gowning Procedures). Fluent in Microsoft Office, Outlook. Experience with AutoCAD.

EDUCATION

- Endicott College- Beverly, MA
 BS: Major: Business Administration Concentration: Management
 Cumulative GPA: 3.4
 Date of Graduation: May 15, 2010
 - Endicott Scholars Honor Program
 - Dean's List*Other:* Endicott College Men's Lacrosse
- Peterson School- Woburn
 2nd Fireman's License Prep Course

- Wentworth Institute of Technology
Continuing education program
Welding 101, Welding 102, Welding 103
- Peterson School- Woburn
Massachusetts Construction Supervisor Prep Course
- Practical Applications
Wastewater Operator License Prep Course

REFERENCES -Available upon request

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts, acting by and through its duly elected **Falmouth Select Board (the Town)**, having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to **Farming Falmouth, Inc.**, a Massachusetts not for profit corporation, PO Box 2322 Teaticket 02536 (Licensee), the following License to place and maintain a community garden containing 5,633 sq. ft., more or less, on the Town's property at 67 Davisville Road, East Falmouth, MA, known as the Emerald property and limited to the area shown on Exhibit "A" attached hereto.

This License is granted upon the following terms and conditions:

- a. Said License is revocable by the Town at any time when it deems it appropriate to revoke the same in the best interest of Town and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the Licensee its successors and assigns at the above-referenced property address;
- b. Upon such revocation, the Licensee, its successors and assigns shall, if and when directed by the Town, remove the community garden and restore the area to its original condition;
- c. If the Licensee, its successors and assigns, fails to remove said community garden all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this License, including attorney's fees, costs and expenses and contractor fees shall be paid by the Licensee, its successors and assigns to the Town upon demand;
- d. Until revoked, this License shall continue indefinitely;
- e. The term of this License shall begin on November 10, 2020;
- f. The Licensee shall be responsible for all utility services, including electric power and water, necessary to maintain a community garden and for this purpose may erect temporary water services;
- g. The Licensee may secure the community garden and appurtenant equipment with a fence subject to approval of the Town Manager;
- h. The Licensee will obtain all necessary licenses and permits for the community garden and comply with all applicable laws, rules and regulations;

- i. The Licensee shall maintain and clean the licensed area and environs in a clean and safe condition, free from litter and debris, on a daily basis;
- j. The Licensee, and the gardeners using the community garden, may use the Emerald House parking area. Emerald House is presently not occupied. In the future the Town's use of Emerald House may create conflicting uses of the parking area and the Town Manager shall have authority to allocate its use among conflicting interest. Use of the nearby parking lot at the East Falmouth Elementary School is not permitted without permission from the Falmouth School Committee, which permission is the responsibility of the Licensee;
- k. Licensee agrees to maintain during the term hereof and until all of the Licensee's responsibilities have been satisfied hereunder a policy of general liability insurance on an occurrence basis under which the Town is named as an additional insured. Such policy shall not be cancelled, non-renewed or modified without at least thirty (30) days prior written notice to Town. The minimum limits of liability of such insurance shall be not less than One Million Dollars (\$1,000,000.00), combined single limit, for personal injury and death, and for property damage arising out of any one incident or disaster. The Licensee shall provide the Town and said Town's designees with a new Certificate of Insurance, showing the Town as additional insured, 30 days prior to the expiration of the then current insurance policy or policies in force.

Upon the execution of this License, a binder of such insurance or, upon written request of Town, a duplicate original of the policy, shall be delivered by Licensee to Town. In addition, evidence of the payment of all premiums of such policies will be delivered to Town. All commercial general liability, property damage liability, and casualty policies maintained by Licensee will be written as primary policies, not contributing with and not in excess of coverage that Town may carry. If Licensee fails to maintain such insurance, which failure continues for ten (10) days after Town gives notice to Licensee of such failure, then Town, at its election, may procure such insurance as may be necessary to comply with the above requirements (but shall not be obligated to procure same), and Licensee shall repay to Town the cost of such insurance plus an insurance failure fee of twenty-five percent (25%) of any such cost. The Town may also elect to terminate this license.

- l. The Licensee agrees to hold the Town free and harmless from any and all liability, claims, losses, damages, costs and expenses resulting from any and all personal injuries including deaths, however caused, if such injuries are sustained upon or result from the use of the licensed area and do not result from the negligence of the Town;

- m. There shall be no alcohol or smoking in the community garden; and
- n. This License is not assignable by the Licensee.

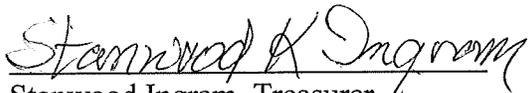
IN WITNESS WHEREOF, Julian M. Suso, Town Manager as authorized by the Falmouth Select Board has signed these presents this 4 day of November, 2020.

Julian M. Suso, Town Manager

Farming Falmouth,



Jennifer Christian, President



Stanwood Ingram, Treasurer

Date: 11-4-2020

Exhibit A





**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. Applicant will use a shuttle to drive guests from Menauhant Yacht Club back to the Menauhant Beach parking lot.

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. 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:

NOTICE OF PUBLIC HEARING
CHANGE OF STREET NAME

In accordance with the provisions of Massachusetts General Laws Ch. 85, s. 3 the Select Board of the Town of Falmouth will hold a public hearing on the petition of Paula Pace, et al., to change the name of a public way in the village of Woods Hole from Agassiz Road to Jewel Cobb Road. The hearing will be held on Monday November 9, 2020 at 7:30 PM, in the Selectmen's Meeting Room, Falmouth Town Hall.

*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 November 9, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. ***See Select Board NOTICE of MEETING for November 9, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on November 5, 2020 at 4:00 PM for detailed participation information.****

Per order of the Select Board

Publication date: Friday, October 16, 2020; Falmouth Enterprise

p's supporters are across the Cape, inrne and Sandwich. andidate project the as to create a nonparnnaire, Ms. Hamilton that it is important to he candidates have to sues of racial justice. d exercise," she said. oing overseas, Ms. pent several years Washington, DC, doing vocacy.

November election, Cod Racial Justice s to continue to suprk of Cape activists of o work to dismantle cal communities, she

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02655

other explanations seemed pretty them around town has been made | nounced on Saturday, October 31.

Legal Notices

Falmouth Zoning Board of Appeals Notice of Public Hearing for November 5, 2020

Notice is hereby given of the following **Public Hearing @ 6:30pm and Open Meeting in the Selectmen's Meeting Room * SEE AGENDA FOR VIRTUAL PARTICIPATION***, Town Hall on **Thursday November 5, 2020**

#052-20 Richard D. and Janet R. Spector: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. and 240-69 E. of the Code of Falmouth to construct a second floor addition; increasing lot coverages by structures on subject property known as 15 Prospect Street, Falmouth, Ma.

#053-20 Rockland Trust Company: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-67 A. and 240-3 C. of the Code of Falmouth to construct an addition to existing building, replace existing canopy and single lane drive-thru with a two lane drive-thru on subject property known as 397 East Falmouth Highway, East Falmouth, Ma.

#055-20 RLBE, LLC: Applied to the Zoning Board of Appeals for a Comprehensive Permit pursuant to MGL Chapter 40B to construct five(5) duplex buildings, totalling ten(10) units; three(3) units will be affordable. The subject property is Rebecca Ann Lane (Lot 2), East Falmouth, Ma.

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

October 9, 16, 2020

NOTICE OF PUBLIC HEARING CHANGE OF STREET NAME

In accordance with the provisions of Massachusetts General Laws Ch. 85, s. 3 the Select Board of the Town of Falmouth will hold a public hearing on the petition of Paula Pace, et al., to change the name of a public way in the village of Woods Hole from Agassiz Road to Jewel Cobb Road. The hearing will be held on Monday November 9, 2020 at 7:30 PM, in the Selectmen's Meeting Room, Falmouth Town Hall.

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 November 9, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. *See Select Board NOTICE OF MEETING for November 9, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on November 5, 2020 at 4:00 PM for detailed participation information.*

Per order of the Select Board

October 16, 2020

The FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town of Falmouth Wetlands Protection Bylaw on **Wednesday, October 28, 2020 at 7:00 PM.**

In accordance with the Governor's Order

Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the October 28, 2020 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.

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

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

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

a. Zoom Login instructions:

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

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

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

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

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Carol Efron Flier, 55 Moonpenny Lane, Falmouth, MA - For permission to reconstruct an existing deck within the existing footprint.

Steven and Joan Feist, 64 Squibnocket Drive, East Falmouth, MA - For permission to upgrade to a new Title V sewage disposal system with no increase in design flow.

Colonial Gas Company d/b/a National Grid, 24 and 30 Hawthorne Court, Falmouth, MA - For permission to extend the existing gas main and to install 2 new service connections.

Eric Anderson, 15 North Bournes Pond Road, East Falmouth, MA - For permission to construct and maintain an addition and attached garage; to relocate the exiting a/c and generator unit; to install a new shell driveway with a trench drain; to install mitigation plantings; and to up-

grade to a new Title V sewage disposal system with no increase in design flow.

Jon H. Kjellman and Pamela Douglass-Kjellman, 29 Pondlet Place, Falmouth, MA - For permission to construct and maintain a covered porch and to remove and reset the existing septic tank to allow for construction of the covered porch.

Andrew and Joy McDonald, 67 Beebe Acres Road, Falmouth, MA - For permission to remove an existing deck and to construct a brick patio and screened porch with expansion of a small deck and basement entry.

Arlene Schubert, 239 Edgewater Drive East, East Falmouth, MA - For permission to install a new Title V subsurface sewage disposal system.

Frank Peros, 513 Currier Road, East Falmouth, MA - For permission to construct an addition within the footprint of an existing deck.

James McLoughlin, Town of Falmouth, 630 Waquoit Highway, Falmouth, MA - For permission to demolish an existing dwelling previously damaged by fire.

REQUEST FOR A HEARING UNDER A NOTICE OF INTENT

William and Elizabeth Houlihan, 352 Sipewisset Road, Falmouth, MA - For permission to install mitigation plantings required under a previous Order of Conditions; to restore an illegally cleared area of buffer vegetation; and to remove an unpermitted patio.

Terrance J. and Margaret N. Forster, 37 Bacles Road, Falmouth, MA - For permission to demolish the existing single-family dwelling and to construct a new single-family dwelling with walkways, a sunroom, front entry porch, underground wire utilities, water service, AC units, generator, paved driveway, parking, outdoor rinse station, mitigation plantings, and other appurtenances; and to upgrade to a new Title V septic system.

Davis Neck LLC, 0 Davis Neck Road, Map 45 22B, Parcel 000 004, East Falmouth, MA - For permission to remove a portion of an existing stone riprap; to construct and maintain a stone riprap return; to establish a coastal dune with beach grass plantings; and to install fiber rolls with all associated construction activities and dune plantings.

Michael and Marie Angelini, 32 Snug Harbor Lane, West Falmouth, MA - For permission to remove a bluestone patio; to request permission for an unpermitted shed, bluestone patio, small deck, and rinse station to remain; and to supplement previously installed mitigation plantings.

HEARINGS UNDER AN ENFORCEMENT ORDER

William and Elizabeth Houlihan, 352 Sipewisset Road, Falmouth, MA - Unpermitted removal of vegetation and construction of a patio within Conservation jurisdiction.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

October 16, 2020

Diane Davidson

From: Pace Paula [REDACTED]
Sent: Monday, September 7, 2020 9:16 PM
To: Falmouth Selectboard
Cc: Ruth Gainer; Pace Paula
Subject: Petition to change the name of Agassiz Road
Attachments: Agassiz Petition Full List.pdf; Agassiz Petition Edited List.pdf; Agassiz Petition Comments.pdf

Dear Members of the Select Board:

The petition to change the name of Agassiz Road is submitted in three pdf's: the first is the petition with the full list of signatories; the second is the same petition with a list edited to include only those signatories (280) known to be residents or home owners in Woods Hole/Falmouth; the third is a list of comments that were added to the petition by signatories.

Residents of Agassiz Road are identified in the edited version. At least one member of every residence on Agassiz Road has signed the petition.

If the Select Board grants the request in the petition to change the name of "Agassiz Road" and replace it with "Jewel Cobb Road", we request that a date in the summer of 2021 be given as the effective date for the change in order to allow residents sufficient time to make necessary changes in their personal information.

Thank you so much for your consideration. We are thrilled that our Woods Hole/Falmouth community has come together in support of this petition.

Kind regards,

Paula Pace and Ruth Gainer

Recipient: Falmouth Select Board

Letter: Greetings,

Petition to change the name of Agassiz Road, Woods Hole, MA

To the Select Board of the Town of Falmouth:

We the undersigned residents and/or property owners of the Town of Falmouth, Massachusetts offer this petition to change the name of Agassiz Road. In the tradition of Woods Hole street names, we request Louis Agassiz's name be replaced with that of Dr. Jewel Cobb, a distinguished scientist who worked in Woods Hole. The residents of Agassiz Road have selected "Jewel Cobb Road" as the name of the road.

Louis Agassiz (1807-1873) was appointed to the Harvard faculty in 1847. He founded the Anderson School for Natural History at Penikese Island in the summer of 1873. Agassiz's methods inspired students at the school to establish the Marine Biological Laboratory in Woods Hole in 1888.

While Agassiz made significant contributions in geology and other areas of science, he was a polygenist. He professed beliefs that humans had different origins, and that white people were superior physically, intellectually, and morally to black people, indigenous people and people of color. Agassiz used his science in support of white supremacy. Such racist science became an important justification for slavery.

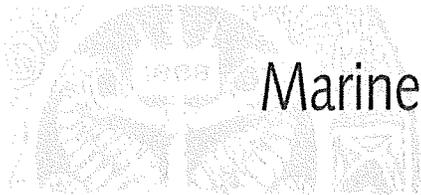
We wish to live in a community that welcomes all people, regardless of skin color, ethnicity, religion or culture. To venerate a scientific racist has given the wrong message for too many years. We have an opportunity now to change a road name and honor a scientist whose life and work reflect the true values of our community.

Dr. Jewel Cobb (1924-2017) was named an independent investigator at the Marine Biological Laboratory (MBL) in 1949. She served on the MBL Campaign Steering Committee and became an MBL society member in 1972. In 2007, she was named an Emeritus member.

Dr. Cobb was a cell biologist. She researched tissue culture and studied skin cancer (melanoma) and the effects of hormones, UV light and chemotherapy on cell division in skin cells. She was the recipient of many awards and several honorary doctorates. She was a member of the National Academy of Medicine and, in 1993, received a Lifetime Achievement Award from the National Academy of Sciences.

From 1981-1990, Dr. Cobb was President of California State University at Fullerton. She was an active supporter of equal access to educational and professional opportunity for women and under-represented minorities. She was known for guiding and inspiring young women interested in pursuing careers in science. She held faculty positions at New York University, Sarah Lawrence, Connecticut College, and Rutgers.

A change in the name of the road does not erase history, but reveals it. By submitting this petition, the undersigned take responsibility for our history, acknowledge its consequences, and act in accordance with our values and vision for our community.



Marine Biological Laboratory



Nipam Patel
Director

MBL
7 MBL Street
Woods Hole, MA 02543
USA

p: 508-289-7300
f: 508-289-7934
npatel@mbl.edu
www.mbl.edu

September 3, 2020

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

Dear Falmouth Select Board,

As the MBL considers the ways in which we as an institution can actively confront racism and support our Black community members in tangible ways, we would like to offer the laboratory's support of the community effort to replace the name of Agassiz Road, located in Woods Hole, to honor Dr. Jewel Cobb, an important member of the MBL community for more than six decades.

Although Agassiz Road is no longer on MBL property, its legacy resides with the laboratory. As we work to create a campus environment where all are to be treated with dignity and respect, we must also look to our Woods Hole locale with which we are closely entwined by proximity, history, and community.

The MBL is committed to transformative institutional change, and realizes that progress will require dedication, hard work, and the willingness to listen and work transparently. As an institution we are working to understand how to best make these changes and look forward to engaging with the community in the future.

Sincerely,

Nipam H. Patel, Ph. D.
Director



Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list: Diane Davidson

Address of person requesting abutters list: Town Manager's Office

Phone: x7321

Abutters to (subject property):
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: _____

Location of subject property: Agassiz Road, Woods Hole

Check one:

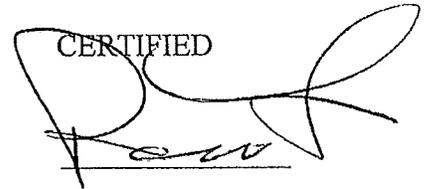
- Direct abutters (includes properties across street)
- Direct abutters in local Historic District (includes properties across the street) within 100"
- Immediate abutters (includes only properties with a common property line)
- Immediate abutters plus churches and schools within 500'
- Properties within 300'
- Properties within 300' or abutters abutter to abutter whichever is closest
- Properties within 100'
- Other (specify) All property owners on Agassiz Road, Woods Hole. The Board has received a petition to change the name of this road. Will send a public hearing notice to all property owners.

RECEIVED
SEP 25 2020

Board of Assessors, Town of Falmouth

Fee. \$25.00 Total _____

AGASSIZ RD

CERTIFIED


Patricia A Favulli
Director of Assessing
Town of Falmouth
SEPTEMBER 30, 2020

7 AGASSIZ RD 49 04 039 022
LUC: 101
BURGER CHRISTINA
GEMPENRING 13
4143 DORNACH
SWITZERLAND. 88888

9 AGASSIZ RD 49 04 040 023
LUC: 101
CHESTER MARK S
PO BOX 545
WOODS HOLE . MA 02543

1 AGASSIZ RD 49 04 038 021
LUC: 101
CREATH TRUSTEE JOHN RICHARD
MAIENSCHIN TRUSTEE JANE
341 EAST 15TH ST
TEMPE. AZ 85281

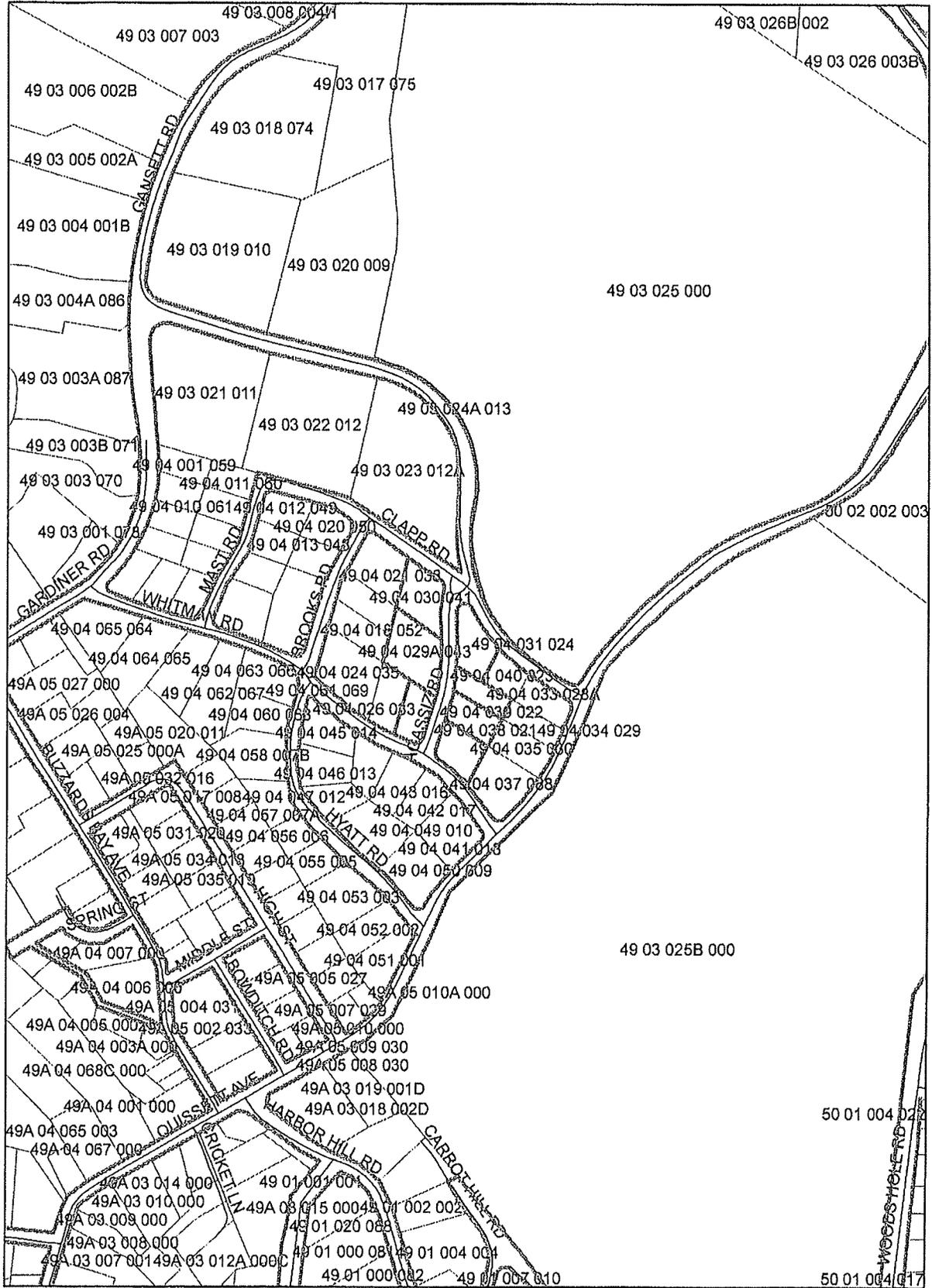
18 AGASSIZ RD 49 04 030 041
LUC: 101
LADERMAN TRUSTEE EZRA
LADERMAN TRUSTEE AIMLEE D
311 GREENE ST
APT A1
NEW HAVEN. CT 08511

15 AGASSIZ RD 49 04 031 024
LUC: 101
PACE PAULA L
180 WEST 93RD ST
APT 8A
NEW YORK. NY 10025

8 AGASSIZ RD 49 04 027 032
LUC: 101
PLOUGH GEORGE H
400 SEABURY DR
APT 5174
BLOOMFIELD. CT 06002

10 AGASSIZ RD 49 04 029A 043
LUC: 101
SHAPIRO HARRIET S
STURTEVANT ALFRED CURTIS
PO BOX 998
GLEN ALLEN. VA 23060

AGASSIZ RD



list. Protecting these species here helps protect species' populations over areas way beyond Massachusetts.

Right now MESA lists 173 animal species and 259 plant species.

The current MESA has guidelines under which the Massachusetts Natural Heritage and Endangered Species Program delineates priority habitat for listed species. Priority habitat maps have to be based on the best scientific evidence available and take into account occurrence records and information such as evidence of breeding or persistence. Much—but by no means all—current mapped priority habitat is on public lands. (In Falmouth, most of the priority habitat consists of grasslands, pine barrens, coastal plain pond shores and estuarine waters.)

Activities within priority habitat require review by the NHESP, although almost 80 percent of projects can proceed as planned and only about 3 percent require mitigation. The NHESP updates the MESA list and priority habitat maps periodically. For example, a 2017 update removed nine species

"teeth" is no way to protect the full scope of our country's increasingly at-risk natural endowment.

Administering MESA is no simple task. Species' populations and statuses change. We know relatively little about many species—especially invertebrates and plants. Conservation science changes, and new tools like eBird and iNaturalist now provide important information.

Natural Heritage and Endangered Species Program biologists and the experts who advise them thus have to make judgment calls in the face of imperfect information—about habitat maps, levels of protection that should be afforded to species at the edges of their ranges, the extent and time in which climate change will affect species, and where resources and management actions will make the most difference.

But MESA has been working now for three decades. I wish for it a happy birthday—and that it won't in the coming years have to serve as a stand-in for one of the most forward-thinking laws passed by any country, ever.

ous Donor Hopes Spring vers Will Bring Hope

socially distant fall clean-up and planting days. The Woods Hole Public Library and the Woods Hole Community Association are filling their traditional roles very differently during the pandemic, but they are still important to the fabric of the community. Some of the most important services these organizations provide are resources, gathering spots and respite.

This donation of spring bulbs

covers their cost as a gift to the community. The donor, who wishes to remain anonymous, hopes to inspire support from the community—especially during this difficult period—for these organizations, who face ongoing operational costs.

To learn more, visit their websites or Facebook pages: www.woodsholepubliclibrary.org and www.woodsholecommunityassociation.org.



Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

Our mission is to operate a safe, effective, and reliable transportation system for the islands of Martha's Vineyard and Nantucket with a commitment to sustainability, accessibility, our port communities, and public engagement.

NOTICE OF HEARING AND REQUEST FOR PUBLIC COMMENT ON PROPOSED LICENSE AGREEMENT RENEWALS WITH FREEDOM CRUISE LINE, INC., HYANNIS HARBOR TOURS, INC. ("HY-LINE CRUISES") AND SEASTREAK, LLC

The Woods Hole, Martha's Vineyard and Nantucket Steamship Authority ("the Authority") will hold a public hearing at 10:00 a.m. on Wednesday, November 4, 2020, via Zoom videoconferencing (meeting ID: 873 4195 4562) while its staff manages the meeting from the first floor meeting room at the Authority's administrative offices, located at 228 Palmer Avenue, Falmouth, Massachusetts, and a second public hearing at 9:00 a.m. on Tuesday, November 10, 2020, via Zoom videoconferencing (meeting ID: 851 3455 6877) while its staff manages the meeting from the first floor meeting room at the Authority's administrative offices, located at 228 Palmer Avenue, Falmouth, Massachusetts, regarding the following proposed license agreements:

- a renewal of the Authority's license agreement with Freedom Cruise Line, Inc. to operate a passenger-only ferry service between Harwichport and Nantucket;
- a renewal of the Authority's license agreement with Hyannis Harbor Tours, Inc., d/b/a Hy-Line Cruises, to operate passenger-only ferry services between Hyannis and Nantucket, between Hyannis and Martha's Vineyard (Oak Bluffs), and "inter-island" between Martha's Vineyard (Oak Bluffs) and Nantucket; and
- an amended renewal of the Authority's license agreement with SeaStreak, LLC to operate passenger-only ferry services between New Bedford and Martha's Vineyard (Oak Bluffs), New Bedford and Nantucket and "inter-island" between Martha's Vineyard (Oak Bluffs) and Nantucket in the early spring and early fall seasons.

The public is invited to attend and be heard. The Authority also encourages the public to submit written comments regarding the proposed renewals and amended renewal. All comments must be received by the Authority's General Manager, Robert B. Davis, no later than Friday, October 30, 2020, at the following address: by email at rdavis@steamshipauthority.com or by regular mail addressed to his c/o the Steamship Authority, 228 Palmer Avenue, Falmouth, MA 02540.

The public can view and download all of the licensed operators' current license agreements, as well as their requests for renewals, by going to the Authority's website, www.steamshipauthority.com, and clicking on "About" and then on "News" to see the License Agreements category. All of those documents are also available for inspection during regular business hours at the Authority's administrative offices. For further information, you may contact the Authority's General Counsel, Terence G. Kenneally, at (508) 548-5011 ext. 301 or by email at tkenneally@steamshipauthority.com.

228 Palmer Avenue • Falmouth, Massachusetts 02540 • Telephone: (508) 548-5011



TOWN OF FALMOUTH SELECT BOARD PUBLIC HEARING NOTICE

As provided under Chapter 119, of the Code of Falmouth, a Public Hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on MONDAY, NOVEMBER 9, 2020 at 7:30 PM to establish and promulgate fees, which are EFFECTIVE AS OF JANUARY 1, 2021 to be charged by Town Departments and agencies, except as provided by M.G.L., School Department, Planning Board, Library, Town Clerk, Town Treasurer and Collector of Taxes.

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 November 9, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. *See Select Board NOTICE OF MEETING for November 9, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on November 5, 2020 at 4:00 PM for detailed participation information.*

The proposed changes in fees are listed below:
Megan English Braga, Chair
SELECT BOARD

DEPARTMENT	PRESENT FEE	PROPOSED FEE
BOARD OF ASSESSORS		
Full copy of data base	None	\$50.00
FIRE DEPARTMENT		
Copies		
Incident report	\$5.00/copy	delete
Ambulance statements	\$5.00/copy	delete
21E copies	\$.20/copy	delete
Brush Burning Permit		
Resident senior citizen	\$5.00	delete
Resident/non-resident	\$10.00	delete
Agricultural/commercial brush burning permit (annual)	None	\$50.00
Dumpster permit & inspection	(combines separate fees)	\$25.00
Oil burner permit & inspection	(combines separate fees)	\$50.00
Liquid propane tank permit, inspection & storage	(combines separate fees)	\$75.00
STORAGE TANKS:		
Above ground/underground tank installation permit & inspection	(combines separate fees)	\$50.00
Above ground/underground tank removal permit & inspection	(combines separate fees)	\$50.00
Un-vented gas heater permit & inspection	(combines separate fees)	\$50.00
Carbon monoxide alarm installation permit & inspection	(combines separate fees)	\$50.00
FIRE ALARM TESTING AND MAINTENANCE FEES		
Certification and training	\$50.00	delete
Annual permit renewal	\$25.00	delete
Fire alarm monitoring fee	\$200.00/per	delete
Violations of the policy:		
1st offense	\$100.00	delete
2nd offense	\$200.00	delete
3rd offense	\$1,000.00 and revocation of permit	delete
FAILURE TO PLACE FIRE ALARM SYSTEM IN TEST MODE FEES		
1st incident, per calendar year	none	Free
2nd incident, per calendar year	none	\$100.00
3rd incident, per calendar year	none	\$100.00
4th incident, per calendar year	none	\$100.00
5th incident, per calendar year	none	\$500.00
Automatic fire suppression installation permit & inspection	(combines separate fees)	\$50.00
Fire alarm system installation permit & inspection	(combines separate fees)	\$50.00
Fire sprinkler system installation permit & inspection	(combines separate fees)	\$50.00
Fire alarm municipal master box connection or disconnection box	\$150.00	delete
Commercial inspections per inspection up to 4 times a year	(clean up wording)	\$50.00
After hours and weekend inspections	none	\$225.00/event
Re-inspections	(clean up wording)	\$50.00
INSPECTIONAL SERVICES		
Alterations of less than \$1,000 estimated construction value being performed by homeowner on homeowner occupied building only none		delete
Sheet Metal/Mechanical- Residential	\$8.00/thousand*, \$75.00 min.	\$8.00/thousand*, \$100.00 min.
Sheet Metal/Mechanical- Commercial	\$8.00/thousand*, \$75.00 min.	\$8.00/thousand*, \$100.00 min.
Sign Permit	\$25.00/sign	\$8.00/thousand*, \$100.00 min.
Photocopies	\$.05/page	delete
Plumbing Residential First Fixture	\$40.00	\$45.00
Plumbing Residential Each Additional Fixture	\$10.00	\$12.00
Plumbing Commercial First Fixture	\$65.00	\$70.00
Plumbing Commercial Additional Fixture	\$15.00	\$18.00
Gas Residential First Appliance	40.00	\$45.00
Gas Residential Additional Appliance	\$10.00	\$12.00
Gas Commercial First Appliance	\$65.00	\$70.00
Gas Commercial Additional Appliance	\$15.00	\$18.00
Electrical Swimming Pool Above Ground	\$50.00	\$150.00
Electrical Solar Residential and Commercial	\$50.00	\$10.00 per kw, \$100.00 min.
Electrical Alterations, Remodels, Additions	\$50.00	\$75.00
Electrical Temp and change of service	\$50.00	\$100.00
Electrical Generators Residential and Commercial	\$50.00	\$100.00
MARINE AND ENVIRONMENTAL SERVICES		
MOORINGS		
Dinghy Rack	None	\$25.00
SLIPS/WHARFAGE		
Charter Boat Section:		
R23 & R24 10% discount	remove	
POLICE DEPARTMENT		
Parking		
Overtime (meter) parking	\$10.00	\$50.00
Within 20' of intersection	\$25.00	\$100.00
Upon crosswalk or sidewalk	25.00	\$50.00
Over 1 foot from curb	\$25.00	\$50.00
Wrong direction	\$25.00	\$50.00
Double parking	\$25.00	\$50.00
Improper angle	\$25.00	\$50.00
Prohibited area	\$25.00	\$50.00
Across private way or drive	\$25.00	\$50.00
>10' unobstructed lane	\$25.00	\$50.00
All night parking	\$50.00	\$75.00
Snow removal	\$25.00	\$50.00
Parking within space required	\$25.00	\$50.00
Permit parking only (resident)	\$25.00	\$50.00
Loading zone	\$25.00	\$50.00
Fire lane	\$25.00	\$50.00
Expired inspection sticker	None	\$50.00
Expired/invalid registration	None	\$50.00
ZONING BOARD OF APPEALS		
Single family dwellings & uses	\$150.00	\$200.00
Home-based service business	\$150.00	\$200.00
Appeal of Bldg. Comm. / Zoning Comm.	\$150.00	\$200.00
Multi-family dwellings & uses	\$175.00	\$200.00
All Residential Special Permits/Variations/Appeals (to take the place of the above four)	\$200.00	
Commercial Properties	\$225.00	\$500.00
Comprehensive Permit Application Fees:		
Non-Profit	Filing Fee \$100.00 + \$25.00/unit	\$1,000.00 +\$25.00/unit
For Profit	Filing Fee \$250.00 + \$125.00/unit	\$2,000.00 +\$125.00/unit
Amendment Fee	\$50.00	\$100.00
Double filing fee charged for work done prior to a permit.		

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

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*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 November 9, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. *See Select Board NOTICE of MEETING for November 9, 2020 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on November 5, 2020 at 4:00 PM for detailed participation information.**

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Megan English Braga, Chair
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<u>DEPARTMENT</u>	<u>PRESENT FEE</u>	<u>PROPOSED FEE</u>
<u>BOARD OF ASSESSORS</u>		
Full copy of data base	None	\$50.00
<u>FIRE DEPARTMENT</u>		
<u>Copies</u>		
Incident report	\$5.00/copy	delete
Ambulance statements	\$5.00/copy	delete
21E copies	\$.20/copy	delete
<u>Brush Burning Permit</u>		
Resident senior citizen	\$5.00	delete
Resident/non-resident	\$10.00	delete
Agricultural/commercial brush burning permit (annual)	None	\$50.00
Dumpster permit & inspection	(combines separate fees)	\$25.00
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<u>STORAGE TANKS:</u>		
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Carbon monoxide alarm installation permit & inspection (combines separate fees)		\$50.00
<u>FIRE ALARM TESTING AND MAINTENANCE FEES</u>		
Certification and training	\$50.00	delete
Annual permit renewal	\$25.00	delete
Fire alarm monitoring fee	\$200.00/per	delete
<u>Violations of the policy:</u>		
1 st offense	\$100.00	delete
2 nd offense	\$200.00	delete
3 rd offense	\$1,000.00 and revocation of permit	delete
<u>FAILURE TO PLACE FIRE ALARM SYSTEM IN TEST MODE FEES</u>		
1 st incident, per calendar year	none	Free

2 nd incident, per calendar year	none	\$100.00
3 rd incident, per calendar year	none	\$100.00
4 th incident, per calendar year	none	\$100.00
5 th incident, per calendar year	none	\$500.00
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Fire alarm system installation permit & inspection	(combines separate fees)	\$50.00
Fire sprinkler system installation permit & inspection	(combines separate fees)	\$50.00
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Commercial inspections per inspection up to 4 times a year	(cleans up wording)	\$50.00
After hours and weekend inspections	none	\$225.00/event
Re-inspections	(cleans up wording)	\$50.00

INSPECTIONAL SERVICES

Alterations of less than \$1,000 estimated construction value being performed by homeowner on homeowner occupied building only		
	none	delete
Sheet Metal/Mechanical- Residential	\$8.00/thousand*, \$75.00 min.	\$8.00/thousand*, \$100.00 min.
Sheet Metal/Mechanical- Commercial	\$8.00/thousand*, \$75.00 min.	\$8.00/thousand*, \$100.00 min.
Sign Permit	\$25.00/sign	\$8.00/thousand*, \$100.00 min.
Photocopies	\$.05/page	delete
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Plumbing Residential Each Additional Fixture	\$10.00	\$12.00
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Electrical Temp and change of service	\$50.00	\$100.00
Electrical Generators Residential and Commercial	\$50.00	\$100.00

MARINE AND ENVIRONMENTAL SERVICES

MOORINGS

Dinghy Rack	None	\$25.00
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SLIPS/WHARFAGE

Charter Boat Section:

R23 & R24 10% discount		remove
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POLICE DEPARTMENT

Parking

Overtime (meter) parking	\$10.00	\$50.00
Within 20' of intersection	\$25.00	\$100.00
Upon crosswalk or sidewalk	\$25.00	\$50.00
Over 1 foot from curb	\$25.00	\$50.00
Wrong direction	\$25.00	\$50.00
Double parking	\$25.00	\$50.00
Improper angle	\$25.00	\$50.00
Prohibited area	\$25.00	\$50.00
Across private way or drive	\$25.00	\$50.00
>10' unobstructed lane	\$25.00	\$50.00
All night parking	\$50.00	\$75.00

Snow removal	\$25.00	\$50.00
Parking within space required	\$25.00	\$50.00
Permit parking only (resident)	\$25.00	\$50.00
Loading zone	\$25.00	\$50.00
Fire lane	\$25.00	\$50.00
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Commercial Properties	\$225.00	\$500.00
Comprehensive Permit Application Fees:		
Non-profit	Filing Fee \$100.00 + \$25.00/unit	\$1,000.00 + \$25.00/unit
For Profit	Filing Fee \$250.00 + \$125.00/unit	\$2,000.00 + \$125.00/unit
Amendment Fee	\$50.00	\$100.00
Double filing fee charged for work done <i>prior</i> to a permit.		

Falmouth Enterprise: Friday, October 23, 2020
Account #: 2056

Assessors

Diane Davidson

From: Trisha Favulli
Sent: Monday, September 28, 2020 1:48 PM
To: Diane Davidson
Subject: RE: Fees for 2021

Diane,

Please list full copy of data base \$50.00

Thank you

Trisha

Trisha Favulli
Director of Assessing
Town of Falmouth
508-495-7377
Trisha.favulli@falmouthma.gov

Kindly remember that the Secretary of State deems most e-mails to be public record.

Fire

October 13, 2020

2021 Fire Prevention Fees

Dear Chief Smith,

The 2021 changes for the Fire Prevention Fees are highlighted in the attached Fee list.

- Most of the changes are due to combining the permit and inspections fees associated with certain requirements. The total fees have not changed, we are combining the fees to lessen confusion.
- We have deleted the fees for copies, because per Town Council, we cannot charge these fees.
- Brush and Burning Permit fees removed, we will no longer be issuing permits. Burning Rules will be posted and still need to be adhered to.
- Oil Tank Truck fee was removed because per Department of Fire Services, we no longer inspect the truck, we permit the place the parcel the fuel is stored.
- Removed the Fire Alarm Testing and Maintenance Fee, because the Gamewell City Boxes have been removed for buildings and the Fire Department no longer monitors Fire Alarms.
- Added the Failure to Place Fire Alarm System in Test Mode Fee. Since switching from the Gamewell City Box system to alarms systems monitored by a central station, we have seen an increase in contractors not calling the alarm company to place the system in Test Mode. If the system activates, a Still Alarm Response is dispatched. This puts the crews and general public at risk.
- Removed Fire Alarm Municipal Master Box connection or disconnection Fee. All Gamewell City Boxes have been remove.
- Increased the After Hours and Weekend Inspection Fee to be in line with Inspectional Services and the Health Department.

Please let me know if you have any questions.

V/R,

Lt. Craig O'Malley

FIRE AND RESCUE DEPARTMENT

AMBULANCE RATES

BLS:

Base Rate	\$1,294.00
Pre Loaded Mile	\$34.00

ALS1:

Base Rate	\$1,800.00
Pre Loaded Mile	\$34.00

ALS2:

Base Rate	\$2,400.00
Pre Loaded Mile	\$34.00

COPIES:

Incident Report	\$5.00/copy
Ambulance Statements	\$5.00/copy
21E copies	\$.20/copy

[Delete Copies no longer charging these fees]

BRUSH BURNING PERMIT

Resident Senior Citizen	\$5.00
Resident/Non-Resident	\$10.00

Agricultural/Commercial Brush Burning Permit (Annual) \$50.00

[Delete Residential Brush Burning, no value to tracking permits, PR campaign and re-education of Duty Officers]

Dumpster Permit	\$10.00
Dumpster Inspection	\$15.00
Dumpster Permit & Inspection	\$25.00

[Combined Permit & Inspection fees all on transaction]

Explosives Permit (Black Powder, Blasting Powder (Thirty Days)	
Cannon & Mortar Per Shot (Smokeless Powder)	\$25.00
Fireworks Permit Per Event	\$25.00
Flammable Storage Permit	\$25.00
Flammable Decorations Permit	\$25.00
Floor Refinishing Permit	\$25.00
Lumber Yard – New Only	\$25.00
Oil Burner Permit	\$25.00
Oil Burner Inspection	\$25.00
Oil Burner Permit & Inspection	\$50.00

[Combined Permit & Inspection fees all one transaction]

Oil Tank Trucks Permit – Per Truck for 2 Years	\$25.00
Liquid Propane Storage Permit – Indefinite	\$25.00
Liquid Propane Tank Permit, Inspection & Storage	\$75.00

[Combined Permit, Inspection and storage fees all one transaction]

Storage and Fumigation Permit	\$25.00
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Hazardous Materials processing	\$50.00
Mulch Permit	\$50.00

STORAGE TANKS:

Above Ground/Underground Tank Installation Permit & Inspection	\$50.00
Above Ground/Underground Tank Removal Permit & Inspection	\$50.00
Per Site—Above Ground/Underground Tank Site Inspection	\$25.00

[Combined Permit & Inspection fees all one transaction]

Underground tank research fee 21E per request	\$25.00
Tar Kettle Permit	\$25.00
Torch or Open Flame Permit	\$25.00
Un-vented Gas Heater Permit & Inspection	\$50.00
Un-vented Gas Heater Inspection	\$25.00

[Combined Permit & Inspection fees all one transaction]

Carbon Monoxide Alarm Installation Permit & Inspection	\$50.00
Carbon Monoxide Alarm Inspection Permit	\$25.00

FIRE ALARM TESTING AND MAINTENANCE FEES:

Certification and Training	\$50.00
Annual Permit Renewal	\$25.00
Fire Alarm Monitoring Fee	\$200.00/per
Violations of the Policy:	
1 st offense	\$100.00
2 nd offense	\$200.00
3 rd offense	\$1,000.00 and revocation of permit

[Gamewell City boxes have been removed from service]

COMMERCIAL & PRIVATE FIRE ALARM SYSTEM MALFUNCTION FEES:

1 st Malfunction – Per Calendar Year	Free
2 nd Malfunction – Per Calendar Year	\$100.00
3 rd Malfunction – Per Calendar Year	\$100.00
4 th Malfunction – Per Calendar Year	\$100.00
5 th Malfunction – Per Calendar Year	\$500.00

FAILURE TO PLACE FIRE ALARM SYSTEM IN TEST MODE FEES:

1 st Incident – Per Calendar Year	Free
2 nd Incident – Per Calendar Year	\$100.00
3 rd Incident – Per Calendar Year	\$100.00
4 th Incident – Per Calendar Year	\$100.00
5 th Incident – Per Calendar Year	\$500.00

[New fee do to increase in responses to these types of alarms and removal of Gamewell City Boxes]

COMMERCIAL PERMITS & INSPECTION FEES:

Automatic Fire Sprinkler Testing & Flushing (per test)	\$150.00
Automatic Fire Suppression Installation Permit & Inspection	\$50.00
Fire Suppression Inspection	\$25.00

[Combined Permit & Inspection fees all one transaction]

Conference Fee	\$25.00
Fire Alarm System Installation Permit & Inspection	\$50.00
Fire Alarm System Inspection	\$25.00

[Combined Permit & Inspection fees all one transaction]

Fire Sprinkler System Installation Permit & Inspection	\$50.00
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[Combined Permit & Inspection fees all one transaction]

FINAL INSPECTIONS:

Structure Size 1K to 19K	\$100.00
Structure Size 20K to 49K	\$200.00
Structure Size 50K+	\$500.00

Fire Alarm Municipal Master Box Connection or Disconnection Fee	\$150.00
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Permit to Maintain Underground Storage Tank Facility (for 3 yrs. per station)	\$50.00
Licenses Fees	\$50.00
Registration on All Licenses Per Year	\$10.00
Plan Review Fee	\$75.00

Commercial Inspections per Inspection up to 4 times a year	\$50.00
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~~Year Round Business, four (4) times a year~~

~~Seasonal Business, two (2) times a year~~

[Housekeeping, clears up unnecessary wording]

After Hours and Weekend Inspections	\$225.00 per event
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[Brings Fire Rescue in line with similar fee charged by Inspectional Services Department and Health Department]

Commercial Re-Inspections	\$100.00
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SMOKE DETECTOR AND/OR CARBON MONOXIDE (CO) DETECTOR INSPECTIONS:

Single Family Dwelling Unit	\$50.00
2-Family Dwelling Unit	\$75.00
Building Structure with 6 or Fewer Dwelling Units	\$120.00
Building Structure with More than 6 Dwelling Units	\$300.00

All Re-inspections	\$50.00
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~~-(including, but not limited to, Oil Burners, Smoke & CO Detectors, Quarterly, etc.)~~

[Housekeeping these re-inspection fees in this section are for Smoke & Co re-inspections]

Inspectional Services

Diane Davidson

From: Pamela Marshall
Sent: Wednesday, October 14, 2020 4:10 PM
To: Diane Davidson
Cc: William Sinclair; Russell Robbins
Subject: RE: Fees for 2021
Attachments: Updated Building Fee Schedule.docx; Building Department Fee Change for 2020.xlsx

Hi Diane,

Attached are the fee changes for the Building Department. I have revised the list to simplify things because there were multiple line items that were duplicated throughout the printout. I have also attached a spreadsheet showing the old changes to the new proposed changes. The Electrical Inspector, William Sinclair and the Plumbing and Gas Inspector, Russ Robbins both compared area towns with the same size and population and came up with the proposed fee changes. Solar PV Systems for Residential and Commercial were also compared locally and throughout the Northeast region according to William Sinclair.

Please let me know if you have any questions.

Best,

Pamela Marshall

Office Manager
Building Department
Town of Falmouth
T-508-495-7466
F-508-548-4290

Track your permit at:

<http://falmouth.municipalitysoftware.com/index.cfm?fuseaction=parcels.main&x=4675248>

You do not need to log in. Enter the address. Click search. Scroll to applications.

Click display. You can see if your application is "pending" or "approved".

BUILDING DEPT FEE CHANGE FOR 2020

<u>Type of Fee</u>	<u>Old Fee</u>	<u>New Fee</u>	<u>Change by:</u>
Alterations of less than \$1,000 estimated construction value being performed by homeowner on homeowner occupied building only	No Fee	Remove from Fee Schedule	Change by Rod Palmer
Sheet Metal/Mechanical- Residential	\$8.00/thousand*, \$75.00 min.	\$8.00/thousand*, \$100.00 min.	Change by Rod Palmer
Sheet Metal/Mechanical- Commercial	\$8.00/thousand*, \$75.00 min.	\$8.00/thousand*, \$100.00 min.	Change by Rod Palmer
Sign Permit	\$25.00/sign	\$8.00/thousand*, \$100.00 min.	Change by Rod Palmer
Photocopies	\$.05/page	Remove from Fee Schedule	Change by Rod Palmer
Plumbing Residential First Fixture	\$40.00	\$45.00	Change by Russ Robbins
Plumbing Residential Each Additional Fixture	\$10.00	\$12.00	Change by Russ Robbins
Plumbing Commercial First Fixture	\$65.00	\$70.00	Change by Russ Robbins
Plumbing Commercial Additional Fixture	\$15.00	\$18.00	Change by Russ Robbins
Gas Residential First Appliance	\$40.00	\$45.00	Change by Russ Robbins
Gas Residential Additional Appliance	\$10.00	\$12.00	Change by Russ Robbins
Gas Commercial First Appliance	\$65.00	\$70.00	Change by Russ Robbins
Gas Commercial Additional Appliance	\$15.00	\$18.00	Change by Russ Robbins
Electrical Swimming Pool Above Ground	\$50.00	\$150.00	Change by Will Sinclair
Electrical Swimming Pool In-Ground	\$150.00	\$150.00	Change by Will Sinclair
Electrical Solar Residential and Commercial	\$50.00	\$10.00 per kw, \$100.00 minimum	Change by Will Sinclair
Electrical Alterations, Remodels , Additions	\$50.00	\$75.00	Change by Will Sinclair
Electrical Temp and change of service	\$50.00	\$100.00	Change by Will Sinclair
Electrical Generators Residential and Commercial	\$50.00	\$100.00	Change by Will Sinclair

INSPECTIONAL SERVICES DEPARTMENT FEES

NEW RESIDENTIAL AND COMMERCIAL CONSTRUCTION

Residential, Hotel, Motel, Storage, etc. \$8.00per thousand*, \$50.00 min.

ALTERATIONS/ADDITIONS FOR RESIDENTIAL AND COMMERCIAL CONSTRUCTION

After Hours and Weekend Inspection Fee (ALL PERMITS)	\$225.00/inspection
Alterations	\$8.00 per thousand*, \$50.00 min
Certificate of Inspection	(per Table 110 MSBC)
Certificate of Use and Occupancy	\$25.00
Change of Use/Occupancy	\$25.00
Duplicate Permit	\$25.00
Handicapped ramp on residential property	No Fee
Re-Inspection Fee	\$50.00
Sheet Metal/Mechanical- Residential and Commercial	\$8.00 per thousand*, \$100.00 min
Sign permit	\$8.00 per thousand*, \$100.00 min
Stoves (wood, coal, pellet)	\$50.00 per stove
Temporary structure, i.e. trailer, tents, etc.	\$50.00 per unit
Trenches	\$25.00 - \$45.00

NOTE: When work is started before the issuance of a permit, the cost of the permit will be doubled

NOTE: All permit fees paid are non-refundable

PLUMBING FEES

Residential:

First fixture	\$45.00
Each additional fixture	\$12.00

Commercial:

First fixture	\$70.00
Each additional fixture	\$18.00

GAS FEES

Residential:

First Appliance	\$45.00
Each Additional Appliance	\$12.00

Commercial:

First Appliance	\$70.00
Each Additional Appliance	\$18.00

MISCELLANEOUS PLUMBING/GAS FEES:

Carnival, Concession, Fair	\$50.00/day
Gas fired water heater replacement <u>combination fee (residential)</u>	\$40.00
Gas fired water heater replacement <u>combination fee (commercial)</u>	\$70.00
After Hours and Weekend Inspection Fee	\$225.00/ inspection
Re-inspection Fee (Plumbing and Gas)	\$50.00

ELECTRICAL FEES

Residential:

New construction	\$100.00/unit
Additions, alterations, remodeling	\$50.00
Smoke, fire and alarm systems	\$50.00
Temporary and change of service	\$50.00

Commercial:

New construction	\$175.00 plus 25.00/each Additional inspection
Additions, alterations, remodeling	\$100.00 plus \$25.00/each Additional inspection
Smoke, fire and alarm systems	\$100.00
Temporary and change of service	\$100.00

MISCELLANEOUS ELECTRICAL FEES:

After Hours and Weekend Inspection Fee	\$225.00/inspection
Annual Maintenance fee	\$200.00
Carnival, concession, fair, etc.	\$50.00/day
Generator (Residential and Commercial)	\$100.00
Re-inspection fee	\$50.00
Solar PV Systems (Residential and Commercial)	\$10.00 per KW*, \$100.00 min
Swimming Pools (In Ground and Above Ground)	\$100.00

CONSOLIDATED PERMIT (effective August 11, 2015)

Consolidated permit to include:	\$50.00
Sewer Service Permit	
Trench Permit	
Plumbing Permit	
Title 5 Septic Abandonment	
Consolidated permit as above with Electrical Permit	\$50.00

*based on Construction value

Marine and Environmental Services

Diane Davidson

From: Gregg Fraser
Sent: Monday, September 28, 2020 1:10 PM
To: Diane Davidson
Cc: Gregg Fraser
Subject: 2021MARINE AND ENVIRONMENTAL SERVICES DEPARTMENTfees.docx
Attachments: 2021MARINE AND ENVIRONMENTAL SERVICES DEPARTMENTfees.docx

Hello Diane:

MES Fee Schedule is attached. The changes are in RED.

Only one minor fee change needed by BOS:

Add new fee for Dinghy Rack usage, \$25.00 per season

The other is change will be handled by the Waterways Committee under 231-4. (deleting a discount)

Thank you,
Gregg

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

MOORINGS

Private (minimum fee \$100.00)	\$45.00 +2.00/ft.
Commercial Yacht Club	\$140.00
Commercial / Boatyard	\$225.00
Demand / Late Fee	\$50.00
Mooring Tackle Removal Fee	\$100.00
Permit Reinstatement	\$50.00
Wait list application fee*	\$10.00
Wait list renewal fee, deadline March 15 th *	\$10.00
(*See chapter 269-3A (3) & (6))	
Mooring Permit Transfer/Change Fee	\$100.00
Dingy Rack (new fee)	\$ 25.00

SLIPS / WHARFAGE

Transient Slips (per day rates):

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

(maximum stay 14 nights, then rate doubles April-August)

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

(30 foot minimum shall apply in July & August)

April & May	\$1.00/ft.
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June	\$1.50/ft.
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July 1 st to August 31 st	
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Less than 71'	\$3.00/ft.
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72' to 99'	\$3.50/ft.
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100' or larger	\$5.00/ft.
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September	\$1.50/ft.
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October & November	\$1.00/ft.
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Transient processing transaction fee	\$3.50/each
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Power Charges (for transient)

30 amp cord/110V	\$20.00/day
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50 amp cord/220V	\$40.00/day
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100 amp cord	\$90.00/day
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Seasonal Slips (April 15th to Nov. 15th)

Wait list application fee*	\$10.00
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Wait list renewal fee, deadline March 15 th *	\$10.00
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(*See chapter 231-6)

Main Marina & Davis Floating Dock Section:

Resident	\$161.00/ft.
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Non-Resident	\$184.00/ft.
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Charter Boat Section:

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

Green Pond:

Resident	\$147.00/ft.
Non-Resident	\$168.00/ft.
(No parking space provided)	

Power Charges (Seasonal Slips All Areas):

30 amp/110V	\$415.00 for the season
50 amp/220V	\$850.00 for the season
100 amp per cord	\$1,950.00/season

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

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

Tide's Bulkhead (Loading and Unloading Area):

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

*No passengers for hire

Eel Pond Dock Outhauls:

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

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

*No passengers for hire or sailboats.

MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT

SHELLFISHING LICENSES

Commercial	\$300.00
Commercial, Full-Time Student	\$150.00
Non-Resident Recreational	\$100.00
Resident/Tax Payer Recreational	\$30.00
Senior Resident	\$6.00
Replacement of Lost Permits	\$5.00

MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT

AQUACULTURE RENTAL FEES

<u>Rented Equipment/Supplies</u>	<u>Unit</u>	<u>Fee per 1,000 Oysters Landed</u>
Upweller	Upweller	\$14.00
Field Gear	Site	\$8.00

Overwintering Facility	Tote	\$8.00
Work Float	8'x20' Float	\$9.00
Gear Storage	2,000 sq. ft. space	\$3.00
Floating Bags	Bag	\$28.00

Police



Falmouth Police Department Chief Edward A. Dunne

October 6, 2020

Re: Increase for Parking Violation Fees

Select Board,

Overtime parking violations particularly in Woods Hole has grown into an enormous problem the past few years with the changes made in regards to the length of time allowed at metered parking beginning in 2017.

The last time the police department requested an increase in parking violation fees was in 2010. At that time a subsequent violation of \$20.00 was added to Overtime Parking Violations including meters. Note the first violation fine is \$10.00. After this subsequent fine of \$20.00 was in place the police department and Select Board received many complaints and after several months the subsequent \$20.00 fine was dropped and only the \$10.00 fine were issued for subsequent violations.

What has been happening and is continuing today are individuals parking at a metered spot and pay the fee for the three-hour parking (\$3.00). They then walk over to the Steamship Authority and board the ferry for the Vineyard. Our parking enforcement person will then issue a \$10.00 parking violation when the meter shows a violation. Then three hours later if the vehicle is still in violation he will issue a subsequent violation for another \$10.00. The person who parked their vehicle at a metered spot and then goes to the Vineyard for the day is allowed to park for a total of \$23.00. This vehicle has now prevented other patrons to Woods Hole a spot to park to conduct business. This \$23.00 in fines is only \$3.00 more than \$20.00 parking fee at the Steamship Lot were you would have had to take a bus from the off-site lots. What people have learned is for \$23.00 you can park and take a short walk to the Steamship and spend the whole day on the beautiful island of Martha's Vineyard, this is a great deal at the expense of other citizens who want to spend time in Woods Hole but cannot because of these spots are full all day.

Parking fines should be set merely as a deterrent to illegal parking and should not be viewed as a revenue source. Fines also should escalate depending on the severity of the infraction. If fines are to low, they will not discourage people from parking illegally, which is the current situation in Woods Hole.

I had Lt. DeCosta do some research for the surrounding communities parking fines and as you can see from the chart Falmouth is well below average. The suggested fines will bring us in line with the other Cape communities and help discourage the current behavior we are seeing in Woods Hole and Main Street.

If you have any questions, please reach out.

Respectfully submitted,


Chief Edward A. Dunne

Zoning Board of Appeals

Diane Davidson

From: Noreen Stockman
Sent: Friday, October 2, 2020 12:33 PM
To: Diane Davidson
Subject: ZBA fees
Attachments: FEE SCHEDULE ZONING BOARD OF APPEALS 10-2020.docx

Good afternoon,

Attached please find the fee schedule the ZBA voted to support to forward to the Select Board last night.

The Board asked that I convey the on-going concern regarding occasions where construction activities commence *prior* to a permit, determining that the doubling of modest fees does not appear to be much of a deterrent in some circumstances. They have suggested that the SB consider a more substantial fine in certain circumstances.

Thank you,

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

FEE SCHEDULE ZONING BOARD OF APPEALS: EXISTING AND PROPOSED

	<u>Existing fee</u>	<u>Proposed fee</u>
Single Family Dwellings & Uses	\$150.00	\$200.
Home-Based Service Business	\$150.00	\$200.
Appeal of Bldg. Comm. / Zoning Adm.	\$150.00	\$200.
Multi-Family Dwellings & Uses	\$175.00	\$200.
All Residential Special Permits/Variances/Appeals: (to take the place of the above four)		\$200.
Commercial Properties	\$225.00	\$500.
Comprehensive Permit Application Fees:		
Non-Profit Filing Fee \$100.00 + \$25./unit		\$1,000. + \$25./unit
For Profit Filing Fee \$250.00+ \$125./unit		\$2,000. + \$125./unit
Administrative Approval	\$100.00	\$100.
Amendment Fee	\$50.00	\$100.

Double filing fee charged for work done *prior* to a permit.

Explanations:

The established fees have not been updated for a few years. The proposed fee changes, noted in red, reflect 1) a simplifying/condensing of categories, to show a single fee for residential permitting, and 2) a modest increase in fees, often matching fees currently charged by other departments for similar work. (Special permit fee by Planning Board, Notice of Intent by Conservation is also \$200.)

The fees for the Comprehensive Permits (M.G.L. Ch. 40B) represent the most significant change. The purpose for the increased fee is a reflection of the amount of time devoted to the case work and Decision for these cases, which often span five or more hearings with the ZBA, and includes consultations with various departments. The proposed fees are most similar to Planning Board fees charged for Site Plan Review, and reflect the ZBA issuing permits in lieu of multiple other departments.

The new provision for doubling the fee charged for work done *prior* to a permit is in line with Conservation, BOH and building departments.

Present 2020 Fee Schedule for your reference

TOWN OF FALMOUTH
Approved Fee Schedule – 2020

At a Public Hearing held on November 18, 2019 and on November 25, 2019 the following Fee Schedules were voted by the Board of Selectmen as provided under Chapter 119, §2 of the Code of Falmouth.

BEACH

Replacement Sticker	\$10.00
Resident/Taxpayer	\$40.00/year
Seasonal Sticker	\$275.00
One-Week Sticker	\$80.00
Two-Week Sticker	\$130.00
Three-Week Sticker	\$175.00
Four-Week Sticker	\$225.00
Hotel/Motel Sticker	\$15.00/daily
Timesharing/Interval Ownership	\$40.00

DAILY PARKING FEES

Old Silver Beach	\$20.00
Surf Drive Beach	\$15.00
Mill Road Beach	\$15.00
Menauhant Beach (East and West)	\$15.00
Recreation Vehicles (Old Silver Beach Only)	\$40.00
Other Beaches	\$20.00

Children’s Swimming Lessons per Child	\$30.00
Each Additional Child	\$20.00
	up to 3 children \$70.00
More than 3 children	no additional cost
Special Use of Public Beach Property	\$200.00/day

BOARD OF ASSESSORS

Copies of Deeds (per sheet)	\$1.00
Copies of Certified Abutters List	\$25.00

BOARD OF SELECTMEN

ALCOHOL LICENSES

<u>Year Round All Alcohol</u>	
Common Victualler, Inn Holder	\$1,750.00
Club	\$1,350.00
Veterans Clubs	\$675.00
Retail Package Goods Store	\$1,850.00
Druggist	\$525.00
Filing Fee	\$50.00

<u>Year Round Wine and Malt</u>	
Common Victual, Inn Holder	\$1,200.00
Retail Package Goods Store	\$1,150.00

Club	\$425.00
On-Premise Farmer-Brewery (49 seats or fewer)	\$400.00
(50 seats or more)	\$800.00
On-Premise Farmer-Winery (49 seats or fewer)	\$400.00
(50 seats or more)	\$800.00
Filing Fee	\$50.00
<u>Seasonal All Alcohol</u>	
Common Victual, Inn Holder:	
Until November 30 th	\$1,650.00
Until January 15 th	\$1,700.00
Club	\$1,275.00
Seasonal Wine Only	\$825.00
Filing Fee	\$50.00
<u>One-Day Liquor License</u>	\$25.00/Day
<u>Agricultural Event Liquor License for Farmer/Winery</u>	\$50.00
<u>ENTERTAINMENT LICENSES</u>	
Non-Motorized Conveyance	\$25.00
Fortune Tellers	\$50.00
Juke Box	\$75.00
One Entertainer	\$75.00
Dancing, Band, Floor Shows, Theater, Movies	\$100.00
Movie Theater License	\$500.00
Amusement Devices (Video Games) PER MACHINE	\$100.00
Amusement Devices Seasonal (Video Game) PER MACHINE	\$75.00
Bowling Alleys 1 st Alley	\$30.00
Per Additional Alley	\$15.00
Pool Table	\$100.00
<u>SUNDAY ENTERTAINMENT</u>	
By Week	
Straight Sundays	\$5.00
Saturday Night – 1:00 a.m. – Plus Sunday	\$10.00
By Year	
Straight Sundays	\$75.00
Saturday Night – 1:00 a.m. – Plus Sunday	\$150.00
<u>AUTO DEALERSHIP LICENSES</u>	
Class I	\$100.00
Class II	\$75.00
Class III	\$50.00
Junk Yard	\$25.00
<u>VEHICLE FOR HIRE LICENSES</u>	
Taxi, Livery, Limousine	\$50.00

OTHER LICENSES

Common Victualler	\$60.00
Lodging House License	\$35.00
Inn Holders	\$60.00
Second-Hand Dealers	\$25.00
Collection Container Permit	\$75.00
Vending Machines (Printed Matter, Per Machine)	\$25.00
Yard Sale Permits	\$10.00

FILING FEES

Wetlands, Aquaculture, Fuel Storage	\$25.00
All other licenses and permits (except as noted above)	\$10.00

ADVERTISING FEES

Wetlands, Liquor Licenses	\$50.00
Aquaculture, Fuel Storage, Shade Tree, Building Code Board of Appeals	\$35.00

FINGERPRINT PROCESSING FEE (Town):

Manager of Alcoholic Beverage License	\$30.00
Owner or Operator of Public Conveyance	\$30.00
Dealer of Second-Hand Articles	\$30.00

SPECIAL EVENTS PERMIT FEES

Events of up to 49 people	\$25.00/day, including set-up days
Events of 50 or more people	\$200.00/day, including set-up days

Road Races (by distance):

Less than 5K:	Up to 49 people	\$50/day
	50 – 300 people	\$150/day
	300+ people	\$250/day

5K up to 10K:	Up to 49 people	\$150/day
	50 – 300 people	\$200/day
	300+ people	\$350/day

10K – Marathon	Up to 49 people	\$200/day
	50 – 300 people	\$250/day
	300+ people	\$450/day

Use of Town Beaches for Weddings/Ceremonies, Resident	\$75.00
Use of Town Beaches for Weddings/Ceremonies, Non-Resident	\$150.00
Use of Town Beach Parking Lots, Resident	\$75.00
Use of Town Beach Parking Lots, Non-Resident	\$150.00

UTILITIES LICENSE AGREEMENTS

\$200.00 plus the cost of recording at the Barnstable Registry of Deeds (BCRD)

CONSERVATION COMMISSION

Notice of Intent Applications:

Category 1 (single family – additions, pools)	\$100.00
Category 1(a) (single family – construction, including raze/rebuild)	\$200.00
Category 2 (commercial and other Conservation)	\$300.00
Category 3 (coastal projects/dredging)	\$550.00
Category 4 (road crossing)	\$450.00
Category 5 (all other Not included)	\$2.50/linear ft.
Amended Order of Conditions	\$100.00
Request for Determination of Application (RDA)	\$100.00
RDA resource area confirmation	\$250.00
Permit Extensions	\$100.00
Administrative Review	\$50.00
Dock Inspection Fee:	
Initial Inspection	\$300.00
Subsequent Annual Inspection	\$60.00
Continuance Fee:	
For review of revised plans	\$75.00
Advertising Fee	\$16.00
Certificate of Compliance:	
First Request	\$50.00
Second Request	\$100.00
Third Request (and any additional requests)	\$150.00
Search Fee	\$17.74/hr.
ANRAD	\$2.00/linear ft.
Application After the Fact	Double listed fee
Re-Issuance of Permit	\$25.00

SEE MATRIX OF COMPARISON OF EXISTING FEES IN SURROUNDING TOWNS OF SANDWICH, BOURNE, MASHPEE AND BARNSTABLE.

DEPARTMENT OF PUBLIC WORKS

PARKS DEPARTMENT AND TREE WARDEN

Memorial bench application fee (successful applicants)	\$50.00
Sale of timber	Based on "Southern New England Stumpage Price Survey Results"

DEPARTMENT OF PUBLIC WORKS

WASTE MANAGEMENT FACILITY PERMITS

PERMIT STICKERS

Resident & Taxpayer Auto, Vans, Pickups to ¾ Ton	\$40.00/year
One Ton Truck	\$140.00
Resident & Taxpayer Auto, Vans, Pickups to ¾ Ton, Single Trip Pass	\$10.00

NOTE: Utility Trailer permitted with Sticker Fee, except demolition loads.

COMMERCIAL VEHICLES (all sizes with non-personal items) \$50.00/entry with sticker

NON-RESIDENT/NON-TAXPAYER TRUCKS

½ to 1 Ton Trucks with Falmouth Material \$150.00 per load

DEMOLITION (including carpets)

Demolition (3 barrel limit)	\$10.00/barrel
Pick-up Truck or Utility Trailer	\$220.00 per load
Large Utility Trailer (4' x 8' bed)	\$280.00 per load
Single Axle Six Wheel, One Ton Truck	\$400.00 per load

TIRES

Tires up to 17" rim diameter, \$2.50 per tire. Tires over 17" rim diameter up to 26" diameter, \$10.00 per tire. Charges apply to all users.

WHITE GOODS

White goods (major appliances), \$30.00 each per appliance for commercial users, and \$20.00 each per appliance charges for residents. White goods from out of town are prohibited.

MATTRESSES AND BOX SPRINGS

Bulky items (mattresses, box springs, sofas, upholstered chairs, TV sets, and other SEAMASS unacceptable) \$20.00 per item. TV sets may be excluded from fee regulations depending on State requirements. This charge would apply to all residents and/or taxpayers.

PROPANE TANKS

\$5.00 per tank (40 lb. tank maximum)

MUNICIPAL SOLID WASTE (TRASH)

\$2.50/bag (30 gal.)

DEPARTMENT OF PUBLIC WORKS

WASTEWATER SYSTEM

APPLICATION FEE

Applies to all requests for connections and connection modifications (in filling).

Single Family Residential	\$50.00
Multi-Family Residential	# units x \$50.00
Commercial/Industrial	\$200.00
Tapping Fee (collection sewers)	\$200.00
(includes saddle and labor to install (does not include excavation))	

LEGAL

Applies to any legal documents required to be completed by the Town \$300.00

MAIN EXTENSIONS

Applicable to: each request for connection to any sewer main installed which is paid for by the Town and is not funded through any other means.

Per Connection \$600.00

SEPTAGE DISPOSAL

Applicable to septage and grease disposal at WWTF

Per 1,000 gallons (Winter) October – March	\$80.00
Per 1,000 gallons (Summer) April–September	\$95.00
Septage Discharge Permit (includes discharge card)	\$50.00

SEWER EXTENSION / CONNECTION AGREEMENTS

\$300.00 plus cost of recording at the BCRD.

DEPARTMENT OF PUBLIC WORKS

WATER DEPARTMENT

TAPPING CHARGES

Applicable to: 6" to 8" taps performed by Town personnel. Includes labor, class 52 ductile-iron pipes from main to curb, (1) gate valve at curb, (2) valve boxes, excavation and restoration of road surface.

NOTE: Tap sleeve, tap valve, and police to be provided by permitted.

6" Tap	\$1,600.00
8" Tap	\$2,000.00
Add \$15.00 / ft. for service over 60'	

SERVICE INSTALLATION FEES

Applicable to: 1" and 2" service taps and service installations. Includes all costs to install service from main to curb. Meter costs separate.

1" Tap and Service	\$1,500.00
2" Tap and Service	\$1,850.00
Add \$5.00 / ft. for service over 60'	
Add \$530.00 for 1" meter pit	
Add \$1,100.00 for 2" meter pit	

<u>CLOSING/TRANSFER FEE</u>	\$10.00 per reading
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METER FEES

Applicable to: all metered services.

5/8" Meter	\$275.00
Costs for all other meters (1", 1.5", 2", 3", 4" or 6") will be determined at the time of installation.	
Cost will be the cost of the meter plus 15% for labor and administrative fees.	

FIRE HYDRANT USE (Temporary)

Applicable to: temporary use of fire hydrants for filling pools, water tanks, construction purposes, etc.

5/8" Hydrant Meter Deposit (refundable)	\$200.00
2" Hydrant Meter Deposit (refundable)	\$600.00
Minimum Charge – 5/8" Meter	\$50.00
Minimum Charge – 2" Meter	\$100.00
Opening/Closing Hydrant (after hours)	\$25.00

Note: All water used will be charged at the current rate in effect. This is in addition to the Minimum Charge.

LEGAL / WATER MAIN AGREEMENTS

Applicable to: any legal documents required to be completed by the Town.

Water Main Agreements	\$300.00
All Other Legal Documents	\$75.00

TURN ONS / TURN OFFS

Fee per Service Call	\$25.00/regular working hours \$50.00/after hours
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Note: If a service is turned off for a repair, and service is restored within 14 working days, no fees shall be applied.

WATER MAIN EXTENSION

Applicable to: all requests for connection to any water main installation, which is paid for by the Town and is not funded through any other means.

Per Connection \$600.00

WATER MAIN EXTENSION AGREEMENTS

\$300.00 plus cost of recording at the BCRD.

CROSS CONNECTIONS

Backflow device test	Cost of Test plus a \$5.00 administrative fee per test per device	
Backflow device test (re-test)		\$30.00
Device plan approval (per device, includes initial test)		\$90.00
Facility survey, per hour charge (1 hour minimum)		\$55.00/hr.
Water Demand Charge		\$5.00

FIRE AND RESCUE DEPARTMENT

AMBULANCE RATES

BLS:

Base Rate	\$1,294.00
Pre Loaded Mile	\$34.00

ALS1:

Base Rate	\$1,800.00
Pre Loaded Mile	\$34.00

ALS2:

Base Rate	\$2,400.00
Pre Loaded Mile	\$34.00

COPIES:

Incident Report	\$5.00/copy
Ambulance Statements	\$5.00/copy
21E copies	\$.20/copy

BRUSH BURNING PERMIT

Resident Senior Citizen	\$5.00
Resident/Non-Resident	\$10.00
Agricultural/Commercial	\$50.00
Dumpster Permit	\$10.00
Dumpster Inspection	\$15.00
Explosives Permit (Black Powder, Blasting Powder (Thirty Days)), Cannon & Mortar Per Shot (Smokeless Powder)	\$25.00
Fireworks Permit Per Event	\$25.00
Flammable Storage Permit	\$25.00
Flammable Decorations Permit	\$25.00

Floor Refinishing Permit	\$25.00
Lumber Yard – New Only	\$25.00
Oil Burner Permit	\$25.00
Oil Burner Inspection	\$25.00
Oil Tank Trucks Permit – Per Truck for 2 Years	\$25.00
Liquid Propane Storage Permit – Indefinite	\$25.00
Liquid Propane Tank Permit Plus Inspection	\$50.00
Storage and Fumigation Permit	\$25.00
Hazardous Materials processing	\$50.00
Mulch Permit	\$50.00

STORAGE TANKS:

Above Ground/Underground Tank Installation Permit	\$25.00
Above Ground/Underground Tank Removal Permit	\$25.00
Per Site–Above Ground/Underground Tank Site Inspection	\$25.00
Underground tank research fee 21E per request	\$25.00
Tar Kettle Permit	\$25.00
Torch or Open Flame Permit	\$25.00
Un-vented Gas Heater Permit	\$25.00
Un-vented Gas Heater Inspection	\$25.00
Carbon Monoxide Alarm Installation Permit	\$25.00
Carbon Monoxide Alarm Inspection Permit	\$25.00

FIRE ALARM TESTING AND MAINTENANCE FEES:

Certification and Training	\$50.00
Annual Permit Renewal	\$25.00
Fire Alarm Monitoring Fee	\$200.00/per
Violations of the Policy:	
1 st offense	\$100.00
2 nd offense	\$200.00
3 rd offense	\$1,000.00 and revocation of permit

COMMERCIAL & PRIVATE FIRE ALARM SYSTEM MALFUNCTION FEES:

1 st Malfunction – Per Calendar Year	Free
2 nd Malfunction – Per Calendar Year	\$100.00
3 rd Malfunction – Per Calendar Year	\$100.00
4 th Malfunction – Per Calendar Year	\$100.00
5 th Malfunction – Per Calendar Year	\$500.00

COMMERCIAL PERMITS & INSPECTION FEES:

Automatic Fire Sprinkler Testing & Flushing (per test)	\$150.00
Automatic Fire Suppression Installation Permit	\$25.00
Conference Fee	\$25.00
Fire Alarm System Installation Permit	\$25.00
Fire Alarm System Inspection	\$25.00
Fire Sprinkler Permit	\$50.00
Fire Suppression Inspection	\$25.00

FINAL INSPECTIONS:

Structure Size 1K to 19K	\$100.00
Structure Size 20K to 49K	\$200.00
Structure Size 50K+	\$500.00
Fire Alarm Municipal Master Box Connection or Disconnection Fee	\$150.00
Permit to Maintain Underground Storage Tank Facility (for 3 yrs. per station)	\$50.00
Licenses Fees	\$50.00
Registration on All Licenses Per Year	\$10.00
Plan Review Fee	\$75.00
Quarterly Inspections:	\$50.00
Year Round Business, four (4) times a year	
Seasonal Business, two (2) times a year	
After Hours and Weekend Inspections	\$150.00 per event
Commercial Re-Inspections	\$100.00

SMOKE DETECTOR AND/OR CARBON MONOXIDE (CO) DETECTOR INSPECTIONS:

Single Family Dwelling Unit	\$50.00
2-Family Dwelling Unit	\$75.00
Building Structure with 6 or Fewer Dwelling Units	\$120.00
Building Structure with More than 6 Dwelling Units	\$300.00
All Re-inspections	\$50.00
(including, but not limited to, Oil Burners, Smoke & CO Detectors, Quarterly, etc.)	

HEALTH DEPARTMENT

DISPOSAL WORKS CONSTRUCTION AND MAINTENANCE PERMITS

New single family residential construction and upgrades to septic systems	\$150.00
Replacement of individual non-leaching system components (septic tank, distribution box, piping)	\$50.00
Commercial and multi-family septic systems <2000 gallons per day	\$200.00
Commercial and multi-family septic systems >2000 gallons per day	\$350.00
Special Septic Permit Fee in Addition to Standard Fees (variance letters/trench permits)	\$25.00
Septic Installers Permits	\$100.00
Septic Pumpers Permits	\$100.00
Percolation Test	\$100.00

FOOD SERVICE PERMITS

Annual or Seasonal Food Service Permit – Fewer than 50 Seats	\$150.00
Annual or Seasonal Food Service Permit – More than 50 Seats	\$200.00
Catering	\$75.00
Continental Breakfast & Bed & Breakfast Establishments	\$25.00
Frozen Dessert Manufacturer's Permit	\$25.00
Residential Kitchen Permit	\$25.00

MOBILE/TEMPORARY FOOD PERMITS

Mobile/Temporary Food Permit (1-4 Days)	\$25.00/day
Mobile/Temporary Food Permits (5 Days or More)	\$125.00
Mobile Offering Pre-Packaged Foods, Frozen Novelties & Non-Potentially Hazardous Foods (non-TCS)	\$25.00

RETAIL FOOD ESTABLISHMENTS

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

Food Service Re-Inspection Fee	First: \$100.00	All subsequent: \$200.00
After Hours (Night & Weekend) Inspection Fee	\$200.00	

OTHER PERMITS

Body Art Establishment	\$50.00
Body Art Practitioner	\$25.00
Recreational Camp Permit	\$75.00
Campground Permit	\$50.00
Motel Permit	\$50.00
Rental Permit	\$25.00
Town Contractor Obligated to Deliver Waste to Upper Cape Regional Transfer Station	\$500.00
All Other Private Rubbish Collectors of Private and Business Accounts, Including Construction and Demo Roll-Off Containers – Per Business	\$50.00
Semi-Public Beach Permit	\$10.00
Stable Permit	\$5.00/horse
Swimming Pools and Spa Permit	\$75.00
Tobacco Permit	\$50.00
Well Permit	\$25.00

Fees for Activities Commenced without a Permit Will be Doubled

HISTORICAL COMMISSION

Certificate of Non-Applicability (Administrative/Signs)	\$25.00
Certificate of Hardship	\$75.00
Certificate of Appropriateness (Renovations/Alterations)	\$75.00
Certificate of Appropriateness (New Construction/Additions)	\$200.00
Certificate of Appropriateness (Demolition)	\$200.00

INSPECTIONAL SERVICES DEPARTMENT FEES

NEW RESIDENTIAL CONSTRUCTION

Residential dwelling	\$8.00/thousand*, \$50.00 min.
Re-inspection fee per re-inspection	\$50.00

NEW COMMERCIAL CONSTRUCTION

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

ALL RESIDENTIAL AND COMMERCIAL ALTERATIONS, ADDITIONS, DECKS, PORCHES, GARAGES, SHEDS, GAZEBOS, SWIMMING POOLS, RELOCATION OF BUILDING ON SAME LOT, DEMOLITION, ETC.

Alterations	\$8.00 per thousand*, \$50.00 min.
Alterations of less than \$1,000 estimated construction value being performed by homeowner on homeowner occupied building only	No Fee
Handicapped ramp on residential property	No Fee
Sheet Metal/Mechanical - Residential	\$8.00/thousand*, \$75.00 min.
Sheet Metal/Mechanical - Commercial	\$8.00/thousand*, \$150.00 min.
Re-inspection fee per re-inspection	\$50.00

OTHER INSPECTIONAL SERVICES DEPARTMENT FEES

Carnival, Concession, Fair	\$50.00/day
Plus One-Time Ride Fee	\$10.00/ride
Certificate of Use and Occupancy	\$25.00
Certificate of Inspection (per Table 110 MSBC)	Double Table 110
Change of Use/Occupancy	\$25.00
Duplicate Permit	\$25.00
Photocopies (8½ x 11)	\$.05/page
Sign permit	\$25.00/sign
Stoves (wood, coal, pellet)	\$50.00/stove
Temporary structure, i.e. trailer, tents, etc.	\$50.00/unit
Trenches	\$25.00 - \$45.00
After Hours and Weekend Inspection Fee	\$225.00/inspection

**Based on estimated construction value*

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

Note: All permit fees paid are non-refundable.

PLUMBING FEES

Residential:	
First fixture	\$40.00
Each additional fixture	\$10.00
Re-inspection fee	\$50.00
Commercial:	
First fixture	\$65.00
Each additional fixture	\$15.00
Carnival, Concession, Fair	\$50.00/day
Re-inspection fee	\$50.00

GAS FEES

Residential:	
Gas piping	\$40.00
Each gas appliance (flue)	\$10.00
Re-inspection fee	\$50.00

Commercial:	
Gas piping	\$65.00
Each gas appliance (flue)	\$15.00
Carnival, Concession, Fair	\$50.00/day
Re-inspection fee	\$50.00

PLUMBING/GAS COMBINATION FEE

Gas fired water heater replacement (residential)	\$40.00
Gas fired water heater replacement (commercial)	\$70.00
After Hours and Weekend Inspection Fee	\$225.00/inspection

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

ELECTRICAL FEES

Residential:

New construction	\$100.00/unit
Fire and burglar alarm system	\$35.00
Smoke, fire and burglar alarms	\$50.00
Alterations, remodels, additions, solar, swimming pools, generators	\$50.00
Temporary and change of service	\$50.00

Commercial:

New commercial building	\$175.00 plus \$25.00/room
Addition, alteration, remodeling	\$100.00 plus \$25.00/room
Temporary and change of service	\$100.00
Fire and burglar alarm system	\$100.00

Swimming Pools:

Above Ground Pools	\$50.00
In Ground Pools	\$150.00

Miscellaneous Electrical Fees:

Generator	\$50.00
Temporary service	\$100.00
Carnival, concession, fair, etc.	\$50.00/day
Annual Maintenance fee*	\$200.00
Re-inspection fee	\$50.00
After Hours and Weekend Inspection Fee	\$225.00/inspection

**Repair and maintenance annual permit: All businesses employing a licensed electrician on their staff, or an electrical contractor, shall take out permits for repairs and maintenance work on their premises only.*

Note: Municipally-owned buildings are exempted from wiring permit fees, but permits must be pulled before work is done.

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

CONSOLIDATED PERMIT (effective August 11, 2015)

Consolidated permit to include:	\$50.00
Sewer Service Permit	
Trench Permit	
Plumbing Permit	
Title 5 Septic Abandonment	
Consolidated permit as above with Electrical Permit	\$50.00

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT
ANIMAL CONTROL**

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

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

MOORINGS

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

SLIPS / WHARFAGE

Transient Slips (per day rates):

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

(maximum stay 14 nights, then rate doubles April-August)

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

(30 foot minimum shall apply in July & August)

April & May \$1.00/ft.

June \$1.50/ft.

July 1st to August 31st

Less than 71' \$3.00/ft.

72' to 99' \$3.50/ft.

100' or larger \$5.00/ft.

September \$1.50/ft.

October & November \$1.00/ft.

Transient processing transaction fee \$3.50/each

Power Charges (for transient)

30 amp cord/110V \$20.00/day

50 amp cord/220V \$40.00/day

100 amp cord \$90.00/day

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

Wait list application fee* \$10.00

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

(*See chapter 231-6)

Main Marina & Davis Floating Dock Section:

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

Charter Boat Section:

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

Green Pond:

Resident	\$147.00/ft.
Non-Resident	\$168.00/ft.
(No parking space provided)	

Power Charges (Seasonal Slips All Areas):

30 amp/110V	\$415.00 for the season
50 amp/220V	\$850.00 for the season
100 amp per cord	\$1,950.00/season

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

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

Tide's Bulkhead (Loading and Unloading Area):

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

*No passengers for hire

Eel Pond Dock Outhauls:

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

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

*No passengers for hire or sailboats.

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT
SHELLFISHING LICENSES**

Commercial	\$300.00
Commercial, Full-Time Student	\$150.00
Non-Resident Recreational	\$100.00
Resident/Tax Payer Recreational	\$30.00
Senior Resident	\$6.00
Replacement of Lost Permits	\$5.00

**MARINE AND ENVIRONMENTAL SERVICES DEPARTMENT
AQUACULTURE RENTAL FEES**

<u>Rented Equipment/Supplies</u>	<u>Unit</u>	<u>Fee per 1,000 Oysters Landed</u>
Upweller	Upweller	\$14.00
Field Gear	Site	\$8.00
Overwintering Facility	Tote	\$8.00
Work Float	8'x20' Float	\$9.00
Gear Storage	2,000 sq. ft. space	\$3.00
Floating Bags	Bag	\$28.00

POLICE DEPARTMENT

License for Each Taxi or Limo	\$25.00
Taxi, Limo Operator's Licenses	\$25.00
Handicapped Parking Fine	\$200.00
*Metered Parking (first violation)	\$10.00
Overtime (including meters (*subsequent violations))	\$20.00
Prohibited Area (and others)	\$25.00
Within 10' of Hydrant (and others)	\$50.00
Woods Hole Parking Permit	\$15.00/year
Alarm Registration Fee	\$25.00
<u>Fingerprint Processing Fee (State):</u>	
Manager of Alcoholic Beverage License	\$30.00
Hawker and Peddler	\$30.00
Owner or Operator of Public Conveyance	\$30.00
Dealer of Second-Hand Articles	\$30.00
Ice Cream Truck Vendor	\$30.00

RECREATION DEPARTMENT

Youth Flag Football	\$30.00
Youth Soccer	\$30.00
Youth Basketball	\$30.00
Youth Baseball	\$30.00
Youth Softball	\$30.00
Youth Indoor Soccer	\$30.00
Youth Summer Playground Camp	\$150.00/2-week session 9-3 p.m. \$175.00/2-week session 9-4 p.m.
Teen Summer Camp	\$175.00/2-week session 9-3 p.m. \$190.00/2-week session 9-4 p.m.
Youth Summer Sailing	\$75.00/2-week session
Youth Golf	\$50.00
Use of Gymnasium (Non-Profit Groups)	\$50.00/hour
Use of Gymnasium (Profit Groups)	\$100.00/hour
Use of Gymnasium (All Groups Charging Admission)	\$200.00/hour
Use of Teen Center/Gymnasium for Birthday Parties (includes staff)	\$140.00/2 hrs.
Private Camp Rate for Use of Town Fields (rate is based on camp's weekly registration fee): (Effective 7/1/05, Approved 5/23/05):	
Registration Fee \$10.00 - \$25.00	\$100.00/week

Registration Fee \$25.00 - \$50.00	\$150.00/week
Registration Fee \$50.00 - \$100.00	\$200.00/week
Registration Fee Over \$100.00	\$250.00/week
Field Use: 1-Day Field Fee (for teams not made up of 100% Falmouth residents)	\$100.00/day up to a \$500.00 maximum per season
Field Use: 1-Day Field Fee (charging admission)	\$300.00
Use of Meeting Rooms (Non-Profit Groups)	\$12.50/hour
Use of Meeting Rooms (Profit Groups)	\$25.00/hour

SEALER OF WEIGHTS AND MEASURES

Balance and Scales:

Over 10,000 lbs.	\$200.00
5,000 to 10,000 lbs.	\$120.00
1,000 to 5,000 lbs.	\$100.00
100 to 1,000 lbs.	\$40.00
More than 10 lbs. less than 100 lbs.	\$35.00
10 lbs. or less	\$25.00

Weights:

Avoirdupois – each	\$1.00 or \$10/set
Metric – each	\$1.00 or \$10/set
Apothecary – each	\$1.00 or \$10/set
Troy – each	\$1.00 or \$10/set

Capacity Vehicle Tank Measures:

Each Indicator	\$6.00
Each 100 gals or fraction thereof	\$3.00

Liquid:

One gal. or less	\$2.00
More than one gal.	\$4.00

Liquid Measuring:

Inlet ½" or less – Oil, Grease	\$10.00
Inlet ½" to 1" – Gasoline/Diesel	\$40.00

Inlet More Than 1":

Vehicle tank pump	\$50.00
Vehicle tank gravity	\$35.00
Bulk storage	\$40.00
Company Supplies Prover	\$25.00

Pumps:

Each Stop on Pump	\$3.00
Retesting of Gas Pumps	\$40.00

Other:

Taxi meters	\$40.00
Odometer, Hub odometer	\$10.00

Leather Meas. (semi-annual)	\$10.00
Fabric Measuring	\$15.00
Wire-Rope Cordage	\$15.00
Can-Bottle redeemer	\$15.00
Net weight inspection	\$5.00 / unit

Price Verification for Scanners:

<4 Scanners	\$75.00
4 – 11 Scanners	\$150.00
>11 Scanners	\$250.00

Adjustment Fee

Per Device	\$35.00
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TAX COLLECTOR

Municipal Lien Certificates	\$75.00
Demand Fee	\$10.00

TREASURER

Checks returned for Insufficient Funds	\$25.00
Tax Title	

Properties in Foreclosure: Legal Fees: All costs incurred by the Town will be paid by the property owner prior to a Certificate of Redemption being issued by the Town Treasurer.

ZONING BOARD OF APPEALS

Single Family Dwellings & Uses	\$150.00
Home-Based Service Business	\$150.00
Appeal of Bldg. Comm. / Zoning Adm.	\$150.00
Multi-Family Dwellings & Uses	\$175.00
Commercial Properties	\$225.00
Comprehensive Permit Application Fees:	
Non-Profit	Filing Fee \$100.00 + \$25.00 per unit
For Profit	Filing Fee \$250.00 + \$125.00 per unit
Administrative Approval	\$100.00
Amendment Fee	\$50.00



MAYFLOWER WIND

Project Update: Town of Falmouth Select Board

October 29, 2020

About Mayflower Wind

Mayflower Wind is backed by two world-leading energy companies with deep experience and capability in working alongside communities and managing the complexities of offshore and onshore energy development projects.



We are guided by our core values:

Safety First, Safety Always.

We are committed to treating our people, community, and environment with care.

Innovation and Industry Development.

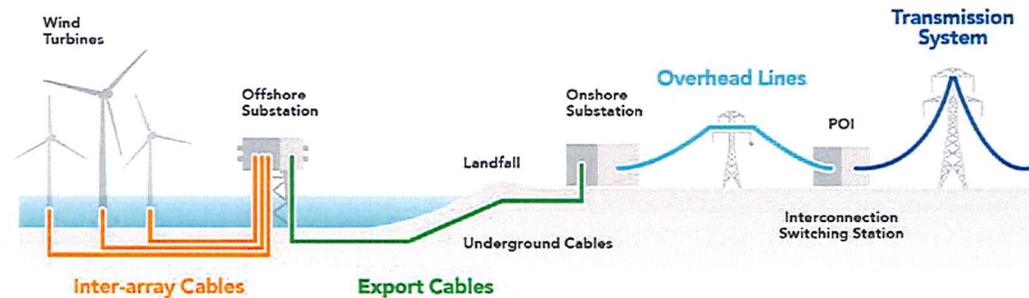
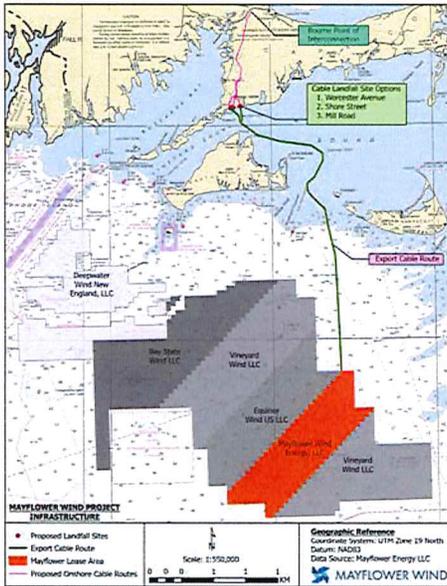
We expect innovation will continue to drive the rapid decline in the cost of wind energy and aim to be a leader in this space.

Investing in Communities.

We are committed to building responsible partnerships with local communities by supporting jobs, economic development, and innovation that will flourish for decades to come.

Project Location

- Mayflower Wind is developing a federal offshore lease area that is located about 30 miles south of Martha's Vineyard and 20 miles south of Nantucket.
- Submarine export cables will run north through Muskeget Channel and then west towards Vineyard Sound, before making landfall in Falmouth. An underground electric cable will connect power to an onshore substation in Falmouth. Overhead lines will then carry the power to an interconnection switching station in Falmouth, before being transmitted to the transmission system.



Climate Crisis & Need for Offshore Wind

- Falmouth has 68 miles of coastline, the most of any Massachusetts community. The Woods Hole Oceanographic Institution has documented over a century of increasing shoreline erosion and rising sea levels – impacts on Falmouth that will accelerate as our climate changes due to carbon pollution.



Hill, Jessica. "Coastal Study Reveals Falmouth Spots Vulnerable to Climate Change." *Cape Cod Times*, 2020.

- Mayflower Wind will be among the single largest contributors towards the Commonwealth's net-zero emissions goal.
 - The project will **eliminate over 2 million metric tons of GHGs annually**, which is equivalent to removing 5 million cars from the road.
 - As the 'least-cost pathway' to decarbonization, an additional 1,000-2,000 MW of new offshore wind generation is needed annually to fulfill the net-zero by 2050 goal, according to MA EOEAA.
- Mayflower Wind was awarded power purchase agreements with Massachusetts utilities for 804 MW that will provide enough low-cost, clean and renewable energy to **power over half a million homes and businesses** in Massachusetts.
 - Ratepayers will **save over \$2 billion** over the life of the project, according to the MA DOER.

Benefits to Falmouth and Cape Cod

Falmouth will benefit from hosting a major clean energy infrastructure project through **additional revenue, local construction jobs, and business activity**

Construction of the landfall, underground cabling, and onshore substation will create demand for a variety of qualified contractors and local retail businesses such as hospitality, hardware, fuel/logistics, and others.

Mayflower Wind recognizes that infrastructure projects affect local activities during construction, and we are committed to working cooperatively with Town officials to minimize impacts on road use, traffic, and other areas. This starts with planning to avoid making summer traffic worse – but will extend to wherever the Town leads us.

A Host Community Agreement is an essential commitment providing revenue to the Town with payments during operations. Payments may support locally-driven initiatives, such as coastal resiliency, energy efficiency, and other priorities, **as determined by the Town.**

Benefits to Falmouth and Cape Cod

Mayflower Wind has committed to invest in programs administered by MassCEC over 25 years that help make the Commonwealth a hub for offshore wind energy:

- \$35 million- ports & infrastructure
- \$10 million- innovative technologies
- \$5 million- workforce development
- \$5 million- applied research

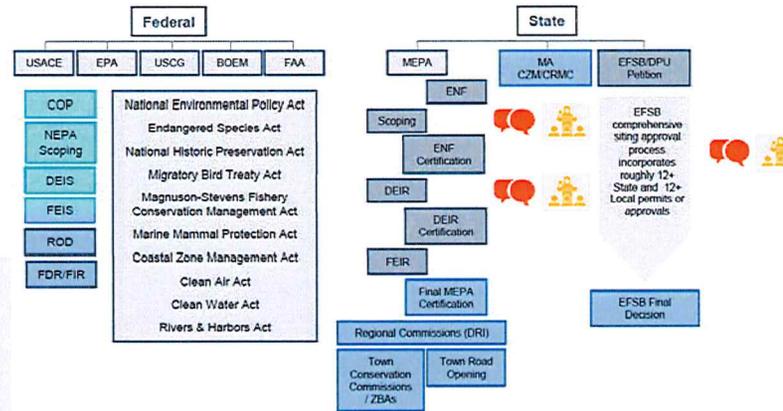
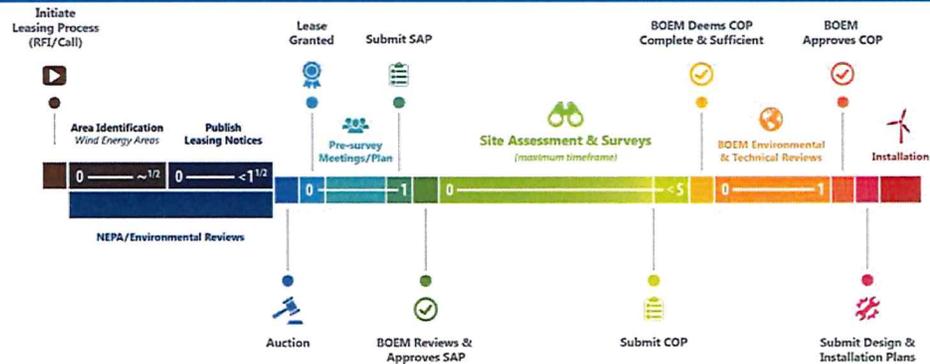
Mayflower Wind looks forward to being a long-term member of the Falmouth community and active participant in supporting activities such as local school STEM and renewable energy education programs and skills/workforce training

In 2020, Mayflower Wind contributed \$100,000 towards MassCEC's awarding of grants to nine Massachusetts organizations and institutions for workforce training and development programs (including Adult Continuing Education MV and MMA)

Mayflower Wind has committed to provide **\$5 million** over 10 years to the Cape Light Compact JPE towards initiatives that optimize customers' energy usage and lower electric bills for low income households

Permitting Process

- Mayflower Wind will require local, state, regional, and federal permits and approvals for relevant nearshore and onshore facilities and activities in Falmouth
- We aim to enter into a Host Community Agreement with Falmouth and work cooperatively toward an efficient and mutually agreeable permitting and construction scheduling
- Public participation is key to a successful project, and the regulatory review process provides numerous public meetings and comment periods
- Abutter notifications will be made in full compliance with Town process and requirements of law



Key: Public Engagement Requirements

- Public Comment Periods
- Public Meetings

Onshore Routing Evaluation

Minimize Environmental Impacts

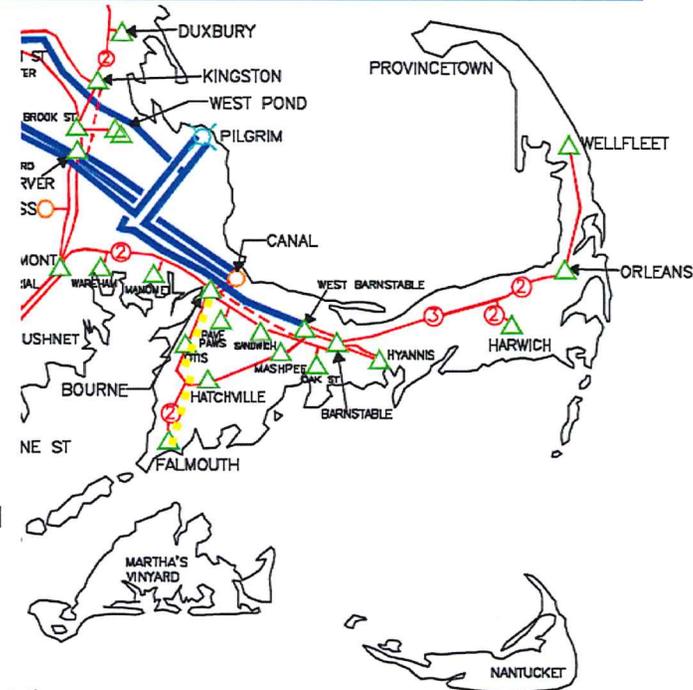
- Utilize previously disturbed areas
- Avoid/minimize wetlands, floodplains, water resource areas, endangered species, cultural and/or historical resources

Minimize Community Impacts

- Follow existing roads
- Conform to local zoning and land uses
- Maintain distance from adjacent properties
- Use natural existing vegetation as noise/visual barrier

Optimize Design

- Maximize efficiency of cable length, underground vs. overhead lines

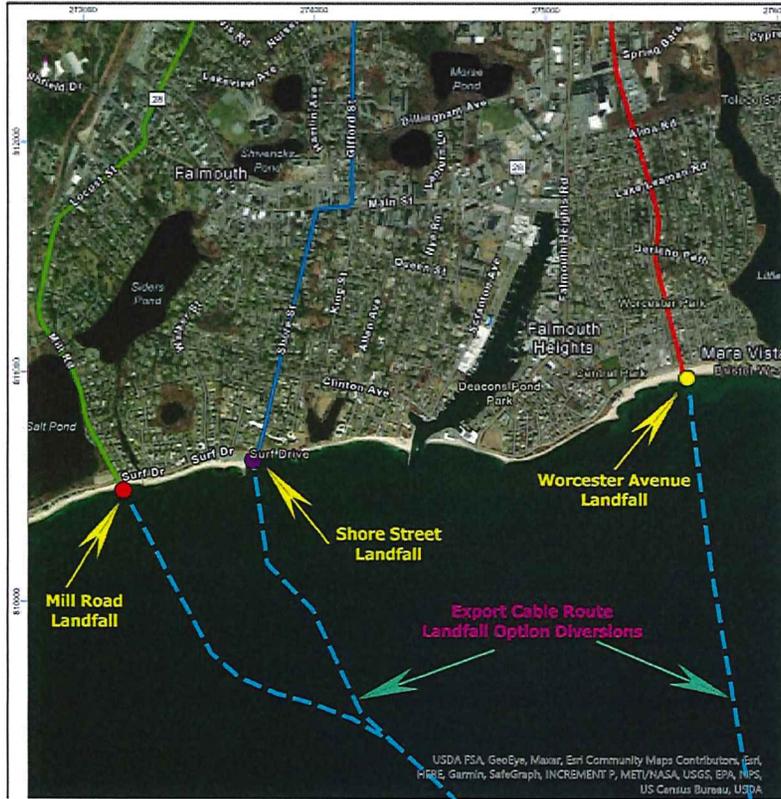


Legend

- ▲ substation
- 345kV transmission
- ② 138kV, 115kV, 69kV transmission (w/# of circuits)
- proposed onshore transmission

Source: ISO New England
(yes, they misspelled Martha's Vineyard)

Potential Landfall: Surf Drive or Falmouth Heights Beach



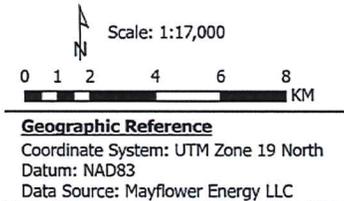
- No final decisions on site location will be made until a full routing analysis has been completed
- Surveys and investigations are needed to gather data on-site and assess the suitability of alternative sites for a complete and reasoned analysis of the alternatives
- Mayflower Wind is committed to working with federal, state and local permitting agencies, non-governmental organizations, local residents, and neighborhood associations to avoid and minimize environmental and social impacts

Proposed Onshore Cable Routes

- Mill Road - Route 28 - Goodwill Park
- Shore Street - Main Street - Gifford Street
- Worcester Avenue - Jones Road - Gifford Street

Proposed Landfall Sites

- Option 1 (Worcester Avenue Land Fall)
- Option 2 (Shore Street Land Fall)
- Option 3 (Mill Road Land Fall)



Potential Landfall Survey Assessments



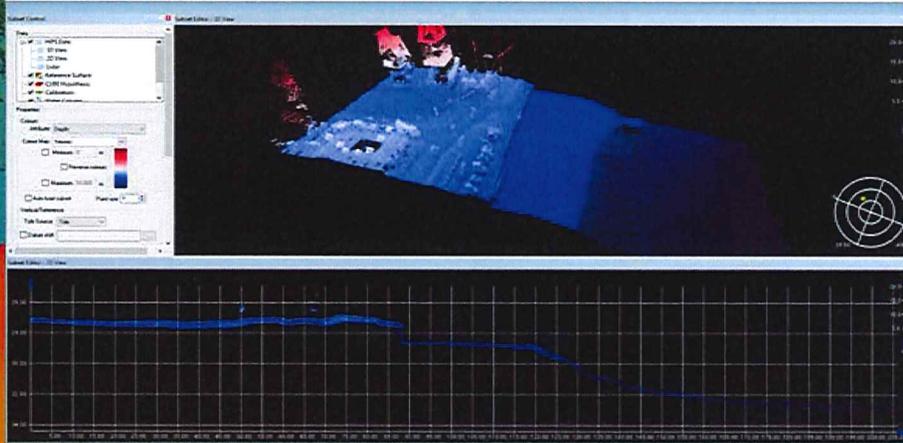
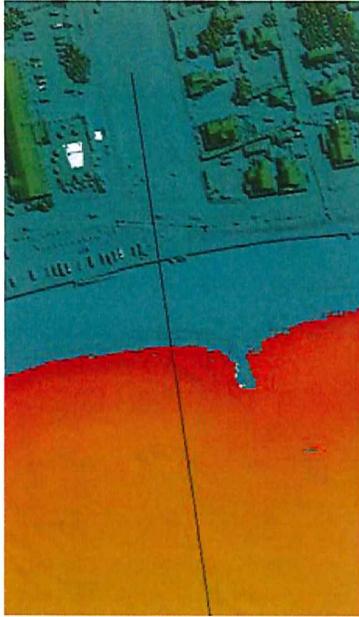
Underwater video of eelgrass



Example of geotechnical boring, off Mill Road, Comcast & Eversource hybrid cable

- **August 2020:** shellfish & seagrass surveys conducted off Mill Road, Shore Street, and Worcester Avenue locations
 - Coordinated with Harbor Master, Beach Superintendent, Conservation Agent, Town Manager
 - Work performed by local survey company CR Environmental
- **Q4 2020:** geotechnical boring surveys in parking lots at 0 Surf Drive and 0 Grand Ave
 - Conservation Commission issued Negative Determination of Applicability- not subject to review (September 2020)
 - Seeking right of entry agreement to conduct limited, localized, low-impact "geotechnical" borings – **does not create any commitment or obligation for approval of any future effort or approval of Mayflower Wind's project**

Aerial LiDAR Data at Potential Landfall Locations

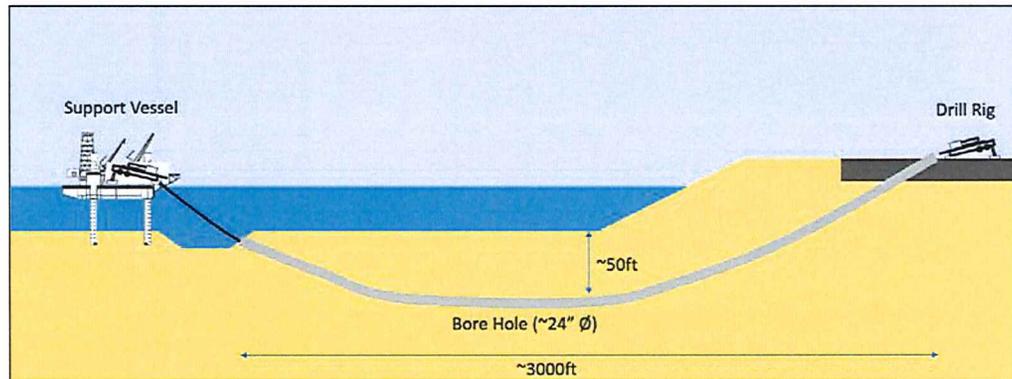


Imagery from Falmouth Heights Beach

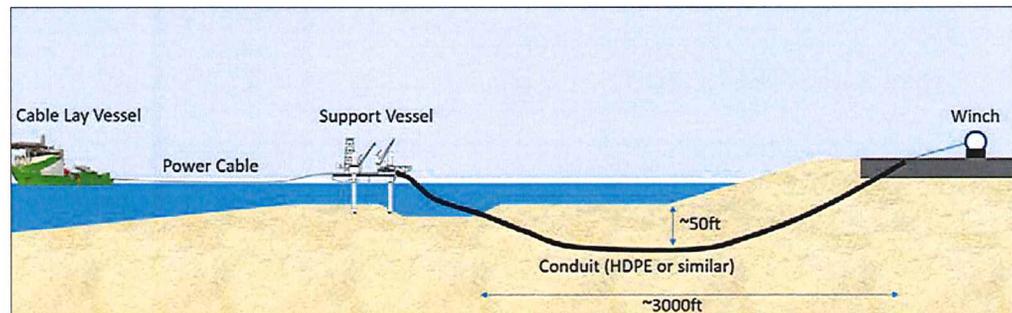
- Mayflower Wind would like to share with the Town our preliminary Aerial LiDAR (Light Detection And Ranging) survey data from October, 2020
- LiDAR is a remote sensing method using a pulsed laser sensor mounted to an aircraft
- LiDAR data can be used for surface (topography) and underwater (bathymetry) depth mapping up to ~15-meter water depth, to assist in coastal resiliency planning and other applications

Cable Landfall via HDD

- Following the guidance of the Massachusetts Ocean Management Plan, Horizontal Directional Drilling (HDD) will be employed to avoid impacts to sensitive environmental resources, including beaches and nearshore eelgrass beds.
- Permanent surface impacts will be minimal – onshore cable vaults will be buried.
- A Comcast-Eversource hybrid fiber optic and 25 kV electric cable was successfully installed near Mill Road in 2014 using HDD.



Horizontal Directional Drilling (image courtesy of DEME Offshore US)



Cable Pull-In (image courtesy of DEME Offshore US)

Representative Photos – Installation and Maintenance



Concrete encasement of duct bank
(image courtesy of Burns & McDonnell)



Vault installation
(image courtesy of Burns & McDonnell)



Manhole covers, Eversource cable, near Mill Road

Four (4) Eversource 23 kV electric cables are buried underground in a duct bank and manhole system along Surf Drive Beach, near Shore Street and Elm Road locations. A Comcast-Eversource hybrid fiber optic and 25 kV electric cable was installed near Mill Road in 2014- the manhole covers for that project are shown in the above right photograph.

Health and Safety: HSSE Standards and Practices

- The Mayflower Wind project will:
 - Provide a systematic approach to HSSE & Social Performance management designed to ensure compliance with applicable law and to achieve continuous performance improvement;
 - Commit to conduct all operations in a safe and diligent manner;
 - Commit to reduce the HSSE & Social Performance risks associated with the operations; and provide any necessary measures or plans to address emergency events.
- Managing risk for Mayflower Wind includes:
 - Setting targets for improvement and monthly performance reporting;
 - Requiring contractors to manage HSSE risks in line with the HSSE & Social Performance policies of Mayflower Wind;
 - Ensuring that HSSE & Social Performance is the responsibility of all managers, teams and individuals;
 - Providing proactive and respectful engagement with neighbors and impacted communities;
 - Permitting any individual to stop any work, or prevent any work from starting, where adequate controls of HSSE & SP risks are found not to be in place;
 - Including HSSE performance in the appraisal of operating staff and contractors and reward them accordingly; and
 - Applying proven “Life Saving Rules” for all work activities.

Health and Safety: What is EMF?

- Electric and magnetic fields (EMF) are produced by electrical power and natural sources
 - Whenever there is a flow of electricity, both electric and magnetic fields are created
 - EMF are a part of our everyday lives and are present around household appliances, electronics, power lines, and electric wiring
- For over 40 years there has been a great deal of scientific studies to determine whether EMF affect human health
- The World Health Organization (WHO) released a review of research on EMF and human health that was consistent with the findings of the National Institute of Environmental Health Sciences (NIEHS) and other national and international research reviews. The WHO report concluded that the **cumulative evidence was not sufficient to indicate a causal relationship between EMF and any disease**, including cancer.

Health and Safety: What Are Mayflower Wind's Expected EMF Levels?

The International Commission of Non-Ionizing Radiation Protection (ICNIRP) established the health-based guideline for public exposure to EMF at 2,000 milligauss (mG). The extremely low frequency EMF associated with the Mayflower Wind project will be substantially lower than the ICNIRP guideline

A person sitting on the beach directly above the buried cable is exposed to magnetic fields that are less than 0.5% of the recommended limitation

A person standing over the buried cable duct bank in the parking lot is exposed to magnetic fields that are less than 25% of the recommended limitation

Health and Safety: Noise Measures- Landfall and Underground Cabling

- Noise-emitting activities during construction of the landfall and underground cabling will include
 - Trench excavation
 - Duct bank installation
 - Manhole installation
 - Backfill and compaction
 - Pavement restoration
 - Splicing activities
 - Sound levels will vary among these activities, depending on the equipment used. Mayflower Wind will use equipment like that used in typical public works projects
 - It is not expected that the project will involve any blasting or noticeable vibrations
- Mayflower Wind will comply with applicable sections of the MassDEP Air Quality Regulations regarding unnecessary noise from sound-emitting construction equipment**
- Mayflower Wind's **noise mitigation measures** will include:
 - Minimizing construction work outside typical construction hours to the extent possible
 - Installing/maintaining mufflers on construction equipment where appropriate
 - Maintaining and lubricating construction equipment for quietest performance
 - Using muffling enclosures on continuously-operating equipment
 - Using shielding or buffering distances for noisy equipment
 - Turning off equipment not in use
 - Minimizing vehicle idling times
 - Prior to construction, a neighborhood notification plan will be developed and implemented to ensure local communities are informed of upcoming development activities
 - A Project-sponsored 24-hour phone service for Project information will be made available
 - During operation, cables will not produce noticeable noise

Health and Safety: Noise Measures- Onshore Substation

- An onshore substation contains sound-producing electrical equipment
- Mayflower Wind has conducted preliminary baseline ambient sound level measurements at the periphery of the Yardwaste & Composting site. These measurements characterize the existing ambient noise and are used to determine the lowest ambient sound levels in a 24-hr period
- Mayflower Wind is seeking access to the Yard Waste & Composting site in order to perform additional sound level measurements

- As the substation design is developed, the substation equipment and layout is refined, Mayflower Wind will include noise considerations as a key factor of the design process
- Mayflower will work to minimize noise impacts on nearby receptors through the use of multiple potential strategies including, low-noise transformers, housing or enclosing of certain substation components, as well as sound barriers

Mayflower Wind will comply with all applicable noise standards, including the 10 dBA limit at nearby residences as defined by MassDEP, and no 'pure tones' as defined by the MassDEP Noise Policy

Example of acoustic monitoring system



Right to Entry Agreements: Temporary, Non-Exclusive, Non-Binding

0 Surf Drive and 0 Grand Ave

Proposed work:

- Two exploratory geotechnical boring investigations to support planning and design of potential landing of submarine export cable
- Mayflower Wind will employ effective management procedures during boring operations to minimize disturbances

Duration and restoration:

- Approx. 3 days per boring (includes drilling, soil sampling, grouting, and borehole restoration)
- Surface restoration will include cold patching existing pavement of area disturbed

Yardwaste & Composting Site

Proposed work:

- Environmental, wildlife, cultural, and engineering surveys & investigations
- Acoustic baseline measurements, wetland delineation and cultural inspection are seasonably dependent and time sensitive (before leaf fall and frozen ground)

Collaboration with Town:

- Coordinate test and equipment locations
- Advanced notice provided prior to entry
- Testing results provided to Town

Thank You

We welcome your questions

508-589-3557

info@mayflowerwind.com

mayflowerwind.com

Memorandum

To: Mayflower Wind

Date: October 28, 2020

From: Gradient

Subject: EMF Technical Memo

This memorandum was created by Gradient, an environmental and risk sciences consulting firm that specializes in Toxicology, Epidemiology, Risk Assessment, Product Safety, Contaminant Fate and Transport, Industrial Hygiene, Geographic Information Systems, and Environmental/Forensic Chemistry. Since 1985, Gradient has employed sound science to assist national and global clients with resolving their complex environmental and health challenges. Gradient scientists are nationally recognized experts and active contributors to the advancement of knowledge for science solutions. Focusing on rigorous, high-end science and creative problem solving, our engagements are led by teams with top credentials and unparalleled client focus.

The team working on this matter is led by Gradient Principal Peter Valberg, Ph.D., ATS and Gradient Principal Scientist Christopher M. Long, Sc.D., DABT.

Dr. Valberg is an expert in human health risk assessment, inhalation toxicology, and modeling of human exposure to environmental chemicals. He has 30 years of experience on the faculty of the Harvard School of Public Health and at Gradient. Dr. Valberg has provided air quality expertise to the Department of Justice, US EPA, and the National Academy of Sciences. He is the author of more than 100 scientific articles on biological effects of environmental exposures (including EMF) on humans and animals. Dr. Valberg's risk assessment expertise covers air pollutants, chemical exposures, biologicals, radionuclides, and EMF (including power lines, radio waves, and cellular telephones). Dr. Long is an expert in the area of exposure and risk assessment, with particular expertise in indoor and outdoor air pollution, inhalation toxicology, and EMF. He is a board-certified toxicologist and has published over 30 peer-reviewed journal articles and book chapters. Full CVs are attached.

Executive Summary

Gradient has completed preliminary Electric and Magnetic Field (EMF) assessments to determine expected EMF levels associated with the project's proposed offshore and onshore underground power transmission cables.

Modelling of all anticipated landfall/onshore underground cable configurations indicates **magnetic field levels well below the International Commission on Non-Ionizing Radiation Protection (ICNIRP) health-based guideline** of 2,000 milligauss (mG) for acceptable public exposure to 60-Hz magnetic fields.

In all cases, there are **no aboveground electric fields from the underground cables**, both due to the metallic shielding used in the cable construction as well as their below-ground location.

EMF Limits

The United States has no federal standards limiting general public or residential exposure to 60-Hz EMF.

Gradient has carefully considered various EMF guidelines produced by national and global health- and safety-focused organizations. These guidelines recommend limitations of between 2,000 mG and 10,000 mG for continuous power-line magnetic field exposure for the general public. The studies performed by Gradient on behalf of Mayflower Wind show magnetic field values well below the lowest of these thresholds.

60-Hz EMF Guidelines Established by Health and Safety Organizations:

Organization	Magnetic Field	Electric Field
American Conference of Governmental and Industrial Hygienists (ACGIH) (occupational)	10,000 mG ¹ 1,000 mG ²	25 kV/m ¹ 1 kV/m ²
International Commission on Non-Ionizing Radiation Protection (ICNIRP) (general public, continuous exposure)	2,000 mG	4.2 kV/m
Non-Ionizing Radiation (NIR) Committee of the American Industrial Hygiene Association (AIHA) endorsed (in 2003) ICNIRP's occupational EMF levels for workers (occupational)	4,170 mG	8.3 kV/m
Institute of Electrical and Electronics Engineers (IEEE) Standard C95.6 (general public, continuous exposure)	9,040 mG	5.0 kV/m
UK, National Radiological Protection Board (NRPB) (which was formerly part of the Health Protection Agency [HPA], but is now part of Public Health England [PHE])	2,000 mG	4.2 kV/m
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) (Draft Standard, December 2006 ³)	3,000 mG	4.2 kV/m

Notes:

EMF = Electric and Magnetic Field; kV/m = Kilovolts Per Meter; mG = Milligauss; ROW = Right of Way.

(1) The ACGIH guidelines for the general worker (ACGIH, 2015, pp. 128-131).

(2) The ACGIH guidelines for workers with cardiac pacemakers (ACGIH, 2015, pp. 128-131).

(3) ARPANSA (2006, 2008).

The World Health Organization (WHO) maintains a website¹ for its International EMF Project where it provides summaries of existing standards and guidelines, as well as scientific reviews of EMF health effects research. On this website², WHO states, "The main conclusion from the WHO reviews is that EMF exposures below the limits recommended in the ICNIRP international guidelines do not appear to have any known consequence on health."

The ICNIRP MF guideline of 2,000 mG (equivalent to 200 μ T), which incorporates a safety factor of 5³, is specifically intended to be protective of acute effects of short-term exposures to low frequency EMF on the nervous system, including direct stimulation of nerve and muscle tissue and the induction of retinal phosphenes. ICNIRP concluded that there was not sufficient evidence to support the development of an exposure guideline specific to long-term exposure.⁴

¹ <http://www.who.int/peh-emf/en/>

² <http://www.who.int/peh-emf/standards/en/>

³ Safety factors are typically incorporated into health-based guidelines to add an additional layer of protectiveness, such that levels near to or exceeding guidelines will remain below actual adverse effect levels and thus should not be interpreted as indicating that adverse health effects will occur.

⁴ International Commission on Non-Ionizing Radiation Protection (ICNIRP). 2010. "ICNIRP Guidelines for limiting exposure to time-varying electric and magnetic fields (1 Hz to 100 Hz)." *Health Phys.* 99(6):818-836. doi: 10.1097/HP.0b013e3181f06c86.

EMF Study Results

Gradient, a third-party EMF specialist working on behalf of Mayflower Wind, has assessed several cases which represent the expected physical cable configuration offshore, at landfall, and onshore. The preliminary results from this assessment (which will be subject to slight variation based on specific final cable configurations) are presented below.

First, Gradient assessed the EMF impacts of buried submarine cables offshore (2 m burial depth). For this case, the expected peak MF levels at the sea floor are ≤ 100 mG directly above the buried cables and ≤ 10 mG at 25 ft from the cable centerlines.

At the cable landfall, Gradient studied multiple cases that represent the cables coming ashore via horizontal directional drilling (HDD). The cables transition between submarine cables and land cables in an onshore transition vault which will be buried at least 1 m (3.3 ft) beneath either a parking lot or a street median. Due to the nature of the HDD construction method, the submarine cables will be buried significantly deeper (8 m to 10 m depth) beneath the beach under which they will pass in approach to the shore. As such, the MF levels on the beach will be much lower. For this preliminary assessment, cable landfall at Falmouth Heights beach has been assumed.

As the cables are run onshore, they will be installed *via* burial underneath the street at a depth of at least 3 ft. Multiple possible cable duct bank configurations were studied to determine worst-case EMF impacts, and to see how different cable configurations affect magnetic field levels.

The expected magnetic field levels resulting from these assessment cases are presented in the tables below. It is important to note that there is an increasing drop-off of magnetic field levels with increasing lateral distance away from the circuit centerline. For example, for the buried cable duct bank in roadways, magnetic field levels drop to values ≤ 20 mG at 25 feet from the duct bank centerlines.

Mayflower Wind Expected Maximum Magnetic Field Levels vs. WHO/ICNIRP Health-Based Guideline

Magnetic Field (MF) Health-Based Guideline (ICNIRP)	2,000 mG
Directly above buried cables, at sand surface, in middle of beach	≤ 10 mG
Directly above buried cables, at sand surface, at edge of beach	≤ 10 mG
Directly above buried cable transition vault, at ground surface, in parking lot or street median	≤ 350 mG
Directly above buried cable duct bank, at a 1-meter height, in roadway	≤ 500 mG

While these results are preliminary and will be subject to slight variation based on specific final cable specifications and configurations, MF levels are expected to be equal to or lower than what has been studied. Additionally, the results presented represent the cables operating at full power transmission capacity, which will only occur part of the time (during periods of high wind) due to the intermittent nature of wind energy.

Peter A. Valberg, Ph.D., ATS

Principal

pvalberg@gradientcorp.com

Areas of Expertise

Public health, inhalation toxicology, epidemiology, human health risk assessment, risk communication, indoor/outdoor air quality, comparative toxicology, modeling of human exposure and retained dose, health effects of ionizing and non-ionizing radiation.

Education

M.S., Human Physiology and Inhalation Toxicology, Harvard School of Public Health, 1975

Ph.D., Physics, Harvard University, Graduate School of Arts and Sciences, 1970

M.A., Physics, Harvard University, 1966

A.B., Physics and Mathematics, *summa cum laude*, Taylor University, 1964

Professional Experience

2001 – Present (and 1990 – 1998) GRADIENT, Boston, MA
Principal. Environmental consulting practice includes inhalation toxicology, environmental health, human health risk assessment, use of epidemiology in public health decisions, health effects of airborne gases and particles, and health effects of ionizing and non-ionizing radiation.

1998 – 2000 CAMBRIDGE ENVIRONMENTAL, INC., Cambridge, MA
Senior Scientist.

1985 – 2000 HARVARD SCHOOL OF PUBLIC HEALTH, Boston, MA
Associate Professor of Human Physiology. (Adjunct, after 1990) Research work included: (1) human health effects of air toxics, (2) lung macrophage function measured with magnetic particles, and (3) lung deposition and clearance of radioactive tracer particles.

1987 INSTITUTE OF OCCUPATIONAL HEALTH, Helsinki, Finland
Visiting Researcher. Developed a magnetometric assay to be used for studying pulmonary macrophage function for lung cells lavaged from human subjects.

1984 INHALATION TOXICOLOGY RESEARCH INSTITUTE, Albuquerque, NM
Visiting Scientist. Examined the effect of exercise and hypercapnia on deposition, lung clearance, and lung distribution of inhaled radioactive aerosol.

1976 – 1985 HARVARD SCHOOL OF PUBLIC HEALTH, Boston, MA
Assistant Professor of Respiratory Physiology.

1970 – 1976 AMHERST COLLEGE, Amherst, MA
Assistant Professor of Physics.

Peter A. Valberg, Ph.D., ATS

Professional Activities

- Center for Indoor Air Research, grant-application reviewer (1989-1994).
- DOE: Office of Health and Environmental Research, reviewer.
- Editorial Board, *Journal of Aerosol Medicine* (1987-2000).
- Harvard Center for Risk Analysis: Review of Cellular Telephones (1994-1999).
- Harvard School of Public Health: Research Advisory Committee Member for NIH-Sponsored Research on "Mechanisms of mortality/morbidity due to air particulate" (1997-2005).
- Health Effects Institute, Cambridge, MA, ad hoc reviewer (1984-1994).
- International Committee for Electromagnetic Safety (ICES) (2014-present).
- Member of the Committee on Man and Radiation (COMAR) (1999-2006).
- National Academy of Sciences and National Research Council, Evaluating Health-Risk-Reduction Benefits of US EPA Regulations (2001-2003).
- National Research Council, Commission on Life Sciences: Committee on Passive Smoking (1986-1988).
- NIH Reviewer: Cardiovascular and Pulmonary Study Section, Radiation Study Section, and Health of the Population Study Section.
- NIOSH: Environmental Center Grants, Site Visit Delegation (1990).
- Physical and Biological Sciences Study Committee, Town of Needham Planning Board.

Professional Affiliations

Fellow of the Academy of Toxicological Sciences; Society of Toxicology (full member); International Society for Environmental Epidemiology; Society for Risk Analysis; Health Physics Society (full member); Sigma Xi; American Conference of Governmental Industrial Hygienists (associate member)

Projects (*abbreviated*)

Brockton Power, Co. LLC: Reviewed and analyzed the projected air quality and public health effects regarding a proposed gas-fired electric-power generating plant to be located in Brockton, MA. Ground level air concentrations predicted by dispersion modeling were compared to health protective guidelines. The Air Permit was approved by Massachusetts Department of Environmental Protection and the Air Permit Approval was Affirmed upon appeal.

Carbon Black Manufacturers: Evaluated the toxicology and epidemiology of carbon black inhalation and ingestion.

Charter School in Washington, DC: Prepared a health risk assessment for the school board on the health risks of handling asbestos-containing materials that might release fibers.

City of Newton Health Department: Measured RF levels from a local transmitting antenna, reviewed RF field calculations, and provided scientific literature critique on RF health effects.

City of Philadelphia: Prepared a health risk analysis of firefighting occupation and how firefighter exposures during work may be associated with altered disease risk.

Confidential Client: Evaluated exposure concentrations, toxicity, and risk of adverse health effects of diacetyl and butter flavorings.

Confidential Client: Prepared a model predictive of asbestos fiber drift and inhalation health hazard applicable to industrial processes where asbestos-containing materials are used.

Peter A. Valberg, Ph.D., ATS

Confidential Client: Prepared a risk assessment for a Massachusetts landfill containing both chemical and radioactive waste and including multiple pathways of contaminant uptake by a trespasser.

Confidential Client: Prepared an analysis of health risk due to hexavalent chromium (Cr^{6+}) being in groundwater that might be used either for drinking or crop irrigation.

Confidential Clients: Prepared an analysis of relative risks of TCE in drinking water *versus* health hazards from background levels of chemicals in air, water, and soil, as well as other routine risks to life and health.

Electric Power Research Institute: Reviewed and analyzed the mechanisms by which biological systems may be affected by environmental electric and magnetic fields (EMFs). Organized a public workshop on the causes and characteristics of childhood leukemia.

Electric Utility: Analyzed the relationship between inhaled carbon monoxide concentration and blood carboxyhemoglobin. Performed sensitivity analysis on all the variables involved.

Electric-Power Generating Companies: Prepared and delivered expert reports and public testimony on the potential health effects of airborne emissions from coal fired, gas-fired, oil-fired, and wood-fired electric utility power generating plants.

Harvard School of Public Health: Continuing Education for Professionals: Prepared material on special topics on inhalation toxicology for graduate students and health professionals. Presented lectures on risk assessment and risk communication.

Health Effects Institute: Prepared an analysis entitled "Ozone Molecular Dosimetry and Interaction with Biological Macromolecules."

Health Effects Institute: Supervised and documented a feasibility study for the Health Effects Institute initiating a national research program on the health effects of electric and magnetic fields.

Manufacturing Company/FUSRAP Site: Prepared a radionuclide health risk assessment and site management plan for site contaminated by nearby storage of uranium ore.

Manufacturing Company: Analyzed multi-pathway human health risk for a site contaminated with polychlorinated biphenyls (PCBs) and chlorinated organic solvents. Analyzed experimental data to derive a fraction of PCBs that are picked up from concrete when touching the concrete.

Massachusetts Department of Public Health: Prepared a public communications essays on what citizens can do to support improved air quality.

Medical Product Manufacturer: Prepared a risk assessment for air toxics produced during malfunction of a medical device used to assist breathing.

Michigan Occupational and Environmental Medical Association (MOEMA): Prepared and delivered a risk assessment tutorial for MOEMA's Continuing Education program.

Peter A. Valberg, Ph.D., ATS

Mining Company: Evaluated the epidemiological basis for the toxicity of arsenic in soils. Evaluated metals toxicity factors and site-specific bioavailability of metals.

National Institute of Environmental Health Sciences – Division of Research Grants: Reviewed grant applications for the Radiation Study Section Panel on Health-Effects Research.

National Institute of Environmental Health Sciences / Environmental Protection Agency: Asbestos Workshop, assisted in the review of the summary publication, "A Science-Based Examination of Asbestos and Related Mineral Fibers".

Navy Occupational Health and Preventive Medicine Program: Prepared and delivered seminars and workshops to US Navy medical personnel on the current research on EMFs.

New Mexico Environmental Department: Prepared a health risk assessment for measured and modeled concentrations of 80 airborne chemicals in Albuquerque, NM.

Refineries in US and Canada: Prepared a multi-pathway human health risk assessment for air emissions from petroleum refineries. The risk assessment process was monitored by task forces composed of regulators, educators, union members, and local officials.

School District on Long Island: Assessed possible environmental, occupational, and lifestyle risk factors for early-term miscarriage.

University of Denver: Analyzed the potential health impact of uranium disposal from munitions testing ("depleted uranium") as it was practiced in the 1960s and 1970s.

Uranium Mill: Evaluated the health implications of radioactive substance migration as predicted by different US EPA and DOE models.

US Department of Energy: Prepared a risk communication strategy for a nuclear test site where detonation of underground atomic devices had the potential to contaminate groundwater.

US Department of Justice: Prepared a report and provided expert testimony on human toxicology with regard to soil contamination at a RCRA site.

US Department of Justice: Prepared an analysis of the health hazards of the Love Canal Superfund site (Niagara Falls, NY).

US Department of Justice: Prepared reports and provided expert testimony in several different cases on asbestos, sulfuric acid, and airborne particulate inhalation toxicology.

US Environmental Protection Agency, Environmental Criteria and Assessment Office: Evaluated research proposals on "Indoor and Ambient Air Risk Assessment Methodologies."

US Environmental Protection Agency, Health Effects Research Laboratory: Assisted in preparing a database of non-cancer health effects for 189 Hazardous Air Pollutants.

US Environmental Protection Agency: Analyzed the health risks of a remediation alternative at the Bloody Run Creek section of the Hyde Park Landfill superfund site (Niagara Falls, NY).

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US Environmental Protection Agency: Provided US EPA with a peer review (scientific critique) of the agency's draft guidance on risk assessment for VOC's present in household water..

US Environmental Protection Agency: Provided US EPA with a peer review (scientific critique) of the agency's draft reference concentration (RfC) methodology for risk assessment.

Waste Management Company: Evaluated health risks for a medical waste incinerator, including a multiple-pathway (ingestion, inhalation, dermal, mothers' milk) health risk assessment.

World Health Organization: Helped prepare a WHO research report on EMF health effects. Presented a lecture on EMF health effects at a WHO workshop in Geneva, Switzerland. Published review article on RF health effects.

Academic Research Projects (*abbreviated*)

National Heart, Lung, and Blood Inst.:	"Physical Determinants of Lung Function and Dysfunction."
National Heart, Lung, and Blood Inst.:	"Pulmonary SCOR: Chronic Diseases of the Airways."
National Cancer Institute:	"Magnetic Field Effects on Macrophages."
National Inst. of Environ. Health Sci.:	"Inhaled Particle Retention in Normal and Diseased Lungs."
National Heart, Lung, and Blood Inst.:	"Particle Location and Ingestion by Lung Macrophages."
National Inst. of Environ. Health Sci.:	"Factors Influencing Deposition of Inhaled Aerosols."

Publications – *Articles*

Long, CM, Valberg, PA. 2019. "Low-frequency magnetic fields: Potential environmental health impacts." In *Encyclopedia of Environmental Health, 2nd Edition, Vol. 3*. (Ed.: Nriagu, JO), Elsevier, vol. 4, pp. 139-149.

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McCunney, RJ; Muranko, HJ; Long, CM; Hamade, AK; Valberg, PA; Morfeld, P. 2012. "Carbon black." In *Patty's Toxicology, Sixth Edition, Vol. 5*. (Ed.: Bingham, E; Cohrssen, B), John Wiley & Sons, Inc. 26p.

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Valberg, PA; Brain, JD. 1977. "Lung surface tension and air space dimensions from multiple pressure-volume curves." *J. Appl. Physiol.: Respir. Environ. Exercise Physiol.* 43:730-738.

Valberg, PA. 1976. "Thevenin's theorem with controlled sources." *American Journal of Physics* 44:577-580.

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Brain, JD; Valberg, PA; Sorokin, S; Hinds, W. 1974. "An iron oxide aerosol suitable of animal exposures." *Environ. Res.* 7:13-26.

Abstracts & Reports *(list available on request)*

Invited Lectures *(past 10 years)*

2/8/16 "Inhalation Toxicology." Presented in the course "*Environmental Health 292: Aerosol Behavior*," Harvard School of Public Health, Boston, MA.

7/13/15 "Portals of Entry: Pulmonary Deposition and Clearance of Particles." Presented in the course "*Comprehensive Industrial Hygiene*" Harvard School of Public Health, Boston, MA.

6/23/14 "Portals of Entry: Pulmonary Deposition and Clearance of Particles." Presented in the course "*Comprehensive Industrial Hygiene*" Harvard School of Public Health, Boston, MA.

Peter A. Valberg, Ph.D., ATS

- 6/05/13 "Portals of Entry: Pulmonary Deposition and Clearance of Particles." Presented in the course "*Comprehensive Industrial Hygiene*" Harvard School of Public Health, Boston, MA.
- 6/28/12 "Inhalation toxicology input to the fine-particle National Ambient Air Quality Standard." Presentation to the United States House of Representatives Committee on Energy and Commerce, Washington, DC.
- 6/11/12 "Portals of Entry: Pulmonary Deposition and Clearance of Particles." Presented in the course "*Comprehensive Industrial Hygiene*" Harvard School of Public Health, Boston, MA.
- 3/19/12 "Epidemiology of Diesel Exhaust: An Overview." Presented at the "*International Congress of Occupational Health*" Cancun, Mexico.
- 4/12/11 "Nanotechnology Products: Environmental Health and Workplace Safety." Presented in the Symposium: "Nanotechnology's Journey to Commercialization" University of Massachusetts, Lowell, MA.
- 6/14/10 "Portals of Entry for Workplace Chemicals / Lung Deposition and Clearance of Inhaled Particles." Presented in the course "*Comprehensive Industrial Hygiene: The Applications of Basic Principles*" Harvard School of Public Health, Boston, MA.
- 3/24/10 "Do Brain Cancer Rates Correlate with Ambient PM-Levels or with Hazardous Air Pollutant (HAP) Concentrations?" Presented at the AAAR Specialty Conference "*Air Pollution and Health: Bridging the Gap from Sources to Health Outcomes*," San Diego, CA.
- 6/23/08 "Routes of Entry into the Body: Pulmonary Deposition and Clearance of Particles." Presented in the course "Comprehensive Industrial Hygiene: Practical Applications of Basic Principles," Harvard School of Public Health, Boston, MA.
- 6/25/07 "Routes of Entry into the Body: Pulmonary Deposition and Clearance of Particles." Presented in the course "Comprehensive Industrial Hygiene: Practical Applications of Basic Principles," Harvard School of Public Health, Boston, MA.
- 3/29/07 "Non-linear Exposure-Response Relationships between Ambient PM₁₀ and Daily Mortality." Presentation with Dr. T. Bowers at the Society of Toxicology Annual Meeting, Charlotte, NC. This presentation was selected as one of the *Top 12 Risk Assessment Abstracts at the SOT Meeting*.
- 11/7/06 "What is EMF? How EMF Interacts with Organisms." Presented at the Cyprus International Institute for the Environment and Public Health symposium on "Electromagnetic Fields: Sources, Health Effects, and Regulations, Nicosia, Cyprus.
- 6/19/06 "Pulmonary Deposition and Clearance of Particles." Presented in the course "Comprehensive Industrial Hygiene: Practical Applications of Basic Principles," Harvard School of Public Health, Boston, MA.
- 5/18/06 "Health Hazards of Nanoparticles." Presented at "A Mock Hearing: Environment, Health & Safety" at the NanoBusiness Alliance Meeting, New York City, NY.
- 4/25/06 "Inhalation Risk Assessment: Extrapolating from Macro-materials to Nano-materials." Overcoming Obstacles to Effective Research Design in Nanotoxicology, Cambridge, MA.

Peter A. Valberg, Ph.D., ATS

- 10/6/05 Panelist for: "A Reevaluation of the Association Between Diesel Exhaust Exposure and Lung Cancer." Air & Waste Management Association (AWMA) Specialty Workshop on "Diesel Exhaust," Chicago, IL.
- 6/20/05 "The Respiratory Tract as a Portal of Entry for Airborne Chemicals in the Work Environment." Lecture at the Harvard School of Public Health course on "Comprehensive Industrial Hygiene," Boston, MA.
- 6/16/05 "Electromagnetic Fields, Base Stations, and Wireless Networks: Exposures & Health Consequences." WHO Workshop, 15-16 June 2005, at the World Health Organization, Geneva, Switzerland.
- 2/11/05 "Generation of Charged Aerosols by High-Voltage Electric-Power Lines." American Association for Aerosol Research, Specialty Conference on Particulate Matter, Atlanta, GA.
- 2/4/05 "Magnetic Microparticles Detect and Probe Cytoplasmic Motions." Bioelectromagnetics Society Winter Workshop, Phoenix, AZ.

Manuscript Peer Reviewer for the Following Research Journals

American Industrial Hygiene Journal; American Journal of Physics; American Journal of Respiratory Cell and Molecular Biology; American Review of Respiratory Disease; Atmospheric Environment; Bioelectromagnetics; Biophysical Journal; Biorheology; Cancer Medicine; Cell Biophysics; Chemical Research in Toxicology; Critical Reviews in Toxicology; Environmental Geochemistry and Health; Environmental Health Perspectives; Environmental Research; Environment International; Environmental Science & Technology; Environment, Systems and Decisions; Epidemiology; Experimental Lung Research; Fundamental and Applied Toxicology; Hepatology; Human and Ecological Risk Assessment; Human and Experimental Toxicology; IEEE Biomedical Engineering; IEEE Transactions on Plasma Science; International Journal of Environmental Health Research; International Journal of Radiation Biology; Journal of Aerosol Medicine and Pulmonary Drug Delivery; Journal of Analytical & Bioanalytical Techniques; Journal of Applied Physiology; Journal of Applied Toxicology; Journal of Exposure Science And Environmental Epidemiology; Journal of Occupational and Environmental Hygiene; Journal of Nanomedicine & Nanotechnology; Journal of Occupational and Environmental Medicine; Journal of Physical Chemistry & Biophysics; Journal of Occupational Medicine and Toxicology; Journal of the Royal Society Interface; Journal of Toxicology and Environmental Health; Nature; Nonlinearity in Biology, Toxicology, and Medicine; Radiation Research; Risk Analysis: An International Journal; Regulatory Toxicology & Pharmacology; Science; Tissue & Cell; Toxicology and Applied Pharmacology; Toxicology & Environmental Chemistry; Toxicological Sciences; USGS Environmental Geochemistry of Mineral Deposits (Reviews in Economic Geology series).

Christopher M. Long, Sc.D., DABT

Principal Scientist

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Areas of Expertise

Air quality and environmental health, with expertise in exposure assessment, indoor/outdoor air pollution, inhalation risk assessment and toxicology, particulate matter, air sampling/modeling, and electric and magnetic fields (EMF).

Education and Certifications

Sc.D., Environmental Health, Harvard School of Public Health, 2001

M.S., Environmental Engineering, Massachusetts Institute of Technology, 1995

A.B., Chemistry and Environmental Studies, *summa cum laude*, Bowdoin College, 1993

Diplomate of the American Board of Toxicology (DABT), 2013

Professional Experience

2000 – Present GRADIENT, Boston, MA

Principal Scientist, Air Quality & Environmental Health. Evaluate human exposures and health effects of environmental pollutants, specializing in airborne gases, particles, and fibers. Investigate indoor and outdoor air quality problems, and perform air sampling and exposure modeling. Conduct human health risk assessments, consumer product safety assessments, and worker safety evaluations; review and interpret epidemiological and toxicological studies. Prepare technical analyses, expert reports, and risk communication materials. Editor of Gradient's *Trends* newsletter (2011-present).

1997 – 2000 HARVARD SCHOOL OF PUBLIC HEALTH, Boston, MA

Research/Teaching Assistant. Designed and conducted indoor air particle characterization study of Boston-area homes. Also served as teaching assistant for two graduate courses: Seminar in Risk Analysis, Management, and Communication; and Air Pollution: Particles and Gases.

1995 – 1997 MENZIE-CURA & ASSOCIATES, INC., Chelmsford, MA

Environmental Scientist/Risk Assessor. Conducted human health and ecological risk assessments for state and federal hazardous waste sites. Modeled fate and transport of organic and inorganic contaminants in all environmental media. Responsibilities also included project management, proposal writing, and litigation support. Participated in environmental site assessments and field sampling activities of aquatic and terrestrial habitats. OSHA-certified 40-hour training.

1993 – 1995 MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Cambridge, MA

Research Assistant. Conducted research in trace organic pollutant laboratory. Modeled the fate and transport of sewage-derived linear alkylbenzenes (LABs) in the Gulf of Maine.

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1992 NASA GODDARD SPACE FLIGHT CENTER, Greenbelt, MD
Research Assistant. Selected as summer intern in Summer Institute on Atmospheric and Hydrospheric Sciences; worked with atmospheric scientists in GSFC's Atmospheric Chemistry and Radiation Branch. Used a photochemical box model to explore the potential for ozone depletion in the Northern Hemisphere stratosphere at middle and low latitudes.

Professional Activities

- Editorial Review Board, *Journal of Exposure Science and Environmental Epidemiology (JESEE)*.
- Member of City of Cambridge Nanomaterials Advisory Committee (NAC).
- Invited technical peer reviewer for the *Journal of the Air & Waste Management Association, Environmental Science & Technology, Atmospheric Environment, Environmental Health Perspectives, Environmental Forensics, Science of the Total Environment, Journal of Occupational and Environmental Medicine, and Journal of Exposure Science and Environmental Epidemiology*.
- Invited member of the National Institute of Environmental Health Sciences (NIEHS) Special Emphasis Panel ARRA-Standardized Testing of Nanoparticles for Their Safety to Human Health.
- Co-Editor, *Dose-Response*, Special Issue on Nanotoxicology, 2009-2010.

Awards/Honors

- US EPA STAR Graduate Fellow, 1998-2000.
- *Phi Beta Kappa*.
- Student abstract/presentation award at 1999 ISEA/ISEE Annual Conference in Athens, Greece.
- 2009 World of Coal Ash (WOCA) Poster Award for Excellence in the Field of Coal Ash Research.

Professional Affiliations

American Chemical Society (ACS); International Society of Exposure Science (ISES); Air & Waste Management Association (AWMA)

Projects

North American Railroad: Provided litigation support in FELA cases of former railroad workers alleging cancers due to occupational exposures to diesel exhaust, benzene, silica dust, asbestos, creosote, herbicides, and other substances. Evaluated general causation and provided expert testimony.

University of Washington: Analyzed PM_{2.5} air quality data collected in the vicinity of a large urban construction project and assessed the health implications for children at the university's daycare center across the street from the project. Met with parents and staff of the daycare center at a public meeting to present the findings from our evaluation and to answer questions. Made recommendations for additional air monitoring activities.

Electric Utilities: Conducted human health risk assessments for multiple new natural gas-fueled power plant projects or natural gas boiler expansion projects at existing power plants. Served as human health risk assessment expert at hearings held by the Massachusetts Energy Facilities Siting Board (EFSB) and at public meetings.

Christopher M. Long, Sc.D.

Private Law Firm: Performed a comparative exposure assessment to examine how potential off-site incremental airborne quality impacts associated with diesel exhaust emissions from diesel-powered transport refrigeration units (TRUs) compared to common everyday exposures to the same air pollutants. Provided testimony related to diesel exhaust health effects at zoning board hearings, and responded to questions from opposing counsel and from board members.

Private Law Firm: Provided litigation support regarding health claims related to operations at an unconventional natural gas well pad. Assessed meteorological data, air sampling data, and odor inspection reports to develop expert opinions related to the relationship between air emissions at the well pad site and potential health risks at nearby residential properties.

Massachusetts Electric Utilities: Conducted modeling analyses of the electric and magnetic field (EMF) impacts of underground and overhead transmission line projects. Served as EMF expert at hearings held by the Massachusetts Energy Facilities Siting Board (EFSB) and at public open houses.

New York State Electric Utility: Conducted modeling analysis of the electric and magnetic field (EMF) impacts of a large overhead transmission line re-conductoring project in western New York State. Served as EMF expert at multiple public open houses and public meetings.

Private Electric Power Generation Development Firm: Prepared exposure-based comparisons to provide context on potential exposures to several US EPA criteria air pollutant and air toxics emissions that could occur as a result of emissions from a proposed natural gas power plant project as compared to everyday exposures to the same air pollutants from common indoor and personal exposure sources (*e.g.*, cooking, woodburning, driving a car). Presented the exposure comparisons and responded to questions at an open house held for residents of a 55+ residential community nearby to the proposed power plant.

Private Natural Gas Exploration and Production Companies: Prepared a report providing an overview of the current science bearing on the potential community-level air quality impacts and public health risks associated with natural gas development activities in the Marcellus Shale region. Served as public health expert at local municipal hearings.

Coal Processing Facility: For a toxic tort, analyzed ambient particulate matter monitoring data, assessing the appropriateness of the measurement method, how the measured levels compared to background exposure levels, and implications for potential community exposures to coal dust. Provided deposition and trial testimony.

Personal Care Products Company: Conducted a safety assessment for synthetic amorphous silica (SAS), including nanoscale forms, used as an ingredient in a cosmetics product. Prepared a safety dossier consistent with 2012 guidance from the European Commission Scientific Committee on Consumer Safety (SCCS) for the safety assessment of nanomaterials in cosmetics.

Electric Power Research Institute (EPRI): Evaluated potential inhalation risks from mercury associated with the beneficial use of coal combustion products in wallboard, concrete, and structural fill. Characterized indoor off-gassing of Hg from building materials, as well as ambient mercury volatilization and wind-blown dust emissions for coal ash structural fills.

Coal Producing Company: For multiple toxic tort cases alleging health claims associated impacts of coal slurry operations on drinking water from domestic wells, evaluated exposures and potential health risks associated with inhalation of low levels of hydrogen sulfide during water use. Assessed the health effects evidence for H₂S health effects and the relationship between H₂S odors and health effect levels.

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Private Law Firm: Provided expert opinions for a toxic tort case alleging elevated exposure to propane gas during routine venting operations at a liquid propane storage facility. Used a well-established heavy gas air dispersion model to estimate worst-case exposures to propane and the mercaptan odorant in the gas, and assessed the potential human health risks associated with these short-term model-predicted exposure concentrations.

Air Purifier Manufacturer: Evaluated potential exposures and health effects associated with usage of ozone-generator air purifiers. Reviewed extensive body of epidemiological studies of ozone health effects. Assisted client in development of health-related labeling for their products.

New Mexico Environment Department: Prepared an acute health risk assessment for measured and modeled concentrations of 80 airborne chemicals as detected or predicted for a suburb of Albuquerque, NM.

Utility Air Regulatory Group (UARG): Provided both oral and written comments on the August 2007 external review draft of the US EPA "Integrated Science Assessment for Oxides of Nitrogen: Health Criteria." Conducted an independent analysis of the US EPA proposed process for integrating and weighing scientific evidence on the potential health impacts of ambient NO_x including NO₂.

Large Midwestern Farm: Conducted air sampling and performed air dispersion modeling analysis to estimate the air quality impacts of hydrogen sulfide (H₂S) emissions from a large Ohio hog farm to address odor and health claims.

Health Effects Institute: Compiled comprehensive database of outdoor and indoor exposure concentrations for US EPA-designated mobile source air toxics (MSATs).

Printer Manufacturer: Designed a comprehensive measurement program to assess potential exposures associated with use of a commercially available printer. Assessed toxicological significance of indoor air and surface wipe measurements.

US DOJ: In support of litigation, assessed the exposure potential and public health impacts associated with airborne releases of asbestos from asbestos cement pipe fragments in an Illinois wetland.

Private Law Firm: Provided litigation support regarding residual asbestos contamination associated with the World Trade Center disaster on several floors of a Manhattan commercial office building. Assessed the adequacy of the testing protocols used to support re-occupancy of the building, and evaluated the level of health protection provided by asbestos clearance levels.

Private Law Firm: For a wrongful death case, analyzed available data on particulate matter (PM) levels associated with wood combustion in outdoor wood-fired boilers (OWBs) and evaluated the health effects evidence linking woodsmoke exposure with acute myocardial infarction. Provided scientific opinions regarding the relative toxicity of woodsmoke PM as compared to other types of PM with respect to cardiovascular health outcomes.

Salem and Beverly Water Supply Board: Conducted a human health and ecological risk assessment to characterize risks associated with disposal of arsenic-contaminated water treatment plant sedimentation residuals in a marsh adjacent to the Wenham Lake Reservoir, which is the source of drinking water for the towns of Salem and Beverly, MA.

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Private Law Firm: Assisted in assessment of potential exposures to lead in air and residential yard soils alleged to have been derived from former mine waste piles. Evaluated the potential for wind-blown dust emissions of lead from mining residuals and conducted air dispersion modeling analysis to estimate airborne dust deposition. Compared predicted deposition patterns with the observed lead measurements in residential yard soils.

Private Law Firm: In order to address concerns about workplace air pollutant exposures and their relationship to worker cancer diagnoses, developed and implemented an indoor air evaluation for an office building and evaluated the incidence of cancer amongst employees. Helped develop multiple communication pieces, and prepared written responses to worker questions.

Private Law Firm: Designed and implemented an indoor/outdoor PM_{2.5} sampling program in residential homes near a large industrial facility to investigate source contributions to residential particulate matter exposures. Prepared expert reports and provided deposition testimony.

Public School in Washington, DC: Assessed possible asbestos-fiber intakes that may have resulted from potential "worst-case" exposures during use of the building by children and staff.

Electric-Power Generating Companies: Prepared technical analyses on exposures and potential health effects associated with particulate matter (PM), sulfur dioxide (SO₂), and nitrogen oxides (NO_x) from airborne emissions of coal-fired electric utility power generating plants.

Engine Manufacturers Association: Conducted reviews of various scientific and regulatory reports pertaining to the PM_{2.5} National Ambient Air Quality Standards, and prepared written comments.

Private Law Firm: Provided litigation support for a class action lawsuit involving alleged health and environmental damages at a large lake associated with mercury emissions from several coal-fired power plants. As part of this multidisciplinary effort, conducted an air modeling analysis of mercury emissions, dispersion, and deposition from the power plants using the US EPA regulatory air models CALPUFF and ISCST3 and used the model results to assess the power plant impacts relative to other local/regional/global mercury sources.

Oakland County, MI: Prepared technical analyses of PM_{2.5} measurement and meteorological data in support of the Oakland County, MI petition for reconsideration of US EPA's PM_{2.5} non-attainment designation.

Private Law Firm: Provided expert witness testimony regarding the standard of care related to air quality management at a primary lead smelter.

Private Law Firm: Conducted an analysis of the possible relationship between exposures to indoor latex aeroallergens in healthcare settings and risk of adverse health effects.

PG&E National Energy Group: Prepared a multi-pathway (inhalation of wind-blown dust and vehicle-generated fugitive dust, incidental ingestion, dermal contact) human health risk assessment evaluating potential exposures of nearby residents to trace metals (e.g., arsenic, hexavalent chromium, selenium, cadmium) from a coal ash disposal site. Prepared technical analyses and public communication materials regarding coal ash disposal and beneficial usage.

Christopher M. Long, Sc.D.

Electric Utility: Performed a health risk evaluation of the possible relationship between measured airborne concentrations of sulfuric acid and sulfur dioxide (SO₂) in vicinity of a large coal-fired power plant and acute health symptoms (e.g., irritation of the eyes, nose, and throat; shortness of breath; asthma-like symptoms). Reviewed regulatory, medical, and research information on the potential health effects of SO₂ and sulfuric acid. Prepared both a technical report and a public communication document.

US Chamber of Commerce: Provided testimony at a public hearing on sources of uncertainty in OSHA's preliminary quantitative risk assessment for respirable crystalline silica, focusing in particular on exposure measurement errors as potential sources of biased risk estimates and of threshold-obscuring or threshold-shifting effects in the silica worker epidemiologic cohort studies. Addressed questions from OSHA, OSHA's peer reviewers, and members of the public.

International Carbon Black Association: Provided analyses of health effects data on carbon black, a manufactured substance generated as an airborne fine particulate aggregate of nano-sized subunits of elemental carbon. Reviewed toxicological and epidemiological studies of carbon black-exposed populations, and evaluated the evidence for the carcinogenicity of carbon black. Co-authored a peer-reviewed publication summarizing the findings of our analysis.

Renewable Energy Company: Conducted a human health risk assessment to support the permitting process for a biomass-burning power plant. Assessed potential cancer and non-cancer risks from inhalation of criteria air pollutants and air toxics in stack emissions from the plant. Helped prepare for a public meeting.

Large Oil Refinery: Conducted review of a human health risk assessment conducted for communities near a large Canadian oil refinery. Identified health-protective standards and guidelines for refinery emissions, including for short-term sulfur dioxide (SO₂) exposures.

Publications

Valberg, PA; Long, CM; Beyer, LA. 2019. "Toxicology of ambient-air particulate matter (PM). In *Toxicology Principles for the Industrial Hygienist, 2nd Edition, Chapter 25* (Ed: Luttrell, WE; Still, KR; Church, JA; Beyer, LA). American Industrial Hygiene Association (AIHA).

Long, CM; Briggs, NL; Bamgbose, IA. 2019. "Synthesis and health-based evaluation of ambient air monitoring data for the Marcellus Shale region." *J Air Waste Manag Assoc.* 69(5):527-547. doi: 10.1080/10962247.2019.1572551.

Long, CM; Valberg, PA. 2019. "Low-frequency magnetic fields: Potential environmental health impacts." In *Encyclopedia of Environmental Health, 2nd Edition, Vol. 4.* (Ed.: Nriagu, JO), Elsevier, Burlington.

Long, CM. 2018. "Community-based air quality monitoring using low-cost sensors." *Gradient Trends – Risk Science & Application* 73:1-2, 7. Fall.

Long, CM; Valberg, PA. 2017. "Indoor airborne particulate matter: Unregulated, but a major contributor to our everyday exposure." *Natural Resources & Environment* 32(1):8-12.

Briggs, NL; Long, CM. 2016. "Critical review of black carbon and elemental carbon source apportionment in Europe and the United States." *Atmos. Environ.* 144:409-427. doi:10.1016/j.atmosenv.2016.09.002.

Christopher M. Long, Sc.D.

Zu, K; Tao, G; Long, C; Goodman, J; Valberg, P. 2016. "Long-range fine particulate matter from the 2002 Quebec forest fires and daily mortality in Greater Boston and New York City." *Air Qual. Atmos. Health* 9(3):213-221. doi: 10.1007/s11869-015-0332-9.

Rohr, AC; Campleman, SL; Long, CM; Peterson, MK; Weatherstone, S; Quick, W; Lewis, AS. 2015. "Potential occupational exposures and health risks associated with biomass-based power generation." *Int. J. Environ. Res. Public Health* 12:8542-8605.

Hamade, AK; Long, CM; Valberg, PA. 2015. "Naturally occurring mineral fibers." In *Hamilton & Hardy's Industrial Toxicology, 6th Edition*. (Eds.: Bourgeois, M; Harbison, RD; Lee, RV; Stedeford, T), John Wiley and Sons, Inc., Chichester, UK.

Long, CM; Valberg, PA. 2014. "Evolution of cleaner solid fuel combustion." *Cornerstone* 2:36-40.

Long, CM; Nascarella, MA; Valberg, PA. 2013. "Carbon black versus black carbon and other airborne materials containing elemental carbon: Physical and chemical distinctions." *Environ. Pollut.* 181:271-86.

Beck, BD; Long, CM; Seeley, MR; Nascarella, MA. 2012. "A special issue on nanomaterial regulations and health effects." *Dose Response* 10:306-307.

Long, CM; Sax, SN; Lewis, AS. 2012. "Potential indoor air exposures and health risks from mercury off-gassing of coal combustion products (CCPs) used in building materials." *Coal Combustion and Gasification Products* 4:68-74.

Hesterberg, TW; Bunn, WB, III; Slavin, TJ; Malcore, J; Porter, ME; Harrison, EB; Grasso, NC; Long, CM. 2012. "Sustainability at Navistar: A model distinguished by sustainable innovation, proactive product stewardship, and sound science." *International Journal of Sustainable Strategic Management* 3(3):248-268.

Hesterberg, TW; Long, CM; Bunn, WB; Lapin, CA; McClellan, RO; Valberg, PA. 2012. "Health effects research and regulation of diesel exhaust: an historical overview focused on lung cancer risk." *Inhalation Toxicology*. 24(S1):1-45.

McCunney, RJ; Muranko, HJ; Long, CM; Hamade, AK; Valberg, PA; Morfeld, P. 2012. "Carbon black." In *Patty's Toxicology, Sixth Edition* (Vol. 5). (Ed.: Bingham, E; Cohrssen, B), John Wiley & Sons, Inc., New York, NY, p429-454.

Hesterberg, TW; Bunn, WB; Valberg, PA; Long, CM. 2012. "Potential health effects of exposure to diesel engine exhausts." In *The Praeger Handbook of Environmental Health: Water, Air, and Solid Waste* (Vol. 3). (Ed.: Friis, RH), Praeger, ABC-CLIO, LLC, Santa Barbara, CA, p185-212.

Valberg, PA; Long, CM. 2012. "Do brain cancer rates correlate with ambient exposure levels of criteria air pollutants or hazardous air pollutants (HAPs)?" *Air Quality, Atmosphere and Health* 5:115-123.

Hesterberg, TW; Long, CM; Valberg, PA. 2012. "Re: The diesel exhaust in miners study: A nested case-control study of lung cancer and diesel exhaust and a cohort mortality study with emphasis on lung cancer." *J Natl Cancer Inst.* 104(23):1841.

Christopher M. Long, Sc.D.

- Hesterberg, TW; Long, CM; Sax, SN; Lapin, CA; McClellan, RO; Bunn, WB; Valberg, PA. 2011. "Particulate matter in New Technology Diesel Exhaust (NTDE) is quantitatively and qualitatively very different from that found in Traditional Diesel Exhaust (TDE)." *J. Air & Waste Manage. Assoc.* 61(9): 894-913.
- Rhomberg, LR; Chandalia, JK; Long, CM; Goodman, JE. 2011. "Measurement error in environmental epidemiology and the shape of exposure-response curves." *Crit. Rev. Toxicol.* 41(8):651-71.
- Hesterberg, TW; Long, CM; Lapin, CA; Hamade, AK; Valberg, PA. 2010. "Diesel exhaust particulate (DEP) and nanoparticle (NP) exposures: What do DEP human clinical studies tell us about potential human health hazards of nanoparticles?" *Inhalation Toxicology* 22:679-694.
- Hesterberg, TW; Bunn, WB; McClellan, RO; Hamade, AK; Long, CM; Valberg, PA. 2009. "Critical review of the human data on short-term nitrogen dioxide (NO₂) exposures: evidence for NO₂ no-effect levels." *Critical Reviews in Toxicology* 39(9):743-81.
- Long, CM; Beck, BD. 2009. "Study of Chinese print workers claims to provide the first human evidence of the clinical toxicity of long-term nanoparticle exposures." *InterNano* October 29. Accessed at <http://www.internano.org/content/view/306/1/>.
- Hesterberg, T; Valberg, P; Long, C; Bunn, W; Lapin, C. 2009. "Laboratory studies of diesel exhaust health effects: Implications for near-roadway exposures." *EM Magazine, Air & Waste Management Association* 12-16.
- Hesterberg, TW; Long, CM; Bunn, WB; Sax, SN; Lapin, CA; Valberg, PA. 2009. "Non-cancer health effects of diesel exhaust (DE): A critical assessment of recent human and animal toxicological literature." *Crit. Rev. Toxicol.* 39(3):195-227.
- Valberg, PA; Long, CM; Hesterberg, TW. 2008. Comment on the nanoparticle conclusions in Cruts *et al.* (2008), "Exposure to diesel exhaust induces changes in EEG in human volunteers." *Part Fibre Toxicol.* 5(1):10.
- Long, CM. 2008. "Development and application of an exposure-based framework for assessing nanomaterial safety." In *Nanotechnology 2008: Life Sciences, Medicine & Bio Materials - Technical Proceedings of the 2008 NSTI Nanotechnology Conference and Trade Show, Volume 2*, p134-137.
- Long, CM; Valberg, PA. 2007. "Comment on 'An assessment of risk from particulate released from outdoor wood boiler' by Brown *et al.*" *Human Ecol. Risk Assess.* 13:681-685.
- Valberg, PA; Long, CM; Sax, SN. 2006. "Integrating studies on carcinogenic risk of carbon black: Epidemiology, animal exposures, and mechanism of action." *Journal of Occupational and Environmental Medicine* 48(12):1291-1307.
- Valberg, PA; Long, CM. 2006. Comment on "Vehicle self-pollution intake fraction: Children's exposure to school bus emissions." *Environ. Sci. Technol.* 40(9):3123.
- Long, CM; Seeley, M; Beck, BD. 2005. "Tiny particles, large data gaps: A risk assessment perspective on nanotechnology." *Risk Policy Report* 12:12-14.
- Long, CM; Sarnat, JA. 2004. "Indoor-outdoor relationships and infiltration behavior of elemental components of outdoor PM_{2.5} for Boston-area homes." *Aerosol Science & Technology* 38(S2):91-104.

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Sarnat, JA; Long, CM; Koutrakis, P; Coull, BA; Schwartz, J; Suh, HH. 2002. "Using sulfur as a tracer of outdoor fine particulate matter." *Environ. Sci. Technol.* 36:5305-5314.

Long, CM; Suh, HH; Kobzik, L; Catalano, PJ; Ning, Y; Koutrakis, P. 2001. "A pilot investigation of the relative toxicity of indoor and outdoor fine particles: *In vitro* effects of endotoxin and other particulate properties." *Environ. Health Perspect.* 109(10):1019-1026.

Long, CM; Suh, HH; Koutrakis, P. 2001. "Using time- and size-resolved particulate data to quantify penetration and deposition behavior." *Environ. Sci. Technol.* 25:2089-2099.

Gustafsson, Ö; Long, CM; MacFarlane, J; Gschwend, PM. 2001. "Fate of linear alkylbenzenes (LABs) released to the coastal environment near Boston Harbor." *Environ. Sci. Technol.* 25:2040-2048.

Long, CM; Suh, HH; Koutrakis, P. 2000. "Characterization of indoor particle sources using continuous mass and size monitors." *J. Air & Waste Manage. Assoc.* 50:1236-1250.

Menzie, CA; Freshman, JS; Long, CM. 1997. "Developing Environmentally Acceptable Endpoints for Soil Based on Ecological Considerations." In *Proceedings for the Air & Waste Management Association's 90th Annual Meeting & Exhibition, Toronto, Ontario, June 8-13.*

Presentations

Boomhower, SR; Goodman, JE; Li, AW; Long, CM. 2020. "A Systematic Review and Analysis of Personal and Ambient PM_{2.5} Measurements: Implications for Epidemiological Studies." Poster #1135/P177. Prepared for presentation to the Society of Toxicology (SOT) 59th Annual Meeting & ToxExpo, Anaheim, CA, March 15-19 (Conference cancelled).

Long, CM; Zhao, S; Briggs, NL. 2019. "Validation Assessment of a Recently Developed Spatiotemporal Exposure Metric for Use in Epidemiological Studies of Populations Living Near Unconventional Oil & Gas Well Pads." Presented at AWMA's 112th Annual Conference & Exhibition, Quebec City, Quebec, June 25-28.

Long, CM; Valberg, PA. 2017. "Human Health Risk Assessment (HHRA) for Proposed Power Plant Projects: Methodology and Case Study." Presented at AWMA's 110th Annual Conference & Exhibition, Pittsburgh, PA, June 8.

Long, CM; Valberg, PA. 2016. "Human Health Risk Assessment (HHRA) for Power Plant Permitting Projects." Presented at the 2016 Northeast Energy and Commerce Association (NECA) Environmental Conference, Marlborough, MA, July 13.

Long, CM; Briggs, NL. 2016. "Integrative Assessment of Black Carbon and Elemental Carbon Source Apportionment Findings for Europe and the United States." Presented at the Air & Waste Management Association's 109th Annual Conference & Exhibition, New Orleans, LA, June 20-23.

Herman, K; Lewis, A; Bittner, AB; Dubé, E; Long, C; Hensel, B; Ladwig, K. 2016. "Framework for Evaluating Coal Ash Surface Impoundment Closure Options." Presented at the Battelle Tenth Annual Conference, Remediation of Chlorinated and Recalcitrant Compounds. May 26.

Long, CM. 2015. "Assessment of Particulate Matter Air Quality Impacts and Potential Health Risks Posed by an Urban Building Demolition Project." Presented at the 25th Annual Meeting of the International Society of Exposure Science (ISES), Henderson, NV, October 19-22.

Christopher M. Long, Sc.D.

Long, CM. 2015. "Human Health Risk Assessment for a Natural Gas-Fueled Power Plant Project." Presented at the EPRI/AWMA Env-Vision Conference, Crystal City, VA, May 12-14.

Lewis, A; Bittner, AB; Herman, K; Dubé, E; Long, C; Hensel, B; Ladwig, K. 2015. "Framework for Evaluating Relative Impacts for Surface Impoundment Closure Options." Presented at the 2015 World of Coal Ash Conference, Nashville, TN, May 8.

Tao, G; Zu, K; Long, CM; Goodman, JE; Valberg, PA. 2015. "Forest-Fire Fine Particulate Matter and Daily Mortality in Greater Boston and New York City." Presented at the 54th Annual Meeting of the Society of Toxicology (SOT), San Diego, CA, March 22-26.

Zu, K; Tao, G; Long, C; Goodman, J; Valberg, P. 2014. "Forest-fire Fine Particulate Matter and Daily Mortality in Greater Boston." Presented at the 26th Annual International Society for Environmental Epidemiology (ISEE) Conference, Seattle, WA, August 24-28.

Long, CM. 2014. "Assessment of PM_{2.5} Air Quality Impacts and Potential Health Risks Posed by a Large Urban Building Construction Project." Presented at the Air & Waste Management Association's 2014 Annual Conference & Exhibition, Long Beach, CA, June 24-27.

Long, CM; Valberg, PA. 2014. "Human Health Risk Assessment for a Biomass-Fueled Power Plant Project." Presented at 17th Annual Energy, Utility & Environment Conference (EUEC), Phoenix, AZ, February 3-5.

Long, CM; Valberg, PA. 2013. "Recent Developments Related to the Health Effects of Diesel Exhaust (DE): Implications for Hydraulic Fracturing and Oil & Gas Development." Presented at 20th International Petroleum Environmental Consortium (IPEC) Conference, San Antonio, TX, November 12-14.

Peterson, M; Valberg, P; Long, C. 2013. "The Association of Vascular Disease with Exposure to Diesel Exhaust." Presented at Society of Toxicology 52nd Annual Meeting, San Antonio, TX, March 10-14. *Toxicologist* 132(1):244.

Long, CM; Nascarella, MA; Valberg, PA. 2012. "Manufactured Carbon Black Differs in Physical-Chemical Properties and Biological Activity from Ambient Black Carbon, Soots, and Other Carbon-Containing Inhalable Particles." Poster Presentation at the 22nd Annual Conference of the International Society of Exposure Science (ISES), Seattle, WA, October 28-November 1.

Calabrese, PJ; Long, CM; Nascarella, MA; Niehaus, SE. 2011. "Nanotechnology Litigation to Come: A Case Study." One-hour audio briefing, Practicing Law Institute (PLI), September 12.

Long, CM; Lewis, AS; Sax, SN. 2011. "Indoor Air Inhalation Risks of Mercury Off-gassed from Building Materials Containing Coal Combustion Products (CCPs)." Platform Presentation at the Air & Waste Management Association's Annual Conference & Exhibition, Orlando, FL, June 21-24.

Hesterberg, TW; Bunn, WB; Long, CM; Sax, SN; Valberg, PA; Lapin, CA. 2011. "New Technology Diesel Exhaust (NTDE) Is Distinctly Different From Traditional Diesel Exhaust (TDE)." Platform Presentation at the Air & Waste Management Association's Annual Conference & Exhibition, Orlando, FL, June 21-24.

Christopher M. Long, Sc.D.

Hesterberg, TW; Long, CM; Hamade, AK; Valberg, PA; Lapin, CA. 2011. "Human Health Risks of Diesel Exhaust Particulate (DEP): Implications for Engineered Nanoparticle (NP) Exposures." Platform Presentation at the Air & Waste Management Association's Annual Conference & Exhibition, Orlando, FL, June 21-24.

Hesterberg, TW; Long, CM; Sax, SN; Lapin, CA; Bunn, WB; Valberg, PA; McClellan, RO. 2011. "Human Health Hazards of Exposure to New Technology Diesel Exhaust (NTDE)" Poster Presentation at the Health Effects Institute (HEI) Annual Conference, Boston, MA, May 1-3.

Valberg, PA; Hesterberg, TW; Long, CM; Lapin, CA; Hamade, AK. 2011. "Human Clinical Studies of Diesel Exhaust Particulate and Implications for Nanoparticle Exposures." Poster Presentation at the 50th Annual Meeting of the Society of Toxicology, Washington, DC, March 6-10.

Valberg, PA; Long, CM. 2010. "Do Brain Cancer Rates Correlate with Ambient PM-levels or with Hazardous Air Pollutant (HAP) Concentrations?" Platform presentation at the 2010 American Association for Aerosol Research (AAAR) Air Pollution and Health Meeting, San Diego, CA, March 22-26.

Long, CM; Lewis, AS; Sax, SN. 2009. "Mercury Inhalation Risks in Indoor Air from Use of Coal Combustion Products (CCPs) in Building Materials." Poster Presentation at the World of Coal Ash (WOCA) 2009 Conference, Lexington, KY, May 4-7.

Lewis, AS; Sax, SN; Long, CM. 2009. "Mercury Inhalation Risks from Use of Coal Combustion Products (CCPs) as Structural Fill and from Disposal of CCP-Containing Wallboard and Concrete in Landfills." Poster Presentation at the World of Coal Ash (WOCA) 2009 Conference, Lexington, KY, May 4-7.

Sax, SN; Lewis, AS; Long, CM. 2009. "Inhalation Risks of Mercury from Use of Coal Combustion Products (CCPs) as Structural Fill and from Disposal of CCP Building Materials in Landfills." Poster Presentation at the 48th Annual Meeting of the Society of Toxicology, Baltimore, MD, March 15-19.

Long, CM; Lewis, AS; Sax, SN. 2009. "Inhalation Risks of Mercury in Indoor Air from Beneficial Use of Coal Combustion Products (CCPs) in Building Materials." Poster Presentation at the 48th Annual Meeting of the Society of Toxicology, Baltimore, MD, March 15-19.

Hesterberg, TW; Lapin, CA; Long, CM; Valberg, PA. 2009. "Diesel-Exhaust Particulate (DEP) and Nanoparticle (NP) Exposures: Can DEP Tell Us About Potential Health Risks of NP?" Poster Presentation at the 48th Annual Meeting of the Society of Toxicology, Baltimore, MD, March 15-19.

Long, CM; Valberg, PA. 2008. "How Close Are We to Predicting the Toxic Potential of Engineered Nanomaterials Based on Physical-Chemical Properties?" Platform presentation at the 2008 Annual Meeting of the Society of Risk Analysis (SRA), Boston, MA, December 10.

Long, CM. 2008. "Development and Application of an Exposure-based Framework for Assessing Nanomaterial Safety." Poster presentation at the 11th Annual Nano Science and Technology Institute (NSTI) Nanotechnology Conference and Trade Show, Boston, MA, June 1-5.

Long, CM; Hakkinen, PJ; Valberg, PA. 2007. "Do We Know Enough to Apply the 'No Exposure, No Risk' Paradigm in Safety Assessments of Nanotechnology-Based Consumer Products?" Platform presentation and Session Chair for Oral Session: Exposure Processes for Manufactured Nanoparticles at 2007 International Society of Exposure Assessment (ISEA) Annual Conference, Research Triangle Park, NC, October 14-18.

Christopher M. Long, Sc.D.

Long, CM; Drivas, PJ. 2007. "Characterizing Airborne Hydrogen Sulfide Exposure Levels near a Midwestern Concentrated Animal Feeding Operation (CAFO) Using Both Measurement Data and Air Dispersion Modeling." Platform presentation at 2007 International Society of Exposure Assessment (ISEA) Annual Conference, Research Triangle Park, NC, October 14-18.

Valberg, P; Sax, S; Long, C. 2006. "Inhalation Health Risk Assessment: Extrapolating from Macromaterials to Nanomaterials." Poster presentation at Overcoming Obstacles to Effective Research Design in Nanotoxicology, Cambridge, MA, April 24-25.

Beyer, LA; Long, CM; Beck, BD; Slayton, TM. 2006. "Ambient Concentrations of Benzene are Below Those Associated with Significant Cancer Risk." Presented at the Society of Toxicology 45th Annual Meeting, San Diego, CA, March 5-9.

Long, CM. 2005. "Measurement, Fate, and Exposure Potential of Ultrafine Particles in Indoor Air: Lessons Learned for Nanotechnology." Poster presentation at 2nd International Symposium on Nanotechnology and Occupational Health, Minneapolis, MN, October 3-6.

Long, CM. 2004. "Indoor Ultrafine Particle Exposures: Small Particles, Large Data Gaps." Poster presentation at 2004 International Society of Exposure Assessment (ISEA) Annual Conference, Philadelphia, October 17-21.

Valberg, PA; Long, CM. 2003. "Is PM More Toxic than the Sum of its Parts? Discordance between 'Effect Functions' for PM Mass vs. Risk-Assessment Toxicity Factors." Poster presentation at 2003 AAAR PM Meeting: Particulate Matter: Atmospheric Sciences, Exposure and the Fourth Colloquium on PM and Human Health, Pittsburgh, PA, March 31-April 4.

Long, CM; Beck, BD. 2002. "An Evaluation of Potential Human Exposures to Trace Metals and Radionuclides in Construction and Building Materials Containing Coal Combustion Products." Poster presented at 2002 International Society of Exposure Assessment (ISEA)/International Society of Environmental Epidemiology (ISEE) Annual Conference, Vancouver, BC, August 11-15.

Long, CM; Suh, HH; Koutrakis, P. 2001. "Understanding Indoor Exposures to Ambient Particulate Matter: Estimates of Penetration Efficiencies and Deposition Rates for Residential Homes." Poster presented at the 2001 Society for Risk Analysis Annual Meeting, Seattle, WA, December 2-5.

Sarnat, JA; Long, CM; Koutrakis, P; Suh, HH. 2001. "Evaluating Tracers of Ambient PM_{2.5}." Platform presentation at the ISEA 2001 Conference, Charleston, SC, November 4-8.

Long, CM; Suh, HH; Koutrakis, P. 2000. "Using Time- and Size-Resolved Particulate Data to Investigate Infiltration and Deposition Behavior." Platform presentation at the ISEA 2000 Conference, Monterey Peninsula, CA, October 24-27.

Long, CM; Suh, HH; Koutrakis, P. 2000. "Using Time- and Size-Resolved Particulate Data to Investigate Infiltration and Deposition Behavior." Platform presentation at the AWMA PM2000 Specialty Conference, Charleston, SC, January 24-28.

Long, CM; Suh, HH; Koutrakis, P. 2000. "Characterization of Indoor Particle Sources Using Continuous Mass and Size Monitors." Poster presentation at the AWMA PM2000 Specialty Conference, Charleston, SC, January 24-28.

Christopher M. Long, Sc.D.

Long, CM; Suh, HH; Koutrakis, P. 1999. "Characterization of Indoor Particulate Source Strengths Using Continuous Mass and Size Monitors." Platform presentation at 1999 Annual ISEE/ISEA Conference, Athens, Greece, September 5-8.

Bernays, WH; Vorhees, DJ; Long, CM; Eremita, P. 1997. "Trial Guideline for Protecting Residents from Inhalation Exposure to Petroleum Vapors." Poster presentation at 1997 Annual Meeting of the Society for Risk Analysis, Washington, DC, December 7-10.

Invited Presentations, Seminars, and Lectures

Long CM. 2018. "Overview of Marcellus Shale Ambient Air Monitoring Data and Health Studies." Invited Panelist for Session "Is Natural Gas Development Affecting Public Health," Pittsburgh, PA, October 23-25.

Long, CM. 2017. "Assessing Air Quality Impacts of Marcellus Shale Development: Fact or Fiction?" Invited Presentation at Shale Insight 2017, Pittsburgh, PA, September 27.

Long, CM. 2015. "Unconventional Shale Gas Development and Hydraulic Fracturing: Perspectives on Community-level Air Exposures." Continuing Legal Education Seminar for the Washington County Bar Association Energy Section, Pittsburgh, PA, September 8.

Long, CM. 2009. "Nanotechnology: What You Should Know to Avoid Liability." Lecture given at the 21st Annual Product Liability Conference, University of Wisconsin-Madison Department of Engineering Professional Development, September 22-24.

Lewis, AS; Long, CM; Sax, SN. 2009. "Evaluation of Mercury Risks from Building Materials Containing CCPs and Opportunities for Risk Communication." Presented at the American Coal Ash Association (ACAA) 2009 Membership Meeting "Advancing the Management & Use of Coal Combustion Products," Phoenix, AZ, January 20-21.

Long, CM. 2008. "The State of the Science on Exposure Assessment of Engineered Nanoparticles: Challenges, Progress, Opportunities." Invited presentation at the November 2008 meeting of the Society of Risk Analysis – New England Chapter (SRA-NE) on Nanomaterials, Nanotoxicology, and Risk Assessment, Boston, MA, November 19.

Long, CM. 2007. "Development and Application of an Exposure-Based Framework for Assessing Nanomaterial Safety." Speaker and panelist, NanoTX '07 Conference and Expo, Environmental, Health & Safety Summit, Dallas, TX, October 2-4.

Long, CM. 2006. "Particulate Matter Exposure Assessment: State of the Science and New Challenges." BU School of Public Health, Environmental Health Seminar Series, September 29.

Long, CM. 2006. "Air Quality Exposure Assessment: Challenges Posed by Ambient Particles and Engineered Nanoparticles." Massachusetts Institute of Technology (MIT) Course 1.082 Air Pollution, April 26.

Long, CM. 2006. "Indoor Ultrafine Particle Exposures: Small Particles, Large Data Gaps." Poster presentation at the US EPA Board of Scientific Counselors (BOSC) Science to Achieve Results (STAR)/Greater Research Opportunities (GRO) Fellowship Subcommittee Meeting, Washington, DC, March 2-3.

Christopher M. Long, Sc.D.

Long, CM; Sarnat, JA. 2003. "Infiltration Behavior of PM_{2.5} Chemical Components: Implications for Exposure Assessment and Epidemiological Associations." Platform presentation at the Particulate Matter: Atmospheric Sciences, Exposure and the Fourth Colloquium on PM and Human Health, Pittsburgh, PA, March 31-April 4.



Mayflower Wind Energy LLC
2 Dry Dock Avenue, Suite 500
Boston, MA 02210

Click or tap to enter a date.

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

RE: Reimbursement of Consultant Costs

Dear Mr. Suso,

Mayflower Wind Energy LLC (“Mayflower”) was the successful bidder in the Section 83C II procurement process conducted by the Massachusetts investor-owned electric distribution companies and the Department of Energy Resources. Mayflower has executed power purchase agreements (PPA) with such utilities relating to its Project which are currently being reviewed by the Department of Public Utilities in dockets D.P.U. 20-16, 20-17 and 20-18. Mayflower is interested in negotiating access agreements to conduct surveys and investigations that are needed to assess the suitability of alternative locations for possible landfall and onshore substation sites as part of the early development of the project. If applicable, Mayflower is also interested in developing a host community agreement (“HCA”) with the Town of Falmouth (“Falmouth”). At the request of Falmouth, Mayflower agrees to support the funding of a 3rd party consultant (“Consultant”) for the exclusive benefit of Falmouth on the terms below.

In consideration of the mutual commitments described herein and other good and valuable consideration, Mayflower and Falmouth, collectively the “Parties”, agree as follows:

1. This agreement is effective as of the date signed by Mayflower (“Effective Date”).



2. Mayflower hereby agrees to reimburse actual costs to Falmouth accrued through engagement of a 3rd party engineering consultant. For a period of 180 days from the Effective Date, hereinafter the (“Term”).
3. Mayflower and Falmouth hereby agree that during the Term, Falmouth will procure Consultant services in accordance with rules and regulations governing such actions by municipalities in the Commonwealth of Massachusetts.
4. Mayflower will reimburse Falmouth for Consultant services performed during the Term in an amount not to exceed \$50,000.00 and evidenced by invoices. It is agreed that Mayflower will not reimburse Falmouth for any amounts in excess of the agreed amount or for services performed outside the Term.
5. Falmouth agrees to manage the services of the Consultant through a defined scope, audit services and amounts billed. In presenting an invoice to Mayflower, Falmouth certified that the amount is accurate and undisputed.
6. At all times, the Consultant will work for the benefit of Falmouth and in no way serve Mayflower. Interactions between Mayflower and the Consultant will be limited to sharing project information for provision of services to Falmouth.
7. Termination. Mayflower can terminate this agreement for convenience at any time by providing notice to Falmouth and will pay any costs associated with Consultant services before notice was received.
8. Statement of No Partnership. Nothing contained in this Agreement shall be deemed or construed to create an agency, partnership or joint venture between the Mayflower, Falmouth, or the Consultant. Neither Party shall be deemed to be an agent of the other Party nor shall either Party have the authority to act on behalf of, or to bind, the other Party.
9. Waiver of Claims. Falmouth agrees to waive any claim against Mayflower related to services, advice, guidance, counsel or recommendations provided to it by Consultant.
10. Independent Advice. No Party, representative or counsel for any Party, has acted as counsel for any other Party with respect to such Party entering into this Agreement, except as expressly engaged by such Party with respect to this Agreement, and each Party represents that it has sought and obtained any

appropriate legal advice it deems necessary prior to entering into this Agreement. No Party shall act or be deemed to act as legal counsel or a representative of the other Party unless expressly retained by such Party for such purpose, and, except for such express retention, no attorney/client relationship is intended to be created between the Parties.

11. Waiver of Consequential Damages. In no event shall either Party or any of their respective officers, directors, members, partners, shareholders, employees, agents or affiliates (or any officer, director, member, partner, shareholder, employee or agent of such affiliates), be liable for special, indirect, exemplary, punitive or consequential damages of any nature whatsoever connected with or resulting from the breach of, or any performance or non-performance of any obligation under, this letter agreement, including damages or claims thereof arising from increased cost of capital, loss of revenue, income, profits, or use, and similar causes, irrespective of whether such damages are reasonably foreseeable, and irrespective of whether such claims are based upon negligence, strict liability, contract, operation of law or any other legal theory.
12. Savings Provisions. To the extent that any provision of this letter agreement or any paragraph, term, sentence, phrase, clause or word of this letter agreement shall be found to be void, illegal or unenforceable for any reason, such paragraph, term, sentence, phrase, clause or word shall be deemed modified or deleted in such a manner as to make the letter agreement, as so modified, legal and enforceable under applicable laws. The remainder of the letter agreement shall remain in full force and effect.
13. Counterparts. This letter agreement may be signed in one or more counterparts, each of which when taken together shall constitute one and the same instrument. Electronic signature or PDF transmission of any signed original documents, and retransmission of any electronic signature or PDF transmission, will be the same as delivery of any original document. At the request of a Party, the other Party will confirm electronic or PDF signatures by delivering a signed original document.
14. Modification. No provision of this Agreement may be modified except by a subsequent writing signed by all of the Parties.
15. Governing Law. This letter agreement shall be interpreted and construed pursuant to the laws and procedures of the Commonwealth of Massachusetts without regard to any conflict of law principles. Any dispute that arises regarding this letter agreement that cannot be resolved by informal negotiations shall be submitted to nonbinding mediation. If the Parties cannot agree upon a mediator,

the Parties shall request that the American Arbitration Association, Boston, Massachusetts, appoint a mediator. Each Party shall bear its own mediation costs. Injunctive relief may be sought by either Party without resorting to mediation to prevent irreparable harm. In any judicial action, the "Prevailing Party" shall be entitled to payment from the opposing Party of its reasonable costs and fees, including, but not limited to, attorneys' fees arising from the civil action. "Prevailing Party" means the Party who most substantially prevails in its claims or defenses in the civil action. To the fullest extent permitted by law, Falmouth and Mayflower each hereby waive all rights to a trial by jury in any legal action to enforce or interpret the provisions of this agreement or that otherwise relates to this agreement.

Mayflower looks forward to working with Falmouth with respect to the above-described matters.

Very truly yours,

MAYFLOWER WIND ENERGY LLC

By: _____

Name: Michael Brown
Title: Chief Executive Officer

AGREED AND ACCEPTED:
TOWN OF FALMOUTH.

By: _____

Name: Julian Suso
Title: Town Manager

Dated: _____, 2020

RIGHT OF ENTRY TO CONDUCT
PHYSICAL INVESTIGATIONS

This Right of Entry (this “Agreement”) is made and entered into as of this ___ day of _____, 2020, by and between **MAYFLOWER WIND ENERGY LLC**, a Delaware limited liability company (“Wind Company”), and **TOWN OF FALMOUTH**, a Massachusetts Municipal Corporation (“Falmouth”).

RECITALS

A. Falmouth is the owner of that certain real property consisting of approximately 3.003 acres and located at Parcel ID 46B 09 000Q 000 with an address of 0 Grand Ave, Falmouth, Barnstable County, Massachusetts, as more particularly described on Exhibit A attached hereto (the “Property”), and other properties located within the Town of Falmouth (the “Other Properties” and together with the Property, collectively the “Properties”).

B. Wind Company initially desires access to the Property to undertake certain investigations and studies concerning the Properties.

C. Falmouth and Wind Company desire to enter into this Agreement to permit Wind Company access to the Property for the purposes of conducting such investigations and studies, and otherwise define the rights and obligations of the parties in connection therewith.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Falmouth and Wind Company agree as follows:

1. Entry and Testing

A. Entry on the Property. Falmouth hereby grants to Wind Company and its representatives, agents, independent contractors, designees and affiliates a temporary, nonexclusive right, which shall be irrevocable with respect to Falmouth for the Term (as defined below), to enter onto the Property for the purpose of conducting such investigations, including, without limitation, appraisals, engineering studies, soil tests, environmental studies, biological and cultural analyses, inquiry of governmental officials, and underwriting analyses, as Wind Company deems necessary or advisable, and obtaining any and all information regarding the Property as Wind Company deems appropriate to determine whether the Property is suitable for Wind Company’s intended use.

B. Initial Phase Testing. Wind Company shall, in its initial phase of testing with respect to the Property, include the following:

- i. Visual inspection of the Property and photographing of the same so as to show the general layout of the Property;
- ii. Perform topographic survey(s) of the entire Property;
- iii. Dig small test pits (roughly 5’ x 5’ x 5’) and measure ground water infiltration rates (collectively, the “Initial Phase Testing”);

- iv. Perform ground penetrating radar survey of certain portions of the Property;
- v. Perform multiple geotechnical borings (approximately 2 borings); and
- vi. Take small soil samples from the Property and perform environmental and biological testing as well as electric and thermal resistivity testing.

In order to prevent or minimize any interference in the day-to-day operation of Falmouth's use of the Property, Wind Company and Falmouth shall, prior to commencement of Initial Phase Testing, confer and cooperate in order to reach agreement on: (a) the site locations of the various tests involved in Phase One testing; and (b) the proposed on-site travel route, staging areas, disposal of any bi-products from testing, testing regimen, and location of Wind Company's vehicles and equipment.

C. Second Phase Testing. Any tests and investigations in addition to the Initial Phase Testing shall be referred to herein as the "Second Phase Testing." Wind Company shall not conduct any Second Phase Testing it determines it may require, such as a Phase II environmental investigations, without Falmouth's prior written consent, which consent shall not be unreasonably withheld, conditioned or delayed. Prior to conducting any Second Phase Testing, Wind Company shall provide Falmouth with a written request for Falmouth's approval to such Second Phase Testing at least ten (10) business days in advance and such request shall include the plans, specifications and scope of work to allow Falmouth to reasonably understand the scope of the work to be conducted and to be assured that such work will not unreasonably interfere with Falmouth's day-to-day operation at the Property. To the extent necessary so as to reduce interference with Falmouth's operation of the Property, Falmouth shall reasonably cooperate with Wind Company by providing appropriate trucking routes near and through the Property and other measures so as to address the same. Falmouth shall respond to Wind Company's request for any such Second Phase Testing or Phase II investigations within five (5) business days of receipt of Wind Company's request therefor. In the event Falmouth fails to respond within said five (5) business day period, Falmouth shall be deemed to have consented to such testing that is the subject of Wind Company's written request. Wind Company's entry on the Property shall not unreasonably interfere with Falmouth's use of the Property. Notwithstanding the foregoing, Wind Company, after discussion concerning the area and location/area approval by Falmouth, which approval may not be unreasonably withheld conditioned or delayed, may store equipment (including trucks and small drilling rigs, etc.) or materials at the Property while conducting such testing or analysis on a temporary basis while such testing or analysis is ongoing. Notwithstanding the foregoing Wind Company may not stockpile debris at the Property. Wind Company will attempt to address multiple testing regimens at each mobilization at the Property to reduce the number of days the truck routes within the Property may need to be altered to allow such testing.

Other than as expressly set forth above, Wind Company shall provide Falmouth with two (2) business days advance notice with respect to all entries onto the Property. Such notice may be provided by either email transmission or telephonic notice to Falmouth's representative as follows:

[Name]
[Telephone Number]
[Email]

All testing results completed by Wind Company shall be provided to Falmouth, subject to the confidentiality requirements herein.

2. Term. The parties acknowledge and agree that the term of this Agreement shall commence on October __, 2020 and shall expire one hundred eighty (180) days following the date hereof (the "Initial Term"). The Initial Term shall automatically renew for two (2) periods of one hundred eighty (180) days each (each a "Renewal Term"), unless otherwise terminated by Wind Company in accordance with the provisions hereof. The terms and conditions of this Agreement shall remain in effect during each Renewal Term. The Initial Term and each Renewal Term shall hereinafter be collectively referred to as the "Term."

3. Consideration. The parties acknowledge and agree that Wind Company shall pay to Falmouth One Hundred and 00/100 Dollars (\$ 100.00), which shall constitute payment in full for this Agreement and the other promises of Falmouth contained herein for the Initial Term. Wind Company shall pay to Falmouth the sum of One Hundred and 00/100 Dollars (\$ 100.00) for each Renewal Term within thirty (30) days of the commencement thereof, if applicable, subject to the terms of Section 4 hereof.

4. Termination. Wind Company may terminate this Agreement at any time without the consent of Falmouth by delivering written notice thereof to Falmouth. Payments for partial Renewal Terms shall be prorated based upon a 365-day year, provided, however, that Falmouth shall be entitled to retain all payments actually received, regardless of the termination date.

5. Property Documents. Within three (3) business days following the date hereof, Falmouth shall provide or make available to Wind Company, if any, copies of its existing due diligence materials related to the Property listed on Exhibit B attached hereto to the extent any exist and the same are in Falmouth's possession or control or reasonably available to Falmouth ("Property Documents"). All such Property Documents shall be returned to Falmouth or destroyed by Wind Company upon the termination of this Agreement except in the case where such termination is the result of (i) Falmouth and Wind Company executing and delivering a purchase and sale agreement for the Property easements, or (ii) the closing under the purchase and sale agreement and conveyance of the Property easements to Wind Company or its nominee, in which event Wind Company shall have the right to retain the Property Documents and the same shall be governed by the terms and provisions of the easement purchase and sale agreement. The Property Documents shall otherwise be subject to the confidentiality provisions of this Agreement as set forth in Section 13 hereof.

6. Conduct of Work. Wind Company, at all times, will conduct all inspections, tests and investigations in compliance with all applicable federal, state, local or municipal constitutions, laws, ordinances, rules, regulations, orders or statutes of any governmental authority having jurisdiction over the Property, and in a manner so as to not cause damage (other than normal damage resulting from such investigations which shall be subject to Wind Company's repair obligations set forth in Section 8 hereof).

Wind Company shall, to the extent required to perform its investigations and testing, apply for and obtain all regulatory approvals, permits and consents necessary for such investigations and testing. If such permits or approvals are necessary, or for any permits or approvals which Wind Company deems necessary or convenient, Wind Company shall provide to Falmouth copies of the applications for all such regulatory approvals and copies of all correspondence and approvals, permits and consents from regulatory entities or other government entities regarding such investigations within five (5) days of obtaining each document or sending such document. In the event any such approvals, permits and/or consents require the signature of Falmouth, provided the information contained on such application is verified to be true by Falmouth, then Falmouth shall promptly execute the same.

7. Liens. Wind Company shall keep the Property free from any liens arising out of any work performed, materials furnished or obligations incurred by or on behalf of Wind Company with respect to any inspections or testing of the Property; provided that in no event shall Wind Company be responsible for

any liens relating to pre-existing environmental conditions at the Property or any liens caused by Falmouth or Falmouth's agents and/or representatives. If any such lien which Wind Company is obligated to remove shall at any time be filed, Wind Company shall cause the same to be discharged of record within thirty (30) days after knowledge by Wind Company thereof by satisfying the same or, if Wind Company in its discretion and good faith determines that such liens should be contested, by obtaining a bond or otherwise having such lien removed of record.

8. Obligation to Restore; Notification. If any inspection or test performed by or on behalf of Wind Company results in any damage or disturbance to the Property, Wind Company agrees, at its own expense, to promptly restore the Property, as applicable, to substantially the same rough grade (or finish grade if asphalted) condition that existed prior to such testing.

Wind Company shall notify Falmouth immediately (within twenty-four (24) hours after the occurrence thereof), of all accidents and/or damage arising out of Wind Company's performance of its investigations and testing on the Property and/or entry onto the Property. Such notice shall not relieve Wind Company of its obligations under this Agreement.

9. Representations. Falmouth represents and warrants to Wind Company that (a) Falmouth is the sole fee owner of the Property, (b) each person or entity signing this Agreement on behalf of Falmouth is authorized to do so, (c) Falmouth has unrestricted legal power, right and authority to enter into this Agreement and grant Wind Company the rights of access hereunder, and (d) this Agreement is and will be in full force and effect without the necessity of any consent of or joinder herein by any other person or entity.

10. Cooperation. During the Term of this Agreement, Falmouth shall fully cooperate with Wind Company in the exercise of the rights granted to Wind Company hereunder and otherwise give effect to the purpose and intent of this Agreement, including, without limitation, in Wind Company's efforts to obtain from any governmental authority or other person or entity any permit, entitlement, approval, authorization or other rights necessary or convenient in connection with Wind Company's activities and investigations.

Wind Company shall use reasonable efforts to make itself available to respond to Falmouth's reasonable requests for information concerning Wind Company's investigations and testing of the Property, subject to the confidentiality provisions set forth in Section 13 hereof.

11. Insurance. Wind Company will obtain prior to entering the Property and keep in effect, thereafter and during the remainder of the Term of this Agreement a broad form commercial general liability insurance policy with a limit of no less than \$1,000,000.00 combined single limit coverage per occurrence and in the aggregate. Wind Company shall provide a copy of their certificate of insurance to Falmouth prior to entering the Property.

12. Indemnity. Wind Company agrees to indemnify, defend and hold Falmouth free and harmless from any loss, injury, liability, damage, claim, lien, cost, penalties, fines or expenses, including reasonable attorneys' fees and costs, as a result of the exercise by Wind Company or its agents, contractors or representatives of the right of access under this Agreement, arising out of the performance by Wind Company of any of its obligations under this Agreement, or arising out of a breach of this Agreement by Wind Company, but in no event shall Wind Company be responsible or liable to Falmouth for: (i) the

discovery of any pre-existing conditions at the Property (provided, however, that Wind Company shall be responsible and liable under this Section 12 only to the extent that such pre-existing condition(s) have been exacerbated by Wind Company or its agents, contractors or representatives); or (ii) any special, consequential or punitive damages. Any inspections undertaken by Wind Company pursuant to this Agreement shall be at Wind Company's sole risk and expense. The foregoing indemnification shall not apply in the event the loss, injury, liability, damage, claim, lien, cost, penalties, fines or expenses are caused by Falmouth's, or its agent's or representative's, negligence, fraud or misconduct.

13. Confidentiality. All information made available by one party to the other in accordance with this Agreement (the "Evaluation Materials") shall be treated as confidential information of the party providing such Evaluation Materials and shall not be disclosed to anyone except as set forth in this Section; provided, however, that: (i) the receiving party may disclose the Evaluation Materials, or any relevant portions thereof, to its agents, attorneys, accountants, consultants, brokers, employees, officers, directors, partners, managers, members, prospective lenders, prospective partners, and/or any and all persons directly or indirectly acting for or with such party on a "need to know" basis (collectively, the "Related Parties") in connection with the receiving party's investigation and evaluation of the Property and the potential sale thereof, provided such entities are under an enforceable obligation to the receiving party not to disclose any Evaluation Materials except as provided hereunder; and (ii) the following materials and information shall not be subject to the confidentiality obligations set forth herein: (a) information which is or becomes generally available to the public other than as a result of wrongful disclosure by the receiving party; (b) information which reasonably can be demonstrated to be known to the receiving party or a Related Party prior to its disclosure hereunder; (c) information which becomes available to the receiving party or a Related Party on a non-confidential basis from sources other than the disclosing party; and (d) information which the receiving party or a Related Party may be compelled to disclose by court order or applicable law.

14. No Obligation Regarding Possible Transaction. Notwithstanding the rights granted to Wind Company under this Agreement, and notwithstanding any negotiations or other communications between Falmouth and Wind Company, neither Falmouth nor Wind Company shall have any obligation whatsoever to proceed with or otherwise enter into any agreement concerning Wind Company's purchase of the Property or any portion thereof, or to otherwise consummate any transaction of any kind concerning the Property or any portion thereof. Neither this Agreement nor any other negotiations or communications between Falmouth and Wind Company shall constitute evidence of a binding agreement to sell the Property by Falmouth or an offer to purchase the Property easements by Wind Company, and other than as set forth in this Agreement, neither Falmouth nor Wind Company shall have any obligations whatsoever regarding the Property, unless and until Falmouth and Wind Company execute and enter into a binding letter of intent or purchase and sale agreement regarding the Property easements, which either party may or may not do in its sole discretion.

15. Assignment. Wind Company may freely transfer or assign all or any portion of Wind Company's right, title or interest under this Agreement without Falmouth's prior written consent to any affiliate of Wind Company or its parent organizations. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, legal representatives, successors, and assigns.

16. Notices Except as otherwise set forth herein, all notices which may be or are required to be given by either party to the other shall be in writing and shall be sent by United States certified mail, postage

prepaid, return receipt requested, or by a nationally recognized courier service to the parties at their respective addresses as follows:

If to Falmouth:

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

Attn:
Phone:
Email:

with a copy to:

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

Attn:
Phone:
Email:

If to Wind Company:

Mayflower Wind Energy LLC
2 Drydock Avenue
Suite 500
Boston, MA 02210
Attention: Susan Childs and Daniel Hubbard
Email: Susan.Childs@mayflowerwind.com; Daniel.Hubbard@mayflowerwind.com

with a copy to:

Day Pitney LLP
One Federal Street, 29th Floor
Boston, MA 02110
Attn: William M. Pezzoni, Esq.
Email: wpezzoni@daypitney.com

or such other address within the continental United States as either party by written notice to the other may from time to time designate. Notice sent by certified mail shall be effective (and deemed received) upon actual receipt or refusal of delivery. Notice given by any other manner shall be effective (and deemed received) only if and when received by the party to be notified between the hours of 8:00 a.m. and 5:00 p.m. Eastern time of any business day with delivery made after 5:00 p.m. eastern time to be deemed received the following business day. Notices may be given on behalf of any party by its counsel.

17. Amendments. Neither party to this Agreement is empowered to alter or amend any term of this Agreement unless such alteration or amendment is in writing and has been signed by Falmouth and Wind Company (or their successors and/or assigns). This provision cannot be orally waived.

18. Effect of Waivers. Any consent or permission by a party to any act or omission of the other party which otherwise would be a breach of any covenant or condition hereunder, or any waiver by a party of the breach of any covenant or condition by the other party, shall not in any way be held or construed to operate so as to impair the continuing obligation of such covenant or condition, or otherwise operate to permit other similar acts or omissions. No breach shall be deemed to have been waived unless and until such waiver be in writing and signed by the party waiving the breach. The failure of a party to seek redress for violation of or insist upon the strict performance of any covenant or condition of this Agreement shall not be deemed a consent to or waiver of such violation, nor shall it prevent a subsequent act, which would otherwise constitute a violation, from in fact being a violation.

19. Miscellaneous. Falmouth acknowledges that the activities and investigations to be performed by Wind Company hereunder is not the beginning of construction or of civil works. The parties further acknowledge and agree that the right of access conferred by this Agreement shall not be construed as any form of tenancy interest, ownership interest, control of the Property, or any type of real property interest. This Agreement shall be construed equally as between and against the Falmouth and Wind Company, and not against the party responsible for its drafting. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts. In the event that this Agreement is not signed by one or more of the persons or entities comprising the Falmouth herein, or by one or more of the entities holding an interest in the Property, then this Agreement will nonetheless be effective, and will bind all those persons and entities who have signed this Agreement. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original and all of which together shall have the same force and effect as if the parties had executed a single document. This Agreement may be executed by Falmouth or Wind Company and delivered to the other party in PDF, facsimile or similar electronic format and shall be binding on the party delivering the executed Agreement with the same force and effect as the delivery of a printed copy of the Agreement with an original ink signature.

[Signature Page Follows.]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

FALMOUTH:
TOWN OF FALMOUTH,
a Massachusetts Municipal Corporation

By: _____
Name:
Title:

WIND COMPANY:
MAYFLOWER WIND ENERGY LLC,
a Delaware limited liability company

By: _____
Name:
Title:

EXHIBIT A
PROPERTY DESCRIPTION

[Falmouth to Provide]

EXHIBIT B

PROPERTY DOCUMENTS

1. a certificate of occupancy for the Property in Falmouth's possession or control and all other permits, certificates and approvals related to the Property in Falmouth's possession or control, if any;
2. copies of any notices received in connection with any purported or actual violation at the Property of any applicable law or requirements;
3. all reports (listed below), if any or correspondence relating thereto in the possession or control of the Falmouth relating to the Property (the "Reports"):
 - a. environmental
 - b. ALTA survey
 - c. Zoning
 - d. and other similar studies
4. copies of any title policies and the legal description of the Property; and
5. copies of any Reciprocal Easement Agreements and agreements with any entity or individual or any governmental agencies relating to the development, construction, ownership or operation of the Property or properties adjacent thereto.

RIGHT OF ENTRY TO CONDUCT
PHYSICAL INVESTIGATIONS

This Right of Entry (this “Agreement”) is made and entered into as of this ___ day of _____, 2020, by and between **MAYFLOWER WIND ENERGY LLC**, a Delaware limited liability company (“Wind Company”), and **TOWN OF FALMOUTH**, a Massachusetts Municipal Corporation (“Falmouth”).

RECITALS

A. Falmouth is the owner of that certain real property consisting of approximately 2.083 acres and located at Parcel ID 47 07 000A 000 with an address of 0 Surf Drive, Falmouth, Barnstable County, Massachusetts with, as more particularly described on Exhibit A attached hereto (the “Property”), and other properties located within the Town of Falmouth (the “Other Properties” and together with the Property, collectively the “Properties”).

B. Wind Company initially desires access to the Property to undertake certain investigations and studies concerning the Properties.

C. Falmouth and Wind Company desire to enter into this Agreement to permit Wind Company access to the Property for the purposes of conducting such investigations and studies, and otherwise define the rights and obligations of the parties in connection therewith.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Falmouth and Wind Company agree as follows:

1. Entry and Testing

A. Entry on the Property. Falmouth hereby grants to Wind Company and its representatives, agents, independent contractors, designees and affiliates a temporary, nonexclusive right, which shall be irrevocable with respect to Falmouth for the Term (as defined below), to enter onto the Property for the purpose of conducting such investigations, including, without limitation, appraisals, engineering studies, soil tests, environmental studies, biological and cultural analyses, inquiry of governmental officials, and underwriting analyses, as Wind Company deems necessary or advisable, and obtaining any and all information regarding the Property as Wind Company deems appropriate to determine whether the Property is suitable for Wind Company’s intended use.

B. Initial Phase Testing. Wind Company shall, in its initial phase of testing with respect to the Property, include the following:

- i. Visual inspection of the Property and photographing of the same so as to show the general layout of the Property;
- ii. Perform topographic survey(s) of the entire Property;
- iii. Dig small test pits (roughly 5’ x 5’ x 5’) and measure ground water infiltration rates (collectively, the “Initial Phase Testing”);

- iv. Perform ground penetrating radar survey of certain portions of the Property;
- v. Perform multiple geotechnical borings (approximately 2 borings); and
- vi. Take small soil samples from the Property and perform environmental and biological testing as well as electric and thermal resistivity testing.

In order to prevent or minimize any interference in the day-to-day operation of Falmouth's use of the Property, Wind Company and Falmouth shall, prior to commencement of Initial Phase Testing, confer and cooperate in order to reach agreement on: (a) the site locations of the various tests involved in Phase One testing; and (b) the proposed on-site travel route, staging areas, disposal of any bi-products from testing, testing regimen, and location of Wind Company's vehicles and equipment.

C. Second Phase Testing. Any tests and investigations in addition to the Initial Phase Testing shall be referred to herein as the "Second Phase Testing." Wind Company shall not conduct any Second Phase Testing it determines it may require, such as a Phase II environmental investigations, without Falmouth's prior written consent, which consent shall not be unreasonably withheld, conditioned or delayed. Prior to conducting any Second Phase Testing, Wind Company shall provide Falmouth with a written request for Falmouth's approval to such Second Phase Testing at least ten (10) business days in advance and such request shall include the plans, specifications and scope of work to allow Falmouth to reasonably understand the scope of the work to be conducted and to be assured that such work will not unreasonably interfere with Falmouth's day-to-day operation at the Property. To the extent necessary so as to reduce interference with Falmouth's operation of the Property, Falmouth shall reasonably cooperate with Wind Company by providing appropriate trucking routes near and through the Property and other measures so as to address the same. Falmouth shall respond to Wind Company's request for any such Second Phase Testing or Phase II investigations within five (5) business days of receipt of Wind Company's request therefor. In the event Falmouth fails to respond within said five (5) business day period, Falmouth shall be deemed to have consented to such testing that is the subject of Wind Company's written request. Wind Company's entry on the Property shall not unreasonably interfere with Falmouth's use of the Property. Notwithstanding the foregoing, Wind Company, after discussion concerning the area and location/area approval by Falmouth, which approval may not be unreasonably withheld conditioned or delayed, may store equipment (including trucks and small drilling rigs, etc.) or materials at the Property while conducting such testing or analysis on a temporary basis while such testing or analysis is ongoing. Notwithstanding the foregoing Wind Company may not stockpile debris at the Property. Wind Company will attempt to address multiple testing regimens at each mobilization at the Property to reduce the number of days the truck routes within the Property may need to be altered to allow such testing.

Other than as expressly set forth above, Wind Company shall provide Falmouth with two (2) business days advance notice with respect to all entries onto the Property. Such notice may be provided by either email transmission or telephonic notice to Falmouth's representative as follows:

[Name]
[Telephone Number]
[Email]

All testing results completed by Wind Company shall be provided to Falmouth, subject to the confidentiality requirements herein.

2. Term. The parties acknowledge and agree that the term of this Agreement shall commence on October __, 2020 and shall expire one hundred eighty (180) days following the date hereof (the "Initial Term"). The Initial Term shall automatically renew for two (2) periods of one hundred eighty (180) days each (each a "Renewal Term"), unless otherwise terminated by Wind Company in accordance with the provisions hereof. The terms and conditions of this Agreement shall remain in effect during each Renewal Term. The Initial Term and each Renewal Term shall hereinafter be collectively referred to as the "Term."

3. Consideration. The parties acknowledge and agree that Wind Company shall pay to Falmouth One Hundred and 00/100 Dollars (\$ 100.00), which shall constitute payment in full for this Agreement and the other promises of Falmouth contained herein for the Initial Term. Wind Company shall pay to Falmouth the sum of One Hundred and 00/100 Dollars (\$ 100.00) for each Renewal Term within thirty (30) days of the commencement thereof, if applicable, subject to the terms of Section 4 hereof.

4. Termination. Wind Company may terminate this Agreement at any time without the consent of Falmouth by delivering written notice thereof to Falmouth. Payments for partial Renewal Terms shall be prorated based upon a 365-day year, provided, however, that Falmouth shall be entitled to retain all payments actually received, regardless of the termination date.

5. Property Documents. Within three (3) business days following the date hereof, Falmouth shall provide or make available to Wind Company, if any, copies of its existing due diligence materials related to the Property listed on Exhibit B attached hereto to the extent any exist and the same are in Falmouth's possession or control or reasonably available to Falmouth ("Property Documents"). All such Property Documents shall be returned to Falmouth or destroyed by Wind Company upon the termination of this Agreement except in the case where such termination is the result of (i) Falmouth and Wind Company executing and delivering a purchase and sale agreement for the Property easements, or (ii) the closing under the purchase and sale agreement and conveyance of the Property easements to Wind Company or its nominee, in which event Wind Company shall have the right to retain the Property Documents and the same shall be governed by the terms and provisions of the easement purchase and sale agreement. The Property Documents shall otherwise be subject to the confidentiality provisions of this Agreement as set forth in Section 13 hereof.

6. Conduct of Work. Wind Company, at all times, will conduct all inspections, tests and investigations in compliance with all applicable federal, state, local or municipal constitutions, laws, ordinances, rules, regulations, orders or statutes of any governmental authority having jurisdiction over the Property, and in a manner so as to not cause damage (other than normal damage resulting from such investigations which shall be subject to Wind Company's repair obligations set forth in Section 8 hereof).

Wind Company shall, to the extent required to perform its investigations and testing, apply for and obtain all regulatory approvals, permits and consents necessary for such investigations and testing. If such permits or approvals are necessary, or for any permits or approvals which Wind Company deems necessary or convenient, Wind Company shall provide to Falmouth copies of the applications for all such regulatory approvals and copies of all correspondence and approvals, permits and consents from regulatory entities or other government entities regarding such investigations within five (5) days of obtaining each document or sending such document. In the event any such approvals, permits and/or consents require the signature of Falmouth, provided the information contained on such application is verified to be true by Falmouth, then Falmouth shall promptly execute the same.

7. Liens. Wind Company shall keep the Property free from any liens arising out of any work performed, materials furnished or obligations incurred by or on behalf of Wind Company with respect to any inspections or testing of the Property; provided that in no event shall Wind Company be responsible for

any liens relating to pre-existing environmental conditions at the Property or any liens caused by Falmouth or Falmouth's agents and/or representatives. If any such lien which Wind Company is obligated to remove shall at any time be filed, Wind Company shall cause the same to be discharged of record within thirty (30) days after knowledge by Wind Company thereof by satisfying the same or, if Wind Company in its discretion and good faith determines that such liens should be contested, by obtaining a bond or otherwise having such lien removed of record.

8. Obligation to Restore; Notification. If any inspection or test performed by or on behalf of Wind Company results in any damage or disturbance to the Property, Wind Company agrees, at its own expense, to promptly restore the Property, as applicable, to substantially the same rough grade (or finish grade if asphalted) condition that existed prior to such testing.

Wind Company shall notify Falmouth immediately (within twenty-four (24) hours after the occurrence thereof), of all accidents and/or damage arising out of Wind Company's performance of its investigations and testing on the Property and/or entry onto the Property. Such notice shall not relieve Wind Company of its obligations under this Agreement.

9. Representations. Falmouth represents and warrants to Wind Company that (a) Falmouth is the sole fee owner of the Property, (b) each person or entity signing this Agreement on behalf of Falmouth is authorized to do so, (c) Falmouth has unrestricted legal power, right and authority to enter into this Agreement and grant Wind Company the rights of access hereunder, and (d) this Agreement is and will be in full force and effect without the necessity of any consent of or joinder herein by any other person or entity.

10. Cooperation. During the Term of this Agreement, Falmouth shall fully cooperate with Wind Company in the exercise of the rights granted to Wind Company hereunder and otherwise give effect to the purpose and intent of this Agreement, including, without limitation, in Wind Company's efforts to obtain from any governmental authority or other person or entity any permit, entitlement, approval, authorization or other rights necessary or convenient in connection with Wind Company's activities and investigations.

Wind Company shall use reasonable efforts to make itself available to respond to Falmouth's reasonable requests for information concerning Wind Company's investigations and testing of the Property, subject to the confidentiality provisions set forth in Section 13 hereof.

11. Insurance. Wind Company will obtain prior to entering the Property and keep in effect, thereafter and during the remainder of the Term of this Agreement a broad form commercial general liability insurance policy with a limit of no less than \$1,000,000.00 combined single limit coverage per occurrence and in the aggregate. Wind Company shall provide a copy of their certificate of insurance to Falmouth prior to entering the Property.

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discovery of any pre-existing conditions at the Property (provided, however, that Wind Company shall be responsible and liable under this Section 12 only to the extent that such pre-existing condition(s) have been exacerbated by Wind Company or its agents, contractors or representatives); or (ii) any special, consequential or punitive damages. Any inspections undertaken by Wind Company pursuant to this Agreement shall be at Wind Company's sole risk and expense. The foregoing indemnification shall not apply in the event the loss, injury, liability, damage, claim, lien, cost, penalties, fines or expenses are caused by Falmouth's, or its agent's or representative's, negligence, fraud or misconduct.

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14. No Obligation Regarding Possible Transaction. Notwithstanding the rights granted to Wind Company under this Agreement, and notwithstanding any negotiations or other communications between Falmouth and Wind Company, neither Falmouth nor Wind Company shall have any obligation whatsoever to proceed with or otherwise enter into any agreement concerning Wind Company's purchase of the Property or any portion thereof, or to otherwise consummate any transaction of any kind concerning the Property or any portion thereof. Neither this Agreement nor any other negotiations or communications between Falmouth and Wind Company shall constitute evidence of a binding agreement to sell the Property by Falmouth or an offer to purchase the Property easements by Wind Company, and other than as set forth in this Agreement, neither Falmouth nor Wind Company shall have any obligations whatsoever regarding the Property, unless and until Falmouth and Wind Company execute and enter into a binding letter of intent or purchase and sale agreement regarding the Property easements, which either party may or may not do in its sole discretion.

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prepaid, return receipt requested, or by a nationally recognized courier service to the parties at their respective addresses as follows:

If to Falmouth:

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

Attn:
Phone:
Email:

with a copy to:

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

Attn:
Phone:
Email:

If to Wind Company:

Mayflower Wind Energy LLC
2 Drydock Avenue
Suite 500
Boston, MA 02210
Attention: Susan Childs and Daniel Hubbard
Email: Susan.Childs@mayflowerwind.com; Daniel.Hubbard@mayflowerwind.com

with a copy to:

Day Pitney LLP
One Federal Street, 29th Floor
Boston, MA 02110
Attn: William M. Pezzoni, Esq.
Email: wpezzoni@daypitney.com

or such other address within the continental United States as either party by written notice to the other may from time to time designate. Notice sent by certified mail shall be effective (and deemed received) upon actual receipt or refusal of delivery. Notice given by any other manner shall be effective (and deemed received) only if and when received by the party to be notified between the hours of 8:00 a.m. and 5:00 p.m. Eastern time of any business day with delivery made after 5:00 p.m. eastern time to be deemed received the following business day. Notices may be given on behalf of any party by its counsel.

17. Amendments. Neither party to this Agreement is empowered to alter or amend any term of this Agreement unless such alteration or amendment is in writing and has been signed by Falmouth and Wind Company (or their successors and/or assigns). This provision cannot be orally waived.

18. Effect of Waivers. Any consent or permission by a party to any act or omission of the other party which otherwise would be a breach of any covenant or condition hereunder, or any waiver by a party of the breach of any covenant or condition by the other party, shall not in any way be held or construed to operate so as to impair the continuing obligation of such covenant or condition, or otherwise operate to permit other similar acts or omissions. No breach shall be deemed to have been waived unless and until such waiver be in writing and signed by the party waiving the breach. The failure of a party to seek redress for violation of or insist upon the strict performance of any covenant or condition of this Agreement shall not be deemed a consent to or waiver of such violation, nor shall it prevent a subsequent act, which would otherwise constitute a violation, from in fact being a violation.

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[Signature Page Follows.]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

FALMOUTH:
TOWN OF FALMOUTH,
a Massachusetts Municipal Corporation

By: _____
Name:
Title:

WIND COMPANY:
MAYFLOWER WIND ENERGY LLC,
a Delaware limited liability company

By: _____
Name:
Title:

EXHIBIT A
PROPERTY DESCRIPTION

[Falmouth to Provide]

EXHIBIT B

PROPERTY DOCUMENTS

1. a certificate of occupancy for the Property in Falmouth's possession or control and all other permits, certificates and approvals related to the Property in Falmouth's possession or control, if any;
2. copies of any notices received in connection with any purported or actual violation at the Property of any applicable law or requirements;
3. all reports (listed below), if any or correspondence relating thereto in the possession or control of the Falmouth relating to the Property (the "Reports"):
 - a. environmental
 - b. ALTA survey
 - c. Zoning
 - d. and other similar studies
4. copies of any title policies and the legal description of the Property; and
5. copies of any Reciprocal Easement Agreements and agreements with any entity or individual or any governmental agencies relating to the development, construction, ownership or operation of the Property or properties adjacent thereto.

Diane Davidson

From: Julian Suso
Sent: Tuesday, October 27, 2020 1:31 PM
To: Elena Rodgers
Cc: Kevin Pacheco; Megan English Braga; Peter Johnson-Staub; Edward Dunne; Diane Davidson
Subject: RE: FW: Noise from the Fairgrounds every weekend.

With my apologies, the Monday, March 9 date in the first paragraph below should have instead been **Monday, November 9**. Thank you for your willingness to join the Board for that upcoming meeting in two weeks.
Julian M. Suso

From: Julian Suso
Sent: Tuesday, October 27, 2020 12:54 PM
To: Elena Rodgers <elena@vivid-ep.com>
Cc: Kevin Pacheco <kevin@vivid-ep.com>; Megan English Braga <megan.english-braga@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; 'Edward Dunne (Edward.dunne@falmouthpolicema.gov)' <Edward.dunne@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: RE: FW: Noise from the Fairgrounds every weekend.

Hello Elena Rodgers,

Thank you for your email. As you may be aware, the Select Board has asked that you and Kevin attend the upcoming virtual Select Board meeting on Monday March 9 to further discuss what has continued to be a problem as it relates to expanding complaints on sound disturbances in adjacent residential neighborhoods. I attach a Summary which I presented to the Board at their virtual meeting last evening related to the discussion which you, I and Kevin Pacheco held last week.

I had been understanding, as noted on the attached, that you confirmed only one remaining musical concert yet in October (10/30) and perhaps a smaller musical event for Halloween. (I recognize there were two this past weekend). Also, as noted, you indicated no plans for November musical performances. If you are now asking to "update" your current, approved SB permit from August, it is important that you fill out and transmit a separate Special Event application (as you have in the past). This should include a detailed and comprehensive narrative of exactly what you are requesting. This **cannot** be accomplished simply with an email.

If, separately, you are requesting some type of themed holiday lighting venue, this must also be transmitted with a Special Event application and full narrative. I had mentioned that when we met last Tuesday.

Each of these subsequent "stream of ideas and concepts" must be firmed up and placed in the context of a Special Event Application. Kindly follow the protocol which we have in place for all such community events. What you have provided in this email is **insufficient** to properly review and assess a future proposed event.

Lastly, but most importantly, I received a directive from the Select Board last evening that Vivid be put on notice that should the Town (Police Department) receive noise complaints from the planned venue this Friday evening (10/30) that the Police Department is encouraged to "shut down" this venue if – in spite of all the efforts and communications made – the sound disturbances are not more reasonably controlled. We were reminded that in the Special Permit issued to Vivid you affirmed that the "type of instruments" involved **Primarily Acoustic Acts**. The Board is concerned that it appears you have consistently varied from this primarily acoustic representation.

Should you wish to proceed with consideration for one/more other Special Permits to the Select Board, we will await your formal applications. Be reminded that this necessarily requires a significant review time for the purposes of internal staff review and comment in advance to the Select Board prior to their final determination. Thank you
Julian M. Suso

From: Elena Rodgers <elena@vivid-ep.com>
Sent: Tuesday, October 27, 2020 12:30 PM

To: Julian Suso <julian.suso@falmouthma.gov>

Cc: Kevin Pacheco <kevin@vivid-ep.com>; Megan English Braga <megan.english-braga@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>

Subject: Re: FW: Noise from the Fairgrounds every weekend.

Hello All,

It was a pleasure to meet with Julian in person last Tuesday. We discussed the new regulations from the state, the new noise complaints and our plans for the future at the fairgrounds.

A few items we would like to be discussed before your November 9th meeting:

1. Moving forward, in response to the ongoing noise complaints, we would like to present our plan to shift the positioning of our sound systems to accommodate reasonable noise levels for the neighborhoods surrounding the fairgrounds. The remainder of this season consists of two more concerts and a few movies. Update: One of the complaining neighbors, Laura Dooley, (see email titled "Extremely Unhappy Neighbor") she is happy now after working with her this past Friday.
2. We would like to update our permit to match the current state regulations regarding Co-Vid and Live Performance Venues. The fairgrounds have an indoor space that holds 1500 that we would like to utilize. We will present a plan that includes designated spaces with high tops and 4 seats per space equaling to or less than the 250 max capacity that is allowed for this type of establishment.
3. We are looking into having a holiday light drive through which would include a holiday themed route through the fairgrounds with lit scenes. We would like to keep the screen up for holiday films.
4. We are also working with the idea of bringing in an ice skating rink - especially if it's another mild winter.
5. Lastly, we would like to host a holiday vendor village in one of the fairground buildings for a couple of weekends.

Please review and send us any requests you have regarding their discussion and approval.

Thank you,

On Tue, Oct 20, 2020 at 2:10 PM Elena Rodgers <elena@vivid-ep.com> wrote:

Thank you Julian,

We'll see you then with the event calendar.

Best,

On Tue, Oct 20, 2020 at 8:38 AM Julian Suso <julian.suso@falmouthma.gov> wrote:

Let's plan on 4PM today. Megan is unable to join us, but I will give her a call during our meeting as she may become available to join us by phone. Can you please bring along the details of the planned schedule of events going forward, as it would be helpful for me to share that information with Megan and members of the Board? Can you also give us further information on the time schedule anticipated for each concert? We will meet at Town Hall in the Old Water Room (which is just down the hall from the Town Manager/Select Board office. Please plan on wearing a mask/face covering while in Town Hall and we will be seated socially-distanced in this meeting room. Thank you.

FALMOUTH COMMITTEE HANDBOOK



FALMOUTH, MASSACHUSETTS

FALMOUTH COMMITTEE HANDBOOK

FOREWORD

This handbook has been prepared under the direction of the Falmouth Select Board as an informational toolkit to all Town boards, committees, and commissions, and to help improve communication between the Select Board and Town committees.

Many residents have served the Town in its three hundred and thirty-plus-year history. Their contributions of time and thoughtful consideration of issues and challenges before our Town over the centuries are greatly appreciated. Through service to the community, you will have the opportunity to get to know the workings of your Town from many perspectives, and have a deeper appreciation of its history and its place in the Commonwealth. It will hopefully be a rewarding and informative experience.

In 1986 the Falmouth Historical Commission published *The Book of Falmouth* to commemorate the Town's Tricentennial. From that book's Foreword we share these words:

From 1686 to 1986 generations of Falmouth families have cleared the land, tended sheep, hunted whales and fished the sea, harvested cranberries and strawberries, explored oceans, built churches, schools, houses, laboratories and businesses. For 300 years the people of Falmouth have lived together, creating a town with a rich diversity of ethnic groups and varied traditions.

The editors of this tricentennial book believe that the separate villages of Falmouth combine to create a unique and splendid town. We...hope...that we can keep the diversity of our town alive, continue to respect one another's differences, and preserve the beauty of Falmouth before it is lost to uncontrolled growth and pollution of its clear air, sparkling ponds, and shining sea.

This is where you come in. The Select Board, in carrying out its duties as prescribed by the Home Rule Charter, State law, and by the votes of Town Meetings, expends considerable time and effort to make logical and sensible appointments to committees. You will be working with people, who like yourself, have volunteered to address specific areas or problems in the community, and bring back to the Select Board - or perhaps Town Meeting - recommendations for a course of action and/or solution that is best for the Town.

It is important that the good of the Town, present and future, be of primary consideration in your deliberations and actions. It is also important to remember that you represent the entire Town. A solution that makes sense from the perspective of your committee may not always be what is best for the entire Town. Therefore, all plausible solutions need to be explored while considering many factors such as the cost in tax dollars and the impact on other programs or plans or groups.

Your committee or board should use the offices of the Town Manager to facilitate communications and answer any questions you believe pertinent to your committee assignment. The Select Board wishes to thank you for giving of your effort to the well-being and the improvement of our community.

Although this handbook has been published for use by Town committees appointed by the Select Board, we hope it will also be useful to elected committees, boards, and officers as well as citizens-at-large.

Wherever the term "committee" appears in the handbook, it is meant to encompass boards and commissions as well. Michael Palmer, Falmouth Town Clerk, prepared the first Handbook in 2014; this significant revision was completed in 2020 by Doug Brown (Select Board member) and Judy Fenwick (Town Meeting member, member/former member of three appointed committees and two elected committees), under the guidance of Assistant Town Manager, Peter Johnson-Staub. Feedback, comments, and suggested edits were received from numerous elected and advisory committee members, Town Counsel, as well as from the Falmouth League of Women Voters' "Local Study on the Role of Appointed Committees in Falmouth Town Government." For further information or to advise of omissions or corrections, please contact the Town Manager, townmanager@falmouthma.gov.

Falmouth Select Board

Megan English-Braga (Chair), Douglas C. Brown (Vice Chair),
Doug Jones, Samuel Patterson, Nancy Taylor

Adopted _____

FALMOUTH COMMITTEE HANDBOOK

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Full text of the following will be provided by the Town Clerk at the time new members are sworn in or appointed:

1. Conflict of Interest Law
 2. Open Meeting Law and Open Meeting Law Guide
 3. Sexual Harassment: Policy and Procedures (for Special Employees)
 4. Harassment of Individuals in Protected Classes: Policy and Procedures (for Special Employees)
-

1. STRUCTURE OF FALMOUTH'S GOVERNMENT: Elected and Appointed Committees

Falmouth's Legislative Body is Representative Town Meeting, and the Executive Body is our Select Board. A great deal of important work is accomplished by citizen volunteers on elected and appointed Town committees that perform critical roles for the Town.

ELECTED POSITIONS

Name	Elected By	# Members	Terms, # Years
Select Board	Citizens	5	3
Board of Library Trustees	Citizens	7	3
Planning Board	Citizens	7	3
School Committee	Citizens	9	3
Finance Committee	Town Meeting	15	3
Housing Authority (4 elected; 1 MA appointed)	Citizens	5	5
Moderator	Citizens	1	3
Town Clerk	Citizens	1	3

APPOINTED POSITIONS

Name	Appointed By	# Members	Terms, # Years
Affordable Housing Committee	SB	7	3
Agricultural Commission	SB	7	3
Assessors, Board of	SB	3	3
Beach Committee	SB	5	3
Bicycle and Pedestrian Committee	SB	9	3
Building Code Board of Appeals	SB	5	5
Cable Advisory Committee	SB	5	3
Charter Review Committee (appointed every 7 years)	SB	7	1-2
Coastal Pond Management Committee	SB	7	3
Coastal Resiliency Action Committee	SB	5	3
Community Preservation Committee	SB (5 apptd. from Town Comms)	9	3
Conservation Commission	SB	7 /3 Alt	3
Council on Aging	SB	7	3
Cultural Council	SB	12 (max.)	3
Disabilities, Commission on	SB	9	3
Diversity & Inclusion Comm (was Affirmative Action Comm.)	SB	5	3
Energy Committee	SB	5	3
Golf Advisory Committee	SB	7	3
Health, Board of	SB	5	3
Historical Commission	SB	5 Reg/2Alt	3
Human Services Committee	SB	9	3
Recreation Committee	SB	7	3
Registrars, Board of	SB	3+Town Clerk	3
Shellfish Advisory	SB	9	3
Sign Review Committee	SB	5	3
Solid Waste Advisory Committee	SB	7	3
Substance Use, Commission on	SB	5	3
Survey, Board of	SB	3	3
Traffic Advisory Comm.	Town Manager	5	3
Transportation Management Committee	SB (4 appt Town Comms; 5 at-large)	9	3
Veterans Council/Veterans' Service Office	SB	9	3
Water Quality Management Committee	SB	7	3
Waterways Committee	SB (6) / BoH (1)	7	3
Zoning Board of Appeals	SB	5 Reg/2 Alt	3

Non-Profit Community Development Corporations

EDIC [Economic Development Industrial Corp. [501(c)(3)]	Apptd by SB	7	3
Falmouth Housing Trust [501(c)(3)]	Elected by FHT board	9 at-large	3
	Apptd by SB, HA, HSC, PB	4 by Town Comms	2

2. COMMUNICATIONS

One purpose of this handbook is to improve communication between the Select Board and the many Town committees. As the policy setting board of the Town per the Town Charter, the Select Board maintains a liaison with many committees. The Select Board's Liaison Policy including the duties of the liaison is in Appendix D. So that committees will know their work is valued, the liaison from the Select Board will establish the flow of information between the various committees and the Select Board.

From time to time the Select Board will convene joint meetings to address matters involving multiple boards. Most committees communicate with the Select Board by way of annual reports: some annual reports are delivered at the Board's open meetings and many are published in the Town Annual Report.

3. COMMITTEE MEMBERSHIP

3A. Appointments

All committee vacancies are publicized on the Town's website and in the Falmouth Enterprise. Individuals interested in being appointed are asked to complete a Committee Application Form that is available at the Select Board/Town Manager's Office and online at (<http://www.falmouthmass.us/647/Committees-Commissions-and-Boards>). Applicants are interviewed by the Board at a regular public meeting. All Select Board appointments are made by majority vote after applicants are interviewed.

Written notification of an appointment is made by the Select Board or the appointing officials. When you receive notification of an appointment, you must contact the Town Clerk to be sworn in and to receive copies of the Open Meeting Law, the Conflict of Interest Law, applicable Town policies, and this Committee Handbook, which includes the Committee Code of Conduct (See Sec. 5B). You will be asked to sign an acknowledgment of your receipt and understanding of these documents. In addition, training is held annually by Town Counsel on the Open Meeting Law and Conflict of Interest Law. After your swearing-in, you will be considered a Special Employee of the Town.

3B. Duration of Appointments

Except as otherwise provided, members of appointed boards and committees shall be appointed by the Select Board or appropriate official for overlapping three-year terms. No member of an appointed town board shall serve more than three (3) consecutive three-year terms, unless otherwise provided.

3C. Basic Duties of Committees and Attendance

Committee members shall exercise all powers given them under the Constitution and laws of the Commonwealth and may exercise such additional powers and duties as authorized by the Select Board, the Charter, Town Bylaw(s) or vote of Town Meeting.

Some committees, such as the Conservation Commission, Board of Health, Historical Commission, Planning Board, School Committee, and Zoning Board of Appeals are charged by the applicable laws of the Commonwealth to act and consider matters in a narrowly defined way. If you have been appointed to one of those positions, ensure that you obtain a copy of these laws. Other standing or ad hoc committee members will receive a letter of their duties and responsibilities from the Select Board or responsibilities will be charged in accordance with the Bylaws of the Town.

The unexcused absence, without good cause, of a member from one-half of the total number of meetings during any twelve-month period or from four or more consecutive meetings of any appointed board shall be considered as vacating the office. When such a vacancy has been created, it shall be filled within thirty (30) days or in accordance with General Law (as per the Falmouth Home Rule Charter).

3D. Committee Leadership

All committees will organize annually to elect a chair and other officers as necessary (e.g., Vice Chair, Secretary); review the code of conduct (see Sec. 5B); adopt rules of procedure and voting through use of Robert's Rules [Appendix H] or other manner at the discretion of the committee; and maintain minutes and records of attendance, copies of which shall be filed with the Town Clerk.

3E. Resignations

Resignations must be submitted in writing and delivered to the Select Board's Office with copies to the respective Committee Chair and Town Clerk. When a vacancy occurs, the committee chair may recommend individual(s) who have demonstrated an interest in the work of the committee for consideration to apply to fill the vacancy. All applicants will be considered.

4. MEETINGS

4A. Meeting Checklist for Chairs and Board/Committee Members

1. Meeting Notice/Agenda must be posted at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays.
2. In emergency situations, the 48 hour notice period may be waived. However, every effort should be made to update the Meeting Notice whenever possible. The threshold for an emergency meeting is high. It must be a threat to public health or safety in most situations. Contact the Town Manager's Office or Town Counsel for advice prior to holding a meeting under these circumstances.
3. Notice must include the agenda for the meeting and any other matters that the Chair reasonably believes will be discussed at the meeting. See the sample agenda [Appendix A]. The agenda should include the phrase "*This agenda is subject to change.*" The agenda may be revised as long as it meets the 48-hour requirement.
4. Notice must be visible to the public "at all times." This has been interpreted as meaning 24 hours a day, 7 days a week. Town Clerk will implement the necessary requirements. At present, posted Notices/Agendas can be found in the "Agenda Center" on the Town's website.
5. The Chair must announce at the beginning of each meeting if the meeting is being recorded.
6. All exhibits presented at the meeting are public records, and they become part of the record for the hearing.
7. Meeting minutes must reflect all actions taken by the Board/Committee.
8. Meeting minutes must include exhibits presented at the meeting.
9. Minutes must be filed properly with the Town Clerk for permanent holding.
10. E-mails are likely to lead to deliberations outside of a public meeting. E-mails should therefore be used only to distribute meeting materials and to convey logistical meeting information to the Board/Committee Members. See the E-mail Policy for Public Bodies [Appendix E.]

4B. Meetings and Deliberations

Purpose of the Open Meeting Law

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently.

What meetings are covered by the Open Meeting Law?

With certain exceptions, all meetings of a public body must be open to the public. A meeting is generally defined as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” As explained more fully below, a deliberation is a communication between or among members of a public body. These four questions will help determine whether a communication constitutes a meeting subject to the law:

1. Is the communication between or among members of a public body;
2. If so, does the communication constitute a deliberation;
3. Does the communication involve a matter within the body’s jurisdiction; and
4. If so, does the communication fall within an exception listed in the law?

Distributing by e-mail a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at the meeting will not constitute deliberation, so long as material does not express an opinion of a member of the public body. E-mail exchanges between or among a quorum of members of a public body discussing matters within the body’s jurisdiction may constitute deliberation, even where the e-mail sender does not ask for a response from recipients. See the E-Mail Policy for Public Bodies [Appendix E].

There are five exceptions to the definition of a meeting under the Open Meeting Law.

1. Members of a public body may conduct an onsite inspection of a project or program; however, they cannot deliberate at such gatherings;
2. Members of a public body may attend a conference, training program or event; however, they cannot deliberate at such gatherings;
3. Members of a public body may attend a meeting of another public body provided that they communicate only by open participation; however, they cannot deliberate at such gatherings;
4. Meetings of quasi-judicial boards or commissions held solely to make decisions in an adjudicatory proceeding are not subject to the Open Meeting Law; and,
5. Town Meetings are not subject to the Open Meeting Law.

4C. Location

Every committee should establish a regular meeting schedule to suit the needs and convenience of its members, subject to change if needed. Meetings must be scheduled, however, in public locations and some coordination with other boards and committees for meeting space may be necessary. Space is available in multiple Town buildings; meetings in Town Hall must be scheduled by calling the Town Hall Receptionist at 508-548-7611.

4D. Posting of Meetings

Massachusetts General Laws, (MGL) Chap. 30A, Sections 18-25, commonly called the sunshine law, specifies the parameters of the public notice of meetings. You will receive a copy of this law when you are sworn in after your election or appointment.

A public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays and holidays. A meeting notice (also referred to as a meeting agenda) must contain all topics that the Chair reasonably anticipates. See a sample of a meeting agenda [Appendix A]. **Each committee must post meeting notices/agendas with the Town Clerk's office and on the Town website 48 hours before the meeting begins, excluding Saturday, Sundays and holidays. For committees that do not have an assigned staff member to post to the website, the agenda must be emailed to meetings@falmouthma.gov. This email is monitored by the Town Clerk’s Office which will post the agenda to the website and physically post it at Town Hall. Please send the email no later than 4:00pm if it needs to be posted on the same day. Best practice is to follow-up with a phone call to the Town Clerk’s Office if the agenda is being sent close to the deadline.**

4E. Minutes

Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must state the date, time, location address of the meeting, a list of the members present or absent, the decisions made and actions taken including a record of all votes. While the minutes must also include a summary of the discussions on

each subject, a transcript is not required. No vote taken by a public body, either in an open or in an executive session, shall be by secret ballot. All votes taken in executive session must be by roll call and the results recorded in the executive session minutes. In addition, the minutes of the open meeting and of executive session must include a list of the documents and other exhibits received at the meeting. While public bodies are required to retain these records in accordance with records retention laws, the documents and exhibits listed in the minutes need not be physically stored with the minutes, but is preferable.

The minutes, documents and exhibits are public records and a part of the official record of the meeting. Whether records are subject to disclosure under the Open Meeting Law will depend on whether the records are from an open session or an executive session.

The law requires that existing minutes be made available to the public within 10 days upon request, whether they have been approved or remain in draft form. Materials or other exhibits used by the public body in an open meeting are also to be made available to the public within 10 days upon request. Minutes must be filed with the Town Clerk. These can be transmitted by e-mail. All minutes are permanent records of the Town.

In Summary:

A written record of all meetings is required by law and becomes part of the public record.

Minutes must contain:

- Date, time, place/location, address of the meeting;
- Names of members present or absent; names of guests present, where applicable.
- Decisions made and actions taken, including a record of all votes;
(which includes record of any vote to enter into executive session and the reason. See Appendix F).
- A summary of the discussions on each subject;
- List of all documents and exhibits used at the meeting.

Minutes should be approved by the members at the next regularly scheduled meeting. After approval, all minutes should be forwarded to the Town Clerk, including appropriate documents and exhibits.

4F. Public Participation

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. Any member of the public also has a right to make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of such recording at the beginning of the meeting.

While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the chair. See the Speaker's Policy [Appendix B]. An individual is not permitted to disrupt a meeting of a public body, and at the request of the chair, all members of the public shall be silent. If after clear warning, a person continues to be disruptive, the chair may order the person to leave the meeting, and if the person does not leave, the chair may close or recess the meeting, and may authorize a police officer to remove the person.

4G. Staff Support

Minutes of meetings and mailings are usually done by the clerk or recording secretary of the committee. Some committees may have paid employees working for that committee. All appointments of such personnel must be made by the Town Manager. Committees appointed by the Select Board do not have the power of appointment.

4H. Public Hearings

If you serve on the Select Board, School Committee, Planning Board, Zoning Board of Appeals, Conservation Commission, Historical Commission, or the Board of Health, occasionally you will be required to hold a public hearing in accordance with Massachusetts General Laws. Hearings are held for the purpose of gathering information from which your board or committee can draw a conclusion. Written notices, the initiation of the hearing, and the written conclusions of a hearing may have strict legal time limitations that vary with the nature of the hearing and the Board. Several procedures are common to all hearings. The Chairman or other designated person should run the hearing and state the guidelines and time allowances - if restricted - before any testimony is given. All questions should be directed to the chair who in turn, may ask for a response from the floor.

We suggest that each board/committee develop written guidelines that:

- Set ground rules, time limits, direct all questions to chair, etc.;
- During deliberations, findings of fact are noted;

A sample format for the hearing is as follows:

- Open Public Hearing
- The Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given.
- Order of Presentation
- Presentation by Proposer
- Receipt of recommendations from any Town agency or officer
- Questions from Board Members
- Statements by members of the public
- Close Public Hearing
- Deliberate on Findings and Merit
- Entertain Motions to render a decision or take the matter under advisement, announcing the intended date of decision.

An important aspect of the hearing process is that a decision must be based on the testimony and evidence submitted at the hearing or if written, entered into the record at the hearing. The decision must be based on facts and cannot be arbitrary.

A board member serving on a hearing panel must be neutral without having formed an opinion in advance. The purpose of the hearing is to determine all facts. Once fact finding is complete, then the board can begin to develop a basis for an opinion based on those facts that have been identified and outlined. If a board member is pre-disposed to a decision, they must consider recusing themselves from the hearing.

4I. Executive Session

Deliberations and votes held in executive session, are allowed under strict circumstances outlined in the Open Meeting Law. See Appendix F, "10 Purposes for an Executive Session" with detail for each of the purposes, along with suggested motions to enter into Executive Session.

When conducting an executive session there are certain steps that must be followed:

- Convene in open session;
- State the reason for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- State whether the public body will reconvene in open session at the end of the executive session;
- Take a roll call vote of the body to enter executive session.

Many people think that the Open Meeting Law has made committee work more difficult or more complex. The Open Meeting Law, however, encourages meetings to be as open and transparent as possible. This will build the public's trust in the work of its government. These exceptions for executive session should only be used when necessary. The ten purposes for which a public body may vote to hold an executive session are listed below. For more complete information on each of the purposes, along with suggested motions for entry into Executive Session, see Appendix F:

1. **To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual**, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.
2. **To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;**
3. **To discuss strategy with respect to collective bargaining or litigation** if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
4. **To discuss the deployment of security personnel or devices**, or strategies with respect thereto;
5. **To investigate charges of criminal misconduct or to consider the filing of criminal complaints;**
6. **To consider the purchase, exchange, lease or value of real property** if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
7. **To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;**
8. **To consider or interview applicants for employment or appointment by a preliminary screening committee** if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
9. **To meet or confer with a mediator, as defined in section 23C of chapter 233**, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:
 - (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
 - (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.
10. **To discuss trade secrets or confidential, competitively-sensitive or other proprietary information** provided:
 - in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164;
 - in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164;or
 - in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164;
 - when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

5. CONDUCT OF COMMITTEES and PUBLIC OFFICIALS

5A. Conflict of Interest

In addition to the Open Meeting Law, the conduct of public officials is subject to the Conflict of Interest Law which was enacted in 1962. The ethical conduct of public officials is now governed by this law. The Ethics Commission has ruled that the law applies to all public officials paid or unpaid. It also regulates the activities of public officials after their term of service is over. Its purpose is to ensure that the private interests of any individual do not conflict with the best interest of the community. Chapter [268A](#) of the Mass. General Laws governs your conduct as a public official or employee. You could face civil and criminal penalties if you take a prohibited action. Many aspects of the law are complicated and there are often exemptions to the general rules. Any member of a committee may seek a written opinion about the application of the Conflict of Interest Law to you in any particular situation from either the State Ethics Commission or Town Counsel. The opinion must be sought before you act and does not excuse past violations of the law. You will have received a detailed summary from Town Counsel when you joined your committee.

The State Ethics Commission maintains a website which details all aspects of the Law. A list of Frequently Asked Questions from the State Ethics Commission can be found in Appendix F or at [MA State Ethics Commission's FAQs](#). If you have a doubt about a conflict, contact the state Ethics Commission (<http://www.mass.gov/ethics>).

5B. Committee Code of Conduct

A member of any committee who has accepted appointment by the Select Board or the Town Manager to a committee position must comply with Open Meeting Law (M.G.L. c. 30A, §§18-25) and the Conflict of Interest Law (MGL c. 268A). If an appointee is found to have violated any applicable law in connection with conduct related to his/her appointment, the member may be censured or removed by the appointing authority for misfeasance. In addition to complying with applicable law, each appointee is expected to comply with the following code of conduct. Failure to adhere to this code will be considered by the appointing authority when making re-appointment decisions and may be grounds for censure by the member's committee or by the appointing authority.

Your Committee's Organization

1. Realize that your function is to follow the mission statement of the committee.
2. Become informed of the Open Meeting Law and the Conflict of Interest Law and the Public Records law as it applies to the conduct of committee members.
3. Be well informed concerning the duties and responsibilities of the Committee.
4. Request assistance from Town staff only through the staff person(s) assigned to the committee.
5. Insure that any materials or information provided to a committee member from Town staff should be made available to all committee members.
6. If circumstances change so that meeting attendance on a regular basis becomes difficult, the member will offer his/her resignation to the Board so that someone who can regularly attend meetings can be selected by the Board.

Your Committee as a Team

7. Realize that you are one of a team and should abide by all decisions of the Committee once they are made.
8. Remember that you represent the entire community at all times.
9. Accept the role of a committee member is a means of unselfish service, not to benefit personally or politically from his or her Committee activities.
10. Avoid making statements or promises of how you will vote on matters that will come before the Committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting of the Committee.
11. Make decisions only after all facts on a question have been presented and discussed.
12. Refrain from communicating the position of the committee to reporters or state officials unless the full Committee has previously agreed on both the position and the language conveying the statement.
13. Treat with respect and courtesy all members of the Committee, applicants, and their representatives despite differences of opinion. Never engage in personal insults, sexual harassment or threats of violence or retaliation.
14. Avoid public criticism of an employee of the Town. Concerns about staff performance should be made to the Town Manager through private conversation.

Regulatory Committees

15. Be mindful of the cost and consequences of Committee actions on individuals and entities seeking regulatory approval and seek to enforce applicable regulations without imposing costs or delays that are not necessary to accomplish the regulatory objectives of the Committee.

Additional suggestions to improve committee relationships:

- When you are talking with members of the community, learn to listen without making promises or implying action will be taken by the committee.
- Advocate at the meeting until a vote is taken, then support the majority view, when possible.
- If in rare instances you feel compelled to express your minority view, be sure to identify it as the minority view.
- Present no public criticism of the overall committee or individual committee members.
- Honor the past. Try to gain a sense of where the committee has been and what it has tried to do before you begin actively advocating a different path.

APPENDIX A-1
SAMPLE AGENDA

Water Quality Management Committee

Thursday, September 19, 2019 at 2:30pm
Falmouth Town Hall
Selectmen's Meeting Room
59 Town Hall Sq., Falmouth, Ma. 02540

AGENDA

1. Public comment period on draft South Coast CWMP Update
2. Request for \$17,911 from Article 17 funds to support the Eel River Pilot Aquaculture Project – discussion and vote
3. Review of MA Department of Environmental Protection Total Maximum Daily Load reports for Falmouth Inner Harbor, Megansett Harbor and Waquoit Bay
4. Review Water Quality Management Committee draft Annual Town Report for FY '19.
5. Reports of members and staff
6. Vote minutes of prior meeting (08.15.19)
7. Adjourn

APPENDIX A-2
SAMPLE AGENDA - Executive Session



Falmouth Public Schools

March 10, 2020

5:30 PM Executive Session, 6:30 PM Public Meeting

School Committee Agenda

Falmouth High School, School Library

874 Gifford Street, Falmouth MA 02540

Lori Duerr, Superintendent of Schools

School Committee Members: Bill Rider, Chair, Kelly Welch, Vice-Chair, Melissa Keefe, Secretary, Terri Medeiros
John Furnari, Andrea Thorrold, Meghan Fleck, Natalie Kanellopoulos and Lisa E. Hart

TOPIC

OPEN Public Meeting

MOVE to go into Executive Session according to Open Meeting Law Chapter 30A Section 21(a) to discuss strategy with respect to collective bargaining with Units A, B, C and D. Having these discussions in open session may be detrimental to the school committee's bargaining. It is expected that the School Committee will resume Open Session.

Return to Open Session

PUBLIC COMMENT

Please limit comments to two minutes per individual to items not on this meeting agenda. There will be no debate or action taken on public comment items. The Committee will take items under advisement or the individual may request an item to be placed on a future agenda.

PRESENTATION Highlight on Education: Falmouth High School

FIRST READ Fuel Efficient Vehicle and Idling Policy (Town of Falmouth)

ACT on Collective Bargaining Contracts for Units A, B, C, & D

ACT on MASS Science & Engineering Fair to MIT May 1, 2020 & May 2, 2020

ACT on Hershey Park Trip April 17-20, 2020

ACT on Transportation Contract with Lucini Transportation

ACT on Support for Article #36 – Rooftop Solar

ACT on Policy Section I

ACT on School Calendar 2021-2022

PRESENT Policy Section J

DISCUSSION on Department of Elementary and Secondary Education - Student Opportunity Act (SOA)

Conduct Routine Business

1. Approve Minute of February 25, 2020
2. Approve Minutes of March 3, 2020
3. Update on Capital Plan by Patrick Murphy
4. Superintendent's Report

Report from the Chair

1. Committee Member Report
2. Request for Follow-up Information

Future Items

Announcements

ADJOURN

APPENDIX B

TOWN OF FALMOUTH BOARD OF SELECTMEN

POLICY ON PUBLIC COMMENT AND PARTICIPATION

Adopted _____

The Board of Selectmen values public comment and participation in matters before the board. Meetings of the Board of Selectmen are conducted in accordance with G.L. c. 30A, ss. 18 – 25 known as the Open Meeting Law (“the OML”). A **meeting** is generally defined as “a deliberation by a public body with respect to any matter within the body’s jurisdiction.” A **deliberation** is defined as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.” As a general rule, members of the Board of Selectmen are permitted to deliberate and act upon matters identified as an agenda item in the Notice of Meeting posted for the meeting in accordance with the OML. If a matter is not identified as an agenda item in the Notice of Meeting, the board may not deliberate and act upon it unless there are emergency circumstances. For this reason the board has promulgated this policy on public comment and participation at its meetings.

There are two parts to the policy. The first relates to public comment and participation in a matter identified as an agenda item in the Notice of Meeting. The second relates to public comment and participation in a matter which is not identified as an agenda item in the Notice of Meeting.

PUBLIC COMMENT AND PARTICIPATION IN A MATTER IDENTIFIED AS AN AGENDA ITEM IN THE NOTICE OF MEETING WITH BOARD OF SELECTMEN PARTICIPATION

The OML grants the public the right to attend any meeting of a public body except an executive session. An individual in attendance may not address the public body without the permission of the chair. An individual may not disrupt the meeting of a public body and the audience must remain silent. It is within the discretion of the chair to issue warnings to or order the dismissal of members of the public who disrupt the meeting or fail to heed warnings.

At the beginning of any meeting of the board, the chair shall call the meeting to order and announce any relevant information pertaining to public comment and participation on a matter identified as an agenda item in the Notice of Meeting. Ordinarily public comment and participation will be permitted only when the item is reached for deliberation by the board in accordance with the agenda.

There shall be no time limit on recognized public speakers unless 1) the chair announces the limit beforehand and 2) the limit applies equally to all speakers. No speaker may yield to another speaker without the permission of the chair. All speakers will be expected to focus remarks on the matter identified as an agenda item in the Notice of Meeting and remain "on topic." There shall be no discrimination based upon the speaker's viewpoints. The chair may terminate the comments and participation of any speaker who continues to make irrelevant and extraneous remarks after warning by the chair.

Any speaker who reads from a document or displays an exhibit to the board must leave a copy with the board to be filed with the minutes of the meeting.

Any member of the public or any representative of a group may request to address the Board of Selectmen if the matter pertains to a matter within the jurisdiction of the board and the matter will likely require participation and action by members of the board. In these circumstances the person or representative of a group must inform the Town Manager who will confer with the chair to determine if and when the matter might be identified as an agenda item on the Notice of Meeting of a future meeting of the board.

**PUBLIC COMMENT AND PARTICIPATION IN A MATTER
NOT IDENTIFIED AS AN AGENDA ITEM IN THE NOTICE OF MEETING
WITHOUT BOARD OF SELECTMEN PARTICIPATION**

It is the practice of the Board of Selectmen to schedule a "PUBLIC COMMENT" period during regularly scheduled meetings of the board. The purpose of the public comment period is to allow any person or a representative of a group to briefly address the board on routine matters not identified as an agenda item on the Notice of Meeting. During the public comment period, the Board of Selectmen will not engage in discussion with the speaker or take any action on the matter.

The public comment period may be used to announce events or other matters which do not require deliberation or action by the board.

The public comment period is a discretionary matter and the board may omit the public comment period from the Notice of Meeting to prioritize available time for other matters. The public comment period is subject to such rules as the board may promulgate from time to time.

**THE PUBLIC COMMENT PERIOD IS SUBJECT TO THE FOLLOWING
RULES OF PROCEDURE WHICH ARE SUBJECT TO CHANGE
AT THE DISCRETION OF THE BOARD**

1. Early on the agenda there will be a public comment period for individuals or group representatives to address the Board of Selectmen on any issue under the jurisdiction of the board. The Chairperson will determine the duration of the public comment period depending on the number of persons who inform the chair of intent to address the board. The duration of the public comment period will ordinarily not exceed ten (10) minutes.
2. Speakers will be allowed two (2) minutes and the chair may allow a group representative more time to avoid repetitive comments from multiple speakers.
3. Speakers may address the board on any subject within the jurisdiction of the board, which is subject to reasonable determination by the chair. Speakers may not address the board on any subject that is the subject of an agenda item of the meeting. The chair will direct the speaker to wait for the agenda item to be identified and taken up by the board at that time.
4. If it is necessary for the speaker to identify a town employee or other person, the speaker may do so. Comments about job performance and decisions made are permissible, but it is not appropriate to use the public comment period to comment on any person's reputation, character, physical condition or mental health, disciplinary matters or civil or criminal charges. These matters are subject to discussion in executive session as provided in the Open Meeting Law. Any speaker in doubt about a proper purpose for executive session should confer with the Town Manager in advance of the meeting.
5. Any other subject which is a proper purpose for executive session as provided in the Open Meeting Law is not a proper subject for the public comment session. Any speaker in doubt about a proper purpose for executive session should confer with the Town Manager in advance of the meeting.
6. The use of obscenities, threats of violence or other speech likely to provoke a violent reaction is prohibited and the chair may issue a warning to or order the dismissal of the speaker.
7. All remarks or statements must be made to the chair and the speaker may not ask questions of any member of the board or the public in attendance.
8. Members of the board are not permitted to respond to any comment made during the public comment period. If any comment requires a response, the chair will direct the Town Manager to respond after the meeting or place the matter on the agenda for a subsequent board meeting for public discussion and action.

2020 Proposed Revision

APPENDIX C

Town of Falmouth

Select Board

COMMITTEE APPOINTMENT POLICY

Adopted September 29, 1993

Revised March 15, 1999; April 30, 2007; May 18, 2011, and _____ 2020

The Falmouth Select Board understands that the appointed boards, committees and commissions (hereafter referred to collectively as "committees") play a vital role in town government. The Board views its role in appointing members to these committees as one of its most important responsibilities. The Board will make every effort to encourage citizen participation on these committees and to foster effective communication among the various committees. These policies and procedures are intended to provide guidelines for these appointments.

Definitions

There are several categories of committees (also referred to as 'governmental bodies').

Regulatory – Municipalities are required to exercise some of their governmental powers through mandated committees. These committees derive their power and authority from the Constitution or laws of the Commonwealth of Massachusetts.

Committees Authorized by State Law – Municipalities have the option to create certain committees which, if adopted by the Town, perform functions spelled out in state law.

Committees Created by the Town – Municipalities may create committees by Town Meeting vote, by vote of the Select Board or by the Town Manager. The function of these committees is determined by the entity which created them.

Applicability

All policies and procedures set forth under the General Law of the Commonwealth of Massachusetts and all provisions of ARTICLE VII, "Appointed Town Boards", of the Falmouth Home Rule Charter shall be applicable. This policy applies to all committees appointed by the Select Board.

General Policy and Responsibility

1. As stipulated in Article VII of the Charter, all vacancies for committee appointment shall be publicized in advance of consideration of candidates.
2. Applications for committee appointment are available in the Select Board's office or on the Town website at: <http://www.falmouthmass.us/647/Committees-Commissions-and-Boards>. Committee vacancies are posted on this page of the Town website and, to the extent possible, listed in the Falmouth Enterprise.
3. Appointments to fill completed terms of office shall be considered at a regularly scheduled public meeting of the Select Board in June. Filling vacancies during an uncompleted term due to resignation are filled individually as the need arises.

4. Incumbents are asked to indicate in writing their interest in continuing to serve on their respective committees.
5. To qualify for membership on a committee, a person must be a part-time or full-time resident of the Town of Falmouth.
6. Length of terms shall be for three years, unless otherwise specified. No member of a committee shall serve more than three consecutive three-year terms (for the Zoning Board of Appeals, two five-year terms). After leaving a committee due to term limits, candidates may not return to the same committee until a minimum of one year has lapsed.
7. All applicants shall be interviewed by the Board at a regularly scheduled public meeting.
8. If the only applicant to an advisory committee is an incumbent in good standing seeking reappointment, the Board may waive the requirement for a public interview by a majority vote.
9. The requirement of a public interview for applicants to regulatory committees will not be waived because of the authority granted to these committees by State Law and/or the Town Charter.
10. The Board shall take no public comment during the public interviews, but will solicit public feedback about the fitness of the applicants for appointment.
11. Appointments are made by a vote of no less than three Select Board members, and confirmed in writing. If only three members of the Board are present, the vote must therefore be unanimous.
12. Committees appointed for a specific purpose shall be given a charge and provided with guidelines and dates of completion.
13. Attendance, among other factors, shall be considered by the Board when reappointing incumbents; therefore, each committee shall forward annually to the Select Board the attendance records of all members.

2020 Proposed Revision

APPENDIX D

Town of Falmouth

Select Board

LIAISON POLICY

Adopted: September 24, 2012

Revised: _____

Definitions

Governmental Body-A multi-member board, committee, commission or subcommittee within the Town, however created, elected, appointed or otherwise constituted to serve a public purpose.

Assignment-Those governmental bodies, individuals and/or organizations to which Select Board members serve as liaisons.

Applicability

This policy applies to the appointment of liaisons by the Select Board to other governmental bodies, individuals and organizations.

General Policy and Responsibility

1. The Board will annually review assignments no later than the third Board meeting after Town elections.
2. Liaison duties include:
 - a) to keep informed of the activities of assignments, for example by reviewing minutes or attending meetings;
 - b) provide a contact e-mail address and phone number to the governmental body chair to establish the flow of information;
3. The role of liaisons is not to do the work of, or influence, their assignments. Under no circumstances are liaisons to engage in any deliberation or participate in any vote with their assignments.
4. The Chair or his/her designee will serve as liaison with the Town Manager and Constables, and the other elected governmental bodies, including Town Meeting Moderator, Planning Board, School Committee, Finance Committee, Falmouth Housing Authority, and the Board of Library Trustees.
5. Liaison assignments will be made with all other town governmental bodies including, but not limited to:

Affirmative Action/Diversity and Inclusion
Affordable Housing
Agricultural Commission
Beach Committee
Bicycle and Pedestrian Committee
Board of Health
Cable Advisory Committee
Coastal Ponds Management Committee
Community Preservation Committee
Conservation Commission
Council on Aging
~~Design Review Committee~~

Energy Committee
~~Historic District Commission~~
Historical Commission
Human Services Committee
Recreation Committee
Sign Review Committee
Solid Waste Advisory Committee
Substance Abuse Commission
~~Town Building Committee~~
Veterans Council
Waterways Committee
Zoning Board of Appeals

6. Liaison assignments will be made according to the preferences of the individual members of the Select Board. Where two or more members of the Select Board request an assignment, seniority shall decide.
7. Members of the Select Board shall, on a regular basis, provide to the full Board a report of their liaison activities and the activities of the governmental bodies to which they are assigned.
8. It shall be the responsibility of the Chairman of the Board to carry out this policy.
9. It shall be the responsibility of the Town Manager to support the Chair so that he/she is able to carry out this policy.

APPENDIX E
Town of Falmouth
E-mail Policy for Public Bodies
(Boards, Committees, and Commissions)

The Town of Falmouth has adopted this e-mail policy for public bodies (hereafter referred to as “committee”) in accordance with recent state and federal regulations and recommended best practices. Each committee will receive a single e-mail address (example: CommitteeName@falmouthma.gov) to receive and send communications on behalf of the committee. Each committee will designate one individual who will be authorized to respond on behalf of the committee. This individual may be a staff member for those committees that have staff support, or it may be a member of the committee. Committees may choose to set up automated forward of e-mail received at this committee address to the personal e-mail addresses of committee members. As committee correspondence falls under the jurisdiction of public records and open meeting laws as well as the Town’s e-mail security protocols, we ask that you read in detail the responsibilities for communicating via e-mail (as detailed within this document) and urge you to follow the policies and laws referenced below. The Town of Falmouth I.T. department will assist with your committee’s initial e-mail set-up and are available to answer any questions on use or general guidelines.

E-Mail and Electronic Communication Policy

- To comply with the Open Meeting Law, members of Town committees must take care not to utilize e-mail to engage in deliberation. E-mail messages among members of public bodies must be avoided except for matters of a purely housekeeping or administrative nature. Note “deliberation” does not require a dialogue among members, it includes the simple expression of an opinion on a matter within the body’s jurisdiction by one member to a quorum of the body.
- Given the Open Meeting Law, personal e-mail addresses of committee members may only be used to schedule meetings and distribute information to be discussed at an open meeting. E-mail may not be used by committee members to share opinions or deliberate with fellow committee members.
- E-mail received at the official committee address, can be forwarded to committee members personal e-mail addresses. It is recommended that this be done via BCC (Blind Carbon Copy). This will help reduce inadvertent deliberation among committee members (and violation of the Open Meeting Law) which occurs when committee members ‘reply-all’ with opinions and reactions to e-mail received by all committee members.
- If an individual member of a committee wishes to comment on committee matters in the context of planning agendas, the member should include *only* the chair in such e-mail correspondence.
- E-mail attachments with the following extensions will be blocked: EXE, BAT, COM, PIF, SCR and VBS (these are known extensions to mask viruses and malware). Legitimate files that were blocked can be retrieved by contacting the Falmouth I.T. Department.
- Users must understand that e-mail correspondence related to the activity of a public body or municipal employee is deemed a public record under the law and is subject to disclosure to the press and to private individuals upon request. As such, users of Town systems do not have an expectation of privacy and are asked to exercise judgment and discretion when using the Town’s e-mail, messaging systems, and internet communications systems.
- E-mail is captured and stored on a mail archiver appliance; the Town has the right to monitor and read any information stored or transmitted on Town equipment including Committee e-mail and may exercise this right for legitimate business purposes including responding to public records requests and enforcing Town policies.

Committee ID and Password responsibilities

Committee Chairs, or their designees responsible for the Committee e-mail address, must be aware that their falmouthma.gov user IDs, passwords, and other personal identification are the means by which user actions are tracked and accountability ascertained. Each user is responsible for safeguarding his or her own user ID and password, and is accountable for all actions performed using that user ID.

- Consistent with sound business practices, a user should never share his/her password for accessing the Committee e-mail.
- After logging into the e-mail system, users should never leave their computer unattended, even for short periods of time.
- Users should make it a best practice to always logout or exit from all sessions when they leave their computer, especially at the end of the day.
- Users should not seek, intercept or obtain the user ID or password information for other users, and should notify the user if they are aware that persons other than the user have obtained the user's password information.

Adopted: Board of Selectmen, October 28, 2019

Public Records Law

Pursuant to G.L. c. 4, §7, cl. 26th and G.L. c. 66, §3, records that are created or received by any officer or employee of the Town, including records created or maintained by electronic means, are public records, unless the record falls within the exemptions set forth in G.L. c. 4, §7, cl. 26th or are subject to the common law attorney-client privilege. Electronic records include not just electronic documents and e-mail messages, but also records created or posted to websites and social media as well. All public employees are responsible for maintaining records in their custody and should only dispose of such records in accordance with applicable law and regulations of the Public Records Division.

Open Meeting Law

With certain exceptions, all meetings of a public body must be open to the public. A meeting is generally defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction." The Open Meeting Law defines deliberation as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction." Distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting is often helpful to public body members when preparing for upcoming meetings. These types of communications generally will not constitute deliberation, provided that, when these materials are distributed, no member of the public body expresses an opinion on matters within the body's jurisdiction. A communication among less than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that together constitute communication among a quorum of members. Courts have held that the Open Meeting Law applies when members of a public body communicate in a serial manner in order to evade the application of the law. The expression of an opinion on matters within the body's jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds.

APPENDIX F

The Ten Purposes for Executive Session

(with suggested motions to go into Executive Session)

[from the Open Meeting Law Guide, Commonwealth of Massachusetts, Office of Attorney General, January 2018]

The Open Meeting Law encourages meetings to be as open and transparent as possible. The exceptions below for executive session to open meetings should only be used when necessary.

The ten purposes for which a public body may vote to hold an executive session are listed below in **bold**, followed first by suggested motions for going into executive session, and second with details for each purpose from the Open Meeting Law Guide.

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.

Suggested Motions - 1A) Move to go into Executive Session to discuss the reputation, character, physical condition or mental health of an individual, and [not] to reconvene in Open Session.

1B) Move to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual, and [not] to reconvene in Open Session.

This purpose is designed to protect the rights and reputation of individuals. Nevertheless, where a public body is discussing an employee evaluation, considering applicants for a position, or discussing the qualifications of any individual, these discussions should be held in open session to the extent that the discussion deals with issues other than the reputation, character, health, or any complaints or charges against the individual. An executive session called for this purpose triggers certain rights for the individual who is the subject of the discussion. The individual has the right to be present, though he or she may choose not to attend. The individual who is the subject of the discussion may also choose to have the discussion in an open meeting, and that choice takes precedence over the right of the public body to go into executive session.

While the imposition of disciplinary sanctions by a public body on an individual fits within this purpose, this purpose does not apply if, for example, the public body is deciding whether to lay off a large number of employees because of budgetary constraints.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

Suggested Motions - 2A) Move to go into Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel, and [not] to reconvene in Open Session.

2B) Move to go into Executive Session to conduct collective bargaining sessions with [bargaining unit], and [not] to reconvene in Open Session.

2C) Move to go into Executive Session to conduct contract negotiations with nonunion personnel [name(s) or position(s)], and [not] to reconvene in Open Session

Generally, a public body must identify the specific non-union personnel or collective bargaining unit with which it is negotiating before entering into executive session under Purpose 2. A public body may withhold the identity of the non-union personnel or bargaining unit if publicly disclosing that information would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

While a public body may agree on terms with individual non-union personnel in executive session, the final vote to execute such agreements must be taken by the public body in open session. In contrast, a public body may approve final terms and execute a collective bargaining agreement in executive session, but should promptly disclose the agreement in open session following its execution.

Collective Bargaining Sessions: These include not only the bargaining sessions, but also include grievance hearings that are required by a collective bargaining agreement.

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; The Chair should declare that an executive session is necessary to protect the bargaining or litigation position of the body.

Suggested Motions - 3A) Move to go into Executive Session to discuss strategy with respect to collective bargaining, and [not] to reconvene in Open Session.

3B) Move to go into Executive Session to discuss strategy with respect to litigation, and [not] to reconvene in Open Session.

Generally, a public body must identify the collective bargaining unit with which it is negotiating or the litigation matter it is discussing before entering into executive session under Purpose 3. A public body may withhold the identity of the collective bargaining unit or name of the litigation matter if publicly disclosing that information would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

Collective Bargaining Strategy: Discussions with respect to collective bargaining strategy include discussion of proposals for wage and benefit packages or working conditions for union employees. The public body, if challenged, has the burden of proving that an open meeting might have a detrimental effect on its bargaining position. The showing that must be made is that an open discussion may have a detrimental effect on the collective bargaining process; the body is not required to demonstrate a definite harm that would have arisen. At the time the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's bargaining or litigating position.

Litigation Strategy: Discussions concerning strategy with respect to ongoing litigation obviously fit within this purpose but only if an open meeting may have a detrimental effect on the litigating position of the public body. Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely. That a person is represented by counsel and supports a position adverse to the public body's does not by itself mean that litigation is imminently threatened or likely. Nor does the fact that a newspaper reports a party has threatened to sue necessarily mean imminent litigation.

Note: For the reasons discussed above, a public body's discussions with its counsel do not automatically fall under this or any other purpose for holding an executive session.

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

4A) Suggested Motion- Move to go into Executive Session to discuss the deployment of security personnel or devices, and [not]to reconvene in Open Session

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

5A) Suggested Motion- Move to go into Executive Session to investigate charges of criminal misconduct or to discuss the filing of criminal complaints, and [not] to reconvene in Open Session.

This purpose permits an executive session to investigate charges of criminal misconduct and to consider the filing of criminal complaints. Thus, it primarily involves discussions that would precede the formal criminal process in court. Purpose 1 is related, in that it permits an executive session to discuss certain complaints or charges, which may include criminal complaints or charges, but only those that have

already been brought. However, Purpose 1 confers certain rights of participation on the individual involved, as well as the right for the individual to insist that the discussion occur in open session. Purpose 5 does not require that the same rights be given to the person who is the subject of a criminal complaint. To the limited extent that there is overlap between Purposes 1 and 5, a public body has discretion to choose which purpose to invoke when going into executive session.

6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

The Chair should declare that an executive session is necessary.

6A) Suggested Motion- Move to go into Executive Session to consider the purchase, exchange, lease or value of real property, and [not] to reconvene in Open Session

This purpose permits an executive session to investigate charges of criminal misconduct and to consider the filing of criminal complaints. Thus, it primarily involves discussions that would precede the formal criminal process in court. Purpose 1 is related, in that it permits an executive session to discuss certain complaints or charges, which may include criminal complaints or charges, but only those that have already been brought. However, Purpose 1 confers certain rights of participation on the individual involved, as well as the right for the individual to insist that the discussion occur in open session. Purpose 5 does not require that the same rights be given to the person who is the subject of a criminal complaint. To the limited extent that there is overlap between Purposes 1 and 5, a public body has discretion to choose which purpose to invoke when going into executive session. 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Generally, a public body must identify the specific piece of property it plans to discuss before entering into executive session under Purpose 6. A public body may withhold the identity of the property if publicly disclosing that information would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

Under this purpose, as with the collective bargaining and litigation purpose, an executive session may be held only where an open meeting may have a detrimental impact on the body's negotiating position with a third party. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's negotiating position.

7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

7A) Suggested Motion- Move to go into Executive Session to comply with the provisions of [specify the law or grant-in-aid requirement applicable], and [not] to reconvene in Open Session

There may be provisions in state statutes or federal grants that require or specifically allow a public body to consider a particular issue in a closed session. Before entering executive session under this purpose, the public body must cite the specific law or federal grant-in-aid requirement that necessitates confidentiality. A public body may withhold that information only if publicly disclosing it would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

The Chair should declare that an executive session is necessary.

8A) Suggested Motion- Move to go into Executive Session to consider [and interview] applicants for employment, and [not] to reconvene in Open Session.

This purpose permits a hiring subcommittee of a public body or a preliminary screening committee to conduct the initial screening process in executive session. This purpose does not apply to any stage in the hiring process after the screening committee or subcommittee votes to recommend candidates to its parent body. It may, however, include a review of résumés and multiple rounds of interviews by the screening committee aimed at narrowing the group of applicants down to finalists. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session will be detrimental to the public body's ability to attract qualified applicants for the position. If the public body opts to convene a preliminary screening committee, the committee must contain less than a quorum of the members of the parent public body. The committee may also contain members who are not members of the parent public body.

Note that a public body is not required to create a preliminary screening committee to consider or interview applicants. However, if the body chooses to conduct the review of applicants itself, it may not do so in executive session.

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.

9A) Suggested Motion- Move to go into Executive Session to meet or confer with a mediator and [not] to reconvene in Open Session.

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided:

- in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164;
- in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164; or
- in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164;
- when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

10A) Suggested Motion- Move to go into Executive Session to discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier and [not] to reconvene in Open Session.

APPENDIX G

MASSACHUSETTS STATE ETHICS COMMISSION FREQUENTLY ASKED QUESTIONS

<https://www.mass.gov/service-details/state-ethics-commission-frequently-asked-questions>

Frequently asked questions about who is covered by the conflict of interest law, how to get advice, how to file complaints and information for people who are the subject of a complaint.

I. TO WHOM DO THE RESTRICTIONS UNDER THE CONFLICT OF INTEREST LAW RESTRICTIONS APPLY?

1. What is a conflict of interest?

Generally, a conflict of interest refers to a matter in which a public employee's private interests conflict or appear to conflict with his public duties or responsibilities.

2. Who is a public employee?

A public employee generally is any elected or appointed state, county or municipal employee, whether serving full-time or part-time, and whether paid or unpaid. The conflict of interest law defines a public employee as any person performing services for or holding an office, position, employment or membership in a state, county or municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis.

Elected members of a town meeting and members of a charter commission established under Article LXXXIV of the Amendments to the Constitution are **not** public employees according to the conflict of interest law.

3. Are consultants or vendors hired by state, county or municipal agencies public employees subject to the conflict of interest law?

Yes, in certain circumstances. The Ethics Commission will consider several factors in determining whether any company employees who are providing services to a governmental agency under the company's contract should be considered public employees subject to the conflict of interest law.

II. GETTING ADVICE

1. Where can I get advice if I believe something I might do is subject to restrictions or prohibitions imposed by the conflict of interest law?

The Commission's Legal Division provides free, confidential advice to anyone subject to the conflict of interest law. Advice also may be sought from your town counsel, city solicitor or agency counsel. To obtain advice from the Commission, call (617) 371-9500 or (888) 485-4766, or [submit a request for advice online](#).

2. When should I seek advice from the Commission's Legal Division?

You should seek advice as soon as you become aware of a potential conflict of interest that might occur in the future.

You cannot seek advice about the conduct of someone other than yourself unless you are the individual's authorized representative, such as his or her attorney.

The Legal Division generally will not provide advice about hypothetical situations or speculative circumstances and will not provide advice if the conduct has already occurred. The review of past conduct situations falls under the jurisdiction of the Commission's Enforcement Division.

3. When will my request for advice be answered?

In most cases, telephone requests for advice are handled the day the call is received by the "Attorney of the Day." Occasionally, the attorney may need additional time or additional information before advice can be given.

Additional Resources for II. Getting advice

[Open file for How to get conflict of interest law advice](#)

III. FILING A COMPLAINT WHEN YOU THINK SOMEONE HAS VIOLATED THE CONFLICT OF INTEREST OR FINANCIAL DISCLOSURE LAW

1. If I believe someone has violated the conflict of interest law, how do I file a complaint? Is there a form?

Complaints to the Commission are handled by the Enforcement Division.

You can file a complaint:

- by telephone, by speaking to an Intake Investigator at (617) 371-9500 or (888) 485-4766;
- by letter, sent by mail to State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108;
- by letter, sent by fax, to (617) 723-5851;
- by using the [online complaint form](#); or
- by visiting the Commission offices, located in the McCormack State Office Building at One Ashburton Place, Room 619, in Boston.

2. May I file a complaint anonymously?

Yes, while the Commission is required to keep confidential the identity of complainants, the Commission does accept anonymous complaints. However, if you identify yourself in any way, you cannot then ask to remain anonymous.

3. What happens once I make a complaint?

The Enforcement Division reviews the complaint to determine whether it warrants additional investigation. Complaints about conduct that is outside the Commission's jurisdiction or beyond the Commission's statute of limitations are closed with no further action.

In most cases, complaints that fall within the Commission's jurisdiction and are timely received will receive limited investigation to corroborate facts or to obtain additional facts to assist the Enforcement Division in determining whether a complaint should be: closed with no action if the facts cannot be corroborated; closed with a confidential letter to the subject of the complaint warning about the potential conflict of interest law violation if the alleged violation is relatively minor; or assigned to an investigative team as a screening if the complaint suggests a relatively serious violation of the conflict of interest law. With the Commission's approval, a complaint may be opened for formal investigation as a Preliminary Inquiry, and at this stage, the Enforcement Division may issue Summonses to compel testimony or the production of documents.

4. Following a Preliminary Inquiry, what are the possible resolutions of a complaint?

The resolution varies with every case. If the Commission determines that there is "reasonable cause to believe" that the conflict of interest law has been violated, then the case can be resolved: with a confidential education letter to the subject; with a public education letter to the subject in which the Commission finds reasonable cause to believe the subject has violated the law, and the subject consents to the publication of the letter; with a public disposition agreement in which the subject admits to violating the conflict of interest law and pays a civil penalty; or with the Enforcement Division issuing an order to show cause, which initiates a public adjudicatory hearing. If the Commission finds that there is "no reasonable cause to believe" that the conflict of interest law has been violated, the case is closed and remains confidential.

5. How long does the process take?

It varies with every case. Depending on the complexity of the facts or alleged violations, complaints can be resolved anywhere from several weeks to several years.

Additional Resources for III. Filing a complaint when you think someone has violated the conflict of interest or financial disclosure law

[Open file for How to file a complaint with the Ethics Commission](#)

IV. WHAT IF I AM THE SUBJECT OF AN ETHICS COMPLAINT?

1. If a complaint is filed against me, can I get a copy of it?

No, by law, the Commission's investigation and any related documents are confidential and are not public records.

2. If a complaint is filed against me, can I learn who filed the complaint?

No, the Commission's statute and regulations require that complainant identities be kept confidential.

Additional Resources for IV. What if I am the Subject of an Ethics Complaint?

[Open file for Enforcement Procedures](#)

[Open file for Ethics Commission Investigations](#)

[Open file for Penalties for violating the conflict of interest and financial disclosure laws](#)

APPENDIX H
ROBERT'S RULES OF ORDER – Simplified
(<https://assembly.cornell.edu/>)

Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., "I move that we add a coffee break to this meeting"). After being recognized by the president/chair of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

How to do things:

You want to bring up a new idea before the group.

After recognition by the president/chair of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

You want to change some of the wording in a motion under discussion. After recognition by the president/chair of the board, **move to amend by**

- **adding words,**
- **striking words or**
- **striking and inserting words.**

You like the idea of a motion being discussed, but you need to reword it beyond simple word changes. **Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.**

You want more study and/or investigation given to the idea being discussed.

Move to refer to a committee. Try to be specific as to the charge to the committee.

You want more time personally to study the proposal being discussed.

Move to postpone to a definite time or date.

You are tired of the current discussion.

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3rd vote.

You have heard enough discussion.

Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3rd vote.

You want to postpone a motion until some later time.

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3rd vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.

"Call for orders of the day "

You want to take a short break.
Move to recess for a set period of time.

You want to end the meeting.
Move to adjourn.

You are unsure the president/chair of the board announced the results of a vote correctly.
Without being recognized, call for a "division of the house." A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.
Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president/chair of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.
Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.
Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3^{rds} vote is required.

Unanimous Consent:

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president/chair of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- You may INTERRUPT a speaker for these reasons only:
 - to get information about business -point of information to get information about rules- parliamentary inquiry
 - if you can't hear, safety reasons, comfort, etc. -question of privilege
 - if you see a breach of the rules -point of order
 - if you disagree with the president/chair of the board's ruling-appeal
 - if you disagree with a call for Unanimous Consent -object

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	✓	✓	✓	Majority	✓
Amend Motion	✓	✓		Majority	✓
Kill a Motion	✓			Majority	✓
Limit Debate	✓		✓	2/3 ^{rds}	✓
Close Discussion	✓			2/3 ^{rds}	✓
Recess	✓		✓	Majority	
Adjourn (End meeting)	✓			Majority	
Refer to Committee	✓	✓	✓	Majority	✓
Postpone to a later time	✓	✓	✓	Majority	✓
Table	✓			Majority	
Postpone Indefinitely	✓	✓	✓	Majority	✓

Appendix I

Committee Meeting Schedule - Sample

COMMITTEE		DAY	ROOM	TIME	LOCATION
WEEKLY MEETINGS					
Planning Board		TUE	Select Board's Meeting Room	6:30 PM	Town Hall
Finance Committee			TBD		
Parking Hearings Officer		WED	Small Conference Room	11:00 AM	Town Hall
Planning Subcommittees		WED	CPC Conference Room 2 nd Floor	3:00 PM	Town Hall
*Conservation Commission		WED	Select Board's Meeting Room	7:00 PM	Town Hall
*Zoning Board of Appeals		THRS	Select Board's Meeting Room	6:30 PM	Town Hall (As Posted)
SEMI-MONTHLY MEETINGS					
*Select Board		MON	Select Board's Meeting Room	7:00 PM	Town Hall (As Posted)
*Board of Health		MON	Civil Defense Room	7:30 PM	Town Hall
*Charter Review Committee	2 nd & 4 th	MON			
*School Committee (usually meets)	2 nd & 4 th	TUE	School Administration Building	6:30 PM	340 Teaticket Hwy
*Sign Review Committee	2 nd & 4 th	WED	Select Board's Meeting Room	5:00 PM	Town Hall
*Community Preservation Comm.	2 nd & 4 th	THRS	Civil Defense Room	6 or 7 PM	340 Teaticket Hwy
*Water Quality Management	1 st & 3 rd	THRS	Select Board's Meeting Room	3:30 – 6 PM	Town Hall (As Posted)
MONTHLY MEETINGS					
*Coastal Pond Mgmt. Committee	1 st	MON	Marine & Environmental Services	7:00 PM	Harbor Master's Office
*Energy Committee	2 nd	MON	Small Conference Room	9:00 AM	Town Hall (As Posted)
*Affirmative Action Committee	2 nd	MON	Small Conference Room	5:00 PM	Town Hall
*Cable Advisory Committee	3 rd	MON	Small Conference Room	5:15 PM	Town Hall
*Traffic Advisory Committee	3 rd	MON	Select Board's Meeting Room	9:00 AM	Town Hall
*Historical Commission	1 st	TUE	Civil Defense Room	6:30 PM	Town Hall
*Solid Waste Advisory Committee	1 st	TUE	Small Conference Room	7:30 PM	Town Hall
*EDIC	2 nd	TUE	Select Board's Meeting Room	8:30 AM	Town Hall
*Falmouth Housing Trust	2 nd	TUE	Falmouth Housing Trust Office	6:30 PM	65C Town Hall Sq.
*Library Trustees	2 nd	TUE	Main Library	6:45 PM	300 Main Street
*Commission on Disabilities	3 rd	TUE	Recreation Center/Gus Canty	5:00 PM	790 Main Street
Falmouth Housing Authority	3 rd	TUE	Falmouth Housing Authority	4:00 PM	115 Scranton Ave.
*Agricultural Commission	3 rd	TUE	Small Conference Room	5:30 PM	Town Hall
*Bicycle & Pedestrian Committee	1 st	WED	Old Water Department	7:00 PM	Town Hall (As Posted)
*Waterways Committee	1 st	WED	Harbor Master's Office	7:00 PM	180 Scranton Ave.
*Veterans' Council	2 nd	WED	Civil Defense Room	4:00 PM	Town Hall
*Recreation Committee	2 nd	WED	Gus Canty Community Center	7:00 PM	790 Main Street
Assessors, Board of & Dept	3 rd	WED	Small Conference Room	8:30 AM	Town Hall
*Human Services Committee	3 rd	WED	Select Board's Meeting Room	3:00 PM	Town Hall
*Beach Committee	3 rd	WED	Harbor Master's Office	7:00 PM	180 Scranton Ave.
Shellfish Advisory Committee	2 nd	WED	Gus Canty Community Center	6:00 PM	790 Main Street
*No Place for Hate Committee	1 st	THRS	School Administration Building	5:30 PM	340 Teaticket Hwy.
*Affordable Housing Committee	3 rd	THRS	Old Water Department	3:30 PM	Town Hall (As Posted)
*Substance Use Commission	4 th	THRS	Gus Canty Community Center	5:30 PM	790 Main Street
*Council on Aging	4 th	THRS	Falmouth Senior Center	4:00 PM	780 Main Street
*Disabled American Veterans	4 th	THRS	Old Water Department	4:00 PM	Town Hall

*Posted in The Falmouth Enterprise
(days, location, and times subject to change)



2019 - Falmouth population

30,993 year-round (US Census est. 07/01/2019); **~90,000 summer**

-
- 1986 - Falmouth's Tricentennial: 1686-1986:
Falmouth population 26,000 year-round,
~66,000 summer
- 1979 - Historical Commission established
- 1965 - New Town Hall built
- 1963 - Hospital opened
- 1961 - Conservation Commission formed
- 1961 - Department of Public Works formed
- 1957 - Historic Districts Commission formed
- 1943 - Municipal garbage collection started
- 1941 - Town water chlorinated
- 1936 - Representative Town Meeting replaces Open Meeting
- 1926 - First Zoning Law
- 1923 - Planning Board established
- 1919 - Nobska Lighthouse electrified
- 1904 - Falmouth Historical Society formed
- 1903 - First Harbor Master appointed
- 1902 - Town acquired Water Company
- 1901 - Memorial Library built
- 1897 - Town's first fire engine acquired
- 1892 - Falmouth Free Public Library established
- 1876 - Nobska Lighthouse rebuilt
- 1871 - The bounds of Falmouth were accurately fixed
- 1845 - Falmouth had 42 saltworks
- 1829 - Nobska Lighthouse built
- 1809 - Town Meeting appointed a School Committee
- 1737 - School master appointed for whole Town
- 1701 - First Selectmen elected (also as Assessors) at Town Meeting
- 1700 - First Town Clerk named
- 1694 - First recorded use of name "Falmouth"
- 1686 - June 4, Charter of Incorporation as a Town granted to Suckanisset
- 1602 - Bartholomew Gosnold landed on Falmouth's shore

From: *The Book of Falmouth*, 1986, ISBN 0-9616647-0-3

TOWN OF FALMOUTH

59 TOWN HALL SQUARE

FALMOUTH, MA 02540

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November 2020

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

TO: FALMOUTH SELECT BOARD; JULIAN SUSO, TOWN MANAGER
FROM: IRIE MULLIN, ASSOCIATE TOWN COUNSEL
SUBJECT: EXTENDED OUTDOOR RESTAURANT SERVICE APPROVAL PURSUANT TO COVID-19 ORDER NO. 50
DATE: NOVEMBER 9, 2020
CC: FRANK K. DUFFY, TOWN COUNSEL

On September 10, 2020, the Governor issued COVID-19 Order No. 50, an Order Making Certain Phase III Adjustments. Order No. 50 follows the Governor's previous COVID-19 Order No. 35, issued June 1, 2020, wherein the Select Board was authorized to approve requests for expansion of outdoor table service, including the description of licensed premises for alcohol service, until November 1, 2020.

Order No. 50 defines "outdoor table service" as "restaurant service that includes food prepared on-site and under food permits issued by municipal authorities pursuant to 105 CMR 590.00 that is served to diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space." This new definition of "outdoor table service" applies retroactively to all approvals issued under Order No. 35. Further, Order No. 50 authorizes the Select Board to approve extended outdoor table service, including earlier granted Order No. 35 approvals, beyond November 1, 2020, to a date that is either 60 days past the end of the state of emergency or any earlier date specified by the Select Board. Lastly, Order No. 50 permits the Select Board to modify the scope of any prior approvals issued under Order No. 35, including terms that address weather-related conditions which may be present during winter operations.

On September 28, 2020, the Select Board voted to automatically extend all existing Order No. 35 approvals (otherwise set to expire by their terms on November 1, 2020) to December 1, 2020, for the purpose of providing additional time to develop further procedures under Order No. 50 for longer-term approvals, including those for winter operation. Additional time beyond December 1, 2020, appears needed to fully address applications for winter operations, and therefore I suggest that the Select Board vote to further automatically extend all existing Order No. 35 approvals to December 15, 2020, in addition to approving an Order No. 50 procedure.

The attached Order No. 50 procedure and application/request forms have been developed for your consideration. Similar to the original Order No. 35 procedure approved by the Select Board in May, the new Order No. 50 procedure delegates the Select Board's authority to the Town Manager to administratively address approvals and extensions, subject to the discretionary option to hold a public hearing where appropriate. As in Order No. 35, Order No. 50 authorizes the Select Board to approve new or extended outdoor table service requests "[n]otwithstanding the provisions of chapter 40A of the general laws, or any special permit, variance or other approval thereunder, or any other general or special law to the contrary." Accordingly, there is no requirement going forward that the Select Board hold public hearings on any outdoor restaurant service expansion, provide public or abutter notice to

any application for such approval, or receive public comment in any particular form or venue on such approval. However, the proposed procedure includes limited notice and comment provisions: publicizing the names of restaurants seeking extensions or new/modified approvals, and receiving written public comments from any interested individual during a defined period. These provisions were included in the proposed procedure to increase public transparency and participation, while still maintaining efficient administrative processing of these approvals as the pandemic continues.

Of note, the proposed procedure also splits outdoor restaurant service requests into three categories to allow differing levels of review depending on the degree to which the restaurant's circumstances have changed. The first category creates a simplified procedure to extend an existing approval for use between April 1 – November 1, 2021, under identical conditions to the original approval. This first category is designed to address the majority of restaurants that wish to continue operating for a second summer, without requiring town staff to perform a full administrative review of conditions. The second category creates a full application process for any restaurant with an existing Order No. 35 approval that wishes to operate between November 1, 2020 and March 31, 2021. This second category is designed to allow a complete review of weather-related issues, including heating, new tents, and snow/ice removal, that were not addressed in the original Order No. 35 approval process last summer. The third category also requires a full application process for any restaurant which either wishes to modify the summer operation terms of an existing Order No. 35 approval, or wishes to begin outdoor restaurant service for the first time, either in winter or summer. Like the second category, this third category is designed to allow comprehensive review of conditions or locations that were never addressed in the original round of applications under Order No. 35.

Lastly, the proposed procedure contemplates approvals of continued outdoor restaurant service until November 1, 2021, or 60 days after the end of the pandemic emergency, whichever is sooner. Selecting November 1, 2021 as the end date for extensions/approvals potentially truncates those permits short of the full extent of the authority given to the Select Board by Order No. 50, if the pandemic emergency continues beyond September 1, 2021. However, the Select Board would retain its authority under Order No. 50 to further extend permits at that time if the pandemic emergency were still continuing, and could consider the circumstances at that time. The proposed procedure includes a "date certain," rather than the open-ended "60 days after the end of the pandemic" provided in Order No. 50, in the interest of providing more certainty and clarity to town staff/officials, restaurant operators, and the public. The proposed procedure could be modified to a different "date certain", or to reflect the open-ended criteria in the Governor's order.





TOWN OF FALMOUTH
Office of the Town Manager & Select Board
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

EXTENDED TEMPORARY OUTDOOR RESTAURANT SERVICE APPROVAL PROCEDURE PURSUANT TO COVID-19 ORDER NO. 50

On September 10, 2020, the Governor issued COVID-19 Order No. 50, an Order Making Certain Phase III Adjustments. Order No. 50 follows the Governor's previous COVID-19 Order No. 35, issued June 1, 2020, wherein the Select Board was authorized to approve requests for expansion of outdoor table service, including the description of licensed premises for alcohol service, until November 1, 2020.

Order No. 50 defines "outdoor table service" as "restaurant service that includes food prepared on-site and under food permits issued by municipal authorities pursuant to 105 CMR 590.00 that is served to diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space." This new definition of "outdoor table service" applies retroactively to all approvals issued under Order No. 35. Further, Order No. 50 authorizes the Select Board to approve extended outdoor table service, including earlier granted Order No. 35 approvals, beyond November 1, 2020, to a date that is either 60 days past the end of the state of emergency or any earlier date specified by the Select Board. Lastly, Order No. 50 permits the Select Board to modify the scope of any prior approvals issued under Order No. 35, including terms that address weather-related conditions which may be present during winter operations.

As in Order No. 35, Order No. 50 authorizes the Select Board to approve new or extended outdoor table service requests "[n]otwithstanding the provisions of chapter 40A of the general laws, or any special permit, variance or other approval thereunder, or any other general or special law to the contrary."

Having previously deemed existing Order No. 35 approvals automatically extended until December 1, 2020 under Order No. 50 Section 1 Paragraph 5, **SELECT BOARD NOW DEEMS EXISTING APPROVALS FURTHER AUTOMATICALLY EXTENDED UNTIL DECEMBER 15, 2020 AND ADOPTS THE FOLLOWING PROCEDURES.**

PROCEDURES

1. Administrative Extension of Existing Order No. 35 Approvals for Use Between April 1 and November 1, 2021: “2021 Summer Season Extensions”

All entities holding existing outdoor table service approvals issued under Order No. 35 shall be eligible to apply for an administrative extension for future use between April 1 and November 1, 2021 (termed “summer season extensions”). To be eligible for a summer season administrative extensions under Section 1 of this procedure, the applicant is limited to an extension solely with conditions identical to those specified in the original Order No. 35 approval, including seating plans, method of service, tents, walkways, parking, and barriers/enclosures. Any changes to the originally approved conditions, including but not limited to seating plans, tents, or heating apparatus, require the submission and approval of a new application for modified outdoor table service under Order No. 50, as detailed below in Section 3. If issued, a summer season administrative extension will apply for the period of April 1, 2021 to November 1, 2021, or until 60 days after the end of the declared pandemic state of emergency, whichever date is sooner, at which time any approval issued under either Order No. 35 or 50 shall automatically revert back to its status prior to any approval issued under either Order.

Restaurants requesting a summer season administrative extension must submit a request form to the Town Manager by January 15, 2021, as detailed in Section 4. Thereafter, the Town Manager and/or Select Board will publicly disseminate, by display on the town website or other method, the list of existing Order No. 35 approval holders seeking a 2021 summer season administrative extension. No individual or entity is entitled to additional or specifically addressed notice of this list beyond that described above. Public comment, in written form, shall be accepted by the Town Manager and/or Select Board for a period of 14 days following the public dissemination of the list of entities seeking summer season extensions. No individual or entity is entitled to comment in any form other than writing submitted to the Town Manager and/or Select Board.

After expiration of the public comment period, the Town Manager, and staff at his direction, is authorized to review and issue administrative extensions of existing Order No. 35 approvals under the original approval conditions. The Town Manager may, at his discretion, determine that summer season extension requests receiving no public comment are deemed automatically extended. If the Town Manager issues a 2021 summer season administrative approval, no further action of the Select Board is necessary to effectuate such approvals.

The Select Board delegates to the Town Manager its authority under COVID-19 Orders No. 35 and 50 as the Local Licensing Authority to grant approval for changes to licenses which permit the sale of alcoholic beverages for on-premises consumption which are deemed reasonable and proper, and issue an amended license. No further review or approval by the Alcoholic Beverages Control Commission is needed prior to issuance of an amended license under this authority for the period of April 1, 2021 to November 1, 2021, or 60 days after the end of the declared pandemic emergency, whichever is sooner.

The Town Manager and/or the Select Board may, at their discretion, determine that a public hearing before the Select Board is required due to issues identified in submitted public comments, and/or unique features of a particular property or proposal, and may seek the input of town staff and officials as needed. However, no individual or entity is entitled to a public hearing before the Select Board regarding a 2021 summer season extension.

Upon the issuance of a 2021 summer season extension, whether by administrative approval of the Town Manager or, after public hearing, by vote of the Select Board, notice of the issuance shall be provided to the applicant, and a copy filed with the Town Clerk. Any and all structures, furniture, and/or improvements related to 2021 summer season outdoor table service extensions must be immediately removed from the permitted area during any unpermitted period, unless subject to an additional approval under Sections 2 or 3.

2. Order No. 50 Approvals for Use Between November 1 and April 1, 2021: “2020-2021 Winter Season Approvals”

Any restaurant seeking to operate expanded outdoor table service between November 1, 2020 and March 31, 2021, must apply for a new administrative approval for operation between those dates (termed “winter season approvals”). Winter season applicants must complete and submit a written application and sketch/plan as set out in Section 5 of this procedure.

Restaurants requesting a 2020-2021 winter season administrative approval must submit an application, including description and sketch/plan as specified in Section 4, to the Town Manager before November 20, 2020. On November 20, 2020, the Town Manager and/or Select Board will publicly disseminate, by display on the town website or other method, the list of restaurants seeking 2020-2021 winter season approvals. Public comment, in written form, shall be accepted by the Town Manager and/or Select Board until 4:30pm on Friday, December 4, 2020. No individual or entity is entitled to comment in any form other than writing submitted to the Town Manager and/or Select Board.

The Town Manager, and staff at his direction, is authorized to review and issue administrative approvals, with or without conditions, of 2020-2021 winter season outdoor table service, meeting the specified application criteria. No further action of the Select Board is necessary to effectuate such approvals. The Town Manager may, at his discretion, seek the input of other town staff and officials, including but not limited to members of the Health, Fire and Rescue, Police, Building, Zoning, Planning, and Conservation departments.

The Select Board delegates to the Town Manager its authority under COVID-19 Orders No. 35 and 50 as the Local Licensing Authority to grant approval for changes to licenses which permit the sale of alcoholic beverages for on-premises consumption which are deemed reasonable and proper, and issue an amended license. No further review or approval by the Alcoholic Beverages Control Commission is needed prior to issuance of an amended license under this authority for the period of November 1, 2020 to March 31, 2021, or 60 days after the end of the declared pandemic emergency, whichever is sooner.

The Town Manager and/or Select Board may, at their discretion, determine that a public hearing before the Select Board is required due to issues identified in submitted public comments and/or unique features of a particular property or proposal. However, no individual or entity is entitled to a public hearing before the Select Board regarding a 2020-2021 winter season approval.

If issued, a 2020-2021 winter season approval will apply for the period of November 1, 2020 to March 31, 2021, or until 60 days after the end of the declared pandemic state of emergency, whichever date is sooner, at which time any approval issued under either Order No. 35 or 50 shall automatically revert back to its status prior to any approval issued under either Order.

3. Order No. 50 Approvals of New or Modified Outdoor Table Service Approvals for Any Season

Any restaurant seeking to operate expanded outdoor table service for the first time, or under modified conditions differing from a previous Order No. 35 approval, at any time in the period of November 1, 2020 to November 1, 2021, must apply for a new administrative approval of such service (termed “new or modified approvals”). Applicants for new or modified approvals shall specify which period they seek to operate in: winter (November 1, 2020 – March 31, 2021), summer (April 1, 2021 – November 1, 2021), or both. Applicants for new or modified approvals must complete and submit a written application and sketch/plan as set out in Section 4 of this procedure.

Restaurants requesting a new or modified approval for expanded outdoor table service must submit an application, including description and sketch/plan as specified in Section 5, to the Town Manager at least 45 days before the period upon which the requested approval is to start. The Town Manager and/or Select Board will publicly disseminate, by display on the town website or other method, the list of restaurants seeking new or modified approvals for expanded outdoor table service. Public comment, in written form, shall be accepted by the Town Manager and/or Select Board for a period of 14 days following the public dissemination of the list of entities seeking new or modified approvals. No individual or entity is entitled to comment in any form other than writing submitted to the Town Manager and/or Select Board.

The Town Manager, and staff at his direction, is authorized to review and issue new or modified administrative approvals of outdoor table service, with or without conditions, for any period between November 1, 2020 and November 1, 2021, or 60 days after the end of the declared pandemic, whichever is sooner, if the applicant meets the specified application criteria. The Town Manager may, at his discretion, specify separate and differing conditions for operation during the periods of November 1, 2020 – March 31, 2021 and April 1, 2021 – November 1, 2021, in reflection of differing weather conditions or other factors. No further action of the Select Board is necessary to effectuate such approvals. The Town Manager may, at his discretion, seek the input of other town staff and officials, including but not limited to members

of the Health, Fire and Rescue, Police, Building, Zoning, Planning, and Conservation departments.

The Select Board delegates to the Town Manager its authority under COVID-19 Orders No. 35 and 50 as the Local Licensing Authority to grant approval for changes to licenses which permit the sale of alcoholic beverages for on-premises consumption which are deemed reasonable and proper, and issue an amended license. No further review or approval by the Alcoholic Beverages Control Commission is needed prior to issuance of an amended license under this authority for the period of November 1, 2020 to November 1, 2021, or 60 days after the end of the declared pandemic emergency, whichever is sooner.

The Town Manager and/or Select Board may, at their discretion, determine that a public hearing before the Select Board is required due to issues identified in submitted public comments and/or unique features of a particular property or proposal. However, no individual or entity is entitled to a public hearing before the Select Board regarding a new or modified outdoor table service approval.

If issued, a new or modified approval will apply for any specified period between November 1, 2020 and November 1, 2021, or until 60 days after the end of the declared pandemic state of emergency, whichever date is sooner, at which time any approval issued under either Order No. 35 or 50 shall automatically revert back to its status prior to any approval issued under either Order.

4. Written Request Form for Extension of Existing Outdoor Restaurant Service-- Summer Season 2021 Only

A written request for extension of existing outdoor restaurant service under identical conditions to a restaurant's existing Order No. 35 approval must be submitted and approved in order to continue outdoor operations during the period of April 1, 2021 to November 1, 2021. A form for this purpose is attached to this procedure, and approved by the Select Board for this purpose.

5. Written Application for New or Modified Outdoor Restaurant Service

An application for temporary approval of outdoor restaurant service must be submitted in writing to the Town Manager's Office. A form for this purpose is attached to this procedure, and approved by the Select Board for this purpose. The written application must contain the following information:

- a. Identification of existing licenses and permits held by the applicant and/or applicable to the premises, including alcohol service licenses, common victualer's license, and any permits issued by the Zoning or Planning Boards.
- b. Identification of proposed changes in capacity and preparation/storage areas for existing Common Victualer's and Alcohol Service Licenses, if any.

- c. Description of proposed changes in restaurant service, including a detailed sketch or plan depicting the immediate area.
- d. Identification of proposed dates of operation, including summer and/or winter season operation.
- e. Identification of any portions of the proposed area which are publicly owned and/or controlled by another entity, including roadways, sidewalks, and parking lots.
- f. Location of current table service and food preparation facilities.
- g. Location of proposed expanded table service, including the location of each table, seat, and the distances between seated patrons.
- h. Location and width of walkway corridors, and distance between walkway corridors and seated patrons.
- i. Location of all access and egress points to the business, including abutting businesses, if any.
- j. Location of pedestrian access, including curb cuts/ramps if applicable.
- k. Location of all existing sidewalks and curb cuts.
- l. Location of existing parking, including handicapped spaces, and identification of any parking spaces/loading zones impacted by the proposed changes.
- m. Description of snow/ice removal plans for parking, walkways, and outdoor table service areas, if applying for winter season operation.
- n. Description and location of fencing or other barriers that will be used to separate patrons from non-patrons.
- o. Description and location of any umbrellas, tents, awnings, canopies, or other enclosures that will be placed in the outdoor table service area.
- p. Description and location of any heat-producing appliances or open flames that will be placed in the outdoor table service area at any time, if applicable.

If a written application does not contain the above information, and/or the included sketch or plan does not depict the proposal with sufficient detail, the Town Manager may, but is not required to, request additional information from the applicant before making a determination on a particular application.

All proposed outdoor restaurant service must comply with the requirements of all applicable Governor's orders, including COVID-19 Orders No. 35 and 50, Massachusetts Department of Public Health orders and guidance documents for social distancing and for food service establishments, and the Governor's Phased Reopening standards for restaurants.

All proposed outdoor restaurant service areas must comply with all requirements of the Americans with Disabilities Act and applicable regulations of the Massachusetts Architectural Access Board. If a parking lot is used as an outdoor restaurant service area, there shall be no reduction in handicapped accessible parking spaces.

All proposed outdoor restaurant service must not result in an increase in the number of seats authorized for the premises: the number of seats permitted inside the establishment shall be reduced by the number of seats allowed outside the establishment. Only seats that can be safely

accommodated on site will be approved—the applicant is not entitled to approval of any particular number of seats.

All proposed outdoor restaurant service areas must be physically designated with ropes, fencing or other barriers and the restaurant shall be responsible for ensuring that there is no consumption of food or alcohol outside of the designated area.

No outdoor entertainment, including live or recorded music, will be allowed in the outdoor restaurant service area, unless the applicant already has an entertainment license allowing such entertainment. The applicant’s existing hours of operation shall remain in effect.

6. License to Use Public Property

Any request for extension of existing Order No. 35 approval or new Order No. 50 approval expand outdoor restaurant service onto public property, including portions of a closed roadway, sidewalks or parking spaces, must be accompanied by a signed temporary use license issued by the Town Manager. Applicants requiring such a license must separately obtain such a license from the Town Manager’s office covering the applicable time period (November 1, 2020-March 31, 2021 for winter season approvals; April 1, 2021 – November 1, 2021 for summer season extensions; and/or any other applicable dates for new or modified approvals), even if a license for a prior time period has previously been secured.

7. Proof of Insurance

Before operating any approved outdoor restaurant seating, the applicant must submit proof that insurance, including liquor liability insurance, covers any area of approved expansion or altered description. For approved outdoor restaurant service on public property, the applicant must provide proof that the Town has been named as an additional insured on all insurance policies, except Workers’ Compensation policies.

8. Issuance of an Approval, Including Amended Alcohol Service Licenses

If under the procedures outlined in Sections 1, 2 and 3, the Town Manager determines, with or without consultation with other town staff or the Select Board, that the proposed outdoor restaurant service is appropriate, or may be approved subject to further conditions, he may issue a written decision so approving.

Where the applicant proposes outdoor restaurant service that results in a change to an existing alcohol service license, an amended license shall issue describing the altered premises including in such license. A copy of the amended alcohol service license will be forwarded by the town to the ABCC for the agency’s reference.

Once approved, the conditions set forth in this policy shall become part of the licenses and permits for the restaurant and any violations shall be considered a violation of the terms of said licenses and permits.

9. Scope of Approval and Effective Date

Any approval and use hereunder is temporary and not precedent setting. Unless a termination date is specified or imposed by the Town in the future, the Governor's COVID-19 Orders No. 35 and 50 are rescinded or amended sooner, or the pandemic emergency declared ended sooner, an approval hereunder shall expire as follows: Section 1 approvals on November 1, 2021, Section 2 approvals on March 31, 2021, and Section 3 approvals on the date specified in the approval. Thereafter, all pre-existing license/permit terms will return to force. However, the Town Manager may, in his discretion, set out any termination date as appropriate.

An approval hereunder is effective upon notice to the applicant and filing a copy with the Town Clerk.

This procedure and further automatic extension of existing approvals until December 15, 2020, was adopted by majority vote of the Select Board at a public meeting on November 9, 2020, and became effective as of that date.

TOWN OF FALMOUTH SELECT BOARD

**Request for Temporary Administrative Extension of Existing
COVID-10 Order No. 35 Outdoor Restaurant Service Approval to
Use Between April 1, 2021 and November 1, 2021 Pursuant to
COVID-19 Order No. 50**

Date received:

Section 1—Applicant & Business Information

A. Applicant Information

- Applicant’s Full Legal Name: _____
- Applicant’s Legal Home Address: _____
- Applicant’s Home and Mobile Telephone Numbers: _____
- Applicant’s Primary and Secondary Email Addresses: _____

B. Business Information

- Full Legal Name of the Business: _____
- Full Street Address of the Business: _____
- Mailing Address of the Business (if different): _____
- Telephone Number of the Business (if different): _____
- Email Addresses of the Business (if different): _____

Section 2—Extension of Existing Order No. 35 Approval to Summer Season 2021

- A. Did the applicant previously receive temporary administrative approval of outdoor restaurant service under COVID-19 Order No. 35 (Yes/No)? _____
a. If “No,” use the New or Modified Service Form instead.
- B. Does the applicant seek any modification of or changes to the conditions under which such prior approval was issued, including but not limited to seating plan changes, capacity changes, additional tent/enclosure structures, heating elements or open flames, or further reductions in parking (Yes/No)? _____
a. If “Yes,” use the New or Modified Service Form instead.

Section 3—Temporary License to Use Public Property

Any proposal to continue in summer season 2021 expanded outdoor restaurant service on public property, including portions of a closed roadway, sidewalks or parking spaces, must be accompanied by a signed temporary use license issued by the Town Manager covering the period

of April 1, 2021 to November 1, 2021. Applicants requiring such a license must separately obtain such a license from the Town Manager's office.

- A. Does the applicant propose to use any public property for outdoor restaurant service? _____
- B. If yes, has the applicant attached the license agreement, including the associated detailed sketch or plan? _____

Section 4—Proof of Insurance

Before operating any approved outdoor restaurant seating, the applicant must submit proof that insurance, including liquor liability insurance, covers any area of approved expansion or altered description.

Has the applicant provided proof of insurance coverage for all proposed outdoor table service areas during the period of April 1, 2021 to November 1, 2021? _____

Section 5—Scope of Approval and Effective Dates

The applicant certifies that the applicant understands and agrees that any approval and use hereunder is temporary and not precedent setting, and expires on November 1, 2021 or 60 days after the end of the declared pandemic emergency, whichever is sooner. The applicant further certifies that any and all structures, furniture, and/or improvements related to 2021 summer season outdoor table service extensions must be immediately removed from the permitted area during any unpermitted period.

The applicant so certifies: _____

(sign name)

(date)

TOWN OF FALMOUTH SELECT BOARD

Application for Temporary Administrative Approval of New or Modified Outdoor Restaurant Service Pursuant to COVID-19 Orders No. 35 & 50

Date received:

Section 1—Applicant & Business Information

A. Applicant Information

- Applicant's Full Legal Name: _____
- Applicant's Legal Home Address: _____
- Applicant's Home and Mobile Telephone Numbers: _____
- Applicant's Primary and Secondary Email Addresses: _____

B. Business Information

- Full Legal Name of the Business: _____
- Full Street Address of the Business: _____
- Mailing Address of the Business (if different): _____
- Telephone Number of the Business (if different): _____
- Email Addresses of the Business (if different): _____

C. Premises Information

- Does the applicant own the entire premises? _____
- Does the applicant lease the entire premises? _____
 - If yes, provide the name and address of the lessor and written evidence of approval of outdoor restaurant service: _____
- Does the applicant propose temporary use of areas not presently owned or leased by the applicant? _____
 - If yes, provide the name and address of the owner of each portion and written evidence of authority for temporary use for outdoor restaurant service: _____

Section 2—Seasonal Operations and Modification of Previously Approved Outdoor Service

A. Seasonal Operation

- Does the applicant propose operation between the dates of December 1, 2020 and March 31, 2021? _____

- Does the applicant propose operation between the dates of April 1, 2021 and November 1, 2021? _____

B. Previous Temporary Administrative Approval of Outdoor Restaurant Service

- Did the applicant previously receive temporary administrative approval of outdoor restaurant service under COVID-19 Order No. 35? _____
 - If yes, does the applicant seek any modification of or changes to the conditions under which such approval was issued, including but not limited to seating plan changes, capacity changes, additional tent/enclosure structures, heating elements or open flames, or further reductions in parking? _____
- Please provide a copy of any prior temporary administrative approval of outdoor restaurant service at this property. _____

Section 3—Description of Outdoor Restaurant Service

Please describe here and attach a detailed sketch or plan showing the changes the applicant wishes to make to restaurant service, as previously governed by existing licenses and/or permits identified in Section 3. All proposed outdoor restaurant service must comply with the requirements of all applicable Governor’s orders, including COVID-19 Orders No. 35 and 50, Massachusetts Department of Public Health orders and guidance documents for social distancing and for food service establishments, and the Governor’s Phased Reopening standards for restaurants. Include the following information, use additional sheets if necessary:

- Identification of any portions of the proposed area which are publicly owned and/or controlled by another entity, including roadways, sidewalks, and parking lots.
- Location of current table service and food preparation facilities.
- Location of proposed expanded table service, including the location of each table, seat, and the distances between seated patrons.
- Location and width of walkway corridors, and distance between walkway corridors and seated patrons.
- Location of all access and egress points to the business, including abutting businesses, if any.
- Location of pedestrian access, including curb cuts/ramps if applicable.
- Location of all existing sidewalks and curb cuts.
- Location of existing parking, including handicapped spaces, and identification of any parking spaces/loading zones impacted by the proposed changes.
- Description of snow/ice removal plans for parking, walkways, and outdoor table service areas, if applying for winter season operation.
- Description and location of fencing or other barriers that will be used to separate patrons from non-patrons.

Does the applicant propose to use any public property for outdoor restaurant service? _____

If yes, has the applicant attached the license agreement, including the associated detailed sketch or plan? _____

Section 6—Proof of Insurance

Before operating any approved outdoor restaurant seating, the applicant must submit proof that insurance, including liquor liability insurance, covers any area of approved expansion or altered description.

Has the applicant provided proof of insurance coverage for all proposed areas? _____

Section 7—Scope of Approval and Effective Dates

The applicant certifies that the applicant understands and agrees that any approval and use hereunder is temporary and not precedent setting, and expires on the date specified in the approval, but in any event, no later than November 1, 2021 or 60 days after the end of the declared pandemic emergency, whichever is sooner. The applicant further certifies that any and all structures, furniture, and/or improvements related to temporary outdoor table service approvals must be immediately removed from the permitted area during any unpermitted period.

The applicant so certifies: _____

(sign name)

(date)

2021 Annual License Renewals – November 9, 2020

ALL ALCOHOL RESTAURANT

Bear in Boots Burger Bar, 285 Main Street
Falmouth Jade, 143 East Falmouth Highway
Osteria la Civetta, 133 Main Street
Paul Harney Golf, 74 Club Valley Drive
Pickle Jar Kitchen, 170 Main Street

ALL ALCOHOL PACKAGE STORE

Kappy's, 21 Spring Bars Road

WINE & MALT RESTAURANT

Crabapples, 533 Palmer Avenue
Homeport Sushi, 316 Gifford Street
Seafood Sam's, 356 Palmer Avenue

WINE & MALT PACKAGE STORE

Rapid Refill, 435 Palmer Avenue

WINE, MALT & CORDIAL INNHOLDER

Palmer House Inn, 81 Palmer Avenue

COMMON VICTUALLER

Bear in Boots Burger Bar, 285 Main Street
Burger King, 111 Teaticket Highway
Coonamesett Farm, 277 Hatchville Road
Crabapples, 533 Palmer Avenue
Falmouth Jade, 143 East Falmouth Highway
Mary Ellen's Bakery, 829 Main Street
Osteria la Civetta, 133 Main Street
Paul Harney Golf, 74 Club Valley Drive
Persy's Place 40 North Main Street
Pickle Jar Kitchen, 170 Main Street
Pie in the Sky, 10 Water Street
Seafood Sam's, 356 Palmer Avenue
Thai Kitchen, 258 Teaticket Highway

INNHOLDER LICENSE

Palmer House Inn, 81 Palmer Avenue

CLASS II USED CARS

Falmouth Auto Sales, 735 Teaticket Highway
M&N Auto Mall, Inc., 20A Village Common Drive
O'Hara Motors, 50 Spring Bars Road
Savon Hatem, 561 Thomas Landers Road

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, OCTOBER 5, 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 October 5, 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, Co-Chair; Sam Patterson; Doug Jones; Nancy Taylor.
Also Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order at 7pm by Chair English Braga.
2. Pledge of Allegiance
3. Proclamations:
 - a. Eagle Scout Proclamation – William Coleby Andrade, Boy Scout Troop 40
Proclamation in the packet read as a motion by Mr. Patterson. Second Mr. Brown. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

Mr. Patterson read a statement provided by Mr. Andrade. Ms. English Braga noted the project was to work with The 300 Committee to create a loop trail with several benches built by Mr. Andrade.
 - b. 100th Birthday Proclamation – Marjorie Atwood Rugen

Proclamation in the packet read as a motion by Mr. Brown. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

4. Recognition

Ms. Taylor noted the School District has done an amazing job and keep doing the great work, keep the Select Board informed.

5. Announcements

Mr. Brown noted a partial opening of the Falmouth High School tomorrow, for more information check in with the School Department.

Harvesting of Mill Pond is beginning tomorrow and expected to be done next week.

6. Public Comment-none.

SUMMARY OF ACTIONS

1. Administrative Orders

- a. Vote to allocate \$350,000 of AFCEE nutrient management funds for preparation of Great Pond Targeted Watershed Management Plan

Amy Lowell, Wastewater Superintendent, explained that she is asking the Select Board to vote to allow them to use AFCEE funds to fund the next step of wastewater planning. Targeted Watershed Management Plan for Great Pond, this would be the focus of the next phase of wastewater expansion. Asking for \$350,000 to take the next step that gets us to the point of being able to design and construct the next phase of sewerage. Schedule outlined, final plan for Great Pond by about the end of 2022. A companion project is the upgrade of the wastewater treatment facility and there is a funding request for the next phase of wastewater improvement and expansion. In April 2021 there will be a funding request for about \$20 million for the design and upgrades to the wastewater treatment facility and handle projected flow from existing service area and the projected flow of the next phase.

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

7:30 p.m. PUBLIC HEARINGS

1. Application for a Change of Officers/Directors/LLC Managers and a Change of Ownership Interest of an All Alcoholic Common Victualler License – JZ Restaurant, Inc. dba Josh’s at Davisville – 339 East Falmouth Highway, East Falmouth

Chair English Braga read the hearing notice.

Kimberly Martin present.

Mr. Brown motion to accept the change of officers and ownership interest. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, current case count 278, primarily related to healthcare workers or those being tested prior to treatment. Statewide there has been an uptick, we are in the green, out testing any other municipality on the cape, about 1,000 per week. Falmouth High School closed today, there was a violation of the gathering order, but not in relation to a particular case. School administration decided to close for the day, got list of names, those people have been contacted, they were switched to remote learning out of caution. These types of situations where there is decision making that is not part of the guidance take time. Flu clinic 10/26/20 2pm-5pm at Gus Canty, by appointment only, call the Health Department to schedule. Rain date is 11/2/20. This is only for the single dose. Two police details, cars in on Main Street entrance, shots administered at the 3 nurse stations, have the shot, wait a few minutes in the lower parking lot, and then leave via the Dillingham Ave. egress. Schools are requiring by January 2021 that students receive the flu shot. The VNA feels the single dose is very effective, the double dose is difficult to get it at this time.

- Status/update on municipal beach parking

Mr. Suso has asked the DPW to remove the parking barriers in the beach parking lots over the next couple weeks.

Chair English Braga noted that all things considered, we had successful management of this crisis during the summer season, able to manage the surge of people into the Town.

2. Discussion/vote on Falmouth Affordable Housing Fund – Board of Trustees’ Funding Priorities

Mr. Johnson-Staub read the memo in the packet. The Select Board adopted a set of funding priorities, this is an update, and a memo in the packet highlights the changes described. Falmouth Housing Working Group developed the proposed changes. The highest priority are rental units.

Ms. Taylor asked when you look at the population’s surge, larger families needing 3+ bedrooms, Mr. Johnson-Staub noted there are not a large number of those families, but housing opportunities for them are limited.

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

3. Presentation on new skate park and playground at Fuller Field

Dr. Keith Bleiler started the process in 2007, many hurdles and delays have been overcome and he thanked all of the allies of this project. It required hundreds of steps to complete, it would have not been possible without Sandy Cuny, Together We Can. Teaming up All Cape Recycling, who did this for half the price of what other contractors were asking, the DPW was very helpful, Town people who supported him and put forth the vote for the final funding of the skate park. This was a Town and community effort. The skate park is the single most used piece of recreational space in the Town, aside from the beaches. Sandy Cuny explained the process including the first skate park in the 1990’s. This has been a continuation of many years; she is very proud of it.

Jim McLoughlin made a slide presentation. An aerial view of the park was provided, contractor drawing reviewed. The park is now complete, signage is up.

Sandy Cuny noted Falmouth Together We Can has about \$7,500 that was to be donated to construction, so she would like to know how they could give the Town the money to help finish anything needed to be done.

Mr. Johnson-Staub said the \$7,500 is not enough to expand on the facility but could consider a donation to go towards a maintenance fund. Tony Hawk Foundation was for construction, it has to go for the skate park. Mr. Suso noted they will work that out and work with Finance Director Jennifer Mullen and be in touch with Sandy on how this can be addressed.

Mr. Brown suggested installation of a water station.

Fuller Field Playground

Mr. Olenick said that safety was most important, so they looked into building a 20 foot fence to protect anyone from getting hit from baseballs. Also looked for safety on falling, that was addressed by the poured in place surface. Looking for inclusive equipment, they got a wheelchair accessible merry go round. They also looked for swings, they have a handicap accessible swing, infant swings. Playground Consultant, Nancy White, assisted with choosing equipment. This is an amazing playground.

Jim McLoughlin reviewed an arial photograph, highlighted the location of the playground.

Mr. Johnson-Staub noted that they will be working on landscaping, including trees to help shade the playground.

4. Presentation and discussion of proposed job description for diversity coordinator position and notice of opening of public comment period

Denise Coleman, Personnel Director, presented the job description. This position will support the school and Town, it will be funded through free cash. Diversion, Equity, and Inclusion Coordinator, she suggested open comment period for 30 days with feedback to the Town Manager and the Select Board. Reviewed the description via PowerPoint presentation. The draft job description will be on the Town Manager and Select Board web pages.

Chair English Braga noted the School Committee needs to do a similar process and have already started this process; this has been a joint effort. Goal is to have as much of a broad outreach as possible and the comments will be consolidated.

Megan Hanawalt, Chair, Affirmative Action and Diversity Committee, they have created a subcommittee, they would like comments as well. The comments in bulk will be forwarded to the Affirmative Action and Diversity Committee.

5. Presentation, discussion and vote – Mayflower Wind access agreement for 565 Blacksmith Shop Road, 0 Surf Drive and 0 Grand Avenue

Mr. Suso confirmed that this was placed on the agenda on an anticipated item to vote, but the information was not all received timely by Town Counsel for review. This will be a presentation only and the Select Board can consider a vote at a future meeting after full weigh in from Town Counsel.

Mr. Pezzoni and Lydia Lostan, Onshore Transition, Chris Hardy, Manager External Outreach and Communication. Made a PowerPoint presentation. Sites include 565 Blacksmith Shop Road, 0 Grande Ave., and 0 Surf Drive parking lots areas at the beaches. These are for preliminary testing.

Chris Hardy described Mayflower Wind background. Made a PowerPoint presentation, including an overall schematic. No final decisions have been made regarding the location of onshore substations will be determined until a full analysis is done.

Chair English Braga noted that this is the first step.

Mr. Jones asked only 1 landfall site, correct? Mr. Pezzoni said that is correct, they will come back later to present what kind of power will be transmitted, safety, etc.

Mr. Brown would like to see the proposal, interested in knowing the possibility of electromagnetic induction of the substation, and more information about electricity running under the beach.

Mr. Pezzoni explained that he cannot provide that information until they determine the site is appropriate, if it is appropriate, all that information would be provided to the Select Board. The physical structure could be different, the design aspect has not been reached. They do some minor engineering work will be done, then information would be provided to the Select Board with what they find during their surveys. Borings

need to be done to find out if they can drill underground to put the cables there. Mr. Brown noted he has questions that have not been answered yet.

Mr. Hardy noted that the site surveys need to be done to answer the Select Board's questions.

Mr. Johnson-Staub commented that Town technical staff looked at the substation site location, they ran through a couple of concepts there looking at 10-20 acres and if there was a location substantially buffered by the residential locations, initially determined it may be feasible.

Mr. Jones asked how far out, down, what would be seen. The cable from the offshore wind area, would be buried deep beneath the beach, horizontal directional drilling, cable under the beach and emerge closer to the surface in the parking lot area where a conduit would be established. The project would bury the underground cable under the shoulder of the road. The cables would not be visible. This project will use the existing right of way that Eversource uses.

Mr. Pezzoni noted that there will only be a manhole in the parking lot.

Debbie (last name unknown): opposed to this access, environmental impact and anti-recreational. What is the benefit of Falmouth citizens? Impact?

Chair English Braga noted that they are asking folks to add to the discussion.

Mr. Patterson asked about electromagnetic fields; will the conduit on the land side be a metal conduit? Ms. Lodstan said it would not be metal. Mr. Patterson suspects this application will not cause a physical effect on humans.

Ms. Lodstan noted that they conduct EMF studies and include in filings, they will have more information to provide in the future.

Mr. Brown asked what the proposal would be and what the financial benefit is to the Town, they must have an idea of what the figure may be. Mr. Pezzoni does not know this information at this time, Mr. Hardy does not have that information either. They view this as a long term relationship with the Town and discuss this in those types of agreements in the future.

Mr. Hardy said the Barnstable project was not their project.

Ms. Taylor asked how the Town benefits from participating in something like this? There is not enough information to move on this, what has been presented does not provide the information to her to explain to the community why this would be a benefit to the Town. Mr. Pezzoni said that in the future they would discuss a host agreement, but not at this time.

Mr. Jones is supportive of trying to get to renewable energy as soon as possible, the kind of energy these turbines will create will be a huge benefit.

Mr. Brown feels they may be entering into a venture that may not succeed and another company may need to take over, he wonders what the end user agreement and bonding would be; he would like a big picture and what is being proposed.

Mr. Hardy said they could pull together more information and come back to the Select Board.

Mr. Johnson-Staub noted that Barnstable, with a different company, entered an agreement that contemplated two different landing sites, one site had a contribution to the Town for \$6 million, the other had a value of \$16 million. Before Mayflower does feasibility and impacts, it may be difficult to get specific to the benefits of the community.

6. Vote November 2020 Town Meeting article recommendations

Article 4

Mr. Jones motion to recommend as printed. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

This is a similar agreement that was in place for Citizens Energy projects and seems to make sense here, too.

Article 5

Peter Clark present to answer any Charter Review questions. Mr. Johnson-Staub said that if the Select Board desire is to put forth different wording as article currently published in the warrant, they would need to have a recommendation that includes the text with the amended language. Peter Clark submitted an explanation with the revised article that says that the change was result of a discussion and committee feeling to have the flexibility to provide policies as you see fit to meet the plan.

Mr. Jones motion to recommend without the last phrase and in explanation include that it was in concurrence with the Charter Review Committee. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

Articles 6, 7, 8, 9

Mr. Jones motion to recommend as printed. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

Mr. Patterson recommended writing out the word County and including the Falmouth High School Field House in the address.

Article 3

Mr. Johnson-Staub read an email from Atty. Duffy that was sent to Bob Ament and summarized that for the Town Meeting to act, there must first be a vote by the School Committee.

Mr. Jones is not in favor of moving the carousel to that location, if there is any confusion this is not the Town Meeting to have an article that may be confusing and require much description and debate because of the health of those involved, given the current pandemic.

Chair English Braga noted the email from Attorney Duffy raised concerns about where they are at in the process.

Mr. Brown is in support of putting the carousel in that location next to the Mullen-Hall playground. Mr. Jones likes the idea of it being on the Library lawn.

Mr. Johnson-Staub noted the warrant is closed, the only question now is the recommendation, options are recommended from the floor, indefinite postponement, and recommend.

Mr. Patterson disagrees with putting it on the library lawn.

Mr. Patterson motion to recommend Article 3 as printed. Second Mr. Brown. Roll Call Vote: Ms. Taylor, no; Mr. Patterson, yes; Mr. Brown, yes; Mr. Jones, no; Chair English Braga, yes.

7. Review/discussion on November Town Meeting

Received feedback about the Town Meeting just completed and how they will conduct the November Town Meeting, David Vieira was going to talk with the Clerk about that.

Mr. Suso received emails about potential for a virtual meeting, it has been done in other jurisdictions. Mr. Suso reviewed quorums present at past meetings. Chair English Braga noted that David Vieira, Moderator, told her a virtual meeting would be difficult. Chair English Braga and Mr. Jones mentioned the

possibility of a hybrid meeting, similar to how the schools operate with some people present in person, some present remotely.

Chair English Braga read a comment from Peter Clark: sound is an issue in the field house, and they used to rent a system for graduation.

Mr. Patterson asked if KN95 masks could be provided to Town Meeting members to enhance the safety of members. Mr. Suso noted that the KN95 is a different mask than the one worn by first responders, so it may be easier to acquire. Mr. Suso recommended consulting with Mr. McGann.

The Select Board expressed concern about the students who volunteered to be microphone carriers at the most recent Town Meeting. Those speaking into the microphones took their masks off when talking and were very close to the students. The suggestions to use going forward included adult volunteers instead, mikes on stands, more PPE for the students, and use of mike booms. People did not use the space in the best manner, there was one corner that was sparse and another that was quite full.

Counters/clickers were not used in order to limit touchable surfaces.

According to Mr. Johnson-Staub, the input of the moderator is a great help; however, the decision is the Select Board's to determine the forum for the meeting. It falls to the Moderator if the original date and time are continued.

Chair English Braga will continue the conversation with Mr. Vieira, including possibility of a hybrid and using microphones differently, along with use of disposable masks and mandating masks are kept on even when making comments.

8. Status/update on proposed Joint Base Cape Cod (JBCC) machine gun range

Chair English Braga, Mr. Brown, and Mr. Suso were invited to a presentation at the Falmouth Police Department that went through all the information about the proposal. Chair English Braga and Mr. Suso also attended a meeting at the base. Some conversation was about where the communication broke down. They indicated they briefed the Select Board on it when they were present, noted emails and packets with the proposal that were provided to the Select Board over the summer, but was not located in Chair English Braga or Mr. Brown's emails. Chair English Braga does not recall receiving hard copies. The proposal itself, there will be a public meeting on 11/8/20 and 100 participants can join in via Zoom and was supposed to be on the base website. The proposal has been in the works since about 2013 with ongoing environmental assessments. There seems to be fairly thorough environmental assessments addressing water, noise, soil, wildlife and the project's affect. There are a few pieces in place for ongoing assessment of impact to water, soil, noise, and wildlife. Firearms proposed only use copper bullets and all will be retried. Instead of the lead bullets used in the past. It is a total of 211 acres for second phase; currently they plan to clear about 130 acres. A mitigation bank has been created around the entire base where they have chosen appropriate environmental sections of the base to preserve.

Mr. Brown explained they will reinvigorate their wildlife, have more controlled burns, and wildlife habitat restoration. Military installation injects a lot of money into the local economy. The meeting on Thursday is a third party review and comment. The Colonel said they will use copper steel ammunition, a new bullet the army is going to use, not just a training bullet. They track each round they fire and use the excavation machine to sort out bullets. 600 Borings are on the existing range, sample, and try to find contaminants. They cannot find any from the firing of lead for the last 70 years.

Chair English Braga would like to scan and give the presentation to the Select Board. All comments that the base military received needs to be addressed before going to the next step to have the final plan reviewed.

9. Vote to Approve Select Board Five-Year Strategic Plan for 2021-2025

Continued to a future meeting.

10. Town Hall process of re-opening to the public

Mr. Suso presented a draft statement graphic to the Select Board for review, Mr. Suso read the statement to the Select Board. Anticipation of planned reopening to the public on 10/13/20.

11. Minutes of Meetings: Public Session – September 21, 2020; September 28, 2020
Minutes are in process.

12. Individual Select Board Member's Reports

Mr. Brown:

Attended Independence House Annual Breakfast, much on race and diversity, effect of domestic violence.

WXTK Patrick Desmarais contacted him about the base information.

Last week the Select Board had a joint meeting with the School Committee.

13. Town Manager's Report

Monday 10/12 Columbus Day holiday, Town offices closed.

Attended the WHOI 90th anniversary celebration Friday evening and suggested the Select Board may want to consider a proclamation regarding this milestone at a future meeting.

Mr. Jones motion to adjourn at 10:01pm. Second Mr. Patterson. Roll Call Vote: Ms. English Braga, aye; Mr. Brown, aye; Mr. Patterson, aye; Mr. Jones, aye; Ms. Taylor, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, OCTOBER 19, 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 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.*

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

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

1. **Chair English Braga called the open session to order at 6:45 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – Vote to affirm Memorandum of Agreement with AFSCME Local 1636 Unit B because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Chair English Braga, aye; Doug Brown, aye; Doug Jones, aye; Sam Patterson, aye; Nancy Taylor, aye.**
2. Chair English Braga reconvened the open session at 6:53pm.
3. Pledge of Allegiance
4. Proclamation – Woods Hole Oceanographic Institution (WHOI) 90th Anniversary
Mr. Brown read the proclamation in the packet as a motion. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.
5. Recognition

Mr. Brown noted that the Local 10/19 Foundation is still active and supporting youth in sports.

6. Announcements

a. Machine Gun Range Update

Mr. Suso said that following the inquiry from Falmouth Select Board, attended the public presentation followed by a virtual meeting that was noted that it was limited to 100 participants and the public could attend. This continues to be a work in progress, residents are encouraged to forward concerns and issues to the Joint Base Cape Cod and copy the Town Manager and Select Board if you choose.

Mr. Brown received feedback from others who were able to attend the virtual meeting, that the meeting was difficult to get information out of in the virtual forum.

Chair English Braga said that there will be more opportunities to weigh in on public comment. Mr. Suso noted that there is a letter in on behalf of the Chair and Co-chair within the time required with resident concerns and in for the record.

Ms. Taylor researching what happened in the past around this, this does not appear to be a new issue.

Mr. Brown received an email from a woman who abuts Fort Devens, they are going through permitting for a machine gun range.

b. Halloween Update

Town strongly encourages all those who would participate in the traditional trick or treat festivities between 6pm-8pm and follow guidelines from Gov. Baker and Department of Public Health. A Do's and Don'ts list was also published, listed on the Town website.

7. Public Comment-none.

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
Bob Sigel and Jennifer Bohnenberger were present.

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

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

Sandy Cuny, Together We Can, Inc. present.

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

- b. Vote to approve Woods Hole Oceanographic Institution (WHOI) request for conservation restriction of 4.32 acres at the Quissett Campus

Attorney Ament representing the WHOI, this is the fourth in a series of conservation restrictions on the Quissett Campus, this will be over 20 acres, and requirements of permitting agencies. WHOI has under construction a 50,000 sq.ft. research facility and this is in accordance with the Cape Cod Commission restriction.

Mr. Jones would like to see where the new construction is happening and the plan and the clear cutting. Atty. Ament showed a plan of the campus, showing the Select Board where the new facility will be, clearing has been done, this portion of the campus is large, the building is set back from Woods Hole Road, area for conservation restriction provides a buffer to abutters and expand

the protection to two vernal pools shown on the plan. The Cape Cod Commission requires that the Conservation Restriction be prepared and reviewed by Commission Staff prior to construction, that was all done. Requirement for the conservation restriction to be in place is prior to occupancy of the building, which will be about a year. Mr. Jones noted the restriction does not allow the public access to that area. Attorney Ament noted that WHOI is not doing anything different to allow access to the public and the conservation restriction does not provide for public access as a condition of the approval. However, WHOI's friendly policy to allow public access to the paths, although there are limits on access during Covid-19 and during states of emergencies. Atty. Ament noted the land is registered land, there are not existing public rights to using the paths, the WHOI has welcomed people who responsibly use those paths.

The Select Board can ask for anything, Attorney Ament would be shocked if the Select Board did not approve this tonight. Often the Select Board does not require public access, it is not a requirement of the Town or State, and the WHOI would likely decline such a condition and would need to determine if they would satisfy the Cape Cod Commission required contribution with land elsewhere.

Mr. Jones noted no need for variance for flow neutral system, it is not connected and has its own treatment.

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

3. Special Events

Recurring - Recommended:

- a. Filming of 57th Annual Virtual Christmas Parade – Falmouth Chamber of Commerce – Saturday, 11/14/20

Michael Kasparian present.

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

New – Recommended:

- a. Parking Lot Rental for Wedding Ceremony – Turner – Menauhant Beach, East Lot – Saturday, September 18, 2021, 4:00 – 11:00 pm

Received feedback from Maggie Clayton regarding the number of parking spaces. Mr. Jones noted the application said first come, first serve and the other idea of holding the spaces. Chair English Braga removed #3 and move #4 to #3. They want to have the wedding at the Menhaut Yacht Club and likely counting on reserve spaces.

The Select Board noted it was small cost for the number of cars, fee is \$75. Chair English Braga suggested tabling this and getting more information from the applicant. Let the applicant know that the parking is first come, first serve.

BUSINESS

1. Discussion/update on COVID-19 issues
Mr. McGann made a presentation of the chart out every Wednesday, current cases 287, more red than previously. Falmouth still in the green. It will be hard for the Town to be in grey with testing 1200+ weekly. The State average daily incident rate is 8.7, MA would meet the criteria for quarantine. The Town is average for Barnstable County. The newly tested people are shown on the State daily dashboard. The flu clinic diagram reviewed, 200 people have signed up, about 15-20 cars every 20 minutes.

2. Interview, vote and appoint committee member – Human Services Committee – Ellen O'Donnell

Mr. Jones motion to appoint to term ending 6/30/2021. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

3. Status report on the Cape Cod and Islands Water Protection Fund

Mr. Johnson-Staub reviewed a PowerPoint presentation and a history of the implementation of this effective July 1, 2019. Proceeds from the new tax are dedicated to a water protection fund, at this time the islands are not participating in this fund. In order for the islands to participate, they need to have a comprehensive water protection plan. The funds are held for exclusive use of Cape Cod municipalities. Projects eligible for these funds are set out in legislation, in order for Cape and Islands fund to subsidize a project for water quality, that project needs to be approved through the State Revolving Fund. Draft regulations were reviewed by Andrew Gotlieb, Mashpee Select Board, and head of the Association to Protect Cape Cod and able to answer a lot of questions the Water Quality Management Committee had. The regulations call for principal forgiveness over 4 year period and for projects already approved and financed at the State Revolving Fund and all projects will receive equal percentage funding. The hope is to have stability with that percentage rate through fiscal years.

Advantages: no application required, offers predictability and advanced notice. The approval would be on the intended use plan before the Town Meeting vote, the cost to the taxpayer will be known. The four year subsidy.

\$7.7 million in actual collections, then Covid-19 hit, since 6/8/20, lodging reopened, but instead of the \$15 million forecasted, brought in \$9 million.

There is 1 voting member for each Cape Cod municipality.

Mr. Johnson-Staub will put his presentation on the Town website.

4. Vote to approve Select Board Five-Year Strategic Plan 2021-2025

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

5. Minutes of Meetings: Public Session – September 21, 2020

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

6. Individual Select Board Member's Reports

Mr. Jones asked about the timing of construction on residential houses-what time can it start? Mr. Brown noted 7am and not on Sunday unless working for family and not being paid.

Mayflower approached Mr. Jones about a meeting, Mr. Jones suggested reaching out to the Chair and Vice Chair. If approached by an organization to speak to them about a subject, that is problematic and for these issues, need to communicate to the Select Board regarding these conversations.

Tomorrow at 3pm meeting with Mayflower, with Mr. Suso and Mr. Johnson-Staub.

Mr. Suso noted that some individuals are of the opinion that they may want to speak privately, they can reach out to a couple members of the board, if they choose to meet with two more members, that is a violation of the Open Meeting Law. Once you go past the first two members, that is as far as they can go without going to a formal business meeting. No commitments can be made on behalf of the Select Board. Anyone can send their opinion or information; the violation would be on the Select Board if they engage in the activity Mr. Suso described.

Mr. Patterson:

Met with the Finance Committee last week, they completed reviewing the budget and supportive of the proposed items.

Community Preservation Committee meeting and will postpone the review of project proposals, dealing with urgent matters and projects.

Affordable Housing Summit held last Wednesday, including presentations on 40Bs, MA Housing Partnership, and State initiatives and projects in the Concord/Lexington/Acton areas, presentation of the

Housing Assistance Corporation CEO with historical perspective on systemic racism and housing challenges. Important to have secure housing.

Mr. Brown:

Participated in Cape Cod Commission Climate Action Meeting, need for coordinator for all the groups doing the water quality monitoring.

7. Town Manager's Report

Attended the Finance Committee meeting and Affordable Housing Committee meetings.

Town Hall reopened to routine public access; transition uneventful.

November 16, 2020 Town Meeting convening at 7pm in the Falmouth High School Field House, KN95 masks will be made available to Town Meeting Members.

Select Board meets next week.

Chair English Braga drafted a statement on behalf of the Select Board for the Annual Town Report, this year thematic overview of the ways Covid-19 has impacted the Town and how the Town has responded.

Mr. Jones motion to adjourn at approximately 8:50pm. Second Mr. Patterson. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

REPORT

TO: Select Board

FROM: Julian M. Suso



DATE: November 6, 2020

- I am asking the Board to affirm my appointment of Mr. Greg Endicott as Facilities Maintenance Manager for the Town. A copy of Mr. Endicott's resume is included with your Board packet. He is the best qualified among a number of well-qualified applicants who responded in the search process for this important facilities position. As Greg is currently a resident of nearby Plymouth, I am requesting a waiver of residency from the Board.
- Under Summary of Actions, we are requesting the Board's authorization to proceed with a proposed License Agreement to facilitate a community garden at the Emerald House property.
- The Board will convene a public hearing on the proposed re-naming of Agassiz Road to Jewel Cobb Road in Woods Hole.
- Your annual fee hearing will follow, including narrative information from each respective department. These suggestions are highlighted by a long overdue request to adjust the existing parking violation fines. Such a request for an adjustment has not occurred **since 2010**. As Chief Dunne's October 6 narrative and exhibit indicates, the Town of Falmouth is fairly far out of sync with other area communities, given the very low fines incurred for illegal parking. Most compelling is the result we have been increasingly experiencing in Woods Hole, where illegal parkers find that it is more convenient to park at a Woods Hole meter beyond the maximum time limit and merely pay the parking fine which is now in place – as this is only \$3 more than paying the parking fees charged by the Steamship Authority! Not only is this counterintuitive, but it also "robs" the residents and businesses of Woods Hole of much-needed on-street parking spaces to facilitate their daily activity in Woods Hole Village. I respectfully urge the Board to act now and assist us in eliminating this inappropriate and unnecessary situation.
- Select Board members will be hearing a follow-up presentation from Mayflower Wind asking for temporary "right-to-entry" agreements in three locations *to allow them to determine* whether/not they will come forward with a formal request for (more permanent) easements or licenses in

furtherance of their off-shore wind turbine project. Under separate cover, the Board has received a copy of the Mayflower Wind power point presentation as well as a narrative on the issue of “electromagnetic fields.” As you are aware, we have received multiple emails expressing concerns regarding this proposed project. I have also secured and am bringing to the Board a draft agreement in which the Town would engage the services of an independent environmental/engineering consultant to guide you in your upcoming decision making on this proposed project, the cost for such services to be reimbursed by Mayflower Wind up to \$50,000. This is in recognition that it is important to fully review and analyze the potential environmental concerns being raised as well as analyze any forthcoming proposal for proceeding to the next step, should the Select Board allow Mayflower Wind to proceed with their temporary right to entry. It is important that we emphasize to the public that we are proceeding slowly and deliberately and the consultant’s role will be in support of and guidance to the Board prior to any consideration for any final, binding action. Town Counsel Frank Duffy will be with us for any legal questions.

- At Megan’s request, we will have a discussion on participation in the upcoming November 16 Town Meeting. Although the indoor format and safeguards followed as we concluded the spring Town Meeting proved to keep all persons participating safe, we understand that some persons continue to prefer that an alternative, virtual Town Meeting be considered.
- We have asked representatives of VIVID Entertainment to join us for the requested follow-up discussion on the noise and related complaints from, primarily, the musical events at the Cape Cod Fairgrounds.
- The Board will review and consider adoption of the Town Committee handbook.
- With the assistance of Irie Mullin, we will review and discuss the Board’s consideration for authorizing staff members to proceed with extending the temporary outdoor restaurant seating license process as provided for in Governor Baker’s continued emergency orders.
- Town Hall and Town administrative offices will be closed for the upcoming Veteran’s Day Holiday on Wednesday, November 11.
- November Town Meeting convenes at 7PM on Monday, November 16 at the High School Field House. We will plan for a very short SB session just in advance of this, as we did back on September 14.